

Newsletter of the *European Society of Criminology*

CRIMINOLOGY IN EUROPE



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CRIMINOLOGY, CRIMES OF THE POWERFUL, AND VICTIMS

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This year criminology was celebrated at three large conferences held in Europe: the World Society of Victimology Symposium in The Hague, the Stockholm Criminology Conference, and the 12th Annual Conference of the European Society of Criminology in Bilbao. All three of these events dealt with crime, suffering, and criminal and social policy issues in contemporary societies, but they went beyond conventional crime by including topics such as gross human rights violations, war crimes, terrorism,

transitional justice, corporate crime, and the London riots. The European Journal of Criminology has also devoted a special issue to atrocity crimes and transitional justice. It seems that there is an increased interest within criminology in large scale crimes such as crimes against humanity, war crimes, state crime, and political violence, as well as policies aimed to prevent such crimes from happening again.

These new trends in European criminology seem to be in line with the suggestion of Miklós Lévy, the Past-President of the Society, who, in one of his presidential messages last year¹, called upon the ESC to give more attention to the issues mentioned above and to expand the scope of European criminological research by launching more transnational and comparative projects, and also work to better understand the interconnectedness of political systems and criminal policy.

Victimology and victim-related topics also featured prominently in all three conferences in 2012. In fact, this year the Stockholm prize was awarded to a victimology scholar, Professor Jan van Dijk, who is of Europe's leading victimologist and criminologist (and long-time ESC member). The ESC Newsletter also devoted a complete issue to current problems of victimology and victim support in Eastern Europe, and a new ESC working group on victimology was established this year. I am confident that these promising developments will not only mean increased visibility of victim-related issues at our conferences, but will also contribute to sophisticated analyses of the victim/offender division and to more research on the connection between victimization and criminalization.

Both developments seem to be in accordance with the conclusion of Henrik Tham's Presidential Address at the Bilbao Conference, calling for an increased engagement of criminologists in the public debate on crime and punishment. Tham said: "When we look back at this period in years to come, let us then be able to say that we contributed, that we asked the historically important questions, and that we tried to answer them to the best of our abil-

ity with the tools of criminology ... Criminologists tried to contribute to reducing the level of suffering in society.”

We still lack critical global analyses of oppressive social structures and policies, authoritarian political regimes, and connections between so called humanitarian interventions, terrorist attacks, and politically motivated crime in Europe. However, these analyses could bring better understanding of the factors that create conditions for large-scale crimes and mass victimization, such as gross human rights violations (e.g. in South Africa), war crimes (e.g. Balkans), terrorist attacks (e.g. New York, London, Madrid etc.), and massacres (e.g. Norway). We also lack causal analyses of the immense suffering of people worldwide as a consequence of forced and illegal labor, various forms of illegal trafficking, including trafficking in people, modern slavery, and corporate crimes—the forms of crime that may continue to increase even more under the influence of financial crises, and thus require more complex crime policies on both the local and global level.

But before analysing the causes, we need to know how widespread these crimes are, since we can still only guess about their scope. Thus we should be cautious when drawing conclusions related to crime drop, and in particular, we need to expand our analyses of crime trends beyond Western Europe, beyond conventional crime, and beyond the nation state². We are still in need of methodology to discover and measure a considerable part of hidden (and most harmful) crimes for which the most powerful are responsible (e.g. ecological and financial crime, and state sponsored violence).

Although crimes of the powerful cause the biggest social harm, they are very skillful in shifting public attention to less serious crimes, accomplished by employing (conventional) crime, its victims, and the fear of crime in general as political tools³. Thus, in spite of an increased interest in victims and increased EU lawmaking activity in strengthening victim rights, we witness new forms of politicization and victim abuse for the sake of crime control (named using war rhetoric, e.g. war on crime, war on terrorism, war on war etc.). The problem is that neither victim support nor fighting crime is efficient this way, and the rights of both victims and offenders are jeopardized.

We should consider challenging our traditional views of contemporary criminal and victim support policies, especially in light of crimes committed by those more powerful (including those with illegal power and resources) both nationally and internationally. As we know, in our globalised world, crime committed in one part of the world can have an impact on places far away.

Thus, approaching crime more globally, trying to map and address the interconnectedness of crime problems across countries and continents, might be more helpful in closing existing, or at least in not generating new violence and crime cycles. One of striking examples of this kind is trafficking in people, where the policies in sending and receiving countries are rarely coordinated, and the pressure to increase repression largely rests with the poor and underdeveloped countries. All that without efforts to address crime problems in all their social and global complexity, while victims are being instrumentalised for the sake of crime control.

So far crime control of cross-border crimes mostly reproduces the existing power structures both within developing countries and globally. The largest portion of those convicted for human trafficking and other forms of illegal markets are those working at the lowest level of the overall operation and coming from the same social milieu as their victims. Corruption, weak institutions, and the absence of the rule of law seem to be the most important barriers to measures against crime being implemented more efficiently. Thus, it is obvious that we need to look for a more effective form of crime control which goes beyond the repressive measures that affect mostly those from social margins, bearing in mind the different groups of offenders involved in transnational organised crime and the way they mirror existing social structures.⁴

For changes to happen we need to strengthen the cooperation of criminologists worldwide, embracing theoretical viewpoints and methodologies from many disciplines. And it is not only conventional academic exchange—like common research projects—that we need, we have to share our experiences about how to make the voice of criminologists heard, in both professional discourses on policy and public discourses on crime.

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1 M. Levey. 2011. “After Liege and Kobe before Vilnius.” *Criminology in Europe* 3:3.

2 J. Shapland, quoted in M. Levey. 2011. “After Liege and Kobe before Vilnius.” *Criminology in Europe* 3:2.

3 See S. Xenakis and L. Cheliotis (2012) “The politics of crime and the financial crisis In Greece” *Criminology in Europe*, 2, p.9

4 See more detailed analyses in Nikolic-Ristanovic, V. 2012. “Human Trafficking between Profit and Survival”. In *Crime and Transition in Central and Eastern Europe*, edited by A. Šelih and A. Završnik. New York: Springer, p. 205-227

Helgi Gunnlaugsson

ECONOMIC CRISIS, EXPLANATIONS, AND IMPACT ON CRIME

THE CASE OF ICELAND

INTRODUCTION

All three of Iceland's major banks collapsed within a couple of days in October of 2008, and were subsequently taken into public ownership. On October 9th, when the largest and last bank went down, I happened to be in the company of an university professor of criminology from Denmark, who was scheduled to give a lecture at the University of Iceland in Reykjavik. She told me how wonderful this opportunity was for the local social science community, as it was now in the unique position to experience first-hand a society in meltdown. Being in shock like everyone else, I was really not in the mood to accept this view at the time, but somewhere deep down I knew she was right. The financial meltdown could easily become a gold mine for us in years to come. How will the public react? What impact will the 2008 collapse of the financial system have on the life and well-being of Icelandic citizens in the future?

The turmoil in early October 2008 came as a surprise to the public because the banks were thought to be well financed and generating high returns even in the summer prior to their downfall. They had risen from small local savings banks in the late 1990s to join the ranks of the world's top 300 banks a decade later. They now joined a less glorious league. In fact, Iceland's crisis has been called the "greatest financial crisis ever" (Krugman 2010).

In this article I would like to give you an insight into the national mood in Iceland in the first few months after the collapse in 2008, followed by a critical analysis of the causes of the crash. Was the crisis the result of individual faults, mistakes, or negligence? Or do the causes lie much deeper in the social and economic system? Finally, the question of crime will be addressed. Have any of the bankers or public officials been convicted for criminal wrongdoings for the system collapse? Has the crisis had any impact on the local crime rate? What do police records tell us about recent crime developments in Iceland?

CRISIS AND SOCIAL SOLIDARITY

It can be argued, contrary to what might be expected, that Icelanders experienced increased social solidarity immediately following the bank meltdown in the fall of

2008. Most citizens felt the crisis on their own skin in one way or another. A mutual link was struck, strengthening our conscience collective or, as Durkheim (1893/1964) might have phrased it, "enhancing social cohesion, even helping maintaining social order at a time of stark uncertainty". In the public outcry that followed, it became evident that the cause of the crisis could be traced to relatively few individuals: local bankers, the government, and supervisory agencies, who were all blamed for the fate of our small nation. (This sentiment was clearly demonstrated in the so called "kitchen revolution"¹). These actors were instantly accused of being responsible for the the fate of our economy, a clear-cut case of us against them. Certainly the public was not to be blamed for the collapse. Great expectations of prosperity and stability were shattered in the matter of a few days. The future suddenly looked grim and perceptions of future financial difficulties dominated the national psyche.

The grass-roots social movements that formed in the cold and dreadful days of late autumn 2008 and early 2009 were a new phenomenon in Iceland. Thousands of citizens gathered in front of the House of Parliament in downtown Reykjavik each Saturday afternoon in the fall, and each day in the last week of January. It was a noisy "pots and pan revolution", yet peaceful for the most part, and ultimately proved that the public can have an impact on the political system—not only in general elections. Under the growing pressure of popular protest, in late January 2009, the government finally decided to step down and call an early election. A new interim government, a coalition of the Social Democrats and the Left Green Party, was formed in February. The parliamentary elections held in April 2009 gave this coalition a formal mandate. This government is still in power and will face new elections in April 2013.

It has to be emphasized that trust in political institutions, such as the parliament has been at a historical low

1 During the continuing demonstrations against the political elite handling the crisis, pots and pans were used to make noise—These kitchen utensils became the trademark for the social protest, hence the expression "kitchen revolution".

since the collapse (Þjóðarpúlsinn 2012). The gap between the public and the government has probably never been as wide as in recent years since the downfall of the banks. This public distrust towards the political system became manifest in the 2010 municipal elections in Reykjavík, when a popular comedian, running on the ticket of the “Best Party”, became the mayor of the city—outwinning all of the traditional political parties.

WHAT WENT WRONG IN ICELAND IN 2008?

After the downfall of the banks, Icelanders passionately debated the cause of the collapse, whether and how Icelandic officials and the business community failed, and how much impact outside factors played in the crisis. In December of 2008 the Icelandic parliament set up a so called Truth Commission, charged with investigating the causes of the banking collapse and identifying those individuals responsible, either for pursuing financial wrongdoing, or allowing it to happen under their supervision.

Finally in April of 2010, the report came out. This was a 2,300 page report in nine volumes, based on interviews with almost 150 key actors, and a thorough review of documents from the financial system, to which the commission had been granted full access. If anyone ever thought the report would be a government cover-up, it definitely did not turn out that way. The report is wide-ranging, detailed, and has been described by a local news analyst as probably the most important document in the history of Iceland.

The content of the report included damning revelations exposing fundamental problems in the financial system, and the failings of senior politicians, regulators, and bankers. The strongest criticisms were reserved for the three largest banks. These institutions, after many decades as small local banks, expanded rapidly following the deregulation of banking in Iceland in the late 90s (the expansion was mostly financed by interbank loans from abroad, as well as deposits from their newly opened branches in European countries). At the time the crisis began their foreign debt was 10 times the Icelandic GDP. The report concluded that these banks were effectively captured by some of their majority shareholders, and their financial vulnerability was deliberately masked. All of them were involved in a web of cross-holdings of the owners and linked parties, and these were, in turn, favorably treated by the banks—and given gigantic loans in utter disregard of prudential rules. By early 2008, the nominal value of these risky loans had reached one-third of the equity of the banks. Thus, rules about large risk exposures were not followed and it is difficult to see how

the interests of the banks were being protected (*Guardian* 2010).

Not only were the owners and the CEO's of the banks exposed and heavily criticized in the report, but also Iceland's most senior politicians and civil servants who presided over an out-of-control banking system without much interference. The report accused senior policy-makers and regulatory authorities of “mistakes or negligence” in conducting their official duties in protecting the integrity of the financial system and the interests of the public. In September 2010, the parliament decided to prosecute the then reigning Prime Minister of Iceland, Mr. Geir Haarde, for negligence in conducting government business up to the time of the collapse in 2008. The accusation formed a basis for Iceland's parliament to convene the Landsdómur, a special court responsible for handling criminal prosecutions of government ministers. In June 2012 the Landsdómur found Haarde guilty on one count for negligence, without meting out any a punishment. Understandably the trial was very controversial in both parliament and society.

As for the owners of the banks and their CEO's, a number of cases have been under criminal investigation. A few have already been sentenced to prison and a great number face criminal indictments. How many is difficult to say at this moment, but a few dozens is quite possible. To this purpose the Icelandic parliament had, in early 2009, set up a special prosecutor tasked with the investigation of criminal wrongdoings at the banks leading up to the crisis. In 2012 the prosecutor had a staff of about 80 employees and a case load of close to 200 cases. To put this figure into perspective, had the US government set up a special prosecutor's office investigating Wall Street criminal wrongdoings, these number would be equivalent to the American prosecutor having a staff of nearly 80,000 employees and a case load of around 200,000² cases! This is a clear sign that local authorities have taken their role very seriously in unravelling possible criminal offenses leading to the crisis and that the Special Prosecutor has approached his task very aggressively.

HAVE THE GUILTY ONES BEEN FOUND?

Was the financial downfall in Iceland really caused by a few bankers who went berserk in their greed, or by public servants, who simply did not perform their duties as regulators? Are things as simple as that? Surely not. We need to dig much deeper into the social and economic environment, both in Iceland and the Western world for

2 Based on per capita population estimates.

more meaningful answers to this question. An underlying factor behind both the economic boom and its subsequent collapse was in large part the uncritical faith in the virtues of the free market, an idea that had captured the political and economic system. In the small economy of Iceland this has taken on a grotesque dimension with massive adoption of neo-liberal ideas by the ruling elites, increased marketization, privatization of public assets (including the banks), changing taxation policies favoring big businesses and the rich, growing materialism, and a reckless entrepreneurial spirit; all of these gained a pervasive foothold in Iceland in the years preceding the crisis.

Yet increased market freedom did not only come from within. Iceland had slowly integrated into the global market following World War II, with the local economy really opening up in the 1990s. Furthermore, Iceland's single most significant step towards global market integration, aside from embracing neo-liberalism, came when it joined the European Economic Area (EEA) in 1994. Access to low interest loans became much easier for Iceland in the international financial markets, opening up routes for the notorious "viking business raids", in Scandinavia and the UK in particular, where Icelandic entrepreneurs made huge investments.

At the same time, and closely associated with the free market rhetoric, Iceland embarked on a *laissez-faire* economic policy, based on the premise that an unrestrained market is best for all, and on the naive belief in the self-regulatory potential of market forces. All of this turned out to be false, and ended up wrecking the Icelandic financial system.

Thus, we are not talking about 20–30 individuals who apparently bankrupted Iceland as some local observers wanted us to believe (Iceland Review 2008), and the Truth Commission Report largely appears to support. We are witnessing the bankruptcy of a social and economic policy, favored by a great many, not only in Iceland, but widely in the Western world.

