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State crime in the heart of darkness

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***Brit. J. Criminol. 434** *A central task for a criminology of state crime is to explain why the cruelty and destructiveness of regimes of terror so often seem to exceed anything required by the rational pursuit of organizational goals. This article explores competing explanations of terror through a case study of the Congo Free State (1885-1908) and argues that 'excesses' are committed in circumstances where it is rational for organizations and individual actors to minimize the moral costs of cruelty.*

Joseph Conrad's 1898 novella, *Heart of Darkness*, is one of the classic literary texts which, like those discussed by Ruggiero (2003), engage with central themes in the sociology of deviance (Conrad 1998). Marlow, an English sailor and the main narrator of the novel, takes a job with a trading company in an unnamed part of Africa. The company turns out to be engaged in the ruthless exploitation of forced labour, exemplifying what Conrad called the 'criminality of inefficiency and pure selfishness when tackling the civilizing work in Africa' (Conrad [1898] 1988: 201). Marlow's mission is to sail upriver and rescue a company agent, the reputedly brilliant and idealistic Kurtz. He finds Kurtz in a state of 'exalted and incredible degradation', ruling the natives through a combination of terror and 'unspeakable rites' during which--Marlow implies--he practices cannibalism (Conrad 1998: 234, 208).

Kurtz exemplifies a darker, more mysterious kind of criminality than the company's amoral pursuit of profit. On one reading, he is a degenerate or 'Lombrosian manchild', who, in his atavistic reversion to savagery, inhabits the borderland of criminality, lunacy and genius (Griffith 1995: 174). But Conrad overtly satirizes Lombrosian craniometry (1998: 147-8), implying that the roots of Kurtz's behaviour lie too deep within the human psyche to be detected by crudely positivist methods. Offering only enigmatic hints at Kurtz's motives, Conrad poses a central problem in the understanding of state terror and other major crimes of organized violence: why does what starts out as a rational pursuit of economic and political goals so often lead to practices of cruelty and murder, carried out seemingly for their own sake, even when (as Kurtz's manager grumbles) they do 'more harm than good' for the organization? (Conrad 1998: 227).

The unnamed country where *Heart of Darkness* is set is undoubtedly the Congo Free State--now known by the equally inappropriate name of the Democratic Republic of Congo. From 1885 to 1908, the Free State was independent of Belgium but the Belgian King, Leopold II, was its absolute monarch. As well as ruling the state (without setting foot there), Leopold directly or indirectly controlled most of the commercial enterprises engaged in the exploitation of the Congo's resources of ivory and rubber. In another example of the 'duality of interests' characteristic of much state-corporate crime (Green and Ward 2004: 44, 48), the Free State's Administrator-General for the ***Brit. J. Criminol. 435** Interior, Albert Thys, also ran the trading company which employed Conrad as a trainee riverboat captain in 1889-90 (Ewans 2002: 114, 157; Karl 1979: 287).¹

By the time *Heart of Darkness* was written, the many atrocities associated with Leopold's regime had been widely publicized in England and elsewhere, largely through the efforts of the Congo Reform Association founded by the journalist and former shipping clerk E. D. Morel, with the help of the maverick diplomat (later to be hanged for treason), Roger Casement. The story of Leopold's regime and Morel's campaign has been vividly retold by Adam Hochschild in *King Leopold's Ghost* (1998), and this article--which makes no claim to original historical scholarship--is greatly indebted to Hochschild's work and to the studies by Ascherson ([1963] 1999), Pakenham (1992), Nelson (1994) and Ewans (2002). It is also, in part, a slightly belated centennial tribute to Morel's major book, *King Leopold's Rule in Africa* (1904).

Morel not only accorded Leopold 'precedence in the history of the world's great crimes' (Louis and Stengers 1968: 7) but provided an early--perhaps the first--example of the systematic analysis of state crime. Morel's approach could hardly be more different from Conrad's: in place of veiled

allusions to the hidden depths of the psyche, he undertook a patient dissection of the Free State's exploitative and fraudulent economy. Conrad and Morel exemplify a dichotomy that can be seen in more recent studies of state terror, between those who focus on the political economy and tactical rationality of terror (e.g. Chomsky and Herman 1979; Pion-Berlin 1989) and those who emphasize its psychological, emotive and mythic roots (e.g. Graziano 1992; Zulaika and Douglass 1996). In general criminology, a similar contrast can be drawn between Merton (1957) and Katz (1988), whose perspectives Young (2003) has recently attempted to synthesize. This article uses a case study of the Congo as the basis for a similar attempt at synthesis, but one that is closer overall to Morel's view than to Conrad's.

