

Report
WP8

**ASPECTS OF DEVIANCE, CRIME AND
PREVENTION IN EUROPE**

Report of the Final Conference – WP8

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CRIMPREV'S ACHIEVEMENTS: AN ASSESSMENT AND SOME RECOMMENDATIONS

René Lévy

Dear colleagues and friends,

I am pleased to welcome you at this final Crimprev conference and I thank you for being present today. I also wish to thank Professor Heywood for her kind welcome and Clive Emsley, his colleagues and the staff of the OU (esp. Yvonne Bartley) for their hard work in organising this conference.

For all those who took part in this project – and not the least for me – this is an important event, for it marks the end of an endeavour which, as a group, has kept us busy for almost 6 years: indeed, the first meeting to discuss a possible submission to FP6 was convened on 2-3 october 2003!

But of course, for most of us it's the last 3 years which have been the busiest: between July 2006 and June 2009, there have been no less than 46 official Crimprev meetings¹!

It is time now to try and assess the work we've accomplished during these last 3 years. With so many meetings, dispersed across 10 countries, which of course not everyone, including myself, could attend, it has not been easy to keep abreast of the work of the partners. The first objective of this conference, then is to give each of us an opportunity to get an overview of the whole program.

A second objective of this conference is to cross the various perspectives from different workpackages on a few selected themes. And a third objective is of course to increase the visibility of Crimprev's results.

In this general introduction, my aim is not to produce some grand theory from or some general synthesis of the results. Much more modestly, I intend to

- a) briefly outline the content of Crimprev
- b) describe its main achievements and difficulties of implementation
- c) outline some perspectives for future cooperation

¹ Including 6 Steering Committee or Consortium Assembly meetings.

I - What is Crimprev ?

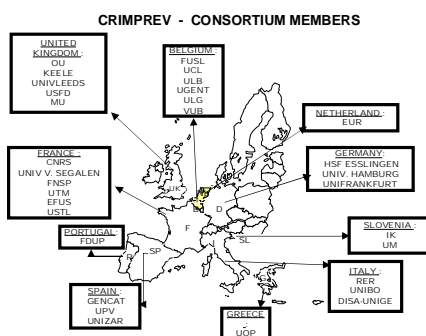
1 - Background

Crimprev is a Coordination Action. For those who are not too familiar with Eurospeak, let me remind you that a CA (Coordination Action) is basically a *network* action. Contrary to other more focussed FP instruments a CA is not supposed to do any original research, but is expected to produce a European "added-value" (Eurospeak again) through comparing results of research already done in various national contexts.

The starting point for Crimprev was §6.2.3 of the 2004-2005 work programme for priority 7 (Citizens and Governance in a Knowledge-Based Society) of the 6th FP coming under the heading of Crime and criminalisation².

At this stage, there's no need further commenting this call. Suffice it to say that it covers a lot of ground and as a consequence, so does our program.

2 - The consortium and organisation



² §6.2.3 of the Work Programme read as follows:

Some social conflicts e.g. between different communities in disadvantaged areas- may be associated with socially deviant behaviours and to their Criminalisation; the latter, in turn may influence the capability to address the roots of such behaviours as well as the possibilities of resolving the conflicts themselves. The objective is to identify the social, political, economic, legal and cultural factors in Europe conducive to the perception of crime and to the practice of socially deviant behaviours, and to examine the implications for crime prevention policies within the EU.

STREPs and/or CAs should consider how "new", and "old", forms of violence have (re)defined the notion of crime and highlight the relevance of class, race, gender, age and location in understanding these phenomena; the distinctiveness of socially deviant behaviour as compared to organised crime, as well as possible relations between them (e.g. the first as recruitment field for the second); the causes and consequences of criminalisation and marginalisation together with the dynamics of socio-political, economic and media actors responsible for constructing feelings of insecurity. The challenges that measures such as detention and repatriation face in reproducing and preventing further crime -and in safeguarding or violating human rights- should be critically examined; the role of negative social stereotyping could also be considered in this regard. A comparison of different criminal law regimes and crime prevention and social integration policies implemented across national and European levels should be undertaken and good practises should be identified.

The project involved 31 institutions (later 30, after U. of Bordeaux 2 dropped out) from 10 European countries; and since some institutions had several participating entities, the effective number of partners was 36. The budget was 1.1 M€.

In order to cover the various issues mentioned in the call, we had structured the project around 5 thematic workpackages covering the different facets of the call. Each WP was under the responsibility of 2 persons.

The WPs were:

- *Factors of deviant behaviour* (WP2, Pieter Spierenburg & Laurent Mucchielli)
- *Criminalisation* (WP3, Sonja Snacken & Yves Cartuyvels)
- *Perceptions of crime* (WP4, Adam Crawford & André Lemaître)
- *Informal economy* (WP5, Johanna Shapland & Paul Ponsaers)
- *Public policies of prevention* (WP6, Hugues Lagrange, and later Tim Hope & Dario Melossi).

In addition, a workpackage was especially designed to assess methodological knowledge, further proper methodological understanding and to foster good practices for the development of theoretical and practical work with respect to crime prevention (WP7, Renée Zauberman & Philippe Robert, with help from Amadeu Recasens i Brunet & Anabel Rodriguez Basanta).

I shall not say more about these, since the next two days will be devoted to presenting and discussing their outcomes.

3 - Crimprev's objectives

The Crimprev project defined a number of objectives:

a) The production of scholarly added value by the systematic use of comparisons within the European Union.

b) The dissemination of the scholarly added value produced, i) within the Consortium; ii) more widely, within the scientific community; iii) among officials at different governmental levels throughout Europe; and iv) to the various stakeholders in these subjects (media actors, NGOs, the private security sector or others).

c) The development of an interdisciplinary scientific network susceptible of gradually integrating competent centres in different countries, starting from a solid core group and able to establish in the future relevant scholarly cooperation with centres located outside the European Union.

d) 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.

e) A more implicit objective was to use Crimprev as a training ground for those partners or colleagues who hadn't yet had a chance to participate in European Framework programs.

As I will try to explain now, I think that we have successfully met these objectives.

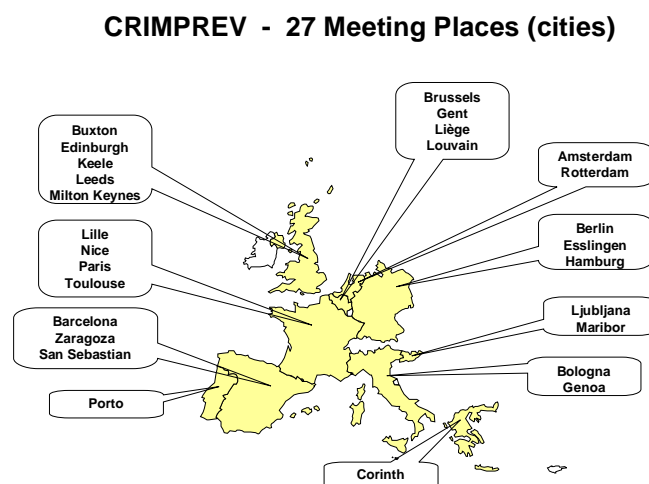
II - What are the results of Crimprev?

As I said before, specific results of the project will be presented and discussed later in this conference. What I will do now is discuss some of the wider outcomes of such a large enterprise. This is not so easy, because there are short-term results that are readily visible and quantifiable and long-term consequences which are more qualitative and not yet fully apparent.

1 - Visible results

Some results are readily visible and even quantifiable:

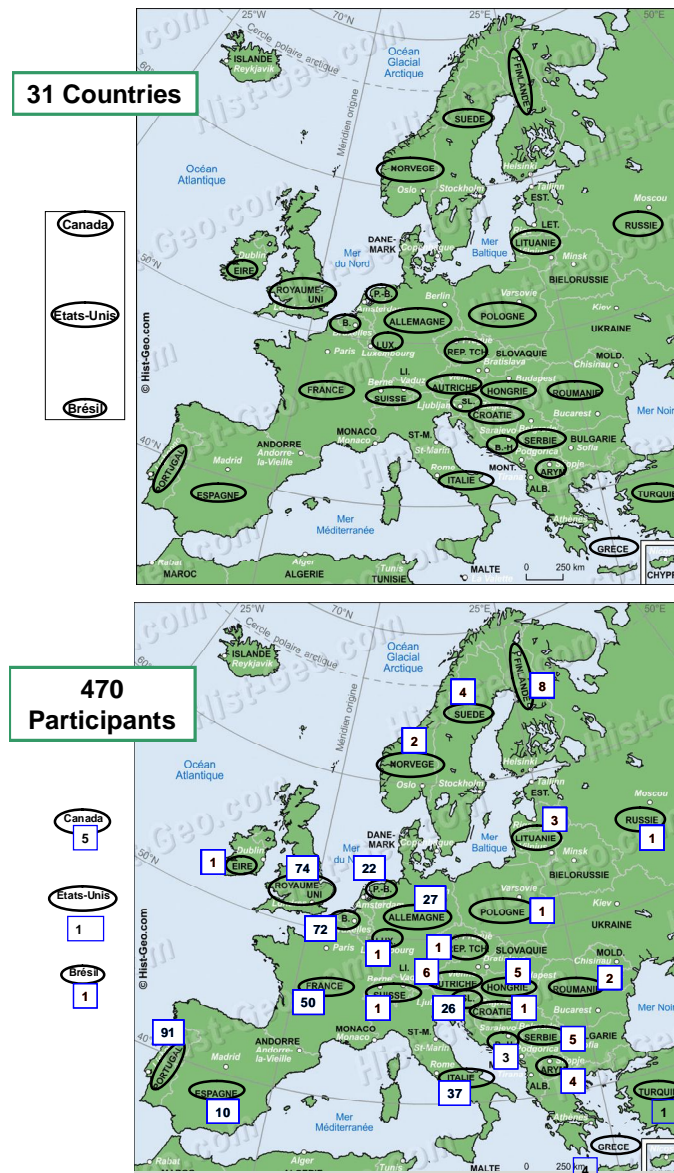
a) Over these 3 years, there have been 46 meetings in 27 cities in Europe;



b) These meetings have involved 470 individual participants³, many of whom were not part of the initial consortium. In the end, people from 196 institutions and 31 countries were

³ 65.5 % male, 34.5 % female.

involved. Thus I think that we have fulfilled one of our assigned objectives, which was to integrate colleagues from other countries than those of the core group (57 participants) and esp. to integrate scholars from recent EU member and candidate countries (25 participants), with the aim of fostering partnerships and helping consolidate research on socially deviant behaviours and prevention.



c) Another visible result, albeit as yet partial, is the number and quality of publications stemming from Crimprev.

Apart from the "deliverables" laid down in the contract there is a wide range of other publications, in paper or electronic form, mostly in French and English, but also a few in other languages, ranging from single journal articles, to collections or even series of volumes (as in

WP7), a number of which will be published after the end of the project. In the end, we will have published at least 18 edited books, 8 special journal issues, 24 chapters or peer-reviewed articles in various other publications, 4 Crimprev brochures (both in French and English), 34 CrimprevInfo (both in French and English), and several reports and multimedia productions.

d) Yet another result which this conference will make visible is Crimprev's contribution to the growing body of comparative research in our field.

The social sciences classically viewed comparison as a substitute for experimentation as used in the natural sciences: Durkheim stated that comparative sociology is not a special branch of sociology but sociology itself⁴ and in the Crimprev project, we stressed the fact that Europe was a kind of natural experience field. Providing "comparative added-value" was a thus primary objective of this program.

There is an enormous body of literature about the difficulties of comparative research⁵. Roughly speaking, there is always a tension in comparative research between looking for overarching resemblances or looking for specificities, or as Adam Edwards and Gordon Hughes recently put it, between a nomothetic and an idiographic research tradition⁶. The very idea of comparability is a matter of debate. Early on, Durkheim insisted on the linkage between a given social fact and the specific society it is part of, and pleaded that only comparing within a given type of society could produce valid results⁷. In a similar vein, Fabien Jobard and Axel Groenemeyer argued that France and Germany were much better candidates for comparison than France and the US or even the UK, because they had similar legal-institutional traditions⁸.

With its emphasis on comparison, Crimprev takes fully part in the recently revived interest in criminological comparative research, as illustrated for instance by the works of Michael Cavadino and James Dignan, Michael Tonry, or Hugues Lagrange, to name but a few. What characterises these works, as well as those within Crimprev, I think, is their refusal to rely on such all-purpose unfalsifiable catchwords as "globalisation", "neo-liberalism" etc., and their emphasis on theoretically and empirically grounded differences and similarities⁹.

⁴ Durkheim, 1960a, 137.

⁵ See for instance Oyen, 1990.

⁶ Edwards, Hughes, 2005.

⁷ Durkheim, 1960b, 133.

⁸ Jobard, Groenemeyer, 2005.

⁹ Cavadino, Dignan, 2006; Lagrange, 2003; Tonry, Farrington, 2005; Tonry, 2007; see also Nelken, 2007.

2 - Less visible results

This brings me to the less visible, but long-term effects of Crimprev. Our aim was to produce knowledge through networking, and I've just showed that we did a lot of networking. This, I'm convinced will have far-reaching effects within the European academic community: the opportunity it gave us to cooperate intensively (given the number of meetings) with so many colleagues in Europe will have a kind of "ripple-effect" which will only become apparent in years to come, through projects which will emerge in the future.

Another far-reaching effect is that Crimprev has given us an opportunity to link more closely with numerous decision- or policy-makers, and especially with non-academic entities which are active at an international level in the field of crime and prevention, such as the European Forum for Urban Safety (EFUS) - which was part of the consortium - the International Centre for the Prevention of Crime (ICPC) - which took an active part -, and the European Crime Prevention Network (EUCPN), which showed great interest in our work. I am glad to welcome their representatives and I trust that the links that have been established through Crimprev will have many spin-offs in terms both of transnational or European research and of cooperation between academics and non-academics in this field. And this is why we will devote the final roundtable to a presentation and discussion of these organisations' views on crime and prevention in the current period.

Last but not least I think Crimprev has significantly increased the visibility of the GERN core-group in Europe and this will also have consequences regarding GERN's future projects (for those who are not familiar with the acronym, GERN stands for *Groupe Européen de Recherche sur les Normativités* - in English, *European Research Group on Norms*, and it is the core group of Crimprev). I'll come back later to this; before I'd like to address some of the pitfalls of this enterprise.

III - About some of the difficulties of European projects

As I said, one of the implicit objectives of Crimprev was to learn how these European projects function. And I must say, we have all been learning all along and I am sure we will do so until the very end of this project. Now given that I expect many future projects to come out of the Crimprev experience, and since we have this unique opportunity where current and potential partners are assembled, together with representatives of the EU, I wish to take a few minutes to

speak about the difficulties we've encountered, but above all to make some very practical recommendations for partners and scientific coordinators of future projects and also to the European Commission.

1 - Some difficulties

The main difficulty we've encountered is that we had to deal with more than 30 different bureaucracies, each having its own rules for managing European funds, but many having little experience in doing so.

Another, somewhat unexpected, but in retrospect understandable difficulty is that in the social sciences, we are mostly trained in thrift and are not used to deal with as much funds as were available in Crimprev. This fact, combined with the one I just mentioned (inexperienced partner institutions) and with the ensuing uncertainties about how to spend and what for, has led us to underspend somewhat, which sometimes also meant being less ambitious as we might have been (although I'm utterly unable to say precisely how much we actually spent, which points to another major difficulty of such programmes).

2 - Some practical advice to future partners and would-be coordinators of FP projects

To would-be coordinators and partners, I'm making the following suggestions:

- Limit the project to a moderate number of partners; a large number increases rigidity, slows down decisions and generally reduces reactivity.
- Limit the number of deliverables. I should say that I'm grateful to our first scientific officer for suggesting this when we negotiated the contract: we probably never would have made it with our initial list of deliverables!
- Keep the consortium agreement as simple as possible. In particular, make provisions for electronic votes, avoid quorums and, above all, avoid provisions calling for unanimous votes.
- Be aware that it is almost impossible to monitor the budget in real time (and the greater the number of partners, the less you know).
- Don't expect to make substantial change to the program once it is launched.
- Don't plan any activity during the first 6 months, because you can't be sure of the starting date of the contract.

➤ Don't plan any activity during the last 6 months, which ought to be reserved for finalising the deliverables, otherwise you may be unable to fund the final stages of the project (i.e. don't do what we're just doing, 2 weeks before the end of the contract).

➤ Don't start the project in July, as we inadvertently did, because this means you'll have to do your reporting when most partners are already on vacation (and it might well spoil yours!).

➤ And above all, get yourself an experienced administrator and competent staff (which I was very lucky to have with Daniel Ventre, Bessie Leconte and Claude Couture).

3 - Some suggestions to the European Commission

I have fewer, but no less important recommendations for the Commission:

a) Organise early training sessions for coordinators and project managers.

b) Simplify the rules governing projects; at this point no one fully masters them, not even at the EC level, and even less within partner organisations, even big national agencies. This has 2 major consequences:

➤ At the partners' level, the conditioned reflex of frightened bureaucracies facing a situation of unmastered complexity is to impose a layer of additional restrictions as a way of protecting themselves, which complicate things further.

➤ At the Commission's level, this increases the scientific officer's discretion and this increases the level of uncertainty (the "unknown unknowns", as Donald Rumsfeld would say, and as we have had many opportunities to notice, since we have had 3 officers in those 3 years).

Now as sociologists familiar with the workings of criminal justice agencies, discretion shouldn't come as a surprise; but as coordinator of the project, it is slightly unnerving.

c) Reduce the number of reportings: on a 3 year project, there should be only one reporting after 18 months and one at the end, instead of one every year. This would significantly reduce the bureaucratic burden for everyone.

d) Allow some spending by any partner (not only the coordinator as presently) for a limited time after the official end date of the contract when justified by finalisation of deliverables (e.g. translations).

e) Set up open calls within FP7, as major national funding organisations do. It is legitimate for the EU to define certain priorities, but it is bad policy – and also a sign of distrust towards the academic community - to think that those in charge of selecting these priorities will unfailingly select the best ones. A good example is precisely that deviance, crime, criminal justice, insecurity are only marginally present within all FP7 calls since the beginning of that program.

IV - Perspectives

However serious, these difficulties should not deter us from thinking about the future. It is, I think, a major success of Crimprev that a number of its partners are now eager to move on from mere networking to comparative research. Our challenge will thus be to turn Crimprev from a training ground to a breeding ground and to develop a number of new research projects in the course of FP7 or of other funding schemes.

Within Gern, we have already given some thoughts on this matter. Our idea is to set up a few working groups which will benefit from some Gern funds to start with and which will be tasked with developing projects that might be funded within either FP7 or other national or transnational funding schemes set up by national research agencies (such as the British ESRC, the German DFG or the French ANR). To accompany these developments, we also hope to be able set up a fund that will allow doctoral and post-doctoral researchers to spend some time with other Gern partners for the purpose of their research.

I am sure that our exchanges during this conference will foster new developments and cooperations among Crimprev partners (and possibly others who are attending but didn't take part in the program) and this is what I am looking forward to.

In conclusion, I wish to thank dearly all those who took part in this program, and especially the workpackage leaders who did a great job implementing the project and have unwaveringly supported me when difficulties arose. I also want to thank Daniel Ventre, without whom I would have been utterly unable to manage this program. I also wish to thank Bessie Leconte who monitored our publications and Elizabeth Johnson, from EFUS, who monitored translations and dissemination. Crimprev has been a truly collective enterprise, based on large part on ancient and friendly cooperation among its participants and in which there were many pleasurable moments which did much to alleviate the difficulties I mentioned before.

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ASSESSING CRIME, DEVIANCE AND PREVENTION: AN ACCIDENT AND A FEW QUESTIONS

Clive Emsley

Many of those present at the final conference of the Crimprev Project had spent roughly three years engaged upon it – not to mention the years of preparation. They have also spent most of their professional lives, in one way or another, assessing crime, deviance and/or prevention. The three words – crime, deviance, prevention – can easily be linked. If we take broad, simplistic definitions: ‘crime’ is basically behaviour that breaks the criminal law of a state and, as a result, is subject to some form of penal sanction; ‘deviance’ is behaviour that contravenes social norms and that may or may not be criminal; ‘prevention’, when considered in the context of ‘crime’ and ‘deviance’ relates to the stopping, inhibiting or impeding such behaviours.

There might be division about what constitutes ‘deviance’ depending on the community in which an individual lives: one person’s idea of ‘deviance’ can be another’s idea of a life-style. Governments, many political commentators and, perhaps most significantly, the media generally deny this, at least by implication. Academics might revel in this kind of complexity, and we should; it is not merely pedantic to quibble over the sloppy use of words and assumed meanings. Unfortunately our challenges to such usages, and our careful definitions and explanations are invariably ignored or criticised for making complex what the media and populist politics claim is simple ‘common sense’. While the criminal laws of European countries are different, generally speaking those laws, like most Europeans, would probably be in agreement about what constitutes a crime and hence, what prevention might mean in this context. But criminal laws are created by human beings, moreover they are interpreted and enforced by human beings and it is here, once again, that we enter the world of complexity, which is meat and drink to the academic, but infuriating to many others.

I fretted about what a historian might say to such an impressive assemblage of criminologists, sociologists and practitioners as met at the final conference. In the end I opted to begin with some personal history and to move on, with some occasional historical references, to what I consider to be some simple, but important issues about our role as analysts of crime, deviance and prevention primarily in contemporary Britain, but also I suspect elsewhere.

I live on a very straight road. There is a school, park and even woodland on one side, and houses on the other. The road has always had a 30 miles per hour speed limit, but because of its shape, and perhaps because it looks a bit like the countryside, the limit is often ignored. Recently

traffic calming devices have been introduced, and by the school the speed limit has been reduced to 20 miles an hour for the periods at the beginning and end of the school day when students are arriving and leaving.

On the afternoon of Saturday 10 May 2008 my wife and I were working in our garden. I had just finished cutting the lawn in the back garden and was about to cut the grass in the front. My wife and I heard a screech of breaks and a bang. We walked through into our front garden and found a car wedged in our wall. The driver, a woman clad in an Arsenal football shirt, was stuck in the front seat. The remains of my wall prevented her from opening the car door on the driver's side. A witness helped her out of the passenger side of the car. My wife telephoned for an ambulance; another witness used her mobile to telephone the police. The witnesses and I urged the driver to sit down and wait for the ambulance, if not the police. She refused. With the words: *Oh, I have to go and feed my cat!* she set off to walk. She also took her mobile phone and started a phone call as she proceeded along the road. When the ambulance and the police arrived, within five minutes, she had disappeared.

The witnesses insisted that the woman's car had been driven rather in excess of the speed limit. It looked as if she had realised that she was about to miss the right turn by my house, that she had hit her breaks hard, turned right almost on two wheels, and had then come through my wall. The witness who had helped her from the car insisted that he smelled alcohol on her breath. The police opened the boot of the car. It contained two open boxes. One was full of photographs of the driver and a man. The other was full of files, and these files indicated that the driver had a significant police record for driving offences. Indeed, on top of the files was a plastic card, roughly the size of a credit card, with a photograph of the driver. Written across the top of the card in blue was: 'HMP [Her Majesty's Prison] Holloway' and beneath that, in red, 'Prisoner'. The two attending police officers smiled. They could scarcely believe their luck; with so much information it would not take long to find the culprit.

When, a few days later, I arrived home from work one evening there was a very large man walking up and down by the hole in my wall. He was, he told me, the former partner of the driver. More seriously, from his point of view, it was his car that she had been driving, and he had just had to pay £200 to have it removed from the police car pound. He was a builder, he explained, and if I would like him to rebuild the wall he would be happy to do so. There was a hint of restorative justice in this, something that, I am sure, many of those present at the conference would like to see developed in preference to a penal structure that is centred on the kind of over-crowded, ineffectual prison system that we have. But, I had already reported the incident to my insurance company and paid my excess of £100 to have the company take

responsibility for the rebuilding. Moreover, while I could see virtue in the restorative justice of having my wall rebuilt by someone linked with the person who knocked it down, there remains the problem of quality control. How could I be sure that I would get a decent, long-lasting rebuild and what sanction would I have had, if I did not? Unfortunately, modern society lacks the kind of local authority figures who might guarantee such an agreement and that historians have identified in some face-to-face communities in, for example, eighteenth-century England and France¹⁰. I declined the man's offer.

In the weeks following I was asked to complete a witness statement for a 'traffic accident'. It was sent to me through the post with a covering letter to the effect that if I filled it in, then this would save police time; no officer would have to visit me to ask questions and write up the statement. I was also asked to complete a form stating when I would be available to appear in court as a witness. I am not a criminal lawyer, but let me list the offences that might have been the subject of criminal charges and for which there were witnesses:

1. Speeding;
2. Driving without due care and attention;
3. Leaving the scene of an accident;

And I do not believe that I am being particularly malicious by adding that the driver was a recidivist. I had seen her record in the boot of the car. But then, almost six months to the day after the accident I received a letter from the Bedfordshire Police informing me that *careful consideration has been given to all of the circumstances and I have to inform you that no further police action is being taken*. There was a hand-written PS: *Thank you for your help in this matter*. So there was no crime after all; it was just an accident and nothing further was to happen. I, and the other witnesses might believe that we had observed some deviant behaviour, but what is there to prevent such deviance, other than a sign that announces the speed limit as 30 miles an hour and the norm that you drive on the road, without crossing pavements and flower beds and parking in someone's wall? A final point, I wondered whether the driver was insured. At the time my insurance company was still trying to find out. When I spoke to them on 18 May 2009 (12 months after the incident) they were awaiting a copy of the Police Report and witness statements so that they could proceed in recovering the costs for the rebuilding of my wall.

This incident poses a series of questions about the criminal justice system in contemporary society. I want briefly to address just three:

1. The transparency of decisions taken in the system;

¹⁰ Ploux, 1992; King, 2004.

2. What appears to be a declining faith in the system illustrated first, by shrill comments in the media and second by populist responses being made by politicians – both of which suggest a disillusioned population; and finally,

3. What might be the role of the academic in the current situation?

First then, what leads to decisions and how they are taken? The decision to take no action in the incident involving my wall is the kind that, in recent years, has seriously agitated some newspapers. This particular case, however, while probably closer to run-of-the-mill crime, is not the sort to sell newspapers or to hook viewers in to a television news broadcast. On a personal level it was a little bewildering to be told that there had been ‘careful consideration’ of the incident when the decision not to prosecute appeared to fly in the face of the evidence of witnesses. Where is the transparency promised by the governments of modern, liberal democratic societies? In the light of the targets imposed on police and the carefully checked budgets, some might be tempted to conclude that we are now in a situation where, as Howard Taylor argued a decade or so ago, finance or police imperatives dictate prosecutions. Taylor conducted his doctoral research as the police service of England and Wales was increasingly subjected to demands for better financial management and also to a range of targets and objectives set from the centre. He argued that it was Treasury parsimony that had dictated the pattern of crime statistics from the mid-nineteenth century. Moreover, he claimed, this was compounded in the first half of the twentieth century by police determination to demonstrate their worth, in the face of financial retrenchment, by targeting new kinds of criminal offences¹¹. I wrote to my local police requesting further details on their decision. I doubted, of course, that they would ever say that there was no prosecution because of cash limits. Moreover, since this was such an open and shut case, why would they not prosecute? A case solved, with a conviction, was surely good for the statistics. I will come back to my correspondence with the local police.

An alternative explanation for the failure to prosecute my wall-demolition driver was suggested to me by a former member of the Crown Prosecution Service who now runs a large and successful law firm that specialises in acting for those charged with all kinds of criminal offence and who require legal aid. Given the driver’s criminal career, he wondered whether she was being groomed, or perhaps she had already been established as a police informant. Manifestly there would be problems of transparency in explaining this to me, victim or not. Informants have always created problems for ensuring that justice is seen to be done. Probably the most notorious incidents involve political cases when the state has been reluctant to call certain witnesses. The scandal of such cases during the French Revolutionary decade in Britain and then under the

¹¹ Taylor, 1998a, 1998b, 1999.

Regency fed into anxiety about the Metropolitan Police from the moment of its creation. The involvement of a Metropolitan Police Sergeant with a radical group in 1833 prompted an investigation by a select committee of parliament¹². Concerns about the use of informants - or super-grasses as they have been termed with reference to major offences - have recurred in contemporary Britain. And in April this year the media indulged in one of its moments of outrage against the police with the news that a young woman had received a financial offer from a Scottish police force to inform on an ecological movement of which she was a member. Unfortunately for the police the savvy young woman had tape-recorded the meetings that she had with officers from the Strathclyde Police.¹³ But, of course, informants probably are necessary for the police, and it is understandable that the authorities do not wish informants to be exposed while they still have value.

In May 2009 I received a reply from the Bedfordshire Police to my queries. The conclusion of the second paragraph was particularly interesting: when the driver was interviewed *facts emerged that brought into question the public interest of pursuing a prosecution. Regrettably these facts are of a confidential nature and cannot be disclosed*. So perhaps this offender had been turned. The letter went on to state, however, that the driver's documents were all in order and that she had 'confirmed' that my property had been repaired at her 'own expense'. The latter came as a complete surprise to me. It also came as a complete surprise to my insurance company. It was untrue. Subsequently, the police sent my insurance company details of the offender's driving licence and insurance. The also wrote to me towards the end of June explaining that the driver had mental problems and that it was on the advice of a doctor and on condition of her surrendering her driving licence, that they had decided not to proceed with the prosecution. All of which, I believe, could have been said in the initial letter explaining that there would be no prosecution instead of the secretive 'not in the public interest' statement that is almost bound to create suspicion.

Moving on to the issues of 'faith in the system' and media representation: Blaming the shrill tabloid press for the manner in which it sensationalises crime is easy, but it is scarcely credible that the media alone is responsible for what appears to be a more punitive attitude within society and the penal system. A comparison of two murders of children by children, one in 1861 and the other in 1993, found considerable similarities in the reporting, but considerable differences in the outcomes. *The Victorian justice process seemed more successful in sustaining popular faith in its capacity to resolve the moral dilemmas of satisfying the need for punishment and of providing for*

¹² Great Britain, Parliamentary Papers, 1833. For these concerns in general see, Emsley, 2009, especially 31-33 and 56-58.

¹³ The taped interviews were made available on the website of the *Guardian* newspaper at [www.guardian.co.uk/uk/audio/2009/apr/24/police-surveillance-intelligence-1].

*reformation*¹⁴. It is tempting to see the decline of faith in the system emerging from the way in which, since the 1970s, politicians have brought law and order into the centre of political debate in Britain. Before that decade, criminal justice rarely figured in election manifestos. Since then, both major parties have spent much time and effort condemning the penal and policing policies of the other and seeking to outdo the other with solutions in pithy public announcements that appear mainly designed to win popular support. In addition to this, in its first ten years of government New Labour introduced initiative after initiative and passed law after law to 'improve' the system. The net result of this (and also the policies of their immediate predecessors) has been to reduce the discretion available to magistrates and judges in sentencing and prisons bursting at the seams. The decline in what David Garland once defined as 'penal welfare', however, is not something unique to Britain or to the Anglo-Saxon world, and the topic would surely benefit from a careful comparative analysis by Crimprev partners at some point in the future.

The press has always indulged in the sensational reporting of crime and perhaps there needs to be more thought about the way in which audiences respond to this reporting. The traffic accident affecting my wall was far too minor to make the press; though possibly, if it had been an 'A' list celebrity's wall that was demolished, it would have made the news and the media would, doubtless have made much of the fact that the offender was a recidivist. Newspapers often become extremely agitated when individuals convicted of major crimes are found to have been suspected previously, and not prosecuted for one reason or another. The case of John Worboys, a taxi-driver who drugged and sexually assaulted a large number of women (some newspapers put it at 100 and more), provides an obvious example. Worboys was convicted in March 2009, and evidence was presented that, following a previous arrest for a similar offence, he had been released with no action taken¹⁵. But then Worboys ticks many of the boxes that research has suggested are often central to crime reporting: a sexual deviant, or 'monster' – he had even been a male stripper; victims who are vulnerable girls and young women; and a serial nature to his offending. These, of course, are not just issues that agitate the contemporary media: London had its 'Monster' in the 1790s; Frédéric Chauvaud has noted the use of terms like 'monster' in the late nineteenth-century French media to describe particularly brutal offenders, and so forth. Murders of, and assaults upon women and girls have often become the focus of large-scale media campaigns; the name 'Jack the Ripper' was invented by the media, not by the murderer who

¹⁴ Rowbotham, Stevenson Pegg, 2003.

¹⁵ The Worboys's case was reported extensively in the British news media following his conviction on 12 March 2009.

stalked a restricted area of East London in the autumn of 1888 – always assuming that it was a single murderer¹⁶.

A significant development in recent years has been the way in which historians of crime have moved from looking at newspapers for evidence of crime to looking at newspapers for evidence of what kinds of offences were selected to fill what is termed 'newshole' and how criminals, and their victims, were constructed for readers¹⁷. There have been similar moves among criminologists and sociologists, generally picking up on the extent to which the media has contributed to the growth and persistence of our contemporary, punitive democracy¹⁸. It is difficult to know exactly how it might be measured for effect, but it is interesting to contrast the tiny type-face used to report police court proceedings in a nineteenth- or early twentieth-century newspaper with the massive headlines, dramatic colour images of today and the repetition of harrowing events (if caught on CCTV) such as the kidnap of the toddler James Bulger and seeing him being led away by the two ten-year-old boys who were shortly to murder him.

There was a comfortable assumption and narrative among liberal elites (and in many instances this assumption continues) that only authoritarian regimes are oppressive and punitive. You do not have to be a disciple of Foucault to query this. And I do not think it provocative to remark that the two countries that gave the concepts of modern, western democracy to the world were among the last western states to abolish public executions – France and the United States. In the southern states of America lynching was bound up with issues of race, but after the Second World War and into the 1960s, lynching was sometimes justified as popular justice enforced by the sovereign people¹⁹.

Nick Davies has forcefully argued that the modern media has been taken over by those that he terms 'grocers' whose sole aim is to make money from their product. The grocers have reduced the number of journalists, but the demand for 24/7 news has put these fewer journalists under greater pressure to produce stories. At the same time the media has been forced to work with reduced sources of information, largely as a result of the disappearance of local press offices and newspapers. This has put an increasing reliance on press releases from public relations bodies – not necessarily the most impartial sources of information. One of the consequences of this is that, in England and Wales, crime reporting is now confined almost entirely to London and

¹⁶ See, inter alia, Bondeson, 2000; Chauvaud, 1991; Perry Curtis Jr., 2001.

¹⁷ See, for example, the special issue of *Continuity and Change*, 22, 1 (2007) 'Newspaper Reporting of Crime and Justice.'

¹⁸ See, for example, Jewkes, 2004.

¹⁹ Waldrep, 2002.

almost entirely to major offences with an emphasis on violence and sex; and in the current climate a celebrity makes a story even more appealing and worthy of 'newshole'²⁰.

The problem for politicians is that this is the understanding of crime to which they have to respond. Sadly, in recent years they have chosen to respond, not with a recognition and explanation of the issues, but with a wave of populist initiatives and laws. The Minister of Justice recently put it to the Commons: *One man's populism is another man's or woman's democracy... Why should we as Members of Parliament, Justice Secretaries or the probation service think that we know best and the public know least?*²¹. Following the logic of this through we might have a referendum on capital punishment within a week, and restore it within a month.

All of this poses problems for academics who work on crime. Our research can point to the relative rarity of stranger on stranger killing and to the predominance of petty theft as the principle form of property crime, often committed by young people who will, quite literally, grow out of it. We are commonly called upon for media sound-bites, but it is usually for sound bites following a major crime or scandal. We respond; we can rarely initiate. We can also be edited or cut; 24-hour news wants sound bites.

There is an additional problem, much more I think for the criminologist/sociologist rather than the simple historian. Crimprev has been extremely fortunate in its funding and in the encouragement that it has received from its scientific officers and others in the EU to continue the network. In Britain it seems most unlikely that any historian would be able to tap Home Office coffers for a research project yet, in the last quarter of a century or so the Home Office has been extremely generous in funding criminological research. Early criminology sold itself, at least partly, by promising explanations and solutions for contemporary problems. In late nineteenth- and early twentieth-century Italy most notably, men like Salvatori Ottolenghi ran courses for all kinds of criminal justice practitioner illustrating their lectures with real convicts brought into their lecture theatres from a neighbouring prison. I am uncertain about how many contemporary criminologists believe that they can find a magic bullet that will deal with crime, but it does appear that some politicians believe that the only kind of research that is worth funding, is research that will show measureable results, add to the economy or solve immediate problems, preferably with a profit to UK plc. Nearly a quarter of a century ago warnings were being given about the potential danger of the commodification of criminology²² (warnings that might apply to any academic subject). In Britain the New Labour government came to power

²⁰ Davies, 2008.

²¹ *HC Hansard*, 27 April 2009, cols. 579-80. I should point out that this comment was not made with reference to any criminal justice legislation.

²² Bottoms, 1987; Hood (August 1987).

insisting that it wanted to be able to develop policies that were 'evidence based.' In the event, however, as UK Crimprev partners can testify, that evidence seems more often to be cherry-picked to suit instant policies prepared in response to media outrage, rather than the underpinning of new, carefully-considered policies²³. And, to follow Nick Davies, it appears that, sadly, few journalists have the time to read the evidence collected by criminologists (assuming that the government have not buried it) and opt for the carefully structured précis prepared for the press release. Well might we complain, but the protests by academics tend to end up as ephemeral; as one British Prime Minister famously said: *A week is a long time in politics*. Moreover, by the very nature of their position, a politician remains a public figure with the ear of the media well beyond a week.

All of this is shaping up to provide problems for the role of the academic criminologist, especially for the criminologist in a punitive democracy within which crime reporting is so selective and slanted.

What is to be done? Through the efforts of our teaching we have the opportunity to raise the awareness of our students, but in Britain at least we have to resist the notion that appears to be growing in central government that tertiary education should be focused on a vocation or ultimate economic profit. People with Criminology degrees might make better criminal justice practitioners but I consider myself, first and foremost a historian and have never taught in a Criminology Department. I am not sure what 'vocation' my students as a group might be said to have. More importantly, however, I do not believe that it is not just 'pie in the sky' to suggest that a well-educated and aware electorate is central to a healthy democracy. Clearly much of our research and writing is done for our peers, but we ought to make greater efforts to ensure that our work accessible beyond the academy. In Britain, perhaps, the opportunities for this are increasingly restricted by the often uncertain demands of Treasury-prompted research assessments and the accompanying vagaries of how research 'impacts' might be calculated.

I retire at the end of September 2009, so I would like to think that I do not have to worry about this any more. Like Voltaire's *Candide*, I can go and tend my garden – unfortunately a garden is not necessarily a safe place.

²³ See, for example, Hope, Walters, available online from [www.crimeandjustice.org.uk].

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FACTORS OF DEVIANT BEHAVIOUR (WP 2): LESSONS FROM THE WORKSHOPS AND THEORETICAL PERSPECTIVES

Laurent Mucchielli

Of course, everything we have done in the past three years, all this energy invested, all these meetings and discussions, all this public money spent... All that is probably totally useless and should never happen again.

In fact, there have long existed, there still exist and there will doubtless always exist scientists who claim that the primary explanation for deviant behaviour is quite simply genetic. I hereby inform you, in an exclusive preview, of this imminent publication:

'Monoamine oxidase. A genotype is associated with gang membership and weapon use', by Kevin M. Beaver (*College of Criminology and Criminal Justice, Florida State University*), Matt DeLisi (*Department of Sociology, Iowa State University*), Michael G. Vaughn (*Department of Public Health Studies, Saint Louis University*), J.C. Barnes (*College of Criminology and Criminal Justice, Florida State University*), *Comprehensive Psychiatry*, 2009 (in press, Available online at [www.sciencedirect.com]).

Abstract

Context: A functional polymorphism in the promoter region of the monoamine oxidase A (MAOA) gene has been found to be associated with a broad range of antisocial phenotypes, including physical violence. At the same time, it is well known that gang members represent some of the most serious violent offenders. Even so, no research has ever examined the association between MAOA and gang membership.

Objectives: The aim of this study is to examine the association between MAOA and gang membership and between MAOA and weapon use.

Design: We examined the effects of MAOA by using a molecular genetic association research design.

Setting: A non-clinical sample was used in this study.

Participants: Participants were drawn from the National Longitudinal Study of Adolescent Health (1155 females, 1041 males).

Main Outcome Measures: The outcome measures of this study are gang membership and

weapon use.

Results: The low MAOA activity alleles conferred an increased risk of joining a gang and using a weapon in a fight for males but not for females. Moreover, among male gang members, those who used weapons in a fight were more likely to have a low MAOA activity allele when compared with male gang members who do not use weapons in a fight.

Conclusions: Male carriers of low MAOA activity alleles are at risk for becoming a gang member and, once a gang member, are at risk for using weapons in a fight.

What can we say? First of all, that we already know that this study is based on a false premise, the notion that there is a particular human behaviour called 'becoming a member of a violent gang'. In fact, the workshop conducted by Stephen Farrall at Keele University in July 2008 was devoted to desistance from a delinquent career. Might there be another gene that, this time, explains desistance from delinquency? And, of course, it would also be necessary to bring out the biological characteristics of a pathology altering the purity of this gene, which would allow for explaining the fact that certain individuals go into and out of delinquency on several occasions... One might then respond that it be suggested to the authors to carry out the same investigation on the academic milieu in their universities, using more complete DNA testing and a broader definition of violence.

Nonetheless, whilst awaiting the results of these promising studies, I suggest that we continue to think that things are more complicated, that humans are neither laboratory rats nor machines, that their social behaviour is constructed in given times and places with a strong plasticity, which is demonstrated by history, and it is in the fullest interest of the human and social sciences to try to analyse the complexity of this social construct of deviant behaviours, both individual and collective.

Masses of factors, an enumeration without interest

In the course of the dozens of papers that followed one another in the six workshops that I had organised within the WP2, a particularly long list of factors correlated to deviant practices appeared: individual, family, academic, residential, economic, cultural, technical, organisational, state factors, etc. And it must be said at the outset that this list, as can be drawn up in 2009, is similar to others drawn up in previous decades to the point that it is difficult to tell them apart, a few technological adaptations aside (portable telephones were not stolen before their mass marketing; one related a great amount of one's deviant 'exploits' in one's peer group but did not

film them before these cellphones were equipped with cameras; more cars were stolen before the generation of immobilisers; there were more burglaries before dwellings were made more secure, etc.).

Therefore, in a summary devoted to the factors of deviant behaviour, the principal risk is to lapse into an eclecticism that is, moreover, fairly uninteresting. Indeed, the factors are extremely numerous, and research (especially quantitative) never finishes re-testing a given correlation, influence or theory. In fact, to my knowledge, no model has ever managed to take all these factors together in an empirically satisfying way, even as regards a particular type of deviance. What's more, this is the second obvious problem: the list of factors, their interlocking and hierarchy vary considerably depending on the types of deviance studied. Finally, a third problem is that an accelerating or decelerating factor of deviance does not necessarily inform us as to the mechanisms that produce the deviant practices.

So I renounce the uninteresting idea of presenting a list of factors, saying that it is particularly emphasised in the study of such and such type of deviance, as in the idea of lists of types of deviance to introduce the question of factors every time. The newsletters available on the CrimPrev Internet site do that very well-it suffices to read one after the other.

Instead, I propose reflecting, starting from a few matrices, on a few social bonds round which the factors are wound, a few deviance-producing mechanisms. I shall single out at least five of them, in no particular order at this stage of constructing the summary, which, in certain cases, allow for re-asking classic, theoretical questions in our field of research.

I - The State, producer of norms and deviances

Let us recall that deviances are the reverse side of norms or standards and that the first factor of deviance is therefore the normative production of the most powerful of public players: the State.

Without going back here over the details of what Pieter Spierenburg put forth, based on the Rotterdam workshop in January 2007, it is necessary to insist upon the collapse of the level of serious interpersonal physical violence, beginning with homicide. This outstanding phenomenon of the past half-millennium is structurally linked to the construction of the state monopoly of legitimate physical violence as well as a process of de-legitimisation of the recourse to violence that accompanies it. And this process is not isolated. Today, we see how the State's normative, repressive action induces partial modifications of road behaviour. We can also think that this action - which is currently occurring thanks to a whole series of communication techniques - is

resulting in the continuous transformation of our thresholds of tolerance, for better and for worse. What's more, these same communication techniques turn out to be quite useful to States in trying to mask one of the effects of their action: the growing criminalisation of deviances previously tolerated or referred to the discretionary sphere of private life. Indeed, this criminalisation is encouraging a continuous increase of complaints and thus of the statistics recording police activity, statistics that must, of course, be arranged so as to display an overall decrease and thereby proving the effectiveness of those in power (at least in France).

We also see how, in the name of victims more than of law and order, the State is trying to extend its action, coming across as pacifying to increasingly varied forms of deviances from the moment they can legally be turned into crimes. Yet, this attempt has not been successful nearly everywhere. First of all, because turning a deviance into a crime in itself does not intend that the practices of deviance and control of deviance are really changed (a fortiori when criminalisation is above all symbolic and the laws are not followed by adequate decrees specifying how they should be enforced). Further, because a policy relying on deterrence (the *fear of the gendarme*) has always shown its limits. The examples of speeding and drunken-driving have, in truth, little paradigmatic value. Most problems of deviance are far more complex.

Finally, it can be added that the State does not intervene only at the level of individuals: it also tries to curb collective violence by pushing for the institutionalisation of social movements, by developing practices of negotiation and 'buying social peace'. The case of 'rural violences', which illustrates this fairly well, was brought up during the Nice workshop, organised by Xavier Crettiez and Laurent Mucchielli in June 2008.

We can therefore see, in some respects, the State as a factor in reducing deviance and disorders; but we can also analyse the State from another aspect: as producer of deviance. Our work has provided several examples of this, of which I will mention only the two principal ones.

- The first is the example of the criminalisation of drug consumption, discussed at length at the Lille workshop, organised by Dominique Duprez in July 2007: after having traded in drugs at the same time as tobacco and having begun to turn them into medicinal uses in the 19th century, Western countries increasingly turned to criminalisation in the 20th century. Since the 1970s, we are confronted with a totally paradoxical situation in which criminalisation and consumption are both on the rise. Reading the surveys of the European Monitoring Centre for Drugs and Drug Addiction, one comes to the conclusion that the purely prohibitionist policy of certain countries (such as France) is one of the factors in the ongoing rise in consumption. Let us even add this lesson from Brazil during the Lille workshop, reminding us that, moreover, a purely prohibitionist policy encourages the organised crime in drug-trafficking: *the more severe the legislation,*

the more attractive the illicit markets of extortion and corruption become.

- The second example is that of police violence, which we discussed at the Nice workshop in June 2008. Whether in peace-keeping operations (as in Genoa in 2001) or in everyday policing as in France, it is clear that States can favour or disfavour the existence of police deviance, in particular the illegitimate and disproportionate use of force (police violence) and discrimination in law enforcement (especially in harassment of ethnic minorities and young people).

II - Youth, its deviances and its integration into social standards

I shall not venture to speak of an 'historical invariant', for our knowledge is still limited and relative to a state of research and what it takes for granted. Nonetheless, even before the modern construct of the notion and time of 'adolescence', we are forced to admit the historic recurrence of the 'question of juvenile disorders'. All societies have to face up to and organise this phenomenon which consists in a phase in life during which young men are not yet fully integrated into the job market or the matrimonial market. Moreover, all known societies view, more or less strongly, virility, strength, courage and risk-taking as attributes of masculinity. For a long time, these societies organised and managed this 'social vitality' of young men by entrusting them with particular roles at particular moments (hullabalos) or in particular forms (youth societies), as well as by using them massively for waging war, ready to throw a portion of them on the roads upon returning from the war (these were the vagabonds with which prisons were filled and who would be sent to the galleys then to prison and penal colonies).

But when the youth societies disappeared in the 19th century and wars became less permanent, the question of delinquent youth arose. Its acuteness then seemed to vary depending on two fundamental factors: 1) the demographic factor of the number of young people and their more or less important share in the overall society; and 2) the economic factor of their integration through work. In France, from the social alert linked to 'street children' under the July Monarchy [1830-48] up to the current issue of the 'young people from the housing estates', by way of the 'Apaches' at the beginning of the 20th century and the *blousons noirs* or 'teddy-boys' of the Sixties, this question is truly recurrent, especially in the form of dangerousness associated with 'youth gangs'.

Here then is an important source of deviance production, which was broached in several workshops. For example, the discussion on desistance from delinquency, at the Keele workshop in July 2008, recalled that this phenomenon challenged, massively and directly, the integrating

capacities of societies, in particular their capacities to: 1) offer jobs to unskilled young people or those with few skills; 2) facilitate their finding individual housing; and 3) encourage and financially support parenthood. Let us add, with respect to the prevention of the level of juvenile disorders and for today's urban societies, the difficulty of controlling pre-adolescence and adolescence, a moment when initiatory-type delinquency is fairly considerable, as reveal the self-reported delinquency surveys, a point that was discussed from the angle of thefts during the Brussels workshop, organised by Xavier Rousseaux and Renée Zauberman in February 2007.

III - Social domination and the dividing up of wealth

Here is a third large social issue, the handling of which, depending on the societies and moments in their history, generates a more or less high level of deviance and delinquency of which the young men mentioned a moment ago are generally the 'military wing' but here act as representatives of entire social groups.

Violence is also one resource of the dominated classes (this is the issue of sharing power), who are quite often also famished (hence the issue of sharing wealth). And these two dimensions operate three levels, at least: a) in the relations between social groups on a given territory; b) in the relations of certain social groups with the central State; and c) in the relations of certain individuals with the rest of society.

a) On the first point, let us mention the example of Corsica, which was discussed at the Nice workshop in June 2008 (where Ireland and the Basque country were also mentioned). One of the ways of understanding how violent nationalism takes root is to take seriously not only its denunciation of Parisian domination but also its denunciation of insular power and wealth confiscated by a few great historic families. In other words, it denounces a dual source of structural domination and a dual dimension (political and economic) of this structural domination. And it is in this denunciation that are constructed and legitimised both the identity claim (which becomes the banner of the underground) and the recourse to violence (which becomes its hallmark), both being decked out in costumes and songs taken from the history and legends of Corsican society.

b) On the second point, let us mention the example of urban riots, also discussed at the Nice workshop through the comparison of British and French cases. The British case is plural, and riot violence also involves relations between communities in a country that practises an assumed community management. The French case is, on the other hand, simpler, and riot violence clearly appears as the resort of social groups that consider themselves marginalised,

dominated and humiliated by the State.

c) On the third point, let us come back to the classic analysis of the involvement of certain persons in a delinquent career. Here we again find our problem insofar as, allowing for exceptions, although initiatory-type delinquency is well shared socially, involvement in a career of crime is, on the other hand, massively the phenomenon of young working-class men marked by social failures (primarily academic failure), which generally attest to a lack of social resources and a dominated situation. This point was recalled in particular during the the Keele workshop in July 2008.

I shall pursue the analysis of this third wager by mentioning the intrication of the objective and subjective dimensions of these deviances of dominated individuals, and in the three levels of analyses distinguished. In fact, here deviant *practices* are indissociable from rebellious *identities*, which legitimise and reinforce each other. These identity issues are - and moreover always have been - the result direct, central, of the dual social domination already mentioned. So what must be deplored today is not the return of these identity and community issues to the forefront of the political scene of several European countries but the reduction of these questions to racial or religious dimensions, which are only markers by default, all the more meaningful in that those who dominate use them to de-legitimise rebellions challenging the political and economic mechanisms of their domination.

I shall conclude this attempt at summary by mentioning two other deviance-producing processes - which are also both classic theoretical questions that take us away, at least in part, from the aforementioned macro-social mechanisms - to have a closer look at situations of daily life in which deviances are induced and amplified.

IV - The question of local co-production of deviance (individual and collective deviant practices related to a given micro-social context)

To illustrate this mechanism, here I shall take the example of school violence discussed during the Paris workshop organised by Cécile Carra and Maryse Esterle-Hedibel in January 2009. Work on this subject, which has become a powerful contemporary preoccupation in several European countries, in fact reveals two major statistical observations known and taken into account to varying degrees by public policies. The first - known to the point of excess through media coverage of sensational incidents and political demagoguery throwing problems back to an 'outside threat to the school sanctuary' - is that a macro-social correlation exists between the level of disorders and violences characterising schools and the social environment of children in

school and their families. The second, generally passed over in silence, is that, with a socially equivalent public, schools experience very different levels of disorders and violence. In other words, there are factors relative to school organisation and the local handling of the public in difficulty, meaning there is an 'establishment effect', well known in the sociology of education from the viewpoint of the study of academic results. It is therefore this question of local co-production of individual and collective deviance that must also be studied by analysing schools, their internal organisation, team functioning, handling of deviances, internal 'atmospheres' and both their prevention policies of, and response to, the deviant behaviours of children and adolescents.

V - The question of 'opportunity making the thief'

Finally, the Brussels workshop in February 2007, devoted to thefts and burglaries, restated the classic question: Does opportunity make the thief? The considerable rise in thefts and burglaries over the past half-century is in fact linked to a proliferation of consumer goods that are, moreover, left unsupervised (whether it be vehicles parked on the public highway or homes empty during the daytime). From there, thefts that are not necessarily 'professional' (aimed at receiving stolen goods or illegal resale), which stabilised at a very high level upon entering an economy of mass unemployment in the late 1970s, and which have declined since the latter half of the '90s due only to the very clear progress made in protecting these goods has massively benefited to the more well-to-do.

The low level of qualitative studies on these impersonal attacks on possessions considerably hampers theorisation. What significance should be given to the theory of opportunity creating the thief? It obviously encounters a reality illustrated by the image of the lost object found by an ordinary passer-by: how many people will expend their energy trying to return it to its owner if the latter has not reported the lost property in one way or another? But it also runs up against the equally obvious (but just as ill -measured and -measurable) observation that not all opportunities make thieves. So there are also other factors in producing potential thieves, which are certainly to be sought in at least three other processes singled out above: 1) the importance of risky behaviour and initiatory delinquency during the first part of adolescence; 2) the quantity of people (in particular young men) who are social outcasts in an area at a given moment; and 3) the strength of the domination mechanisms and their consequences on identity, which produce as many reasons for neutralising the guilt linked to the fact of stealing others' property, here in keeping with the fundamental idea advanced back in 1957 by Sykes and Matza.

General conclusion

Let us conclude rapidly by continuing on the last idea put forth and in a way, coming full circle in relation to our introduction. We observe that it is not useful to think up weighty postulates on human nature or essentialise a difference between the normal and the pathological in order to understand the ordinary mechanisms of producing and increasing deviances.

BETWEEN FEARS AND REALITY: AN EXAMINATION OF CRIMINAL BEHAVIOR

Pieter Spierenburg

Violence is one of the principal forms of deviant behavior examined within workpackage 2. The long-term evolution of violence was the subject of the workshop that took place in Rotterdam on January 19-20, 2007. I already reported about this meeting during the Crimprev opening conference, which was held the next month. Some of the workshop's results could be included in my book *A History of Murder*, that I finished in the fall of 2007 and which appeared in 2008. A selection of the Rotterdam papers and a few new ones appeared as a collective volume, entitled *Histoire de l'homicide en Europe de la fin du Moyen-Âge à nos jours*, at the beginning of this year.

Given my reporting more than two years ago about the workshop, I should confine myself here to recalling the principal themes of discussion. One of the key issues concerned the need to study the context in which violence takes place. Studying only the records kept by the police and similar agencies does not lead to a better understanding of the underlying social structures or of individual motives. Studying the context of violence is also important because definitions of violence have changed over the years. Some forms of violence have always been condemned, whereas other forms were legitimate or socially acceptable for a long time. The use of violence by the state has changed as well. Thus, although the workpackage singles out violence as a form of deviant behavior, one of the principal conclusions of a historical examination is that this perception changes over time and along with the cultural and social context.

The workshop further confirmed such familiar notions as the link between interpersonal violence and alcohol consumption and the long-term decline in the incidence of homicide. Whereas many scholars believe that the latter process can be fruitfully explained with the help of Norbert Elias' theory of civilization, others remain more sceptical. It was stressed, however, that temporary peaks of violence often coincide with changes in a country's political situation, which causes social instability. In Spain, this happened during the Napoleonic invasion. Generally, homicide rates have been on the rise again during the last third of the twentieth century. Competition for economic goods and the social exclusion of specific groups figure among the possible explanations for this upward trend.

The papers and discussion during the workshop and even more the themes dealt with in the resulting publication concentrated on serious interpersonal violence, with homicide as its

principal indicator. Over the last seven centuries, in Europe, the appreciation of homicide has changed considerably. Whereas around 1300 contemporaries often viewed murder as an act of honorable defense or vengeance, nowadays, murders give rise to anxiety among the general public. Thus, the observation that the range of violent behaviors considered legitimate or socially acceptable changes over time also applies to its most serious manifestation, the act of killing. Moreover, there is an inverse relationship between the public's fear of violence and the incidence of homicide: in the middle ages murder rates were high and anxiety about violence was low; in modern times this anxiety has increased enormously, even though homicide rates remain relatively low. However, this inverse relationship, which lasted over some six centuries, appears to have turned into a positive one since the mid-twentieth century.

A notorious historical example of the changing appreciation of interpersonal violence is the criminalization of homicide. Surely, in nearly all societies homicide is considered as a wrong done to someone, but that is not the same as a crime. In the European middle ages an act of manslaughter was more of a private than a public matter. Essentially, it caused a conflict between two families, the victim's kin and the killer's. The conflict could lead to revenge and even a prolonged feud, or it could be ended by formal reconciliation or peace. The authorities usually promoted reconciliation, but it took a long time before they were able to effectively impose this. Judicial prosecution of homicide, at first resulting mostly in a fine, gradually became more frequent alongside private reconciliation. Pardons by the sovereign, however, were frequent as well, based on liberal criteria for self-defense. By the sixteenth century, reconciliation was no longer entirely private; from then on its main function was to serve as a prerequisite for obtaining pardon. The process of the criminalization of homicide was sealed when pardons became infrequent and much stricter criteria for self-defense prevailed. In most European countries this did not occur until the mid-seventeenth century. Even then, some sectors of the population continued to consider manslaughter, in a knife fight for example, as an accident that need not to be punished so harshly.

The contributions to *Histoire de l'homicide* bring various refinements to the discussion of the long-term evolution of homicide. One concerns the development of a specifically urban culture which may have influenced the transformations in the appreciation of physical violence. The urban vs. rural factor is important everywhere, from the late medieval Low Countries, via seventeenth-century Spain, to nineteenth-century France. Nevertheless, one surprising finding concerns the very low homicide rates that prevailed in rural Cantabria already by the end of the seventeenth century. Regional differences were important too, as in Scandinavia. Another issue is whether some countries boast a tradition of lesser violence throughout their history, whereas

others have more of it. The answer appears to be more nuanced than implied in such crude distinctions. In the Dutch Republic, for example, only the elites but not the general population embraced an ethos of lesser violence. A third important issue concerns methodological refinement. For example, various contributors to the collection stress the necessity to base quantitative estimates of homicide on a combination of various sources. Others, on the other hand, base their analysis on a refined examination of police statistics.

I - Added value

The added value of the European-wide cooperation is clearly visible in the field covered by the workshop and the subsequent collection. In particular this pertains to two elements. The first concerns a deepening of our understanding of the historical process itself. Although synthetic work had already been done (in the form of the quantitative meta-analysis by Manuel Eisner and publications by a few other scholars), our knowledge has become much more systematic due to the Crimprev effort. Moreover, the range of countries involved has been enlarged through the inclusion of Southern Europe: Italy, about which some historical knowledge already existed, and more prominently Spain and Greece, until recently largely blank spots on the chart of historical knowledge about violence. The research into Southern Europe demonstrates, for example, that traditional honor remained a forceful factor there much longer than it did in the North. On the other hand, cases of honorific violence in modern times were focused more exclusively than in the distant past on the issue of female sexuality. This is true for natives in 1950s Greece as well as for recent immigrant groups in Northern Europe. As to the long-term evolution of violence, only Eastern Europe remains as a blank spot on the chart. Significantly, the two contributions to the workshop dealing with countries from that region (Estonia and Slovenia) were unable to go back in time further than a few decades, due to a lack of reliable evidence.