As for Iceland, the financial system is not yet fully functional; currency restrictions are still in effect and some financial obligations, such as the Icesave dispute, are still unsettled. Icesave was a sister company to one of the failed Icelandic banks in the UK and Holland. It offered online savings accounts in these two countries prior to the crisis, with higher returns on deposits than its local competitors. These deposits were used to finance the expansion of Icelandic banks, and with the collapse of the Icelandic financial system, they were lost. The UK and the Netherlands repaid the depositors in accordance with their own depository insurance schemes, but expect the amount paid out to be

covered by Icelandic assets. Assets of the failed Icelandic bank have since proved sufficient so that depositors' claims will eventually be covered in full, not only up to the minimum stipulated by EU directives.

IMPACT OF CRISIS ON LOCAL CRIME

Not surprisingly, the question of crime has been prominent in public discourse. It is interesting to note that whenever an atypical crime happens in Iceland, or even a typical one, we always seem to get the same question from the media: Is this incident, or reported increase seen for different crime types, a result of the crisis? A violent incident downtown, domestic outbursts, series of burglaries and thefts, and drug crimes like home grown marijuana. Are all of these an offspring of the crisis? As if these incidents had never happened before. The crisis somehow seems to give a deeper meaning to these social phenomena and to crime in general, making them somehow more understandable to the public. At the same time, the crisis can turn into a convenient scapegoat—blaming everything on the crisis and making us neglect other plausible explanations.

The Scandinavian Research Council for Criminology recently published a report in which Nordic scholars addressed the question of what impact social and economic crises have on society, and on crime in particular (Johansen and Gunnlaugsson 2012). In the report, which was triggered by the Icelandic crisis, Iceland understandably had a prominent place, including articles on crime trends before and after the collapse, local crime control developments, and political corruption. What do police records of crime show us about recent crime developments in Iceland? In short, police records indicate that the economic crisis has had very limited impact on long term crime trends in Iceland (Þórisdóttir and Árnason 2012). The total number of crimes known to the police increased somewhat during the year of collapse (2008), with burglaries and thefts in particular showing a notable increase. Yet after 2008, the overall number of crimes decreased again, with some crime types going down even more than the previous increase suggested. The only exception to this trend is local production of drugs. Since the crisis, cases of home grown marijuana have tripled, probably the result of foreign currency restrictions which make smuggling drugs into Iceland more difficult. The number of economic crimes also differ from these overall crime trends. The Special Prosecutor's Office, established in early 2009 solely to investigate crimes related to the banking collapse, has been very active. Most of the cases have involved mandate fraud, mar-

ket manipulation, insider trading, and fraudulent loans. Therefore, economic crimes appear to have soared in numbers following the crisis.

Yet, statistical fluctuations in crime data, just as with other social data, are common—unpleasant things do happen, crisis or no crisis. Therefore, it is in many ways premature to draw firm conclusions about the impact of the crisis in Iceland on crime—or on other aspects of social life in Iceland—only 4 years after the collapse. We can point to signs of change and new trends for certain crime types, but it is too early to state with certainty that this is the result of the crisis or if these changes are merely statistical coincidences. We always have statistical fluctuations, especially in a small country like Iceland, where only a minor change in number can reflect a major percentage change over time. For example, if an extra homicide case brings the total number of homicides to two in a particular year, it is already a 100 percent increase in homicide for Iceland! (Speaking of homicide, the rate is comparatively low in Iceland, with a homicide rate around 0.7 per year since 2001). Iceland is ranked among the countries with the lowest homicide rates in the Western world.

In order to detect fundamental social changes, due to an economic boom or crisis, we need to take into account a broader time-frame than only a year or two—a decade seems more appropriate. Yet, it is safe to argue that Iceland has not experienced an explosion in crimes known to the police, or in other deviant social behaviour, since the crash.

CONCLUDING REMARKS

Given the grim outlook Iceland faced in the wake of the banking collapse back in October 2008, Iceland appears to be bouncing back remarkably well (*Financial Times* 2012). Iceland experienced an economic growth of 3.1 percent in 2011 and the outlook for 2012 is similarly positive. Unemployment is still high for Iceland, at around 5 percent, but nowhere close to the figures we see in many European countries. The recovery has been driven by exports, tourism, low carbon energy, and increasingly by new investments.

More specifically, measures taken in 2009 to reduce government spending and to increase revenues resulted in a much lower fiscal deficit in 2012. Those with higher incomes have been taxed more while those on lower incomes have been protected, possibly helping to keep the crime rate down. At the same time dozens of local businessmen face prison sentences for crimes committed in large part to save doomed financial institutions and their personal assets in the months prior to the crash.

Again we face the dilemma of structural constraints and individual accountability.

Social and economic systems typically provide the framework for individual social action which might be weakened in a highly unstable economic environment such as the one that existed in Iceland prior to the collapse. Tension is bound to build between pressing structural constraints and individual criminal responsibility when one is, for example, trying to save his own company or personal assets and in the process commits a crime. Yet such behaviour can hardly justify unethical or illegal deeds which cause major loss to others. Even the extreme case of Iceland's economic meltdown in 2008, with its uncritical faith in neo-liberalism and *laissez-faire* government policies, teaches us this valuable lesson.

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Wim Huisman

WHITE-COLLAR CRIME AND THE ECONOMIC CRISIS

A contribution about white-collar crime should not be missing in this series on 'Crisis, crime, crime control and criminology'. Misconduct in the financial industry is widely seen as having triggered the credit crunch that has pushed the world (or at least the Western world) into an economic crisis. Yet, as Györy states in his introduction to this series, one field where a relative lack of attention to the crisis is clearly visible is white-collar crime. Is this really so? For sure, criminologists have not been at the forefront of the public debate on the causes and consequences of the crisis, like economists did. In the US-equivalent of this Newsletter, Shichor, Pontell and Geis conclude that "the absence of any reference to white-collar and corporate crime at a time when the United States is deeply involved in the worst economic meltdown since the Great Depression, borders on the unbelievable¹." So far, two American criminology journals have devoted special issues to the economic crisis: *Criminology & Public Policy*,² and *Sociology of Crime, Law and Deviance*,³ besides an unknown number of journals in other (European?) countries (such as the Dutch *Justitiële Verkenningen*).⁴

But criminologists, unlike economists, have not been blamed for failing to see the crisis coming and for failing to warn about it. As a matter of fact, some criminologists did warn politicians and regulators that not learning from the Saving & Loans debacle in the nineteen-nineties could lead to new crisis. According to them, the subprime mortgage market in the US in the first decennium provided the same deregulated and criminogenic environment in which brokers could maximize their income through volume thereby securing loans to the nonprime lenders regardless of loan quality and by providing false loan applications. "Accounting control fraud epidemics can cause bubbles to hyperinflate—producing crises" (Black, 2010, p. 613).

And indeed, the economic crisis is very relevant for the study of white-collar crime. First of all, it was white-collar crime that has triggered the crisis. Many criminologists making this point, refer to a BasePoint Analytics analysis (2007) which showed that out of 3 million loans, 70% of early payment defaults contained fraudulent misrepresentation on their original loan applications. At first hand, it seems that the borrowers were victimizing lenders by providing false information on their income

and assets in order to obtain the loan. However, as the studies by Nguyen and Pontell (2010) and Barnett (2011) show, these subprime lenders accepted and even stimulated and facilitated these practices in order to increase sales and reach their targets. Often, desperate borrowers saw no alternative than providing false information in order to obtain yet another unaffordable subprime loan, to prevent foreclosure. According to Nguyen and Pontell, the lead in mortgage fraud tends to be taken by those working for the mortgage originator, rather than by borrowers.

Thus a more thorough look at the details of such fraud cases reveal that in most of them, the borrowers were victimized by the predatory lending practices of the mortgage origination companies. An important factor contributing to these subprime mortgage frauds was the separation of mortgage origination and underwriting. Most subprime lenders, pursued an "originate to distribute to securitizers" business model (Barnett, 2011). The subprime loans, bought and packaged into complex securities such as collateral debt obligations (CDOs) by securitizers provided the "toxic assets" that poisoned the international banking system. These CDOs were the used to create further financial instruments such as credit default swaps (CDS), another form of derivative that helped to bring down the financial giant AIG. Lack of legally obligated due diligence enabled all actors to earn billions of dollars in fees in this process, while those left holding the worthless loans suffered substantial losses.

A second criminological issue is whether the crisis will lead to higher levels of white-collar crime. According to Merton's strain theory one would expect that. Temptations for potential white-collar offenders are greater because of the desire not to lose lifestyle and social status. However, according to Levi (2011) the crisis brings both extra and reduced risks of motivation, opportunity, and capable guardianship. For instance, Transparency International Netherlands attributed higher levels of bribery to the economic crisis. However, according to Transparency International Greece, the financial crisis seems to

1 *The Criminologist*, 2010, 35(2), p. 24

2 Issue 2010, 9(3)

3 Issue 2010, (16)

4 Issue 2009, (6)

affect “fakelaki” (little bribery envelopes) as well, given the fact that a 2011 Survey records a reduction of the bribe amounts—requested and paid—, which shrinks the overall estimated cost of petty-corruption for the year 2011. Also, when white-collar workers lose their jobs—as it happened in great numbers after the crisis—they no longer have the opportunity to commit the offences that are connected to these jobs. Though motivation to offend may rise during economic crises, opportunities to defraud may fall. The net effect of these changes is difficult to determine, and most official statistics on economic crime do not show a clear rise in offending (Levi, 2011).

Just as relevant for criminological study are the public, political and regulatory responses to the crisis. According to the National Public Survey on White-Collar Crime, 70% of the American public believes that white-collar crime has contributed to the economic crisis. The crisis certainly raised the public interest for misconduct in the financial sector. It won't be surprising for criminologists studying cycles of amplification, that since the credit crunch more crimes and other misconducts in the financial industry have been uncovered.

Only last year, many scandals of corporate lawbreaking by the world's leading banks reached the front pages. In a civil fraud law suit about misleading investors concerning the mortgage packages underlying the CDOs it was selling, Goldman Sachs agreed to pay \$550 million in a settlement with the US Securities and Exchange Commission (SEC). The State Attorney General of New York filed a civil law suit against JPMorgan Chase over allegations that a subsidiary perpetrated massive fraud in deals involving mortgage-backed securities, the first lawsuit by the working group created by President Obama to investigate misconduct contributing to the financial crisis. An US Senate committee revealed that HSBC, Europe's largest bank, ignored warning signs that its global operations were being used for money laundering by Mexican drug cartels, al-Qaeda and rogue states. HSBC's head of compliance David Bagley felt compelled to resign in front of the committee. HSBC announced to set aside \$700 million to cover the expected regulatory fines. Another big British bank, Standard Chartered, agreed to pay \$340 million after the SEC investigated the banks transactions with Iran. The US Treasury Department has reached a \$619 million settlement with the Dutch ING Bank for similar violations. This is the largest fine a bank has ever paid to settle accusations of sanctions violations. Credit Suisse, Lloyds and Barclays have also recently paid fines in the hundreds of millions of dollars to settle United States accusations that they facilitated prohibited

financial transactions. Although technically these cases constitute violations of US sanctions regulations against countries suspected of financing terrorist groups, these cases were framed as ‘money laundering’ in the media.

In the meantime, several of the world's major banks were found colluding to manipulate the Libor and Euribor benchmark interest rates. Among these are Barclays, Royal Bank of Scotland, UBS, Citigroup, Credit Agricôle, HSBC, and Deutsche Bank. These banks all have received subpoena's from the New York State Attorney General. Barclays already agreed to pay £290 million in fines and penalties to settle allegations with regulators and prosecutors that some of its employees tried to manipulate key interest rates from 2005 through 2009. At least ten financial regulators on three continents are investigating at least twenty banks for their role in the fixing of interest rates.

These examples show that some of the disputed conduct by banks is formally criminalized in criminal investigations while others are sanctioned in civil law suits whilst being labeled as ‘fraud’. In the spiral of amplification, also other types of conduct are being labeled as unethical and having contributed to the crisis, although technically they might not be illegal. These are the predatory lending practices mentioned above, the blurring of risks by trading complex derivatives such as the CDOs and the outrageous bonuses bankers award each other, even after bailouts with taxpayer money.

In this spectrum from criminal offences to civil violations and unethical conduct it is difficult to draw the fine line between legal and illegal and criminal and non-criminal behavior on the capital markets. Even more, the localization of this line is a matter of fierce debate between politicians, regulators, banks, the Occupy Wall Street movement and other stakeholders. While legal and moral ambiguities have always been characteristic of white-collar crime, this debate is especially interesting because it offers criminologists the chance to witness processes of criminalization as they are taking place. Furthermore, the debate on the qualification of conduct in the financial industry is at the center of criminological debates on the definition of white-collar crime and its defining criterion: breach of law (whether being criminal or civil) or social harm? As these are not entirely overlapping concepts, especially not in the case of white-collar crime: often, administrative offences are not seen as harmful while much harmful business conduct is not criminalized (Nelken, 1994).

Yet another research question is whether the public and political outrage about the conduct that caused



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the crisis will prevail in branding corporate misconduct criminal. For sure, the public moral indignation about the outsized risks and the similarly outsized bonuses that had become normal within the financial industry is a very clear reaction to the financial crisis. But blaming the banks as institutions for the crisis is still different from holding individual bankers responsible. According to Levi (2011), the absence of identifiable perpetrators in the anonymity of the large bureaucratic financial institutions inhibits criminalization of financial misconduct. For “moral panics” to lead to criminalization, “folk devils” are required—as targets for anger and outrage.

It is a question asked repeatedly across America: why, in the aftermath of a financial mess that generated hundreds of billions in losses, have no high-profile participants of the disaster been prosecuted?⁵ This stands in stark contrast to the Savings & Loans debacle, after which more than 800 bank officials did go to jail. The situation in Europe is about the same, although the former executives of the three Icelandic banks, whose conduct allegedly caused the financial crisis that country, are currently awaiting prosecution.

Calls for criminal prosecution by politicians and the public might not be very surprising. However, similar pleas by criminologists reveal an interesting discrepancy. On the one hand, empirical research shows that deterrence is not an effective way to fight and prevent white-collar crime. In general, criminologists have always been critical about the application of criminal justice to fight crime. On the other hand, (some) criminologists are outraged over the lack of criminal prosecution of the main perpetrators of the crimes that caused the economic crisis. For instance, in the 2012 January issue of *The Criminologist* Pontell and Black call for tougher penalties for the “financial thugs” that have caused the crisis. Braithwaite (2009, p. 439) critically notes: “Yet, when it comes to a financial crisis, criminologists join the assumption that strengthening regulation, conceived in the expanded-criminal-law-powers paradigm, is the priority.” Is this about deterrence, or about retribution?

