

Criminality as Political Construction: Regime Type, Power, and Punishment in the United States, the Stalinist Soviet Union, and Saudi Arabia

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ABSTRACT

This paper examines how different forms of government shape the definition and treatment of criminals. Rather than treating crime as a fixed or universal category, it argues that criminality is politically constructed through the values, fears, and priorities of each regime. Through a comparative analysis of the United States during the War on Drugs, the Stalinist Soviet Union, and Saudi Arabia, the paper shows how liberal democratic, totalitarian, and theocratic systems produce distinct categories of criminality. In the United States, drug criminalization reflected racialized social control and contradictions within liberal democracy. In Stalin's Soviet Union, criminal law became a tool for eliminating ideological and political enemies. In Saudi Arabia, criminality is shaped by the fusion of religious authority and state power. The paper concludes that prison populations do not simply reflect crime rates but reveal the political logic of the regimes that define, punish, and confine them.

Keywords: criminalisation; regime type; punishment; political power; prisons

Research Question: How have different forms of government historically shaped the definition and treatment of criminals?

Introduction

Is the criminal a natural kind, or a political creation?

From ancient times to the present, the question of how societies should respond to those who violate their rules has challenged every political regime. Yet punishment is not merely a response to wrongdoing; it also reveals the hidden grammar of power itself. Legal codes do more than define criminal behaviour - they determine what counts as deviance, embedding the social, political and moral values of those who hold power within the law. Thief, heretic, dissident, each emerges as a criminal not by virtue of any essential reality, but by virtue of the fact that, at a

particular moment in history, they were socially constructed as such by the state to serve its perceived interests. To ask why we punish as we do is thus to ask who holds power over definition, and what that definition reveals.

Much has been written about the history of prisons, penal reform, and legal systems in individual countries. Yet, comparatively little has been written that actually asks whether the form of government creates its own logic of criminalization. It is not a question of the availability of data, but rather the way in which the question is framed. We have a wealth of knowledge about the history of punishment within regimes, but very little about the history of how regime type shapes the very categories of who becomes punishable and why. This study seeks to fill that void by posing the deceptively simple question: **How have different forms of government historically shaped the definition and treatment of criminals?**

This paper argues that the nature of a political regime shapes how criminality is defined, enforced, and punished. Rather than viewing crime as a universal or fixed category, it contends that criminal law reflects the political, ideological, and moral priorities of the state. As a result, different regimes tend to criminalize different forms of behavior and produce distinct patterns of imprisonment. Through a comparative examination of the United States during the War on Drugs, Stalin's Soviet Union, and Saudi Arabia, this paper demonstrates that criminality is not universally defined but is shaped by the political context in which legal systems operate.

Literature Review

The academic discussion of crime and punishment has traditionally been driven by a debate: The consensus view holds that crime is an expression of universal moral values. This school of thought, often grounded in the concept of natural law, holds that crimes such as murder and theft are immoral because they violate the basic human contract.

Consequently, the conflict view holds that crime is determined by political, social, and economic factors. Sociologists and historians, especially those influenced by critical theory, argue that those in power determine what is considered a crime to advance their own interests (Celikates and Flynn). The discussion of whether law discovers or constructs crime underpins the understanding of how various forms of government have defined who to punish.

The relationship between power, law, and criminality has been conceptualized by various scholars through a number of approaches. Michel Foucault claimed that power shapes not just the will or agenda of individuals, but the very essence of their existence (Schkade). In his work, Foucault has presented an understanding of the shift from sovereign power, exemplified by its exercise on the body of the condemned, to disciplinary power, which operates through mechanisms of surveillance, examination, and normalization. The contemporary prison not only

reacts to the existence of crime but also actively creates "delinquents" as objects of knowledge, reflecting the fundamental relationship between power and knowledge that Foucault has identified. However, this approach has been further utilized to analyze its relevance to contemporary human rights discourse. Marxist and political economy approaches emphasize the material bases of penal practices. They argue that prison populations are impacted by capitalism's need to manage and discipline the surplus laboring class, criminalizing poverty and enforcing social control (Parisot). Rusche and Kirchheimer's pioneering work demonstrated conclusively that penal systems did not simply respond to crime, but rather actively constructed punishment as a function of the labor market and the nature of production relations (Weihs). Further studies developed the idea of how the social construction of deviance changes to reflect the interests of the powerful and the imperatives of state-building. From a sociological viewpoint, however, criminal law is merely the expression of the moral values of an individual or group (usually the group in political power) in the form of an official command, accompanied by an official penalty (Fuller). In addition, the fact that the law makes an act punishable does not decide the immorality of the behavior proscribed by the law; it does not forbid people from making judgments as to the morality of the behavior.