The other and perhaps even more important added value lies in the cooperation of historians and social scientists. In this case, too, a preliminary effort had been made within the context of a previous GERN seminar led by Sophie Body-Gendrot and myself. The renewed meeting of historians and social scientists through the Crimprev workshop has intensified this cooperation. Consequently, it is now possible, to a large extent, to view contemporary problems related to violence in the light of its historical evolution. For one thing, although the increase in average European homicide rates from about 1970 to about 1995 was real and significant, it is still relevant to consider that levels twenty times that of today (admittedly with worse facilities for

saving lives) have been common. Second, an examination of the crucial role of honor for violence in the European past tells us that honor's apparent resurgence in today's urban neighborhoods, in particular among immigrant communities, is not just a revival. I noted the greater centrality of female sexuality, as opposed to male-on-male revenge for example. What continues from the European past is the notion that the re-establishment of honor requires bloodshed or at least aggression. In the European context this requirement has become much less forceful because of the process of the spiritualization of honor, visible since the eighteenth century. Thus, whereas many today view traditional honor in terms of different cultures, of us and them, in reality it is a relative constant factor across cultures that can be subject to change within these cultures. These are only the principal themes which point at the relevance of historical work on violence for an understanding of contemporary violence.

Yet, some things we don't know also pertain to the violence of the last three or four decades. Research into recent homicides, for example, has insufficiently made use of the approach, adopted by some historians, of combining quantitative and qualitative evidence. Whereas modern quantitative investigations have mostly made use of nationally aggregated data, modern qualitative investigations almost exclusively are case-studies. Thus, a satisfactory answer - and scholarly agreement- is lacking on the question to what extent the recent rise in homicide rates is due to the complexity of urban neighborhoods and to what extent it is due to the spread of organized crime. For the latter question, to be sure, Mucchielli's contribution to *Histoire de l'homicide* goes some way in providing an answer. Next, it remains unclear why certain long-standing patterns have been blurred or reversed in recent times (since c. 1950 or c. 1970): the negative correlation between the incidence and the fear of homicide; the fact that violence was more characteristic for the countryside than for urban settings; the pattern whereby England had the lowest homicide rates and Italy the highest.

Finally, a rather specific but important point that needs elucidation is whether or not the apparent stabilization or downward trend of European homicide rates after c. 1995 can be explained by the spread of cell phones, as I have suggested.

II - Perspectives for future research

The lacunae noted above already imply perspectives for future investigations. As far as the long-term evolution of violence is concerned, the research should be extended first of all to Eastern Europe. But it might well go beyond. It is likely that future research will increasingly adopt a global perspective, extending to the entire non-Western world. Up to now, homicide

research in Asia, Africa and Latin America has been largely restricted to the contemporary period. It is very likely, however, that the deepened understanding to be gained from a historical and long-term examination will equally apply to these areas of the world.

As an example, China can be cited. It offers excellent possibilities for longitudinal research because of its venerable antiquity as a nation, extending further back in time than that of nearly all the world's other nations. China had well-developed bureaucratic state structures, monopolizing the means of legitimate violence, when Europe was yet to experience the middle ages (Hui, 2005). The long imperial tradition as well as the pervasiveness of Confucian ideas about order have given rise to a view of pre-twentieth century China as a particularly peaceful society, but recent scholarship challenges that view. The publications in question, rather than already covering the field, can provide a starting-point for research taking a longitudinal approach. Additionally, they point at the existence of excellent primary sources, such as gazetteers and, for the Ming and Qing periods, reports of judicial investigations into murder. These scattered English-language studies include one monograph that analyzes homicide data (Buoye, 2000), but only for cases related to conflicts over land and restricted to the reign of Emperor Qianlong (1736-1795). Other studies focus on symbolic violence and literary representation, with themes such as the relative weight of martial vs. civilian traditions or the ritual drinking of blood. Further, there are case-studies of banditry and collective protest (Lewis, 1990; ter Haar, 2000; Robinson, 2001; Rowe, 2007).

FACTORS UNDERLYING POLITICAL VIOLENCE

Xavier Crettiez

The Nice workshop stretched over two full days, bringing together 18 researchers - sociologists, politicians and historians - from France, Spain, Italy, United Kingdom, Holland and Germany. Focusing on political violence, the workshop was structured around five principal themes: riots and demonstrations against the State; fighting between social and communal groups; terrorist attacks by domestic separatist groups; violent political groups and, lastly, violence by the State.

In this report the major analytical conclusions will be set forth, and instead of presenting summaries of the various contributions, priority will be given to the conclusive synergies of the different papers.

In the main, participants concentrated on analysing factors explaining the occurrence of political violence. It is this dimension that will guide our thinking here.

Whether it is ethnic, racial, ideological, or social violence, whether against the State or between communities, driven by political, economic, or simply identity-based ambitions, the scholars who met in Nice discussed the reasons for the emergence of violence but also its continuity.

The analysis will be carried out at three levels, namely a macro level, which deals with the reasons for the emergence of violence (economic, cultural, institutional), a meso level, which examines the situational, communicational and organisational factors that impact upon the outbreak and continuity of violence, and lastly, a micro level, dealing with the psychological and cognitive dimensions of violence.

Although these three levels are successively presented here, the attempt to explain the phenomena of political violence necessitates combining them in unequal measure according to the type of violence at work, but systematically keeping this triptych in mind. To so proceed amounts to respecting the urgings of Donatella della Porta who, in her paper, called for a rapprochement between the disciplinary approaches of the sociology of collective action and the analyses of political violence.

I - The macro level

1 - Structural factors

The quasi-totality of the participants stressed the importance of the basic structural factors in the outbreak of violence whether riots, disorganised operations or centred on specific

ideological slogans. If the driving force behind the actions seems obvious (violence is the resort of the poor), it is still necessary to recall it at a time when sociological analysis, coinciding with an ideological injunction to inculcate a sense of responsibility, chooses to underscore the more interactive factors. Laurent Mucchielli and Dave Waddington have highlighted the decisive weight of economic factors such as the rate of unemployment, degraded housing or the level of poverty in the riot-hit neighbourhoods in France since the early 1980s (30% unemployment in the Lyon and Ile-de-France suburban areas during the 1980-1990 riots). In the United Kingdom, the race for jobs after the decline of the textile industry and the feeling that there existed a discriminatory policy in favour of certain sections of the population had a trigger effect on the riots. If, according to Laurent Mucchielli, the 2005 riots in France lost their localised character what with more than 300 towns affected to different degrees, the economic dimension on the other hand, along with the effects of the de-schooling of young people, mostly affected working class neighbourhoods. In his study on aggressive supporterism Dominique Bodin also shows the weight of the working class origin of hooligans, using violence to *express the social frustration experienced by underprivileged youths under acute economic stress*.

Apart from economics, the demographic issue is equally important. Élise Féron was able to show the significant role of demographic differences between communities in Ulster (the same can be said of the creation of borders in Bosnia or Kosovo in Europe), giving rise to a feeling of fear vis-à-vis the 'other', considered threatening because of its invasiveness. Demographic pressure in some families of sub-Saharan African origin living in France, coupled with the lack of economic resources and cramped accommodation leads to male children occupying the streets, thus favouring gang culture, which in turn is highly conducive to the socialisation of violence.

2 - Cultural factors

Several participants stressed the cultural factors that fuel the phenomena of political violence. When we talk of cultural factors, we refer more to people who are the products of professional and local cultures than to a historical-cultural framework that determines acts of violence. Which is why Xavier Crettiez rejects explanations of political violence in Corsica based on historical legacy, which views violence with pro-independence claims as a contemporaneous reflection of the tradition of political banditry or the reactivation of the dismissal of French troops in the 18th century. Although political violence in Corsica can obviously count on local culture, which attaches a lot of importance to the carrying of weapons and to the logic of honour and clannishness, its permanence is primarily explained by the present-day imposition of a culture

of violence, which has become a naturalised mode of political expression in the island, an island where there have been 10,000 bomb attacks in the last thirty years.

Among the cultural factors, several contributors underlined the effects in terms of the socialisation of violence within more or less closed groups that have adopted a culture of confrontation, both physical and verbal. If Crettiez emphasises this point in relation to the Corsican nationalists, of whom it can be said that there is not much separating them from the political forces present in the island, unless it is the continuation of violence which acts as a factor of identity, Élise Féron and Alfonso Perez Agote come to the same conclusion about Ulster and the Basque Homeland. In Euskadi, Agote describes the socialising role of cultural practices such as the *poteo* (the round of bars), which has become more radical in the last few years as only nationalist bars are visited. Confining Basque youth to a cultural universe marked by the glorification of deeds performed by the ETA (reading nationalist newspapers, going to nationalist sports clubs, eating in nationalist restaurants....) has instituted a culture of violence, which in turn has helped to naturalize and legitimize it.

In a completely different context, i.e. the world of football fans, Bodin explains the development of a culture of confrontation, which can be very violent and which manifests itself during football games (logic of the 12th man who combats alongside his team). This culture of confrontation can take a violent turn, for example, the use of symbols of totalitarian horror by Dutch football clubs, provoking their adversaries by means of anti-Semitic insults. Street fights after the match put the finishing touches to this display of violence.

Didier Lapeyronnie, in his analysis of anti-Semitic violence in the 19th arrondissement of Paris (where a large concentration of people of Jewish faith lives) also highlights the culture of violence which clothes the behaviour of youths for the most part of Maghrebian immigrant origin. Anti-Semitic violence has become, says Lapeyronnie, so much part of the daily fare of these youths that it is no longer thought of as such and has become a cultural trait. Furthermore, according to the sociologist, the expression heard many a time "ton sylo fait le *feuj*" ("your pen doesn't work") says a lot about this culture of hate. Racist insults create more than a climate; they establish a local social order which, by trivialising the offence, legitimise the acts of violence, often not even perceived as such. Dave Waddington also talks of the "gangsta rap" culture, very much in vogue in the suburbs of the big metropolises such as London or Liverpool, which has a big impact on the behaviour of youths by diffusing a culture of force, of the super male and of street violence.

Lastly, it is on the police side that the effects of professional culture can be seen. Waddington emphasises, as do many French sociologists working on the police (e.g. Monjardet),

the high turnover of police personnel posted in these underprivileged neighbourhoods, which prevents any understanding of the 'other' and of their common culture. Olivier Fillieule believes that cultures peculiar to the police should be taken into account, which lead the law and order forces into developing empathy or hostility for a specific group depending on the collective representations associated with the social origin of the police forces. Thus agriculturist and artisan demonstrators are always better understood – and controlled – by the CRS and the French mobile *gendarmerie* units (often from the same background), than suburban youths or Paris students.

3 - Institutional factors

Violence is also greatly dependent on the institutional framework, which facilitates or accepts it, and on structures born of opportunity.

Jérôme Heurteau, in his analysis of violence in Romania, thus examines the transition period which created opportunities for certain political and social groups in their conquest of power or their efforts to hold on to it. The exploitation by the political authorities of Romanian miners, well organised and flanked by unionist structures close to the old regime, resulted in violent demonstrations in favour of the post-Communist regime headed in the 1990s by Ion Iliescu. In 1990, 1991 and 1999, demonstrations by miners put an end to protests by the Opposition against the inaction of the post-communist government in the matter of reforms, in a period dominated by the former communist leaders. The activism of the miners became such a standardized method of controlling the Opposition through violence that it came to be known as the *mineriades*.

On the whole, all contributors laid emphasis on the institutional factors for understanding violence, analysing either the practices adopted by the regime (generally blocking institutional action and thus encouraging violence), the extent of media coverage, the type of police mobilised or the relationship with the elites.

In line with Jean-Louis Briquet's work, Xavier Crettiez shows that political violence in Corsica was thus less the result of hostility towards the French State than the rejection of a closed political system, which in the island meant clans. By preventing all political expression apart from clannish structures, the major Corsican families sparked off protests against their authority by economically and socially active groups, but who were kept at a distance from the decision-making centres of power: violence was a means of appealing to the State to break the hold of the clans in the Island and enable the political representation of the nationalists.

In the same way, Anne Marinen also insists, in the tradition of Nathalie Duclos' work on the peasantry, on the weight of the media and the linkages formed since the post-war period between the French political and administrative power and the agricultural trade unions, in reducing peasant violence during the last 40 years. Whereas peasant revolt represents an extremely violent French tradition, the corporatism which brought together the unions and the Gaullist state in order to define public policy on food in France, rendered violent protests against the State difficult, and replaced the traditional peasant revolts with demonstrations in which violence was more symbolic than real. The media coverage of collective actions further helped to pacify these demonstrations at the risk of losing public support. This growing media coverage of social movements tendentially favoured the pacification of collective action even though some scholars, such as Donatella della Porta, emphasise that it too can, when the identity of the dissenting group is directly linked to violence, lead to a particularly belligerent self-portrayal for political purposes (FLNC in Corsica according to Crettiez or hooliganism according to Bodin). Violence is also imputable to relations with police forces of different statuses. Thus in Northern Ireland, the religious and political homogeneity of the RUC for many years encouraged the maintenance of republican political violence against a police administration which it felt - and rightly so - was totally uninvolved if not downright hostile. Fillieule also insists on the level of professionalisation of the police forces responsible for law and order, which varies from country to country and affects the occurrence of violence. He cites the example of the American military police during the Seattle forum or, even better, the Italian police during the Genoa alterglobalisation meeting, as the Italian sociologist, Salvatore Palidda, emphasises. In the same way, the military and civil status of police forces or the tradition of law and order policing (France), or of community policing (United Kingdom), result in professional cultures more or less in favour of the occurrence of violence, as also the type of legislation on civil liberties that conditions the room for manœuvre of the police and therefore of the emergence of violence. On this point, Pierre Piazza has shown the role of the control and surveillance techniques employed prior to demonstrations that reduce the risk of excesses but which, by rigidifying the legislation on infringements, increases the cases of crime. Finally, it is the type of the government in power that conditions the occurrence of violence. Fillieule affirms that the Left-wing political parties are generally more lenient than the Right-wing parties in their acceptance of urban unrest.

Lastly, as Laurent Mucchielli suggests in the case of violence during riots or Élise Féron with regard to republican violence in Ulster, it is important to take into account the relationship between violent groups and the moral, political, and economic elites of the country. Mucchielli talks of the "feeling of the moral legitimacy" of violence when it is in reaction to an injustice on

the part of the State. This is what happened in 2005 when a police lie, relayed by the government, over the death of adolescents being chased by the police, brought things to a head. Féron for her part stresses the political utility of violence for certain political representatives, who are sure of their constituencies as long as the latter, shaped by sectarian conflict, are not threatened by a reconciliation which could prove destabilizing. Violence thus is a good method of clearly delimiting communities and electoral territories.

II - The meso-level

Three additional ways of examining the situation are necessary here: the situational, communicational and organisational factors.

1 - Situational factors

By this we mean factors triggering violence brought on by interactions between the dissenters and the police or between political players of opposite leanings.

In the tradition of Frederick Barth, we must lay stress, as Élise Féron has done, on the notion of physical and symbolic "boundaries", an area of identity-related tension and violence. In Ulster, Féron shows that two-thirds of community-based conflicts took place at the interface between the strictly delimited Catholic and Protestant zones, bounded by walls, wire fencing and no man's land. Not only is violence born of the more or less organised confrontation between communities in these frontier zones but more than that, it contributes to strengthening the existing boundaries and perpetuating the antagonisms. The logic of hooliganism studied by Dominique Bodin is also based on the constitution of physical territories in stadiums, often giving rise to very strong conflicts at their peripheries. Dave Waddington and Laurent Mucchielli also take an analytical look at areas symbolically invested by youths from disadvantaged neighbourhoods, who build their territory like a private place barred to government representatives. Most of the violence generally stems from the reflected rivalry between the police and the proletarianized youth for the monopolisation of these places/symbols.

The importance of symbolic places is also underscored by Anne Marijnen who shows in the case of peasant demonstrations, the importance of a centre such as Brussels, which over time has become the principal space of protests (sometimes even violent) of the decision-making authorities in the agricultural sphere. The centrality of a common agricultural policy in Europe, as well as the encouragement given by national authorities to protest against the decisions made in Brussels or Strasbourg have established these places as the main space of protests.

A novel research conducted by CESDIP (CNRS) under the direction of René Lévy and Fabien Jobard on identity checks carried out by the police in public places has also highlighted the stereotyped reflexes of the law and order forces enforcing these controls, and swayed by the physical aspect of the persons being controlled. Youths from an immigrant background, wearing clothes considered “subversive” (hip-hop getup, clothes with hoods, rucksacks) undoubtedly checked more than others. In view of the excesses committed during the identity checks of youths living in sensitive neighbourhoods, this study confirms that the resentment resulting from such police interventions is what triggers their rebellion.

2 - Communicational factors

By this we mean the search for factors resulting from the failure of communication that can lead to a lack of understanding and eventually to conflict, or on the contrary, an excess of communication that the people to whom it is addressed find intolerable.

Drawing on the work of Jacques de Maillard and Sebastian Roché, Dave Waddington emphasises the problems of operational command faced by the police, charged with maintaining law and order, and often located far from the place of action, which very quickly results in the failure to perceive the real risks. This point was highlighted in the French case, where the police forces and the army, whose professional cultures differed greatly (CRS and mobile *gendarmerie* units), together occupied the field of operations. This remote governance and possible lack of coordination engenders violence more than it controls it.

These communication defects are to be found at a very different level in the actions of violent players. Lapeyronnie in his study on racial and anti-Semitic violence, points to deficiencies in the language of young people from underprivileged families, suffering from economic insecurity, who often do not go to school. Violence can be understood as a form of expression taking precedence over the inability to verbally express one’s opinions. The propensity to use violence to make oneself heard should be seen in relation to the limited vocabulary of these youths. Crettiez, Boubeker and Agote also show that violence as a means of affirming one’s identity, for example in Corsica and the Basque homeland or on European soil by young Muslims, also applies to those who have not integrated properly into the local cultural (or religious) fabric: violence then serves to reinforce one’s identity in the process of integration (or even to invent it), replacing language and culture in this vital process.

Violence also results from an excess of communication when the latter seeks to stigmatise a group or denounce a collective practice. Mucchielli and Waddington, also Bovenkerk, speaking

of racial violence in Holland, showed the detrimental role of partisan political elites responsible for propagating false rumours, proposing erroneous interpretative frameworks in which suburban adaptation = Islamism dominates, or using a belligerent rhetoric to target specific groups (for example, the inflammatory words uttered by Nicolas Sarkozy on the necessity of (“washing out the scum of the suburbs with a Kärcher”). The impact of the media coverage of certain violent events, whether in Corsica with clandestine press conferences by the FLNC, or in certain riot-hit suburbs, also promoted the spread of violence in France in 2005 at the local level (media coverage in no way explains the spread of violence across the country, but it intensifies local rivalries and can lead to an escalation of violence).

3 - Organisational factors

By this we mean all the factors pertaining to the organisational apparatus of violent groups. This mainly concerns the rivalry between violent organisations – frequently the source of conflicts - as well as the importance of sociability networks that encourage violence by legitimising it, and even organising it.

Donatella della Porta lays particular stress on the organisational dynamics, often secessional, operating in political violence, especially when it is carried out by clandestine groups. The examples of the Red Brigades in Italy, the Red Army Fraction in Germany or the caricature-like case of Corsica analysed by Xavier Crettiez (more than 50 groups were counted following the splintering of the FLNC), bear testimony to this reality. The race for access to rare resources such as the media or institutional power, when it is not money from racketeering, often leads to divisions in illegal organisations, which further increases violence. This escalation is because of the need to project the group as the principal representative of the struggle, to monopolise access to resources, and due to the fact of being trapped in an inevitably fatal sectarian logic. Anne Marinen also shows, in a completely different field, this tendency towards radical competition among the peasantry : the emergence of farmers unions challenging the major traditional unions (the Confédération paysanne in France versus the FNSEA) inevitably leads to the adoption of more extremist forms of action leading to the de-legitimisation of the FNSEA’s neo-corporatist policy and bringing together discontented farmers under the banner of an action (violence), culturally still valued among the peasantry.

Lastly, the issue of networks and the effects of socialisation also need to be studied. Donatella della Porta rightly insists on this point. Violence only rarely occurs as a sudden and unexpected shift. It is the result of a specific career characterized by a singular socialisation and

through encounters and networking likely to facilitate induction into a high risk activism (according to Doug MacAdam). She also examines the places of socialisation (neighbourhoods, bars, associations, squats...) that can promote acceptance of violence or even plan it. Isabelle Sommer thus shows the role of squats as places of integration and acceptance of a culture of illegality among the ultra-left circles in Europe. In the same way, Wilhem Heitmeyer, working on extreme right violence in Germany, insists on the propagative role of gang culture and the socialisation of violence during concerts or visits to immigrant neighbourhoods. Didier Lapeyronnie makes the same point in the case of anti-Semitic violence where learning the vocabulary of scorn vis-à-vis Jews and fighting, are carried out as part of a gang, within the neighbourhood. In the Basque areas, Alfonso Perez Agote also lays emphasis on the *Abertzale* world created by the radicals who inculcate violence and its acceptance by young Basque nationalists, all going to the same bars where the reminder of Spanish police atrocities is constant (posters, songs, oral testimonies). The *kale borroka* - street war - which gathers together the young *Abertzales* of Bilbao and Donostia - thus serves as a test of the socialisation of violence. The fact that all the current ETA leaders have gone through the *Kale borroka* is proof of the power of this socialisation rite. The importance of the 'conveyors' is crucial here. The latter can be political, religious, or associational leaders or, in the case of the suburbs, locally influential personalities, who promote induction into a violent career by legitimising illegality and offering the person a training framework.

III - The micro-level

At this level we will stress, as all the participants to the workshop have done, the importance of the psychological and cognitive factors underlying the phenomena of political violence.

1 - The psychological factors

Five psychological factors were alluded to during the discussions :

- The first, not concerned with possible individual pathologies of violence, focuses on the psychological conditions that facilitate blanking out the moral barriers and encourages the lapse into violence. In this regard, highlighting the effects of the clandestine nature of these organisations (Donatella della Porta) is crucial. When it is total as in the case of ETA (Basque) or the IRA, the Red Brigades or the Red Army Fraction militants, the psychological consequence of isolation and the feeling of being constantly hunted, can be formidable and so explain violence.

Here it is not violence– as Xavier Crettiez shows us – that encourages illegality but illegality that encourages violence.

- The second, as Laurent Mucchielli and Alfonso Perez Agote point out, is the feeling of humiliation and belittlement that is at the root of violence. Even if it is difficult to collectively measure an individual feeling, Mucchielli insists in the French case on what he calls “the innumerable humiliations accumulated” by young people from immigrant backgrounds living in working class neighbourhoods. The humiliation of the daily dose of racism, refusal to give jobs, rejection by the school system and, of course, the experience of victimisation during dealings with the police, particularly when being checked. Perez Agote, in the Basque case, situates this feeling of humiliation in the historical process of an armed struggle. Several testimonies of the ETA’s founder members have shown that the feeling of humiliation in view of the inaction of the moderate Basque nationalists in the face of Francoist oppression had made them want to “lift their heads” through the use of violence.

- The link between violence and enhancement of self-esteem is therefore fundamental. Dominique Bodin illustrates this in the case of European hooligans. Violence will help to *transform inequality into social success, exclusion into social recognition*. With regard to underprivileged youths, violence has become an effective means of collective assertiveness – all the more powerful as it is rare in our ultra-pacific world – which enables groups devoid of resources to achieve for a brief moment a balance of power which is in their favour.

- Dave Waddington also stresses, as certain researchers were able to do by linking violence with the assertion of masculinity (Vincent Foucher in the case of the Casamance struggle, Hugues Lagrange with regard to social violence in the suburbs), the sexual dimension of riots in the United Kingdom in the 1990s. According to Waddington, this type of male violence by young men, unemployed and discriminated, is partly explained by their thinking that their masculinity has been devalued in the eyes of young women (sisters, girlfriends and close friends) holding higher degrees, and who are relatively well integrated in professional life. Often they are also mothers, with high self-esteem. Violence can then become a form of re-assertion of one’s masculinity when the dominating role of men seems to give way before the social and professional reality of women.

- Lastly, we will highlight the group-effect that produces violence. Jerome Heurteau referring to the mineriades, Bodin to hooliganism, Heitmeyer to extreme right wing violence and Palidda to police brutality in Italy, all emphasise the crucial role played by the constituted group in furthering violent activism. The united group forces respect of its dynamics which disallows any individual *free riding* phenomena: violence thus often occurs because of compliance with the

collective law and the refusal to break the group dynamics. Not only does the group produce practical consensus but it also produces group thinking which legitimises violence and makes contestation difficult. This point leads us to stress the final aspect, namely the cognitive dimension of the promotion of violence.

2 - Cognitive factors

The cognitive dimension of violent collective action was underlined in various works of diverse intellectual origin, reminiscent of the pioneering works of Ted Gurr, highlighting the normative and utilitarian justifications of collective violence before operating a political shift, or the works of William Gamson and David Snow - in the tradition of Erving Goffman's *frame analysis* - completing the paradigm of resource mobilisation by emphasising the ideological thrust of action.

Violence makes use of the induction of what the American sociologist Anthony Obershall has called the *the cognitive framework of crisis*, proposing a vision of social reality based on fear, fear of the other, accentuating the threat to the group and the imperious necessity of reacting before fading away. Alfonso Perez Agote has described this cognitive framework in the Basque case, which is entirely based on what he calls an *imaginary prophecy*, deeply rooted in the collective *Abertzale* mentality. This prophecy, which says that *nothing has changed with the introduction of democracy in Spain*, legitimises violence and promotes it by implicitly designating the government in Madrid as neo-Francoist, fascist and genocidal in relation to the Basques. In the same way, Élise Féron shows that the continuing violence by Orangemen in Ulster depends on a framework of perception of reality based on *the assumption of power by the Catholics*, the coming republican domination which, inevitably, will seek to take revenge on the loyalists. Taking this cognitive perspective within each violent group into account is central: very often violence is consistent with the interpretative framework of the environment of the group that it creates and maintains. But it is not alone in doing this and in all likelihood finds in the media and in politicians effective intermediaries who confirm its vision of the world.

At this level, researchers such as Franck Bovenkerk or Wilhem Heitmeyer working on racial violence or Dominique Bodin on hooliganism, underscore the role of political parties and/or political elites who do *frame bridging*, i.e. treating certain groups as enemies or a threat in the current scenario (Muslims identified as terrorists since 9/11), or *frame extension*, i.e. generalising on the basis of dubious assumptions (*suburban revolts are the premise of an ethnic or religious war*). On his side, Didier Lapeyronnie, from his observations of anti-Semitic players

among youths from an immigrant background" in the 20th arrondissement of Paris, talks of *racist violence from below*, without external agents, while drawing attention to the risk presented by well known personalities who could offer a legitimising framework for practices inherent in the group's culture (for example the French "comic" Dieudonné).

Lastly, we will lay stress on the interpretative framework of the police forces who are supposed to maintain law and order during the various rallies. Pierre Piazza in his study of police identification of criminals in France, before the streamlining of the process by Alphonse Bertillon (early 20th century), shows the method by which the police prepared a photographic memory of criminal circles by accentuating the traits supposedly representing criminal prototypes : photos with threatening faces, sardonic grin, gloomy expression, etc.... Fillieule also convincingly shows that the level of repression is often dependent on the perception by the field police and their superiors of the legitimacy of the protesters. Thus new dissenting groups, undefined and of doubtful legitimacy (the alterglobalisation) are clearly less well received than the traditional groups (workers). There too the phenomenon of *frame bridging* can operate by disqualifying the alterglobalisation, libertarian militants and the hippie culture as a whole.

Conclusion and prospects

At the outcome of this rich encounter, the participants raised general questions that we feel should be the focus of further studies on political violence:

- It is important in the first place to have more in-depth knowledge of the materiality of violence. Too often analysts of political violence are satisfied with noting conclusions without paying attention to the strictly material dimensions of violence. If the studies on State violence through policing (Fillieule, Bruneteau, Monjardet) have emphasised the technological revolution undergone by the latter, the analysis of violence during demonstrations does not take it sufficiently into account. Basically, it is a European data bank of acts of political violence that is lacking: statistics on attacks, demonstrations, riots, political assassinations, racist violence, etc.... This detailed data base (places, weapons, demands, type of victim, type of target, political motives....) would be difficult to compile, but will be of primary usefulness in order to better define political violence on the continent.

- An anthropological analysis of violence also needs to be perfected. Violence, over and above the political message that it expresses verbally, is also an act whose cultural significance should be studied. Here we will highlight the very forms of violence practised: from riots to mass massacres, the repertory of the violence practised is very telling of the group cultures that are

responsible for it. Sometimes it can situate these acts in the historical tradition, an anthropological depth that gives them meaning, as in the case of the analysis of violence in Colombia. Over and above the acts themselves, we need to understand the groups that commit them, their specific cultural practices and references, and consequently come up with better answers.

- As Donatella della Porta invites us to do, it is essential to break down the academic barriers between researchers working on political violence and terrorism and those working on the sociology of collective action and social movements. This divide is mainly explained by the fact that many specialists of terrorism, especially in the UK and the United States, are also anti-terrorist players, that field experience seems much more complex for the former than for the latter and that the very notion of terrorism is criticised by the *social movement scientists*. For all that, the tools of analysis pertaining to the sociology of collective action are of primary utility for understanding terrorism and its logic at a time when numerous terrorist movements are linked to the bigger social movements (ETA, Islamist movement) and social movements are accused of luring youths into terrorism (ultra-leftists in France, Greece and Italy). Similarly, studies on riots encourage a dialogue between the sociology of collective action and the sociology of crime in order to understand the dynamics of certain ghettoised territories.

- More difficult to undertake and often resulting in certain reservations on the part of researchers in the social sciences, the problem of studying violence from a psycho-sociological perspective however seems interesting. By setting aside dated studies on the psychology of crowds or the " laws of imitation ", we feel that the group-effect on individual psychologies, the psycho-sociology of bandwagon behaviour in violent activism, the impact of ghettoisation and clandestine compartmentalisation of the formation of a particular type of mentality open to violence, should be taken into account. More daringly, it would be interesting to focus on the attraction of violence for certain groups, its Dionysian use, based above all on the assessment of social marginalisation, intellectual isolation, boredom or the certainty that violence is a means of assertion for those who do not have many legal resources, etc.

- Lastly, in sectors where historical, statistical and institutional analyses still dominate, we must insist on the necessity of conducting field surveys where direct confrontation with the proponents of violence and their discourse of legitimisation, can prove instructive. Even if they are often difficult to undertake, namely with regard to political violence (both in relation to the forces of unrest and the forces of law and order), when it involves, for example, *in vivo* observations to test the action logic, or life stories to reconstitute "careers", it is clear that this type of investigation is necessary to fulfil the need for knowledge today.

“THE DISORDER OF THE BIBLICAL MONSTER”
COMMENTS ON XAVIER CRETTIEZ’ « PENSER LA VIOLENCE POLITIQUE –
ÉTAT DES SAVOIRS »

Dario Melossi

The activities of *Workpackage 6* “Public policies and prevention” – of which I was part – have taken place without ever paying any attention to the issue of “political and social disorders” so that my comments here will be solely inspired by my rather serendipitous interest for this topic and at most informed by the general orientations of the meetings of WP6. Indeed it is quite interesting that we never encountered such topic. That in itself may be good subject for reflection!

This does not in the least mean that the issue of “political and social disorders” may not be interesting or worth of discussion! On the contrary! And I have found much of interest in Xavier Crettiez’ summary of *Workpackage 2*.

However I sensed, in my reading, what we could call maybe – I doubt that this term exists in English but people from the British isles are a definite minority here and we speakers of English as a second language may indeed take certain liberties! – a certain definitory malaise, and this about both terms of the issue: *violence* and *political*!

I have read in these few pages many interesting things about many diverse facts and topics:

- Social movements
- National communities aspiring to some form of Statehood
- Hate crime and racism
- Police violence, and police controls
- Fascism
- Hooliganism
- Terrorism (the definitory malaise of which, is substantial to the term, given that from other perspectives the activity called “terrorism” may be called, just to give an example, “armed struggle” or “holy war” or “Jihad”).

A rather natural, and certainly naive, question therefore is, is “violence” a useful manner of grouping, and understanding, all of this? Should not a main conceptual tool which is used in order to understand what is going on here, emanate from some kind of theoretical grid?

The question then of which “violence” – whatever that is – is *political*, is even *more* problematic: if it may seem somewhat obvious for police violence, for other kinds of violence Crettiez’ paper seems to have the definition depend more on a matter of intentions than on any objective criteria – which may be an acceptable criteria itself of course but one, once again, that should perhaps be spelled out and justified. Finally, the inclusion in this company of phenomena such as “hooliganism” may obviously depend on some theoretical choice, one that the rebellious sociology in the 1960s would not have disliked, from a famous, indeed notorious, *Social Problems* piece by Horowitz and Liebowitz in 1968, to Geoffrey Pearson’s *Hooligan* (1983).

Or, is “political” any kind of criminal or deviant “collective” behavior, or crowd behavior? We shall come back to this, but mentioning the authors above brings to mind the question whether on such an illustrious topic one should have not made ampler recourse to the traditions of criminology and the sociology of deviance. It is a bit surprising not to find any reference to Vincenzo Ruggiero’s recent book on political violence (2006) and to the very rich traditions of thought therein mentioned. Especially the issue of “the crowd” would deserve, it seems to me, stronger recognition, especially where, expunging the “dated” *psychology of crowd*, nonetheless the importance of *group effects on individual psychology* is underlined. Is this so far from invoking a certainly old-fashioned “groupthink”? Or, wouldn’t such consideration of the history of the thinking about crowds trigger a number of interesting connections with concepts of public opinion, social control, or indeed that “Biblical monster” that is becoming harder and harder to mention for social (and political) scientists today, the State...

Todd Gitlin, many years ago (1980), in an exemplary attempt at showing the interaction between a social movement, the SDS, or *Students for Democratic Society*, and assorted leading media of the age (*New York Times*, *CBS*, etc.) referred to Stanley Cohen’s then recently published *Folk Devils and Moral Panics* (1972) to look for examples of the ways in which the interaction with the kind of “social reaction” represented by the mass-media has a deep influence on the subjects labeled as “deviants” – according in fact to modalities and turns of events which are at the core of the “predictions” of labeling approach. Gitlin shows very convincingly (to me at least) that the conjunction between the media’s interest for the sensational and the awkward, together with the movement leaderships’ desire for notoriety, conjured toward a radicalization of social movements, in the 1960s, which constituted, in the end, the most effective means of social control – a social control engineered by nobody, but welcomed by many, among the elites. The

history of what happened in most Western countries between the 1960s and the 1970s is – from such perspective – yet to be written. Gitlin’s analysis may shed interesting light, I believe, on such radical organizations as the Red Brigades in Italy or the RAF in Germany. And of course the extensive use of violence and manipulation in the United States in order to bring down the altogether different organization of the Black Panther Party is well-known (the infamous COINTELPRO FBI program). Indeed what was to happen a few years after C. Wright Mills (1956, 317) wrote on *manipulation by the power elite in mass society* surpassed Mills’ imagination by far! Whereas an interesting side-benefit of such an analysis could be to raise doubts on the utility to be derived from distinguishing too sharply between what is “the State” and what is “outside of the State” or even “against the State” – when a fundamental characteristic of many criminal organizations, especially the terrorist but not only those (one has only to think about organized crime in Southern Italy), is the profound intricacy of pieces of “the State” with criminal organizations used in order to reach political goals of various kinds! In these cases, paraphrasing a recent brilliant volume by Jonathan Simon, *Governing Through Crime* (2007), we could well talk of “governing through violence” not only in the old meaning established by Weber (1956) in his definition of the State, as the (legitimate?) organization which has the monopoly on violence, but also in the sense that, when that legitimacy is challenged too dangerously, an apparent break in that monopoly may very well be quite instrumental to reorganizing the old balance of power under new pretensions, whether these are dressed with the black or brown uniforms of the Fascists in the 1930s or whether they are wrapped in the mostly unaware and naive red of 1970s radical movements.

Can we really accept a representation of “violence” as something that happens outside of the purview of what unfortunately many still call “the State”, with a straight face? Or shouldn’t we remember Gary Marx’s (1988) lecture on what it means *under-cover policing*? (As recently as the clashes around the G-8 in Genoa in 2001 – basically left without a convincing judicial conclusion (which is of course not the exception in Italy!) – have reminded us).

In order to accept the idea that the violence accumulated and concentrated in the State is legitimate political power, it is absolutely crucial therefore the way in which such power is organized, in other words the question of *democracy* is crucial.

A long critical tradition exists that has deeply contested the claims of the State to be distant from, and indeed the opposite to, “crime”! From none else than the Marquis de Sade (1795) in his famous – or infamous? – pamphlet to the French public, hidden away in the *Philosophy of the Boudoir, Yet Another Effort, Frenchmen, if You Would Become Republicans*, to Max Weber’s definitory effort already mentioned, to Walter Benjamin’s (1955) essay on violence, to

David Matza's (1969) epic closure of *Becoming Deviant*, to Giorgio Agamben's (1995) concept of "bare life" in *Homo Sacer*, each one of these great contributions to the self-understanding of humankind – contributions with which we may or may not be in accord\! – profoundly challenged the idea that the state is immune, or indeed the opposite of, or something like the "therapist" of, *violence*! At the very least, it is just to think that the State's claim to have the monopoly of violence may be accepted only in so far as the State is everybody's State, i.e. a democratic State. Otherwise – as one of the fundamental interpreters of liberalism told us – the State's act is nothing but *an act of violence perpetrated by one or many upon a private citizen* (Beccaria, 1764, 113). Against such an act, we have *the right to resist*, John Locke, the philosopher so much liked by early Americans, said!

And because Crimprev, and particularly our *Workpackage 6*, is about prevention, let us turn to an especially interesting section of that same Beccaria's *On Crimes and Punishments*, in the chapters toward the end of the book dedicated to the problem of preventing crime: *It is better to prevent crimes than to punish them. This is the principal goal of all good legislation, which is the art of guiding men to their greatest happiness, or the least unhappiness possible [...]* *Do you want to prevent crimes? Then see to it that enlightenment and freedom go hand in hand* (Beccaria 1764, 103-105). The idea then follows that a well-educated public, appreciative of the idea of freedom, is also a public able to exercise self-control, to live therefore within that "enlightened monarchy" (later on, a "republic") that constituted the political ideal of Beccaria's Milanese group. By contrast, the man or woman who is not educated, will not be able to lift himself or herself up to a sufficient level of rationality. He or she will only be ready therefore to live in an autocratic regime of coercion and repression (similar ideas had been expressed by Montesquieu in *The Spirit of Laws* (1748)). Once again, the violence of the state is only the mirror image to the violence of the individual member of society. Tyranny breeds violence and violence breeds tyranny. A well-ordered, democratic "republic" is the best prevention policy against a violence which is, first and foremost, a *private usurpation* (Beccaria, 1764, 9) of the individual or of the tyrant, on that social pact that bonds us together.

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RISK AND PROTECTIVE FACTORS FOR CRIMINALISATION: A COMPARATIVE APPROACH

Sonja Snacken

Introduction: Criminalisation

'Criminalisation' can be understood as either primary or secondary criminalisation.

Primary criminalization *refers to legislation which criminalises certain behaviours. In recent years, European countries have witnessed shifts in primary criminalisation processes. A few examples:*

- Sex offences: shift from protection of public morals to emphasis on private life but dependent on individual consent;
- Drug offences: enhanced criminalisation of drug trafficking versus in some countries a partial or total decriminalisation of personal use (e.g. small quantities of soft drugs);
- Violent behaviour: increased criminalisation of in-family violence, but also of torture or genocide by public authorities;
- Juvenile problematic behaviour: increased distinction between 'problematic educational situations' (which require protective measures) and 'offending' (which requires sanctions or measures);
- Increased criminalisation of 'antisocial behaviour'.

The process of primary criminalisation also entails that certain penalties can be imposed for these behaviours. Many European countries have experienced legal reforms aiming both at decreasing penalties (abolition of the death penalty, introduction of community sanctions and measures to replace imprisonment) and at increasing penalties (increasing legal lengths of imprisonment for certain offences, restricting possibilities for early release). The 'Anti-social behaviour orders' ('ASBO's) are a peculiar form of criminalisation, as they are in themselves civil measures, but non-compliance with the order can lead to a penal measure of deprivation of liberty.

Secondary criminalisation *refers to penal practices, to the application of the criminal law by the different penal actors (prosecution, remand, sentencing, release...).*

However, the concept of 'criminalisation' is sometimes also used in a broader, *sociological sense*, as in this Workpackage with 'criminalisation of migrants', which refers to the degree to

which migrants are held responsible for offences by the media, the population, the criminal justice system.

'Criminalisation' and 'decriminalisation' are often linked with '*punitiveness*', which is however not a very clearly defined concept. It refers in general to 'attitudes towards punishment', but is often used more specifically for 'popular attitudes' towards punishment (so called 'public opinion'). However, looking at processes of primary and secondary criminalisation, the level of punitiveness of certain initiatives is not always clear. A few examples: what is the level of punitiveness of:

- The legal abolition of the death penalty, which had not been imposed for a long time, and its replacement but much longer prison sentences before eligibility for parole?
- Community sanctions and measures such as probation, electronic monitoring, cognitive behavioural or other treatment programmes?
- Restorative justice practices?
- A juvenile welfare system versus a juvenile sanction system, if both can lead to deprivation of liberty?

'Punitiveness' is measured in most (comparative) studies by referring to prison rates, based on the prison population/100.000 inhabitants in a country ('stock')²⁴. It could however also be studied through the qualitative treatment of offenders or prisoners. E.g. is a prison sentence implemented for pure incapacitation more punitive than the same length of sentence aiming at social reintegration, is there an influence of the introduction of prisoners' rights on the punitiveness of a prison sentence? (see van Zyl Smit, Snacken, 2009).

I - Factors of criminalisation: Review of literature

Several authors have recently linked *transformations of the criminal justice systems in western societies with broader social and political changes*. Two trends can be distinguished in this literature: some authors focus on larger social and political changes which are assumed to be common to all western societies, and which are hence supposed to eventually influence their criminal justice systems in similar directions, while others emphasize developments in individual jurisdictions.

In this first group, political scientists link the *globalisation* processes of the economy to transformations and limitations of the traditional competences of *national states*. One line of

²⁴ But even this criterion is not absolutely clear as it does not take into account incarceration rates ('flow'): is a country which incarcerates less people but for longer sentences more 'punitive' than a country which incarcerates more people but for shorter sentences?

thought links globalisation to the decline of the « Welfare state » and to the emergence of *insecurity* as a major political topic (Mary, 2003). A worldwide shift of the welfare model towards the model of global capitalist competition is developing, although at different paces and with different depths in the different national states. As economic and social matters increasingly escape national control mechanisms, national states are forced to find a new legitimacy. The ongoing deregulation reduces the state to its repressive functions. Insecurity as a political topic hence becomes more a *solution* than a problem (Van Campenhoudt, 1999). Several authors see the emergence of « penal states » or « security states » as a result of this forced reorientation towards a new *legitimacy* (Garapon, Salas, 1996; Cartuyvels, Mary, 1999; Wacquant, 2004). The USA are described in this analysis as the extreme model of the « penal state »: they never were a « social state » to start with but rather a « charity state », and they are imprisoning up to 20 times as many of their citizens as other western countries. The ongoing dismantling of the « social states » in western Europe is however seen as a risky trend in the same direction towards « penal states » in Europe, and the overrepresentation of foreigners and ethnic minorities in European prisons and administrative detention centres is seen as equivalent to or even worse than the 'hyperincarceration' of African Americans and Hispanics in the US (Wacquant, 2004).

In his book *The culture of control* (2001), David Garland claims that the typical characteristics and problems of social order in *late modernity* have led to the emergence of a *new configuration of crime control* since the '70s. This « new culture of control », which is also seen as legitimating anti-welfare politics, is described and analysed for the USA and the UK, two « high crime societies » where the collective experience of crime leads to an angry and anxious public, which in turn leads politicians to resort to punitive policies based on exclusion. Other European countries however are thought to show a growing tendency to *emulate patterns of crime control developed in the US*, even where these run counter to the historical traditions of the nations involved.

This view is partly contradicted by Michael Tonry (2001), who compares some developments in individual western societies and shows that despite similar economic transformations, public opinion patterns, social developments and crime trends in most western countries, *punishment trends vary widely*. Several American innovations seem to have appeal only in Common Law jurisdictions such as England and Australia, and continental European traditions conversely do not take hold in the UK or US.

One explanation could lie in the recognition that criminal justice systems have a *relative autonomy* from social trends. Firstly, social trends only have an effect on the criminal justice if they are translated into the folkways of the field. Secondly, the institutions of crime control and

criminal justice also have a capacity for internally generated development and change (Garland, 2001, 3, 24). As demonstrated by Denkers (1976), such institutions do not only pursue the general instrumental aim of crime control in diverse ways (retribution, deterrence, incapacitation, general and special prevention), they also pursue intrinsic aims (due process, accountability, human rights) and organisational aims (staff and financial resources, bureaucratic aspects).

Another explanation could lie in *cultural differences* between countries that affect penal policies, such as humane and moralistic ideas about crime and punishment, social welfare values, a greater receptiveness to rational and expert-based information, a European emphasis on human rights (Tonry, 2001, 530).

Indeed, the distinct legal and procedural conceptions of continental-European ("civil law") and common law systems are rooted in fundamentally different conceptions of the state and state power and its relation to the citizens. This might provide a further understanding of diverging penal policies in the two *distinct legal cultures* (cf. Damaska, 1986; Gutwirth, De Hert, 2001; Garapon, Papadopoulos, 2003). These different cultural roots have been further elaborated upon by Whitman (2003), who compares the nature and levels of punishment of the US and Europe, more particularly Germany and France. He explains the less punitive approaches in Europe by the 'upward egalitarianism' which developed from the 18th century on as a reaction against the discriminatory application of punishment to aristocratic versus other offenders under the *Ancien Régime*, by the reaction after the Second World War against fascist penal philosophy which emphasized degradation as a legitimate aim of punishment, thus leading the way for the ECtHR and national courts' emphasis on human rights and against inhuman and degrading treatment and punishment, and by the development of a state-funded bureaucracy of punishment fairly independent of public opinion. In the US, on the contrary, a 'downward egalitarianism' requires all offenders to be punished in the same harsh way, and a deep rooted distrust of the state acts against forms of individualisation in punishment and the exercise of mercy.

On the other hand, this may also explain the differences between *liberal and democratic welfare states* (Esping-Anderson, 1990) and the emergence of different welfare models in the western world (Scandinavian, Anglo-Saxon and European). These welfare models are known to be correlated with different criminal and penal policies. Becket & Western (2001) thus found for the 32 states in the US that investments in welfare were inversely related to prison populations, with the ten most punitive states (highest prison populations) having the lowest investments in welfare and the ten least punitive states (lowest prison populations) the highest investments. This correlation became stronger over the last 30 years (comparing 1975, 1985, 1995) and was also influenced by the presence of ethnic minorities (more African American citizens related to higher

prison populations) and the political representation in the different states (more Republicans related to higher prison populations). Their conclusion that welfare and punishment/prison were *two ways of dealing with social marginality* has since been confirmed for Europe by Downes and Hansen (2006), who found the same inverse correlation between welfare investments and prison rates for European countries.

These findings have brought Cavadino & Dignan (2006) to devise European countries (and Japan) in four categories, depending on the relation between their political economy (welfare, social inequality and social rights, politics) and prison rates:

➤ Neo-liberalism: low welfare, high social inequality, limited social rights, right wing politics, high prison population: England & Wales (141);

➤ Conservative corporatism: moderate welfare, moderate social inequality, qualified social rights, centrist politics, average prison population: Germany, France, Italy, the Netherlands (100);

➤ Social democratic corporatism: generous welfare, limited social inequality, unconditional social rights, left wing politics, low prison population: Scand (70);

➤ Oriental corporatism: private sector welfare system, limited social inequality, quasi-feudal inclusiveness, centrist politics, low prison population: Japan (53).

These two trends in the literature seem to indicate that our societies are facing common developments, which could lead to similar criminalisation tendencies in Europe as in the US, but also national differences which could allow for different political decisions. Garland (2001, 23), for example, acknowledges that while in the UK and the US political decisions have stressed exclusion and punitive measures, other countries may choose differently (Garland, 2001, 202). In a later article, however, he warns against overestimating the scope for political action and overstating the degree of choice that is realistically available to governmental and nongovernmental actors, because *such choices are always conditioned by institutional structures, social forces, and cultural values* (Garland, 2004, 181).

A recent comparative study of *crime, punishment and politics* (Tonry, 2007) showed that lower levels of punitiveness are correlated not only with welfare and social equality but also with higher public trust and political legitimacy in consensual versus majoritarian democracies (Lappi-Seppälä, 2007); that although populist rhetoric has increased in some European countries, expert opinion is still an important source for policy makers and media in others (Lappi-Seppälä, 2007; Snacken, 2007; Green, 2007); that a greater emphasis on victims' rights and interests does not necessarily lead to more punitive approaches to offenders (Snacken, 2007).

Workpackage 3 therefore wanted to further analyse and understand how these different

factors of (de)criminalisation operate in practice. This was organised through an Introductory seminar on “Factors of (de)criminalisation – a European comparative approach”, in which a selection of factors were analysed in their interaction with primary and secondary criminalisation trends: welfare policies, human rights, victims and public versus expert opinion. The results of this seminar will be published in a book by Snacken, Dumortier (forthcoming).

These factors were then further elaborated upon through three thematic seminars on their interaction with juvenile justice systems, drug policies and immigration, which have already and will further lead to important publications: Palidda (2009) on immigration, Bailleau, Cartuyvels (forthcoming) on juvenile justice, a special issue of *Res Socialis* (forthcoming) on drug policies.

1 - Factors of (de)criminalisation: welfare policies, human rights, victims, public versus expert opinion – a European comparative approach

A – Welfare policies

In order to understand the inverse correlation between welfare investments and prison rates in Europe found by Downes (forthcoming), we looked into more detail into the specific characteristics of the Scandinavian welfare model (Kuhnle, forthcoming) and tried to understand the mechanisms through which these may correlate with lower prison rates (Lappi-Seppälä, forthcoming). Lappi-Seppälä studied the social, political, economical and cultural contexts of penal policies in 25 industrialized countries between 1960 and 2005 and in 99 countries in 2005 through seven main categories:

- Crime: recorded crime (Council of Europe Sourcebook and National statistics) and victimization surveys (ICVS and ECVS);
- Fears and punitiveness (surveys ICVS, ECVS, ESS);
- Trust (surveys ESS, WVS, EB);
- Social indicators: income inequality and social welfare expenditures (LIS, Eurostat, UN, EUSI, OECD and specific studies);
- Demographic factors: multiculturalism, immigrants, foreign populations (LIS, Eurostat and specific studies);
- Economic factors: unemployment, GDP, poverty (LIS, Eurostat, UN);
- Political factors: political culture, corporatism, vote turnout (LIS and specific studies).

The results confirm that the differences in prisoner-rates can not be explained by differences in crime. Instead, penal severity seems to be closely associated with public sentiments (fears, level of trust and punitiveness), the extent of welfare provision, income inequality, political structures and legal cultures. The analysis supports the view that the more lenient Scandinavian penal model has its roots in a consensual and corporatist political culture, high levels of social trust and political legitimacy, as well as a strong welfare state. The welfare state has sustained less repressive policies and has made it possible to develop workable alternatives to imprisonment. Welfare and social equality have also promoted public trust and legitimacy, which enable normative compliance based on legitimacy and acceptance instead of sentence severity. These characteristics of the social system also reduce political pressures to resort to symbolic penal gestures. This has its structural-political side, as well. Low prisoner rates are the by-products of consensual, corporatist and negotiating political cultures. These political cultures are, first of all, more “welfare friendly”, as compared to many majoritarian democracies. Consensual politics also lessen controversies, produce less crisis talk, inhibit dramatic turnovers and sustain long-term consistent policies (see figure 1 in annexe).

While the structures of the political economy and their impacts and interactions with the public sentiment are of fundamental importance in the shaping of penal policies, several other factors need to be taken into consideration. These include differences in the media culture as well as the responsiveness of the political system to the views expressed in the media. Demographic homogeneity may ease the pursuit of liberal penal policies (but is no guarantee for success; neither has multiculturalism lead to harsher regimes). Judicial structures and legal cultures evidently play an important part, especially in explaining the differences between continental and common-law countries. The power of professional elites (closely associated with certain political structures), small groups, and even individuals may be of great importance, depending on which countries are included in the analyses (e.g. the traditional expert-oriented political culture in the Scandinavian countries). This also raises questions concerning decision-making within the European Union, where “harmonization” in the penal sphere always seems to lead to a more repressive stance being imposed on the more lenient countries.

Moreover, a report on Belgium (Mary, Naegels, forthcoming) indicates that we may have to look much more in detail at the different areas of welfare investments, as high overall investments may obliterate the fact that there may be a shift in the target groups of these investments. The ageing of the population leads to much heavier burdens of pensions and health care, which may act to the detriment of support for young unemployed, whom we know to find overrepresented in the penal and prison system.

Finally, these results question the future of a 'social versus a penal Europe', as the latter seems to develop much swifter than the former.

B – Human rights

Human rights are traditionally seen as a bulwark against criminalisation, as the punitive system of criminal law cuts very deep into the freedom of the citizens. Criminal law should therefore be minimal and marginal and must meet a number of severe constitutional and human rights related conditions and standards. National constitutional courts and international human rights courts, such as the ECtHR, play an essential role in setting these conditions and standards. An overview of recent case law by the ECtHR (De Hert, Gutwirth, Snacken, Dumortier, forthcoming) shows that this role is rather ambivalent. The European Court acts as a bulwark in certain areas of criminal policy (cf. its stance against criminalization of consensual homosexual activities between adults) and penal policies (cf. case law concerning the death penalty and life sentences without parole, which are considered to amount to inhuman and degrading treatment, the increased protection of prisoners' rights, see van Zyl Smit, Snacken, 2009), but not where e.g. the choice of sanctions by legislation or sentencing is concerned (for a critical assessment, see Snacken, 2006). The same can be said about national Constitutional Courts such as the Hungarian, which has helped to abolish death penalty as an inhuman punishment, but has legitimized repression of personal drug use as a necessary protection of the health of its citizens (Levay, forthcoming),

There is however also a more recent tendency in which criminalisation is seen as a necessary instrument for the protection of the human rights of victims of crime by their fellow citizens or by the state. While the ECtHR has stated that victims do not have a right to private vengeance or to have an offender prosecuted or sentenced (*Perez v France*, 12 February 2004) and has considered that the temporary release of serious offenders from prison is a legitimate policy aiming at reintegration of prisoners and that the subsequent murder committed by such an offender can not be regarded as a failure by the state to protect the life of the victim under art.2 (*Mastromatteo v Italy*, 24 October 2002), it has also stated in some cases that member states must apply criminal law, prosecution and penal sentencing in order to combat impunity of offenders (*M.C. c Bulgaria*, 4 December 2003) (De Hert a.o., forthcoming). Françoise Tulkens, judge in the ECtHR, argues however that this is only used in cases concerning the most serious breaches – usually by the authorities themselves - of the most fundamental rights protected by the Convention, such as the right to life (art.2) and the prohibition of torture and inhuman and

degrading treatment (art.3), and therefore refers mainly to the risk of self proclaimed impunity of state authorities. She agrees though that the preventive and deterrent effects of criminal law and punishment are overestimated by the Court due to insufficient knowledge of relevant criminological evidence to the contrary (Tulkens, forthcoming).

C - Victims

Many countries have witnessed the emergence of victim movements and a growing public support for and solidarity with victims of crime. This often leads to increased criminalisation and penalisation, at the level of legislation and practice. In the US, several very repressive laws were passed in the name of victims of particular crimes. Some politicians seem to consider that the rights of victims can only be defended through more punitive and exclusionary practices towards offenders ("zero-sum policy"). Other movements have however tried to find a balance between the interests and rights of victims and of offenders and to avoid punitive reactions, such as the restorative justice movement. How can these movements be assessed in Europe?

First of all, it should be stressed that the victimological literature has demonstrated over the years the importance of the treatment of victims by criminal justice agencies in order to avoid secondary victimisation. European guidelines by both the Council of Europe and the European Union thus stress the right of victims to be treated with respect and to receive adequate information about the criminal procedure. Much more controversial, however, is the question which place the victims should have within this criminal procedure. Traditionally, the criminal procedure allows for civil compensation of material and moral damages of the victim, but this is not seen as an aim of punishment. In recent years, however, there is an increasing emphasis on 'symbolic' or even 'psychological reparation' of victims through the criminal procedure. Cesoni and Rechtman (2005) explain this development through the psychiatric evolution since the 1960s concerning what came to be known as 'post traumatic stress disorder' or 'PTSD'. Pressured by movements from feminists and Vietnam war veterans, the official DSM III of 1980 included for the first time PTSD as an invisible psychic injury resulting from an exceptional (violent) incident, independent of the responsibility of the victim. As a result, the psychiatric analysis of psychological trauma evolved from a 'clinic of suspicion' to a 'clinic of innocence' and to the 'normality' of psychic disorder following a trauma. Psychological reparation of such trauma hence became a collective duty. This stance was rapidly taken over by victim organisations in the US, and later in other countries (such as France in the 1990s). This explains why, despite the absence of medical or psychiatric evidence of the 'therapeutic' effects of the criminal procedure for

victims, and the fact that penal actors are in general not competent to deal with psychic traumas, this 'psychological reparation' of the victim has become a new legitimacy for the criminal procedure.

Participants in the seminar raised the question whether the criminal justice system is not creating in this way a new form of secondary victimisation, if claiming that the criminal procedure can offer 'psychological reparation' is not the same as 'taking your broken car to a pizzeria'? The empirical research by Languin and Robert (forthcoming) into the feelings and expectations of victims of crime concerning the criminal procedure in cases of acquittal or 'lenient' sentences for domestic violence or sex offences demonstrates that basic legal principles and guarantees such as the 'presumption of innocence' of the offender lead to strong feelings of injustice for the victims, as they feel that there should rather be a 'presumption of good faith of the victim', which would in fact lead to a 'presumption of culpability' of the offender. Cesoni and Rechtman (2005) equally argue that if the quantity of the punishment came to be seen as the symbolic reparation of the victim, this would be contrary to the principle of proportionality of the sanctions, as the sensibility of individual victims would become an interfering criterion, and would probably be contrary to any possibilities for early release or relaxations of prison regimes. René Van Swaaningen confirmed during the seminar that the growing influence of victims in the criminal procedure was one of the mechanisms behind the 'punitive turn' in the Netherlands over the last years.

On the other hand, research indicates that victims are not more punitive than other members of the public and that more emphasis on 'procedural justice' (fair treatment, cf. Tyler, 1990) leads to a better acceptance of the outcome of penal procedures (Aertsen, forthcoming). In some countries, restorative justice proponents have convinced policymakers that more attention to victim rights and interests can be coupled to defending the rights and interests of offenders and of society at large. The question, however, still remains whether the criminal justice system is the correct instrument to take care of victims' interests and needs, which may be better dealt with outside the penal system (Kaminski, forthcoming).

