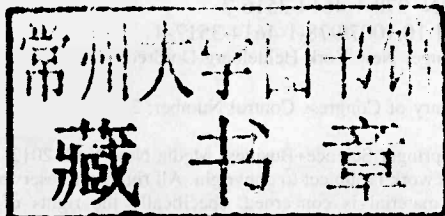


Alenka Šelih · Aleš Završnik *Editors*

Crime and Transition in Central and Eastern Europe

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Crime and Transition in Central and Eastern Europe

Foreword

This insightful book tells a story of the so-called 'other Europe'. It is a story that is surprisingly seldom told in criminological circles, and when it is, this is mostly done by the voices originating from the 'old Europe' and the rest of the West. These voices, well-meaning and interested as they may be, have often lacked in local knowledge and nuance and have been unable to see 'the other Europe' in its diversity, complexity and richness. Nor have these observations been free of preconceived notions of 'the other Europe's' putatively deplorable past and its appropriate future directions. This book is a diligent attempt to redress the imbalance. It is an important contribution, not only towards a greater plurality of criminological voices but, crucially, also a contribution towards greater variety of the tunes that are being played.

The narrative of transition from socialism to liberal democracy in the Eastern and Central Europe tends to be told as one of a march towards progress and freedom. Although most observers are willing to acknowledge the enormous costs of the transition and the apparent shortcomings of the new social and political orders which have been established in the aftermath of socialism, these problems tend to be ascribed to the 'youth' and 'immaturity' of the democratic traditions and the political institutions in the societies in question. In short, democracy is hard work, but a worthwhile sacrifice to be paid for freedom. This book is an encouragement to rethink and revise this position, at least when it comes to the issues of crime and its control. Several contributions in this collection show how the narratives of freedom and human rights—the corner stones of the critique of the old socialist regimes—are being subverted by the ideas imported from the West itself. As a historic irony, the borders of Central and Eastern Europe are, twenty years after the fall of the Berlin wall, once again being closed off and militarized. Surveillance technologies are proliferating and colonizing new spheres of everyday life, penal populism is gaining strength, and the effectiveness of combating social ills and enemies is gaining precedence over due process of law. These growing commonalities with the Western European crime control practices may indicate that rather than these societies being 'immature', their transition towards the so-called 'European model' has in fact been successful.

Throughout, this text forces us to reconsider 'the other Europe's' otherness. The West may be able to see in the journey taken by 'the other Europe' its mirror image, which it may not necessarily like. The underlying story of this collection is how the 'great transition'—ushered in by foreign experts and advisers, and more or less eagerly welcomed by the people hungry for change—has brought in more, rather than less repressive penal policies. The book also provides a wealth of new insights about issues such as trafficking and organized crime. These types of crime tend to be talked about, and studied from the Western European perspective, as an unwelcome foreign import from the East. Yet they are, as several contributions in this volume remind us, phenomena which have been intrinsically connected to the transition process and the anomic debris it has produced in the societies in question. *Crime and Transition in Central and Eastern Europe* is a book that, if read carefully, offers its reader an opportunity to look at the phenomena we study in a new light. This is far from a modest achievement. The contributions in the volume force us to address and consider the numerous similarities between the East and the West (as well as questioning the overall usefulness of the terms). The lines of division between crime control in late-modern democracies and the former totalitarian regimes are far from clear cut. The book therefore also encourages us to rethink a more fundamental issue, namely, the difference between democracy and totalitarianism.

This volume is a most welcome invitation to reflect on the comparative state of crime and crime control policies, as well as the state of criminological scholarship. Criminology has been throughout history predominantly not only a western discipline, but also a discipline built on a presupposition of peace and relative social stability. This book, on the other hand, charts social transformations which were born out of profound seismic shifts and turmoil, the unsettling of the existing social and political structures and, in the case of former Yugoslavia, even warfare. It opens perspectives and traverses geographies less traveled by criminological scholarship. I would encourage everyone to take the journey.

Oslo, January 2012

Katja Franko Aas

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The editors wish to express their gratitude to those individuals and institutions that have made this book possible.

We have both profited from the constructive atmosphere at the Institute of Criminology at the Faculty of Law, University of Ljubljana. Discussions, both formal and informal, with our colleagues have often been connected with the topics dealt with in this book and we owe many an idea to these encouraging and inspiring conversations.

