

# Table of contents

<i>Fears, naming and knowing: an introduction</i> Petrus C. van Duyne	1
<i>The creation of a threat image Media, policy making and organised crime</i> Petrus C. Van Duyne	21
<i>Measure for measure Methodological tools for assessing the risk of organised crime</i> Tom Vander Beken and Melanie Defruytier	51
<i>Measuring Organised Crime A Critique of Current Approaches</i> Klaus von Lampe	85
<i>Illegal markets, human trade and transnational organised crime</i> Vesna Nikolič-Ristanovič	117
<i>Financial crime in the Czech Republic Some preliminary findings based on case analysis</i> Miroslav Scheinost	139
<i>Islamic fundamentalism and Western horror: Fear of the other or of oneself?</i> Marinos Diamantides	157
<i>In Defence of (Liberal) Democracy: the Machiavellianism of the 'War on Terrorism'</i> Nina Peršak	187
<i>Institutional reform and attempts to fight corruption: the Italian case</i> James L. Newell	201
<i>In the quest for essence: the principal-agent-client model of corruption</i> Matjaž Jager	227
<i>A critical analysis, from a Slovenian perspective, of Corpus Juris and the Green Paper</i> Katja G. Šugman	253

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## **Fears, naming and knowing: an introduction**

*Petrus C. van Duyne*

Fear is a state of mind which, under normal conditions, people seek to avoid. In this way it plays an essential role in human survival. Indeed, fearless persons may be admired, most of them do not die because of old age. People do not want to live in a state of fear and will seek to eliminate its cause. It goes without saying, that the first condition for successful elimination is to know the nature of the threat: it must get a name and identity, though sometimes only a name. If one does not succeed in this naming and identification, one may feel burdened with a psychological uneasiness and existential dilemma, for which one may seek assistance, for example of a priest or a psychiatrist. Both are professionals in managing the fear of other people, the priest even lifelong, and fostering the fear of the 'afterlife'. This ability to manage someone's fear may be a solid basis for acquiring power. It provides a longer-lasting basis than sheer pressure or violence, as the 'fear manager' is given his powers voluntarily. A successful fear manager has to fulfil two additional basic conditions: he must at least provide a credible identification by a smart *naming* of the fear arousing threat as a first step towards anxiety reduction. And he should never be fully successful: the threat may be reduced, but it still looms somewhere ready to act again. For a religion, the death of the Devil may be worse than the death of God.

What applies to an individual may also apply to society. Skilful politicians know how to harness popular uneasiness feelings by changing them into recognizable fears by naming and managing them. One of the areas in which fear managers abound is crime. Fear of crime is one of the most basic grounds for bestowing power to the state to safeguard 'life and property' of its subjects. States, which fail in this respect, even if only partly, lose credibility and legitimation. (South) Italy, the Russian Federation or Colombia are telling examples of (partially) 'failed states'. Italy and Russia have developed their

mafia brands of an illegal protection industry (Gambetta, 1993; Paoli, 2002, 2003; Varese, 2001). Colombia is torn apart because of guerrillas and paramilitary death squads, while its rule of law has disintegrated (Thoumi, 1995; Crandall, 2002).

In a complex society the state is not a passive receiver of powers or just reacting to the anxieties of its subjects, but in its fear management role it is expected to be (pro)active. However, not all criminal issues are equally fear arousing, self-evident or easy to name or identify. For example, environmental crime is little suited to instill fear, unless one has been a victim or lives nearby a dangerously polluted site. There are other 'abstract' criminal phenomena, that are difficult to identify, though having a name. One reason may be that they cover a wide range of penalized behaviour, without having a precise delineated meaning. Another reason may be the 'existential infrequency': they are not projected as (potential) daily experience. In principle, their fear arousing potential is low, unless they are properly 'loaded' with emotive associations. Examples, which are elaborated in this reader are 'organised crime', 'financial crime' and 'corruption'. Judging the clarity of these concepts by the volume of explanatory literature, we cannot maintain that these concepts are really self-evident. They are names, which evoke a variety of associations without crystallising into a distinct identity. Being poor 'fear arousers', they need special awareness raising and maintenance strategies by instilling a 'feeling' of a threatening 'identity'.<sup>1</sup> This does not come about without public relations management. On the other hand, fear of terrorism does not seem to need much management: the shocking events evoke sufficient emotions. Nevertheless, given the saturation effect of fear when there are no new events, to prevent a levelling-off a sustaining management is still required.