D – Public *versus* expert opinion

All 'democratic constitutional states' are characterized by three core elements: the protection of human rights, respect for the rule of law and democracy. As discussed above, human rights offer a bulwark against unnecessary interference by the state. The rule of law guarantees that rational and impersonal laws protect all citizens against arbitrary and emotional

decisions. Democracy recognizes the people's sovereignty or self-determination and the principles of democracy and democratic representation. The only valid justification of power must be sought in the citizens' consent or will. This can however legitimize very different forms of government, based on different conceptions of the relation between citizens and government, and therefore between "populism" and "democracy". "Democracy" entails that government must be in line with the public or general interest and must take into account the will of the majority. However, in order to prevent the will of the majority to become the 'tyranny of the majority' (cf. Alexis de Tocqueville), democracy must also protect the rights and interests of minorities. Even unpopular minorities such as offenders or prisoners are still part of the 'general interest', and their fundamental rights must be protected. The accountability of the government towards the citizens calls for transparency of public decision-making and policies. Expert opinion can be a factor of this accountability and legitimacy, as it can help to determine what the public or general interest entails or how effective policies are in achieving this general interest. "Populism", on the contrary, refers to a "not mediated, direct link between politicians and the public". Some of its core features are hostility to representative politics, authoritarianism, anti-elitism, and above all a mistrust of expert opinion (Taggart, 2000). Populist policies are pursued for purely electoral aims independent of their real effects on the general interest.

The different political attitudes in the US and Europe towards the death penalty are a good illustration of these diverging interpretations. In Europe, the protection of human rights and the rule of law are seen as independent of the will of the majority. Art. 11-2 of the EU Charter on Fundamental Rights (2000) thus prohibits the application and execution of the death penalty under the heading 'human dignity' and 'right to life'. In the US, the Supreme Court continues to defend the death penalty as constitutional because it has the support of a majority of the American people. The ECtHR has similarly on several occasions declared legal restrictions of prisoners' rights, i.e. decided by a majority in a national Parliament, to be unnecessary or disproportionate and therefore illegitimate from a human rights point of view (see van Zyl Smit, Snacken, 2009).

While 'populist' penal policies are generally more punitive because politicians assume that this is what 'the public' wants, 'evidence based policies' may also be punitive, depending on the type of expertise that is referred to by the politicians. René van Swaaningen thus argues that the 'punitive turn' in the Netherlands is partly due to the demise of penological experts and their replacement by risk analysts, business managers, psychologists and psychiatrists.

On the other hand, 'public opinion' seems to become a more important source of legitimacy for policy makers in many countries. As far as penal policies are concerned, the

attitudes of 'the public' have been mainly studied through quantitative surveys or 'opinion polls'. An extensive literature (see overviews by Roberts, Hough, 2002; Roberts, Stalans, Indermauer, Hough, 2003) shows that important parts of the public consider the criminal justice system to be too lenient towards offenders (the so-called 'public punitiveness'), but clearly overestimate the seriousness of crimes committed and underestimate the severity of the penal system (e.g. application of deprivation of liberty). When given more information on individual cases, responses by the public come very close to judicial responses or are even more lenient. Responses by the public moreover show a variety of opinions, depending on socio-economic characteristics of the respondents (age, gender, education, media use, etc.), but also apparent 'contradictions', such as favouring both more punitive reactions and more non-custodial sanctions, both retribution and reintegration of offenders.

While quantitative research does not allow us to understand these apparent contradictions, qualitative research (Verfaillie, forthcoming) into the processes of attitudinal development and the use of different sources of authority in these processes help us to understand attitudes as 'logically structured paradoxes'. Opinions develop in reaction to incidents in a certain time and space and are situated, dynamic, complex, and thematically organised. Opinions do not develop out of one single overarching ideology, but rather illustrate a thematic or 'polycentric' consistency: e.g. a Muslim may send his children to a catholic school because he thinks it offers a better education. As far as penal policies are concerned, a respondent in such a qualitative research hence explains e.g. that she 'distrust the criminal justice system' (because she heard in the media about lawyers using procedural techniques to get their clients acquitted) while trusting that 'most decisions taken are fair' (because she thinks judges try to do a proper job). The same respondent claims that sanctions are too lenient and that she opposes conditional release of prisoners, which seems to reflect a straightforward 'punitive' attitude, but at the same time that she favours social reintegration of prisoners. This apparent contradiction is then explained by the fact that conditional release leads to too much uncertainty for the prisoner about the possible date of release, but that any prison sentence must leave the prisoner hope for the future. As far as the sources of authority are concerned, personal experiences and information gathered from directly involved persons (victims, police) seem more important than the media (Verfaillie, forthcoming).

2 - Thematic seminars

A - Juvenile justice systems

The seminars on the Juvenile Justice Systems (JJS) in Europe continued on the work done through earlier comparative research by the Gern-network:

- A socio-historical approach to 8 JJS (2000-2002) (cf. Bailleau, Cartuyvels, 2002) which showed:

- Greater emphasis on prevention and reduction of social risks;
- Greater sensitivity for deviant behaviour and consequences for victims;
- Greater importance of rights of minors on trial;
- Different complexion depending on national circumstances;
- Correlated with the reorientation of social policies in different countries.

- The influence of the neo-liberal paradigm on the evolution of 15 JJS (2003-2006: extension to South, North, East Europe)(cf. Bailleau, Cartuyvels, 2007), which showed:

- More negative perception of youth;
- Growing emphasis on the responsibility of the minor;
- State's withdrawal from certain collective responsibilities;
- Transfer of certain state duties to family or communities;
- Special emphasis on youths from foreign origin;
- Bifurcation judicial policy: hardening of the penal response and introduction of restorative justice practices.

In the thematic seminar, recent developments in the JJS in Europe were further studied through three instruments, deprivation of liberty, alternative measures and the extension of judicial logic, in relation to the four common factors, welfare policies, human rights, victim oriented policies and the impact of the media and public opinion. The research network was further extended to Scotland, Romania and Turkey. The main results will be published in Bailleau, Cartuyvels (2009, forthcoming) and can be summarized as follows.

a - Legislative changes

Most countries studied have gone through important legislative changes in the last ten years:

- England & Wales (1998-1999)

- Portugal (1999)
- Spain (2000-2003-2006)
- France (2002-2004-2007)
- Canada (2003)
- Greece (2003)
- Romania (2005)
- Turkey (2005)
- Belgium (2006)

b - Deprivation of liberty

Different developments can be registered.

- More punitive legislation: France, Spain, Belgium:
 - Influenced by moral panic, media, populism
 - Increased role of victims and public empathy with victims
 - But resistance by practitioners, which makes the end result unclear!
- More punitive legislation and practice: England & Wales:
 - Number of detention orders doubled between 1991-2008
 - 1998: introduction of ASBO's as a civil measure, but non-compliance leads to a detention order of 24 months.
- Legislation emphasizing welfare, education, human rights: Slovenia, Romania (2004)
 - Politicians resisting media hype and public opinion!
- Decrease in deprivation of liberty: Canada
 - Youth Criminal Justice Act 2003: - 50% detention, - 33% remand custody rates.
 - But since then countered by conservative Federal Government: lowering age of penal responsibility, advocating harsher sentences, stressing the penal aims of dissuasion and denunciation.
- System management, independent of penal philosophies: Portugal:
 - Hybrid configuration: protective logic (1911) + principle of responsibility (1999), bifurcation policy
 - Reduction of costs by stimulating alternative measures.

c - Alternative measures

Alternative measures are generally seen as having been important vectors of fundamental changes in many JJS in Europe:

- From a welfare to a rights approach;
- Complicating the implementation of traditional procedures and educational measures;
- Turning point in (paternalist) judicial functioning;
- Re-orientation of public and media perceptions;
- Some countries: resistance by professionals (protection logic);
- Others: popularity of restorative justice at political level, but resistance by or unfamiliarity of professionals limit its application;
- Net-widening and bifurcation policy.

d - Extension of judicial logic

Some countries have witnessed an extension of the judicial logic beyond the borders of the JJS:

- Community: involvement in the implementation of community sanctions and measures
- Family: increasing responsibility of parents for juvenile delinquents coupled with a neo-liberal emphasis on right to privacy has increased their duties in the supervision of their children and in bearing the consequences of non-compliance by their children
- School:
 - Police or justice directly enter schools to resolve conflicts or behaviours
 - Schools resort to judicial/punitive logic (e.g. disciplinary procedures)
 - Administrations: emphasis on reciprocal commitment or contract with clients, who have to submit accounts, who will be sanctioned in case of non-observation or non-efficiency of the prescribed measure.

e - Conclusion Juvenile Justice Systems

- 1) Most countries studied have known legislative changes over the last ten years.
- 2) The available information allows for comparison of the legal systems and their philosophies, and has led to an overview of the transformations of the legal systems. There seems

to be a general shift from a welfare to a rights approach, leading from a 'welfare JJS' to a 'sanction' JJS. This must be studied in interaction with the broader evolution from a welfare state to a neo-liberal state.

3) The extension of the research to West – South – North – East European countries shows that there are important national differences in the influence of welfare policies, victims, public opinion and human rights.

4) There are insufficient administrative and scientific data on the practices in the JJS:

- Lack of reliable data within different countries, let alone for comparative purposes;
- Resistances by professionals;
- Local variations.

B - Immigration

a - General approach

Two approaches can be distinguished:

1) Studies of 'immigration policy': regulation and control of the influx, application of detention, creation of irregularity as a form of illegality and crime.

2) Studies of 'immigrant policy': chosen by this Workpackage

- Life of immigrants, rights, integration

- Management of 'diversity' in European countries:

- Underlying causes of criminalisation?
- Actual factors of primary criminalisation? *De jure* (criminalisation of traditional practices by migrants) or *de facto* (applied mainly to aliens)
- Secondary criminalisation by police, sentencing?

b - Who are the 'aliens'?

Emphasis on :

- Social construction of 'otherness'
- Official legal categories, public opinion, individuals themselves, researchers: subjective and inter-subjective phenomenon
- 'Otherness' is mainly dependent on the political imagination, the organisation of the labour market, the history of immigration (colonies)

c - Immigrant policies

General trend towards integrative policies in European countries:

- France: Integration into national culture; *recently* more attention to 'diversity'.
- Great Britain: Tradition of integration (welfare, rights) and tolerance towards cultural diversity *versus* increased emphasis on the 'Muslim presence'; the terrorist attacks of 9/11 and 7/7 (London) have eventually led in 2006 to the official abandonment of multiculturalism.
- The Netherlands: Tradition of integrationist model ('pillars'), acceptance of cultural and religious specificities of groups, positive discrimination, social prevention through the Welfare state *versus* since the 1990s emphasis on the 'alienation of the Muslim population', insecurity threats by immigrant youths.
- Portugal: 1991 legislation and political campaigns advocating tolerance, dialogue and solidarity; funding of multicultural educational projects; 1993 measures favouring full social and professional integration of immigrants and ethnic minorities.

d - Criminalisation and victimization of migrants

See contributions in Palidda (2009).

a) Definitions

'Criminalisation' of migrants is defined as all discourses, facts and practices because of which police, judicial authorities, but also local governments, the media and a part of the population held immigrants/aliens responsible for a large number of offences.

'Victimization' means that immigrants/aliens are themselves victims of misdemeanours committed by nationals of the host country, by police agents and by their compatriots.

b) De facto 'ethnicisation' of primary criminalisation?

This criminalisation can refer to:

- Cultural practices of some immigrant groups (female genital mutilation, honour crimes);
- 'Indirect ethnicisation': laws against terrorism, drugs, fraud, human trafficking, road transport (Belgium), occupation of building lobbies (France);

- Gypsies: criminalisation by local communities and people;
- Impact of security policies.

c) Secondary criminalisation: detention rates

European comparisons of statistical data are made more difficult due to different definitions of 'alien' in different countries and different approaches of illegal immigration through administrative or penal measures, through deprivation of liberty in prisons or in 'detention centres'.

In general, the increase of 'aliens' in European prison populations can be linked to following correlations:

- Human rights: weakening of the judicial security, more powers for the police;
- Welfare: similarities found between the characteristics of foreigners or ethnic minorities and the most negative socio-economic situation of natives;
- Media, public opinion: xenophobic and racist surges seem correlated with higher alien prison populations; media and public opinion focus disproportionately on young (illegal) aliens and lower class native youths.

C - Drug policies

See paper by Maria-Luisa Cesoni, Marie-Sophie Devresse and Isabel German Mancebo (2009)

Conclusion

The output of Workpackage 3 can be evaluated from different perspectives:

- 1) The extension of the research network to all regions of Europe.
- 2) Resulting in common publications, including two books and two special issues of international scientific journals.
- 3) The in-depth comparison of national policies has led to a better understanding of the factors of (de)criminalisation, which are also important at the European level, such as:
 - the choice for a social versus a penal Europe;
 - the continuing limitation of criminalisation and penalisation by human rights;

- the dangers and vulnerabilities of populist policies;
- the risk of European harmonization in the direction of more punitive responses.

4) The realization of the missing information, which can lead – and has already led – to further common research projects (e.g. Daphne project submitted concerning ‘Expériences de violences, comme victimes ou auteurs, des jeunes en institution’).

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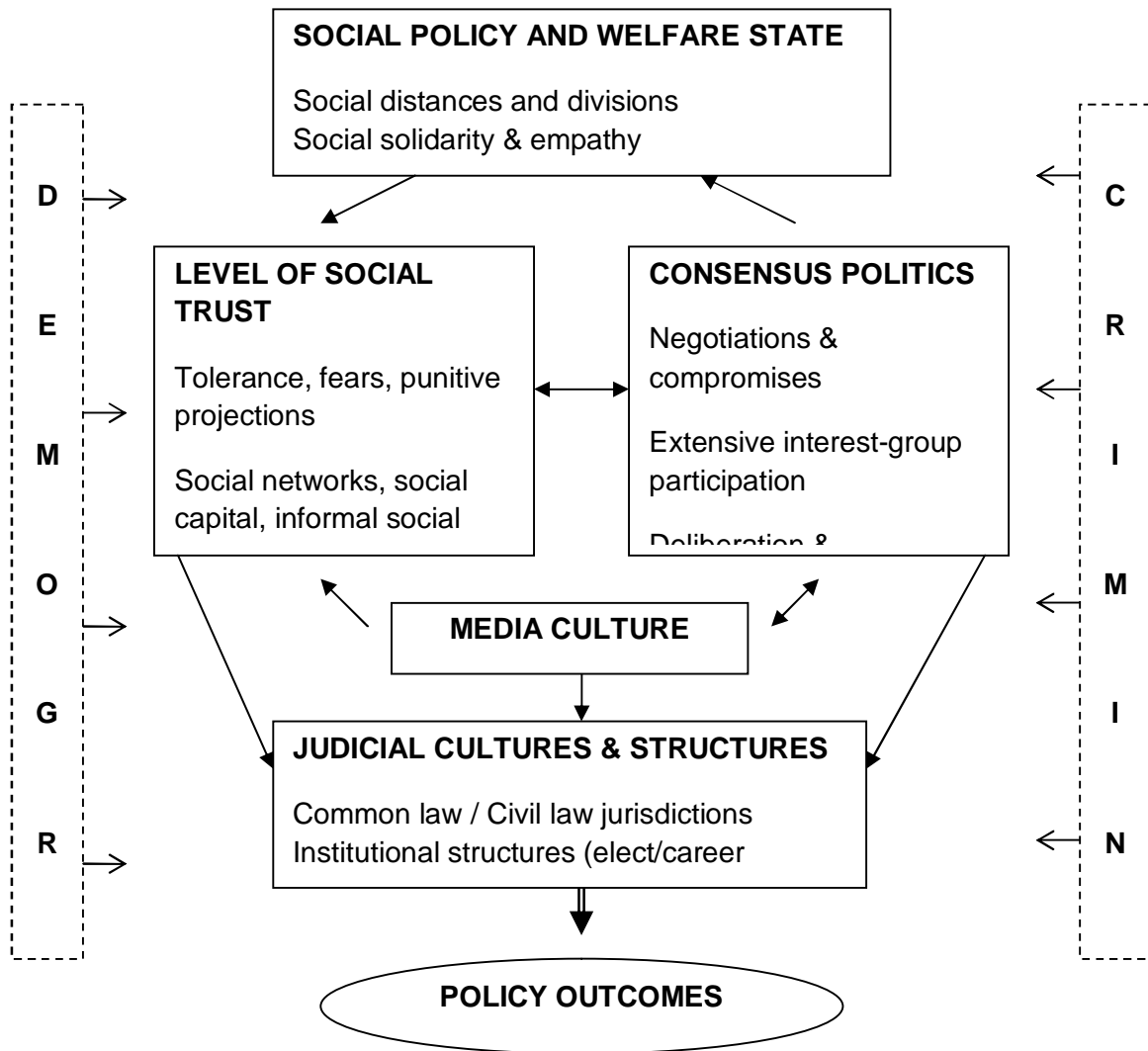
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Annexe

Figure 1: social, political, economic and cultural contexts of penal policy (Lappi-Seppälä, forthcoming)



DRUG USE: FACTORS AND FORMULATION OF CRIMINALIZATION IN EUROPE

Maria Luisa Cesoni - Marie-Sophie Devresse - Isabel Germán Mancebo

I – Organization and purpose of the narcotic drugs seminar

Within the framework of Crimprev's joint research, and more specifically the work of Workpackage 3 (WP3), this contribution aims to detail the work carried out throughout the three seminars held in Brussels (October 2007), Lille (March 2008) and San Sebastián (October 2008) on criminalizing and decriminalizing the use and possession of drugs for personal use.

At the three meetings, seminar participants had the opportunity to exchange experiences and points of view based on contributions by researchers from 11 countries: Germany, France, Belgium, the Netherlands, Spain, Switzerland, Portugal, Hungary, the Czech Republic, Italy and Germany. Prior to the three seminars, a preparatory study was conducted by the two seminar coordinators in order to identify the "state of the art" in the field covered by Workpackage 3 relating to narcotic drugs.

The concepts of criminalization and decriminalization are seen here in their widest sense. Going beyond the criminalization of use and/or possession for personal use, and the decriminalization of such behaviour, they cover the process of producing, developing and implementing the legal framework. They also encompass any public policy measure that aims at or causes an increase or decrease in the criminalization of such behaviour. Moreover, criminalization of use and users, looked at from a social viewpoint (with a particular bearing on labelling processes), is taken into account as a factor that may influence or be influenced by policy and legislative processes.

The preparatory study provided the state of affairs with regard to existing knowledge, making it possible to identify links between the processes of criminalization or decriminalization and four subjects:

- 1) the influence of social policies (welfare);
- 2) the impact of taking into account human rights in public action;
- 3) the place given to victims and what they want;
- 4) the place given to public opinion and the role of experts.

These research and discussion axes were chosen to represent the axes which the three dimensions of the research conducted under Workpackage 3 have in common: minors, immigration and narcotic drugs.

The three meetings enabled this scientific dimension to be explored in greater depth, and to extend it via a country-by-country analysis of changes in public policies, legal frameworks and their implementation.

II – Results of meetings between researchers

During the three seminars, various across-the-board working axes were highlighted, taking account of the subjects chosen. To begin with, it must be emphasized that it is impossible

to analyse policies relating to narcotic drug use and possession for personal use without taking account of the legal framework for such products.

Whereas the approach to consumption is subject to a range of choices, international consensus regarding the restrictive regulation of products and the suppression of traffic is not without its effect on policies regarding use.

1 – The incorporation of national policies into international control efforts

A common policy of prohibition has been adopted for substances. However, a look at domestic legislation on drug use gives rise to the conclusion that overall, despite some discord, the European Union's Member States have interpreted and implemented the international legal framework as one that gives them freedom to draw up their own domestic legal framework according to their characteristics, culture and priorities. The result is that a wide range of legislative policies has been adopted within the European Union to deal with the illegal consumption of drugs and offences linked to the possession and acquisition of drugs for personal use.

However, an initial look at the situation during the first seminar shed light on common aspects of the various approaches, those aspects being linked to the international political context.

The development of international drug-control has been a long process that has gradually defined and standardized which types of use are subject to control, and has identified the players authorized to use drugs legitimately in the various countries concerned. Our joint research showed in particular that international control focuses especially on supply, and for a long time appeared indifferent to consumption. Although the first international convention took place in 1912, the first provision relating to consumption was adopted within the framework of the convention of 19 December 1988 – known as the Vienna Convention. The first thing to note is that that convention concerns "illicit traffic in narcotic drugs", and that the criminalization of possessing, buying and growing narcotic drugs intended for personal use in Article 3 § 2 is merely accessory, and furthermore it is non-binding.

The study presented at the seminar showed that when the various international conventions adopted between 1912 and 1972 are examined, the original aim of limiting lawful use clearly seems to reside mainly in designating those who can participate in world supply, with a view to ensuring markets for their output. By examining the process by which conventions were drawn up, firstly at the League of Nations and then the UN, to limit lawful drug production to

those solely for medical and scientific use, one observes that in essence negotiations were organized around the sharing out of markets between the main producer countries.

Thus, the conclusions of this study turn the usual logic on its head. Far from representing a prohibitive policy, international drug control is first and foremost to be seen as a means of regulating the lawful drug economy throughout the world. Nevertheless, from a historical viewpoint it is important to highlight the major role played by health professionals and temperance leagues, especially because they disseminated the idea of limiting the supply of products to medical use alone, and thus of strictly controlling markets. In contrast, today, as we shall see, “moral entrepreneurs” are increasingly inspired by safety and security concerns, in all of their forms.

That being the case, the analyses presented at our meetings appear to show that international drug control is a worldwide undertaking to bring order, which lays down classifications, establishes uses, draws borders and appoints players. Behind the too oft-expressed conviction – even belief – that drug regulation is essentially based on the degree of danger of the substances, what we really have is a highly restrictive social and economic organization, whose issues and justifications evolve according to the priorities of the moment. International drug control is rarely examined in itself; nevertheless, it constitutes a precedent for global governance, which appears not to have any equivalent in other spheres.

2 – The ambiguity of welfare policies

The ambiguous relationship between welfare and penal policy where related to narcotic drugs is explained by the fact that there is a dual link between them. The welfare state, while legitimizing a health-based approach towards use over and above a more directly suppressive response, in particular prison sentences, at the same time appears to favour the extension of coercive methods to users, or at least a strengthening of control mechanisms.

The example of France fully demonstrates this ambiguity. Whereas severe penal treatment for simple drug use (especially imprisonment) has gradually taken on negative connotations, the medical and social approach (via welfare) has been seen in an increasingly positive light and gave added legitimacy to the practices of relative tolerance, such as filing cases as “no further action”. On the basis of these considerations, it is tempting to see in France the development of the welfare state as a bulwark against the development of the penal state. And yet the heavy police crackdown on drug use, the impossibility of the 1970 Act being revised and the recent moves towards a re-penalisation of how offending drug use is dealt with, argue in favour of the scenario

of a *juxtaposition* of the welfare state and the penal state, rather than a possible trade-off relationship between social and penal policy.

In Switzerland, the inclusion of welfare policies in drug user care provision is wider-ranging than in France because the medico-psychological aspect is supplemented by more across-the-board social assistance-based interventions. Such interventions go hand in hand with a more limited use of enforcement provision in the strict sense of the term. However, the Swiss situation also gives the impression that welfare policies facilitate or are reflected in an extension - or in this case, more an institutionalisation - of the control exercised over users.

Furthermore, the analyses of Belgium, France and the Netherlands revealed an increased reference to such things as public nuisance, arguably reflecting a rising sense of lack of personal safety (with regard to criminal conduct), which seems to be closely linked with the growth of a wider sense of societal insecurity. As R. Castel emphasizes, the demand for State-provided protection has therefore risen as risks have dwindled. The crisis in the forms of social protection has therefore led people, being less hardened to risk, to be ever more demanding of protection and reluctant to see it lessened. In this way, *social insecurity and civil insecurity intersect at this point and play into one another*²⁵.

3 - Recognition of users' rights

Amongst other things, discussions about welfare during the seminars shed light on the fact that respect for users' rights (including their socio-economic rights) is a prerequisite for a policy befitting a constitutional State – and even more so of a social constitutional State. Thus, to take one example that all participants stated many times, risk-reduction policies for illegal-drug users have to include protection that enables them to avoid (or overcome) marginalisation and vulnerability. Consequently, this involves acknowledging their status as individuals with rights, i.e. guaranteeing recognition of their fundamental rights in the same way as users of legal drugs, and hence respect for their lifestyle choices.

Seminar participants concluded that these aims can be delivered only by improving access to services, adapting them to the needs of drug users, and providing and promoting health education aimed at making usage less risk-laden. Such health education must go hand in hand with the accountability and participation of drug users as citizens. It must include tailored strategies to motivate users to change their health-damaging practices. Essentially, it would mean

²⁵ Castel, 2003, 53.

adopting a more rational and objective approach to drugs, overcoming society's knee-jerk fears, and promoting a legal framework that enables less drastic interventions.

Empirical observations support this desire. For example, the Netherlands and Switzerland cases appear to show that local autonomy in the implementation of (public) health policies facilitates the adoption of risk-reduction policies, and that in turn these favour a more tolerant approach to consumption. Such results tally with those produced by research conducted under the Fifth European Framework Programme, which recently looked at the operation and effectiveness of quasi-compulsory treatment proposed for users (QTC Europe). These results show a reduction in both use-related and criminal behaviours, but emphasize that the effectiveness of this kind of approach depends on a well-developed and coordinated care network. However, within such networks, court-ordered treatment is only a minor strategic element, and when no links are forged with the welfare state (for example, ensuring a minimum income for individuals undergoing treatment), the outcomes are at risk.

Thus, following the approach of the seminar's Spanish participants, one can view welfare in its many different lights and conclude that, when faced with the criminalization of drugs, there are heavyweight arguments in favour of adopting different policies aimed at "normalization". For example, from an economic viewpoint, criminalization implies major social costs – for drug users themselves and their social environment, for the criminal justice system, for monitoring systems, for the international financiers of the fight against drug production, and for the social system as a whole. From the crime-policy viewpoint, criminalization is clearly reflected in the functional crime which that policy prompts, and which in turn generates a whole range of social costs. Were normalization to take place, all of these artificially generated costs could be avoided. Public money saved could then be allocated to prevention programmes, programmes for reducing risks and harm, and for the social reinsertion of drug users, who are the main victims not only of the substances, but also of the policy of suppression.

4 – The impact of using the human rights concept on moves to criminalize and decriminalize drug use

During the three seminars, bearing in mind the general theme of Workpackage 3 mentioned in the introduction, particular attention was paid to progress in promoting human rights in the legislative process and public management relating to drug use. National experiences presented at the seminars shed light on the important impact of the human rights concept in developing public policies relating to narcotic drugs. But here one might add: "for better and for worse".

In fact, developments in human rights open the door to different interpretations, which will enable both the establishment of a decriminalization policy and the continuance of different forms of penalization.

In the Portuguese system, the change in political strategy regarding the criminalization of drugs can be partially attributed to the influence on international conventions pertaining to narcotic drugs of incorporating human rights and adopting a principle of the primacy of basic rights, as set forth domestically and internationally. After many years during which the use of narcotics was criminalized, Portugal decriminalized drug consumption in 2001, replacing the traditional penal reaction with a purely administrative one. Without going into the details of the mechanisms that have enabled this change of viewpoint (nor those that could have stood in its way, in particular internationally), it is worth noting that "safety and security" have paradoxically been cited to justify decriminalization. Despite the introduction of administrative penalties for consumption, this new approach, which has enabled social law to take precedence over criminal law, particularly via the notion of "the user's social and health protection", hints at an interpretation of the user's individual freedom that is different from the dominant view in Europe. Thus, one might say that with regard to drugs Portugal has become one of the most liberal European countries.

Indeed, other countries distance themselves from the Portuguese approach. One such case is Hungary, where the impact of the human rights approach, although important, cannot be compared with its impact in Portugal. The idea of human rights, which forms part of the Constitution and is regarded as "one of the driving forces for changing the law on narcotic drugs", particularly via the involvement of experts, gives rise to lively discussion. In this context, in Hungary, the move to decriminalize certain offences linked to narcotics has not produced great effects, mainly owing to a decision of the Constitutional Court relating specifically to the interpretation of the human rights concept.

The situation in the Czech Republic, too, shows that in the communist context welfare policies were more often used to control citizens' behaviour. Additionally, the role of public opinion, as well as the media, was related to the idea of "truth" as sustained by the establishment. Therefore, recourse to the human rights concept has gone through very different phases related to the succession of political regimes, and this has had repercussions for drugs policy: from a simplistic criminalization approach to recognition of freedom of conduct, as a basis for a less repressive policy – which, however, did not last long.

Analysis of recourse to the human rights concept underlines the heterogeneous nature of its use, and the continuation of diverse legislative policies, which, despite their developments, leave plenty of room for control, or even repression, of users. However, analysis of public policies proposed at the seminar highlights how weak their impact is on consumption behaviour. In fact, the impact of criminalization and decriminalization policies on user behaviour appears to be rather insignificant. In particular, the threat of punishment is regarded almost unanimously as in Italy, changes in drugs law, particularly the change towards more repressive attitudes, do not really seem to have had any tangible impact on the phenomenon's development, whether from a strictly criminal or a social viewpoint. To our knowledge, no valid scientific evaluation has been carried out on this subject, in Italy or anywhere else. However, the aforesaid observation was. These conclusions, which match the observations detailed during another CRIMPREV seminar (held in Lille in July 2007) on narcotic drug use, seem to be common to all countries.

On the other hand, the impact of policies and laws on healthcare is more noticeable, because the choice made – whether or not to criminalize – is decisive in whether or not risk-reduction policies can be pursued beyond the limits of underground use. In fact, the problem of overlooking users in criminal law was looked at during the seminar. Such legislation, which most commonly provides for “alternative forms of treatment” to prosecution or penalties, appears not always to be affected by developments in public health and the psycho-medical-social care of users, nor by new knowledge produced by scientific research.

From this viewpoint, we will notice that in order to identify the impact of public policies on user behaviour, analysis has to focus on the various ways in which people begin using narcotic drugs and the ways in which drug-use “careers” develop. Such an analysis should be based on the available scientific research, and not the images produced by the media or “public opinion”, which so often inspire lawmakers (especially with regard to criminal law). In this respect, the role played by the media appears to be ambiguous. Being anchored in the real world, they sometimes shed light on new conduct and practices, but – and it is a commonplace to highlight this – they are also largely responsible for the creation of stereotypes, if not the uniform representation of drug users.

III – In conclusion

Dissatisfaction as to how drug use is dealt with in law, and more generally how drug traffic is dealt with in modern societies, is a constant in the various countries examined. The ineffectiveness of penal measures is demonstrable: using the fight against drug trafficking and criminal organizations as their justification, they end up by being used against small-time dealers and users-cum-dealers, or even on mere users. However, the treatment of (illegal) drugs is still essentially defined from a punitive viewpoint, even though experts emphasize that the impact of repressive policies on consumption and reducing the harm that results from consumption is virtually non-existent, and they also highlight the perverse effects of the penal system.

The restrictive regulation of products and the suppression of traffic have a knock-on effect on policies aimed at drug use, inasmuch as they give rise to repressive elements, or at least

²⁶ See in particular Cesoni, 2000.

the control of use and users, even where policies are intended to be most tolerant and centred on the psycho-medical-social treatment of problem use.

Neither the development of welfare policies, nor the appeal to human rights appear to be sufficient to counter this influence, and they are reconciled with coercive or even repressive policies that lawmakers justify, amongst other things, on the basis of public opinion's demand for safety and security.

However, the lack of satisfactory results from the punitive approach, and even more importantly the fact that it has perverse effects, mean that we need to find other ways of acting to deal with the phenomenon of drug consumption.

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COMMENT ON:
MARIA-LOUISA CESONI, MARIE-SOPHIE DEVRESSE, ISABEL GERMAN
MANCEBO USAGE DE DROGUES : FACTEURS ET MISE EN FORME DE LA
CRIMINALISATION EN EUROPE

Toby Seddon

Introduction

I am grateful for the opportunity to comment on this short report²⁷. Cesoni and colleagues provide a brief but insightful account of a strand within Crimprev Workpackage 3 (WP3) which has focused on the issue of illegal drugs.

At the heart of their analysis, and indeed of WP3, is the notion of criminalisation/decriminalisation which provides a framework for examining five dimensions of the drugs issue:

- i. The relation between national policies and international agreements;
- ii. The influence of welfare policies;
- iii. The recognition of drug users' rights;
- iv. The impact of human rights; and
- v. The impact of the law on drug-using behaviour.

By using the criminalisation/decriminalisation framework, Cesoni et al are able to draw on, and make connections with, what has become probably the most powerful and pervasive mode of drug policy critique. This mode highlights the prohibition paradigm as the core of our contemporary difficulties in dealing with the 'drug problem'. The solution, from this perspective, is to scrap the drug laws (both national laws and international agreements) and start afresh with a more rational and humane regulatory approach.

I have a great deal of sympathy for this line of argument. Indeed, it is very difficult to study drug policy for any length of time without coming to the conclusion eventually that the prohibition paradigm is fatally flawed and in fact causes more problems and more suffering than it alleviates or prevents. As I have now been researching in this area for about 15 years, I have

²⁷ My comment draws partly on chapter 6 in Seddon (forthcoming, 2009).

certainly seen plenty of evidence for this! Nevertheless, despite this, something about this mode of policy critique is unsatisfactory for me.

At the heart of my concern is that this way of looking at the problem does not provide the analytic space necessary for finding and developing a good solution to it. This is somewhat ironic, of course, as most drug law reform campaigners tend to identify themselves explicitly as focused on policy matters, rather than theoretical or philosophical ones. I think the fundamental difficulty is that the implicit analytical frame is one which assumes that the solution to the problem must be located within a framework of *state* institutions (or supra-national institutions like the UN or EU to which states sign up).

But I am rather pessimistic about the prospects of finding answers or solutions within this type of state-centric frame. In my brief comment here, I want to sketch out a different analytical approach that I think can open up the space for developing better answers to the drug question. In short, I will argue that we can more fruitfully frame the 'drug problem' as a regulatory and governance challenge. For the purposes of this short comment, I will attempt to illustrate my argument by reference to one approach in particular within what is a large and growing body of scholarship: the idea of nodal governance.

I - Nodal governance

Nodal governance is a way of looking at the world, an analytical lens, which has been developed in recent years as part of an attempt to get to grips with some fundamental changes that have taken place in the nature and functioning of governance (Burriss *et al.*, 2005, 2008), where governance is defined as *the management of the course of events in a social system* (Burriss *et al.*, 2005, 30). Put simply, according to this perspective, our conceptual tools for studying and understanding how power and rule are actually exercised in the real world have dramatically failed to keep pace with these transformations in governance. This failure has, in turn, hindered our ability to develop better forms of governance. The contention is that new and different ways of conceptualising and describing governance can help us to deliver better results and outcomes.

The idea of nodal governance builds on two rather different intellectual sources. First, and most obviously, it draws on Manuel Castells' work on the rise of the *network society* (Castells, 1996, 2000). Castells' basic thesis is that the network has become the basic unit of contemporary society. He locates this development in the context of the coming of the 'information age', arguing that our key social and economic structures and activities are now increasingly organised around information-based networks. Second, it builds on ideas developed by the neo-liberal guru

Friedrich Hayek. The central Hayekian insight that the nodal governance scholars draw on is that particular governance systems are highly complex and generally ungraspable by central state authorities because they lack adequate 'local' knowledge. For Hayek, markets provide the best and most effective mechanism for bringing order to complex systems, rather than central state planning.

So the contention of the nodal governance approach is that we live in an era of networked governance in which the management of the course of events tends to operate through and across networks. Knowledge and information are central to these new forms of governance. Much network theory and research has focused on the ways in which information and knowledge flow around networks but from a governance perspective, this is only part of the story as *at some point in the network society the flow of information and communication is translated into action* (Burris *et al.*, 2005, 37). It is here that a stronger focus on the nature of nodes is so critical:

The theory of nodal governance is intended to enrich network theory by focusing attention on and bringing more clarity to the internal characteristics of nodes and thus to the analysis of how power is actually created and exercised within a social system. (Burris, 2004, 341).

Nodes then are not just relays within networks which serve only to transmit information from one point to the next. Rather, they are institutional sites where knowledge, capacity and resources are mobilised for governance. Nodes have four essential characteristics:

- A way of thinking (mentalities) about the matters that the node has emerged to govern;
- A set of methods (technologies) for exerting influence over the course of events at issue;
- Resources to support the operation of the node and the exertion of influence; and
- A structure that enables the directed mobilization of resources, mentalities and technologies over time (institutions) (Burris *et al.*, 2005, 37-38, emphases in original).

Whilst sharing these characteristics, nodes can take on a wide range of forms, from a street gang to a department in a corporate firm (Burris *et al.*, 2005, 38). A node can be part of a single integrated network, or linked to nodes across multiple networks, or it can be what is called a 'superstructural node' which ties together and mobilises nodes from multiple networks in order to achieve a common goal (2005, 38). Within this framework, state agencies or institutions do not have any privileged analytic or conceptual status. They are not, in other words, a distinct category of node but rather an 'internal characteristic of some nodes' (Burris, 2004, 344). It is an empirical question in any given network of governance whether the 'state' is predominant or not.

So how might we apply the nodal governance approach to the area of drugs? Following Burris (2004, 344-353), I think there are two principal ways in which we can do this that I will

very briefly explore here: first, through nodal mapping of system governance; second, by experimentation with microgovernance strategies.

The idea of nodal mapping is simple. Within any given site of governance, it should be possible to map out how power and rule is actually being exercised. The nodal governance lens brings into focus not just the actors involved in governance, as in more conventional approaches which emphasise forms and institutions, but also a more detailed picture of how governance is operating in practice. Nodal mapping involves answering a series of questions. What are the governing nodes? How are they connected and networked with other nodes (or with other networks)? How do the internal characteristics of governing nodes (mentalities, technologies, resources, institutions) affect their governing efficacy? Answering these questions does not depend on the maintenance of distinctions between the public and private realms, nor does it rely on hierarchical or state-centred models. Empirical methods for nodal mapping have started to be developed, notably by Dupont (Dupont, 2006; Dupont, Wood, 2006). Mapping in this way will very quickly reveal that the 'law' as an institution will often be peripheral to governance and that the 'state' is typically only one player amongst many. From this perspective, the observation by Cesoni and colleagues that the law is a weak instrument for changing drug users' behaviour is not at all surprising. It reflects not so much the failure of a strategy of criminalisation but rather the nodal and polycentric nature of governance within this specific field.

The second potential application of the nodal governance approach illustrates how it can be used to develop better governance practices. It involves what has been called microgovernance (Burris, 2004). This starts from the premise that one of the problems faced by 'weak' actors is often that they experience a 'governance deficit' linked to their limited access to effective governing nodes. 'Strong' actors, in contrast, are much more likely to be able to access multiple nodes through which they can achieve their governance objectives. Accordingly, one strategy for empowering 'weak' actors is to help them to create and sustain new nodal arrangements through which their collective knowledge, capacity and resources can be mobilised. A key assumption here is that such groups possess the capacity to govern but lack a *node in which this diffused capacity could be coordinated and mobilised* (Burris *et al.*, 2005, 50).

Drawing on this theoretical argument, Clifford Shearing and colleagues have been developing over the last dozen or so years a pioneering model of local security governance in very poor communities in South Africa known as the Zwelethemba model. Zwelethemba – a Xhosa word meaning place of hope – was the name of the site where the model was first developed in 1997 (see Shearing, Wood, 2003; Froestad, Shearing, 2007; Burris *et al.*, 2005; Cartwright, Shearing, 2004). In essence, the Zwelethemba experiment was an attempt to build

new nodal arrangements that might bring together and harness local community capacity to articulate common interests and to promote more effective governance of security and justice. This was in a context in which the governance gap or deficit for the poor was exceptionally stark. These new nodal arrangements, known as Peace Committees, shared the four characteristics of governing nodes that I described above:

➤ *Mentalities.* Participants were required to sign up to a Code of Good Practice which included renouncing violence and agreeing to operate within the boundaries of South African law. They also shared the basic idea that the primary purpose of the Peace Committees was to work co-operatively in order to 'create a better tomorrow', rather than looking backwards and assigning blame.

➤ *Technologies.* At the heart of the model was the simple technology of the community gathering, a form which had a particular cultural resonance. Gatherings focused on two aims: peace-making (solving local disputes in ways that allow disputants to move forward amicably) and peace-building (the broader goal of community development in order to prevent future disputes and problems).

➤ *Resources.* Initially, Peace Committees relied on public or philanthropic funding. Each gathering attracted a payment, part of which was divided amongst participants and organisers and part of which was assigned to a local development fund controlled by the Committee (a small amount is also set aside to cover administrative running costs). Some Committees have gone on to earn public funding on the basis that they are delivering important public goods.

➤ *Institutions.* The Peace Committee provided the institutional framework within which the model could operate. Committees were also linked up to a NGO called the Community Peace Programme which provided administrative and other support.

How might innovative microgovernance strategies of this kind be relevant to our concerns with the 'drug problem'? I think there is considerable scope here for experimenting with adapting the Zwelethemba model as a means of empowering local communities facing neighbourhood drug (and related) problems. Like the communities in Zwelethemba and elsewhere in South Africa, there are localities across Europe and beyond where residents can feel very unsafe and insecure, feelings to which drug dealing, drug-using behaviour and other drug-related activities can contribute significantly. Establishing in places like this a version of a Peace Committee, developed and run following the Zwelethemba design principles, could be a fruitful line of *democratic experimentalism* (Dorf, Sabel, 1998). There are no doubt also many other possibilities for experiments with microgovernance strategies in this area.

The nodal governance perspective has a great deal to offer then, both as a framework for better understanding how the governance of drug problems operates, from the local to the global, and also as a tool for constructing innovative new approaches. As an analytical lens, it opens up two main lines of direction and possibility in connection with drugs: i) nodal mapping as a method to help describe the complex polycentric systems of governance operating across different levels and sites; and ii) experimentation with microgovernance strategies for the empowerment of 'weak' actors suffering from governance deficits.

Concluding thoughts

Using the nodal governance lens helps us to problematise the criminalisation/ decriminalisation framework. Rather than providing a path towards a policy solution, this framework starts to look quite limited as it is centred on the idea that national laws, framed by inter-state agreements, are the crux of the matter. I have argued, contrary to this, that we need to take a different approach, drawing on social science ideas of regulation and governance. My argument can be summarised in three key ideas:

- that we need to look 'beyond the state', decentering it both in our analyses and in our prescriptions for action;
- that we need to look 'beyond the law', as managing the course of events requires a much wider range of tools than just legal instruments; and
- that we need to understand governance as networked and polycentric, operating in multiple sites and across different levels within a complex 'regulatory space'.

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GOVERNING PERCEPTIONS OF CRIME AND (IN)SECURITY IN AN AGE OF UNCERTAINTY

Adam Crawford

Can we know the risks we face, now or in the future? No, we cannot: but yes, we must act as if we do
(Douglas, Wildavsky, 1982, 1)

The central theme for the meetings in workpackage 4 focuses on *perceptions of crime and insecurity*. The various seminars and conferences organised within this workpackage are concerned with a variety of allied topics related to the development of contemporary insecurities and fear of crime from a comparative perspective. As well as exploring the research into fear of crime and the causes of crime-related insecurities, the meetings are considering the extent to which perceptions of crime and insecurity inform diverse forms of governance, policy initiatives and social relations. The first meeting - held in Hamburg on 16-17 March 2007 - focused on the state of empirical research on fear of crime across Europe, as well as the methodological and conceptual issues and problems raised by such research findings. The second seminar was held on 1-2 June 2007 in Esslingen am Neckar. It explored the role of social and cultural transformations in constructing contemporary insecurities. The third meeting was held on 11-13 October 2007 in Ljubljana. It was dedicated to the topic of media, insecurity and the fear of crime. The fourth meeting in Liege on 11-12 April 2008 focused on questions about the implications of contemporary insecurities and perceptions of crime for social fragmentation, discrimination and segregation. The fifth meeting hosted by the University of Leeds on 19-20 September 2008 analysed the impact of perceptions of crime and insecurity on marginalised groups with particular reference to policing insecurities in the shadow of terrorism and political violence. The sixth and final meeting was held on 15-17 January 2009 in Porto and explored public policy responses to perceptions of crime and insecurity.

In essence, the presentations and discussions at the workshops have revolved around three core concerns:

1. *Questions of measurement and conceptualisation*, including what we mean by public perceptions of insecurity and fear of crime, how we measure insecurity and interpret research findings, and how valuable these measurements are.

2. *The causes of perceptions of insecurity* involving the influence of the media, social and political transformations, cultural phenomena (including the role of specific cultural dramas and traumas).

3. *The consequences of perceived insecurity for policy, politics and social relations*, including the enactment of new laws, policing and criminal justice reforms, urban governance and allied developments as well as the implications of these responses for particularly marginal groups and social segregation.

I - Some Working Hypotheses

Over the course of the six meetings of Workpackage 4, it is possible to identify two loose hypotheses that have informed (although not always been supported by) much of the discussion. They have prompted comparative insights and highlighted important correctives and countervailing tendencies. These working hypotheses are:

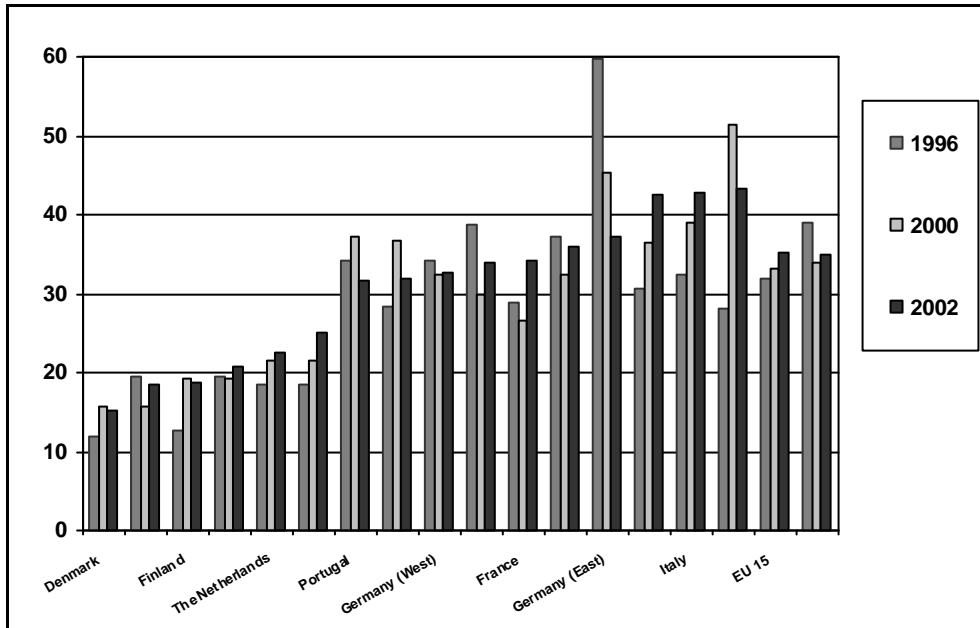
1. First, we are living in an age of increased insecurity and uncertainty in which public perceptions of crime and insecurity are becoming more prominent and more salient.

2. Second, perceptions of crime and insecurity are having a growing impact on social life and public policies, as a result of which societies are 'governed through' perceptions of crime and insecurity (Simon, 2007).

The deliberations and reviews afforded by the workpackage have shown that there remain important divergences in experiences across Europe. They have demonstrated the importance of local political trajectories, social transformations and cultural forces. They have also identified that much attributed to the role played by perceptions of crime and insecurity actually is informed and influenced by wider referents.

Notwithstanding the obvious measurement and methodological limitations of 'fear of crime' survey findings, available data show an upward trend in most Member States in feelings of insecurity. Figure 1 plots Eurobarometer data showing the proportion of respondents saying that they felt unsafe (either *a bit unsafe* or *very unsafe*) over time. Respondents in Scandinavian member states, Denmark, Finland and Sweden, were most likely to report the greatest feeling of security. This was especially strong in Denmark, where the majority of respondents (60%) felt *very safe*. At the other end of the scale, respondents in Greece, the UK and Italy reported the greatest feelings of insecurity i.e. feeling either *a bit unsafe* or *very unsafe* (42% in the UK and in Italy, 43% in Greece). Nearly one in five respondents in the UK (19%) and over one in five of Greek respondents (22%) said that they felt *very unsafe* (European Commission, 2003, 3).

Figure 1: Fear of Crime in the EU and US 1996 – 2002



Percentage of people who feel a bit unsafe or very unsafe in response to the question: 'How safe do you feel walking alone in the area where you live' (very safe, fairly safe, a bit unsafe, very unsafe).

Database: Eurobarometer 44.3 (1996), 54.1 (2000), 58.0 (2002).

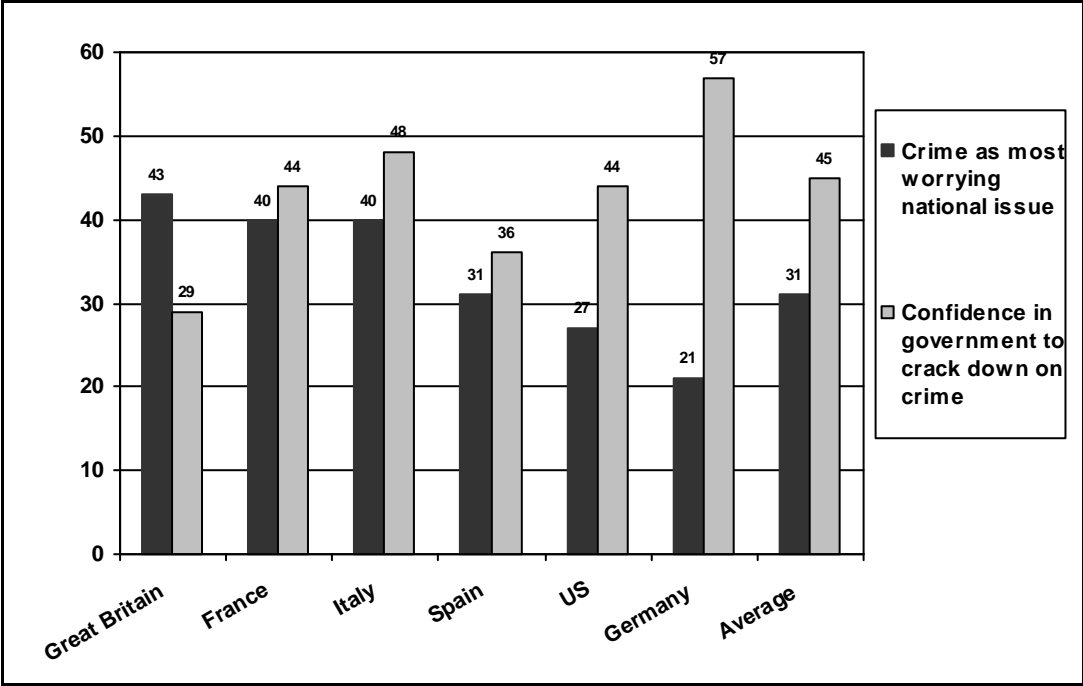
Across the EU as a whole, there has been a small but consistent increase in the feeling of insecurity over the period, with 32% of respondents in 1996, 33% in 2000 and 35% in 2002 saying that they felt either *a bit unsafe* or *very unsafe*. The only Member State where there has been a continuous decline since 1996 in 'fear of crime' is Germany. This trend is particularly marked in the East German länders that formerly comprised the GDR. The data show three broad clusters of countries: first, those countries where the feeling of insecurity has increased since 1996 (notably the UK, Italy, France, Luxembourg, the Netherlands, Sweden, Finland and Denmark); second, those countries where insecurity increased between 1996 and 2000, but then decreased (notably Greece, Ireland and Belgium); and third, those countries where there has been an overall decrease in the feeling of insecurity (notably Germany, Spain, Portugal, Austria and the US).

The results of an Ipsos Mori International Social Trends monitor of the US and the five largest countries in the European Union, namely Germany, Spain, France, Italy and Great Britain, provide some additional insights into public perceptions of insecurity (see Figure 2).²⁸ The survey,

²⁸ Approximately 1,000 telephone interviews were conducted with representative samples of adults in each country [<http://www.ipsos-mori.com/content/britons-most-worried-by-crime-and-government-is-le.ashx>] (last accessed 31.12.2008).

conducted in September 2006, reveals that when asked to identify the three most worrying national issues from a list of eleven topics, over two-fifths of British people said crime and violence was one of the most worrying issues (43%), double the level in Germany (21%). Moreover, whilst British people appeared the most concerned about crime, they also have the lowest confidence in their government to tackle the crime problem (with only 29%). Conversely, whilst German respondents were least concerned about crime as a national issue - only identified by one-fifth (21%) - they were the most confident (57%) in their government's capacity to manage the crime problem.

Figure 2: Public Perceptions of Crime and Confidence in Government



II - Responding to Perceptions of Insecurity: Uncertainty and Precaution

It seems apparent that for a wide range of reasons politics and public policies have become increasingly sensitive to public perceptions of crime and insecurity in ways that have implications for traditional understandings of individual liberty and the role of the state in public affairs. It is in governmental responses to perceptions of insecurity that we see the allied notions of uncertainty and precaution coming to the fore in policy debate and political initiatives. To prevent, pre-empt and manage future risks and insecurities demands 'bringing the future into the present'. By necessity, it relies upon knowledge derived from the past. The attacks in the US on 11 September 2001 symbolically highlighted the problems of foresight, raised questions about

established methodologies for generating actionable intelligence and challenged certain assumptions about the appropriate threshold for intervention. As such, 9/11 significantly influenced and re-oriented much debate, which in a European context was given further salience in the light of the subsequent bombings in Madrid in 2004 and London in 2005, about risk assessment, managing insecurities and how formal systems of control are enacted under conditions of uncertainty. In this light, sacrificing individual civil liberties in the name of increased security has become a recurring theme of national (local and regional) governments (Ignatieff, 2004; Walker, 2007). It has fore-grounded questions about the appropriate balance to be struck between security and freedom. It has prompted concerns about the political *uses of fear* - of *governing through terrorism* (Mythen, Walklate, 2006; Adura, van Munster, 2007) - in strengthening political authorities and legitimising the exercise of power.

In a much-quoted statement, the former US Secretary of Defence, Donald Rumsfeld speaking in early 2002, assessed the so-called 'new' terrorist threats in the light of the 9/11 attacks and the failure to predict or prevent them, in the following memorable turn of phrase:

Reports that say that something hasn't happened are always interesting to me, because as we know, there are known knowns; there are things we know we know. We also know there are known unknowns; that is to say we know there are some things we do not know. But there are also unknown unknowns - the ones we don't know we don't know²⁹.

Whilst his comments were much derided at the time, Rumsfeld intimated a deeper set of concerns and (by implication) challenges for governments in responding to perceptions of crime and insecurity (notably those associated with terrorist violence). He drew attention to the changing shape and source of contemporary threats to societies, highlighting the limits of expert knowledge about risks, underscoring the unknowability of the future and raising questions about how to govern under conditions of uncertainty. By implication, it is the 'known unknowns' and the 'unknown unknowns' - not simply the 'known knowns' that should be the focus of our concern and hence that we should fear. Crucially, the challenge for governments is how to respond to these 'unknowns'. What is inferred is the need for intervention and action before a threat or risk becomes a 'known known'. It is a clarion call for early intervention - for pre-emptive governance - even before risks have expressed themselves or become acknowledged. It proclaims the need to anticipate and forestall potential harms. Massumi notes,

²⁹ US Department of Defense News Transcript, 12 February 2002. [<http://www.defenselink.mil/transcripts/transcript.aspx?transcriptid=2636>] (last accessed 31.12.2008).

rather than acting in the present to avoid an occurrence in the future, pre-emption brings the future into the present. It makes present the future consequences of an eventuality that may or may not occur, indifferent to its actual occurrence (2005, 7-8).

Interestingly, of course, Rumsfeld omitted to mention a fourth category of *unknown knowns; the things we know but do not admit to knowing! This is the silent evidence* (Taleb, 2007) that governments ignore, discard, shade from view or lock away. This reminds us of the political nature of knowledge claims and the uses of knowledge.

Determining where risks arise from and who presents a risk tests the limits of our ability to predict the future. Whilst the science of 'prediction' and the logic of prevention have begun to enter the world of governing human affairs, including crime control (Feeley, Simon, 1994; Harcourt, 2007), it has tended to take a target-hardening form that seeks to disrupt opportunities and is less sensitive to differences between 'at risk' individuals (Crawford, 2009). Nevertheless, risk-focused approaches to crime prevention have become increasingly dominant, particularly with regard to early intervention programmes with young people and families (Farrington, 2007; Farrington, Welsh, 2007). Yet, in reality, the scientific knowledge-base for prevention and pre-emption remains too ambiguous to be reliable. Yet, even in the context of childhood risk factors, developmental criminological research shows substantial flows *out of* as well as *in to* the pool of children who develop chronic conduct problems (Sutton *et al.*, 2004). As a consequence, false positives and false negatives abound. In governing the future, uncertainty prevails. The limitations of knowledge serve to magnify uncertainty. Under conditions of uncertainty a pre-emptive and preventive logic implies a precautionary approach. The 'precautionary principle' has an established role in policy decisions concerning environmental protection and management. In some legal systems, such as in laws of the European Union, the precautionary principle is a general and compulsory legal principle (European Commission, 2000). It imposes upon public bodies a duty to act to avert serious or irreversible damage (Sunstein, 2005; Fisher *et al.*, 2006). The principle implies a responsibility to intervene and protect the public from exposure to harm where scientific investigation is insufficient, inconclusive or uncertain but where there are indications of possible adverse effects or plausible risks. Protections should be relaxed only if further evidence emerges that supports an alternative explanation. It is applied in the circumstances where there are reasonable grounds for concern that an activity is, or could, cause harm but where there is uncertainty about the probability of the risk and the degree of harm (Ewald, 2002).

In the context of the 'war on terror', the precautionary principle took the form of the 'one per cent doctrine'. Ex-vice President Dick Cheney articulated this as follows: *If there is a one*

per cent chance... we have to treat it as a certainty in terms of our response... It's not about our analysis or finding a preponderance of evidence. It's about our response (cited in Suskind, 2006, 62). Importantly, this approach to precaution in the face of uncertainty demanded the separation of evidence and analysis from action and response. The bar for intervention was to be reset at a radically lower level, and the basis for action was to be 'as if' it were a certainty. Interestingly, whilst the Bush administration eschewed the precautionary principle in relation to health and environmental regulation, it embraced it in the context of security.³⁰ Whereas placing the burden of proof on demonstrating safety was seen to be problematic in the context of the environment and health (such as GM food for example, see Levidow, 2001) because it might stifle innovation and produce damaging effects of institutionalised fear, this was not deemed relevant in relation to security.

What is more, the precautionary principle has significant implications in the field of crime and security. Anticipating and forestalling potential harms, insecurities and disorder, particularly in a risk-averse *culture of fear* (Furedi, 2002) will frequently imply erring on the side of caution (Ericson 2007). From this perspective, people are to be judged in terms of what they *might* do. Suspicion becomes actionable intelligence. Intelligence, after all, is simply information with value-added analysis (Walker, 2007, 1455). It is *information that has been processed to provide foresight - a predictive capacity about how to act at some point in the future to achieve particular objectives given certain conditions* (Innes, 2006, 229). When insecurity interacts with uncertainty in diverse arenas of policing, *rumours arise and shape how individuals and communities think, feel or act* (Innes, 2008). These rumours, whether real or not, can shape people's perceptions and trigger significant social reactions. In conditions of uncertainty, policing rumours becomes a challenge both for managing people's sense of security and for assessing preventive action.

Zedner notes, *precaution places uncertainty - not knowledge - centre stage* (2009, 37). In contemporary quests for security, it is *uncertainty' that comes to constitute an increasingly dominant justification for governmental action. It is now our not knowing, our inability to know, or unwillingness to prove what we think we know that provides the reason to act before that unknown threat makes itself known* (Zedner, 2009, 58). What Rumsfeld is highlighting is a subtle shift from 'risk' analysis to 'uncertainty' as the lens through which states construct the social problems they seek to govern:

Whereas risk-thinking stimulated the development of profiling, targeted surveillance, categorisation of suspect populations and other actuarial techniques for managing high-risk populations, uncertainty promotes a

³⁰ A White House official in charge of vetting regulations is quoted as having told the *New York Times* in 2003 that the Bush administration considered the precautionary principle *to be a mythical concept, perhaps like the unicorn* (cited in Gardner, 2008, 319).

different set of techniques geared at requiring public officials to act preemptively to avert potentially grave harms using undifferentiated measures that target everyone (Zedner, 2009, 45).