The historical study of prisons and criminal justice systems confirms that punishment is a historically contingent practice conditioned by political authority, administration, and social hierarchy. Inspired by the ideas of Michel Foucault, historians have also analyzed the historical transformation from corporal punishment to imprisonment roughly between the mid-18th and late-19th centuries as an aspect of the broader historical transformation of state authority and control.

The aforementioned literature review proves that crime is not an entity in itself but rather a product of various theoretical approaches. The history of crime has also shown how prisons develop in accordance with changes in politics, from ancient houses of correction to modern mass incarceration. Although there has been a thorough analysis of punishment across various nations, only a few comparative historical analyses link regime type to crime. This research will fill this theoretical gap by comparing how totalitarian, democratic, and theocratic forms of government have influenced the concept of criminals in history, arguing that prison inmates are mirrors of a country's underlying political ideology.

Case Study I: Liberal Democracy and the Criminalization of Drug Offenses - The United States during the War on Drugs

The United States of America is a liberal democratic republic that prides itself on its liberal democratic ideals of individual liberties and limited government intervention. However, the U.S. government's drug policy over the years has been a contradiction of these ideals. In the early

twentieth century, drug addiction and alcohol abuse were a personal problem and not a concern of the federal government (Willis). The foundation of the U.S. anti-drug policy is based on racist belief systems about some of these drugs and their potential impact on some racial and ethnic minorities. These policies can be interpreted as a profound violation of liberalism's commitment to equality before the law. However, there were some legitimate concerns as well. Though the Marijuana Tax Act of 1937 did not prohibit the possession and use of the drug, it mandated severe penalties against those who failed to pay taxes on the drug, including a \$2000 fine and a five-year prison term (History.com).

It was in the 1960s that drug use had become more acceptable in American culture, particularly among White middle-class youth and those opposed to the Vietnam War (Willis). Politicians like Nixon, Barry Goldwater, and Nelson Rockefeller were pressing for tough drug legislation and criminal punishment because they believed there was a strong relationship between crime and drug addiction. When President Reagan signed the Anti-Drug Abuse Act in 1986, drug addiction was criminalized (Cummings). This led to the large-scale imprisonment of primarily non-violent drug offenders from marginalized communities. Since the declaration of this War on Drugs, American taxpayers have invested more than \$2.5 trillion to support this "war." This can be argued to be a significant misallocation of public resources, funding a system that undermines rather than secures liberty. The use of medicinal and recreational drugs in America in the 1960s began to pose a significant security threat to U.S. citizens. The increase in the counterculture movement for recreational drug use led to a fear of a drug epidemic in America, despite survey results showing that drug use was not prevalent in America. Liberals would argue this demonstrates a government operating on political opportunism, rather than fact, a departure from liberal ideal policy-making, which is rational and transparent in its decision-making processes.

Nixon took advantage of fears among socially conservative voters, winning the 1968 election to become President of America. He capitalized on American citizens regarding the high rate of drug use among American soldiers returning from Vietnam (Pascual). The internal logic of the War on Drugs, in using drug laws to disrupt and demonize targeted communities, was not to remain internal to America. The Reagan administration took the War on Drugs abroad in the 1980s, especially in Colombia. However, a basic hypocrisy soon became apparent. While the DEA focused on making major drug arrests, such as the 1975 arrest of 600 kilograms of cocaine in Colombia, the then-largest drug arrest in history, the CIA worked behind the scenes, forming alliances with drug dealers in furtherance of the Cold War (NPR). While the Medellín cartel's rise to power in the 1980s as the dominant force in the drug trade met with genuine efforts by the Colombian and American governments to stop them, such efforts were undermined by the CIA's operations in Nicaragua, where the CIA funded the Contras with full knowledge of their association with drug dealers such as Panama's Manuel Noriega. This is the true story of the War

on Drugs. There has never been a fight against the use of narcotics in the United States; rather, it has been a racialized effort in social control that has been subsumed by the demands of the Cold War when applied abroad.

