

Newsletter of the *European Society of Criminology*

CRIMINOLOGY IN EUROPE



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WHITHER EUROPEAN CRIMINOLOGY?

2014 | 1
VOL. 13

Criminology in Europe is published by the European Society of Criminology.

Web www.escnewsletter.org

Editor CSABA GYÖRY

Editorial office:

Max Planck Institute for Foreign and International Criminal Law

Günterstalstrasse 73

79100 Freiburg i. Br.

Phone: +49 (761) 7081-314

Fax: +49 (761) 7081-294

Email: c.gyoery@mpicc.de

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Communications should be addressed as follows

To the president:

University of Minnesota School of Law

312 Mondale Hall

229-19th Ave. South

Minneapolis, MN 55455

Email: tonry001@umn.edu

To the business office:

University of Lausanne

ESC-ICDP-Sorge-BCH

CH-1015 Lausanne, Switzerland

Phone: 41 21 692 4638

Fax: 41 21 692 4645

Email: secretariat@esc-eurocrim.org

ISSN 1729-8164

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Fifteen years ago, the European Society of Criminology was little more than a glimmer in a few peoples' eyes. In material terms it has been a huge success. It survived. It will have its fourteenth annual meeting in Prague in September. In 2013 more than 1000 participants came to Budapest. The ESC's publications, the European Journal of Criminology and Criminology in Europe, have been more successful than was reasonable to expect. The EJC is ranked in the top quarter of scholarly journals in its field. CinE is the envy of criminology societies world-wide.

The ESC's organizers wanted to facilitate development of a distinctively European criminology, stimulate creation of a trans-European intellectual community, and catalyze multinational collaborations. It appears to have contributed to achievement of all those goals. A look at the tables of contents of EJC issues will show that articles co-authored by people from more than one country and special issues with contributors from several countries are increasingly common. Annual meeting sessions and articles in CinE show that the working groups have fostered collaborations across national boundaries.

The harder question is whether the ESC has contributed to development of a distinctively European criminology. The society's name implies that something exists that might reasonably be described as European criminology. I believe that is true, or at least that a European criminology is emerging.

There was definitely a European criminology in the nineteenth and early twentieth centuries. The adjective "European" was redundant. Continental European criminology was all there was. Nothing comparable existed elsewhere. Any card-carrying criminologist knows of the pioneering statistical work of Quetelet and Guerry; of Lombroso, Ferri, and Garofalo; of Tarde, von Liszt, and Bonger. By the beginning of the twentieth century they had laid the foundations of modern criminology. Recognition of criminology as a discipline, or as a subject for systematic scientific study, depended on the contemporaneous development of sociology, psychology, anthropology, and economics as empirical social sciences. Those disciplines emerged in many Western countries almost simultaneously but criminology was distinctively European. This can be seen in the subject's development elsewhere.

The first step in the creation of American criminology was the formation in Chicago in 1909 of the American Institute of Criminal Law and Criminology. It established the first U.S. journal, now called the Journal of Criminal Law and Criminology, and arranged the translation into English of seminal European

books by Cesare Lombroso, Enrico Ferri, Raffaele Garofalo, Gabriel Tarde, Gustav Aschaffenberg, Comstanzio Bernaldo de Quiros, Willem Bonger, Hans Gross, and Raymond Saleilles. Their ideas laid foundations for the Chicago School of Criminology which catalyzed development of American criminology more generally.

British criminology developed later. Most accounts date its founding to the arrival in the 1930s and 1940s of the great Nazi-fleeing emigré scholars Hermann Mannheim, Leon Radzinowicz, and Max Grünhut. They respectively started the first university programs at the London School of Economics, Cambridge, and Oxford. In the final third of the twentieth century, English-speaking criminology zoomed ahead, especially in the United States and Britain. New degree-granting departments proliferated. Many tens of thousands of people received criminology degrees. Etiological theory became primarily American. Europeans applied the ideas of Sutherland, Merton, Cloward and Ohlin, and Hirschi and Gottfredson. Research methods and designs became increasingly rigorous and analyses became preponderantly quantitative and abstruse.

Criminology in Europe atrophied after the 1930s for understandable reasons of depression, authoritarianism, and war, and began to revive, slowly and on a small scale, only in the 1960s. Isolated academics or small groups in various university departments studied criminology topics. In many countries there were by 2000 no degree-granting programs and no specialist departments. Britain, Belgium, Norway, and Sweden were principal exceptions. The leading clusters of researchers worked not for universities but in government research institutes. Such teaching as took place occurred mostly in law schools.

All of that is changing. European criminology is thriving, as the success of the ESC demonstrates. National criminology societies exist throughout Europe. Undergraduate and PhD programs have been established in many places and existing programs have broadened and deepened. The numbers of criminology students, researchers, and academics have risen rapidly. In many fields and subfields, European scholars are or are among the world's leaders and publish in the world's leading journals. Europeans are of course active in every imaginable sub-type of criminology research, and there are significant differences between countries, but European criminology is nonetheless distinctive. Here are five examples.

First, European criminology is especially attuned to pursuit of social justice, exemplified by the Scandinavian mantra that the best crime policy is a good social policy. One manifestation is the European crime prevention focus

on social, developmental, community, and situational initiatives rather than on repressive measures. Major American research subjects such as criminal careers, deterrence and incapacitation, and experimental studies of police effectiveness have no sizable European equivalents.

Second, European criminology is more humane than that in some other places. Many researchers see themselves not simply as “scientists” and technical specialists but as, or also as, advocates for human rights and rational policies, and as opponents of repressive and excessive laws and policies.

Third, European criminology is internationalist. The ICVS, the ISRD, and the IVAWS had their origins and principal sponsorship in Europe. The Eurogang network has no American equivalent coordinating work across state lines. Articles by capable European researchers almost always cite and discuss the major American literature. Comparable articles by American, British, and Commonwealth researchers seldom discuss European research, even though much is published in English-language journals.

Fourth, criminology in Europe much more than in the English-speaking countries is compatible with Edwin Sutherland's description of a discipline concerned with the making, the breaking, and the enforcement of criminal laws. English-language criminology has been Balkanized into sub-disciplines of criminology (“the breaking”) and criminal justice (“the enforcement”) and ceased paying much attention to “the making” of criminal law and policy. Much American criminology scholarship is insular and obscure, addressed to other criminologists rather than to the larger world. Similar balkanization and obscurantism are not widespread in European criminology.

Fifth, European criminology retains a strong link with the humanities rather than only or principally with quantitative social, physical, and biological sciences. Social and critical theories remain influential and vital.

Others will disagree with the picture painted here. My brush was broad. Were it narrower, and were greater length possible, more details and qualifications would appear. The broad picture, though, is valid. How much the nature and maturation of European criminology are attributable to the development of the ESC, how much to broader European political culture, and how much to other things is not easy to specify. For myself, though, I'm prepared to believe that the ESC played and plays a non-trivial part.