The Congo as a Criminal State

There is no doubt that under King Leopold's rule, massacres, hostage-taking, rape, death by starvation as a result of state or company actions, and extremes of physical cruelty were common occurrences. More debatable is whether they should be classed as genocide. Lindqvist (1998) sees the genocidal practices of the Free State, German South-West Africa and other colonies as precursors of the implementation in Europe of Kurtz's injunction: 'Exterminate all the brutes!' Hochschild (1998), while endorsing demographic estimates that the population was reduced by around a half--by about ten million people--during Leopold's rule and the immediately following period, maintains that this 'was not, strictly speaking a genocide. The Congo state was not deliberately trying to eliminate one particular ethnic group from the face of the earth' (1998: 205). As in Stalin's USSR, mass murder was less significant than starvation, exhaustion and disease in depleting the population. Such deaths fall outside many definitions of genocide (Green and Ward 2004: 166), but within that proposed by Harff and Gurr (1988: 360): 'the promotion and execution of policies by a state or its agents which result in the death of a substantial proportion of a group.' Like other genocidal **Brit. J. Criminol. 436* regimes, Europeans in the Congo carried out mass murder on a large scale, selected their victims on the grounds of ethnicity and adopted an attitude to the victims that excluded them from what Fein (1990) calls the 'universe of obligation'--a concept pithily expressed by the African who told a sympathetic missionary: 'Whether they cut off our heads or that of a chicken it is all the same to them' (quoted by Hochschild 1998: 126). Like recent rulers of Guatemala and Iraq, the state was prepared to massacre whole villages in order to subdue the remaining population: 'We must fight them [the people of a certain village] until their absolute submission has been obtained, or their complete extermination', one District Commissioner directed his subordinate (quoted by Hochschild 1998: 228-9). Hochschild also cites clear evidence of what Jones (2002) calls 'gendercide': large proportions of the male population in particular areas were killed or worked to death, while women were abducted, held hostage and raped, but more often survived.

Although the concept of genocide was unknown in Leopold's time, the state clearly violated the legal and moral standards of the day. In particular, the Berlin Act of 1885, which recognized Leopold's sovereignty, also obliged him 'to watch over the preservation of the native tribes, and to care for the improvement of the conditions of their moral and material well-being, and to help in suppressing slavery', as well as to protect free trade for the benefit of other European powers (in Harlow and Carter 2003: 31). As Conrad observed in an open letter to Roger Casement, the illegality of the Free State's conduct marked it out from earlier atrocities such as the slave trade, which 'was an old established form of commercial activity; it was not the monopoly of one small country established to the detriment of the rest of the civilized world in defiance of international treaties and in brazen disregard of humanitarian declarations' (in Harlow and Carter 2003: 740). An early historian of the Congo made a similar point:

The policy of the State was not a new one: it was closely similar to that of Holland in Java from 1830 to 1870, but Holland had the excuse that, when she adopted the system, humanitarian ideals were far less advanced than in 1890, and above all, the territory had been entrusted to the King for no other reason than that he was believed to be animated by the highest motives of benevolence and humanity. (Keith 1919: 124-5)

The deviant character of Leopold's conduct also distinguishes him from pre-colonial rulers such as Msiri, who, until he was shot by a Free State officer in 1891, controlled 'a strong centralized state ... the size of Great Britain', made free use of the death penalty and mounted impressive displays of his victims' skulls (Slade 1962: 119-21). Unlike Leopold, but like the Zulu king, Shaka, and his successors (Walter 1969; Hamilton 1998), Msiri had nothing to hide. For such pre-modern rulers, public spectacles of death and torture were accepted means of inspiring obedience and impressing outsiders (Hamilton 1998: 50), much as they were for the absolute monarchs of early modern Europe

(Foucault 1977). As O'Kane (1996) argues, 'Modern democratic experiences render unacceptable behaviour which Shaka could employ openly' (1996: 195). For the constitutional monarch of Belgium, secrecy, deception and propaganda on a grand scale were essential to conceal the nature of his rule in Congo from European and North American civil society (Hochschild 1998; Ewans 2002). It was Morel's realization, while working as a shipping clerk, that the Free State's accounts were fraudulent, that alerted him to the criminal nature of its operations (Louis and Stengers 1968).

