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Tapio Lappi-Seppälä on Penal Policy in Scandinavia **Working Group Reports**



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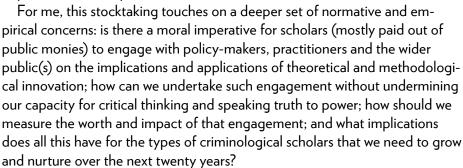
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Lesley McAra

WHY THE EUROPEAN SOCIETY OF CRIMINOLOGY MATTERS

I am deeply honoured to have been elected as President of the European Society of Criminology and, in particular, to be the incumbent at the time of the ESC's twentieth anniversary in 2020. The Society's twentieth birthday provides an opportune moment to take stock and assess the impact which the ESC has had over the past two decades:

- How far and in what ways has the Society supported capacity building in criminology across Europe?
- What has been the contribution of our members and working groups to innovation in theory and method?
- Has any such innovation led to transformations in policy and practice beyond the academy?



I'm going to use the presidential messages in each of the ESC's Spring and Summer newsletters to address such questions and concerns. In the first of my messages, however, I want to offer some reflections as to why, at age 20, the European Society of Criminology matters more than ever before. I begin with some observations on the contexts of criminological knowledge production, with a focus on two sets of paradoxes which potentially inhibit the academy's capacity for innovation and impact, before exploring in more detail their implications for the role and purpose of scholarship.

Paradox 1: the drivers of the impact agenda vs the denigration of expert knowledge

The quality of criminological research is increasingly being measured by its capacity for impact including policy impact. Within a UK context for example, this has been driven in part by the imperatives of the research funding councils and the so-called 'Research Excellence Framework' or REF (the periodic review process which assesses and ranks the quality of academic research



across institutions of higher education). As a matter of routine, funding applications must now include pathways to impact statements and identify a set of non-academic stakeholders; and impact case studies have become an extremely lucrative dimension of the REF, comprising as they now do a growing and significant proportion of the research excellence grant that flows to universities from the government. More broadly, local and central governments across Europe are also exerting pressures on universities to be demonstrably engaged with their wider publics, including communities both at home and internationally, with university research and innovation having an increasingly critical role to play in driving economic growth and creating jobs.

The commodification of research underscored by the core contribution of universities to the knowledge economy is, arguably, creating path-dependencies in terms of research output and generating an ever more fast-paced and reactive culture. As criminologists have increasingly become, not just producers and consumers of social scientific knowledge, but crucially purveyors of that knowledge beyond the academy, so too has academic esteem become increasingly monetised.

At the same time as the pressures associated with monetisation are building, so too is a populist counternarrative denigrating academic expertise. Indeed, it is somewhat of an irony that just as academics are being heavily incentivised to reach out to and influence external audiences, academic research has increasingly been debunked and treated with cynicism in the political and popular imagination. Currently all European jurisdictions and beyond are living in a political environment characterised by high levels of uncertainty and contestation. This has been accompanied by a loss of civility in public life and a gradual debasing of the public sphere facilitated by new technologies: examples include social media trolling, the use of new technologies to disrupt electoral processes, the fog of information and the proliferation of fake news on the internet. Never has expert knowledge, synthesis and critical commentary been more needed and never has it been so publicly devalued.

Paradox 2: salience of subject matter vs disciplinary specialisation

This brings me to a second paradox: the salience of subject matter vs disciplinary specialisation.

In spite of this denigration of expertise, our collective knowledge as criminologists continues to speak to many of the 'wicked' and complex issues facing humanity, such as: shifting norms of crime and gender-based violence; threats to human rights; patterns of enforced migration; money laundering and international terrorism; threats to the planetary eco-system; the untrammelled growth of surveillance capitalism and its capacity to undermine democratic processes and disempower citizens; state crime; the growth of cybercrime and the inherent fragility of core infrastructure.

It is, therefore, a further irony that, as the subject matter of criminology grows ever more in salience, so too do emergent disciplinary dynamics have the potential to inhibit our capacity to grapple with the wicked problems just described. Arguably a key challenge facing criminology comes from our own tendencies to eschew eclecticism in favour of increased specialism. Whilst criminology has always been a site of theoretical and methodological crossings and contestation, recent years have seen an increased fragmentation. In our introduction to the most recent edition to the Oxford Handbook of Criminology (2017), Alison Liebling, Shadd Maruna and I highlighted the large number of specialist handbooks that have come on to the market on topics such as: rural criminology; policing; criminal justice; victims and victimology; juvenile justice; youth justice; quantitative criminology; punishment and society; crime prevention and so on. There are also a growing number of specialist journals—such as youth justice, quantitative criminology, developmental and life course criminology, crime media and culture, feminist criminology, punishment and society, qualitative criminal justice and criminology. And the danger with such specialisation (as Susan McVie and I have argued, 2017) is that it risks variant criminologies becoming introspective and potentially self-referential — becoming conversations only with themselves. As scholars we need to reflect on whether mono-methodological approaches and purity in epistemological framings narrow our frame of reference such that it becomes difficult to grasp the complex and messy nature of the subject matter which increasingly forms our core business.

WHY THE ESC MATTERS

For the past two decades our Society has promoted scholarly exchange and cooperation, bringing disparate fields into creative convocation. And our journal has retained its generalist approach to publishing, forming a rich archive of the best in European criminology, and thereby celebrating multiple methodologies and multiple theoretical approaches. The annual conference and our

working groups provide places of critical engagement and inspiration for the theoretical imagination.

To address the challenges which inhere in the paradoxes set out above, universities as seats of learning and producers and curators of expert knowledge bear great responsibilities, and in this context the ESC has an important leadership role to play. Fundamentally, how we conduct ourselves as criminologists and as a Society matters more than ever. And we need to use our collective voice and our institutional capital to reach out to our wider publics, including politicians and policy-makers, to build the robust evidence-base which will enable us to engage, to challenge and to enlighten.

IN CONCLUSION

We live in interesting times! The paradoxes which frame the context of knowledge production demonstrate the fragility of criminological scholarship and also its increasing salience. For me, the great strength of the ESC lies in its capacity to forge new research networks and collaborations and to nurture the mindset needed to confront and transform the greater injustices posed by the turbulent environments in which we operate. Radzinowicz, himself a post second world war *émigré*, once wrote that the function of criminology was to produce 'useful' knowledge. As one of the heirs to this legacy and as a Scot, I have never felt more European.