Michael Tonry is McKnight Presidential Professor in Criminal Law and Policy at the University of Minnesota Law School and the President of the ESC

Magnus Hörnqvist

THE FLUID LEGITIMACY OF THE HUSBY RIOTS

Social unrest in a range of large European cities over the last decade has reignited public and sociological debate about new and old social divisions. Explanatory frameworks for social unrest engage with current debates about social class, ethnicity, and masculinity, often centred on young men in deprived neighbourhoods setting fire to cars or attacking police officers (Dikec, 2007). A number of scholars have also turned to the British historian E. P. Thompson's concept of 'moral economy' to come to terms with a situation characterized by 'class struggle without classes' (Thompson, 1991). It was invented to describe bread riots in an 18th Century, pre-capitalist country, and now seems curiously applicable to contemporary riots. The crucial element is the focus on shared conceptions of entitlements and obligations within in the local community.

The riots in Husby, a suburb 20 minutes from the city centre of Stockholm, broke out on the evening of May 19, 2013, and soon attracted immense media coverage from all over the globe. Six days earlier, the Police had shot and killed a 69-year old man in his apartment, and wrapped up the incident in a ludicrous story, which local residents, who had been at the scene, immediately exposed as such. That was the trigger. The riots went on for five nights, and spread to a number of nearby suburbs, and subsequently to many other Swedish cities. All of a sudden, otherwise peaceful suburbs were treated as war zones. One journalist told me she was puzzled when everyone was instructed to hire bodyguards to visit Stockholm by night!

The core of the riots was not looting, nor open political protest. Instead, setting fire to cars in order to attract the police has been a Swedish specialty for more than a decade. Interestingly, the local police in the Husby area had just completed a three-year project to develop a risk management strategy towards social unrest, co-funded by the European Union. Social unrest is now the generic term in policy circles, designating various forms of collective action, ranging from looting to civic protest. Police reported crimes related to 'social unrest' have been on steady increase over the last decade.

Nevertheless, almost everyone—the political establishment, the police, and the general public—was taken aback by the scale and the magnitude of the May riots.

In the Stockholm area, almost 200 cars were burnt, according to insurance companies. The car fires were used to attract the police forces, which were then attacked with stones. Individual officers yelled over the radio, sometimes simultaneously at different places, that they were forced to retreat. The ensuing counter-attacks by the police came to affect passive bystanders, which, in turn, engendered more anger. The media coverage also repeatedly contained scenes of cars in flames, which helped create the impression that the entire ring of impoverished suburbs surrounding Stockholm was burning. The official response was cautious. None of the political parties, except for the right-wing populist Sverigedemokraterna (Sweden Democrats), voted into Parliament for the first time at the last parliamentary elections in 2010, used immigration and culture as explanatory principle, nor were the rioters demonized. The Prime Minister merely spoke of "angry young men". More derogatory descriptions were perspicuously absent in the mainstream discourse.

Shortly after the riots, a group of eight researchers at different social sciences departments at Stockholm University initiated a research project to collect the narratives of local residents in Husby. We wanted to understand the string of events from their point of view. We were inspired by the Reading the Riots project, launched after the London riots in 2011 (Lewis *et al.*, 2011), although we did not have the same resources to collect data. Yet, during the summer of 2013, we carried out and transcribed thirty interviews with men and women between 16 and 81 years. The interviewees lived and/or worked in Husby. Most of them had been out on streets during the riots, and most of them were organized in different civil society organisations, ranging from political parties, tenants associations to religious communities. We employed a grounded approach, with rather general, semi-structured interview questions.

The interviews generated first-hand information about what kind of experiences local residents made during the riots. In addition, and more importantly, the interviews gave crucial insights into the perceptions and the expectations related to citizenship, entitlement, inequality and discrimination, which motivate and underlie the Husby riots and similar incidents. It should be pointed out that

none of our interviewees took any active part in acts of violence, which could be seen to limit the analysis. Yet as we know from the works of E. P. Thompson, the rioters (in *this* kind of riots) tend to share their perceptions and expectations with the community of which they are part.

All the people we spoke to were anxious to describe the background to the riots and what they saw as the explanation. In the preliminary analysis of the material, we have distinguished four themes:

1. Structural police harassments

We were frequently told how people—mostly young, mostly male and mostly born outside of Europe—are being stopped and searched by the police, often on suspicion of drug possession. During the riots themselves, the local community police were nowhere to be seen and the ‘cavallary’ (the riot police) was brought in, displaying little ‘people skills’.

2. Neoliberal restructuring

The welfare state is vividly remembered by residents. Against the background of this, perhaps nostalgic, memory, it is often pointed out that quality and quantity of local social services—schools, health care and welfare support—has deteriorated over the last decade. At the same time, singularly unsuccessful urban renewal projects have been launched with great enthusiasm, by consecutive local political administrations, followed by the typical rent increases and out-sourcing of social services.

3. Lack of political participation

Husby has an unusually strong civil society, with a long history of involvement in local politics. Over the last decade, struggles have been fought over community centers, traffic planning, housing renovation and the dismantling of social services. The struggles were always defensive and sometimes successful, yet despite the relative strength of civil society and its partial success, the interviewees expressed a wide-spread political apathy. Things were seen to be going in the wrong direction, no matter what.

4. Sense of entitlement

The interviewees seem to share a specific set of expectations, which is associated with a traditional working-class position in the Swedish welfare state, before the recent political and structural changes. Their sense of entitlement included the right to waged labour, affordable housing, decent social services, a certain level of consumption, and the right to be treated fairly by local civil servants, including police officers. Now, in all these dimensions, these expectations can be less and less fulfilled; that is the shared perception, which to some extent can be backed statistics on unemployment rates, disposable income etc.

I want to elaborate on the sense of entitlement, and give some examples from the interviews. I have chosen specifically excerpts from interviews with local community workers in the ages between 20 and 30, as they clearly identify themselves with a middle-stance between the rioters and the police.

The people we interviewed shared distinct expectations of what they were entitled to—expectations that they most probably shared with other residents in Husby, including the individuals who took more active part in acts of violence. Geographic metaphors were often used to describe the grounds and the limitations for what was reasonable to expect. “Sweden” was the point of reference for the justified grounds of expectations, while “Kista”, the subway station before Husby, was the point of reference for the clear limitations of the same expectations. It is a working class suburb, which in many ways is similar to Husby, with the difference that Kista houses a fancy shopping mall and has managed to attract research and higher education establishments.