Whilst risk assessments seek to predict the future on the basis of knowledge about how people performed and events unfolded in the past, the logic of security decisions under uncertainty focuses on the questions 'what might be?' or 'what if?' (Walklate, Mythen, 2008). Uncertainty and not knowing, rather than being constructed as a cause for fatalistic inertia, however, are invested with the urgent need for vital and potent pre-emptive measures, as well as a radical rethinking of the legitimate grounds for early interventions. Uncertainty privileges security and provokes preventive action before risks express themselves (O'Malley, 2004). This has significant implications for traditional principles of criminal justice, notably the presumption of innocence, due process protections and proportionality. Mythen and Walklate note: *Once one assumes a projective 'What if?' position, presumption of innocence metamorphoses into presumption of guilt* (2008, 234). In defending the decision to go to war with Iraq, Tony Blair gave an illustrative summation of the logical perils of governing by posing the question 'what if?':

*Here is the intelligence. Here is the advice. Do you ignore it? But, of course intelligence is precisely that: intelligence. It is not hard fact. It has its limitations... But in making that judgement, would you prefer us to act, even if it turns out to be wrong? Or not to act and hope it's OK? And suppose we don't act and the intelligence turns out to be right, how forgiving will people be?*³¹

The larger the scale of the risk and the more harmful its consequences might be, the more indefensible inaction becomes. In such circumstances, the question 'what if?' prompts action; 'just in case'. Uncertainty, by demanding precaution, invokes action even in situations where it is not possible to know the precise nature or extent of the potential threat that is posed. This is where decision-making about security is facilitated, *not in a context of certainty, nor even of available knowledge, but of doubt, premonition, foreboding, mistrust, fear and anxiety* (Ewald, 2002, 294).

Yet as Zedner (2009) notes, 'uncertainty' does not displace 'risk'. Rather, they co-exist at the evident boundaries of knowledge. The contemporary governance of risk - in contrast to the assertions of some criminologist (Feeley, 1994) - is not dominated by the logic of actuarialism (least of all in the field of crime and insecurity), and contrary to Knight's (1921) distinction, risk and uncertainty are not different classes of object. Risk management, Michael Power (2007) suggests, has taken the form of 'organized uncertainty'. He traces the shift from risk analysis to risk governance and argues that much of what today we call risk management is in fact *uncertainty management* - i.e. *efforts to manage "risk objects" for which probability and outcome data are, at a point in time, unavailable or defective* (*ibid.*, 26). Yet 'risk' retains an important place, for risk, unlike

³¹ [<http://www.number10.gov.uk/Page5461>] (last accessed 31.12.2008).

uncertainty, demands action. It implies the need to make decisions about the future and the allied allocation of responsibility for decisions taken. It insinuates the decidability and management of danger and hence raises expectations about its governance. Power goes on to argue: *Uncertainty is therefore transformed into risk when it becomes an object of management, regardless of the extent of information about probability* (2007, 6). Rumsfeld's 'unknown unknowns' and Cheney's 'one per cent doctrine' are both attempts to 'organise uncertainty' as if it was manageable. In so doing, the management of uncertainty creates expectations and distributes responsibilities. Most notably, the public are drawn into this web of expectations over future governance, especially in relation to risk over which they have some responsibility and which impact most acutely on their perceptions of security and safety. In the politics of risk management as in the politics of policing and insecurity, public perceptions matter (Crawford, 2007). This enmeshing of the public in risk governance generates its own dilemmas:

Public perceptions of risk are not simply a new factor in more intelligent risk analysis, they are a source of risk themselves. So, the shift from risk analysis to risk governance is in part a strategy to govern unruly perceptions and to maintain the production of legitimacy in the face of these perceptions (Power, 2007, 21).

Whilst not knowing can be a powerful justification for intervention, so too, risk assessments allow the narrowing of risk pools such that the inconveniences of universal precautions can be displaced onto certain (often marginal) groups alone. Hence, whilst uncertainty might license *undifferentiated measures that target everyone*, as Zedner (2009, 45) argues, and the targets of surveillance are increasingly arbitrary, there are strong political and economic incentives to reduce this burden to the most 'risky' groups in society. The pressures to target resources and minimize the burdens of security to the general public are likely to result in the sacrifice of 'other people's' freedoms to make 'us' (the dominant majority) feel more secure. In legitimising and informing the process of targeting, knowledge (or a least certain knowledge claims) about risk remains vital. As Ericson astutely notes, *risk assessment is rarely based on perfect knowledge, and typically frays into uncertainty* (2005, 659). Whilst we all might be inconvenienced at airports by the routine (post-9/11) security checks, these have not displaced more targeted forms of screening nor the quest for 'fast-track' procedures for less risky groups - for example, on the basis that they buy into schemes that require the provision of personal and biometric data (such as a fingerprint and/or an iris scan)³². Rather than sidelining knowledge (as Zedner implies) responding to conditions of uncertainty prompts the search for and legitimises imperfect and less

³² For example, Frankfurt airport started a biometric scheme in February 2004 as part of the EU's Border Check initiative and Heathrow announced the establishment of such a scheme in Terminal 3 in late 2006. America's Transportation Security Administration - set up to improve security after 9/11 - launched its Registered Traveler Pilot Program at five airports in 2004 (Frary, 2004).

robust knowledge claims. Thus, subjective perceptions (rather than objective risks) become more important in informing reassurance strategies (Crawford, 2007). Aradau and van Munster are therefore correct to assert that *the war on terror displays an insatiable quest for knowledge: profiling populations, surveillance, intelligence, knowledge about catastrophe management, prevention, etc.* (2007, 91). Risk here is reconceptualised as 'precautionary risk', which *has given birth to new configurations of risk that require that the catastrophic prospects of the future be avoided at all costs (ibid.)*.

The pathology of insecurity lies not only in the limitations of knowledge on which to construct a science of prediction but also in the manner in which knowledge and expertise are contested. Knowledge, as Ericson notes is both an *object and instrument of suspicion* (2007, 204). Not only may there be deeply held distrust on the part of the public of expert judgements of risk but so too for politicians the language of risk may not sit well with requirement for action. This is particularly evident in relation to the sensitivities of crime and victimisation where demands for absolute certainty abound. As Ewald notes, *this does not mean that scientific expertise is useless, but that it will not release the politician from the sovereignty of his or her decision* (2000, 77). Managing uncertainty means that politicians are selective in their tolerance of potentially harmful activities. Witness, for example, the furore in Britain in early 2009 when Professor David Nutt, the Chair of the Advisory Council on the Misuse of Drugs (ACMD), in an editorial in the Journal of Psychopharmacology suggested that the risk of death from the drug Ecstasy is lower than the risk of death from horse-riding - an addiction he tongue-in-cheek termed 'Equasy' (Nutt, 2009). He used the comparisons of risks to highlight the need for a *more relevant harm assessment process* and concluded: *The use of rational evidence for the assessment of the harms of drugs will be one step forward to the development of a credible drugs strategy (ibid., 5)*. In an enlightening response to such a 'scientific claim', the British Home Secretary, Jacqui Smith, demanded that he apologise and told MPs: *I felt his comments went beyond the scientific advice that I expect from him as chair of the ACMD... He apologised to me for his comments, and I have asked him to apologise to the families of the victims of ecstasy, too* (Hansard, House of Commons, 9 Feb 2009, Column 1093). This highlights the political (and cultural) salience of certain risks and harms as against others.

Furthermore, Innes (2004) reminds us that not all criminal incidents, behaviours or events have the same communicative properties. Various physical or social disorders are differently interpreted and given meaning by groups and individuals as 'warning signals'. People read signals and infer perceptions of risk. Exposure to these signals produces a reconfiguration of beliefs or actions in response to the increased risk that people perceive themselves to be subject to. Just as low frequency, high impact events like (media saturated) acts of terrorist violence carry considerable symbolic value influencing public perceptions and insecurities, so too do certain

high frequency (and cumulative), low impact acts or behaviours that reflect an erosion of a sense of local social order. This explains how particular activities and incidents - from low-level incivilities and youths loitering to acts of mass violence - have a disproportionate impact on how individuals and communities experience and construct their beliefs about crime, disorder and control. In this light, *perceptions matter* (whether grounded in objective risk or not) as they shape people's beliefs and actions.

A key insight has been that attention should be paid by the police and other legal authorities to the *processes of symbolic communication, impression management, and the ways in which communities interpret crime and policing on a routine basis* (Innes, Fielding, 2002, para 8.4). From this perspective, the responses of public authorities - the *control signals they impart to counteract 'warning signals'* - in managing insecurities may operate as much through the symbolic messages and communicative properties they convey, as through their instrumental capacity to pre-empt or forestall actual events. This alerts us to the symbolic dimension of acts of social control which may be designed to foster reassurance as much as to combat crime directly.

It is in this context that the last decade or so has seen considerable government activity in introducing new laws and implementing novel strategies in the name of domestic and international security. The precautionary logic has prompted forms of, what Ericson calls, *counter-law* whereby: *New laws are enacted and new uses of existing laws are invented to erode or eliminate traditional principles, standards and procedures of criminal law that get in the way of pre-empting imagined sources of harm* (2007, 24). Allied to this is the greater use of data pools, the storing of DNA records and risk profiling. In the face of uncertainty, the presumption of innocence, the burden of proof beyond reasonable doubt and the requirement of proportionality, all appear ill-at-ease with the precautionary approach (Zedner, 2009). Across Europe, similar concerns have been expressed about the rebalancing of security and liberty within criminal justice systems (Patane, 2006; Safferling, 2006; Ashworth, Zedner, 2008).

III - The Shadow of Terror

Given the scale of threats constituted by terrorism and political violence in the light of 9/11, responses to terror threats have been at the forefront of much recent debate concerning the policing of insecurities. The incalculability of the risk of terrorism and the catastrophic consequences of mass incidents mean that government preoccupation with, and responses to, terrorist threats take on very particular forms (Aradua, van Munster, 2007). Furthermore, as

Adams notes, the perception of threat and policy response to terrorism are out of all proportion to the actual risks:

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. But thousands do not gather weekly in Trafalgar Square to manifest their collective concern... The 191 people killed by the Madrid bombers on 11th March 2004 were equivalent to the number killed in road accidents in Spain every 12 or 13 days. The latter tragedies usually merit only a few column inches in the local press. The former evoked three days of national mourning in Spain and a 3 minute silence all over Europe (2005, 18).

There are, however, evident links between government responses to terrorism and other contemporary insecurities, ranging from trans-national organised crime to low-level local incivilities and anti-social behaviour. For instance, there are close parallels and deep connections between British government responses to perceptions of insecurity in the context of terror and anti-social behaviour as evidenced in the use of Control Orders and Anti-Social Behaviour Orders (Macdonald, 2007)³³. One consequence of the *war on terror* has been to (further) blur the distinctions between international and domestic security (or *homeland security* as Americans prefer to call it). In his Dimpleby lecture in 2005 - aptly entitled *What kind of police service do we want?* - the then Commissioner of the Metropolitan Police, Sir Ian Blair made the connections between the fight against terror and the policing of incivilities explicit in two revealing comments which are worth quoting:

[A]fter atrocities in New York, Madrid and London, after Bali, Casablanca, Istanbul, Delhi and Jordan, fears for personal and communal safety are inextricably part of contemporary life. Moreover, these events coincide with another development, the increasing sense that anti-social behaviour, as the opposite face of a civil society, is also threatening our ability to lead free lives³⁴.

The second extract relates to events following the failed bombings in London of 21 July 2005:

A local authority worker identified the flat which three men shown on the CCTV images had frequented: this was the bomb factory. However, he also mentioned that he had found dozens of empty peroxide bottles in the waste bins. Had we had one of our neighbourhood policing teams in place then he probably would have told us about what he had found. Peroxide is the basis of the bombs. Thus national security depends on neighbourhood

³³ Control orders were introduced under the Prevention of Terrorism Act 2005 and were preceded by Anti-Social Behaviour Orders, first introduced via the Crime and Disorder Act 1998 (subsequently amended and extended).

³⁴ [<http://news.bbc.co.uk/1/hi/uk/4443386.stm>] (last accessed 31.12.2008).

*security*³⁵.

In this vein, some academic commentators have argued that the demands of policing counter-terrorism in the context of uncertainty necessitate the better integration of 'low policing' agencies and community intelligence through neighbourhood policing into the conduct of counter-terrorism activities: *Community intelligence applied to counter-terrorism is precisely the type of data that might help police to circumvent the intelligence gaps and blind spots that seemingly inhere in their established methods* (Innes, 2006, 230). Regardless of its merits in generating 'actionable intelligence', such a vision of policing presages both a pervasive extension of *the subtle indicators of suspicion* (*ibid.*, 224) and an intertwining of 'high' and 'low' policing as well as a blurring of sources of insecurity and types of harm.

However, it would be inaccurate to suggest that the recent spate of Al Qaeda-linked bombings, and specifically 9/11, have somehow fundamentally altered perceptions of insecurity and responses to them. First, the threat of terrorism and political violence - notably in a European context - is by no means novel. Unlike America, mainland Europe has a long history of political violence and terrorism and of security responses to perceived terror threats. There are dangers in failing to learn from the past, even in cases where the conflict's origin and context are different, such as Northern Ireland, the Basque region etc. In many senses, the *cultural trauma* (Alexander *et al.*, 2004) induced by the highly symbolic events of 9/11, the Madrid bombings and 7/7, crystallised and brought to the fore sensibilities, developments and trends which were already either emergent or considerably underway.

Nevertheless, from the exceptional status of Guantanamo Bay, extraordinary renditions and preventive detention to biometric databases, increased surveillance and enhanced security, the post 9/11 period has heralded a diverse array of practices introduced in the name of, and licensed by, the *war on terror*. Many of these have awkward relations with both *war* and *criminal justice* (Aradua, van Munster, 2007; Zedner, 2007). Official reaction to contemporary terror threats is frequently fuelled by a narrative of fear that encourages people to regard terrorism as uncertain, incomprehensible, senseless and beyond meaning (Furedi, 2007). In so doing, it authorises acts of speculation and demands technologies of precaution³⁶.

What is evident and, perhaps, somewhat novel is the manner in which perceptions of and responses to terror and political violence have come to inform, and be informed by,

³⁵ *Ibid.*

³⁶ For example, in the UK, in justifying proposals in the Counter Terrorism Bill 2008, a government spokesman explicitly articulated the need 'to put in place legislation *on a precautionary basis*, which would enable suspects to be held for more than 28 days' (emphasis added, see [<http://www.number10.gov.uk/Page15420>] last accessed 31.12.2008).

developments and trends in the policing of low level incivilities, border controls, immigration policies and community cohesion more generally. In the process the precautionary principle, traditionally associated with serious, irreversible damage and environmental catastrophe, has leaked into the regulation of low level inconveniences, social disorder, incivilities and disruptions to quality of life. These developments have been allied with the politics of 'zero tolerance', the quest for risk-free environments and absolute security - what Boutellier (2004) has termed the *Safety Utopia* - and the construction of policies on the basis of the 'worst case scenarios'. Furthermore, anxieties generated in relation to terrorism have prompted policy responses with considerable implication beyond the policing and regulation of terrorist threats to more mundane and routine acts of crime, disorder and (political) dissent.

Some time ago, Garapon and Salas (1996, 75-92) identified three central menacing figures informing contemporary insecurities in France (with relevance elsewhere), prompting what they described as a politics of penalisation. These *new figures of insecurity* were: (i) the 'anti-social youth' (*l'adolescent invulnérable*); (ii) the 'undesirable foreigner' (*l'étranger indésirable*) and (iii) the 'incurable sexual predator' (*le pervers inguérissable*)³⁷. Post 9/11 we might add to these enduring phantoms of contemporary fears, a fourth figure, the 'suicide bomber', both as 'undesirable foreigner' and, perhaps more worryingly, as 'home grown' terrorist. These faceless enemies at times merge or coalesce together and at other times constitute more distinct threats against which particular new responses are being constructed. What seems evident is that collectively the shadow they cast over public sensibilities and political debate is dramatically transforming technologies of control and the shape of criminal justice.

Information and personal data collection, searching and sifting are at the forefront of *organising uncertainty* and *managing risk*³⁸. Personal data drawn from official and public records and from consumer activities are voraciously used by commercial interests and governments to differentiate and classify customers, citizens and aliens alike through algorithmic profiles. On the one hand, *categorical seduction* informs the corporate wooing of prized consumers. On the other hand, *categorical suspicion* attends to certain groups of potential offenders and *dangerous types* (Lyon, 2007, 103). Here, information provides the basis for social sorting. However partial the profiles generated, their capacity to respond to the demands for organising uncertainty, stimulate quests for additional sources of information upon which categories of suspicion might be constructed, despite the vast quantities of 'false positives' that such data trawling, by necessity, generates.

³⁷ Although, precisely how *new* they are is itself debatable (see Pearson, 1983).

³⁸ Ron Suskind (2006, 11-13) describes how in the days immediately after 9/11, First Data Corporation - the world's leading credit card processing company (which houses Western Union a primary route for international financial transfers) - became a major 'weapon' in the Bush administration's *war on terror*.

Collectively, the increasing combination of disparate data pools allows for the construction of a *surveillance assemblage* (Haggerty, Ericson, 2000) with added dimensions of social sorting potential, but also considerable scope for friction, failure and information overload.

1 - DNA Databases

One such example is the growth of national DNA databases which have emerged across Europe. Currently, the largest is in Britain, where the DNA database was set up in 1995 but has increasingly come to be justified in terms of its preventive potential in relation to terror threats and other contemporary demons. The database is now run by the National Policing Improvement Agency and contains the DNA of over four million people. The database is estimated to be 50 times the size of the French equivalent, Europe's next largest. The third largest is in Austria, where less than one per cent of the population is included. In Britain, under the Criminal Justice Act 2001 DNA can be taken from all suspects of crime who have been arrested by the police in connection with a 'recordable' offence that carries a potential prison sentence and retained for their lifetime. However, in a landmark ruling in late 2008, in the case of *S and Marper v the UK*, the European Court of Human Rights in Strasbourg held that keeping innocent people's DNA records on a criminal register breached Article 8 of the Convention, covering the right to respect for private and family life. The 17 judges of the court ruled that the *blanket and indiscriminate nature* of the power to retain data from unconvicted crime suspects, including children, constituted *a disproportionate interference with the applicant's right to respect for private life and could not be regarded as necessary in a democratic society*³⁹. The Court expressed a particular concern at the risk of stigmatisation, stemming from the fact that people, who had not been convicted of any offence and were entitled to the presumption of innocence, were treated in the same way as convicted persons. The judgement could force Britain to destroy nearly 1 million samples on its database from people with no criminal record. The ruling is likely to have implications for ongoing initiatives concerned with the sharing of DNA across Europe as well. The British government has yet to respond to the ruling.

Across the Channel, the proposed French security database - 'EDVIGE'⁴⁰ - introduced in July 2008, sought significantly to expand the capacity of the French state to track anyone deemed *a possible threat to public order*, including youths as young as 13, and reflects a distinct precautionary

³⁹ Case of *S and Marper v the United Kingdom* 30562/04 [2008] ECHR 1581 (4 December 2008).

⁴⁰ *Exploitation documentaire et valorisation de l'information générale* (translated as *documentary exploitation and valorisation of general information*).

logic. Dubbed Sarkozy's 'big sister', Edvige enabled the gathering of personal information on health and sexual orientation and casting a wider net, allowing security officials to track anyone considered a 'possible threat to public order'. Interestingly, rather than being prompted by terrorist fears, publicly Edvige has been justified as a response to increased youth violence and the urban disorders on peripheral housing estates (*banlieues*) in 2005. Hélène Franco, general secretary of the French magistrates' union (*Syndicat de la magistrature*), was quoted in *Le Monde* as saying: *This police logic is that of a society that has come to consider some of its youth, notably in poorer neighborhoods, as a threat*⁴¹. This conforms closely to Garapon and Salas's figure of the 'anti-social youth' (*l'adolescent invulnérable*) who has come to constitute a member of a particular risky group demanding precautionary control.

However, in the face of considerable opposition - including an on-line petition signed by over 200,000 French people⁴² - in September 2008, Sarkozy was forced to revise his plans. It is now to be replaced by a modified project called EDVIRSP⁴³, which will explicitly exclude information related to people's health or sexual orientation. The new decree will no longer allow police to collect data on politicians, union activists or religious figures simply because of their activities. The criteria for being included will now be related to perceived security threats. Nevertheless, it still allows the police to store data on minors as young as 13 if they are considered a threat to public safety.

The British and French experiences highlight both the technological opportunism on behalf of governments keen to expand and strengthen their apparent capacity to govern uncertainty and the opposition that such endeavours can generate.

2 - Pre-employment Screening

In line with another of Garapon and Salas's figures of insecurity, the 'incurable sexual predator' (*le pervers inguérissable*), anxieties about paedophilia and of predatory (sexual) harms against young children has been a major contemporary spectre that has considerably informed fears and regulatory responses. A British example of the construction of technologies of securitisation that entrench the idea of 'precautionary risk' has been the growth of pre-

⁴¹ *Cette logique policière est celle d'une société qui a fini par considérer une partie de sa jeunesse, notamment dans les quartiers populaires, comme une menace*, cited in *Le Monde* 7.9.2008 see:

[http://www.lemonde.fr/societe/article_interactif/2008/09/06/trois-opposants-a-edvige-s-expliquent_1092373_3224_1.html] (last accessed 31.12.2008).

⁴² See [<http://nonaedvige.ras.eu.org/>].

⁴³ *Exploitation documentaire et valorisation de l'information relative à la sécurité publique* (translated as *documentary exploitation and valorisation of information related to public security*), see 'Edvige: "reculs insuffisants"', *Le Figaro*, 20.9.2008.

employment screening in the name of child protection - undertaken by the Criminal Records Bureau (CRB) since 2002. Since then, increasing numbers of British people have found themselves required to undergo a CRB check⁴⁴. By January 2008, the CRB had issued 15 million disclosures. This culminated most recently in the Safeguarding Vulnerable Groups Act 2006 which arose out of the recommendations of the Bichard Inquiry set up following the trial and conviction of Ian Huntley for the murders of Holly Wells and Jessica Chapman in Soham in 2002. The understandable public demand for action and desire that such an event should *never happen again*, however unintentionally, promotes risk-averse policy-making through *worst case scenarios*. The 2006 legislation will create the Independent Safeguarding Authority (ISA) *to take consistent expert decisions as to who should be barred from working with children and vulnerable adults*⁴⁵. The UK government boasts that it will be *the most stringent vetting and barring system yet*⁴⁶. It is estimated that the new regime will require CRB checks of 11.3 million people - over one quarter of the adult population of England. However, there are evident dangers that the resultant vetting procedures may not only introduce barriers to involvement with young people and turn adults away from caring and volunteering activities but also undermine relations of social trust and engender inter-generational conflict. More fundamentally, there are concerns that such schemes act largely at a symbolic level of 'impression management' offering less by way of actual child safety: *It provides a ritual of security rather than effective protection* (Furedi, Bristow, 2008, viii). What is clear is that it creates new categories of 'potentially risky' people who may be barred from forms of employment on the basis of little more than information founded on accusations that have not been admitted or upheld (and perhaps refuted) in a court. In the context of child protection, it appears that in posing the question 'what if', the dominant precautionary logic of 'just in case' is pre-eminent. Similar logics are to be found in other forms of data-profiling, screening and vetting as well as the regulation of anti-social behaviour (Ericson, 2007; Crawford, 2008).

⁴⁴ CRB checks are of two kinds: standard disclosure or 'enhanced'. Standard disclosure provides details of current and spent convictions, cautions, reprimands and warnings held on the Police National Computer. Enhanced checks include the disclosure of any relevant information held on police files, such as that a person has been arrested but not charged or prosecuted but found not guilty of an offence; this information can be disclosed *at a chief constable's discretion* (Police Act, 1997, 13-15).

⁴⁵ The ISA will come into force in October 2009. The Act seeks to regulate two categories of activity termed 'regulated activities' and 'controlled activities'. The former covers forms of close contact work with children, such as work in schools and care settings. The latter covers ancillary work in education and health settings, such as cleaning or catering, and administrative work involving access to sensitive information about these protected groups. A person who fails to undergo the requisite CRB checks and is placed on the register will be guilty of a criminal offence if they work with children or vulnerable adults. It is an offence for a barred person to seek to, offer to, or engage in, a regulated activity.

⁴⁶ Department of Health, Department for Children, Schools and Families, Home Office (2007) *Safeguarding Vulnerable Groups Act 2006 Safeguarding Vulnerable Groups (Northern Ireland) Order 2007 SVG Act 2006: ISA scheme Consultation Document*, p. 2 available at: [http://www.dh.gov.uk/en/Consultations/Closedconsultations/DH_080437] (last accessed 31.12.2008).

IV - Marginalised Groups

Whilst there is a universalising tendency of control under conditions of uncertainty, anxieties about insecurity around terrorism merge with and incorporate existing categorisations of *problematic populations*. Suspicion easily becomes connected with particular marginalised groups - most notably in the context of terrorism young male Asian Muslims (or those assumed to look like them) - who find themselves defined as *dangerous* (Mythen, Walklate, 2008, 229). In the context of precautionary actions in the face of unknown threats of terrorism, 'radicalisation' regardless of whether it leads directly to active recruitment into terrorist-motivated violence has been defined as a serious threat in and of itself. This is implicit in the EU Strategy on *Combating Radicalisation and Recruitment* (European Union, 2005) and many national strategies⁴⁷. Radicalisation as 'pre-crime' prompts the search for identifiable indicators of (Islamist) radicalism, which may take the form of changes in ideology, behaviour, practices and/or appearance.

In line with Garland's (2001) responsabilisation thesis, the spectre of suspicion also incites forms of self-surveillance and self-regulation - as evidenced by the role of the Muslim Contact Units and the Muslim Safety Forum in the UK. Here, *communities defeating terrorism* is becoming an accepted counter-terrorism maxim in which Muslim communities are enlisted into partnership endeavours to prevent violent extremism (Spalek *et al.*, 2008). More generally, citizens are to be vigilant and attentive to signs of suspicious behaviour or activity. Particular burdens of responsibility and assumptions about active surveillance have been placed on mosques, faith and community groups and universities. Intelligence-led policing demands heightened levels of (low level) intelligence. However, more intensive policing and information gathering often provokes and provides evidence of suspicion. Hence, the more proactive forms of surveillance of suspect populations that have been instituted have generated an abundant supply of information and an over-prediction of risks and threats (Levi, Wall, 2004).

Nevertheless, the policy discourse of combating radicalisation and preventing extremism in many countries has been cast in much wider terms than surveillance and policing alone (Walker, 2008; Virta, 2008; HM Government, 2009). Efforts have often sought to:

- Promote shared values of citizenship and social cohesion;
- Provide support for local solutions;

⁴⁷ Despite the fact that nation states remain rather conservative about the internationalisation of their criminal justice systems (often seen as the ultimate symbols of state sovereignty), in the post 9/11 era, we have witnessed a significant Europeanisation of anti-terrorism policy (den Boer, 2003; den Boer *et al.*, 2008).

- Build civic capacity and leadership; and
- Strengthen faith institutions and leadership.

In this, it has drawn upon recent developments and innovations in community crime prevention and neighbourhood policing.

However, the dissonance and conflict between the diverse policies - police surveillance and community cohesion at one level and local strategies and international relations at another level - may undermine efforts to integrate marginalised and estranged groups. The deleterious impact of counter-terrorism responses is widely recognised. The House of Commons Home Affairs Select Committee concluded that there is *a clear perception among all our Muslim witnesses that Muslims are being stigmatised by the operation of the Terrorism Act: this is extremely harmful to community relations* (2005, para. 153).

V - Concluding thoughts

Contemporary security threats from terrorist violence, through 'ordinary' crime to acts of disorder and anti-social behaviour, undoubtedly present real and pressing challenges for governments, businesses and citizens alike. But there are real dangers that in the way in which we both interpret risk and *unknown dangers* and respond to them, we may be undermining some of the core values and principles of democratic societies, whilst eroding relations of social trust and mutual toleration. As a consequence, the balance between security and freedom has become possibly the most prominent contemporary challenge for European polities. The demand for security in societies where individuals have come to experience ever greater 'freedom' is a vexed one. The concern is that it frequently means sacrificing *other people's* freedoms to make *us* feel more secure. This has adverse implications for marginal and marginalised groups within societies, those upon whom dominant groups project their fears and anxieties. Hence, the questions *whose fears?*, *whose security?* and *whose freedoms?* are particularly salient albeit often less evident in debates about threats of terrorism and political violence as well as other contemporary fears and responses to them. In the political confrontation between fear and liberty, where necessary, actions that infringe liberties are more evidently justifiable if those who support the actions are burdened by them and their impacts are not restricted to members of identifiable minority groups - whether implicitly or through differential implementation.

In governmental responses to perceptions of crime and insecurity, notably terrorism, precaution is becoming a key driver, in a way that licenses early interventions before our 'unknown unknowns' express themselves. In a context of uncertainty and in the search for (an

unattainable absolute) security, mere suspicion, the perceptions of others, the appearance of potentially risky behaviour and worst case scenarios may be sufficient grounds for pre-emptive action. There is a need to consider and challenge the evidence and assess the different courses of action available. As Sunstein asserts: *Democratic governments care about facts as well as fears... they take careful steps to ensure that laws and policies reduce, and do not replicate, the errors to which fearful people are prone* (2005, 226). In *governance through precaution*, we may be in the process of discarding cherished civil liberties and legal principles in order to intervene at the earliest possible stage to stop our unknown demons surfacing. In so doing, we are in the process of widening our apparatuses of control and overloading these with information from diverse data-banks, in the hope that this will allow us to 'join up the dots' to identify potential risks and pre-empt the future. Whilst deliberate inaction in the face of evidence of possible serious and irreversible harm is understandably hazardous, so too over-reaction can at times present greater dangers, particularly where this generates unintended consequences and results in the consumption of resources that might have been deployed in more beneficial endeavours.

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RISK AND INSECURITY AS BROADER CONCEPTS BEHIND FEAR OF CRIME AND PUNITIVENESS⁴⁸

Klaus Sessar - Helmut Kury

Introduction

The present contribution to Workpackage 4 'Perception of crime and insecurity' (Leaders Prof. Adam Crawford, University of Leeds, and Prof. André Lemaître, Université de Liège) falls within the framework of the European project *Assessing Deviance, Crime and Prevention in Europe* (CRIMPREV) and is centred on the concepts of risk and insecurity, with fear of crime and punitiveness being derived from such concepts.

Such a theoretically based configuration means that both fear of crime and punitiveness represent - or conceal - more general forms of uneasiness and uncertainties at both an individual and collective level. This assumption remains unaffected by the existence of a real fear of - first and foremost - violence; also it will not be denied that resolute opinions exist about which penalties should be imposed in general or in specific cases. To separate both areas from one another - crime as an object of concrete perceptions and attitudes and as a metaphor for quite general anxieties - is very difficult. In our opinion, criminology has not been able to manage this separation in a satisfactory manner, and this for a number of reasons.

One of these has to do with the positivist, normative tinted world-view that sometimes can still be found in criminology. By this we mean that their empirical designs to study attitudes towards crime contain elements of moral disapproval. By referring to what penal rules consider as unlawful threatening, suffering and damaging acts, they often conduct their studies independently of whether threats, sufferings and damages are perceived as such by those concerned. Thus, persistent reactions were expected in the past, be it in the form of enduring fearful sentiments or through deeply rooted 'tough-on-crime' attitudes. The accepted point of reference was the *victim of crime*, in whom all such expectations converged. As a result, there was big surprise when it was discovered that the reactions of victimised persons were often derived from their own life-worlds, and as such did not necessarily follow a moral or legal imperative. In other words, their perceptions of crime was frequently part of all the other unpleasant

⁴⁸ We would like to thank Christopher Murphy for his invaluable help in translating the text.

experiences that individuals in their everyday world usually have. Hence, the crimes from which they had suffered were rarely given the exceptional role which the experts in the relevant fields - police, criminal justice system, criminology or victim assistance organisations - usually expect and assign (this is not true, of course, as far as victims of very serious crimes are concerned). As many victims did not go to the police (on the average around 50%; exceptions are car theft and burglary), rarely demonstrated a higher degree of punitiveness and did not generally display a greater fear of crime than non-victims, the open question resulting from such findings: 'why should they?' seems nonetheless unacceptable. *Whatever, the 'victim' does not provide a very suitable justification for a policy of harsh punishment* (Boers, 2003, 14).

Another reason has to do with the criminal-*political* importance of the related fields of research. This means that the legislator, the police and the criminal justice system (and of course the media) are interested in the public attitudes to criminal problems to adapt the fight against crime, on the streets or in courtroom, to expected fear and punitiveness. The difficulty for criminologists is that they may contribute to the war on crime through their knowledge even if they do not want to. Sometimes however, whether it is because of badly needed resources, the acknowledgment as experts or because they are members of a state-subsidised institution, one may find them within mental proximity of politicians and *their* way of thinking. On the contrary, criminology should develop its own theoretical concepts by replacing the usual simplicity of legal, political and media crime perceptions in favour of their greater inherent complexities. It cannot be excluded that descriptive approaches such as 'How much fear?' or 'How harsh should penalties be?' will make room for more analytical approaches such as: 'Fear?; what about proven relationships between attitudes towards social change and crime?' or 'Punitiveness?; what about similar - hostile - attitudes towards asylum-seekers, Roma and criminal offenders?'

These brief observations demonstrate that there is a pressing need to revise research on public perceptions of crime. This is true not only for fear of crime, but also with regard to calls for 'tougher' law enforcement. On the basis of research concerning the existing model of a simple relationship between attitudes towards crime and crime, and a subsequent brief critique of current methods and approaches, a cursory outlook will be given of how the old attitudes and perceptions could be merged into the larger frameworks of 'insecurity' and of 'risk'.

I - Fear of crime as fear of social change?

Victimology research has furnished us with an understanding of the great sufferings victims experience, especially victims of serious violent offences. Moreover, research has shown

that those victims are particularly fearful of further violence, that they avoid streets and public spaces (particularly after dark) and that they tend to take precautionary measures that may have negative effects on their quality of life. It must however be added that serious crimes in public, as opposed to serious crimes in private, are rather rare events (and this is especially true with regards to women as victims of violence). Unfortunately, police statistics and victim surveys fail to clearly distinguish between public and private space. This failure forced us to create the category of the 'stranger' as an actual or potential perpetrator of crime; the presumption is that violence that occurs in public spaces is typically committed by strangers.

On the basis of the German Police Crime Statistics from 2007 (which do not contain traffic offences), the number of registered serious violent crimes (this category is composed of: grievous bodily harm, all types of robbery, rape and sexual assault, murder and manslaughter, kidnapping and extortion) totalled 3.5% of all registered crime (*Polizeiliche Kriminalstatistik*, 2007, Table 92). 70% of the victims were male; regarding to a similar category of violent crimes as defined by the *British Crime Survey* (BCS) from 2005/2006 (see Walker *et al.*, 2006, 64), the percentage of male victims in Britain was 62%. In 53% of the German cases the perpetrator was a stranger (59% concerning male victims, 39% concerning female victims); in the BCS the proportion of offences committed by strangers was 52% (62% of the victims were males, 36% were females; Walker *et al.*, 2006, Table 5.01). Taken together the extent of serious violence, the gender of the victims and their relationship with the perpetrator, public space may be seen as providing a rather moderate risk factor; in view of the greater crime exposure of men this is especially true for women⁴⁹.

What, then, is the purpose of research into fear of crime? If we take the oft quoted definition: *Fear of crime is an emotional response of dread or anxiety to crime or symbols that a person associates with crime* (Ferrero, 1995, 4), political and criminological interest ought to be directed both at violence in the street and in the family (domestic violence). Politics and science are however almost solely interested in the public space. This is maybe because public violence is more visible and is therefore perceived as being more widespread and dangerous thus leading to new themes such as *Anxious Cities* (Sessar *et al.*, 2007) or *Community Safety* (Crawford, 1998). However, as research is able to demonstrate that in the private sphere - as opposed to the public sphere - women are overwhelmingly more victims, and more repeat victims, of violence than men (Finney, 2006, Tables 2.1, A.1) we may arrive at different conclusions regarding the official

⁴⁹ The similarities between the British and German data-sets are striking, especially in view of different survey methods (police recorded crimes *vs* crimes captured by victim surveys), the different legal definitions of offenses and the diverse groupings of violent crimes.

interest in the fear of crime issue. Its main objective is the fight against crime with fear being a suitable means to provide additional legitimacy. In contrast, initiatives to combat fear of domestic crime are apparently less attractive.

Fear of crime is a political issue in the first place. The then U.S. Senator Richard Nixon made this very clear when he wrote in a pamphlet entitled *Toward Freedom from Fear*: 'If the conviction rate were doubled in this country, it would do more to eliminate crime in the future than a quadrupling of the funds for any governmental war on poverty (cited in Harris, 1969, 73). In an effort to measure the extent of fear of crime in the American population, politics mandated the social sciences to conduct a set of surveys (Ennis, 1967). It was through this mandate that fear of crime became a central scientific issue, albeit with a clear political background. A naively operating criminology thus set about creating concepts which were so vague that an interpretation as fear occurred all too easily; more precisely: Fear as defined by criminology was measured against itself, with the resulting creation of a *fearing subject* as a politically usable construction (Lee, 2001; Sessar, 2008).

To demonstrate this we take as our starting point the definition of Ferrero. Its operationalisation for investigations would imply that perhaps not too many subjects would disclose such strong feelings. By avoiding the terms 'fear' and 'crime' and asking instead about 'unsafety' at night alone on the street (the so-called standard question), the answers that were provided have been and still are interpreted as an *expression of fear*. 'Unsafety' is therefore a proxy variable, with a broader meaning than fear; after all, one can feel unsafe without being fearful. Furthermore, as quantitative surveys do not ask about social contexts of fear (When? Where? How often? How persistent?) it remains unclear as to whether fear is based on a specific passing experience or has become a longstanding and deeply rooted feeling. Finally, since researchers are questioning the same respondents two times and are discerning considerable discrepancies between high rates of fear in surveys with closed questions and low rates of fear through subsequent interviews with open questions (Farrall *et al.*, 1997; Kury *et al.*, 2004a) the present approaches have become methodologically unfeasible.

Using other terms such as 'worry' failed to improve the situation as *worry means different things to different people* (Farrall *et al.*, 1997, 666). It is also unclear whether the question about the likelihood of falling victim to a crime expresses fear of it. As these estimates are sometimes out of proportion with the reality doubts about the validity of the answers emerged. For instance, two years after the fall of the Berlin Wall in 1989 over one third of young women (up to 30 years old) from major cities in East Germany considered it likely or very likely that they would be raped (36%); concerning women up to 50 years old who almost never left their homes at night a survey in Krakow showed that almost the same number (31%) thought that this crime was likely or very

likely to happen to them in the near future (Sessar, 2008, 26-27). These answers could hardly be interpreted as expressing fear in accordance with the usual understanding of the word, *rather, they mirror some sort of uneasiness - or protest - in view of the unbearable conditions in their communities or neighbourhoods in terms of social disorder [...] and the absence of social control* (Sessar, 2008, 27).

None of these insights are new. Nor is the fact that they have often been ignored so that ongoing studies using the same or similar measurement instruments and interpretations continue to be pushed onto the market. In fact, one can observe that despite all the methodological and conceptual critiques of previous research on fear of crime, a clear desire exists to dwell on this subject by developing better indicators that are capable of improving the studies of fearful sentiments. The provocative question remains nonetheless: Do we measure fear of crime when we measure fear of crime?

A first step in this direction has been to integrate the rather large area of social (urban) disorder into fear of crime research. To this end, it has been examined whether social and physical disorder in specific urban neighbourhoods, summarised as 'incivility', is a possible trigger for fear of crime even in the absence of crime. This question is important as districts and neighbourhoods that suffer from social disorder also usually suffer from high crime rates as well. As far as can be seen, this question has yet to be answered: *The disorder and crime indicators are substantially intercorrelated that it would take a much larger sample of neighbourhoods to untangle accurately their separate relationships with fear* (Skogan, 1990, 77). Would such disentanglement be successful, the focus would fall on aspects of social insecurity; criminality would then only deliver the semantics for the discussion.

Perhaps we need to take a different view. The social and political discourse on everyday violence is almost identical to the discourse on insecurity and fear. This means that fear of crime does not express *lay diagnoses about neighbourhood breakdown and stability* (Jackson, 2008); rather, these are diagnoses stemming from experts - the residents - concerning the living conditions of their neighbourhood. For the residents insecurity and fear (of crime) are intrinsically tied to each other and to the hostile state of their immediate vicinity.

Maybe, it is even more than this. The assumption is that concerns about more general sometimes even global problems are capable of directly affecting the livelihoods of individuals and thereby their attitudes including fear of crime. These problems embrace pandemics, economic crises, poverty, terrorism, or climate change. First clues have been offered up by the research of Hirtenlehner (Universität Linz) who tested a completely different methodological design. With the help of the *Second-Order Confirmatory Factor Analysis* (Byrne, 2001) different sets of variables were calculated in relationship to one another from the areas of: 'Fear of Crime'

(represented by risk assessment with regard to eight different types of street crimes); 'Social Disorder' (eight items such as loitering juveniles, vandalism, run-down houses, etc.); 'Personal Fears' (four items, for example, serious illness, loss of friends); and 'Social Fears' (six items, among them increased taxes and prices and destruction of the environment). In these calculations, fear of crime (risk assessment) was not the dependent variable, but one of the factors for the purpose of identifying a new dimension hypothetically called 'Generalised Insecurity'. According to the author, the findings show *that fear of crime is a projection of more general anxieties. It is inseparable from other forms of insecurity. It represents one component of a generalised insecurity whose origins can be found, according to many sociological diagnoses of the time, in the political, economic and social changes in late-modern societies. Secondly, the findings detect a mechanism of confounding between incivility and crime-related fears which has not been much studied up to now. Fear of crime and feelings of incivility appear to be parallel manifestations of a generalised syndrome of insecurity which can only be understood in the light of social change* (Hirtenlehner, 2008, 149-151). This view is supported by studies on punitiveness which discovered an essential impact of non-crime-related factors, especially general economic anxieties, on punitive attitudes (King, Maruna, 2009, 160-162). Within the framework of systemic concepts such ties and connections are not unknown: The world can no longer be broken down into pieces to investigate and interpret them individually; rather the world has become a complex system with mutually influencing elements that require a rather integrated approach.

From this and other research on fear of crime important though inconsequential conclusions have been drawn. For instance, fear has been explained as a result of *the dynamics of de-traditionalisation and an accompanying sense of disruption* (Hope, Sparks, 2000, 5); or it has been compared to a *sponge, absorbing all sorts of anxieties about related issues of deteriorating moral fabric, from family to community to society* (Jackson, 2006, 261); or it has been considered to be a code or metaphor to express feelings of deprivation and alienation or a general pessimism about upcoming social crises that are likely to substantially impact on one's own existence (Sessar, 1997a, 171-176). The question is why the concept of fear of crime has not yet been replaced by larger concepts such as perceptions of risk or by burning issues such as existential angst in order to give our items a more suitable context.

II - Punitiveness as an expression of helplessness and insecurity?

It has almost become completely impossible to maintain a thorough overview of the scientific research on 'punitiveness'. As such, we shall limit the following debate on punitiveness

as one essential element of public perception of crime; a further area - punitiveness as an inherent trait of modern penal policy - must be left out.

There are a number of analogies to fear of crime that lead it to be conceived and treated as one overarching theme. As it is difficult, maybe even impossible, to find objective criteria for attitudes such as punitiveness or sensible reactions such as fear, each and every research result is a product of its methodology (Kury *et al.*, 2004b, 55); this also applies to the interpretation of the results. Nothing in this field is methodology-resistant. As an example let us take the common question concerning support for the death penalty. Because an objective benchmark for punitiveness does not exist we have to define it. This is usually done through comparison with previous surveys on the same topic or with surveys in other countries; punitiveness is then considered to be highest where the most support (that is approval) has been found. As such, attitudes to (capital) punishment become criminological constructions. This also applies if less simplistic surveys are used such as the scaled presentation of various sanctions (from severe to mild) or of the aims of sentencing (for example, from retribution to restitution); the preference of severe or retributive penalties then passes for punitive attitudes. All such descriptive studies lack validity, at least as long as the questions are not embedded in larger contexts that would allow for deeper analyses. Context variables are, among others, the substance of the diverse penalties, their consequences (also for the victim), their presumed ability to deter or rehabilitate and, particularly, alternatives which though perhaps more civilised do not thwart traditional presumptions.

It was a lawyer, judge Thurgood Marshall of the U.S. Supreme Court, who commented that an opinion about the death penalty can only validly be expressed if one is informed about what the death penalty actually means (Furman v. Georgia, 408 U.S. 238 (1972); Bohm *et al.*, 1991). This led to the creation of the so-called *Marshall hypotheses*. A whole band of literature now exists on the much broader question of whether knowledge or access to information can change attitudes to punishment and its objectives and achievements over time (Cochran, Chamlin, 2005). Most studies follow a pre-test/post-test scheme; the information which is supposed to change attitudes and opinions is sandwiched between two or more phases of interrogation. One method called *deliberative poll* consisted of an interview on the effectiveness of crime reduction through parental education, neighbourhood watch programs, precautionary measures, stiffer sentences, increased use of prison sentences etc. Attitudes towards prisons and prison sentences were also garnered. After completion of the initial interview the participants were invited to spend a weekend with criminal justice practitioners, researchers, politicians and ex-prisoners to discuss the topic in question in all its dimensions. Thereafter, on two separate occasions the participants were asked the same questions from the initial interview - once immediately after the meeting and

once 10 months later. In most cases, even after almost a year a lower support for law-and-order items than demonstrated in the first interview could be detected (Hough, Park, 2002.)

Due to the complexity of this experiment little chance exists that it will ever be repeated. It did, however, demonstrate that knowledge affects opinions and sentiments (not always in the direction of greater liberality - a fact which must be accepted and endured by criminology). Moreover, it shows that only knowledge and information or the chance to meet with experts to discuss the topic is a prerequisite for a valid answer. Only then is the respondent taken seriously. One must therefore try to increase the complexity of investigations on punitive sentiments as through any additional detail more detailed results will be obtained.

Here are a few other examples taken from the criminological research. One of the most important findings in recent years has been the change in attitudes towards sentencing when alternative dispute resolution measures have been introduced. Let us take two randomly selected groups of respondents. Each group has to evaluate the case of a 30 year old offender with a previous criminal record (assault and theft) who started a fight in a pub and consequently assaulted his victim with a barstool. The victim lost two teeth and suffered from a laceration to the head which required stitches. One group received the additional information that before the trial a social worker arranged for an appointment to take place between offender and victim to discuss the incident. The offender apologised for his act and with the consent of the victim paid for the damages caused as well as for the pain and suffering experienced. The people in the two groups favoured the given sanctions as follows (group without/with information about previous restitution; percentages rounded):

- imprisonment 10%/4%;
- probation 26%/14%;
- fine or/and community service 47%/46%;
- restitution 1%/ -;
- dismissal of the case - /24%;
- others, don't know 16%/12% (Pfeiffer, 1993, 59-61).

Many similar studies point in the same direction (Sessar, 1992). Should restitution be equal to traditional criminal sanctions and should it be appropriate with regards to the case in question, we may have a society with much more relaxed attitudes to law enforcement; as far as the victim is concerned, one could rely on him/her in many of these instances. However it cannot be excluded that this is in fact not desired.

As with research on fear of crime we must also ask ourselves: What do we measure when we measure punitiveness? Again, we are interested in background factors, with the understanding

of punitiveness as a guarantee for general *security* being of particular interest. 35 years ago Faugeron and Robert identified that advocacy for the death penalty can be understood as a need for security from dangerous recidivist offenders and not only as a rigorous desire to punish (1974). This hypothesis has been repeatedly confirmed by subsequent empirical studies: when in the U.S. life imprisonment without parole has been offered as an alternative penalty the preference for the death penalty declined considerably (Kury *et al.*, 2004b, 62-64). It has been argued that in the event of a lifelong sentence, should it really mean *lifelong* (that is without parole or pardon), the security interests of the population are adequately safeguarded to the point that the death penalty is no longer needed (Dieter, 1993). We will leave this question open as to whether in view of current prison conditions for lifers preference for lifelong imprisonment as opposed to death penalty is really a minor punitive attitude.

However, not only does a requirement for security through close confinement exist but so too can a link between *insecurity* and punitive views be observed. This is a completely different approach. As part of a project designed to examine crime during the social upheaval that occurred in East Germany after the fall of the Berlin Wall, Sessar dared to title a chapter for the final research report: *Punitive attitudes toward upheaval* (1997, 255-292). The observation was made that the total replacement of the social structure of the GDR by the social structure of the FRG was not only a political problem; it was also a problem of identity in the sense that a whole people had lost their social as well as moral orientation (irrespective of the acceptance of the former regime). For quite a while strong feelings of alienation in terms of helplessness and hopelessness, that is, of social and moral insecurity, prevailed. It seemed to be obvious that these kinds of structural deprivations nourished fantasies of punishment in whatever direction which, tamed for the purpose of a survey, ended up as punitive attitudes in the findings. For example, 30% of the East German respondents voted for imprisonment in the case of a man from West Germany who had claimed to be the former owner of a property in the GDR and had entered this property without asking (Sessar, 2001, 20); this response was interpreted as a sign of outrage, helplessness and a diffuse kind of feelings of insecurity rather than an actual punitive attitude in the usual sense of the word. This interpretation comes close to the relationship between the decline of society's moral and social consensus and support of punitive public policies as described by Tyler and Boeckmann (1997, 256). The study by King and Maruna took this idea in a similar direction; so-called expressive factors like *wider economic anxieties* (with reference to the economy of the country) and *generational anxiety* (with reference to behaviour and lack of respect exhibited by young people) together with 'education' and 'conservatism' have the strongest effects on punitiveness, with no direct effects of crime-related factors such as 'victimisation' or

'concern about crime' (King, Maruna, 2009, 159). By including the fear-of-crime issue the authors sum up their results: ... *the real source of punitive views, as well as anxieties/fears about victimisation, may be found in wider concerns about social change* (King, Maruna, 2009, 161).

III - Insecurity and risk as new issues of research?

The purpose of the previous considerations has not been to ask about who is fearful of violence and why, nor to question why some seek to punish criminals more severely than others. Rather, the considerations have been designed to deconstruct and reassemble public perceptions of crime as criminological concepts alone seem to be too narrow to capture the importance of these kinds of attitudes; even permanent conceptual and methodological improvements in the past only had the role of improving the validity of the measurements.

In a discipline whose function is the investigation of crime in all its facets (including its control and prevention) this cannot be otherwise. But herein lies the system's weaknesses. The focus on crimes to examine attitudes is strongly normative, as if *crime in the books* provides per se a social and moral model for an unmistakable interpretation of the peoples' views. However, modern criminology understands crime much more *as a socially constructed and discursively constituted category. It is a violent categorisation of the diversity of human conflicts and transgressions into a single category 'crime', as though these were somehow all the same* (Henry, Milovanovic, 1996, 115). This is also true with regard to criminologically generated fear of crime and punitiveness which through crime-related selections neglect the multitude of inherent - often non-crime-related - motivations and expectations.

Research undertaken on the basis of a relatively closed image of crime necessarily operates with a relatively closed, that is, self-sustaining set of variables held together by the notion of crime. They create a quasi body of experience for criminological investigations. New findings are not allowed to hurt or damage the canon of acquired knowledge, but only to expand upon it. Thus it can be difficult to connect other disciplines, which possess their own wealth of experience and knowledge, with criminology. For instance, *social disorganisation* was initially a feature of urban sociology and human ecology and was only later turned into a criminological issue. This was an extension at the macro level which meant that it was feasible. The issue is more difficult when addressing the characteristic of 'incivility'. Incivility creates crime or attracts it - no problem so far. But it may also create fear even in the absence of crime which is interpreted as fear of crime in criminology - does this work? Is one frightened because crime is suspected to hide or lurk behind broken windows or because broken windows are perceived like

crimes or because crime is a metaphorical expression for broken windows? Moreover, how should criminology react to the findings of Hirtenlehner, King and Maruna, to name just a few, who have discovered the existence of more universal insecurities and anxieties that may lie behind fear and punitiveness?

It looks then as if we will leave the narrow field of criminology with the aid of criminological research in order to delve into the broader sociological and social psychological areas of insecurity, anxiety (or angst) and risk - a move that is not without irony. These concepts are already connected among each other (risk society as angst society, see Scott, 2000, 39); and although they are similarly ambiguous they are well suited to stake out the field in which fear and punitiveness could be positioned. Some short few remarks on this must suffice.

A feature that is common to all such general attitudes is the uncertainty and unpredictability of events or situations and sometimes to premonitions to which they are addressed. We live in a world in which basic confidence in the future once imparted by the society and its economic, legal, educational or political systems is increasingly being suspended. Beyond that we feel concerned by terrorism, global warming, pollution, a decline in welfare facilities, pandemics, economic problems and social or natural catastrophes; and we also feel threatened by crime (political, trans-national, organised, economic, environmental crime, or violence as an expanding medium of global communication). These threats and issues converge in our thoughts and lead to the formation of one big issue called 'risk'. *The notion of risk is made autonomous from that of danger* (Castel, 1991, 288). Risk as opposed to danger is not something 'out there'; it is not tangible. It is a way of perceiving uncontrollable, maybe even invisible developments with presumably disastrous features.

We could proceed as follows:

a. We absorb risk into criminological research on perceptions of crime, i.e., risk is added to notions such as fear, unsafety, worry and concern. This is a process that has been underway for some time: When survey respondents are asked to assess the likelihood of being a victim of crime we call this 'risk assessment', which is supposed to be the so-called cognitive component of fear. From the research however we know that some respondents either assess the threat in accordance with crime reality - this is then perhaps not fear - or their perception of crime threat (for example, in terms of the presence of violence in the neighbourhood) is totally disproportionate - this is then perhaps not cognitive. We therefore concluded that risk assessment not only embraces environmental perceptions of crime and of symbols associated with crime (Jackson, 2006, 256) but also of symbols that are not associated with crime. In the same way, though with caution, punitiveness should be integrated into these considerations.

b. Another option would be to conduct risk research and integrate criminological research therein. This would mean that we would not treat risk as a global, symbolically charged set of variables to measure crime attitudes on a larger scale. On the contrary, we would treat risk as an object of our general insecurities and anxieties, with fear and needs of punishment as parts thereof. By so doing, we would abandon the notion of *public perception of crime* and substitute it with *public perception of risk* (see Douglas, 1992, 40; Scott, 2000, 38-39). Admittedly, it is doubtful whether criminology would agree because it would mean that parts of its knowledge base - crime analyses - would be relinquished and left to other disciplines. This danger is omnipresent, however; the question was once posed as to whether *we still need criminology as sociology, psychology, political science, urban anthropology or neurology could do studies of this kind as well* (van Swaaningen, 1999, 7).

c. Finally, we can investigate the political instrumentalisation of fear, risk and punitiveness. In so doing we would return to one of our starting points.

IV - From fear of crime to fear of crime prevention?

One of the most distinguished tasks of modern criminology is the investigation of crime control. This investigation includes studies of fear of crime and punitiveness as these items turned out to be supporting elements in the war on crime. However as street crime is on the decline and because people are increasingly faced with other more pertinent concerns, the criminal political energy regarding the use of criminal attitudes has begun to dwindle. Moreover, a growing differentiation in attitudes brought on by criminological research is discouraging for a political system that requires easy statements and findings; *politicians need to take account of the reality of public opinion as it emerges from 'snapshot' public opinion polls, in which the respondent has neither sufficient information nor opportunity to reflect on the issue* (Hough, Park, 2002, 166⁵⁰).

In addition, for some time criminal policy has been witnessing a shift in its focus. The spotlight is now increasingly focused on crime prevention with risk as the new objective for interventions. Politicians and law enforcement agencies are tired of chasing after criminals; they now seek to ensure that criminals don't come into being. As it is difficult to know who amongst us will later turn into a criminal, a form of general suspicion seems to be in the making with the purpose of extending this suspicion to large numbers of (or preferably all) citizens. Citizens thus become risks. This means that concrete crimes and criminal perpetrators as well as the

⁵⁰ See also John Maynard Keynes: *There is nothing a government hates more than to be well informed; for it makes the process of arriving at decisions much more complicated and difficult* (cited in Davies, 2004).

aggravating legal restrictions used in the fight against crime become rather troublesome and annoying, to the point that unrestricted fields of action are required for wide technologically based surveillance. On the one hand, the essence of risk is (as mentioned above) its uncertainty and unpredictability, on the other hand, one is missing subjects who can be blamed. Therefore risk must be compensated for by control: *What the new preventive policies primarily address is no longer individuals but factors, statistical correlations of heterogeneous elements. They deconstruct the concrete subject of intervention, and reconstruct a combination of factors liable to produce risk. Their primary aim is not to confront a concrete dangerous situation, but to anticipate all the possible forms of irruption of danger. [...] To be suspected, it is no longer necessary to manifest symptoms of dangerousness or abnormality, it is enough to display whatever characteristics the specialists responsible for the definition of the preventive policy have constituted as risk factors* (Castel, 1991, 288-289).

In fact, our societies are about to undergo an increasing change from a repressive type of (limited) crime control to a preventive type of (unlimited) social control. 'Crime' may gradually be substituted for 'risk', which for criminological considerations could signal the change from crime society to risk society. *Risk-based control is no longer only one trend among several others, including retributive and restitutive justice, but has instead become a presence* (O'Malley, 2004, 135), covering almost all segments of our life-worlds.

Criminology has long hesitated to conceive fear of crime and punitiveness as political issues. Becoming more aware that its findings and discourses help to construct stereotypes of crime, criminals and perceptions of crime, it may turn now to *fear of crime prevention* as a more salient issue of research.

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RISK, FEAR AND INSECURITY: IN PRAISE OF SIMPLICITY

Mike Hough

This paper is a response to one produced by Adam Crawford, *Governing perceptions of Crime and (In)security in an age of uncertainty* and one by Klaus Sessar and Helmut Kury, *Risk and insecurity and broader concepts behind fear of crime and punitiveness*. Their papers are interesting and stimulating one, and there is much in them that I agree with. I have taken a critical stance towards them, however, on the principle that a Devil's Advocate can help advance debate.

Academics have a vested interest in establishing that things are more complicated than they appear at first sight. How else could one justify a life of thoughtful analysis of issues that most of the population treat as unproblematic common sense? I don't want to devalue the academic enterprise. Given that powerful people have a vested interest in preserving political discourses that preserve their power, I am very happy that academe should have this critical function of deconstructing common sense.

Sometimes however, things may be as simple as they seem, or not as complicated as we academics say they are – or at least as complicated in a different way – and it is this idea that I want to play with here.

I - Some ideas in the papers

Implicit in Adam Crawford's paper and more explicit in Klaus Sessar' and Helmut Kury's is the idea that people's attitudes to crime and punishment are not really about what they appear to be about. The expression of anxiety about crime, or highly punitive views towards sex offenders, for example, or street robbers, may interpreted as part of a constellation of attitudes which has its roots in something deeper than facts or perceptions about crime. Interpretations of this sort are the psychological equivalent of 'referred pain'⁵¹ : the source of the problem is not the obvious one.

⁵¹ Pain that is felt at a place in the body different from the injured or diseased part where the pain would be expected. For example, angina can cause referred pain in the left shoulder.

1 - Psychological 'referred pain' explanations

The distant origins of this family of explanations can probably be found in 19th Century interest in the unconscious mind, and with Marxist ideas of false consciousness and Freudian ones about repression and projection. A slightly more recent antecedent is to be found in Adorno, the Frankfurt School theorist known best for his work on the *Authoritarian Personality* (Adorno, 1950). This was an attempt to offer an explanation in the post-Freudian tradition for the phenomenon of fascist anti-semitism. Adorno suggested that particular forms of authoritarian upbringing involved the repression of forbidden drives (such as sex, greed and aggression) and the consequent projection of these drives onto ethnic, political, religious or sexual minorities. The hated group serves simply as a screen onto which repressed desires can be projected. Offenders – or criminals, to use the preferred hate term – can fall into this category.