ENDNOTE

As part of a stocktaking of the ESC at 20, I am going to be undertaking a project exploring the impact of the society, in collaboration with Lieven Pauwels. The project will involve a short survey and a small number of interviews. Key questions will include:

- what impact has our research had on policy and practice and on public debate,
- what have we as a Society contributed to capacity building in criminology across Europe,
- how has the society helped to nurture the next generation of scholars and with what effects,
- and in cases where researchers have reached out to communities to criminal justice institutions and government, what can we learn from our successes and failures (really important in a context when co-production and collaborative working with external partners become increasingly the norm).

Please look out for details as to how to take part in the next edition of the newsletter. Findings will be reported at our annual conference in Bucharest.

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EUROPEAN CRIMINOLOGY AWARD ACCEPTANCE SPEECH

Tapio Lappi-Seppälä

THE INGREDIENTS OF PENAL MODERATION

NORDIC PERSPECTIVES ON PENAL TRANSFORMATIONS

It is a great honour for me to be the recipient of the 2019 ESC European Criminology Award for Lifetime Contribution to European Criminology. I would like to express my gratitude to the Award Committee for their work and to Frieder Dünkel for his laudation and for the long lasting co-operation in the field of comparative criminal justice research. I would also like to thank Michael Tonry—

another person with unlimited energy in organising research projects—for all his support and for dragging me from the Nordic periphery into wider comparative circles. Throughout this whole time, I have received invaluable support from my dear Nordic friends and colleagues, of whom I wish to mention especially Britta Kyvsgaard, Anette Storgaard and Henrik Tham. On this occasion,

I also want to honour the memory of Per-Ole Träskman, a great Nordic scholar and a dear friend of mine, who unfortunately passed away this summer. They all have left their mark on the issue I am going to talk about—that is, Nordic penal policies and practices.

THE NORDICS AS POLICY MODELS?

The Nordic prison system has received considerable attention in international media. Pictures of prisoners taking sunbaths in the Norwegian Bastoy prison, or offenders receiving Shiatsu massage after sauna in the Finnish open prisons, have raised both astonishment and amusement. Nordic researchers, however, have remained less enthusiastic about these characterisations. They say that things may not be as rosy as described; that there are unnoticed problematic practices, such as unduly strict enforcement conditions in remand, increased security restrictions in prisons, as well as an even stricter immigration policy. It has also been pointed out that the Nordic countries, too, have experienced a punitive turn of their own over the last decades with a shift towards more expressive and symbolic penal politics and increased penalties, especially for drug crime and violent and sexual offenses.1

Both characterisations have their point. Nordic penal practices are moderate when compared against many others. But, they also have evolved towards a more punitive direction when viewed against their own history. To get a full picture of penal transformations in this region, one should be able to capture both dimensions. Keeping that in mind, I will start from the developments that led to the adoption of policies that became later labelled as 'Nordic exceptionalism'.

NORDIC PENAL MODERATION

For me, this transformation period is a part of the history and environment I have lived in. It also has directed my own research interests and orientations. I happened to start my post-graduate studies during the peak period of penal reform in Finland in 1975. My former professor at the University of Helsinki-Inkeri Anttila, who received her ESC lifework award in 2012—had at that time just been appointed as a non-political Minister of Justice in the Finnish government. During her short 'Ministertime' (100 days), she managed to pass half a dozen bills. These bills were an important element in the process that brought the Finnish prison populations from the highest level in Western Europe in the 1970s to the lowest in the EU in early 1990s (for details, see Lappi-Seppälä 2007).

Having a criminologist a Minister of Justice was help-

ful for a penal reform, but probably not enough for a criminal-political revolution. As that is what took place in Finland in the 1960s and 1970s. Penal changes that took place in Finland were a part of a larger social reform that touched the whole Nordic region. Politically and economically, penal moderation went together with general political turn to the left, the strengthening of the welfare state and the decrease of income differences. This was the case for the whole region, but especially for Finland. In socio-economic terms, Finland was joining the Nordic welfare family.

The reform period was very much a Joint Nordic Project with intensified Nordic co-operation on legal matters. The Nordic Criminological Council was established in 1962 to promote research and Nordic co-operation in the field. Ideas and experiences were shared in annual meetings for researchers, practitioners in prison and probations services, courts and prosecution services.

It was also a process of democratisation and the involvement of civic society. Between 1966 and 1968 small activist organisations, like prisoners' associations in four Nordic countries, brought the injustices experienced in prisons, child welfare institutions and mental hospitals to public attention.

It was a reform led by experts. Major political parties were uninterested in including the subjects of crime and criminal policy in their political agendas. The principles of penal reform were discussed in small circles of experts and drafted in committees working independently with wide discretionary powers. Concrete law drafting and consistency in policy planning were secured by longstanding institutional structures. The total reform of the Finnish penal code was pre-planned by an expert committee between 1972 and 1976 and realised by an independent Task Force between 1980 and 1999. Even more longstanding bodies could be found in Denmark. In 1960 the Danish government set up the still-functioning law reform commission (Straffelovrådet) to serve as a permanent expert organisation on all major reforms.

To sum up: the ingredients of the liberal penal reform consisted of welfare expansion, democratisation, civic activism and solidarity, Nordic co-operation, expert power, personal influences, shielded and durable institu-

By now there is a good collection of critical works analysing Nordic trends from both external and internal points of view (for prison policy, see Ugelvik & Dullum 2012, Smith & Ugelvik 2017; for immigration esp. Barker 2018; for more general analyses, Andersson & Nilsson 2017, Lappi-Seppälä 2007, Tham 2018, Tonry & Lappi-Seppälä 2012; for external comparisons esp. Pratt 2008 and Pratt & Eriksson 2012).

tional structures and a reasonable media. However, these policies would not have taken the shape they did without input from criminological research.

Empirical groundwork on crime and corrections changed our conceptions of the nature of crime and criminality and the functioning of the criminal justice system. The first comparative research on self-reported crime in the early 1960s 'normalised' crime and criminality as something that most of us get involved with in some part of our life. Analyses that revealed the comparative ineffectiveness of custodial penalties paved the way for the demands to reduce the use of imprisonment. Comparisons between open and closed prisons grounded the expansion of the open prison system. Studies on prisonisation underlined the principle of normality in enforcement and stressed the need for the development of noncustodial alternatives. Analyses of injustices and breaches of legal rights in the use of indefinite confinement led to restrictions and to the abolishment of preventive detention. Critical institutional analyses by scholars like Nils Christie and Thomas Mathiesen paved the way for the development of alternative conflict resolution and mediation practices.

