Assessing Deviance, Crime & Prevention in Europe

Report of the First General Conference

Louvain-la-Neuve 8th to 10th February 2007

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Table of Contents

Introduction

Assessing Crime, Deviance & Prevention in Europe - General Presentation
René Lévy ........................................................................................................ p. 5

Comparing Criminal Justice: Beyond Ethnocentricism and Relativism
David Nelken ...................................................................................................... p. 16

Assessing Crime, Deviance and Prevention in Europe. Historical Reflections
Clive Emsley .................................................................................................... p. 34

Presentations of the Work Packages

Work Package 2:
Evolutions of deviance, crime and delinquency. New challenges in Europe
Laurent Mucchielli, Pieter Spierenburg ............................................................ p. 43

Major trends in the long-term evolutions of violence
Pieter Spierenburg, Laurent Mucchielli ............................................................ p. 48

Work Package 3:
Mechanisms of Criminalisation and their Evolution in Europe - A Comparative Approach through Juvenile Justice, Immigration and Drugs Policies
Yves Cashelys, Sonja Snacken, Francis Baillean, Maria Luisa Césoni, François Sicot ................................................................. p. 53

Work Package 4:
Perceptions of Crime and Insecurity in Europe
André Lemaître .................................................................................................. p. 62

Perceptions of Crime and Insecurity: Urban Policies in an Era of Hyperactivity and Ambiguity
Adam Crawford .................................................................................................. p. 66

Work Package 5:
New Challenges of Crime and Deviant Behaviours: Informal Economy and Organized Crime in Europe
Joanna Shapland, Paul Ponsaers ........................................................................ p. 81
Informal Economy and Organized Crime in Europe: Comment on Shapland and Ponsaers
Thierry Godefroy ................................................................. p. 100

Crime, Deviance and the Informal Economy. Comment on Shapland and Ponsaers
Barbara Harriss-White ........................................................... p. 103

Work Package 6:
Public Policy and Social Cohesion in Europe
Hugues Lagrange ................................................................. p. 112

Modernisation of Institutions of Social and Penal Control in Europe: New Ideas and Models of Crime Prevention
Dario Melossi, Rossella Selmini ..................................................... p. 126

Work Package 7:
Surveys, Statistics, Evaluation. Methodology and Good Practices
Amadeu Recasens i Brunet, Philippe Robert, Renée Zauberman ......................... p. 144

Conclusion: The partnership between cities and research
Michel Marcus ................................................................. p. 156

Appendix

Conference Programme ........................................................... p. 160
List of Participants ................................................................. p. 162
Introduction

Assessing Crime, Deviance & Prevention in Europe - General Presentation

René Lévy

CRIMPREV (Assessing Deviance, Crime and Prevention in Europe)1 is a Coordination Action that will be implemented over a 36 months period by an interdisciplinary consortium of 31 participants from 10 European countries. Most of these participants have a previous experience in European cooperation through their participation in 3 existing networks (GERN, IAHCCJ, EFUS).

The project provides an opportunity for researchers, academics and decision-makers to go beyond previous cooperation and unite their resources to produce a European comparative assessment of the issues listed in the Second Call, Priority 7, FP6, Area 6.2.3: factors of deviant behaviours; processes of criminalisation; perceptions of crime; links between illegal or socially deviant behaviour and organised crime; and public policies of prevention. A work package will be devoted specifically to assessing existing methods and tools for the measurement of crime and fear of crime and providing all stakeholders with good practice guidelines (WP7). A first general conference (WP1) will aim at updating the state of the art on a European scale, as a point of departure for the thematic work packages. It will also identify and discuss methodological difficulties of comparative research. A concluding conference (WP8) presents the European added-value accrued by the Coordination Action over its 3 years and discuss future projects.

1. Project objectives

The project aims at producing comparative, European added value based on knowledge accrued within national frameworks about social, political, economic, legal and cultural factors conducive to socially deviant behaviour and crime, their perception among the public and the public policies pertaining to these phenomena.

Little is known about the variety of situations, policies and scholarly analyses within the European Union. Each State generally tends to confine itself to mostly single/national

references, and the Commission itself seems at times to have some difficulty in acknowledging the variety of analyses across the European scene. Researchers themselves find it difficult to get an overview of the diversity of national scientific productions, in spite of efforts by the various scientific networks.

It is this diversity itself that we feel should be used if we are to “integrate and strengthen the European Research Area”, as called for in the FP6. Indeed, it makes the European Union a natural laboratory for comparative work, which may be used to produce added value in scholarship.

The project defines four objectives:

I. The production of scholarly added value by the systematic use of comparisons within the European Union, thanks to the great variety of situations in the different member countries, which represents a sort of natural laboratory. These comparisons will be organised along the various issues listed in the call under the § 6.2.3 Crime and Criminalisation, a specific WP being devoted to each issue: (a) the factors of deviant behaviours (WP2); (b) perceptions of crime and feelings of insecurity (WP3); (c) the causes and consequences of criminalisation (WP4); (d) the relationship between deviance and organised crime (WP5); (e) crime prevention and social integration policies (WP6).

II. The dissemination of the scholarly added value produced, (a) within the Consortium; (b) more widely, within the scientific community; (c) among officials at different governmental levels throughout Europe; and (d) to the various stakeholders in these subjects (media actors, NGOs, the private security sector or others). The dissemination policy of this Coordination Action plans for tools (a website; a newsletter, or booklets, on line or paper) specially adapted to the needs of officials and practitioners. This will be implemented through specific means devoted to these various audiences (website, targeted newsletters, academic publications etc…).

III. The development of an interdisciplinary scientific network susceptible of: (a) gradually integrating competent centres in different countries, starting from a solid core group. A specific emphasis will be put on integrating recent EU member and candidate countries, with the aim of fostering partnerships and helping consolidate research on socially deviant behaviours and prevention; (b) establishing relevant scholarly cooperation with centres located outside the European Union. All of the networks involved in this project (GERN, EFUS, IAHCCJ) have had long-standing relationships with institutions and colleagues from other continents. For instance, GERN has several associate member centres in Canada and Brazil; EFUS has links with Argentina and Africa; IAHCCJ, through its journal and conferences, has a wide network of academics specialising in criminal justice history in numerous countries outside Europe. Participant centres and academics have their own partnerships with many countries within and outside the EU. Many of these will be invited to take part in the project's workshops and seminars.

IV. The provision, for officials at various governmental levels, of methodological skills. The provision, for officials at various governmental levels, of methodological skills bearing on assistance in decision-making, measurement of facts and evaluation of public policies, in order to contribute to the work of monitoring
centres at supra-national, national or infra-national levels. This will be mainly achieved through WP7 Methodology and Good Practice Guidelines, the results of which are specifically aimed at decision-makers. The drafting of guidelines regarding the use of victimisation and fear of crime surveys, self-reported delinquency surveys, criminal statistics and prevention policies will be critical in this respect.

The project will be used as a basis for constructing a lasting network, by federating and extending the pre-existing elements.

2. Scientific Objectives

WORK PACKAGE 1: First General Conference
The comparative perspective of the coordination action would bring together researchers in different social sciences to exchange and strengthen scientific knowledge in this field. The main objective of the first general conference is to present an overview and an updated state of the art of ongoing research topics, problems and themes of the participating national research communities, which will then form a basis for further seminars and colloquiums on the specific topics described in the other work packages.
A second objective of this conference addresses methodological and epistemological questions of comparative research. Political, cultural and social conditions are the basis for the development of different national research traditions, but also for the different approaches and languages through which the main issues in the field of crime and criminalisation and its related problems are discussed. The aim of this conference is to set in motion a process for developing shared understanding of the problems relevant to the construction of central topics of crime, criminalisation, social integration, insecurity and conflicts, along with their underlying factors.

**WORKPACKAGE 2: Factors of Deviant Behaviours**

This work package will address the evolution of deviant and delinquent behaviours across roughly two centuries (19th-21st centuries), in order to bring out the different factors involved in these behaviours through historical and geographical comparisons (between European countries and between regions within those countries).

**WORKPACKAGE 3: Criminalisation**

This work package on “criminalisation” will study the impact of three major socio-political, economic, media-related, cultural and legal factors on perception of crime and its redefinition in Europe, through comparative studies of criminalisation processes and their evolution in some specific fields. The three factors chosen are the influence of welfare policies and their evolution: the role of public opinion refracted by the mass media and the “comeback of the victim”; rising emphasis on human rights. The role of these factors will be analysed through the study of trends in three specific arenas of criminalisation: criminalisation of juveniles; (de)criminalisation of the use and possession of drugs; criminalisation of aliens (with special emphasis on the problem of Gipsies). These three fields were chosen for several reasons: they are obviously influenced by particularly important criminalisation factors; they are frequently tied to the issue of insecurity; they are the object of political and scientific debates throughout Europe; they affect large strata of marginalised or vulnerable groups; all three oscillate between the criminalisation of acts and of “conditions”; they are susceptible of gender-related differentiations; they lend themselves to an interdisciplinary approach (including sociology, law, criminology, anthropology and history).

**WORKPACKAGE 4: Perceptions of Crime**

Seminars in this work package aim at assessing the state of the art as to perceptions of crime and insecurity. The knowledge accumulated in different parts of the European Union, set in perspective (including a socio-historical perspective) will be used for a better understanding of the impact, in terms of quality of life and social cohesion (discrimination, social segregation) and the development of fear/concern about crime in different parts of Europe. The broader characteristics possibly influencing fear/concern will be explored (for example, in terms of the evolution of informal social control, greater public expectations, transformations in European societies); special attention will be paid to media treatment of criminal justice questions.

**WORKPACKAGE 5: Informal economy**

This work package aims at exploring the interaction between crime, socially deviant behaviour and organised crime, particularly in relation to those who participate in such activities or are drawn into them. Key aspects will be:
- participation in the informal economy (both breaches of regulations and illegal activity);
- the links between particular manifestations of the informal economy and organised crime - as provider of key infrastructure (e.g. places for prostitution), services/personnel (trafficking in human beings, banking services for illegal activities or terrorism), enforcers and high level cross-national traders (e.g. major drug importation);
- research showing how those participating tend to come from marginalised groups?
- specificity of social networks and local economic activity, enabling comparative study across Europe;
- geographical links with migration routes/trafficking routes/ethnic group and family ties;
- the consequences of different national, regional and local social and criminal law policies on the forms of criminal activity regulated and accordingly, the groups of people most affected;
- whether there are different activities and therefore different criminalisation potentials for women and men;
- connections with the trend toward more informal patterns of working ('portfolio' jobs, subcontracting).

**WORKPACKAGE 6: Public Policies of Prevention**
The seminars in this workpackage aim at defining the state of the art with respect to the social dimensions of public policies and their impact on crime, and identifying action specifically relevant to crime prevention. The topic addressed will be how typically European trends with respect to institutions and social policies - employment and integration into the labour market, education, health and immigration - tend to interact with criminal justice institutions and action schemes. At the end of the seminar we hope to have determined the degree to which a European identity exists with respect to responsibility-sharing between the private and public, regional, national and European levels.

**WORKPACKAGE 7: Methodology and Good Practices Guidelines**
The objectives assigned to this workpackage are: (a) the achievement of a state of the art for methodology, covering the most important tools for measuring deviant and criminal behaviours and the perception thereof, and the evaluation of public prevention policies; (b) on the basis of these assessments, the definition of rules on how to proceed, for officials at different levels of government including local levels; (c) the improvement of the research potential by the unification of methods, enabling cross-European comparative research; and (d) the dissemination of guidelines for good practices in prevention policy evaluation for officials at different governmental levels as well as for evaluators.

**WORKPACKAGE 8: Second General Conference**
The second general conference has two objectives:

1. To determine the European added value accrued by the coordination action. It will show: (a) how the action was instrumental in improving the state of knowledge in
Europe; (b) how it helped to structure the scientific community concerned with this particular theme; and (c) what working tools it has produced for scientific and non-scientific audiences.

2. Mapping out future prospects for the consortium, in the framework of FP7 in particular.

3. List of Participating Institutions

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1 There is no partner n°22 in the project.
### 4. Calendar of Events

#### 2006

- **5-6 July 2006**: WP7 - “General Preparatory Meeting” - Resp.: Ph. Robert (CESDIP - CNRS), R. Zauberman (CESDIP - CNRS), A. Recasens I Brunet (GENCAT)
- **20-22 September 2006**: WP5 - Buxton (UK) - Seminar “Informal Economy” - Resp.: J. Shapland (University of Sheffield)
- **14 December 2006**: WP10 - Paris (France) - “Steering Committee” - Resp.: R. Lévy (CNRS - GERN)

#### 2007

- **19-20 January 2007**: WP2 - Rotterdam (Netherlands) - Workshop “Evolution of Violence” - Resp.: P. Spierenburg (Erasmus Universiteit), L. Mucchielli (CESDIP - CNRS)
- **6-8 February 2007**: WP2 - Brussels (Belgium) - Workshop “Property Offences” - Resp.: R. Zauberman (CESDIP - CNRS), X. Rousseaux (Université Catholique de Louvain)
* 8-10 February 2007: WP1 - Brussels (Belgium) - First General Conference - Resp.: A. Groenemeyer (HFS Esslingen), X. Rousseaux (Université Catholique de Louvain)

* 20-21 April 2007: WP3 - Brussels (Belgium) - Seminar Preparatory Meeting. Resp.: S. Snacken (Vrije Universiteit Brussels)

* 14-15 March 2007: WP7 - Barcelona (Spain) - Preparatory meeting Workshop 2 “Surveys of self-reported crime” - Resp.: Ph. Robert (CESDIP-CNRS), A. Recasens I Brunet (GENCAT)

* 15-16 March 2007: WP4 - Hamburg (Germany) - Seminar “Public Perceptions of Crime and Insecurity” - Resp. K. Sessar (Universität Hamburg)

* 15-17 March 2007: WP7 - Barcelona (Spain) - 1st Workshop “Surveys of victimisation and insecurity” - Resp.: Ph. Robert (CESDIP-CNRS), A. Recasens I Brunet (GENCAT), R. Zauberman (CESDIP-CNRS)

* 1-2 June 2007: WP4 - Esslingen am Neckar (Germany) - Seminar “The Role of Social and Cultural Transformations in Constructing Contemporary Insecurities” - Resp.: A. Groenemeyer (HFS Esslingen)

* 7-8 June 2007: WP6 - Leeds (UK) - Workshop “Comparative Models of Crime Prevention and Delivery: Their Genesis, Influence and Development” - Resp.: A. Crawford (University of Leeds)

* 4-6 July 2007: WP5 - Ghent. - Seminar on “Informal economy and it interaction with organized crime” - Resp.: P. Ponsaers (University of Gent)

* 6-7 July 2007: WP2 - Lille (France) - Workshop on “Evolution of substance abuse” - Resp. D. Duprez (CLERSÉ - Université de Lille)

* 24-25 September 2007: WP 10 - Bologna (Italy) - Steering Committee and Consortium Assembly of the project. Resp.: R. Lévy (CNRS - GERN)

* 12-13 October 2007: WP4 - Ljubljana (Slovenia) - Seminar “The media and insecurity” - Resp.: G. Meško (University of Maribor)

* 19-20 October 2007: WP3 - Toulouse (France) - “The criminalisation of foreigners” Meeting 1 - Resp.: F. Sicot (Université de Toulouse-le-Mirail)

* 19-20 October 2007: WP3 - Zaragoza (Spain) - “Criminalisation of minors and its evolution: the interplay of sanctions”. Meeting 1 - Resp. M.-J. Bernuz Beneitez (University of Zaragoza)

* 26-27 October 2007: WP3 - Brussels (Belgium) - “Possession and use of drugs, between criminalisation and decriminalisation”. Meeting 1 - Resp. M. L. Cesoni (Université Catholique de Louvain)

2008

* 16-18 January 2008: WP5 - Bologna (Italy) - Seminar “Migration, ethnic and gender links to the informal Economy”. Resp.: D. Melossi (University of Bologna)

* 16-17 January 2008: WP7 - Preparatory meeting of Workshop 4 (Comparison of police statistics and victimisation surveys). Resp.: Ph. Robert (CESDIP-CNRS), R. Zauberman (CESDIP-CNRS)
* 17-19 January 2008: WP7 - 2nd Workshop on Self-reported Delinquency Surveys. Resp.: Ph. Robert (CESDIP-CNRS), R. Zauberman (CESDIP-CNRS)


* 7-8 March 2008: WP3 - Possession and use of drugs, between criminalisation and decriminalisation. Lille (France). Meeting 2. Resp.: M.-S. Devresse, D. Duprez (Cleresé - Université de Lille)

* 13-15 March 2008: WP3 - The criminalisation of foreigners - Meeting 2. Resp.: S. Palidda (Unige)

* 3-5 April 2008: WP5 - Seminar “The informal economy, organised crime and nation state policies and legislation”. Maribor (Slovenia)

* April 2008: WP4 - Liége (Belgium) - Seminar - Resp. A. Lemaitre (ULG)

* May 2008: WP6 - Bologna (Italy) - Workshop - Resp. D. Melossi (University of Bologna)

* May 2008: WP2 – Bordeaux (France) - Workshop “Evolution of deviance and crime in connection with conflicts between social groups and communities and between these and the State” - Resp. D. Lapeyrronnie (Université de Paris)

* 16-18 May 2008: WP7 - Paris (France) - 3rd Workshop “Evaluation of public policies” - Resp.: Ph. Robert (CESDIP - CNRS), R. Zauberman (CESDIP-CNRS)

* 9-10 July 2008: WP7 - Paris (France) - Discussion meeting on the Workshop 2 report “Surveys of self-reported crime” - Resp.: Ph. Robert (CESDIP - CNRS), R. Zauberman (CESDIP-CNRS)

* 10-13 July 2008: WP7 - Paris (France) - 4th Workshop “Comparison of police statistics and victimisation surveys” - Resp.: Ph. Robert (CESDIP - CNRS), R. Zauberman (CESDIP-CNRS)

* 21-22 July 2008: WP2 - Keele Univ. (UK) - Workshop “Criminal Careers” - Resp.: S. Farral (University of Sheffield)

* September 2008: WP4 - Seminar - Resp.: A. Crawford (University of Leeds)

* September 2008: WP5 - Seminar - Rotterdam

* September 2008: WP10 - Steering Committee - Resp. René Lévy (CNRS - GERN)

* October 2008: WP3 - “Criminalisation of minors and its Evolution: the interplay of sanctions”. Meeting 3 - Resp.: Th. Papatheodorou (UOP)

* October 2008: WP3 - “Possession and use of drugs, between criminalisation and decriminalisation”. Meeting 3 - Resp.: De la Cuesta (UPV)

* October 2008: WP3 - “The criminalisation of foreigners”. Meeting 3 - Resp.: F. Brion (UCL)

* December 2008: WP2 - Workshop “Evolution of disorders and violence at school” - Resp.: C. Carra (CESDIP-CNRS), M. Esterle-Hedibel (CESDIP-CNRS)
* December 2008: WP4 - Porto (Portugal) - Seminar - Resp.: C. Da Agra (University of Porto), S. Body-Gendrot (CESDIP)

* December 2008: WP6 - Workshop “Private and public roles in delinquency prevention” - Resp.: G. Meško (University of Maribor)

2009

* February 2009: WP6 - Workshop - Resp.: A. Franssen (FUSL)

* 4-5 February 2009: WP7 - Paris (France) - Discussion meeting on the Workshop 3 report “Evaluation of public policies” - Resp.: Ph. Robert (CESDIP-CNRS), R. Zauberman (CESDIP-CNRS)

* 5-6 February 2009: WP7 - Paris (France) - Discussion meeting on the Workshop 4 report “Comparison of police statistics and victimisation surveys” - Resp.: Ph. Robert (CESDIP-CNRS), R. Zauberman (CESDIP-CNRS)

* April 2009: WP10 - Consortium Assembly - Resp.: R. Lévy (CNRS-GERN)

* May 2009: WP6 - Workshop - Resp.: H. Reinke (Universität Hamburg)

* June 2009: WP8 - Second General Conference - Resp.: C. Emsley (Open University), R. Lévy (CNRS-GERN)

CONTACTS

René LÉVY, Scientific Coordinator of the Project - rlevy@cesdip.com

Daniel VENTRE, Secretary General of the GERN - daniel.ventre@gern-cnrs.com
Comparing Criminal Justice: Beyond Ethnocentricism and Relativism

David Nelken

Each man calls barbarism, whatever is not his practice... for we have no other criterion of reason than the example and idea of the opinion and customs of the country we live in (Montaigne)\(^3\).

Introduction

I am delighted to be giving this keynote talk on comparative criminology to such an accomplished group of colleagues from whom I have learned so much. I had the pleasure of commenting recently on a magisterial seminar by Phillipe Robert, the founder of the GERN network, when my University, the University of Macerata, awarded him an honourary degree. I have helped to publish, edited or contributed to work by many of the well-known scholars recruited to this collaborative research group including René Lévy the current director of GERN. I have 'presented' an innovative criminological textbook by my colleague Dario Melossi in Bologna's town square, and so on. I suspect that one reason I may have been asked to give this opening talk was that I was one of the few European comparative criminologists not actually participating in any of the projects! All this means that it is more than normally difficult to find something to say that you do not already know.

I should make it clear at the outset that I have no intention of telling you what you should be doing in your various researches. I am not trying to argue that the type of qualitative approach to comparative work that I favour,\(^4\) and that I shall try to illustrate today, is the only one that can be defended. Nor do I think that we can dispense with quantitative research. In any case, all of you- and not least those who engage primarily in historical enquiry-are well aware of the need for careful interpretation of the meaning of what goes on in different systems of criminal justice. What I do want to do is to try and relate questions of method to what I shall call the politics of comparison. I shall seek first to explain why, whatever the purpose of their comparisons, comparative researchers have to face up to the challenges of avoiding ethnocentricism and relativism. I shall then illustrate my argument with reference to a recent comparative study by Cavadino and Dignan of differences in punitiveness. Finally, I shall contrast what they tell us about Italy with a competing interpretation of three unusual features of criminal justice there.

On ethnocentrism, relativism, and the politics of comparison

With all that it takes to organise and carry out ambitious endeavours in comparative criminology, such as the one engaged in here, it is often tempting to put the most basic

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\(^3\) Montaigne, 1580, quoted in Geertz, 1984, 265.  
questions to one side. What are we trying to achieve? What is the best way to achieve it? How do we grasp 'difference' and what do we do with it when we have found it? There are of course any number of reasons for studying comparative criminology and comparative criminal justice, and these may influence the priority given to classifying, describing, explaining, or interpreting different social and cultural responses to deviance. On the one hand (or at one stage of enquiry), what is sought may have more to do with the sheer intellectual excitement of discovering what others do, or have done, about uncovering deviance and making social order. On the other hand (or at another stage), our goals may have more to do with practical purposes geared to learning from, borrowing, or imitating other approaches - or spreading our own practices elsewhere.

But perhaps the theoretical and practical goals of comparative work are not so easily kept apart. How much do the practical goals of comparison affect the approach we take and the methods we use, and how far should they? Considerable progress is currently being made, for example, in trying to make different national penal statistics comparable. This is usually presented as a neutral activity intended only to provide the raw materials for sensible comparisons. But could this work also be part of a strategy to bring about more similarity - or, at least, could this be its result? Can there be, and should there be, universal, or at least European-wide standards in criminal justice? Certainly, after a slow start, the European Union has begun to seek ways to coordinate common responses to various crimes ranging from those which affect its budget, the threats from transnational organised crime and terrorism (as well as the much more ambiguous challenge of unregulated immigration), to the overcoming of racial hatred. Principles which affect the sphere of criminal justice, such as the requirement to ban capital punishment, also form part of the conditionality attached to candidate nations who wish to become members of the Union. In addition, the European Court of Human Rights at Strasbourg is active in dealing with cases involving breaches of its minimal standards in criminal procedure, including accusations of torture, the right to a fair hearing, and to trial in a reasonable time.

When it comes to ongoing projects for unifying European private law there is at least some critical literature asking whether this is possible or desirable (Legrand, 1996, 2001). But there is less sophisticated debate about harmonising criminal justice (resistance tends to be based on seeking to preserve one's own approach just because it is one's own approach). To enrich such a debate we would need good scholarly work which can show how different practices may make sense in different contexts, and what may be lost as well as gained by changing such practices. A contribution of this kind could be made by many of the projects forming part of this collaborative research - whether they have to do with assessing and evaluating the role of the informal economy, exploring different ideas about crime prevention, or deciding what is meant by the pursuit of inclusive policy-making.

If comparative criminal justice is to be useful in this way it must enable us to learn something new and not merely reinforce what we already think about how things do go together and should go together. But how do we decide whether or not different practices are appropriate - for those concerned - or for us? To achieve this we need to avoid ethnocentricism - the assumption that what we do - our way of responding to 'crime' problems - is necessarily right for everyone. But at the same time we do not want to fall into the trap of relativism the attitude that there cannot be any absolutely 'right' way to respond to deviance and whatever people do is right for them. 5 Although these matters

5 For lack of space I cannot deal here with a whole range of philosophic issues - including the need to distinguish different types of relativism and the relationship between ethnocentricism, relativism and universalism. This paper in any case will be concerned mainly with the problem of ethnocentricism.
have been discussed before by criminologists\textsuperscript{6} it is hard to find good illustrations of how they can affect our practice in comparative enquiries.\textsuperscript{7}

If the politics of comparison has received so little attention this may be because scholars imagine it to be a non-issue. Far from being ethnocentric or relativistic, criminologists freely concede that local contexts do not always have the best practices. They try to learn and spread general lessons, both about what to do and what not to do. In particular, many scholars are currently highly critical of many criminal justice practices in the United States and, worried more generally about the way neo-liberal political economy is re-shaping the response to deviance and marginality\textsuperscript{8}. Whatever may be said about the alleged end of the meta-narratives of modernity, criminology seems one of the few universalising projects that can hold its own. Like the study of human rights- to which it is, and will be increasingly, linked - it takes ever more space in political projects and university curricula that focus on the society of risk and the (often self-defeating) search for individual security. And it has helped fuel the rise of 'the victim' movement- both in domestic criminal justice and as the justification for international criminal law.

Yet (as with all prejudices) it can be much easier to appreciate others' ethnocentrism than to see one's own. Are we really sure we have the skills to 'learn' from others, rather than 'use' them as foils against which to advance and 'prove' what we already know and value. In the actual practice of comparison it is inevitable that our perception of others will be coloured to some extent by our own cultural starting points, even where we are trying to learn from them. And criminologists also have their own cultural common sense. We tend to argue that the rise in crime rates is exaggerated by the media and politicians, that we should avoid creating more deviance by over-reacting, that the availability of work and decent housing are more important than whatever can be delivered by criminal justice. In the face of the changes being brought about by neo-liberalism we plead instead for policies based on inclusion, solidarity, tolerance, respect for difference and, not least, we recommend listening to the professionals rather than seeking easy popularity. There may be little to quarrel with in these claims. But when our study of other places simply confirms what we have always thought can we be sure that we have successfully grasped what can be learned from reflection on the similarities and differences of different contexts? What is the relationship between such vehicular truths about crime control and the varieties of local vernacular?

It may be helpful here to return to a famous address given by the cultural anthropologist Clifford Geertz 20 years ago. At a time of widespread attacks on the alleged nihilistic implications of relativism, Geertz summarised the fears of the two camps as follows. Anti-relativists were concerned about what Geertz called \textit{spiritual entropy} - if everything is significant then all in insignificant, anything goes and understanding everything is forgiving everything. By contrast, the relativists were worried that our perceptions will be dulled, our intellects constricted, and our sympathies narrowed by the over learned and overvalued acceptances of our own society (Geertz, 1986, 265) Geertz responded to these concerns by saying he was an \textit{anti-anti-relativist} i.e. that he was neither a relativist nor an anti-relativist, but that he was against those who were \textit{anti-relativists}. For Geertz the dangers of provincialism were more real than

\textsuperscript{6} For relevant discussions of relativism in comparative criminology see e.g. Beirne, 1983; Leavitt, 1990; Cain, 2000; Sheptycki, Wardak, 2005.

\textsuperscript{7} I shall not have space here to discuss the connections between relativism, explanation and interpretation. But, as my previous work (Nelken, 1994) should have made clear, and this paper will confirm, it is quite mistaken to attribute to me the idea that using the interpretative approach in social science implies a commitment to relativism (Pakes, 2004, 23).

\textsuperscript{8} For example, for her forthcoming Hamlyn lectures, Nicola Lacey has announced that she intends to use examples from Europe to show that UK needs to and can become less punitive- itself a response to what many consider the undue influence of the USA.
the risks of relativism. His intervention was therefore intended to keep a place open for discovering surprising practices in different societies. But he insisted that recognising differences did not mean that people (including anthropologists) thereby felt any less commitment to the things they held dear. There was no justification for assuming that relativism means that anything goes.

Whilst largely agreeing with Geertz, I would argue that, by the same token, this means that we also need to be anti-anti-universalists. Our goal should be to contribute to a continuing debate about what it is right to do in responding to offenders in the light of varying criminal justice practices. At the same time as recognising that such practices do and must relate to local circumstances we must also be open to the possibility that they are and can be evaluated using more cosmopolitan criteria. When 'solutions' to social problems are limited to those that can be developed from the same culture that produced the problems in the first place they are likely to share some of the same flaws - hence the interest in genuinely learning from elsewhere. So we should not abandon the hope of finding best practices, even as we examine the range of vernacular forms of criminal justice. But we also need to remember that there is no point in looking for best practices if we are already sure what they are.

As an example which may help to give substance to these somewhat abstract remarks, take the currently renewed interest in establishing and spreading (trans-cultural) knowledge of 'what works' in responding to crime (Sherman et al., 1997). This represents a valuable attempt to reverse the unwarranted, and partially unintended, pessimism induced by the earlier slogan that 'nothing works'. But universal remedies may not be appropriate for local ills. This approach also often gives insufficient attention to what different cultures mean by 'working' (especially in reference to the procedures of criminal justice) - as well as for whom crime prevention and criminal justice is supposed to work. In the USA, as well as in cultures such as the UK or the Netherlands, a practical and pragmatic approach to crime - involving more efficiency, better management and more attention to costs and benefits - is typically seen as the best way for resolving problems. But in Italy, on the other hand, the idea of a 'managerial' approach to criminal justice is one that still finds little favour, and is thought by many to be something that can potentially interfere with the proper functioning of legal procedures. The word 'pragmatic itself' - like compromise - has much less of a positive colouring, signifying more than anything else a lack of principle. This shows that it can sometimes be difficult even to find the words to formulate best practice in any other terms than local ones.

And what of the potential problems that can be caused by pragmatism itself? As the late American philosopher Sidney Morgenbesser liked to quip, pragmatism works in theory but not in practice. Even if we agree that pragmatism has its place, what is its place? Can we be pragmatic about when not to be pragmatic? What would that mean? In any case the conviction politics that lie behind many criminal justice initiatives in allegedly pragmatic countries have little that is pragmatic (Brownlie, 1998). Are we really being pragmatic in the UK and USA about reducing crime if punishment keeps going up despite crime actually going down? As Morgenbesser warns us, once pragmatism becomes a principle it easily contradicts itself.

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9 It may be enough to mention the attention given in such exercises to the need to strengthen dysfunctional families as a way of reducing crime. But mafia families (like those of corrupt politicians) seem to suffer if anything from too strong family ties. The daughter of Toto Riina (the last head boss but one of the Sicilian Mafia) was the respected class representative in her school. More generally, what I term 'globalising criminology' can be criticised for taking its local verities about what represents an effective criminal justice system to be universal ones. See Nelken, 2003, commenting on Newman ed., 1999.
Explaining punitiveness and leniency

The issues raised so far are not the ones typically discussed by the mainstream literature on comparative criminal justice as it tries to make sense of variations in punitiveness. But perhaps they should be. This literature too, I would argue, tends to have more answers than questions. I will take as an example a recent pioneering, and deservedly praised, comparative book on penal systems by Michael Cavadino and James Dignan (2006a), as well as a paper by them that formulates its main thesis (2006b). The authors seek to explain the different rates of imprisonment in twelve modern industrial societies. These they divide into what they call neo-liberal, conservative corporatist, social democratic, and oriental corporatist. They explain that neo-liberal societies have the highest prison rates because they follow social and economic policies which lead to exclusionary cultural attitudes towards our deviant and marginalised fellow citizens (Cavadino, Dignan, 2006a, 23; 2006b, 447). Both corporatist and social democratic societies, on the other hand, are said to pursue more inclusive economic and social policies that give citizens more protection from unfettered market forces and to see offenders as needing resocialisation which is the responsibility of the community as a whole (Cavadino, Dignan, 2006a, 24; 2006b, 448).

This summary does not claim to do justice to the originality, richness and subtlety of Cavadino and Dignan’s contribution to comparative criminal justice. My concern here is mainly with the question of how far they manage to make us rethink our approaches to punitiveness and leniency as opposed to reinforcing us in what we already know and value. For lack of space I shall not be able to say much about other aspects of their argument. But it is worth noting that there does seem to be a crucial and telling equivocation between claiming that imprisonment is less where the state uses its resources (instead) for welfare provision, and the somewhat different proposition that it will be less the more the state delegates the tasks of social control to corporatist or other groups.10

There is also inevitably a trade-off to be made in any enquiry between breadth and depth. The authors themselves recognise the danger of forcing twelve different countries into the procrustean bed of their overall argument about the nefarious effects of neo-liberalism. Their book therefore adds chapters about each of the countries co-authored with insiders from the places concerned.11 But it is questionable whether their overall synthesis is as much of a success as they hope. Cavadino and Dignan argue that the further factors they have uncovered about each country can be assimilated successfully into the broad church of our general radical pluralist explanatory framework (2006a, 36). But they also acknowledge what they call the ‘relative autonomy’ of the penal from any particular combination of factors (id.) and concede that however many facts we incorporate into our theory, it will still not give us the whole story. Individual nations can be as quirky and esoteric as individual human beings (id.) But, as we shall see, more needs to be said about the relationship between the factors they highlight and the ‘quirky and esoteric details’ that they assume are unassimilable. From what perspective are such details quirky and esoteric? I shall be arguing here that these details are of the essence and that they can nonetheless be assimilated into more general perspectives.

10 This ambiguity is particularly troublesome when, as with Italy, we are dealing with a ‘corporatist’ society where much of the official legitimation of state criminal justice is formulated in terms of not leaving offenders to the mercies of civil society- and especially not to those corporations competing with the state (Ferrajoli, 1989).

11 Whilst their attempt to involve local experts has much to recommend it, it also has its drawbacks. Relying on one insider to fill in historical and cultural details is risky, but in fact their chapter on Italy mixes accounts offered by different authors with different political positions and approaches, who are writing about different periods.
As my running illustration in commenting on Cavadino and Dignan's approach I shall discuss the way they locate Italian criminal justice in their wider framework. As my abridgement of the classificatory table in their book shows, Italy is treated as an example (albeit not the archetypical example) of what they call conservative corporate societies.

**POLITICAL ECONOMY AND PUNISHMENT**

<table>
<thead>
<tr>
<th>SOCIO-ECONOMIC AND PENAL INDICES</th>
<th>NEO-LIBERALISM</th>
<th>CONSERVATIVE CORPORATISM</th>
<th>SOCIAL DEMOCRATIC CORPORATISM</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>ECONOMIC AND SOCIAL POLICY ORGANIZATION</strong></td>
<td>FREE MARKET, MINIMALIST OR RESIDUAL WELFARE STATE</td>
<td>STATUS-RELATED, MODERATELY GENEROUS WELFARE STATE</td>
<td>UNIVERSALISTIC, GENEROUS WELFARE STATE</td>
</tr>
<tr>
<td><strong>SOCIAL INCLUSIVITY/EXCLUSIVITY</strong></td>
<td>PRONOUNCED TENDENCY TOWARDS SOCIAL EXCLUSION, GHETTO-FORMATION, ETC</td>
<td>SOME EXCLUSION IN FORM OF LIMITED PARTICIPATION IN CIVIL SOCIETY FOR SOME</td>
<td>VERY LIMITED TENDENCY TOWARDS ‘SOCIAL EXCLUSION’</td>
</tr>
<tr>
<td><strong>POLITICAL ORIENTATION DOMINANT PENAL IDEOLOGY</strong></td>
<td>RIGHT-WING</td>
<td>CENTRIST</td>
<td>LEFT-WING</td>
</tr>
<tr>
<td><strong>MODE OF PUNISHMENT</strong></td>
<td>‘LAW AND ORDER’</td>
<td>REHABILITATION</td>
<td>RIGHT-BASED</td>
</tr>
<tr>
<td><strong>IMPRISONMENT RATE</strong></td>
<td>EXCLUSIONARY</td>
<td>MIXED</td>
<td>INCLUSIONARY</td>
</tr>
<tr>
<td><strong>ARCHETYPAL EXAMPLES</strong></td>
<td>HIGH</td>
<td>MEDIUM</td>
<td>LOW</td>
</tr>
<tr>
<td><strong>USA</strong></td>
<td>GERMANY</td>
<td>SWEDEN</td>
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</tr>
<tr>
<td><strong>ENGLAND AND WALES, AUSTRALIA, NEW ZEALAND, SOUTH AFRICA</strong></td>
<td>FRANCE, ITALY, NETHERLANDS</td>
<td>FINLAND</td>
<td></td>
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12 This is a modified version of Cavadino and Dignan's table 1:1 (2006b, 15). The original includes differences in income and status differentials and citizen-state relations.
Their table of comparative prison rates goes on to show that Italy, like the other conservative corporatist countries, has a medium level of imprisonment, intermediate between neo-liberal and social democratic countries (with Japan as the outlier in leniency).

### POLITICAL ECONOMY AND IMPRISONMENT RATES

<table>
<thead>
<tr>
<th>NEO-LIBERAL COUNTRIES</th>
<th>IMPRISONMENT RATE (PER 100,000 POPULATION)</th>
</tr>
</thead>
<tbody>
<tr>
<td>USA</td>
<td>701</td>
</tr>
<tr>
<td>SOUTH AFRICA</td>
<td>155</td>
</tr>
<tr>
<td>ENGLAND AND WALES</td>
<td>115</td>
</tr>
</tbody>
</table>

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<thead>
<tr>
<th>CONSERVATIVE CORPORATIST COUNTRIES</th>
<th>IMPRISONMENT RATE (PER 100,000 POPULATION)</th>
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<tbody>
<tr>
<td>ITALY</td>
<td>100</td>
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<tr>
<td>GERMANY</td>
<td>98</td>
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<tr>
<td>THE NETHERLANDS</td>
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<tr>
<td>FRANCE</td>
<td>93</td>
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<table>
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<tr>
<th>SOCIAL DEMOCRACIES</th>
<th>IMPRISONMENT RATE (PER 100,000 POPULATION)</th>
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<tbody>
<tr>
<td>SWEDEN</td>
<td>73</td>
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<tr>
<td>FINLAND</td>
<td>70</td>
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<thead>
<tr>
<th>ORIENTAL CORPORATIST COUNTRIES</th>
<th>IMPRISONMENT RATE (PER 100,000 POPULATION)</th>
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<tr>
<td>JAPAN</td>
<td>53</td>
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</table>

Their classification of countries by types of political economy corresponds impressively well with the different levels of punitiveness indexed by their rates of incarceration. But various objections could be made. Neo-liberalism, as they define it, already incorporates a tendency to exclusion and the use of prison. Are they then offering us an explanation or merely a classification? And there are well known problems in using imprisonment as an index of punitiveness. Harshness or leniency is not something that applies equally to all stages of decision-making and to all types of crimes. And we need to contextualise such evaluations in relation to what else goes on in the realm of social control inside and outside of the criminal justice system (Nelken, 2006b). But, even if we accept their index of punitiveness, what are we to make of the fact that the Netherlands has the same rate as

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13 This is a simplified version of Cavadino and Dignan's table 1:2 (2006b, 22) leaving out some of the countries they surveyed.