Our thanks go also to all our co-authors, with whom we have had friendly contacts for many years, and with whom we met while the book was in preparation for two one-and-a half-day meetings in Ljubljana. The exchange of ideas, proposals as well as remarks, critiques and suggestions was most fruitful and gave us further incentive to proceed with our endeavour. It was fortunate that the authors enjoyed similar stimulating environments in their respective countries and institutions to ours in Ljubljana.

We feel very much obliged to John Stubbs, a thoughtful historian with excellent criminological and legal savvy, who completed the line editing of all the text (except that of Kossowska and co-authors) in a way that far surpasses the usual work of an editor. His knowledge, skills and his exceptional feeling for the subtle problems of the topics have made an invaluable contribution to the texts.

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Ljubljana, 29th of December 2011

Alenka Šelih
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Introduction

In 1959, Czesław Miłosz, the Polish Nobel laureate, published a book of memoirs on his student years entitled “Rodzinna Europa”—“The Native Realm” in the standard English translation, but more literally, “The native Europe”. When the book was translated into French the French editor suggested that the title should be changed slightly to “L’autre Europe”—“The other Europe”. It seemed as if Eastern Europe did not quite qualify as “native”. Many years have passed since then—and colossal changes have taken place in Europe as well as in the world, but this special sense of Central and Eastern Europe as not-being-quite European can still be felt from time to time. The anecdote seems to catch “l’esprit de corps”, the state of mind, when it comes to Central and Eastern Europe: a mixture of insecurity, exoticism and lack of knowledge that permeates most discussions about it. In an attempt to help change this image, the authors of the present book started work on a collaborative project of which the results are presented in the following chapters.

During the last 20 years crime problems in the countries of Central and Eastern Europe (CEE) have been the subjects of much research, both from within the region as well as the West. With time, however, researchers from CEE countries felt that they themselves should tell this “crime story” in a more comprehensive way. The wish to survey the past 20 years of crime problems and crime policy in CEE countries was the starting point for the collective effort which led to the present book.

The first stimulus came from researchers at the Institute of Criminology at the Faculty of Law, University of Ljubljana, Slovenia, where criminological research has been carried out for more than 50 years. One of the editors, Alenka Šelih, contacted colleagues in other CEE countries with the basic idea for the project. Since all were ready to participate, the concept was then taken further by the editors.

We all thought that after a lapse of 20 years, it was possible and necessary to find a balanced view of the crime problems in our respective countries and to present a broader picture of it in a comparative way. After the “Big Change” of

1989 and its ensuing repercussions for the crime situation, this picture of the epoch has stabilized, and it seems that no major qualitative changes stemming from transition will occur in the near future.

During the past 20 years, many partial analyses of the crime problem in general in the CEE countries have been set forward; many of them by foreign scholars. We felt that researchers from CEE countries themselves should bring together their experiences and present their views on the changes that occurred and their explanations for those changes. It was felt that the analyses and views published abroad differed from those of researchers who were born and based in the CEE countries themselves, and that this difference should be noted and explored. Foreign researchers brought positive and negative experience to the field of crime and crime control phenomena in the region. They had the advantage of an outside view of the challenges the CEE countries faced, and they brought some new and fresh ideas. Yet CEE researchers could not help but notice that sometimes some basic knowledge about these countries, their culture, life in the past, their administrative systems and other essentials were absent from these western studies; and it is rather difficult to explore a complex phenomenon such as crime and crime control without some knowledge of the language spoken in the country one is analysing—as was sometimes the case.

In 2009, the Ljubljana researchers began further dialogue with colleagues from the Czech Republic, Hungary and Poland, Bosnia and Herzegovina, Croatia and Serbia. It was agreed that the project should be carried out in countries which—at least to some extent—had similar historical experiences and have some common heritage. The first three countries (although for Poland this is true only in part) together with Slovenia and Croatia had been parts of the Austrian-Hungarian empire over a long period of time; while Bosnia and Herzegovina, Croatia, Serbia and Slovenia had for a shorter period been fellow members of the former Yugoslavia. Beside the obvious fact that all were socialist states, most of these countries also shared a similar culture and value system, with strong geographical and historical ties. A decision was reached that the former German democratic republic could not be included in the project since its transformation after 1989 differed completely from the other former socialist countries taking part here. These countries naturally offered strong contrasts and idiosyncrasies—but we believed that these would combine fruitfully with the common traits which provided as a basis for comparative analysis.