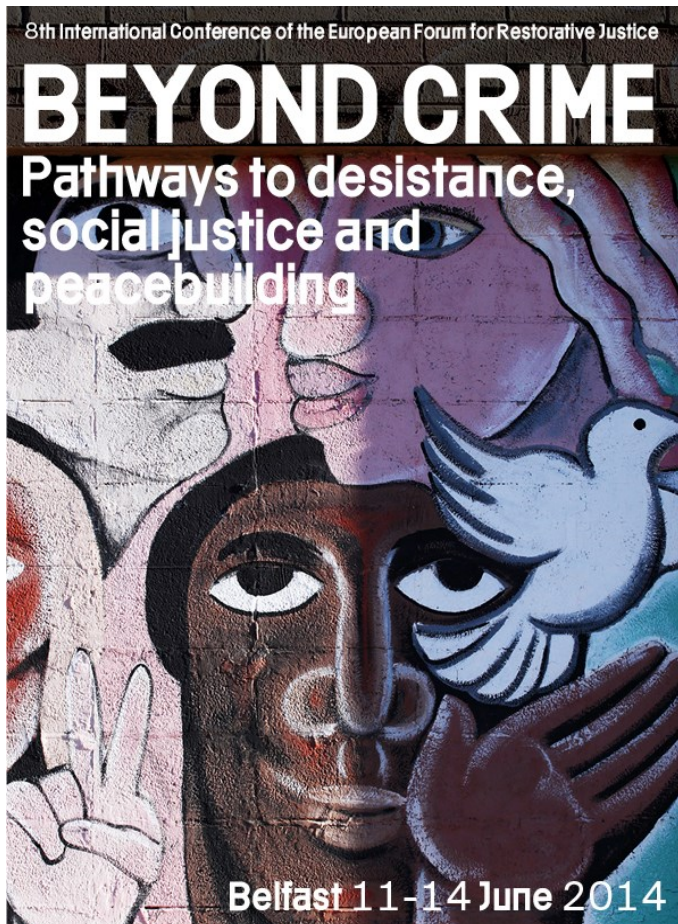
“AND WE LIVE IN SWEDEN!”

Husby residents consider themselves a part of Sweden. That means, in context, that they consider themselves entitled to work and housing, fair treatment, access to social service and certain consumer products. Essentially “Sweden” symbolizes something positive. In the interviews, however, “Sweden” is generally used in connection with circumstances, which are considered totally unacceptable. The reference is made to stress just how unacceptable they are. The following example is typical:

“I live in an apartment with my mother. She has to borrow money to pay the rent. And we live in Sweden! She borrows money every month. And you live in Sweden.” (AG1)

The interview person thinks that it is unacceptable to borrow money to be able to pay the rent, but does not say so explicitly; instead he repeats that “you live in Sweden”. The assumption is that if you live in Sweden you should be able to afford an ordinary rental apartment. But that is exactly what his mother cannot afford, and that is why it is unacceptable.

Several interviewees are between the ages of 20 and 30, and are born outside of Sweden. That is perhaps also one reason why “Sweden” is such a symbolically charged metaphor? One man, who is local community worker, said that “[we] were not allowed to be Swedes for the duration of the riots”. As a response to the follow-up question, “How do you mean that you were not allowed to be Swedes during the riots?”, he elaborated on the line of



Confirmed speakers of the 8th International Conference of the EFRJ

Professor John Braithwaite (Australian National University)

Professor Shadd Maruna (Queen's University of Belfast)

Professor Joanna Shapland (The University of Sheffield)

Professor Kieran McEvoy (Queen's University of Belfast)

Dr. Tove Hansen Malloy (European Centre for Minority Issues)

Brunilda Pali (Catholic University Leuven)

Besides innovative practices and new projects in RJ, this year presentations will address these main themes:

Desistance – Do RJ experiences help offenders to desist from crime? And if so, how does RJ as an “alternative” approach to crime control and punishment relate to current criminal justice policies and punishment models where risk assessment and evidence-based approaches prevail? RJ – as a positive and forward-looking approach – is often linked to the development of the Good Lives Model of Offender Rehabilitation. To what extent do RJ and desistance principles permeate in the work of prison officers and in probation work?

Social Justice - How can RJ contribute to social justice, especially in an increasingly intercultural society? RJ is often said to be limited in addressing underlying causes of crime. By simply holding offenders accountable for the wrongdoings RJ overlooks the structural inequalities and fails to address a broader network of responsibilities. For RJ interventions to be meaningful and sustainable new alliances with a wider range of organisations and social institutions are needed.

Peacebuilding – The central aim of this theme is to look at the value of RJ principles in the agenda of peacebuilding in divided, transitional, and post-conflict societies. Since several decades many countries emerging from conflict have opted for so-called transitional justice mechanisms to help and deal with their past. Gradually also RJ principles became introduced into several of these mechanisms.

www.euforumrj.org/belfast



reasoning, with reference to the way that riots had been framed in one talk-show on a Swedish public service television channel.

“This is Sweden, and you are the ones burning cars. This “you and we”-thinking has gone too far. /.../ I mean, we come in and work, we come in and go to school, we contribute with... I work with youth on the side, I am going to study now. We want to contribute just as much.” (ML5)

Our interviewees lived under difficult circumstances, but were employed, or in education, at the time of the interview. They were generally frustrated over conditions in Husby. “Frustration” was perhaps the single most frequent word in their attempts to explain the car burnings and other protests. “The young people”, the term used to refer to individuals who took part more actively, was described as above all frustrated. For instance:

Q: “Why are people frustrated, do you think?”

A: “I cannot really say, but people feel frustrated because they do not get a foothold in society, people are frustrated because they cannot support their family, people are frustrated because they are not being recognized, people are frustrated because... they do not feel that they do not get an honest chance, there are many things like that.” (ML4)

It is evident that the frustration is linked to specific conceptions of entitlement. The frustration is not an effect

of poverty, unemployment or unfair treatment per se, but all that in combination with expectations of what you thought that you were entitled to.

THE FLUID LEGITIMACY

Conceptions of entitlement are linked to conceptions of obligations. The reference to “Sweden” also stands for specific obligations, which you are perceived to have as citizen. The will to work is central. Being law-abiding and respecting authorities are equally central. From that perspective, attacking police and setting fire to cars are out of the question. None of interviewees thinks that throwing stones at the police and other forms criminal behaviour that can be justified, under normal circumstances. The riots were nevertheless initially met with a complex mix of understanding, condemnation and justification.

“I understand why they did the riots, you should not sympathize with all the vandalism, people’s cars were burning and you know that kind of stuff. I cannot support that either, but you have to understand why they riot.” (ML3)

The interviewee does not simply condemn. He basically thinks that it is wrong to vandalise, and says that “you should not sympathize with all the vandalism”; just to return to the importance of understanding the underlying

ing causes. Why is that so important? Here, we catch a glimpse of a silent approval.

In the stories told, it is evident that our interviewees felt run over, both by the police and the rioters, and expressed that there was little they could do to influence the course of events during the first two nights. Also morally, they experienced being faced with a dilemma; were the acts of violence directed at the police forces on site right or wrong? In the interview material, we can trace the continually on-going negation within the community about the legitimacy of the violence. The interviewees talk about themselves as mediators between two positions, associated with “the young people” who threw stones and argued for one position, and on the other hand “the parents”, which is the common designation for all residents who were mainly concerned about their own safety and the safety of their children, and just wanted an end to all the unrest.

These positions were fluid. Initially, also individuals associated with “the parents” were said to sympathize with acts of violence.

