Organised Crime &
Crime Prevention - what works?

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Nordisk Samarbejdsråd
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Forord

Da Nordisk Samarbejdsråd for Kriminologi den 21.-24. maj afholdt dette års forskerseminar på Hotel Matinlahti i Espoo, Finland, havde nordiske kriminologer for 40. gang anledning til at præsentere deres forskning og diskutere forskellige kriminologiske temaer.

Omkring 60 nordiske kriminologer mødtes med inviterede gæster fra de baltiske lande, Rusland, England og USA under hovedtemaerne "Organised Crime" og "Crime Prevention - what works?". Aktuel og igangværende forskning fra de nordiske lande blev derudover præsenteret under temaerne: "Crime Trends", "Økonomisk kriminalitet", "Alternativ til straffsystem", "Straffsystem", "Fängelseforskning" og "Crime Prevention".

Denne rapport består af arbejdspapirer, der blev præsenteret på seminaret. Seminarets internationale skær afspejler sig i en god del engelsksprogede papirer.

Papirerne er samlet i den rækkefølge, de blev præsenteret på seminaret, sådan som det fremgår af programmet, der er optrykt først i rapporten. Oplæg fra Lawrence W. Sherman (USA) er bilagt bagest i rapporten i form af artiklen "Preventing Crime: What Works, What Doesn't, What's Promising", *Research in Brief*, National Institute of Justice, July 1998, som NSfK har fået tilladelse til at trykke i rapporten. Artiklen er, såvel som hele den bagvedliggende forskningsrapport, tilgængelig på internettet på adressen *http://www.preventingcrime.org*.

Årets forskerseminar var rigt på gode oplevelser. Det gælder for det første gode faglige oplevelser. En væsentlig del af de faglige oplevelser videregiver NSfK til rapportens læsere. Men en anden væsentlig faglig del af seminaret udkommer ikke i skriftlig form. Det gælder de vigtige spørgsmål, der blev rejst og diskuteret i tilknytning til de enkelte foredrag.

For det andet var seminaret rigt på oplevelser, der finder sted i et samspil med faglige og sociale elementer. Det gælder de nye personlige og faglige kontakter, der knyttes imellem forskere på tværs af de nordiske kriminologiske miljøer, samt de etablerede kontakter, der holdes vedlige. En særlig mulighed for at knytte kontakt til fjernere kriminologiske miljøer bød sig i år. Den mulighed greb mange.

Forskerseminaret blev i 1998 arrangeret af de finske rådsmedlemmer og kontaktsekretær i samarbejde med rådsmedlemmer og kontaktsekretærer fra de øvrige nordiske lande samt med NSfK's danske sekretariat.

Tak for en stor indsats til alle foredragsholdere og bidragsydere. Tak til de finske arrangører og til sekretariatets medhjælpere!

København, november 1998

Nina Löwe Krarup,
Sekretariatsleder for Nordisk Samarbejdsråd for Kriminologi

NSfK•s 40. forskerseminar 1998
21. - 24. maj 1998 på Matinlahti konferencecenter, Espoo, Finland

1 NSfK har ikke modtaget en skriftlig version af oplægget fra oplægsholderen.

2 Dette foredrag var programsat af NSfK uden forudgående tilsagn fra oplægsholderen. Det er derfor i fuld overensstemmelse med NSfK, at en skriftlig version af dette oplæg ikke foreligger.

3 Oplæg fra Lawrence W. Sherman (USA) er bilagt bagest i rapporten i form af artiklen "Preventing Crime: What Works, What Doesn't, What's Promising", *Research in Brief*, National Institute of Justice, July 1998, som NSfK har fået tilladelse til at trykke i rapporten. Artiklen er, såvel som hele den bagvedliggende forskningsrapport, tilgængelig på internettet på adressen *http://www.preventingcrime.org* .

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Analysing 'Organised Crime' and State Responses: Some Reflections on Murky Waters

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General Introduction

It has become commonplace to observe that the term 'organised crime' is frequently used but difficult to define, shifting as it does between discourses about *activities* – as in the term 'crime' – and discourses about evil *associations*, as refracted through the common usage of the term 'Mafia', which has long since lost its purely Italian origin and can be prefixed by a nationality such as Russian, Colombian, or Chechen. (Interestingly, the Chinese are typically described as 'Triads' and the Japanese as 'Yakuza', demonstrating the equal symbolic efficacy but cultural differentness from Europe and America.) Organised crime is generally applied to describe a group of people who act together on a long-term basis to commit crimes for gain though, as A.K. Cohen (1977) observed, it is important to separate out the distinction between structures of *association* and structures of *activity*. Maltz (1976) gave readers a list of 'organised crime' distinguishing features, including four essential characteristics: violence, corruption, continuity, and variety in types of crime engaged in. As observed by Alice in Wonderland, 'I can make things mean whatever I want them to mean: the questions is who's master – that's all', this list is tenable, it has the disadvantage that intelligent people who reduce police interest in them by not using violence and who specialise in one form of crime thereby cannot be termed 'organised criminals'. It might make sense to distinguish professional criminals from organised ones, but the above seems to be a rather strange result, and one that is re-inforced by the binary nature of the 'organised'/'not organised' dichotomy. For there may be nothing at all *dis*organised about professional criminals: they may find it simply convenient to side-step the moral panic surrounding organised crime, as well as the predatory and often ill-disciplined attentions of psychopathic gangsters.