Critics of the War on Drugs have also pointed to the ways in which harsh sentencing policies have disproportionately impacted Black Americans and Hispanic Americans. This discrepancy is abhorrent to the liberal ideal of equal protection under the law. In 2001, SAMHSA gathered some statistics. These statistics showed that White Americans made up 76 percent of people using drugs. At the time, they made up only 10 percent of people locked up for drug offenses. On the other hand, Black Americans were only 13.5 percent of drug users. Hispanic Americans were then 9 percent of drug users. However, Black Americans and Hispanic Americans comprised more than 90 percent of the population of people incarcerated for a drug offense (Willis). This has been attributed to various factors, such as stricter sentencing policies. A good example of this is the stark difference between federal sentencing for various forms of cocaine, like the penalties for crack cocaine (more prevalent among marginalized communities in the 1980s), which have traditionally been far more severe than those for powder cocaine (more prevalent among White people). Such sentencing disparities, when pronounced, violate the principle of proportionality, a key element of due process, and represent the state's failure to administer justice impartially. If one of the purposes of constitutional law is to protect liberty from government overreaching, then one of America's greatest failures in constitutional law is the War on Drugs (Somin). This is the essence of the liberal argument that the War on Drugs represented a reversal of the constitutional order, a misuse of the state's power not to protect freedom but to deny it on a massive scale. In the last hundred years, and especially since the War on Drugs escalated in 1968 with the passage of the Controlled Substances Act, the War on Drugs has resulted in thousands of deaths, hundreds of thousands of arrests, and a litany of civil liberties abuses—all for a war that has not significantly reduced one of the major social problems of our time: the scourge of drug abuse and addiction. But to rightly caution against overestimating this factor, the expansion of the War on Drugs from the 1960s to the late 1980s was actually supported by some of the most influential black political leaders and members of the black community (Somin) because they believed that this could actually help protect minorities from the perils of gangs and drug addiction. These were the circumstances that made it hard to challenge the drug laws on the basis that they unconstitutionally discriminate on the basis of race and ethnicity.

The War on Drugs also spawned the emergence of a new form of profiteering in prisons, which is termed the prison-industrial complex. The direct role of prisons in capital accumulation lies in the profits made by the corporations involved in their construction and operation. The classical liberal school of thought, rooted in Adam Smith and the free-market economy, generally argues that government and profit do not go hand in hand. In this case, the government and profit are

working hand in hand in a very perverse manner (Cummings). The political benefit of lower unemployment rates and more police funding, which skews public policy, guarantees the criminal justice system a never-ending stream of clients. A foundation is created when you combine the potential for massive corporate profits with the need for politicians to be re-elected. This promises legislative initiatives put forth by politicians who support a particular punitive rhetoric while also taking sizable donations from a private prison lobby that wants to increase the flow of U.S. prisoners. Perhaps this lack of political will stems from the fact that, according to studies, governments around the world that want to "free" their financial markets from rules and control also massively jail their impoverished and disenfranchised citizens at the same time. This is in line with a liberal argument against neoliberalism, which is that while the state withdraws from economic control, it paradoxically expands its punitive powers on the poor. In attempting to achieve this, there is a union of harsh incarceration policies with free market fundamentalism, which is politically beneficial to both politicians and the elite. This represents a failure of the state to protect negative liberties, the conditions under which individuals are free to flourish as equal citizens. The pervasive incarceration of poor African American males has also stigmatized not only the incarcerated but also the segment of that population as a whole. These consequences are the by-product of a double standard. They also stem from the politics of fear, which forces lawmakers to prioritize punishment over health care and jails over schools (Moore and Elkavich). In liberal thought, a government that prioritizes punishment over education and healthcare has failed in its duty to provide a framework in which liberty can be exercised meaningfully.

Case Study II: Totalitarianism and the Criminalization of Political Opposition - Stalin's Soviet Union

Stalin's Soviet Union is one of the most unsettling examples of the creation of crime, enemies, and punishment for purposes of political control in the history of humanity. In terms of timeframe, the era we are examining begins after Lenin's death and Stalin's consolidation of power in the 1920s and continues until Stalin's own death in 1953. This was not a time of normal politics. Rather, it was a time of constant change, forced collectivization of agriculture, rapid industrialization in accordance with the Five-Year Plans, and purges against all potential opposition to Communist rule. All of these factors were not separate from the problem of crime and punishment, but rather dictated their definition and practice. To properly understand the crime and punishment practiced by Stalin's government, it is imperative to first understand its agenda and priorities. In Stalinist Russia, criminality was never a neutral legal category. It was a political one, shaped entirely by the logic of a state that placed its own survival and ideological mission above every other consideration.