Notwithstanding the absence of criminal prosecution, shaming processes are clearly at work when, for example, bankers have to appear before parliamentary and congressional committees, as has happened both in the US and in Europe. Although not as strong as the ‘perp walk’ (in which handcuffed corporate officials are led by police officers into the courthouse, surrounded by camera’s and media reporters), these public hearings serve as status degradation ceremonies for corporate executives: on

behalf of the people, parliamentarians express denunciation and corporate executives are pressed to make humble apologies. The collapse of Enron and revelations about the widespread financial wrongdoing of other corporations prompted such congressional hearings in 2002. Cavender et al. (2010) described these as follows: “Congressional members, in hearings that assumed the air of a perp walk, condemned these corporations and the executives who ran them: a parade of executives appeared before Congress where they were subjected to condemnation in the glare of media coverage.” The same televised status degradation rituals of bankers were seen after the crisis hit the economy.

Although not being part of or even being an alternative to formal processes of criminalization, these parliamentary inquiries do lead to new regulations of the financial industry and the conduct that is labeled unethical. The 2002 hearings culminated in the Sarbanes-Oxley Act, a legislation that regulates the accounting industry and imposes prison sentences on executives who lie on their corporations’ financial statements. The fear of counterproductive effects to the economy during times of crisis will probably restrain attempts at folk-deviling bankers and the criminalization of their conduct. Instead, regulation will aim at strengthening corporate governance, improving risk management, and at redesigning bonus policies. In this vein, gentlemen’s agreement was concluded in the Netherlands between the financial sector and the Ministry of Finance, in which the sector committed itself to a sustainable and moderate reward policy. The emphasis is on the restoration of trust. After the public hearings of bankers and regulators, the Dutch parliamentary committee of inquiry on the causation of the financial crisis recommended increased monitoring of the financial industry. The report of a Dutch commission of bankers, with the telling title “To Restore Trust”, promised improvement and self-regulation in the form of a code of conduct for bankers (Huisman, 2011). The commission’s reports were applauded by and were translated into law by the government. In the UK, a similar commission was put to work chaired by banker Sir David Walker.

While cynical critics would observe that nothing will change and everything will return to business as usual, the debate on how to respond to corporate misconduct that is associated with the crisis is far from over. Only recently, US

5 For example in the *The New York Times*, April 14, 2011. <http://www.nytimes.com/2011/04/14/business/14prosecute.html?pagewanted=all>

president Obama has created a working that is tasked to investigate misconduct contributing to the financial crisis. The work of this committee has already led to the law suit against JPMorgan Chase. In the Netherlands, the code of conduct introduced by the financial sector itself is seen as insufficient and the Ministry of Finance is considering introducing a mandatory professional oath and disciplinary law for bankers. This comes close to the system of negative licensing as suggested by Braithwaite (2009): bankers who behave irresponsibly should be eliminated by “reversed permit granting”: denying them the right to fulfill a function in the financial sector.

This melting pot of deregulation, self-regulation, re-regulation, criminalization provides and intellectual challenge for business regulation scholars as well as criminologists trying to make sense of—as Györy writes—how financial regulation comes about, how institutional and interpretive practices of regulatory authorities, law enforcement agencies and the courts shape our understanding about what is criminal and what is not. Moreover, criminologists should study the effects of the outcome of these regulation processes on conduct on the financial markets.

Yet, better laws are only a part of the solution. Regulation itself can never be sufficient to prevent bankers and other corporate officials from behaving unethically. All official inquiries into the role of banks in the financial crisis and their misconduct after that refer to the ethical climate as causal factor for misconduct. For instance, according to the US Senate committee investigating the bank’s violating sanctions regulation “The culture at HSBC was pervasively polluted for a long time”. A director of the Financial Services Authority told Members of the British Parliament investigating the Libor frauds that Barclays had a “culture of gaming” and its problems came from “the tone at the top”.

This brings us to the final point of relevance of the crisis for criminological study: the economic crisis provides material to test common theories that explain white-collar crimes, and these theories might serve for falsifying popular explanations of the causation of the crisis. According to Cavender et al (2010, 252) a ‘bad apples’ explanation initially framed the hearings and the media’s coverage of the accounting fraud cases of 2002. “A common feature of political language and political news a ‘bad apples’ explanation deflects attention from organizational-level deviance by individualizing wrongdoing.” This serves both the politicians and the media interests: it prevents sustained critique on political economy and provides for better storytelling

to the public. However, notwithstanding the element of the public flogging of bankers, the public hearings and official inquiries after the crisis did shed light on structural causes. The official narrative on the causes of the conduct of the financial institutions that contributed to the crisis is as follows: 1) the banks have drifted away from a cultural value of serving the interests of clients and showing good stewardship towards maximizing shareholder value, 2) the merger of retail and investment banking created a corporate structure that generated perverse incentives and opportunities to gamble with the money of retail clients and 3) deregulation took away the counterweight to this criminogenic development and prevented regulators to act. This narrative seems to be in line with over 30 years of research and theorizing on the causes of corporate crime, but above all it calls for falsification by scrutinizing criminological research.

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Christoffer Carlsson

MASCULINITIES AND CRIMINAL CAREERS

THE GENDERED NATURE OF CRIME AND THE LIFE COURSE

Life course criminology rose to fame in the 1970s and 1980s, through initial explorations in the field of criminal careers (Blumstein et al. 1986; Meisenhelder 1977; Wolfgang, Figlio, and Sellin 1972). Since then, the research field has become dominant, to the degree that Cullen (2011: 310) in his 2010 ASC Presidential Address noted that ‘life course criminology is criminology.’ The theoretical as well as methodological advances within this field have also greatly influenced criminology as a whole, including the practices and policies of many criminal justice systems. To mention just one example, in a 2009 speech¹ the current Lord Chancellor and Secretary of State for Justice in the UK, Chris Grayling, discussed and praised at length the valuable contributions made by developmental and life course criminology.

Parallel to this development in the 1980s, was the emergence of a new branch of gender studies focusing on men, masculinities, and crime. The fundamental insight was that to do crime was, in many ways, to do masculinity (Messerschmidt 1993). Considering that most life course studies of crime have been conducted on predominantly male samples, it is remarkable that so little focus has been directed to gender in general, and masculinity in particular. It is this highly understudied connection between criminal careers and masculinities—which I would like to highlight and explore in this essay. The two fields of research have potentially much to gain from each other.

The essay is unfortunately bound to be one-sided; it is not given that a masculinity perspective should limit its scope to a study of men (Halberstam 1998). However, given the fact that boys and men tend to be overrepresented among offenders and in many cases, among victims, along with the limitations of this essay, I will focus on male offenders only. Before I continue, however, a few notes on the *life course* concept are needed.

THE LIFE COURSE AS A SOCIAL FACT

The life course refers to ‘the age-graded sequence of roles, opportunities, constraints, and events that shape the biography from birth to death’ (Shanahan and Macmillan 2008: 40). I believe Durkheim (1895/1982) provides an instructive point of departure for a deeper

meaning of the life course. At the core of Durkheimian sociology is the notion of social facts; social facts are ways of feeling, acting, and thinking that are external to us as individuals and exercise a coercive force upon us. When viewed as a social fact, the nature of the life course becomes apparent: that the way individuals live their lives in a given society at a given time is, to a certain extent, pre-structured, influenced by expectations from dominant institutions. In other words, the life course is structured according to normative expectations concerning what stages people should go through, and when: education in adolescence; moving out of the family home at the end of adolescence; starting higher education and/or entering the labor market in early adulthood; finding more stable employment and (heterosexual, monogamous) relationship–family formation in adulthood; retirement in late adulthood, and so on.

Living through the expected transitions of the life course in this orderly fashion is often rewarded. As an example, earnings-related old-age pensions ‘put a premium on “normal life courses” based on a full employment history’ (Leisering 2003:212). If we look at marriage in Sweden, it is only since 1971 that the two partners have been taxed separately on their income, before that the *couple* had been taxed—and thus a couple was in a way rewarded by the government for being married (see Farrall et. al. 2010 for a similar discussion about the UK).

Of course, not all individuals actually engage in every expected role at precisely the expected age, but the majority tends to engage in most of them and at roughly the expected time (see Merton, 1984 on *socially expected duration*). These normative expectations, we must remember, are grounded in a specific segment of society—the white, heterosexual middle class, male—but individuals outside of that segment are also embedded in this structure. They are expected to struggle more, since how individuals experience social structures and social institutions, as well as their

1 http://www.conservatives.com/News/Speeches/2009/11/Chris_Grayling_Our_approach_to_law_and_order.aspx

ability to make transitions into and between them, are very much dependent on their past and present 'location in social structures of inequality, based on class, race, gender, and other social statuses' (Berger and Quinney 2005: 167).

As suggested by Berger and Quinney, one defining feature of the life course is gender. Early in life individuals are expected to take up a project of masculinity or femininity, a project with an inherent temporal dimension—gender projects are 'patterns of a life-course projected from the present into the future, bringing new conditions or events into existence which were not there before' (Connell 2002:81).

The Gendered Nature of Crime and the Life Course

Gender, in the sense the term is used here, means more than just the categorization of individuals into demographic groups. Like crime, the 'doing' of gender and masculinity is a situational, social, interactional, and embodied accomplishment, and as such, a social practice (West and Zimmerman 1987). The importance of masculinities for understanding men's crime—predominantly violence but also nonviolent offending, such as theft, drug use, and fraud—has been the focus of much research (see Messerschmidt and Tomsen 2012). This research has greatly increased our knowledge of the dynamics of crime as well as of its perpetrators and victims. However, with a few important exceptions, the insight—that to do crime is in many ways to also do masculinity—has not been picked up by life course criminology. Within life course criminology, gender has predominantly been treated as a variable, such as when comparing male and female offender trajectories (see Block et al. 2010). Studies that explore the gendered nature of criminal careers through the lived experiences of offenders are rare.

A life course approach to masculinities and crime must take the age-contingent nature of gender practices into account. For Spector-Mersel (2006), age is not only a factor (like ethnicity or class) that affects masculinities, but is in fact one of its defining features. Masculinities are 'bound to social clocks that ascribe different models of manhood to different periods in men's lives' (Spector-Mersel 2006:70). Identities and practices—deviant, masculine, etc.—emerge through the intersection of biography and social structure and it follows that they are subject to change. Certain expressions of masculinity represents successful ways of 'being a man' at any given time in one's life and are tied to specific phases of the life course.

This theme—the age-contingent nature of masculinity—has often been neglected within gender and masculinity studies, as the focus tends to be on young and physically active men who embody a dominant masculinity. Masculinities have been studied both across and within persons, but in both cases the emphasis has been on space rather than time. Men have been studied when they engage in different masculine practices in different contexts, but at a single point in time, such as adolescence or adulthood. For example, although Kimmel and Messner (1995: xxi) do suggest that the 'meaning of masculinity is not constant over the course of any man's life', they do not develop this notion further. It is here, I believe, that masculinity studies may benefit from criminal career research. That is, connecting masculinities with criminal career research may increase our knowledge and understanding of crime and the life course. However, the reverse is also possible, that by studying criminal careers our knowledge of masculinities, and how the doing of masculinity characterized by both continuity and change with age, may be increased.

MASCULINITIES AND CRIMINAL CAREERS

Let me then return to the core issue of this essay, the importance of applying a masculinity perspective to criminal careers. In this section I will draw from existing research, including my own studies in the field, which to date have not included analyses of masculinity (Carlsson 2012a; Carlsson 2012b). First, however, I want to stress that the point here is not to displace other explanations of criminal careers, such as theories of population heterogeneity, state dependence, social learning, or social control. Such explanations are all useful and valid. The point here is rather to suggest that the factors and processes suggested by such explanations cannot be fully understood if we do not *also* understand that men do masculinity, and that this process needs to be taken into account when we attempt to understand and explain criminal careers.

Masculinities and Persistence in Crime

The majority of offenders tend to desist prior to the age of 30 (Farrington 2003), only a minority continues longer than that. Continuity in offending, or persistence, is based on the notion that some actions or forms of behavior at one point in life increase the possibility that the same, or analytically similar actions and behaviors, will occur later in life. This phenomenon

has very rarely been studied empirically with the help of a masculinity perspective. Instead, an array of risk factors, latent traits, and cumulative social processes have been put forth as explanations.

When the possibility to successfully ‘be a man’ in conventional arenas is missing, persistent criminal offending may be an alternative arena for doing masculinity. As Byrne and Trew (2008:249) found in their study of crime, gender, and the life course, ‘offending could be seen as a means of achieving masculinity at times in [the men’s] lives when autonomy, control, and economic independence were problematic’. The notions of autonomy, control, and independence are in turn norms that state what it means to successfully ‘be a man’ in society in general.

One way to tie this to established theories of persistent offending is to employ the notion of cumulative disadvantage (Sampson and Laub 1997). Through this process, early life problems develop into problems later in life, as the original problems ‘cut off’ possibilities for change and prevents access to legitimate, conventional arenas. Powerful sanctions by the criminal justice system and its related agencies may be particularly powerful in labeling the individual as a ‘criminal’, and thus impel persistence in crime. In my own research, the interconnected nature of masculinities and cumulative disadvantage was evident in several cases, but perhaps most explicitly stated by David, an offender with a long and serious criminal career (David’s account is described in detail in Carlsson 2012a). Today, David is in his 60s and has desisted from crime. In the extract below, he describes his problems with finding lasting relationships:

D: There were some relations then, on the drug scene, but I mean, they were doomed, even if both wanted it to work. If there’re drugs in the picture, the relationship will never work. Amphetamine has that sex drive thing too, so you destroy your sex life, in a way, so it’s, I don’t want any relationships. And also, I feel I enter some kind of trap. I feel un-free. Even if I wanted a relationship, you know, being a man and all, I know that it would never work. Because I’m that fucked up, I have no normal upbringing, my life hasn’t been normal.

The explanatory style of being ‘doomed by deviance’, and the obstacles associated with conforming to conventional life, which Maruna (2001) found in persisting offenders’ narratives, is present here. Moreover, David perceives the institution of a relationship, and the position it would place him in, as a ‘trap’. It is a trap, as he cannot live up to the normative expectations associated with it. Part of a ‘good’ relationship is the sexual dimension, a part that is ‘destroyed’ for David (without the drugs, he is incapable of having sex). Here we see the

salience of gender, where the attempt to do masculinity in a desirable way is compromised, ‘being a man and all’, David would want a relationship but because of his history and what he perceives as his insufficient sexual capacity, it becomes impossible. As a gender management strategy, David doesn’t ‘want any relationships’. Without this very common ‘predictor’ of desistance—relationship formation—David for a long time persisted in crime. In much of the literature the process described by David would perhaps be discussed in terms of insufficient social control or an inability to make a cognitive transformation of his self. However, these perspectives tend to miss a fundamental dimension, that David, as a man, experiences difficulties in performing his part in the normative institution of a ‘good’, monogamous relationship (see also Gadd and Farrall 2004). By applying the notion of doing masculinity this crucial dimension is made visible and our understanding of its meaning is deepened. Similar analyses are, of course, possible to conduct on the turning points of employment, military service, and so on.