14 Prison rates went up sharply in the southern states of the USA after slavery was abolished.
Italy (in fact it's rate is now rising faster, from a level that was much less) despite the many important and relevant differences between the two countries? The Netherlands, after all, makes a virtue of pragmatism, whereas in Italy virtue and pragmatism are often seen as opposites. This suggests at the least that there may be very different ways of arriving at the same imprisonment rate and that the common explanatory factors selected are not necessarily the only ones.

How far does Cavadino and Dignan's thesis challenge us to rethink what we already know? The authors are certainly doing everything possible not to be ethnocentric. Despite being English criminologists they are highly critical of what they consider the punitiveness of Anglo-American approaches. But I would argue that their approach does carry a good dose of ethnocentrism in its starting assumptions. In what is yet another illustration of the evil causes evil fallacy (Cohen, 1970), punitiveness, obviously 'a bad thing', is attributed to other bad things, such as neo-liberalism and exclusionary politics, and, leniency, which is, by contrast, deemed to be 'a good thing', is mainly linked to what they take to be other good things, such as welfare and inclusion. It is their local and academic culture that tells them that these are 'good things' and that these 'good things' make leniency possible.

I suggest this comes about because Cavadino and Dignan tend to treat 'leniency' as the absence of punitiveness instead of searching out the meaning it may have for the participants concerned. But, if we move our starting point to Italy, the picture changes somewhat. Harshness and mildness may not necessarily belong to the same continuum. To make sense of leniency here we need to ask some hard questions, Is leniency always good? How should we (and, as important, how do they) draw the line between tolerance, leniency and indulgence (Nelken, 2006a)? What are the cultural and linguistic specificities of discourse around these topics in Italy? Political, social and economic life in four Italian regions are currently heavy conditioned by organised crime groups, and as many as eight out of ten shopkeepers are said to pay il pizzo, the tribute required by local bosses. Would increased use of prison in these regions signify less - or more - social inclusiveness? Melossi (1994) talked of ruling through leniency, to explain the tolerance of and collusion with widespread criminal behaviour of post-war Italian governments. Again this speaks to a different type of inclusiveness to that which Cavadino and Dignan have in mind. And currently, many left-leaning, as much as right leaning, judges complain that complicated penal procedures mean that they often cannot send to prison even those they would like to (though the type of offenders they may want to send there are somewhat different).

On the other hand, in relation to politics, penal law on some occasions plays a much more central role in Italy than in many other western countries. In the early 1990's, as a result of the judges' anti-corruption activities known as Tangentopoli, or bribe city, all the long-standing governing parties were forced to dissolve themselves (see e.g. Nelken, 1996), and public shaming of politicians and businessmen accused of serious crimes is still a regular occurrence even if it now has less of the political shock value in had in the 1990's. Targeting corrupt politicians may not be what Cavadino and Dignan had in mind when seeking to measure punitiveness. It could also be said that this does not make much difference to the prison figures as few of the accused stay behind bars for long. But this

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15 We should also heed the warning remarks of Hirschi in his criticism of Cohen's critique (Hirschi, 1973). Evil does often cause evil. However, avoiding the fallacy of culturally shaped expectations may be even more important in studying criminal justice comparatively than it is in explaining deviant behaviour.

16 The authors say in the introduction to their book (xiv) that when we use words like 'harsh' and 'lenient in relation to punishment we mean them relatively and neutrally. But they then quickly go on to say more 'leniency' would not go amiss in any of the countries we study in this book (id).

17 For a contrasting approach see Whitman, 2003, as commented on by Nelken, 2006b.

18 It is interesting to contrast this with what may in some ways be seen as the opposite approach of governing through crime (Simon, 2007).
again shows how unwise it may be for some purposes to measure punitiveness by imprisonments rates. It certainly feels like punitiveness (justified or otherwise) for those exposed to public stigma - whose careers can be ruined (and who sometimes commit suicide).

Interpreting criminal justice in Italy

Enough has been said to show the need for a closer look at the actual workings of Italian criminal justice. What I am proposing is that, instead of deducing 'leniency' levels from prison rates, we need to focus more on when and how 'lenient' outcomes emerge. The key to understanding leniency in Italy (as well as to how it could change) will be found mainly in the nature of Italian criminal procedure. If there are less offenders in prison than, say, England and Wales, it is largely because fewer of those charged in Italy make it all the way from charge to conviction to actual incarceration. Those that do end up with convictions benefit from provisions which waive actual incarceration for those with short prison sentences (less than three years). Those serving their prison terms may benefit from general political measures of clemency that offer periodic pardons or curtailments of sentence. A crucial exception to this 'leniency', however, is represented by offenders who are illegal immigrants. They are rarely eligible for these benefits and make up an ever growing proportion of the Italian prison population (the second highest proportion in Europe). Because little in the way of welfare alternatives in the community are offered to most of those accused or convicted offenders who in this way do not add to the prison population, it makes little sense to interpret these facts as evidence of a relatively higher level of welfare and inclusiveness characteristic of a conservative corporatist society. Nor is there much sign of a willingness to 'include' those offenders who fall through the carceral net. On the contrary, welfare provisions, both in the criminal justice sphere and outside it, in the neo-liberal UK, are far more extensive and better organised. A system which starts off by trying to process offenders through the courts but fails to complete the job is not exactly showing a greater willingness to include deviants.

Cavadino and Dignan's overall argument in terms of neo-liberalism versus welfare therefore does not help us learn much from Italy, and if we limit ourselves to the factors they highlight it might even seem that there just is nothing to learn. But this would be too hasty. To understand more about Italy's level of imprisonment (and much else) we have to turn exactly to the quirky or esoteric features of Italian criminal procedure. I shall offer now three illustrations of relatively distinctive and controversial criminal justice practices, drawing on research I have been carrying out in Italy as an insider-outsider (Nelken, 2000) over the last twenty years. I will say something about how each of these are connected, though not always in obvious ways, with the number of people who end up in prison. But I will also seek to show why this is not the only or necessarily the best way to grasp their significance for comparative criminal justice.

My first example has to do with one of the most remarkable features of its juvenile justice system. It could be described, though not entirely fairly, as getting away with murder. Whatever may be said of the criminal justice system as a whole, Italian juvenile justice procedures, as reformed by the new code in 1989, are in fact generally lenient. They seek, even more explicitly than in the previous regime19, to limit young offenders’ exposure to court

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19 One of the few English-language studies of the previous system (which is still cited in English-language comparative criminal justice texts as if it described the current one) was written by the outstanding criminologist Edwin Lemert (1986). But at crucial points he offers a perplexingly ethnocentric account, as when he claims that Italian juvenile justice is 'spurious' because it does not correspond to the then reigning individualised welfare model of juvenile justice in the USA.
hearings and to reduce the use of a prison to minimum. But, most remarkably, as a consequence of the 1989 code, most young offenders accused of homicide not only do not go to prison - they even end up without a formal criminal conviction! This is because the new procedural code (drafted to coincide with the more important and famous reform of adult criminal procedure) could not introduce new substantive penalties. So the only available post-conviction penalty for young offenders remains prison. To avoid this outcome most young people accused of murder (except for the rare cases of professional killings for financial gain) end up being ‘sentenced’ only to a form of pre-trial probation (by agreement with the offender), called messa alla prova. Messa alla prova in general lasts on average from eight months to a year and can involve various requirements to do with schooling, employment, psychological help and voluntary work. Formally speaking, messa alla prova is a way of postponing trial; only if such pre-trial probation is deemed a failure by the judge is a trial held. But, for reasons that cannot be gone into here (see Nelken, 2005, 2006a), judges have little incentive to find failure. Since there is no trial there can be no conviction! There are of course exceptions. A case in 2002 where a middle-class teenager and her boyfriend (Erica and Omar) brutally murdered the girl's mother and younger brother, was given widespread publicity and the offenders were sentenced to prison sentences of 16 and 14 years, longish sentences even by international standards. The problem here was the high profile and motivelessness of the crime, the attempt to shift the blame and the lack of confession. The lawyer for these young offenders did ask for messa alla prova. But once this was not granted it was necessary to impose the normal adult penalty for murder, reduced by a third because of the youth of those involved, but not mitigated by any other favourable factor.

What are the implications of this example of leniency for our argument? The use of messa alla prova in these, and many other cases of serious crimes, does affect prison and even criminal statistics generally insofar as they do not count as convictions. But this does not have a large impact on the overall prison population as there are less than two thousand cases a year. The general background of relatively benevolent public attitudes to young offenders - who are not even referred to as 'delinquents' - does help explain why such official leniency is possible. But the lesson for us is not the one Cavadino and Dignan would have us draw. There is relatively little welfare provision provided for or to young people in Italy (it tends to go in pensions payments). And it is not so obvious that keeping young Italians accused of murder out of prison while incarcerating immigrants and gypsies accused of theft is entirely justifiable. Nonetheless, just because of its questionableness, this practice raises important issues about criminalisation and de-criminalisation, and diversion and tolerance, which are well worth reflecting on. If even murder cases can be dealt with without imposing the stigma of conviction is it really as necessary as we think it is in less serious cases?

My second example has to do with the role of prosecutors in Italy. I shall discuss in particular what has been described by some as the 'myth' of obligatory prosecution. According to the 'law in books' Italy has one of the most restrictive (and constitutionally entrenched) versions of the 'legality' principle, one which places the highest possible constraints on prosecution discretion. All crimes for which there is evidence must be prosecuted. In terms of punitive and lenient outcomes this therefore represents the opposite of the previous example. We should expect the rigidity of this principle in Italy to lead to more people being prosecuted and incarcerated there than in those countries which operate some version of the 'opportunity principle'. But the study of the 'law in action' reveals a different picture from that which could be deduced from the rules alone.

20 Although there are also various orders confining young people to areas of home or work, or putting some places off limits.
Certainly, some trivial or other sort of cases which would be considered appropriate for removal from the penal process in systems which allow for discretion, are in fact prosecuted in the Italian system. But the large number of cases arriving on the prosecutors’ desks means that some choice is essential and priority has to be assigned to some cases rather than others. The choice of priorities is to a large extent shaped by legal rules which set different time-limits by which different types of cases have to reach final sentence if they are not to become time-bound (or as Italians say fall into prescription). Allowing cases to become “prescribed” can lead to disapproval of the chief prosecutor in the tribunal, inspections from the Ministry of justice, and possible disciplinary action by the self-governing council of judges. This can have the paradoxical effect of leading prosecutors to devote more attention to the less serious crimes because these are at greater risk of becoming time-bound, whereas they have more time to dispose of the more serious cases. In addition, however, local prosecution offices do follow a variety of different practices. Their priorities often depend on what the head of the office recommends, but, to a large extent they also reflect choices made by individual prosecutors, whose independence is constitutionally guaranteed in the same way as that of judges (Nelken, 2002; Nelken, Zanier, 2006).

The choices of which cases to prosecute are rarely arbitrary ones. And it is usually the non-decision to give priority to more important cases, rather than a deliberate decision not to prosecute, which fulfils the function of discretion. But if the system does not work all that differently from the way it does in countries with less stringent constraints on discretion we still need to explain the practical implications of making such strong claims about the possibility of limiting discretion. Why maintain such a ‘myth’? 21. The answer lies in the fact that insisting on the principle of obligatory prosecution serves as an essential part of defending the independence of judges and prosecutors from ‘interference’ by the political system. This battle is also closely connected to the effort to stop the politicians from separating the structure of the prosecution service from that of the judiciary, a change which would have some plausibility now that Italy has moved from the inquisitorial to adversarial procedure, but which again is seen by many as carrying the risk of undermining the independence of the prosecutors.

The current constitutionally guaranteed independence of the prosecutor was introduced after second world war in reaction to the subservience of prosecutors to the fascist government, and also because the Christian Democrat and communist politicians did not know which of them would win the coming elections. And there is little doubt that such independence was essential to the pursuance of the Tangentopoli investigations. To some extent the principle of obligatory prosecution also helps insulate prosecutors from the pressure of emotional public opinion—what in Italy is called allarme sociale. Even if police forces (responsible to the Ministry of interior and the Ministry of Defence) are increasingly being directed to concentrate on ’street crime’, especially that committed by illegal immigrants, many prosecutors still try to maintain their own priorities behind the shield of obligatory prosecution and do what they can to avoid the courts turning into a conveyor belt to prison for illegal immigrants.

Once again, therefore, the significance of this aspect of criminal procedure is not exhausted by asking only how far it leads to more or less people being incarcerated. It also raises

21 The question of controlling official discretion has been at the heart of comparative criminal procedure at least since the pioneering research by Goldstein and Martin, 1977. They rightly stressed the need to compare the law in action in each jurisdiction and not be taken in by mythical prescriptive rules. But they failed to note, on the other hand, that few things are more culturally important than myths. The rule of obligatory prosecution in Italy may often be, in everyday practice, what they would describe as a myth, but it also has a series of real consequences.

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important and difficult questions about the architecture of the criminal justice system, the
meaning and control of discretion, and the value of equality before the law of the powerful
and less powerful and the rich and the poor. The principle of inclusion at issue here does
not concern the right to welfare but equal exposure to the risk of punishment. But the
insistence on independence also has its costs. How far is it necessary to exclude
governmental policy input into prosecution decision-making in to ensure that even
government ministers can be prosecuted if and when necessary. 22 These questions are
debated regularly in the Italian newspapers. But are they dilemmas that only Italy faces?
My third and final example has to do with the central role of delay in criminal justice In
Italy. It could be entitled better late and never, or even waiting for Strasbourg, given that the
implications of such delay are not limited to what happens within the jurisdiction. Over the
past forty years or so Italy has built up a chronic backlog of criminal and civil cases. By
2000 as many as 5,400,000 penal cases and 3,500,000 civil cases were awaiting trial by the
courts. Even first level criminal trials can take around four years, and the system has
another two possible stages before conviction is considered final. Such delay is hardly ever
the result time actually spent on dealing with the cases. It is instead a result of the judges'
overbooked diaries so that 'dead' periods (calculated in months or even years) are allowed
to pass between the relevant court sessions.
The introduction of the new code of criminal procedure in 1989 means that the criminal
justice system now combines guarantees which belong to both the accusatorial and the
inquisitorial approaches. The accused benefits from the forensic heat of the adversarial
contest together with double- checking of decision- making at each procedural stage by
different judges and the consequent high possibility of decisions being reversed 23. The
result is that even comparatively trivial criminal cases have in some cases to be viewed by as
many thirty people with legal training. And as in the previous inquisitorial system, all cases
can still be automatically retried on the facts at the Appeal court before going on to the
highest Cassazione court on appeals on points of law.
Delay reduces the chance of conviction (and imprisonment) because of its implications for
the witnesses' memories, willingness to collaborate, vulnerability to being got at, etc.
Offenders die or abscond, relevant laws are changed (with retrospective benefit), pardons
arrive and so on. Once it has accumulated, delay itself produces more delay and
uncertainty: What is more, delay is the source of yet further paradoxical consequences. Not
the least of these, because final trial verdicts are so slow in coming, offenders in the public
eye are increasingly exposed to 'trial by media' as the daily newspapers in particular treat as
a token of presumed guilt even information about the earliest stage of an investigation being
initiated.
The situation is complicated by the role of the Strasbourg court of Human Rights. The
right to a trial within a 'reasonable' period is one of the fundamental rights of the
Convention of Human Rights (Article 6) which this Court seeks to protect. Breaches of

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22 As I write this (October 2007) Luigi De Magistris, a prosecutor from the relatively isolated town of
Catanzaro in Calabria, is pursuing Clement Mastella, the Minister of Justice himself, accusing him mainly of
being part of a ring to defraud the European Union, in which the leading figure is within his court's
jurisdiction. The case has been taken away from him by a chief prosecutor - which is highly unusual and
controversial - and De Magistris is contesting this.

23 For example there are binding rules about notifying all the parties and their lawyers at each of the many
stages of trial. A considerable number of convictions for organised crime (as well as less serious criminal
convictions) have been overturned at the later stages of proceedings for breach of such rules- breaches which
are in some cases manufactured by the accused frequently changing address or lawyers.
this article take up a large part of the court’s time and Italy is the chief offender. The Italian state was condemned to pay moral damages to almost all the successful applicants. The Strasbourg Court itself got into difficulty in handling all these cases within a reasonable period and set up Committees to overhaul its machinery in an attempt to catch up with its backlog. The cases which reach Strasbourg are not necessarily representative of Italian court cases in general. But it is by no means only those cases which in Italy would be considered extreme ones that are taken there. With the exception of the few cases where delay could be justified by particular reasons of legal complexity, a good proportion of the Italian court case-load (perhaps as much as twenty per cent) could in theory be automatically be transferred to Strasbourg after a certain period of normal waiting time! The Court has responded to the annual assault of cases by treating the Italian state as a persistent offender, placing it under surveillance and threatening to exclude it from the Council of Europe. Internal remedies are not having major effects, and it should be said that, in the absence of any prison-building programme, if Strasbourg’s strictures were taken to heart, and trials were speeded up, this would quickly increase prison numbers and probably lead to prisons riots because of the even greater overcrowding it would cause. Clement Mastella, the current minister of Justice, has recently announced that both civil and penal cases of medium difficulty should be completed in the space of 5 years (but I am not aware of any worked out managerial action-plan, or, still less, any offer of more resources, as a means of realising this aim).

The level of court delays again confirms the argument being made so far. The most plausible explanation of why the prison population in Italy is smaller than that which characterises the so-called neo-liberal countries is the attrition rate of cases as they go through the long and complex requirements of criminal procedure. But why is such a situation allowed to persist? One reason is that politicians as a class may fear that a more efficient and speedy criminal justice system could be turned against them with even more success than during the Tangentopoli investigations. For the public figures and ordinary individuals caught up in proceedings the situation can be different. There are certainly tragic stories of innocent people suffering whilst waiting for their case to be heard - what Feeley describes as the Process is the Punishment (Feeley, 1969). But, in many cases involving Italians at least, court delays are often less of a problem on the criminal side for offenders than they are for the parties to civil disputes. Because of the possibility of prescription if cases overrun their set time limits, those who can afford defence lawyers (and who do not find themselves in prison in the meantime), employ as one of their main strategies the deliberately delaying of matters so as to benefit from the possibility of such overrun. Often therefore, in Italy, 'the Process is the Non-Punishment'. It is for this reason relatively few of the cases that take an unconscionable time on the criminal side end up actually end up before the Strasbourg court.

24 In 1999 there were over forty signatories to this convention but 36% of all sentences handed down were findings of guilt against Italy for cases involving unreasonable delay in its trial processes (Nelken, 2004). 25 In 1999 as many as 6885 appeals from Italy, almost all concerning legal delay, were waiting before the court. This represented over 20% of the total from all countries for breaches of all the various provisions of the Convention. 26 It is important to ask how far the Strasbourg court is imposing 'universal' principles of good practice of criminal procedure and how far it is involved in a process of 'normalising' trial procedures to a European average. Does Italy deserve its bad image? The only other signatory treated in this way is Turkey, for its failure to comply over Cyprus and its continuing maltreatment of the Kurds. Italian court times do create suffering. Justice delayed is, too often, justice denied. But it is questionable whether excessive court delay is the same sort of breach of human rights as torture. 27 It is more often the victims or their relatives more than the offenders who suffer from delay on the criminal side. 28 In my analysis of a sample of fifty cases I found a proportion of 9:1 in favour of civil cases.
The wider issues raised by court delays have to do with what 'due process', what the Italians call *garanzie*, actually requires. How many stages of appeal should there be? How much need is there for separate scrutiny at each stage by different judges (and how appropriate to restrict all such decisions to legally trained people)? When is it right to say that a case has gone on too long? Why is it not enough to trust to the system's own internal legal definition of prescribing cases that overrun? Once again, we need to ask whether Italy should be seen as a special case because of the high level of mutual mistrust between political opponents there, as well as, perhaps even more, between judges and politicians. We should not forget, on the other hand, that trials can also be over *too* soon. Even in Italy, the trials of immigrants caught in the act (*in flagrante*) are dealt with speedily, with no chance of appeal (Cottino, 1998). Can we be sure that the Strasbourg average provides the best means of deciding how long cases should take? It is also worth asking why the Strasbourg court gives so little attention to cursory trials as a breach of human rights, as compared to over-lengthy procedures.

Could slowness ever be a value? At a conference of criminal procedural scholars in Padua on the topic of legal delay, at which I recently participated, it was suggested that delayed trials give victims time to get over their upset so as not be so emotional. This may seem less strange a suggestion if we see criminal justice, as one leading Italian theorist does, as primarily a means to restrain vendetta in the interest of the offender (Ferrajoli, 1989; Nelken, 1993). But this is certainly a very different perspective from the current trend to make the victim and her feelings play a more central role in the trial. More fundamentally, a more efficient or speedy court system in Italy would often come into conflict with a social structure and culture which places considerable reliance on slowly built-up forms of group co-optation and clientilist sponsorship. For these ways of organising power relations and rewarding loyalty, speedy legal remedies represent more of a threat than a promise. On the other hand, looking for the positive, we should remember Italy has been called the spiritual home of the slowness movement—the call to all of us to slow down so as to get more out of life (Honorè, 2004). Perhaps slow food and fast trials are incompatible?

To conclude: I have tried in these pages to show how comparative criminology needs to get beyond ethnothentricism and relativism. The method I used was to discuss Cavadino and Dignan's recent comparative text in the light of some surprisingly different practices of Italian criminal justice. This approach was meant to show the value of trying to grasp interpretatively what it is that other systems of criminal justice are trying to do, and the results of their efforts, 'warts and all'. Cavadino and Dignan might reply that the examples of Italian penal procedure I have used to illustrate my argument merely point to the means used to express underlying Italy's relative leniency, the causes of which in fact lie in the explanatory factors they draw to our attention. But I hope to have said enough to raise doubts whether these practices (with the partial exception of the treatment of youth offenders) are helpfully described as expressions of 'leniency'. Certainly they have little to do with expressions of inclusiveness made possible by good welfare provision.²⁹

In pointing to what Cavadino and Dignan would call 'quirky and esoteric' examples of Italian criminal procedure I have had to tread a fine line between underlining what is unexpected about them whilst also showing how they do and can make sense. I have also

²⁹ If we are looking for factors that might help explain why few national politicians (other than those on the far right) sought in the past to exploit populist fear about crime for electoral advantage we might consider the politicians own support for *garantismo* in the face of their own vulnerability, the widespread popular distrust of the state and reluctance to see it too powerful—and, not least—the somewhat different status of victims in a Catholic country where they are expected to forgive more than to authorise revenge (Nelken, 2006a). But this is now beginning to change fast especially at the level of the local state, above all where immigrants are concerned. A key indicator of this is the decreasing use of the term 'micro-crime' (Nelken, 2000b) to describe conventional crime.
examined how far this 'sense' may depend on the local context. I am conscious that I may not have succeeded in making these practices fully intelligible. Still less have I explained how each practice fits into the criminal justice system as a whole. It should also be remembered that these illustrations have been deliberately chosen for the purpose of highlighting difference against a background of similarities. It would be a mistake to conclude that they show irreducible or 'essential' differences between Italian and Anglo-American styles of justice. Were it appropriate it would be easy to point to the many similarities in how criminal justice works in all advanced western societies. And commonalities between Italian and many other Continental European approaches are even greater. But it is precisely the general similarities that make the differences so instructive. It is also important to remember, however, that, even in Italy, not everyone thinks these practices do 'make sense'. Aspects of criminal justice, such as the ones I have highlighted, are fought over, they can and do change, and this often happens because they come to be contrasted with practices elsewhere. Thus there is widespread criticism (and self criticism) in Italy of the frequent failure to make people act responsibly; such over-indulgent attitudes are stigmatised as expressing buonismo or perdonismo. With reference to the criminal justice system more specifically, commentators argue about how to distinguish genuine due process types of garanzie from the over-blown and unworkable garanzie called iper garanzie, and how to avoid the deliberate exploitation of garanzie discourse so as to block the course of justice (so-called garanzie pelosi).

On the other hand, it is interesting to note that the examples I have been analysing have all so far been relatively resistant to change. For example, during his recent term of office Roberto Castelli, the previous minister of justice (from the right wing Northern League) tried to bring in a reform of the juvenile court (at a time when public opinion was still shocked by the Erica and Omar case).30 This proposed inter alia to exclude murder and other serious crimes from the ambit of messa alla prova. But he was not supported in parliament even by his own coalition. With regards to prosecution discretion, the prosecution and judicial roles are now beginning to be more separated institutionally, and the last Berlusconi government did pass legislation giving more formal responsibility over prosecution decisions to the heads of prosecution offices. But interviews reveal that this is unlikely to have much effect in practice because the heads say that they are reluctant to interfere with their substitutes and their constitutionally guaranteed independence (Nelken, Zanier, 2006). As for court delays, these are so entrenched that it is difficult to see how they could be changed without substantial governmental intervention.

What then is to be learned from the Italian case? It is certainly easier to learn from similar places, but the risk is that of learning only to do more of the same. It is more difficult to learn from places which are different. This sort of learning involves not only looking for better practices to help us do what we already do even better, but also finding opportunities to reflect on our own practices and values of criminal justice in the light of what others do. The best practice to learn from will not always be what is best practice. Such learning must of course be mutual. It may seem obvious to 'us' that the Italian criminal justice system could benefit from increased pragmatism, and perhaps even from some much-dreaded managerialism! But, vice versa, Italy may have something important to teach more pragmatic countries about the drawbacks of too much concern for 'efficiency' in their penal systems. Recently, for example, Rod Morgan, Head of the Youth Justice Board in England and Wales (and, before that, an academic criminologist) resigned from his post because the government's stress on dealing with caseloads more expeditiously had led to a 26% rise in

30 It is interesting to compare this with the reaction to the abduction and killing of Jamie Bulger by two other young boys in England and Wales in 1993. The shocked reaction to this case was sufficient to bring about legislative change reducing the minimal age of criminal responsibility to the age of 10.
youth custody, in contradiction with its general commitment to reduce the number of young people sent to prison. This problem, at least, is unlikely to arise in Italy's juvenile justice system.

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31 Jackson, Johnson and Shapland's (2003) valuable discussion of the need for time-limits in youth cases in England and Wales could also benefit from considering the Italian way of correcting delay through procedural cut-off points. There is a risk otherwise that increasing the throughput of cases to meet time-limits could again have the unintended effect of increasing incarceration levels. For a contrast between the English and Welsh and the Italian approaches to 'early intervention' see Field, Nelken, 2007.
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In Britain politicians and a variety of commentators constantly preface their statements with phrase - ‘History shows us that…’. As a historian I have two serious reservations about this. First, quite simply History does not show us or teach us anything. History is an interpretation of traces of the past. It does not have absolute lessons. It does not show any absolute truths. Secondly, when the phrase is used it is commonly to legitimate a set of proposals for, or criticism of, the present. It is not, therefore a critical appraisal of past events or processes, but an attempt to use something that people think matters to justify contemporary policies or proposals. Politicians and others are right in their appeals to History. It does matter. It cannot be used to show what policies or ideas to adopt or to reject, but in the context of policy evolution and policy-making it can foster and stimulate broader understanding. History as an academic discipline is not unique in this, though perhaps in matters of policy-making and contemporary debate the complexities of the period before whenever the last election took place lead it to be sidelined to the legitimising trope ‘History shows us that…’. There is a history worth exploring in each of the topic work packages of the CRIMPREV project; a full awareness of this, already implicit in most of the outlines, can make them that much more fruitful. The aim of what follows is to rehearse some of the areas already well-worn, but by no means exhausted by historians, and to indicate some relatively new ones that engage with contemporary criminological debates.

The history of crime, of criminal justice and its institutions only became a serious topic for academic historians in the last third or last quarter of the twentieth century. This grew out of the interest in social history during the 1960s and what people at the time referred to as ‘history from below’. This concept specifically referred to the past as it was understood and experienced by ‘ordinary’ individuals, particularly the poor, rather than to events in the past as understood, experienced and directed by great men (and to a much lesser extent, by great women). The interest in the area also grew alongside the increasing development of Criminology as an academic discipline with distinct undergraduate and post-graduate courses. And all of this occurred, perhaps significantly, at a time when the statistics of crime were rising and when, at least in David Garland’s analysis, a shift was moving a culture of penal welfare to a culture of incarceration and control.

The first serious, academic research into the history of crime in the English language was concerned particularly with the experiences and mentalité of those who, as a rule, left little or no historical trace of their lives. The research had a Marxian inspiration and was rooted primarily in a conflict model of social relationships. Court records were seen as a way of
getting to the experience of individuals protesting about their conditions. Thus, much of the early research focussed on demonstrators and rioters. It rejected the notion of there being an under class of criminals lurking in rookeries and slums and waiting for the opportunity that riots brought for plunder; it turned to the records of those arrested during riots and sought to analyse their motivation. From these concerns the research moved to a study of property offenders. Much of the early work concentrated on the seventeenth and eighteenth centuries and the period which allegedly saw the rise of the bourgeoisie. There was a basic assumption that new work practices and new systems of payment prompted resistance among the workers in the form of work-place appropriation, and that the new practices themselves were commonly linked to new laws that criminalized old work-place customs. At the same time, and particularly with reference to England, it was argued that a deification of the law that insisted that all were equal before it, followed by the creation of professional police institutions, enabled the elite to maintain its authority.

The new historians of crime found problems in their theoretical formulations early on. They demonstrated that those who participated in riot and disorder were commonly ordinary members of the plebeian classes and often artisans, perhaps even with a little property. But the majority of property crimes prosecuted in the eighteenth century did not involve appropriation from the workplace but were similar to the petty thefts that had been prosecuted from the late medieval and early modern periods. And while, particularly in the French context, assertions had been made about a broad shift from violent crime to property crime (de la violence au vol) the statistics for proving this were problematic. Historians found themselves required to construct their own statistics from prosecutions and other court records that immediately raised questions about the more general construction of statistics and their reliability. Regarding the English experience in the eighteenth century it was argued successively: that it was most likely that the statistics of prosecution were a reasonable reflection of the pattern of crime, since the victims of offences were unlikely to have reported incidents and initiated prosecutions differently from year to year; that the prosecution statistics created by historians from indictments were probably more reliable in reflecting the incidence of crime than the statistics collected subsequently by professional police forces that had their own agendas; that since the reporting of crime and the initiating of prosecutions depended so much on individual discretion, then the kind of statistics used for the seventeenth and eighteenth centuries told us more about contemporary fears than anything at all about patterns of crime. The problems are similar for the nineteenth century following the development of bureaucratic criminal justice institutions and the annual collection of national statistics.

For a long time the bureaucratic judicial statistics collected for the nineteenth century were accepted as providing a convincing picture of the pattern of offending that conformed with the broad economic and social developments of the Victorian period. The mid-nineteenth-century statisticians were aware of the problems with the figures yet, at the close of the century there was a general consensus about a decline in crime in Britain, and people spoke of a ‘miracle’. In the early years of academic research into the history of crime V.A.C. Gatrell situated the statistics in the economic, political and social context of Victorian and Edwardian England to provide a convincing account of the perceived decline of theft and violence across the period. Gatrell’s account of general economic improvement together with the increased level of efficient policing provided by the so-called ‘New Police’ made sense. But then, drawing on the late twentieth-century experience of police ‘cuffing’ and government demands for evidence of value for money backed by Treasury restraints,
Howard Taylor reopened the debate. Taylor questioned whether the figures proved anything about the pattern of crime - even the pattern of homicide, for which it was commonly accepted that the figures presented in the judicial statistics were closest to the actual level and pattern of the offence. In challenging the homicide levels Taylor pointed particularly to the large numbers of infant deaths during the nineteenth century that were never investigated by coroners. What value could be put on homicide statistics that ignored these? Taylor's assertions about Treasury limitations were based on much thinner evidence and have been sharply challenged. But while the statistics might remain the best overall image that we have for the pattern of crime, they are nowhere near as convincing as might be wished.

It is much the same in the work that has been done on the statistics for continental European states and for those of the United States. Using essentially the same figures, for example, historians researching the pattern of crime in Imperial Germany have drawn very different conclusions about broad trends. Thus, on the one hand, it has been argued that the statistics broadly show a modernization of crime in the sense of increasing rates in general, but increasing rates of property crime in particular. On the other hand, it has been argued that modernization did not lead to an upsurge in crime in general, and that the only consistent change in Imperial Germany was a steady increase in the prosecution of political offences. This difficulty with the statistics across the board has probably contributed to the recent shift among historians of crime away from numbers and from broad sweeps, to more detailed studies of particular offences and single crimes.

The doubts raised about the statistics in the past, pose problems for the present. Can we be sure that what we have today is any more reliable even for assessing broad longitudinal trends? If so, on what grounds? How can we justifiably link judicial statistics to other, equally variable statistics of, for example, police numbers, unemployment patterns, consumer indices and the gross national product, and argue a positive link between them? In the 1980s Keith Bottomley and Ken Pease linked contemporary rising crime rates with unemployment rates, and found an interesting match. A few years later Simon Field linked the same crime rates with inverse consumer expenditure, and found an interesting match. The historian Peter King found similar matches when he brought together a number of similar indices for the eighteenth century and set them alongside crime figures. And the big problem in all of this is that many of the key questions that are posed about contemporary crime focus, ultimately, on statistical questions: Is there more? Is there less?

Historians have identified significant changing paradigms in the understanding of crime. Many penal and police reformers during the Enlightenment and the early Victorian periods were reluctant to consider the idea that poverty might foster crime. Liberals at close of nineteenth century, however, were much more inclined to acknowledge this; and in liberal democratic states such as Britain and France, the inter-war period witnessed the closing of prisons and the development of moderate penal policies. Historians of crime have not yet studied the inter-war years in great detail, but what appears especially interesting is that this was a time during which these two states experienced both economic crisis and the beginnings of consumerism, gradual increases in the statistics of crime (for what these may be worth), and a persistence of penal welfarism. Nor have historians of crime looked much at the period after the Second World War with the greater development of consumerism and, from the 1960s, a considerable increase in the statistics of crime which led to the panic about crime levels in 1980s. By close of twentieth century crime levels were going down,
but the panics continued and prisons were filled to bursting. This raises an important question about those who are, and have been targeted as deviant and punished.

One of the central issues that historians of crime and criminal justice have revisited time and again is the identification of ‘outsiders’ as well as a significant percentage of the poor as deviants. Historians have noted how, occasionally, in the middle ages, in the early modern period and indeed, especially in rural communities, up to the First World War and beyond, the local bully or thief remained within his (and less often her) community and, if not exactly tolerated, was only reported to external authority when norms were transgressed in a fashion that the community regarded as excessive. The usual problem here is in understanding the occasion that led the community to turn to external authority; it is not something that invites precise measurement. An outsider, in contrast to the local bully or thief, could expect little such tolerance or mercy. In addition some specific social and economic groups were stigmatised. The Bohemians or Gypsies were among the first non-military groups that were targeted by the maréchaussée in the seventeenth century. Knackers were also stigmatised and forced to live on the fringe of towns; and in Italy, so too were the sbirri who had the unpleasant tasks of leading offenders in chains and inflicting punishment upon them. These people might have performed necessary jobs but the jobs made them unclean and led to them being ostracised. Vagrants were commonly perceived by the authorities as a threat, though in the medieval and early modern periods this was not always the case in communities where ideas of Christian charity were reinforced by an awareness of how easily and quickly an individual or a family could become destitute. Moreover travellers, even poor ones begging for food and shelter, could bring news and sometimes provide cheap, useful labour. For rural communities during the economic traumas of the eighteenth century, it was not single vagrants and beggars that were automatically frowned upon, but those who travelled in groups.

It may be tempting to see the poor as targeted by an increasingly capitalist society. This is particularly the case when apologists can be found that condemned those who would not work, feckless parents who let their children run amok, and the pursuit of hedonism rather than honest labour and personal responsibility by those considered to have been born to labour. But it is difficult to substantiate that this as a problem confined to capitalist society. The idle worker was never eulogised in Soviet society, or in other socialist or communitarian societies. That said, however, the ‘sturdy beggar’ was suspect in the seventeenth century when houses of correction, bridewells, Zuchthäuser, the Rasphaus, or whatever is was locally popular to call such institutions, began to be constructed. There was fear in the eighteenth century as enormous numbers of impoverished people were forced on to the roads of Europe. The concerns persisted through the French Revolution, and it has been argued that the failure of the new economic order of the nineteenth century to reduce the problem of crime encouraged new research into the nature of crime and criminals and fostered new strategies for confinement and reformation. In the 1830s and 1840s the dangerous classes were those stigmatised as the idle poor lurking in slums and waiting for revolution to provide the opportunity for plunder. At the end of the century similar groups were feared as the instruments of socialist revolution, but by now they were stigmatised less as wilfully idle and more as biologically degenerate. At the close of the twentieth century the same groups were singled out by spokesmen of the New Right, most notably Charles Murray, as an expanding, threatening underclass living in sink estates on state benefits, crime and drugs.
Tangentially it is interesting to note that even when individuals in a stigmatized group can be seen to be earning legitimate money, they might be criticised for not knowing how to spend it and, indeed for spending it in such a way as to foster disorder. This was the case with plebeian Londoners in the eighteenth century criticised for spending money on oysters and beer and with juveniles in combatant states during the two world wars of the twentieth century. The situation of the latter was also seen to be aggravated by the fact that fathers were at the front and mothers were forced to work, both factors allegedly contributing to a lack of parental control.

It is not only conservative apologists that stigmatize specific individuals and groups, however. Historians of crime and criminal justice recognised early on that the media constructs criminal stereotypes, or ‘folk devils’, and can use these to pursue its own agenda - an agenda that may be as simple and prosaic as maintaining, or preferably increasing newspaper sales. The eighteenth-century newspaper press in England turned to stories of exciting crime when wars finished; at least one newspaper has even been shown to have manufactured a highwayman panic in such a situation. The Times was a key mover in the creation of the garrotting panic of 1862, at least partly because of its ambition to help establish a more punitive penal policy.

A further problem with the arguments about the criminal underclass is that, while they do not do so deliberately, such arguments seem often to obscure the impact of crime on the poor. Crime may be a social construct, but behaviour defined by the law as crime commonly has adverse effects on the victims of that behaviour. Historians have been slow to study the victims of crime but, while there are difficulties in sources for this, there is beginning to be some work in the area. And perhaps also historians have been too focused on inter-class manifestations of crime than intra-class, except with the recent interest on domestic violence. This crime was, almost by definition, intra-class as well as inter-gender but the research has shown that, while the wife-beater was stigmatized as a member of the roughest sections of the working class (the ‘residuum’ as it was termed in late Victorian Britain) the problem existed in every social class.