***Brit. J. Criminol. 437** Leopold never, of course, faced prosecution, but the campaigning journalist, W. T. Stead (1905), in a remarkably prescient article, argued that 'an international assize court' should be established at The Hague to try him. The other European and North American powers--particularly Britain--were reluctant to do anything about the Free State but were eventually goaded into action by civil society, and in particular by the campaign led by E. D. Morel. As Morel put it, although the British government was unwilling to stand up for Leopold's victims, it at least 'crouched and it was kept crouching by an unprecedented amount of public pressure from behind' (Louis and Stengers 1968: 167). In an early example of the 'boomerang effect' (Risse *et al.* 1999), Morel encouraged the few critical voices within the Congo that were able to communicate with the outside world--chiefly protestant missionaries--to provide the information on which an effective international campaign could be built. At first, the campaign seemed to have some success in 'shaming' Leopold, who wrote, in 1899: 'I will not allow my name to be spattered with blood or mud; it is necessary that these villainies cease' (quoted by Pakenham 1992: 589). Instead, however, Leopold (aided by the Vatican: Weisbord 2003) waged but eventually lost a protracted propaganda war against his critics. The British and American governments applied enough pressure to induce the Belgian state to take over Leopold's colony. The new regime was again closely linked to commercial interests and continued to rely on forced labour, albeit under somewhat less atrocious conditions (Hochschild 1998: 171-2; Ewans 2002: 235-42).

Morel as Criminologist

Morel wrote that much of 'what goes on in the Congo territories ... would only be fit for a treatise on European criminology under the African sun' (1904: 120). Morel's own treatise bore little relation to the criminology of his day, but systematically analysed the socio-economic roots of colonial crime.

Morel was by no means an opponent of colonialism *per se*. Rather, he maintained that colonialism had a sound moral basis so long as it was based on trade, because trade implied a respect for the trading partner as an owner of property and a bearer of rights (Morel 1906: 201-4). By a very similar argument to one which a Marxist might use to render 'rights' discourse problematic (see e.g. Pashukanis 1978; Kerruish 1991), Morel constructed the basis both for an analysis of the Congo system and for an alliance of commercial and humanitarian interests to oppose it. He also contributed to an enduring 'smugness' about the British Empire, which ignored its record of forced labour and starvation (Misra 2002).

The most active of Morel's allies from the business world was the Liverpool-based merchant, John Holt. As a trader in the French Congo, Holt had a grievance against the colonial authorities for violations of the free trade provisions of the Berlin Act (Cookey 1968: 57-8). Holt's and Morel's concern for the rights of Africans was not hypocritical, but reflected a moral sensibility shaped by the experience of trade (Haskell 1985). 'Their labours, their muscles, their enterprise', Holt wrote of West Africans, 'have given me everything I possess. I am bound to try and protect them against outrage and injustice' (quoted by Cookey 1968: 60).

The root of the Congo system, Morel argued, was 'the destruction of commercial relationship between the European and the African' (1904: xii) and its replacement by ***Brit. J. Criminol. 438** a system of virtual slavery that could only be enforced by terror. The regime's crimes were driven by pursuit of the short-term commercial goals of a small clique of financiers (Morel 1904: 62), at the expense of any concern with economic development:

If the Policy were one pursued as a deliberate national end ... [it] would indeed be incredibly stupid. But as it is not, and has never been, a national enterprise, but a private one, it is really the reverse of stupid. Why should the present rulers of the Congo care for posterity? Their objects are wholly of the moment (Morel 1904: 73-4)

Morel offers here an important insight into the nature of kleptocratic regimes such as that of Leopold and his successor, President Mobutu of Zaire (Wrong 2001). As Levi (1988) argues, legitimate government is more efficient in the long run than naked coercion, but investment in legitimacy is only

worthwhile for rulers who have a low discount rate, i.e. who do not value long-term gains much less than short-term ones. Knowing that there was only a limited time before wild rubber would be overtaken by cultivated rubber in the world market, Leopold had a strong reason to concentrate on short-term goals (Hochschild 1998: 159).

From Kurtz to Katz, from Morel to Merton

In *Heart of Darkness*, Marlow stresses that 'there was nothing exactly profitable' about the skulls which the company agent Kurtz (like the real-life Free State official, Captain Rom)² had placed in front of his house. The skulls face towards the house, suggesting that their function is not so much to instil terror in others as to reflect back to Kurtz the mysterious 'things about himself' that the jungle has taught him (Conrad 1998: 221). When the narrator, Marlow, observes that the skulls 'only showed that Mr Kurtz lacked restraint in the gratification of his various lusts', he adumbrates an early form of self-control theory (cf. Ellis 1890) but also, perhaps, confirms the argument of Conrad's biographer that Marlow is not the novelist's *alter ego*: he 'lacks Conrad's imaginative strain' (Karl 1979: 265).