“The fires continued. Many parents thought that it was okay. That’s fine. Give’em! They deserve it!’ Since, the first night when the police were here, they attacked civilian people with their dogs. The young people threw stones, parents stood in the way, and then they let the dogs; ‘bite, bite!’ And ‘fucking monkeys! fucking niggers!’” (AG5)

The category of “young people” is also fluid. Often, “the young people” symbolize hopelessness, frustration and misdirected anger, especially when the interviewees position themselves as respectable working-class. Sometimes, however, “the young people” act as representatives for all Husby residents, especially when it comes to pointing out the underlying causes.

The police officers who experience the violence more directly, are conspicuously absent in the arguments that delegitimizes the violence. In the discussion on legitimacy, it seems to be a far stronger argument that “the parents” can fall victim and that they oppose to continued acts of unrest. One interviewee mentioned that he, in discussions on the street with “the young people”,

“always uses the same argument: my mother should be able to live in Husby without worrying about fires.” (AG1)

The middle position is established by not mentioning the police, and by talking about the parents rather than oneself.

While the understanding of underlying causes is present all the time, the legitimacy is severely restricted in time and place. There are given frames for what is

justifiable and not justifiable, but these frames were temporarily out of play, following the fatal shooting of the 69-year old man. Instead, the limits for justifiable actions—setting fire to cars, throwing stones at the police and other forms of transgression—become subject of a negotiation, which seems to have been on-going for the duration of the riots. There was a sliding scale between understanding and legitimacy. The silent approval, or the wide-spread understanding, during the two initial nights shifted into a distancing from, or condemnation of further violence. This shift of balance occurred during the third night, when a new temporary consensus was established.

“It was like this: ‘Okay, the message has come through. You are dissatisfied with the behaviour of the police, with the police and all the others. You have said what you wanted to say, but now it is over.’ So at some point during the third or fourth night /.../ there were a few hours when nobody knew whether it should continue. There were some cars being burnt here and there, but we also heard, informally, that some of those, who had initiated the riots, wanted it to end.” (ML6)

The riots would surely have stopped anyway. What is interesting is the noticeable shift in terms of community conceptions of legitimacy. It was no longer okay to throw stone or set fire to cars.

It is essential to understand the fluid legitimation without which the string of events probably never would have got past a few burnt out cars to evolve into consecutive nights of full-scale riots. Conceptions of legitimacy are also an essential ingredient in approaches associated the ‘moral economy’, which links such conception to older, pre-neoliberal institutional arrangements.

Magnus Hörnqvist is Assistant Professor at the Department of Criminology, Stockholm University, Sweden

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Anna-Maria Getoš

CRIME AND CRIMINOLOGY IN THE BALKANS

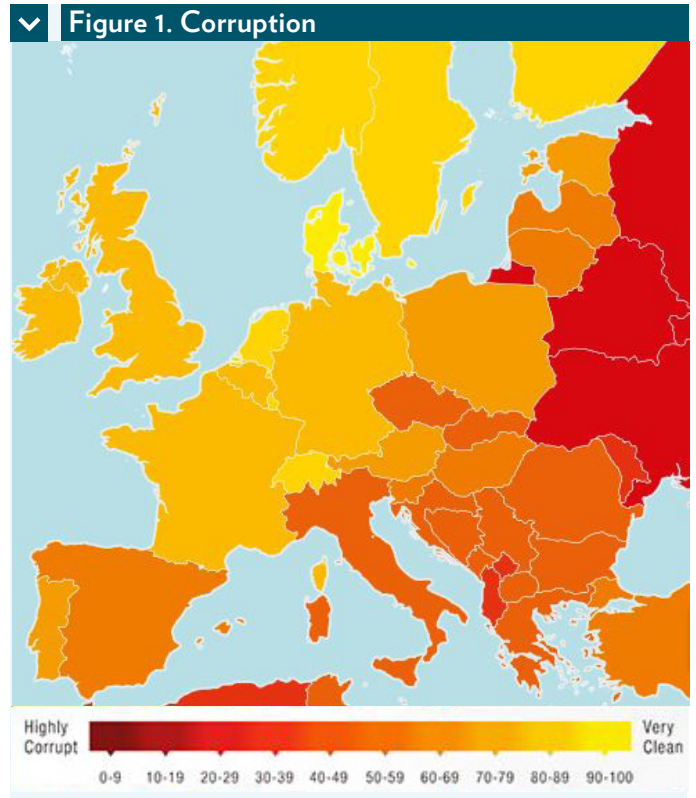
A RESEARCH CONCEPT FOR SOUTHEAST EUROPE

Almost a year has passed since the ‘Balkan Criminology’ project became operational, and it seems justified to draw the ESC community’s attention to the changing criminological landscape of the Balkans, which still is, though constantly evolving, ‘in many ways marginal in comparison to Western European criminology’.

The contribution first argues that the Balkans is a criminological space *sui generis*. This standing of the Balkans as a criminological space *sui generis* has several dimensions—phenomenological, scientific, educational, institutional, etc.—which are all embedded in a broad macro structural context shaped by common history, politics and culture. As such the Balkans needs a custom-fitted approach when it comes to criminological research and education: it needs its own research concept. The aim of the Balkan Criminology project is to develop this. The project should also uncover the enormous research and collaboration potential the region holds, as well as the highly prospective research capacities present today in the Balkans. Finally, the aim of the contribution is to get Western European criminology much more involved in the Balkans but also the way around.

THE BALKANS—A CRIMINOLOGICAL SPACE *SUI GENERIS*?

While undoubtedly an integral part of Europe, the Balkans (or the states of Southeast Europe) feature certain common political, historical, cultural and structural traits that make it plausible to focus criminological research on the area as a whole.² History provided the Balkans with common structures, as well as patterns of perception and behaviour, allowing for differentiation in respect of other parts of Europe (Sundhaussen 1999, p. 637). The mountainous and small-chambered structure of the Balkan Peninsula, as well as the exposed access paths on its peripheries (e.g. its bridging character connecting Central Europe and Asia Minor) have throughout history facilitated immigration and military invasion from outside, just as they hampered any stable government control the internal area (Sundhaussen 1999, p. 637). For the most part of its history, the Balkans had been part of large empires (Roman Empire, Eastern Roman/Byzantine Empire, Ottoman Empire) that were centred either outside the region or reached far beyond it. This histori-



cal setting could explain the specific understanding and perception of state power in the Balkans.³ Adding to this the violent dissolution of Yugoslavia: a huge part of the region has been affected with the consequences of wide spread ethnic conflict and ongoing struggle of state-building. The criminal justice system plays a major role in this state-building and transitional process. The transition is clearly reflected in the Balkans and sets it apart from Western Europe in many respects (see figure 14).⁵

Besides (or maybe even *due to*) these regional macro structural societal particularities, the Balkans also features a phenomenologically different crime problem when compared to Western Europe. Data indicates that “the Balkans do not have a conventional crime problem” (UNODC 2008, p. 35) and “do not fit the profile of a high crime region” (UNODC 2008, p. 23).⁶ This becomes most obvious when looking at crime statistics from the region (see figure 27). These are generally low, and in many instances lower than in Western Europe. “Based on both survey and police data, South East Europe has