“Going Straight”: Masculinities and Desistance from Crime

Processes of desistance from crime are complex and often dependent on multiple factors, especially in the case of more serious offenders. One of the most central processes in desisting from crime is the development of an alternative identity. This identity, LeBel and colleagues noted (2008:137), usually ‘takes the form of the “good parent”, “provider”, or “family man”’—practices where notions of doing masculinity are clearly and deeply embedded but seldom made explicit in the analysis. To understand the dynamic male offenders go through, the elective affinity between masculinities and age must be made visible. Evans and Wallace (2008) found that important changes in men’s ways of doing masculinity can take place with age, and that such a change in masculinity can contribute to transforming a man’s life as a whole. These changes are connected to key life events, such as serving a prison sentence, forming a family, and acquiring a satisfactory job—that is, strongly connected to the notions of turning points and ageing (Carlsson 2012a). This notion can be illustrated with an extract from the life history of Oscar, a man in his 40s with a frequent and serious criminal career, including attempted murder and repeated robberies, thefts, and assaults:

I: How did you do it [desist from crime and drug-use]?
O: I got a job ... and sure, I felt like shit about that but I didn’t give a damn. I became a John Smith, what I had been appalled by all my life, when I grew up. ‘I’m never going to end up like

my parents' or 'Fuck off', and . . . then, fifteen years later, you're there [laughs].

I: Did you find it difficult, a difficult change, to enter conventional life?

I: Yeah, I . . . what I usually made in money in a day, I did in a month now. But I couldn't go on the way I had, you know, at my age in my situation. But that money also felt more real, more . . . you know, picking up the phone and calling the, the Tax agency or the bank, saying, 'okay, I've started to work . . .'

Having 'been appalled by' a certain way of life during his adolescence and early adulthood, he was now 'there' himself. For Oscar, with age there had emerged a 'right' way to make money. The money he made now 'felt more real'. The large amount of money he previously could have made in a day had lost its value, since this amount of money could only have been made by means that, for a man of Oscar's age, were now considered unacceptable. 'You know', he continues, 'adult men don't run around and steal things to make a living. They work'. Also crucial, and likely strongly connected to the above extract, was the experience of becoming a parent and starting to form a family. As he notes, at his age and in his situation he could not 'go on' living the way he had previously. The norms defining a successful masculinity have changed. Oscar now tries to live up to the expectations that inform the roles of being a 'provider', a 'family man', and a 'good father'. At this stage, persistent offending makes masculinity difficult to do successfully, and this contributes to the emerging desistance process in Oscar's life.

Narratives such as Oscar's can shed light on findings like Uggen's (2000), in which employment had an effect on desistance for older offenders, but not younger. The age-graded nature of norms surrounding the different stages of the life course influence people's feelings, thoughts, and actions. For boys, rebellion against established institutions is in many ways normative and a way of doing masculinity. Among adult men, however, norms express a different way of life, and thus also a different way of successfully doing masculinity and 'being a man'. After a rebellious youth, the male coming-of-age juvenile delinquent is expected to 'settle down', enter the labor market, form a family, and so on. It is enough to note that a common definition of 'turning points' is the one presented by Hareven and Masaoka (1988:274, emphasis added), 'a process involving the alteration of life path, a "course correction"'. The notion of a 'course correction' suggests that somebody thinks that something in the life course is going the 'wrong' way, and the turning point somehow

'corrects' this and puts the individual back on (the presumably law-abiding) track. To fully understand the meaning of the turning points identified by criminal career research, I believe we must also acknowledge their highly normative, coercive dimension, and its intersection of biography and structure.

CONCLUSION: CONSEQUENCES FOR LIFE COURSE CRIMINOLOGY

The main point I wanted to make in this essay can perhaps be both clarified and further developed with the notion of 'going straight'. This is a common saying, that as offenders desist from crime they try to 'make good' and 'go straight' (Maruna 2001). The expression provides important insight, to desist does not simply mean to refrain from certain actions. To successfully do masculinity men must also attempt to reshape their lives in line with the heteronormativity that characterizes the life course. 'Going straight'—and the changes associated with it—thus tends to entail attempts to take up a life style colored by law-abiding work, heterosexual monogamy, and family formation. To try doing this without succeeding can be experienced as a failed attempt at transform oneself as a man and, as in the case of David above, can result in recidivism and persistence.

Here, it seems to me, lies one of many possibilities to develop a *critical* criminology of the life course. Life course criminology has, since its inception, been very close to policy and practice—seldom explicitly critical of dominant institutions and social orders. What we mean by 'critical' is, of course, a matter of debate. Here, I am inclined to agree with Fraser (1985) who notes that no one has yet improved upon Marx's own definition of critical theory, 'the self-clarification of the struggles and wishes of the age' (Marx 1843/1975:209). To me, a critical criminology of the life course would entail a focus on the unequal distribution of power and material resources, where a hierarchical social stratification based on ethnicity, class, gender, and age is a crucial factor in understanding the life courses of (non-) offenders in contemporary society. This includes the heteronormative, highly gendered structure of the life course, and the consequences of not being able to conform to its written and unwritten norms and regulations.

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Roger Hood

ACCEPTANCE SPEECH ON THE OCCASION OF THE RECEPTION OF THE ESC EUROPEAN CRIMINOLOGY AWARD

INTRODUCTION

As a student of criminology at the LSE in the mid-1950s, I first studied the death penalty under the tutelage of that great European criminologist Dr. Hermann Mannheim at a time when legislative changes were being proposed not to abolish it for murder but to limit its scope to those who appeared to be professional criminals. I was among those opposed to this compromise on the grounds that whatever attempts were made to define in legislation a category of murder for which the death penalty was claimed to be justified, it would inevitably be arbitrary in its application, liable to error, unnecessary as an extra deterrent and incompatible with a British criminal justice system that should be made more humane in keeping with a civilised welfare state. As I recall it, the idea that capital punishment is fundamentally a violation of inherent universal human rights that should not be denied even to a convicted murderer was simply not on the Agenda. Amnesty International had yet to be founded. How things have changed since then. I want to explain briefly how and why.

As you may know, there was no mention of the death penalty when Article 3 the Universal Declaration of Human Rights ('every person has an inherent right to life') was promulgated in 1948. It was explicitly made an exception to the right to life when the European Convention on Human Rights was established in 1950. By 1966, the year that the International Covenant on Civil and Political Rights (ICCPR) was approved by the United Nations General Assembly there were still only 26 abolitionist countries, and only 12 had abolished it for all crimes, in peacetime and wartime, in civil and military law – West Germany being the only large European country among them. So Article 6(1) of the ICCPR, which guarantees an inherent right to life so far as a person is not arbitrarily deprived of it, also did not ban the death penalty. All that could be achieved (in Article 6(2)) was to attempt to restrict the scope of the death penalty in countries that retained it to 'the most serious crimes', an exceptionally vague, relative, and potentially elastic concept. Nevertheless, the direction that policy ought to take was indicated by Article 6(6) which stated

that 'Nothing in this article shall be invoked to delay or to prevent the abolition of capital punishment by any State Party to the ... Covenant'. Perhaps even more important was Article 7 to which there were no exceptions: 'No one shall be subjected to torture or to cruel, inhuman, or degrading treatment or punishment'. Forty one years ago, in 1971, a resolution of the United Nations General Assembly emphasised 'the desirability of abolishing this [capital] punishment *in all countries*'.

Although my first report to the UN in 1988 had noted that there had been steady progress towards the UN goal in Western Europe and South America and several small former dependent island territories, such that 52 (29 percent) of UN member states had abolished the death penalty for murder, only 35—less than one fifth of all nations—had eliminated capital punishment altogether from their penal and military codes. I had to conclude that there was 'little sign that abolition will occur soon'. Indeed the United Nations *Crime Prevention and Criminal Justice Newsletter* of 1986 on the subject of Capital Punishment had also stated that 'it would appear that the goal of the abolition of capital punishment throughout the world remains remote'.

A NEW DYNAMIC

What has happened since then to reverse such pessimism? Over the past 22 years, since the political changes heralded by the fall of the Berlin wall in 1989, a "new dynamic" has been at work: one which has sought to move the debate about capital punishment beyond the view that each nation has, if it wishes, the sovereign right to retain the death penalty as a repressive tool of its domestic criminal justice system on the grounds of its purported deterrent utility or the cultural preferences and expectations of its citizens. Instead it has sought to persuade countries that retain the death penalty that it inevitably, and however administered, violates universally accepted human rights: namely, the right to life and the right not to be subjected to a cruel, inhuman, or degrading treatment or punishment.

Since 1989, the number, proportion, and regional-political spread of abolitionist nations have all changed

dramatically. Now, 106 of the 196—that is over half—of UN member states have abolished the death penalty, 98 of them have rejected it completely in all circumstances, an enormous increase from the 12 countries that had done so by 1966. A new pattern has been set. The majority of countries since the end of the 1980s have moved swiftly from executions to complete abolition. For example, Turkmenistan abolished capital punishment in 1999, just 2 years after the last execution; South Africa in 1995 just 4 years after; Mongolia in 2012 just 2 years after the President had announced a moratorium. Furthermore, the majority (85 percent) of those who abolished the death penalty for the first time since 1989 did so completely in ‘one go’, so to speak, unlike earlier abolitionist countries, such as the Netherlands, Italy, and the UK, that first abolished it for ordinary crimes before extending it to crimes against the state and military offences often many years later.

Among the 90 countries that retain the death penalty in law, less than half (44) have executed anyone within the past 10 years and not yet announced a moratorium—less than a quarter of all nations and Amnesty International regards 33 of the remaining 46 as truly ‘abolitionist in practice’. Thus 71 percent (139/196) of states no longer inflict or apparently intend to inflict the ultimate penalty. At the UN General Assembly in December 2010, 109 of the 185 taking part voted in favour of a resolution calling for a world-wide moratorium on death sentences and executions, another 35 abstained and only 41 (22 percent) voted against. Furthermore, practice has changed among those who do retain capital punishment. More and more retentionist countries are coming to accept that executions, prior to complete abolition, can only be justified on a discretionary basis for the ‘worst of the worst’ cases of murder. Although 67 countries imposed at least one death sentence in 2011, only 20 carried out an execution, compared with 40 in 1997. Singapore, which 10 years ago was revealed to have had the world’s highest execution rate per head of population in the mid-1990s—as many as 74 executions in 1994—, has responded by cutting executions drastically; only one person was executed in 2009 and three in 2011 for murder and drug trafficking. Singapore now proposes to amend its strict mandatory death penalty laws. Meanwhile the number of reported murders in Singapore has not risen but fallen, to only 16 last year in a population of over five million. In fact only nine countries regularly execute more than 10 persons a year: China, Iran, Iraq, Saudi Arabia, North Korea, Vietnam, Somalia, Yemen, and the USA.

At the international level, it is highly significant that the death penalty is not available as a sanction for genocide, other grave crimes against humanity and war crimes in the Statute of the International Criminal Court established in 1998. This has provided a powerful argument: If it is not available for these atrocious crimes why should it be the punishment for lesser crimes?

FACTORS GENERATING THE ‘NEW DYNAMIC’

Foremost among the influences has been the political changes that have in so many societies generated a call for social, educational, minority, gender, and other human rights and freedoms. In over half the countries that have joined the abolitionist camp since the end of 1988, the death penalty has been specifically banned in their democratically inspired constitutions or by their Constitutional Courts as in South Africa. Beginning in Europe in 1983 regional protocols banning the death penalty were added to Human Rights Conventions, and then to the ICCPR in 1989. By 2002 the ECHR had a further protocol (number 13) banning it for all crimes in peacetime and wartime.

It has needed political leadership on a trans-national scale to bring about abolition, particularly from the Council of Europe and the EU both of which in the 1990s made membership conditional on abolition of the death penalty, and which have acted as missionaries for the human rights argument, both at the UN and individually in retentionist countries through the media of EU human rights dialogues. They have been backed up by NGOs, especially but not only Amnesty International. New international bodies have developed, such as the World Coalition against the Death Penalty and the International Commission, composed of former heads of State. Again, European countries and European ideas have been in the driving seat. In moving from retention to abolition, political will has been the key, and political discourse has raised concern in retentionist states for their political reputation as civilized nations that respect their treaty obligations to uphold human rights.

Capital punishment has come to be regarded more and more as a violation of basic human rights on the number of grounds. Abolitionists reject the most persistent of justifications for capital punishment: retribution and the need to denounce, expiate, and eliminate through execution those whose crimes shock society by their brutality. They hold that all human beings have a right to be able to redeem themselves, that a State has no right to take the life of a captive citizen. They

also reject the utilitarian justification that nothing less severe can act as a sufficient deterrent to those who contemplate committing capital crimes. This is not only because the social science evidence does not support the claims either that executions do or do not have a deterrent impact on the rate of homicide—a finding endorsed in 1978 and again after a further spate of research in 2012 by the American National Academy of Sciences—but because even if it could have a marginal deterrent effect, this could only be achieved by high rates of execution, mandatorily and speedily enforced. This, abolitionists assert, would increase the probability of innocent or wrongfully convicted persons being executed and also lead to the execution of people who, because of the mitigating circumstances in which their crimes were committed, do not deserve to die. Finally, and just as important, they point to all the cruelties and disparities that haunt the administration of the death penalty and therefore inevitable breach article 7 of the ICCPR that protects all citizens from cruel and inhuman punishment.

Many retentionist countries—Japan and the United States come to mind—justify the retention of capital punishment on the grounds that it is a democratically demanded criminal sanction by a large majority of the population that can only be ignored by politicians at their peril, or, as in China, that without its enforcement there would be a breakdown of order and the criminal justice system and government would lose legitimacy. Abolitionists accept that public opinion cannot be entirely ignored but argue that a state concerned for human rights should not merely accept popular opinion as a reason for retaining the death penalty – especially when it may be based on misconceptions about the assumed deterrent effect of capital punishment, the fairness rather than the arbitrariness of its application, absence of error rather than evidence of mistakes, and other human rights considerations. From China to Trinidad public opinion surveys in which I have recently been involved have found that when citizens were asked whether they would support capital punishment if it were proven that innocent people had been executed, the level of support plummeted: in Trinidad from 89 to 35 percent and in China only 25 percent remained definitely in favour. It needs to be remembered that no countries have abolished the death penalty because of popular demand as reflected in opinion polls, and that as a new generation grows up in a society with no death penalty it comes to be regarded by the majority as a ‘cruelty of the past’. It was of great significance that in

post-apartheid South Africa, the newly created Constitutional Court abolished the death penalty in 1995, in the face of public opinion in its favour so as to reinforce ‘a human rights culture’ which would ‘protect the rights of minorities and others who cannot protect their rights adequately through the democratic process’.

The influence exerted by the weight of numbers as more and more countries have embraced abolition has itself strengthened the normative legitimacy of the case against capital punishment. This is well illustrated by the change in the decisions reached regarding extradition of prisoners charged with murder from Canada to US states that retain the death penalty. In 1991 the Canadian Supreme Court held that there was no bar to extradition from Canada to Pennsylvania because there was no international consensus on the issue of capital punishment. Yet 10 years later the Court changed its mind. It would not sanction extradition to Washington State without a commitment that the person would not be sentenced to death and executed because of ‘the significant movement towards acceptance internationally of a principle of fundamental justice ... namely the abolition of capital punishment’.