What Marlow cannot articulate but Conrad's narrative implies about Kurtz's relationship with the wilderness is better captured in a phrase by Jack Katz: it is a 'dialectic process through which a person empowers the world to seduce him to criminality' (Katz 1988: 7). For Hannah Arendt, *Heart of Darkness*, along with Conrad's portrayal of a 'gentleman' criminal in *Victory* ([1915] 1961), accurately depicted the colonies as 'a world of infinite possibilities for crimes committed in the spirit of play, for the combination of horror and laughter', reflecting the existential condition of 'superfluous men' exported from Europe (Arendt [1951] 1985: 190).³ For Arendt, as for Katz, economic structures provide the context but not the explanation for crimes that transcend materialist or utilitarian rationality. Arendt's and Katz's arguments parallel those of the anthropologist, Michael Taussig (2002), in his discussion of the 'culture of terror' **Brit. J. Criminol. 439* that developed around the exploitation of wild rubber, both in the Congo and, in an even more extreme form, in the Putumayo region near the Peruvian--Columbian border.

Taussig rejects the 'standard rational explanations' of terror, arguing that 'behind the search for profits, the need to control labor, the need to assuage frustration, and so on, lie intricately construed long-standing cultural logics of meaning--structures of feeling--whose basis lies in a symbolic world and not in one of rationalism' (2002: 167).

The 'standard rational explanations' are exemplified in Taussig's essay by Roger Casement's two reports on the brutality of the rubber industry, in the Congo and in Putumayo on the border between Peru and Colombia (Mitchell 2003). While acknowledging that Casement's 'social realism' enabled him to intervene effectively on the side of the colonized in a way the 'mythic realism' of Conrad did not, Taussig argues that Casement's Putumayo report was unable to explain the contradiction between the economic rationality of terror as means of controlling forced labour, and the wanton slaughter of that labour by men who, in Casement's words, 'had lost all sight and sense of rubber-gathering--they were simply beasts of prey who lived upon the Indians and delighted in shedding their blood' (Taussig 2002: 169, 173).

Taussig does not discuss the Congo in detail, but a similar criticism could be made of Morel's, as well as Casement's, analyses of the brutality of the system as based on economic necessity. Like Casement, Morel describes a regime not merely of coercion, but of 'apparently purposeless carnage and delirious chaos' (Louis and Stengers 1968: 52):

X-- ... sent us into a village to ascertain if the natives were collecting rubber, and in the contrary case to murder all, including men, women and children. We found the natives sitting peaceably. We asked them what they were doing. They were unable to reply, thereupon we fell upon them all, and killed them without mercy. An hour later we were joined by X--, and told him what had been done. He answered, 'It is well, but you have not done enough!' Thereupon he ordered us to cut off the heads of the men and hang them on the village palisades, also their sexual members, and to hang the women and children on the palisades in the form of a cross. (statement by a sub-agent of the *Anversoise* Trust, 1900, quoted by Morel, 1904: 129)

Here, terror appears, in the terminology that Hallsworth (2000) adopts from Bataille, to be dispensed according to an 'economy of excess'--of primal violence, profitless destruction and ritual--rather than a 'restricted economy' of rational calculation. Morel quotes the comments of the Baptist missionary, A. E. Scrivener, who estimated that 90 per cent of the adult population of another village had been killed:

And it all seemed so foolish. To kill the people off ... because they would not bring in a sufficient quantity of rubber to satisfy the white men--and now here is an empty country and a very much diminished quantity of rubber as the inevitable consequence. (quoted by Morel 1904: 182)

I want to argue, however, that the excesses that seem to be a feature of every major episode of genocide or state terror (Green and Ward 2004) are less of a problem for explanations centred on the economic rationality of violence than Taussig makes them appear. In fact, the most familiar 'rational' explanations of crime--Mertonian anomie theory and differential association⁴--taken together, predict that economically motivated violence will tend to escalate to seemingly irrational levels.

***Brit. J. Criminol. 440** The Congo Free State presents an extreme example of what Merton called the 'exaggeration of the success-goal' (1957: 136) coupled with severe obstacles to achieving success by legitimate means. It is debatable whether Leopold's initial motives were primarily commercial (Pakenham 1992: 160) or political (Emerson 1979), but, by 1890, he was willing to resort to any method necessary to cope with the financial crisis facing his colony (Nelson 1994; Hochschild 1998). The situation worsened with a fall in ivory prices in 1892-93. From 1895 onwards, Leopold seized the opportunity for profit afforded by the new demand for rubber. But his officials were poorly informed: wild rubber was much less abundant and easy to harvest than they had supposed. Draconian methods were needed to compel Africans to search out rubber vines and bring in sufficient quantities of rubber to satisfy the state and company officials (Nelson 1994). This was a classic situation of 'strain': under pressure to meet their legitimate goal of raising revenue and unable to achieve it by legitimate means, officials were driven to innovative, illegitimate means. 'To gather rubber ... one must cut off hands, noses and ears', a district commissioner wrote (quoted by Hochschild 1998: 165). Hostage-taking, one of the main means of coercing Africans to gather rubber, was recommended in a semi-official handbook for state and company agents (Hochschild 1998: 162). Individual officials and company agents faced acute pressure to innovate as their income largely depended on the amount of rubber gathered, and they were constantly reminded that this was virtually the sole measure of their success in their superiors' eyes (Ewans 2002: 161-4). For example, when the state passed legislation limiting the hours of forced labour that could be exacted from Africans, it coupled this with a circular instructing district commissioners to 'note well that the application of the law on work requirements should result, not only in maintaining the results of previous years, but also in recording a constant increase in the resources of the Treasury' (quoted by Nelson 1994: 90).