This is not the place to review the extensive critiques of Adorno's position. For the purposes of this paper, let us just note that the general proposition is intuitively attractive to anyone who has had to confront the emotional intensity with which some homophobes or racists or religious bigots expound their views. And of course, it is equally obvious to anyone who has encountered people with extreme mind-sets of this sort that attempting to correct their perceptions through rational argument is pointless.

Adorno was writing at a time where it was socially acceptable – and in some regimes, desirable - to express intense hatred of 'deviant' groups. Times have changed. One of the many welcome effects of our growing intolerance of intolerance is that the pool of candidate 'hate groups' is fast shrinking. (Indeed various commentators have suggested that offenders are one of the few remaining groups that are still 'fair game' for demonisation.) Now Adorno's enterprise feels less relevant than it did immediately after the Holocaust. The post-Freudian terminology seems increasingly old-fashioned, and his work has lost its visibility. However the logic of such post-Freudian explanations for intensely held attitudes have permeated our thinking.

At least within the criminological sphere, there is now little interest in explanations at the individual level for tough-mindedness or insecurity that refer to personality traits – although I think we would all probably recognise two things:

- There are anxious people, who worry about everything
- There are tough-minded people whose attitudes to offenders are part of a constellation of attitudes towards benefit scroungers, immigrants, teenagers, etc.

2 - Sociological 'referred pain' explanations

However, there is, as the papers illustrate, growing interest in social and cultural 'referred pain' explanations of public orientations towards crime. As I see it, the intellectual origins of these sociological explanations probably lie in Marxist notions of false consciousness, although the psychoanalytic tradition from Freud to Adorno and beyond must also have played a shaping role.

One can identify a continuum on which different sociological explanations sit. At the one end of the spectrum, Giddens (1990, 2000) and criminologists such as Bottoms (1995), Garland (1996, 2000, 2001) and Young (1999) have suggested that punitiveness towards, and fear of, offenders is a reflection of the uncertainty of conditions of life in late-modernity. The focus here is on the rapidly changing economic and social circumstances and the fears that these changes produce in people. Punitive public opinion and punitive penal policy are considered together as responses to the complexities and reduced protections brought on by rapid social change.

Under circumstances where traditional certainties and sources of trust have been stripped away the public desire for punishment of offenders and the state's determination to deliver it serve expressive functions. As the prospects of family life, a job for life and even an afterlife all look increasingly uncertain, it is easy to (mis-)identify the source of the threat as offenders, and it may prove cathartic for communities to take decisive punitive action. In other words, wide-ranging insecurities which people feel in the face of rapid social change will be translated into concerns about the risks of crime and about threats to personal safety. The 'pain' caused by the uncertainty of living in conditions of late modernity is referred (or projected), and shows itself as anxiety about crime. Broader public anxieties create an environment characterised by ontological insecurity in which the *criminology of the other* - to use Garland's expression comes to the fore.

At the other end of the spectrum it is argued that concern about crime is a way of giving expression to only slightly wider concerns about neighbourhood decline. The work of Jon Jackson and also that of Martin Innes is relevant here. The *signal crimes perspective* (SCP) developed by Martin Innes and his colleagues (references) is a good example of this approach. SCP suggests that particular acts of crime and disorder, and particular forms of social control, have a disproportionate impact upon how individuals and communities experience and construct their beliefs about crime, disorder and control - and the security that their neighbourhoods afford them (Innes *et al.*, 2002). The theoretical framework focuses upon the ways in which different forms of crime and disorder - and different forms of policing - signify meanings about the wider conditions of social order. The arguments still have the logic of 'referred pain', in that the

concern triggered by the 'signs of crime' related not to the risk of crime *per se*, but to degradation to the quality of community and neighbourhood life.

II - Assessing 'referred pain' knowledge claims

One of the best known critiques of Adorno's thesis was that of Karl Popper, who argued that it was hard, if not impossible, to falsify the central claims about projection. Just as all 'referred pain' arguments share a logic about the apparent and real source of emotions that drive attitudes, so too they share the problem identified by Popper. What sort of evidence is acceptable in support of, or in disconfirmation of, a particular theory?

I have long been attracted to arguments about late-modern anxieties finding voice in the form of concern about crime and criminals. But I have often struggled to see what sort of thing is to count as supporting evidence, and what, if anything, will count as clinching evidence for or against. How is one to establish whether late modern uncertainties are more or less uncertain than those associated with the Cold War in the 1960s? Or the Crash of 1929? Or the upheavals associated with the shift from agrarian to modern societies? And how is one to establish that people articulate their late-modern anxieties in the vocabulary of concern about crime?

Just as Adorno aimed to accumulate empirical evidence in favour of his theories about authoritarian personalities, so too one can envisage *some* form of empirical exploration of the sociological 'referred pain' explanations. There are testable hypotheses, for example that those groups who are most vulnerable to the vicissitudes of late modernity will also exhibit most concern about crime. I think it important that theorising of this sort is actually supported by empirical enquiry - for otherwise sociological criminology reduces simply to a speculative or interpretative enterprise.

The key test is probably the presence or absence of covariation between measures which according to the referred pain hypothesis under examination *ought* to co-vary. This might be co-variation over time, or co-variation between people. Psychological explanations obviously look for co-variation amongst individuals. Perfect co-variation between anxiety about crime and anxiety about health would indicate that these are simply reflective of an underlying anxiety trait. Less than perfect co-variation would indicate that the different worries had different causal roots.

Tests of sociological referred pain hypotheses would look for co-variation over time, or across place. Here are a few thoughts on co-variation over time – which are rather Anglo-centric.

➤ If we think insecurity is increasing, trends in fear of crime should rise. But the Eurobarometer findings in Adam Crawford's paper show seven countries in decline from 1996 to 2002, nine increasing and one broadly static.

➤ In England and Wales, the trend in the widely used (if questionable) question about feeling safe out alone at night has been broadly stable for 25 years.

➤ In England and Wales trends about worry about specific crimes track trends – up until the mid 1990s, and down thereafter.

➤ In England and Wales the majority of the population now think that crime in their area is falling – even though the majority think it is rising across the country.

➤ In England and Wales three quarters of the public think the courts are too soft – slightly down on 80% in 1996.

III - What is to be done

It should be clear by now that I both have some sympathy for sociological referred pain arguments, and some misgivings. The root of the misgivings are the ways that they lead us to a sort of impossibilism in doing much about either anxiety about crime or popular punitiveness. The further that one moves away from the 'common sense' account of attitudes to crime and punishment, and the more that the source of the response is seen as something other than crime, the less sense it makes to agonise about fear and punitiveness, and to do something about the damage they cause.

I may not be giving it a fair reading, but I took from Adam Crawford's paper a pessimism about the scope for interrupting the processes by which insecurity – whether about crime or terrorism – lead to a particular family of responses, where precautionary principles justify exceptional measures that are 'light on rights'. We are getting only too familiar with the argument that a new balance has to be struck between rights and security. Many criminologists now follow Simon in arguing that governing through crime – and terrorism is now a fact of life.

I have moments of optimism where I feel that public attitudes to crime are actually simpler. Just one example: we've just published findings of a study about principles of sentencing. This included an exercise where we got people to guess imprisonment rates for different sorts of crimes. The most powerful finding for me was the sense of astonishment that people expressed when we revealed the extent to which they underestimated the English and Welsh courts' punitiveness. People are punitive for many and complex reasons, but the salient one is that they are simply – and thoroughly – misinformed about crime. It is also clear that people are quite

good at judging their risks of crime, and that the 'right people' worry about the 'right crimes' (cf. Hough, 1995).

The more that this is the case, the more there is room for a realistic engagement with the public about progressive criminal and penal policies. Theories of procedural justice provide a valuable framework within which to conceptualise the sort of institutional reforms that are needed within the criminal justice system (references). It is helpful to treat the main objective of systems of law as bolstering public compliance with rights-derived social obligations. Normative compliance is more stable and this more desirable than instrumental compliance. This implies the privileging of strategies for engendering trust in justice - the trust, that it, that the justice system will indeed adhere to the values of justice. This is in contrast to the narrow instrumentality of the current government's crime policies, which privilege crime control at the expense of considerations of justice.

Within this overall framework, it strikes me as essential that the narrative of 'redemption' is nurtured. Currently, government policy is increasingly Manichaeian in its identification of the minority of 'criminals' preying on the majority of 'law-abiding citizens'. This rhetoric is corrosive of the idea that people can address their offending; it surely serves to consolidate offenders' role as a 'hate group' which can serve as the location of 'referred pain'. Restorative justice initiatives offer a more direct form of recognition of the pain that crime has caused its victims, whilst also serving a 'redemptive' function that is no less certain than its competitors. In particular it might help civilize our criminal justice system by encouraging it to see itself as more than a zero-sum game.

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POTENTIAL EFFECTS OF NATIONAL POLICIES ON THE INFORMAL ECONOMY

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**INFORMAL ECONOMY AND IMMIGRATION.
A COMMENTARY ON THE CRIMPREV'S APPROACH TO THE MATTER**

Pietro Saitta

I - Informal Economy and Immigration: A Conceptualization

In an entry for a dictionary of economic theory, Hart (1987, my italics) suggests that:

The 'formal' economy is the epitome of whatever passes for regularity in our contemporary understanding, here the institutions of modern nation states, the more corporate levels of capitalist organization and the intellectual procedures devised by economists to represent and manipulate the world. The 'informal' economy is *anything which is not entailed directly in these definitions of reality*. From the standpoint of high civilization, whatever it cannot control or comprehend is 'informal' – that is, irregular, unpredictable, unstable, even invisible. Of course, the people whose activities appear in this light believe that they have social forms which help them to live from day to day; but these forms are usually less powerful and less rigid than those underwritten by state law and immense wealth.

In the light of Hart's words, it is possible to argue that the matter is essentially 'nominalistic'. In his perspective, 'informal' economy appears, first of all, as a problem of definitions of reality. Informality is, therefore, not the quality of an object in itself, but a 'construction'⁵² which takes place in the course of time and under certain circumstances. In other terms, one should ask *when, where* and *why* some groups of interest define *who* and *what* is 'informal'. Choosing this approach requires that one neglects, either temporarily or on a permanent base, the formal logic of the law and the principle of obedience. What is essential is that the analysts observe the structure of interests and the forces operating in the field, and look at the disposition of the actors not in terms of legality/illegality but in terms of outcomes of a dialectic process (Bourdieu, 1994). Such a process is not merely cognitive but also political. The latter term, political, has in fact a twofold meaning: It implies that the process reflects, on the one hand, the distribution of power in a society, and, on the other, that it is mostly determined by the policies of a country. As Becker (1963, 9, italics in original) puts it:

[S]ocial groups create deviance by making the rules whose infraction constitutes deviance, and by applying those rules to particular people and labeling them as outsiders (...). The deviant is one to whom that label has successfully been applied; deviant behavior is behavior that people so label.

⁵² For a definition of Constructivism, see Berger, Luckman (1967).

The acceptance of this constructivist vision of the concept has clear implications. The most important of them is that to study and discuss informal activities only in formal terms (rules/infraction of the rules) is reductive, and hinders the comprehension of the causes of 'deviance'. Moreover it consolidates the idea, apparently very common in the public discourse, that crime (or deviance) and probity are clearly separated by a line. Indeed, the existing research shows that the informal may be the *variable content* of the form; thus street peddlers of cigarettes invisibly complete the chain linking firms to consumers. Second, it may be the *negation* of formal institutions, whether tax evasion, shop-floor resistance or the world traffic in drugs. Third, it may be the *residue* of what is formal, that is more or less independent of it, not predicated on it (as in the case of much of the Third World's countryside, which is so alien to the urban and state-made economy that it would be nonsensical to suggest a dialectical relationship between the two) (Hart, 1987). In any case, what is informal is likely to be in a direct or indirect relationship with the 'official world': Informal economy, in fact, may be considered as: *a)* the product of the absence of the state, *b)* the result of its excessive intervention, or *c)* the fruit of its inadequacy to include society at its large. Furthermore, the idea that it is possible to draw clear lines to separate formal from informal seems to hide a prejudice: It implicitly suggests that the underground economic world is inhabited by dark creatures, belonging to a species other than the one operating on the surface. Common discourse as well as many scientific analyses and the policies, often evoke the idea that this unofficial universe is composed of marginal people, especially poor and immigrants. This representation is dangerous because it fails to highlight, e.g., that: *i)* a significant part of the official economy in the developed world is based on black labor and other forms of irregularity (Harris, 1996; Ruggiero, 1996), *ii)* the illicit markets exist due to the demand of prohibited goods by 'regular' consumers (Dal Lago, Quadrelli, 2003); *iii)* in spite of the growing criminalization and the diffusion of 'projects of reassurance' in the post-fordian cities (Gibson, 2003), informal economy allows societies to tolerate the presence of 'excess population' (Bauman, 2004; Rahola, 2003) by providing those who live at the margins of labor market with a chance of improving their real incomes (Hart, 1973; Swaminathan, 1991; Bagnasco, 1992; Bodo, Viesti, 1997).⁵³

Immigration flows constitute an important part of the described dynamic. Not that migrants are the main actors in the informal market. Only, they play an important role in the

⁵³ The role of informal economy in reducing strains is especially true in the case of countries characterized by lower levels of redistribution, and the deficiency of welfare state. As Thorbek (1988, 285) puts it: *[M]y inspiration comes from the viewpoint of the city which acknowledges the dissolution of social relationships due to urbanization, but at the same time sees this process as creating the conditions and potentials for oppressed and exploited people to develop their own culture and resistance. Seen in this way, it is not enough to study how the world market, capital or geographical movements influence and shape people's lives. It is important to recognize that people themselves contribute actively in the creation of their own conditions.*

reproduction of informal practices in the receiving countries, and, as they usually hold weaker positions, are more likely than the nationals to enter the informal labor markets.⁵⁴ With particular regard to the Southern European case, for instance, King and Zontini (2000, 42) notice that:

[T]he role of the informal economy has been absolutely fundamental in conditioning the types and outcomes of immigration into Southern Europe (...) It was well established in Southern Europe before the recent immigration, and is widespread amongst virtually all sectors of the population and across most sectors of economic activity (...) Hence it is not correct to target immigrants as the "cause" of the existence of undocumented economic activities. On the other hand, immigrants have interacted with the black economy in a very dynamic way, causing it to expand and reshape itself in many new directions. For many years, until the regularisations of the mid-1980s and the 1990s, the underground economy was the first and only chance immigrants had of obtaining any kind of work (...) Moreover the boundaries between the formal and the informal are never sharply drawn and are constantly being redefined, both at the institutional/legal level and at the level of individual economic actors - employers, employees, households, immigrants, etc. A regularisation campaign will decrease the population of undocumented immigrants, but possession of a residence and work permit does not necessarily mean participation in the formal economy.

After having summarized some of the key aspects, I can discuss more in details the way Crimprev has dealt with the topics of informality and immigration.

II - Crimprev's Contribution to the Studies on Informal Economy and Immigration

In my view, all of the aforementioned points have been broadly illustrated by most of the scholars involved in this project. Ponsaers, Shapland and Williams (2008, 645 ff.), e.g., in their introduction to a special issue of the International Journal of Social Economics devoted to informal economy and its links to organised crime, have highlighted how bodies such as the European Union, the World Trade Organization, and the nation states define who, what and under which circumstances is either 'informal' or 'criminal'. In particular, these authors have underlined how, in spite of the pretended processes of internationalization of the regulations, the scope of criminal law remains more culturally based, with nation states still seeing the criminal laws and policies as their own purview. This way of discussing the heterogeneous process of definition of informality is an important contribution that intrinsically challenges the idea that formal and informal are clear categories incorporating an unquestionable ideal of fairness. This

⁵⁴ With regard to the most industrialized countries, there are noticeable exceptions: Naples, e.g., is one of them. In this Southern Italian city, informal and criminal economy enrolls as many nationals. See Pardo (1995); Saviano (2006).

may appear as not particularly original as policies and regulations are the outcome of processes of negotiation involving groups of interest operating in society, and, with regard to the realm of economics, law could not be other than the expression of capitalist forces. Notwithstanding that, the choice of focusing the analysis on the dynamics of determination more than on the given categories and the subsequent infractions, allows to question the ideology of the ruling institutions and investigate the collateral effects of the policies. In other terms, this way of conceptualizing the relation between ruling bodies and the society helps to investigate not only the nature of order and its consequences on the social sphere, but also to dismantle current rhetoric on the 'natural statute' of disorder and crime. This is in my view an important step towards a critical reflection that rejects the 'administrative' approaches to this subject which are so common in the mainstream analyses produced by a number of agencies.⁵⁵

The next step consists therefore of discussing the role of policies in determining the phenomena they aim to defeat. Several articles in the course of the Crimprev's seminars dealt with this topic, and they provide, in my view, important contributions towards the understanding of the process of generation of informality. Vande Walle (2008), e.g., provides an accurate review of the existing literature which relates the spreading of informal economy and the intensity of state regulation. Her work is very useful for a number of reasons, and especially because she critically reflects on the impact of deregulation on the informal sector. This appears to be a very important topic to comprehend the ongoing dynamics both in the developed and underdeveloped world. As argued by Gërkhani (2004), since the end of the 1980s the conceptualization of the informal sector focuses on the regulatory framework. This approach, set in motion by De Soto (1989), relates the emergence of the informal sector to the policies applied and to transaction costs. It suggests, therefore, that in order to let the informal sector evolve, deregulation of the market, greater private property rights, and almost complete abolition of state intervention are needed. This standpoint has caused harsh criticisms with regard to the effects of this 'doctrine', especially in the Third World countries. In particular, Davis (2006, 81) notices that the de Sotoan approach accords perfectly with dominant neo-liberal, anti-state ideology, but is also inconsistent and 'tricky' as it is essentially a way to incorporate the poor into the tax base. Vande Walle explores similar dynamics operating in Western Europe and shows how formal and informal economies blur into each other, distributing costs and benefits in different ways. In particular, she reflects on the paradoxical dynamics leading formal firms to enter a *de facto* informal market (through the mechanisms of the Free Trade Zone, tending to develop different regimes of regulation inside a territory) and on the related, legalized system of exploitation of

⁵⁵ For a review of these positions, see Gërkhani (2004).

Eastern European labor force in the West. With regard to the latter example, Vande Walle (2008, 656) notices that: *[T]he Western European labor market is an economic right that has not been sufficiently framed in social legislation (...). The European governing bodies have created a formal economy for Polish employees that differ little in nature from the insecure position of employees in the informal economy.* These observations remind us of Shapland (2009) who argues, on the base of solid research, that are the nation states that choose which economic activities should be criminal or legal. This statement must be correctly understood in the terms that it is the absence, or the withdrawal, of the state to determine the formation of informal segments in the labor market. Shapland's analysis is quite complex, and develops a number of arguments that cannot be easily summarized. However, one of the most important points raised by this author is that the countries which are more likely to experience the growth of informal practices are those where policies of high service and manufacturing taxes exist, combined with high levels of subcontracting and outsourcing, and inefficient regulation and law enforcement. In my view, this perspective is valid because focuses on 'serious' forms of informality, that is, on the activities run mostly by entrepreneurs inserted in the official markets but operating in a 'grey' area. I assume that being able to distinguish the existing levels of informality, and highlight the different impact of the irregular activities is very important in order to defeat a securitarian approach to economic crimes that, in fact, tolerates the most serious forms of deviance, and is tough on minor infractions (street vendors of counterfeit products, illegal immigrants working in restaurants, and so forth).⁵⁶ Last observation is also related to what Aden (2009) argues in his paper. In short, this scholar notices that: *[C]ontrol bodies have to demonstrate that they are successful and therefore tend to concentrate their activities where they suppose to find many illegal workers. Inspection strategies mainly rest on previous experiences and hints given by neighbors or other people on the basis of more or less concrete suspicions.* In order to complete the analysis, one should then reflect on the costs of sanctions for employers and employee. For example, Italy has only very recently passed a law that punishes severely black employers.⁵⁷ Therefore one may claim that not a long time ago illegal immigrant workers were more likely to pay a bitter price than their employers (through deportation, confinement in the Centers for the identification, and so forth). This situation as well as the many others described by the contributors to this seminar, show that in the European Union there is an institutional discrimination which operates at least at two levels: class and race. The class-level is represented by the structure of legal and economic opportunities provided to those who occupy more or less solid positions in the official market,

⁵⁶ On law enforcement in the street economy, see: Duneier (1999); Nelken (2006); Sbraccia (2007).

⁵⁷ Though a law that, due to the deficiencies of the control agencies, does not have good chances of being enforced, as suggested by Ferraris (2009).

and to whom is granted the right to 'swing' between different regimes of formality at a little price (or lesser) (as the FTZ case explored by Vande Walle suggests). The race-level is comprised by the 'scapegoatist' role of immigrants from third countries: They are the favorite target of punitive campaigns implemented by the states and, even though they share with the lower-class, autochthonous workers a subaltern position essentially related to class and the levels of exploitation,⁵⁸ they are likely to experience a surplus of punishment due to their nationality.

This 'hostile playing field' has been investigated by Ferraris (2009) in a paper that deals with Italy, that is, with one of the most complex and fascinating European 'latecomer' to immigration. A place where core contradiction of the contemporary European immigration scene could not be more evident (Joppke, 2003, 381). Ferraris analyses the Italian policy on immigration and shows that, in spite of its facade, the corpse of the law does not aim to impede the access of massive flows of immigrants; on the contrary, it tends to place immigrant workers in particularly disadvantaged labor positions. Frequent legalization programs have been the tool deployed in the course of time by the Italian governments to stabilize millions of individuals who entered the country in spite of the absurd regulations and the bureaucratic biases which characterize the Italian approach towards economic migrants.⁵⁹ These were people who went through an ambiguous process of disciplining. In fact, on the one hand, they have certainly accepted hard labor and life conditions in the factories as well as in that services sector representing the core of the Italian economy; on the other hand, they have been socialized to the very special, Italian public ethic: The one that, in words that Ferrari borrows from Ruggiero, consists of the idea that *it is always worth giving it a try*. This is a very important part of the discourse of the author, as she explains a fundamental concept which is stranger to the Italian policy-makers: Immigration is a mirror, and it reflects only the image of receiving societies.⁶⁰ If one intends to follow Melossi (2007) and maintain that we should not deny that there is a problem and that immigrants indeed commit crimes (and are very active in the informal markets), then he/she should also bear in mind what Ferraris observes with regard to the socialization of the foreigners: They live in a country where the confine between licit and illicit is blurred, and where there is no precise agreement on the meaning of the rules.⁶¹ It is truly not surprising, then, if

⁵⁸ If this expression were not likely to deny their subjectivity and did not sound a little 'colonial' (see Agustin, 2007), one may argue that these workers, national and foreigners, are 'victims'. Nevertheless, they are often prosecuted and punished for their involvement in the 'black economy'.

⁵⁹ Calavita (2005) and Cornelius (2003) provide several insights on the oddities of the Italian legislation in the matter of immigration.

⁶⁰ An idea, however, largely explored by Sayad (2004).

⁶¹ In spite of the harsh criticisms they received, one should read the informed analyses of Banfield (1958) and Putnam (2003) on the Italian approach to the public sphere.

informal economy and criminal activities represent two important aspects of the settlement process of the immigrants in the *Belpaese*.

Only, it would probably be wrong to assume that these tendencies are typically Italian. The 'laws' behind the Italian case – that is, the mirrored relation between the practices of natives and foreigners, and the latent effects of the legislations – are probably valid anywhere else. Italy is therefore only a paradoxical space where these dynamics are expressed very clearly. Almost as clearly as in the case of some countries in transition. It is in fact stunning to observe, e.g., how many common traits Italy and, say, Ukraine present with regard to informal practices. In fact, if one reads carefully what Rodgers, Williams and Round (2008, 673-675) say about employees' behavior in transient Ukraine and compares it with what Farinella (2009) has found in Sicily, then he/she will get surprised for the extraordinary similarities that these two areas present. What is noticeable, therefore, is that traditional categories (development, underdevelopment, in transition, etc.) are not really useful when one observes the way practices ascribed to a certain stage in the economic evolution survive in countries which are supposed to be at a different pace in history.⁶² Or, and this is perhaps a better way to put it, the reality is that the world and the economic systems are in permanent transition, and informality is one of the tools through which changes take place.

III - Ideas for Future Research in the Field of Informal Economy

There is, therefore, at least an useful function that informality plays in the restructuring process of economies and societies at large. In milieus characterized by impressive changes in organization (in the 'developed' world short term contracts, outsourcing, and immigration are just some of these changes), informal economy is the space where the impact of social strains is reduced. What may happen, in fact, if informal economy were to be shattered by the state? Could we expect that such a world is safer than present one? In my view, informal economy, included many of those activities that the law defines criminal but have no victims (prostitution, 'soft' drugs traffic, etc.), can be considered the safety mechanism of complex societies unable to include huge masses of individuals and provide them with any guarantees. This perspective may sound cynical and, perhaps, also class-biased. In particular, it may appear as a minimal and conservative approach, mostly oriented to preserve the present levels of criminality. In addition,

⁶² Sicily is among the lesser advanced Regions in Italy, and in the common discourse this island embodies a stereotypical idea of underdevelopment. Notwithstanding that, its economic backwardness is purely relative, and one could hardly compare Sicily and the states of Central/Eastern Europe with regard to the wages or the GDP.

it may sound also disrespectful of the life of the workers employed in the black market, and exposed to terrible work conditions. Nevertheless, I imagine that it is nothing less than the realist, if one considers that, at least in the case of the immigrants, existing national regulations produce enormous reserve labor armies that do not have many options, except than being irregularly employed or developing their own informal economies (based either on irregular or illegal activities). But we know that the situation is not very different for many unskilled or moderately skilled nationals witnessing the end of work (Beck, 1999; Rifkin, 1995; Sennett, 1998) and, above all, the crisis of labor welfarism (Aaronowitz, Di Fazio, 1994; Spear *et al.*, 2001; Ehrenreich, 2002). In this scenario, informal economy has, therefore, different meanings: i) It may be a trap for hopeless individuals with few or no perspectives at all, caught in a sort of (post)modern slavery (Arlacchi, 2009); ii) it may be a provisional way to escape the blind alley of the lack of rights and/or economic opportunities (Rodgers, Williams and Round, 2008, 675; iii) it may be a sort of permanent transitional space in which changes take occasionally places and life conditions slightly improve in the course of generations (Saitta, 2008).

What I intend to outline is that 'informal economy' is a catch-all expression which includes many different typologies of irregular/illegal work, and different levels of exploitation (or self-exploitation). My impression is, both with regard to the corpus of literature in general and Crimprev's achievements in particular, that most of the scholarship focuses on the problematic aspects of informal practices. After all, one of the goals of a 'civil' science consists of denouncing biases and distortions of social organization in order to reform and enhance the general conditions of existence. Notwithstanding that, *it may be worth to deepen the exploration of other, less problematic aspects of informality.*

For instance, van de Bunt (2009) highlights the role of trust in the *hawala* banking system. This is a very important example of antagonistic social capital (Neira, Vázquez, Portela, 2008, 116; Dallago, 2005), and its presence confirms that official and underground business communities share values and modes of functioning. Beyond the principle of solidarity among the underclass, which has been largely studied by a number of scholars in the course of time (Lewis, 1966; Wilson; 1987; Wacquant, 1995), by deepening this issue one may reflect on interplay between moral systems (a theme that some of the contributors to Crimprev have quickly mentioned). What I aim to recall is that informal economy is not only a way to make a living. Rather, in many cases the insertion in some of the sub-systems composing the multifaceted world enclosed in this formula (especially the 'self-entrepreneurial' forms, included the illegal ones), has also important consequences on individuals' 'self-esteem'. In spite of the oppositions that the concept of 'resistance' occasionally raises (Ortner, 1992), I claim that

informal economy, in some of its articulations, is among other things an 'act of resistance' (Scott, 1990; Bourdieu, 1999) against environmental constrictions such as the impediments of the law, and the exploitation of the labor markets. As Broeders and Engbersen (2007, 1598) put it:

[T]he counterstrategies of irregular migrants - going underground by making use of bastard institutions, mobilization of (transnational) social capital, and manipulation of their identity - are typical "weapons of the weak." (...) Everyday forms of resistance are "a form of individual self-help; and they typically avoid any direct symbolic confrontation with authority or with elite norms". Forms of everyday resistance found among irregular migrants are found in the sabotage of the bureaucratic process of migration management by concealing identity. These weapons of the weak have usually only a marginal significance and are not focused on questioning the foundations of existing power relations. But, together, they may add up to a significant challenge to state policies.

Similarly, Rogers, Williams and Round (2009, 673) notice that:

[M]any interviewees would not conceptualise their practices as illegal even though in their broadest sense they are (...) They would argue that in fact their actions are a response to the practices undertaken by their employers, mainly low pay and a lack of job security.

On the base of these and similar observations, I suggest *that the study of the effects of informal practices on individuals' self-representations, and the positive consequences of these representations on the courses of life, could be an enriching field of analysis.* Through their informal practices, some marginal groups, especially those composed of immigrants (but not only them!), experience a "material" insertion in a materialistic society. Such material insertion, I argue, represents an important step towards moral inclusion. In a way, gains and goods obtained by means of irregular/illegal activities allow people at the margins to enter 'normal' society. In particular, these activities allow them to fulfill minimum expectations concerning appearances, desired objects, Self, and so forth. Moreover, market is a space of socialization: As shown by a number of historians, the world of business, in fact, is not only a place where material exchanges take place but it is also a relational lieu, where local languages, uses, and customs are learned among other things (Bailyn, 1979; Dalhede, 2006). This specific function of the (informal) market is apparent with regard both to newcomers and older immigrants inserted in receiving societies (Perrone, 1995; Colombo, 1998; Saitta, 2009). It would be therefore interesting to observe and compare the effects of this dynamic in a number of milieus where long-lasting, consolidated informal systems are active.

Moreover, informal economies do not affect only individuals but the public space as well. Authors such as Lefebvre (1991) and Brenner (2004), for example, argue that the space is continuously restructured by the forces operating in it, that is, by states, local governments, and the 'forces from the below' (included the actors operating in the informal economy). This is certainly plausible if one looks at the process of production of slums and illegal towns in the

underdeveloped world (Davis, 2006); but in less dramatic forms one finds similar dynamics in the historical centers and peripheries of the cities in the developed countries (Zorbaugh, 1929; Ferrarotti, 1973; Bailly, Jensen-Butler, Leontidou, 1996; Winter, 2009; Saitta, 2008). Albeit in these neighborhoods living conditions and the state of the houses are usually worse than in other higher-income areas, it is not uncommon to witness the revitalization of the space by the illegal dwellers of these sections (Ford, Klevisser, Carli, 2008; Levitt *et al.*, 2008). Although these processes do not always depend on informal economy and the dwellers can be employed in the regular markets, these spaces usually stands for 'grey areas', that is, zones at the border between legality and illegality. I claim that a systematic observation of the *positive ways* in which informal economic practices determine the space may be a challenging topic for tomorrow's research on the underground modes of existence in the European continent.

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Informal economy, immigration, perception of crime and insecurity

André Lemaître⁶³

I - Preliminary reflections:

The text presented by Pietro Saitta is quite stimulating, again asking the question of the *informal* as social construct and, consequently, relative in space and time.

First element for reflection:

This construct, as he clearly shows, has consequences in the significance and definition of the informal economy. Once again, the world would be divided between *them* and *us*, assuming, moreover, that *they* are fundamentally different from *us*. This opposition is also found in discourses on insecurity, sometimes focussing on the fear of the *Other*, feeding the fantasy of the danger that *they* represent for *us*.

Second element for reflection:

A portion of the informal economy participates in the more official economy, in particular through undeclared work and other types of fraud (especially social). The illicit market for consumer goods thrives on a demand which is not just that of individuals belonging to the group of *others* but, in large part, to the group of *us*. As Saitta further reminds us, the legal economy also profits from purchases made by those who, without their participation in the informal economy, would not have the material means to do so. Furthermore, as Bigo (1998) had already stressed, the channels of underpaid work support the economic activity of sectors otherwise in difficulty (in France: haute couture, textiles, construction...). There can also be a survival economy where welfare does not fulfil its role. This economy integrates illegal trafficking and encourages a different apprehension of what is normal and legal.

⁶³ This text is a response to the report *Informal economy and immigration. A commentary on the Crimprev's approach to the matter*, presented by Pietro Saitta at the closing conference of the Crimprev coordinated action project 'Deviance, Crime and Prevention in a Punitive Age', Open University, Milton Keynes, 17-19 June 2009.

Third element for reflection:

The migratory policy of the European Union countries obliges individuals to enter the territory illegally and go underground, in search for a survival income in the informal economy. As Palidda (1999) already recalled, *the total closing of the borders to regular immigration, which led to calling into question or strongly limiting immigration for humanitarian or political reasons, ensures the reproduction of highly useful irregular labour that profits the underground economy. [...] This policy of forbidding migration corresponds to an increasingly precarious dominated condition of immigrants present in European societies. In fact, today the need for an immigrant labour force is often defined as a demand for semi-regular or irregular work, precarious and dominated (domestic work, maids, caregivers for handicapped or elderly persons, workers in cleaning firms or construction... difficult, often undeclared jobs), which the nationals do not accept.*

II - A few points of discussion:

1 - 'Them' and 'Us'

This duality, quite often reinforced by the media, describes immigrants, especially those involved in the underground economy, from the angle of risk, in particular the confrontation with this *other* than *us*. One comes to fear new *dangerous classes*⁶⁴, forgetting or overlooking a bit hastily that these are rather *classes in danger*, exploited, over-victimised individuals (from what is known based on the rare data collected), living in real insecurity, relegated to disadvantaged neighbourhoods and in the process of exclusion.

2 - What definition of social exclusion?

Social exclusion is a real debate that affects all our western societies. Although everyone talks about it, no one seems to agree on a common definition: great poverty and the crime factor for some; the incapacity of certain groups or individuals to enjoy a decent standard of living for others.

In the 1950s, the association of poverty and crime, very much in fashion until then, began to be the object of massive rejection. Indeed, several studies showed that poverty was far from being the sole cause of crime and that other factors should be taken into account. Some theorists began to take an interest in the role of social networks and the way in which individuals share

⁶⁴ Let us remember Chevalier's work (1958).

common values and exercise a certain informal social control within the neighbourhood or community where they live. According to Janowitz, the structure of relational networks, or the density of social ties, determines the propensity of the neighbourhood to become involved in a self-regulation process (quoted in Carr, 2003), as well as the level of crime control and its severity. The reflections and research were clearly in the tradition of the social disorganisation theory established by Shaw and McKay. Already back in 1942, they were observing that the areas with the highest crime rates were also those characterised by other social malaises, and postulated that social disorganisation there was the cause of a high, stable crime rate (Triplett *et al.*, 2003).

The end of the 20th century was a period of profound societal changes. Following the post-war decades, characterised by a very high employment rate, stable family structures and, above all, an active social state, we witnessed the explosion of societies marked by structural unemployment, economic precariousness, the cutting back of state interventionism and social aids, as well as an ever-growing instability within the family and in interpersonal relations. The rise in individualism, the decline of informal social control (owing to ever-greater social mobility and a dispersion of individuals seeking new areas for investing their capital), as well as, and above all, the increase in pressures linked to the collapse of the welfare state and the fear of unemployment, played and are still playing an important role in what is called social exclusion.

Social exclusion is therefore a multi-factorial phenomenon: it generally includes exclusion at the economic, political and spatial levels as well as limited access to principal resources such as information, health care, housing, law and order (Bawin-Legros *et al.*, 2001).

3 - Social exclusion: cause of urban insecurity and the polarisation of society?

The question of insecurity, which, for years now, has been making front-page news and occupies administrations and agents of the public sector on a daily basis, is quite often apprehended in its most visible urban dimension and more broadly perceived by the population. To face up to it, the police forces and administrations attempt to find balanced solutions between prevention and repression. The fight against crime and incivilities, the reduction of exclusions, raising the quality of life and reducing the feeling of insecurity would thus be on the programme.

Urban insecurity may be associated with another phenomenon indirectly linked to social exclusion: a somewhat caricatured polarisation of society. On the one hand are individuals having a job, seemingly adopting a civic attitude towards other citizens and living in a stable family structure; on the other is a disorganised minority, dependent on the levels of social aids, crime and encouraging criminality, and living in an unstable, dysfunctional family structure. This

polarisation is also characterised on the spatial level: integrated individuals on the one side, excluded individuals living in the poorest neighbourhoods, geographically separated from the rest of the population, on the other. *The machine for living* ir⁶⁵ then becomes a relegation neighbourhood (Robert, 2002).

Philippe Robert recalls (2002) that conquering a neighbourhood can respond to 'business' strategies. *The chronic suburban pockets of unemployment can thereby, in the long run, become the site of an underground economy. Set up side by side, he goes on, zones where the inhabitants know they are more or less excluded from the job market and a prohibition that produces illegal profits, and everything is in place for the former to be eventually caught up in the informal economy* (Duprez, Kokoreff, 2000). That said, the profit from the distribution hardly contributes to an overall enrichment of the area where it settles in; it confines itself to increasing, in limited proportions, the conspicuous consumption of those who participate in it. Granted, the inhabitants' resistance can slow down the installation of this distribution activity, which considerably perturbs their social relations; nonetheless, the difficulty of young people in gaining access to the job market ends up by exerting a pressure that is all the less resistible as the police presence becomes sporadic in those areas. Everything happens as if one resigned oneself, in fact, to practising a pushing-back of the drug market outside the city centres and tolerating its concentration in these more or less abandoned neighbourhoods... which only increases the bitterness of the inhabitants as regards the public authorities. Once again, public security is neglected in favour of order or its appearance. For all that, any underground economy does not involve - not for a long way - just the distribution of prohibited products; the illicit commerce of licit products (cars, for example) constitutes another, probably more considerable, side.'

4 - Perception of what crime?

The representations of certain forms of crime linked to the underground economy are not foremost amongst our contemporaries' preoccupations. Perception of crime, but what criminality are we speaking of? What knowledge do we have of it, knowing what difficulties are connected with the apprehension of more 'classic' delinquency? As Saitta emphasised, as well as Vande Walle (2009), what comes under the label of 'informal economy' spans a continuum from practices linked to the legal economy as far as the irregular economy and links with organised crime. This idea of a continuum of irregular and illegal markets in the city brings to mind the notion of 'bazaar' such as Ruggiero and South had depicted it (1994) - these *strange other worlds*,

⁶⁵ Translator's note: a reference to Le Corbusier's *machine à habiter*.

which seem to defy and threaten, to borrow their expression. The situations they were describing at the time in Great Britain and the United States might now be found in cities almost anywhere in Europe: an image of the city as *a marketplace where everything is sold, from the banal to the spectacular, responding to the demands of needs and necessities, pleasure and escape* (Ruggiero, South, 1994). What is there in common between being an undeclared household employee and washing dishes in a restaurant, picking fruit without being declared, selling merchandise that 'fell off the lorry', illegally downloading music on the Internet or dealing drugs on the street? For the citizen, as sometimes equally for the police officer, the apprehension of 'criminal' phenomena will be nuanced - as will its repercussions in terms of insecurity. One might therefore speak of differential perception; perception widely influenced by one's own relationship to the informal economy, personal involvement, and recourse to the goods and services it procures. Do we always ask our plumber or garage mechanic for an invoice? Is the person who cleans our home declared to Social Security? 'We' are perhaps no more innocent than 'they'. What fringe of activities linked to the informal economy brings reprobation?⁶⁶ What place is there for a fear of this criminality?

If there is one question on which we are beginning to have information, it is that of the problem connected with the visibility of drug problems.

During the first public security survey carried out in the European Union in view of preparing a Eurobarometer on public security (Van Dijk, Toomvliet, 1996), one particular question had been asked of the respondents taking into account the fact that drug problems seemed to play an important role in the public debate on criminality and the fear of crime. The question was worded as follows: *Over the past twelve months, with what frequency did you personally come into contact with drug problems in your neighbourhood? For example, seeing people selling or buying drugs, taking or using drugs in public places or finding syringes left by drug-users?* It then appeared that, on average, in the Union (of 16 at the time), 14% of European citizens were often or occasionally confronted personally with drug problems in their own neighbourhood; this percentage reached 19% in 2002 (EORG, 2003). Analysis confirms that persons who come into contact with drug problems in their neighbourhood have a heightened feeling of insecurity, irrespective of other characteristics. Moreover, Van Dijk pointed out that this factor could even provoke more fear than an actual aggression.

⁶⁶ See also 'Undeclared Work in the European Union', special Eurobarometer 284, 2007.

5 - The informal economy for getting away from insecurity?

As we had also established in our work (1999, 2001), the active opening onto the outside world goes hand in hand with an attitude that is largely unworried. The relational fabric and social integration protect against the fear of crime. This observation is reinforced in the case where persons have a 'professional' integration (and, as Ruggiero and South suggested, it is useful to envisage the illegal activities undertaken within the irregular market as 'work'). It is, in particular, the categories of those who are inactive that are at the heart of the insecurity problem.

By removing them from their isolation, participating in the improvement of their material living conditions, involvement in the underground economy could have a beneficial effect on the insecurity of individuals. We thus agree with one of the prospective ideas developed by Saitta in his conclusions when he recalls that the 'market' is a socialisation space and that the business environment, regardless of its nature, is also a relational place, one of encounters and learning of customs, and exchanges between those newly arrived and the integrated populations.

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PUBLIC POLICIES OF CRIME PREVENTION

Tim Hope

With contributions from:

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Introduction

Until relatively recently, criminological thinking about the causes and prospects for preventing crime in cities was influenced largely by the paradigm of the 'Chicago School' of urban sociology, which flourished in the early to mid 20th Century, especially in the United States (Melossi, 2008). In Western Europe, in the period following the Second World War, the particular causal theories and social interventions first mooted by the Chicago sociologists meshed well with the paradigm of the 'welfare state', leading to an emergent and optimistic consensus around *social crime prevention* – the idea that crime, especially juvenile delinquency, could be prevented chiefly through social policy interventions aimed at the key institutions of socialisation that affect young people – the family, the school, and the community (Hope, 1995). Across most of the European Union, the past twenty years or so have seen a dramatic expansion of responsibility and competence amongst local, municipal and regional governments in addressing crime problems and implementing prevention and safety policies and practices (Crawford, 2009). Yet alongside this growth has been a radical dissolution of the consensus around social crime prevention, and of the efficacy of social policy interventions in preventing crime.

Just as safety from crime has become increasingly important for citizens in their everyday lives, so there has been a general turning away from the 'traditional' focus on the positive socialisation of young people (especially from amongst the disadvantaged and minority groups) and their transition towards citizenship – what might be called the *social inclusion* perspective. In

⁶⁷ Thanks are also due to the many other organisers, participants and contributors to the workshops organised during the WP6 Work package in Leeds (June 2007), Paris (February 2008), Bologna (July 2008), Ljubljana (December 2008), Brussels (February 2009), Keele (April 2009), and Berlin (May 2009).

contrast, a more defensive, often *exclusionary* approach to prevention has emerged throughout Europe that focuses mainly upon the protection of private citizens from victimisation and insecurity. The *preventive turn* that is affecting many countries – and that has been particularly marked in England and Wales (Edwards, Hughes, 2009) – has brought with it a range of prevention strategies of a protective kind, reflecting an uncertainty about social progress and a defence against a range of everyday fears and anxieties that focus often on those social groups who might once have been the focus of social inclusion – young people, residents of disadvantaged neighbourhoods, and immigrants from outside Europe. Underlying this seems to be an apparent political need to put the immediate, prudential concerns and anxieties of the individual citizen above the collective welfare concerns of society as a whole (Garland, 2001).

The other work-packages of Crimprev analyse the general trends in criminal and penal policy, of which this preventive turn is a part. The contributions to the WP6 seminars reflected this situation too in seeking to describe and contextualise the new forms of crime prevention emerging in European localities⁶⁸. Yet they also recorded the survival, and some partial rejuvenation, of more social-inclusionary forms of prevention. Above all, though, in their particular ways, these policies and practices exemplify the tension between, on the one hand, the impulse towards *social inclusion* - whether justifiable in terms of social prudence or in higher values of citizenship – and, on the other hand, the impulse towards the *exclusion* of deviancy in the apparent interests both of protecting citizens and of maintaining social order (Melossi, 2008).

Part 1 – Social and Political frameworks

I - The preventive turn

Social crime prevention strategies were embedded in the ‘democratic welfare contract’ that Western European democracies had established with their citizens in the post-war era. This contract began to unravel during the 1980s, though at a differing pace across Europe, largely moderated by political and cultural trajectories (Crawford, 2009). Instead, there seems to have arisen a new ‘security contract’ (Zedner, 2003), with England and Wales (UK) in the vanguard of this political development. While governments promised to provide safety and protection from crime as a primordial collective good, this was not necessarily to be seen any more as being

⁶⁸ The first workshop in WP6 on *Comparative Models of Crime Prevention and Delivery: Their Genesis, Influence and Development* (University of Leeds, 7-8 June 2007) reviewed these developments across Europe. A collection of essays drawn from some of the proceedings has been published (Crawford, 2009).

guaranteed by 'social security', in the form of welfare and equality for citizens. Paradoxically, though, the governments that had pledged to restrict state activity nevertheless found it necessary to rely upon the authority of the state to deliver this new security contract. Thus, while retreating from many tasks and obligations of the welfare state, governments began to place more authority in, and a greater reliance upon, criminal justice institutions as the agencies to deliver public goods of order and safety. Consequently, a 'Keynesian' welfare model of social control began to give way to a more regulatory approach, with the State coming to be seen as 'governing at a distance' largely through indirect influence over private activities, law enforcement and a reduction of the responsibility of local government institutions (Hope, 2009) – a strategy that has been termed *responsibilisation* (Garland, 2001). Notwithstanding a preference for 'responsibilising' citizens through civil society institutions and private markets, governments have retained the conviction that the state, and the institutions of criminal justice that it controls, have the principal impact upon crime (Hope, Karstedt, 2003). At the same time, what has greatly diminished is the role of state welfare institutions in creating and sustaining the general public good of social security.

II - Urban misfortunes

The preventive turn is not simply a political and cultural phenomenon but also represents a response (though not necessarily the correct one) to the new forms of urban inequality and marginality that have emerged across Europe. In general terms, four intertwined, structural logics may be at work in the economies of Europe that are producing a new and more exacerbated form of social exclusion (Wacquant, 1999):

➤ *the resurgence of social inequality*, reflecting divergent life-chances amongst income groups, and the exclusion of the poorest sector of society from the opportunities available to the majority;

➤ *the mutation of wage labour*, including the elimination of low-skilled jobs and the institutionalisation of flexible labour markets;

➤ *the reconstruction of welfare systems*, including a departure from the ideal of universalism; and

➤ *the spatial concentration of poverty* in specific neighbourhoods, with a resulting social stigmatisation of their residents.

Yet, these trends have not led necessarily to similar patterns for the countries and regions of Europe; rather than a single evolutionary process through which all cities pass, urban studies find a complex set of path-dependencies underlying the evolution of cities and, by extension, the

distribution of crime problems within them (Savage *et al.*, 2003). Amongst those factors that specifically appear to influence the problems of social order, include:

➤ *De-industrialisation and globalisation* - cities have had varying trajectories of accommodation, adjustment or deterioration in relation to the new globalised, post-industrial economy. These transformations have had profound effects on the demography, social structure and orderliness of cities, though their consequences have differed in significant ways.

➤ *Role of the State* - the post war period saw a significant increase in direct intervention by the State into community life, particularly as it affected the ecology of neighbourhood and place, in the regulation and control of land-use, and in the provision and ownership of public goods and services, in education, housing, health and personal social services. The contemporary era has seen the capacity of local government to deliver public goods and services come under increasing pressure, both from difficulties of public finance, and a more libertarian, market-oriented political ideology.

➤ *Public Housing* - state involvement in housing formed a primary component of welfare capitalism common across Western Europe in the post-war period. Although states differed in important ways in how they conceived and delivered welfare, the general economic role of state involvement in public housing was similar - essentially as a tool of economic management in the process of growth and modernization. Yet the scale and significance of that involvement varied significantly, particularly in contrast to the American case, where public housing remained limited to a welfare-residual role. While the post-war period saw a massive increase of housing in public ownership in many Western European countries, recent decades have seen a considerable reduction in the scale of state-owned housing, and transfers of ownership to a more varied *social housing* sector, provided by a range of owners, and increasingly catering for only the most socio-economically disadvantaged - a process of *residualisation* more resembling the American model, in which, again, the UK has led the way.

➤ *Urban design and planning* - public involvement in post-war reconstruction and urban-renewal also combined with the above processes to give the state and local government a much greater role in the design and planning of urban environments. Much of this growth involved the building of often large-scale public housing estates both in the inner cities and on the periphery of urban areas. The coincidence of slum clearance, the extension of public provision of housing, and the creation of large-scale new residential areas (*estates* in British parlance, *banlieue* in French), the use of modernist design principles and of mass-produced housing construction techniques, all combined together to transform the urban, residential landscape. At the same time, the role of

city centres as primary sites of commerce has given way to their role as *sites of consumption*, and latterly as sites of leisure consumption.

➤ *Transportation and Suburbanisation.* In America, the principal factors shaping the transformation of cities were less to do with direct state welfare intervention, so much as, firstly, the rapid growth of private housing and urban development – the creation of an extensive suburbia - financed and organised by private sector developers; and secondly, the public policy emphasis placed on the private automobile as the main source of transport. The social consequences of this programme were considerable, not only greatly facilitating the development of suburbia, and hastening the economic decline of American inner cities - but at the same time decimated many formerly homogeneous inner city neighbourhoods (Jacobs, 1962). While European cities were to expand much later (though, again the UK has perhaps been an earlier exception), economic forces again seem to be replicating this pattern in more recent years, with urban planning policies following in their wake. The consequences for the distribution of crime and social order have been considerable, particularly in encouraging the social and spatial segregation of social class and income groups, affecting the affluent as much as the poor and shaping the role of city centres as centres of commerce, production and consumption.

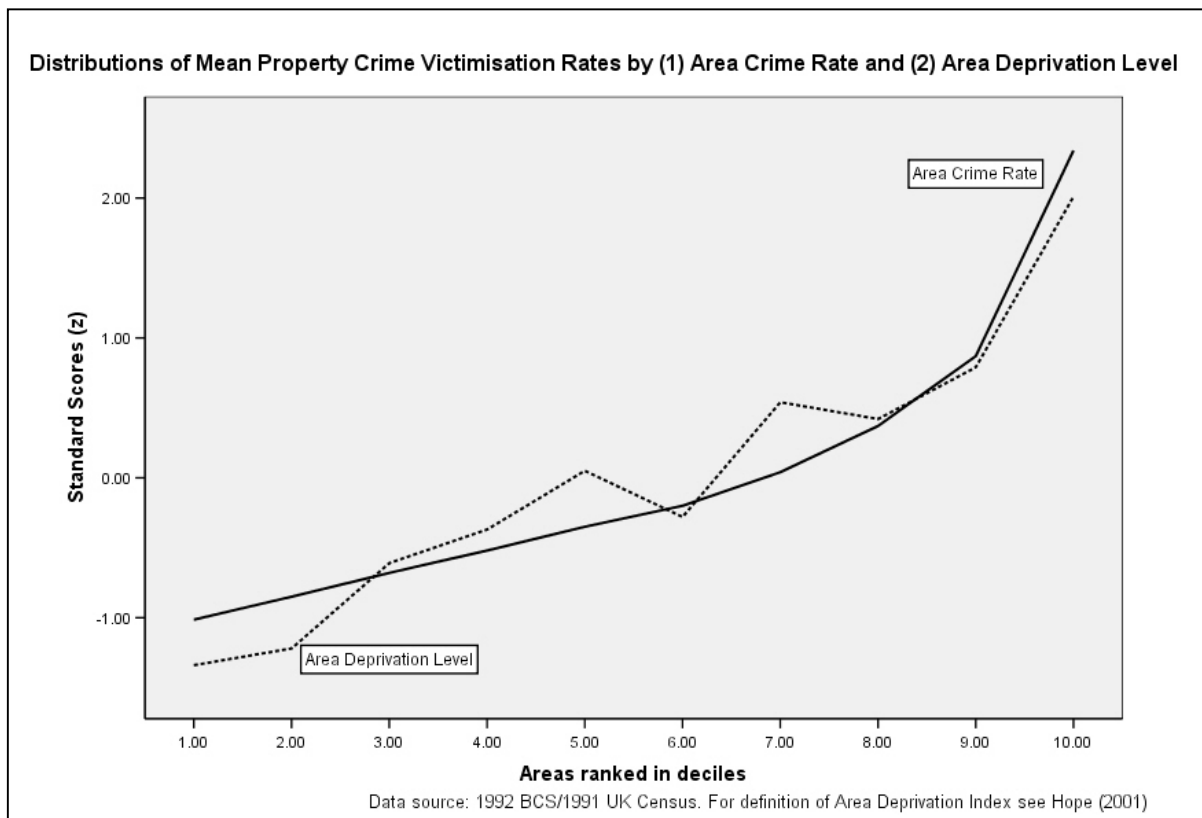
➤ *Migration, poverty and discrimination* – global economic forces have also led to two interrelated trends shaping the distribution of disadvantage in European urban regions: the spatial concentration of poverty and unemployment due to the departure of industry and jobs from older working-class districts; and the migration of minorities and ethnic groups often into these districts (often from regions beyond the EU). Discriminatory and socially exclusionary practices have combined with these trends, tending to create a ‘new ghetto-isation’ where concentrated poverty and social problems ‘ratchet-together’ to produce compounded problems of social dislocation.

➤ *Community Institutions and socialisation* – while the post war development of Welfare State institutions, including the provision of welfare entitlement and the delivery of personal social services and goods, did not eradicate disadvantage, it did operate towards maintaining the social inclusion of disadvantaged citizens, minorities and youth. In particular, the primary responsibility for socialisation, support and control of young people fell to state agencies. Yet, the political developments and global economic change that have led to the fracture of welfare states have also led to the withdrawal of availability and social support of state institutions in local communities (Wacquant, 1998). The absence both of this institutional ‘backbone’, and of the indigenous support mechanisms of local *social institutions*, renders poor communities increasingly socially and culturally isolated from mainstream society.

III - Inequality and crime

As a consequence of these trends, crime rates have become closely correlated with the socio-spatial concentration of disadvantage. Figure 1 shows (for England and Wales) (1) the distributions of areas crime rates, and (2) the distribution of area crime rates by the level of socio-economic deprivation amongst residents. Both show an *area concentration effect* in the highest rate/most deprived neighbourhoods. Figure 1 also suggests that knowledge of an area's level of deprivation is as efficient a means of targeting crime prevention effort (that is, by social policy interventions) as knowledge of an area's actual crime rate (that would be a basis for criminal justice intervention). Nevertheless, the problem for practical policy-making, as much as for social scientific explanation, is *how to account for the relationship between the socio-economic structure of society (the macro-level) and actions of the individual offender or community resident (the micro-level)*⁶⁹.

Figure 1



Reproduced from Hope (2007).

⁶⁹ H. Lagrange. *Public policies: social context and crime*. WP6 Crimprev [http://www.gern-cnrs.com/gern].

IV - Influences on offending

Theoretically, social prevention means reducing the factors or the combination of factors and contextual characteristics that lead to an increase in the propensity to engage in offending. Several interpretations have been proposed in the criminological literature. Theories of the link between concentrated poverty and offending have been developed in an American context:

...the most important determinant of the relationship between race and crime is the differential distribution of blacks in communities characterised by 1) structural social disorganisation and 2) cultural social isolation, both of which stem from the concentration of poverty, family disruption, and residential instability (Sampson, Wilson, 1995, 44).

William J. Wilson (1996) has given an interpretation that focuses on the attenuation of links with the wider society including: economic and cultural isolation (human capital disinvestment), family isolation (low levels of local, informal social control), an excess of illicit over licit opportunities, lack of conventional role models, lack of resources for personal advancement (linking capital), survival of conventional values, rational adaptations, cultural adaptations. While Wilson points to the survival of conventional values and the directions for re-integration into mainstream society, John Hagan (1994) emphasizes a survival-like reaction or 'recapitalisation' in illicit goods and markets, drugs, gangs, violence. While the specific nexus of race and class dominates American debate, more generally, the relationship between the concentration of poverty and youth offending, may be due to:

...a failure to prevent the process of criminal embeddedness of local youth⁷⁰ – fuelled by low economic opportunity – which escalates their offending activities, with certain groups of residents coming to be repeatedly victimised as a consequence, particularly as social controls progressively diminish and the neighbourhood tips into increasing disorderliness. Each element in the process may interact dynamically with the others to account for the sharp growth of crime in particular communities caught in the spiral of deterioration (Pitts, Hope, 1997, 39).

The problem of crime prevention, especially when thinking of juvenile delinquency, can be seen as a balance between the rewards for engaging in criminal acts - including both material gains from dealing and stealing and also symbolic or affective rewards – including dignity, protection and a sense of belonging - and on the other side the rewards linked to law abiding behaviour and inclusion within the legal economy. These influences can be schematised as in Figure 2. Importantly, not all of the main influences are open to direct government intervention. Social policy interventions mainly involve the provision and administration of an institutional

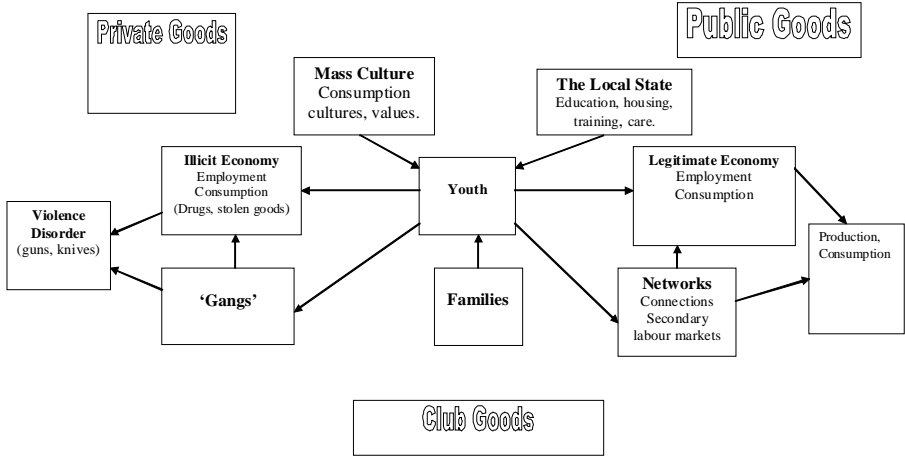
⁷⁰ See Hagan (1993).

infrastructure of *public goods*. In contrast, *private goods* may be available to individuals despite government action, and comprise blurred boundaries between illicit and licit activities and behaviours. Here, government action mainly involves the regulation of these activities in the public interest, including the enforcement of criminal law. Finally, *club goods* arise as a product of informal social relations, consisting of informal institutions based often on personal networks, again which could facilitate conformist, pro-social or deviant activity.

Besides the positive consequences of a growing economy, a government has two levers to decrease offending propensity:

- Actions to curb the benefits of crime, or make the potential offenders aware of arrest risks and expected punishment - this is the aim of classical penal prevention (corresponding to the left-hand segment of Figure 2);
- Policies aiming at/to reduce school failure, lack of professional training, bad housing, to promote the development of social capital resources and increase the social-mix (corresponding to the right-hand segment of Figure 2).

Figure 2: influences on youth crime ⁷¹



⁷¹ Prepared by T. Hope.