GLOBALIZATION OF THE MOVEMENT

The impact of the new human rights dynamic has been remarkable. Abolition has been embraced across the globe by many different political systems, peoples, and cultures. The changes have been remarkable in Africa. At the end of 1988, when I published my first report to the UN, only Seychelles and Cape Verde had abolished capital punishment, whereas 16 countries are now completely abolitionist (the most recent being Burundi, Togo, Gabon, and Benin, soon to be followed perhaps by Ghana where the Constitutional Review Commission has recommended that the new Constitution should prohibit the death penalty). Another 19 have not executed anyone for at least 10 years and two others last year declared a moratorium—Sierra Leone and Nigeria. The only set-back has been in Gambia where executions resumed in August 2012 after 27 years. Nine prisoners on death row were shot and President Jammeh announced that he would clear death row of the other 37 inmates. This action was widely condemned, perhaps most significantly by the African Union, following which on the 15th of September the President announced that he was responding to ‘numerous appeals’ by suspending executions.

Although all countries in the Middle East and North Africa where Islam is the dominant religion retain the

Michael Tonry

ROGER HOOD

Roger Hood, winner of the 2012 ESC European Criminology Award, was director from 1973 to 2003 of the Oxford Centre for Criminological Research. During much of that period, the Oxford Centre was the most influential and productive criminology program in Great Britain. For three decades, Hood was the country's most influential criminologist in both academic and policy circles. Unlike many social scientists, who do important original empirical research in their PhD work and early in their careers, but comparatively seldom later on, Hood undertook cutting edge empirical projects over a 50-year period, beginning with path-breaking studies on sentencing in magistrate's courts, the operation of local prisons and special institutions for juveniles, and driving offenses (1972), through his seminal studies of the experiences of members of ethnic minority groups in the youth justice system and the criminal courts.

Three research areas stand out: the death penalty, race and ethnicity, and the history of the English criminal justice system. His landmark book *Race and Sentencing* (1992) was the first and remains the only major empirical study of racial disparities in sentencing in English courts. It received enormous attention and led to important changes in judicial training. More recent books on race effects in youth justice and the criminal courts built on and extended the earlier work.

Hood collaborated on the fifth volume (*The Emergence of Penal Policy*) of Sir Leon Radzinowicz's monumental *A History of English Criminal Law and its Administration*. Volume 5 was and remains the authoritative account of the development of the modern English criminal justice system in the nineteenth and early twentieth centuries.

Hood is probably most famous outside Britain for the four editions of *The Death Penalty: a World-wide Perspective*, his successive overviews of the legality, use, and effects of capital punishment. These books are successors to earlier works by Marc Ancel and Norval Morris who in the 1950s and 1960s were asked by the United Nations to prepare reports on the current state of capital punishment world-wide. Hood's work, however, far exceeded theirs in ambi-



tion, scope, and influence and made Hood into the world's most cited authority on capital punishment. He has continued to do research, write, and consult on capital punishment. He has played a major role in processes leading to the reduced use of capital punishment in China.

Hood was a pioneer in building links between British and European criminology. He was the principal mover behind a series of conferences in the 1980s and 1990s that might be seen as a prequel to formation of the ESC. He and Gunther Kaiser, director of the Max Planck Institute for Foreign and International Criminal Law in Freiburg, agreed that criminological ties across European boundaries should be strengthened, especially in relation to research that might have a direct bearing on issues of criminal policy. Hood sought advice from Kaiser, Philippe Robert, Nils Christie, and Jan van Dijk in organising the program. The first meeting, held in Oxford, was attended by 31 European criminologists, probably the then best known, including besides those just mentioned Hans-Jörg Albrecht, Ulla Bondeson, Claude Faugeron, Cyrille Fijnaut, Jorgen Jepsen, Matti Joutsen, Marianne Junger, Heike Jung, Hans-Jurgen Kerner, Tony Peters, and Renée Zaubermann. There were also leading British criminologists present. His edited book, *Crime and Criminal Policy in Europe: Proceedings of a European Colloquium* (1989), contains revised versions of the papers from that

conference. There were a half-dozen similar follow-up meetings including ones organized by Gunther Kaiser in Germany, Josine Junger-Tas in the Netherlands, Alenka Selih in Slovenia, and Matti Joutsen in Finland. The participants were not always the same, which spread the effects of the seminar more widely in Europe.

By all the appropriate criteria for an award honouring a criminological career— scholarly contributions,

institution building, involvement in important public policy debates, support for the development of the discipline, mentoring—Hood's accomplishments are substantial and justify his receipt of the 2012 ESC European Criminology Award.

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death penalty, three of them—Tunisia (1991), Algeria (1993), and Morocco (1993)—have not carried out any judicial executions for 18 years and the new government of Tunisia has promised to ratify the Protocol to the ICCPR abolishing the death penalty. Abolition has also been under consideration in Jordan and Lebanon and executions have sharply declined in Egypt. Pakistan which had executed 34 people in 2008 has not executed any person since. In fact several secular states with large Muslim majorities have already joined the abolitionist movement: such as Albania, Azerbaijan, Turkmenistan and Senegal. Only four retentionist Muslim countries now make regular and large scale use of capital punishment as a crime control measure, all in the Middle East: Iran, Saudi Arabia, Iraq (under highly stressful conditions), and Yemen. Overall, the prospects for a steady movement towards abolition in the Muslim world are not nearly as bleak as some may imagine.

There are now five Asian abolitionist states (Nepal, Bhutan, Cambodia, Philippines, and Mongolia). Six others are now abolitionist *de facto*, including most recently South Korea. In India—with the second largest population in the world—the normal punishment for murder is life imprisonment and the death penalty is in principle to be imposed in only the 'rarest of rare' cases. Indeed, according to the prison statistics 97 death sentences were imposed at the trial courts in 2010 out of 20,659 persons convicted of murder, 0.5 percent. The last execution took place in 2004, the first since 1997. It appears that the only persons now likely to be under a real threat of execution are those who were involved in politically motivated assassinations—such as the killing of Rajiv Gandhi and the Mumbai massacre, the sole surviving gunman (Mohammed Kasab) having recently had his death sentence confirmed by the Indian Supreme Court.

What about China, the country with the greatest

population, the largest number of crimes subject to the death penalty, and by far the greatest number of executions? In 2007 the Chinese delegate at the UN Human Rights Council declared, 'The death penalty's scope of application was to be reviewed shortly ... with the final aim of abolishment'. Thus the debate in China is no longer stuck on the question of whether or not the death penalty should be abolished: it is about how abolition might be achieved and at what pace reforms should be introduced. The programme adopted is one of gradualism, aimed at making step-by-step reforms in criminal procedure to reach international standards for fair trials; by reducing the scope of the death penalty in the criminal code, beginning in 2011 with abolition for 13 non-violent crimes; and regulating and moderating sentencing practices to reduce disparities and the total number of executions by ensuring (since 2007) that all cases sentenced to immediate death are reviewed by the Supreme People's Court. Although no one expects complete abolition to be reached for some time, the path appears to have been set. It is claimed that the influence exercised by the SPC, directly by its own decisions in overturning immediate death sentences and substituting suspended death sentences, and indirectly by changing the sentencing culture of the lower courts, has reduced the annual number of persons executed by at least one-half of what the number had been in 2005: possibly from around 8,000 per annum to around 4,000. Furthermore, a recent public opinion survey by the Max Planck Institute for Foreign and International Criminal Law has shown that only 53 per cent of the population was definitely opposed to China speeding up the process to abolish the death penalty.

So a vigorous debate on the 'reform' of the scope of the death penalty is now underway. There is no doubt that the normative pressure of the world-wide abolitionist movement has played a major part. As one prominent

and influential senior scholar, Professor Zhao Bingzhi of Beijing Normal University put it recently at an international meeting, 'Abolition is an inevitable international tide and trend as well as a signal showing the broad-mindedness of civilized countries ... [abolition] is now an international obligation'. I could not have imagined that anyone would have said this publicly a decade ago when I first went to China to discuss the death penalty. The abolitionist cause is also now gathering force in Japan.

The position taken by the United States—to be specific by the retentionist States and the United States Supreme Court—is in my opinion crucial to achieving the goal of world-wide abolition. So what, briefly, are the prospects that the US as a whole will abandon capital punishment? As in most of the rest of the world the death penalty in the US is in decline and distributed unevenly in frequency of use. Five states have recently abolished it and the Governor of Oregon has announced a moratorium. California will hold a plebiscite in November. Only 12 of the 51 US state jurisdictions actually executed anyone in 2011 and only seven of them more than one person. Texas alone accounted for 13 of the 43 executions. Indeed only 10 states have on average executed at least one person a year since executions were permitted to resume in 1976, eight of them in the Old South plus Oklahoma and Ohio. The number of death sentences imposed annually in the US has fallen from 315 in 1996 to only 78 in 2011. Meanwhile the annual number or recorded murders has not increased but declined from around 20,000 to 13,000.

In 2009 the influential American Law Institute decided that it would withdraw its support for the death penalty 'in light of the current intractable institutional and structural obstacles to ensuring a minimally adequate system for administering capital punishment'. Indeed, the growing acceptance of the fact that no 'perfect, no fault or error' system can be devised; that in practice the death penalty cannot be administered fairly, evenly, and without discrimination; that attempts to create a 'super due process' system entail very high costs to the state as cases wind for years through state and federal appeals processes with a very low probability that an execution will eventually occur; the revelation that even lethal injection cannot be guaranteed to result in a non-tortuous death; the terrible plight of prisoners on death row for many years combined with the incontrovertible evidence that 140 innocent people sentenced to death in 26 states have been exonerated since 1973, may well persuade yet more states to follow those that have already banned capital punishment. The impression often given, that in America there is enthusiasm everywhere for executions

is now wide of the mark. Public support has fallen from 80 percent in 1994 to 61 percent in 2011. Those who campaign for abolition worldwide can hope that it will not be many years before the US Supreme Court will be able to find that the majority of States, in line with a majority of countries worldwide, do not support the death penalty for anyone, and therefore rule that 'emerging standards of decency'—in other words that capital punishment *per se* infringes constitutional protection of human rights—will no longer tolerate the use of this cruel and unusual punishment for any crime in any part of the US.

IN CONCLUSION

There can be no doubt that the emphasis on universal 'human rights' has added greatly to the normative, moral, force propelling the abolitionist movement. The number of countries remaining resistant to it is steadily declining. Their claim that the death penalty is a 'domestic criminal justice issue' not a 'human rights issue' cannot be sustained, as if in being one, it cannot also be the other, for it is a false antithesis. Whatever system of criminal justice a country may choose there must be limits to the power that the state can be permitted to exercise over persons accused of and convicted of crimes, however serious. Limits defined by universal human rights principles which apply to all citizens of the world.

The road ahead is still rocky and no end is clearly in sight, but the scales have tipped decisively against retentionist states. Abolition of capital punishment is clearly becoming the litmus test for all countries that purport to respect international human rights norms. Those states that still retain it in law and use it in practice will become more and more isolated and stigmatized. They will come under increasing pressure to protect the human rights of all their citizens, even the worst behaved among them, and to accept as an international human rights norm that the death penalty is an outmoded, cruel, and dehumanizing punishment. In my view it is incumbent on all states party to the ICCPR to recognize that they should feel morally bound by the universalistic goal of that Treaty to fulfill their obligation under Article 6(6) to do nothing to delay or prevent the final abolition of capital punishment.

At my age I may not see the end of capital punishment but I believe that many of you will.

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Jan van Dijk

THE INTERNATIONAL CRIME VICTIMS SURVEY

LATEST RESULTS AND PROSPECTS

INTRODUCTORY REMARKS

The International Crime Victims Survey (ICVS), initiated in 1988, has developed into one of the largest projects in international criminology now covering 80 different countries. Its results are acknowledged as an important source of comparative information on levels of crime (Lynch 1996). In 2005 the European Commission (EC) co-sponsored the work of the ICVS in the 15 older member states of the European Union (van Dijk, Van Kesteren, and Manchin 2007). The results were combined with those of the fifth round of the ICVS, covering 31 nations altogether (van Dijk et al. 2007). In 2008–2009 the EC started preparatory work for a full-fledged EU-wide victimization survey to be executed by Eurostat. Consultancy work was first contracted out to European Institute for Crime Prevention and Control (HEUNI) (Aromaa et al. 2007) and subsequently to Tilburg University and Lausanne University respectively (van Dijk et al. 2010). Fieldwork was scheduled to take place in 2013 but has been postponed. In conjunction, the EC sponsored a round of national surveys in 2009 using a reduced version of the ICVS 2005, with a view of testing new methods of data collection—namely web-based interviewing. These pilots were duly executed in 2010, under the auspices of the International Government Research Directors, in Canada, Denmark, England/Wales, Germany, The Netherlands, and Sweden. Preliminary results were published by the Netherlands Institute for Urban Research and Practice (NICIS) which was supervising the data collection (Ghauharali, Meuldijk, and Smit 2010).

Independent of these six EU-sponsored surveys in 2010, ICVS-based surveys were also conducted in Azerbaijan (2011), Estonia (2009), Georgia (2010 and 2011), Moldova (2011), Switzerland (2010), and Tajikistan (2011). Findings from a new round of ICVS-based surveys are available from 12 nations¹. Results from 10 countries can be compared with results from one or more earlier surveys, allowing trend analyses. In this article we will briefly describe the methodology of these surveys, present some key results and provide a brief interpretation of emerging international trends in

crime. In the final section we will discuss evolving plans for repeating ICVS, especially in Europe.

METHODOLOGY

The most important follow-up to the 2005 round of the ICVS was a series of pilot studies in six Western nations using a reduced version of the questionnaire. A first analysis of the results revealed that most computer-assisted web interviewing (CAWI)-based surveys had achieved very low response rates. Also, internet-based surveys showed much higher victimization prevalence rates than surveys using computer-assisted telephone interviewing (CATI). These challenging results were discussed at two expert seminars in 2010, convened by the two polling companies involved and the Max Planck Institute for Foreign and International Criminal Law respectively.

Parallel to these six surveys, Estonia, one of the countries which adopted the ICVS as its national survey, repeated the survey in 2008–2009 using face-to-face interviewing, as had been done in previous years (this time with an enlarged sample of 4,000). In Georgia the ICVS, which was previously conducted in 1992 and 1996, was repeated in both 2010 and 2011 with samples of 3,000, using face-to-face interviewing, with funding from the European Commission. In Switzerland, the ICVS was conducted in 2010 with a multi-mode approach, combining a postal questionnaire with internet-based interviewing and, to a lesser extent, telephone interviewing. Finally, an abridged version of the ICVS, designed by the author and his Georgian partners, was conducted face-to-face as part of omnibus surveys among national samples in Azerbaijan, Tajikistan, and Moldova in 2011.