The crucial point of Merton's argument, however, is that economic 'strain' not only provides an incentive to adopt illegitimate means to achieve success, but also reduces the moral costs (in feelings of guilt, shame or unease) of doing so. In response to a situation of strain, some people 'withdraw emotional support from the rules', though Merton thought that once cultural norms had been internalized, their 'emotional correlates' could rarely be 'wholly eliminated' (1957: 136). As Passas (1990) argues in his influential application of Merton's theory to corporate crime, the theory implies that once the anomie produced by strain becomes acute, deviant acts may be committed, even when they are not necessitated by the pursuit of organizational goals. As Morel put it:

... the soldiery, grown callous by years of this moral example ... have probably long since ceased to distinguish between the motives which inspired their earlier instructions and their own particular quarrels with the people among whom they are sent. (Morel 1904: 119)

Growing callous through moral example is, of course, a form of differential association. As Hochschild argues, when '[e]veryone around you was participating' in brutality, brutality became easy to accept and hard to criticize; one prosecutor who did complain of brutality was evaluated by the acting governor as 'a mediocre agent' who showed 'an astonishing ignorance of things which he ought to know because of his work' (Hochschild 1998: 121-2).

Differential association theory predicts that cultures of deviance will develop in a viciously circular fashion. As deviant acts are committed and condoned within an ***Brit. J. Criminol. 441** organization, a body of skills and ideologies develops around them, which are learned by other members, leading to more deviance, until eventually it is the individual who adheres to conventional norms who is considered deviant by organizational standards (Sutherland 1949: 234-40; Elster 1989: 268-71). As Morel argued, the newcomer was 'caught in the meshes of a system which compelled him to at least connive at acts of habitual violence and oppression', since once he was in the Congo, it was virtually impossible for him to leave his employment (Louis and Stengers 1968: 60).

'Vicious circles' of this nature, driven in part by the declining moral costs of deviance, are familiar in

the economics literature on corruption (Andvig and Feldstad 2000), but appear equally relevant to organized violence. Each act of violence that the organization or the occupational culture condones makes further acts of violence easier to commit and less likely to incur censure. Thus, in addition to its utility as a means of terror, cruelty has effects on perpetrators and bystanders that may be useful for an organization that relies on terror to accomplish its goals. One Congo agent described the effects of repeatedly witnessing the use of the *chicotte* --the whip made from dried hippopotamus hide--with which those who brought in insufficient rubber were beaten:

[The execution of an African] didn't make the least impression on me this time!! And to think that the first time I saw the *chicotte* administered, I was pale with fright. Africa has some use after all. I could now walk into fire as to a wedding. (quoted by Hochschild 1998: 123)

The effects of cruelty in 'hardening' men of violence are brilliantly analysed in Sofsky's (1997) discussion of the grotesque excesses practised within Nazi concentration camps:

Readiness to use violence was an objective in the training of personnel, and an essential feature of the collective *habitus*. ... Once solidified as an institution, habitual violence had a recoil effect on the perpetrators. It consolidated their *habitus* and that *habitus* continued on with the habit of violence, unquestioned and unquestioning. The perpetrators carried out what was only a general pattern of behaviour. This relieved them of the need to furnish motives anew in every situation.... Excess arose on the foundation of habitual violence; it intensified that violence in order to alter the habit. (Sofsky 1997: 225)

Habitus is the 'feel for the game' which enables actors to respond in an approximately rational manner to the situations that arise in a particular socio-economic 'field', even when lack of time and information makes it impossible to calculate rationally the costs and benefits of every action (Bourdieu 1990). In contexts such as the concentration camps and the Congo Free State, the *habitus* required to negotiate the field successfully is one which enables state agents to maintain a climate of overwhelming terror at relatively little emotional cost to themselves. Such a *habitus* both produces and is sustained by a readiness to kill and torture in a manner that reminds both perpetrators and victims of the victims' complete exclusion from the perpetrators' universe of obligation (Green and Ward 2004: 182).