In parallel with the stigmatization of the so-called ‘dangerous classes’, ‘criminal class’, ‘residuum’, ‘underclass’, has been the stigmatization of generations of juveniles, especially young males. Violent apprentices and violent rites of passage for young men have been described for the late medieval and early modern periods. Historians have debated the origins of juvenile delinquency as situated at the close of the eighteenth century and again in the early nineteenth century. Others have drawn attention to, and explored the disorderly activities of apprentices during the late medieval and early modern periods. Over time there have been, of course, differences in the restraints upon young people in family and school, and in the extent of their economic independence. But what is striking are the recurrent tropes that historians have detected as employed by contemporaries to describe the deviant behaviour of their young offenders. In particular there has been the notion that the juvenile starts with petty crime and then progresses to increasingly daring and often potentially more violent behaviour. In the usual narrative of press, police officer or courtroom, the youth ‘problem’ is identified as new because, unlike the old days, young men particularly lack any recognition of authority. An article from the Birmingham Daily Post shortly after the killing of a police officer in July 1897, for example, drew both of the tropes together.
He starts as an urchin with stone-throwing and general disorderliness; then, as he reaches the hobble-de-hoy stage of existence, we find him with buckled-belts and pocket knives, and finally with revolvers. The fact is, a large percentage of the rising generation are emerging from boyhood to manhood without acknowledging any authority whatever, and with all the instincts of the savage brute implanted in them.

This paper has focussed on many continuities running between the past and the present. Historians are also keen to identify change through time. The technological form of the media has changed significantly from chapbooks and wood cuts to digital television and 24-hour news broadcasts. There has already been considerable work on, for example, the power and purpose of execution broadsides. It is the same with some individual incidents such as, for example, the way in which the crimes of Jack the Ripper were used by the British press to push back the frontiers of what might, in terms of wounds and women's anatomy, decently be reported in the news. But the development of media description, reporting and representation was not linear and several issues might usefully be explored. Towards the close of the nineteenth century it was common for the popular press to publish illustrated pages and even supplements with full colour drawings of murders and their aftermath: knives and axes flashed, blood splashed. The use of the photograph brought an end to these graphic representations of the criminal violence of actual incidents in the newspaper press. Improved technology in cameras and in printing brought a return to the graphic image, in full colour, towards the end of the twentieth century. Moreover, the advent of television meant that graphic images, in full colour, might be broadcast to a national or international audience as they happen. For obvious reasons this is rarely the case with murder or robbery, though it can be common with incidents of disorder. And with the power and technology of the modern media it is possible for local criminal incidents to be projected and magnified into national events for a national community.

In 1993 in Liverpool shopping mall, two-year James Bulger was led away by two ten-year old boys and murdered. The moment at which he left the mall with the killers was captured on CCTV. The murder created a national outrage and a wave of national soul-searching in newspaper articles and elsewhere in media outlets. Ten years later, when the killers were released, the whole incident was revived. The television news and documentary programmes broadcast the CCTV footage once again; the press and other outlets agonised and condemned once again. On both occasions the concerns were that something terrible was happening to Britain, and that somehow the two youthful killers were both symptomatic of the malaise but also monstrous. By implication there had been nothing like it before. But, of course, there had been killings like it before and, just over a hundred years before in almost exactly the same place. But the murderers of James Fleeson and James Burgess were treated with more moderation and less outcry, than the boys who killed James Bulger. Perhaps more important, the stories scarcely made the national press and there was no revival of the stories when the killers were released from custody. James Bulger’s killing, through media development, could be an event for the national community with the child’s last moments captured and projected ad nauseam into the immediacy of people’s homes. Fleeson and Burgess’s death scarcely rated a few lines in the press beyond the local community.

Local communities have always had norms and provided support networks for victims, a key shift that is only now being explored in detail is how these norms and networks gradually yielded to pressures from new states and especially the new nation states of the
nineteenth century. These new states set out to control and to maintain a new degree of surveillance over their citizens, and their new, bureaucratic police forces were organised in part to this end. But the police, whether directly managed by the central state or by the municipality, also promised protection from brigands and bandits for the citizen, decorum on the streets and in public spaces, assistance in times of natural disaster. This meant as much to the poor man as it did to the rich. Indeed, it could mean much more since the rich man had always been able to finance his own protection in the form of retainers and gamekeepers, and he usually had had the ear of authority to assist in the prosecution of offenders. Perhaps what the state did, particularly from the late eighteenth to the late twentieth centuries, was to urge citizens to rely a little too strongly on its criminal justice system. This reliance was eagerly encouraged by professionals in the system who were keen to emphasise their own expertise. The emphasis on concepts such as community policing, *la police de proxiímité*, and ‘neighbourhood watch’ from the 1980s reflects a recognition, after two hundred years of endeavours to disengage local communities from criminal justice professionals, that the professionals needed the communities as much as, in the context of the modern state, the communities might need the professionals. And there is a further issue here that might merit some exploration on the part of both historians and analysts of contemporary society. The attempt to create closer links between police and communities comes at a time when attempts to measure the performance of public services and to set them targets over fixed periods has, at least arguable, undermined trust in the professionals, and perhaps also some of their own confidence and commitment.

Parallel to the development of community policing, especially in the Anglo-Saxon world, has been the increasing introduction of the analysis of the accountant into all areas of public service. In Britain local police committees have lost authority to auditors and Her Majesty’s Inspectorate of Constabulary has become a force with both significant investigative power and teeth. In much of the public sector the complaint has become that management, the constant setting of targets and regular assessments undermine trust, professionalism and morale. The issue awaits the historian.

Developments in policing pull us into another area that historians are beginning to open up and that challenges some of the received opinion about the novelty of modern private security provision and that also forces a recognition about how fluid the borders of state policing might be. In England, from the very beginning, it was possible for businesses to pay for additional police officers who, while members of a county or municipal force, would pay particular attention to the interests of those financing them. The best known cases concern the police financed during the building of the first railways, but the practice continued well into the twentieth century. In addition, policemen were hired temporarily by theatres and football teams. In Scotland additional constables were recruited annually by the county forces on the English border to protect the salmon fisheries. In late nineteenth-century Prussian gendarmes were stationed in factories at the factory owners’ expense. There is potentially an interesting area here for historians to explore looking at the links and the occasionally fluid boundary between state and private policing. Particularly interesting is that this fluidity continued over the period when the nation state, jealous of its authority, was generally fostering the move of policing away from communities and broadly into its hands.

Historical perspectives on contemporary issues of crime, criminal justice and penal policies point to continuities and ruptures in problems and behaviours. They also provide a
warning against universalism; societies may face similar problems, but broad cultural traditions militate against identical responses and outcomes. Similarly they reinforce warnings about the assumption that historical change is linear. Above all, however, they suggest the fruitfulness of serious exchange between historians and criminologists, and perhaps point to some potential future fruitful exchange between academics, practitioners and policy makers.
Presentations of the workpackages
Work Package 2

Evolutions of deviance, crime and delinquency. New challenges in Europe

Laurent Mucchielli, Pieter Spierenburg

What is the common denominator of the theme of deviance and the issues raised by its constituent factors? Broadly speaking, deviance seems to refer to all kinds of disorders, all types of violations of rules defined by established norms. In reality, in each one’s mind, and in particular in that of the architects of public, national or European policies, deviance essentially refers to delinquency as well as to what is today called “uncivil behaviour”. But even so redefined, these behaviours as a whole are not at all homogeneous. In consequence, to study its global evolution and its general characteristics makes no sense. In view of this very ambitious project that consists of assessing and highlighting the prospects of the evolution of deviance in Europe, we have begun by dividing the subject into six subgroups corresponding to widely divergent issues and scenes of social life that are dissimilar in part. This work package is hence divided into six thematic workshops, which we will briefly present along with the various problems associated with them.

1. An overview of Work Package 2

The first workshop, “The Evolution of violence in Europe”, dealt with the evolution of violence in Europe from a long-term perspective. It was held in Rotterdam on 19-20 January 2007, organized by Pieter Spierenburg, an authority on the question of the evolution of violence in the long-term.

The second workshop took place in Brussels, on 6-7 February, 2007, conducted by Renée Zauberma (Sociologist, Researcher attached to CNRS and CESDIP) and Xavier Rousseaux (Professor of History, Catholic University of Louvain), on the subject of the evolution of property crime.

The third module of this series was devoted to the evolution of substance abuse and was organised by Dominique Duprez (Sociologist, Researcher with the CNRS, Director of Clercè) at Lille on 6-7 July, 2007.

The fourth will examine the evolution of deviances and violence associated with conflicts occurring in social and community groups, both among themselves as well as with the State.

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(the issue of riots will be one of the problems studied). And it is Didier Lapeyronnie (Sociologist, Professor, University of Paris-Descartes) who will be conducting the workshop in collaboration with Xavier Crettiez (Professor of Political science, University of Versailles Saint-Quentin en Yvelines) and Laurent Mucchielli (CNRS-CESDIP). This workshop will be held at Bordeaux in 2008.

The fifth module will focus on the evolution of disorders and violence in schools, under the direction of Cécile Carra and Maryse Esterle-Hedibel, both sociologists, both professors at the School Teachers University Training Institute of Nord-Pas-de-Calais and researchers at CESDIP. This workshop will take place either in Paris or at the University of Saint-Quentin en Yvelines in June or July 2008.

The sixth and last research theme will be of a different nature. This time, it is not any kind of deviance or a social milieu that will be examined, but individual trajectories and “deviant careers”. It is Stephen Farral, crime specialist at the University of Sheffield (United Kingdom), who is responsible for this aspect of the programme. The workshop is to be held at Keele University, England on July 21st-22nd, 2008.

2. The evolution of interpersonal violence

To measure and interpret the long-term evolution of violent behaviours in interpersonal relationships is a complex undertaking that encounters problems of definition, data and measurement. The concept of “violence” is indeed not a homogenous one. It varies according to countries, periods and judicial systems, which makes the task of measurement very tricky. That is why most of the contributing historians have mainly dealt with the history of homicide since the 16th century. The problem of data and its comparability has been central to this choice. However, with regard to the current period (1950-2006), the contributing sociologists have broadened the analysis to include different forms of interpersonal violence, such as non-fatal assault and battery (dealing mainly with robbery combined with violence) and to other data sources such as victimisation surveys.

Among the principal results of this workshop, let us note at least the four following points: 1) the confirmation of the decline of homicides in the long term, with however some exceptions in the current period (namely Finland and several East European countries); 2) the analysis of actual transformations of the concept of violence under the influence of a process of criminalisation and intensification of legal proceedings that have made a strong comeback since the 1990s in Western Europe, pertaining to physical, sexual and verbal violence; 3) the lack of studies on the social and cultural contexts of behaviour, in particular quantitative studies; 4) the growing importance of the evolution of the processes of denunciation of violent behaviour and of the referral to criminal justice, in conjunction with the present evolution of lifestyles in European societies.

3. The evolution of property crime

In this workshop, the challenge lied mainly in putting into historical perspective the sharp rise in property crime in Europe in the second half of the 20th century, by tapping

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institutional data and, for the more recent period, data from victimisation surveys. We especially reflected on the more or less rapid collapse of traditional communities based on the inter-knowledge of people and inter-surveillance of residences and goods that followed from it; on the development of a consumer society given to the mass-production of new goods and on the habits and lifestyles associated with this consumerism – from cars to two-wheelers to cell-phones. We also considered urban lifestyles, especially housing and transport options, associated with the changes taking place in the world of work, in relation to industrialization, growth of services, entry of women on the labour market and the increasing de-cohabitation of generations.

4. The evolution of substance abuse

The third aspect of our programme is devoted to the evolution of illegal substances. It is organized by Dominique Duprez. The plan is to review the evolution of substance abuse in different European countries. The speakers will attempt to put into historical perspective its evolution from the end of the 19th century to the present times, both with regard to the different forms of use (party use to different forms of dependence), as well as with regard to penal and health policies. After this socio-historical perspective, we will look to the participants to make an empirical assessment of recent developments in the field of drug use, legal or illegal, highlighting the effects of criminal and health policies on behaviours and user practices. Lastly, if the question is pertinent in a specific national context, the mobility between drug users and peddlers in different European countries can constitute an important line of reflection, from drug related tourism to exchange and trafficking systems, and including questions related to the procurement of substitutes.

The main challenge of this module will thus be to articulate, on the one hand, the evolution of user and dealer practices, and on the other, legislation and public policies (security policies as well as health policies).

5. Deviance and violence in schools

Another important constituent of this programme, whose organization has been entrusted to Cécile Carra and Maryse Esterle-Hedibel, will be the evolution of deviant and violent behaviour in schools. This question is relatively recent in the history of scientific research on deviance but it has undergone extremely rapid growth and has given rise to several studies and symposiums in the last 15 years or so. The initial research focused mainly on trends observed at the middle and high school levels. Much research is currently being developed around the socialization of young children and violence in the primary schools. Lastly, together with sociology, educational science and criminology, some historians have also shown interest in the question. The workshop will provide a chance to sum up these studies and identify the problems of comparisons in Europe.

The principal challenge of this symposium lies in its reflective dimension. We will examine not only the methodologies and results of the various researches, but also the presuppositions on which these methodologies and results are based according to disciplines, lines of thought, countries and the educational and security policies. Thus we will be examining the concepts of “school bullying” (harassment of peers), “incivility”, and “anti-social behaviours”, which are often cited. We will also question the medico-social definition of “populations at risk” and “risk factors”. We will take up the problem of authority. Finally, we will question the concepts of “institutional violence” and “symbolic
violence” in the sociological approaches while clarifying the concepts of context, “establishment effect”, environment and “school climate”, and lastly, by reflecting upon the respective role of teacher/student, student/student, and parent/teacher interactions.

6. The evolution of deviance and violence associated with conflicts within social groups and community groups and especially of these groups with the State

In France, the November 2005 riots dramatically highlighted the problem of the relationship of social groups, and even social communities with the State. A European comparison will be fruitful here as England experienced a significant outbreak of riots in the 1980s, and some major shocks more recently. Belgium and the Netherlands will also provide us food for thought. But in countries where riots do not generally occur, other forms of revolt by youth from second/third generation youths living in poor neighbourhoods can nevertheless be observed. Let us now look beyond the more recent events. The issues raised by the fifth workshop are many. We will try as far as possible to cover this vast field, starting with the separatist processes afflicting some countries such as France, Spain, United Kingdom and Belgium, and including communal clashes that occur more or less regularly in other countries (problems of racism and “hate crimes”, much talked about in the Netherlands in the last few years, for example), and including terrorism but also all the forms of violence associated with conflicts between social or professional groups and above all conflicts between these groups and the State (in the case of France, let us mention the traditional conflict between the State and the farmers, or with the students, as we again saw in March 2006 with the “anti-CPE” movement"). We will also consider violence by the State against social groups, especially through the evolution of the issues of policing and law and order.

The challenge here will be to effectively use European comparisons to interpret these evolutions in macro-sociological and, to coin a phrase, “macro-political” terms.

7. Deviant trajectories and criminal careers

This sixth and last central research theme, piloted by Stephen Farral, is seemingly a very standard one. It is, however, the state of the art in European research into criminal careers. This will focus on all aspects of the criminal career, including onset, persistence and desistance. Presenters will be asked to outline the current state of the art in their respective jurisdictions/countries.

In the ongoing public debate in France, one often hears people saying with apprehension that one does not know when youth begins, and agonizing over the “rise in violence among the youth”. However, this question is very complex. We can actually distinguish four different problems: 1) the nature of the delinquency process (raising here the question of the age at which delinquency begins to manifest itself and the age graph of criminal activity) ; 2) its intensity, which can vary at a given moment, at a given age, and in relation to a global context that will have to be determined ; 3) the logic underlying the actions of these young delinquents (thus of their specific targets - precisely what deviance or delinquency are we referring to?) ; 4) the logic behind the reactions of the institutions of

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3 A series of protests directed against the establishment of a specific work contract for first jobs with less guarantees than the standard one.
social control, which therefore brings us to the question of the building of delinquent careers.

New to France, the first of these four questions is a classic one. On the other side of the Atlantic where, in particular on the basis of self-reported crime surveys, criminology traced an age graph of juvenile delinquency a long time ago, which has remained surprisingly stable over time, and therefore encourages us to think that the psychosocial processes that underlie it (family and school issues especially) are also as stable. The second question is, on the other hand, a more delicate one. If the psycho-social phenomenon is intrinsically stable, its intensity can vary according to the demographical and social contexts. If it is likely that the idea of a change in the nature of this age factor is false, it is always possible that pre-adolescents and adolescents are more or less numerous to commit a particular crime, depending on the place, the moment and the period. This brings us therefore to the third question, namely to set aside the generalities and study the motivations behind the acts, the context of the act, the preferred targets and hence also to examine the more or less great visibility of a particular phenomenon. Lastly, the fourth question concerns the processes of the building and consolidation of criminal careers. The contributions of American interactionists (Lemert, Becker, Goffman) can serve to analyse the manner in which the institutions of social control contribute in promoting crime, by stigmatizing, in particular, certain types of deviance in specific neighbourhoods, and thereby excluding certain individuals from the social scene and gradually confining them to specific delinquent identities and practices. This branding process arising from the interaction between a youth or a group of youths and institutions was well-highlighted by the constitution of gangs, due to the processes of exclusion in schools. It is at the heart of the very problematic relationship, in France, between the police and the residents of working class districts, especially when they belong to a migrant milieu.

In these circumstances, the question of the age at which a youth begins to show deviant behaviour is not the only important issue for a society. Rather it is knowing when and at what age he ceases criminal activity that is just as, if not more important. As it happens, these important changes have probably occurred in the last few decades in certain European societies. In France, unemployment among youth has never been so high and so constant. Now, the question of the access to employment affects the other two standard criteria of “attaining adulthood”, access to lodging, living as a couple, prior to founding a family. In France, when we realise that in some neighbourhoods the rate of unemployment exceeds 50%, whether among graduates or non-graduates, it is of prime importance to question the consequences of this situation, both at the time of starting and ceasing criminal activity, by putting forward the hypotheses of a possible late age factor at the time of quitting criminal activity.

These are some ideas that we can proffer at this introductory stage of our coordination action and without any assumptions about the results that our work will yield in the next two years.

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Major trends in the long-term evolutions of violence

Pieter Spierenburg, Laurent Mucchielli

Measuring and interpreting the long-term evolution of interpersonal violence in many European countries is a complex enterprise that confronts us with problems of definition, data and measure. The concept of “violence” changes with the country, period, or the legal system under consideration - all over history and especially in the contemporary period (since the 1990s), distinguished by an increasing process of criminalization and legal proceedings. Historical data - mainly judicial records - are not always comparable. Measuring is not always possible. That is the reason why, in this workshop which has assembled historians and sociologists, most of the contributors have focused on homicides starting in the 16th century. The reason for focusing on homicide is the availability of good records, body inspection reports, common in most European countries. For the contemporary period (1950-2006), contributors have extended their analysis into various forms of interpersonal violence (assaults and batteries (including those that are associated with thefts and robberies). They have also taken into consideration others kinds of data like victimization surveys. Finally, the workshop has allowed some major general conclusions about the long-term evolution of violence, which are summarized here.

1 - The long-term decrease of homicides in Western Europe

Aggregated homicide rates from Belgium, England, France, Germany, Italy, Sweden and Switzerland, 1950-1995 show a marked rise, beginning around 1970. Roughly, this is from around 0.9 per 100,000 population to around 1.5. Looking at that graph alone would make the viewer think that violence is typically something of the modern world. A very long-term graph, however, shows quite the opposite (see graph 1). Homicide rates declined from some 30 to 50 per 100,000 population in the middle ages, to twenty in the sixteenth century and then further down each century until they reached an average of about one in the twentieth century. Computing averages per century obscures the rise since 1970 of course, but this rise appears very modest against the background of the long-term decline. That decline occurred in all European regions for which we have good data, but later in Southern Europe than in other countries.
THE very LONG TERM

- (Manuel Eisner's rates per century, rendered in a simple graph by Eric Monkkonen)

Graph 1 - The very long term

When examined per country or city, homicide rates sometimes show fluctuations or temporary upsurges. Thus Amsterdam's homicide rates first conform to the European pattern, with a decline from nearly fifty in the fifteenth century to just over twenty at the end of the sixteenth. They are very low, with probably some underreporting, in the 1660s and 1670s: just above three. Then there is a temporary peak around nine from the 1690s to the 1720s, after which the decline resumes again, with a rate of about two in the early nineteenth century. In the 1990s the Amsterdam homicide rate was back at six. The modern rise is represented in Amsterdam in an intensified manner, because modern violence concentrates in large or cosmopolitan cities. For the whole of the Netherlands, the modern rise is much more modest: from about 0.4 in the 1950s to about 1.4 in the 1990s.

Because homicide rates since 2000 in many European countries are somewhat lower than in the 1990s, this forms an indication that the recent rise may be over and even on a return path now. Amsterdam witnessed a spectacular fall during the previous year. Whereas the police counted thirty-five homicides in 2005, in 2006 this was only seventeen. In a speech in January 2007, chief of police Bernard Welten claimed: We have stopped the wave of liquidations. He meant that with the arrest of a few alleged captains of organized crime, violent competition between illegal organizations had stopped more or less. This claim still has to be subjected to scientific research of course. It does point to the unmistaken fact that a larger share of today's homicides, compared to the past, have their roots in organized crime. This can be concluded from a number of in-depth studies; it is a feature often obscured in analyses of nationally aggregated rates.

2 - From violence among strangers to violence among intimates

The second important long-term trend in homicide concerns the great increase in the proportion of intimate victims. Data from English, Dutch and German studies show that until the sixteenth century the percentage of intimate homicide victims was well under ten, with five as the median. It rose to about sixteen in the seventeenth century, thirty in the eighteenth, while forty or more was common after 1800. In Amsterdam the shift came by the mid-eighteenth century. Between 1700 and 1750 victimization by strangers accounted for 44% and by intimates for 14.7%. During the next sixty years this ratio had reversed: 17.5% to
42.5% (with the last data set probably a little biased). It should be added that, since the overall rates declined by a much larger factor, the rate of intimate victimization declined as well. A rough estimate, based on a combination of the available data from all over Europe, comes at 2 homicides on intimates per 100,000 total population in the middle ages and 0.5 after 1800.

Those evolutions are not only observable in the case of homicide but, more widely, for many forms of interpersonal violence. In the contemporary period, sociological studies in France and Germany have suggested that this trend is going on with great new force, in relation with two major social processes. First, increased denunciation of types of violence: violence against women and children, in the domestic realm but also at the workplace, at school and in many places where youth are living, including judicial institutions - which were much more tolerated in the past: Second, there is a process of “judicialization” linked in part to changes in the way of life, reduced community ties, and increase of familial and marital conflicts about divorce, separation and child custody. It is likely, for example, that the rising propensity to report domestic violence is due to an increased awareness rather than to changes in actual behavior.

3 - From ritualized to instrumental violence

Another important aspect of the long-term trend concerns the nature and context of violence. Every act of violence can be characterized according to its position on each of two distinct axes. One axis goes from impulsive to planned violence.

![Figure 1 - The two axes of violence](image)

It has to do with the mental habitus of the perpetrator and inquires into the degree of spontaneity or control in the act. The other axis goes from ritual to instrumental violence. Here, too, it is a matter of degree, as the word axis implies. The more violence has a ritual character, the more it is done for its own sake. Violence with a highly instrumental nature is employed not for its own sake, but in order to attain something else. Robbery is the classic example, but historical bandits also performed rituals. The axes can be represented as crossing each other, which leads to four distinct boxes. This way of representing alerts us, for example, to the possibility of violence that is both instrumental and impulsive. The axes can also be represented as parallels. In that case, they imply the hypothesis that, over time, violence on average moves away from the ritual pole in the direction of the instrumental pole and away from the impulsive pole in the direction of the planned pole.

In contemporary European societies, this process continues with force. For example, French victimization surveys show that about half of the attacks reported by victims are associated with theft, robbery or attempts at them. Some studies have linked this
phenomenon to the development of economic and social inequalities since 1970 in the context of a consumer society.

4 - Violence and social class

Finally, there is the differential involvement of social strata in interpersonal violence. Whereas in the middle ages the upper classes were even more violent than their social inferiors, this changed after the sixteenth century. Gradually, Europe's elites embraced a more peaceful life style and they progressively learnt to use the justice system and lawyers to arbitrate their conflicts. One, long-time exception was the custom of dueling, which remained important until the First World War. For the rest, by the nineteenth century, male fighting was largely restricted to the working classes. An illustrative intermediate phase was around the turn of the seventeenth and eighteenth centuries. Respectable citizens refused to become involved in knife fights, but they sometimes had to defend themselves against an aggressor. In that case they employed a stick in order to chase away a knife fighter or hit the knife from his hand. Alternatively, they learned a special form of wrestling. Nowadays, there is no evidence that poorer classes have different sorts of conflicts than upper classes, but there is strong evidence that, particularly in the context of high unemployment levels, the working classes are more prone to use violence to manage conflicts, in the family, at work and in their neighbourhood. Finally, the relationship of violence with the consumption of alcohol appears as a constant, visible in the past as well as in modern times.

Conclusions

The existence of these long-term and modern trends was largely confirmed by the participants in the Rotterdam workshop of January 2007, but there was of course a lot of debate on details. The principal conclusions from this meeting were:

• With respect to homicide: the long-term decline was confirmed. One exception referred to a very low rate in early modern rural Spain. Homicide in recent times is relatively high in Finland and Eastern Europe.

• Regarding the concept of violence, most participants stress that definitions changed over time, especially in the current period (since the 1990s) which is characterized by an increasing process of criminalization of physical, sexual and verbal violence.

• Several participants noted the importance of studying violence in its social and cultural context, stressing the need to move beyond mere quantitative and statistical studies.

• Several participants also noted the importance of studying the process of denunciation of violence, and its links to broad changes in the ways of life.
Mechanisms of Criminalisation and their Evolution in Europe - A Comparative Approach through Juvenile Justice, Immigration and Drugs Policies

Yves Cartuyvels, Sonja Snacken, Francis Bailleau, Maria Luisa Cesoni, François Sicot

1. The criminalisation of minors and its evolution: the interplay of sanctions

Coordinators: Francis Bailleau, Yves Cartuyvels

In Europe, the law on minors has undergone significant changes in the last few years, especially with the reappraisal of the ‘protective’ model, associated mainly with the principles subscribed to by the Welfare model. A GERN seminar, held between 2003 and 2006, provided an occasion to test the hypothesis of a shift from Welfare logic to a neo-liberal approach in 13 European countries (Western Europe, Southern Europe, Northern Europe and Eastern Europe) to which a fourteenth extra-European country, Canada, came to be added (Bailleau, Cartuyvels, 2007).

The present programme expects to broaden this initiative, by examining the changes in juvenile justice in various European countries within the framework of political, social and cultural transformations affecting European societies. This involves identifying the points of convergence in the various systems of juvenile justice (it is assumed that the social and political developments common to our societies impact the existing systems in the same way: globalisation, criminalisation, global and integrated approaches, etc.) and also the points of divergence or the differences corresponding to distinct cultural identities in the concerned countries (the various nuances of the Welfare model, the more or less abiding influence of a gestating model of neo-liberal origin, the weight of social policies, the relative autonomy of the judicial system compared to “infra-judicial” facts, etc.).

Thirteen countries in all are concerned by this research, which will give precedence to a comparative approach based on experiences specific to each country: England, Belgium, Canada, Scotland, Spain, France, Greece, Lithuania, Norway, Portugal, Romania, Slovenia.

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Turkey. The research will be presented and discussed at three seminars to be organized in Saragossa (October 2007); Athens (March 2008); and Lubljana (October 2008).

2. The central research themes

In order to ensure analytical cohesion and to facilitate comparisons, each participant will focus on three issues, or reference points, to highlight the specific experiences of his/her country. Viewed from the angle of the changes affecting both primary (formulation of laws and penal policies) and secondary criminalisation (implementation of laws and penal policies, functioning of institutions and stakeholder practices), the following issues have been selected:

a) the practice of locking up minors and its evolution, in a context where the trend of “prisonization” which can be noticed in the field of criminal justice applicable to adults seems to weigh also on juvenile justice;
b) the development of “alternate sanctions”. A common feature in the field of juvenile justice, the ideal of a “third way”, between prevention and repression, in the form of a “soft” approach is actually gaining in popularity in various countries (community work, penal mediation, reparative mediation).
c) The extension of judicial logic or its penetration into related fields (school, social welfare…), in an era marked by the de-compartmentalization of interventions and the development of a “network” of intervention models (de Coninck et al., 2005).

These three central themes were given preference for two reasons. Firstly, the question of sanctions appears to be one of the key issues in the reforms under discussion or underway, in various European countries. As it happens this issue was not given that much importance in the previous GERN seminar. The approach from this point of view is clearly complementary to the earlier studies already completed by our network of European researchers. Secondly, both issues, i.e. sanctions as well as the extension of judicial logic beyond its regular boundaries, seem to be excellent “analysers” of the changes in juvenile justice within the framework of more comprehensive political and social transformations. More precisely, these three themes seem particularly appropriate to test the analytical grid selected by our Workpackage: evolution of welfare regimes; the impact of Human Rights; the role of victim-oriented policies; media pressure and the weight of public opinion.

3. Analytical grid

Each contributor will use four analytical criteria to study the transformations that have taken place in the field of juvenile justice with the help of the above indicators. These four central themes have moreover been detailed during the inaugural Meeting, “Factors of criminalisation - a European comparative approach” (April 2007), with each participant in the working group benefiting from the reflective contribution of this effort to enrich his own work². The four themes are the following:

a) The influence of Welfare policies and their evolution

The “youth welfare” model, which dominated (criminal) juvenile justice in Europe until the end of the 20th century, is mainly associated with the principles of the Welfare model. We know that this model is under attack today. What are the expressions and impact of this criticism on the evolution of the sanction policies pertaining to juvenile justice? Are we really witnessing a drastic policy change with, for example, a radical rise in the number of incarcerations of minors and this with regard to younger and younger children? Does juvenile justice, whose proponents seem to be steeped in Welfare culture, on the contrary, oppose the “punitive wind” more than criminal justice for adults does, to instead favour an integrative and rehabilitative approach to sanctions? As a matter of form, how does the intervention logic specific to the welfare model (sectional approaches, imposition of sanctions) combine with the intervention modes concerned with transcending this model (global approach and de-compartmentalisation of spheres; negotiated rights and contractualization)?

b) Human rights: factor of protection or criminalisation?

Historically, human rights are part of the due process tradition of criminal law. Their principal aim is to “shield” the person amenable to trial from the excesses of criminal punishment. A few contemporary authors seem to think that human rights could well make an about turn today (Cartuyvels, 2005) in the name of victim rights and/or in the interests of internal security, human rights would increasingly serve as the “sword” of criminal law, contributing, on the one hand, to the spread of criminalisation and, on the other, to the obvious detriment of the various due process principles traditionally attached to criminal law.

Are we witnessing the same “about turn” of human rights in the field of juvenile justice? Historically, the evolution is different. The “protective” model was rapidly associated with an “informal” justice, less concerned with procedural guarantism than was criminal justice for adults. Today, human rights are brought in to justify a “return to the law” (procedural guarantees, legality and proportionality of sanctions), guarantee of safeguards and of predictability for minors. But this “return to the law” may turn out to be paradoxical: in keeping with the shift towards a safety-motivated stricter outlook, human rights can serve as a pretext for heavier punishments being awarded to minors, “who have rights but also responsibilities”. The responsibility-punishment trend with regard to minors could be reinforced in the name of the protection of “human-victim rights”. Ultimately, the discourse on human rights could lead to the suppression of a system of justice specific to minors, with the adoption of a model strongly akin to the adult system or facilitating the referral of minors to other ordinary criminal jurisdictions.

c) The influence of the victim-oriented trend

The “return of the victim” is an established fact that has greatly influenced criminal justice in Europe over the last thirty years or so. In the field of juvenile justice, the influence of the victimisation movement can be felt in two ways: either the law can take a tougher stand with regard to deviance among minors, in order to satisfy security concerns and the alleged demands of the “real victims”; or it can encourage the adoption of “alternative” sanctions, its primary motivation being to repair the damage caused to the victim and contribute to the restoration of the social linkages broken by juvenile deviance (Restorative Justice). Our hypothesis is that the two aspects are present concurrently in several European countries. Are we not witnessing both the tougher response to juvenile deviance and the
development of alternate modes of conflict resolution (mediation; Family Group Conferences, etc.)? It would be interesting to compare the different plans of action selected by the countries, especially in view of the cultural differences between countries with a Romano-Germanic tradition on the one hand, and those influenced by the Anglo-Saxon culture, on the other (Jaccoud, 2003).

d) The media and public opinion

In many Western countries and Europe in particular, juvenile delinquency has become a critical public and media issue. Media reports can lead to a hardening of perceptions among the public, put pressure on the political players and lead in fine to tougher policies being adopted in relation to deviant minors. This evolution often takes place at the cost of a discrepancy between, on the one hand, the reading of the problem proposed by the “virtuous triangle” (media, public, politics), and on the other, the experience of professionals from the juvenile justice system and the expertise of researchers.

What is the role of the media in projecting the minor as a “figure of insecurity”? How can field professionals and researchers organize themselves in order to counter the phenomenon of “mass disinformation” (Doob, Roberts, 1988) to which the media contributes?

4. Possession and use of drugs : between criminalisation and decriminalisation

Coordinators : Maria Luisa Cesoni, Marie-Sophie Devresse

Drug abuse is governed by very diverse rules and regulations in Europe. These are constantly being modified and have spawned very varied national debates. Significant changes have been noticed in certain countries, leading to both greater criminalisation as well as partial if not total decriminalisation. A divide can be observed between the Southern European countries - of which several have opted for radical decriminalisation (as also some Eastern/North Eastern countries) - and the Central Northern countries, that are divided between a repressive approach and a tentative decriminalisation (or merely pragmatic).

The seminar that we are organizing therefore proposes to firstly, take stock of the circumstances in each participant country, in order to identify the common or analogous trends by presenting a composite picture of the various national experiences. Special attention will be given to the situations in East European and North European countries.

Representatives of the following countries have already responded positively to our initiative : Germany, Belgium, Denmark, Spain, France, Portugal, Norway, Netherlands, Czech Republic.

Secondly, the seminar intends to examine this two-way movement of criminalisation/decriminalisation from three angles, generally only partially addressed by the literature on drug policies.
a) **The impact of the greater importance accorded to the victim and to media images in the definition of criminal and social policies on drug abuse**

If substance abuse is classified *a priori* in the category of “offences without a victim”, the question of whether the consumption phenomena precede or are prompted by drug trafficking, presupposes the question of whether the user is, or is not, a victim of the trafficker. In addition, some experts feel that drug consumption can be compared to an epidemic, which means that in some cases new users can be considered victims of older ones. In both cases, the status of user is amalgamated either with the status of the consumer or with that of the contagious person. What role have these aspects played in the definition of user policies?

From a similar perspective, it is necessary to understand how, in each country’s experience, both at the national and also local levels, the status conferred on the drug user (sick person and/or delinquent - and possibly the consumer) was taken into account when drawing up the rules and regulations. A special effort will be made to throw light on the discourses underlying public policies and the impact of media representations on the subject. If, in the field of drugs the triangle, politics-media-experts, is logical, each component individually does not necessarily carry the same weight. In the cases studied, attention will therefore be given to the place of the media in the public debate on drugs and to the stereotypes sometimes (often?) circulated on the subject, as well as the confrontation between these discourses and the contributions of the experts, that generally bring out the nuances.

b) **The impact of welfare policies**

In some European countries, the ban on the use of drugs was justified, among other things, by the costs occasioned in the field of public health and paid mainly from the social security budget. When examining the criminalisation/decriminalisation policies, three aspects will be examined in connection with this argument: (1) the effect of the welfare crisis on the harshness or leniency of drug penalties (eventually within the larger context of an interdiction on all psychotropic substance); (2) the link between public expenditure and the implementation of drug policies; (3) the break up between effective repression and therapeutic alternatives in the implementation of criminal provisions. In addition, in conformity with the research option endorsed by this workpackage, we will study the impact of a new “culture of control”, linked to the decline of the Welfare model, on the modes of management of deviance associated with the use of drugs (contractualisation, autonomisation, inculcation of a sense of responsibility, etc.).

c) **Substance abuse and Human Rights**

In relation to this theme, we firstly plan to analyse the manner in which protection of fundamental rights is guaranteed to drug users in the countries studied and, secondly, to understand if certain user practices and lifestyles do not impede the access to this protection. The question here will be to find out if drug users are considered first class citizens and if they, therefore, enjoy the same fundamental rights as all the others. It will also be interesting to examine, in each of the concerned countries, the ultimate recognition of specific rights corresponding to their user status (anonymity during treatment, job security in case of treatment…). Lastly, the compatibility of the criminalisation of substance abuse with certain fundamental rights will be examined, as well as the role played by “human rights” in the criminalisation/decriminalisation of substance abuse.
5. The criminalisation of aliens

Coordinator : François Sicot

The subject of criminality and the criminalisation of aliens in Europe is not new in itself and has already been the focus of a European COST programme whose proceedings were published in 1997 (Palidda, 1997). However we felt that it would be useful to re-examine the question for a major societal evolution has taken place at the European level that necessitates the revision of several points, such as:

- what some people have called the end of national societies or, at least at the level of European space, the decline of the nation-state model;
- European expansion and, automatically, the redefinition of the concepts of immigration (from what space does one migrate?), alien, citizen, foreign origin as well as of the values and norms that have created or are fundamental to this new politically organized space. To what extent are the “new Europeans” aliens and with regard to which space?
- The new threat stemming from terrorism and, consequently, the new security measures affecting aliens.

Criminality and criminalisation of aliens in Europe will be analysed from three angles, each giving rise to analyses based on existing research, publications and discussions during the three seminars in Toulouse (France)\(^3\), Genoa (Italy), and Brussels (Belgium).

\(3\) This meeting has taken place on 19-20 October 2007.

\(a\) European National integration models, definition of citizenship, and its links with criminalisation

The large number of recent social conflicts associated with immigration feed on the fears of the host populations with regard to the alleged inability of certain aliens to become integrated, defined in very broad cultural terms. From Sellin’s perspective (1960), cultural conflicts denote the clash of moral values and behavioural norms that are in opposition and at variance. Now, if the countries, societies and modern institutions are becoming increasingly multicultural, they also differ with regard to the degree of openness towards other cultures, which they manifest in their relations with immigrants and minority groups. The openness towards the plurality of norms and values can be gauged from the definitions and redefinitions of the word ‘alien’ in legislations, nationality and citizenship policies, etc. The various European countries handle this pluralism by more or less emphasizing, on the one hand, individual freedom and liberty, and on the other, the sharing of institutions and common values.
Viewed in this manner, the distinction between criminality and criminalisation becomes irrelevant. To what extent is the infringement of norms and values considered - by public opinion, the media, politicians, researchers - an offence or a crime? Which behaviours or conflicts will thus be criminalized, because they are attributed to members of minority groups? Can one identify populations, minorities, to which typical behaviours will be ascribed, that are especially at variance with the norms of the host country, and hence are especially targeted by this criminalisation? Does European integration, as a political, cultural and economic process, promote or modify the criminalisation of aliens? Does Europe participate in the emergence, not of new security policies but of new constructions of identity, of citizenship and therefore also of new individuals who are opposed to it and have to be eliminated? And if so, how

b) Immigration management methods adopted by the police, the judges and their aides

It is necessary to draw attention to the great diversity and contradictions - visible or invisible - of the various government practices regarding legality or illegality within the European Union itself. This is partly due to the different modalities for tackling the discrepancy between security policies that sometimes stem from the ‘war on immigration’ and the requirement of migrant labour created by neo-liberal economic policies. This is of course also due to the very different migratory histories of each country.