However, the role of criminological research was not confined to institutional critics or empirical accounts. Constructive normative theorsing on issues such as the general aims of crime policy, the principles of criminalisation and the mechanisms of general prevention introduced a paradigm shift in criminal-political thinking. It expanded the traditional tasks of crime policy beyond mere crime prevention and placed criminal justice policy in line and together with other spheres social policy: 'Good social policy was the best criminal policy'. It abolished the 'fight against crime' as the primary task and replaced it by more balanced and nuanced formulations (the aim of harm minimisation and the fair allocation of costs of both crime and crime control). It lifted the values of humanity, legal security, proportionality and equality to the forefront, and it relativised the role of criminal law into just one of many available means and strategies in crime policy.

In the Finnish discussion, these principles were gathered under the label 'Human and Rational Criminal Policy' (with Inkeri Anttila and Patrick Törnudd as the key architects). This concept is difficult to fit in any of the major criminal political currents of that time (1970s–1980s). It was not an example of Penal Welfarism—as understood in the Anglophone context—as it did not put many hopes in the prospects of treatment or penal rehabilitation. It was also not part of the Just Deserts

principle, as it legitimised the use of punishment ultimately with reference to social utility and general prevention. Nor was it a form of the simple deterrence doctrine, as the general preventive effect of punishment was not based primarily on deterrence, but on its indirect, moral enforcing effects—in today's terms, on legitimacy and normative compliance.

NORDICS IN A COMPARATIVE CONTEXT

One policy conclusion was a general reduction in prison population; another was the encouragement of social and situational crime prevention. The Nordics also succeeded in both fields. During times when several parts of the world were experiencing increasing rates of imprisonment, those of the Nordics remained low and stable, or even declining. This is confirmed also in the latest European comparisons for 1992–2016.

These trend and level differences became the subject of the growing punishment and society research in the 1990s. Up until the early 2000s, its focus was on the US and on the Anglophone punitive turn. After the mid-2000s, deviating trends and other regional patterns started to garner attention. Cavadino & Dignan published their comparative work in 2006 and John Pratt coined the term 'Nordic penal exceptionalism' in a series of articles in 2008.

I presented my results of a study that explored differences in the use of imprisonment in developed democracies at the ESC Tübingen meeting in 2006.² The focus was not on explaining the punitive turn, but on explaining penal moderation. The analyses indicated that liberal penal policies associate with a strong welfare state, consensual and corporate political structures, low income differences, and high levels of legitimacy and trust.

The point of the analyses was that all of these elements work together in mutual interaction. While it is not statistically possible to single out any of these as the overriding key factor, the analyses indicated that strong influences run from political economy (consensual democracy) to a generous universalistic and egalitarian welfare state (since welfare states survive better in consensual surroundings); to higher social and institutional trust, solidarity and tolerance between groups (since socially and economically secure, universalistic welfare states supports and sustains mutual trust and solidarity); and, ultimately, also to lower fears and lower levels of punitivity.

² Findings are discussed in Lappi-Seppälä 2007, 2008 and 2011.

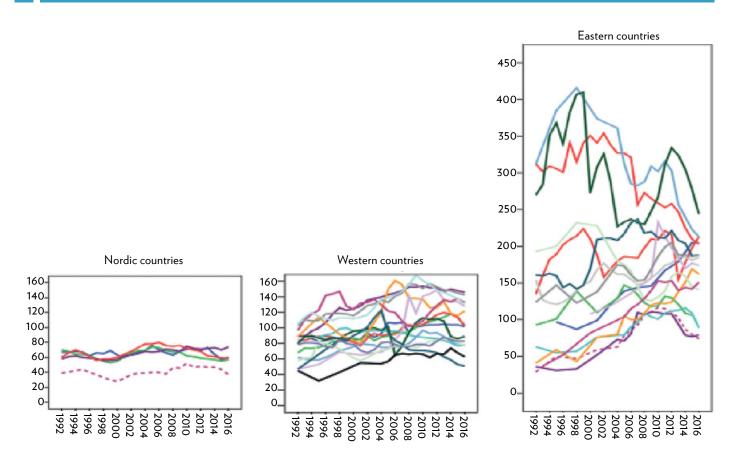


Figure 1. Imprisonment rates in Europe 1992–2016 by region (compiled from Space I)

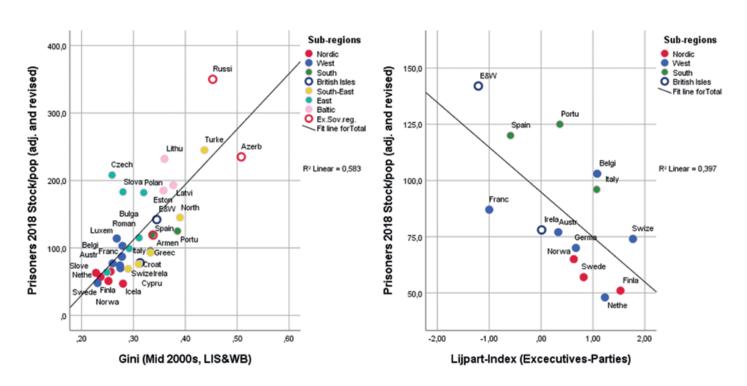


Figure 2. Imprisonment, income inequality and the type of democracy

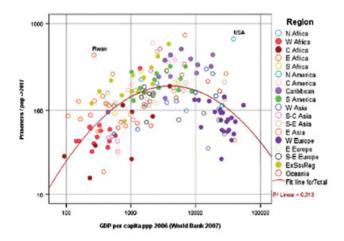


Figure 3. Imprisonment and state resources (GDP)

Obviously much needs to be left out from such quantitative analyses (for example, bureaucratic practices and media culture). Causalities can also work in both ways, and even reverse the direction. In some settings, cohesion and solidarity can result in exclusion rather than inclusion. Welfare is not always caring but sometimes paternalistic and oppressive. Nevertheless, my understanding is that the analyses did identify a good number of those factors—'structural constraints', if you will—that have made it easier for the Nordic policy makers to conduct more rational and humane penal policies. The point is not to claim a causal model that would determine or dictate the end result. As Hanns von Hofer formulated: Imprisonment rates are, in the end, always political products and the results of political decisions and choices (von Hofer 2003).

Nor did the analyses claim that things happen the same way everywhere. They do not. Given the complexity of causal relations in the social world, the same factors can produce different results when they appear in different contexts and in different combinations. Investments in welfare are usually an element of a more caring political regime, but welfare benefits may coincidently be used in other political settings as devices to buy political support for authoritarian regimes. One of the factors that may make things look different in different countries is the availability of money and material resources. The use of imprisonment is not only about demand, what the state is asked to do, it is also about *supply*, what the state can and affords to do. Poor countries and rich countries are in a different position. Prisons are 'luxury products'—not all can afford them. But since prisons are also the basic remedy for the crime problem (or so we are accustomed to thinking), the first thing to do is usually to build more prison capacity, once there are resources for

that. Once that has been done, we may start to think of something else. This becomes visible when we plot GDP and the number of prisoners against each other.