The habitual use of terror may well produce counterproductive results in some respects. In the Congo, it spurred a succession of rebellions and hastened the exhaustion of the rubber crop as Africans destroyed the vines in their desperate efforts to meet the quotas they had been set (Hochschild 1998). Economies based on forced labour are particularly prone to this kind of 'substantive irrationality' (O'Kane 1996), because any resistance or any failure to meet economic targets tend to be interpreted simply as requiring the use of more terror. For example, it was the action of villagers in cutting and killing the vines in order to produce their quota of rubber that prompted **Brit. J. Criminol. 442* the District Commissioner quoted above to call for their 'complete extermination' (Hochschild 1998: 228-9). So long as the perpetrators' 'feel for the game' (Bourdieu 1990: 11) tells them that, on the whole, they are winning, albeit perhaps against great odds, the *habitus* of terror can be sustained.

What Taussig (2002) calls 'cultural logics' and 'structures of feeling' undoubtedly play their part in maintaining the *habitus*. For example, the notorious practices of requiring African soldiers to produce severed hands (supposedly from corpses but often in fact from living victims) to prove they had not wasted their bullets, and lining up condemned men so that several could be killed with one shot, both carried the same symbolic message: 'A pity to waste cartridges on such wretches.' (A. E. Scrivener, quoted in Harlow and Carter 2003: 806). But this does not call into question the underlying importance of economic motives, any more than the mafia's use of culturally resonant 'trade marks' to 'advertise' its 'brand' of violence calls into question the economic rationality of the protection business (Gambetta 1993).

In particular, what Taussig calls '*the colonial mirror* which reflects back onto the colonists the barbarity of their own social relations, but as imputed to the savage or evil figures they wish to colonize' (2002: 185) is as relevant to the Congo as to the Putumayo. In both cases, much of the repression was carried out on the colonists' behalf by indigenous forces who 'wrought to perfection all that was horrifying in the colonial mythology of savagery--because they occupied the perfect sociological and mythic space to do so' (Taussig 2002: 183). In both contexts, cannibalism was central to this savage image. Sidney Langford Hinde, an Englishman who served with the Free State forces in their war against 'Arab' (i.e. Muslim) traders, dwelt at length on the cannibalism of some African warriors, but

acknowledged in passing that the Muslims' dread of being eaten 'proved a great element in our success' (Hinde 1897: 124).

The 'othering' of colonial terror (Jamieson and McEvoy, this issue) by the use of African conscripts was a doubly effective technique of neutralization (Sykes and Matza 1957): at once a denial of responsibility--Europeans did not directly perpetrate the majority of extreme acts of brutality--and a denial of the victim--Africans were brutal people, who were only suffering what they habitually meted out to one another.

The interplay between economic motivation and cultural logic was perfectly exemplified by one of the instances where the Free State regime responded to pressure from Europe by making a show of prosecuting junior officials (Morel 1904, Chapter 12; Hochschild 1998: 219-20). A rubber company agent named Caudron had been sentenced to 20 years' imprisonment for the murder of 122 natives, which the prosecution alleged to be only a small proportion of the number of people killed by a punitive mission under his command. The trial court refused to investigate his claim to have been acting under the direction of Free State officials. The Free State's Court of Appeal upheld the conviction but reduced his sentence to 15 years, in view of:

... the great difficulties under which he must have laboured, as he had to do his duty in the midst of a population entirely hostile to all idea of work, and which only respects the law of force, and knows no other argument than terror; ... it must be very difficult to act within the law in a country still absolutely barbarous and savage, more especially when the laws to be obeyed in that country are the same as those which govern the most civilized peoples; ... although the acts are in themselves very grave, they lose a part of their gravity when they are considered in connection with the surroundings, in **Brit. J. Criminol. 443* which, according to immemorial custom, human life has no value, and pillage, murder and cannibalism were, until the other day, of ordinary occurrence. (quoted by Morel 1904: 412)

This is a perfect example of Taussig's 'colonial mirror': the Europeans' attitude to African life as valueless, their routine pillaging and murder, are projected onto the Africans themselves, denying (or at least mitigating) both responsibility and victimization. At the same time, the judgment displays a clear economic rationality. The natives must be made to work. Only terror will achieve this. Too strong a censure of excessive violence might inhibit the necessary use of terror. Therefore, it is necessary to recognize that murder of a native is not morally equivalent to murder of a 'civilized' human being.