The different methods of dealing with immigration are followed by employers, police, local administrations as well as governments and administrations responsible for policy on aliens and immigration, as also NGOs. The question then arises of the interactions between these players and the pragmatic adjustments that they make, of their respect for, and coherence with, governmental and intergovernmental rules. Is there collaboration, complementarity, or competition between these actions and on what basis? More particularly, to what extent are municipal, national, public/private police and different police agencies within a country and between countries, successful in balancing their interventions between the tasks traditionally assigned to them and the pragmatic management of illegality, between police control, maintenance of law and order and the more ‘social’ missions? How do the police and judicial institutions cooperate and, more generally, how is the criminal system organized to handle illegalities - including the variations in their definitions - in the various member countries of the European Union? It would be worthwhile to compare countries with a recent history of migration that are faced with a massive influx of migrants on their borders, with countries having an older tradition of migration.

How is the problem of human rights and basic freedoms resolved by the police during its interventions with migrants and aliens? What are the conditions under which the rise in the traditional control methods combined with ‘post-modern’ practices and technological innovations will be able to avoid abuses making a mockery of privacy.

c) The person of the alien

Many studies have already been conducted in different European countries and within the European community on the person of the alien. It will thus be worthwhile to undertake an assessment of these studies in keeping with the general theme of WP3. We know that in several countries, there exists a virtual build-up by the media of the ‘delinquent migrant’, that is created from a hodgepodge of information and misleading equations, such as the escalation of alien criminality, rumours of ‘invasion’, the threat to identity and culture, terrorism… This portrayal of the immigrant as a threat emerges in the context of the fears
aroused by the construction of new supranational political entities and the gradual disappearance of identity-related convictions from the past.

In these three seminars the focus will be on: 1. the definition of the alien and the specific future of what we often very inappropriately term “second generation immigrants”. How is the time taken by integration considered in the policies? 2. The Roma community: Roma, particularly the non-sedentary ones, can be considered a textbook example of citizenship and mobility at the European level. On the contrary, it illustrates the consequences, in terms of criminalisation, of control policies applied to certain types of mobility. What are, both at the level of the European Union and in each European country, the perceptions, the reception, the treatment of this category of the population, the particular laws that regulate their settlement or their mobility in territories? This point should lead us to envisage more globally the question of intra- and extra-European mobility - the subversion of the concept of nation-State that it engenders - and its links with criminality or criminalisation.

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In the last thirty years or so, fear of crime has become a major concern of the various professionals associated with the law, the political decision makers, the media, the public and scholars.

For a good number of stakeholders and political decision-makers, reducing fear of crime, insecurity and the feeling of insecurity, have become goals in themselves, in some instances, as important as the reduction in criminality itself.

The feeling of insecurity, as also its consequences, is a social problem whose magnitude we are now able to gauge. Some citizens, for instance, through self-imposed curfew, place curbs on their freedom and withdraw into themselves, while others take up arms and/or organise themselves into vigilance committees. The spread of rumours that generate insecurity can strengthen the position of those in favour of the reinforcement of authority and the limitation of freedoms. It also diverts the attention of citizens from other problems and is very probably a driving force in the spectacular development of the private security market.

The identification of insecurity as an important issue in criminal policy has produced a large volume of scientific - or not so scientific - research, fuelling political controversies and politicking, but fortunately more intellectual debates as well. Despite all this cogitation, it is still very difficult to reduce fear and insecurity levels. Although several European countries - in so far as one can rely on the figures given - have claimed a decline in certain aspects of reported crime, often this not followed by a decline in insecurity, and the questions remains at the crux of the debate and at the top of the list of preoccupations on the political agenda.

What conceptual challenges do we face? What conclusions can we draw at the theoretical level? What questions of methodology does the concept of fear of crime and its use give rise to? What contribution can we make to aid the process of decision-making in the member countries of the European Union?

The ultimate aim of our workpackage is to achieve a state of the art overview with regard to the perceptions of insecurity and crime. To better understand, from a socio-historical perspective, the knowledge accumulated in different regions of the European Union, the impact in terms of quality of life and social cohesion (discrimination, rejection mechanisms, social segregation), the development of the feeling of insecurity.

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We will explore the broader characteristics liable to influence fear of crime and the feeling of insecurity (for example, in terms of the evolution of informal social control, the greater expectations of the population, the transformation of European societies). Particular attention will be paid to the media coverage of penal issues. In association with other groups and workpackages, we will focus on the insecurity experienced by the more marginalized citizens and the reciprocal relationship between perceptions of crime and the definition of public policies.

1. Participation

Directed by André Lemaître (University of Liège, Belgium) and Adam Crawford (University of Leeds, United Kingdom), the deliberations in this workpackage will be organized around a core group of regular participants from sixteen different research centers, representing thirteen EU countries. For each seminar, other scholars will be invited according to the specific themes taken up. In the spirit of the Crimprev project, this external participation will enable the opening up of the project to a maximum number of colleagues, who are not yet part of the existing networks (Northern and Eastern Europe, new European Union members, for example).

The members of this core group are Sophie Body-Gendrot (Centre d’Études Urbaines, Sorbonne, Université Paris IV), Hans Bouteiller (Verwey-Jonker Instituut, Utrecht), Josefina Castro, Cândido Da Agra (Faculdade de Direito da Universidade do Porto), Stephen Farrall (Institute of Law, Politics & Justice, Keele University), Axel Groenemeyer (Fachbereich Erziehungswissenschaften und Soziologie, University of Dortmund), Magnus Hörnquist (Department of Criminology, Stockholm University), Krzysztof Krajewski (Department of Criminology, University of Krakow), Helmut Kury (Institute of Psychology, Freiburg University), Dario Melossi (Facoltà di Giurisprudenza, Università di Bologna), Gorazd Meško (Faculty of Criminal Justice, University of Maribor), Amadeu Recasens i Brunet, Anabel Rodríguez (Centre of Security Studies Association, Spain), Klaus Sessar, Peter Wetzels (Universität Hamburg, Department of Criminology), René van Swaanningen (Department of Criminology, Erasmus University Rotterdam), Sirpa Virta (Department of Management Studies / Police Management, University of Tampere), Maggie Wykes (Centre for Criminology, University of Sheffield).

2. Research organisation

The activities of workpackage 4 will be organized around six seminars spread over three years:

The first seminar has taken place at the University of Hamburg on 15-16 March 2007. It has been prepared by Klaus Sessar and Peter Wetzels. The theme retained for this first meeting is “Perceptions of crime and insecurity: contrasting situations in European space and time”. This has provided an opportunity to initiate the process of posing a series of questions and taking stock of the results of the various studies conducted in some European countries. Are we dealing with a new phenomenon here? Are the questions.

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2 Participants have been asked to prepare and present a brief report of the situation in their countries. We took advantage of the meeting to link up with the project “InSec”. “Insecurities in European Cities. Crime Related Fear Within the Context of New Anxieties and Community-based Crime Prevention”, a project financed and carried out within the framework of the 5th Programme of European research.
connected with the perception of crime and insecurity truly a current concern? Is the anxiety over these problems felt in equal measure across the whole of Europe? Do we have enough data to be able to detect the evolution of the perceptions of delinquency and insecurity? The participants invited will also address the problem of the assessment of the feeling of insecurity and fear of crime and their thinking at the methodological level could be compared with the studies conducted in workpackage 7, which deals with methodology.

The second seminar focussed on “Social, cultural transformations and insecurity”. It has been held at Esslingen on 1-2 June 2007 and has been organized by Axel Groenemeyer.

We have explored the broader characteristics that are likely to influence the feeling of insecurity, fear of crime and perception of delinquency: the evolution of an informal social control, increase in peoples' expectations (a lowering of the threshold of tolerance vis-à-vis particular events or phenomena), transformations of European societies (problems related to gender differences, changes in the age pyramid in some European countries,…). The unifying theme of this seminar was the role of the social and cultural transformations in the creation of contemporary insecurities. We have also addressed the issue of the impact on the perception of delinquency and insecurity occasioned by the transformations, or rather political upheavals such as the change from a dictatorship to a democracy, or those experienced in East Europe with the socialist States opting for a liberal democracy.

The third meeting was held at the University of Maribor (Ljubljana) on 12-13 October 2007, on the initiative of Gorazd Meško. The subject retained for this meeting is “Media - images of criminality, its control and insecurity”. The first issue is the treatment by the media of penal and delinquency issues from a broader perspective rather than focusing on the - alleged - role of the media in the development and fostering of fear of crime and insecurity. The meeting also provided an occasion to consider the problem of public opinion and the image of criminal justice institutions system (especially police and the judicial system). The seminar also addressed the influence of the degree of trust in these institutions on the perceptions of crime and insecurity.

It is at the University of Liège that André Lemaitre will organize the fourth seminar on the subject of “Perceptions of crime, insecurity and social disintegration”, at the end of the first quarter in 2008.

What consequences of insecurity and perceptions of crime can we identify in social discrimination and segregation, as also in their possible effect, in turn, on the feeling of insecurity? What are the implications of fear in relation to social relationships? How in this context should the phenomena of rejection (to the extent of ghettoization) be understood? In socio-economic terms, what could be the impact of perception of crime, fear of crime and the feeling of insecurity on the real estate market, the very structure of certain towns? What could be the influence on public policies such as education? The seminar will also provide a very useful platform to look into the development of the security market and the constitution of fortress societies. The issue of withdrawing into oneself and into one’s community and its link with the perception of crime will be examined for it constitutes a challenge to European construction.

In September 2008, at Leeds University, Adam Crawford will be responsible for the organization of the fifth seminar on “Marginal groups and insecurity”. Possibly linking with workpackage 2, committed to bringing out the characteristics of deviant and delinquent behaviours, participants will deliberate on the fear of the other and the focalisation (perhaps
variable in time and space) on certain images of danger and risk: the vagabond, the youth, the immigrant, the drug addict, the sexual offender, the old and new forms of violence. But this context of stigmatization harkens back to other insecurities: racism, xenophobia and other forms of insecurity-fostering behaviours (hate crimes, for example). This seminar will also be maximised to focus attention on insecurity, the feeling of insecurity and the perception of crime of the more marginalized people.

The last seminar will be held at the University of Porto in December 2008. Its organization will be the responsibility of Cândido Da Agra et Josefina Castro as well as of Sophie Body-Gendrot. Linking with **workpackage 6**, committed to “Public policies for crime prevention”, the theme of this meeting will be “Perceptions of crime and public policies”.

We will examine the issue of taking public perceptions (or presumed as such) into account in the definition of public policies conceived as a response to the feeling of insecurity and fear of crime. The meeting will provide a chance to examine and assess (the term evaluation is probably too ambitious) the policies implemented in the various European Union countries, for the purpose of improving perception of crime and insecurity. From a similar point of view, we could focus especially on initiatives aimed at getting citizens to participate in certain policies. Likewise, the meeting will also enable us to question the political implications of insecurity and in particular, the resurgence of extremism. On the occasion of this seminar, a particular effort should be made to encourage as much as possible stakeholders and public decision-makers (local authorities, but also national and European) to participate in the discussions.

When taking up the issues of fear of crime, preoccupation with criminality and perception of delinquency, we are concerned with the challenges of participative democracy. It involves tracing the outline of a society in which the question of security is linked to the social blueprint that we would like to promote and does not only refer to the fight against criminality. To restore or sometimes to build up trust is not limited to a blueprint of the social control of deviance, especially when it means, naturally, highlighting the deviance of others.

Building a safer society, perhaps, but at the very least one that embraces all its members, including the most vulnerable. In Europe’s case, the challenge that needs to be taken up is “how to live together”, which is synonymous with openness (i.e. not withdrawal into oneself) and tolerance.

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3 Thus in Belgium, see the studies conducted on the initiative of the Fondation Roi Baudoin, and in particular, *Société et sentiment d’insécurité*, a case file prepared by Y. Cartuyvels within the framework of the Millennium Conferences, 1995 and *À l’écoute du sentiment d’insécurité*, a general account of the feeling of insecurity, 2006.
In this paper I will seek to outline some broad conceptual questions and social trends that might inform the work of workpackage 4 on ‘perceptions of crime and insecurity’ of CRIMPREV over the forthcoming three years of its investigations. I will use insights drawn largely from the British context, which I know best, with the intention that these may provoke comparisons of both divergences and similarities in developments elsewhere in Europe. My aim is not to map out an analysis that fits pan-European experiences but rather to suggest, from one particular vantage point, some of the issues which a study of perceptions of crime and insecurity across Europe may provoke. In so doing, it seems to me two crucial questions require some comment:

• First, what do we know about public perceptions of crime and insecurity, how might these be changing and what influencing factors are at play?
• Second, what are the implications for public policies of any noticeable shifts in, and a focus upon, public perceptions and what specific examples of policy developments have occurred?

Broadly I will structure my observations in correspondence with these two overarching questions but I start my overview from a number of conceptual and normative premises. First, security is, or at least should be viewed as, a ‘public good’ (Loader, Walker, 2007). Security is a foundational good from which citizens should not be unduly excluded nor should one person’s security detract from another’s. This normative premise does not, however, deny that much security is privately or parochially owned and consumed nor that public provision of security may be the subject of ‘club’ capture (Crawford, 2006). Rather, it recognises that political institutions where they exist should seek to render security, as far as possible, non-excludable and non-rivalrous.

Secondly, and perhaps somewhat contradictory, security is not now, nor has it ever been, reducible to activities of the state (or its police); the contemporary political institution developed for the purpose of delivering security to its citizens and containing private power. It is only since the 19th century that a state-centred conceptualisation has fostered the ‘illusion’ of monopolistic sovereign authority. It is only as a result of Liberalism’s intellectual claim to define ‘internal’ security solely in terms of the question of crime and the institutional birth of the ‘new’ police that we came to see security through a state-centric lens. Hobbes’s Leviathan found particular expression in the professional police. The modern state was to be built on claiming and accumulating the legitimate monopoly of

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physical force. Its paid agents ultimately were to be responsible for the nature and form of policing and crime control.

Thirdly, the distribution of security as a ‘public good’ is rarely just or even. Policing is a good example of a ‘quasi-public’ good for which additional users increase the cost of provision. The contemporary congestion of policing means that police protection and response do not exist to a degree that they can absorb an increased demand. Quite the contrary, it is the insatiability of demand that has stimulated a market in additional policing and security. Over recent years, demands upon police time have grown significantly. The most immediate indicator of this is the increased emergency and non-emergency calls to the police. For example, in police telephone control rooms in England and Wales now handle about 40 million calls each year, including at least 12 million emergency calls. Driven by greater access to telephones, particularly with the expansion in mobile phone ownership, much public demand requires from the police some form of response. As demand for policing has grown, so too the effectiveness of the police response has diminished due to the congested demands upon it. Hence, security and its institutional expression in policing is the subject of great expectations. There is not an endless supply of public security. Rather, public security necessitates prioritising and rationing in the distribution of policing as a scarce public good in response to conflicting demands. However, prioritisation is rarely overt, in the sense of clear and formal choices, more often covert and informal. Public policing is simultaneously constituted by, and constitutive of, citizens’ demands. Hence, a problem for the police is that their mandate is defined largely by the publics that call upon them. The police, therefore, have the capacity - and tendency - to fuel demand for their own services. A demand which regularly outstrips their ability to meet the demand generated.

1. Driving Insecurity

In modern Europe there are a number of broad socio-economic trends that are driving public perceptions of insecurity. First, the increasing global flows of capital, people, technologies and communications not only present new sources of anxiety but speed up and increase the exposure to diverse risks. Globalisation has not only changed the character of risk but has significantly increased the salience of risk. In the 24 hour media world people are bombarded with information and knowledge about harms both near and far. Information technologies communicate risk-pervasiveness and saturate people’s consciousness with sources of danger. Secondly, globalisation has exposed the limited capacity of nation states to control events and to guarantee security to its citizens. This has prompted a transformation in the competencies of the modern state as expressed through multifarious forms of marketisation, privatisation and other forms of governance, which have seen a shift in responsibilities for managing uncertainty. One consequence of this reallocation of responsibilities has been the commodification of security whereby individuals and groups can, and are encouraged to, purchase ‘private security’. The market in security products, technologies, personnel and hardware has brought the realisation that ‘insecurity sells’. Insecurity can prompt action (such as the purchase of security hardware or insurance) but it can also foster social isolation and a sense of helplessness.

There is a burgeoning industry now that is founded upon and feeds our insecurities. Figure 1 demonstrates the growth of private security sectors in Britain in terms of annual turnover, but a parallel pattern of expansion is duplicated in relation to personnel. Similar trends are evident across Europe and beyond (de Waard, 1999). Button (2007) estimates
that private security personnel now outnumber their police counterparts in at least six European countries. Furthermore, commodification has residualised the security offered by the state both in the sense of raising the threshold of what is assumed to constitute the basis of being secure but so too it has scattered the environment with visible reminder of our own insecurities. In this context, as Zedner notes, it is deeply ironic that quests for security tend to increase subjective insecurity by ‘alerting citizens to risk and scattering the world with visible reminders of the threat of crime’ (2003, 163). As empirical research has shown, the provision of additional private policing, qua commodity, can increase perceptions of insecurity and also raise false expectations about the reassurance outcomes associated with their provision (Crawford, Lister 2006).

1. **Figure 1: British Security Industry Association Members Turnover by Sector 1983-2005 (£ million)**

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Public perceptions are linked to expectations and cultural sensibilities. The decline in deference to authority and the commercialisation of much public life have fostered new expectations regarding the nature and quality of service provision and choice over who should provide a given service. Managerial and market-led changes to public services have further increased public expectations. At the same time they have institutionalised distrust, precisely at a moment in history when trust is perceived as most valuable. Traditional forms of trust in professional authority have been replaced by forms of account taking, performance checking and other ‘rituals of verification’ (Power, 1997). This expresses itself in a lack of confidence in professions and a decline in trust in expert judgements. They do not merely empty out trust, but provoke an active suspicion of public institutions and those who wield authority.

Paradoxically, these technologies of managerial control are contrived, in part, in the hope of restoring trust in organisational competence. Rather than resolving trust deficits these are dispersed into the fabric of the organisational environment. Simultaneously, new ‘guardians of trust’ are introduced in the form of inspectors, quality controllers and auditors. ‘Trust me I’m a doctor’ has become a hollow refrain as novel forms of
accountability and performance measurement allow publics access to information upon which to make their own assessments. In its place now is a more convoluted: ‘trust me, because my performance scores and inspection results are comparatively better than other doctors’. An unintended consequence of the proliferation of information on professional performance may actually be a greater public scepticism regarding the quality of performance measurement itself (O’Neil, 2002).

Thirdly and related, modern societies have been witnessing the steady erosion of traditional ties and associations, as human personhood and identity are transformed from a fixed ‘given’ into a malleable ‘task’. The defining feature of contemporary living is the need to construct and invent one’s own self in the context of ‘the decline of given sociability’ (Beck, Beck-Gernsheim, 2001, xxii). This processes of ‘individualisation’ charges individuals with the responsibility for self-determination: for both performing the ‘task’ and for the consequences and implications of their accomplishment. Not only does this prompt feelings of ‘ontological insecurity’ - uncertainty about identity and belonging - but furthermore, these burdens, and associated freedoms, carry anxieties over choices made and paths taken. Beck has described the requirement to ‘take control’ in an apparently uncontrollable world, as the need for ‘biographic solutions to systemic problems’. Making a similar point Giddens (1991) likens the chores of contemporary life to driving an unsteerable juggernaut; a Herculean task prone to produce feelings of failure, anxiety and unease. In an age in which freedom and choice are exalted the casualty is a perception of security. From this perspective, the ‘liquid modern’ world is by definition an anxious one (Bauman, 2000, 2006).

It is suggested that these trends have fostered a culture of insecurity. In this, victimhood has become a central cultural referent. ‘In the name of the victim’ or potential victims in the language of ‘public protection’, is a rallying cry of public policy. In The Culture of Fear, Furedi (2002) argues that life has not become more dangerous but rather that we suffer from an excessive preoccupation with the potential harm in risk-taking. This culture of fear is stimulated by a politics of fear in which political causes and interests are championed and pursued on the basis of and by evoking fear and the harm potential of certain future scenarios. According to Furedi, this politics of fear is evident not only among traditional political parties, but also among environmentalist groups and other single issue politics. For him, this lies in the diminished importance attached to subjectivity and human agency and is reflected in what he refers to as the ‘precautionary principle’. This precautionary concern is evident in wider debates about the ‘risk society’ and in the context of crime is reflected in the emphasis on prevention.

2. The ‘Preventive Turn’

It is widely acknowledged that the last 30 years or so have witnessed a considerable shift in the way in which crime is governed, in which prevention has become a defining logic.² This preventive turn has been associated with a new discourse of urban safety concerned with security, order and prevention, through risk-reduction, harm-minimisation and loss-prediction. This contemporary emphasis prioritizes future governance over taking account of, and re-ordering, past relations. A new infrastructure has been assembled to

² Conceptions of preventive governance, however, are by no means new. Classical liberal thought in the 18th century promoted the governance of future life choices on the basis of rational calculations of the relative balance between pleasure and pain; reward and risk.
institutionalise this politics of urban and community safety (Garland, 2001; Crawford, 2007). Its defining features are:

- **Holism** - crime needs to be understood in the context of, and related to, wider social problems and inter-related causal factors. This broadening out sees crime as interlinked with harms and behaviours, quality of life concerns and public anxieties. It is both consequence and cause of wider disorder, fear and social breakdown.

- **Partnerships** - allied to the notion of holism, then, is the idea that responses to crime need to reflect its multiple aetiology, prevention needs to be delivered through networks drawing together different actors, knowledge and expertise. It should be ‘problem-oriented’ rather than defined according to the means or organisations most readily available to solve them.

- **Localism** - local problems are deemed to demand local solutions that are sensitive to the local context and draw upon informal mechanisms of control and local knowledge.

- **Early intervention** - prevention demands early intervention both in terms of earlier in the life-course, focusing efforts on young people, but also in terms of intervention at an initial stage in both individual and community-level developments. Hence, low-level indicators of potential future risk of offending flag the need for intervention in order to ‘nip it in the bud’. Thus, the presence of incivilities, graffiti or ‘broken windows’ (in Wilson and Kelling’s (1982) infamous analogy) may highlight a neighbourhood at tipping point on the brink of a ‘spiral of decline’, so too, risk-factors identified in young people that may relate to their parent’s capabilities or siblings’ actions can suggest the probability of a future criminal career.

Prevention, by its nature, is future-oriented and probabilistic. It relies on predictive technologies and tools. However, knowing the future is uncertain. Calculation of future risks can never be an exact science. There will always be ‘false positives’, places or people where and for whom crime is not the outcome. Knowledge about risk factors is based on variation between individuals/places, whereas prevention requires variation (change) within individuals/places. Furthermore, there is an inclination within a preventive logic to seek ever earlier forms of intervention and to identify ever more (potentially remote) risk factors. Earlier intervention pushed criminological concern further and earlier into child - and even foetal - development, elaborating more complex chains of causation. So too, it seeks to highlight the chains of causation between incivilities, social bonds and neighbourhood violence.

### 3. Governing through Crime

The interconnected nature of crime and other social problems together with the focus on prevention and future governance has meant that crime has become a dominant way of seeing and governing other harms. In Britain, for example, the concept of community safety has been couched very clearly in the context of crime and disorder. The infrastructure of community safety partnerships were spawned by a Crime and Disorder Act (1998) after all. Seeing harm through a crime lens skews the notion of safety by its implications with crime. It has helped to fuel a focus upon crime-related risks - such as those presented by predatory strangers - at the expense of more immanent yet mundane risks such as those presented by traffic and pollution. As Adam dryly notes the risk of being killed by a suicide bomber in Britain, even post-7/7 and the anxiety generated, is minuscule compared to that presented by the motor car.

‘In Britain on an average day nine people die and over 800 are injured in road accidents. The mangled metal, the pain of the victims, and the grief of families
and friends, one might suppose, are similar in both cases. Measured in terms of life and limb, 7/7 represented six days of death on the road.’ (2005, 18).

This underscores the fact that the way people respond to risks is mediated by their cultural and political salience. In contemporary culture risks that capture public attention are largely those presented by ‘unknown others’, despite the fact that the sources of danger remain largely familiar and familial as well as mundane and routinised.

4. Perceptions of Crime and Insecurity

Let us consider for a moment what we know about perceptions of crime and insecurity in the British context. We are fortunate as the British Crime Survey (BCS) provides a valuable glimpse into shifts in public perceptions over time, as it has been conducted regularly for more than a quarter of a century, since 1981. The BCS, which is now conducted annually, has a specific section dedicated to measuring (and monitoring change in) public perceptions, notably with regard to:

- perceptions of changing crime levels;
- worry about crime;
- perceived likelihood of victimisation;
- the impact of crime and fear of crime on quality of life;
- perceptions of anti-social behaviour;
- confidence in the criminal justice system and confidence in the local police; and
- victim and witness satisfaction with the police.

Before considering some of the evidence from the BCS, we need to strike a note of warning in that BCS data are aggregated; by contrast, crime and victimisation are socially and spatially concentrated. Even in a context of globalisation - and maybe more so - locality matters! Figure 2 shows that two-thirds of the population in Britain think that crime is increasing, despite the fact that during this period aggregate crime, as recorded by the BCS, declined. According to the latest BCS, since peaking in 1995, the overall crime rate fell by 42% in the period to 2006/07, representing more than eight million fewer crimes (Nicholas et al., 2007). Over the same period, all vehicle theft and domestic burglary have each fallen by over a half (61% and 59% respectively), and vandalism has fallen by 11%. However, the percentage of people who believe that crime has increased over the previous two years has remained stubbornly constant over more than a decade.

Figure 2: Beliefs About Changes in the National Crime Rate (1996 to 2006/7)
Figure 3 highlights that people’s perceptions of crime are more nuanced when asked about their local area, as distinct from the national picture. Here, people are less likely to say that there has been an increase in crime. Furthermore, there is an apparent general decline over the decade from over a half to just over two-fifths. Unsurprisingly, people are more knowledgeable about local patterns of crime and are less likely to fall back on media assumptions and misrepresentations about increasing lawlessness.

**Figure 3: Beliefs About Changes in Local Crime Rate (1996 to 2006/7)**

Figure 4 starkly illustrates what has come to constitute a ‘reassurance paradox’; as crime has declined public perceptions of crime and disorder as well as anxieties about being the victim of crime have increased. For example, the percentage of the population perceiving young people hanging around in public as a problem increased from 20% to 33% between 1992 and 2006/7. Furthermore, a third (34%) of people who had seen young people hanging around, and who perceived this to be a problem in their area, thought that the perpetrators were not deliberately being anti-social (Upson, 2006, 17). Paradoxically, this apparent disjuncture between subjective fears and object risks has occurred at the same time that the number of public police officers (not to mention the paraphernalia of private security referred to earlier) has reached an all-time high.

Empirically, this reminds us that there is no simple correspondence between perceptions of risk and actual levels of victimisation. There are considerable methodological debates as to the veracity of existing tools for measuring public perceptions about crime and insecurity (which are likely to figure large in the work of this Workpackage). What surveys measure as ‘fear of crime’ is linked to wider personal feelings of well-being, self-assurance and a sense of control (Farrall et al., 2000).
Nevertheless, public perceptions matter - most notably in the realm of politics. Reworking W.I. Thomas’s dictum that ‘if people define situations as real they are real in their consequences’ (see Merton, 1995) much public policy thinking has come to see the ‘reassurance paradox’ less as a problem of misunderstanding but rather as a problem in and of itself, in need of specific attention. Public perceptions of crime and safety conform well to Thomas’s theorem in that they are believed to have very real consequences. Wilson and Kelling (1982) attribute to ‘fear of crime’ a central place in a causal chain that produces urban decline. Nevertheless, even if we eschew the causal implications of their thesis, it is clear that ordinary people, in everyday situations act upon their perceptions about safety and danger, whether this be to avoid certain areas or people because they are deemed dangerous, not to go out in the evening or to move to another location. Increasingly it has become recognised that perceptions of security are crucial ‘magnets’ for regeneration in attracting people, capital and inward investment. Presenting a place as a safe location to work, live and visit is seen as essential to the future well-being of an area. According to the latest BCS, fear of crime had a high or moderate impact on the quality of life of 37% of respondents, with 5% rating it as having a high impact (Nicholas et al., 2007, 101). Furthermore, those living in areas with high levels of physical disorder or who perceive high levels of anti-social behaviour in their local area were considerably more likely to rate both crime in general and fear of crime as having a high or moderate impact on their quality of life. Local surveys and research reinforce the fact that concerns about crime and disorder are highest in precisely those areas that experience the most significant and serious problems. Significantly, anti-social behaviour, like crime, affects the poorest communities most severely. It has a compounding effect upon other forms of disadvantage. Hence, public perceptions cannot merely be dismissed as the result of media ‘moral panics’ or irrational anxieties. But this also reminds us that insecurity operates at both subjective and objective levels, it is simultaneously symbolic and material.

It is in this context of increasing insecurities that individuals, groups, organisations and businesses have turned increasingly to the private sector to assuage their anxieties. The business sector, most notably large shopping malls and entertainment venues have long
recognised the importance of promoting places as secure environments (Shearing, Stenning, 1987; Wakefield, 2003; Crawford et al., 2005). To a considerable degree the effectiveness of policing and security is less important than their role in the production of organised legitimate symbols of ‘orderly environments’. However, security and policing present something of a dichotomy, they can both reassure and excite anxieties. An overt or intensive presence of security can send out messages about a place being insecure, hence the need for security. As such, symbols of security can remind us of our insecurities. As an intangible, selling security presents challenges, as a senior representative of the British security industry explained in interview:

‘Two big problems you have when delivering manned security services are: first, the better you are at it, the less there appears to be a need for it; and the second thing is that it has to be possible, the more you put in security measures, the more restricting it becomes to other people. So it’s getting the balance - security must be understood and appreciated, unpredictable but reliable.’ (cited in Crawford et al., 2005, 54).

5. Implications for Public Policies

However, the growth of the private and commercial sector has not necessarily eroded governmental ambitions. Belatedly, perhaps, governments have realised that they need to be seen to be doing something in response to public demands for security and the growing unequal distribution of security engendered by marketisation. Since the Grade Report (Home Office 1989) in the late 1980s ‘fear of crime’, itself largely a product of the British Crime Survey’s preoccupation with measuring public perceptions, has been identified as a policy concern in its own right, separate from the problem of crime. Latterly, therefore, governments have been addressing ‘insecurity’ and ‘fear of crime’ priorities of public policy in their own right. To this end, in the UK, ‘reassurance’ has become a policy goal as has addressing the signs of crime and incivilities that are most fear-inducing. Government and police managers now acknowledge that public perceptions and anxieties can no longer be discounted as ‘irrational’ (as had largely been the policy response in the early and mid-1980s), but need to be responded to directly. In Britain the response has been various and extensive. Public perceptions have become a central referent point in policy debates. This has been reflected in a growing emphasis on:

- Fear of crime as an object of policy;
- Public reassurance as a goal of policing and criminal justice;
- Confidence in the criminal justice system as measure of performance;
- The symbolic and communicative properties of policing and community safety.

In Britain, all of these have, to a greater or lesser degree, become reflected in performance indicators of police and criminal justice agencies.

Declining confidence in policing and criminal justice is a feature of a number of European countries as reflected in the latest European Crime and Safety Survey (van Dijk et al., 2007). It too, reflects growing perceptions of concern around crime and insecurity as well as the increasing purchase and installation of security hardware across many European countries. Towards the end of his period in office, Tony Blair reflected upon the importance of public perceptions:

‘the other thing I have learnt in over 8 years of being Prime Minister is that you can argue about statistics until the cows come home and there is usually a very great credibility gap between whatever statistics are put out and whatever people actually think is happening, but the real point is not about statistics, it is about how people
feel… because the fear of crime is as important in some respects as crime itself.’
(Speech to a conference by Safer Croydon partnership 10th February 2006).

One expression of the apparent ‘credibility gap’ and lack of public trust regarding perceptions of crime and insecurity in Britain has been a series of major reviews of the use of statistic. Despite the wealth of information now available from the BCS, police and other sources, it appears that public perceptions are more important. Hence the BCS has itself been under the spotlight of review. For example, the government’s terms of reference for the independent review conducted by Sir Adrian Smith (2006, i) noted that ‘public trust in crime statistics produced by the Home Office has declined to such an extent that it is no longer possible to have a rational debate on the basis of agreed facts’.

Likewise the National Statistics Commission report on crime statistics also noted a lack of trust as a major concern (NSC, 2006). Both reports recommended a clearer separation of statistical production from policy and political commentary.

In Britain we there have seen two very prominent policy responses to perceptions of crime and insecurity: the emphasis in policing on delivering public reassurance and the anti-social behaviour agenda as a concentrated effort to address fear inducing incivilities. Let us consider these briefly in turn.

6. Reassurance policing

Whereas the 1990s saw a discernable narrowing of the focus of police work to crime-fighting, focused on meeting priority targets with regard to crime reduction, the reassurance policing agenda sought to place public perceptions at the centre of policing. The managerialist logic of performance measurement had meant that providing police officers dedicated to visible patrols severely lost out. Reassurance policing and the neighbourhood policing teams, to which it has given inspiration, acknowledge the need to realign police priorities away from a focus on organisational imperatives to ones that are more in tune with public demands. With the launch of the ‘reassurance policing’ programme and the commitment to deliver dedicated ‘neighbourhood policing teams’ fear reduction moved centre stage, not only within policing but community safety more generally. The then Home Secretary, David Blunkett, reflected this when launching the programme: ‘If you don’t feel it, you don’t believe it - only when people begin to feel safer will we know that we are beginning to make a real difference’.3 If ‘feeling is believing’, fear reduction may be as, if not more, important than crime reduction for perceptions of security. By March 2007, there were nearly 13,500 new community support officers dedicated to providing visible reassurance across England and Wales with more planned over the forthcoming years.

What the reassurance programme highlights is the importance of what Manning refers to as ‘communication policing’, recognising ‘the expressive and performative functions of police work’ (2003, 17). From this perspective, much policing operates at a symbolic level. The importance of policing as ‘public theatre’ derives from what Manning (1977) earlier described as the ‘manipulation of appearances’ in the face of the police’s inability to accomplish their self-proclaimed ‘impossible mandate’. In a related vein, Innes (2004) has drawn attention to the importance of policing as a ‘control signal’ to counter the communicative properties of criminal incidents, acts of physical or social disorders or events which he refers to as ‘signal crimes’ and ‘signal disorders’. Just as the meaning of

3 http://www.reassurancepolicing.co.uk/Latest_Details.asp?id=28
different crimes and disorders - and signs of them - are differently interpreted by people in terms of the impact on their perceptions of safety, so too, acts of social control and policing generate different communicative properties (Innes, Fielding, 2002).

However, what reassurance policing does, in explicitly tying policing to the fortunes of public perceptions and private anxieties, is too stretch the policing mandate into, more extensive and unmanageable realms. Rather than engaging with public demands and subjecting them to debate in some form of rational dialogue, the reassurance policing response invokes a concession to satisfy the public's unattainable expectations for police performance. Furthermore, in the face of an increasingly mixed economy in the provision of security and safety, the reassurance agenda attempts to reclaim a ‘police solution’ to the dilemma of contemporary insecurities, as if the myth of monopolistic sovereign control could be wished back into existence.

7. Anti-social Behaviour agenda

‘Anti-social behaviour’ has become a major political concern and policy preoccupation in recent years, notably in Britain. In the politics of behaviour, diverse activities and risks have been conflated in the amorphous concept of the ‘anti-social’. With its genesis in the management of public housing, a range of policies and interventions formulated under the rubric of ‘tackling anti-social behaviour’ now inform diverse aspects of social life from schooling through to urban planning. Primarily, these strategies have been focused on the question of governing youth. Anti-social behaviour (ASB) has come to categorise and demarcate a distinct policy field that blurs and transcends traditional distinctions between crime and disorder, as well as the appropriate use of civil/criminal and formal/informal regulatory responses. It constitutes a policy domain in which diverse organisational interests, working assumptions, priorities and multi-disciplinary approaches coalesce, often in awkward combinations.

ASB is a capacious concept which covers a range of activities, misdemeanours and crimes (sometimes quite serious). Importantly, it introduces ‘public perceptions’ into understandings of behaviours, comportment and incidents that are deemed to warrant governmental responses - notably on the part of police and local authorities. According to the Home Office, it is recognised that people’s understanding of what constitutes ASB is ‘determined by a series of factors including context, location, community tolerance and quality of life expectations… what may be considered anti-social behaviour to one person can be seen as acceptable behaviour to another’ (Home Office, 2004, 3). For this reason, the policy definition of ASB has been left deliberately opaque. In British legislation, ASB is defined as behaviour that ‘causes or is likely to cause harassment, alarm or distress’ to others. This is both subjective and context specific as it rests on the perceptions of others, generating difficulties of measurement and meaning, notably between agencies and across localities.

In 2002, the government launched its ASB Strategy and enacted the Anti-Social Behaviour Act 2003, introducing a swathe of new powers. Some of the novel measures include: fixed Penalty Notices for Disorder (PNDs), acceptable behaviour contracts (ABCs), parenting contracts and parenting orders, anti-social behaviour orders (ASBOs) and injunctions (ASBIs), tenancy demotion orders, child curfews, dispersal orders, as well as preventive programmes, such as youth inclusion projects and a focus on family intervention. In 2006,
the Government outlined its intention to ‘go broader, deeper and further’ than before with the establishment of the Respect programme and Taskforce. The Government’s aim now is to ‘ensure that the culture of respect extends to everyone - young and old alike’.

Between 1997 and the end of 2005 some 43 pieces of crime and security-related legislation were introduced by government and over 1,000 new criminal offences. More often than not, being seen to be ‘doing something’ before an anxious electorate has meant reasserting state authority, usually by invoking more law and, frequently, more criminal law. The number and range of new powers created in recent years is testimony to the enduring recourse to sovereign command. The politics of insecurity over the past decade have been caught up in this maestrom of ‘hyper-activity’ in a context of ‘hyper-politicisation’. The frantic quest for novel ways of regulating behaviour has been premised upon a largely incoherent conception of ‘state craft’ embedded in a clash between ambitious central state interventionism and limited capacities to effect change.

The attractiveness of ASB for policy-makers is that it serves a number of strategic purposes in its tense relationship with crime and criminal justice as more established policy vehicles. First, ASB is seen as a precursor to crime. In line with Wilson and Kelling’s (1982) ‘broken windows’ thesis, ASB is understood as an initial stage in both individual and community-level ‘cycles of decline’, which if not addressed lead to more serious offending. The presence of ASB flags the need to target interventions in order to ‘nip it in the bud’. As such, it fit well with a more general preoccupation with risk prediction, crime prevention, community safety and early intervention that abound. Like the ‘broken windows’ thesis, ASB posits a narrative of decline in which a golden age of orderly community relations is increasingly being eroded by bad behaviour and incivilities.

Secondly, ASB transcends crime. It relates to a more extensive catalogue of problems than crime narrowly defined, linking housing, urban policy, education, employment and citizenship, with crime and security. The interdepartmental nature of the SEU work underlined this broader conception. It also points up the importance of informal social control in managing behaviour, as well as the manner in which informal mechanisms relate to, and connect with, formal systems of control.

Thirdly, ASB is believed to necessitate circumventing criminal justice. By introducing new hybrid interventions that combine civil and criminal procedures with informal and non-legal strategies, ASB interventions seek to avoid the perceived ineffectiveness of traditional criminal processes. With regard to the genesis of the ASBOs, Burney notes: ‘it was the perceived inefficiency of the criminal justice system that led to demands for something that would give the authorities a freer hand’ (2005, 4). More fundamentally, these new tools not only blur criminal and civil responses, but also relegate traditional preoccupations with due process, proportionality and privacy. ASB has heralded a drift to discretionary and summary justice. While the same acts may be defined as either ASB or crime, the ways of responding to them are essentially different. Whilst premised upon an overt critique of the ineffectiveness of criminal processes and sanctions, nonetheless ASB interventions rely upon criminal coercion for their efficacy. In this sense, they supplement rather than undermine criminal justice.