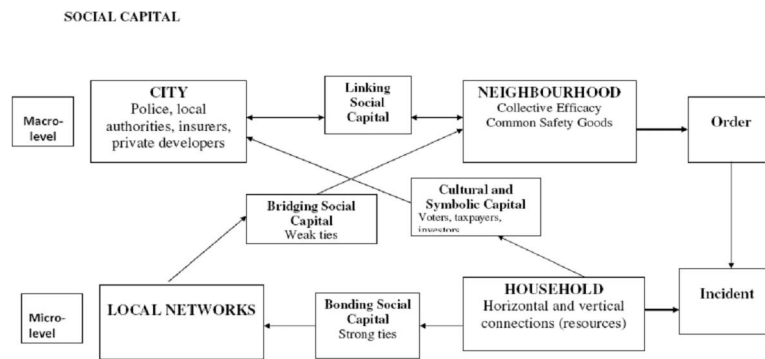
V - Social capital and policy efficacy

Whether it concerns private individuals (the 'community'), local service agencies, or corporate bodies, the idealised method, promoted by many governments, for the creation and delivery of the goods of crime prevention has been that of *partnership*. Ultimately, though, policy has to be effected through the individual, private actions of citizens (the micro-level). Yet research and theory generally suggest that neither individuals nor communities will mobilise themselves spontaneously against crime, especially those amongst the disadvantaged and excluded that can neither generate their own organisational resources nor access support externally (Hope, Trickett, 2004). So, what are the social conditions and organisational techniques required to make partnerships 'work' to produce participatory and co-ordinated actions against crime?

Recent theory emphasises the role of *social capital* in mobilising communities and civil society organisations in the informal control of crime through the generation of *collective efficacy* (Sampson, 2009). The various forms of social capital and their connections to collective efficacy are illustrated in Figure 3. The social efficacy of communities in terms of such bonds include not only the degree of willingness of citizens to exert informal control (and to relate this to the institutional and legal framework in which their communities are embedded) but, as importantly, their willingness to join-in efforts for the 'common good' of their communities:

...the types of social cohesion and social capital that are produced in modern societies should not be confused with the more traditional strong bonds embedded in families and closely-knit groups. Modern civil society needs a particular distribution of different types of bonds...that link individuals and groups to institutions that build bridges between groups, and that provide generalised trust and tolerance between its members. Bonding social capital is the type produced within families and small groups. Bridging social capital is embedded in the links and relationships between different groups, for example, between different ethnic groups or different classes and status groups. Linking social capital is formed through the relationships that exist between individuals (or groups) and the institutions and organisations in society (Hope, Karstedt, 2003, 478).

Figure 3: forms of social capital and policy intervention ⁷²



In the past, policy interventions have been aimed at activating the micro-level, or *horizontal dimension* of communities to generate community solidarity and mobilization. However, as illustrated in Figure 3, the simultaneous activation of the *vertical dimension* may be necessary to deliver the resources for social crime prevention interventions (Hope, 1995). This is a two-way process: communities and individuals who do not possess sufficient political influence (cultural and symbolic capital) may not be represented by, or able to influence, local decision-makers; and without the capacity to form community-wide organisations and alliances (bridging social capital), local communities cannot easily organise themselves in an efficient and representative way.

Equally important, though, is the role of *linking social capital* – the formal and informal political connections between the wider sources of power and resources and the local community. With respect to the USA, the retrenchment of welfare state agencies (accompanied also by withdrawal of a non-emergency policing presence), ‘hollows-out’ poor neighbourhoods of local institutions – schools, medical centres, etc. – that not only provide resources but also opportunities for communities and social networks to form, exacerbating their isolation from mainstream society (Wacquant, 1998). The poor quality of public services, accompanied by more stringent standards of entitlement, further reduces respect for, and connection to, legitimate sources of authority. Such social capital *disinvestment* (Hagan, 1994) by state institutions, along with economic disinvestment, creates the social space and legitimacy for a *recapitalisation* of activities, especially by youth, around illicit quasi-economic activities, especially drug markets,

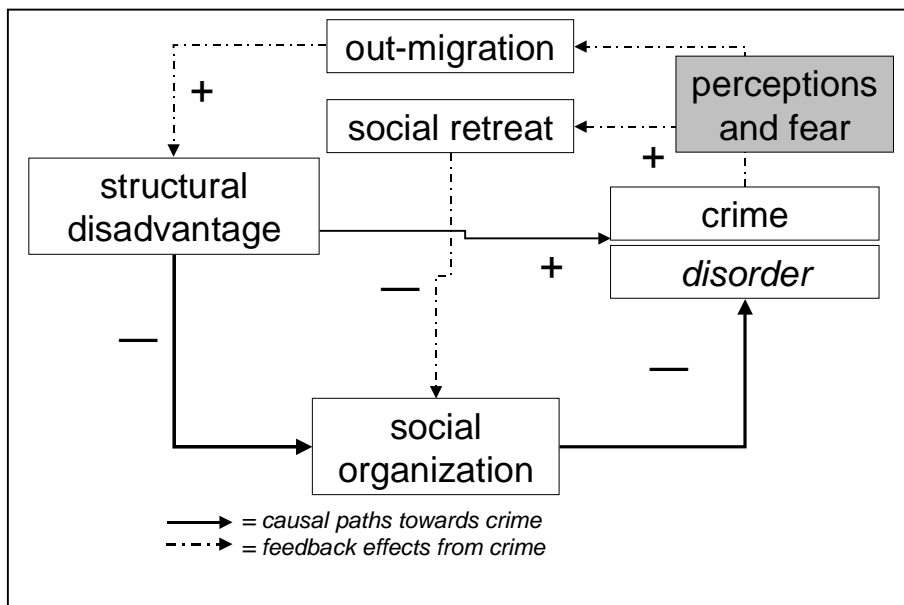
⁷² Prepared by T. Hope.

from which robbery, violence and gang activity become a further negative externality for their host communities and for society as a whole.

VI - Neighbourhood change

Finally, although research shows a correlation between, on the one hand, crime and disorder and, on the other hand, structural disadvantage (as in Figure 1) the causal relationship is unclear: is area-level socio-economic disadvantage a cause crime, or does crime and disorder cause disadvantage? These competing possibilities are illustrated in Figure 4. The older social crime prevention perspective (influenced by the Chicago School/Welfare State paradigms) assumed the former explanation: structural disadvantage creates social disorganisation, a norm-less heterogeneity of values - reflecting both the child-supervision difficulties of poor families (especially lone-parent households), and youth's responses and adaptations to low economic opportunity - that allow crime to develop as a sub-cultural adaptation.

In contrast, the social exclusion/protection paradigm, based on the so-called theory of *broken windows*, is that crime and (especially) unchecked disorder set in train a negative feedback process, whereby 'respectable' residents withdraw from community life, by retreating in privacy or moving-away, leaving a moral vacuum to be filled by criminality, and creating stigmatised neighbourhoods that are only attractive to the poor (who have child-raising deficits) and/or those with lower moral standards. Nevertheless, while these alternate explanations reflect the polarisation of crime prevention between social and criminal justice interventions, the nature and extent of reciprocal causation remains uncertain, and difficult to determine in view of the absence of longitudinal data on *community crime careers and trajectories* over time.



VII - Summary

Alongside the polarity between social policy and criminal justice interventions identified earlier, local crime prevention programmes also need to be designed not only to remove their counter-productive impact on the social and moral fabric of groups and communities; but also to strengthen or restore the specific types of social cohesion and bonds in which social control and the moral dynamics of modern society are embedded. Some additional features of programmes for improving the human and social capital in groups and neighbourhoods that are socially excluded might include:

- Setting incentives for strengthening 'natural' social controls, and developing organisational techniques and institutional designs to achieve these ends.
- Strengthening and adapting social controls and compliance systems within their specific settings – particularly schools and neighbourhoods – and keeping them distinct from formal control (policing) systems.
- Strengthening and restoring, in particular, bridging and linking types of social capital for families, (minority) groups and neighbourhoods.
- Strengthening and restoring generalised trust in others and in institutions in communities.

⁷³ Prepared by H. Lagrange.

Part 2 - the Local Governance of Crime Prevention

I - Political reconstruction

The field of crime prevention has been part of the political reconstruction of the welfare state model of Western Europe; but across Europe as a whole there has been uneven development in crime prevention, shaped by the differing trajectories of the political-cultural regions of the expanded European Union (Crawford, 2009). While responsibility for crime, order and social security has been retained as the ultimate prerogative of the *sovereign state* (Garland, 2001), all states of the EU, despite their varying trajectories and path-dependencies, have seen efforts at a *renegotiation* of institutional powers and responsibilities between the State and:

- Private citizens and civil society institutions;
- The commercial 'private sector';
- Regional and local government;
- Public police.

These continuing political and administrative renegotiations shape the development of the field of crime prevention across the EU, and help explain the character of different member states' crime prevention policies and practices. However, there has been relatively little comparative research as to how institutional arrangements and policy ideas mesh together into different configurations of crime prevention policy and practice (Hope, Sparks, 2000). While the workshops of WP6 were constantly mindful of such issues, we lacked sufficient knowledge and comparative information to allow us to contextualise our debates in this way.

II - Preventive turns

1 - The 'Anglo-Saxon' (English) versus the 'Continental' (French) models

A comparison of the evolution of local crime prevention policy occurring, respectively, in England (and Wales) and France illustrates particularly well the changing preventive turns in Western Europe over the past couple of decades. Commentators have seen an important contrast during the 1980s between the 'Anglo-Saxon model' (focused on situational prevention) and a more 'social' approach (the 'continental' model) to crime prevention developed in France, following the *Bonnemaison Report 1981* (Crawford, 2009). Since then, both countries have evolved in their approach. Whereas in England situational crime prevention has continued to dominate

crime prevention practice, the initial phase under Conservative Governments (1979-1997) tended to emphasise a more *regulatory* approach to 'governing-at-a-distance'. On the whole, the strategy was to by-pass local government in seeking to develop direct partnerships with private citizens, via 'Neighbourhood Watch' and private sector producers, especially of motor vehicles and private housing. Policy tools like publicity, informal agreement and regulatory influence, via town-planning guidance, tended to be favoured over direct administration (Hope, 2009). In contrast, French crime prevention policy during this period was integrated into a general *Politique de la ville* which sought to deliver social crime prevention programmes and services direct to disadvantaged and minority youth through an integrated political-administrative system, pivoting on the leadership of municipal mayors (Wyvekens, 2009; Pitts, Hope, 1997).

Since the mid-1990s, however, the preventive turn in both countries has shown greater convergence. In France, crime prevention policy has moved much more towards the social exclusionary model practised in England, emphasising citizen protection and the reduction of insecurity⁷⁴. During the nineties, France received American reflections on the relationship between places and safety, developing a wider notion of situational prevention, like 'broken windows' or 'defensible space' (Body-Gendrot, 2000). In all kinds of public spaces, the use of CCTV has steadily grown over the past few years and, in the disadvantaged *banlieue*, the Agency for urban renewal (ANRU) is implementing semi-privatised social housing (*résidentialisation*). Since the publication of a decree in August 2007, nicknamed the *decree on situational prevention*, an assessment of safety is now compulsory before conducting certain urban renewal works or constructing buildings that will be open to the public (post offices, railway stations, shopping malls). This is exemplified in work done by the police service called *Prévention et sécurité urbaine* in the department of Seine-Saint-Denis, which makes safety audits for businesses and administrations, implementing situational prevention⁷⁵. We could be witnessing something like a 'third way' evolving between continental and Anglo-Saxon models that look at risks in the environment from a 'civic' point of view, with an emphasis on public surveillance (Wyvekens, 2009). In England and Wales statutory *Crime and Disorder Reduction Partnerships* have been established between the police and local authorities; neighbourhood policing teams have been established in many local areas, with the purpose of addressing local community needs in order to 'reassure' the public, and bring about greater confidence in policing; and many urban areas and

⁷⁴ From contributions from Anne Wyvekens (CNRS CERSA-Université Paris 2, France) at the Workshop 'Comparative Models of Crime Prevention and Delivery: Their Genesis, Influence and Development', Leeds, June 2008, and the workshop Workshop, 'Local social Policies of Prevention', Paris, February 2008. See also Wyvekens (2009).

⁷⁵ This is similar in many ways to initiatives by public police in England and Wales and The Netherlands, see below.

town centres have seen the installation of public-space CCTV systems, making the UK amongst the most high-surveillance societies, per capita, in the world (Hope, 2009).

2 - Mediterranean Europe

Safety policies in South-Western European countries are similar in approach to their social policies. Both types of policies are particularistic, in the sense that they are directed towards particular categories of population or need, and aim at giving specific relief rather than general welfare; they are oriented mainly towards the management of acute crises rather than being long-term or dealing with chronic conditions. These characteristics are typical of the *Mediterranean Welfare States* of Italy, Greece, Portugal, and Spain, where welfare policies are *residual* in the sense that their role in the production of national welfare is residual with respect to other social institutions (family, market, community).

A case-study is provided for the city of Rome⁷⁶. Here it appears less appropriate to distinguish between social crime prevention and social policies in Italy: a preventive approach is not a characteristic of Italian policies and in particular of those related to the production of welfare. Moreover, if one of the characteristics of social crime prevention is to be oriented towards specific categories rather than being universalistic, it is difficult to characterise crime prevention policies in this way in a system where most of welfare policies are particularistic. These considerations may help explain, at least in part, why in Italy there is an absence of debate on crime prevention at the national-level.

According to the report *Stato della sicurezza nella Regione Lazio* (2004), the number of crimes is relatively low in Rome if we consider the city's dimensions. Overall, the number of crimes in the capital in the last decade has been decreasing, particularly involving bank robbery, bag-snatching, pick-pocketing, and drug pushing. Conversely, criminality amongst immigrant groups is perceived to be increasing (see discussion below), including alleged involvement in drug trafficking and exploitation of prostitution. Local criminals continue to organise the import and sale of drugs, though these are not particularly organised. However, some of the members of southern Italian criminal organisations operate in the territory through 'local agents'. Nevertheless, the capacity of delinquent groups to percolate in the local economy has enabled them to hide in the economic sectors without having to make use of violent and sensational actions.

⁷⁶ Contribution from Livia Fay Lucianetti, University La Sapienza Roma, at Paris workshop.

Social policy interventions aim at the prevention of school leaving and improvements in housing. There is not precise evaluation of the results for school drop-out prevention. It is noticeable that the higher number of initiatives has been taken in *municipi* where the dropout rate are highest. Housing is in a state of 'emergency' in Roma because of the rise of the prices due to speculation. In spite of two main projects of social housing, poor families tend to leave Roma. The consequences in terms of crime prevention are unclear. But the housing dynamics as well as recent actions directed at to remove social groups creating a feeling of insecurity lead to think that the idea is more to rebuild or to amplify the feeling of security than to provide responses linked to social prevention.

In *Spain*, social prevention is not very developed; the state considers it to be the responsibility of families⁷⁷. The Spanish constitution (1978) has reorganised competencies at the local level. When a child under 14 years old commits an offence, he is not liable to be treated by the penal justice system but by the *Protection de l'enfance* (LO 5/2000). According to LO 1/1996, public action is aimed at reducing risk factors (personal, familial or social) which could lead to delinquency, but most of the institutions of 'Protection' continue to act as if they have only to deal with 'ill-treatment and abandonment'. Since 2003, local agencies in *Saragossa* decided to take support young offenders with measures like conciliation and reparation, taking into account the social circumstances of the adolescent. What have been the consequences? A majority (64%) do not re-offend. Nevertheless, the proportion of re-offenders is not negligible (36%) and a large percentage of offenders are committing violent offences, which are not properly addressed. This has lead to public opinion pressure to ask to lower the age of penal responsibility. Through the experienced of *Saragossa*, one can see that, at least in this region, Spain remain much closer to the classical model of repressive (criminal justice) prevention.

Like most southern countries, *Portugal* is a country with one of the lowest rate of offences in Europe⁷⁸. In spite of this fact, the perception of victimization risk is relatively high (this might be explained by the fact that Portugal has an average rate of schooling less than in most European countries). Nevertheless, recorded crime has increased during the last ten years: if property crime is increasing very slowly, violent crimes (assault, robberies and sexual offences), have risen more sharply. In *Porto*, as elsewhere there is no real link between people's actual victimization experience and their fear of crime: survey respondents see the centre of the city as safe and that fear of crime is a reaction to degraded and poor quality buildings. A prevention

⁷⁷ Contribution of Maria José Bernuz (University of Zarragosa) on *Prevention as a competence of the autonomous communities and protection of children*.

⁷⁸ Contribution of Carla Cardoso and Cândido da Agra on *Local action in Porto and national context in Portugal*.

program is aiming to reassure potential victims, to reduce incivilities and attenuate the visibility or the presence of drug dealing, prostitutes and homeless people in certain places. Three waves, of around 300 people, has been asked about their perception before and after the beginning of the program and they show a reduction in the perception of social and crime related disorders as well as an increase in the visibility of the police and satisfaction with their actions.

3 - Federalising versus centralised states

One of the characteristic differences in the politics of crime prevention across Western Europe lies in differences in the relations between central and local government (Crawford, 2009b). In the case of some unitary, centralised states such as the Netherlands or France, the political framework of state-local government relations is relatively stable and integrated, with little tension over the direction of local crime prevention practice (Van Dijk, De Waard, 2009). In more federal states, or where there are unresolved conflicts and tensions between the state and local governments there is more variety in approach, and dissonance between regions and with the central state is more common, making it difficult to typify a particular 'national' approach to prevention. The United Kingdom is a case in point, where constitutional devolution has encouraged divergence of approach from the central government in Scotland (Henry, 2009) and to a lesser extent in Wales (Edwards, Hughes, 2009), meaning that the 'national' approach of the UK government nowadays more characterises that pursued locally in England than elsewhere in the UK (Hope, 2009). In Belgium, intra-national conflicts lead to fragmentary and volatile federal-level policies (Hebberecht, 2009). Similarly, the autonomy of states in Germany, the variety of regional political culture and the residue of differences prior to reunification, mean not only that there is local variety but that trends and innovations occurring elsewhere are adopted in Germany in a piecemeal fashion, coexisting side-by-side amongst the various states (Jasch, 2009). In Italy, political transformations of the nation-state have combined with growing popular anxieties to refocus crime control from state-centred and organised crime to street-crime and public safety; creating also a variety of regional responses and developments of specifically different crime prevention programmes, exemplified especially by the pioneering work of the *Città Sicure* project of the Regional Government of Emilia-Romagna (Melossi, Selmini, 2009), though as noted above in the case of Rome, these programmes can differ very considerably within the same nation-state.

III - Urban design and planning

Crime Prevention through Environmental Design (CPTED) has been an influential movement internationally for some thirty years⁷⁹. Initially arising from the ideas of the architect Oscar Newman, it was developed as part of an integrated package of measures, including both community policing and community crime prevention, under the sponsorship of the US Federal Government (Rosenbaum, 1986)⁸⁰. As it has developed, CPTED has been shaped more by the situational perspective on crime prevention, which generates a much more direct, immediate response to crime events. However, the deliberate focus on environmental opportunity structures obscures the view on dispositional, social, political or economic causes of crime. Social explanations of crime, emphasising cultural, demographic and socio-economic change, are ignored; crime prevention through social development or individual reform is ruled out because it appears unachievable to security managers. Nevertheless, 'quick fixes' of crime problems can be costly in that they can have unexpected consequences, for example, the 'crowding-out' of troublesome people for the benefit of 'clean and proper' urban environments. Most emphasis is placed upon physical structures and crime-data analysis, whereas more recent discussions on community safety through involvement and empowerment of citizens (described above), are more or less ignored. Finally, situational crime prevention is regarded as a universal panacea with crime prevention as the dominant focus. However, regarding the environment exclusively in criminogenic terms may neglect distinctive social, cultural and historical features of places. For example, situational crime prevention would consider plastic beer-glasses in pubs to be very effective against severe injuries in pub-fights. Yet, in countries like Switzerland or Austria, this would be considered inappropriate because there is a different cultural tradition of beer drinking where pub-fights are rare. Likewise, parks with thick shrubs may be seen as hiding places for offenders in high-crime societies and as exciting playgrounds for children in low-crime societies.

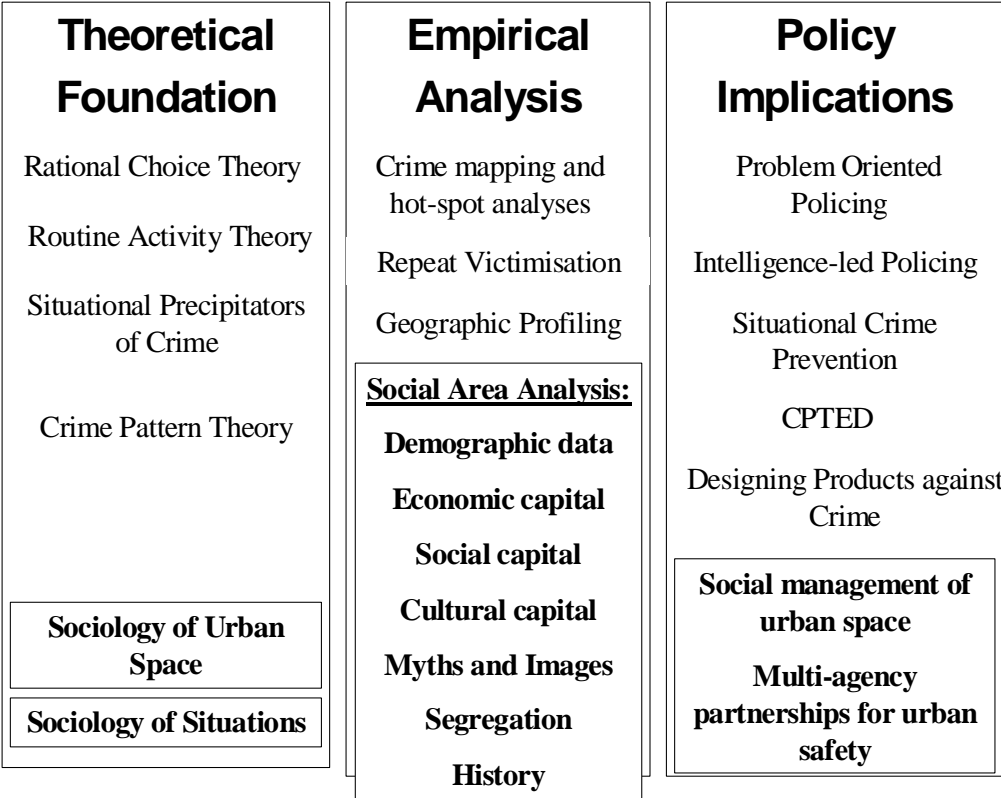
A broader debate on cultural and social preconditions for situational crime prevention and related policing strategies would certainly enrich the concept of environmental criminology. In particular, as illustrated in Figure 5, the CPTED concept would be enriched by a consideration of the social context that leads to opportunities for crime and the perception of risk in urban space – a social theory of crime situations (Hope, Sparks, 2000). An approach to *Social Area Analysis* offers a wider range of research methodologies that focus on routine activities in public

⁷⁹ Urban design and planning – urban criminology – was the subject of the Sixth Workshop organised by at Keele University in April 2009. This section draws on a contribution from Günter Stummvoll.

⁸⁰ Contribution from Professor Clara Cardia (Politecnico di Milano).

space, images, myths and local history of places, different imaginations about urban space in multi-agency policing, alongside the study of the process of segregation and the socio-spatial dynamics of cities.

Figure 5: New perspectives for crime prevention through environmental design



IV - Responsibilisation, private security and transition

The growth of insecurity that ordinary citizens across Europe perceive in their everyday lives is leading increasingly to dissatisfaction with established institutions and ways of responding. Citizens demand more 'private security' for themselves, while public institutions, especially public police, seem increasingly unable to respond to such demands no matter how much effort is expended. The consequence is increasing dissatisfaction, leaving a vacuum of safety to be filled somehow. And while public police struggle to cope with new circumstances, citizens and businesses are looking elsewhere, where they can, for protection and guardianship, particularly to the 'private sector'. The 'transition states' of central and south-eastern Europe have a unique position in these wider trends. Despite the many problems they face, unlike Western Europe,

these states have more of a clean canvass upon which to work – to build new criminal justice institutions from the ashes of the previous state-communist systems. Their Western European counterparts are trying to ‘modernise’ their institutions and policies to adjust to new problems, often facing huge obstacles and resistance from professional interests and organisational inertia. For them ‘private security’ is a threat, something to be resisted and countered. The transition states’ problems are often the opposite: how to build new institutions and ways of regulation that preserve the safeguards of public institutions without losing the dynamic and innovative approaches of the new, private providers, against whom the state cannot find the means to compete. Finding a way forward has not been easy; in Hungary, for example, there has been a kind of ‘tug-of-war’ between crime prevention ideas, and between institutions responsible for implementing them:

...despite the fact that crime prevention could be interpreted in many ways, what was never well conceptualised or communicated was the intersection between different types of prevention, and the priority crimes that the strategy should focus on. Crime prevention responsibilities were often placed on police services that could not sufficiently respond by themselves, yet few municipalities were proactively involved. Recognition of the importance of community crime prevention among local municipalities was random and slow (Kerezsi, 2009, 230).

The tension between the public and private spheres is a common story across Europe. The contributions to the 4th Workshop held in Ljubljana in December 2008⁸¹ all clearly and incisively articulated the range of issues and dilemmas involved in constructing a new partnership between the public and the private spheres in the delivery of safety and security to ordinary citizens. The answers are as much institutional and organisational as they are technical and operational. That the contributors are able to grasp these questions in a way that western European commentators often are not, is testimony to the challenges and opportunities that the former-Yugoslav republics present to Europe as a whole.

An example of these transitions is given by Sotlar and Meško (2009): over the past fifteen years, the Slovenian private security sector developed significantly through at least three periods. The first can be called the *privatisation of security* (1994-2003), and it represents the fastest growing period of private security. The second period can be called ‘*consolidation of private security*’ (2003-2007), which was marked by the intervention of the state in the ‘private security business’, due to the excessive rapid development of the sector. The third one can be called the *police-isation of the private security sector* (2007 - present), since the Ministry of the Interior and the police obtained extra powers in the field of private security. This process is not over yet and is likely to go through further changes. Throughout these periods of development within the private security

⁸¹ Organised by Andrej Sotlar, Gorazd Meško, and Katja Eman.

sector, private security personnel and police officers (and their respective organisations) were forced to establish relationships. However, the results of a survey do not confirm the stereotype of conflicting and competitive relations between police officers and security officers. Both groups describe their relations as cooperative, and security officers sometimes see these relations in terms of partnership. There are areas where police officers perform their duties together with security officers, of which the most typical are the protection of public gatherings, transportation and security of money, arrest and hand over of criminals by security officers to the police, intervention in case of alarm, exchange of information on criminality, even control over private security by the police. Police chiefs and security managers also believe that some synergistic impact of such cooperation on the internal security of the state does exist, despite all the difficulties with measuring such effects. Nevertheless, if the relationship between private security companies and the police at the end of the 20th Century could be described as one of coexistence, there is scope for both organisations to become more flexible and genuine partners in the 21st century.

Part 3 - Evaluations of Social Policy Impacts at the Local Level

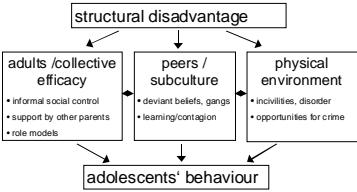
I - Youth crime: neighbourhoods, gangs and drug markets

The nature of youth crime in areas of concentrated disadvantage (Figure 1) is distinctive in several ways (Pitts, 2007; Pitts, Hope, 1997). It is:

- *Youthful*: Young people are both victims and perpetrators;
- *Implosive*: It is perpetrated by and against local residents;
- *Repetitive*: The same people are victimised again and again;
- *Symmetrical*: Victims and offenders are similar in terms of age, ethnicity and class;
- *Violent* The violence is intra-neighbourhood, inter-neighbourhood and inter-racial and takes place in and around schools, and on the street;
- *Under-reported*: Victims and perpetrators in the poorest neighbourhoods tend to know one another and the threat of reprisal prevents them from reporting victimisation;
- *Embedded*: Youth offending in these areas tends to intensify because, being denied many of the usual pathways to adulthood, adolescents fail to 'grow out of crime' and so adolescent peer groups transmogrify into 'gangs' and their age-range expands, linking pre-teens with offenders in their 20s and 30s.

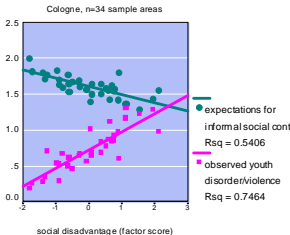
Recent research and theory suggests that structural, socio-economic disadvantage has an indirect effect on disadvantaged youth's behaviour (Figure 5). The impact of neighbourhood-level conditions on crime, net of individual-level factors, especially the consequences of ethnic/social segregation and concentration of disadvantage on adolescents' behaviour, was studied in a multi-level study of Cologne neighbourhoods. This study suggested that informal social control is the mediator between disadvantage and youth crime (Figure 6)⁸².

Figure 6: Disadvantage and youth crime: community-level mediating factors⁸³



Dr D. Oberwittler, Max Planck Institute, Freiburg

Figure 7: relationship between youth crime and informal social control



⁸² Based upon a presentation by Dr Dietrich Oberwittler, Max Planck Institute, Freiburg, Germany, to the 2nd Workshop in Paris (February, 2008).

⁸³ Prepared by Dr Oberwittler.

Despite the positive benefits of social capital for informal social control, the 'dark side' of the concept is illustrated by the growth of armed youth gangs in inner city neighbourhoods as part of the development of the trade in illegal drugs⁸⁴. The main reason behind the emergence of the armed youth gang has been the coalescence of two previously discreet socially deviant groups: the street-based, episodically criminal, adolescent peer group on the one hand and the locally-based organized criminal network on the other. The growth of drug use and dealing has been the catalyst, described in a research study in the London Borough of Waltham Forest (Pitts, 2008, 2007). Modern day drugs markets are segmented. In the topmost echelon are the importers and wholesalers. Distribution in the UK tends to be handled by local networks, often with familial or nationality links and often through crack houses, as has been the case in Waltham Forest. Most heroin used in the UK comes from Afghanistan via Pakistan. The wholesalers are often involved in a variety of illegal markets: drugs, firearms, people and contraband, as well as illicit financial dealings. Their enterprises are usually integrated into conventional businesses and both the money used to finance the deals, and the proceeds from them, may pass through a labyrinth of legitimate businesses in order to disguise the identities, and maintain the security, of the principal traders.

At the next level down are the *Faces*; adult members, or close associates of, the four main crime families in Waltham Forest. *Faces* tend to operate in the background, leaving the higher-profile *Elders* in the gangs or crews to make reputations for them, but also to take the risks that the achievement of such notoriety involves. Many of the people drawn into the drugs trade at this level have extensive criminal careers and a penchant for extreme violence - the glue that holds illicit markets together. The *Elders* direct the activities of the *Youngers/Soldiers* (aged 14 -18 years old), who have many responsibilities, including:

- Ensuring drugs get to the *Shotters*; the street level dealers;
- Protecting their drug markets from incursions by other gangs;
- 'Hanging out' in the neighbourhood to give early warning of a police presence;
- Patrolling the territorial boundaries of the estate to protect it from other gangs with a 'beef';
- Enforcing contracts for *Faces* or *Elders*;
- Collecting debts for *Faces* or *Elders*;
- Taking vengeance and making 'hits' on those who disrespect or cheat them or the *Faces* or *Elders*;

⁸⁴ This section draws upon contributions by Professor John Pitts, University of Bedfordshire, UK.

- Harassing and burgling rival dealers;
- Undertaking street crime and burglary for the *Elders*.

Youngers or *Soldiers* also engage in a great deal of 'anti-social behaviour', street crime attack and sexual assault in their own right. *Youngers* and *Wannabees* (aged 12-15) carry weapons, drugs or stolen property for the *Elders*, to ensure that if the *Elders* are stopped and searched, they will be 'clean' and that no 'forensic' is transferred by direct contact. They will also serve jail terms for them.

An open drug market is one where, characteristically, several *Shotters* (aged 16-35) working for, or accredited and protected by, gangs will sell drugs to anyone unless they are suspected of being police officers or rival gang members. They are located in busy thoroughfares adjacent to some of the estates where the drug-dealing gangs are located. An open market has the advantage for buyers that they can retain anonymity and exercise choice between dealers.

Nevertheless, buying from strangers lays the purchaser open to 'rip-offs' and the possibility of robbery because the open drug markets in Waltham Forest are also robbery hotspots. The advantage an open market for sellers is that it maximizes customer access. However, it also renders them vulnerable to police 'buy and bust' tactics and this means that to make a living, *Shotters* must be innovators, finding new locations and methods of dealing. Open markets cannot be protected as well as closed markets from rival gangs, resulting in fire fights. This kind of conflict is, of course, very bad for business affecting as it does both availability and quality, and making users reluctant to visit these sites. Inter-gang rivalry and police enforcement, if it is sustained, may precipitate a shift from open to closed markets. A closed market is one where a *Shooter* only sells to users who are known to them. Closed markets can be street- or car-based with contact maintained via mobile phone, but many operate out of premises of some sort.

A by-product of the gangs' operation of drug markets is the drawing-in of local youth into greater gang involvement – these are the *reluctant gangsters*. This situation appears to produce five modes of involuntary affiliation:

- Affiliation because of the risks to oneself and one's family from non-affiliation;
- Affiliation for protection from other gangs/crews;
- Affiliation to gain access to educational/recreational resources in gang territory;
- Affiliation because of lack of access to legitimate opportunity;
- Continued affiliation because of dangers inherent in leaving the gang.

Drug-gangs are territorially-based, usually in the disadvantaged housing estates. Rival gangs perceive residence on a particular estate controlled by a gang as affiliation. Moreover

resistance to, or disaffiliation from, the local gang is often regarded as an indication of disrespect or disloyalty. As territorial disputes between estates intensify, the numbers of those caught-up increases and it is no longer easy to distinguish who, on any given estate, is or is not a gang member. Non-affiliation may mean that it is dangerous to use certain services or facilities like an FE college or the local park, either located in gang territory or where access is only possible if one traverses gang territory. The young person then has to decide whether to affiliate in order to take advantage of the resources which would be denied them by non-affiliation. For some young people, who fall out of education at an early age and have been in trouble with the law, there are few acceptable, legitimate, opportunities available. The problem is not simply that they lack the necessary skills, qualifications and personal credibility; it is also that, in terms of their social class orientation and culturally determined attitudes to the workplace, they are ill-equipped to survive in the few jobs available. Gang members who want to leave the gang not only lose its protection, becoming vulnerable to other gangs with which they have previously had a dispute or vendetta. They may also fall foul of their former associates because of the disrespect or disloyalty implied by their reluctance to stay involved.

II - Ethnicity and Migration⁸⁵

The Bologna workshop was focused on understanding recent changes in the political and institutional framework of Europe in order to assess the question of the prevention of crime with regard to sensitive issues of ethnicity and especially migration. Several aspects were discussed:

1. There is the question of the persistent pattern of *over-representation* of 'ethnic minorities' in the criminal justice system, as described by statistical data⁸⁶. In contemporary British society, these ethnic statistics fail to reflect the complexity of its ethnic makeup in an age of increasing immigration and multiculturalism and lend themselves to what could be thought of as *statistical racism*, that is, oversimplified ethnic classifications (e.g. 'white' vs. 'black'), which in turn might inspire shortsighted and discriminatory crime policies. Ethnicity should not be reified into being a 'thing' it is rather a 'process'. The challenge facing criminologists today is to develop a constructive mindset enabling them to draw *general* lessons from the particular situations of specific minorities.

2. Classical criminological literature sees *second generation immigrant youth* as most exposed to the risk of criminalisation, particularly whether the school environment and the way in which

⁸⁵ This section draws on a report prepared by Dario Melossi and Ester Massa, University of Bologna.

⁸⁶ Presentation by Marian FitzGerald (University of Kent).

schools are structured and managed may result in a lower self-esteem among migrant youth, in turn linked to the youngsters committing certain acts of deviance.

3. The process of social exclusion and introduction into deviant behaviour of so-called migrant *unaccompanied minors*⁸⁷. By and large, their 'choice' as whether to engage in deviant activities, and become subsequently the object of criminalisation, or to insert themselves in the life of community centres, rests on a web of micro-opportunities having to do with the hazards they encounter upon their immediate arrival, rather than on any biographical predetermination. What is needed is to structure a network of 'good encounter' opportunities, especially in the big cities (in railway stations, etc.), that may give these 'unaccompanied' youngsters a chance of a positive outcome.

4. *The process of integration*. An analysis of the historical background and the political treatment of immigration in Brussels since the 1970s assessed the overall success or failure of integrating ethnic minorities, including political participation and representation, the weakening of racist discourses and radical political parties, the social and urban rehabilitation of poor and immigrant areas, residual school segregation, ethnic discrimination in the labour market, and the general multi-acculturation of political life⁸⁸. This highlighted the crucial importance of naturalization (citizenship) processes for the integration of migrants.

5. *Regional policies versus national policies*⁸⁹. In Italy and elsewhere, contradictions arise between local traditions of inclusive politics, pursued by local administrators, and national (state) policies which are more oriented to social control and repression and thus geared to forms of criminal and administrative control. In this manner, the priorities of local security policies are decided centrally whereas the policies must then be executed locally. The restrictive slant of recent national policies clash with the basic integrative inspiration of local policies, based on concepts of service and opportunity creation. The result is one of heightened conflict.

In conclusion, what American sociology of deviance in the 1960s called 'labelling' may indeed be applied to the current situation of migrants in Europe especially in relation to their condition not only of social and economic but also legal marginality, especially in the case of so-called 'undocumented' migrants. Attention to the dimension of labelling should be integral to all explanatory mechanisms of criminalisation. Yet, as with the removal of labelling theory from American criminological thought after the 1970s, recent Italian sociological commentary has also ignored the labelling perspective (where it had been a very recent import in any case), though this

⁸⁷ Presentation by Monia Giovannetti (University of Bologna).

⁸⁸ Abraham Franssen and Ural Manço (Facultés Universitaires Saint-Louis, Bruxelles).

⁸⁹ Based on the experience of the Regional Government of Emilia-Romagna.

is producing a kind of criminology that ignores or downplays the importance of analysing the role of political and legal power in social and policy responses to issues raised by migration⁹⁰.

III - Schooling, Education Systems and Youth Crime ⁹¹

First of all, there is a *macro-level of policy* – can investment in education serve as an antidote to youth crime (see Figure 2)? Hugues Lagrange reported an evaluation of the impact on adolescents' secondary school achievement and delinquency of additional state investment in schools that were part of educational priority zones – known as ZEP/ZUS areas. These areas have high levels of involvement in youth crime, which can be explained for the most part by the individual and familial characteristics of these adolescents, that is, the socio-economic composition of the neighbourhood within the wider social structure. Nevertheless, the characteristics of the neighbourhood also play a role. The density of professional (middle) classes in the neighbourhood systematically reduces the probability of delinquency for adolescents, presumably mediated by social capital processes (Figure 3). More interesting is the fact that the proportion of immigrant families tends also to *reduce* involvement in delinquency – it is possible that such families have a greater capacity to monitor youth in these contexts, resting on cultural and bonding social capital (Figure 3). The third aspect is directly linked to French urban policies in the form of the ZEP/ZUS areas. Controlling for the family social background of the school students, these policies seem to lead to a reduction of the delinquency propensity, as shown in Figure 8⁹².

⁹⁰ Comment from Professor Dario Melossi (University of Bologna)

⁹¹ Based on contributions from Hugues Lagrange (Sciences-po/ CNRS, Paris) at the Paris workshop; and Sarah Van Praet (ULB), Abraham Franssen (FUSL), Sybille Smeets (ULB) summarising the proceedings of the Brussels workshop.

⁹² Lagrange reports: ... *the debate around this paper suggested that this positive outcome of the ZEP/ZUS policy could be spurious because a strong negative correlation between the proportion of professionals and the classification of the area. We have made complementary analysis using an interaction factor (ZUS * % of families from African ancestry) which show that the density of families coming from Africa have a positive effect on delinquency only in the ZEP/ZUS areas, the role of the proportion of professional remaining positive and significant in both surroundings.*

Figure 8: Adolescents, 16 years old, resident in Mantes, Paris 18 and Nantes: involvement in delinquency

Two level model: delinquency and social structure in the census'tracts				
Models	1	2	3	4
	all youth N=3332/Q=125	youth from lower social strata (chopkeepers, manual workers, unemployed) N=3052/Q=125	youth of european or asian ancestry N=1689/Q=123	youth of african or turkisch ancestry N=1648/ Q=68
deprived area ZEP/ZUS	-0.42**	-0.45**	-0.34 ns	-0.48*
% professionnall in the district labor force	-4.46***	-4.57***	-5.39**	-3.52**
% of families of african ancestry in the district	-0.82*	-0.84*	-0.66 ns	-0.74 (.09)
Residual Variance : σ_u^2 (standard error σ_u^2)	0.049 (0.068)	0.045 (0.027)	0.265 (0.041)	0.000 (0.054)

1 - Crime prevention and schools⁹³

'School violence' is a social construct – it relies on categories of perception, based upon experience and institutional definitions of the problem. Violence in schools can refer to crime in schools (which are of course also historical and institutional constructions and definitions of problematic behaviour), but often it also refers to problems of *school discipline* (which can be defined by school regulations but also by the perception of teachers or even students).

It is difficult to distinguish the 'objectives facts' from the 'social representation'. Still, what do we know about insecurity and violence at school? First of all, there is what most imagine when talking about this subject: the *violence in schools* caused by the people inside it who commit crime or anti-social behaviour, or who are subject to fear of crime. On the other side there is the violence *caused by school* or by the education system.

Some violence emerges inside schools, where violent acts are posed by students or teachers, but there are (in some schools) also forms of violence from outside the schools that are *imported* into these schools. Data from the *European Victimisation Survey* (EU-ICS) proposes three

⁹³ An edited contribution from Sarah Van Praet, Abraham Franssen, and Sybille Smeets, based on the Brussels workshop (February, 2009).

categories of violence: verbal insults or threats; physical assaults; and vandalism. This more objective ways of collecting data show that the most present problem is verbal victimisation, followed by vandalism. In contrast, physical violence is not very widespread, with students more often victimised by physical violence than teachers.

What kind of violence affects the quality of school student life? Students point peer rejection as having the main impact on their quality of life in school, creating feelings of depression or anxiety. Second comes bullying, which can be defined as repeated verbal victimisation. But also there is a stressful educational climate created by those teachers who are very selective, who try to filter out the best students and reject others. For teachers, the main problem is conflicts with colleagues or with the principal. Second comes also for them repeated verbal victimisation by students. Only third is students' misbehaviour mentioned. Similar to students, peer relationships are most important to people, whether they are student or teacher. Their consequences are repetitive and cumulative. For both teachers and students, the school climate influences the level of misbehaviour in school, more than delinquency does.

On the violence that is brought into school, coming from outside the schools, two statements have been made. First there is the image given of some schools that are overrun, invaded by exterior violence. This can take place by physical intrusions or by habits of a surrounding street culture infiltrating school. This problem refers to a school's capacity to regulate its relations with the exterior world. On the other hand, there have been statements of schools being a preserved and protective area when compared to their surrounding neighbourhoods. The risk of victimisation is lower at school than in other areas and the main aggressors are students from the school. Here, problems seem to be due to the interior social reality of schools.

A second perspective of school violence is the *violence of or by the school (system)*. Participants at the Brussels workshop indicated the importance of more structural logics of exclusion, school failure and marginalisation as a product of the school system. In many school systems discussed there is a degree of segregation in the educational system. Some schools, often that part of the system which has a vocational orientation, are considered 'school of the last chance', 'trash' or 'dump' schools. These are schools which are most often not chosen by parents or children but where they go when no other school will accept to enrol them. More than once it was noted that there is an important marginalisation in the school system of ethnic and cultural minorities. This exclusive system that marginalises some groups has consequences on the amount of violence or on the perception of violence.

We now arrive at a second question: what are the relevant theories dealing with the phenomenon of insecurity and violence at school? We distinguished different levels of analysis of this problem. We propose a classic subdivision of these models into:

- Macro-sociological explanations referring to structural logics of social organisation and educational system
- Meso-sociological explanations focussing on the dynamics of a school, an establishment as particular organisation
- Micro-sociological explanations taking in account individual characteristics and interactions between people inside a school.

When looking at the *macro-sociological explanations* that have been put forward in our seminar, we can state that first of all, at a very large scale, there have been some changes in the last 25 years in our society, some sociological mutations that we often call a passage to a post modern, neoliberal society. In the debates of our workshop we discussed this by referring to the place of these youngsters and their probable future. The youngsters in relegation schools which we discussed mostly are part of the working class, or even of the underclass, but they refuse these stigmata. The youngsters dream of a future with a big car, a nice house, these are indeed very conventional dreams, but largely unrealistic when your school career is largely broken. And even if they get their degree one day, they will have to confront many difficulties to get a job, with their very low vocational degree from a 'bad' school, especially if this cumulates with racism of employers. Even if these youngsters want to dream and hate the working class, it is clear that sociologically they are part of the underclass even if they refuse to be powerless. In this discourse, there is no place for these badly formed youngsters in our society. We can ask what schools, especially relegation schools, have to offer to young people if their qualifications do not lead to financial independence but rather to social exclusion and marginalisation. These schools seem to have as a main goal to keep temporarily these children off the streets. In this way the upcoming discourse on security inside the schools becomes part of the ideology of social exclusion.

There is a great distance between working class and immigrant youngsters and school which is a product of the symbolic and institutional domination by the educational system. School violence is thus in this sense above all violence by the school system and through them of a system of selection, relegation and exclusion. The problem is not the sometimes supposed lack of adaptation of youngsters with different ethnical origins at school because of the 'handicap' that would be their cultural background, but the selectivity inherent in the education system that has been created and continues to recreate values and culture of the dominant classes.

Nevertheless, not all young people belonging to the same socio-cultural category follow the same school career. Some of them, happily, are in a dynamic of success and development. It has been noted that especially girls that come from families of immigrants have more often school success stories. Yet problems of school violence (and more generally school failure and dropping out) tend to appear to be less attached to the origin of youngsters but they seem to be more attached to some establishments. Examples have been mentioned of schools having similar type of young people (age, origin, orientation) but coping differently with the same problem. It is sometimes stated that the main actors of school violence are young people from lower social classes, often immigrants or immigrant's children. However, an Italian self-report study shows that social class and immigration were not related to deviant behaviour. What was relevant was gender, and a problem with a sense of authority in the school of the family. This second element however is often considered as proper to adolescence. We have to stay aware of the difference between the perception of school violence and where this takes place following this perception and a more objective reality. This all leads us to the hypothesis that an important level of explanation in this matter is the intermediate one – the level of the individual school.

Schools differ in various ways that might have an impact on school violence. There is the *different composition of the public attending the school*. Schools with a good reputation have a stable school population and a stable educational staff. In contrast, 'low schools' are 'disqualified' schools, having an degraded environment, a bad reputation of their level of education, being not very valorising places to work for a teacher. Another element is that some establishments seem to more than others to create a *climate of violence*. The educational and pedagogical quality of the relation between teachers and students, the quality of leadership shown by the direction of the school and the solidarity between teachers seem crucial in the control or the excesses of violence. To finish this part on the explanation, we have to talk briefly about micro-sociological explanations. Several workshop participants focused on the *capacity of resistance* of the dominated and relegated students. These students still have capacities of resistance to the dominant culture. They do not accept to be victims of the system, to be powerless, they try to be actors of their own school experience. Classrooms become an arena for negotiation and adaptation. Similarly, students may use their knowledge of street culture as a role to play in front of the teacher because it refers to knowledge they have, but not the teacher. In these forms of resistance, they find a dignity and prestige they have lost in every other place. Resistance to school discipline and to the experiences of injustice from the teachers have become important factors in the passage to violent behaviour in school.

Several levels are concerned by these responses.

- Global reform or restructuring of educational systems;
- Initiatives at the level of the individual schools;
- Specific measures, as school mediation or taking more in account the ethnical and cultural background of the pupils;
- Responses at the level of the pedagogical practice of the teachers.

Reform of educational systems was noted above, in terms of the impact of specific investment in schools.

Another level is that of the direction to be taken. We can underline measures that can be developed in order *to prevent and to manage school violence*. These measures can approach the problem from very different points of view. There are measures that concern physical security if the situation is very degraded, in order to improve access control by for example CCTV surveillance, security doors, weapon detectors, street and school wardens, random searches of weapons or drugs, and so on. Following the analysis presented above, it should be clear that this kind of intervention will never be enough. Another approach is to establish rules in the school and sanctions that are more appropriate or accepted by the students. Among these rules there can be a reduced tolerance of violent behaviour. But in order to work on the climate in the school, this should not incite violence. The following responses may be more productive: to promote sense of belonging to the school, to invest in active student participation and cooperative learning, in creating school activities, or by imposing a uniform of a dress code which excludes gangs signs of belonging as hats, hoods, caps, bandanas, etc. Students, their parents and the educational team can be made more aware of this or other problems. Communication between students and between students and adults can be facilitated. The school can make an effort to be more open minded and in that way to be less exclusive, they can collaborate with exterior actors to empower students to move out of social group and to improve their social skills (collaborate with potential employers, the local authority, employment agencies, ...) or they can involve local communities, neighbourhood and families to prevent violence and enhance families commitment in the development of their child's school career..

In the workshop discussion also covered *specific measures to prevent and manage school violence*, namely school mediation and an intercultural approach. School mediation exists in several countries and is charged generally with the task of reducing school drop-out and school violence. There are two different types of mediation. On the one hand, there is internal mediation inside the school, the mediators can intervene whenever conflict resolution and/or problem solving is needed between students, between students and teachers or school management, or between

school and families. The mediators are a resource for non-violent resolution of conflicts in schools and problem solving. They work mostly with the pupils and are the intermediaries between pupils, teachers and school management. They also go to visit families if this is pertinent after involving other members of the educational staff and other social workers. On the other hand there also exists external mediation, where the mediator is rather an external expert who will accompany the educational team and who will organise activities and making it possible to discuss and listen to each other, creating thus a more convivial atmosphere. This form concerns more a response in order to approve the weight on the shoulders of the teachers.

Concerning internal mediation, there are some difficulties that have to be given attention. Mediation can take many forms: if the idea is to listen to young people's problems, there is the risk of deriving to a more punitive role of controlling the behaviour of youngsters. By mediating problems, schools can implement a completely new way of managing conflicts, or they can use mediation to manage in a new way but according to old principals. Mediation can be a new way to offer an individual aid to a person, very close to controlling that person in a new way, like in individual monitoring, or it can be used to start a more collective and participative way of dealing with conflicts. A mediator has also to be independent of both school management and the head teacher or college principal.

Another specific measure is the intercultural approach that focuses on children and young people of immigrant families to 'have a foot in both camp' between their culture of origin and their 'new' culture. In that case, the mediators are often drawn from the same community and thus understand these specific difficulties. But other measures also tend to promote the integration of students of foreign origin by making the schools and the educational teams more aware of their specific problems and their solutions, including language improvement, scholarship programs, better school resources, etc.)

It can be clear that today school is not a place of insecurity. The risk of being victim of a serious assault is minimal. Still, school is to a number of young people a place of suffering. School violence is a symptom emerging on the crossing between a macro social structure of domination and conflict, the meso-dynamics of the school system (with a school market going from elitist school to dump schools) and the micro interaction of the different actors inside the schools. School violence is not a well-defined category and it is not even a category that is always perceived as the right one even by those most involved. Rather, 'school violence' is a relational problem. There is also a danger of the rhetorical use of the concept: If we enter into the field of school issues using the perspective of insecurity, we especially risk reinforcing a discourse that is an alibi, reducing the structural, institutional and relational complexity of different school

experiences to an approach that is too much oriented on an exceptional symptom of a much broader problem. Yet, it is through high quality research that the question of insecurity at school can be placed in a broader perspective, permitting the different aspects of school to be investigated, in its tensions between human interactions, school, school system and society.

Conclusion

Neither the Workshops of WP6, the presentations given, nor the conclusions of this report were intended to give specific, concrete answers to crime problems, or to provide a manual of crime prevention practice. Yet all participants were aware, first, that the social approach to the prevention of local crime problems has been neglected in contemporary European crime prevention policy, and that this is due, in part, to a failure to articulate the *social dimension* of crime problems. While social crime prevention was once orthodoxy in Western Europe, focussing upon the integration of young people, especially those from impoverished and minority backgrounds, recent years have seen the approach fall by the wayside as politicians have striven to identify and exclude supposedly troublesome people in the interest of offering protection to the anxious majority, not least to their indigenous workers whose livelihoods appear to be threatened most by global changes. Yet the local social context of these issues is still present, and impoverished and excluded communities are still citizens of Europe too. It is to be hoped that the work of Work-package 6 of CRIMPREV has been able to sketch-out a picture of a new landscape in which creative, integrative and socially-inclusive crime prevention practice might once again flourish.

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**THE PREVENTIVE TURN AND THE PROMOTION OF SAFER COMMUNITIES
IN ENGLAND AND WALES: POLITICAL INVENTIVENESS AND
GOVERNMENTAL INSTABILITIES**

Adam Edwards, Gordon Hugues

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COMMENT: DISCUSSION ON WELFARE POLICIES FROM THE PERSPECTIVE OF JUVENILE JUSTICE

María José Bernuz Beneitez

In the context of Crimprev, our group worked from two hypotheses: on the one hand, that of the progressive criminalisation of juvenile policies; and, on the other, that of the construction of a new neo-conservative model and risk-management in justice for minors. We worked on this question, primarily with the help of two instruments: the analysis of new legal reforms regarding juvenile justice in the participating countries and, above all and more precisely, the study of the evolution of practices in response to juvenile offences: primarily, either confinement or community sentences.

Thus, the discussion on welfare policies in this context has its meaning in the notion that policies concerning the child who commits offences are currently undergoing a change *from* a protectional perspective, akin to welfare policies, *towards* a more criminal perspective, which forgets the educational sense of this specialised jurisdiction. We have thus been able to observe that although the hegemony of a paternalistic, protectional model was clearly called into question in most European countries, *the ways that each country has found to operationalise the break clearly differed depending on the country, in keeping with the differential impact of the transformations of the welfare logic, the domination of a neo-conservative paradigm, and the strength or weakness of the community model* (Bailleau, Cartuyvels, 2009).

Hence the importance of taking into account the tension between a globalisation and a localisation of criminological thinking, as well as the importance of being able to distinguish between a trend (or even trends) and the situation where there are perhaps only particularities. Armed with these precautions, we analysed juvenile justice in participating countries with, as a backdrop, changes in social policies in welfare states. What remains of the protectional-tutelar model associated with the Welfare State under the pressure of a neo-conservative approach to the social issue? This point has been analysed from several angles:

1. Are we witnessing a criminalisation of juvenile deviance with an increase in incarceration, especially of the youngest?
2. Are the intervenors in juvenile justice - youth workers rather than magistrates - resisting the punitive trend of legislative reforms (primary criminalisation versus secondary criminalisation)?

3. Are the logics of intervention proper to the Welfare model (culture expertise, imposing penalties...) combining with the modes of intervention concerned with going beyond this model (overall approach, negotiation of interventions...)?

From this angle, Adam Edwards, in his works, offers us some important and highly interesting points for discussion and which can be crossed with our analyses. I have selected three prospects:

I - The importance of taking into account the fact that the same subject, or even the same phenomenon, can have different readings or different rationalities... especially when one analyses this same phenomenon in different countries

There are perhaps two points that allow us to note this double or triple reading: restorative justice and confinement.

One may suggest that the relatively large success of restorative justice is due primarily to its being able to satisfy diverse objectives according to the ideologies, mentalities and existing models: those of a welfare-type policy or those of a neo-conservative or community policy.

However, it must be noted that every country attaches greater importance to one objective than the other, depending on the local history of juvenile justice, and therefore the effects differ according to the context. Let us examine them.

a) Has compensation favoured the realisation of the anticipated objectives?

Several scenarios appear:

➤ Diversion? In some countries, the promotion of compensation measures has not favoured diversion but has instead produced an effect of net-widening and a hypertrophy of the recourse to justice by drastically reducing discontinued cases for less serious ones.

➤ Is this measure in the minor's best interests? It is claimed that reparation has the effect of making the minor take responsibility in that he must face the victim and answer for the damage caused... But, in reality, minors almost never meet their victims but rather the service in charge of implementing the programme.

➤ Is that beneficial for society? Yes, primarily in a society that demands zero tolerance and requires a reaction to delinquency that is not really serious but daily and otherwise remaining without response. In this way, one has the impression of having done something.

➤ What are the real effects for the victim? Here, we find a gap between rhetoric, theory and practice: on the one hand, we have a theory of restorative justice that lets victims speak and provides them with a certain protection, giving them a response... But on the other hand, we find a practice that does not take victims into account all that much and presupposes a minimal involvement on their part!

So we can say that the proposed objectives are not being achieved; but it might also be said that this alternative measure has allowed for apprehending young people and their responsibility in another way.

b) If we look on the confinement side, we can also see a crossing of the finalities of this measure.

1) First of all, it might be noted that the increase in the number of reformatories in most countries and their specialisation can be interpreted as a failure of the protectional model of juvenile justice: if education does not work, it is necessary to go on to the confinement function. But another discourse may also be noted, which indicates that the creation of new, more specialised centres produces better protection of minors' rights when faced with a situation where problems and minors are mixed together. In this sense, new centres are well accepted by certain youth workers but not in all countries (e.g., the case of France)!

In any case, one must ask oneself what are the reasons for the choice consisting of promoting these centres, in a neo-conservative perspective:

➤ if neo-conservatism is seeking profitability, it is clear that they are not at all profitable and that their maintenance is very costly;

➤ if neo-conservatism is seeking greater effectiveness, it must be noted that these centres produce negative effects and that it has not been demonstrated that they succeed in preventing crime.

Consequently, do we find ourselves before a penological irrationality? In any case, practice shows us highly contradictory trends: in Spain and Portugal, a trend towards diminution, an increase in the United Kingdom and Belgium, whereas in France, confinement is used as a threat (with recourse to short-term measures).

II - Can a certain resistance from judicial and social operators in taking on somewhat punitive legal standards be noted?

One of our fundamental objectives was to analyse the gap between primary and secondary criminalisations. It was important to verify the methods - new or not - , the modes of resistance to change or the integration of changes in practice. What are the most visible resistances? A few examples:

➤ The laws allow for imposing - or, depending on the country, compelling - measures of confinement in reformatories for the longest possible period of time and for increasingly diverse cases. However, practice indicates that there was no increased recourse to confinement; on the contrary, there is a trend towards stability as well as towards imposing open-setting measures, even for violent crimes.

➤ It can also be noted that routines carry weight: in several countries, it is observed that diversification of the measures provided for by the laws for favouring the individualisation of measures is relatively low (according to circumstances, regions, ideologies, training, resources, etc.); there remains a fondness for traditional measures!

➤ The importance of the victims in juvenile justice: practice shows that the victims are not as severe and vengeful as the laws would lead one to believe. Although the laws (in Spain, for example) allow victims of an offence committed by a minor to propose the measure they consider appropriate... the victims almost never resort to this possibility (7% of cases). And if the damage has been repaired, they renounce pecuniary compensation.

In any case, in most countries we note important changes at the legislative level without, for all that, the practices being radically modified.

➤ In the United Kingdom, despite global trends and national policies, practice remains obstinately local and uncertain; local practitioners are acting so as to transform political intentions, either by routines or by administrative or ideological responses.

➤ In Scotland, there are networks of key practitioners actively resisting a certain number of harmful elements coming from the political framework. Thus there is strong local resistance to the neo-conservative ideology...

For all that, can it be upheld that the welfare ideology is holding its own?

➤ On the one hand, it can be noted that the objective of interventions has changed: it is no longer education but rather giving a sense of responsibility;

➤ On the other hand, juvenile courts continue to exist even though they are perceived as too gentle for dealing with serious crime;

➤ Finally, the content of measures remains quite focussed on the psycho-social situation of the minors, but the gravity of the offence plays an important role in the choice of the measure.

We can therefore instead note a change in the way of understanding the protection/education of minors owing to a change in the notion of the child. Children and young people are no longer perceived as victims of social circumstances but rather as free, rational players who are aware of the consequences of their actions.

