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## **A Contribution to a Sociological Analysis of Impunity**

On 14 April 2024, the British newspaper *The Guardian* published an article entitled “My family’s past, and Germany’s, weighs heavily upon me. And it’s why I feel so strongly about Gaza,”<sup>1</sup> in which the issue of impunity was treated in a special way. Eva Ladipo, a German journalist living in London, presented the fate of her immediate family, mainly people from the generation of her grandparents on both parents’ sides. These were people who, as the author puts it, “facilitated the Third Reich and the Holocaust.” Their participation in criminal activities of various types has been proved. Those people “had hundreds of thousands of lives on [...] [their] [...] consciences.” Not only their family and the local community, who shared their fascist views, knew about their guilt, but also the justice system. The Nuremberg Tribunal and the common courts treated the participants in those criminal acts exceptionally leniently. The author admits that “Nazi perpetrators benefited more than anyone else” from this leniency.

In the article, the author deals with current events in the Middle East while referring to the history of her family. She appeals for peace. She cites the solutions adopted at the end of the Second World War in Europe as a model for ending the Middle East conflict. She points to the tragedy of that conflict, which is comparable to current events, and argues that it was not so much the formal decisions at that time regarding the principles of relations between the parties, but the practice of criminal impunity that brought Europe not only temporary peace, but peace for many years to come. In order to convince people of her proposal to end the conflict, Eva Ladipo reveals horrifying facts from the life of her family and writes: “Look at my family: for all his crimes, Uncle Walter did not face the death penalty. Instead, after six years, the life sentence imposed on my great-uncle in the Nuremberg trials was lifted and he was released in 1954. He died in the 1970s as a wealthy, respected man on the shores of one of Bavaria’s prettiest lakes. His brother, my grandfather Paul Warlimont, was sentenced to only two years in prison for his mistreatment of factory workers. He was later awarded Germany’s Order of Merit. My paternal grandparents, the very early Nazis, were also granted a rich and

<sup>1</sup> E. Ladipo, *My family’s past, and Germany’s weighs heavily upon me. And it’s why I feel so strongly about Gaza*, “Guardian” 19 April 2024, <https://www.theguardian.com/commentisfree/2024/apr/19/family-past-germany-gaza> [accessed: 2025.08.14].

free post-war life. The clemency extended to all my forebears was clearly not in the service of justice. But it did serve the interests of peace.”

Ladipo’s seemingly logical argument, which is probably honest in intent, conceals an approval of the historically unprecedented impunity of the perpetrators of horrific crimes. She suggests that leaving criminal members of her family unpunished, or even pardoned, broke “the vicious circle of revenge after World War II and centuries of atrocities in Europe.” The fact that the victors renounced revenge, Ladipo suggests, led to a miracle of peace in Europe for many years.

Ladipo’s article in a large circulation daily newspaper contains a number of disturbing inaccuracies and misinterpretations of events that are difficult to agree with. It is not true that because the perpetrators of the crime, including her relatives, were not duly punished, “the vicious circle of revenge was broken” and peace arose in Europe. Why would not punishing the perpetrators of crimes contribute to peace? Would punishing them be detrimental to peace? The second untruth is that the winners renounced revenge. The winners waived punishment, not revenge. These two words mean something different. Revenge is usually an informal inflicting of suffering on someone, spontaneous and unlimited in its measure and type, and based on the (not always true) conviction of having been wronged by that person. More importantly, revenge is filled with emotion, anger, rage, and cruelty. It knows no saturation and does not need to have a formal framework. In the case of the war crimes and genocide mentioned, the issue was not revenge but criminal punishment. And it was the penalty that was waived. A penalty is imposed on the basis of law by an independent court in the name of the state.<sup>2</sup> Victims do not have to participate in the sentencing process. They are represented by institutions, mainly judicial authorities.