The notion of organised crime as a *continuing criminal enterprise* is embodied in the popularly accepted (in Europe) definition employed by the German Federal police, the *BundesKriminalAmt*:

> Organised crime is the planned violation of the law for profit or to acquire power, which offences are each, or together, of a major significance, and are carried out by more than two participants who co-operate within a division of labour for a long or undetermined time span using
> a. commercial or commercial-like structures, or
> b. violence or other means of intimidation, or
> c. influence on politics, media, public administration, justice and the legitimate economy.

This BKA definition provides a baseline to determine whether a criminal group ranks as 'organised crime', but 'major importance' is undefined, perhaps on the assumption that, to quote one senior British officer's analogy with organised crime, 'if it quacks like a duck, walks like a duck and shits like a duck, it probably is a duck': an approach to definition that satisfied the British Parliamentary Home Affairs Committee (1995). 'Organised crime' can mean anything from the Camorra to three very menacing burglars and a window cleaning business who differentiate by having one as look-out, another as burglar and a third as money-launderer, and who sue every newspaper who suggests that their business is disreputable!

The term 'organised crime' has an emotional kick which makes it easier to get resources and powers in circumstances that are quite vague in their ambit, and sociologists of crime control ought to study this labelling process in its own right. Despite the European Convention on Human Rights and variations in constitutional and data protections, there is a move throughout Europe to enhance police powers, to improve liaison between and within national police forces, and to harmonise and review the implementation of money-laundering legislation as measures against 'it'. Even British politicians, who historically have rejected the continental model of centralised forces – anything that Napoleon in particular or the French in general liked is *ipso facto* undesirable! – were more than willing to set up the National Criminal Intelligence Service and, in 1998, the National Crime Squad, described by the media (but denied by the Home Secretary) as being a 'British FBI'. These are assisted by the Security Services (MI5) and the Secret Intelligence Services (MI6), which seek a 'social defence' role after the collapse of the Soviet Union: the latter was publicly praised by the UK Foreign Secretary in April 1998 for its contribution to the fight against organised crime (though, not surprisingly, no details were released). There may be those who see this as a sinister conspiracy by those wishing to establish a 'police State', but one should note that the developments of centralised police units are resented and resisted by most regional Chief Constables, who are concerned lest this expansion be at the expense of their own budgets and prestige.

In the wider European arena, there has been a flurry of activity in the European Union and the Council of Europe, accelerating since the 1996 EU Dublin Summit (itself stimulated by the Irish government's response to the high-profile contract killing of crime journalist Veronica Guerin): high level multi-disciplinary groups have sought areas of co-operation, implemented a High-Level Action Plan and finally got Europol off the ground by 1999. The EU and the Council of Europe are training EU applicant countries and others in anti-laundering implementation: EU legislation concerned with organised crime and some machinery for putting it into effect is required to be in place before accession to the EU. EU-wide measures to criminalise membership of criminal organisations – influenced by the Italian legislation but harder to apply in less regimented settings – and tough action against criminal offshore finance centres are under contemplation in 1998.

It is not only the EU and Council of Europe that have been active in outreach programmes. The model mechanism for anti-laundering policies remains the Financial Action Task Force (started only in 1989 by the G-7 – now G-8, including Russia - élite industrial countries), with its system of 'peer review' by other countries – a concern with implementation as well as the passing of legislation which was novel at the beginning of the 1990s. The UN has also become involved increasingly in this arena, especially in the drugs issue but later on all-crime anti-laundering measures, as the boundaries between proceeds of different types of crime become increasingly blurred. The arrival in the top UN Drug Control and Crime Prevention

post of Pino Arlacchi, a sociologist-turned-politician Mafia expert, placed organised crime at the top of the 1998 UN criminological agenda, with a rapidly devised draft UN Convention on the subject. This great political confluence has led to international pressure to harmonise the fight against organised crime, even if people do not always have a clear understanding of what 'it' is.

However, the nature of 'organised crime' remains deeply contested terrain, at least in academic circles and in those countries who are more worried about loss of independence and civil liberties than they are about subservience to organised crime. The role of intelligence agencies - regarding which the CIA is the best documented - in covert military operations overseas, especially in support of anti-Communist military regimes or guerrilla movements, makes 'State-Organised Crime' often a more appropriate term1.

