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# **Crime-markets are for ever**

## **From the criminal mushroom market to the crime-money scenario**

*Petrus C. van Duyne*

### **The mushroom and nutmeg market scenario**

Mushrooms are a mysterious product of nature, whether for good or bad. They can be nutritious as well as mortal, healthful and sought-after but also mysterious. Some types grow in mysterious circles, which in England are known as ‘fairy rings’. This denotation sounds sweet, but does not capture the dark side of the fungus which seems to be what it is not. Actually, what we see –the stem and the hat– are not the real fungus at all. That is the invisible mycelium, essential for the recycling of nature, and mysteriously emerging at unexpected places. The old Dutch population saw this dark side of the mushroom better and called these circles ‘witch rings’ (heksenkring), evil and magic. And that has not changed in modern times. Indeed, at present many still consider them magic, others evil, because they are magic. Not in the sense of the old times of witchcraft, but in the modern sense, because of the magic of creating effects in the mind with mild hallucinations.

That is not new: the old witches knew that also. What is different is that these old witches did not traffic magic mushrooms, because there was no market in such products. That is a recent phenomenon and for some time a licit and lively trade in magic mushrooms developed in the Netherlands. This was much resented by the authorities, because of that ‘magic’, mild hallucinatory effect. In the Netherlands magic mushrooms could be bought in so-called ‘grow shops’, together with equipment and manuals for cannabis growing. This was also a thorn in the authorities’ flesh, particularly of Christian Democrats preaching a return to ‘norms and values’. Indeed, drug policy and Christianity are deeply connected: drugs are an evil to the soul (Van Duyne and Levi, 2005: ch. 1-2). Hence, the smouldering resistance against the present state of affairs was politically mounting and any voice raised against the blind-alley anti-drug policy, raised by some mayors struggling against ‘drug tourism’, was smothered. Then in the summer of 2007, a young French woman –allegedly under the influence of a magic mushroom– involuntarily rushed to the aid of the authorities: she jumped from an Amsterdam bridge and drowned. The tragic incident received wide media attention and gave prohibition-

ists in Parliament a majority for criminalising magic mushrooms. With this political support, the Christian Democratic Minister of Health felt confident enough to cast aside a contrary medical expert report warning<sup>1</sup> against criminalising magic mushrooms: he duly introduced a bill against trafficking of magic mushrooms and, alongside, also against selling cannabis growing equipment. Medical and psychiatric professionals protested in the media against this rough treatment of their expert report<sup>2</sup>, but they were not heeded. The experts should have known better: the prohibition history of the drug markets is not expert or ‘evidence based’, but framed in a firm belief system. Indeed, expert opinions and their statistics never win from belief systems.<sup>3</sup> Eighty years ago, the death of a well-known actress in London because of cocaine use was also sufficient to clamp down on the cocaine market, though at that time it was still really tiny. Are we witnessing a similar scenario becoming reality, again?

This volume is about crime-markets in Europe. It is also about scenarios, as a method for mental-political mapping and strategic decision making. It is therefore relevant to think of a future crime-market scenario. For this reason it is relevant to elaborate a scenario developing out of the penal mushroom policy. Let us therefore follow the article of the medical experts, who indicated that magic mushrooms are just a product of nature: “Do you want to asphalt the whole of nature?” they exclaimed exasperated. That is a far-away scenario, though the automobile lobby is diligently working on it. A more likely scenario is an underground market of magic mushrooms. Some will grow them at home and others will comb parks and woods for their precious fruits. That will be countered by arming the foresters with new powers against anybody suspected of gathering mushrooms while new ‘mushroom detective squads’ are established. Visitors in woods and parks are no longer considered as innocent walkers and the foresters get orders to pay attention to ‘suspicious walks’ and to inspect the bags of anyone leaving a park or wood. Because eating the wrong mushrooms can be lethal, an illegal expertise develops (giving advice is also penalised). Advisers on internet become chased and websites giving advice on how to prepare magic mushrooms are shut down by a new Europol Mushroom Squad.

This is not the only scenario. In their comment the experts pointed at a nutmeg scenario. Nutmeg also has psycho-active potentials. So why would youngsters not make a shortcut and plunder mom’s spice rack? Indeed, it is a matter of time before drug pioneers have invented a nutmeg extract, forcing the authorities to intervene again by resorting to criminal law measures and creating another crime-market: the criminal psycho-active nutmeg market.

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<sup>1</sup> *Risicoschattingsrapport betreffende paddo’s (psilocine en psilocybine)*, Coördinatiepunt Assessment en Monitoring nieuwe drugs (CAM), Den Haag, 2007

<sup>2</sup> E. Pennings and F. De Wolff, *NRC-Handelsblad*, 17 juli, 2007

<sup>3</sup> Unless the statistics are fabricated to lend support to such a belief system. See: Courtwright (1982) on US addiction statistics and Van Duyn (1994) on the FATF drug money figures.