In blaming Caudron's crimes on 'the surroundings', the judgment also comes uncomfortably close to Conrad's--or rather Marlow's--view in *Heart of Darkness*: that it requires great self-control to maintain civilized values when one is surrounded by savages. Behind Marlow's trite (and patently racist: Achebe 1988) colonial wisdom, Conrad halfreveals 'the appalling face of a glimpsed truth'--the truth glimpsed by Kurtz within 'the inconceivable mystery' of his own soul (1998: 241, 235). Morel found the 'heart of darkness' not in the depths of the soul but in a system of economic exploitation. As Marlow observes, it is 'something to have at least a choice of nightmares' (Conrad 1998: 228)--Morel's nightmare of the amoral pursuit of wealth and power, or Conrad's of the untrammelled indulgence of evil desires.

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REFERENCES

- ACHEBE, C. (1988), 'An Image of Africa: Racism in Conrad's *Heart of Darkness*', in R. Kimbrough, ed., *Heart of Darkness: An Authoritative Text, Background and Sources, Criticism*, 3rd edn. London: W. W Norton.
- ANDVIG, J. C. and FELDSTAD, O.-H. (2000), *Research on Corruption: A Policy Oriented Survey*. Oslo: Chr. Michelsen Institute and Norwegian Institute for International Affairs.
- ARENDRT, H. [1951] (1985), *The Origins of Totalitarianism*. New York: Harcourt Brace Jovanovich.
- ASCHERSON, N. [1963] (1999), *The King Incorporated: Leopold the Second and the Congo*. London: Granta.

- BOURDIEU, J. (1990), *In Other Words*. Cambridge: Polity.
- CHOMSKY, N. and HERMAN, E. S. (1979), *The Political Economy of Human Rights* (2 vols). Nottingham: Spokesman.
- CONRAD, J. [1915] (1962), *Victory: An Island Tale*. London: Dent.
- CONRAD, J. (1988), 'Letter to William Blackstone, 3rd Dec. 1898', in R. Kimbrough, ed., *Heart of Darkness: An Authoritative Text, Background and Sources, Criticism*, 3rd edn. London: W. W. Norton.
- CONRAD, J. (1998), *Heart of Darkness and Other Tales*, ed. C. Watts. Oxford: Oxford University Press.
- **Brit. J. Criminol.* 444 COOKEY, S. J. C. (1968), *Britain and the Congo Question, 1885-1913*. London: Longmans.
- ELLIS, H. (1890), *The Criminal*. London: Walter Scott.
- ELSTER, J. (1989), *The Cement of Society: A Study of Social Order*. Cambridge: Cambridge University Press.
- EMERSON, B. (1979), *Leopold II of the Belgians: King of Colonialism*. London: Weidenfeld & Nicholson.
- EWANS, M. (2002), *European Atrocity, African Catastrophe. Leopold II, the Congo Free State and its Aftermath*. London: Routledge.
- FEIN, H. (1990), *Genocide: A Sociological Perspective*. London: Sage.
- FOUCAULT, M. (1977), *Discipline and Punish: The Birth of the Prison*. Harmondsworth: Penguin
- GAMBETTA, D. (1993) *The Sicilian Mafia: The Business of Private Protection*. Cambridge, MA: Harvard University Press.
- GRAZIANO, F. (1992), *Divine Violence: Spectacle, Psychosexuality and Radical Christianity in the Argentine 'Dirty War'*. Boulder: Westview.
- GREEN, P. and WARD, T. (2004), *State Crime: Governments, Violence and Corruption*. London: Pluto.
- GRIFFITH, J. W. (1995), *Joseph Conrad and the Anthropological Dilemma: 'Bewildered Traveller'*. Oxford: Clarendon.
- HALLSWORTH, S. (2000), 'Rethinking the Punitive Turn: Economies of Excess and the Criminology of the Other', *Punishment and Society*, 2/2: 145-60.
- HAMILTON, C. (1998), *Terrific Majesty: The Powers of Shaka Zulu and the Limits of Historical Invention*. Harvard: Harvard University Press.
- HARFF, B. and GURR, T. R. (1988), 'Toward Empirical Theory of Genocides and Politicides: Identification and Measurement of Cases Since 1945', *International Studies Quarterly* 32: 359-71.
- HARLOW, B. and CARTER, M., eds (2003), *Archives of Empire: Scramble for Africa*. Durham, NC: Duke University Press.
- HASKELL, T. L. (1985), 'Capitalism and the Origin of Humanitarian Sensibilities', *American Historical Review*, 90: 339-61, 546-76.
- HINDE, S. L. (1897), *The Fall of the Congo Arabs*. London: Methuen.
- HOCHSCHILD, A. (1998), *King Leopold's Ghost*. London: Macmillan.
- JONES, A. (2002), 'Case Study: *Corvée* (Forced) Labour', http://www.gendercide.org/case_corvee.html (accessed 1 November 2004).
- KARL, F. (1979), *Joseph Conrad: The Three Lives*. London: Faber.
- KATZ, J. (1988), *Seductions of Crime*. New York: Basic Books.