By contrast, the term 'organised crime' tends to focus us downwards towards the threat posed by some (usually alien) group of low-lifes, and one can see this in the work of the journalist Claire Sterling (1991, 1994), who appeared merely to reflect the ideological perspectives of US enforcement agencies. However, a note of caution. To explain the bureaucratic and ideological *functions* of the term 'organised crime' does not by itself demonstrate that the term is inappropriate, nor does it tell us anything about whether or not there are any long-term groups of criminals who commit serious offences or even begin to constitute the State. The epistemological difficulties are what sort of evidence one uses to account for the structuring of criminal behaviour; the range of criminal behaviours that come under the umbrella of any group of criminals; how far up the political chain one reaches in one's delineation of who are organised criminals (in Colombia and Mexico, for example); and how valid is the 'evidence' upon which one relies2.

The nature of organised crime and 'its' markets

It must first be re-emphasised that our construction of how crimes are organised depends on our knowledge, and what counts as 'knowledge' rather than ideological 'spin' is at some times less problematic than at others. Take, for example, the following situation (see, further, Levi, 1998), which was discovered by accident rather than as a result of conscious police targeting. In the early 1990s, the team of Chinese who were gaily distributing their counterfeit Gold Cards on a train in the South of England were very distressed when they were spotted by an off-duty policewoman who happened to be walking past them. Had they not been detected, they probably would have committed hundreds of thousands of pounds worth of fraud, and only in retrospect – if at all - would the credit card companies have dealt with it as organised crime. Even then, the police – and researchers who were dependent on the police – might never have had the case referred to them or might never have investigated it because they were too busy (Levi and Pithouse, forthcoming).

In North-western Europe, organised crime as a criminal economy is essentially a *cross-border* crime-trade (van Duyne, 1993, 1996). Despite the impact of modern horticulture on growing cannabis in the inclement weather of the UK, or of synthesising drugs – making importation from outside Europe or even the UK unnecessary - some element of cross-border trade is

1In mid-1998, the trial of senior politicians from the Gonzalez government and senior Civil Guard officials into atrocities committed as part of the 'war' against the Basque ETA will reveal extensive money-laundering in support of the assassinations of those believed to be ETA supporters. This meets all of the BKA definition of organised crime, though its adherents doubtless thought that they were doing it for the legitimate State.

2Without descending too far into post-modernism, it is obvious that what counts as evidence depends partly on what one wishes to believe.

inevitable, even if it is only the importation of seeds and precursor chemicals and, perhaps, as a stage in the laundering of proceeds of crime.

The Italian (or rather, American-Italian) model has embedded itself in popular culture, mediated through Hollywood. Yet rather than being line-managerial, along the Cressey (1969)/Godfather model, most social scientists regard organised crime as less total in its ambit and as a manifestation of more general patron/client relationships. Thus, because of their reputation for violence and discipline, *Mafiosi* and other 'gangsters' play a key role in criminal dispute-settlement in the US and Italy. Indeed, Reuter (1983 and subsequently) has suggested that the principal function of the Mafia is in contract enforcement, and that one should separate out the people and groups involved in the commission of crime from those involved in dispute settlement (for which role high information is required). Similarly Gambetta (1994), in his book on the Sicilian Mafia, has suggested that the role of Mafia comes into play because of the absence of trust in underworld relationships (though the absence of trust does not by itself produces 'Mafias', for example in Russia).

Nowadays, there is hardly an Italian name in the FBI 'most wanted' list of targets. Cuban refugees, Colombians and, increasingly, Mexicans have come to dominate the distribution of narcotics in the Southern states, and other ethnic groups - Puerto-Rican, Japanese, and Chinese (particularly Fukinese) - as well as white motor-cycle gangs, also are involved in organised crime in the US. In the future, such groups will make less use than previously of Italian/American Mafia dispute resolution services. Street-level criminals are normally independent of major crime syndicates. As Block and Chambliss (1981) suggest, rather than being viewed as an alien group of outsiders coming in and perverting society, organised crime in America is best viewed as a set of shifting coalitions between groups of gangsters, businesspeople, politicians, and union leaders, normally local or regional in scope. Many of these people have legitimate jobs and sources of income. Similar observations would apply in some Third World countries such as Mexico (Geopolitical Drug Dispatch, 1998), where a small élite dominate the economy and political system and share favours out among themselves. Similarly, the privatisation of the economy has extended their opportunities in many former Communist countries, as well as providing easy avenues for money-laundering where the authorities are not too inquisitive about the source of the funds.

Among advanced industrial nations, the closest similarities to this 'political coalition' organisational model occur in Australia, where extensive narcotics, cargo theft, and labour racketeering rings have been discovered, and in Japan, where gangs such as Yakuza specialise in vice and extortion, including extortion by fear of embarrassment on the part of large corporations at their Annual General Meetings. Both of these illustrations, however, also suggest that the coalition – in which campaign funds also play an important role – is not entirely by consent: businesspeople would rather not pay the blackmail if they felt they had any realistic alternative. In Britain, by contrast, organised crime groups have not developed in this way, partly because of a more conservative social and political system, but principally because the supply and consumption of alcohol, the opiates, gambling, and prostitution remain legal but partly regulated. This reduces the profitability of supplying them criminally. A host of ethnic groups are important in the supply of drugs to and via Britain. But except for narcotics importers and wholesalers, cargo thieves who work at airports, and local vice, protection, and pornography syndicates, British organised criminals tend to be relatively short-term groups drawn together for specific projects such as fraud and armed robbery, from a pool of long-term professional criminals on a within-force or regional basis (see McIntosh, 1975 and Mack and Kerner, 1975, for some early discussions along these lines).