Perhaps one of the most striking characteristics of the Stalinist regime was its creation of a new lexicon of crime. Stealing, beating, and fraud – all these traditional categories of offenses persisted, but their importance was overshadowed by the emergence of a set of ideological terms. In fact, the "enemy of the people", inherited from the Jacobins' times and revived by Lenin, underwent considerable development in Stalin's era, becoming almost a blanket term applicable to everybody. As soon as this description became attached to an individual, that individual lost their legal status and stopped being treated sympathetically by other members of society. Other terms like 'saboteurs', 'wreckers', counter-revolutionaries, 'kulaks', and even 'Trotskyists' became widely used during Stalinism. The legal basis of such practices was rather solid. For instance, Art. 58 of the 1926 Criminal Code devoted to counterrevolution was formulated so broadly that almost any act of disloyalty could serve as the basis for a legal case. In August 1932, the "five ears law" made the crime of stealing socialist property punishable by death, thus rendering a starving peasant liable to capital punishment if he stole corn from a collective farm during the famine of 1932 to 1933. The people of the Soviet Union lived their lives with the ever-present possibility that their actions could be labeled criminal amid political changes (Fitzpatrick). The significance of this phenomenon was that a population that was always in legal danger could never rebel.

One should pay attention to the development of such categorizations under political pressure and not due to legal necessity. In the course of the collectivization process in the early thirties, when the main target became the kulak, the prosperous peasant, this concept was so broadly construed that even poorer peasants opposing collectivization were deemed kulaks or 'sympathizers with the kulaks.' The category did not describe a social reality so much as justify a political operation. This flexibility was a deliberate feature of Stalinist governance: categories of crime needed to be elastic enough to serve whatever political purpose the moment demanded (Kuromiya). The institutional expression of this system of criminalization was the Gulag. The vast network of forced labor camps that spread across the Soviet Union, particularly in its most remote and inhospitable regions. The camp system was not an improvised response to crime. It was a deliberately engineered administrative mechanism that became an intrinsic part of the Soviet political system by the late 1930s. At its peak, during the late 1940s and early 1950s, there were about 1.5 to 1.8 million inmates imprisoned in the Gulag at any given time, but the cumulative figure of those detained throughout the whole Stalinist era numbers in the millions. Those numbers need to be held in mind, not as abstract statistics but as individual lives destroyed by a machinery of accusation and confinement (Nicolas).

Who ended up in the camps and under what charges changed over time, and tracking those changes reveals the political logic driving the system. In the early 1930s, the camp population was dominated by "kulaks" and those accused of crimes against socialist property. By the mid-

1930s, it had expanded to include party members accused of Trotskyist sympathies, military officers, and members of ethnic minorities suspected of ties to foreign powers. During the Great Purges of 1936 to 1938, the most acute phase of Stalinist repression, the NKVD operated on the basis of regional arrest and execution quotas, a bureaucratic mechanism that transformed mass terror into an administrative process. The Great Purges represented repression that broke entirely free of any residual legal constraint (Shearer). Individuals were detained not based on their actions but rather on their ability to perform such actions, or simply to meet a required quota of arrestees. The Gulag played three key roles concurrently. First, the gulag was repressive and aimed at eliminating individuals who were perceived as a threat to Soviet society. It was a deterrent. The terror of the camps was well enough known to produce compliance among those who had not yet been arrested. And it was economic. These include the building of the White Sea Canal, railway lines through Siberia, gold mines in Kolyma, and logging in the far north (Khlevnyuk). The prisoner was not only being punished; they were being economically exploited. The state had confiscated their body and labor along with their freedom.

The emphasis placed on the security of the state, ideological purity, and swift economic change made any person who stood in the way of this, whether it be through blocking collectivization, industrialization, or monopolizing the truth, into an individual who could be criminalized. This was certainly not a “legal” system. It was a political one that used legal forms like decrees, trials, and sentences as a veneer of legitimacy over what was essentially arbitrary state violence.