- KEITH, A. B. (1919), *The Belgian Congo and the Berlin Act*. Oxford: Oxford University Press.
- KERRUISH, V. (1991), *Jurisprudence as Ideology*. London: Routledge.
- LEVI, M. (1988), *Of Rule and Revenue*. Berkeley: University of California Press.
- LINDQVIST, S. (1998), *Exterminate All the Brutes*. London: Granta.
- LOUIS, W. R. and STENGERS, J., eds (1968), *E.D. Morel's History of the Congo Reform Movement*. Oxford: Clarendon.
- MERTON, R. (1957), *Social Theory and Social Structure* (rev. ed.). New York: Free Press.
- MISRA, A. (2002), 'Heart of Smugness', *The Guardian*, 23 July.
- MITCHELL, A., ed. (2003), *Sir Roger Casement's Heart of Darkness: The 1911 Documents*. Dublin: Irish Manuscripts Commission.
- MOREL, E. D. (1904), *King Leopold's Rule in Africa*. London: William Heineman.
- MOREL, E. D. (1906), *Red Rubber*. London: T. Fisher Unwin.
- **Brit. J. Criminol.* 445 NELSON, S. H. (1994), *Colonialism in the Congo Basin 1880-1940*. Athens, OH: Ohio University Centre for International Studies.
- O'KANE, R. T. (1996), *Terror, Force and States*. Cheltenham: Edward Elgar.
- PAKENHAM, T. (1992), *The Scramble for Africa, 1876-1912*. London: Abacus.
- PASHUKANIS, E. B. (1978), *Law and Marxism*. London: Ink Links.
- PASSAS, N. (1990), 'Anomie and Corporate Deviance', *Contemporary Crises*, 14: 157-78.
- PÍON-BERLIN, D. (1989), *The Ideology of Terror: Economic Doctrine and Political Repression in Argentina and Peru*. London: Lynne Rienner.
- RISSE, T., ROPP, S. C. and SIKKINK, K., eds (1999), *The Power of Human Rights: International Norms and Domestic Change*. Cambridge: Cambridge University Press.
- RUGGIERO, V. (2003), *Crime in Literature*. London: Verso.
- SLADE, R. (1962), *King Leopold's Congo*. Oxford: Oxford University Press.
- SOFSKY, W. (1997), *The Order of Terror: The Concentration Camp*. Princeton: Princeton University Press.
- STEAD, W. T. (1905), 'Ought King Leopold to be Hanged?', in J. Zwick, ed., *Reforming the Heart of Darkness: The Congo Reform Movement in England and the United States*, <http://www.boondocksnet.com/congo/> (accessed 29 October 2004).
- SUTHERLAND, E. H. (1949), *White Collar Crime*. New York: Dryden.
- SYKES, G. and MATZA, D. (1957), 'Techniques of Neutralization: A Theory of Delinquency', *American Sociological Review*, 22: 664-70.
- TAUSSIG, M. (2002), 'Culture of Terror--Space of Death: Roger Casement's Putumayo Report and the Explanation of Torture', in A. L. Hinton, ed., *Genocide: An Anthropological Reader*. Oxford: Blackwell.
- WALTER, E. V. (1969), *Terror and Resistance*. New York: Oxford University Press.
- WEISBORD, R. G. (2003), 'The King, the Cardinal and the Pope: Leopold II's Genocide in the Congo and the Vatican', *Journal of Genocide Research*, 5/1: 35-46.
- WRONG, M. (2001), *In the Footsteps of Mr Kurtz*. London: Harper Collins.
- YOUNG, J. (2003), 'Merton with Energy, Katz with Structure: the Sociology of Vindictiveness and the Criminology of Transgression', *Theoretical Criminology* 7/3: 388-414.

ZULAIKA, J. and DOUGLASS, W. A. (1996), *Terror and Taboo*. London: Routledge.

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Brit. J. Criminol. 2005, 45(4), 434-445

1. At this time, Thys's economic interests were in conflict with those of Leopold, leading him to resign his official post in 1892 (Ascherson [1963] 1999: 197).
2. On Rom as a model for Kurtz, see Hochschild 1998: 145-9.
3. Unfortunately, Arendt also seems to have shared Conrad's view of African 'savages': 'they had not created a human world, a human reality' (Arendt [1951] 1985: 192). The lofty ignorance with which Arendt, in a work ostensibly denouncing racism, dismissed many non-European cultures is breathtaking (e.g. 1985: 186).
4. See Kramer and Michalowski, this issue, for an application of these and related 'rational' explanations to contemporary state crime.

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