The results of the six 2010 pilots, funded by the EC, were, in some respects disappointing. The first complication was that response rates for the CAWI-mode samples were exceedingly low, especially when the sam-

¹ ICVS-based surveys have also been carried out after 2005 in Argentina (Buenos Aires), Brazil, and Japan.

ple was drawn from a register (e.g. 3 percent in Canada). Better response rates were obtained when respondents were selected from panels comprising of persons who regularly agreed to be interviewed over the internet. However, whether such panels are fully representative of the population is far from assured. The second complication was, as mentioned, that the findings of the CAWI studies differed systematically from those of the studies using CATI. Victimization prevalence rates for 10 crimes together were approximately 5 percentage points higher in the CAWI studies than in the CATI studies in five of the six countries. The CAWI studies also showed somewhat higher rates on two “fear of crime” items. These findings are in line with other crime surveys testing mixed mode designs. Victimization rates were found to be significantly higher when using CAWI in Dutch, Finnish, and Belgian victimization surveys (van Dijk et al. 2010). Whether, or to what extent, the higher rates of CAWI studies are caused by undercoverage and non-response bias, by pure mode effects, or both, remained an open question.

To address this issue a large-scale experiment was conducted in The Netherlands with the purpose of disentangling mode-specific selection effects (caused by undercoverage and response bias) and pure measurement bias in victimization surveys. In their experiment Buelens et al. (2012) used four modes, computer-assisted personal interviewing (CAPI), CATI, CAWI, and paper. The results show that after reweighting for demographics, victimization prevalence rates are indeed higher in CAWI interviews relative to those of CAPI interviews. In contrast, prevalence rates were found to be lower in CATI interviews and paper-based questionnaires relative to those of CAPI interviews. These differences appeared to be almost completely caused by pure mode or measurement effects (different responses by the respondents), and only marginally by selection (undercoverage and/or non-response). As possible explanation of the measurement bias in CAWI interviews, the authors mention that respondents may tend to rush the completion of web-based interviews. In the 2010 EC funded pilots, CAWI-based interviews were indeed shorter than the CATI-interviews (Ghauharali, Meuldijk, and Smit 2010).

In earlier publications on the ICVS the authors reviewed existing evidence of mode-related biases in crime surveying. Their conclusion was that CAPI and CATI interviews produce roughly similar results on the condition that the CATI interviews are executed by competent interviewers (van Dijk et al. 2007; see also

Killias, Kuhn, and Aebi 2011). The new Dutch experiment suggests that rates from high quality CATI-based interviews might be somewhat deflated compared to those of CAPI. Comparisons between CATI and CAWI-based results seem to be more problematic, since these tend to be distorted in opposite directions, the first downwards and the second upwards. The Dutch Central Bureau of Statistics has therefore decided to use in its 2012 national victimization survey a mixed mode consisting of CAWI and paper, excluding CATI.

Considering the above mentioned experimental findings, we will in the present overview disregard the results of the CAWI-based studies in the six countries participating in the EU pilots and include the CATI-based results only. These results are based on telephone-interviewing of representative samples of 2,000 per country. Response rates were reasonably high (Ghauharali et al. 2010). Results are therefore comparable with the results from previous ICVS studies in these countries. In Switzerland the 2011 survey was carried out with a mixed mode of CAWI and CATI, with the interviews equally split between these two modes (Killias et al. 2011). The response rate was 54 percent. In relatively less-developed countries, face-to-face interviewing remains the preferred mode since telephone penetration is often still insufficient and costs of interviewing are low. In Estonia the survey was carried out in 2008–2009 under the aegis of the Estonian Statistical Office, using CAPI, with a sample size of 4,000 (Ahven et al. 2009). The response rate was 58 percent. The survey in Georgia was conducted using face-to-face interviewing in 2010 and in 2011, with samples of 3,000 each (van Dijk and Chanturia 2011). Response rates were above 80 percent. Fieldwork was conducted by a local polling company, Georgian Opinion Research Business International (GORBI), which was also responsible for previous rounds of the Georgian ICVS surveys (1992 and 1996 [Pachulia 1996]). As mentioned, an abridged version of the ICVS, consisting of no more than 10 questions, was conducted in 2011 in Azerbaijan, Moldova, and Tajikistan by regional consortium partners of GORBI. The samples were 1,000 per country and interviews were conducted face-to-face. These findings have not previously been published.

Considering the outcome of the Dutch experiment, the results of the 12 national studies must be compared with due caution. Results from the six CATI-based surveys on victimization prevalence might be somewhat deflated compared to the results of the other surveys using either face-to-face interviews or, as in the case



of Switzerland, a mixed-mode combining CATI and CAWI. On the positive side, all 12 surveys were supervised by experts who have been involved in the ICVS program for many years (Martin Killias, Andri Ahven, Merab Pachulia, Paul Smit, and Jan van Dijk).

RESULTS ON VICTIMIZATION

In this section we will first present the one-year victimization prevalence rates for five types of crime from 2009 or 2010. Next we will present trend data on the same rates. The selection of the five crime types is determined by their inclusion in the abridged version of the ICVS used in Azerbaijan, Moldova, and Tajikistan. For more background information on the ICVS methodology and calculation of rates, consult van Dijk et al. (2007). In the subsequent section some survey-based data on police performance will be presented.

The results presented in Table 1 show that victimization by threats or assaults is the most common form of victimization in most countries, more so even than victimization by personal theft (not included here). Victimization by car thefts is relatively rare. As shown below, these features indicate a distinct shift in the nature of victimizations. In terms of perceived seriousness, the crime situation seems to have deteriorated. Inter-country differences among the 12 countries are fairly large. For victimization by common crimes Switzerland, Estonia, Denmark, and Moldova stand at the top, and Azerbaijan, Georgia,² and Tajikistan at the bottom. The relationship between levels of victimization is inversely

correlated with GDP. Low prevalence in Azerbaijan and Tajikistan seem related to the largely rural nature of these countries.

For victimization by bribe-seeking, Moldova stands at the top, with Azerbaijan in second place. In Moldova bribes were often sought not just by public officials but also by medical staff and teachers. Corruption is, as known from previous ICVS surveys, most prevalent in countries in transition. Georgia and Tajikistan are exceptions to this rule. In Georgia the rate was very high in the recent past. The 1996 rate was the highest rate ever observed in the ICVS, with the exception of Albania (van Dijk 2008). The rate of experiences with bribe-seeking officials in Georgia went down from 22 percent in 1996 to less than 1 percent in 2010.

Car theft prevalence is highest in the most developed countries, notably Canada and the UK. Rates are medium-high on the European continent and lowest in Eastern Europe. This distribution is partly explained by differential car ownership rates, and the extent of car security (mandatory immobilisers were first introduced in Germany). Regarding household burglary, Denmark and Estonia stand out with the highest rates. Medium-high rates are found in Switzerland, Moldova, and the UK. Rates in Azerbaijan and Tajikistan are lowest.

2 The survey in Georgia was, as said, repeated in 2011. The prevalence rates were equally low or lower than in the 2010 survey (van Dijk and Chanturia 2011).

Table 1. One-year prevalence victimization rates for different types of crime

	car theft	burglary	robbery	assault	bribe-taking
Azerbaijan	n.a.	0.01	0.0	0.09	3.9
Canada	1.4	1.3	1.4	3.5	0.6
Denmark	0.8	3.6	0.9	4.1	1.0
Estonia	0.4	3.0	2.1	3.7	0.5
Georgia	0.02	0.5	0.2	0.4	0.2
Germany	0.2	1.2	0.9	4.0	0.6
Moldova	0.02	1.6	0.7	3.2	7.3
Netherlands	0.5	0.8	1.3	5.7	0.2
Sweden	0.5	1.0	0.7	4.5	0.1
Switzerland	0.2	1.9	1.0	5.1	0.2
Tajikistan	0.02	0.03	0.01	0.05	0.2
UK	1.5	1.5	0.9	4.9	0.0

Victimization rates (percentages) for five types of crime in 2009 or 2010, in twelve countries; results of ICVS-based studies

Previous analyses have shown that burglary victimization is a good predictor of over all levels of common crime. Rates of robbery victimization are the highest in Estonia.

The rates of threats–assaults show that, among these 12 countries, victimization is higher in the more affluent countries. The highest rates were measured in The Netherlands, Switzerland, Sweden, UK, Denmark, and Germany. In previous analyses of ICVS results, a positive relationship was established between levels of common violence and the consumption of beer per capita (van Dijk 2008).

In Moldova and Tajikistan the survey was conducted for the first time in 2011. In Azerbaijan the ICVS was conducted once before, in 2000 in the capital city, Baku. The 2000 victimization rates in Baku, Azerbaijan were exceptionally low. In fact, the overall victimization rate for 10 crimes of Azerbaijan was the lowest of all 78 countries that participated in the ICVS up to 2005 (van Dijk 2008). The results of the 2011 survey show that in spite of an oil-related economic boom, levels of crime have not risen. In Estonia and Georgia levels of crime have boomed in the early stages of their transition to market economies and democracy. In Azerbaijan as in Tajikistan levels of crime seem to have remained at the level of former soviet times.

Many countries seem to have experienced booms in common crime which peaked around 2000. The boom has been particularly pronounced in countries in transition, here represented by Estonia and Georgia. After 2000, levels of crime have declined almost everywhere. There are two important exceptions to this international trend in crime. In Georgia levels of crime continued to rise up to 2005 or even later. The crime drop observed internationally seems to have arrived in Georgia with a delay of several years. Since then, crime in Georgia has dropped with a vengeance, transforming the country from one of the most crime-ridden to one of the safest in the region. The explanation for this special trajectory can be found in its prolonged transition which was interrupted by strife and civil war, instigated by Russia. From 2006 onwards the new administration under President Michael Saakashvili has effectively combated crime, including organized crime (the *Thieves in Law*) and petty corruption.

Table 2. Victimization by burglary

	1989	1992	1996	2000	2005	2010
Canada	3.0	3.4	3.4	2.3	2.0	1.3
Denmark				3.1	2.7	3.6
Estonia		6.0	4.2	3.7	2.5	3.0
Georgia		2.5	3.6	2.6	7.1	0.5
Germany	1.3				0.9	1.2
Netherlands	2.4	2.0	2.6	1.9	1.3	0.8
Sweden		1.4	1.3	1.7	0.7	1.0
Switzerland	1.0		1.3	1.1	1.6	1.9
UK	2.1		2.8	2.7	3.3	1.5

One-year victimization rates for 2009–2010 (percentages) and results of available previous surveys (1989–2005); sources: ICVS 1989–2010

The trend in crime in Switzerland is the second exception to the general pattern. Between 2005 and 2010 levels of common crime, such as burglary and threats–assault, have gone up. This recent trend has transformed Switzerland from a low-crime into a high-crime country. We will discuss some possible explanations below.

In tables 2 and 4 available trend data on victimization by burglary and threats–assault respectively, are presented.

Only Canada and The Netherlands have participated in all six ICVS rounds. Their trends in burglary victimization are curvilinear with a peak in 1996 and a very steep decline thereafter. The UK and Sweden show a similar curvilinear trend. As discussed above, Georgia experienced a delayed curvilinear trend due to prolonged civil strife around 2000. The trends in Denmark, Estonia, and Switzerland seem out-of-tune with those elsewhere. In Switzerland burglaries have trended upwards since 1989, especially in recent years. In Denmark the level also increased between 2005 and 2010. In Estonia the level has remained more-or-less stable at a relatively high level.

Elsewhere we have demonstrated that trends in burglary in the six pilot countries between 2005 and 2010 are related to the level of anti-burglary measures (special locks and burglar alarms) in 2005 (van Dijk and Vollaard 2012). When data from Estonia and Switzerland are added to the analysis, the relationship between home security and trends in burglary is even more evident. Levels of home security are by far the highest in The Netherlands and the UK, where burglary rates have dropped, and the lowest in Estonia, Switzerland, and Denmark



where burglary rates have risen³ (see table 3 for results). The fact that the UK and The Netherlands resemble Denmark and Switzerland on most economic and social indicators makes the relationship the more telling.

The relationship between the two security variables and the trends in burglary is statistically strong. When the two measures of home security are added up, the correlation between level of home security in 2004 and the trends in burglary victimization between 2005 and 2010 is near perfect ($r = +.88$; $n=8$; $p < 0.002$)⁴. In other words, trends in burglary at the national-level between t1 and t2 appear to be co-determined by levels of home security at t1. Figure 1 visualizes this relationship.

In the UK home security has been promoted by the police through its *Secured by Design* certification program. Similar initiatives have been taken in The Netherlands culminating in the incorporation of mandatory home security for new houses in the Building Regulations of 1999. Research has shown that burglary rates dropped significantly in neighborhoods with newly built houses without spatial displacement (Vollaard and van Ours 2010). The promotion of home security by central and local government in countries such as The Netherlands and the UK seems in the longer term to have paid off in terms of reductions in crime.

In Denmark, Estonia, and Switzerland the public is aware of their high burglary risks. In Denmark the percentage of the public thinking it likely or very likely to be burgled in the coming 12 months jumped from 14 percent in 2005 to 32 percent in 2010. In Switzerland

this percentage was 25 percent in 2010. The percentages of people worried about burglary are now much higher in Denmark and Switzerland than elsewhere in Western Europe (the mean in Germany, The Netherlands, UK, and Sweden was below 15 percent in 2010). This increased risk awareness will by itself stimulate the use of home security. The economic case for the governments of Denmark, Estonia, and Switzerland to promote elementary home security in their countries is nevertheless strong. In these countries elementary home security is clearly underused. Investments in home security would be economically beneficial⁵.

Trends in victimization by threats–assaults are different from those of burglary. In none of the 12 countries

- 3 No data are available on home security for Georgia but this country might be an outlier, with steeply declining trends in burglary in spite of low levels of home security. Data on home security for Switzerland are only available for 1996 (van Dijk et al. 2007). It is unlikely that home security has improved since 1996 to such an extent that the country no longer ranks among the countries with the least secured homes. The fact that the Swiss authorities funding the survey have replaced the questions on home security with a set of questions on social crime prevention suggests a lack of interest in situational crime prevention.
- 4 The correlation between special locks and burglary trends is less strong because the UK is an outlier with a rate for special locks of 60 percent, almost 20 points below the Netherlands and Germany. This is compensated by a high rate of burglar alarm ownership.
- 5 The costs of elementary home security have been estimated at 433 euro per house by Vollaard & van Ours (2010). The benefits are estimated at 780 euro over a 30 year period per house.