## 1. The social climate of impunity: conditions and consequences

The Second World War not only claimed millions of lives, but also involved millions of perpetrators in terrible crimes, who survived it. It was their fate that was decided in the immediate post-war period, when the victorious states put the leaders of the defeated state on trial. Although ultimately only a small number of perpetrators of crimes committed during the Second World War were punished, it was the beginning of the actual operation of the mechanism of international justice.<sup>3</sup> That was an important event for international legal culture because it based the criminal process on universal moral, social, and legal norms and on the definitions of crimes against humanity and

<sup>2</sup> J. Utrat-Milecki, *Podstawy penologii. Teoria kary*, Warszawa 2006, pp. 78–79. Also: *idem, Penologia ogólna. Perspektywa integralnokulturowa*, Warszawa 2022, pp. 252–254.

<sup>3</sup> J. Banaś, *Przez 18 lat po wojnie Niemcy salutowali esesmanom z Auschwitz*, “Gazeta Wyborcza” 6 September 2024; *Jak działała tzw. huśtawka Bogera?*, “Gazeta Wyborcza” 6 September 2024, [https://wyborcza-1pl-k7uyxxmp005e.han.buw.uw.edu.pl/alehistoria/7,121681,31252617,jak-dzialala-tzw-hustawka-bogera-niemcy-dowiedzieli-sie-tego.html?do\\_w=164&do\\_v=787&do\\_st=RS&do\\_sid=1118&do\\_a=1118#S.popular-K.C-B.1-L.5.zw](https://wyborcza-1pl-k7uyxxmp005e.han.buw.uw.edu.pl/alehistoria/7,121681,31252617,jak-dzialala-tzw-hustawka-bogera-niemcy-dowiedzieli-sie-tego.html?do_w=164&do_v=787&do_st=RS&do_sid=1118&do_a=1118#S.popular-K.C-B.1-L.5.zw) [accessed: 2025.08.14].

of genocide. Another important change was the change in the attitude of societies towards the guilt of the perpetrators of war crimes, consisting in the departure from the concept of peace based on "eternal oblivion and amnesty" (*perpetua oblivio et amnesia*), recorded in the Peace of Westphalia of 1648, which ended the Thirty Years' War.

Despite these positive changes, the settlements after the Second World War were far from the expectations of the victims and the more sensitive members of the perpetrators' society. Selective, drawn-out justice that selectively reached the perpetrators of war crimes meant that not only did the victims fail to obtain satisfaction, but the societies that absorbed the criminals persisted in being contaminated by an evil that had not been fully named and condemned. Just a few years after the war, the unprecedented slowness in bringing those responsible for war crimes to justice raised much controversy.<sup>4</sup> The 1960s in particular were full of protests in Germany against the occupation of high positions by people who had been perpetrators of crimes in the Nazi past. The decision to treat leniently the perpetrators of crimes during the Second World War was political in nature. Above all, it was supposed to bring about the consolidation of Western societies around new economic, social, and political goals. On the other hand, it was supposed to change the political arrangement in Europe and include post-war Germany in the structure of capitalist countries constituting a counterweight to the communist bloc. For various reasons it was calculated that the newly set goals could be achieved more effectively with the participation of those people. They distinguished themselves not only by their professional qualifications, discipline, and the habit of obedience to authority acquired from the old order, but also by their determination to prove themselves useful to the order that had ignored their past.<sup>5</sup> The past weighing on them caused them to support devotedly the system of which they were the greatest beneficiaries.<sup>6</sup>

A historical analysis of post-war impunity has revealed its specific features. Protection for criminals was provided not only by family members, friends, and followers of the same ideology, but also by state institutions and international organizations, which acted deliberately in a protective or dilatory manner, as if they were not at all focused on the fulfilment of obligations related to observing and enforcing the law. In essence, they sanctioned impunity. This led to situations in which the functions of the justice system were taken over by the victims themselves, who forced the perpetrators of crimes to be tried or even tried them themselves, an example of which was the kidnapping and trial of Eichmann.<sup>7</sup> The second disturbing phenomenon was the parallel use of the established system of norms and values in relation to other matters

<sup>4</sup> K. Jaspers, *The Question of German Guilt*, transl. E.B. Ashton with new introduction by J. Koterski, New York 1965.

<sup>5</sup> T.W. Adorno, *The Authoritarian Personality*, New York 1950.

<sup>6</sup> J. Simon, *Governing Through Crime*, New York 2007.