The main idea of the project was to present an overall picture of crime problems in the last 20 years—as we perceive and assess them now; to elucidate particular crime and crime control challenges in the socialist system and how these transformed in the wake of the political changes. In this respect, the team agreed that the topics chosen should refer to particular components of crime policy that have been strongly influenced by the changes (e.g. the role of politics, the role of the media); they should deal with some of those segments of the crime control system that directly experienced major institutional and operational changes (e.g. surveillance, policing, penal policy); and, finally, they should consider groups of criminal offences that have raised particular concern during the last 20 years (e.g.

economic and organized crime, corruption, human trafficking, juvenile delinquency) and also reflect on some critical stances developed during the transition. These problems are tackled at two levels: analyzing a particular crime or crime control problem by giving a general overview of it in the region and then by an in-depth analysis of it in a particular country. It is hoped that the two approaches combine breadth with depth on the specific issues they address. As a prologue to these analyses of particular problems, a comparative chapter dealing exclusively with crime problems in these countries as a whole gives a more extensive introduction to the book.

Each of the contributors was free to choose his or her research methods; however, to harmonize the different aspects and approaches of the whole procedure two research meetings were held in Ljubljana—in January and in July 2011. During these very useful and constructive symposia, problems for further investigation were aired and analyzed, the first, peer-reviewed drafts of the chapters were shared and commented upon and the structure of the book discussed and prepared.

The book is composed as follows: the introductory chapter on crime problems in CEE countries as viewed from a comparative perspective (Part I) is followed by case studies dealing with the particular crime and crime control challenges identified as typical of the CEE region in post-socialist transition: the media's influences on the perceptions, fears and subsequent politicization of crime (Part II); surveillance, policing and penal policy (Part III); organised and economic crime, corruption, human trafficking and juvenile delinquency (Part IV); and a final theoretical chapter on what transition means in political and philosophical terms (Part V).

In Chap. 1, Alenka Šelih (Slovenia) points out that the twentieth century has seen several forms of transition from one system to another—starting with the transitions experienced after World War I (with the break-up of the Austro-Hungarian empire) and II (the reconstitution of the Federal republic of Germany and Italy) and in the sixties and seventies (in Greece, Spain and Portugal); but argues that the transitions made from socialism to capitalism after 1989 were the most profound of all of these. She emphasizes the differences between different CEE countries and draws attention to the different ways in which crime was dealt with in different countries. After giving an account of what changes the former socialist countries had to introduce in the process of making this transformation, the author reviews those with direct import to crime, crime policy and crime control. In retrospect, it is actually difficult to believe that such profound changes have passed so peacefully. She enumerates the political changes, draws a picture of the social cost populations in these countries had to pay during the transition processes and gives an account of the role of politicians and the media within them.

The author moves on to present the legal framework—which was comprehensively altered,—redefining criminal offences and criminal procedure as well as implementing the new structures to the overhauled criminal justice systems. She goes on to offer a broad comparative statistical mapping of the main crime

parameters in the countries reviewed and finally a survey of theoretical explanations of crime problem in these countries. According to her, such profound change to almost all aspects of life in a country and its society can only be explained from a multi-causal point of view: the process was too deep and far-reaching to be explained by a single causal approach.

In the author's opinion the future will demand an answer to the question of whether a more repressive or a more humane crime policy will take hold in these countries. In the author's opinion it would, however, be a cruel historical irony if the standards of human rights protection within the criminal justice system which have been achieved in CEE countries during the last twenty years should be sacrificed for an efficiency-oriented and repressive crime policy.