Fourthly, responding to ASB affords governments (both national and local) a chance to be seen to be ‘doing something’. It provides symbolic representations of governmental activity. Many ASB interventions (ASBOs and dispersal orders in particular) have significant
communicative properties. These emotive and affective dimensions to the ASB agenda have been central to its momentum, appeal and prospects. It evokes a sense of tradition, nostalgia and togetherness, which appear so absent in contemporary social life (it is not by accident that the ASB agenda also carries the moniker ‘Together’).

However, the take-up and use of ASB interventions remains highly variable in different localities, where divergences in the operational balance between prevention and enforcement prevail. Research found variation in the use of ASBOs which ‘could not be explained by examining the type of behaviour leading to the application, but appeared rather to be due to the development of local preferences for a particular route’ (YJB, 2006, 9). Critical academic enquiry has centred largely on the problems of definition, the potential for criminalisation of non-criminal conduct and the stigmatising of large numbers of young and disadvantaged people.

8. Questions for Consideration

This overview prompts a number of questions for consideration in the analysis of public perceptions of crime and insecurity across Europe.

- How can we best measure public perceptions of insecurity?
- To what extent are public perceptions grounded in reality?
- What other social and cultural factors shape public perceptions of insecurity?
- What are the social implications of public perceptions of insecurity?
- How should public perceptions be engaged with or responded to by public authorities?
- What is the appropriate balance between security and freedom in public policy responses to public perceptions?
- How are competing demands for security to be met?
- Who should provide this security?
- What are the consequences of differential access to security?
- Is security becoming a private or ‘club’ good rather than a public good?
- To what extent do public policies premised on perceptions of crime and insecurity reflect, and foster, a culture of intolerant of difference and low-level intrusion into particularistic definitions of ‘orderliness’?
- Is an anxious world one in which fears about ‘otherness’ provoke social polarisation and solidify lines of difference?

Conclusion

Perversely, however, in talking up and privilging insecurity concerns, government’s campaigns against anti-social behaviour and the need for public reassurance policing may, of themselves, fan public fears rather than reduced them. One of the paradoxes of security is that quests for security tend to increase subjective insecurity by reminding citizens of risk and scattering the environment with visible symbols of potential threats. Just when the ‘myth’ of the monopolistic sovereign state has been exposed, the British state has embarked upon nothing less than the attempted transformation of contemporary British manners and the pacification of subjective anxieties. In the face of a growing mixed economy in the provision of security, the reassurance, ASB and Respect agendas all constitute attempts to reclaim a state-centred ‘enforcement’ and ‘policing solution’ to the
dilemma of contemporary insecurities. The British example may point to the fact that in the face of government’s limited capacity to control the global flows of capital, people and communications that infuse contemporary insecurities, the tasks associated with low level insecurities have assumed a greater symbolic and cultural salience. Doing something visible and tangible that intimately affect people’s lives and about which authorities might actually be able to effect change, may now provide a forceful new governmental raison d’être.

References

Work Package 5

New Challenges of Crime and Deviant Behaviours: Informal Economy and Organized Crime in Europe

Joanna Shapland, Paul Ponsaers

1. Introduction

This work package aims at exploring the interaction between crime, socially deviant behaviour and organised crime, particularly in relation to those who participate in such activities or are drawn into them. Key aspects will be:

- participation in the informal economy (both breaches of regulations and illegal activity);
- the links between particular manifestations of the informal economy and organised crime - as provider of key infrastructure (e.g. places for prostitution), services/personnel (trafficking in human beings, banking services for illegal activities or terrorism), enforcers and high level cross-national traders (e.g. major drug importation);
- research showing how those participating tend to come from marginalised groups?
- specificity of social networks and local economic activity, enabling comparative study across Europe;
- geographical links with migration routes/trafficking routes/ethnic group and family ties;
- the consequences of different national, regional and local social and criminal law policies on the forms of criminal activity regulated and accordingly, the groups of people most affected;
- whether there are different activities and therefore different criminalisation potentials for women and men;
connections with the trend toward more informal patterns of working (‘portfolio’ jobs, subcontracting).

This workpackage will bring together expert researchers in each area from across Europe for a series of 5 seminars, with the latter 2 seminars also aimed at integrating key European and national policy-makers. Because there has previously been little comparative European work in this field, it will also incorporate a review of the literature and of research findings. Seminars will concentrate on (a) the existing state of knowledge, in different countries/regions/cities, on socially deviant/illegal behaviour associated with elements of organised crime; (b) the ways in which interaction or cooptation into organised crime occurs; (c) links with geographic factors, migration, marginalisation, ethnicity, gender and familial ties; (d) and (e) links with national and local social, economic, financial and criminalisation policies, and the potential for crime prevention.

The aim of Work Package 5 of CRIMPREV is to explore the interactions between socially deviant behaviour and organised crime, many of which focus upon the informal economy. The Work Package involves five seminars and a literature review of this area, which is one where there is some very interesting current empirical work across Europe and which spans the disciplines of criminology, sociology, economics, geography, law and migration studies. Because of its breadth and inter-disciplinary nature, researchers and policy makers may not be aware of what is ongoing - though the topic itself has become of major international relevance. The Work Package aims to bring together initially those actively engaged in research in this area, but then progressively to broaden out to embrace policy considerations.

The seminars will be concentrating on:

(a) work on participation in the informal economy (including both 'grey' areas where the only illegalities are breaches of regulations/tax law, such as casual work in agriculture, bars and homes; and areas where the activity itself may be criminal, such as selling drugs, the stolen goods market and prostitution);

(b) the links between particular manifestations of the informal economy in particular places and organised crime, including the forms that organised crime takes (including whether organised crime groups act as organisers of the activity, providers of key infrastructure (e.g. places for prostitution), providers of services/personnel (e.g. trafficking in human beings and the sex trade, or banking services for illegal activities or terrorism), enforcers where it goes wrong, and/or as high-level cross-national traders (e.g. major drug importation);

(c) research that shows that those participating in such activities tend to be the marginalised in that society, including recent migrants (particularly illegal immigrants), the young and poor, and particular disadvantaged ethnic groups;

(d) geographical links between forms of the informal economy/its relation with organised crime and migration routes/trafficking routes/ethnic group and family ties;

(e) the specificity of the forms of illegal economic activities to social networks and local economic activity, so making the overall picture for each city or
region unique, but also enabling us, through comparative study of different 
cities/regions, to tease out the relevant social, political, economic and cultural factors;

(f) research on the consequences of different national social and criminal 
law policies (legal and political factors) on the forms of economic activity which are 
regulated/criminalised and so the groups of people who are most affected by being 
drawn into these potential criminal/illegal activities (e.g. if tax laws make domestic 
service very expensive if paid legally, there is likely to be a flourishing informal 
domestic service sector, which may lead to low wages and/or, in extreme cases, slavery 
- as in the US and Germany);

(g) whether there are different activities and so different potential for 
criminalisation for women and men (in prostitution? in trafficking? in illegal working 
conditions?);

(h) the relation between informal/illegal economic activity and the move 
to more informal patterns of working ('portfolio' jobs, self-employment, sub-
contracting), rather than the previous, 'Fordist' 'job for life' pattern of employment.

Seminars and other activities are planned to take place as follows:

1. Initial seminar, held in Buxton, UK in September 2006, on current research on the 
informal economy, to gain an overview of the different ways in which it can be 
conceptualised.

2. Second seminar in Ghent, Belgium in July 2007, following the literature review 
being undertaken at the University of Ghent, concentrating upon the links between the 
informal economy and organised crime.

3. Third seminar in Bologna, Italy at the end of 2007, focusing on geographical, 
migration and social/familial factors affecting the informal economy and its links with 
organised crime.

4. Fourth seminar in Ljubljana, Slovenia in early 2008, looking at national legal, fiscal 
and social policy elements affecting the informal economy and organised crime.

5. Fifth seminar/conference in Rotterdam, The Netherlands in autumn 2008, for both 
policy makers and researchers, which will continue the theme of considering the impact 
of national policy and legislation on the forms and impact of the informal economy and 
its links with organised crime.

6. Formal publications, in the form of reports/books, will be produced in summer 
2008 and summer 2009, the first looking primarily at the topics covered in the first three 
seminars and the second focused on the last two seminars.

7. Brief summaries suitable for other audiences are also being prepared, with 
presentations being circulated among seminar participants and relevant policy makers.

The partner institutions and named researchers for this Work Package are:
Specialists in each area are being invited to give papers to each seminar, with an emphasis upon participation from other areas of Europe (such as central and eastern Europe, and Scandinavia). The partners, previous seminar participants and some practitioners and policy makers are also being invited.

2. The Informal Economy and Organised Crime in Europe

The aim of this paper is to present the subject matter of the workpackage of CRIMPREV which we are co-organising. This is right at the beginning of what we are sure will be a very interesting three years and so we can at this point really only raise questions, rather than provide solutions. The workpackage focuses on ‘New Challenges of Crime and Deviant Behaviour: The Informal Economy and organised crime in Europe. Its aim is to explore the interactions between socially deviant behaviour and organised crime, many of which focus upon the informal economy.

The Workpackage involves five seminars and a literature review of this area, which is one where there is some very interesting current empirical work across Europe and which spans the disciplines of criminology, sociology, economics, geography, law and migration studies. Because of its breadth and inter-disciplinary nature, researchers and policy makers may not be aware of what is ongoing - though the topic itself has become of major international relevance.

The Workpackage aims to bring together initially those actively engaged in research in this area, but then progressively to broaden out to embrace policy considerations. We hence shall have five seminars, which started in Buxton, Derbyshire, near Sheffield, in September 2006, when we met to hear about current empirical research on many different facets of the informal economy. In July 2007, we shall be meeting in Ghent, when we shall start to consider the ways in which these very different aspects of the informal economy may involve organised crime. Following on from that, we shall be meeting over 2007-8 in Bologna, Ljubljana and Rotterdam, broadening our scope to think first about the ways in which people may be linked in the informal economy and in organised crime, and then at the policy consequences of all these elements.

3. Interdisciplinary perspectives and everyday lives

First, however, we need to consider what we might mean by the informal economy and why it is an important issue, both for policy makers and for individuals in their everyday
lives. Researchers looking at the informal economy are often looking at different manifestations - illegal working on construction sites, or prostitution, or drug smuggling, or the market in stolen goods. And they often come from different disciplinary perspectives: from economics, or from sociology, or from criminal justice, or from geography or anthropology. So it is important to problematise our definitions and the ways in which we are looking at the informal economy, before we can appreciate the ways in which we need to work to find common concepts and understand each other.

4. **Bounding the informal economy**

If we think of any city or rural area in Europe, the informal economy is a constant, though only partially visible, undercurrent of its social and economic life. It has different connotations in different countries and to scholars from particular disciplinary backgrounds. We are criminologists. For us, when we hear the words ‘informal economy’, there are associations with drugs trafficking, prostitution, fraud and, more recently, human trafficking. To those interested in poverty or migration, the informal economy can be about social capital; a toehold in the labour market for the young or recently arrived; the backbone of labour-intensive industries; and diasporic links between families and countries. For economists and those interested in work, it provides clues as to economic activity and countries’ positions in economic leagues; problems in collecting taxes and properly distributing benefits; but also fascinating studies relating different markets, whose currency may not be the coin of the realm, but barter or favours.

The media highlight different aspects in different countries. In the UK, it can be the tragic consequences of lack of employment safeguards, such as the death of Chinese cocklepickers, whose gangmasters were insufficiently aware of the tides which sweep into the bay in which they were trying to gather shellfish. Or the equally tragic human misery of trafficking girls and women to prostitution, domestic work or slavery (or all three in turn, as girls are passed on from one person to another). In other countries, it can be the cash economy (the ‘no bills’ culture), as in Germany, or illegal migration and its links with the informal economy, as in Italy and Spain, or concerns about the links between corruption and the informal economy, as in Italy and central European countries.

Government, of course, is interested in all these and more - but there is a tension between the negative and positive aspects of the informal economy. Government has a requirement to ensure that employment markets are properly regulated and taxes collected – but is aware that the more precarious members of society may only survive through working within the informal economy. Migrant labour has become important in Western Europe in the formal economy in recent years (Dench et al., 2006). Its contribution in the informal economy may also be buttressing the formal economy.

In these seminars, we need constantly to keep in mind several of these tensions:

- The negative versus the positive potential effects of the informal economy
- Whether there are links between the informal economy and crime
- Links between the informal economy and organised elements - whether they be criminal organised elements (organised crime) or legitimate organised elements (business)
- Whether the informal economic market is separate from the formal market (parallel markets), or empirically or even necessarily linked to it (in fostering entrepreneurship, providing employment, or improving the skills base for the more marginal).

We also need to bear in mind that this is interdisciplinary research space - and people have come from different disciplines and research traditions, bringing with them different levels at which their theoretical ideas are situated (individual, group, areal, societal etc.) and, above all, different definitions of the informal economy. The informal economy is one of those weasel words which have different boundaries for different people (like ‘I’ve been robbed’ – which can mean I’ve been mugged, I’ve been burgled or I’ve been cheated).

Economic definitions of the informal economy tend to relate to government action (or lack of action or legislation). Professor Schneider’s (2006) paper for our first seminar provides several economic definitions and a useful table:

One commonly used working definition is all currently unregistered economic activities that contribute to the officially calculated (or observed) Gross National Product. Smith (1994, 18) defines it as market-based production of goods and services, whether legal or illegal that escapes detection in the official estimates of GDP. Or to put it in another way, one of the broadest definitions of it, includes… those economic activities and the income derived from them that circumvent or otherwise government regulation, taxation or observation1 (Schneider 2006, 4).

Though these definitions are helpful from a national economic point of view, they can make it difficult to make comparisons for the same activity across nation states - simply because they embody national structural (legislative or taxation enforcement) facets. If, for example, prostitution is a legal part of GNP in one state (which is, at least theoretically, the case in the UK), but not legal and not part of GNP in another, it will be part of the informal economy in the second, but not the first.

We need to beware that similar distinctions may be operating in relation to social regulation by the state. As Harriss-White (2006) has argued in relation to India, there is also a distinction between the spheres of informal activity (work outside the regulative ambit of the state) as per social regulation or registration. There are firms which are minimally registered and below the state’s size thresholds for labour regulation (as well as taxation), termed small scale informality (SSI) - including most of the self-employed2. And then there

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1 This definition is taken from Del’Anno (2003), Del’Anno, Schneider (2004) and Feige (1989) - all references in Schneider (2006).
2 See also Small Business Council (2005), whose report, for the UK, uses the term informal economy to refer to entrepreneurs who are producing legal goods and services but who are hidden from the state for tax or benefits purposes. Williams, in his review which forms part of that report, has shown that, at least in the UK, most of this legal, but non-taxed and registered activity is in the construction and service sector (services to consumers, rather than to business). Importantly, it is not concentrated in deprived areas nor performed by the marginal, but is run alongside formal employment. This seems to be different from illegal informal activity.
are those doing activity around registered or formal businesses, but whose activity is outside the ambit of formal state regulation (interstitial informality, or II), which includes making institutions work effectively - all the informal relations which help things tick. This is separate from the informal activity which deliberately violates regulations, whether labour regulations or the criminal law. She makes the important point that it is not the intrinsic characteristics of these activities which determine the degree of informality but the boundaries of state regulation.

Her last distinction is similar to that made by sociologists and criminologists who have tended to make distinctions between legal and illegal activity - so, for example, separating the grey (legal, but non-regulated activity) from the black (illegal and non-regulated activity) of the informal economy. Again, however, these definitions are related to the nation state, in this instance through what it chooses at a particular point in time to proscribe through the criminal law.

In a set of European seminars, such as our own, it can be argued that we should see national economic definitions (GNP), national social regulation definitions and national criminal law definitions as potential structural mediating factors, rather than as bounding the field of study. In other words, we might regard it as an interesting question as to whether greater economic regulation (more activity brought within GNP) or greater criminal proscription (making more conduct against the criminal law, rather than administrative or regulatory provisions) tends to expand or reduce activity in the informal sector in this area.

If we were to take such a view, then we are faced with being quite pluralist, tolerant and inclusive about the definition of the informal economy we are adopting and the boundaries of the activity or conduct we are prepared to regard as potentially part of the informal economic sector in that place. We cannot prioritise one discipline’s definition as being the only correct one. We may need to work with a set of Venn diagrams in our minds, which, as we hear about a particular piece of empirical research, are able to place it as economically formal/informal and/or illegal (against regulations) and/or criminal.

5. The informal economy as seen by individuals and social groups

We may also need to bear in mind that informal economic activity may look very different from the perspective of the prospective participant and from that of government or researchers. Criminologists are really interested in crime, so when they hear about, say, ‘drugs’, they think of illegal drugs (those whose consumption is always illegal, like cannabis or heroin). They don’t think of the trade in fake pharmaceutical products (Ponsaers, Vande Walle, 2006). Governments are interested in health and safety legislation, so when they hear about ‘sweatshops’, they think of regulating health and safety. Or they may think of whether this convenes employment legislation, such as the minimum wage. Whereas those interested in the sociology of work may be more interested in the social relations between employees and management and whether obtaining work is related to other social networks (such as ethnic or geographical ones).

From the perspective of the potential individual worker, however, these may all appear as potential opportunities for work and money. It is an empirical question as to whether
potential workers see opportunities as being ‘criminal’ or ‘irregular employment’ or just
work/income. Opportunities in the informal economy do not come shrink-wrapped and
labelled (even if they are in the retail sector) (Shapland, 2003).

Nor do careers in the informal economy normally have career guides on the internet or in
the careers office. How-to-become-it guides are less obvious in relation to becoming a
burglar, or using stolen cheque cards, or dealing in drugs, or working on a casual, seasonal,
cash-in-your-hand-and-no-questions-asked basis. Yet thinking about how to live and how
to get enough money to keep accommodation, or lifestyles are questions which confront
individuals at several points in their lives. They are particularly pertinent to younger, more
disadvantaged or more socially disadvantaged individuals. There is considerable empirical
evidence that it is these groups who are particularly represented in the informal economy
(Shapland et al., 2003, see also Sennett, 2006, who comments that it is increasing lack of
coherence of institutional controls on the flow of goods, services and labour which has
allowed both the flow of migrants and the opportunities they find in the informal
economy3).

As one of us has pointed out elsewhere, it is also clear that both recruitment and careers
are not solely a matter for the individual, but are socially constructed and differentially
open to particular social groups (Shapland, 2003). Opportunities in the informal economy
are often created through face-to-face social interaction or trusted intermediaries – because
their illegality or marginal nature renders them subject to hostile police or regulatory agency
inspection. Advertising opportunities are covert or limited - using the normal employment
channels for recruitment (such as the media) tends to be barred. The informal economy
depends on face-to-face social interaction (‘meeting the man’) - and those with greater
social capital and a wider network of contacts are more likely to prosper (as they in other
spheres, such as the arts or Sennett’s new business world).

Equally, controlling employees or agents is a much more difficult matter for the informal
economy than for normal, legitimate employment activity. The civil courts cannot be used
in relation to illegal operations. Publicity will rebound more on the manager than on the
erring employee. So control has to be often using methods which are themselves illegal -
retaining documents so that the employee cannot leave (as in domestic service or
prostitution); using threats of reporting the employee anonymously to the police or
government agents; or simply beating people up. As a result, informal economic activities
may be either very local in the geographical sense, so that recruitment and control are face-
to-face, or within tight-knit social groups (family or extended family and friends).

To what extent are facets of the informal economy now becoming normal in the formal
economy?

The traditional, Fordist view of employment emphasises the ‘job for life’, or, at least, that
the most desirable job to have is one which is entered relatively young and in which the

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3 But Sennett (2006) also comments that increasing technological capacity and ability to supervise and direct
work, top-down, means that inclusion of the less educated or those with less social capital (such as migrants)
may be diminished. A countervailing factor used to be the capacity of change to create social unrest, which
could be lessened by increasing the employment base. I am not sure that this factor has actually gone away -
the dissent caused by moving some personal contact work to other countries (call centres) has caused some
businesses recently to move such operations back to the UK (and advertise the fact). However, less visible or
obvious movement (such as movement of manufacturing work) has provoked less unrest.
worker slowly moves up through the hierarchy, normally only rarely seeking to leave that employment (Ruggiero, 2003; Sennett, 2006). Recent developments in employment in Western countries, at least, seem to be changing this. The growth in subcontracting and the emphasis on outsourcing in both services and manufacturing have led to the monolith big firm becoming rarer, if not quite yet an endangered species. It is not yet clear whether the current proliferation of small firms and the self-employed is merely a temporary phase, as big firms are split up (in favour of portfolios of smaller companies loosely held together by a small managing company) and workers turn to the SME and self-employed sectors as large plants close down or work moves to other parts of the world. These developments, in some countries, are now also affecting the public sector, with increasing privatisation of some functions and a move towards networks of economic activity bound contractually and by tendering.

Sennett (2006) seems to see it as a progression which is irreversible, whereby the fragmentation of big institutions is likely to continue. He links this fragmentation of industry to a fragmentation of people's work lives, whereby moving job often, working for several clients, and having short-term working relationships are key features. Moreover, he suggests that, with changing structures, working cultures are also shifting. What is valued, he argues, is no longer craftsmanship (learning to do one thing really well) but the ability to change, to develop new skills fast, to let go ('surrender') the past and the values of the past in favour of the new: ‘task-oriented’ work rather than ‘fixed-function’ work. Elsewhere, he has argued that these kinds of structural changes may also be changing values to produce a ‘corrosion of character’ in the workplace (Sennett, 1998), whereby previous virtues of loyalty, and respect for and from management have changed into a willingness to slough off previous experiences, constantly be looking to change jobs to boost one's own career, and an uncaring attitude from an increasingly distant management.

Much of his own empirical research is in fact at the ‘cutting edge’ of the economy, in high technology, global finance and service firms (2006, 12). It is currently, empirically, a moot point to what extent these changes have swept through the whole market. However, I think it is worth musing on whether there is a parallel between some aspects of his new world of work, and the values and abilities it espouses, and the informal economy. Work on the informal economy has tended to counterpose the legal world of work (solid, reliable) and the informal economy. But are those distinctions still valid?

We need to add to this the age and social structure of participants in the informal economy. The informal economy does include older workers, such as the older women doing piece work in the garment industry, often at home (Godefroy, 2003). But many workers are young or have other precarious positions in the labour market. The informal economy does not normally provide stable, long-term employment with one group. Instead, it seems to be characterised by relatively short-term employment in unstable structures, where workers are required to exercise a wide range of skills both in any one job (for example, bouncers in the night-time economy) and over different jobs. It is portfolio

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4 However, we should not promptly conclude that, therefore, the informal economy may only be relevant to a small proportion of the population. If participation in the informal economy is strongly linked to poverty, as I suspect, Walker’s (2006) finding that 51% of all Britons have spent at least one year in the last decade living below the poverty line is illuminating. He has shown that people can move in and out of poverty, with some, but only a few staying there for a long period or constantly dipping below the poverty line.

5 Some organised crime may be an exception here.
employment, with people needing to be adaptable over short sessions or different jobs, both in terms of work skills (such as in the arable industry) and in terms of where they live and how they live.

The question is whether these are also now the requirements for legitimate employment for young people or those in precarious employment positions (such as immigrants, who often depend upon casual work or may be working at jobs far from those at which they originally trained). To what extent and in what ways is working in the informal economy different from the portfolio of jobs now normal for students, or the recently graduated - i.e. people in the same age range as those often in the informal economy. Are the skills required different? Are the career aspirations of people working in each sector (or in both at once) different?

If one follows Sennett’s description of skills and values, then we can see some differences. Participants in the informal economy, though intrinsically often distrustful of others, need to show trust and a form of ‘honour’ to remain in it - they must not let down their employer; must not tell the authorities. Those who skip from group to group, like Sennett’s IT professionals, would soon find they no longer had positions in the informal economy (or worse). This is mirrored by employers’ needs to retain staff - firing workers can have very adverse consequences. Similarly, the distanced control possible in the formal economy through technology and management information is a liability in the informal economy, where computer records are exactly what may be dangerous to keep. There are more constraints, ironically, on the informal economy employment market.

Employees’ value orientations may also not mirror the new world of legitimate work - they may be more grounded in the more secure, Fordist vision of the job for life. The dreams of the very offending young men my colleagues and I are interviewing in a current longitudinal study in South Yorkshire are very traditional - some steady work, a flat, a partner, kids, some respect (Bottoms et al., 2004). Their difficulties are their lack of skills and qualifications to obtain legitimate work (as well as, for some, the perception that criminality still provides a more exciting and more profitable time - though many do want to desist from crime).

Two pilot studies carried out in 1997 on the informal economy in Aulnay, north of Paris, and in one area of Frankfurt suggested that, for young people, being in the informal economy was seen as providing them with an identity, and skills, far superior to the dead-end life of being on benefits (Shapland et al., 2003). But, by their mid-thirties, however, people in Aulnay were keen to move into 'regular' salaried jobs, even if these jobs were less well-paid, because they were more secure and offered more prospects, which tied up with their increasing family commitments. This needs confirmation, but it suggests that the informal economy may be a young person’s (or a migrant’s) option, because the work is casual, bitty and constantly changing6. Laskaway (2004) has suggested that the same may be

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6 The need to cope with constant change can be seen in the effects of fashion on the stolen goods market (Sutton, 2003; Godefroy, 2003), and in the disruptive effect on markets of control measures by the police or inspectorates (Raggiro, 2003). Levi (2003) has shown how fraudulent use of credit cards has to be done in a disciplined fashion, only using each card or method a few times, to escape detection. Korf (1997) has shown that homeless youths in Amsterdam rely on drug dealing, prostitution and theft and are unlikely to have the same sources of income all the time. However, the same bars and cafes are the sites for making all these contacts.
true for the new constantly changing firms as well, whereby even for entrepreneurs, as they move into their 30s and children, mortgages and school fees appear, the need for a more permanent work structure and predictability grows.

All of this starts to raise further questions for the long term. If the formal economy is becoming more casual, bitty and constantly changing, then will today’s young persons’ values and dreams start themselves changing towards the values of the new business sector? Will that encourage people to remain within the informal economy for longer - and so pose real problems for governments wishing to impose consistent labour regulation or wrinkle people out of the more illegal parts of the informal economy? Or are the changes in the legitimate world of work becoming themselves deeply unsatisfying in Western countries, particularly as they start striking the middle-aged, such that the trends that Sennett describes will be moderated, slowing the move towards increasingly subcontracting and changing businesses?

6. Two pilot projects at city level

It may be helpful to bring together some of these ideas by describing the results of two pilot projects done in two European cities in summer 1997 to document some relevant aspects of the informal economy. One of these projects was in Aulnay, a suburb to the north of Paris, which was in fact recently one of the areas in which riots occurred (Godefroy, 2003). The second was in a part of Frankfurt (Smettan, 2003). Both were in residential areas and so did not encounter much street prostitution or other very localised forms of the informal economy.

The projects aimed, over a period of a few months, to ascertain the key aspects of the informal economy in those areas, through observations (on the street, in cafes, bars etc); speaking to officials and community activists who might have knowledge of the informal economy (police, labour inspectorates, city officials etc); looking for visible signs (advertisements for casual labour, local newspapers); and undertaking interviews with young people and those active in the community (taxi drivers, market stall owners, youth leaders etc) (Shapland et al., 2003). All four methods were undertaken in each pilot, with 56 interviews being carried out in Aulnay and 28 in Bornheim.

Aulnay is just north of Paris, comprising an older, residential area of small houses and low-rise flats and a more modern area of high-rise blocks of flats. The population is quite young (nearly a third of residents are under 20) and quite rapidly changing (nearly 40% had changed between 1982 and 1990), with significant numbers of migrants. The profits from all these activities were very small and most people involved were young, including migrants. Families might be supported by several of these activities, as well as some members of the family having casual jobs, state benefits or some employment. Residents were very aware of all these elements of the informal economy, though not all were known to the police or agencies. Key elements in the informal economy included:

- Very visible car maintenance and repair workshops in the car parks around the blocks of flats and underground garages and car parking spaces, which included both legal (but unregistered) businesses repairing people’s cars and workshops dealing in stolen vehicles and using stolen parts
• Trade in fashion items, primarily clothing and hi-fi, by young people from stalls/suitcases in and around the street markets or in the foyers of the residential blocks, in which goods would be very available for a few weeks or months and then hard to obtain. The sources were primarily from commercial burglary (lorry theft and hi-jacking; burglary of factories and shops), which was not local

• Subcontracting of construction trades down to a level where the people doing the work had profit levels which could not sustain state regulatory activities

• Provision of services, such as hairdressing, cleaning etc. through unregistered businesses, together with work done by previous employees of businesses without a salaried contract

• A visible and quite large market in cannabis, involving look-outs (10-14 years), small dealers (late adolescence and early 20s) up to dealers in quite large quantities (mainly older)

• Home work by women, often through ethnic networks, in the garment industry

• A very small market in heroin for a small number of much older users, associated with burglaries and some robberies locally, in a few locations in non-overlooked places

• A small, but growing, set of businesses rearing pitbulls and other fierce dogs

The pilot study in Germany was in Bornheim, an old residential district of Frankfurt, with a considerable proportion of migrants and guest workers (27%). Again, the profits from the various forms of the informal economy were very low and those involved were primarily the young, unemployed, migrants, those in debt. The locations for localised activities were well known to residents and agencies. The forms of the informal economy were, at that time, very much influenced by state taxation and regulation:

• Provision of services through notices put up in the neighbourhood or adverts in local papers for personal services (such as hairdressing), tuition, gardening, household repairs etc., on a cash-in-hand, no-bills basis

• Other services, such as the catering trade, taxi driving and cleaning services, a proportion of which were unregistered and did not pay taxes

• Trade in stolen goods, carried out primarily in some bars, restaurants and private houses

• A visible drug market (all kinds of drugs) around the metro stations and one of the squares

• ‘Labour prostitution’, involving men aged about 20-45 from Eastern European countries, with tourist visas, standing along a particular street. They were offering their manual labour, and would be picked up by cars, in which negotiations would occur.
7. Blurring boundaries: informalisation of formal economies, formalisation of informal economies

Some of these aspects of the informal economy - but not all - were linked to organised crime. Organised crime is often studied from the point of view of the state, and more in particular from that of the police. In this kind of approach, organised crime is considered as a voluntaristic strategy of criminal organisations to infiltrate the legal economic and political sphere, with the objective being instrumentally to use these spheres for illegal activities (Fijnaut et al., 1998). Many publications on organised crime do not in fact enter the domain of empirical research, but rather analyse the counter-strategies law enforcement agencies should develop to combat organised crime. It is our objective to tackle organised crime from another angle. If we are interested in organised crime, it is not so much because of the social reactions against it, but more because of the phenomenon itself and, more precisely, its relation to the informal economy.

Ruggiero (1996), in his analysis, starts from the archetypal mafia-like organisation, that he identifies as ‘conventional’ organised crime; in brief, he moves from looking at ‘business in crime’ to the argument that this type of criminal activity and the activities of white collar offenders (which one could call ‘crime in business’) are becoming increasingly similar. In other words, both forms are tending to merge, whilst the boundaries between them are melting away and becoming permeable. Stated differently, both sectors are working together in a mutual osmosis: there is a mutual blurring of the boundaries (Ruggiero, 1996).

He suggests that this is caused by two processes (Ponsaers, 2002). On the one hand, there is the strategy of organised crime to use and abuse sectors of the legal economy (for example, in casinos, or bars, or the construction industry). This blurs the borders between legal and criminal organisations, which can hide behind their legal façades. When politicians say that organised crime has a disrupting effect on economic life, they tend to be referring explicitly to this strategy. It is also necessary not to forget that this also blurs the borders between crime and organisational crime. This is certainly the case when organised crime nestles in the legal economy.

On the other hand, criminal organisations may take on the characteristics of legal organisations by using more and more (financial-economic) practices that are used in legal sectors. Money laundering and tax fraud are manifest examples of this. Stated differently, the process that is used here is not focused on the ‘criminalisation’ of the legal business organisation, but on the fact that, in practice, illegal organisations become more and more similar to legal ones.

8. From whose perspective is it an informal economy? The influence of regulation

Western national economies are characterised by a high degree of state intervention. In other words, the economic structural level, which functions according to the logic of a capitalist free market economy, is fundamentally subject to correction by means of using mechanisms stemming from the political-legal structural level. These corrections are usually termed ‘regulation’. Regulation has several functions. The political-legal structural level was partly obliged to introduce economic regulation as a result of social struggles. These so-
called ‘social achievements’ have been under serious pressure lately in many European
countries as a result of liberalisation that tends towards a ‘minimal state’, though the need
to avoid serious social unrest has moderated some of these trends.

Of course the growth of regulation is not the only aspect affecting legal (and sometimes
illegal) economic life for businesses. Even the most fervent advocates of the free market
model have become convinced that state regulation is essential to the (continued) existence
of this economic model. Western entrepreneurs depend on the political-legal structural
level because the necessary industrial infrastructure has to be provided by the authorities
(such as roads, ports etc.) - and otherwise the continuity of the production process may be
endangered (e.g., supply of energy) - but also because the authorities have to make sure that
legal measures at least appear to be being applied equally. In short: entrepreneurs need
some regulation of competitive means. That implies that the competitive means (e.g., price,
means of production) that are not regulated belong to the domain of the free market and
therefore to the domain of competition. Competitive means that are regulated (e.g., child
labour, working hours) are equalised and may not be used in competition. It is precisely
this last point that must be supervised by the government; otherwise there would be unfair
competition. This formal political-legal regulation underlies the difference between legal
and illegal economic activity (Van De Walle, Ponsaers, 2006).

From this point of view we could consider many parts of the ‘informal’ economy as an
unbridled capitalist economy without any state regulation. Therefore, it is logical that in
those elements of the informal economy the notion of ‘economic (organised) crime’ would
be almost non-existent. After all, it is a modality that does not apply to an informal
economy precisely because of its lack of legislative framework.

Such informal economies may take different forms depending on the historical and
geographical social context. Informal markets in countries that used to have a planned
economy occur in a form which will be different from informal markets that constitute the
rule of the economic regime. In former Eastern Bloc countries, the second economy was
considered as a side effect of the former dominant planned economy. After the
introduction of a free market economy, remnants of those old, secondary economies
continued to exist due to a lack of control of economic activity. When those non-regulated
informal activities were exported to western regulated markets, illegal economies -
organised or not - arose simply because they were introduced into the regulated market.

In contrast with former Eastern Bloc countries, the informal market constitutes the rule in
developing countries, and regulated markets in those countries seem to have the greatest
difficulty in keeping their formal character. Half to three quarters of the population may be
employed in the informal economy, even without taking the agricultural sector into
account. The term informal economy was used for the first time in developing countries,
where people had to generate an income outside the (highly restricted) formal circuit in
order to survive. As a matter of fact, these are pure ‘survival economies’. In this case, the
informal economy consists of a number of activities that are not subject to any state
regulation or registration within a certain area whereas similar activities in a different area
are regulated and are therefore part of a formal economy.

This point of view may be ethnocentric. From the point of view of such informal
economies themselves, it could be argued that the term ‘informal economy’ is an
imperialistic notion in which Western values and standards are used to make a distinction with the formal market. In fact, from this definitional standpoint, a market is formal only when it is controlled by a state that functions in accordance with western principles.

Although formal and informal markets are still too often considered as two different worlds, researchers have shown (on the basis of practical examples) that both types of economies (formal and informal economies) are related to each other (Ruggiero, 2000), given the profound economic globalization. Both types of economies have become interwoven in different ways (Lippens et al., 2006):

1) This interwovenness is in the first place the result of the increasingly transnational character of legislation. In their work ‘Global Business Regulation’ Braithwaite and Drahos (2000) show that the regulation of trade and economy has been a continuous process from the end of the nineteenth century onwards and that it has developed into a web from which only very few economic activities can escape. Hence it is difficult to perform economic activities in this world without any form of Western regulation. As a result of the establishment of supranational institutions like the WTO, the World Bank and the IMF and due to the pursuit of economic expansion by world powers such as the US, international regulation has become the method par excellence to annex interesting markets.

2) Secondly, an informalisation of the formal economy in our western economies is taking place as a result of increasing deregulation. A formal economy may be regulated to a higher or lesser extent. The degree of regulation (and the modalities thereof) inevitably affects the degree of formality of the (non-criminal) economy. We refer here to the presence or absence of a well functioning regulatory system, the degree of co-operation between the private and public sector in the regulatory process and the possibility of self-regulation of the private sector with the approval of the state (Richter, 2001; Sassen, 1991), among other things.

3) In addition there is also the fact that, as a result of increasing globalisation, informal ‘survival economies’ are clearly evident in our western economies. The growth of migration, increasing unemployment (in some countries) and the shortcomings of the welfare state seem to be promoting such survival economies. Any geographic expansion of informal economies into western countries, with their formal markets, implies that they tend to be immediately labelled as ‘illegal’. But there is also a reverse effect. Due to the globalisation of the economy, businesses from formal economies are also migrating to low-wage countries in order to escape government-inspired attempts to equalise competitive means through regulation - and so to become part of the informal economies, without being labelled as illegal.

The informal economy is one of the most elusive objects of social research. By that, we don’t just mean to state the obvious about an object which has also known as the ‘hidden’, ‘subterranean’, or indeed ‘shadow’ side of the economy. The thin line of demarcation between the formal economy on the one hand, and the informal economy on the other, is essentially a metaphor for a very traditional domain of reflectivity. In earlier Marxist-inspired days, authors would have spoken of ‘the political economy’, and would have argued that the economy functions as an infrastructure which determines, ‘in the last instance’, the political supra-structure From a more instrumentalist point of view,
formalisation of the informal sphere could then have been considered as a strategy for maintaining economic dominance. Structuralists, however, would have stressed the ‘relative autonomy’ of the political sphere, whereby the interests of and benefits for individual entrepreneurs have to be managed, organised and if necessary regulated and controlled with an eye to the (strategic) interests of the economically dominant class as a whole. The political and legal sphere, it was often assumed, functioned largely within the bounds of national economic contexts. Nation states and their policies and legislation were considered as the lifeguards of national economies, burdened with the task of balancing countervailing economic powers and interests.

In the extremely globalised economy of today, nation states have serious problems keeping a grip on economic trends and events. State intervention often becomes impossible. But there is more. In a thoroughly globalised and highly competitive environment ‘the (dominant) economic class as a whole’ fragments to such an extent as to render the mere notion of a general class interest obsolete. The evaporation of this general class interest, and hence the disappearance of a perceived ‘objective’ reason for state intervention and regulation, has led and continues to lead to high levels of competition within a free and often largely unregulated market. The study of the informal economy is therefore the study of an object in evolution. Today this probably means studying an increasingly informal phenomenon, and the corresponding retreat of the political, rather than analysing processes of formalisation.