Communist Crimes demonstrates this quite well in its descriptions of the collective punishment of family relations (Courtois and Kramer). Families of those who were accused were either arrested, expelled from the country, or socially isolated because of nothing more than being related to the accused. It is clear from this that the actual motive behind the entire system was to go after the network. This level of repression was neither consistent nor permanent throughout the era in question; identifying its peaks would provide an important analytical tool. Repressions associated with the collectivization drive in the first half of the 1930s were one peak; repressions associated with the Purges in the second half of the 1930s were another, and even more destructive one at that; new purges of cosmopolitans and former prisoners of war occurred in the late 1940s. Each intensification mapped onto a specific political anxiety. The system was dynamic, not static, responsive to the regime's shifting perception of threat rather than to any stable legal principle.

The Stalinist Soviet Union constructed a system of criminalization and punishment that was, in its essential character, political rather than legal. Criminal categories were defined not by the nature of the acts but by individuals' perceived loyalty to the Soviet state and its ideological project. Those categories expanded and contracted in response to political pressures rather than legal reasoning. The Gulag translated these categories into concrete institutional outcomes,

functioning simultaneously as a mechanism of terror, a tool of social control, and a source of forced economic labor. What emerges from this analysis is a system in which punishment was never an end in itself. It was always an instrument in the service of a state that had placed its own perpetuation above every other value. This is the fundamental characteristic that distinguishes the Stalinist approach to crime and punishment from systems grounded, even imperfectly, in the rule of law.

Case Study III: Theocracy and the Criminalization of Religious and Moral Conduct - Saudi Arabia

Saudi Arabia is a kingdom established in 1932 by King ‘Abd al-‘Aziz Ibn Saud, a case study in a theocratic form of government, where religious authority is inseparably connected to the state’s governance structure (Guillemin-Puteaux). This period in the history of Saudi Arabia has significance in the sense that it was during this time that Wahhabism was finally established as the religion of Saudi Arabia, along with the development of criminal laws based on religion. The larger political identity of the Arabs developed during the period from 1920 to 1945 in response to the disintegration of the Ottoman Empire, the mandate system, and colonialism. In such a region, Saudi Arabia followed a different trajectory: its legitimacy was not based on secular Arab nationalism but rather on a combination of its religious ideology and military prowess (Barnett). The relationship between politics and religion in Saudi Arabia can be traced back to the 1744 agreement between Muhammad ibn Saud and Muhammad ibn Abd al-Wahhab, a partnership that led to a separation of functions between religious and political leadership. The Wahhabi religious scholars gave the ruling House of Saud religious legitimacy to govern, while the monarchs granted the scholars a monopoly over all matters of religion (Guillemin-Puteaux). This arrangement lasted through the fall of both the first and second Saudi Kingdoms and endured until the unification of the kingdom under Ibn Saud. The relationship was further entrenched in the Basic Law of Governance in 1992, issued by King Fahd, which stated, ‘The Kingdom of Saudi Arabia is a sovereign Arab Islamic state. Its religion is Islam, and God’s Book (Qur’an), and the Sunnah of His Prophet is its constitution’ (Guillemin-Puteaux). Thus, it can be said that Saudi Arabia is a monarchy characterized by the fusion of religious and political authority, with the King as head.

In the context of Saudi Arabia’s theocracy, crime is created through the overlap of morality, religion, and law (Bandar). Sharia, the Islamic law, forms the basis of Saudi criminal law and is divided into three broad categories of crimes: the hudud, qisas, and ta’zīr. The category of hudud entails those acts seen to be offenses against the rights of God and encompasses theft, robbery, adultery, slander, consumption of alcohol, apostasy, and highway robbery. Besides, the hudud crimes in Saudi Arabia also incorporate blasphemy and sodomy. Apostasy is an act of conversion to any other religion from Islam, and the law punishes this offense with death,