Before one considers this a too unlikely scenario, one should consult the erratic history of the drug markets (Van Duyn and Levi, 2005). That history demonstrates that the authorities do not merely fight illegal drug markets and their accompanying ‘organised crime’ entrepreneurs. The authorities are –in a distorted way– their very corner stone by first creating and then fighting illegal markets. Of course, this interaction in market creation is not drug specific. Human smuggling and trafficking (the illicit migration and sex-service market) can also be approached from this angle. One may wonder whether we are not at cross-roads by expanding crime-markets in Europe.

## Side-markets and market players

As is known from the economy, markets never come alone, and so with crime-markets. Any (illegal) industry entails many surrounding commercial activities, which constitute the (criminal) ‘side-market’ phenomenon. The adjective ‘side’ does not indicate something of minor importance. Actually side-markets may even develop larger proportions than the basic market itself. Naturally, the most important side-market of the crime-economy is the law enforcement market. Of course, crime must precede law enforcement, but once established the law enforcement market will never go away, targeting, defining and chasing ever new objectives. It is a colossal market with an international momentum of its own. Think of the anti-drug market, the anti-money laundering and terrorist financing markets or the international ‘organised crime’ market. This does not imply that for each kind of criminal conduct a flourishing law enforcement market comes into being. For example, the enforcement market surrounding fraud, economic and environmental crime never succeeded in obtaining the scale and the longevity of the anti-drug market, even if the financial damage exceeds most other forms of profit oriented crime.

Not all side-markets are formed by penal-law enforcement agencies. Some are ‘civilian’. For example, the drug market is surrounded by many medical, human science and treatment markets. An interesting side-market supposedly overarching all this is the research market, neatly divided in (overlapping) disciplines. The participants are supposed to hover ‘objectively’ above the sublunary world of crime and cops, aiming to describe detachedly ‘reality-as-it-is’. ‘Organised crime’ is one of the present main markets, and researchers have carved out a corresponding research market.

This organised crime research market has been succinctly described by *Klaus von Lampe* in his chapter “*Researching organised crime: development and stagnation*”. The marketing aspects of this sector look really convincing: it has specialised journals, centres for research, some of which are ‘government embedded’ like the Dutch Research Centre of the Ministry of Justice. Very importantly, there are research *funds* to be obtained,

either at national or European level. Particularly important has been the funding by the European Union through its 6<sup>th</sup> Framework Programme. Under this Programme practical as well as fundamental research has been carried out. Unfortunately, the EU research fund market did not prove to be a stable one: the 7<sup>th</sup> Framework Programme narrowed the funding formula and thereby market opportunities. Instead it reoriented it funds on the competitiveness of the European industry. Organised crime research proposals were downgraded accordingly.

Against this background it remains to be seen how the organised crime research market will develop. After all, it is not a very large market and a substantial part of its output concerns all kind conceptual hair-splitting. Therefore, there is a danger of conceptual and empirical saturation, while law enforcement customers hardly buy these ‘products’. Why should they? Law enforcement has its own financial market dependency on politics. And politicians are not waiting for detailed ‘cold’ scholarly analysis, but ‘warm’ emotive (short) stories and grim threat images as delivered by Europol (OCTA 2006; 2007). In addition, as the author remarks, in the face of a shortage of sound empirical data and proper theoretical underpinning, the various approaches “merely reproduce existing assumptions and perceptions”. For any market, whether licit, criminal or intellectual, saturation is lethal. Therefore the author poses three challenges:

- maintaining innovative continuity,
- access to empirical data (the fuel of the research engine) and
- keeping intellectual independence upright.

Given the preponderance of governmental funding of research, the latter challenge is important, as much of the common assumptions and perceptions are implicit components of the authorities’ *Weltanschauung* or more mundane political interests. Doing research funded from that perspective would entail the continuation of scientific saturation under governmental funding, which is often the hallmark of scientific ‘mainstream’ works. No economist would advise such a market policy.

A powerful side-market is the *media* market in the field of organised crime interacting closely with policy makers, law enforcement and researchers (Van Duyne, 2004). This is a very old market (Stephens, 1988) serving all those who are yearning for attention and recognition, if not fame – criminals and policy makers alike. It is very much a market with prices for timeslots and square centimetres in news papers. Space is scarce and ministers of Justice or Public Prosecutors must compete for attention to ‘organised crime’ with disasters and family tragedies. The most valuable media timeslots and square centimetres are those in which there is a confluence of interests and emotions. This is elaborated by *Jon Spencer* in his chapter on the media constructing ‘organised crime’ concepts, particularly concerning *women trafficking*. This is a subset of the problem of illegal human migration, also one of the authorities’-made markets: the criminalisation



of realising one's desire to find a better life elsewhere. In defining this market, identifying the victims and the perpetrators, the media play an important role. It succeeds in that effect by confirming imageries known to the public, such as 'organised crime'. This adds coherence to the human trafficking narrative: if the trafficking is large, it must be organised, affecting innocent victims (sexually exploited girls). This contrasts with the many trespassing income-seekers entering voluntarily into the illegal sex market.