9. The work envisaged over the next few years

To return to the next few years, therefore, our aim is to bring together researchers and policy makers from different disciplinary perspectives, with different experience with the various manifestations of the informal economy and organised crime. The seminars will be concentrating on:

a) first, work on participation in the informal economy (including both 'grey' areas where the only illegalities are breaches of regulations/tax law, such as casual work in agriculture, bars and homes; and areas where the activity itself may be criminal, such as selling drugs, the stolen goods market and prostitution);

b) then, the links between particular manifestations of the informal economy in particular places and organised crime, including the forms that organised crime takes, for example, whether organised crime groups act as organisers of the activity, providers of key infrastructure (e.g. places for prostitution), providers of services/personnel (e.g. trafficking in human beings and the sex trade, or banking services for illegal activities or terrorism), enforcers where it goes wrong, and/or as high-level cross-national traders (e.g. major drug importation);

c) then at who gets involved in different forms of the informal economy, taking into account research that shows that those participating in such activities tend to be the marginalised in that society, including recent migrants (particularly illegal immigrants), the young and poor, and particular disadvantaged ethnic groups. We shall also consider any geographical links between forms of the informal economy/ its relation with organised crime and migration routes/trafficking routes/ethnic group and family ties; whether there
are different activities and so different potential for criminalisation for women and men (in prostitution? in trafficking? in illegal working conditions?); and the specificity of the forms of illegal economic activities to social networks and local economic activity, so making the overall picture for each city or region unique, but also enabling us, through comparative study of different cities/regions, to tease out the relevant social, political, economic and cultural factors.

d) Finally, we shall look at research on the consequences of different national social and criminal law policies (legal and political factors) on the forms of economic activity which are regulated/criminalised and so the groups of people who are most affected by being drawn into these potential criminal/illegal activities (e.g. if tax laws make domestic service very expensive if paid legally, there is likely to be a flourishing informal domestic service sector, which may lead to low wages and/or, in extreme cases, slavery - as in the US and Germany); and at the relation between informal/illegal economic activity and the move to more informal patterns of working ('portfolio' jobs, self-employment, sub-contracting), rather than the previous, 'Fordist' 'job for life' pattern of employment.

Seminars and other activities are planned to take place as follows:

1. Initial seminar, held in Buxton, UK in September 2006, on current research on the informal economy, to gain an overview of the different ways in which it can be conceptualised.

2. Second seminar in Ghent, Belgium in July 2007, following the literature review being undertaken at the University of Ghent, concentrating upon the links between the informal economy and organised crime.

3. Third seminar in Bologna, Italy at the end of 2007, focusing on geographical, migration and social/familial factors affecting the informal economy and its links with organised crime.

4. Fourth seminar in Ljubljana, Slovenia in early 2008, looking at national legal, fiscal and social policy elements affecting the informal economy and organised crime.

5. Fifth seminar/conference in Rotterdam, The Netherlands in autumn 2008, for both policy makers and researchers, which will continue the theme of considering the impact of national policy and legislation on the forms and impact of the informal economy and its links with organised crime.

6. Formal publications, in the form of reports/books, will be produced in summer 2008 and summer 2009, the first looking primarily at the topics covered in the first three seminars and the second focused on the last two seminars.

7. Brief summaries suitable for other audiences are also being prepared, with presentations being circulated among seminar participants and relevant policy makers.
References


Informal Economy and Organized Crime in Europe: Comment on Shapland and Ponsaers

Thierry Godefroy

The workpackage directed by Joanna Shapland and Paul Ponsaers, that seeks to examine the relationship between the ‘informal economy’ and ‘organized crime’ is complex and ambitious. The issues involved: ‘informal economy’ and ‘organised crime’ are difficult to define. Most of the problems discussed in the individual ‘workpackages’ - Criminalisation / Globalisation / Welfare State; Violence / Drugs / Property Crime; Juvenile Delinquency; Career / Immigration…can also be seen as aspects of this workpackage.

These two terms are also portmanteau words, readily used by political leaders and the media. They lend themselves to a variety of interpretations, at times contradictory, that contribute in no small way to their success.

The hold of the subterranean economy on certain sectors is sometimes thought to be at the bottom of an artificial peace that promotes trafficking or conversely, violence due to, for example, the battle for the control of areas of influence.

Economic readings are just as contradictory: for the proponents of a liberal economy, the informal economy is an analyzer of government inertia; for the ‘alter’ anti-liberals, it is a sign of the emergence of an autonomous civil society, or else a social crutch - a means for the outcasts of the formal economy to survive in poor countries. In rich countries, behind the macro-economic evaluations of the informal economy, often it is the prospect of a potential tax gold mine, supposedly unexploited, that is highlighted.

Over and above these very general remarks, some further specific remarks on this project are in order:

1. The informal economy

The scope of the informal economy and the possibilities of comparisons between countries

The changes in the rules and regulations that enable the transfer of activities from the illegal sector to the legal sector, or from covert to declared activities, do not in principle have a statistical fall out on the GDP.
The standardized system of national accounts in force since 1993 is based on a wide conception of economic activity, which facilitates comparisons. It takes into account the commercial sector as a whole, whether legal or illegal. It thus measures a corrected GDP so as to take the “non-observed economy” into account.

This segment of the “non-observed economy” concerns economic activities that are not recorded either by the tax authorities or the statistical services, and which obviously vary according to countries. For example, it is 4% in Belgium and 15% in Italy.

The other macro-modelling approaches, for example the shadow economy, through currency circulation or electricity consumption, result in much higher and very questionable readings. Shadow or subterranean activities are concentrated in a small number of sectors (building industry, textiles, food services…). The figures advanced for the major European countries (13% to 15%) point to a non-observed economy of 40, 50 and as high as 70% in these sectors alone, which is doubtful.

We can thus make statistical comparisons, but must exercise caution when handling the overall figures.

The point of view of the stakeholders and social groups is an original approach that has seldom been used to date.

This perspective will enable us to throw light on several issues such as the access to these economic forms, the modes of entering or leaving these activities and the lifestyles that they generate, or the social relationships that they promote.

It leads us to examine the durations, for example the temporary informal activity of students; the fluidity of situations (the passage from a formal economy to an informal one), or their fragmentation (e.g. an insufficient number of working hours may necessitate having several jobs, one in the formal economy, the other in the informal economy). This approach can thus throw light on the changeover of the various models of informal economy to the formal economy.

Lastly, it raises the problems of social representations and attitudes, i.e. the phenomena of tolerance, neutralization or rejection, which perhaps needs to be examined in more detail and which can have real or alleged links with organized crime.

2. Organised crime

This aspect of the project is less developed than the informal economy side of it. No doubt that this concept, which pertains to the field of criminology, is more familiar to us. However it would be interesting to spell out the forms of organized crime in question: the criminal ‘organisations’ and the degree of influence they can wield through violence or corruption, illegal firms that take over the distribution of goods and services and international organization capable of moving goods and people illegally across the world.

Should “corporate crime” (‘business as crime’) be included in this list? I feel that these points should be developed.
As a matter of fact, the question of convergence between illegal and legal economic organizations has to be emphasized. On the one hand, this is typically about the hold of organized crime on the official economy (company takeover) or the utilization of economic forms and structures pertaining to the legal economy by organized crime. On the other, we have to examine the reverse trend that causes legal economic structures to transfer a part of their activity to the informal sector, in other words, the criminalisation of this activity by resorting to methods or structures associated with organized crime.

3. The link between “informal economy” and “organized crime”

The programme covers the multiple aspects of the informal economy and makes use of the various tools to study it: territory, activities, the populations in question in order to analyse the linkages between the informal economy and organised crime in Europe. The attempt at linking those phenomena is what makes this programme particularly interesting.

The type of relationship to be explained however remains vague: Are we talking about linkages? Or similarities? Or a partnership? Should the relationship be sought in the activities? Between the players? These questions should no doubt be examined in greater detail.

Lastly, it seems to me that one could try out a complementary approach by inverting the perspective. It might perhaps be useful to take as the starting point not the illegal or the informal economy but the legal economy, to assess the share of informal and illegal in the formal. Organisations from sectors such as construction, textiles, cigarettes or pharmaceuticals seem to have completely integrated the informal economy, and even organized crime with regard to their processes. The informal economy in this case is less like “the other” economy and more like an auxiliary economy, completely integrated with the formal economy.
Crime, Deviance and the Informal Economy. Comment on Shapland and Ponsaers

Barbara Harriss-White

It’s a real privilege to be asked to comment. I do this from the perspective of an institutional approach to the political economy of development, an engagement with India’s informal economy and a dual focus on capitalist accumulation and on poverty. To be included in this multidisciplinary, criminological research project has involved rapid learning. Perhaps the invitation to comment has sprung from the idea that since two thirds of India’s GDP is from informal activity (two fifths of India’s manufactured exports emerge from hidden workshops and home-work), since those proportions are growing rather than contracting and since over 90% of India’s livelihoods are in that economy, it is an old, well established and well studied phenomenon - while Europe’s informal economy is new. Through flows of migrants, the practices of that kind of economy may be being imported from developing countries and clashing with established regulative law. Meanwhile FDI from the OECD heartland is exploiting looser regulative regimes in developing countries. The very interesting paper by Shapland and Ponsaers (henceforth SP) is entitled ‘new challenges’. My comments are going to respond to the idea of novelty.

Prior to doing this I have to offload some intellectual baggage which will reveal that Europe’s ‘informal economy’ is not new. All the same, the informal economy is not an archaic survival of peasant and artisan production but a completely modern kind of capitalism, taking protean forms, in which states which possess the power of enforcement actually choose not to exercise it - at least in the sphere of economic and social regulation.

Mushtaq Khan, interrogating the process of accumulation (2003), has argued not only that states have had to permit fuzzy, indistinct property rights in order for initial capital to be amassed prior to investment but also that quite primitive forms of extra-market accumulation co-exist durably alongside advanced forms. He is challenging the classical political economists - Smith, Marx, Weber and others - who expected archaic forms of exchange to be destroyed by the animal spirits of markets, the struggles of wage labour against exploitation and illusion, and the rationality of state bureaucracy and planning respectively. Their expectations took two forms. First, small size firms would be destroyed through economies of scale or the logic of centralisation and concentration. Second, ‘forces for social inertia’ in economic behaviour (Myrdal, 1968), such as gender, ethnicity and religion - would be dissolved by the ‘common economic bonds uniting different groups’ (that was Nehru speaking, quoted in Madan, 1987). Both small size and social regulation characterise the informal economy.
In fact it was Marx, more famous for predicting the triumph and then the transcendence of factory-based capitalist industrialisation, who left a little space for small scale production: ‘Manufacturing always rests on the handicrafts of the town and the domestic industries of the rural districts as its ultimate basis’ he wrote (without elaborating) (Marx, 1977, 700). Manufacturing needs these forms of production for ‘the preparation of raw material’. Villages might have ancillary labour in agriculture while the main labour force was in industry. The peasantry would never be quite destroyed but would be part of the market creating process. In the colonies (ch. 33) the analogue, the independent producer not exploiting wage labour, would complete successfully with economies of scale in European capitalism. Marx then proceeded to list a set of tactics fully worthy of today’s corporate raiders by which ‘the private property of labour’ might be annihilated and the colonies’ competitive advantage hobbled. In fact that competitive struggle persists, as does small scale production below national thresholds for state regulation through registration, tax, employers’ obligations for social security. It even persists without electricity. SP question the ethnocentricity or Imperialist nature of the requirement that a state function like this with all else being residualised as informal activity (12); but fiscal responsibility, obligations towards labour and even responsibility for leading the process of industrialisation was (embarrassingly for some now) built into the Indian constitution at the start, in defiance of British Imperialism.

In fact small scale forms of production - together with generally overlooked petty trade and services - are the cockroaches of development. In case I am accused of anti-cockroach-ism, let me explain that it is the capacity of the cockroach to persist aggressively and to survive through all misfortune, disaster and transformations of environment that it has in common with petty production and trade. These forms of production can be found all over the world, from small scale mining in Bolivia, through cosmetics and shoes in Nigeria, rice in West Bengal and traders on Italian beaches. The law of one technology does not hold: a range of technologies, contractual and organisational forms operate simultaneously. Because of their numbers they often appear superficially to embody the perfect competition of the textbooks; but beneath the surface, they are frequently found to bear a fractal resemblance to networked MNCs in which oligopolies control a mass of small firms through credit, raw materials supplies and marketing outlets - a very old form of ‘contract’ production.

There is a range of conditions under which small scale, unregistered production persists in a developing country like India and perhaps also in Europe. First, it may be functionally useful for formal firms and for capital accumulation. Cost and risk may be shed from large firms through outsourcing, subcontracting and home-working. Obligations to labour may be offloaded. The state’s infrastructural responsibilities may be avoided. So the state does not enforce laws it may - or may not - create through which the super-exploitative advantage of petty production would be abolished. Second, small production and trade thrive because capital is unable to accumulate sufficiently for the revenue from tax to outweigh the costs of its collection; so the state cannot enforce measures that would poison the only nutrient bed there is. Third, the state inadvertently subsidises the reproduction of small enterprise (through interventions aimed at the household, or through condoning the onward lending of ‘formal’ credit on terms and conditions which prevent the borrowers from accumulating). By so doing it creates small enterprise because to stop mass unemployment, widespread malnutrition etc it has to implement policies that have the
effect of preventing accumulation while also preventing the destruction of small scale production, trade and services.

Combinations of these forces may operate at a given time and place such that it would be very difficult systematically to test these explanations.

Activity in the informal economy is not so small either. Informal activity thrives inside large and complex corporate, state and para-statal organisations, wherever there is pressure on cost, poor enforcement capacity and/or non-compliant tax cultures. Economic crime can therefore be very widespread. It takes the common forms of chicanery in transactions (especially against the weaker party to the transaction), extortion in credit and finance, oppressive and illegal labour practices and tax evasion. Yet despite (or because of) the existence of police, vigilance and inspection forces, the amount of crime reported in Oxford every 24 hours equals that reported in an Indian market town of the same population in 3 months.

**Social forms of regulation:** Like the law of one technology, the law of institutional convergence does not hold either. In absence of state regulation, the informal economy is not unregulated. Institutional diversity is of the essence. Forms of social regulation bring order to the rich complexity of forms of production, contract and exchange relations. Kate Meagher, working on Nigeria, calls their study ‘identity economics’ (2004). My own project in Indian identity economics shows how aspects of identity are reworked to become regulators of the economy which structure and stabilise accumulation. Age/generation, gender, caste, ethnicity religion and place constitute regulative forces all of which play a role in class formation. Ethnicity and caste for instance persistently structure recruitment and occupation. Caste and ethnicity lies behind modern-sounding (but-guild-like) business associations (which were also confidently predicted to disappear). These small units of accountability and of collective action police entry, organise apprenticeships, calibrate weights and measures, regulate derived markets (labour, porters, transport), adjudicate disputes, guarantee livelihoods, respond to individual or collective misfortune and accumulate the funds necessary to represent their interests, shape the way policy is implemented and collectively evade tax. In this corporatist project, the interests of labour are conspicuous by their absence (Basile, Harriss-White, 2000). When the state does not or cannot intervene, these identities make a structure of accumulation, one which may also pervade the state.

Once created, it is hard to destroy such institutional arrangements. So state and social forms of regulation co-exist.

Not only that. While the dissolving forces of modernity are at work, while capital and labour become mobile and labour forces cosmopolitanise, the opposite occurs at the same time and so-called archaic and antediluvian forms of regulation intensify.

In social science, we have great difficulty theorising these contradictory processes.
Comments

1. Definitions and processes

SP start by defining terms, which is not easy. Such is the proliferation of subfields involving the idea of informality that the same phenomenon is known by many terms and vice versa. The very definition of the informal economy is highly contested and mainstream sociology would replace the idea with that of social networks (Meagher, 2004).

The key strength - ¿cockroach-like quality? - of the concept lies in the way it draws attention to what lies beyond the boundaries of state regulation. From a careful study of Sheffield’s informal economy, we know that the British state regulates it through changes in social security entitlements, changes in the legal status of casual labour, changes in the medicalisation of unemployment and changes in the fuzziness of the boundaries between home and work (Mollona, 2005). However the Indian state also has a comprehensive (and continually amended) legal framework for the economy. It is the degree of enforcement of regulative law which defines the extent of pre-emptive activity and the informal economy. Enforcement is socially embedded. Law may incentivise creative compliance and by definition law criminalises (McBarnet, 2003; Stern, 2006). However, law may be necessary but not sufficient to criminalise effectively. Lack of enforcement capacity and/or complicitous non-enforcement create cultures of non compliance in which the law does not count at all and the economy is socially regulated.

Then we enter an ‘Alice Through the Looking Glass’ world. There is a Tamil saying: ‘an honest man is he who does not know how to live’. We know from Eastern Europe and Russia that in societies with pervasive corruption, the law abider is the ‘deviant’ and may actually be punished - as may those who refuse to punish the ‘deviant’ (Varese, 2000; Ledeneva, Kurkchiyan, 2000).

Informal economies regulated through social practice will have as many kinds of deviance as there are social rules to break. SP show how control is achieved with methods that are illegal (threats, the seizure of documents; physical force). We know very little about the means of enforcement and institutions of punishment for ‘deviance’ in the informal economy - by which I understand behaviour that transgresses the rules which keep order and stabilise accumulation. Let alone their relation to the economy of law.

What are the new challenges? Certainly cultures and subculture of non-compliance and their impact on revenues; threats to the monopoly of coercion; mismatches between effective work rights and benefits; threats to the autonomy of the public sector.
2. ‘Unbridled capitalism’ in Europe and the association between the informal economy, and residual activity, poverty, social exclusion, young (migrant) socially disadvantaged people and ‘invisible sites and spaces’.

SP’s informal activity consists of repairs, spares, scrap; transport, retail, personal services (including protection) and construction, the products of theft and illegal commodities (weapons, drugs and people).

India’s informal economy is all that and much more - entire industrial clusters making goods for export are off-bounds to the state. The black economy is focussed on retail inventory, construction and real estate, the film industry, precious metals and the products of tax evasion (Roy, 1996). Estimated at 40% of GDP ten years ago (Kumar, 1999), and growing, it is not marginal and confined to socially excluded people, it is central and involves the prominent. It is not confined to services, it includes production.

Though the poor are in the informal economy not all the informal economy is poor by any means. Poverty and informality may more co-terminous in Europe than in India. The idea of invisibility sits awkwardly with the idea that the informal economy is distinguished by personalised face to face transactions. For sure it is, but the informal economy is not the only economic activity to require face-to-face transactions. Nick Emsler in the UK found 90% of transactions in the corporate economy, full of expert systems, were actually personalised. The idea of social exclusion also sits awkwardly in a socially regulated economy where only 3% of the workforce is in trades unions, only the top 7% have access to social security and where a mere 0.4% of firms supplies 58% of commercial tax revenue (Harriss-White, 2003; Jairaj, Harriss-White, 2006). In this ‘Looking Glass’ world, the socially included majority lacks the access to state-power and the socially excluded minority is the power elite.

When the state supplies neither the collective preconditions for competition nor the means of redistribution, we need to know much more about how institutional ‘substitutes’ are made in the informal economy. Guilds and trade associations take on many of the functions of the state. They facilitate economic activity but at the same time they constrain it. They are necessary, arbitrary and exclusionary.

The newness of the discovery of the dynamic of informal economic activity is a product of the wilful ignorance of the specific and the historical on the part of mainstream social science, a failure to understand the logic of commodification (Huws, 2003). Every labour-displacing technological innovation with monopoly innovation rents has always created waves of employment in ancillary industries - following the same patterns of mass production and risk and cost shedding. Huws has shown how the home has been transformed from the site of production for use, to being a site of consumption and increasing amounts of ‘consumption work’ shed by firms controlling production and is again often also a site of production but now for the market and often hidden from the state.

3. Blurred boundaries of formal and informal activity: The informal economy is found to penetrate the formal economy. SP ask the question whether this has become ‘normal’. It penetrates not only in the way I described at the outset (where smallness is functionally useful) and not only in the way SP describe in their paper (where after Sennett, they argue that the proliferation of small scale production is the new ‘global business model’). Corporations
now employ political specialists to lobby in a hidden and not formal kind of politics in order to shape state regulation to their advantage (see Szlezak, 2006 for an Argentinian case). Tax specialists avoid revenue obligations (McBarnet, 2003). Labour relations are informalised: employees can be simultaneously employers - and the process resisted (Mollona, 2005). I started by characterising the Indian economy as two thirds informal; but the one third that is formal contains examples of all these practices.

The practical challenges are challenges to the capacity of the complex organisation to enforce and control these informal practices. In the intertwining of state and the informal - the secular and the un-secular, legitimacy is given to social regulation. The formal state generates an informalised para-state or shadow - state which exists beyond and is defined by the bounds of state enforcement. As SP say, illegal organisations come to resemble legal ones; more needs to be known about the mechanisms and consequences of this process.

In industrial clusters based on petty commodity production and process specialisation other logics combine with capitalist markets: the super-efficiency/super-exploitation of the petty commodity form; the household reproductive imperatives of transnational families (Castles, 2003); cross-generational control (Mollona, 2005); portfolios of livelihoods, reproductive work and consumption work (Huws, 2003); other values than the profit/wage relation ensuring informal work persists (autonomy; ritual hierarchy etc (Ruthven, forthcoming)).

New questions concern the political implications of these logics: do (lack of ) rights at work shape (lack of ) rights of social security or access to help in time of need?

4. **Blurred boundaries of crime and deviance:** SP identify criminal activity as activities like prostitution, trafficking, offshore finance and money laundering, drugs, weapons, counterfeit goods. We might want to add art/antiques, wildlife products, toxic and radio-active waste. All these activities are thought to be increasing.

While not being in a position to comment on organised crime, the question provoked by this classification concerns the equivalent of criminal activity in the informal economy where a vastly greater diversity of legal goods are produced, traded and consumed. If I define deviance - perhaps idiosyncratically - as behaviour which breaks informal rules, then are there goods and activities which are ‘deviant’ in relation to the rules of the informal economy (while not necessarily being criminal in relation to the (unenforced/ unenforcible) laws of the state)?

Certainly there are. Dowry for example has been outlawed for decades in India. Since business alliances are routinely conducted through strategic marriages involving dowries, a dowry-less marriage would be - and is - deviant behaviour which faces serious social sanction.

SP argue that organised criminals may capture the state; and relate in a state of osmosis to corporate industry and to the informal economy. Transnational criminal organisations therefore come to resemble formal business. (It’s another point to argue that, while distinctively different from formal activity, they are necessary to it, which can be done for the case of offshore financial centres (Harriss-White, 2002)). In the informal economy, fixers, carriers and intermediaries may be recruited to TCOs. Parallel institutions of taxation,
redistribution, physical protection and punishment can develop to challenging the monopoly of coercion and taxation.

SP rightly identify the challenges as the de-legitimation of the state, increases in physical insecurity and contagious effects on the economy.

Is there an analogue to this in the ‘Looking Glass’ world of the informal economy?

We would then be re-conceiving those who struggle for gender empowerment or caste reform or access to legal mechanisms of compliance. We would be re-classifying behaviour celebrated as the exercise of ‘agency’ as consisting of ‘deviance’ from the established dispositions and practices of informal institutions. And indeed it is useful to re-conceive how political agency might be perceived and experienced as deviance by those maintaining informal order. It would also be useful to know more about the practice of punishment for infractions of informal order.

5. Liberalisation, globalisation and the proliferation of sites of clash between law and normative jurisdictions and governance arrangements.

The concept of an informal economy operating through ‘free and unregulated’ markets (13) naturalises the transactions of capital. But no market is free: capitalism has been very carefully constructed.

As Leys has shown (2001), the globalisation of finance, manufacturing and trade, extending to the commodification and the privatisation of the public sphere has led to a proliferation of international and national law - laws for the commodity form, the labour process, finance, demand and risk management. We do not live in an era of de-regulation; it is one of rampant re-regulation. Even the process of re-regulation, the core functions of the bureaucracy, are being commodified and privatised. We need to know more about how this process operates politically. There is plenty of evidence from developing countries that the process actually creates expanded niches for corrupt transactions rather than destroying corruption in the way the new political economists had predicted. Both ‘new’ and challenging to theory however is the idea that resistance or defence of the public sphere might become a form of political deviance or even a crime...

SP show that the expansion of unsystematic public and private law associated with FDI; the rapid evolution of global governance institutions with overlapping scope - often chasing events - necessarily creates legal pluralism and legal imperialism (and the law and development fiasco of the 1970s is being revisited at this moment in Iraq). At the same time, FDI searches for loose regulative regimes, particularly with respect to tax, labour and environmental/phytosanitary standards. But having found them it needs loose, ‘parallel’ arrangements for trade and finance in order to globalise their products. SP describe extreme cases in which OFCs are used for the financial support of internal conflicts in collapsed states. Whatever the trend of ‘new wars’ those institutions of parallel informal globalisation can be used, as formal institutions are constantly being used, for new economic processes.

SP record an expansion in Europe of voluntarist/collective/self regulation. Is this capital’s way of pushing agendas which are necessary for its further evolution but unpopular with states? Or do such institutions mark lack of state-regulative capacity - the triumph of
capital over hollowed-out states? Such questions can only be answered by detailed empirical research. In India collective self regulation has long been the norm in the informal economy. Its ‘formal’ global analogue (labour standards for instance) is manipulated opportunistically - in the ‘symbolic factory’ which exists simply for purposes of inspection (Ruthven, forthcoming).

What may be new is the proliferation of institutions expressing a non-statist corporatism which pushes the interests of labour to foot of the agenda and expresses totalising ideologies other than statist ones (those of caste and patriarchy).

Conclusion

What’s new and challenging?

The visible co-existence of primitive and advanced forms of accumulation in Europe; rapid and rampant commodification (the commons, waste, internet, radio waves, the household, the body, genes and life, the state, the policy process, the means of enforcement; the means of punishment; the means of conflict resolution); state-regulated ‘enclosure’ and privatisation without violence (CO2); capital starting to undermine its own existence conditions; hybrid (formal/informal) governance institutions; residualised roles for core state bureaucracy; acute co-ordination problems (‘policy considerations are informalised’; ‘lack of institutional control’); revenue flight; loss of enforcement capacity and thus of legitimacy. Even if the problems for the state may not be entirely new - think of the English state’s institutional experiments at the same of the land enclosures - the pace of change is unprecedented. Commodification charges ahead of state regulation and thus necessarily and inevitably has to be informally regulated. The socially regulated ‘informal’ economy will grow; and so too will acts of deviance from its rules of order.

SP’s ‘workpackage’ project will map spaces, forms of organisation and flows. It will link processes to crime - involving examining the boundaries. It will work systematically through goods/sectors; money and people. And it might follow the same procedure for social regulated activity, deviance from regulative norms, for forms of authority to punish and kinds of informal punishment.

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Work Package 6

Public Policy and Social Cohesion in Europe

Hugues Lagrange

The aim of the package is twofold:
1) to describe the state of the art with respect to the social dimensions of public policies and their impact on crime,
2) to identify actions specifically relevant to crime prevention, penal public policies.

Conceptual common questions will be raised by this two approaches.

We will focus here on the first aspect: social public policies. In our view, it is a general concept encompassing laws, administrative regulations and the channeling of public money in different schemes aimed at reducing inequalities regarding:

- income,
- employment,
- housing,
- school achievement,
- health protection.

In some of these areas, the goals are only reachable through macro-social policies (Income inequalities), in others reducing inequalities can be achieved through programmes focused on specific populations or specific places.

At the European level, as in many countries, the penal policies are strongly separated from social policies, the breaking of the law is not conceived as a dimension of social difficulty and unrest. Threats to social cohesion are measured by unemployment, deprivation, missing access to collective goods or lack of education, and linked to economic hazards. We suggest that interferences between criminal and social matters in the real world give some legitimacy to a reflection about the impact of social policies at large on crime prevention.

There is a chapter in the Amsterdam treaty on ‘social and economic cohesion’, article 158 of the Acte Unique Européen (1986), and later on the Maastricht treaty (1992) gave EU a responsibility in this domain. The European Union has competences and responsibilities about his borders linked to “Schengen space”, inter alia conditions of entrance of foreign people. An European network ESPON, animated by geographers and urban planners,
deals specifically with social cohesion at the regional level\textsuperscript{1}. For the period 2000-2006, four “Programmes d’Initiative Communautaire” had been set up - Leader+, Equal, Interreg, Urban - that no longer exist. The funds allocated to urban regeneration and urban social development through PIC-Urban have been suppressed, and eligible actions in this domain will get money from the FEDER, but on a reduce scale\textsuperscript{2}. The programme for social and economic cohesion, 2007-2013, is about territorial cohesion, vocational training, flex-security, it never addresses crime as an indicator of the lack of cohesion. However, the crime level may be considered as a testimony of a lack of social cohesion, either at the state level or at the local level. Therefore, social policies which are not designed as such to fight crime could meanwhile have positive consequences on this respect. It is important for the EU to be aware of these positive externalities, as well as negative externalities when they are likely to occur.

What could be the effect of public social policies on crime? We may consider three aspects: it could, hopefully, reduce

1/ the overall level of crime or some of its components - property crime, violence, fraud and white collar criminality -,

2/ the propensity of different categories of people to become offenders.

It could foster:

3/ community safety in a broader sense.

These three questions correspond to three classical levels of analysis: macro, micro and mezo levels. The distinction of the first two effects correspond to the Durkheimian distinction between the ‘price paid to crime’ by a society, which is linked to caracteristics of this society as a whole, and the risk of becoming offenders attached to category of individuals or to particular biographies. The third aspect links crime to life conditions at the local level, mixing individual and collective outcomes.

The existence of supra national authorities, national institutions and regulations, regional and local levels of government, embedded in each other, creates difficulties to identify the focus of the policies and their scope. On the same perimeters a wide range of actors interplays and the sorting out of the impact of their action could be fairly difficult. Nevertheless, delineation of the micro, mezo and macro levels is a condition for a better understanding. And this is the reason why we will try to articulate theses three levels in our review of social policies and crime.

Before examining them, we have first to acknowledge that at the same time we are shifting toward a culture of control - in line with the liberal vision - crime prevention is a trendy topic linked to a new emphasis on individual responsibility.

\textbf{1. Social and penal context}

The social and economic changes which have taken place in Europe during the last three decades have had an impact on social cohesion. The slow growth rate of European economies has weaken social cohesion, taking two different forms. In certain countries, like United Kingdom and Scandinavia, in spite of low unemployment rates, they are pockets of

\textsuperscript{1} But this network does not take crime in account, as any European programs.

\textsuperscript{2} See www.touteurope.fr/fr/union-europeenne-en-action/
In these countries poverty, or more precisely the ratio poverty/unemployment, is temporally connected to crime rate (see figure below).

![United Kingdom: crime, poverty, unemployment](image)

**Figure 1 - United Kingdom: crime, poverty, unemployment**

In a majority of the biggest countries - Spain, Italy, France, Germany - the maintaining of massive unemployment, specifically for youth without diplomas in Southern Europe and East Germany, have driven up the frustrations and triggered property crime and violence. In the next future, the maintaining of tensions linked to the slow growth of economy will combine with ethnic tensions associated to the entrance of migrant’s people.

Because of low fecundity rates - except in France, Poland and Ireland -, migrant’s flux will remain important in European countries. Integration problems witnessed in countries of old immigration, like United Kingdom, France and Germany, will spread throughout South Europe. That implies to set up bold policies in order to tackle this news challenges. But, at the same time, the crisis of public finances deters governments to fund social protections measures on the scale appropriate to cope with these new stakes. The pressure of public opinion in favour of harsh sentences and imprisonment might be much more often the solution adopted if a strong incentive to manage otherwise is not given.

Social policies are not on the top of political agendas in many countries and, beside that, there is defiance against a humanistic approach to crime and criminals. We are witnessing a rise in preventing mentality, security preoccupation, harm reduction, relying mainly on new technologies of control. This rise has accompanied the increase in crime rates during the eighties and nineties. We are also confronted in Europe, after the US, with rising incarceration rates. We do not show figures very conspicuous but they can be found in Lagrange, 2003.
Figure 2 - The crime drop in America

Table 1 - Estimated Contribution of various factors to the decline of Crime in the 1990s in the US

<table>
<thead>
<tr>
<th>Factor</th>
<th>Homicide</th>
<th>Violent crime</th>
<th>Property crime</th>
<th>Certainty level of estimated impact</th>
</tr>
</thead>
<tbody>
<tr>
<td>Strong economy</td>
<td>0</td>
<td>0</td>
<td>-2</td>
<td>High</td>
</tr>
<tr>
<td>Changing demographics</td>
<td>0</td>
<td>-2</td>
<td>-5</td>
<td>High</td>
</tr>
<tr>
<td>Better policing strategies</td>
<td>-1</td>
<td>-1</td>
<td>-1</td>
<td>Low</td>
</tr>
<tr>
<td>Gun control laws</td>
<td>0</td>
<td>0</td>
<td>0</td>
<td>Medium</td>
</tr>
<tr>
<td>Concealed weapons laws</td>
<td>0</td>
<td>0</td>
<td>0</td>
<td>High</td>
</tr>
<tr>
<td>Increased usage of capital punishment</td>
<td>-1.5</td>
<td>0</td>
<td>0</td>
<td>Medium</td>
</tr>
<tr>
<td>Increases in the number of police</td>
<td>-5.5</td>
<td>-5.5</td>
<td>-5.5</td>
<td>Medium</td>
</tr>
<tr>
<td>Increases in the prison population</td>
<td>-12</td>
<td>-12</td>
<td>-8</td>
<td>High</td>
</tr>
<tr>
<td>The decline in crack</td>
<td>-6</td>
<td>-3</td>
<td>0</td>
<td>Low</td>
</tr>
<tr>
<td>Legalized abortion</td>
<td>-10</td>
<td>-10</td>
<td>-10</td>
<td>Medium</td>
</tr>
<tr>
<td>Total of all factors considered</td>
<td>-36</td>
<td>-33.5</td>
<td>-31.5</td>
<td></td>
</tr>
<tr>
<td>Actual change in UCR reported crime</td>
<td>-43</td>
<td>-34</td>
<td>-29</td>
<td></td>
</tr>
<tr>
<td>Actual change in NCVS victimization</td>
<td>—</td>
<td>-50</td>
<td>-59</td>
<td></td>
</tr>
</tbody>
</table>

Among the main factors associated to the decline of crime rates, beside legalized abortion and increasing police number, stand high detention rates. The authors are aware of the endogeneity problem linked to the interdependence between prison and crime growth; it is the reason why they use an instrumental variable - prison overcrowding - instead of detention rate. Others analysis do not differ substantially. See for instance the following analysis by Spelman (2000), explaining the decline in crime rate during the nineties. In this second analysis the factors explaining the crime reduction are partially the same. But there is no distinction between violence and property crime, which imply a dominance in the indicator of property crime. The level of crime (property) is higher in states where income per capita is high. The level of unemployment is not significant, demographics work as in Levitt analysis. The elasticity crime/prison is negative as expected in a model where increasing detention rates deter crime. The main difference comes from the absence of a variable capturing the effect of abortion’s legalization.

Crime rate - Regression models * 1 2 3

<table>
<thead>
<tr>
<th></th>
<th>Model 1</th>
<th>Model 2</th>
<th>Model 3</th>
</tr>
</thead>
<tbody>
<tr>
<td>Per Capita Income</td>
<td>.362</td>
<td>.356</td>
<td>.352</td>
</tr>
<tr>
<td></td>
<td>(.126)</td>
<td>(.126)</td>
<td>(.126)</td>
</tr>
<tr>
<td>% Unemployment</td>
<td>.430</td>
<td>.422</td>
<td>.482</td>
</tr>
<tr>
<td></td>
<td>(.298)</td>
<td>(.298)</td>
<td>(.298)</td>
</tr>
<tr>
<td>% Black</td>
<td>-.028</td>
<td>-.032</td>
<td>-.038</td>
</tr>
<tr>
<td></td>
<td>(.025)</td>
<td>(.025)</td>
<td>(.026)</td>
</tr>
<tr>
<td>Police Per Capita</td>
<td>.081</td>
<td>.082</td>
<td>.083</td>
</tr>
<tr>
<td></td>
<td>(.046)</td>
<td>(.046)</td>
<td>(.046)</td>
</tr>
<tr>
<td>% Urban</td>
<td>.006</td>
<td>.006</td>
<td>.008</td>
</tr>
<tr>
<td></td>
<td>(.012)</td>
<td>(.012)</td>
<td>(.012)</td>
</tr>
<tr>
<td>% Aged 0–14</td>
<td>-.176</td>
<td>-.170</td>
<td>-.207</td>
</tr>
<tr>
<td></td>
<td>(.408)</td>
<td>(.407)</td>
<td>(.409)</td>
</tr>
<tr>
<td>% Aged 15–17</td>
<td>.233</td>
<td>.214</td>
<td>.195</td>
</tr>
<tr>
<td></td>
<td>(.213)</td>
<td>(.214)</td>
<td>(.215)</td>
</tr>
<tr>
<td>% Aged 18–24</td>
<td>.309</td>
<td>.310</td>
<td>.295</td>
</tr>
<tr>
<td></td>
<td>(.246)</td>
<td>(.245)</td>
<td>(.246)</td>
</tr>
<tr>
<td>% Aged 25–34</td>
<td>.724</td>
<td>.729</td>
<td>.706</td>
</tr>
<tr>
<td></td>
<td>(.344)</td>
<td>(.342)</td>
<td>(.343)</td>
</tr>
<tr>
<td>Prison Elasticity Variables</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Prison Rate (constant)</td>
<td>-.401</td>
<td></td>
<td></td>
</tr>
<tr>
<td></td>
<td>(.150)</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Prison Rate (variable)</td>
<td>-.082</td>
<td>-.089</td>
<td></td>
</tr>
<tr>
<td></td>
<td>(.028)</td>
<td>(.029)</td>
<td></td>
</tr>
<tr>
<td>Prison Rate × Percent Adult Crimes</td>
<td>-.442</td>
<td></td>
<td></td>
</tr>
<tr>
<td></td>
<td></td>
<td></td>
<td>(.489)</td>
</tr>
<tr>
<td>R²</td>
<td>.3058</td>
<td>.3069</td>
<td>.3075</td>
</tr>
</tbody>
</table>

* Coefficients in italics and underlined are significant at the 5% level.

Table 2 - Explanation of crime rate by William Spelman

The trade off between penal policies and social policies paradoxically open for the EU a space of action, which is located on the side of social action. Less exposed to the pressure of public opinion than national authorities, the EU could play the role of a social stabilizer, as we see on the following table.
<table>
<thead>
<tr>
<th></th>
<th>Detention rate p. 100 000</th>
<th>Social protection*</th>
</tr>
</thead>
<tbody>
<tr>
<td>Denmark</td>
<td>61  58  67  33.5  30.9</td>
<td></td>
</tr>
<tr>
<td>Norway</td>
<td>46  59  -  27.7  -</td>
<td></td>
</tr>
<tr>
<td>Sweden</td>
<td>54  69  75  34.5  33.5</td>
<td></td>
</tr>
<tr>
<td>Netherlands</td>
<td>28  95  94  30.0  28.1</td>
<td></td>
</tr>
<tr>
<td>Germany</td>
<td>100 96  81  28.0  30.2</td>
<td></td>
</tr>
<tr>
<td>France</td>
<td>70  77  96  29.0  30.9</td>
<td></td>
</tr>
<tr>
<td>Italy</td>
<td>73  95  98  23.5  26.4</td>
<td></td>
</tr>
<tr>
<td>United Kingdom</td>
<td>87 126 140 26.0 26.7</td>
<td></td>
</tr>
<tr>
<td>Spain</td>
<td>35 117 137 21.0 19.7</td>
<td></td>
</tr>
<tr>
<td>Greece</td>
<td>36  80  81  19.0  -</td>
<td></td>
</tr>
<tr>
<td>Portugal</td>
<td>62 132 130 18.0 24.3</td>
<td></td>
</tr>
<tr>
<td>Hungary</td>
<td>-  169 169  -  21.4</td>
<td></td>
</tr>
</tbody>
</table>

* Unemployment, sickness, family, housing, old age pensions
Source: European sourcebook project

Table 3 - Social protection and detention rates (selected countries)

Cross-sectional comparison between social welfare expenditures and prisoners rates gives the following results. There is fairly clear inverse relation between the commitment to welfare (the generosity of welfare provision) and the scale of imprisonment. Considering time series trends leads to more complex relations. In several countries - like Netherlands, Portugal - the temporal expansion of social protection (or at list its stabilization) has been accompanied by a strong increase in the detention rates, while in Finland welfare expansion is correlated to a reduction of detention rates, in United States, United Kingdom the down scaling of the welfare state is correlated to the rise of a punitive state (the same link as in Finland working in the other direction).