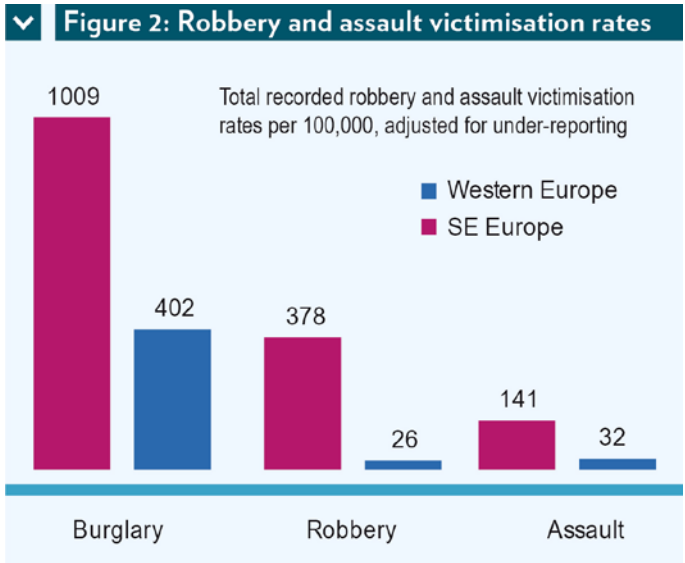
less assault, robbery, rape, burglary, and car theft than West Europe. This fact cannot be easily explained away by under-reporting.” (UNODC 2008, p. 43). So, what then is the crime problem of the Balkans, if it is not conventional crime? The main security challenge for the Balkans remains to be organised crime with its illegal markets and close connections to governments and the criminal justice sector. This is not to say that Western Europe is not challenged by organised crime, however, for the fragile and transitional states of Southeast Europe these challenge is much more than ‘just’ a crime problem—it’s a serious security challenge with much more far reaching consequences.

In addition to this briefly sketched phenomenological dimension of the Balkans criminological *sui generis* standing, there is also a scientific, educational, and institutional dimension to it. Not only is there a lack of national criminological research going on in the region,⁸ but even European criminological research undertakings, especially quantitative surveys, have so far usually covered only some countries of the region (EU member/candidate states—see the EU ICS 2005 study), often creating an ‘empirical black hole’ in the very centre of the Balkans, therefore making a regional Balkan-approach far overdue. Also, criminological education and institutionalization in most of the Balkan countries has to be labelled as ‘developing’ at best.⁹ This finding primarily deals with the lack of interregional criminological research and networks, as well as with the majority of countries, and does by no means imply that there are no countries and criminologists in the Balkans who would be involved in up-to-date and edge breaking research—on the contrary. With a few exceptions, criminology at the higher educa-

tion level is usually positioned at law faculties and closely connected to criminal law departments throughout the Balkans, whereas ‘standalone’ criminological education is a scarce and combine with criminalistics and/or security studies. The situation is even more challenging when it comes to specialised criminological masters and doctoral education, making criminologists in the Balkans a rarity. As a consequence, there are far more research inquiries incoming to the Balkans than can be handled. This is a setting that calls for further mapping of the criminological landscape of the Balkans (currently ongoing) and provides for new research opportunities and collaborations for Western Europe criminology. It calls for a joint scientific, educational and institutional involvement in and with the Balkans—something the ‘Balkan Criminology’ project tries to canalise.

THE BALKAN CRIMINOLOGY RESEARCH FOCUSES

Balkan Criminology, thus, is not concerned with general criminological issues, but focuses on those crime phenomena that are of particular relevance for the region, or that threaten its security and stability. There are three long-term research areas which are the starting point for



- 1 Nikolić-Ristanović used this very accurate phrasing in a similar context, referring to Eastern and Western Europe and the gap in-between the two (Nikolić-Ristanović 2013, p. 2).
- 2 Quite few regional criminological initiatives exist throughout Europe and seem to be highly successful in terms of generating and maintaining mutual benefits for the involved actors. For example: The Scandinavian Research Council for Criminology, The Scientific Society of German, Austrian and Swiss Criminologists resp. “Kriminologische Gesellschaft (KrimG)”, or the Baltic Criminological Seminar/Conference.
- 3 Besides Sundhausen, see also Todorova and Brunnbauer.
- 4 Source of graphic: Corruption Perceptions Index (www.transparency.org/cpi2013) [02.03.2014].
- 5 See for example the ‘grouping’ of Balkan countries in the Failed States Index (www.ffp.statesindex.org), the Corruption Perceptions Index (www.transparency.org/cpi2013), the Human Security Index (www.humansecurityindex.org), or even the World Values Survey (www.worldvaluessurvey.org) [02.03.2014].
- 6 The cited UNODC report, although dating back to 2008, is still the most comprehensive overall analysis of crime in the Balkans.
- 7 Source of data: UNODC, p. 11. For exact definition of states allocated to Western and Southeast European countries see: UNODC.
- 8 This does not mean that criminologists in the Balkans are conducting none or little research—it only states the obvious for the majority of the Balkans when compared to Western European criminology.
- 9 This finding is based on an analysis of country reports prepared by the Balkan Criminology Network partners for its 1st meeting, as well as the presentations and discussions on criminological research and education in the Balkans at the ESC Conference in Budapest.



Balkan focused regional criminological research efforts: that take into account the transnational nature of organized crime and illegal markets. Since conventional and violent crime plays a far less important role in the region than compared to the rest of Europe, it seems justified to look at the region as a whole in search of the causes for such findings. Whether and how this relatively high level of security is reflected in the feelings and perceptions of (in)security and crime in the Balkans is another challenging research question. In addition the region can be explored in terms of new methodological trends in violence research due to the presence of large-scale mass-violence, and the empirical potential this holds for criminological research. A last issue concerning not only the Balkans, but also international criminal justice at a global level deals with international sentencing and sentence enforcement: How should perpetrators of the most heinous crimes be dealt with, what is the purpose of their sentencing, which principles should govern the sentencing, etc.? The research focuses do not attempt to be a comprehensive coverage of all Balkan relevant research areas, but rather a starting point for first concentrated regional research efforts.

■ **Research Focus I—Violence, Organized Crime and Illegal Markets:** Research into violence, especially its causes, has been a traditional subject of criminological attention. Yet, little is actually known on why people inflict harm onto each other. One of the reasons for this lack of knowledge can be found in the mainstream etiological methodological approach used so far in violence research (in depth see v. Trotha 1997; see also Getoš 2012, 24-31; 2011). The Balkans with its large-scale mass-violence could be a fruitful ground to test innovative methodological approaches in researching violence, by implementing the concept of “phenomenologically thick description of violence” (see the work of v. Trotha and Sofsky). The same methodological considerations apply to research into organized crime and illegal markets. The fall of communism in the Balkans, ethnic conflict in former Yugoslavia, the new allocation of state-wealth and its accumulation by the ‘new elite’ usually strongly connected to or part of the criminal underworld, as well as weak states and corrupt justice systems, are just some of the conditions encountered in the region (for a very informative snapshot of this process see Baljak’s documentary). This seems to be fertile ground for organized

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criminal groups to operate in and for illegal markets as well as informal economies to grow. A wide range of various (non)governmental, political, economic, scientific and charitable, local, regional, European and international players are strongly involved in the Balkans, and are committed to bringing security and stability to the region (for in depth analysis see Albrecht & Getoš 2010). One of their main concerns is organized crime and the danger it poses to the fragile state structures.