although no executions have been conducted lately. Blasphemy of the Muslim faith is considered to be a criminal offense as well; the punishment for which can be anything from the death penalty to imprisonment for an extensive period of time, among others. This is because such crimes are regarded as more than just offenses in their very nature, but rather something threatening the essence of the religion or social order itself (Guillemin-Puteaux). Most religious offenses in Saudi Arabia, like false prophecies, blasphemy, witchcraft, sorcery, and atheism, apart from apostasy, are punishable by the death penalty, long-term imprisonment, etc. In 2014, the country passed its counter-terrorism law, which states that anyone who calls into question the religion or justice of the King and his Crown Prince in any way and advocates the ideology of being an atheist is committing a crime against the religion of Islam (Human Rights Watch). They become part of a hierarchy of punishments and enforcements. The Saudi criminal law is scarcely documented regarding *ḥudūd*, *ta'zīr*, and *qīṣāṣ*. This means that the Saudi judiciary has always had much latitude in implementing the Islamic criminal law and precedent. In Saudi Arabia, there is no formal code to dictate penalties for offenders; instead, penalties are at the discretion of the judge and depend on how they interpret Islamic law. The types of punishments legally available to the judge and the judge's discretion include capital punishment (i.e., beheading, stoning, amputation, and whipping) for a wide range of crimes. Some examples of crimes punishable by death under Saudi Arabia's criminal law are murder, rape, theft, and robbery.

Morality and religion have been enforced in the kingdom by a combination of different government agencies. Apart from having the normal security agents, Saudi Arabia also has the secret police, Mabāḥith, as well as the religious police, the Committee for the Promotion of Virtue and the Prevention of Vice, commonly referred to as the *muttawā* (Shihadah). Although it is believed that this particular agency has its roots in the old institution of the *muhtasib* (market inspector), revived by the early Saudi state, the committee itself took its current form in 1976. The committee's objective then became the supervision of markets and public morals. It has a membership of about 3,500, together with volunteers who supervise the streets to enforce adherence to the proper dress code, complete segregation of the sexes, as well as proper attendance of prayers.

The process of imprisonment itself constitutes a tool of political control. It is estimated that there are thousands, if not more, political prisoners and prisoners of conscience incarcerated in Saudi Arabia's congested and violent prisons. Many political detainees are arbitrarily detained, abused, tortured, and held incommunicado in jail for long periods. An instance of political incarceration within Saudi Arabia can be seen in the country's maximum security al-Ha'ir prison, which belongs to the Mabāḥith and which is situated some 25 miles south of Riyadh. Certain parts of society are more susceptible to such treatment than others. Non-Muslims are not allowed to enter

the cities of Mecca or Medina; they are denied citizenship unless they convert to Islam; and any child born to a Muslim father is automatically considered Muslim (Wikipedia Contributors).

However, the laws of Saudi Arabia have changed. One example is how in 2018 and 2019 royal decrees did away with al-ḥukm bi-l-shubha and al-ta'zīr bi-l-jald. Changes in criminal law fall within the broader context of Vision 2030, which emphasizes Saudi Arabia's openness to the outside world (Abdullaeva). In 2016, the religious police lost their right to arrest and instead had to do the task of encouraging virtue and forbidding vice by offering gentle advice (Al Jazeera). The country has liberalized some laws relating to women, who can now drive, attend sports games and concerts with men, and obtain passports without seeking permission from a male guardian (Bandar). In addition, in 2020, King Salman decreed the abolishment of capital punishment for juveniles, although none of these reforms have managed to fundamentally alter the theocratic nature of Saudi Arabia. One of the unique features of the Saudi regime is that it does not have an all-encompassing criminal code, unlike other states in the Middle East. The recognition of the Quran and Sunnah as part of the Basic Law still stands (Abdullaeva). The provisions in the 2014 anti-terrorism laws that criminalize any opposition to the religion or the justice of the King and Crown Prince highlight the ongoing union between orthodox religious belief and political loyalty. This proves that even as definitions of crimes, enforcement mechanisms, and punishment systems change based on political dynamics, the core process of theocratic criminalization remains the same (Abdullaeva).

In the Saudi Arabian theocracy, the process of punishment serves a dual function: maintaining law and order and preserving religious legitimacy. The monarchy draws its religious legitimacy from Wahhabi clerics, while the clergy needs the state's power to implement laws (Guillemin-Puteaux). In contrast to liberal democracies, criminality here does not revolve around the issue of harming others or their property but is defined in terms of a threat to religious orthodoxy and political rule. Unlike many authoritarian regimes, where ideology is used instrumentally, in Saudi Arabia, a religious ideology forms the basis of criminal law. This illustrates how criminalization in a theocratic state occurs because of the integration of religious and political authority, while punishment is a mechanism to ensure both.