In a recent paper presented in the 6th Annual Conference of the European Society of Criminology, Tapio Lappi-Seppälä (2006), has provided an explanation of this last phenomenon: Why social equality and welfare contribute to low level of repression? We may offer at least following reasons.
1. Punishments tend to be greater when there are large differences in status between those who punish and those who are punishing. It is easier to impose harsh sentences on “others” than on those with whom one identifies oneself.
2. In a generous and economically safe welfare state there is less pressure towards incarceration simply for the reason that in such a state, other and better alternatives are usually at hand (a functional community corrections system demands resources and functional infrastructure).
3. Welfare may also produce fewer tensions to be exploited by marginal groups. Socially and economically safe environment produces feelings of confidence and security, which gives room for tolerance. Strong welfare state may contribute to lower levels of repression also by producing less stressing crime problems by granting safeguards against social marginalization.
4. In more general sense, social equality and leniency can be seen as manifestations of a high degree of empathic identification and concern for the well-being of others - in other words - of signs of social solidarity. The level of incarceration is not a direct consequence of the crime level. It is partially associated with a defiance toward social protection spending. We will come back to this question in more details during the seminar in Barcelona.
There is another aspect of European demographics, in line with this interpretation, that has some importance considering social expanses. The level of public spending is, or will tend to be, weaker in ethnically, religiously or linguistically fragmented societies.

![Graph showing racial fragmentation and public social spending](image1)

**Figure 3 - Racial fragmentation and public social spending**

Ethnique fragmentation = 1 - \( \sum \left( \frac{\text{population of cultural group } i}{\text{total population}} \right)^2 \). This graphic is not the more appropriate since racial fragmentation does not have the same meaning in most European countries as it has in the United-States. Ethnic fragmentation is defined by Alesina and Glaeser in terms of linguistics differences and religious differences. The idea is that when you have a culturally heterogeneous population with a high level of economic segregation, poor people are of a different cultural background from the majority of the population. In such a context, people belonging to the middle class, supposed to accept taxes in homogeneous society, could be reluctant to do so.

![Graph showing net migrations](image2)

**Figure 4 - Net migrations (from outside Europe)**
There are also several researches arguing that there is a correlation between income inequality and level of homicide (cf. Daly, Wilson, Vasdef, 2001). If this is true, that means that policies aiming to reduce inequalities have a potential effect in reducing homicide.

We must face these facts on prison and police but also keep track of the positive results of welfare policy. More cultural heterogeneity, more income inequalities inside the developed countries, a strong emphasis on control and incarceration, and a stagnant amount of public money creates new challenges for welfare policies. We cannot follow the old ways as if nothing had changed. Aware of theses constraints and results, we would like to give arguments for a European response that is not necessarily the same as in the US.

### 2. Social policies link to crime prevention: an alternative to massive incarceration

Let consider alternatives policies. There are three classical types of prevention - primary, secondary, tertiary - and there are actions directed toward people or places. In practice we will not consider six categories (3x2), but a mix of approaches combining at various degrees primary and secondary prevention. We do not discuss here tertiary prevention. The policies may concern:

1. **Macro-level**: global social conditions,
2. **Mezzo-level**: communal interactions, collective process of control,
3. **Micro-level**: risk factors, individuals motivations, psychological hazards.

#### a) Macro-level

By emphasising the role of macro policies, we assert that dealing separately with factors attached to the criminal behaviour of different groups or categories of individuals may be inadequate to understand the crime level in a country and to prevent crime. It will the aim...
of the first conference in Barcelona to discuss macro indicators and their possible relation with crime or offenders rates.

The endeavour is to give a critical appraisal. We could reasonably hypothesize, considering the literature, that general policies oriented toward a reduction of regional inequalities could have in impact on crime. We may think, for instance, that the level of violent crime in the Napoly region is linked to the relative deprivation of this area. However the camorra - present since more than 200 years - provide activities substituting the lack of dynamism of the formal economy, but at the same time maintain a high level of violence. One cannot fully account for the violent crime level without considering the context and the specific trade off between with legal and illegal economy.

b) Community regulation

There is a long history of local or regionnal schemes devoted to social prevention in Europe. The very decentralised experiences of the eighties or the nineties like - District social development in France, Città Sicure in Italia, Inner Cities programmes, to quote only a few - were oriented toward community safety. They seem no longer to be ‘goods models’, or at least the most common, and they have been supplemented by policies where the state plays an important role through national agencies or central impetus, like the National Agency for Urban Renewal in France. In this scheme, municipalities apply to get money to rehabilitate old public housing buildings or create new ones; emphasis is put on the will of municipalities to compete to get funds. The “Crime and Disorder Reduction Partnership” or “Communities that Care” in United Kingdom are examples of safety programmes of this second generation. In the recent years, through public and sometimes public/private ventures, actions schemes aimed to provide a sense of security for citizens of an area, economic empowerment (like the Community Development Corporation in the US), incentive to develop small business, school governance has been launched. They could be considered as components of social policies impacting on crime. An increasing decentralisation of the responsibilities associate to crime prevention involving local authorities, is combined with centrally induced policies and schemes.

This rehabilitation and urban development programme could be correlated with crime reduction through diverse theorical explanation. Among the most interesting in our mind, one find the social desorganization theory, that links :
- Residential segregation,
- Cohesion of the communities and ability to regulate behaviours,
- SES of resident families.

R. Samson and B. Groves 1989 have used waves of the British crime survey to investigate the links between community cohesion and victimisation; Hirshfield and Bowers 1997 investigate the links between crime and ethnic heterogeneity and social control; Lee 2000 compare 15 countries in 1992 through The International Victimisation Survey.

For example R. Bursick and H. Grasmick (1993) have elaborated for 74 neighbourhoods in Chicago an explanation which could be summarize by the following:
They consider that the link between poverty and crime is mediated by the cohesion of the local community. Which means that an action reinforcing the regulatory capacities of the local community could reduce the crime rate. The ambiguity in our view is that this action could reduce the level of crime committed without reducing the number of people from the neighbourhood engaged in crime activity, may be elsewhere. In other words, we would like to specify two measures of crime in the neighbourhood the crime exposure (number of offences divided by population, number of offenders divided by people of offending age).

We will give an example of local policy connected with the idea of reducing motivation and local determinations to engage in a criminal carrier.

**c) Social condition and crime risk factors. An example: reduce school failure**

A wide bulk of studies have shown that there is a link between school failure and deviance -truancy, formal involvement in delinquency and crime. Are there indicators of school failure in every country? At which level? Among the most accessible indices, there is:

- Youth 18-24years old leaving school without a diploma 1995-2005, which is accessible at the state level.

In this kind of context where different social difficulties are accumulating in the same areas, on the same people we have a strong incentive to consider that deviance is not an individual drift linked to psycho-biographic motives but a social phenomenon, for which the responses should be simultaneously individual and collective.

Policy measures concerning school guidance has been taken on a large scale. 1) Actions aimed to improve school achievement or to avoid school failure. (In France there exist different frameworks, financially supported by national agencies and local authorities, and usually run by NGOs in charge of school support Schemes to improve success in school for people living in unprivileged areas.)
Figure 7 - School under-achievement, delinquency and social segregation in the Seine valley

ZEP means Monitored educating zone

Figure 8 - Improvements in grades between 7th and 10th grade in high schools from the ‘Val Fourré’

3. Risk factors: individuals motivations, psychological hazards

Child and adolescent delinquency is associated with crime at adult ages by developmental theories. Prevention is consequently oriented to the early stages of life.

The idea is to detect:

- attention deficit, hyperactivity disorder, antisocial behaviour, opposition trouble in infancy (DSM4)
- and preschool expressions of cognitive deficiencies.
Precocious diagnostics endeavour to treat delinquency as a disturbance, sometimes as a disease, and on top of action directed toward children, schemes for better parenting have been devised.

We will review and discuss this approach linking health policies and penal policies. But there are others approaches dealing with the motivations of potential offenders.

* 4. Methodological basis of a European reflection

To begin with the macro level, we have to provide a background to our reflection on crime prevention and public social policies, I think that it is important to produce:

1/ a description of the evolution of the amount of population involved in criminal activities in the different countries,
2/ a description of the evolution of the social situation in each country - which could be done, as a minimum standard, by compiling existing social indicators,
3/ a description of the main specific policies dealing explicitly with crime prevention.

Main characteristics on crime levels and offenders rates in Europe are accessible through the European sourcebook project

A first draft 1995, a second in 2000, a third in 2003. Tables on violent offences (homicide, assault, rape, robbery) on thefts and burglaries, on drug offences ; tables on offenders. There are cautions and advices to compare data (cross sections or trends)

a) Eurostat indicators

Economic situations
- Income inequality in European countries 1995-2005
- Percent of population below the poverty rate (fifty or sixty percent of median income)
- Youth (0-17 years old) raised in unemployed families 1995-2005
  -Percent of the population at risk of poverty before and after public social benefits 1995-2005

Demographic situations
- Fertility rates since...
- Divorce rate by country since 1980
- Percent of births out of wed locks since...
- Proportion of single headed families
b) Sparse considerations

Germany

There is a strong division between social policies and criminal policies in several countries. In Germany, for instance, we have been told that it is not easy to find people competent at the same time on penal statistics and on social statistics. Therefore an attempt to compare social and criminal dynamics in European countries is both something needed and difficult.

United Kingdom

There are local indicators of deprivation and indices of crime deprivation. The Social Disavantaged Research Center in the Department of Social Policy (Oxford) has elaborated indices ID2000 and IMD2004, related to exposure to crime.

France

The “Observatoire des Zones Urbaines Sensibles” could provide data on crime level in these areas and comparable elements on crime level in surrounding areas (outside the ZUS). Beside that they are only, as far as we know, very aggregated data about French “départements” (95).

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Sauvola A, The Association between single parent family background and physical morbidity, mortality and criminal behaviour in adulthood, Mimeograph paper, University of Oulu, Finland, 2005.
Modernisation of Institutions of Social and Penal Control in Europe: New Ideas and Models of Crime Prevention*

Dario Melossi, Rossella Selmini

In the first part of this paper, mainly authored by Dario Melossi, we are going to look at the genealogy of the emergence of a preoccupation with extra-penal and local crime prevention in Europe and more specifically in Italy. In the second part, mainly authored by Rossella Selmini, we are going to look at the current situation of crime prevention policies in Europe and more specifically in Italy.

1. The Dialectic of the Criminal and the Political: Changes in the Representation of Crime and Insecurity

In this first part, we would like to retrace and reconstruct developments in the field of crime prevention from an early period, after World War Two, to the current state of affairs, moving from a broader context toward the specificity of the Italian situation. In many European and also Northern American countries there has been a major overhaul having to do with issues of crime and crime prevention that happened with the advent of what we could call, for want of a better term, “mass society” (going back to the already quite old but never enough acclaimed landmark by C. Wright Mills (1956) of which we have just celebrated the 50th anniversary, *The Power Elite*). By “mass society” we do not simply mean - as C. Wright Mills did not simply mean - the kind of society where the “mass media of communication” have become so crucially important! We rather mean the society where the “mass” of the people became less and less of an oppositional, poor and easily radicalisable “working class”, and more and more of a consumerist, opportunistic and moderate “lower middle class” - the mass media being nothing but a very strategic articulation within this more general change.

This transition was nowhere done very suddenly and was nowhere ever complete. It happened at different times in different places. In the US, Roosevelt’s “New Deal” was crucial but its effects were not really felt until the 1950s. In Northern Europe, this transition was connected with the coming to power of social democracies. In Germany,

* This is a revised version of papers presented by Dario Melossi and Rossella Selmini at the CRIMPREV First General Conference (Brussels, 8-10 February 2007) and by Dario Melossi at the CRIMPREV Meeting at the University of Leeds (Leeds, 7-8 June 2007). Dario Melossi and Rossella Selmini are both Professor at the Faculty of Law, University of Bologna (Italy).
France and Italy it happened only with the post-war “economic miracle”, between the 1950s and the 1960s. In Spain, Greece and Portugal, only after the demise of those countries’ dictatorships in the 1970s. Everywhere it was connected to some forms of the welfare State.  
The definition by David Garland of “penal welfarism”, applied to the management of penal issues during this period, is therefore very à propos (even if we are wondering whether we agree on time lags and chronologies). A class perspective, such as the one here adopted, tends to emphasize in fact a few elements related to such pivotal transition. Mass employment in Fordist factories, starting in the 1920s but never really taking off on a mass scale until after World War Two, meant the possibility for the working class of saving money and consuming on a mass scale having for the first time in history a vested economic interest in the conservation of the social system (the harsh struggles that culminated in the recognition of trade unions’ and therefore workers’ rights - between the 1930s and the 1970s - contributed massively to such new working class’ welfare). This vested interest meant also home ownership - Americans’ famed post-war “little boxes”! - and the possibility of purchasing the gadgets of daily lives. For the first time in history therefore, at least on a “mass” scale, workers became potential victims of crime. But at the same time and even more crucially, what in the early 1970s in France Italy Germany or Spain, we still used to call the “State repressive apparatuses”, became less involved with class oppression, and keeping the streets free of workers’ and unions’ rallies (often in crucial connection with the international necessities of the cold war, given that in many countries the leading workers’ parties had been forged in a strategic alliance with the Soviet Union), and became more involved with defending the material interests of home and gadget owners who were now the majority of the population. The “two thirds and one third” society was born. As we mentioned earlier, the true explosion of the mass-media, from the cinema and the radio in the 1920s and 1930s to the television in the 1950s and 1960s, was certainly a crucial aspect of all this, to which corresponded an “anthropological mutation” that cannot be expressed better than in Mills’ own words:

[T]he man in the mass does not gain a transcending view from these media; instead he gets his experience stereotyped, and then he gets sunk further by that experience. He cannot detach himself in order to observe, much less to evaluate, what he is experiencing, much less what he is not experiencing. Rather than that internal discussion we call reflection, he is accompanied through his life-experience with a sort of unconscious, echoing monologue. He has no projects of his own: he fulfils the routines that exist. He does not transcend whatever he is at any moment, because he does not, he cannot, transcend his daily milieu. He is not truly aware of his own daily experience and of its actual standards: he drifts, he fulfils habits, his behaviour a result of a planless mixture of the confused standards and the uncritized expectations that he has taken over from others whom he no longer really knows or trusts, if indeed he ever really did. [...] He does not formulate his desires; they are insinuated into him. And, in the mass, he loses the self-confidence of the human being - if indeed he has ever bad it. For life in a society of masses implants insecurity and further impotence; it makes men uneasy and vaguely anxious... (Mills, 1956, 322-323).

For life in a society of masses implants insecurity and further impotence; it makes men uneasy and vaguely anxious... 2. If to such feelings of vague insecurity and anxiety one were to add that in the

1 It may be useful to mention Gosta Esping-Andersen’s classification of the welfare State in three types, a “Social Democratic” one, typical of Northern European countries, a “Conservative/Corporatist” one, typical of Continental Europe, and a “Liberal” one, typical of the U.S. (Esping-Andersen, 1987).
2 One should compare these reflections by Mills to some of the more sociological writings by Italian poet, novelist and filmmaker Pier Paolo Pasolini on the mutation of the Italian working class in the 1970s - keeping
following period the crime rate - especially crime against property - increased manifold everywhere, even if with some time lag between country and country (in the United States and in the United Kingdom starting during the 1960s, in Italy in the 1970s), the whole picture starts becoming a bit clearer. So, this period, of high crime societies (Garland, 2001), is essentially at the turning point between the climax of development of welfarism, and the beginning of the crisis in penal welfarism. And this because the increase in the crime rate - due to the increase in the general wealth - was interpreted as a symptom of the malaise of penal welfarism and the welfare State in general, so that it became a very powerful argument in the construction not only of the whole discourse that Garland calls “the culture of control” (that we may also want to call “penal liberalism” in opposition to “penal welfarism”) but also of neo-liberal ideology more general.

a) The dialectics of “the political” and “the criminal”

From another landmark work by C. Wright Mills, *The Sociological Imagination* (1959), I would like to derive another central image, having to do with a sort of dialectic between “private troubles” and “public problems”. Indeed, if “anomie” is connected to periods of dislocation and transformation, when society becomes unable to “support”, so to speak, individual morality (Durkheim, 1893), then periods of rationalisation are prime targets for anomie - and the sectors of the working class hardest hit by these processes are the ones destined to become most anomic. Whereas the “old” sectors of the working class vent their moral indignation against the immoral habits of the “new” working class, the latter is certainly more likely to engage in, or anyway be perceived as engaging in, behaviour that is criminalized or defined as characterized by a lack of “civility”. For the new working class (often the product of processes of social disorganization of previous social groupings, such as rural workers), the transformation crisis in fact brings about both the impossibility of a decent livelihood and that of understanding oneself as dignified human beings. In other words, the de-valorisation of labour goes hand in hand with criminalisation, in the two senses of the term, i.e. an increasing involvement of some sectors of the “new” working class in criminal behaviour and an increasing visibility of those same sectors by agencies of formal control.

The conflicts in which a new, emerging working class is involved are at first defined as “criminal”, and rightly so. It is only when, in turn, this “new” working class becomes central to production, organized and socially recognized, that the root conflicts within which it dwells, can be re-defined as “political” and eventually incorporated within the new structure of power. To a large degree such process of de-criminalisation and politicisation are due to the increasing weight of the new working class, which, through organizing, becomes able to affirm its human and political dignity. On the contrary, the ability of the ruling class to define the main social conflicts as “criminal” rather than “political”, as “private troubles” rather than as “public issues”, is a sure sign of its hegemony - a hegemony however that is not only constructed ideologically through persuasion but is also deeply rooted in the “reality” of social relationships.

Paradoxically, the victory of the working-class within the New Deal - and in all the other “new deals” that followed in many other countries between the 1930s and the 1970s - made it so that what to that point had been understood as a form of “public issue”, the misery and desperation of marginalisation being the experience of a whole social class, could become now again “private troubles”, once that experience was the experience of a minority, even if a substantial minority, of the population. It is around the time of the New
Deal, in the United States, when a rhetoric of the “public enemy” emerged, during the period, that is, which marked the first pioneering entry of organized labour into the Establishment. In similar ways, only recently, with the coming to maturity of a “respectable” and non “anti-system” Left in Italy and other European and Latin American countries, the spectre of “crime” (as opposed to that of “political violence,” whether from governmental or non-governmental agencies) is appearing in these societies for the first time as a matter of public concern. It is this connection between political pacification and marginalisation of a minority that we see in the connection between mass media and moral panic. We see the mass media and the moral panics as children of a society where that kind of “new deal” was reached - a new deal that was also fed, at the representational level, by the construction of that imagery!

First in North American societies, and only later in Europe, in other words, this process has unfolded together with the maturation of a democratic form of government that has put an end to very deep and divisive lacerations in civil society and has emphasized at the same time the need for social unification. “Crime” became then the rallying cry for the reunification of society, as David Matza had indicated in *Becoming Deviant* (1969). The “outsiders” are not really any longer those “antagonists” to power but a fragmented reality of marginalized, excluded outcasts, “deviant”, “predators”, “suitable enemies”, as Nils Christie (1986) has called them - a story that was first told, we have to admit, by Herbert Marcuse, and that at the time we could not understand, from within Continental Europe, because we could not understand what was going on already in Southern California, that was Marcuse’s perspective.

In this sense, whether the rhetorical appeal is to punishment or to social prevention, these are simply (not indifferent) variations on the same motif, namely the re-constitution of a symbolic community. This is particularly the case in Europe today, where the root causes of crisis are multifarious: from the deep transformations in State sovereignty (Garland, 1996) to the crisis of the welfare State, from the emergence of a European society to what Etienne Balibar (1991) has called “identity panic”, and the consequent rise and emergence of “localities” / “regions” / “Stateless nations” (Jauregui, 1986; Melossi, 1990, 2005). In other words, paradoxically, the very process of democratisation of European societies in conjunction with the end of the Cold War has facilitated the emergence of a common internal enemy. We will see the case of Italy in greater detail below. Similar reconstructions have however been presented for developments of the police in France (Monjardet, 1999; Laurent, 1999), on the transformations following Franco’s death in Spain (Cid, Larrauri 1998), or on Turkey (Green, 2000) and Northern Ireland (Mulcahy, 1999).

*b) The “turn” of the 1970s: the Italian case*

Both authors of this contribution have contributed to the pioneering years of the initiative termed *Città sicure*, a project of social prevention of crime and deviance created in 1994 by the Regional Government of Emilia-Romagna, an Italian Region that has traditionally been characterized for its progressive political and social orientation (Putnam, 1993). This project is best characterized for being situated at the juncture point of two axes, or dimensions. On the one hand, the project developed, and was in part also a response to, the emergence of “crime” in Italy as a major feature of public discourse. On the other, it unfolded within a deep turmoil in the structure of the Italian political landscape, marked by the request of local powers (especially Regions and cities) to play a much more decisive role.

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3 See especially the conclusion to *One-Dimensional Man* (Marcuse, 1964, 247-257).
in crime prevention *vis-à-vis* the central government\(^4\). We believe that these two aspects are deeply related, because the level at which the issue of crime emerged was the day-to-day level of local life.

The emergence of “crime” in recent Italian history as a central question of public debate, took place together with a crucial transition of Italian society from being strongly divided along class and political lines (or anyway so perceived and described by its members) to a society where the central sections of the working class became incorporated inside the established system of governance. The old straight-from-the-cold-war centrist Christian-Democratic governments, went adrift on the blood shed by the workers fallen in Reggio Emilia in the July of 1960. A crucial protracted transition followed. After 1962, with the centre-left coalitions, the role of the police slowly started changing from being a public order force engaged in the control and repression of the Left and the working class to a force that was more and more supposed to deal with “ordinary” crime (Della Porta, Reiter, 1994; Della Porta, 1996; Reiter, 1996)\(^5\). After few years of social peace and reform, around 1967 the music once again started to change. Now a more powerful social and political movement, less aligned with the Soviet Union, posed a massive threat to the conservative status quo. It was impossible to fight it openly in the streets because this would have meant a blood bath and the end of democracy (even if at the time there were, also in Italy, those who wished, and even tried to do, “like in Greece, in Argentina and in Chile”). Instead, a mixture of instruments were used, partly straightforward right-wing terrorism, partly the stupidity of left-wing terrorists, but especially, and increasingly, the mass-mediatization of Italian society, on the North-American example. Terrorisms of all colours, directions and sources, came to occupy centre-stage and in a sense “replaced” direct fights with the police as a source of politically motivated violence. The estimated number of victims of political violence between 1969 and 1988 were 428. Later on, after the fall of the Berlin wall and the end of the cold war, it became possible to get rid of the political forces that had managed the transition, the Christian-Democrats and the Socialists, buried under an avalanche of investigations for corruption and for collusion with organized crime. Now the old working-class that had always been in the opposition, could be invited to government\(^6\). Only at this point, the criminal enemy was not a political enemy anymore but the enemy of all, a “common” criminal, often a *foreign* common criminal.

What happened to “ordinary crime” in the meanwhile? Crime, at least crime as represented in official statistics, increased dramatically, especially property crime, as shown in Figure 1. In Italy there have in fact been two strong increases in the recorded crime rate, the first in the 1970s and the second in the early 1990s (see Figure 1). A rise in fear of crime and social alarm developed however only around the second of these. Indeed, interpretations such as those provided by a “routine activity approach” would seem rather useful in order to

\(^4\) Attempts at revising Art.117 of the Italian Constitution, that defines the respective roles and competencies of the central State and the Regions, have until now failed. In the early 1990s this issue was muddled by the emergence of a political force, the “Northern League”, that demanded independence for Northern Italy from the rest of the country.

\(^5\) Between 1946 and 1962, 126 citizens and 12 police officers were killed in street clashes (D’Orsi, 1972), without counting the peasants killed by landowners’ organized gangs in the South in the period immediately after the end of the war. In Sicily in particular, a conspiracy of Mafia-gangsters, local (and national) reactionary forces, and “Allied” secret services, tried to play a separatist card for the island, succeeding however “only” in destroying the peasant radical movement and opening the following *de facto* government between central powers and the mafia.

\(^6\) Socio-economic change brought “to power” the organized working-class but also at the same time its nemesis, “post-Fordism” (decline of the factory, decline of work ethics, etc.). A general process of class fragmentation ensued that marked both a deep decline in the self-understanding of large sectors of the population as “working class”, and increasing symptoms of social disorganization especially among working class youth (such as the sudden and huge creation of a drug culture and market after the mid-1970s).
address all of this, because it is quite difficult to severe the increase in crime rates from the various “economic miracles”⁷. Until recently, after the fall of the Berlin wall and the cooptation of the Left among the “respectable” government members, phenomena of fear and “moral panic” have not been very relevant in the public field and in political agenda. In the second half of the 1970s and in the 1980s, elective institutions, public opinion and political parties directed their attention towards Mafia - and related forms of organised crime - and especially toward political terrorism. In both cases, there is no doubt that Italy experienced the outbreak of a widespread moral panic and the emergence of a law and order campaign, accompanied by strong law enforcement tendencies in criminal policy. Only in a few cases, however, Mafia and political terrorism gave rise to a community-based reaction, except for the most politicised sectors of the public opinion, especially within the Left. Even then, public opinion did not orient its requests towards more punishment, death penalty, and so on. The alarm surrounding events of Mafia and terrorism neither extended to other less serious forms of crime, nor gave rise to a widespread feeling of lack of safety, such as we have been experiencing recently.

Figure 1. Number of delitti (felonies) per 100,000 inhabitants in Italy

If one analyses the articles appeared in the journal that marked the appearance of a “critical criminology” in Italy, *La Questione Criminale* (1975-1981), one will find that topics of “law & order” are very present - they are however never coupled with so-called “common” crime but always with “political” “repression”. This fact has often been interpreted as an instance

⁷ Even if it is not as useful in order to understand the decline in the 1990s; furthermore there is an important demographic argument. See also Katherine Beckett’s arguments in her criticisms of Garland (Beckett, 2001).
of a certain Italian backwardness, which made it so that concern about terrorism and organized crime held front stage whereas the “campaigns for law and order” about “street” crime, of which the “new criminologists” were writing and whose papers we were translating in *La questione criminale*, did not really come to exist. As we mentioned at the beginning, however, we did not realize that also in the UK they were rather recent things (see the pioneering work by Stanley Cohen (1972), *Folk Devils and Moral Panics*) and that even in the US they had been just “discovered” by labelling theorists or theorists of the “social reaction” (Becker, Lemert, Gusfield, etc.). One may certainly hypothesize that the murders linked to organized crime and terrorism may have brought about a substantial social reaction. However, these murders were those of “excellent cadavers”, as Sicilians call them (Stille, 1995) and, correspondingly, the following social reaction was much more one from the political and judicial elites than from the general public.

c) Microphysics of crime

The fast and deep change in the social and economic structure of some cities and districts, the de-industrialization of those same areas, the crisis of a “work ethic” and of work as a means to promote social progress and personal dignity, the disappearance of traditional urban social networks - often related to political participation - and the consequent fragmentation of social identities, all of this has created a context in which new images of disorder tend to emerge, often related to the presence of immigrants and, more rarely, of groups of homeless youth (who, rather than for committing crime, are considered responsible for a social disorder in the city, of the kind described most famously in Wilson and Kelling (1982) or Skogan (1990), a disorder perceived as opposite to the values and ideals of the former working class). In a 1997 speech in Bologna, Prime Minister Romano Prodi had stated that, “the problem of the safety of the country seems to be no longer one of external safety, but an internal one: the safety of citizens in their everyday life” (Prodi, 1997). In the still relatively new post-Cold War era, safety was no longer a matter for external security - and for a concept of internal security as “public order”, internal reflection of international divisions, as it had been until the 1980s. Crime, and criminals, were now “our” common enemy - even better if they could be described as products of a common new “external” enemy, a “fifth column” in our midst, the “undesirable”, “undocumented”, “clandestine” immigrants. But see King (2003).

In response, “citizen committees” were spontaneously created, often in areas that had traditionally seen a strong presence of the traditional Left parties (Selmini, 1997). For example, in Milena Chiodi’s (1999, 241-245) research on the specific case of a Modena neighbourhood, clearly immigrants are visible, they are perceived as not used to the rule of democratic participation, they tend to concentrate in those areas of the city that are more vulnerable, and where communities are in search for new identities. Such “new identities” may be found, however, as in the case studied by Chiodi, in organizing the neighbourhood against the immigrants. In the words of the citizens Chiodi interviewed, they have been able to build a “renewed unity” in their struggle to “clean” their neighbourhood of the unwanted guests. Erickson or Matza could not have expressed the matter more clearly: the social cohesion of the “Crocetta” neighbourhood in Modena was at least temporarily strengthened by the unity of intents and actions against “North-African drug dealers”. This episode is revealing of the contradictions and ambiguities of the processes and feelings involved. A sense of democratic participation mixes with one of parochialism, the old faith in “the unity of the working class” with outright exclusion and racism. The traditional Left institutions and values seem to be unable to orient and direct the course of events and, in some respects, even the pioneering role of initiatives such as “Città sicure” may appear as having played more the role of “sorcerer’s apprentice” than that of the Leninist vanguard of the working class! And in fact, in some cases, when citizen and community organizations’ claims have not been catered to, the backlash for this lack of attention has been significant, as in the clamorous electoral defeat of the Left in Bologna in 1999, a city that it had administered uninterruptedly since the end of the war.
“Coloured” and “immigrant” sections of the population are already in many countries the core of a new working class. In the most developed cities of Emilia-Romagna, this is already the case in many factories. The “tough” jobs that Italians are unwilling to devote themselves to, make it so that in some factories of the city of Reggio Emilia, for instance, nine out of ten workers are not born in Italy. In such cities, the offspring of immigrant and mixed marriages are already more than one in ten, in a country where only about 5% of the population are foreign. It is not difficult to foresee that here too, very soon, the “foreign” work-force will represent a very substantial section of the “Italian” working class, exactly in the same way in which this happened to Italians, among others, in the United States, or Belgium, or Germany.

This complex change obviously shifted the barycentre of control from the national State to localities, because the loss of the function of control as a political function of control in a class-divided society in favour instead of a concept of police as the protection of the middle-class majority of the population from street crime, essentially moved the pivot of policing from the national State to places closer to citizens, their homes and their goods (this also accounts in our opinion for the ambiguity, malaise and difficulties in which police forces find themselves still now every time that the problem of control shifts back to a political/national/collective format: the issues of terrorism and organized crime in Spain or Italy, the issue of “difficult neighbourhoods” in France and other Central European countries, the issue of soccer hooliganism in Italy, the issue of political radical groups all over, and so on). This train of events created the conditions for the coming into existence of a concern with crime expressed in the concepts of “crime prevention” and “security” or “safety”. This was also the context where new discourses and policies about crime prevention, and safety policies, emerged. The old centralized “State” system was one geared to struggle against forms of organized crime, whether criminal or politic, a type of “crime”, or simply of opposition, that as such had to be countered at the national level because it was directed against the very “core” of the State, within a bitterly divided polity. The current situation is very different. So-called microcriminalità - as Italian media call street crime, maybe unwittingly echoing Michel Foucault’s “microphysics of power” - cannot care less about the “grand narrative” of the State. It has to do instead with the very local, mundane, everyday life, routine series of petty thefts, muggings, burglaries, drug dealing, street-walking, that takes place side by side with the places where “respectable” citizens live and work. The instruments to counter microcriminalità can hardly be, then, the majestic ones of the State - even if governments as well as national police forces have a hard time in coming to deal with such undesired reduction of their “aura”.

Why, however, have things not really worked out that way? Why, has the pioneering experience of Città sicure been almost ignored at the national, political level? I would submit that the “modernization” process implied in the Città sicure initiative has gone the usual way things go when we talk of “modernization” in the sphere of crime, deviance and security. One thing is to be concerned with citizens’ security. A totally different thing is to go after the “political capital” represented by citizens’ fear (Simon, 2007). A “rational” approach may severely endanger that capital. Political parties and political campaigns need to be able to exploit that capital, use it to their ends. On a much greater scale, one only needs to remember what has happened after September 11, with the instantiation of a world-wide moral panic!

10 Such is the title of a collection of Michel Foucault’s essays in Italian, referring to Foucault’s concept of “micro-power” (Foucault 1977). Indeed, one could venture to suggest that Foucault’s polemic against a State-centred concept of power, was the way in which European culture started to question itself about the obsolescence of the old nineteenth-century European nation-States as well as the introduction of the notion of political pluralism (Melossi, 1990 2005).
2. Crime Prevention Policies in Europe and Italy

The second part of this paper will focus on the analysis of crime prevention policies in the European context, with a particular reference to the Italian case. We shall develop these main points in the following pages:
- Changing concepts and models of crime prevention policies in Europe;
- Italian strategies of crime prevention;
- Some tendencies emerging in the crime prevention policies, with a particular reference to changes in social crime prevention practices.

Many European countries in the past decades focused on the development of discourses and practices which show clearly the “need to shift resources and focus towards crime prevention, rather than focusing on more reactive and coercive forms of policing and criminal justice” (Stenson, Edwards, 2004, 209).

This emphasis and attention towards crime prevention still remains an open question, because, despite the great amount of scientific literature and efforts in explaining it, its definition is becoming increasingly vague and confused. Under the label of “crime prevention” policies, in fact, we can find a wide range of practices and measures, which share the attempt to avoid the development of criminal behaviours or victimisation, or the occurring of criminal events, or that try to reduce the recurrence of crime.

This extension and, consequently, increasing vagueness of the concept of crime prevention has been the object of thoughtful analyses in socio-criminological literature in the past decades, which stressed the difference of a “new” crime prevention from its original being an implicit purpose of traditional approaches to crime control through the criminal justice instruments, and its extension to a “disparate set of practices that may be contrasted with those more traditional approaches to crime control” (Gilling, 1997, xi).

Some of the most distinctive features of the changing concept of crime prevention are:
- The extension of actors entitled to act legitimately in crime prevention, as it is well expressed by the increasing powers and responsibility of local governments in many European countries;
- As a consequence of the extension of actors, the fragmentation of decision making processes and the following increasing conflicts among different actors in this field;12
- A further, important change is the attempt at incorporating social and community organisations in the policy making process or in its implementation, or in both (Hughes and Edwards, 2002);
- The emerging of European policies, also in the field of crime control.

a) Understanding these changes

In the great amount of literature on the issue, two main and general approaches can be distinguished in understanding these changes. The first one focus on the shift from the “welfare - regulatory” state to the neo-liberal one and on how such shift affected cultures, polices and practices of social order and crime control (Garland, 2001; Landreville, 2007; O’Malley, 1992). The social control policies of the post-war period were, in most European countries, led by the national state and by national agencies, and were based on an idea of crime as a social or individual deficit. Crime prevention, consequently, was to be pursued

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11 The concept of “new” prevention and its main features have been promoted and fully analysed, in the European context, especially by Philippe Robert (1991).

12 A dynamic which has been thoughtfully studied in the perspective of “governance” (Garland, 2001; Crawford, 1997; Loader, Walker, 2007).
through social reforms and social policies, while penal policies were to develop through rehabilitative strategies. The shift towards a new culture, and new policies, of crime control, which occurred in different periods in the last decades in most European countries, on the contrary focused on individual responsibility, on the role of the victim, on different preventive strategies and on different punishment policies. According to some, rehabilitation and social inclusion were replaced by so-called “actuarial penal strategies” (Feely, Simon, 1994), the attention towards criminals by the new role played by the victims, the attention towards causes of crime by the attempt to control crime in a manner that would make it compatible with ordinary urban life (Garland, 1997).

The emergence of new attempts to intervene in crime control policies has been understood also in a different perspective, where - without denying the dynamic previously described - so-called “new” prevention and the local nature of safety policies, are seen as the favourite approach for developing an alternative model of social order. Local policies and cities are considered, respectively, the best instrument and the best site for intervening on crime and deviance issues. In this context, so-called “new prevention” is offered as the new answer for governments (both national and local) in search of a strategy to face both “high crime societies” (Garland, 2001) and the concurrent decentralization of mechanisms of control from national states to local governments.

b) Two “models”

During the 1980s, comparative studies about prevention policies showed the emergence of two different models of crime prevention, which are also partially related to the two main approaches to changes in crime control described in the paragraph above. United Kingdom and France are usually referred to as the two different European contexts where these models developed first and most clearly. According to this distinction, the crime prevention policies which developed in the United Kingdom were mainly based on these principles:

1) the prevalence of situational crime prevention over social crime prevention;
2) the leading role of the police and, more generally, a predominance of a “technical level” over the political one;
3) the emphasis on individual responsibility and on the victims’ role:
4) the involvement of local communities in crime control and in surveillance tasks, as in the well known “neighbourhood watch” programmes;
5) the focus on pragmatism, implementation, management and evaluation;
6) a strategy of responsibilisation from the national state towards other actors (Garland, 1996) in a way where, however, the central state (and precisely the Home Office) kept the leading role for what concerns priorities, resources, evaluations, etc.

The theoretical framework of this model are theories of opportunity and also the related common-sense approaches, as the well-known and politically so successful “broken windows theory” for what concerns urban disorder. While being essentially “British”, this model largely influenced, at an early stage, some European countries, such as The Netherlands and Belgium, and, later on, also some other continental contexts.

Comparative literature on crime prevention policies has very often opposed this model to a French - or “Continental” one - whose main features differ from those mentioned above because of:

1) the prevalence of social prevention over situational prevention;

13 On these changes in crime prevention policies in Europe, and the emergence of the two models, see Ph. Robert (1991). A more recent analysis of the same issues is to be found in Duprez, Hebberecht (2001).
2) the attempt to give the elected bodies, especially at a local level, a central role¹⁴;
3) an idea of crime as the result of social deprivation, marginality, lack of opportunities, urban decay, etc.
4) a limited responsabilisation of individuals and communities, and an attempt to involve collective organisations, social services, and other institutional actors.

c) The “mixed” model and the “integral” nature of crime prevention in Italy

Those original models were not, in fact, so well distinct. They shared, already in those first years, more than what appears from their reduction to models and, during the past decade, they have come closer and closer, so that the features they share are probably more than those that separate them (Duprez, Hebberecht, 2001). While maintaining some of its original features, for instance, the “British” model came to include - at least for a period - an involvement of local authorities in crime prevention policies and fostered the idea of community safety as a key concept to balance the police’s leading role. The same occurred in the “French” model, where more coercive measures, or situational strategies, were often included in crime prevention policies (Roché, 2004).