<sup>7</sup> H. Arendt, *Eichmann in Jerusalem*, New York 1963; *eadem*, *Eichmann in Jerusalem*, revised and expanded edition, New York 1964; K. Moczarski, *Conversations with an Executioner*, Englewood Cliffs 1981.

and the unquestioned approval of their validity in other areas of social life and towards other people. The privileged exclusion of certain cases and certain perpetrators from the normative order of the new order was particularly painful for the victims. They were the ones who were most likely to feel the hypocrisy of that situation in the legal, moral, social, and psychological context.

Apart from the perpetrators of wartime crimes, the most attentive observers of their post-war impunity were the victims. They, like the perpetrators, drew different, sometimes unforeseen, conclusions from that experience. For them, the awareness that despite the conditions for dealing with the past in accordance with law and morality, the criminals remained unpunished, was of great importance. They saw the impunity as evidence of the demoralization of entire societies and a further expression of contempt for them as victims. Once again they became victims and found themselves powerless, although the type of violence used against them had changed. It cannot be ruled out that they prepared themselves and their successors for subsequent potential threats so that such a situation could not happen again to their community. An important safeguard in this case was not only the acquisition of military, institutional, and political strength, but also the acquisition by the community of victims of a unique protected status.

Historical experience shows that for societies exhausted by war, what happened in the past loses its significance in comparison to what is happening now and what is portended in the future.<sup>8</sup> The past may move the conscience, but society does not focus on it when it needs to meet current needs. As a result, compassion for the victims is not followed by finding the truth about those responsible for their fate and bringing them to justice. Rather, we can observe a systemic tolerance towards the impunity of the perpetrators.<sup>9</sup> The mechanism of this psycho-social process is extremely complex. The issue of forgetting, ignorance, resignation, and tolerance is just one of several determinants of this situation. Over time, the general public's emotional distance from the past and reluctance to bear the costs of the process of settling accounts with it increase. It is not just about material or psychological costs, but often the most important political and image costs. No one wants the image of their own society to be forever marked by the cruelty and crimes committed in a single historical moment. As a result of these common tendencies in social consciousness, a slogan aimed to orient people's thinking and actions towards the future is much more easily accepted.

The settlement of the conflictual past is never what the victims expected.<sup>10</sup> As a rule, it is selective, superficial, and spread over time. Roman Kuźniar's bitter observation in the introduction to Rafał Lemkin's book *Axis Rule in Occupied Europe: Laws of Occupation, Analysis of Government, Proposals for Redress* that even the Nuremberg

<sup>8</sup> P. Ricoeur, *Pamięć, historia, zapomnienie*, transl. J. Margański, Kraków 2006; *Pamięć zbiorowa i kulturowa. Współczesna perspektywa niemiecka*, ed. M. Saryusz-Wolska, Kraków 2009.

<sup>9</sup> The events of the Second World War are not unique; similar processes of impunity occurred after the genocide in Rwanda and after the activities of the Pol Pot regime in Cambodia.

<sup>10</sup> Cf. P. Machcewicz, A. Paczkowski, *Wstęp [in:] iidem, Wojna, wina polityka. Rozliczenie ze zbrodniami II wojny światowej*, Kraków 2021.

Tribunal managed to judge "a ridiculously small number of German criminals in the light of the hecatomb caused by the Third Reich during the Second World War"<sup>11</sup> shows the helplessness of the international community when it comes to a just settlement of the past. Victims may ask why, despite the favourable conditions for the most serious crimes to be brought to justice, perpetrators are allowed to escape justice in what often appears as a tacit collusion with them and a mockery of the victims.

The cynicism and hypocrisy of the process of settling accounts for war crimes not only sows the seeds of opposition among victims, but also persuades them to take actions and pursue their own interests that may not only be in line with the law, but also with moral and social principles. The post-war impunity observed around the world confirmed the victims of the Second World War in their belief that under appropriate conditions, the greatest crimes can go unpunished and that this does not require either the forgiveness of the victims or even the consent of the aggrieved parties. The impunity of war criminals has proved demoralizing not only for them but for everyone. It is as a result of this that the moral, social, and legal effects that are anticipated and described as the purposes and functions of punishment have been wasted.