Conclusion: Can a certain tension be noted between the universalisation/globalisation and indigenisation-localisation of criminological thinking and juvenile justice practices?

The work grid proposed for studying the changes in juvenile justice in the European context well describes the principal trends in the field of criminal policies. We were starting from the idea that 'global' neo-conservative pressures were provoking a compression and homogenisation of responses to juvenile crime in Europe but throughout this work we realised that it was necessary to keep in mind that this was only a work hypothesis that cannot be applied as such to all countries.

Not all the countries that worked together within Crimprev rely on the same tradition of juvenile justice or on the same model of social policies: Central European countries have a certain welfare-state tradition that is being called into question; certain European countries have known military dictatorships or lived through periods of closed borders that obviously marked domestic policy, the model of State and that of social policies; the Eastern European countries lived under Communist regimes that also conditioned social policies and the way of understanding juvenile justice and its transformation.

This diverse history means that the changes that are calling the tutelary model in juvenile justice into question vary from country to country:

Henceforth, the ways of resisting also differ according to the country. May a few conclusions be drawn from this?

➤ There is a clear gap between a legislator who believes he represents the majority of the population and a practice of juvenile justice that thinks its function is to give the young person a sense of responsibility.

➤ The globalisation of trends on paper (i.e., in laws) conflicts with a localisation and personalisation of juvenile justice practices in Europe.

➤ There are different readings of the same institutions, according to local, national traditions, etc.

CRIME AND MEASUREMENT

MEASURING CRIME AND ASSESSING SAFETY AND CRIME-PREVENTION POLICIES

Renée Zauberman, Philippe Robert⁹⁴

The programme of which we shall now provide an account centres in the main on problems of measurement, in particular measurement methods.

Indeed, in the second half of the 20th century, amongst other things, social sciences provided the study of crime with powerful new knowledge instruments centred around the issue of measurement.

Ever since crime began to emerge as a social problem – whether in the proto-liberal English state, or under certain enlightened Continental monarchies at the very end of the 18th century, and even more in 19th century liberal European states – measuring crime has always represented a special angle of approach.

It is just that for a century and a half, the measurement of crime was prisoner of the activity counts of the different penal agencies: courts, the public prosecutor, prisons, and later the police.

This is not to say that such use did not give rise to doubts or questions, ever since Quételet, but no alternative was available. The best that anyone had come up with was to place the emphasis on counts made as far upstream as possible from the penal process, which in practice meant police statistics.

The breakthrough in the second half of the 20th century was the invention of approaches that avoid such institutional dependence via the use of general population surveys.

But once crime measurement is freed from the monopoly of institutional counts, public policies themselves can be subjected to measurement.

As a result, our examination of measurement issues will follow two thrusts:

- firstly, and principally, the measurement of a social problem: crime;
- secondly, measuring the performance of public policies intended to manage this social problem.

At preparatory seminars for the coordinated action, we observed that very uneven use was made of these approaches in the European area, that the number of confirmed specialists was limited, and that the use of these instruments seemed relevant to varying degrees.

These observations led us to include such a programme in the coordinated action.

With regard to measuring crime, we chose three themes:

⁹⁴ Centre de recherches sociologiques sur le droit et les institutions pénales (CESDIP/CNRS, Université de Versailles Saint Quentin, Ministry of Justice).

- the practice and use of victimization and insecurity surveys;
- the practice and use of self-reported crime and deviance surveys;
- finally a less well-explored subject: the comparison between the results of such general population surveys and traditional crime measurements using data from penal institutions' activities.

With regard to measuring the performance of public policies aimed at managing crime – a less well-developed topic – our approach was to:

- assess safety and crime-prevention policies.

In addition to the fact that they oblige us to deal with difficult scientific questions, the themes chosen are not without consequences for decision-makers and practitioners: they can provide them with instruments to aid decision-making.

To take account of this dual nature, the programme's core group also included a colleague from Barcelona University who also has management experience⁹⁵, and two bodies working at the interface between the academic and practical worlds: the European Forum for Urban Safety (EFUS) and Città sicure from the Regione Emilia-Romagna in Italy.

Members of the core group

Philippe Robert, CESDIP

Renée Zauberman, CESDIP

Amadeu Recasens i Brunet, U. Barcelona

Michel Marcus, EFUS

Rossella Selmini, Città sicure and U. Macerata.

This group established a six-phase approach which was then used for each of the four themes covered by the programme.

Six-phase approach

- Phase 1: drawing up of a report grid, choosing a general rapporteur to summarize the information collected, and rapporteurs (half a dozen per theme) to report on the state of knowledge and its use in different European countries;

⁹⁵ For having run a police school and occupied administrative management posts both at the Spanish *Estado central* and the *Generalitat de Catalunya*.

- Phase 2: a review by each rapporteur on the country or zone for which he/she is responsible, and dissemination of those documents;
- Phase 3: presentation of the reports and discussion during a seminar⁹⁶ bringing together the core group of the workpackage, the general rapporteur and the national rapporteurs;
- Phase 4: drawing up by the general rapporteur of a summary of the reports and discussions;
- Phase 5: validation of that document by the programme's core group and dissemination as a 50-page document in English and French;
- Phase 6: publication of all contributions in two volumes, one in English and the other in French, both headed by a member of the core group.

The biggest difficulties surrounded the choice of rapporteurs: on the one hand, the credits available did not enable exhaustive coverage, and on the other specialists – of whom there are often few – were not always available. Consequently, we sought to represent a diverse range of situations within the European zone rather than being exhaustive, which was beyond our means and perhaps our objectives. Nevertheless, it would certainly be interesting to return to the task with more credits and a longer deadline, in order to provide fuller European reviews.

Nor was it easy to fit such a huge programme into the limited time available for the coordinated action, especially with quite wide-ranging editorial ambitions.

However, overall we managed to implement the programme and disseminate the results in several different ways by combining three kinds of products:

- four information letters in English and four in French, to provide a quick summary of each programme seminar both to CRIMPREV participants and anyone who logs onto its site [www.crimprev.eu];
- four bilingual (English and French) brochures containing a comprehensive summary (about 50 pages for each language) of each seminar, and widely distributed by the European Forum for Urban Safety, mainly amongst decision-makers and practitioners;
- four books in English and four in French bringing together all of the material from each seminar, aimed mainly at scientists and their students, but also decision-makers, practitioners and journalists seeking fuller information than that provided by the brochures or information letters.

Publications

Four information letters in English and four in French, which appear on the coordinated action website:

Robert Ph., Zauberman R., Recasens i Brunet A., Rodriguez Basanta A., 2007, *Les enquêtes sur la victimisation et l'insécurité en Europe*, no. 5

Robert Ph., Zauberman R., Recasens i Brunet A., Rodriguez Basanta A., 2008, *Surveys on Victimization and Insecurity in Europe*, no. 5bis

Aebi M.F., 2008, *Aperçu de la situation des enquêtes de délinquance autoreportée en Europe*, no. 9

Aebi M.F., *An Overview of Self Reported Delinquency Surveys in Europe*, no. 9bis

⁹⁶ The programme seminars were held in Barcelona, Bologna and Paris.

Van Dijk J., 2008, *Confrontation des données d'enquêtes sur la criminalité en population générale avec les statistiques de police sur les délits enregistrés*, no. 17

Van Dijk J., 2008, *Comparing Crime Data Based on General Population Surveys with Police Figures of Recorded Crimes*, no. 17bis

Robert Ph., *L'évaluation des politiques de prévention et de sécurité en Europe* no. 20

Robert Ph., 2009, *Evaluating Safety and Crime Prevention Policies*, no. 20bis.

Four bilingual brochures about 50 pages long, containing the summaries provided by the general rapporteurs on each theme:

Zauberman R., 2008, *Surveys on Victimization and Insecurity in Europe/Les enquêtes sur la victimation et l'insécurité en Europe*, Paris, European Forum for Urban Safety.

Aebi M.F., 2009, *Self-Reported Delinquency surveys in Europe/Enquêtes de délinquance autoreportée en Europe*, Paris, European Forum for Urban Safety.

Robert Ph., 2009, *Evaluation of Safety and Crime Prevention Policies in Europe/L'évaluation des politiques de sécurité et de prévention en Europe*, Paris, European Forum for Urban Safety.

Van Dijk J., 2009, *Approximating the Truth about Crime; Comparing crime data based on general population surveys with police figures of recorded crimes/Approcher la vérité sur la délinquance : comparer les données d'enquêtes aux statistiques policières*, Paris, European Forum for Urban Safety.

Four books in English and four in French providing all of the material gathered on each theme, national reports and general report:

Zauberman R., Ed., 2008, *Victimisation and Insecurity in Europe; A Review of Surveys and their Use*, Brussels, VUBPress.

Zauberman R., Dir., 2008, *Victimation et insécurité en Europe; un bilan des enquêtes et de leurs usages*, Paris, L'Harmattan.

Zauberman R., Ed., 2009, *Self Reported Crime and Deviance Studies in Europe; Current State of Knowledge and Review of Use*, Brussels, VUBPress.

Zauberman R., Dir., 2009, *Les enquêtes de délinquance et de déviance autoreportées en Europe ; état des savoirs et bilan des usages*, Paris, L'Harmattan.

Robert Ph., Ed., 2009, *Evaluating Safety and Crime Prevention Policies in Europe*, Brussels, VUBPress.

Robert Ph., Dir., 2009, *L'évaluation des politiques de sécurité et de prévention en Europe*, Paris, L'Harmattan.

Robert Ph., Ed., 2009, *Comparing Crime Data in Europe; Official Crime Statistics and Survey Based Data*, Brussels, VUBPress.

Robert Ph., Dir., 2009, *Mesurer la délinquance en Europe : comparer statistiques officielles et enquêtes*, Paris, L'Harmattan.

I - Measuring crime

When the problem of measuring crime began to emerge, it was spontaneously expressed in terms of counting courtroom activity. At first, only one statistic was available for convictions, and then only for the more important cases. Later a count was made of all criminal convictions, and subsequently the decisions to prosecute made by the public prosecutor, and the activity of bodies responsible for implementing sentences (essentially prisons). Finally, in the 20th century it was possible to measure police records. As this diversification took place, the measurement of crime shifted from the judiciary's statistics to police statistics. That shift from one set of statistics to another reflected struggles between professions for hegemony in the criminal-justice field.

However, throughout this time, the counting principle remained the same: the basis for measuring crime was the activities of those working for penal institutions.

From the 1960s, controversy as to the way crime was measured became even more of a hot topic because of the debate surrounding the fear of crime and insecurity; in other words surrounding the capacity of penal institutions to satisfy citizens' safety and security expectations. As long as institutional responses seemed to be suited to existing social problems, one could be content to measure the latter on the basis of the former; but when institutions seemed to lose their grip, it became crucial to find ways of measuring social problems other than by counts based on institutional activity.

At the same time, constructionist sociologies⁹⁷ insisted on something that was right before our eyes, although it was little dwelt upon until then: penal institutions' statistics are counts of their activities; they can mainly help to analyse the actions of those organizations and those who work for them. As for using them to calculate situations liable to be of a criminal-justice nature, it can only be as a proxy variable which, at every turn, must be checked empirically to ascertain whether it is representative.

The situation changed radically in the second half of the 20th century with the invention of a range of non-institutional counting methods.

By the end of the 1940s self-reported delinquency surveys had already appeared. They consisted in asking a sample population about offences they may have committed within a given timescale. This approach was used in particular for juvenile delinquency. After a fine start, although limited to a small number of countries, they were to some extent overshadowed when efforts began centring on the alternative method of victimization surveys. Nevertheless, they have now seen a considerable resurgence, to investigate the use of banned substances and school violence.

However, the greatest change arose following the invention of victimization surveys.

As a result, we dedicated two workshops to each of these forms of survey, and then a third to the thorny issue of comparing survey data with traditional statistics.

In fact, each form of data has its limits. Official statistics measure suppressive activity, but are not necessarily a good gauge of crime levels. Self-reported delinquency studies are quite effective for juvenile delinquency or cannabis use, but are hard to use for economic and financial crime, or organized crime. As for victimization surveys, they are inappropriate where the offence has no direct victim; where the victim disappears, as in the case of successful homicide; where there is assumed involvement or complicity on the part of the victim; and where definition is too complex for a general population survey. On the other hand, they are suitable for non-lethal violence, theft, burglary, and damage to private property. It has gradually been realized that the best way of measuring crime is to compare the largest possible number of data sets to create a kind of triangulation.

Each set results from attributes given by a different player: in self-reported delinquency surveys, the perpetrator attributes a criminal nature to certain aspects of his/her behaviour; in victimization surveys, the victim designates certain of his/her misadventures as crimes; in police statistics, the police officer suspects that certain facts brought to his/her attention or discovered

⁹⁷ The article by ethno-methodologists Circourel and Kitsuse (1963) forms the founding text.

at his/her own initiative may constitute offences which should be brought before a judge. The latter is the only player with the constitutional power to decide – in certain respects – whether a given situation matches the abstract dictates laid down in criminal law. But everybody – whether professional or layman – who helps to bring cases before a judge makes provisional judgements along the lines of ‘this appears to be a crime’. Administrative statistics and surveys reflect these attributive processes, which are all partial: there is no such thing as an objective view that can be obtained from a single source.

Beyond the realm of such comparative counts, large surveys reveal aspects which institutional data either poorly describe or completely ignore: the contours of the populations affected, and in particular the concentration of risks in certain areas or on certain social profiles; the diversity of expectations vis-à-vis institutions; and lifestyles and ways of managing the same risk, etc. In short, when looking for alternative counting methods, one discovers a whole hidden side of crime study. Administrative data, for their part – partially free of the concern to measure crime – are valuable instruments for studying penal processes, and the way in which they actually “construct” a crime, or rather the criminal.

1. Victimization surveys

During the 1960s, a presidential commission on crime examined the possibility of coming up with crime counts that were more accurate than police statistics⁹⁸. This was when Al Biderman, on the one hand, and Al Reiss Jr and Ph. Ennis, on the other, invented the victimization survey, which involved questioning a sample of individuals on crime to which they may have been subject over a given period⁹⁹. Its subsequent rise was extraordinary. No other form of crime research has mobilized so many specialists, credits and so much methodological ingeniousness, over such a long period. For the first time, the science of crime developed autonomous databases on a large scale. Routinely used in the United States since the 1970s, and in the Netherlands, England and Wales and certain Scandinavian countries a decade later, the production of victimization surveys also intensified – if at a less systematic pace – in Canada, Switzerland, France, Spain (especially Barcelona)... Since the end of the 1980s there has also been an ambitious programme of international victimization surveys launched by Jan Van Dijk, Patricia Mayhew and Martin Killias¹⁰⁰. This kind of survey is not only used nationally or supranationally. The trend towards the localization of public safety policies also results in them being implemented at more local stages.

Our first workshop was dedicated to such surveys, in Barcelona in March 2007. Together with several observers, it brought together:

Members of the workshop on victimization surveys
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Mike Hough (King's College, London) for the United Kingdom;

⁹⁸ President's Commission on Law Enforcement and Administration of Justice (1967).

⁹⁹ Cantor, Lynch (2000); Rand (2007).

¹⁰⁰ Van Dijk, Mayhew, Killias, 1990; Van Dijk, Mayhew, 1992; del Frate, Zvecic, Van Dijk, 1993; Mayhew, Van Dijk, 1997; Van Kesteren, Mayhew, Nieuwberta, 2000, van Dijk *et al.*, 2007.

Lieven Pauwels (Universiteit Gent) and Stefaan Pleysier (Expertisecentrum Maatchappelijke Veiligheid KATHO University College associated with Katholieke Universiteit Leuven) for Belgium and the Netherlands;
Joachim Oberfell-Fuchs (Justizvollzugsschule Baden-Württemberg) for the Federal Republic of Germany;
Amadeu Recasens i Brunet (U. Barcelona) and Anabel Rodriguez Basanta for Spain and Portugal;
Giovanni Sacchini (Città sicure, Bologna) and Rossella Selmini (Città sicure and U. degli studi di Macerata) for Italy;
Philippe Robert (Centre de recherches sociologiques sur le droit et les institutions pénales - CESDIP - CNRS, Université de Versailles Saint Quentin, Ministry of Justice) for France;
Renée Zauberman (Centre de recherches sociologiques sur le droit et les institutions pénales – CESPID/CNRS, U. Versailles Saint Quentin, Ministry of Justice) as general rapporteur;
Michel Marcus (European Forum for Urban Safety).

The use of victimization and insecurity surveys is far from homogeneous throughout Western Europe; it varies considerably from country to country, both in quantity and quality. Even where such surveys exist, the use made of them also shows considerable differences from case to case. As a result, it is worth comparing the situation in a number of European countries from these two viewpoints. We could not cover all countries, and not all of them were equally relevant to the subject under study. Moreover, we sought out contrasted situations with respect to the use of such surveys. We also wanted to include a range of countries with different legal and institutional traditions. In the end we chose the group of EEC founding states, plus England and Wales – where the use of such surveys dates back many years and is highly developed – and Spain and Portugal. Together, the eight countries studied account for 62% of the current EU population. They also represent four fifths of the (10) countries whose research centres participate in the coordinated action. Our only regret is in not having been able to include at least one Scandinavian country, owing to the long-standing development of victimization surveys in some of them, such as Sweden.

So, in short, what did we learn from the seminar?

Over a quarter of a century, victimization and insecurity surveys have developed considerably but very unevenly from country to country. Furthermore, the range varies widely between general surveys and campaigns on specific subjects, between international, national surveys and regional or local arrangements, and between surveys covering both victimization and insecurity, and polls concerning the latter only.

As such we recommend that the range of existing works be widely distributed amongst users.

Moreover, although we are close to having a more or less standard list of victimizations that have been studied, the same is far from true for studies into the feeling of insecurity: in this case the protocols used are not well standardized and they are very often severely criticized. In particular, these surveys barely take into account the considerable contribution of the latest research in this field over the last decade in certain European countries, particularly England. Not only has such work revised the conclusions to be drawn from existing surveys, and reworked the concepts used

– such as the concept of fear – but it has also perfected precise instructions for developing survey questionnaires.

We recommend that a serious effort be made to standardize protocols, especially with regard to insecurity.

The reliability of surveys greatly depends on the sample size – many are too small to provide tight enough confidence intervals – and on the stability of the instrument. Without the latter, it is hard to know whether a change in the results denotes a change in the real situation or whether it is merely the result of an uncontrolled change in the instrument.

Even if these problems are overcome, serious threats still hover over the future of such surveys, given the increasing rate of non-responses, which can only be stemmed at a higher cost.

We recommend that serious attention be paid to the problems of sample size, forms of administration methodology, and in particular the stability of the protocols used, plus a systematic examination of new problems, such as the rate of non-responses or the increased number of homes without a landline subscription.

Finally, there are not many countries in which such surveys are integrated into a decision-making and assessment process. Several of them only see them as a junior partner to traditional police statistics. Finally, many national, regional and local governments struggle to really take account of research that they have nonetheless commissioned.

We recommend that across-the-board discussion structures be put in place to enable those responsible at different government levels to improve their use of these surveys.

Still, when it is of sufficient quality, this material can provide the substance for much scientific work likely to profoundly enhance our understanding of crime. And the development of such research – beyond what is currently carried out even in well-equipped countries – is necessary so as to avoid misinterpretation in the use of such surveys, and to improve their quality. Below we detail a few – non exhaustive – examples of research carried out based on the secondary analysis of survey data.

Examples of research carried out based on the secondary analysis of survey data

Firstly, let us look at methodological studies such as Gabry Vanderveen's analysis of insecurity indicators and their significance (2006), as well as that of Jonathan Jackson on the validation of new insecurity measurements (2005). Lieven Pauwels and Stefaan Pleysier (2005) studied the cross-cultural validity of insecurity measurements. Stefaan Pleysier, Lieven Pauwels, Geert Vervaeke and Johan Goethals (2005) analysed estimate invariance in insecurity surveys that use complex instruments such as factorial analyses or scales. Helmut Kury (1994¹⁰¹) studied the impact of the wording of questions in surveys. Rainer Schnell and Frauke Kreuter (2000) analysed cases in which very similar surveys produced different results. Philippe Robert *et al.* (2008) studied the problems of creating series of data on victimization.

Other research has concentrated on victimization and victims. Robert J. Sampson and Byron W. Groves (1989), Nicolas Herpin and Hugues Lagrange (2005), and Tim Hope (2007) analysed the social and territorial distribution of victimization and insecurity. Goudriaan *et al.* (2006) studied the link between a neighbourhood's socio-economic characteristics and its

¹⁰¹ See also Kury *et al.*, 2000.

reporting behaviour. Egon Stephan (1976) and Hans-Dieter Schwind *et al.* (1975, 2001) used German victimization surveys to test social disorganization theory. Johan Van Wilsem (2003) conducted a multi-level analysis (individual, neighbourhood, city, country) of the effects of context on victimization. Ken Pease's research (1993, 1998) led to the real "discovery" of the depth of repeat victimization. Renée Zauberman, Philippe Robert and Marie-Lys Pottier (2004) constructed profiles of victims and victimization by combining circumstances of the incident, ways of experiencing it and ways of reacting to it.

Some have focused more on insecurity. Karin Wittebrood (2001) conducted a multi-level analysis into the feeling of insecurity in industrialized countries. Philippe Robert and Marie-Lys Pottier (2004) analysed changes in safety/security concerns amongst the French middle classes in the late 1990s. Ditton and Farrall (2007) examined the consequences of the recent wave of British research into the fear of crime. And Helmut Kury (2008) has published a range of research into insecurity.

There is also research concerning the police. Wesley Skogan (1994, 2007) studied police-public contacts and the assessment of police performance, based on results of the BCS. Similarly, Philippe Robert, Renée Zauberman and Marie-Lys Pottier (2003) used surveys in Île-de-France to analyse victims' reporting of crime to the police, from the angle of a face to face encounter between laymen and professionals.

Some research has looked more at attitudes towards justice. Mike Hough and Julian Roberts (2007) used the BCS to study citizen's confidence in the justice system, and attitudes towards sentencing.

Finally, on the anniversary of the BCVS, Hough and Maxfield (2007) gathered a wide range of research made possible by surveys into victimization and insecurity.

If such scientific output is still insufficient, it is mainly due to the fact that there are too few quantitative researchers who can both master the relevant scientific literature and work competently on this type of data.

We recommend that priority be given to the development of high-level research into victimization and insecurity surveys.

2 – Self-reported delinquency and deviance surveys

The second workshop was held in Paris in January 2008. It brought together:

Members of the workshop on self-reported delinquency and deviance surveys

Lieven Pauwels (Universiteit Gent) and Stefaan Pleysier (Expertisecentrum Maatschappelijke Veiligheid KATHO University College associated with Katholieke Universiteit Leuven) for Belgium and the Netherlands;

Janne Kivivuori (Oikeuspoliittinen tutkimuslaitos, Helsinki) for Finland;

Susan McVie (University of Edinburgh) for Britain and Ireland;

Cécile Carra (Institut universitaire de formation des maîtres du Nord-Pas-de-Calais, Université d'Artois et Centre de recherches sociologiques sur le droit et les institutions pénales - CESDIP) for France;

Thomas Görgen (Deutsche Hochschule der Polizei, Münster) and Susan Rabold (Kriminologisches Forschungsinstitut Niedersachsen) for the Federal Republic of Germany;
Simona Traverso, Giada Cartocci and Giovanni Battista Traverso (Università degli studi di Siena) for Italy;
Lina Andersson (Stockholms Universitet) for Sweden;
Marcelo Aebi (Université de Lausanne) as general rapporteur;
Renée Zauberman and Philippe Robert (Centre de recherches sociologiques sur le droit et les institutions pénales - CESDIP - CNRS, Université de Versailles Saint Quentin, Ministry of Justice), Amadeu Recasens i Brunet (Universidad central de Barcelona), Rossella Selmini (Città sicure, Università degli studi di Macerata) and Michel Marcus (European Forum for Urban Safety - EFUS) for the core group.

There were more countries involved in this workshop than the previous one. It included the Federal Republic of Germany, the Netherlands and Belgium, France, Italy, the four nations of the United Kingdom (England, Wales, Scotland and Northern Ireland), Ireland, Finland and Sweden.

What, in short, came out of this seminar?

Although this approach dates back to Porterfield's work in the 1940s, it entered a new phase with Nye and Short's article in 1957, which presents Guttman's first crime scale, drawn up on the basis of a self-reported delinquency survey. It was developed in certain Scandinavian countries – Finland and Sweden – in around 1960, then in the United Kingdom with the launch of the Cambridge Study in Delinquent Development in 1961. Until the mid-1970s its spread continued in Northern Europe. Its use then declined somewhat until the early 1990s, while all relevant energies were concentrated on implementing and enhancing victimization surveys. More recently, with the increase in political efforts to tackle juvenile delinquency, self-reported delinquency and deviance surveys have flourished remarkably.

Mainly tailored to measuring juvenile delinquency – although they find it difficult to cover (rare) truly serious offences and tend to focus on more everyday, minor cases and on deviance which doesn't result in penal sentences – they have shown a remarkable capacity for exploring the taking of banned substances and, when used with victimization questions, school violence.

Self-reported delinquency surveys have also frequently been used to test criminology theories, such as labelling theory, Gottfredson and Hirschi's control theory (1990), and more recently Farrington's Integrated Cognitive Antisocial Potential Theory (2005) and Wikström's Situational Action Theory (2005), etc.

The method has been institutionalized in Scandinavian countries, the Netherlands and the United Kingdom: the regular nature of national surveys enables time series to be drawn up in these countries. A considerable number of longitudinal surveys, plus regional or local research, have also been conducted in Germany. Its use is more intermittent in Latin countries. As with victimization surveys, there are international – and more specifically European – studies, such as ISRD and ESPAD.

Recommended good practices are as follows:

➤ when working with samples of schoolchildren, include special education classes, and find a way of including young people who are not at school; the latter two categories are particularly

important for gaining a realistic overview of deviant and delinquent behaviour amongst young people;

- as far as possible, use canonical questions in order to make comparisons in time and space;
- clearly separate problem behaviour and trivial offences from other offences;
- include more serious types of offences in the questionnaire (e.g. sexual abuse);
- improve the incorporation of socio-demographic variables;
- use computer assisted surveying techniques (CAPI, CASI and CAWI), to reduce survey costs and the risk of error when entering information onto databases;
- include questions on victimization, in order to gain a fuller picture of the sample, especially for surveys on school violence.

3 – Comparison between survey data and official statistics

This workshop resulted in a seminar in Barcelona in September 2008. In addition to observers, it brought together:

Members of the workshop on the comparison between survey data and official statistics

Sandrine Haymoz (Universität Zurich), Marcelo Aebi (Université de Lausanne), Martin Killias (Universität Zurich), and Philippe Lamon (Université de Lausanne), for Switzerland;

Bruno Aubusson de Cavarlay (Centre de recherches sociologiques sur le droit et les institutions pénales - CESDIP - CNRS, Université de Versailles Saint Quentin, Ministry of Justice), for France;

Mike Hough (King's College) and Paul Norris (Scottish Centre for Crime and Justice Research), for the United Kingdom;

Joachim Obergfell-Fuchs (Kriminologischer Dienst Baden-Württemberg), for Germany;

Giovanni Sacchini (Città sicura, Regione Emilia-Romagna), for Italy;

Karin Wittebrood (Sociaal en Cultureel Planbureau, SCP) for the Netherlands;

General rapporteur, Jan Van Dijk (Universiteit Tilburg);

Philippe Robert and Renée Zauberman (Centre de recherches sociologiques sur le droit et les institutions pénales - CESDIP), Amadeu Recasens i Brunet (Universidad central de Barcelona), Rossella Selmini (Città sicura, Università degli studi di Macerata) and Michel Marcus (European Forum for Urban Safety - EFUS) for the programme's core group.

We were forced to the conclusion that few countries could claim to have sufficient experience in the subject, and one of them, Italy, was only able to state that it had none. Ultimately, the study centred on the United Kingdom, the Netherlands, France, Germany and Switzerland.

So, what conclusions can be drawn?

As already noted, the invention of self-reported delinquency or victimization surveys resulted from doubts felt about the validity of institutional counts: it was not just that they could only record what was brought to their knowledge or what their operatives discovered, but it was also suspected that they largely depended on institutional priorities, and even that they were very exposed to political or corporate deformation or manipulation, and said very little about the nature of incidents and the victims. The idea of comparing estimates based on surveys with police data arose immediately thereafter. This is very clear in American surveys: the National

Crime and Victim Survey (NCVS) uses questions that are easily compared with the Uniform Crime Reporting (UCR) categories, and the part given over to questions on attitudes and opinions is very limited. In addition, very many scientific works¹⁰² concentrated on comparing both sources. Whereas in Europe surveys were less tied to police categories and dwelled greatly on research into the feeling of insecurity and the opinions and behaviour of victims, and their living conditions, in some countries major efforts were made to compare survey estimates with official statistics.

It was necessary to move from prevalence to incidence and then to estimates in absolute terms; the police categories which best corresponded to the different types of victimization also had to be selected. All of the American and European literature insists on how difficult this is, and on the pitfalls that must be overcome. All of this has required considerable know-how to be built up, which unfortunately is shared by just a handful of specialists.

Once these steps were taken, comparisons could be made at different levels – international, national, regional and local – either as snapshots or to identify trends.

Internationally, the comparison of the ICVS data with available official statistical compilations – the UN Crime Survey, Interpol, the European Sourcebook – has shown that official sources are reasonably coherent with one another, but that they only weakly correlate with victimization data, and more seriously that the social variables correlated with crime can vary greatly from one source to another, thus seriously calling into question theories on the general causes of crime that are based solely on official data.

National comparisons lead to the conclusion that the changes in crime recorded by official data mainly reflect changes in police recording practices, especially the more systematic inclusion of information given to institutions by victims. Thus, official data only give a very attenuated view of the decline in certain types of victimization over the last two decades; and the considerable increases in violence which they show have more to do with changes in the law or police practices than actual changes in such victimization.

Overall, despite the difficulties, systematic comparison of both sources – for crimes that are covered by both – enables criticisms to be levied at each of them. Moreover, the more systematic recording of complaints noted in several countries is apparently due to the existence of victimization surveys alongside official statistics. Clearly a single source only provides illusory information, and the triangulation of several sources is essential to provide a better understanding of the problem.

Moreover, comparison also sheds light on issues which were previously little known. The most important one is undoubtedly the willingness of victims to report crimes to the police, which varies greatly between types of victimization, but also from country to country. The second one concerns institutional mechanisms for recording complaints or police initiatives, about which there was great mystery: the establishment of institutional statistics is largely an obscure art upon which comparison with survey data at last enables some light to be brought. Beyond that, such a comparison helps one to understand the mechanisms of systemic regulation – such as ‘institutional inertia’¹⁰³ – which govern the penal process.

¹⁰² The most recent being Lynch, Addington, 2007.

¹⁰³ This is the term used for institutions’ softness or delay in taking account of changes in crime.

Finally, the value of comparison extends to sources other than police statistics and victimization surveys: for example health counts (such as statistics on cause of death or admissions to hospital emergency services), self-reported delinquency and deviance surveys, particularly for the consumption of banned substances or school violence, or the monetary assessment of certain crimes such as tax fraud or business crime. This observation is all the more relevant given that victimization surveys do not by any means cover all forms of crime.

Although such diversification of sources enables us to escape from the previous situation in which institutional crime data had the monopoly, it does not eliminate the risk of pressure resulting from the current extraordinary political sensitivity to crime issues. That is why the accent is so forcefully being placed on the usefulness of entrusting comparisons to independent scientific bodies instead of leaving them to political-administrative bodies, even if they have a precautionary sprinkling of intellectuals. For that reason, the general rapporteur of this workshop strongly insisted upon the potential advantage of institutionalizing a European victimization survey piloted by an independent body of scientists.

II – Measuring the performance of safety and crime prevention policies

For this second part we held a single workshop, in Bologna in July 2008, on the assessment of safety and crime-prevention policies. The team comprised:

Members of the workshop on the assessment of safety and crime-prevention policies

Sybille Smeets and Carrol Tange (Université libre de Bruxelles) for Belgium;
Anne Wyvekens (CERSA, U. Panthéon-Assas and CNRS) for France;
Karin Wittebrood (Sociaal en Cultureel Planbureau) for the Netherlands;
Tim Hope (Keele University) for the United Kingdom;
Wolfgang Heinz (U. Konstanz), then Philippe Robert (CESDIP, CNRS, Université de Versailles Saint Quentin, Ministry of Justice) as general rapporteur;
Renée Zauberman (CESDIP, CNRS, Université de Versailles Saint Quentin, Ministry of Justice), Amadeu Recasens i Brunet (*U.C. Barcelona*) and Michel Marcus (European Forum for Urban Safety) for the core group;
Marion Jendly (International Centre for the Prevention of Crime), Gian-Guido Nobili (Città sicure, Regione Emilia-Romagna), and postgraduate students from U. degli studi di Bologna as observers.

It was very difficult to put together a working group on assessment. Several specialists dropped out along the way: the Scandinavians at the start of the process, and the German rapporteurs just a few days before the seminar. Even the German general rapporteur proved to be, after the seminar, unable to produce a summary report, and he had to be replaced by a member of the core committee. This avalanche of difficulties shows just what a taxing subject this is.

In the end the core group decided to bring together a kind of sample of practices and even very different views as to how to assess crime-prevention and safety policies in Europe.

In Belgium, assessment, which is linked to safety contracts between the federal state and local authorities, appears to have lost its vigour in recent years.

France presented an example of 'official' assessment taken on by the administration.

The Netherlands provided the example of a meta-assessment examining all of the available domestic material on the basis of a 'quasi-experimental' scientific canon of Anglo-Saxon origin.

Finally, England and Wales presented a long-standing, systematic assessment practice which covers the entire field of crime-prevention policies, making it possible to deal with complex methodological problems.

What was the outcome of the workshop?

Assessment is a paradoxical topic: everyone sings its praises, but in reality everyone mistrusts it. Decision-makers would love to have it shown (with the aura of science) that *it works*, but there is always the fear that the policy on which its success and reputation are founded will be found not to live up to the claims. As for scientists, they dread the difficulties of assessment: they always fear being ridiculed for having declared a programme effective, only for it to turn out to be counter-productive. Above all, they are fearful of constantly having *their arm twisted* by backers who will only accept a laudatory assessment. In short, each of the stakeholders, be they decision-makers or researchers, may well have much to gain from using assessment, but each could also have a great deal to lose. Perhaps that explains the real reticence towards working on a subject which, however, is on everybody's lips.

It is highly tempting to gather the benefits of assessment without being exposed to its risks. There are two ways of achieving this: the first consists in assessing oneself, and the second in controlling the outside assessor so closely that he is virtually obliged to provide positive conclusions. By conducting an internal assessment, the institution charged with a crime-prevention or safety policy produces an audit, at best: it measures what it has produced against the yardstick of its initial intentions and the resources brought to bear. In contrast, assessment only begins when one measures not what has been done, but the consequences and impact of that action on an outside target: a population or territory. Installing 20 cameras in the streets of a city is an output, not an outcome: it refers to what has been done. On the other hand, reducing street crime by 20%, or reducing fear, certainly constitute an outcome.

To achieve an assessment, one essential condition is to have an external viewpoint. In itself this might not be enough, but it is always necessary. Similarly, one has to make use of data from outside the administrative world to estimate the impact achieved.

As such, determining in advance the real substance of the policy or programme, its *aims*, *input*, *its implementation*, and finally the *outputs* is a prerequisite for any assessment. It is necessary to distinguish failure due to a programme's ineffectiveness from failure attributable to a non-existent or incomplete implementation.

A kind of minimum standard involving a before-and-after comparison, the inclusion of control groups or areas, and lastly, an examination of the action-to-impact relationship¹⁰⁴ has gradually settled.

¹⁰⁴ The classic reference works are the review led by Lawrence Sherman for the United States Congress, and the recommendations of the Campbell Collaboration Crime and Justice Group and the Scientific Model Scale (SMS), even if the exclusive nature of the models thus proposed has given rise to various reservations.

A before-and-after comparison is of course essential: without it there is simply no assessment. It is better to plan the assessment before launching the programme: it will be easier to observe the situation *ex ante*, rather than having to painfully reconstitute it afterwards. It is also better to have a sufficient number of criteria for such a before-and-after comparison so as not to overlook unexpected effects. Such precaution makes it easier to identify negative effects: harassing dealers does reduce the impact of drugs in a neighbourhood, but the police's intervention methods so exasperate young people that violence increases. Finally, stepping beyond the framework of the programme's area of action enables any crime-displacement effects to be observed (i.e. crime declines where the programme is implemented, but moves next door), and any 'virtuous' contagious effects to be noted (where preventive investment is potent enough to spread to areas surrounding the intervention zone).

Specialists are highly critical of before-and-after measures which are not accompanied by the observation of control populations, or areas where the programme under assessment is not being applied. In fact, they even insist on the usefulness of having a pool of control zones (or populations) so as to neutralize the effect of a sudden crisis in one of them. Thus, our ambition is to move from a fairly primitive 'black box' model to a method deemed 'quasi-experimental'. The aim of having control zones or populations is to answer the question: can the observed change be attributed to the programme being assessed, or would it have happened anyway?

But the mechanical implementation of a 'quasi-experimental' approach cannot eliminate all selection biases. Thus, one can choose certain areas because they seem well-disposed towards the programme one wishes to implement, but the effects observed may be due as much to that area's own 'social capital' as to the programme. However, one can also select particularly deprived areas or groups and only see them return to average. That is why Hope suggests modelling the selection effects by drawing on micro-econometrics.

Whatever the case, all these difficulties place particular importance on the third phase of assessment: before concluding as to the existence of an outcome, it must be possible i) to consider and reject alternative explanations, ii) to explain how the programmes actually implemented were able to achieve the result observed, and iii) to decide on the likelihood of such process.

All that is then left is to look downstream of the assessment, to how it can be used. Monitoring of the programme should be distinguished from its transposability. An impact study set up from the very outset can produce information along the way, enabling tools to be adjusted. But assessment is also expected to indicate solutions that are promising enough to be transposable. However, to make widespread use of a pilot experiment is not that straightforward; something that has produced good results in one context can perform less well if transposed to very different situations. In this case, selection biases can have a major impact. Hence, it is important to detect and neutralize them before concluding that a programme under assessment has any external validity.

However, it must not be forgotten that assessment embraces the particularly delicate relations between decision-makers and scholars. Between the former's refusal to turn to the latter and, in contrast, the resort to a quasi-takeover, it is not easy to achieve cooperation based on respect for each other's autonomy. But without it assessment can only be a sham.

For all that, a programme's effectiveness does not settle the question of the relevance of its location: the resources expended on a place may be lacking elsewhere, where the need may be

greater. Over and above any assessment, it is essential to consider how actions are targeted. Otherwise, over time, safety actions may well become a privilege of the well-to-do.

Crime-prevention and safety policies are generally unable to overcome the devastating effects of accumulated negative socio-economic conditions amongst certain social groups or certain urban areas with highly concentrated poverty. They should not be used to disguise the lack of effective social and economic policies or, worse, the persistence of continual segregationist decisions and practices. Without effective policies to bring such areas or groups back into the fold, they will never be more than an illusion.

As for recommendations, the following might be suggested to those who wish to become involved in assessing crime-prevention and safety policies:

- do not confuse assessment, which deals with the impact of these policies on a target, with auditing, monitoring the programme, or calculating cost-effectiveness;
- entrust assessment to a competent scientific body that does not belong to the institutions in charge of the programmes to be assessed;
- respect the mutual independence of decision-makers and assessors;
- plan for assessment before launching the programme;
- allocate data and know-how that are coherent with the nature of the assessment.

Conclusion

One cannot say with certainty that the state of research into assessment enables us to take substantial forward steps, even if we managed to expand the field of observation.

As for victimization, insecurity, and self-reported delinquency surveys, it could be worthwhile to conduct fuller and more systematic examinations of European practices. In fact, work of this type seems to be underway, such as Marcelo Aebi and Jan Van Dijk's work on all of the surveys conducted in Europe. However, such an extension probably does not require the backing of a seminar.

In contrast, it would probably be useful to provide a more in-depth collective scientific reflection on the comparison between institutional statistics and surveys, and to look at their effect and consequences. This subject is difficult from a methodological viewpoint; at the same time, it has considerable potential benefits; the work is currently limited to a handful of specialists. A seminar on this subject would enable us to delve deeper into the methodological problems and their solutions, to concentrate on any unexpected convergence between countries with different institutions, and to weigh up the consequences of such exercises for crime analysis, for crime-prevention and safety policies, and for the theories which are built up around them.

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SELF-REPORTED DELINQUENCY SURVEYS IN EUROPE

Marcelo F. Aebi

I - Introduction

In the framework of the 6th FPRTD, the European Commission financed the coordinating action *Assessing Deviance, Crime and Prevention in Europe* (CRIMPREV). This coordinating action includes different thematic workpackages. Workpackage 7 is devoted to Methodology and Good Practices, and among the activities included in that workpackage there was a workshop on Self-Reported Delinquency (SRD) Surveys in Europe.

The team for that workshop was composed by the following national correspondents and a general rapporteur:

- Lina Andersson (Department of Criminology, Stockholm University) for Sweden.
- Cécile Carra (CESDIP - CNRS - IUFM du Nord/Pas de Calais - Université d'Artois) for France.
- Thomas Görgen (German Police University, Münster) and Susann Rabold (Criminological Research Institute of Lower Saxony) for Germany.
- Janne Kivivuori (National Research Institute of Legal Policy, Finland) for Finland.
- Susan McVie (School of Law, University of Edinburgh, Scotland) for Ireland and the United Kingdom.
- Lieven Pauwels (Universiteit Gent) and Stefaan Pleysier (Research Centre in Security, Safety and Society' at KATHO University College, Institute of Criminology, Catholic University of Leuven) for Belgium and the Netherlands.
- Simona Traverso, Giada Cartocci, and Giovanni Battista Traverso (University of Siena, Italy) for Italy.
- Marcelo Aebi (University of Lausanne, Switzerland), general rapporteur.

The national correspondents prepared reports on SRD surveys in their countries. Then, a three days seminar took place in Paris from 17th to 19th January 2008 and was attended by the promoters of CRIMPREV, most of the national correspondents and the general rapporteur. Seven reports covering twelve countries were presented. The countries included were Belgium, England, Finland, France, Germany, Ireland, Italy, the Netherlands, Northern Ireland, Scotland,

Sweden and Wales. The seminar gave the participants the opportunity of presenting and discussing the reports. Then the general rapporteur prepared an intermediate report of the situation and asked the national correspondents to introduce minor modifications to their papers according to the discussions that took place during the seminar. The final versions of the national reports were then handed over to the general rapporteur who established a first version of this final report that was discussed with the promoters of Crimprev in a meeting that took place in Bologna on 9 July 2008 and sent for comments to the national correspondents.

Accordingly, this report is based on the national reports, the discussions that took place during the Paris seminar and the Bologna meeting, and the comments of the national correspondents, as well as on bibliographical research conducted by the general rapporteur. As a consequence, it includes also references to SRD surveys conducted in countries not represented in the workshop.

This report is focused on general SRD studies, but surveys conducted in order to measure specific behaviours such as bullying or drug use are also covered. It includes a discussion of definitional issues, a short synthesis of the national reports, a historical overview of the development of SRD studies, a discussion on methodological issues related to that measure of delinquency, as well as an analysis of the impact of SRD surveys on criminological theories and criminal policies.

II - Definitional issues

Self-reported delinquency surveys are studies in which people - usually juveniles - are asked to reveal information about their *delinquent* behaviours. However, the terminology may be misleading for two reasons. First of all, because respondents give information not only about delinquency but also about their life-style in general, their attitudes toward different subjects, their families, their school, their friends, and many other socio-demographic factors. Thus, one could consider that delinquency is the dependent variable in such surveys, and that respondents give also a lot of information about independent variables that are supposed to be related to delinquency. The second reason is that the concept of delinquency may also be misleading. Needless to say that delinquency, as any other concept, is a social construct. However, it must be mentioned that the concept of delinquency used in the criminological literature is a very broad one. In fact, many of the behaviours included in a self-reported survey are not criminal offences in most European countries. Such behaviours include, for example, running away from home, skipping school or fare-dodging. In this report the term *delinquency* is used in that broad sense, and therefore it includes all sorts of antisocial or deviant behaviour, even if these behaviours are not defined as an offence in the criminal law.

In that context, it is interesting to point out that in countries that use languages derived from Latin (for example Catalan, French, Italian, Spanish, and Portuguese) the term delinquency has the same root as the word used to describe a criminal offence. For example, in Spanish we find "delincuencia" (delinquency) and "delito" (offence), in French "délinquance" and "délit", and in Italian "delinquenza" and "delitto". For that reason, in these countries the word delinquency is immediately related to behaviours forbidden by the criminal law. On the contrary, the Webster's New Universal Unabridged Dictionary, defines delinquency as "wrongful, illegal, or antisocial behavior". Thus, in English speaking countries, the common understanding of the concept of delinquency includes a wider series of acts ranging from deviant or antisocial behaviour to criminal offences.

This different evolution of the term *delinquency* - which is derived from the Latin *delinquere* (to do wrong)¹⁰⁵ -, might be related to the fact that England developed a system of common law - based on custom or court decision instead of written law - and exported it to its former colonies, while Continental European countries followed typically the civil or Roman law system which is based on the written law and led to the introduction of criminal codes and a specific terminology

¹⁰⁵ According to the Webster's New Universal Unabridged Dictionary, the Latin *delinquere* (to do wrong) led to the Late Latin *delinquentia* (fault, crime).

related to them. In this context, the publication of *Dei delitti e delle pene* - translated into English as *On Crimes and Punishments* - by Beccaria in 1764 is particularly important. That book inspired many reforms in criminal justice throughout Europe and had a strong influence on the intellectual leaders of the French revolution. Thus, in 1795 - year IV according to the calendar introduced after the revolution -, the (French) National Convention approved its Code of Crimes and Punishments, whose name (*Code des délits et des peines*) took up the title of Beccaria's book. Indeed, it was under that same name that the Criminal Code (*Code pénal*) was first introduced by Napoléon Bonaparte in 1810. That code is considered as the first criminal code and it inspired most of the European codes approved during the following years. In that way, in Continental Europe, the term delinquency was definitely linked to a violation of the criminal law.

Nevertheless, the term *self-reported delinquency study* or *self-reported delinquency survey* - coined in the United States of America, where the first surveys took place - was translated literally to the different European Latin languages¹⁰⁶, creating thus some confusion about the contents of such a survey.

This confusion was aggravated by the fact that some of the behaviours included since the first American¹⁰⁷ SRD surveys are considered as (juvenile) *status offences* in most States of the United States of America. These are offences based on the personal condition (the *status*) of the offender. This means that the same behaviour is not an offence when it is done by an adult, but it is an offence when it is done by a minor. Status offences include behaviours such as truancy, running away, tobacco smoking or underage consumption of alcohol. As they constitute a sort of offence in the USA, American researchers are right when they state that the behaviours include in their surveys constitute violations of the criminal law, but the situation is completely different in Europe, where such behaviours are not considered as *offences*.

III - On the development of SRD surveys in Europe

In this chapter, we present a brief summary of the national reports, an overview of the International self-reported delinquency study (ISRD) and the European School Survey Project on Alcohol and Other Drugs (ESPAD), as well as an outline of self-reported delinquency studies in other European countries.

¹⁰⁶ For example, *encuesta de delincuencia autorrevelada* in Spanish, *sondage de délinquance autoportée* in French, and *indagine sulla delinquenza autorivelata* in Italian.

¹⁰⁷ In this report we follow the conventional use of the term American to refer to the United States of America, even if we are fully aware that America is a continent and the United States are only one of the countries of that continent.

1 - SRD surveys in Finland¹⁰⁸

The fieldwork for first Finnish survey on SRD took place in 1962 and the results were published in the mid-1960s. That survey was part of the Nordic Draftee Research Program which included other Scandinavian countries in which similar surveys were conducted in the 1960s. The technique was seldom used from the mid-1960s to the 1990s. However, since then, several surveys took place. In particular, Finland was the only Nordic country to participate in the first ISRD in 1992 and has also participated in the second one in 2006. In both cases, the survey is based on a city sample (Helsinki), but in the meantime the country has developed a series of national surveys.

Thus, in 1995, Finland launched the Finnish Self-Report Delinquency Study (FSRD) that is conducted periodically in schools with samples of 9th grade students. The latest available results refer to 2004 (The FSRD-2008 data has recently been connected but the results are not yet available). Moreover, since 2000/2001, the Finnish School Health Survey includes also some questions on SRD. This survey is a large-scale one and it includes results at the municipality level. An analysis of the trends from 1995 to 2004 shows a drastic decrease of property offending (especially of shoplifting), a relative stability of violent offences and an increase in soft drug use. Computer related offences were not included in the FSRD but results from the ISRD-2 suggest that there are relatively common. Taking into account that currently juveniles spend a lot of time in front of their computers, it is possible to imagine a displacement from property offences in public places to computer offences.

Apart from that, the country has conducted in 2006 a Young Male Crime Survey (YMCS) based on the same questionnaire that was used in 1962 for the Nordic Draftee Research Program. The sample is composed by young males that attend their pre-military screening and therefore are slightly older than the adolescents included in most European samples. A comparison of the results obtained in 1962 and 2006 shows a decrease in workplace theft, buying or selling stolen goods, and theft from a car; an intriguing stability in shoplifting, and an increase in drunken disturbance in public places, drunken driving and bicycle theft. These trends can be explained by changes in the opportunity structure including a late arrival of juveniles to the working market, an improvement of the economic situation of the country, and an increasing in the availability of alcohol.

¹⁰⁸ This chapter is based on Kivivuori (2008 and forthcoming).

Finland has also participated in the *Mare Balticum Youth Victimization Survey* that took place in 2002/2003. The questionnaire used for that survey included a SRD scale. Finally, the country also participates in the ESPAD surveys.

In sum, one can say that SRD surveys have been institutionalized in Finland and constitute a usual measure of delinquency. As a consequence, they are playing a role in the development of criminal policies. For example, the Ministry of Justice used self-reported data in its estimation of the crime situation and crime trends in the country. In addition, the results of the FSRD were taken into account by the committees that reformed the law concerning young offenders and for the planning of the Finish national violence reduction program.

*2 - SRD surveys in Sweden*¹⁰⁹

As in the case of Finland, the origins of SRD surveys in Sweden are linked to the Nordic Drafee Research Program. The fieldwork for the first survey was conducted at the end of the 1950s and the first results were published in 1960. A few other surveys were conducted during the 1960s and the early 1970s. The technique was somehow abandoned in the mid-1970s but, since the beginning of the 1990s, the country is conducting regular SRD studies.

Thus, in 1995, Sweden conducted a national SRD survey and since 1999 that survey is run every second year. The sample is national and varies from 5,000 to 10,000 juveniles attending the 9th grade. An analysis of the trends from 1995 to 2005 shows a decrease of theft and vandalism, and a relative stability of violent offences and drug use.

A comparison of the first and the latest surveys shows a decrease in response rates from almost 100% in the 1960s to 80% in 2006. At the same time, it must be mentioned that Swedes researchers has paid a lot of attention to methodological issues, running reliability and validity tests that included measures of the effects of teacher and researcher supervision, anonymity and non-anonymity of the respondents, test-retest controls, observation of the attitudes of pupils during the filling of the questionnaire, tests of different versions of a questionnaire, and follow-up interviews.

Sweden has also participated in the second ISRD with city samples. Apart from that, local or regional SRD surveys are conducted regularly with relatively large samples of high school students. Surveys on drug use among youth are also regularly conducted using the self-report technique.

¹⁰⁹ This chapter is based on Andersson (2008 and forthcoming).

All in all, Sweden is a country where SRD surveys are institutionalised and represent currently a typical measure of crime. As a consequence, results from national surveys are used in the political debate on crime and crime prevention. Their influence on public policies can be seen mainly at the local level.

3 - SRD surveys in the United Kingdom and Ireland¹¹⁰

Since the early 1960s, thirty major SRD studies - collecting data on more than 140,000 individuals - have been conducted in the United Kingdom and Ireland. Apart from that, there have been several local and regional studies. Northern Ireland, England and Wales participated in the first ISRD, and Ireland, Northern Ireland and Scotland participated in the second one.

The majority of the self-reported studies took place in Great Britain - more precisely in England - and probably the most well known is the Cambridge Study on Delinquent Development which spans over a 40 year period (1961-2004). Leaving aside that longitudinal study, two other major cross-sectional surveys were conducted in the 1960s in England, Wales and Scotland (1963) and London (1967). The technique was seldom used in the 1970s and the 1980s when surveys were conducted only in Sheffield (1975), England and Wales (1983), and Scotland (1989). Then, since the 1990s, there was a sudden explosion of the number of SRD surveys. Thus, new longitudinal studies such as the Peterborough Adolescent and Young Adult Development Study, the Edinburgh Study of Youth Transitions to Crime, and the Belfast Youth Development Study were launched. At the same time, in the 2000s, SRD surveys were introduced in the Republic of Ireland and institutionalized in England and Wales with the introduction of the *Offending Crime and Justice Survey* that is a repeated cross-sectional survey with a partial longitudinal panel design and a sample of 12,000 individuals. The same is true for Northern Ireland, where the Northern Ireland Crime and Justice Survey has a repeated cross-sectional design with a sample of 3,000 to 3,500 individuals including (in 2005) persons living in private households, offenders on probation, and offenders in custody.

In the United Kingdom, the increase in the number of SRD surveys may be due to the fact that the Central Government - that is the main provider of financial support for such studies - changed its attitude towards crime with campaigns such as "tough on crime, tough on the causes of crime". The idea was to develop an "evidence-based" approach and, in that context, empirical data was clearly needed.

¹¹⁰ This chapter is based on McVie (2008 and forthcoming).

All in all, the number and diversity of SRD surveys in the United Kingdom is impressive. As a consequence, the information provided by the available surveys is a clear source of inspiration for public policies. Thus, the Cambridge Study on Delinquent Development had a strong influence on policy makers and inspired partially the reform of the juvenile justice system putting the accent on the early detection of problematic behaviours and ineffective parenting practices. Apart from that, SRD studies conducted in the United Kingdom have often been used for testing the validity and reliability of this measure of crime, as well as for the development and testing of criminological theories.

4 - SRD surveys in Germany¹¹¹

In Germany, the first SRD surveys were conducted in the late 1960s and the early 1970s with local or regional samples.

Like in most countries, the vast majority of the German research based on SRD surveys, focuses on adolescent populations. However, since 1980, the German General Social Survey (ALLBUS) is conducted every two years and, from 1990 on, that survey includes four items on SRD. As the survey is based on a national sample of the German population, the respondents are mainly adults. Following the Swiss model, the self-report technique has also been used with adults for the evaluation of the involvement in delinquency of the participants in heroin prescription programs.

As the first SRD surveys were conducted in different regions and using different methodologies, their results were not easily comparable. Nevertheless, during the 1990s, the Criminological Research Institute of Lower Saxony (KFN) developed a SRD questionnaire that has been used since then in many German cities. Moreover, in some of these cities, the KFN survey is being used on a regular basis.

Germany is also one of the few European countries where longitudinal studies based on SRD surveys are available. Such studies are taking place at the local level in different cities, and some of them include comparisons with official data. Most of these studies started in the 2000s but between 1977 and 1996 a longitudinal survey followed a group of 399 children from 13 to 25 years old. Finally, Germany has also participated in the second ISRD.

In sum, Germany has a long tradition of SRD studies but the technique is not institutionalized yet. Surveys are organized at the local or regional level and, although the German Ministry of Interior has recently funded a big survey, not all the German States took part on it.

¹¹¹ This chapter is based on Görden and Rabold (2008 and forthcoming).

Given the federal organization of the country, it is difficult to foresee if national surveys will be conducted in the future. As it happened in Switzerland, the positive results of the heroin prescription programs, measured through SRD surveys, had a strong influence on the German drug policy. Apart from that, SRD surveys did not have a strong impact on criminal policies yet, although they are regularly quoted in the Periodic Security Reports published by the German government.

5 - SRD surveys in the Netherlands¹¹²

SRD surveys were introduced in the Netherlands in the late 1960s and quite a few surveys were conducted in the following years. The country has also participated in the first and the second ISRD.

Currently, the Scientific Research and Documentation Center (WODC) conducts systematic SRD surveys studies with representative samples of Dutch adolescents. The survey is called the WODC monitor and it takes place every second year. Apart from that, the Netherlands Institute for Social Research (SCP) and the Dutch Institute for Budget (NIBUD) are also financing SRD studies.

Since the middle of the 1980s, SRD studies have been used to test different criminological theories including differential association, social disorganization theory, strain theory and social bonding theory. The effects of poverty, peers and neighbourhood were also studied. Apart from that, some researchers have tested the reliability and validity of SRD studies and their use with adult samples.

As one can see, SRD surveys are institutionalized in the Netherlands and are having some influence not only in the academic field but also in the development of public policies.

6 - SRD surveys in Belgium¹¹³

In Belgium, the first SRD survey was conducted in 1976 with a local sample. In the 1980s two other surveys were conducted in both linguistic areas of the country. The country participated with a city sample (Liège) in the first ISRD and with samples from both linguistic regions in the second one.

¹¹² This chapter is based on Pauwels, Pleysier (2008 and forthcoming).

¹¹³ This chapter is based on Pauwels, Pleysier (2008 and forthcoming).

Since the 1990s no systematic large-scale representative self-reports have been conducted, but there is research usually based on urban samples. Thus, two surveys based on large scale samples have been conducted in the Flemish region and in Brussels in the 2000s. However, the recent creation of a platform on adolescent research by three institutions may lead to a more systematic implementation of SRD studies.

In sum, SRD studies are not yet institutionalized in Belgium and, apparently, they are not playing a major role in the development of criminal policies. Nevertheless, they have been used to test and develop criminological theories.

*7 - SRD surveys in Italy*¹¹⁴

Leaving aside a small SRD survey (N=198) conducted in Milano and published in 1980, the history of SRD surveys in Italy is strongly related to the ISRD project and the leadership of Umberto Gatti, professor at the University of Genoa, who has coordinated the participation of the country in the first two waves of that survey. Italy participated in the first ISRD with a sample of three cities (Genoa, Messina, and Siena), and the questionnaire was used again in Siena in the mid 1990s. The country has also participated in the second ISRD with a sample of 15 cities (N=7,278). In 2006, a self-reported survey was also used to measure the involvement in delinquency of foreign youth living in Italy.

Research on bullying has been conducted in different cities and regions since the middle of the 1990s using self-reported surveys. In this context, sometimes the ISRD questionnaire was combined with a specific questionnaire on bullying. The self-report technique has also been used to measure drug and alcohol use among juveniles since the 1980s.

In sum, SRD surveys are not institutionalized in Italy and their findings are mainly used by the scientific community. As a consequence, they do not play a role in the development of national public policies; nevertheless, there is evidence that they have been used at the local level in the city of Sienna.

*8 - SRD surveys in France*¹¹⁵

Among the countries included in this overview, France was the latest to introduce SRD studies. The first study of this kind was conducted in 1999 - and published in 2001 - with a

¹¹⁴ This chapter is based on Traverso, Cartocci, Traverso (2008 and forthcoming).

¹¹⁵ This chapter is based on Carra (2008, with references).

sample of two cities. The questionnaire was based on the one used for the first ISRD. In 2003, a second survey was conducted using the same methodology in one of the two cities surveyed in 1999. Finally, in 2006, the country participated in the second ISRD.

Violence at school has also been measured using the self-report technique since the mid-1990s. In that case, the survey was based on a questionnaire focused on victimisation, but it included also some questions on self-reported violence. The same questionnaire was later used in other countries, providing thus the possibility of performing some cross-national comparisons. A recent research is based on open questions about violence at school which are later recoded by the researcher.

One can easily see that SRD studies are not at all institutionalized in France. The findings from the very few surveys available are used by the scientific community, but they do not play a role in the development of public policies. The only exceptions are surveys on drug abuse which were quoted in the new law on crime prevention introduced in 2007.