As a result, most crime prevention policies are nowadays a mix of situational and social measures, where, however, the situational approach prevails¹⁵. Italy is an interesting case for a better understanding of this “mixed” model of crime prevention. The new infrastructure of crime prevention developed in the country at the beginning of the 1990s is articulated in many city-level projects, often coordinated by regional governments, which deliver funding and, in some cases, technical support. The model¹⁶ is characterised by a mix between traditional social measures, new measures for social reassurance (victims’ support, community’s mobilization) and situational crime prevention (surveillance, administrative control and environmental design with defensive aims)¹⁷. Situational crime prevention measures, which represented a true novelty, were enthusiastically adopted in many cities, and in some cases, they are now prevailing over social prevention. Given the fact that local bodies have no competencies in penal law enforcement or in crime repression, and that nonetheless they were willing to extend their sphere of intervention further, cities have been in search of new instruments for controlling people and behaviours. These instruments have been found in the

¹⁴ However, this emphasis on local government was, in France, more rhetoric than real, given the strong centralist nature of the French institutional framework, while it worked better in those countries with a weaker state structure, as it was the case of Italy.
¹⁵ The compatibility of a “situational rationality” with a “social justice” one and the spreading of articulated models of crime prevention were analysed by O’Malley (1992).
¹⁶ This description of the Italian way to “new” prevention is based on a national research about crime prevention policies in 103 Italian cities during the last five years of the 1990s, on similar studies concerning some Italian regions (Regione Toscana, 2002; Giovannetti, Maluccelli 2001) and on a partial updating of the first national research (Selmini, 2003).
¹⁷ The whole of these measures represents nowadays the content of Italian security policies and their features are a further example of the circulation of practices, which is part of the “travelling process” in the field of criminal justice. Originally, in fact, the concepts and practices of social and situational prevention arrived through the academic relationships both with British “Left Realism”, and with some French sociologists and criminologists. A well-known network of Cities, the “European Forum for Urban Safety”, also played an important role in this process of transferring policies. The relationship of Italian local governments with this association stressed the connections with the French-speaking world and other continental countries, partially balancing the Anglo-American features of the origin, and gave the Italian projects the “mixed” character we mentioned (Selmini, 2005).
intensification of surveillance, mainly performed by the Municipal Police\textsuperscript{18}, in the use of administrative orders and in environmental design. The administrative orders (“mayoral ordinances”) are grounded in administrative powers rather than in criminal law powers. They are the prerogative of Mayors who, for reasons of public hygiene or other generic risks to the well-being of citizens, have the power to enact such orders to face “emergencies” and also to keep under routine control many different activities and groups in public spaces. By means of these administrative orders, we have experienced substantial interventions of local police especially against street prostitution, disorder, incivilities, nuisances related to undocumented immigrants. A recent Parliamentary draft is extending the use of these orders far beyond these cases, giving Mayors the power to use them when necessary for reasons of “local safety”.

A combination of the measures just described allowed local authorities to develop what is usually called an “integrated approach”. This means that crime prevention programmes try to fine-tune, at a local level, social inclusion and exclusion, as well as to tackle causes of crime while, at the same time, managing crime symptoms. However, if “integrated crime prevention” is a rather successful political slogan, this does not mean that “integration” would really allow local governments to follow these two different approaches. Social crime prevention at the local level is therefore becoming an auxiliary and marginal way to prevent crime (Pavarini, 2006).

d) Social crime prevention in Italy between continuity and change

Social crime prevention has been the object of many studies. According to the most common definition, it includes measures that aim at eliminating or reducing structural crime factors, acting on crime causes through general social programmes (Robert, 1991, 16), or, according to a similar definition, intervening or modifying the reasons that bring people to commit offences when based on conditions of social disadvantage (Gilling, 1997, 5). Unlike situational prevention, this strategy puts the focus back on the author and her/his inclination to crime, considered not so much as the result of an individual pathology, rather as a deficit deriving from personal and socio-structural conditions. According to some scholars, social prevention is not only a specific prevention modality, but rather a global policy for social well-being that crosses all sectors of administrative policies (Walgrave, de Cauter, 1986; Peyre, 1986). Other authors focus on social development, considered as the basis of these policies. Their purpose would be that of studying the origin and reproduction of inequalities responsible for “disadvantaged contexts” in order to overcome them (Hastings, 1998, 117). The fields of intervention of social prevention, according to the authors of a broad review of crime prevention programmes (Graham, Bennet, 1995), are urban policy, health policies, policies for the families, education policies, labour market policies and, finally, social integration policies generally speaking. Our research\textsuperscript{19}, based on a classification of social crime prevention measures that those responsible at a local level have so defined, shows some interesting differences from the mentioned definitions of social crime prevention, and some further features:

- a “collective dimension” and the refusal of an individualistic approach (social crime prevention is addressed to social groups and not to individuals);

\textsuperscript{18} Municipal Police, which depends on the Mayor, has an exclusive competency in the general field of administrative police, but it has also the status of a public security force. Apart from the normative definition of their competencies, their role in crime prevention increased enormously in the past ten years.

\textsuperscript{19} See note 16 above.
- among those social groups, there are not only those at risk of becoming criminals or deviant, but also those at risk of being victims - or those who have already been victims - of crime: the “potential criminal” and the “vulnerable citizen” are both subjects of social crime measures;
- a change in the final aims: no more preventing crime through the amelioration of social disadvantages, but a more limited purpose to support, with different forms of assistance, some groups “at risk”; no more a general crime prevention but, more frequently, a sort of a “social pacification” among different groups, through different forms of social mediation.

Interviewed about their practices of social crime prevention programmes, local politicians and officers in charge of local crime prevention programmes listed these measures:

**Social prevention addressed to subjects**
- Harm reduction for drug addicts and prostitution
- General social help for homeless and marginal subjects (shelters, etc.)
- Services for integration of immigrants
- Services to the victims

**Social prevention for the physical environment and the community**
- Mediation of conflicts among social groups
- Animation of the public space (entertainment, etc.)
- Urban renewal

The instruments for implementing these measures are also different. In addition to traditional social work, they also include urban renewal, street fittings, administrative orders and the evermore frequent possibility that non-specialised operators adopt preventive measures too, such as the participation of common citizens to crime prevention programmes. In the Italian context, community crime prevention has been reinterpreted by those in charge of implementing it as part of a social prevention strategy, based mainly on measures to foster community cohesion and ameliorate physical environment, in order to improve the quality of life, and reduce conflicts and fear of crime in some areas. The basic idea, recalling the School of Chicago’s main assumptions, is that crime, deviance and disorder are the result of the decline of the community, of the conflicts between heterogeneous social groups, of the abandonment of the public space, and of the deterioration of community relations. Consequently, these interventions must act on these phenomena, using different strategies overall definable as “community crime prevention”.

**Some emerging issues in Italy and Europe**

In the context I have just described, social prevention, while it is apparently still a well-established concept, is changing radically its nature in the everyday practice of safety policies, and it is increasingly at risk of loosing its traditional features. More precisely, measures of social prevention clearly show a shift from aiming at intervening radically on the causes of crime through social reform to simply offering “humanitarian” and often short-term solution for some social emergencies. On the one hand, situational rationality seems to permeate also those measures that once we were used to call “social”, on the

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20 A dynamic which has been defined also as “criminalisation of social policies” and already analysed in different European context (Cartuyvels, 1996; Pitch, 2006).
other, social interventions are more and more used as auxiliary to situational intervention. What exactly is social prevention, then, at the beginning of the new millennium? Are we witnessing a disappearance of social prevention in its traditional meaning? If neither the national state, nor the local governments (for different reasons) are any longer able to develop consistent and wide-range social policies, what kind of developments are we to expect in the future?

Together with such changes in social crime prevention, a further issue, which is worth noting, is the recent emergence - at least in Italy - of developmental crime prevention, as an alternative to traditional social prevention. Developmental and situational crime prevention are now presented as the new alliance able to tackle crime in its different dimensions: The solution (for the future) is an integrated prevention where, beside a selective penal prevention, other preventive measures are developed: the situational and the psycho-social (...)

Given the fact that crime behaviour is the result of predisposition and opportunities, we need to intervene on predisposition until it is possible, and then modify opportunities (Savona, 2004).

What is here called psychosocial prevention, is what in the Anglo-American criminological context is termed early prevention or developmental prevention.

A further tendency worth noting is the increasing use of the words “crime reduction” instead of “crime prevention”. A clear example of this change can be found in two different editions of the *Oxford Handbook of Criminology*. The chapter previously titled “Crime prevention” is titled, in the third edition, “Crime reduction”. The author explicitly states that the two terms may be used interchangeably:

As if the variation in crime definition across place and time are not enough, even the words used to describe attempts to stop crime vary. Traditionally in the UK, some police officers have carried the title of “Crime prevention officer”. Reflecting this usage, in previous editions of the Handbook, the chapter corresponding to this one was titled “crime prevention”. In recent years, the term “Crime reduction” has been favoured. This term features in government publications and in the Home Office website.” (Pease, 2002).

According to Pease, crime reduction embraces all the traditional measures and strategies of crime prevention, even if in some aspects of his essay it seems clear that crime reduction is different from crime prevention, for instance for what concerns “hot spots” and “repeat victimisation” (those places and conditions where apparently the efforts to reduce crime seems to be more successful).

The shift from prevention to reduction seems to shows the acknowledgment of the permanent status of late modernity societies as “high crime societies”, and also a focus on the more limited goal of crime rate reduction, a goal which can be better addressed through intervening on repeat victimisation and hot spots.

What we have very sketchily described here are tendencies, ideas, discourses which in the European context are circulating, with more or less fortune, and eventually adapted to the different local contexts and their needs. Some of them are entering political discourses, others are already essential elements of the new infrastructure of crime control. In Italy, as probably elsewhere, the whole framework of crime prevention seems to be crossed by contradictory, fragmentary and changeable tendencies. It is not a big surprise, then, that the general crime control policies where these practices are included show the same ambiguities and sometimes the same inconsistent features.
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Work Package 7

Surveys, Statistics, Evaluation - Methodology and Good Practices

Amadeu Recasens i Brunet, Philippe Robert, Anabel Rodriguez, Renée Zauberman

Over the last half century, sociology has invented new and powerful instruments for finding out about crime. Their particular feature consists of breaking free from the institutional data into which the study of crime was traditionally locked.

Not only have these instruments at least partially renewed existing scientific knowledge of crime, but they can also constitute important tools for assisting decision-making.

However, they have been introduced in a very variable way in the different European countries. In addition, command of these instruments is very unevenly distributed, as the number of real experts is small; consequently, they have been put to use with variable degree of relevance. Ultimately, non-scientific users often have only limited knowledge of the potential of these tools.

Consequently, there is room in CRIMPREV for a work package dedicated to reviewing the most important initiatives in the main European countries and the use that has been made of them in the hope of updating and disseminating both states of knowledge and lists of good practices.

Responsibility for the work package is divided between two scientific centres: CESDIP\(^1\) and CES\(^2\), a European network of local groups concerned with security - the European Forum for Urban Security\(^3\) (EFUS) - and a regional local security programme co-ordination body, Citta sicure\(^4\), in order to properly position the venture at the interface of the scientific world and its users.

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\(^1\) With Philippe Robert, research director of CNRS, former director of CESDIP & GERN, and Renée Zauberman, senior researcher at CNRS and specialist in victimisation surveys.

\(^2\) With Amadeu Recasens i Brunet, Former director of the Centre for Security Studies, with the aid of Anabel Rodriguez of CES.

\(^3\) Michel Marcus, Director, European Forum for Urban Safety (Paris, France).

\(^4\) Rossella Selmini, Professor at the Faculty of Law, University of Bologna.
Four methods have been selected:

- victimisation and insecurity surveys in the general population,
- self-reported delinquency surveys in the general population,
- comparing survey data and that from institutional sources like police statistics,
- evaluating security policies.

1. The organisation of the workpackage

For each of these methods, the procedure is to follow the same five-phase protocol:

- ph.1: drawing up a reporting grid and selecting rapporteurs\(^5\) in charge of drawing up the state of knowledge and practices in different countries where the method is sufficiently developed, and a general rapporteur with the task of summarising the information collected,

- ph.2: each rapporteur drawing up review covering the country or the area he or she is in charge of and circulation of these documents,

- ph.3: presentation of reports and discussion at a seminar bringing together the promoters of the workpackage, the general rapporteur and the rapporteurs,

- ph.4: the general rapporteur drawing up a summary of the reports and debates,

- ph.5: validation of this document by the promoters of the programme and publication in the form of a 50-page manual in English and in French.

For example, the team established for the first workshop (victim and insecurity surveys) includes:

- Mike Hough (King’s College, London) for the United Kingdom,
- Heike Goudriaan (Leiden U.) for the Netherlands and Belgium,
- Joachim Obergfell-Fuchs (Justizvollzugsschule Baden-Württemberg) for the Federal Republic of Germany,
- Bernat J. Gondra (CES) for Spain and Portugal,
- Rossella Selmini (Città Sicure e Università degli studi di Macerata) for Italy,

\(^5\) In general, half a dozen.
• Philippe Robert (CNRS/CESDIP), for France.
• Renée Zauberman (CNRS/CESDIP) as general rapporteur.

2. Victimisation and insecurity surveys

Attempting to study crime systematically - a concern which took shape at the end of the 19th century, at a time when the social sciences were building up - immediately raised the problem finding data to work with. Curiously, however, the study of crime, for a long time, made no great effort with surveys and was content to use the figures produced by the administration or criminal justice system. When the scientific study of crime was taking shape, this source of information was already available; borrowing it was a temptingly easy solution for the early specialists in the field who - as legal or medical professionals - often had little aptitude for broad sociological surveys. The temptation was even greater as these administrative statistics had already, for half a century, been feeding the public debate on crime, which was then arousing passions in European countries.

Since the beginning, however, questions have been asked about the appropriateness of this complacent attitude: do all situations likely to be classified as criminal come to the attention of judges in charge of determining which specific cases correspond to the abstract crimes established in law? Clearly not, for many reasons. How, then, be content with data limited to covering cases known to judges or to those criminal justice agencies - prosecution departments or police - in charge of referring cases to judges? For a long time, the answer was restricted to an assumption that the figures available were a reasonable 'representation' of all the cases which, for one reason or another, had escaped the judge.

At the utmost, there was also a gradual tendency to prefer data as close as possible to the initiation of the institutional process because it was closest to the perpetration of the offence, so there would be a lower rate of informational loss. Police records rather than court figures became, on the advice of Thorsten Sellin (1931), the ultimate source of information on crime. In 1964, he tried, with his student Marvin Wolfgang, in The Measurement of Delinquency, to improve this source, suggesting that each record should be weighted to take into account the seriousness of the specific offence: two thefts could then be given different weightings depending on the way they were committed.

The persistent doubts over whether these institutional figures were sufficient to gain knowledge about crime led, however, to seek terms of comparison with non-penal records of the same events. So, police records of homicides were compared with cause-of-death statistics held by the health services of all developed countries; or shoplifting statistics with stock list shortage calculations (that is, the difference between the physical stock lists and the accounting stock list); or even criminal statistics on tax fraud to those resulting from the work of the Taxation Council. This effort to find terms of comparison for crime statistics in other sectors achieved its highpoint in the work on the costs of crime, encouraged by the National Commission on Law Observance and Enforcement (1931), known as the Wickersham Commission. However, despite all the ingenuity employed, it

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7 In the sense that a limited population "represents" a parent population when it reproduces its most specific features faithfully enough. In the 1840s, Quetelet (1848, repub. 1984) tried to establish that, under certain conditions, crime statistics represented crime committed.
was only been possible to apply the remedy in the limited number of cases where terms of comparison could be found. Moreover, only very approximate comparisons between orders of magnitude were achievable.

During this time, crime statistics became the main tool for finding out about crime, but doubts about their suitability were growing at a time when public security policies were losing their way in the face of an unprecedented increase in petty predatory crime going along with the onset of the consumer society.\(^8\)

Schematically, it was realised that the chances of an event being recorded depended on the willingness of the victims to inform the official services (reporting); on the priority these gave to detection; on the ease or difficulty of the latter (visibility of the perpetrator and/or his/her act), and on the willingness and capacity of these institutions to actually process the incident.\(^9\) This made the suitability of official figures for "representing" crime committed subject to variability and consequently a matter for empirical determination.\(^10\) It seemed less and less satisfactory to construct knowledge of crime on such uncertain foundations.

Researchers then finally resolved to produce data instead of borrowing it from criminal justice management. How could large-scale surveys of crime be carried out? Schematically, two approaches have been successively tried: firstly, questioning samples of the population to find out whether they had committed certain offences; and later, conversely, asking whether they had been victims of crime.

This second research method - victimisation surveys - was initiated during the 1960s with the experiments carried out by Joseph Bidermann, Philip Ennis and Al Reiss Jr. for a Presidential Crime Commission called the Katzenbach Commission (The President's Commission… 1967). Since then, it has had extraordinary success. No other kind of crime research has mobilised, in a lasting way, so many specialists or such subsidising and methodological ingenuity. For the first time, the science of crime was building large-scale independent databases.

Routine in the United States since the 1970s, and in England and Wales ten years later, the production of victimisation surveys has also intensified, although at a less systematic pace, in the Netherlands, Canada, Switzerland, France and Spain (notably in Barcelona)… Since the end of the 1980s, there has also been an ambitious programme of international victimisation surveys launched by Jan Van Dijk, Patricia Mayhew and Martin Killias.\(^11\) This kind of survey is not only used at national or supranational level; the trend towards local public security policies also leads to them being implemented at a more local level.

Beyond the figures, the large surveys reveal aspects that institutional data describe poorly or completely ignore: the perimeter of the populations concerned, and notably the concentration of the risks in certain territories or certain social profiles; the diversity of expectations concerning institutions, and ways of experiencing and managing the same

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\(^8\) On this crisis in security policies, see Robert, 1999.
\(^9\) See e.g. Robert, 1977.
\(^10\) See e.g. Robert, 1991.
risk... In short, in moving to seek different methods of reckoning crime, a whole hidden face of crime was unveiled.

The success of victimisation surveys is ultimately based on six specific contributions of the approach:

- it supplies information about victimisation ignored by the official services because it is not reported to the police authorities or discovered by them;
- this makes it possible to measure the propensity of victims to appeal to the various resources (reporting);
- it adds the description of the populations of crime victims to the incident or suspect figures covered by police statistics;
- it clarifies the links between crime and the feeling of insecurity;
- it reveals victimisation profiles that depend more on the way an incident is experienced and coped with than on legal categories;
- it allows a differential analysis of crime according to territories on a new basis: victimisation.

The issue has not only been a scientific one: it was difficult to pilot and evaluate public policies when tools produced by the very institutional activity being evaluated were the only ones available. Now, at last, the new survey techniques were put to use to provide information for the various local, national and even international monitoring agencies.

At a national level, the establishment of monitoring agencies making real comparisons of institutional data and surveys could be hindered by corporatist resistance from professionals fearing they might lose their monopoly on legitimate information on crime and therefore be subjected to serious questioning of their policing practice. Moreover, the establishment of monitoring agencies amounts to a real innovation only if it respects two principles: firstly, scientific competence and then independence. Competence is not simply a matter of a full mastery of survey techniques, it also involves good sociological knowledge, without which analysis and comparisons risk barely going beyond the commonplace. As for independence, this depends less on legal statute than it does on achieving real distance from the stranglehold of the criminal justice administration. If this is not achieved, the main risk is that these ventures will become defense mechanisms for professional habits and interests. A good test lies in the full communication or lack of communication of the data to the scientific community.

Mechanisms capable of comparing different measurements of crime are not only developed at the national level; considering the difficulties encountered, they develop also at subnational, local and regional levels. This can be interpreted as a manifestation of the trend towards the decentralisation of security policies.

12 Already in 1931 the Wickersham commission (National Commission, 1931) was noting that the measurement of delinquency would not make any real progress while it was overseen by the influence of the police agencies and their staff.
Finally, a certain number of thematic survey mechanisms are becoming routine at international level: this is the case with surveys on drugs and drug addiction organised within a network of European and national monitoring agencies and also with the monitoring of school violence within the European Observatory of Violence in School, financed notably by the European Commission.

3. Self-reported deviant behaviour surveys

Another survey method - self-reported deviant behaviour surveys - is older, since it began after the World War II with research into juvenile delinquency. It works like the previous method but in reverse: those interviewed are not asked whether they have been victims, but rather about any offences they may have committed.

After being eclipsed to a certain degree and then regaining interest in work with the general population, it has become the normal method for approaching the deviant behaviour of young people. It is also highly developed in the field of research into drug consumption. Beyond this use, which is general within Europe thanks to the network of drugs and drug addiction monitoring centres, the extension of this method is, however, ultimately less developed than victimisation surveys, despite the clear boom in areas like school violence, generally involving an element covering confessions of deviant behaviour.

4. Confronting survey data with data from institutional sources

In resorting to general population surveys, the institutional bias affecting the figures originating from police, courts or prisons activity is overcome. However, each type of data has its own limitations. As they are a measurement of repressive activity, official statistics are not automatically a good measurement of crime. Although self-reported delinquency studies perform well enough for juvenile delinquency or cannabis consumption, it is difficult to use them for economic or financial crime or for organised crime. As for victimisation surveys, these are not suitable for offences without direct victims or for those that eliminate the victim, such as successful homicide, nor for those involving participation or complicity on the part of the victim, nor for those whose formulation is too complex in a questionnaire meant for a general population survey. However, they are suitable for non-fatal violence as well as theft, burglary and vandalism against personal property.

Each type of data is the result of a designation operation by a different social actor: in self-reported deviant behaviour surveys, the perpetrator assigns a delinquent character to some of his or her own behaviour; in victim surveys, the victim defines some of his or her own behaviour; in survey data from institutional sources, the perpetrator assigns a delinquent character to some of his or her own behaviour; in victim surveys, the victim defines some of his or her own behaviour; in survey data from institutional sources, the perpetrator assigns a delinquent character to some of his or her own behaviour; in victim surveys, the victim defines some of his or her own behaviour; in survey data from institutional sources, the perpetrator assigns a delinquent character to some of his or her own behaviour; in victim surveys, the victim defines some of his or her own behaviour.

16 See, for example, the international survey of self-reported juvenile delinquency (Junger-Tas, Terlouw, Klein, 1994), the national Swiss survey of conscripts, carried out in 1997 by the Scientific Police and Criminology Institute at the University of Lausanne (IPSC/UNIL, 2000); see also, for example, Roché, 2001; Torgersen, 2001.
17 See the series of British Crime Surveys, Roe, Man 2006, or even the survey of young people in precarious situations (Goulden, Sondhi, 2001). For its part, the European Drug and Drug Addiction Observatory promotes these surveys as instruments for achieving knowledge and action in its area (OEDT, 2002).
18 Among many others, see e.g. Centre d'Estudis de Seguretat, 2006.
misfortunes as crimes; in police statistics, police officers estimate that certain occurrences brought to their attention or discovered by their own initiative could constitute offences and that they must be referred to a judge for assessment: all those, whether professionals or lay people, contributing towards the referral of cases make provisional judgments of the “It seems to me that there is a crime here” type.

Beyond the fact that no method is capable of covering all types of crime, choosing one of the approaches as the sole source of information would have the greater disadvantage of placing undue emphasis on the point of view of a single social actor. So, using only victim surveys would lead to the researcher being deprived of all information about the perpetrators of crime and the activity of professionals in the criminal justice field. It has therefore been gradually realised that the best position is to compare the widest possible range of data in order to carry out a kind of triangulation.

However, although this is possible and desirable, such a comparison often raises delicate methodological problems in as far as the results of surveys and administrative figures are not generally immediately comparable:

- the former relate to probabilities because they depend on samples, while the latter produce a finite number of accounting units;
- surveys primarily count people or households, while administrative figures primarily count events or cases, and only partially people, in the minority of cases where it has been possible to identify the suspects;
- surveys use categories likely to be understood in roughly the same way by all interviewees, while administrative denominations resort to entries deriving from legally established crimes, combined to some degree with considerations of the modus operandi and with police classifications.

None of these difficulties is insurmountable, but it must be agreed that resolving them requires considerable methodological work to achieve a genuine comparison. So now, even where both surveys and police or legal statistics are available, they are often merely juxtaposed rather than really compared, in which case the potential benefits of a plurality of information sources are almost entirely lost.

5. The evaluation of security policies

The last strand of the workpackage moves us into another area, away from the carrying out of surveys or their comparison with other sources of information, although these exercises can be useful for evaluation. It has been several decades since the need to evaluate security policies has been generally proclaimed, but these good intentions have rarely been put into practice and, when they are, although evaluation is spoken of it is rarely actually carried out.

Firstly, evaluation exercises - where they do exist - are most often restricted to the preventive strand, ignoring the repressive strand which, however, is really in need of them, as it depends more on conventions or impressions than on proven assertions.

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Even in the prevention field, all orientations do not lend themselves equally to an evaluative approach: it is easier to graft one on to a situational prevention programme than on to a social prevention one. In any case, a whole policy cannot be evaluated all at once, only the different programmes making it up.

Finally, various obstacles can make evaluation difficult. We might mention the rarely admitted reluctance of national or local leaders, shying away from what appears to them as control. It is not that all of them balk at the obligation to be accountable, but, if they admit the need, it is often only to gain advantage in the political debate, which is familiar ground to them. They are less willing to actually allow an approach which, to them, appears technocratic.

Sometimes leaders' reluctance stems from a less noble concern than that of preserving the field of political debate: for example, the desire to maintain room for manoeuvre; or they may simply shy away from accountability, with the conviction that the leader knows what is good and effective for society and that all verification is superfluous.

Evaluation can also be lacking not because leaders shy away from it for one reason or another but because their expectations are too divergent to leave the evaluator sufficient leeway: torn between the strong assumptions of national political forces, the contradictory requirements of finance departments, the police, social workers, teachers, doctors, lawyers, judges, local councillors and associations, the evaluator does not manage to achieve the necessary independence for doing a serious job.

These obstacles are always encountered but they are not necessarily insurmountable, depending on the degree to which an evaluation culture has been able to take root. Now, two circumstances can prevent this rooting. The first is the absence of know-how. Evaluation is not an administrative activity, it is a scientific one requiring specific concepts and methods. A second difficulty stems from the absence of a promotional body driving the dissemination of this knowledge by sponsoring evaluations and requesting that high standard procedures be followed. As long as no evaluation culture is established, the task is a daunting one: it appears extremely difficult, lengthy and costly: all considerations that provide no encouragement for carrying it out, even though one might be perfectly convinced of its theoretical usefulness.

Evaluation, however, has many virtues.

Anyone who does not take the trouble to have the scheme they promoted evaluated is exposed to being left with nothing to say and no arguments the day criticisms are raised. Actions whose impact is not measured always end up attracting critics claiming they are not working. And, even when such an assertion has only a weak basis and is made inexpertly or with malicious intent, its results can be devastating if precautions have not been taken through the commissioning of regular impact studies.

But every questioning is not entirely wide of the mark: when a policy or programme goes on without evaluation for a long time it can go off course to such a degree that its

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20 Laurence Sherman (1997) has demonstrated this well.

21 So, local leaders can find in general prevention formulas attractive finance programmes for undertaking social action without evidential preventive targeting.
undesirable effects or failures are not discovered until they are so strong or so old that it seems too late to put them right\textsuperscript{22}.

Evaluative monitoring is also an essential mechanism for a decision-maker who wants to escape the tyranny of fashion, the effects of opinion or the biased pressure of the most influential professionals. Even at that, evaluation must be conceived as a type of monitoring, not as a sanctioning blade that falls after the event. But there are two reasons making this attitude a difficult one. Firstly, evaluation is often resorted to belatedly, once one has already lost confidence in the project. Secondly, there is no evaluation but independent of action: to guarantee his independence, which is always under threat, an evaluator has an understandable tendency to put himself in the position of a judge giving his verdict after the event rather than making himself a pilot helping get things back on course. This sometimes feeds a vicious circle.

The evaluative discourse is not only for internal use. It also makes accountability possible, not only for politicians as decision-makers and financers, but also for the populations involved, or those living nearby. This use is often neglected, perhaps because it demands a degree of effort: appropriate language is clearly needed in order to achieve comprehensibility. It is therefore very useful in order to prevent hostility and achieve participation. Local leaders often complain about the difficulty of involving the populations concerned; it must be said that measures to achieve this are often not taken. As a minimum, a debate is required, based on serious analysis of the positive and negative impacts of the programmes or of what is expected from projects in view of previous evaluations.

Comparing the objectives and their implementation, seeking to determine the costs and compare them with the initial estimates, describing products, matching them to objectives—all these approaches are kin to auditing, to cost/efficiency (value for money) calculations or to programme monitoring, but they do not constitute evaluation\textsuperscript{23}.

Limiting oneself to measuring what has been done is not evaluation. Evaluation begins only with the determination of an impact. The installation of twenty cameras in the streets of a town constitutes a product (output) but not an impact (outcome): it is what has been done. On the other hand, obtaining a 20\% reduction in street crime or a reduction in fear do constitute results\textsuperscript{24}. Checking that what has been planned has been done properly does not amount to an evaluation, although this preliminary step is necessary for an evaluation to be made. Evaluation begins with the search not for what has been done but for the result this action has had on a target.

An evaluator should not be based within the organisation carrying out the action; on this point, there is a consensus among specialists\textsuperscript{25}. Inside the organisation, the risk of mistaking products for impacts is too great because of the effect of a whole series of negative factors: there, access to internal data is so easy it can be accepted gladly, without a

\textsuperscript{22} See e.g. Robert, 1994 ; Sherman \textit{and al} (1997) on the story of the Law Enforcement Administration Agency (LEAA).

\textsuperscript{23} See e.g. Sherman (1997): the description of implementation, monitoring and auditing does not equate to evaluation; see also Brodeur, 1998.

\textsuperscript{24} Taken from a manual published by Hough, Tilley (1998) for the Home Office in order to guide local authorities in implementing the Crime and Disorder Act, 1998.

\textsuperscript{25} See e.g. Brodeur, 1998.
very rigorous examination of whether products or impacts are being measured. On the inside, it is also difficult to escape the logic of action: if no step or improper action has been taken to implement set objectives this will easily be seen, but if things have been done properly it will be difficult to admit that the impact has not necessarily been achieved or that it differs from the expected one. In any case, if the internal auditor does manage to perceive the expected impacts, he is in the worst possible position to see any unexpected collateral or displacement effects.

In particular, evaluation cannot be demanded of a body in charge of designing the action or implementing it, nor even from a body charged with monitoring public action, for example from an inspection or audit body. The evaluation mechanism for the Chicago police reform is exemplary in this respect: commissioned and financed by the State of Illinois and carried out by a consortium of local university departments, it has been actually positioned outside the city council and the police force which are in charge of designing and implementing the CAPS programme.

Moreover, internal data from the body are not sufficient for evaluation. A Dutch evaluation and another American one highlighted an increase in the police figures following the implementation of a prevention programme. Could it be concluded that the programme was ineffective? Not at all: by contrast, surveys indicated a reduction in victimisation. The programme had only increased the propensity of victims to file complaints. The right interpretation was, therefore: a drop in victimisation and an increase in complaints. Consulting only official data would have led to an error.

The monitoring of the action and its transposability can be distinguished: it is also expected that evaluation should indicate formulas that are promising enough to be transposed. The difficulty with this is increased by the fact that only specific programmes can, strictly speaking, be analysed. As for a prevention policy as a whole, it is only possible to achieve this objective with a meta-evaluation making a post-hoc summary of the results stored up from its different components.

Overall, the usefulness of evaluation contrasts with its rarity and the mediocrity of most of the exercises undertaken in its name. This is why taking stock of knowledge and practices is a useful exercise.

6. Conclusion

This work package is therefore dedicated to reviewing the most significant implementations of instruments yielding data about crime in the main European countries, along with the uses that have been made of them and the degree to which they have been mastered.

There is also a clear intention to explore possibilities for the publication to non-scientific users of states of knowledge and lists of good practices.

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26 Skogan, Hartnett, 1997a & b.
27 e.g. Brodeur, 1998b.
31 See e.g. Sherman, 1997; Tilley, 1998.
The review must therefore be capable of answering questions and providing responses to problems raised in this paper, as well as to others that will undoubtedly emerge in the course of the debates. At the same time, we should address the gaps that have been pointed to and the way they can be filled.

Among the tasks that must be foreseen, the following needs can be indicated:

- mapping the situation in Europe,
- identifying good - and also bad - practices,
- specifying the common elements for achieving valuable data comparison.
- Each of the work package’s workshops must therefore identify and work on their challenges and their core ideas.

Maximum importance must be given to possibilities of passing the results on to decision-makers who need to use these instruments in order to implement security policies.

The result of the programme’s work will therefore take the shape of publications (brochures) to be easily circulated beyond scientific spheres among decision-makers and professionals of all kinds.

References


Robert Ph., *Quand le sociologue utilise les statistiques criminelles... ou comment concevoir le crime*, in Robert Ph., Emsley C. (Hrsg.), *Geschichte und Soziologie des Verbrechens*, Pfaffenweiler, Centaurus, 1991, 29-34.


Conclusion:

The partnership between cities and research

Michel Marcus¹

A collaboration, ongoing and permanent, between research and cities is difficult to organise and still quite a rare phenomenon in European countries. However, this is what we have set out to do in the span of these three years during which the capitalization of a certain number of studies in Europe on criminality and crime prevention will be undertaken with the declared objective of making them accessible to the general public.

The partners in this initiative are indeed convinced that it is urgent to try and fill the existing gap between a vast European debate on the security issue among the public and a nascent European research or at least one whose significance is still not fully realised despite the importance of the question. What can one do to ensure that the carefully drawn conclusions from this research will impact upon the current public debate? It is strange that other discussions - social, economic, technical - are influenced for the greater part by scientific findings, while crime is confined to the realm of pure politics and street discussions. Whereas economists have something to say in the drawing up of an interest rate policy, criminologists are content to assess the damage caused by political decisions taken at a rough guess or dependent on opinion polls.

The responsibility of those involved in this misapprehension is due to several structural and political factors. Let us mention a few.

The focus on crime swells the number of interrogations and new subjects that need to be studied and researched. This influx upsets the research priorities for good. Rare are the moments when a study is published in accord with an ongoing public discussion. It is even more rare when research findings can trigger a public discussion. This goes for crime and its analysis, and more so for the prevention and repression components of security policies.

The schedules of the various people involved are different. The political calendar, which follows the election rhythm, is not the same as the scholar’s calendar, governed by research budgets and by the time spent on observations in order to confirm the initial conclusions.

¹ Director, European Forum for Urban Safety (Paris, France).
The other reasons for the constant stalling of research is the difficulty in obtaining useful information from the criminal justice system in most European countries. We are aware of the statistical difficulties that one has to face, but in addition, the relations between field workers and researchers are often problematic. Willingness or unwillingness, the refusal to understand the others’ (work) logic, the expectations of the players in the criminal justice system that result from a lack of understanding of the aims of the research, the fact the decision-makers want the research to produce immediately exploitable results. Research is often confused with management studies and decision aids.

The presence of the European Forum for urban Security in this programme is a challenge. It means doing whatever is required, so that one of the stakeholders, having become the most influential in the field of security and prevention, the local elected representative, is better informed about research problems and makes a greater use of its capabilities and results.

The local representative plays an essential role in the definition and implementation of prevention policies. More and more his initiatives are in keeping with the governance of security corresponding to the complexity of multiple partnerships which are necessary for getting results. Having become a decision-maker, a key influencer, financier, can the regional representative play a bigger role in the area of research? Can he be more present than the decision-makers at the central level?

The constraints of his political mandate, his direct relationship with the people are a guarantee of his presence and his demands. They are also the guarantee of better publicity for the research findings. However, they also carry formidable weight in the formulation of the research order: screening of themes, and especially remaining scrupulously uncritical of the functioning of existing institutions; suppression of certain results; monitoring the dates of publication, etc.

But can this encounter be avoided? No, it already exists. It is necessary. We must organize it while defining the rules.

Everyone can be a winner. But above all the future of research in Europe depends on it. European research is relatively limited as compared to American research. The most constant feature in the European scenario is that the research leans towards the American model of reference, and secondly towards Canada and Australia. In this referencing, Europe is divided into two, without being able to precisely determine the borders of the second group that includes France, Belgium, Italy, Spain and Germany. Northern Europe looks to the USA. However, this in no way brings unity to this research, forging links between them. Thus, bibliographical references are rare between Sweden, Holland and England. We are in a situation where the only common feature in European research is its link with the United States. The Stockholm prize awarded to criminological works is representative of this imbalance; the composition of the jury reflects Anglo-Saxon predominance. This predominance is in a certain manner legitimate. It corresponds to the volume and definitely to the quality of research that is being produced in vast quantities, and since a long time. Can one say that this research keeps abreast of criminality or is this particular subject more prevalent in American thinking?

Since the creation of the EU, the cities gradually established themselves as the indispensable partners, especially with regard to certain European Union policies.
European cities are engaged in a continuous process of exchange, which facilitates the progressive development of less antagonistic modes of thinking, acting and judging. The cities contribute to the construction of a common political space. This space should also be that of research.

CRIMPREV can act as a catalyst, the driving force behind this movement.
# Appendix

## Conference Programme

### Thursday, 8. February

<table>
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<th>Time</th>
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| 16.30-17.30 | **Welcome Addresses and Introduction**  
Heinz Bouillon (Doyen de la Faculté de Philosophie et Lettres, UCL)  
Segre Roberto (EC-Directorate - General Justice, Freedom and Security)  
René Lévy  
*General Presentation of the Project* |
| 18.00-18.45 | **Keynote Speakers**  
David Nelken  
*Comparing Criminal Justice: Beyond Ethnocentricism and Relativism*  
Clive Emsley  
*Assessing Crime, Deviance and Prevention in Europe. Historical Perspectives* |
| 18.45-19.30 |  
Conference Reception, Cocktails and Dinner |

### Friday, 9. February

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<th>Time</th>
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| 9.00-11.00 | **Presentations of Work Packages**  
Laurent Mucchielli  
*New Challenges and Evolutions of Crime and Deviant Behaviour in Europe*  
Pieter Spierenburg  
*The Evolution of Violence in Europe*  
Coffee Break |
| 11.30-13.30 |  
Yves Cartuyvels, Sonja Snacken, Francis Bailleau, Maria Luisa Cesoni,  
François Sicot  
*Mechanisms of Criminalisation and their Evolution in Europe - A Comparative Approach through Juvenile Justice, Immigration and Drugs Policies*  
Lunch |
| 15.00-17.00 |  
Joanna Shapland, Paul Ponsaers  
*New Challenges of Crime and Deviant Behaviours: Informal Economy and Organized Crime in Europe*  
Thierry Godefroy, Barbara Harriss-White  
*Comments*  
Coffee Break |
André Lemaitre, Adam Crawford
*Perceptions of Crime and Insecurity in Europe*

17.30-19.30 Hans Boutellier, Kieran McEvoy
*Comments*

**Conference Dinner Party**

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**Saturday, 10. February**

Hugues Lagrange
*Public Policy and Social Cohesion in Europe*

Rossella Selmini, Dario Melossi
*Modernisation of Institutions of Social and Penal Control in Europe: New Ideas and Models of Crime Prevention*

Patrick Hebberecht
*Comment*

**Coffee Break**

Amadeu Recasens i Brunet, Philippe Robert, Renée Zauberman
*Surveys, Statistics, Evaluation. Methodology and Good Practices*

11.30-13.30 Michel Marcus, Rossella Selmini
*Comments*

13.30-14.00 *General Discussions and Perspectives*

**Lunch**

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**Organisation**

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