Instead of such uncreative comparisons with the US, it may be better to look at organised crime in Europe from its own set of economic and social landscapes in which organised crime *trade* takes place. As van Duyne (1996) observes, Europe has a large diversity of economies, extensive economic regulations, many loosely controlled borders to cross, and relatively small jurisdictions. This means that the largest illegal profits for European crime-entrepreneurs are to be gained in the drug market and in the area of organised business crime. If the normal (licit) business nucleus in Southern Italy, Turkey or Pakistan is the (extended) family (Ianni and Reuss-Ianni, 1972), in Northern Europe such socio-economic family units are much rarer and social bonds more restricted, for example to people bound by loyalties of place, though the very fracturing of the social fabric that has led to so much concern about social exclusion also paradoxically may inhibit *criminal* solidarity. The exceptions are the crime-enterprises of minorities in Europe whose businesses are family matters, which should not be equated with impersonal 'syndicates' (Ianni, 1974).

No profits can be made if potential customers are not aware of the existence of the unlawful service, and this generally means that in the long run, the police will come to know about it too. To ensure freedom from the law, the criminals must therefore subvert the police and/or the courts, and this is a major reason for concern about the impact of organised crime. (Though in reality, it is a side-effect of the prohibition of goods and services in popular demand.) In the Italian case - though it is always difficult to know who controls whom - there are grounds for supposing that the State itself has in some sense been in league with organised crime groups: as the trial of former Prime Minister Giulio Andreotti for Mafia offences, the jailing (*in absentia*) of former PM Bettino Craxi for similar offences, and the conviction in 1998 of recent PM Silvio Berlusconi for tax evasion and bribery might suggest. But arguably, whatever the patron-client relationships and the peculiar Italian 'professional politicians' that permeate Italian society (della Porta and Pizzorno, 1996), few of these things could be done without the active complicity of US foreign policy, which consistently has been more concerned about defeating communism than about organised crime. It seems entirely plausible that without the collapse of Communism, the US would have continued to support the traditional Christian Democrat/Mafia coalition in Italy, and the *tangentopoli* scandal might never have developed in the way that it did (see Nelken, 1996 and della Porta and Pizzorno, 1996).

Organised crime in Britain

Perceptive crime correspondent for *The Guardian* newspaper Duncan Campbell (1990, p.1) starts one of his books on the changing face of professional crime by pointing to the shift in 25 years of two of the Great Train Robbers "from teams of organised criminals in overalls grabbing large bundles of Bank of England notes to quiet, besuited drug-dealers selling white powders from Latin America" . However, in principle, this could just as easily be a function of their age: they were simply too old to go around threatening people with shotguns. According to Campbell, the age of the gangster/family firm was replaced by the age of the robber, as cash in transit became the strange object of desire, and, allegedly with some assistance from the Metropolitan Police, robbers were relatively free from arrest. However, the advent of informants – in the UK, 'supergrasses', in Italy, pentiti - and reduction in corruption ended this in the early 1970s. As the Age of the Robber ended, the Age of the Dealer began. Yet though there is much in this as a general trend, we should not be seduced by this periodisation. There were twice as many robberies in the mid-1990s as in the mid-1980s, and considerably more than during the Age of the Robber. Although one might expect that the Age of the Fraudster represents the apotheosis of British organised crime,

representing high profits and relatively low police interest and sentences, there appear to be cultural and skill barriers to entry into many areas of fraud, which have stopped this transformation. Several armed robbers turned to long-firm (bankruptcy) frauds, credit card fraud, social security fraud, and even to fraud against the European Union - either alongside or subsequent to drug dealing - but this move into the moderately upmarket areas of fraud has hardly dented those other types of crime.

The haphazard development of criminological research on serious offenders for gain in different parts of Europe means that our understanding of the way in which criminals organise themselves is very patchy. There is always a tendency to counterpoint North European forms of criminal organisation against the 'crime corporation'-like structures supposedly existing in North America and Southern Italy. British and German work from the 1970s was obsessed by distancing North European crime from American organised crime (Mack and Kerner, 1975), implying that if crime is not syndicated (and supported by widespread police corruption), it cannot be 'organised'. McIntosh (1975) more usefully distinguishes methods of organising crime in terms of the technological and policing barriers the particular crime confronts: where prevention precautions are high, organisation shifts from routinised craft groups - pickpockets, and even safecrackers - to looser, perhaps even one-off, alliances between project criminals. But this does not tell us about the conditions under which these modes will change or be prevented.