However, and despite the sheer incomprehensible number of involved players, again we know little about the criminal actors, the phenomenology of the crimes they commit, or the illegal markets they operate (Albrecht & Getoš 2010). Intelligence and security reports from the region frequently downplay the issue, while analyses from outside the region highlight its security impact. Conventional comparative research based on crime rates and quantitative methodologies does not seem to fit organized crime—qualitative research should provide for a clear structural picture of the organized crime scene in the region: What kind of groups can be found (traditional mafia like or professional) and who are the group members, how do they (co)operate on a transnational level (strong alliances with other criminal groups or case-by-case deals), what sort of criminal activities do they engage in and do they specialize in specific illegal markets (trafficking, smuggling, racketeering, prostitution etc.)? These are just few of the research questions regarding violence, organized crime and illegal markets the Balkan Criminology aims to answer.

■ **Research Focus II—Feelings and Perceptions of (In)Security and Crime:** The Balkans seems to be the safest region of Europe. Macedonia for example has a lower murder rate than Portugal or Sweden and Romania turned out to be far safer than Finland or Switzerland (UNODC 2008, 36). Could this relatively high level of safety affect feelings and perceptions of (in)security and crime in the region? Little comparative research has been undertaken in this respect, but the findings available allow for careful conclusions that fear of crime levels are higher in some countries of the region when compared to Central Europe (Getoš & Kury). Similarly to the general lack of comparative criminological research in the Balkans, European and international victimization studies usually do not cover the region (e.g. EU ICS), which makes it difficult to fully understand and interpret fear of crime findings, especially in light of the well-known deficits of official crime statistics and the ‘dark number’ issue. Balkan Criminology therefore strives for including the region in the relevant European and international vic-

timization studies through its Network. A first step in this direction is the successful participation in the International Self-Report Delinquency Study). Although there is no solid scientific evidence that fear of crime or feelings of insecurity related to crime deserve a ‘standalone’ position in the criminological field of research, since these fears and feelings strongly correlate with more general fears and feelings of insecurity unrelated to crime (for more detailed argumentation see Getoš & Giebel 2013; 2012), the findings in this area are still worth exploring. Mainly with regards to the role they might play in the creation and (de)evolution of criminal law. This becomes probably most obvious when looking at ‘dangerous’ offenders and sexual violence. Criminological penal reform analyses should therefore be closely linked to research on feelings and perceptions of (in)security and crime, as well as to victimization surveys and official crime rates, especially since the region is going through broad criminal justice reforms, potentially linked to this feelings and perceptions.

■ **Research Focus III—International Sentencing:** The recent violent history of a large part of the Balkans makes it a good starting point for empirical inquiries into the subject of international sentencing and sentence enforcement. The public reactions in all the affected states and the victim statements after each and every ICTY judgment, especially with regard to the lenient sentences imposed on the ‘worst of the worst’, clearly demonstrate that there exists a lack in purpose and principle of international sentencing. This is also true on the national level, where perpetrators of the most heinous crimes committed during armed conflict are regularly sentenced to far more lenient sentences than ‘ordinary offenders’. The Balkans are not only a region affected by international sentencing, but also actively participates in creating sentencing ranges that are completely disproportionate and inappropriate when it comes to the retributive aspect and the deterring function of sentencing (compare for instance sentencing attitudes of judges (Albrecht & Sieber 2004, p. 68, 76) with sentencing practices (e.g. Documenta)). Whether this lack in purpose and principles of international sentencing reflects on potential future violence and how international sentencing could be improved are primarily criminologically relevant empirical and theoretical research questions that could have a significant impact on the regional sentencing practices, as well as on the normative evolution of international criminal law, and thus on global security itself. Currently scholarly interest as well as scientific research in the area of international sentencing focuses on a rather

narrow normative perspective, while empirical sentencing research is still in its infancy (Ewald 2010, 365). This research focus will provide for an empirically based ‘lessons learned’ regarding the ICTY international sentencing and enforcement practices in all the affected countries of Former Yugoslavia. This ‘Balkans Case Study on international sentencing and sentence enforcement’ should be relevant not only for the Balkans, but also for other current and future post-conflict regions affected by large-scale violence, while simultaneously providing a solid basis for a much broader interdisciplinary scholarly discussion, including not only international sentencing practice, but also its enforcement.

BALKAN CRIMINOLOGY PROJECT: THE INSTITUTIONAL SETTING

The core of ‘Balkan Criminology’ is the Max Planck Partner Group for ‘Balkan Criminology’ (MPPG)¹⁰ that has been jointly established in January 2013 by the Max Planck Institute for Foreign and International Criminal Law and the Zagreb Faculty of Law. The MPPG is a research group based at the Zagreb Faculty of Law. The MPPG members¹¹ cover different subtopics inside the research focuses. Besides conducting criminological research in the region, there is a strong need to connect and interlink all the present research potential—from the Balkans as well as from outside. Numerous activities and projects are being implemented in the region by a vast number of local, national, regional, European, and international players. Yet, all this activism in pursuit of security and stability for the Balkans often unknowingly overlaps and unnecessary duplicates itself.

The ‘Balkan Criminology’ Network should enable a synergy of efforts in the field of criminology and criminal justice, a field that can currently be best described as chaotic, uncoordinated, and overlapping (see Albrecht & Getoš 2010). Therefore it is one of the major goals of the MPPG to create and host a network of experts in the field of criminology and criminal justice focused on the Balkans. The experts from the region (Slovenia, Hungary, Croatia, Bosnia and Herzegovina, Bulgaria, Romania, Serbia, Kosovo, Montenegro, Macedonia, Greece, Albania and Turkey) all agreed upon the need to form a network and to strengthen a Balkan-oriented regional approach in criminological research and education.¹²

To foster research collaborations with criminology in Eastern and Western Europe, the MPPG also participates in trans-European research projects: it has joined the ISRD 3, so the International Self-Reported

Delinquency Study, will, for the first time, will also cover Croatia. Since both Slovenia and Bosnia are also participating, the ISRD 3 data set will provide a unique basis for detailed regional comparative studies. The MPPG is also involved in the TRAFSTAT project (Tools for the Validation and Utilisation of EU Statistics on Human Trafficking) as well as the project “Restorative Justice at Post-Sentencing Level—Supporting and Protecting Victims”. In the long-term perspective, the MPPG also plans to get involved in the major criminological quantitative studies, such as the European Sourcebook of Crime and Criminal Justice Statistics and the International Crime Victims Survey (ICVS).