In Europe, 'organised crime' as one of the abstract concepts, has been the focus of such public awareness raising, or in our terms, fear management, during the last two decades. At first sight this seems strange as the phrase 'organised crime' has a tremendous emotive value. Internationally it catches

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<sup>1</sup> It is interesting to carry out a syntactic and semantic analysis of the ways the phrase 'organised crime' is used: getting the article 'the' and a verb, it almost becomes a solid being. 'Organised crime' marches, penetrates, makes alliances *and* is 'ahead of us'.

the attention of the media, the public and policy makers alike. Apart from sex, war, sport and natural disasters, the public media thrive on narratives with some organised crime plot, as the public tucks into such stories and its major intriguing evildoers. It is fair to say that in general the organised crime presentations arouse ambiguous feelings: moral rejection mixed with tacit admiration and a slightly shivering feeling of pleasant 'replacement' fear. Therefore, raising long-lasting awareness of the assumed organised crime threat as real and building a sufficiently broad political willingness to allocate budgets and get new legislation enacted, requires enduring public relations efforts. For these aims the name 'organised crime' does not need a precise definition, but has to be associated with easily recognizable threat images.

To raise political and public awareness, European policy makers did not need to begin with an empty slate: since the 1950s the US had set the tune and provided the accompanying organised crime images, which could provide a template. However, this succeeds only partly, as much of the US imagery hinges upon variations of 'alien conspiracy'. Organised crime is considered to be an un-American activity: by Italians and their descents, Latin and South Americans, black Americans etc. (Abadinsky, 1994; Woodiwiss, 2001).<sup>2</sup> Indeed, there seems to be no White Anglo-Saxon Protestant or WASP-organised crime. This implied that the European policy of shaping an organised threat image could use some of the US public relations experience, but had to follow its own course in most respects.

In chapter 2 Van Duyne gives an elaborated account of the creation of an organised crime threat image in the Netherlands. This was performed by senior law enforcement officers mobilising interested politicians, supported by a gullible press and television, later joined by a few scholars. Together they formed a small community of 'problem owners'. However, as problem owners they would be little effective if they did not develop the craft of fear management. In this process the public 'eyes and ears', the press and television, played an essential role. They got preferential 'leaks' and conveyed to the public what

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<sup>2</sup> Likewise, the drug menace was from its beginning in the 20th century considered a threat coming from abroad, as one of the anti-drug lobbyists formulated: 'Like the invasions and plagues of history, the scourge of the narcotic drug addiction came out of Asia' (Bewley-Taylor, 1999). It should be noted that the US movie industry produces more 'alien invasion' movies than anywhere else.

the problem owners wanted to release, which was a conventional organised crime image. Fitting their own and public image, this threat was invariably presented as coming from ‘below’ or from outside. Organised crime was primarily a ‘hoodlum’ or immigrant occupation.

From 1987 onwards, the public and parliament were worked on with repeating and quoted–requoted organised crime stories. Gradually they became convinced of the organised crime threat, sometimes pushed a bit by the publication of deliberate false statistics. Indeed, creating a fear image is rarely based on the pursuit of truth and veracity. It must be admitted that there is little new in that regard: the fear of money–laundering, another concept with a low fear–value, is equally based on deliberately hugely inflated figures (Van Duyne, 1994). Despite some setbacks, like a scandal around illegal investigative methods, the budgetary and legislative aims were reached: special well–equipped units were established and organised crime legislation was duly enacted. Otherwise little changed as far as the organised crime markets are concerned: the threat is still there and the illegal markets thrive as before.