## 2. Social contexts of impunity

Although impunity is a topic frequently present in journalism and private conversations, it has not been the subject of many scholarly studies. Apart from the general belief that impunity is wrong, demoralising, and causes an increase in crime and disrupts social life, it is rare to find a scholarly explanation of its mechanisms. The problem is that it is difficult to ask research questions on the issue of impunity. The basic ones concern the rules that govern it and its sources and circumstances. That is, when and why impunity occurs on a large scale, who is its beneficiary, and who is its victim, and what are its consequences for individual people and entire societies in the short and long term? It seems that the most important questions are those concerning everyday relations in a society in which there is an awareness of the impunity of certain groups of citizens. There are also questions about the involvement of various groups of citizens in building social, economic and cultural cohesion and, therefore, about the content and stability of the system of norms and values.

The analysis of the phenomenon of impunity presented here excludes cases in which, for extraordinary reasons, society consciously refrains from imposing punishment for acts that actually violate the law. These may be ceremonial moments or those related to defending the community from danger. In some cases, the phenomenon constitutes serious violations of legal norms, and social and moral rules. However, although these violations are obvious, the failure to punish their perpetrators

<sup>11</sup> R. Kuźniar, *Wstęp* [in:] R. Lemkin, *Rzeczy państwa osi w okupowanej Europie*, Warszawa 2013, p. 19. Also: R. Lemkin, *Axis Rule in Occupied Europe: Laws of Occupation, Analysis of Government, Proposals for Redress*, New York 1944.

is not called impunity, because the circumstances of their occurrence remove the odium of a crime requiring punishment.<sup>12</sup> In many cultures, exclusions from the threat of punishment are legally and doctrinally sanctioned in criminal law as justification excluding the wrongfulness or at least the guilt of the perpetrator. These exceptional cases, understandable to society, do not arouse disapproval of the violation of legal norms or a sense of reprehensibility among observers of social life.

Dealing with the perpetrators of the most serious crimes, especially those committed by very large numbers of perpetrators during conflicts and wars, has always been very difficult. Such crimes are overcome in various ways in different organizational structures. Some of them refer to mediation mechanisms or restorative justice instruments embedded in the tradition of the cultural pattern of a given society. Others create new institutions to which they entrust the task of judging what has happened.<sup>13</sup> However, these are never perfect solutions. The point of view of those who have been wronged often differs from the perspective adopted by the authorities responsible for maintaining social order and the future of the community. Those who, from the perspective of power, are responsible for order and the future life of society, approach the issue of settlement with a practical attitude and – out of necessity – without too much moralizing. It is difficult to manage differently a society that was involved on a large scale on the side of the perpetrators of harm and suffering. This attitude, forced by the course of social life, cannot be understood as a lack of understanding of the situation or disregard for the victims. It is rather a shift in society towards rebuilding the social fabric, taking this experience as a warning.<sup>14</sup>

When perpetrators of terrible suffering are not severely punished or criminal justice is delayed, victims feel embittered and disregarded. The specific compensation they are offered is the public exposure of the evil that has occurred and its perpetrators, as well as their general condemnation. It is a symbolic gesture of depriving perpetrators of reasons for social respect, negating their choices and motives for their actions, as well as depriving them of the sense of satisfaction derived from participating in crimes.

The greatest attention is paid to impunity in research focusing on phenomena such as lawlessness,<sup>15</sup> crime and crime waves, genocide, and war crimes. Sometimes it is considered to be their cause and sometimes it is seen as a consequence. Following Emile Durkheim, it is assumed that impunity characterizes a state of anomie, a serious disturbance in the axionormative order, which leads to the loss of the socio-creative abilities of the social structure and the moral confusion of individuals.

Inconsistency in the axionormative system causes the community to split into substructures that are guided by various norms and compete with each other for power, symbols, tangible property, and status. Then, the impact of universal elements

<sup>12</sup> B. Malinowski, *Zwyczaj i zbrodnia w społeczeństwie dzikich*, Warszawa 1984, pp. 45–84.

<sup>13</sup> There are many examples of disappointment with the adopted solutions. Here we can refer to the solutions adopted in Rwanda, the former Yugoslavia, and the Republic of South Africa.