On the poor side, increase in economic resources goes with increasing number of prisoners (Africa). However, once a certain peak has been reached, increase in material resources starts to pull the numbers down (Europe). Explaining the 'poor side' is easier. Here the money talks. It is in the 'rich side' that causes problems. Here the policy makers have more options to choose from. Here the correlation also takes a turn, which requires an explanation: why not just to continue to build as many prisons as one can afford? In fact, some - most notably the US—have done just this. However, most others have not. And, in this company, the US is an outlier. The hypotheses—which cannot now be taken further—is that here the logic of welfare steps in. Welfare states support penal moderation both 'ideologically and substantially' (Garland 2018); by supporting more tolerant values, and by offering operational infrastructures for softer forms of social control. In simple terms, welfare states have other measures in their disposal in dealing with offenders, as well as willingness to use them.

The message in these comparisons is that macro-level analyses call important questions for discussion, but also that increasing the number of countries does not necessarily improve the analyses. The lager the number of countries, the more heterogeneous they are, and the more is left out of the picture. Placing Africa and the Nordics in the same regression is comparing apples and oranges. And, in mixing apples and oranges, you do not get an analysis, you get a fruit salad.

CRIME AND INCARCERATION

Will any of this have any policy relevance? The dynamics of penal change become relevant for policy makers when they are connected with crime. While these analyses do not provide definite answers in that area, they offer possibilities to construct illustrative crime trend comparisons between countries with different prison profiles. When conducted between similar countries with substantial differences in penal histories, we may even approach natural-type experiments. The Nordic countries provide one specific case for such a comparison. Similar pairs may be detected also from other regions. The following tables pick three such comparisons. Counties involved include (1) Finland, England & Wales, and three Nordic countries (Denmark, Sweden and Norway) added together, (2) Germany and the Netherlands, (3) and the USA, and Canada.3

Prisoners /100 000 pop

Recorded crime / 100 000 pop

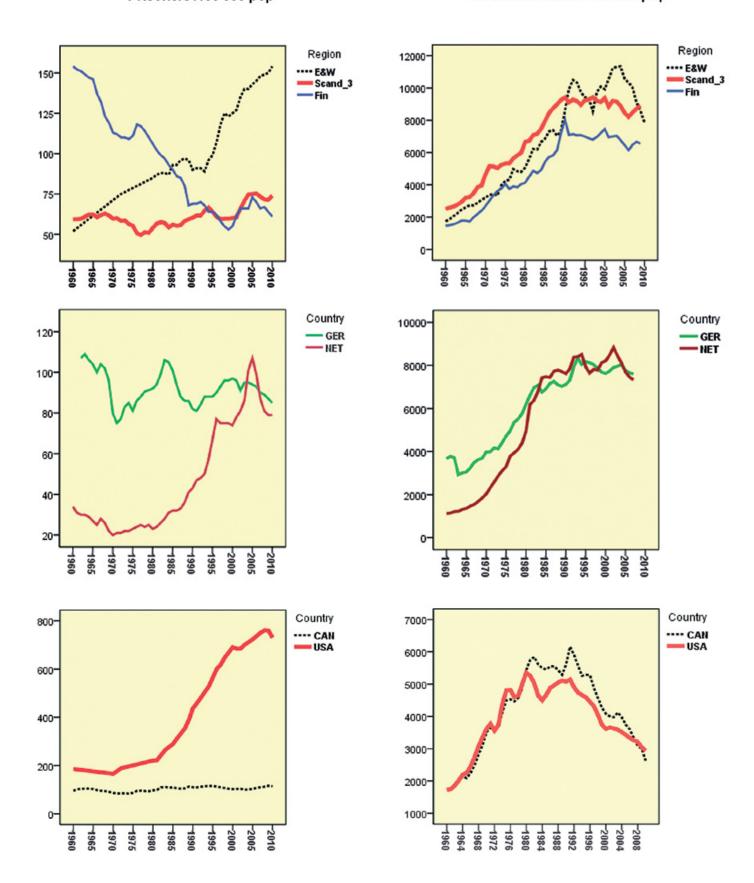


Figure 4. Imprisonment and recorded crime: Three pairwise comparisons

All figures reveal radically different - sometimes opposite – prison profiles, but similar crime profiles. The minimum that can be said is that it has been possible to conduct opposite prison policies with similar crime trends. A related conclusion is that whatever the overall crime preventing effect of imprisonment is, it must remain marginal compared to factors that have been driving the western crime rates over the last decades; and most certainly much smaller than is generally assumed in political discourse.

PUNITIVE TURN-NORDIC STYLE?

Turning then back to the more recent punitive transformations in the Nordics, how much has changed and what are the underlying drivers? While some of these changes are attributable to changes in crime (such as motorcycle gangs in Denmark and armed street violence in Sweden) most are not. Property crime, serious violent crime and juvenile crime have been in a long decline. Nor are there changes in public concerns over crime. Much speaks for the conclusion that this 'punitive turn' is partly orchestrated by political actors ('from above and not from below', Tham 2018) and partly conditioned by wider structural changes.

As regards the latter, much has changed since the 1960s. Welfare expansion ended in the early 1990s. The recession of the 1990s saw the cutting of social services, increasing income differences, and the hardening of social divisions, as well as increased feelings of insecurity. Law and order appeared in Nordic political programs around the same time (Victor 1995). To the extent that solidarity values and civic organisations are present in today's political discourse, it is solidarity for the victim and contra the offender.

Demographic changes, immigration crises, and the expansion of populist and nationalist right-wing parties introduced new divisions and tensions in the 2000s. Much of the recent changes in crime policy and immigration policy in all Nordic states, are directly attributable to the increasing powers of the populist right wing parties, whether they have been included in the government or not.

However, political power relations have changed, also in a deeper sense with social consequences. The decline of social-democratic hegemony, the weakening of the powers of workers unions, and the gradual decline of the centralised wage coordination processes have all made it harder for the political left to defend distributive and universalistic welfare policies.

Furthermore, the transfer of decision powers in many regulatory fields to Brussels has left the politi-

cians to mainly discuss value issues. Substance-politics has changed to value-politics. And crime and punishment are a perfect domain for such politics, especially for conservatives and the radical right, not only in the trivial sense of wooing the punitive public with toughon-crime promises, but in a more fundamental way by offering these parties a channel to articulate their basic general political values. For conservatives, this is done by linking individual responsibility and freedom of choice with firm punishments. For the populist parties, in turn, the immigrant sexual offender constitutes and ideal remainder of the risks of immigration, and of the need to defend national identity against outside threats. The way other political parties arrange and reconcile their political programs and relations with the growing right-wing nationalist parties will say a lot about the future of Nordic penal policy.