My interview-based study of bankruptcy fraudsters found substantial variations in the organisation of that form of crime during the 1960s and 1970s, but since the sixteenth century, fraudsters in particular have found cross-border crime attractive because it creates problems of legal jurisdiction, investigative cost, and practical interest by police, prosecutors, and even creditors themselves (Levi, 1981). European Union harmonisation does not itself make any difference to this, except (1) in providing new pretexts or 'storylines' for fraudsters to use to get credit or investment, and (2) inasmuch as it changes the structures of control, e.g. reducing customs paperwork makes VAT evasion easier, or the UK's ratification of the European Convention on Mutual Assistance makes co-operation and conviction easier (see Passas and Nelken, 1993).

The lack of a research base on patterns of criminal relationships in most European countries - including, regrettably, the UK - means that we have little information about how domestic criminals meet and decide what to do, let alone how and to what effect/lack of effect Euro-criminals meet. Major offenders do not advertise their services in the media, and apart from common holidays in Spain, marinas, and casinos, such contacts - mediated no doubt by language difficulties which British criminals may experience in more acute form than most - may often be tentative, hedged around with the problem of negotiating trust in an ambience in which betrayal (perhaps by an undercover agent, especially an American or British one) can have very serious consequence not just for freedom but for retention of proceeds of crime. Most plausible is the notion that Euro-criminals are either crime entrepreneurs who already exploit international trade for the purposes of fraud and/or smuggling, or money-launderers who put their clients in touch with each other. Beyond that, in the area of serious crime for gain, there is only speculation or the 'annual reports' compiled for the EU and the Council of Europe, largely on the basis of official police and intelligence sources. More recently, Ruggiero (1996) has argued that both corporate and organised crime can be understood as variations on the same theme.

The Control of Organised Crime in the UK

There are two dimensions of shifts in approach to the control of organised crime in the UK. The first is substantive legislation, relating especially to money-laundering and proceeds of crime legislation (see Gold and Levi, 1994; Levi and Osofsky, 1995). Essentially, the unpopularity of bankers and of drugs traffickers has enabled the State to regulate certain areas of activity that otherwise might have been very difficult, and in this sense, the demonology of 'organised crime' has been very 'useful'. The second includes (i) the more commonly understood area of 'polic*ing* powers', including the powers not only of the police but also of the Security Services and corporate crime investigation bodies such as the Department of Trade and Industry and the Serious Fraud Office; and (ii) the real resources devoted to controlling 'organised crime'. There is no space to discuss these in detail here, but despite some inhibiting effect from the European Court of Human Rights, the exchange of intelligence internationally and the depth of proactive surveillance – with the UK at the permissive extreme and Germany, because of its federal structure and data protection laws, at the other – have transformed the potential for intelligence-led policing (and disruption) of organised crime activity.

However, apart from questions of demand for illegal goods and services, one factor acting as a brake upon this European or Global Panopticon is limited resources. One of the consequences of the fear of centralised policing in Britain is that, though not quite to the same degree as in the nineteenth century, reformers have to approach their task with caution, addressing questions of ideology as well as of technical efficiency. Thus, although there has been frequent comment by detectives I have interviewed in the Metropolitan and other forces over the past twenty years to the effect that it is madness not to have a national force (particularly, as in fraud, when even routine investigations take them all over the country), this found few overt echoes at senior officer level. With the birth of 'organised crime' as a social problem, the time for such moves seemed propitious, and a crucial propellant was the report of the Home Affairs Committee (1995) on *Organised Crime*[3]. Cynics may suggest that the proposers of a national force (and the Security Services, who arguably may need such an entity with whom to work) have simply invented the problem, but there is a difference between opportunism and invention. One could characterise much of the debate about how much organised crime there is 'in' the UK - and this is a conceptually important issue, for 'affecting the UK' might be a better way of looking at it - as being between 'believers' who see a risk (whether short or long term) and want to prepare our system to meet it and the 'unbelievers', who see simply a plot to undermine their local or regional autonomy by a Southern English clique of the National Criminal Intelligence Service (NCIS), City of London Commissioner and Metropolitan Police Assistant Commissioner (Special Operations), plus the Security Services. Thus, by analogy with the functional effects of Cressey (1969) in the US, the construction of 'the nature of the problem' is crucial to what one does about it. Though contrariwise, as with serial killings and rapes, the mode of organising knowledge has a key effect on whether one actually picks up patterns that 'objectively are there'.

The former Home Secretary Michael Howard observed (lunchtime BBC News, 2/7/1996):

3Readers might like to note that unlike the US, for example, British Parliamentary Select Committees have very little independent research backing, no equivalent of Senate Counsel, and invite evidence, which they can cross-examine orally if they wish. I and Barrie Irving, the Director of the Police Foundation, were the only academic researchers who gave evidence to the Committee.

> 'Organised Crime is a multi-million pound industry. The new National Crime Squad will be targeting drugs traffickers and other serious professional criminals who threaten the integrity of our financial system by fraud and money-laundering. We are not establishing a British equivalent of the FBI. There will be no federal crimes. Second, no direct recruitment: police officers will continue to be seconded from their local police forces. All crimes will still be reported locally. Tripartite accountability arrangements will remain.'