<sup>14</sup> P. Machcewicz, A. Paczkowski, *Wina, kara, polityka...*

<sup>15</sup> G. Radbruch, *Filozofia prawa*, transl. E. Nowak, introduction J. Zajadło, R. Dreier, S.L. Paulson, Warszawa 2012.

of the system of norms and values weakens, if only because the division into Us and Them encourages the use of different measures in social relations and maintaining loyalty only to one's own group. The revival of manipulation techniques with the use of violence that accompanies it gives rise to a type of conflicted society, tainted by the inequality of citizens before the law.<sup>16</sup> Also when social control loses its basis in universal moral norms and becomes a one-sided control determined by a stratification system, the impunity of the privileged is supported by the ideology of having no alternative. It is intended to maintain the myth of the durability of public order based on inequality before the law.

The breakdown of the regulatory structure caused by removing the most important component of social control, namely criminal punishment applied on an equal basis to all citizens, creates a society in which violence and fear are constantly present.<sup>17</sup> Everyone experiences it, although for various reasons, with various intensity, and at various times. The victims suffer this oppression at a historic moment of their fragility, while the perpetrators of the crime have their imagination suggesting the coming of a revenge that may be harsher than punishment. The former are waiting for the situation to change; the latter are afraid of it.

Impunity introduces a kind of two planes of axionormative reality that interpenetrate each other in a given society. There is one in which respect for the axionormative system is maintained and serves to unify the social structure, and one in which a separate group of people enjoys the privilege of not adhering to the rules of social discipline. What is important is the proportions between these two spheres at a given historical moment. When activities that escape social control predominate, not only is the specific social order threatened, but the very survival of the community.

### **3. Impunity in the context of the definition of criminal punishment**

Moving from the journalistic image of impunity to its academic/scholarly characterization requires the formulation of an operational definition of this phenomenon. This is intended to define its boundaries, to refer to the diversity of factors that cause it, and to determine its scale and effects. Like many concepts that have been borrowed from everyday language into scholarship, impunity is understood and defined in a variety of ways. Its meaning and significance are marked by a turbulent history. The precision and scope of the definition used in a specific situation are determined by the circumstances of its creation and the prospects for its application. Sometimes it is sufficient to refer to the most general understanding and define it in key words. But where a criminal decision is based on a definition, it must be precise and accurate. The consequences of adopting a specific formula in such conditions can be very serious both for individuals and for society as a whole.

<sup>16</sup> R. Collins, *Conflict Sociology. Toward an Explanatory Science*, New York 1975.

<sup>17</sup> D. Garland, *The Culture of Control*, Oxford 2001.

Given the great diversity of social situations that are cited as examples of impunity, it is necessary to provide an operational definition in specific analyses. This definition should meet two basic conditions: it should indicate the basis for including a given phenomenon in this category and clearly distinguish it from social phenomena that do not constitute impunity. It is, therefore, intended not only to indicate the constitutive features of the phenomenon defined as impunity, but also to provide conditions making possible the sharp exclusion of other social facts from this category. Fulfilling both conditions simultaneously is extremely important not only for achieving clarity of theoretical analysis, but also for the practical differentiation of real events.

The key to the analysis of impunity as a social and legal phenomenon is to indicate the definition of criminal punishment to which we refer when discussing impunity. According to the developed definition formulated by Jarosław Utrat-Milecki, criminal punishment is "social activities from the sphere of social control satisfying the needs of individuals and communities in terms of a sense of social order, justice and security, having a guiding principle, that is, intentions and goals that constitute the basis for rationalization, standards, and personnel and material facilities, as well as social functions understood as conscious and unconscious consequences, undertaken in organizational forms subject to institutionalization in legal regulations and decisions of courts and other authorized state bodies, if they meet the following characteristics:

- they are based on the recognition of the free will of the subject of interaction;
- they are a response to a strictly defined act of an entity that violates the social order in a harmful way *in abstracto* and *in concreto*;
- they are a response to guilt, that is, the allegable perpetration by the subject of the action;
- they assume the final recognition of the entity's guilt by an authorized authority (court), in a manner consistent with previously adopted procedures;
- they are undertaken on the basis of consent to apply extraordinary levels of coercion and social violence against the entity;
- they are part of the process of consciously inflicting ailment on the subject by depriving him or her of socially valued goods;
- they express condemnation of the subject, which finds expression in the severance of existing social ties with him or her and negatively affects the possibility and manner of realizing his or her rights;
- they link the assessment of the act accused of the subject and the level of condemnation expressed and the suffering inflicted on him with the true axiological assumptions of the violated order;
- they are based on the institutionalization of a measure for the inflicted ailments;
- they provide for rules of public reconciliation with the subject of interventions, determining attempts to enable him or her to return to a state of normal functioning in society;
- they assume recognition of the law of pardon."<sup>18</sup>

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<sup>18</sup> J. Utrat-Milecki, *Podstawy penologii...*, pp. 78–79.

The same author provides a short list of conditions that a social action must meet in order to be considered a criminal punishment.<sup>19</sup> He writes that "punishment, especially criminal punishment, includes the following components: 1) condemnation of human acts (actions and omissions) defined by law as to their form and content; 2) attribution of the condemned act to the punished person on the basis of law and in a manner specified by law; 3) intentionally and personally burdensome to the punished person; 4) imposition by an independent body (court) acting under the law on behalf of a given community; 5) specification in a statute of its forms and principles of administration and execution. Criminal penalty is therefore a series of actions taken on the basis of generally applicable law (*ius cogens*) and within the limits and forms provided for by it."<sup>20</sup>

Impunity is therefore established when a social subject acting of his or her own free will may be accused by an authorized authority (court) of violating the norms and values that build the social order and, in accordance with the established procedure, may apply to him or her certain types and degrees of ailment consisting in depriving him or her of socially valued goods to an extraordinary extent and may use coercion and violence. The power of pardon may be applied to this subject and a reconciliation procedure is provided for, which is intended to restore his or her normal functioning in society.

The above statements regarding criminal punishment make it possible for us to describe impunity as a situation in which, for various reasons, the process of condemning actions violating legal norms, as defined by the legal culture of a given society, does not take place. Impunity exists when the multi-stage process of punishment leading to the condemnation of the perpetrator has not been undertaken or has not been conducted properly, for example because it has been interrupted. When the symbolic condemnation contained in the imposition of a criminal penalty has not occurred, the ailments that result from it are also absent. Some of these are tangible, others social or psychological. An unpunished perpetrator is not affected by them; at most, he or she may feel remorse, if he or she is capable of feeling it.

The definition of criminal punishment helps to identify important aspects of situations of impunity. First of all, it shows its dangerous aspect in the form of a failure to satisfy "the need of individuals and communities for a sense of social order, justice, and security."<sup>21</sup>

The consistency of the conditions determining the imposition of criminal punishment with the axionormative foundations of the social order plays a fundamental role in protecting the justice system from destruction. Acts of administering criminal justice are of great importance as instruments for visualizing the validity of norms and values throughout social life. They are addressed not only to the perpetrators of norm

<sup>19</sup> J. Utrat-Milecki, *Z dziejów pojęcia kary kryminalnej* [in:] *Z dziejów afektu penalnego*, ed. J. Utrat-Milecki, Warszawa 2014, p. 73.

<sup>20</sup> *Ibid.*

<sup>21</sup> J. Utrat-Milecki, *Podstawy penologii...*, p. 78.

violations, but to society at large, where their relevance and importance are confirmed. Given the widespread awareness of the severity of criminal penalties compared to other tools of social control, great importance is attached to their justifications. What is important is not only those aspects of the application of punishment that are relevant to the persons involved in crime, but also those of its features that affect the life of society as a whole.<sup>22</sup> From the point of view of the sustainability of society and the effectiveness of state institutions, the issue of the social consequences of citizens' breaking the law is of key importance. Low consequences for the perpetrator in the form of a mild criminal reaction, disproportionate to the gravity of the crime, indicate the breakdown of state structures and their inability to fulfil their assigned functions. The fact that perpetrators of crimes perceive the weakness of the justice system encourages them to do what not only judges but also ordinary citizens fear, namely to take advantage of this situation and to increase further the profits from criminal activity.<sup>23</sup>