What then, about the magnitude of these changes? Do they signify the end Nordic Penal Exceptionalism? To my understanding, no. The focus of penal increments has been in high profile politically for—statistically rare—serious violent offenses, and sexual offenses more generally. In traditional middle-rank offenses, the direction has been the reverse. Prison sentences have been widely replaced by community alternatives. The Nordic prison reforms of the 2000s have stressed fundamental rights, the rule of law and social reintegration. Sentence enforcement in closed prisons has been expanded and mediation schemes have been extended nationwide. In these fields, Nordic countries do provide examples of good practices, also worthy of promotion internationally. External evaluators and commentators usually stress these positive elements. Internal Nordic discussions, in turn, are more critical. Each one is viewing the same practices from a different point of view. When Nordic prison conditions and practices are examined against the US, the Nordics come from another Penal Planet. And the same applies to the US, when viewed from the Nordic point of view.

However, in the end, every system needs also to be judged against its own environment and preconditions. Nordic criminal justice works in many respects in a more

³ Crime data consists of total recorded offenses, excluded by summary and minor traffic offenses. Since we are looking at longterm trends, not cross-sectional differences, and since we do this in countries with well-developed recording systems, general problems related to the use of official crime appear less serious in this context. For further information, see Lappi-Seppälä 2018.

TAPIO LAPPI-SEPPÄLÄ

Tapio Lappi-Seppälä is a professor of criminal law and criminology and the director of the Institute of Criminology and Legal Policy at the University of Helsinki. Prior to his present position he served in 1996-2015 as the director of National Research Institute of Legal Policy under the Ministry of Justice. His career covers central positions in national policy planning, as well as major contributions in cross comparative research in crime and criminal justice policy. Former activities include several memberships and chairmanships in committees revising the Finnish criminal laws since late 1980s. Lappi-Seppälä has taken actively part in international co-operation in the Scandinavian Research Council for Criminology (member of the Board 1991–1997), Council of Europe, International Penal and Penitentiary Foundation (Vice-President 2005–2008), United Nations, and in the European Society of Criminology (member of the Board 2009–2011). He has published extensively (around 300 titles in several languages) on substantive criminal law,



comparative penal policy, sentencing and comparative historical analyses on crime and punishment. He is a member of the Finnish Academy of Sciences. In 2015 Lappi-Seppälä was awarded by the American Society of Criminology's Sellin-Glueck Award for his comparative research.

favourable structural environment. It can be *expected* to perform better. Standards need to be set according to the abilities, just as the CPT does in its investigations. While being comparatively nice as prisons, Nordic prisons are still prisons. But prisons are never nice places in absolute terms. We would not like to be there, no matter what the conditions are. Prisons need to be criticised, and they need to be improved. And if you ask me, their use should be reduced, also in the Nordic states.

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YOUNG CRIMINOLOGIST AWARD ACCEPTANCE SPEECH

Kjersti Lohne

INSPIRATIONS, INCLINATIONS AND THANKS FROM A YOUNG EUROPEAN CRIMINOLOGIST

To be awarded the Young Criminologist Award took me by complete surprise and gave me childish joy this summer. The article took me almost three years to write, so that hard work occasionally pays off is just, well: swell. I had just begun my annual leave when I found out, which gave me a chance to pause, to hold it still—if only for a moment - and to consider what it meant to me, what it meant for me, to be seen and recognised—honoured even—by the European Society of Criminology.

Some of this is obviously vanity, as awkward as that feels to write out, but there was also another set of feelings: feelings of relief, that I—as a young scholar in a most competitive of industries - am somehow on the right track, and that I belong, maybe, to this scholarly community of criminologists in this room. Nominations and awards matter to young scholars, not because they stand for yet another set of quantitative markers in this fight for tenure or research grants, but because they inspire confidence and a sense of collegial support for the work one does, for the research one is engaged with—and driven by—in this line of work that at times feels more like a line of living.

I therefore want to extend my sincere gratitude to the society at home in Oslo that nominated me, and from where I have my intellectual breeding: represented by my department head May-Len Skilbrei and my former PhD supervisor Katja Franko. It's not a given to be nominated. I know that is a privilege. I am well aware that there is a plethora of young criminologists equally if not more deserving that I am. To nominate does take an effort of

will, and exactly because I feel so thankful to Skilbrei and Franko, I would like to use this opportunity to call on us all to be better at nominating one another, making each other more visible, more included—especially those of us that stand out from the centre, the metropole, the norm, whether because of our gender, our ethnic identity, geographical location, or simply because of our engagement with criminological topics that somehow defy the mainstream.

And on that, I want to reiterate my thanks to Katja Franko, who, since I first began looking into international criminal justice from a criminological angle - now well over a decade ago—was a supervisor who urged me on and gave me the support I needed when, at that time, international criminal justice was certainly not a mainstream criminological topic. And for these reasons too, I am so truly honoured by the Award Committee Professors Kivivuori, Kalac, and Biljeveld, not only for instilling in me this recognition but for recognising international criminal justice too as an empirical research field relevant for criminology also at the national level. And for that, I am not only thankful, but also proud.

In the remainder of this essay, I therefore take the opportunity to describe and reflect on the trajectory of my intellectual inclinations, and their relationship to criminology and the study of penal power especially.

We usually think of the power to punish as regulating the relationship between the citizens on the one hand and the state on the other. I have incrementally become interested in the shifting conditions of this relationship under processes of globalisation. I am especially interested in what happens to this relationship and the social function of punishment when the international and global, rather than the national, is constructed as the site of crime, justice, and community. For example: What drives penal policy-making when there are no electoral votes to pursue? Who and what do we punish? And, not least, who is this 'we'?

If I were to pinpoint my intellectual starting point for this line of inquiry, it would have to be the double influence of Nils Christie and his seminal article on 'conflict as property' with an extracurricular course in anthropology prior to my Master studies. I had come across an article on the consequences of well-meaning western exports—experts and expertise—to help Mozambique deal with the aftermaths of its civil war. Medical doctors and psychologists had arrived to help people deal with their physical and psychological wounds. However, the research (which I admittedly have not been able to recover) showed how the western experts and their ways of thinking and solving were anchored in a view of the world that neither resonated nor contributed much of value to survivors in Mozambique. As a student I wondered, was there a similar dynamic going on in criminal justice exports?