The Liberal Democrats had great reservations about the proposals, and Labour, at least in opposition, wanted more accountability, while agreeing that everything possible should be done about the menace of organised crime. The future of organised crime policing depends partly upon what resources the Security Services and the Secret Intelligence Services actually have available for this task (and how many 'problems' are caused in other areas, such as Northern Ireland); partly on the avoidance of scandals of corruption and improper use of power; and partly on how far any beefing up of the value of the National Criminal Intelligence Service (NCIS) can achieve legitimacy in the eyes of operational police officers, in the internecine quarrels that are as prevalent among anti-organised crime agencies as they are elsewhere in the criminal justice system and in academia. To this extent, the fears of many on the liberal left about the totalitarian dangers posed by the Organised Crime-fighting State are misconceived. On the other hand, these fights among organised crime-fighters over 'rep' and 'turf' constitute a cost in terms of effectiveness for those who believe that the real enemy is the mixed set of crime entrepreneurs who are sometimes collected up under the label of 'organised crime'.

Judgments about the 'need' for centralised police squads are greeted with suspicion as an attempt to shift resources away from local concerns (and the political expression of those local concerns) towards the London Metropolitan interests manifested in the Home Office. Yet one of the beauties of the system of police accountability in Britain is that responsibility can always be shifted when desired. Let us take as an example the proposal of the Home Affairs Committee (1995: para 124) that the Home Secretary should use his power to nominate Key Performance Indicators under the Police and Magistrates Courts Act 1994 to prioritise the following up on suspicious transaction reports by bankers (which Gold and Levi, 1994, found to be very modestly undertaken). The response of the government was (Home Office, 1996, para 25):

> The government accepts that difficulties can be caused by delays in the suspicious financial transaction reporting system. However, we do not consider it appropriate to use the powers ....The Police and Magistrates' Courts Act 1994 devolves greater responsibility to police authorities and chief constables for the control and use of the resources available, and for determining their local priorities. The Government considers that the processing of suspicious transactions is a matter for local forces to manage.

Admittedly, it is difficult to envisage a formula that would permit the logical transformation of local into national issues, but there are no reasons given here other than that the Home Secretary did not consider this to be a key area. Yet at the same time, there is pressure from a London coalition to go for a tougher centralised approach that *will* be mandated.

The National Crime Squad will be paid for by a levy upon existing police authorities, and it remains to be seen how happy they will feel about being required to give up part of their

resource to fund a squad over which they will have no control. What happens, for example, if the South Wales police consider that a group of travelling criminals is causing them a lot of problems: the sort of issue currently dealt with by the Regional Crime Squad or by the force itself. Will the new NCS take it on? There is always a problem about differences in seriousness perspectives between London and the regions (an issue that crops up also in uniform national prosecution criteria): how will these be played out? This is the sort of issue that is critical to many local police authority representatives and citizens who are making serious local demands on the police. But this very parochialism of perspective enables the 'take organised crime seriously coalition' to argue that it is vital for central authority to impose collective benefits.

The role of the security services in relation to 'organised crime'

This is not the place for a discussion of the role of the security services in sustaining *Pax Britannica* (or, in the case of the CIA, *Pax Americana*), fruitful though such a review would be. Suffice it to observe that despite the fact that the collapse of the Soviet Union is unlikely to bring an end to anti-capitalist terrorism, there is a felt need to find a new role for the sort of expertise that is unlikely to have a significant niche outside multinational corporations (and therefore faces a difficult time 'on the dole'). There is also a common feeling in some Establishment circles that most police are too parochial and frankly too dull and unsophisticated to play a major role in dealing with brighter criminals: there is a certain class and educational barrier between 'cop culture' (however changing in the light of teamwork and proactive policing) and 'spook culture'. (Although the latter may be more akin to normal thought processes in government and civil service, the police - possibly responding to social legitimacy - do appear to have an extraordinary hold on Home Office ministers.)

The Security Service Act 1996 *inter alia* gave MI5 a *potentially* important role in the fight against organised crime (or, in the terms of the Act, 'serious crime': an important piece of terminological slippage). Section 1 refers to the function of the Service to act in support of the activities of police forces and other law enforcement agencies in the prevention and detection of serious crime.

In Opposition, the 'new realist' Labour Party - keen to be tough on crime as well as the causes of crime - acquiesced in the role and the greater part of the Bill. However, stimulated by criticism in the *Observer* and *Guardian* newspapers that these important constitutional changes had been passed with only the most cursory debate in the House of Commons (and with very modest debate in the House of Lords' Second Reading), some objection was made by Labour peers in the Committee Stage in the House of Lords to the breadth of definition of 'serious crime' in what is now Section 2, in the context of the basis on which warrants to enter and seize property and interception warrants were to be granted. In sub-section 4, conduct is serious crime if it constitutes (or, if it took place in the United Kingdom, would constitute) one or more offences, and either -

(a) it involves the use of violence, results in substantial financial gain or is conduct by a large number of persons in pursuit of a common purpose; *or* [my italics]

(b) the offence or one of the offences is an offence for which a person who has attained the age of twenty-one and has no previous convictions could be expected to be sentenced to imprisonment for a term of three years or more.