#### **4. A short sociological definition of impunity**

Efforts undertaken in the social sciences and law to define precisely the essence of penological phenomena serve to strengthen the rational foundations of social control and penal policy. In-depth knowledge of these social phenomena is intended to determine in what situations the social reaction to someone's action or omission should take a certain form, and in some cases the form of criminal punishment. The effort put into penological research is motivated to some extent by the attempt to reduce the scope of impunity, that is, the area of activities violating legal norms, which, contrary to the principles of social order, escape the jurisdiction of justice. Defining the rigours according to which criminal penalties are imposed makes possible the appropriate treatment of cases indicated as impunity. In the face of phenomena spontaneously defined by public opinion as impunity, criteria are introduced to assess a specific action as an unjustifiably unpunished crime. The procedure for dealing with an act defined as a crime and punished in accordance with accepted legal principles is a model for dealing with any action that is perceived as a crime. When public opinion perceives the absence of punishment as the final component of an established process of response to crime, many questions arise about the condition of the justice system in specific historical circumstances.

Impunity can be defined most briefly as a state or rather a social situation where criminal penalties are not applied to specific crimes or to a certain category of persons committing crimes, or to a selected group of persons committing specific crimes.<sup>24</sup> More

<sup>22</sup> D. Garland, *Punishment and Modern Society*, Oxford 1990.

<sup>23</sup> J. Królikowska, *Sędziowie o karze, karaniu i bezkarności*, Warszawa 2020.

<sup>24</sup> Cf. L. Zedner, *Social control* [in:] *Modern Social Thought*, ed. W. Outhwaite, Oxford 2006, pp. 596–598; also: J. Królikowska, *Bezkarność* [in:] *Granice prawa*, eds. P. Ostaszewski, K. Buczkowski, Warszawa 2020, pp. 841–859.

precisely, the issue of impunity is described as "a certain kind of groundless exclusion, granting someone or something the status of impunity in conflict with the applicable legal, social, and moral norms. It is impossible to identify all the factors determining the state of impunity, because its existence may be determined by a combination of unique circumstances. It is certain, however, that impunity is linked to the weakness or demoralization of the authorities, which is most visible during a coup d'état or war, and, therefore, to states of serious political instability, characterized by chaos in the axionormative system combined with the lack of real organizational possibilities to hold perpetrators of crimes accountable."<sup>25</sup>

The consequences of impunity are many. They are harmful to individuals and to the collective. In particular, its consequences for the state's organizational structure are destructive. The aim of social sciences is to study them thoroughly and present them to the general public, which is interested in organizing social order on axiological foundations that guarantee the equality of citizens before the law.

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## Summary

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### A Contribution to a Sociological Analysis of Impunity

Impunity is a frequent topic in journalism and private conversation, but it is rarely discussed in academic studies. A sociological analysis of impunity is intended to provide insight into what the sources, circumstances, and consequences of the occurrence of this phenomenon are. In this article, an investigation of impunity is conducted in terms of definitions and indications of the aims and functions of criminal punishment. My analysis shows how the removal of criminal punishment from the catalogue of instruments of social control leads to the violation of the axionormative order, the disappearance of the sociogenic capacity of the social structure, and the moral confusion of individuals.

**Keywords:** punishment, impunity, anomie, war crime.

## Streszczenie

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### Przyczynek do socjologicznej analizy bezkarności

Bezkarność jest częstym tematem w publicystyce i rozmowach prywatnych, ale rzadko omawianym w badaniach naukowych. Socjologiczna analiza bezkarności ma dostarczyć wiedzy o tym, jakie są źródła, okoliczności i konsekwencje wystąpienia tego zjawiska. W artykule badanie bez-

karności zostało przeprowadzone na tle definicji oraz wskazań dotyczących celów i funkcji kary kryminalnej. Analiza pokazuje, jak usunięcie kary kryminalnej z katalogu instrumentów kontroli społecznej prowadzi do naruszenia porządku aksjonormatywnego, zaniku zdolności socjotwórczych struktury społecznej oraz moralnego zagubienia jednostek.

**Słowa kluczowe:** kara, bezkarność, anomia, przestępstwo wojenne.