Table 3. Home security and burglary victimization trends

	High-grade door locks, 2004 (%)	Burglar alarm, 2004 (%)	Burglary rate, 2004 (%)	Burglary rate, 2010 (%)	Change burglary rate (%-point)
England and Wales	60	41	3.5	1.5	- 2.0
Netherlands	78	15	1.3	0.8	- 0.5
Canada	48	28	2.0	1.3	- 0.7
Germany	63	14	0.9	1.2	+0.3
Sweden	46	16	0.7	1.0	+0.3
Estonia	40	7	2.5	3.0	+0.5
Switzerland*	29	5	1.1	1.9	+0.8
Denmark	32	9	2.7	3.6	+0.9

Rates of home security in 2004 and burglary victimization trends between 2004 and 2010 from eight countries. For 2010 see: http://62.50.10.34/icvs/Products/Database_Results_ICVS_2010_Pilot. Swiss data are from Killias et al. (2012) and data from Estonia from Ahven et al. (2010). * Swiss data on security are from 1996. Data on 2004 and 2010 are missing because the questions were not retained; sources: van Dijk et al. 2007



except Georgia and Estonia have levels of common violence gone down over the full period. Especially noteworthy is the upward swing between 2005 and 2010 in several countries (see table 4 for results).

Elsewhere we have argued that the significant increases in police-recorded crimes of violence in North America and Western Europe over the past 15 years result from greater detection efforts and improved recording, rather than from an increase in real crime. There is evidence from several countries that this has indeed been the case. In my view the drop in the volume of crime has freed-up resources allowing police forces to more actively respond to less serious crimes of violence which would have remained undetected and unrecorded in the past (van Dijk 2012). Having said this, the results of the latest round of ICVS surveys point to a surge in violent crime over the past 5 years in at least some countries, most notably Switzerland (Killias et al. 2011; Killias and Lanfranconi 2012; Aebi and Linde 2012). I agree with my Swiss colleagues that the most likely explanation for the recent boom in violent crime is the increased participation of younger people in nightlife and the related increase of alcohol abuse. A reduction of the emerging problems

Table 4. Victimization by threats–assaults

	1989	1992	1996	2000	2005	2010
Canada	3.9	4.8	4.0	5.3	3.0	3.5
Denmark	3.6				3.3	4.1
Estonia		5.0	5.7	6.3	2.7	3.7
Georgia		0.6	3.2	1.7	1.2	0.4
Germany	3.1				2.7	4.0
Netherlands	3.3	4.0	4.0	3.4	4.3	5.7
Sweden		2.7	4.5	3.8	3.5	4.5
Switzerland	1.2		3.1	2.4	2.5	5.1
UK	1.9		5.6	6.0	5.4	4.9

One-year victimization rates for 2009–2010 (percentages) and results of available previous surveys (1989–2005); sources: ICVS 1989–2010

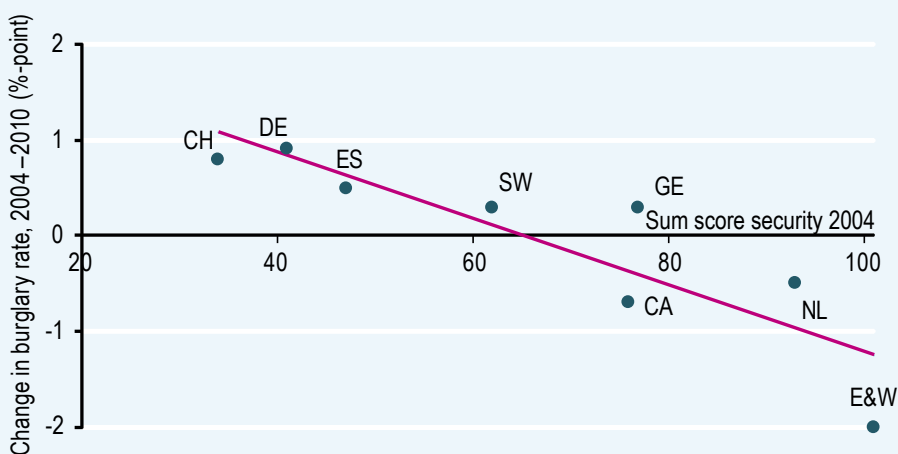
of violent crime seems within reach for governments committing themselves to a more stringent regulation of these industries.

ATTITUDES TOWARDS THE POLICE

An important indicator of police performance is the percentage of criminal victimizations reported to the police by the victims. Low reporting rates point to a lack of trust in the skills and integrity of the police. Reporting rates tend, for example, to be very low in many Latin American countries (van Dijk 2008). Since reporting rates vary by type of crime, we present reporting rates of victims of burglary only.

A second ICVS-based indicator of police performance is the level of satisfaction of reporting victims with their treatment by the police. In Table 5 the satisfaction rates of victims who did report to the police are presented. Finally, all respondents are asked to rate the performance of the police in their neighborhood on a four-point scale (“Taking everything into account, how good of a job do you think the police do in your area controlling crime?”). Table 5 shows the scores of these three police performance indicators in the 12 countries. The results reveal a gap in police performance between Eastern European and South Caucasian countries on the one hand and Western European countries and Canada on the other. In the first group

Figure 1. High grade locks and burglar alarms in 2004

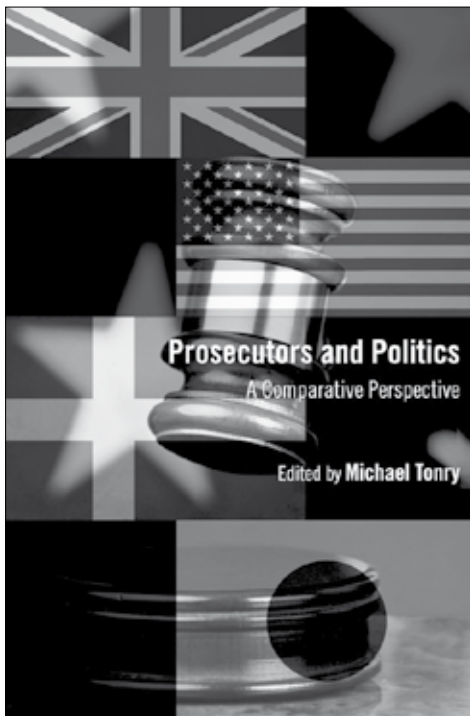


The sum of levels of high grade locks and burglar alarms in 2004 by changes in burglary rates (% points) between 2004 and 2010; eight countries from which ICVS data are available

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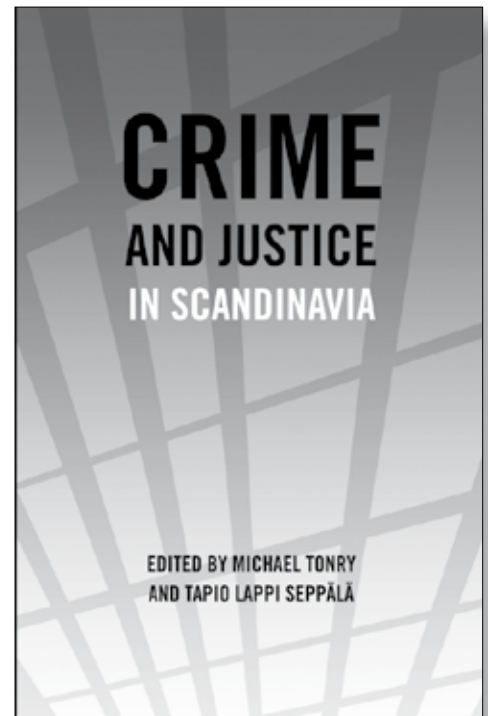
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of countries victims are less inclined to report to the police, and those who do are less satisfied⁶. This is also true for other types of crime. In spite of various EU and Council of Europe directives and recommendations, police forces in these former communist countries have apparently not managed to make their victim reception practices more victim-friendly. Further police reforms in Eastern Europe and the Southern Caucasus focusing on victim reception seem to be called for. The scores on victim satisfaction for Azerbaijan and Tajikistan are missing because of the small numbers of victims identified.

The public's assessment of the overall performance of the police tends also to be less favorable in ex-communist countries, with Georgia as a notable exception. The lowest rating is given by the public in Moldova. This is in line with the relatively high levels of victimization. The positive evaluation by the public of the Swiss police is somewhat surprising, considering the steep rises in crime in the country.

In Western countries victims are more satisfied with their treatment by the police but their satisfaction has not improved since 2000 (see also van Dijk et al. 2007). Apparently the EU Framework Decision of 2002 on the position of crime victims in criminal procedure, recently updated and upgraded into a Directive, has so far failed to improve police practices as perceived by reporting victims. It is possible police forces have relegated victim reception to specialized support agencies and/or have streamlined reporting processes, making them less instead of more victim-friendly. Another possibility is that the new victim policies have raised expectations which are not fulfilled. In the ICVS 2010 surveys conducted in Denmark, Germany, The Netherlands, Sweden, and the UK reporting victims were asked whether the police had kept them informed about their case, as they should according to EU legislation. Of the victims of household burglary only 43 percent had been kept informed (n= 373). Of those who had not, 59 percent said they would have appreciated follow-up information. The provision of follow-up information was lowest in Denmark and The Netherlands. The implementation of relevant EU legislation and of national legislation or guidelines on victims' rights clearly still leaves much to be desired.

CONCLUSIONS AND OUTLOOK

The sixth round of the ICVS was partly coordinated by the International Government Research Directors Network (IGRD). Surveys in six countries were independently supervised. No comprehensive report on the results of these surveys has so far been published. Of

Table 5. Reporting rates for burglary

	reported	satisfied	good
Azerbaijan	50		52
Estonia	38	31	63
Georgia	48	26	85
Moldova	69	15	28
Tajikistan	11		65
Canada*	74	63	86
Denmark	77	52	69
Germany	62	53	66
Netherlands	80	69	75
Sweden	65	67	76
Switzerland	80	77	88
UK	78	73	81

Reporting rates for burglary, victim satisfaction, and rating of police performance overall; in twelve countries in 2009–2010, results of ICVS-based studies; *Canadian data are from 2005

the 12 surveys, 11 were conducted with either CATI (in the West) or face-to-face interviewing (in the East). The Swiss survey combined CATI with CAWI. Results should be compared with some caution. The relatively high rates of Estonia might partly be the result of face-to-face interviewing. This is not the case with the high rates of Denmark, though. The relatively high Swiss rates might also have been somewhat inflated, in this case by the use of CAWI with half of the sample.

With the exception of Switzerland, the modes of data collection have largely been the same as in previous rounds, CATI in the most developed countries and face-to-face everywhere else. In this respect the ICVS compares favorably with some of the national victimization surveys such as the NCVS of the USA, the British Crime Survey, and the ever-changing Dutch national surveys. These national surveys have all been repeatedly and fundamentally redesigned, compromising comparability of results over time. The ICVS-based crime trends are based on a methodology which remained the same for over 20 years. Although the sample sizes of the ICVS are relatively small—typically 2,000 per country—the results are indeed remarkably consistent over time.

Funding of the ICVS on a global scale remains a huge

⁶ Reporting of crimes like burglary is likely to increase when more households are covered by insurance.

challenge. On the positive side, web-based modes of data collection hold the promise of conducting international surveys in the future with much lower budgets. In this respects the results of the surveys in Azerbaijan, Moldova, and Tajikistan are also encouraging. They demonstrate the potential of assessing the crime situation in a country with an abridged version of the ICVS, taking no more than three minutes of interview time per respondent. For analyses of secondary characteristics of victimization experiences, however, a sample size of 1,000 per country seems too small in many countries, especially so when victimization prevalence is low.

As mentioned in the introduction, the European Commission, and more specifically Eurostat, has done preparatory work on a future European Safety Survey (SASU) for some years. In most member states pilots have been carried out with a draft questionnaire (Aromaa et al. 2009). Building on these experiences, a new, slimmed-down questionnaire has subsequently been drafted (van Dijk et al. 2010). This questionnaire also covered internet-based crimes and a set of questions designed to monitor the new EU directive on victims' rights. At the insistence of Italy, it also included a separate set of questions on violence between intimate partners. A budget had been earmarked at 12 million euro to conduct the SASU in all member States with sample sizes of 3,000 up to 10,000 per country in 2013. The conduct of such surveys required legislation and a proposal was submitted to the European Parliament in 2011 (2011/0146 [COD]). In September 2012 the European Parliament notified the Commission that the proposal had been rejected and that new proposals were to be made. This negative decision is a major setback for European criminology, especially for some of the new member states in which no victimization surveys have ever been conducted. To my knowledge neither the European criminological community, nor in fact any criminological expert, has been consulted about this negative decision by the European Parliament. The appointed rapporteur on the proposal, a British MEP, Timothy Kirkhope (Conservative), submitted a highly critical report. The rapporteur reportedly raised doubts about the added value of the SASU project, considering results from national surveys were available from so many member states. He also noted that the surveys would not be fully standardized because some countries, notably France and Ireland, had refused to include questions on domestic violence and/or sexual abuse.

Although some of these criticisms are not without merit—standardization was indeed not fully assured—the rejection of the SASU by the European Parliament

seems to be a grave political mistake. With the growing interest in issues of crime, crime prevention, victim assistance, and criminal justice within the European Union and the expanded mandates of the Commission in this domain, a set of comparable statistics on crime seems indispensable for the planning, conducting, and monitoring of fact-based EU-policies. The absolute numbers of police-recorded crimes per country, published annually by Eurostat, are nothing but a source of misinformation about the distribution of crime across the Union. When expressed in rates per 100,000 inhabitants, crime is supposed to be the most prevalent in the Scandinavian countries and by far the least in Rumania and Bulgaria. Is there any MEP truly believing that this is information on which policies can be built? As criminologists know, the only possible way to collect credible and comparable statistics on the prevalence and trends in crime is a standardized victimization survey. This is why the federal government of the USA has set aside and sustained a considerable budget for its National Crime Victimization Survey. The EU SASU promised to do even more than just estimating levels of crime across the member states. It would also, as shown above, have provided policy relevant information on, inter alia, the use of crime prevention measures, police performance, and the treatment of victims by the police. In the absence of a European crime survey, criminal policies in the Union will be prepared, carried out, and evaluated "in the fog".

I sincerely hope that the European Commission, including Eurostat with its national partners, will soon go back to the drawing table to put together a new proposal. One option worth exploring, considering the current stalemate, is to issue a call for public tender on the conduct of a standardized victimization survey using the SASU questionnaire. Building on the experience of the European parts of the fifth and sixth rounds of the ICVS, also duly funded by the Commission, such survey could be implemented by a consortium of polling agencies and crime survey experts. The project could use more modest sample sizes than the ones envisaged by Eurostat, for instance 3,000 per country. This would still produce robust indicators and surely cut down costs considerably. The content of the questionnaire could be revisited once more, especially the controversial set of detailed questions on violence and sexual abuse between intimate partners. As important as this topic is, the inclusion of a special set of questions about such sensitive issues complicates the execution of the SASU, especially among some of the new member states and Ireland. It seems to be a better option to design and execute the

latter surveys with a tailor-made technique of interviewing, assuring optimal confidentiality. In fact, this is what the EU Fundamental Rights Agency (FRA) is currently doing in all member states. Some broad questions on victimization by violence and sexual incidents, taken from the ICVS, can of course be retained in the general crime survey. A challenging issue is the choice of the mode of data collection. The future of crime surveying seems clearly aligned with web-based interviewing. However, in the new member states internet penetration might not prove to be high enough. In my opinion, the CATI mode is still the most attractive option for an EU-wide survey in 2013 or 2014, on the condition that the samples include exclusive owners of mobile phones.