Conclusion

What emerges from this survey of regimes of liberal democracy, authoritarianism, and theocracy is one fact: crime is neither uncovered nor detected but produced. It is not just that the state uncovers individuals who have violated its laws; it also creates the very criteria by which such violations are measured, thereby filling its jails. In each of these cases, the nature of the prison population reflects not objective criteria of harm done but rather the regimes' fears at their most fundamental level. Racial minorities populate American prisons because America's drug laws

were written within the context of racial politics. Political dissidents fill Soviet prisons because the laws of the Soviet Union were created to eliminate the threat to regime survival. Religious minorities fill Saudi Arabian prisons because their criminal justice system is divinely integrated.

To say that all regimes construct criminality is not to say that all political orders create criminality in the same way or to the same extent or with the same ability to self-correct.

However, what remains certain is that criminal law defines permissible behavior, identifies individuals who commit acts against it, and punishes them accordingly, based on the interests of the particular regime. Thieves, dissidents, and heretics all emerge from the very same political process that labels them as such. Thus, it may be evident that the treatment and definition of criminals throughout history have been the study of power itself.

Bibliography

Abdullaeva, Madina. *Madina Abdullayeva SAUDI ARABIA: RELIGIOUS REFORM AS AN INSTRUMENT FOR MODERNIZING SOCIETY*. <https://international-affairs.uz/storage/01JSC91PVQFRY9C5RYMXR039ZX.pdf>. Accessed 26 June 2026.

AHYSP. "Saudi Arabia Laws and Punishments." *Lexology*, AHYSP, 8 July 2025, <https://www.lexology.com/library/detail.aspx?g=a204a676-be26-4136-8f4c-3f81cb049aee>.

Al Jazeera. "Saudi Arabia Strips Religious Police of Arresting Power." *Al Jazeera*, 14 Apr. 2016, <https://aje.io/6uc6g>. Accessed 26 June 2026.

Bandar, Faisal. "Religion, Culture, And Legal Reform In Saudi Arabia - The Yale Review Of International Studies." *The Yale Review of International Studies*, 29 Nov. 2024, <https://yris.yira.org/column/religion-culture-and-legal-reform-in-saudi-arabia/>.

Barnett, Michael N. "Dialogues in Arab Politics: The Creation of Arab Politics." *Columbia.Edu*, 2026, <https://ciaotest.cc.columbia.edu/book/barnett/barnett03.html>. Accessed 10 July 2026.

Celikates, Robin, and Jeffrey Flynn. "Critical Theory (Frankfurt School)." *Stanford Encyclopedia of Philosophy*, 12 Dec. 2023, <https://plato.stanford.edu/entries/critical-theory/>.

Courtois, Stéphane, and Mark Kramer. *The Black Book of Communism : Crimes, Terror, Repression*. Harvard University Press, 1999.

Cummings, André. "All Eyez on Me': America's War on Drugs and the Prison-Industrial Complex." *Faculty Scholarship*, vol. 417, Sept. 2018, https://lawrepository.ualr.edu/faculty_scholarship/227/.

Fitzpatrick, Sheila. *Everyday Stalinism Ordinary Life in Extraordinary Times Soviet Russia in the 1930S* Sheila Fitzpatrick. 1999, https://www.masterandmargarita.eu/estore/pdf/eren015_everydaystalinism.pdf.

Fuller, Richard. *Journal of Criminal Law and Criminology Morals and the Criminal Law Part of the Criminal Law Commons, Criminology Commons, and the Criminology and Criminal Justice Commons* Recommended Citation. 1942, <https://scholarlycommons.law.northwestern.edu/cgi/viewcontent.cgi?article=3103&context=jclc>. Accessed 12 July 2026.

Guillemin-Puteaux, Par Antoine. "The Religious Legitimacy of the Saudi State." *Cercle Des Chercheurs Sur Le Moyen-Orient*, 9 Oct. 2018, <https://cerclechercheursmoyenorient.wordpress.com/2018/10/09/the-religious-legitimacy-of-the-saudi-state/>.

History.com. "War on Drugs - Timeline in America, Definition & Facts | HISTORY." *History*, 31 May 2017, <https://www.history.com/articles/the-war-on-drugs>. Accessed 12 July 2026.