While the Dutch problem owners succeeded in evoking sufficient threat images to keep organised crime high on the list of political priorities, scholars felt the need to provide a proper definition of the ‘phenomenon’, which existence was assumed *a priori*. Working for a Parliamentary Investigation Commission, Fijnaut, together with three other researchers, tried to draft an analytically definition which would end all discussions about the essence of organised crime (Fijnaut et al., 1996). The ambitious undertaking failed dismally, basically because of neglecting basic methodological principles concerning operationalisation. Apparently the Dutch definition did not convince the Council of Europe or the European Commission, which drafted another definition, with many components derived from the German one. Unfortunately, that definition containing like the other definitions many open terms, is not very satisfactory either. This unsatisfactory situation stimulated the Ghent researchers, *Vander Beken* and *Defruyter* in their paper *Measure for measure* to approach the organised crime concept from a risk–assessment based methodology.

Important components of this approach are the crime–enterprise and the criminal market, notions adopted from Smith (1980), almost twenty years ago. The area of application of this approach does not stop at the ‘traditional’

underground market of prohibited substances and services, like illegal drugs, gambling and sex, but also include organised business crime, providing legitimate goods and services. It is less directed towards ‘hunting Mr. Big’ than to addressing the ‘task environment’ in which crime-entrepreneurs operate. Methodologically the authors advocate a systems analysis, which should unravel the interdependences between criminal groups and the entrepreneurial surroundings.

Cautiously, the authors warn about the methodological problems of measurement, especially when it comes to quantitative measurement. Instead, they suggest a Risk Assessment Relationships, which plots the field of risk: ‘intent’ and ‘capability’ which imply a ‘threat’ to inflict harm, for which reason they constitute a form of social risk. The assessing of this risk is a complex multi-disciplinary task, which has been undertaken not only by the authors, but also in Australia. The Queensland Police Service developed an illicit market scan, not only for description, but also to determine where market conditions can be altered. Examples are also provided of a licit market scan by means of a sector description, environmental scan (macro level) and reference model (micro level).

Despite the undoubted value and innovativeness of this approach, many questions about the measurement problems of the organised crime concept remain open. This is not surprising as they include a plethora of concepts which each in their turn need to be defined in operational terms. What is ‘likelihood’? And how to define the behavioural attitude ‘intent’? Introducing new, undefined concept to clarify a phenomenon usually renders the phenomenon more shadowy. Apart from this flaw, which is difficult to mend, the concept of organised crime itself does not become more clarified than before. Actually, does one really need the concept of organised crime to apply this risk analysis approach (with all its defects)? And where the authors use the ‘OC-word’, it appears as a positively proven ‘being’, before it has been proved in the first place.

Given this observation, the scientific principle of *parsimoniousness* would require to drop this theoretical concept altogether. Indeed, the first book on ‘organised crime’ in the Netherlands used that phrase only once, so that the reader was informed about the scope of the study. Subsequently the term ‘*crime-enterprise*’ was used, as that time the author foresaw Medieval monkish,

Aristotelian discussions.<sup>3</sup> Dropping the ‘OC’ term and inserting ‘crime–enterprise’ did not create any confusion (Van Duyne et al., 1990). Nevertheless, the Ghent approach is valuable: it provides a method to obtain more insight into social threats stemming from criminal entrepreneurial conduct in illicit and licit markets, ranging from drug peddlers and Parmalat fraudsters.

Analytically we do not need the fear–name ‘organised crime’, at present extended with the additional fear–arouser ‘transnational’. Still, the word lingers on. Maybe we tacitly love scary concepts, even in the behavioural science, which explains why all textbooks on the philosophy of science or methodology make little impression. The abundance of mainstream literature confirms that methodological impression: the existence of organised crime is simply taken as proven, after which the authors set out industriously to draft a definition. Indeed, few know how to wield Occam’s razor, a skill we can witness in the analytical paper of *Klaus von Lampe* about *Measuring organised crime*. This author, having applied that philosopher’s tool before (von Lampe, 2001) displays little patience with scary foggy concepts exploited by the media or other interested persons. He first determines briefly what measurement is about, which approaches the axiomatic set theory. That is a strong baseline, to which were added the requirements of operationalisation, which hinges on a clearly determined *construct validity*. The latter requires (a) logical connection(s) between component (each defined) and with respect to contents, semantic coherent relationships. Next comes the essential test: predictive validity. Of any random sample of observations the operationalised concept must at least be able to predict whether these belongs to the set of the denoted phenomenon. From the theory around the construct also testable predictions about future or as yet unknown states of affairs should be deduced. That is how behavioural science works (De Groot, 1961). The elaboration of von Lampe’s paper indicates unambiguously that the theorising about organised crime is still far removed from these methodological principles. The author gives an example of decomposing the concept, for example he wonders what