In Chap. 2, Anna Kossowska and co-authors (Poland) draw attention to three phenomena connected with crime policy which are new for CEE countries: fear of crime, crime policy as a political issue and the impact of the media on public perception of crime. These new phenomena are directly or indirectly related to the liberalisation and commercialisation of the media which was legitimised with by newly instituted civil liberty of free speech and which has subsequently had a great impact on crime policies in the CEE region. After 1989 crime itself was made prime-time news and politicians "discovered" the power of the mass media could have over the concerns people might have about crime. Crime became firmly established on the political agendas of all political parties in the region. An in-depth analysis is given of the Polish situation, illustrating the influence of the media on the public perception of crime and consequently on the level of fears about crime. Politicians' growing perception that crime policy could be an important political tool and a means of winning votes had a highly significant influence on the ways crime policy was then conceived. Twenty years after the beginning of the post-socialist transition and taking into account the differences among the countries reviewed in the project, a common feature emerges: these countries have begun to fall—as far as these three phenomena are concerned—within the ambit of the same rules which apply in the "mature" democracies of Western Europe.

Three inter-related phenomena are tackled in the third part of the book: a shift towards the privatisation of surveillance, transformations of policing and the challenges to standards of "democratic policing" posed by organised crime, and changes of penal policy in the CEE region.

In Chap. 3 Aleš Završnik (Slovenia) situates new technologically enhanced surveillance practices (TESPs) in the social and economic turmoil of post-socialist transition. Surveillance technologies are understood as carrying out "politics by other means" and as a socially embedded phenomena. Their transformation coincided with social, political, economic and cultural changes in the region, some of which are highlighted as being decisive to the evolution of surveillance, in particular privatisation and the denationalization of once "common" property; transition to the capitalist and free-market economy; and EU integration. Završnik presents some of the most remarkable shifts in surveillance practices in the region, e.g. changes in border surveillance where the focus is no longer on preventing the

emigration of citizens but on regulating illegal immigration, and continues by illustrating the flourishing multi- and cross-disciplinary “surveillance studies” which have nevertheless failed to take account of developments in the CEE region. The chapter tries to fill the gap by presenting some equivalents to surveillance studies in the social control theories developed in the CEE region and then gives a brief historical overview of surveillance in the region. The author recalls how socialist surveillance put a high focus on labour-intensive police surveillance conducted in the name of protecting national security, and continues by discussing the important role that the police—the central surveillance subject in the socialist period—played in the Balkan war.

By focusing on the privatisation of surveillance and booming private security industry Završnik shows the discrepancies that exist in the CEE region and shows how the creation of a “minimal state” that outsources even the protection mechanisms of its citizens has been conducted in the name of the very same corpus of fundamental rights and liberties that consigned socialism in the region to the waste dump of history. He concludes by offering a few examples of counter-surveillance initiatives and citizens’ self-protective organisations in the CEE region in order to map the way TESP’s are blurring once clear hierarchies between the subjects and objects of surveillance.

The transformation of police forces—the primary agents of social control in the “totalitarian” regimes—was one of the central tasks CEE countries faced in the transition from socialism. In Chap. 4, Primož Gorkič (Slovenia) tackles the trend of re-establishing police forces in line with ideals of “democratic policing”, ideals such as serving civil society, transparency, accountability, integrity management, relative autonomy and professionalism. These principles might have stemmed from the West but were in fact undermined in the CEE region by countervailing trends in the development of policing in “old democracies”. In other words, CEE countries were under pressure to meet the thresholds set by “developed democracies” at the same time that policing in the “old democracies” began to prioritise “efficiency” and “effectiveness” in, for example, fighting organised crime. Gorkič argues that new policies and protocols made violations of human rights and the principle of the rule of law ever more possible. The CEE countries thus followed suit in instituting new organisational measures for fighting organised crime and securing special, covert powers of investigation. Ironically the same methods and powers now used to combat organised crime resemble to a great extent to methods used to uphold former “totalitarian” socialist regimes. Through this line of inquiry the author asks whether the measures apparently necessary to deal with serious types of crime stand up to the principles of democratic policing.

Gorkič focuses his analysis on the measures adopted in combating organised crime. The reasons for the focus are threefold: methods of policing organised crime are very well known; they stand in clear contradiction to ideals of democratic policing; and organised crime poses challenges to the values of democratic policing not only to CEE countries but across the world. He continues by outlining the essentials of democratic policing and the conflicting demands of policing organised crime for specialised law enforcement bodies, the tight coordination of