The insistence of my supervisors throughout the past decade, Katja Franko and Kristin B. Sandvik, on guestioning the 'where' and 'who' of theory and—frankly, power—has since inspired me to engage with the plethora of scholarly work on the transnational travelling of ideas and people in position to purport them across the fields of development and humanitarianism, criminal justice and law. Much –albeit perhaps not enough—has also been written on the colonial tracks of penal power, and the body of work known as 'Southern criminology' is certainly and finally gaining ground within 'mainstream' criminological scholarship.2

However, as I was about to choose a topic for my master thesis, now well over a decade ago, the newly established International Criminal Court, a global and permanent treaty-based court located in The Hague with jurisdiction over war crimes, genocide, and crimes against humanity had just intervened in its first 'situation'. It had unsealed its first arrest warrants for five members of the Lord's Resistance Army, a rebel group that had caused insufferable violence (alongside the Ugandan army) in the northern regions of Uganda and especially towards its Acholi population. Besides being morally outraged at the modes and continued profusion of violence that characterised the conflict (as is the

privilege of distant onlookers), I was interested in whether the ICC-this well-intentioned international judicial intervention—would face similar problems of epistemic irrelevance as those described in Mozambique. After all, the type of justice offered by the 'international community' was built upon two philosophical traditions anchored in the Western view of the world: liberalism and legalism. The ICC offered justice in the form of individual criminal accountability for a humanitarian emergency that had lasted well over two decades. As it turned out, the ICC indictments became a major obstacle to achieving peace and security in the region, one of the reasons being that the LRA had no incentive to lay down arms and continue peace negotiations with the threat of arrests hanging over their heads. In the words of a contemporary observer, the situation in northern Uganda came to be 'something of a battleground between those who have been promoting the immediate application of mechanisms of retributive justice, and those who feel that this particular way of pursuing justice substantially jeopardises the prospects of peace' (Okello, 2007: 1).3

When I explored the different conceptualisations of justice that characterised this 'battleground', the role of international human rights NGOs as carriers of discourses on justice emerged as a principal finding. Why were they so vocal and rigid in opposing amnesties for the violence committed, when amnesties were what was sought by Acholi civil society? Why were they so determined to 'put an end to impunity' when, from my perceptions of them elsewhere, they were of defending political prisoners and campaigning against torture and for the abolishment of the death penalty—issues more often associated with punitive restraint rather than promotion. I found that international human rights NGOs represented and promoted specific modes of thinking about justice and punishment, and a core objective of my later research has been concerned with 'unpacking' what these mentalities and sensibilities consist of.

In a book just published by the Clarendon Studies in Criminology by Oxford University Press, I explore how the role of international human rights NGOs in international criminal justice yields empirical insight into the meaning of punishment at the global level of analysis.4

Christie, N. (1977). "Conflicts as property." British Journal of Criminology 17(1): 1.

Carrington, K., H. Russell, and M. Sozzo. "Southern criminology." The British Journal of Criminology 56.1 (2016): 1-20.

³ Okello, M. (2007). The false polarisation of peace and justice in Uganda. Paper delivered at the International Conference on Peace and Justice.

This overarching objective has been guided by way of three separate yet interrelated sets of analytic questions: (i) What are the roles of NGOs in international criminal justice? (ii) What characterises punishment 'gone global'? (iii) How is international criminal justice constituted by and of 'the global'? The analysis is based on multi-sited ethnography, including interviews with key players in The Hague (and other places in the Netherlands) and in Uganda as well as Belgium, Norway, Rwanda and the UK. By analysing how international criminal justice is arranged spatially, and as such expresses social, political, and cultural relations of power, the book intends to show how international criminal justice is situated in particular spaces, networks, and actors, and how these structures the imaginations of justice circulating in the field. With clear global asymmetries emerging from that research, my aim is to provide descriptive as well as explanatory understandings of criminal punishment 'gone global', analysing its social causation while examining its cultural meanings, particularly as regards its role as an expression of 'the international' will to punish. To whom is it meaningful, and why?

International NGOs fulfil a number of functions at the international level that, arguably, would be inconceivable within Western systems of criminal justice. In addition to their 'traditional' roles of advocacy and agenda-setting, they identify and represent victims to the Court; they provide evidence and amicus curiae briefs, and draft penal codes and lobby for their implementation in domestic systems of criminal justice, to name just a few examples. Yet more than mapping the extent of their activities, the book explores the role of international human rights NGOs as part of the materialities and imaginaries of international criminal justice. Applying a sociology of punishment perspective, the book, for example, compares the 'penal imaginations' of domestic and international criminal justice, and considers the particularly central role of victims as a universalised symbol of humanity for the legitimacy of international criminal justice. It argues that international criminal justice reinforces a social imaginary of cosmopolitan solidarity embodied in the notion of humanity, but critically questions the social and political foundations of this imaginary, and its consequences for the pursuit of justice in response to global violence.

In the article 'Penal humanitarianism beyond the nation state', published in *Theoretical Criminology* and for which I won the ESC Young Criminologist Award, I analytically develop the legitimating role of humanitarianism for international criminal justice particularly, and for the export of penal power beyond the nation state more

generally.5 It connects with previous scholarship on the expansion of penal power, such as Stanley Cohen's (1985) Visions of Social Control, where he describes the notion of 'net widening' to illustrate how the criminal justice system spreads through community-based social control mechanisms, frequently enforced in the name of the good, and as a more social, humanitarian form of assistance than the criminal justice system situated at the core of state power.⁶ Aas (2011: 407) brings Cohen's vision into the transnational area, asking whether criminology is 'in danger of re-entering the complex and paradoxical terrain defined by terms such as "reform", "progress", "doing good", "benevolence" and "humanitarianism", only this time on the transnational level?'7 As I argue in my article, the associations between punishment and humanitarianism are not only prominent in a globalising context but appear particularly strong when punishment is disembedded from the nation state framework altogether. Indeed, the connections between criminal justice and humanitarianism have become so blurred in the field of international criminal justice that NGO informants were often startled by my questions on the ICC as a penal institution. There, humanitarianism disguises the penal nature of international criminal justice.

International criminal justice upsets the truism in much of criminological and political thought that the power to punish remains in the nation state. By having a supranational criminal court that can punish individuals—including state leaders—for transgressions against core international crimes, the ICC has intervened in the relationship of vertical penal power between state and citizen. In a new research project, I am interested in how penal power similarly disembeds from its associations with national justice to inform the social relation between states; frankly, the role of penal power in international politics. Specifically, I am interested in Nordic penality, and how its penal exports must not only be seen as part of this penality, but also how humanitarianism here too facilitates the expansion of penal power beyond the nation state.

⁴ Lohne, K. (2019). Advocates of Humanity: Human Rights NGOs in International Criminal Justice. Oxford University Press.