9 - The International Self-Reported Delinquency Study (ISRD)

A - The ISRD-1

The origins of the ISRD project can be traced back to a meeting of experts that took place in 1988 in the Netherlands and led to the publication of a book on issues related to cross-national research based on the SRD technique (Klein, 1989). Some of the experts that assisted to that meeting decided to launch the project, which started formally in 1990 and was coordinated by the Research and Documentation Centre of the Dutch Ministry of Justice (WODC), headed at that time by Josine Junger-Tas.

The first survey (ISRD-1) had three main objectives: to compare prevalence and incidence of delinquent behaviours across countries; to contribute to the explanation of (differences in) delinquent behaviour; and to contribute to the solution of methodological problems related to cross-national research (Junger-Tas, 1994a, 2). It was based on a common questionnaire developed by a steering committee of researchers in criminology that was translated into each national language¹¹⁶. The theoretical framework of the questionnaire was heavily inspired by social bonding theory (Hirschi, 1969) while the questions on delinquency had

¹¹⁶ The original English questionnaire can be found in Junger-Tas, Terlouw, Klein (1994, 387-441).

similarities with the ones used in the National Youth Survey and the Denver Youth Study in the United States (Elliott, Huizinga, 1989)¹¹⁷.

Twelve countries participated in the study¹¹⁸. Four of them (England and Wales, the Netherlands, Portugal, and Switzerland) used national random samples; Spain participated with a stratified urban sample; Germany, Greece and Northern Ireland participated with city samples (Mannheim, Athens, and Belfast, respectively); Belgium (Liège), Finland (Helsinki), Italy (Genoa, Messina, and Siena) and the United States (Omaha) participated with school city samples. With the exception of the countries that used school samples, participants in the survey were aged 14 to 21¹¹⁹. Data collection took place in 1991 and 1992 and was based on face-to-face interviews with the exception of the countries that used school samples, where the questionnaire was self-administered¹²⁰.

The ISRD-1 database is not freely available for researchers yet. A short synopsis of the preliminary results was presented by Junger-Tas (1994b, 379), but it took more than ten years to have a detailed presentation of the main findings in a publication by Junger-Tas, Haen Marshall, Ribeaud (2003) that are summarized here:

- Lifetime prevalence rates are surprisingly similar across countries. However, looking at the nature of the offences, there are clear cross-national disparities.
- Property offences are highest in the Northwest-European countries and the USA (Omaha) supporting the idea - based on opportunity theory - that these rates would be highest in the most prosperous countries.
- There were high rates of violent offences in the USA, England and Wales, Spain and Finland (Helsinki).
- High rates of mainly soft drug use were found in England and Wales, the USA, Northern Ireland (Belfast) and Switzerland. The Netherlands, that apply a tolerant policy on possession and use of soft drug use, occupied a medium position on the scale of drug use rates.
- Delinquent behaviour peak between age 14 and 18 across countries. The peak age was 15 in the Anglo-Saxon cluster and 16 in the other clusters.

¹¹⁷ According to Moffitt *et al.* (1994, 358), 80% of the delinquency items included in both instruments (ISRD-1 and National Youth Survey) overlapped.

¹¹⁸ Our presentation of the ISRD-1 is based on the main publication about it (Junger-Tas, Terlouw, Klein, 1994). The authors of that publication mention thirteen countries because they include New Zealand. However, data from New Zealand refer to people aged 18 and comes from a longitudinal study that did not use the ISRD questionnaire, but the SRD instrument developed by Elliott and Huizinga (1989) for the National Youth Survey and the Denver Youth Study in the United States (Moffitt *et al.*, 1994, 357), that we have mentioned in the previous footnote.

¹¹⁹ Belgium applied a mixed approach combining a school sample with a random sample of persons aged 18 to 21.

¹²⁰ However, Italy used a school sample, but the questionnaire was administered through face-to-face interviews.

- The peak age vary according to the offence. For example, the peak age of vandalism was clearly lower (between age 14 and 15), while that of drug use was considerably higher.
- Age of onset vary between clusters. The lowest age of onset for vandalism was found in Southern Europe, while the lowest age of onset for property offences was found in Northwest Europe. Violent offences and drug use had lowest age of onset in Anglo-Saxon countries.
- Serious delinquents tend to start offending at an earlier age than their less seriously-involved counterparts.
- Both prevalence and frequency of offending are lower for females than for males. However, gender disparities vary according to offense type and regional country-cluster. Gender disparity is smallest for property offending and drug use while it is largest for violent and serious offences. In addition, the disparity is smaller in Northwest Europe compared to other clusters, which may be related to the high rates of property offences and vandalism found in that cluster.
- Family break-up has important effects only as far as it results in father absence. However, father absence is closely related with delinquent behaviour in the Anglo-Saxon cluster and in South Europe, but not in Northwest Europe.
- Relationship with parents is not related to overall delinquency, but is related to serious delinquency and to drug use in all clusters.
- In all countries there is tighter control on females than on males. Compared to males, the relationship of females with their parents deteriorates somewhat more with age. On the other hand, girls participate considerably more in family outing than do boys.
- Truancy and disliking school are related to all types of delinquency in all country clusters. Having to repeat a grade, while not being related to petty delinquency, does appear to be related to violence, serious delinquency and drug use for males, but not for females.
- Peer group membership is related to age, enrolment in school, disliking school, parents' informal control and not participating in family outings. Delinquents typically spend most of their leisure time with the peer group, while non-delinquents spend much more time with the family (Junger-Tas, Haen Marshall, Ribeaud, 2003, 139-142).

B - The ISRD-2

A first meeting of experts interested in participating in the second wave of the ISRD took place during the 2003 Annual Conference of the European Society of Criminology, in Helsinki. A steering committee was established and, during the following months, the research design and the

revised questionnaire were established. The questionnaire was then translated into each national language.

Data collection took place in 2006 in thirty countries¹²¹ - of which twenty-four were European - and a first publication including national chapters is attended for 2009. In the meantime, some countries have already published their national findings.

The ISRD-2 survey is based on school samples of at least 2,000 students - attending 7th to 9th grade - per country. The main sampling design is city based with a minimum of five cities including a metropolitan area, a medium sized city and three small rural towns. Such a design allows multi-level HLM analyses (Raudenbusch, Bryk, 2002) using students as first level units and cities as second level units. Nevertheless, some countries used national random samples drawn from lists of all school classes in the country. These countries oversampled some urban or rural areas in order to make comparisons possible with the rest of the countries.

The majority of countries used self-administered paper and pencil questionnaires filled by the students in their classrooms, however some countries (e.g. Switzerland) used computer assisted personal interview (CAWI) or computer assisted self-administered interview (CASI)¹²².

The ISRD-2 questionnaire can be seen as a revised version of the one used for the ISRD-1. This is completely logical, as one of the goals of the project is to achieve comparability between both surveys. However, there are some major modifications. As far as offences are concerned, the questionnaire includes new ones (e.g. computer related offences) and the wording of some questions has been modified. The instrument includes also a short victimisation survey. The theoretical framework keeps variables related to social bonding theory, but the new questionnaire includes a summary of the Grasmick self-control scale (Grasmick *et al.*, 1993) that allows testing the general theory of delinquency - or self-control theory - developed by Gottfredson and Hirschi (1990), as well as questions related to social learning theory and lifestyle variables that allow testing opportunity-based theories. It also asks for information about life events as well as school and neighbourhood context. The survey included also a short questionnaire for the interviewers about the context in which the administration of the survey took place, as well as a questionnaire for the teachers of the classes being surveyed.

¹²¹ Armenia, Aruba, Austria, Belgium, Bosnia-Herzegovina, Canada, Cyprus, Czech Republic, Denmark, Estonia, Germany, Hungary, Iceland, Ireland, Italy, Lithuania, the Netherlands, the Netherlands Antilles, Northern Ireland, Norway, Poland, Portugal, Russia, Scotland, Slovenia, Surinam, Sweden, Switzerland, the United States of America, and Venezuela.

¹²² The different techniques for administering SRD surveys will be discussed later, in the chapter on Methods of administration.

Most countries used Epidata software to input data from the questionnaires. In that context, the labelling of the variables was standardized, simplifying thus the construction of an international database that will be a major tool for European research in the future.

As a final consideration about the ISRD project, it must be mentioned that even if the survey has not been institutionalized at the European level - both the ISRD-1 and the ISRD-2 were financed in each country by local sources or eventually with the financial help of another European country¹²³ -, the creation of a steering committee and a big consortium of researchers is a guarantee that the ISRD project will continue in the future.

10 - The European School Survey Project on Alcohol and Other Drugs (ESPAD)

The success of self-reported studies on substance abuse (tobacco, drugs and alcohol) is surely due to the fact that even the most survey sceptic person must admit that official statistics do not provide any valid information on the extent of such use. In that perspective, in the mid 1980s, the Council of Europe created a group of experts that started working on a common questionnaire on substance abuse. Building on the experience of that group, in 1993, the Swedish Council for Information on Alcohol and Other Drugs (CAN) initiated the European School Survey Project on Alcohol and Other Drugs (ESPAD). The first survey took place in 1995 and data have been collected every four years since then. The latest available results refer to the 2003 survey. Results from the 2007-8 survey will only be available by the end of 2008.

The ESPAD project has received financial support from the Pompidou Group at the Council of Europe, the Swedish Ministry of Health and Social Affairs and the European Monitoring Centre for Drugs and Drug Addiction (EMCDDA). However, data collection in individual countries is funded by national sources. The number of countries taking part in the ESPAD project has increased over the years. There were 23 countries in 1995, 30 in 1999, 35 in 2003 and 43 in 2007-2008. Indeed, all the countries represented at the Paris workshop on SRD surveys are participating in it.

The survey is based on a common questionnaire that covers tobacco, alcohol, and illicit drugs use. Data are collected through group-administered questionnaires in schools. Samples are composed by 15-16 year old students, although some countries include also students aged 17-18. With only a few exceptions, samples are nationally representative.

¹²³ For example, Switzerland funded partially the participation in the survey of Armenia and Bosnia-Herzegovina.

For researchers, one of the big advantages of the ESPAD project is that the main results are available on a free website [www.espad.org] where it is possible to download reports and generate key results graphs.

Summarizing the main results of the 2003 SPADE survey, Hibell *et al.* (2004, 22) state:

➤ The pattern of alcohol consumption reveals that frequent drinking is most prevalent among students in the western parts of Europe, such as the British Isles, the Netherlands, Belgium but also in Austria, the Czech Republic and Malta. Very few students in the northern parts of Europe drink that often.

➤ Beer consumption is most prevalent in Bulgaria, Denmark, the Netherlands and Poland, while wine consumption is most prevalent in typical wine producing countries such as Austria, the Czech Republic, Greece, Italy, Malta and Slovenia.

➤ The consumption of spirits is less uniform, with high prevalence rates in as disparate countries as the Faroe Islands, Greece, Ireland, Isle of Man, Malta and the United Kingdom.

➤ The prevalence of drunkenness seem to be most concentrated to countries in the western parts of Europe, such as Denmark, Ireland, Isle of Man and the United Kingdom. Very few students report frequent drunkenness in Mediterranean countries such as Cyprus, France, Greece, Portugal, Romania and Turkey.

➤ The illicit drug use is dominated by use of marijuana or hashish. Frequent use is mainly reported from countries in the central and western parts of Europe, where more than one third of the students have used it. The high prevalence countries include the Czech Republic, France, Ireland, Isle of Man, Switzerland and the United Kingdom. The low prevalence countries are found in the north as well as the south of Europe (Hibell *et al.*, 2004, 22).

As far as the trends between 1995 and 2003 are concerned, Hibell *et al.* (2004, 128) conclude:

➤ To sum up, the trend development over the 8 years of the ESPAD history is indicative of the fact that smoking remains at about the same level or decreased in a majority of the countries.

➤ With regard to alcohol an unchanged or a somewhat decreasing consumption was observed in the western parts of Europe while increases mainly were found in the eastern parts.

➤ The use of drugs is still dominated by the use of cannabis. The high prevalence countries in 1999 are still at the top in 2003, but a clear increasing tendency can be observed in the eastern parts of Europe. It is also clear that an increasing number of students in many European countries find cannabis easily available.

IV - Historical overview of SRD surveys

After having presented an overview of SRD surveys in different European countries and some European projects based on the self-report technique, this chapter will provide a general overview on the historical development of that measure of crime.

In the criminological field, the first use of the self-report technique to measure delinquency can be traced back to the works of Porterfield in the United States in the 1940s. The technique was improved during the 1950s and a major step was taken when Nye and Short introduced the first Guttman delinquency scale constructed on the basis of an SRD survey, in 1957. As we have explained elsewhere (Aebi, 2006), in the context of *The American Soldier in World War II* project, Guttman (1950) developed a scalogram that allowed combining in a table with N columns and N lines the answers of each person to selected items of a questionnaire. Simplifying things a little bit, these items constitute what is commonly called a *Guttman scale*. Indeed the selection of the items is the key element in the construction of the scale because they should measure a single dimension and must be classified in a hierarchical order according to the principle that a positive answer to an item implies agreement with items appearing lower in the scale. For example, from a logical point of view, the person who gives an affirmative answer to the question “do you smoke more than 15 cigarettes per day?” should also answer yes to the questions “do you smoke more than 10 cigarettes per day” and “do you smoke more than 5 cigarettes per day”. Thus, knowing the number of positive answers, the researcher can identify the questions that have been answered in an affirmative way.

In the field of criminology, a Guttman scale classifies offences from the less serious to the most serious one. However, as the samples are usually composed by juveniles attending high school, it is very difficult to establish such a scale without including minor deviant behaviours at the bottom of the scale. Accordingly, Nye and Short (1957) selected the following seven items - presented here from the less serious to the most serious - from the twenty-one behaviours included in their questionnaire: driving without a license, taking little things (worth less than \$2), buying or drinking beer, wine, or liquor, skipping school without a legitimate excuse, having sex relations with a person of the opposite sex, purposely damaging or destroying public or private property, and defying parents' authority to their face. The researchers were obliged to drop items such as running away from home and taking things of medium value (between \$2 and \$50) because they were committed by less than 10 percent of the sample. Their scalogram took also

into account the frequency of the behaviour according to four categories (never, once or twice, several times, and very often).

Actually, one can see here a nice example of the interrelationship between science and technology. In the 1950s, the analysis of the data took a lot of time and it was almost impossible to conduct sophisticated statistical analysis. The Guttman scale was a technical innovation that allowed a relatively cheap and quick way of improving the quality of the analysis. Indeed, the article by Nye and Short (1957) can be seen as a statement in support of the use of such a scale in criminological research in order to break away from the simple dichotomies between delinquents and non-delinquents. Most researchers followed their advice and, in the same way that since the mid-1990s it is very difficult to find an empirical article that does not include a logistic regression - and in the 2000s it seems that a multilevel HLM analysis is a *must* for every research -, in the 1960s most articles included analysis based on Guttman scales. The problem comes from the fact that the scores in Guttman scales were used to classify respondents in different groups but, many times, one has the impression that the ones classified as heavily involved in delinquency are not really offenders but merely deviant youth.

In any case, only a few years later, SRD surveys were introduced in Europe. In Scandinavian countries, the first SRD surveys were part of the Nordic Drafee Research (NDR) Program and the fieldwork took place in Sweden already in 1959 and in Finland in 1962. In the United Kingdom, the technique was adopted in 1961 by the Cambridge Study in Delinquent Development (1961-2004), which was the first European longitudinal study of this kind, and it was also used in cross-sectional studies since 1963. In Germany and in the Netherlands, the first SRD surveys were conducted in the late 1960s, while in Belgium the first survey took place in 1976. In Italy, a small survey was conducted in 1980 but it was only with the participation of the country to the first ISRD in 1992 that the technique was used with larger samples. Finally, in France, the first ISRD was conducted in the late 1990s¹²⁴.

It is possible to analyze the evolution of SRD surveys in Europe using the categories proposed by Kivivuori (2008) for Scandinavian countries. One can thus distinguish three periods: the first one runs from the 1960s to the mid-1970s and corresponds to the moment when the first surveys were conducted in many countries. A second period runs from the mid-1970s to the end of the 1980s and is characterized by the fact that the technique was seldom used. The third and current period corresponds to a kind of golden age of such surveys that includes the

¹²⁴ It is difficult to write the history of SRD surveys in Europe without mentioning the name of Josine Junger-Tas, who conducted the first survey in Belgium in 1976, promoted such surveys very actively in the Netherlands while she was Head of the WODC during the 1980s and was one of the main promoters of both ISRD surveys in 1992 and 2006.

development of the ISRD project at the European level in 1992 - that allowed countries such as Italy, Portugal, Spain and Switzerland to conduct their first large scale or national surveys -, a clear increase in the financing of such projects in the United Kingdom, and their institutionalization in countries such as Finland, Sweden, the Netherlands, England and Wales and Northern Ireland.

In order to understand this evolution, one should take into account once more the interrelationship between science and technology. This link is clearer in the natural sciences. For example, the Galilean revolution would have been impossible without the help of the first telescopes (Morin, 1990), and Pasteur would have been unable - as Semmelweis, a few years before him (Hempel, 1966) - to develop his theories without the microscope. More recently, the development of very powerful telescopes allowed researchers to *discover* galaxies and planets that could not be seen before and led to major changes in astronomy theories. At the same time, in order to refine their theories, researchers ask for more powerful instruments and help developing them. This leads to a “loop phenomenon” between science and technology (Morin, 1990, 60) that can be appreciated when one analyzes the evolution of crime measures and crime theories (Aebi, 1999, 2006; Aebi, Jaquier, 2008). For example, the development of victimization surveys in the 1970s allowed the development of life-style theory (Hindelang, Gottfredson, Garofalo, 1978); but, before that, the development of SRD surveys had also play a major role on the evolution of criminological theory.

As we have mentioned before, the first SRD surveys included a lot of problematic behaviours and trivial offences. These items were admitted by the great majority of the respondents, and such a result challenged previous criminological theories. The typical criminal was no longer a young urban male belonging to an ethnic minority. Indeed criminality seemed *normal*¹²⁵. Moreover, if everyone was engaged in delinquency, the overrepresentation of some categories of the population found in official statistics could only be due to a differential reaction of the criminal justice system. This interpretation was also supported by a very influent article by Kitsuse and Cicourel (1963) on the limits and biases of official statistics. Such findings played a major role on the development of labelling theory in the 1960s and Marxist criminology in the early 1970s.

However, the self-report technique was being constantly improved and very soon it became clear that serious delinquency was not normal. As Kivivuori (2008) states:

¹²⁵ The hypothesis of the normality of delinquency had already been posed by Durkheim (1988 [1895], 160) in the 19th Century. However, Durkheim considered crime as normal in the sense that it is hard to imagine a society without deviants; but, as research has shown, crime is not normal in the sense that anyone commits serious offences.

However, the NDR data harboured findings that could potentially contradict the “crime as normality” interpretation. For example, it was found that police detection likelihood reflected offending intensity (Christie, Andenaes, Skirbekk, 1965). Nils Christie, one of the pioneers of Nordic self-report research, explicitly warned that the crime-as-normality rhetoric, appealing as it was, should not be pressed into absurdity (Christie, 1966 [1964], 59). However, he himself kept on using the normality argument (Christie, 1975, 73).

The stubborn existence of the chronic offender thus haunted the early NDR researchers.

At the same time:

The spirit of the times took an anti-positivist turn. The early NDR design had reflected the influence of empirically oriented American social science. This emphasis lost much of its appeal towards the end of the 1960s as researchers wanted to engage politically and started to criticise quantitative methods (Kivivuori, 2008).

The Scandinavian situation described by Kivivuori was probably not very different than the one that could be found in the rest of Western Europe. At the beginning of the 1970s, a vast majority of the new generation of European social researchers was fascinated by the emergency of the paradigm of the social reaction. Thus, they concentrated their efforts on the study of the social reaction to crime and the process of labelling. As a consequence, even if one can find some noteworthy exceptions, research based on SRD surveys was fairly uncommon. Curiously enough, in 1977, an analysis made by Farrington using the SRD data from the Cambridge study was giving some support to labelling theory, even if it was also showing that police activity was not as arbitrary as some researchers thought because juveniles contacted by the police were the ones that were more engaged in delinquency according to self-report measures (Farrington, 1977). The latter result had also been found by Christie, Andenaes, Skirbekk (1965) some years before with a Nordic sample, but it has seldom been quoted by Christie himself.

The situation changed drastically at the beginning of the 1990s. Since then, the number of SRD surveys conducted in Europe has increased at an incredible pace. Currently, they are being conducted in all Western European countries and also, through the ISRD-2 project, in some Central and Eastern European ones. Several explanations can be given to this evolution, but we think that the following three are the main ones:

➤ Improvements in computer technology: Once more we insist here on the link between science and technology. Since the 1990s it has been possible to conduct all the statistical analysis of a big SRD database using a single personal computer. This implies a reduction of the costs of a research and also of the time needed to produce a final report on it.

➤ A change in attitudes towards crime and security in developed nations¹²⁶: There is currently no doubt that most developed countries became more punitive since the 1990s. Moreover, in many of these countries there are unending debates - leading sometimes to modifications of the Criminal Code - on juvenile delinquency and the ways in which juveniles should be treated by the criminal justice system. The causes of this change are probably twofold: on the one hand, there has been a real increase in delinquency during the second half of the 20th Century in most developed nations (Aebi, 2004, with references); on the other hand, politicians reintroduced the debate on crime and security in their agendas, amplifying thus the phenomenon, and asking for (and funding research on) data on crime and delinquency. The idea was to introduce policy reforms based on an evidence-based approach, although it seems that in many cases it was guided by merely electoral goals.

➤ A change of the main paradigm in criminological research: Thomas Kuhn (1970, 15) had doubts about the existence of paradigms in the social sciences. As a consequence, his concept of scientific revolutions is probably impossible to apply to them. In the natural sciences, a new paradigm replaces the old one completely (e.g. no serious scientist would defend today that the conception of Newton is superior to the one of Einstein). In the social sciences, on the contrary, there is no replacement but addition of paradigms. By the end of the 1960s, the paradigm of social reaction was introduced in the criminological scene, but it never replaced the former paradigms and nowadays is only one paradigm among others. Nevertheless, during the 1970s and early 1980s most European criminologist adhered to the social reaction paradigm and were quite reluctant to the types of empirical research that could be labelled as positivist¹²⁷. The situation changed in the 1990s when a new generation of criminologists, trained in the use of personal computers, entered the scene and started to put the accent on alternative explanations of delinquency developed by researches that did not belong to the mainstream in the 1980s and that could be tested through SRD surveys.

Thus, in the 1990s research was relatively cheaper than before, in some countries politicians were willing to finance it, and there was a new generation of criminologists ready to conduct it. As a consequence, SRD surveys became an established measure of juvenile delinquency in Europe and therefore it is necessary to discuss their methodology.

¹²⁶ An interesting analysis of some aspects of this change in England and the United States has been done by Garland (2001).

¹²⁷ The depletion in SRD surveys during that period (late 70s et early 80s) may be also have been caused by the concurrent development of the first important European programs of victimisation surveys, in Britain, the Netherlands, Sweden...: the energy invested in this innovations may have been diverted from SRD surveys.

V - Methodological issues

Several authors have identified the main methodological problems related to the use of SRD surveys. At the same time, many of the national reports presented before include considerations on that topic. This chapter offers a short summary of such problems based on the national chapters as well as on the reviews of Hindelang, Hirschi, Weiss (1981); Aebi (1999, 2006); Junger-Tas, Haen Marshall (1999); Thornberry, Krohn (2000); Aebi, Jaquier (2008).

1 - *The content of SRD surveys*

A typical self-reported delinquency survey usually includes questions on problematic behaviours, property offences, violent offences, substance abuse, fraud and dishonesty.

A - Problematic behaviours

These are behaviours that are wrongful or antisocial but that are usually not included in criminal law. Typical examples are truancy, running away from home, tobacco smoking, underage consumption of alcohol, and defying parental authority. The first American surveys included also having sex with a person of the opposite sex as an item that was included in self-reported delinquency scales (see Nye, Short, 1957).

As mentioned before, when self-reported delinquency surveys were introduced in the United States of America, most States considered these behaviours as *status offences*. As a consequence, such behaviours were included in self-reported delinquency surveys and, later, in the delinquency scales constructed on the basis of such surveys. We have already seen that the delinquency scale proposed by Nye and Short (1957) included mainly problematic behaviour and trivial offences. Later, the delinquency scale developed by Erickson (1972) encompassed eight behaviours including the following four: Smoking, buying tobacco, drinking beer, wine or liquors, and buying beer, wine or liquors. Of course, these behaviours are bad for the health of an adolescent, but from a European point of view, they cannot be considered as offences. However, as European self-reported delinquency surveys were inspired by American research, some of these behaviours were - and are still being included - in many European questionnaires. As a consequence, researchers should pay special attention when analyzing the results in order to avoid mixing problematic behaviours with serious delinquent act.

B - Property offences

SRD surveys regularly include questions on theft and many times they introduce a distinction between minor theft (less than a certain amount of money) and serious theft. Burglary is also generally included and there are questions about theft of a car - as well as about theft of motorcycles or bicycles - and theft from a car too. Other property offences frequently included in the survey are graffiti, vandalism and arson.

Curiously enough, questions on intellectual property theft are rare. Only in recent years, there has been an interest in this behaviour but it is usually measured in an indirect way through the use of computers to download illegal files. It is a pity that such questions were not included in the first SRD surveys, because one can imagine that the rates of intellectual property theft in the 1970s and 1980s (through the recording of cassettes) and in the 1990s (through the burning of compact discs) were not very different to the ones found in the 2000s (through the downloading of MP3 files). Also, theft of intellectual property through Xerox copies or - more recently - scanning of books and other printed material are regularly excluded from the survey.

C - Violent offences

Violent offences typically include robbery - which in many European continental countries is defined as theft with violence and therefore considered a property offence -, assault, bullying and use of weapons. The questions on assault have been improved with time in order to avoid including minor incidents such as slapping. Bullying has been included in recent years and therefore it is impossible to compare the current situation with the one that existed in the 1960s and 1970s.

D - Substance abuse

Questions on tobacco, alcohol and drug use were already included in the first SRD surveys. Currently, there is an international specialized survey - the ESPAD project presented previously - on that topic. In European countries that are wine producers, consumption of wine by adolescents during the meals was fairly common until some years ago and it was not seen as problematic. The same was true for beer. Our personal impression, based on research conducted in Southern Spain and informal interviews in Switzerland, is that there has been a displacement from consumption at home - where supervision by adults was assured - to consumption while

going out with peers. It also seems that there has been a displacement from consumption of wine to consumption of liquors such as whisky, gin or vodka. Unfortunately, as many European SRD questionnaires were inspired by the American questionnaires that - according to the American laws - considered the use of alcohol by adolescents as an offence, SRD surveys have seldom measured the context in which consumption was taking place and the nuances between the different types of alcohol being used.

E - Fraud and dishonesty

SRD surveys frequently include questions on fare-dodging as well as on receiving and handling stolen goods. In countries where checks are a typical way of paying, there are usually questions on the misuse of them. Also, in some cases, one can find questions related to the abuse of credit cards and, more recently, computer related offences has been added in most questionnaires although sometimes their wording is doubtful. For example, in the ISRD-2 questionnaire, it is not clear whether the download that is being measured is legal or illegal.

F - The issue of trivial offences

As a rule, some of the behaviours included in SRD surveys are criminal or administrative offences but, as they are not serious, they would probably never lead to a criminal procedure. A typical example of such offence is fare-dodging.

Both trivial offences and problematic behaviours - discussed above - can be seen, under certain circumstances, as good predictors of future delinquency. Therefore we are not advocating for the removal of all of them from self-reported delinquency scales. However, as suggested by Junger-Tas (1989), it is very important to avoid mixing them with serious offences when constructing delinquency scales. The inclusion of such items in general delinquency scales - especially when lifetime prevalence is studied - usually leads to results that show little differences in the distribution of delinquency by sex, socioeconomic status and other socio-demographic factors. As mentioned before, such indexes led in the 1950s and 1960s to the erroneous idea that delinquency was distributed homogeneously across the population.

2 - Delinquency scales

The first SRD surveys were mainly interested in the lifetime prevalence of different behaviours ("Have you ever...?"). For example, in the first Scandinavian SRD surveys, measures of incidence/frequency of delinquency were non-existent or rudimentary (Kivivuori, 2008). However, as indicated by McVie (2008), nowadays most SRD surveys include a general prevalence questions (i.e. have you done...?), for the period 'ever' and 'last year', followed by an incidence/frequency question (i.e. how many times have you done it?). Both ISRD surveys and most current SRD survey include also follow-up questions about the characteristics of the latest delinquent behaviour. However, in many cases these questions - and many others included in the questionnaire - have not been fully exploited in the available publications on SRD surveys.

Prevalence and incidence questions are used to construct delinquency scales that include different behaviours. Variety (i.e. number of *different* offences committed) is also an interesting index that can easily be calculated on the basis of the questions on lifetime and last year prevalence. It is particularly interesting for testing versatility and specialization in delinquency. For example, Aebi (1999, 2006) found that most heavy heroin-addicted adult offenders had committed a large range of offences during their lifespan, but that they tend to specialize themselves in one or two types of offences - small scale drug-trafficking and shoplifting - when shorter periods of time were studied. Their situation can be compared to the one of the smoker that prefers a certain brand but has tasted most of the available ones. Moreover, variety of offending was the best predictor of the risk of being arrested by the police - the greater the range of offence, the greater the risk of being arrested -, while incidence was not linearly correlated to that risk. However, frequency is seldom used in publications on SRD surveys. An exception can be found in Junger-Tas, Marshall, Ribaux (2003) that used it as a good index for international comparisons.

3 - Sampling

In recent years, many cross-sectional SRD surveys are being conducted at school with students attending the ninth grade. Sometimes - for example in the ISRD-2 - the sample is enlarged in order to cover 7th, 8th and 9th grade students. Only exceptionally are post-adolescents included in the sample; for example, the ISRD-1 included juveniles 14 to 21 years old. Finally, one can find a few exceptions of surveys conducted with adults using samples of drug users or prisoners or in the context of longitudinal studies.

One of the typical critics to school samples is that juveniles that most engaged in deviant behaviours are probably not at school. Also, sometimes special education classes are not included in the sample. As a consequence, SRD surveys tend to underestimate the most serious types of delinquency.

Moreover, taking into account that the influence of some factors - such as the family of the school - is likely to diminish with time, limiting samples to the 9th grade may lead to an overestimation of the influence of such factors in future delinquency. For example, a study based on the Swiss ISRD-1 sample showed that family structure had an influence on drug consumption for adolescents aged 14-17 - males from broken homes were more involved in soft drugs use than the ones coming from traditional families -, but this influence disappeared for the ones aged 18-21 (Aebi, 1997).

4 - Response rate

Response rates vary widely across time and space, ranging typically from 70 to 90%. In Sweden, a decreased trend was observed in recent years (Andersson, 2008), but in other countries the evolution is not linear. One advantage in some European countries is that parents do not have to authorize explicitly their children to participate in the survey. Typically, parents are informed that, without opposition from their part, their children are going to participate in a survey. The experience of the ISRD shows that, under such circumstances, few parents refuse the participation of their children in the survey.

5 - Method of administration

The first SRD surveys were based on personal interviews. Paper-pencil questionnaires were introduced relatively soon. Sometimes - for example in the ISRD-1 - both techniques are combined, with juveniles answering in a written form to the screen questions on delinquency (using the sealed-envelope technique). Since the 1990s, CAPI (computer assisted personal interview) and CASI (computer assisted self-administered interview) techniques are being used. In the first case, the interviewer administers the questionnaire, while in the second one the respondent reads the questions on the screen and enters directly the answers on the computer. Switzerland used CAWI (computer assisted web interview) for the ISRD-2. The only difference between CASI and CAWI is that, in the first one, the answers are stocked on the computer used for the interview, while on the second one they are stocked directly on the main database which is accessible through the Web (in a secured webpage only accessible through a password given to the interviewers). Finally, it is also possible to use ACASI (audio computer assisted audio self-interviewing), a technique in which the answers are recorded and the respondent can listen to them through the computer.

As far as the validity of the answers is concerned, comparisons of these techniques show only small differences from one to the other. However, the use of ACASI may solve at least partially the problems of illiteracy of some of the respondents even if, when the research is conducted at schools, this issue does not seem a serious threat to validity. At the same time, the use of CAPI, CASI and CAWI improves reliability by reducing the risk of introducing wrongful information in the database while coding the paper-pencil questionnaires. It also allows the use of more complex questionnaires - especially as follow-up questions are concerned - because the computer will lead the respondent directly to the next relevant question. This is a major problem in paper-pencil questionnaires, where the respondent has to look by himself/herself for the next question according to his/her answers (e.g. "if yes, please go to question No 55").

Finally, comparisons of the presence of teachers or researchers during the administration of the questionnaire as well as anonymous versus non-anonymous versions of a questionnaire show that lower prevalence delinquency rates are found when the teacher is present and when anonymity is not assured.

6 - Validity of SRD surveys

Every instrument designed to measure a phenomenon can be considered as a measure of that phenomenon. The validity of a measure can be defined as its capacity to measure efficiently the phenomenon under investigation. In particular, the validity of a crime measure can be defined as its capacity to measure efficiently the crime phenomenon.

There are several classifications of the different types of validity. In the following chapters we will present these types according to the classification that we proposed a few years ago (Aebi, 1999, 2006).

- Content validity
 - Face validity (apparent validity)
 - Logical validity
- Pragmatic validity
 - Concurrent validity
 - Known group validity
 - Correlational validity
 - Predictive validity
- Construct validity

Before starting the presentation of these types of validity, it is necessary to point out that it is possible to test the validity of the whole survey or the validity of the delinquency scales derived from it.

A - Content validity

Content validity refers to question of whether the content of the survey - i.e. the offences included in it - corresponds to its label (is this survey really a *self-reported delinquency* survey?). As such, it entails examining if the behaviours included in the SRD survey are actually delinquent behaviours (face validity) and if they constitute a representative sample of the universe of delinquent behaviours (logical validity). From that definition it can be seen that there are two subtypes of content validity that we will discuss in the following chapters.

a - Face validity

By definition, a self-reported *delinquency* survey is supposed to measure delinquency. However, as we have explained at the beginning of this paper, some of the behaviours included in SRD surveys are not considered as criminal offences in Continental European countries. As mentioned before, the reason of this apparent paradox is that the concept of delinquency is broader in English speaking countries - i.e. it includes wrongful and antisocial behaviour - than in Continental European countries.

The only empirical way of testing face validity is to compare the items included in the survey with the offences included in the criminal laws of the country. American researchers include under such heading the statutory laws that foreseen the status offences mentioned above and usually conclude that the survey meets the requirements of face validity. European researchers usually include such behaviours under the heading of *problematic behaviour* and conclude that the survey measures delinquency and other forms of antisocial behaviour. Once more it must be mentioned that, in order to overcome this threat to face validity, the researcher must avoid mixing serious offences with problematic behaviours or trivial offences in a general delinquency scale.

b - Logical validity

We have already discussed the content of SRD surveys indicating that typically they include problematic behaviours, property offences, violent offences, substance abuse, fraud and dishonesty. From that list, it is obvious that many criminal offences are not included in the surveys, and therefore one can conclude that the behaviours included in it do not constitute a representative sample of all criminal offences. This implies a challenge to the logical validity of the survey. However, it has generally been considered that most SRD surveys include the most typical offences committed by juveniles and that therefore their logical validity is acceptable.

In that context, we have already regretted the fact that intellectual property offences were not included until recent years, and the same can be said about bullying and the context in which alcohol is being consumed. From that point of view, it is possible to affirm that the logical validity of most SRD surveys has been improved in recent years.

In SRD surveys conducted with adults, the behaviours included in the survey must be modified. For example, in Switzerland and Germany, SRD surveys were used for measuring

delinquency of drug-addicts following heroin prescription programs and the offences included in such surveys were adapted to those related to hard-drug addict life-style.

B - Pragmatic validity

Pragmatic validity refers to question of whether an instrument allows establishing the current state (concurrent validity) or the future state (predictive validity) of the concept that is being measured. In the case of SRD surveys, concurrent validity entails examining if the survey measures the involvement in delinquency of the respondents; while predictive validity requires examining if the survey predicts correctly the future involvement in delinquency of them.

Indeed, the only way to establish if an instrument measures correctly a phenomenon is to compare its results with the results provided by an instrument whose validity has already been proven. For example, a researcher that develops a new balance can test its measures with the one provided by the balances that are already available. The problem comes from the fact that there is no universally accepted measure of delinquency. Furthermore, all existing measures of delinquency are considered imperfect. As a consequence, it is possible to compare different measures of delinquency, but it is not clear how to interpret the differences found between these different measures. In that context, the results of SRD surveys have usually been compared with the results of official measures of crime, such as police or court files.

a - Predictive validity

The correct way of testing predictive validity implies using an SRD survey at time 1 (t1) and, on the basis of the analysis of the survey, making a prediction about the future implication in delinquency of the respondents to the survey. After some time (t2), a second SRD survey must be conducted with the same sample and a comparison of the predictions with the observations should be performed.

In spite of the existence of quite a few SRD longitudinal surveys, predictive validity is never tested that way. Usually, the researchers do not make a prediction. Instead of that, they compare the results at t1 and at t2 in order to establish retrospectively which would have been the best predictive factors at t1.

b - Concurrent validity

In order to estimate concurrent validity, one needs to compare the results obtained with two instruments. In that perspective, researchers distinguish two subtypes of concurrent validity: Known group validity and correlational validity.

c - Known group validity

In order to test known group validity, one compares the scores in self-reported delinquency of two or more groups whose implication in delinquency is different according to another crime measure. For example, using official records of crime - such as police or court records -, one can compare the SRD scores of the group of persons *officially delinquent* (known by the police or convicted by a court) with the ones that are *officially non-delinquent*. The logic of the comparison implies that the groups that are different according to official measures of crime should also be different according to SRD measures. Thus, officially delinquent youth should disclose more offences than officially non-delinquent youth. If that is not the case, there is a problem of validity with one of the measures.

The alternative measures used to test the validity of SRD surveys vary widely. Some are close to official measures of crime (contacts with the police, contact with a court, institutionalisation), some use non-official measures (reports from the teachers, personality tests, class play role assignment, etc.) and some combine both types of measures¹²⁸. In that context, the typical way of conducting known group validity tests is to compare self-reported police contacts with the police with contacts registered by the police. If respondents do not admit contacts registered by the police, it is clear that they are lying.

The results of the studies that tested known group validity show that the group that was supposed to be more involved in delinquency did present higher SRD scores - in incidence and variety scales - than the group that was supposed to be less involved in it.

d - Correlational validity

According to Hindeland, Hirschi and Weiss (1981, ch. 5) correlational validity can be seen as a refined form of known group validity. Both of them compare two measures of crime, but the difference comes from the fact that in known group validity one uses the crime measures as a

¹²⁸ For a detailed review of these studies, see Aebi (2006, 162-164 and forthcoming).

criterion to assign individuals to different groups, while in correlational validity the goal is to calculate the correlation between both measures. Thus, studies that tested correlational validity have also compared SRD surveys to official and non-official measures of crime.

A review of the studies that conducted comparisons of SRD surveys and official measures of crime (Aebi, 2006)¹²⁹ shows that they have usually found weak positive correlations. In particular, the size of the correlation is heavily influenced by the scale used to measure delinquency. The strongest correlations are found with the widest scales of delinquency in terms of the number of offences included and the period studied. In addition, the correlations are sensitive to the sex, age and ethnic background of the sample, suggesting a differential validity of SRD surveys. In that context the validity of SRD surveys seems stronger for juveniles and for autochtones.

The fact that the correlations are positive shows that both measures are measuring the same concept. As this concept was defined as delinquency, it is possible to conclude that both measures are *relatively* valid as measures of crime. However, as we will see in the following chapter, it is not easy to interpret the size of the correlations found.

Some reflexions on the logical problems related to the comparisons of SRD surveys and official measures of crime

The history of criminology can be seen as the history of the search for reliable and valid measures of crime. In that context, Hindelang, Hirschi, Weis (1981, 97s.) pointed out that the fact that researchers would turn to official measures of crime as a criterion of validity of SRD surveys was seen as a paradox or at least as an admission of the superiority of such measures by some researchers. Indeed, if official measures of crime were considered as non-valid and SRD survey were developed as an alternative to them, it is not logic at all to use official measures of crime to test the new measure.

Trying to find a solution to that situation, Hindelang, Hirschi, Weis (1981, 97s.) pointed out that a good survey should at least identify all those who had been identified by the official measure, because the latter is only considered completely non-valid by those who are unconditional supporters of the SRD surveys. This is precisely the kind of study that is conducted when testing known group validity, and we have seen that SRD surveys usually meet the requirements of such test.

In that context, the fact that persons identified as delinquent by the police or the courts show higher scores in SRD than those not identified as such has been interpreted as a corroboration of the validity of SRD surveys. However, it can also be interpreted as a

¹²⁹ For a detailed review of these studies, see Aebi (2006, 169-177 and forthcoming).

corroboration of the validity of official measures of crime. Indeed, if a person that admits having committed a lot of offences has already been contacted by the police while someone who has not admitted offences has never been contacted by them, one could conclude that such a result shows that the police are doing a relatively good work.

The problem with this kind of reasoning is that it is deductive in nature and it starts with an axiom. Indeed, researchers have adapted the classic syllogism "Man is mortal, Socrates is a man, therefore, Socrates is mortal" in this way: "Official measures of crime are relatively valid; SRD surveys match official measures; therefore, SRD surveys are relatively valid". However, this method - severely criticized by Russell (1961 [1912]) - can only lead to a valid conclusion when the major premise can be accepted without any restriction (i.e. when it constitutes an axiom), and that is not the case as far as the validity of official measures is concerned.

From a logical point of view, the problem cannot be solved because no measure of delinquency is considered as completely valid. From an empirical point of view, the only possibility is to test both measures in both ways. This implies testing whether SRD surveys can differentiate official delinquents, and also whether official measures can differentiate the respondents that defined themselves in the SRD survey as delinquents.

The combination of both types of tests is interesting because, on the one hand, if persons identified by the police do not admit offences, one can conclude that SRD surveys are not valid; while, on the other hand, if the police (courts) do not identify the persons that admit offences in the SRD survey, one can conclude that official records are not valid. Finally, if the two measures coincide, the validity of both of them is corroborated.

In practice, the second type of test - creating groups of delinquents according to the SRD survey and comparing their scores in official records - has seldom been used because usually SRD studies have been conducted mainly with adolescents that are not heavily involved in delinquency and therefore it is difficult to establish a group of delinquents. One European exception is our research with adult hard-drug addicts following a heroin prescription treatment in Switzerland (Aebi, 2006). In that case, both measures were associated - even if SRD surveys allowed identifying more offenders and many more offences than police and court records - and therefore they were considered as relatively valid.

C - Construct validity

The degree of correspondence between the empirical results of the research and the theoretical previsions is called construct validity. However, when the results do not follow the

theoretical provisions, sometimes it is difficult to know whether the theory is not correct or whether it is correct but the instruments used to test it are not valid (Sellitz, Whrigtsman, Cook, 1977). Of course, the same problem also exists when the theoretical provisions are corroborated by the results. In that case, one can wonder whether the results are not due to the research design or the instruments used.

Construct validity has been studied mainly in the field of psychology, in order to test the efficiency of some tests. In the mid-1980s, Huizinga and Elliott (1986) considered that it had seldom been used in delinquency research because it was too complicate to examine within the same study both tests of theory and validity issues. However they concluded that there was some indication of the construct validity of SRD measures because, when correlations were not the ones specified by a given theory, researchers have concluded that the theory was wrong and not that the SRD measure was invalid (Huizinga, Elliott, 1986).

Even if in recent years many theories have been tested using SRD studies, it is difficult to establish clearly the construct validity of the surveys because in many cases they do not include questions that would allow testing alternative theories. However, the importance of construct validity should not be underestimated because, as it has been shown in the field of domestic violence, research based on the self-report technique (Straus, Gelles, 1990) leads to completely different conclusions to the one based on victimization surveys.

7 - Reliability of SRD surveys

Reliability refers to the extent to which a measuring instrument - in our case, the SRD survey - would produce identical scores if it were used to make multiple measures of the same object (Huizinga, Elliott, 1986). According to Hagan (2005, 298) there are two types of reliability: stability and consistency. Stability implies testing whether, assuming that conditions have not changed, a respondent gives the same answer to the same question on second testing; while consistency implies testing whether the set of item used to measure a phenomenon are highly related and measure the same concept (Hagan, 2005, 298).

As with validity, it is possible to test the reliability of the whole survey or the reliability of the delinquency scales constructed on the basis of the survey. Reliability of SRD surveys has been tested using the test-retest method (i.e. administering the survey twice to the same population¹³⁰), the split-half technique (in which the instrument is divided in two halves and each half is analyzed

¹³⁰ It is also possible to test alternate forms of the instrument on the same group. This technique is known as *multiple forms* (Hagan, 2005, 299).

separately and then compared to the other in order to see whether the scores are similar), and the split-ballot technique (in which the sample is divided randomly in two halves and alternate forms of the instrument are administered to each half before testing whether the scores are comparable).

VI - Self-reported delinquency surveys and criminological theory

SRD surveys are a major tool for the development and testing of criminological theories, in particular of those that try to explain juvenile delinquency. In fact, since the 1960s, most theories in criminology have been developed on the basis of the results of SRD surveys. We have already mentioned the influence that the first SRD studies had on development of the labelling approach. Other paradigmatic examples in the United States are social bonding theory (Hirschi, 1969) and self-control theory (Gottfredson, Hirschi, 1990). In Europe, these surveys played a major role in the development of the integrated cognitive antisocial potential theory (Farrington, 2005), and Situational Action Theory (Wikström, 2005). Apart from that, SRD surveys are regularly used for testing existing theories. For example, as we have already mentioned, the ISRD-1 questionnaire was inspired mainly by control theory, and the second one includes different theoretical approaches. The later approach - a combination of different theories - is used by the majority of the recent studies, including the Edinburg Study of Youth Transitions and Crime, the Belfast Youth Development Study and the KFN surveys in Germany.

From a theoretical point of view, the ideal SRD survey should include questions referring to different theories in order to allow comparisons of the explanatory power of each of these theories. However, leaving aside the classical problems related to the operationalization of the concepts of each theory - that are at the origins of many debates in criminology -, it must be mentioned that some theories are harder to test than others. This is typically the case for labelling theory that requires a longitudinal design in order to compare at time t2 the implication in delinquency of persons who had contacts with the criminal justice system and persons who did not have such contact, but controlling that both groups had with a similar implication in delinquency at time t1. Situational-based theories create also problems when it comes to measure the opportunities to commit offences. Usually, the questionnaires include questions on the lifestyle of the person that are then used to infer his/her exposition to the risk of committing an offence but, with only a few exceptions, the concrete occasions of committing offences are seldom taken into account.

VII - Self-reported delinquency surveys and criminal policies

At a national level, the influence of SRD surveys on criminal policies is clearly related to the influence of this indicator in each country. In countries with a weak tradition of SRD studies, it seems that these studies are not playing a major role on the development of criminal policies or are having only some influence at the local level (e.g. Italy). On the other hand, when this crime measure becomes part of the criminological scene, it is often taken into account for such policies. This is the case mainly in the United Kingdom, where the Cambridge Study in Delinquent Development has inspired some legal reforms. In countries such as Finland, Germany and the Netherlands, SRD surveys are also playing a role in the political debate on crime and crime prevention.

VIII - Conclusion

SRD surveys have become a standard measure of delinquency in Europe. However, their validity cannot be established on an abstract basis. On the contrary, it is necessary to analyze each survey - paying particular attention to the sampling, the conditions of administration of the survey and the construction of the questionnaire - in order to establish its degree of validity.

SRD surveys do not measure the most serious types of offences. However, they provide extremely useful information for minor and less-serious types of offences.

Recommended good practices include:

- When using school samples, include special education classes and find a way of adding youth non attending school to the sample.
- Improving a common questionnaire, such as the ISRD-2, in order to allow comparisons across time and space.
- Clearly separate problematic behaviours and trivial offences from the rest of the offences.
- Include more serious offences in the questionnaire (e.g. sexual abuse).
- Improve measures of socio-demographic variables.
- Use CAPI, CASI and CAWI in order to reduce the costs of the survey and the risks of introducing mistakes while entering the information in the database.
- Include questions on victimization in order to have a more complete picture of the sample.

The national reports summarized in this article show that in countries such as England and Wales, Finland, the Netherlands, Northern Ireland and Sweden, SRD surveys have been institutionalized and national surveys are run on a regular basis that allows the development of time series. In particular, the United Kingdom has a strong tradition of SRD studies and currently an impressive number of studies - including longitudinal ones - are taking place there. Germany is also running longitudinal as well as cross-sectional regional and local surveys on a more or less regular basis. Finally, in Belgium, France, Italy and Ireland, SRD surveys are not institutionalized but surveys are taking place punctually and the four countries have taken part in the second ISRD.

The reports also show that the use of SRD studies decreased since the mid-1970s to the end of the 1980s and clearly increased since the beginning of the 1990s.

At the general European level, the positive experience of the ISRD-1 in 1992 - in which eleven of the twelve participant countries were European - showed that it was possible to develop joint and comparable research and provided a common questionnaire that was later used in many studies. Finally, the creation of the European Society of Criminology (ESC) in 2000 provided a forum where European criminologists could meet and build up joint projects and clearly helped the development of the ISRD-2, in which 24 of the 30 participating countries are European, and their national correspondents meet regularly at the ESC Annual Conferences.

In brief, not only SRD surveys seem to have found their place in European criminology as a major measure of juvenile delinquency, but it seems also clear that their use will probably increase in the future.

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CONVERGENCES AND DIVERGENCES BETWEEN THE INVESTIGATIONS OF SELF-REPORTED CRIME AND RESEARCH ON VIOLENCE AT SCHOOL

Anabel Rodríguez Basanta

I - Introduction

The conference coordinators asked me to focus my commentary on the comparison between the investigations of self-reported crime traditionally used in the sphere of criminology and those used for analysing violence in the school environment. These were brought up, amongst other research work, in a Crimprev project (WP2) workshop, held in Paris on 8-10 January 2009, whose coordination was handled by Cécile Carra and Maryse Esterle-Hedibel.

My reflections today thus take inspiration in part from the work in different countries presented at that workshop. A more detailed summary of it may be consulted in Carra (2009).

II - The emergence of interest concerning violence in the school environment

Like all investigations of self-reported crime, research on violence in the school environment developed in most Western European countries beginning in the latter half of the 1990s. This development often followed violent events in the school environment, which received considerable attention in the media.

This said, in our opinion, the emergence of the preoccupation with violence in school must be explained in the context of the crisis in traditional social institutions: the community, family and school no longer play the roles they did in the past. Social standards are weakening and, as concerns young people, the gap between them and adults is growing, owing to an increase in their independence and the difference in lifestyles.

These crises are logically going to result in a rise in social conflicts (owing to competition over the use of public areas, the questioning of functions and standards at school, etc.), but these conflicts, strongly linked to structural conditions, have often been overshadowed by social construction processes that reinforce the image of students as a problem. In these processes, the concept of violence, frequently exaggerated and with imprecise contours, has been attributed to youth.

Thus, even though objects of research on violence in the school environment have evolved lately,

the fundamental approach is still that of evaluating the 'threat' that students represent for their schoolmates or teachers. Research focussing on the violence exerted by students thus occupies a central role. On the other hand, studies concerning the violence of adults towards minors, or the symbolic violence of the school establishment, still remain a minority.

Moreover, a unanimous definition of violence does not exist in all the works analysed. Under this heading we include various behaviours such as physical, psychological or verbal aggressions, acts of vandalism, etc.

Whereas it is true that certain approaches may focus the idea of victim on teachers, the school itself or even the students, there is, however, agreement within the scientific community: juvenile violence most often affects the students themselves. On the other hand, problems concerning teachers are primarily linked to lack of discipline.

The methods aimed at analysing student violence are as qualitative as they are quantitative. But, as we said beforehand, in this presentation we will especially take into account research that has resorted to tools of self-reported violence and, by extension, to those of victimisation.

III - Research on self-reported crime/violence of students

Depending on the accent placed on the violence-producing contexts, we can identify two types of investigation using the technique of violence or delinquency revealed in young people:

- A) Investigations focussing on students' delinquent and deviant behaviour, with very few details concerning the violence-producing contexts

These investigations, restricted to the sphere of criminology, are practically all built on school population samples. In most countries, they introduce only generic requests as to the place where the delinquent behaviour occurred.

These instruments usually consider only questions on revealed behaviours. The situations brought up in these studies are broad, including attacks or offences that can be considered criminal as well as other deviant behaviour. This catalogue of conduct coincides, in part, with that used in research on violence in the school environment, particularly as concerns attacks on persons as well as on objects. The divergences are then found rather in the concepts used by the different disciplines and also in the theoretical approaches to the object of the research.

B) Investigations focussing on the violent conduct of students in the school environment

In comparison with traditional criminological research, the advantage of these instruments consists of taking into account the different roles present in violence (aggressors, victims and witnesses). These investigations thus mix questions of disclosure with others of victimisation.

Considering the object of these studies, we may distinguish, first of all, investigations on bullying or moral harassment.

The concept of bullying is the most widespread in research on violence in the school environment. Work has been approached primarily in the framework of psychology, in particular educational psychology. Most of the studies borrow Olweus's description of the dynamic of harassment: this is a situation of domination or abuse of power being exerted starting from different behaviours (social exclusion, verbal or physical aggressions, etc.), which leave the victim defenceless and in a position of marginalisation. Several examples of research have also used - often adapting it - Olweus's questionnaire on school bullying or Sharp and Smith's 'my life at school' questionnaire. However, adaptations of the questionnaires have defined instruments that are quite heterogeneous and difficult to compare.

Almost all the research supports the operational construct of the object starting from a list of aggressive or antisocial behaviours and calculates the category of moral harassment and the different roles involved, beginning with the frequency of aggressive conduct or exclusion. This construct therefore coincides closely with that of multi-victimisation, even though studies on bullying adapt the analysis of temporary and contextual dimensions of the phenomenon much better than criminological works do.

Taking a Spanish study as an example, we can illustrate, the parallel between behaviours considered in the investigations into victimisation in the school environment and those of studies of self-reported crime (violence against objects, threats, sexual harassment...).

Table 1. Rate of occurrence of bullying in Spain

Type of harassment	1999			2006		
	Victims	Aggressors	Witnesses	Victims	Aggressors	Witnesses
Ignoring a classmate	15.1	38.8	79.3	10.5	32.7	82.9
Not letting someone participate	10.9	13.9	67.2	8.6	10.6	69.7
Insults	39.1	45.9	93.1	27.1	32.4	89.8
Giving offensive nicknames	37.7	38.0	91.7	26.7	29.2	88.9

Talking badly about someone	35.6	38.5	89.0	31.6	35.6	89.7
Hiding belongings	22.0	13.5	74.6	16.0	10.9	73.3
Breaking belongings	4.5	1.3	38.2	3.5	1.3	40.5
Stealing belongings	7.3	1.4	40.0	6.3	1.6	45.2
Hitting	4.8	7.3	60.3	3.9	5.3	59.3
Threatening in order to frighten	9.8	7.4	66.8	6.4	4.3	64.1
Forcing with threats	0.8	0.4	12.6	0.6	0.6	12.2
Threatening with a weapon	0.7	0.4	6.3	0.5	0.3	6.0
Sexual harassment	2.0	0.6	7.8	0.9	0.4	6.6

Source: Defensor del Pueblo (2000, 2006)

The results of research on violence in the school environment reveal a certain confusion of roles (victims are often also aggressors) as well as the importance of the position of witnesses in generating or inhibiting violence. Finally, this research has succeeded in clearly describing one of the victimisation networks often pointed out by criminology without, however, having always analysed them empirically.

Research on bullying has integrated several theoretical approaches for explaining the causes and impact of harassment. But in all the countries analysed, we observe an evolution in the explicative models, which, beginning with the individual, family or more or less 'traditional' social variables, are shifting towards a progressive integration of the analyses of contextual factors (linked to school climate and organisation of the centre) or relational factors. We also find a point of convergence with other, sociological-type approaches, which, in our opinion, have favoured interdisciplinary approaches.

Secondly, we find investigations that use a broader idea of violence and an analysis of the local (micro-social), violence-producing context. The most important experiments along these lines appear in the field of sociology.

The studies stemming from the European Observatory of Violences in Schools (OEVS) are particularly noteworthy, not only due to their theoretical and methodological approach but also because their questionnaires have been applied in several European countries and elsewhere in the world. Even though the experiments are not yet 'ripe' enough from the methodological point of view, comparative studies have also begun to be made¹³¹.

The Observatory's questionnaires introduce the duality between violence experienced first-hand

¹³¹ We find an example of a comparative study between Spain and France in Blaya *et al.* (2006).

and the perception of violence. In relation to experienced violence, they ask questions of the witnesses as well as of the victims and perpetrators. Furthermore, they take into account the importance of the school context and their social environment. Here, the following, amongst other things, are analysed: the overall atmosphere, and relations with friends, with teachers and with other adults in the establishment, as well as the effectiveness of the learning.

These studies allow for stressing the school effect'; in other words, the school can increase or else reduce the weight of individual factors linked to student participation in conflicts in the case of equivalent conditions.

When all is said and done, the research on school violence has produced a considerable body of information on the scope and conditions of the development of violence in the school environment. Nonetheless, it would be interesting to carry out further research connecting life in the school and violence in other settings.

The results of all the research on violence in schools, in particular that focussing on bullying, show that the phenomenon diminishes as students get older. Other research (Catalonia *Generalitat*) specifies that: victimisation changes with age, and it is true that, although the number of acts diminishes they are more serious. Furthermore, shifting conflicts generated in school towards the outside is more current, in particular in the last years of secondary school.

Certain research experiences in different disciplines seem to point in this direction. The *International Self-Report Delinquency* also includes, for example, certain questions on bullying from the victim's point of view, which will allow for exploring the relation between this phenomenon and deviant behaviour of young people in other contexts. In fact, in 2007, the European Observatory of Violences in Schools took charge of the French part of the *International Self-Report Delinquency* study. In so doing, the OEVS broadened its interests to include delinquent, violent and deviant behaviour that can also occur outside school. The methodological choice was therefore to use two different instruments (for violence in the school environment and violence in general). On the other hand, other investigations, which we might call 'hybrids', introduce questions on violence in the school environment accompanied by other questions on certain deviant behaviours carried out or victimisations also undergone outside school. We know of very few experiments in this sense (one example: *Generalitat de Catalunya*, 2001, 2006). These investigations are quite interesting from an analytical point of view but comprise a fundamental problem: the enormous size of the questionnaires.

Conclusions

To conclude, we shall put forward a few ideas of synthesis:

➤ Research on violence in the school environment has confirmed the pertinence of analysing youth violence by taking into account the confusion of the roles of victim and aggressor -hence the need to also include questions on victimisation in the investigations of self-report delinquency.

➤ Nonetheless, studies on student violence should go more deeply into the analysis of the modification in forms of victimisation of older students and in that of its shift to other contexts, other than that of school. Criminology could play an essential role in this task, on condition, as we have suggested, of improving information on the different roles involved in interpersonal violence (the *International Self-Report Delinquency* study seems to be going in this direction - albeit timidly for the moment) and also on condition of improving the contextualisation of aggressions.

➤ Over the years, the models of analysis which are at the root of investigations on violence in the school environment have been refined in return for their broadening towards searching for relational and contextual explanations of conflicts.

This said, the investigations reveal their own limitations when it comes to explaining causalities, for it becomes quite difficult to include therein all possible factors explicative of the phenomenon and their complexities. This is why it is also important to introduce qualitative-type analyses, which allow for both correcting the gaps in quantitative analyses and testing the validity of their own investigations in view of social changes.

➤ Finally, a few experiments were stressed of applying the same questionnaires in several countries as well as comparative approaches, which is always interesting from the European point of view. The efforts to adapt the questionnaires to the cultural context of application must be further encouraged.

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