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<sup>3</sup> See Van Duyne (2003), thirteen years after this observation. There is much Platonic reasoning in the assumption that a name (organised crime) refers to an entity, like ‘horse’ was supposed to refer to a real ‘horseness’.



the meaning and function is of 'hierarchy' of a crime group, when its nature and impact on society is ambiguous. He concludes that there is not a theory from which (a) to determine the nature of a supposed hierarchy as a composite concept and (b) to determine its effects.

Von Lampe's subsequent discussion of two approaches to the measurement of organised crime teaches us that their underlying methodological fallacies prevent us to take their outcomes at face value. This does not mean that the efforts to 'map' organised crime does not lead to some valuable results. The German Bundeskriminalamt designed an ambiguous valuation system by means of which the organised crime cases, investigated by the organised crime units, were ranked according to 'organised crime potential'. The complexity of this construction almost guarantees methodological problems: the concept comprises three components (level of organisation, sophistication and professionalism) measured by means of 50 indicators, rated by the police investigators themselves (an undiscussed source of bias). The weighed indicators are subsequently added up, the highest score being 100 points. What inferences can be drawn from this very refined rating system? The indicator 'hierarchy' ranks high, but why should that imply a higher 'organised crime potential', when for many crime-markets network relationships are more successful?<sup>4</sup> And what is the point of ranking 'internationality' so high, when for some commodities the only profit opportunity is the price difference between countries? The German examples of high ranking organised crime areas, which von Lampe quotes, are therefore little surprising. These were environmental and other business crimes. These are committed in a corporate setting, in which there is always a hierarchy. In cases of import and export there are customs violations, while the criminal bookkeeping invariably implies money-laundering and tax fraud. These indicators usually entail each other and being interactive they should be clustered and not added. Such business crime cases also lead to very skewed distributions. Business crime is an on-going affair generating a multitude of repeated offences, while wholesale drug smuggling has to be planned and carried out for each single project, which reduces the number. Thus, fraud cases with 50.000 to 100.000 offences were mentioned.

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<sup>4</sup> On network theory approaches to organised crime: see Von Lampe (2003), Morselli (2001), Desroches (2003) or Paoli (2000).

To this must be added that the scores are dependent on the time and resources of the police to investigate a case. The more time and resources, the more information, which entails more offences and indicators leading to a higher ranking. Von Lampe does not conclude that the BKA reports do not contain valuable information, but methodologically they cannot be used for the (quantitative) inferences they aim to present.

In the second approach, the Ghent risk based analysis, von Lampe also detects various analytical and methodological flaws. I mentioned already some of them in the section above, like taken as proven what yet has to be proved, like ‘organised crime group’. Von Lampe also indicates the opposing of organised crime to the rest of the (victimized) society. Organised crime develops also in the board chambers of the business elites: ENRON, AHOLD, PARMALAT and the Dutch top building contractors, which are now prosecuted for participating in a criminal organisation (Van Duyne and Van der Landen, 2003).

From the elaborated discussion of typologies of organised crime models and of criminal networks makes we may deduce that we are following the wrong tract altogether. The author agrees that the models are too divergent for making generalisations. Also the organised crime networks appear to be too heterogeneous to allow a single theoretical umbrella. This means that a proper, valid operationalisation from which also a typology must be deduced, is in principle impossible: after all, designing a typology is measuring too, though at a nominal level. If we cannot deduce any classification from a theory, we need to break up the organised crime discourse and look for specific topic-based smaller theories. That is the way experimental behavioural science works, heeding the principle of parsimony. In experimental psychology, no one shed tears over the old all-encompassing theories about the mind or the human being. When they proved to be unfalsifiable, they were simply abandoned as redundant.

Such a chilling analytic dissection of the organised crime concept and related approaches, will find little applause. Policy makers, as problem owners and fear managers, may be concerned about the undermining of their ‘possession’, while scholars may face reduced funds for research. Indeed, such an analysis may be a too good antibiotic to organised crime fear, which is perhaps secretly cherished.