There was no suggestion in the wording that the violence has to be serious: it could be common assault. The response of the (then) Minister Baroness Blatch is illuminating (Hansard, 10 June 1996 HL cols. 1497-1539):

> Crime does not always come in neat packages clearly labelled "serious" or "not serious". That is particularly true of the kind of work the Security Service will be doing. With its particular skills and experience, the service will be most effective gathering intelligence and infiltrating organised crime groups, who may extend tentacles into a wide range of activities. The very nature of the work means that the service will not always know what it is dealing with, particularly in the exploratory stages. Inevitably, some leads will be turn out to be blind alleys and criminal organisations may find novel forms of criminal activity which were on the margins of a rigidly defined serious crime. There is a need for a degree of flexibility...and common sense in determining what lies within the function, without transgressing on inappropriate areas of inquiry.
>
> ....a rigid definition of serious crime...would hamper the service's effectiveness and create endless opportunities for unscrupulous defence lawyers to challenge the legitimacy of the Security Service's involvement on technical grounds. It is much better that the Security Service should initially have a degree of freedom to develop investigations but, at the point when the service wishes to employ intrusive investigative techniques...it should be required to demonstrate that it is involved in combating serious crime as one of the controls over the issue of warrants....
>
> That is not to say that the Security Service will end up dealing with trivial cases. Indeed, ministers have given repeated assurances that, in practice, the service is to be tasked with the investigation of organised crime, *as it is commonly understood* [my italics]. This means that the service's principal targets under its new function will be drug traffickers, money launderers and racketeers.

In other words, trust us! Objections to English legislation are made more difficult by the practice of amending complex sets of prior legislation, making it hard to formulate changes clearly in ways that can be followed by others. Nevertheless, as the first female Commander in the Metropolitan Police, (now) Baroness Hilton, replied:

> It is a very slippery slope down the path of non-accountability and potential injustice, not only to the public and the police but also the security services....This amendment is an important restraint on what could be an extremely dangerous situation and a constitutional impropriety.

Baroness Blatch sought to reassure by stating that the Security Service will not in any event act independently of the police. It will be tasked by the police, or the work will be done in support of the police or the other agencies mentioned in the course of the debates.

She added that this Bill conferred no new powers on the Security Service: merely its use of existing powers in a new area! This is verbal conjuring of a high order. As Labour peer Lord McIntosh observed:

> We want an assurance that when it acts in support of the activities of police forces - in other words, in dealing with the criminal law in this country - it does not have powers that the police do not have.
>
> As for co-ordination of the police and the Security Services, the head of the NCIS will decide what should be done about operations where there is a conflict between keeping informants safe and making arrests.

Further conflict arose on the issue of warrants by the Executive. One of the Law Lords, Browne-Wilkinson, observed that the Bill proposed a major constitutional shift towards the Executive in dealing not with espionage but with ordinary police duties 'to invade the privacy of the Englishman's home'. Minister Baroness Blatch responded that the Bill was merely an extension of existing powers. But as Lord McIntosh noted:

> We land up with the worst of all possible worlds on warrants. We land up with an extension of powers for the Security Service, not because they are new powers but because they are applied for the first time to the people of this country. We land up with inconsistent powers as between police and Security Service in pursuit of the same objective. We have a different trigger for the exercise of these powers...not an extension of the judicial trigger...but an extension of the trigger of the executive power.... There is no provision...for adequate accountability and scrutiny....

The predictable response to this was that the Security services have a security tribunal and commissioner and that warrants 'will be secured on the basis of meeting the serious crime test set out in detail in Clause 2' (which test is very easy to satisfy).

Despite the attempts of authors from Sutherland (1983, originally 1939) to Ruggiero (1996) to argue that 'white-collar crime *is* organised crime', the UK enforcement agencies have been far more reluctant than their US counterparts to treat white-collar and organised crime as related phenomena, to be dealt with by policing methods such as 'Sting operations' : this is due partly to legal but mainly to cultural differences (Levi, 1995). Differences between the 'performance indicators' of police and customs, as well as bureaucratic rivalries, inhibit co-operation. The grafting on - or not - of the security services who are used to disruption and other extra-criminal justice tactics are likely to prove intriguing: such methods are seldom susceptible to review by the courts, especially when the suspect party does not know that there has been some intervention such as loss of potential business contract.