BALKAN CRIMINOLOGY EVENTS— CONFERENCES & COURSES

The MPPG and its Network regularly organises expert workshops, meetings, and ESC panels. The next such gatherings are scheduled for end-August 2014 (28.–30.08.2014) in Zagreb as an expert conference on ‘Mapping the Criminological Landscape of the Balkans’ and for mid-September 2014 (10.–13.09.2014) at the ESC annual conference as an ESC Working Group and conference panels. Finally, from 01.–05.09.2014 the first Balkan Criminology One-Week Intensive Course will take place in Dubrovnik. It should bring together not only experts and scholars from the Balkans, but also from Western Europe, in the attempt to build up a platform of junior experts and young researchers involved in Balkan Criminology.

10 For details see: www.balkan-criminology.eu [27.02.2014].

11 The MPPG members are either assistants of the MPPG itself (Ms Reana Bezić and Mr Karlo Ressler) fully involved in its research activities or PhD candidates at the Max Planck Institute for Foreign and International Criminal Law (Mr Filip Vojta) or assistants of the Chair for Criminal Law at the Zagreb Faculty of Law (Ms Sunčana Roksandić Vidlička and Mr Aleksandar Maršavelski). Details on the PhD research projects can be found here: www.balkan-criminology.eu/en/group_and_projects [27.02.2014].

12 The 1st Meeting of the Balkan Criminology Network meeting was hosted by the Faculty of Law—University of Zagreb. Participants included: Dr. Michael Kilchling, Prof. Dr. Dr. h.c. mult. Albin Eser, Diana Kovačević Remenarić, Dr. Anna-Maria Getoš, Prof. Dr. Dr. h.c. Hans-Jörg Albrecht, Prof. Dr. Effi Lambropoulou, Dr. Almir Maljević, Sunčana Roksandić Vidlička, Dr. Tuba Topçuoğlu, Prof. Dr. Gordana Bužarovska, Aleksandar Maršavelski, Dr. Ruža Karlović, Astrid Fischer, Filip Vojta, Andra-Roxana Ilie, Dr. Sárk Eszter Katalin, Prof. Dr. Altin Shegani, Lavdim Krasniqi, Reana Bezić, Prof. Dr. Svetla Margaritova-Vuchkova, Katja Wirths, Prof. Dr. John Winterdyke, Dr. Claudia Hillinger, Jan Stijačić, Natalija Lukić and Andreja Gulič.

Anna-Maria Getoš is Assistant Professor at the Faculty of Law—University of Zagreb, Croatia. She is Head of the Max Planck Partner Group for Balkan Criminology.

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FROM THE NEXT ISSUE

> *Miroslav Scheinost on Criminology in the Czech Republic*

> *Klára Kerezsi on Crime and Discrimination of the Roma Minority in Hungary*



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José Luis Díez-Ripollés and José Becerra

NEW ESC WORKING GROUP ON CRIMINAL LAW MAKING POLICY

At its last meeting, the ESC Executive Board accepted a new Working Group whose members met for the first time during the Budapest Conference. This Group aims to build a forum for scientific debate on how criminal legislative decisions are taken and how they could be improved.

The conclusion of the discussion was clear. While European countries face constant legal reforms that deeply affect the legal framework of criminological research, legal reforms, however, are rarely informed by empirical and theoretical results of criminology. It is this concern that forms the basis of our initiative, along with the certainty that a *comparative perspective* will be highly beneficial for this line of research.

We are convinced that higher quality in criminal legislation is a possible and desirable goal, and that the tools needed to achieve this goal should be made available by *experts from social sciences*. Our main interests revolve around three topics:

1. The legislative process: the group's interest embraces a much wider conception of the legislative process than a strictly legal one.

a) It first concerns the sociological process that takes place before legislative decisions are made by political institutions such as government or parliament. In these sociological *pre-legislative stages* social, economic and political interest groups, as well as the media, among others, may play a leading role in the definition of the problem and of the possible alternatives to confront it.

b) The Group is also interested in the central, that is, legislative stage of criminal law-making. It is in this phase where the actual law is born in a multi-stage drafting process within the executive and the legislative.

c) Though it is common to assume that criminal law-making process ends with the enactment of the law, the need for a subsequent third phase of evaluation and impact analysis has become clear in recent times. The *evaluation* of the ability of the legislative act in question to achieve the established goals as well as of its possible collateral effects is crucial in improving criminal law-making. Bearing in mind that legislation is a continuous and

circular process, the collection of new data and information from current experience paves the way for new and better legal reforms in the future.

2. Rational decision law-making: the concept of rationality is particularly suitable for decisional analysis. It is, of course, a complex concept that needs to be made operational. Through the development of a refined concept of rationality, decisions adopted by those engaged in the criminal law-making process may be scrutinized. Rationality as a theoretical and normative model could provide an analytical framework to investigate commonalities and differences in legislative decision-making. So far, legislative rationality has been divided into five levels: ethical, teleological, pragmatic, systematic and linguistic, each of them providing the opportunity for the analysis of relevant issues involved in each of them.

3. Constitutional control of criminal law-making: All our efforts to build a better legislative decision process need an institutional body with the authority to enforce the rules and regulations previously agreed. Legislative bodies must be accountable for their actions, not only politically, but also legally, and Constitutional Courts could play a significant role in endorsing or disapproving criminal legislation from a constitutional perspective. Certainly this constitutional control should never be understood as a substitution for legislator's will, but it could definitely set the standards for criminal legislation.

We have already begun our work on these issues with the intention to share information and materials, as well as to gather and discuss our results in specific panels of the next ESC Conference in Prague.

The proponents would like to thank all participants in the first Group's meeting and welcome anyone else that would like to join us.

For more information about our work plan, list of members, etc. please contact josebecerra@uma.es.

José Luis Díez-Ripollés is Professor of Criminal Law at the University of Malaga

José Becerra is Assistant Professor of Criminal Law and Criminology at the University of Malaga

Sverre Flaatten

A FUTURE DRENCHED WITH HISTORY

EUROPEAN HISTORICAL CRIMINOLOGY (EHC) WORKING GROUP

Since its establishment during the emergence of industrial society in Europe, the discipline of criminology has been aiming to solve immediate issues concerning crime in society. Criminology has from its early beginnings been an intimate part of the establishment of the welfare states and served its need for more knowledge (Garland, 1985, Willrich, 2003). Criminology on the European continent was a part of a milieu in the late 19th century, which criminologist Sir Leon Radzinowicz described as:

"[...] a kind of a comfortable established elitist European club, earnestly engaged in thinking about and probing into the field of criminal justice at a time when Europe was at the height of its prestige and sophistication. And the main road seemed to be leading towards progress (Radzinowicz, 1991:9)."

After the First World War much of that optimism was gone, but not the belief in science. Although criminology as well as society has changed greatly since then, the sense of immediacy has not: most of the research conducted in the field of criminology concerns present day issues.