The author's analysis of cases as they appear from the files on the one hand, and the ways they are reported in the media on the other hand, reveals the difference between sex employment with 'minor coercion' (the findings in the criminal file) and the 'Sex Slave Ring' imagery (the news paper screaming headlines). To underline the seriousness it helps if the sex employment organisers and the victims are from some sinister Eastern European countries like Albania or Moldavia. This again adds to the even more sinister 'transnational organised crime' association. Naturally, this sells.

This compares badly with the other side of the coin: the truths which do not sell so well. These concern the 'motivators' (push and pull factors) in the countries of origin and the more or less usual organisational measures for running one's illegal business. For example, most organisational measures concern risk reduction. Therefore it is hardly surprising that crime-entrepreneurs prefer to engage relatives to non-family associates for sensitive aspects of the smuggling enterprise. And if there is an extended family one has an extended 'family organisation'. This human factor –'human, all too human'– does not find its place in the media side market, which has a large impact on the imagery of the main crime markets and on the law enforcement market.

It would be an exaggeration to attribute this inflated crime imagery to the media and authorities alone. Some criminal organisers also participate in this media interaction and indulge in broadcasting their fame, or what they consider as such. From the perspective of a criminal risk manager it may seem foolish, though there is also be a rational background for being known as a 'tough guy'. If one wants to establish and maintain a proper criminal market position one has to become known and respected for being strong (potential of violence), 'criminally' honest and reliable. It is the formula the mafia seeks to uphold (Gambetta, 1993). Of course, a combination of these features can help, though one can doubt the positive correlation between such a reputation and criminal longevity. A negative correlation between reputation and age can certainly be observed with the alleged 'members' of the 'Yugo-mafia' as described by *Anja Logonder* in her chapter on organised criminals in Serbia and Slovenia: *Who is 'Yugo' in the 'Yugo' mafia?* She reveals different images as far as the Serbs and Slovenes are concerned.

The violent reputation of 'Yugos' –mainly Serbs– was established in the 1970s and has been fostered well after the break-up of the Republic of Yugoslavia. Not primarily in their own country (that came later), but abroad where they moved in search of better paid (criminal) work. In the previous socialist republic they were kept short by the

State Security Service, employing their talents for the ruthless execution of covert ‘political jobs’, for example against political enemies abroad. These assignments were frequently carried out with much bravado, which became part of the hallmark of these criminals. The most infamous and characteristic example was the international bank robber Arkan. The wars accompanying the break-up of Yugoslavia consolidated and extended this use of criminals, many of whom became rich (Judah, 1997). With the breakdown of the rule of law they could ostensibly display their criminal wealth (no laundering needed), being photographed with guns in their belt or hands. The media loved them as much as they loved the media, warming themselves in the attention of the press and television-shows.

What has remained of these flashy criminals, living up to their own clichés? Most are dead or incarcerated. Some consider a more bourgeois entrepreneurial life, being no longer interesting for television shows. In the end, only the media seem to have gained from these flamboyant crime-entrepreneurs and their lethal life style.

In contrast to the Serbian media crime market, the Slovenian fellow criminals had little to offer on the side-markets of violence and media. Though their basic crime-market functioned properly, there were no hit men, public shootings or exciting crime bosses eager to present themselves in talk shows. Of course, they displayed their criminal wealth but avoided creating a criminal side-market based on short-sighted demonstrations of fearlessness in order to market their reputation. Actually, the Slovenian crime-entrepreneurs down-sized to the size of their small country, displaying as much introvert personality traits as their compatriots. “Crime-markets never come alone”, was the opening sentence of this section. The Slovenian crime-market landscape demonstrates that this thesis has no absolute validity.

## **‘XL’ enforcement, management and sinners**

Despite the given circumstance that crime-markets and its operators are part of society, the usual rhetoric is about *fighting* this phenomenon. From the angle of criminal market interactions, as set out in this volume, it would be more appropriate to look at all this crime and crime fighting from a market management point of view. Even if it is the correct businesslike stand, there is an inherent tension: ‘organised crime’ and everything within its orbit is considered big and threatening. It is a kind of emotive wrapping which has always been indispensable in selling the fight against the organised crime-market politically. However, managing such worries, there is the underlying human reality at the sublunary level mainly revealing banalities of ‘human all too human’. This is discrepancy, which legislators and law enforcers seek to disguise by dressing the phe-