⁵ Lohne, K. (2018). "Penal humanitarianism beyond the nation state: An analysis of international criminal justice." *Theoretical Criminology*, online first.

⁶ Cohen, S. (1985). Visions of social control: Crime, punishment, and classification. Cambridge, Polity.

⁷ Aas, K. F. (2011). Visions of Global Control: Cosmopolitan Aspirations in a World of Friction. *What is Criminology?* C. Hoyle and M. Bosworth. Oxford University Press.

For example, what does it mean when Norway's former minister for Foreign Affairs refers to Norwegian justice personnel as 'good Norwegian export goods'? The so-called phenomenon and scholarly debate on 'Nordic penal exceptionalism' (NPE)—low imprisonment rates and 'humane' prison conditions as compared with other liberal democracies — presuppose a distinctive set of cultural values fostered by the social democratic welfare state regimes of the Nordic states (Pratt and Eriksson, 2014).8 However, the conceptual pairing of Nordic penality with welfarism reflects an idealised image of the relation between state and citizen. To explain the power to punish with the aim of including and rehabilitating citizens gives but a partial view of the actors, discourses, policies, and practices that motivate the power to punish under the global condition. Analysis of criminalisation processes at the global level emphasise the significance of transnational power networks, such as human rights organisations, lawyers, and police networks (Christensen and Levi, 2017).9 Moreover, the nation-state is under strain. Triggered by (threats of) migration flows, the penal welfare state is demarcating 'inwards' as punishment takes on a 'bordered nature' (Aas, 2014),10 with an inclusive approach to rehabilitation reserved citizens of the nation-state in contrast to the 'criminal foreigner' who is punished and expelled (Ugelvik, 2017).11 However, there is also expansion 'outwards', and which is much less explored: Up until last year, Norway rented prisons cells from The Netherlands, transferring prisoners and jurisdiction alike into foreign state territory (Pakes and Holt, 2015). 12 At present, Sweden is spearheading a European initiative to create an international court in Syria to enable prosecution of so-called foreign fighters and European nationals at-a-distance, suggestion a further disconnection between crime, punishment, and the nation-state (Bosworth et al., 2018).13

In these new projects, I thus want to displace the understanding of 'Nordic penal exceptionalism'. And the way that I want to do that is to drag it out from the comfort of its own place within the nation-state, from the comfort of its place as concerning the relation between citizen and the Nordic penal state. Rather, I want to talk

about NPE as a politics of promotion, as a politics of positioning, as a politics of branding, even, the Nordics as particularly 'good punishers' — both by competence and virtue—and thus, of particular value for international export. By connecting the internal and external logics of the state, the aim of these new projects is to offer a fuller understanding of penality and how the penal state may be shifting.

In short, I hope to be able to continue to pursue my intellectual inclinations, now more firmly concerned with transnationalising the sociology of punishment. As we are reminded by David Garland, punishment should always raise awkward questions of legitimacy14—and perhaps even more so when it is applied to external subjects that at least in theory are outside the limits of the state social contract. As demonstrated by my analysis of international criminal justice, penal humanitarianism disguises penal power, which—at least for me—has given pause for thought.

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- Pratt, J. and A. Eriksson (2014). Contrasts in punishment: An explanation of Anglophone excess and Nordic exceptionalism, Routledge.
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- 10 Aas, K. F. (2014). "Bordered penality: Precarious membership and abnormal justice." Punishment & Society 16(5): 520-541.
- 11 Ugelvik, T. (2017). The Limits of the Welfare State? Foreign National Prisoners in the Norwegian Crimmigration Prison. In Scandinavian Penal History, Culture and Prison Practice, Springer: 405–423.
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- 14 Garland D (1990a) Frameworks of inquiry in the sociology of punishment. British Journal of Sociology 41: 1-15

FROM THE NEXT ISSUE

> Discussion: State Crime, Corruption and the Rule of Law

Marcelo F. Aebi and Jörg-Martin Jehle

THE EUROPEAN SOURCEBOOK GROUP

The European Sourcebook Group consists of experts in the field of crime and criminal justice statistics. Its central concern is to reflect the extent of criminal cases and their handling within different criminal justice systems and to improve international comparisons on that topic. The major result of these efforts is the publication, roughly every four or five years, of the European Sourcebook of Crime and Criminal Justice Statistics, available in open access at www.unil.ch/europeansourcebook. On the basis of the latest edition (2014), a special issue on crime and criminal justice in Europe, based on the data included in the Sourcebook, was published in volume 24 of the European Journal on Criminal Policy and Research in March 2018.

Currently, a new data collection effort—concerning the years 2012 to 2017—is being conducted. It takes place as a joint venture within the framework of the LINCS project, Linking Prison Statistics to the Criminal Justice System, headed by the University of Lausanne, implemented by the Council of Europe, and funded by

the European Union and the Council of Europe. In June 2019, during a meeting of the national correspondents from all European states, the data and metadata collected so far were analysed, and they are currently being updated and validated in order to improve data quality. Before the end of 2019, a final report will be produced, while the next edition of the European Sourcebook should be published in the first months of 2020. It will be published both in a print and an electronic version, as well as an online databank. Furthermore, based on the latest figures and historical series, several in-depth studies will be conducted, whose results will be presented at the ESC conferences of 2020 and 2021 in Bucharest and Florence, respectively.

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WORKING GROUP REPORTS

Tamar Berenblum and Rutger Leukfeldt

WORKING GROUP ON CYBERCRIME

The European Society of Criminology Working Group on Cybercrime is focused on the various aspects of cybercrime, including but not limited to: different forms that cybercrime can take (e.g., hacking, fraud, malicious software infections, sexting, cyber terrorism, etc.), its causes and offenders, impact on victims, and our response to it at the individual, corporate, and governmental levels. One of our main goals is the creating of a network for information exchange and international collaboration between leading scholars, emerging scholars, graduate students, government agencies, and private organisations involved in cybercrime research.

In the last three years since we established the group, we have managed to create a community of scholars. Our group includes 75 scholars from different countries including various places in Europe, the US, Australia, Israel and Canada.

We built a website that allows for all members of the

group to share their research agendas, data and publications. See https://www.cybercrimeworkingroup.com/.

We also coordinate "Cybercrime" sessions at ESC annual meetings. At the last ESC Conference in Ghent, Belgium we had six panels on different topics: Big Data Crime and The Cybercrime Ecosystem; Cyber Victimisation; Theory and Methodology; Mitigating Cybercrime; Cyber Criminals and Online Radicalisation. In addition, we see great importance in creating opportunities for collaboration, and we arrange social events at the ESC conferences. At the last conference we had a very successful 'cyber drinks' event.