Human Rights Watch. "Saudi Arabia: New Terrorism Regulations Assault Rights." *Human Rights Watch*, 20 Mar. 2014, <https://www.hrw.org/news/2014/03/20/saudi-arabia-new-terrorism-regulations-assault-rights>.

Ilya Somin. "The War on Drugs as a Constitutional Failure - Constitutional Law." *Constitutional Law*, 8 Aug. 2024, <https://conlaw.jotwell.com/the-war-on-drugs-as-a-constitutional-failure/>.

Khlevnyuk, Oleg. "The Economy of the OGPU, NKVD and MVD of the USSR, 1930-1953." *Uh.Edu*, 2025, <https://www.uh.edu/~vlazarev/4389/Gulag-khlev.htm>.

Kuromiya, Hiroaki. *Joseph Stalin*. Sept. 2021, pp. 3–18, <https://doi.org/10.4324/9781003100508-2>.

Moore, Lisa D., and Amy Elkavich. "Who's Using and Who's Doing Time: Incarceration, the War on Drugs, and Public Health." *American Journal of Public Health*, vol. 98, no. Supplement_1, Sept. 2008, pp. S176–80, https://doi.org/10.2105/ajph.98.supplement_1.s176.

Nicolas, Werth. "Mass Crimes under Stalin (1930-1953) | Sciences Po Mass Violence and Resistance - Research Network." *Mass-Crimes-under-Stalin-1930-1953.Html*, 25 Jan. 2016, <https://www.sciencespo.fr/mass-violence-war-massacre-resistance/en/document/mass-crimes-under-stalin-1930-1953.html>.

NPR. "Timeline: America's War on Drugs." *NPR*, NPR, 2 Apr. 2007, <https://www.npr.org/2007/04/02/9252490/timeline-americas-war-on-drugs>. Accessed 12 July 2026.

Parisot, James. "Marx and Engels on Prisons and Capitalism." *Journal of Classical Sociology*, vol. 26, no. 1, SAGE Publishing, Dec. 2024, <https://doi.org/10.1177/1468795x241308818>.

Pascual, Ignacio Diaz. "America's War on Drugs — 50 Years Later." *The Leadership Conference on Civil and Human Rights*, 29 June 2021, <https://civilrights.org/blog/americas-war-on-drugs-50-years-later/>. Accessed 12 July 2026.

Schkade, David. "Welcome to the Prison of Modernity: Foucault's Theory of Disciplinary Power and Its Limits." *360° – Das Studentische Journal Für Politik Und Gesellschaft*, vol. 3, no. 1, 2008, pp. 28–33, <https://nbn-resolving.org/urn:nbn:de:0168-ssor-76508-2>.

Shearer, David R. "Crime and Social Disorder in Stalin's Russia [A Reassessment of the Great Retreat and the Origins of Mass Repression]." *Cahiers Du Monde Russe : Russie, Empire Russe, Union Soviétique, États Indépendants*, vol. 39, no. 1, 1998, pp. 119–48, <https://doi.org/10.3406/cmr.1998.2516>. Accessed 7 Mar. 2019.

Shihadah, Kathryn. "A View of a Theocracy: Saudi Arabia (and the US?)." *Grace-Colored Glasses*, 14 Oct. 2020, <https://www.patheos.com/blogs/gracecoloredglasses/2020/10/a-view-of-a-theocracy-saudi-arabia-and-the-us/>.

"The Black Book of Communism — Harvard University Press." *Harvard University Press*, 2025, <https://www.hup.harvard.edu/books/9780674076082>.

Weihofen, Henry. *Review of "Punishment and Social Structure," By George Rusche* *Review of "Punishment and Social Structure,."* 1939, https://openscholarship.wustl.edu/cgi/viewcontent.cgi?article=4106&context=law_lawreview.

Wikipedia Contributors. "Religion in Saudi Arabia." *Wikipedia*, Wikimedia Foundation, 6 Jan. 2020, https://en.wikipedia.org/wiki/Religion_in_Saudi_Arabia.

Willis, S. M. "War on Drugs | EBSCO." *EBSCO Information Services, Inc. | Wwww.Ebsco.Com*, 2024, <https://www.ebsco.com/research-starters/law/war-drugs>. Accessed 12 July 2026.