A CATI-based SASU with an abridged questionnaire and reduced sample sizes will be much less costly than the proposed SASU. It could be executed and reported upon by a competent consortium within a time span of months after the contract is signed. It will provide the Union with the necessary statistics on crime during the governing period of the current Commission. And it will buy time for Eurostat to prepare for a full-fledged SASU, conducted within the EU Statistical System, in 2015. In the meantime arrangements should also be made for continued collaboration with countries outside the EU.

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Rossella Selmini and Csaba Györy

ESKERRIK ASKO, BILBAO!

The Artxanda Mountain, a steep hill directly overlooking downtown Bilbao is not necessarily the first place Bilbao visitors go, especially if they are attending a conference and have to find excuses for such a trip. The Guggenheim Museum, almost directly towering over the conference venue was such an obvious distraction, and so crowded with criminologist during those few days in September, that it might have been reasonable to keep two hours free in the program just to enable participants to visit it without a bad conscience. Visiting one of the foremost museums in Europe, housed in one of the most famous buildings on the planet, itself a piece of art, is so evident that one might not even have to find an excuse for it.

But saying that “I am skipping this session because I am going to climb one of the hills to have a look at the city from another angle” is a different matter. The guilty few who rode the rattling funicular up the hill could enjoy the sweeping vista of the Bilbao, built around the river Nervión, now glittering in the sunshine in the sharp light that follows the rain, meandering from one of the steep valleys climbing up the mountains to the plains where it enters the ocean. But what was also visible from the hilltop was the transformation of a city that was once viewed as a tragic example of a regional industrial powerhouse-turned-dead-end of urban development, with faltering businesses, high unemployment, heavy pollution, and rapidly fleeing population, into a global cultural venue and lively urban space. Along the river, once a sad industrial wasteland, now a row of exciting buildings are to be seen, not only the Guggenheim, but also Bizkaia Aretoa, the conference venue, concert halls, and university buildings, all loosely connected by parks and walkways. Higher up, on the hills behind the old town, one can see the bleak, tightly built residential high rises, maybe still the reminders of a less fortunate past. But of ambitious projects of urban development, which look impressive on the drawing board there are many; what really makes Bilbao so exciting that the new parts are bustling with life; inhabitants and tourist alike occupy the newly acquired space.

The Bilbao conference yet again showed that the ESC is also a space that was clearly needed in European criminology. What else can prove this better than the number of participants: with over 800 this was the

second largest ESC annual meeting after Bologna, and all this in a year when the crisis has forced many universities in Europe to introduce considerable budget cuts. This could have meant the many researchers, especially doctoral students would not be able to attend. But, suprisingly, this turned out to not be the case.

These numbers against the odds provide evidence that the European Society of Criminology has become, in ten years, a well established professional community which enjoys its annual meeting. If we were writing the story of our association during these past ten years, we could now say that we are definitively in the second stage of maturity that started in 2007 in Bologna, and, with ups and downs, has been going on now for 5 years. The new Executive Board of the ESC elected in Bilbao has a lot of work to do for the next years!

The success associated with attracting large numbers was good for the Society and the conference budget but a mixed blessing for the local organizers: they had to find a second venue (something about which conference participants always complain) for the many more panels that needed to be scheduled, to stretch the programme, to take care of many more details and problems than in a smaller conference. They performed this hard task admirably, and, if there were conflicting programs or a bit of confusion sometimes, well, this is part of the game of becoming a big association of criminologists, which is not easy to fit into our small European university buildings. The ESC should try to do this as long as it can, before surrendering to the need to organize its meetings in big anonymous convention centres or hotel-monsters where we have to share the space with several other conferences on issues or disciplines we have never heard about (one of us still vividly remembers the shock he experienced as a young criminologist, first presenting at the ASC, when 2 people, who represented 50% of attendees, at his session left the room mid-presentation because they realized that this was not the critical parapsychology session of the discursive psychology annual meeting) To save this tradition, most members would be happy to pay the price occasionally of being late to a seminar or to have arrangements be not entirely efficient.

The programme was great and, if there were some complaints about the prevalence of a “legal” approach, what does that matter? Criminology in Europe is, as

places in Europe are, much more diverse than in the United States: in some countries, empirical and legalistic approaches dominate the discourse, in others the claim for social theoretical relevance of criminological research is stronger.

One of the positive developments visible in Bilbao was that critical criminology—which now, in the form of the DCGC doctoral program, the first Erasmus Mundus Doctoral Program in criminology in Europe, has created its own institutional network and graduate program – had a much stronger presence.

Another sign of institutionalization of European criminology was the many editorial meetings that took place in Bilbao. As it seemed, several textbooks are in the making, such as the Handbook of European Criminology, or the European Handbook of White Collar Crime, which would set slightly different emphases than the widely used, mostly British and American ones. So, hopefully, with these it will be possible to speak about issues in penology using an English-language text that also takes the differences between the common law and continental criminal law into account; or teach white-collar crime with case studies that are taken from the European regulatory environment, where most of the students will spend their professional lives. These textbooks, hopefully translated into many languages and widely used in higher education, will help establish European criminology as a distinct criminological tradition.

Bilbao was also unique for including in the programme things that represented true novelties in the history of our conferences: a meeting with two famous crime novelists and the showing of a movie. Many of us really appreciated the efforts of the local organ-

izers to offer the participants these two events, even if, maybe because they took place late in the evening, they were less crowded than they otherwise would have been. Lorenzo Silva, the Spanish mystery novelist, and Jans Lepidus, the Swedish mystery novelist, had a sort of “speech corner” in which they talked about their jobs as novelists, and their ideas about crime, police, and what it means to write about such topics. The director Enrique Urbizu, native of Bilbao, presented the movie “No habrá paz para los malvados” (No Rest for the Wicked) which won the Spanish Goya Award in 2012 as the best movie.

In both cases these two events offered the participants the possibility to think about crime and related matters from a different perspective, and to enlarge their views about their discipline.

There is no single way to understand complicated things like crime and crime control. Novelists and film makers can explore the same subjects in their own distinctive ways. We, social scientists can certainly learn from them, and they can probably also learn from us. With these programs, the Bilbao organizers opened up new ways of talking about crime at our annual meetings. Hopefully this will become a tradition in the future.

Rossella Selmini is Director of Safety Policies and Local Police, Regione Emilia-Romagna.

Csaba Györy is junior research fellow at the Max Planck Institute for Foreign and International Criminal Law in Freiburg, Germany, as well as assistant professor of criminology and criminology at the Széchenyi University in Győr, Hungary.

Nominations and Applications Sought

The nomination and application process for at-large board memberships and the presidency to be elected at the 2013 Annual Meeting in Budapest is now open. Members are encouraged to nominate others or apply themselves.

Nominations and application shall be sent to the Executive Secretary by not later than 31st March 2013.

Judit van Erp

EUROPEAN WORKING GROUP ON ORGANIZATIONAL CRIME (EUROC)

The European Working Group on Organisational Crime (EUROC) was established in 2010 with the aim to stimulate research in the field of organizational and white-collar crime in Europe. Members of the group focus on crime, deviance, or semi-legal “cosmetic” compliance behaviour committed by firms, corporations, or state actors, or by individuals in an organizational context. Criminological research in white-collar crime has been dominated by Anglo-Saxon scholars writing about white-collar crime in the United States, the United Kingdom, or Australia. Yet, white-collar crime is also a topic of criminological scholarship in continental Europe, and all European countries have witnessed serious cases of white-collar crime. The working group, consisting of approximately 80 members, aims to foster cooperation and exchange between those European criminologists working on corporate crime. The working group publishes a newsletter twice a year, and organizes a stream of panels at the ESC annual conferences. Both in 2011 in Vilnius and in 2012 in

Bilbao, we organized 5 EUROC panels that were lively and well-attended.

Currently, EUROC’s most important project is the publication of the *European Handbook on White-Collar Crime*. The aim is to give a broad overview of corporate and white-collar crime in a European context, both in terms of thematic topics as in terms of case studies and countries covered. Part of the book consists of chapters discussing specific features of white-collar crime and the study of white-collar crime in Europe, such as differences in legal classifications of white-collar crimes and difficulties in measuring the prevalence of white-collar crime due to language differences and national borders. The handbook is innovative in particular because it includes contributions about Eastern European countries in transition, Southern European countries, and opportunities for fraud in the context of the European Union. These perspectives are often overlooked in the literature that primarily focuses on Northwest Europe.



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A second part of the handbook will discuss and analyse landmark white-collar crime cases in Europe, such as the fraud cases concerning Parmalat and Société Générale, corruption at Siemens, and environmental pollution by Trafigura. Through these cases, we aim to provide white-collar crime scholars with European examples in addition to the well-known American cases of Enron, Ford Pinto, and Madoff, which, so far, have been dominating the literature.

The work on the Handbook has just started and publication is envisioned for early 2014 with a major European publishing house. The handbook will be edited by Judith

van Erp (Erasmus University Rotterdam), Wim Huisman (Free University Amsterdam), and Gudrun van de Walle (University College Ghent).

All researchers interested in corporate and white-collar crime are very welcome to join EUROCC. We also welcome proposals for contributions to the Handbook. Please contact Judith van Erp, Erasmus School of Law, Rotterdam, the Netherlands at vanerp@law.eur.nl.

Judit Van Erp is Associate Professor of Criminology at the Erasmus School of Law in Rotterdam.

WORKING GROUP REPORTS

Finn Esbensen

EUROGANG

The Eurogang Working Group has had a very busy year. Last September (21-25, 2011), the group held its 11th workshop at Grundtvig's High School in Hillerød, Denmark (just outside of Copenhagen). Funding support for the meeting was provided by the Danish National Crime Prevention Council (Det Kriminal Præventive Råd), the School of Criminology and Criminal Justice at Arizona State University, and the Des Lee Collaborative Vision at the University of Missouri-St. Louis. This workshop brought together researchers and practitioners, with a number of presentations bridging the gap between these two worlds. For example, Maria Libak Pedersen (Denmark) spoke about 'Gang Joining: Results from a Danish Self-Reported Delinquency Study'; Karen Hennigan (USA) gave a talk entitled 'Viewing Gang Involvement through the Lens of Social Identity Theory: Some Implications for Prevention and Intervention Approaches'; Amir Rostami (Sweden) discussed 'Crossing the Border of Collaboration: Finding the Utility of Theoretical Models in Police Work'; Darin Haerle and Cheryl Maxson (USA) reported on 'Gang Practices in Youth Correctional Facilities'; Line Lerche Mørck (Denmark) addressed the topic of 'Danish Gang Seminars as Boundary Community: Collaboration among all Stakeholders—and Stakeholder Positions'; and Beth Huebner (USA) addressed the topic of gang desistance in her talk on 'Gang Members Coming Home: Exploring Patterns of Desistance'. The meeting also included a field trip to Copenhagen where we visited the National Intelligence

Center Gang Unit and the Copenhagen Teamet/out-reach center staff and the local police. Some participants were also allowed into a prison to meet with several gang members serving sentences while others took a walking tour of Christiania.

The 12th Eurogang Workshop convened from May 2nd till May 4th in Stockholm, Sweden in conjunction with the Stockholm Gang Intervention and Prevention (SGIP) project. Approximately 350 people participated in this interesting and informative effort to link policy and practice with research. Participants included representatives from law enforcement agencies, practitioners and service providers, policy makers, and researchers. The 3-day conference included a diverse set of presentations. A sample of presentation titles follows: 'Gang Prevention Programming: What Do We Know? What is Missing? What are We Doing about it?' by Tom Winfree (USA); 'Family and Educational Disadvantage and Youth Crime in Belgium: Assessing the Role of Social Controls, Deviant Beliefs, Self-Control, and Lifestyles' by Lieven Pauwels (Belgium); 'Delinquent Youth Groups Action Programme: A Dutch Approach' by Maaïke Zwijnenburg and Peter Winkelman (the Netherlands).

'Immigrants, Membership, and Outreach: The Challenges and Interventions of Community Policing in South Los Angeles' by Danny Gascón, (USA); 'The Mental Health of Gang Members' by Jane Padmore (UK); 'In-Group Identification, Out-Group Entitativity, and Group-Based Aggression in UK Juvenile Gang



and Non-Gang Members' by Eduardo Vasquez, Lisa Welborne, Madeline Peers, and Emma Alleyne (UK); 'The Power of Representation: How Gang Members, Intervention, and Prevention Officials Get Caught Up in Gang Symbolism' by Elke van Hellemont (Belgium); and 'Comprehensive Models of Gang Intervention: Problems and Prospects Associated with Targeted Approaches to Violence Prevention' by Chris Melde (USA). For more information about the Eurogang workshops (agendas and abstracts), please consult the Eurogang website (<http://www.umsl.edu/ccj/eurogang>).

In January 2012 Springer released the fourth volume of the Eurogang Program of Research. Finn Esbensen and Cheryl Maxson edited this collection of original essays that centered around three themes: 1) Definitional issues in the comparative context; 2) Group processes in the comparative context; and 3) Gang depictions in non-American contexts. The book is titled: *Youth Gangs in International*

Perspective: Results from the Eurogang Program of Research.

At the ESC meeting in Bilbao, the working group was well represented with two panel sessions reporting new research findings as well as several individual papers. Most of the presentations focused on the general theme of gang transitions, including factors associated with joining and leaving the gang.

The 13th Eurogang Workshop (Multi-Method & Cross-Disciplinary Gang Research: Implications for Theory and Practice) is scheduled for June 19–22 at the University of Canterbury, Kent, UK. More information and call for papers will be included in the next issue of the ESC Newsletter.

Finn Esbensen is the E. Desmond Lee Professor of Youth Crime and Violence and at the University of Missouri, St. Louis.



NEWS FROM THE EDITORS OF THE EUROPEAN JOURNAL OF CRIMINOLOGY

Paul Knepper

EJC REVIEW PROCESS

From September 2011 to August 2012, the European Journal of Criminology received and processed 131 submissions, or roughly, 10.9 per month. This is a significant increase from September 2007 to January 2010, when the journal received about 4.1 per month. About 15 percent of papers received are judged inappropriate for the journal and are not sent out for review. Of papers sent for review, the acceptance rate is 44 percent. We pledge to complete the review process within 4 months of submission, and are happy to report that, currently, the average time to reach a decision is 2.4 months. This figure is based on 63 completed

reviews since September 2011. The length of time largely depends on how many reviewers need to be commissioned before securing two completed reviews, and whether or not reviewers request a second round of revisions. We appreciate all those who have completed reviews for the EJC during the past year. Thanks to you, the review process at the EJC works for all of us.

Paul Knepper is Professor of Criminology at the University of Sheffield and the editor of the European Journal of Criminology.

FROM THE NEXT ISSUE

- › *Susanne Karstedt on Crisis, Neoliberalism and Declining Imprisonment Rates*
- › *Robert J. Sampson on European and American Criminology*

MASTER

CRIMINAL JUSTICE GOVERNANCE POLICE SCIENCE



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