One major success of the WG is the annual conference on the human factor in cybercrime, initiated by some of our board members. The first one was held in Israel in 2018 (see the program https://csrcl.huji.ac.il/ event/1st-annual-conference-human-factor-cybercrime-Dayl). It included about 20 presentations over three days.

APPLICATIONS SOUGHT

EDITORSHIP

of the

EUROPEAN JOURNAL OF CRIMINOLOGY

The European Society of Criminology and SAGE Publishing invite applications for a new Editor in Chief for their flagship publication, the European Journal of Criminology. The new Editor in Chief will be invited to join the ESC Executive Board from September 2020 and will serve as Editor in Chief Elect for one year from January 2021. They will fully take on the Editor in Chief role from January 2022 and typically serve a five-year term (see Section 4 of the ESC Constitution). The prime responsibility of the Editor in Chief is to ensure high quality peer review and timely and accurate delivery of manuscripts for publication.

Duties include:

- Managing all aspects of the publication and peer review process using the SAGE Track (Scholar-One) submission and review platform.
- Handling 15–20 submissions per month, making article decisions in a timely way and upholding ethical standards and editorial best practice.
- Maintaining effective communication with authors, reviewers, the EJC editorial board and the ESC Executive Board.
- Commissioning articles and special issues.
- Building and maintaining the journal's reviewer base to ensure the quality and timeliness of the review process.
- Liaising regularly with the SAGE Executive Publisher and Production Editor
- Advancing the journal's European mission and enhancing the journal's international reputation.
- Continuing traditions of the journal, such as country surveys, occasional editorials and special is-
- Developing and maintaining an editorial team, including associate editors in consultation with the ESC Executive Board.

- Developing and maintaining a diverse and representative editorial board, which typically involves an annual meeting during the ESC conference.
- Being a full member of the ESC Executive Board, which means participating in four Board meetings of the ESC Executive Board (the Editor in Chief is a board member for the duration of his or her tenure as editor). Two meetings are held at the annual meeting of the ESC. The other two meetings are held in May and November at different locations across Europe.

Characteristics of the ideal Editor in Chief:

- A strong scholarly record and broad knowledge of the field
- Strong organisational and time management skills
- Excellent communication skills
- Fluent in written and spoken English
- Sincere commitment to the role of Editor in Chief and to the journal's overall aims
- A vision for the journal, within the parameters defined by the ESC and SAGE
- Editorial experience and/ or familiarity with publishing processes



The European Journal of Criminology is an international, peer-reviewed journal publishing high-quality original research. It is the prime European source for authoritative information and analysis on crime and criminal justice issues. The journal seeks to open channels of communication between academics, researchers and policy makers across the wider Europe, bringing together broad theoretical accounts of crime, analyses of quantitative data, comparative studies, systematic evaluations of interventions and discussions of criminal justice institutions.

The Editor in Chief receives an annual stipend to support their activities. This could be used to pay for an editorial assistant and/or translation and editorial services. SAGE Publishing may also provide a Peer Review Assistant to support the journal's submission and peer review system.

Applicants should send a letter of application which includes their vision for the journal and a description of their qualifications for the editorship. Applicants should also include copies of their CV and documentation indicating prospective institutional support.

Applications, nominations, and requests for additional information should be sent electronically to the Executive Secretary of the ESC, Marcelo Aebi (marcelo.aebi@unil.ch), the Executive Publisher, Caroline Porter (caroline.porter@sagepub.co.uk) and current Editor in Chief, Dario Melossi (dario.melossi@unibo.it) by 31st MARCH 2020. Please put "EJC Editor Application" in the subject line of your email. Short-listed candidates will be interviewed on Saturday 16th May via Skype.

Board Members and President: Nominations and Applications Sought

Don't forget: at-large members of the Executive Board and the President of the ESC are elected by the members of the ESC at the General Assembly, which always takes place at the Annual Conference. Be part of the process! Attend and vote in Bucharest, and nominate others or apply yourself for the next election taking place at the 2021 Annual Conference in Bucharest! Nominations and application shall be sent to the Executive Secretary by not later than 31st March 2020.

The second edition took place in the Netherlands in 2019 and includes three days of over 40 presentations (see the program at https://www.rechten.vu.nl/en/research/organization/research-programmes/empirical-normative-studies/ human-factor-cybercrime/index.aspx). The 2020 and 2021 conferences have already been planned.

Various members of the working group have participated in this annual conference, which has contributed papers to two edited volumes on the human factor of cybercrime. The first edited volume in the Journal of Crime and Justice will soon be published and the second edited volume in the European Journal of Criminology will be published in the near future.

Another success of the working group is the fact that we helped strengthen cross-national research ties and promote international collaboration. Various consortiums active in H2020 and national cyber programs have been facilitated by the working group.

The working group encourages all scholars and

practitioners interested in cybercrime to join, regardless of whether their focus is on the causes of cybercrime criminality, the impact of victimisation, or the regulations and enforcement to address it. If you want to join, please have a look at https://www.cybercrimeworkingroup.com/ for more information.

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WORKING GROUP REPORTS

Veroni Eichelsheim and Steve van de Weijer

WORKING GROUP ON INTERGENERATIONAL CRIMINOLOGY

This working group was established only very recently by Steve van de Weijer and Veroni Eichelsheim. Its aim is to bring together ESC members who are specifically interested in studying intergenerational continuity and discontinuity of crime, (domestic) violence and related phenomena (e.g. parenting, parent-child relationships, economic hardship). These researchers were—and are still- invited to join the new European Working Group on Intergenerational Criminology (EWGIC).

The idea of setting up this working group emerged when two of its steering group members brought together many international "intergenerational" researchers to work on an edited volume. This volume, published in the summer of 2018, brings together almost all intergenerational datasets on crime and offending from over the world ("Intergenerational Continuity of Criminal and Antisocial Behaviour: An international overview of Studies"; Eichelsheim & Van de Weijer, 2018, Routledge). The workshops that were organized as a to this book were so inspiring that it formed the basis for a more formal "Working Group" under the European Society of Criminology (ESC). The basic idea of this Working Group is

to facilitate exchange and cooperation among its members focusing on the study of intergenerational processes of criminal and related behaviour or phenomena from a variety of disciplines, using different sources of intergenerational data and by means of a diverse set of research methods. Together we aim to organize annual (preconference) meetings, organize events and preferable also work together on grant proposals, books, or special issues. Its membership may remain informal; however, active participation is encouraged.

This year, the steering group only organized a panel session at the annual conference. While still welcoming new members to the WG, we aim to organize a pre-conference event at next years' ESC conference for our members or maybe even a pre-conference workshop or PhD training.

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