This does not imply though that there was no historical research on crime and criminal justice both within in criminology and beyond its disciplinary boundaries. Numerous works have been written on the history of crime, prison, social work, police, criminal law, the criminal justice system, the discipline of criminology, institutional history, comparative historical research, legal history, genocide, war crimes and so on.

The need for historical knowledge is obvious in studies focusing on the present. Society is not the sole product of day-to-day interactions of individuals alone. Society's mores, institutions and values are always already there, and if we want to understand present-day situations, we need to understand established structures. All social institutions are the products of history faultily adjusted to current state of affairs. Thus, to understand the established institutions concerned with crime and crime control one need to understand their history.

It is for instance questionable whether it is possible

to understand the changes in crime and crime control after the end of the post war era if one does not have an in-depth understanding of Europe and the punishment and welfare complex that preceded what is now often coined the late modernity.

But not only institutions, but also people's actions need to be understood in light of history (see also Laub & Sampson, 2003:33). As eloquently put by the historian Reinhart Koselleck (2004), all our categories are historical. Our economic, political or social concepts come from a lived world; they are drenched with reality (ibid). Koselleck argued that experience is an anthropological condition which is neither possible nor conceivable without history. In exploring this anthropological condition, Koselleck uses the metaphor "horizon of expectation", which he contrasts with experience. Koselleck defines this as:

"The horizon is that line behind which a new space of experience will be open, but which cannot yet be seen. The legibility of the future, despite possible prognoses confronts an absolute limit, for it cannot be experienced (Ibid: 260-261)."

Experience, on the other hand, is defined by the fact that it processes past occurrences. It is drenched with reality that it can make present, which binds together fulfilled or missed possibilities within one's own behavior (ibid: 261). Koselleck's concept shows that experience and expectations are linked without ever being determined by each other. Our lives are not only shaped by history, history too informs our hopes for the future. "Deviance", "crime" and "social control" tell stories of the past, a past which has eyes fixed on the horizon. In order to understand our expectations for the future today one needs to understand history.

The same applies to criminological concepts. These are not solely formed by empirical inquiries or by our theoretical orientation. Scientific concepts are also drenched in history, but they also carry expectational horizons within them.

This has become highly visible in the debates on globalized society and its effects on crime and crime con-



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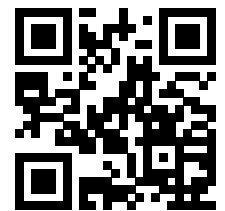
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- A long and distinguished history of university education since 1849.
- A member of the Russell Group of leading UK research universities.
- A recent £200 million investment in state of the art library facilities, the Elms student village, and a dedicated International & Postgraduate Student Centre.

Research Performance

The Institute of Criminology and Criminal Justice is located in the School of Law. The School of Law received an impressive top-ten ranking in the 2008 Research Assessment Exercise, finishing 7th in the UK. 95% of research in School of Law is rated as international in quality, and 60% rated as world leading.

ICCJ Staff Research Interests

- Clare Dwyer** – Penal policy; prisoners; transitional justice
- Graham Ellison** – Police reform; community safety; security governance
- Ruth Jamieson** – War and crime; gender and armed conflict; effects of imprisonment
- Shadd Maruna** – Desistance; psychosocial criminology; prisoner reintegration
- Anne-Marie McAlinden** – Child sexual abuse; sex offenders; restorative justice

Kieran McEvoy – Restorative justice; truth recovery; transitional justice

Marny Requa – Truth recovery; human rights; transitional justice

Phil Scraton – Deaths in controversial circumstances; criminological theory; prisons

Pete Shirlow – Segregation and violence; ethno-sectarianism; political violence

Hakeem Yusuf – Transitional justice; legal & political theory; comparative criminal justice

Criminology and Criminal Justice Programmes in the School of Law

- MSc Criminology
- MSc Criminal Justice
- LLM in Human Rights & Criminal Justice

The School of Law also has a vibrant PhD research programme. Staff welcome prospective PhD applications in their area of research.

Further Information

Further details about Criminology & Criminal Justice programmes at Queen's and the application process are available online at the School of Law's website:

www.law.qub.ac.uk

Alternatively contact the School's Postgraduate Office at:

pglawenquiries@qub.ac.uk



trol. As shown by professor Katja Franko Aas (Aas, 2013), concepts used in criminology have had a tendency to be grounded in methodological nationalism. Criminological research questions have been informed by taken-for-granted nationally inclined worldviews. Today, in a period often fashioned as the age of globalization, this methodology no longer seems adequate. But to understand why this came this way, one needs to understand past experiences and the hopes for futures imbedded therein. This goes for “nationalism”, but also its counter-concept “globalization”.

The interconnection between society and history is visible in leading social theoretical debates in criminology today. With the end of the punishment and welfare complex, criminology appears to have lost some of its flair of authority. The crumbling of the Post-War political consensus, which bequeathed criminology a natural part in the formation of the welfare state, threw the science into a state of vertigo where old authorities on crime and deviance were put on trial. Scholars today are up to face this challenge and debating the precise nature of the legacy of the Post-War era. These debates are not solely debates on our recent history; they are about our future (Flaatten & Ystehede, 2014). This drive to understand history is apparent in many works David Garland, Loic Waquants *Punishing the poor* (2009), or Vanessa Barkers (2009) highly acclaimed *The politics of imprisonment: How the democratic Process Shaped the way America punishes Offenders*.

A characteristic trait of these discussions, however—as enlightening as they are—is their Anglo-Saxon orientation, whereas a more distinct European vision seems lagging somewhat behind.

For these reasons, Paul Knepper, Per Jørgen Ystehede and myself took the initiative to propose to the Executive Board of the European Society of Criminology the establishment a European Historical Criminology (EHC) Working Group. The Executive Board graciously granted this request.

The EHC wants to invite all ESC members interested in historical perspectives on crime and crime control to participate in its activities by joining the working group.

The aim of the working group is to establish a cross-national research network, and promote international collaboration on topics of historical criminology. The working group aims to function as a community for researchers interested in crime and crime control in historical perspective, and as an information base for ongoing historical studies and projects. We also want to promote

the importance of historical research in criminology in Europe.

The overall objective is to develop and strengthen comparative historical research on crime, criminal justice and criminology within Europe. The working group will contribute to the development of interdisciplinary, comparative methods of historical studies of crime, criminal justice and criminology.

The constitution of the working group aims to be relatively informal. Participation in its activities is open to all members of the ESC who share a research interest in its aim and objectives. We particularly invite suggestions for themed panels as well as individual papers, so that the Working Group can hold designated thematical panels at the Annual Meetings (please contact Sverre Flaatten, at sverre.flatten@jus.uio.no).

It is our hope the European Historical Criminology (EHC) working group will not only serve as a manifestation of a future drenched with history, but also inspire and create new expectational horizons.

Sverre Flaatten is a PhD Fellow at the Faculty of Law, Department of Criminology and Sociology of Law, University of Oslo

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