The new financial policing: measures against money-laundering and asset forfeiture

The other major plank of anti-organised crime activity involves greater scrutiny of persons and – to a lesser extent – transactions entering the global financial system. The regulation of financial institutions for other than financial prudential purposes embodies an intriguing political paradox. On the one hand, those interested in the political anatomy of Britain take it for granted that it is 'finance capital' that dominates the political economic landscape. On the other, we have first, bankers, and then a large range of other financial media in most advanced and many Third World and former Communist countries being compelled to accept a fairly open-ended set of commitments to co-operate in an increasingly active process of searching out and reporting those seeking to launder the suspected proceeds of crime (or to require them to report large quantities of cash and wire transfers, in those systems such as the USA and Australia that have routine cash reporting requirements).

Is this designed to favour the large, established financial institution against the marginal one? Perhaps, but though the international and local prohibitions against laundering shift from de-authorisation following the controversial exercise of 'supervisory discretion' to *criminal law* mandates the entitlement to anathematise and incapacitate the BCCIs of this world, and to put at risk marginal private banks which encourage a 'no questions asked' approach to 'serve' well-heeled clients to the advantage of large firms - I do not find it plausible that this is simply a mainstream hegemony-sustaining exercise. For, one may ask, why did such large institutions not clamour for anti-laundering legislation to be *initiated*, and even if these 'financial sweatshops' benefited from laundering, did the large institutions themselves not benefit significantly from a morally neutral (or wilfully blind) attitude to the origins of money? And does the legislation not require them to spend large amounts of money enforcing banking systems that they would not do for their own financial benefit? Surely the regulatory (and lawyer-dominated) bureaucratic empires that have been created as a result were not so powerful that they could overcome the sales and marketing-oriented dominant groups within the financial services industry? Why concede at all such a slippery-slope principle as that it is the business of bankers to look at the moral origins of money, even in the face of a law-and-order onslaught whose uncontainability itself shows the limitations of an explanatory approach to social control based around economic interests? These are questions that any political economy approach to accounting for anti-laundering legislation ought to face.

Some of the findings of Gold and Levi (1994) will doubtless disappoint those 'law and order fanatics' who had hoped that the diminution of banking secrecy would magically unlock the secrets of 'organised criminals', whether these be drugs traffickers, sophisticated fraudsters, or terrorists. Paradoxically, the same findings might reassure those who feared that such changes would simply make it easy for the police to catch large numbers of merely petty offenders: this has not happened either to any significant degree, when compared with street policing operations and with arrests and compoundings - i.e. financial penalties without prosecution - by customs officers at sea and airports.

These observations about the modest effect to date on drugs trafficking and other serious crime arrests of these fast-growing exceptions to the principle of customer confidentiality should be placed in the context of the difficulties that are experienced by investigators of any set of major offenders. Given these more general difficulties - in identifying who 'the criminals' are, in keeping surveillance, and in developing & making use of informants - **any** 'untainted' and unself-interested source of information is important, particularly when the information is 'proactive' (i.e. it arrives - at least in principle - *before* the police have gleaned the news that a crime has been committed or that the person whose transactions are reported upon is a suspected offender). Another important dimension is that - given the relative impermeability of Afro-Caribbean and Asian drug subcultures to undercover surveillance by almost entirely white police forces - using (except for BCCI and several other Asian-run banks that have been closed down by the Bank of England, mainly white-employing) financial institutions as information sources goes some way to breaking through some of the data-gathering barriers. (Though in the case of Asians - whether Indo-Pak or Chinese- there are well established underground banking mechanisms that also are relatively immune from surveillance by the police and, probably just as relevantly, from surveillance by the tax authorities.)

So how do we theorise these developments in what I would like to term 'the new policing'? At one level of explanation, we can produce interesting but fairly prosaic analyses of the ways in which disillusionment with the ability of conventional methods of reactive and patrol

policing to cope with major criminal markets and 'crime entrepreneurs' has prompted the search for more structured and 'cost-effective' approaches to policing. The Audit Commission's pressure for proactive 'offender targeting' has led to 'intelligence-led policing' becoming a dominant theme in British policing. In theory, suspicious transaction reporting by bankers offers the possibility of doing so in a less prejudiced way than by use of police discretion, via dispassionate computer-modelled neural network analysis. But in practice, we are down to the same criteria of suspiciousness - of out-of-context behaviour - that the police use, only operated this time by bankers.

The trend, at least in rhetoric, has been to aim to use financial institutions' *proactive* reports to generate information to

> (a) pick out individuals who may be involved in crime who were not previously suspected. (Of course, these *could* include political dissidents, but I do not believe that this is a core objective.)
> (b) provide greater substantiation of the activity trail of 'known offenders' in ways that would be too expensive and time consuming to collect via traditional police means.

But in practice, the police resources devoted to this have been very modest in Britain, even in Northern Ireland which is the traditional experimenting ground for social control measures: if one investigator can get through six routine enquiries a day, this makes around 30 a week, perhaps 1,200 a year (out of national UK total of currently about 17,000 annually), without doing anything other than check to see if the person is already 'known to the authorities'. In the UK, NCIS are completely overwhelmed by this reactive processing, and local forces are similar - many do not even trawl their local intelligence databases. Elsewhere, the 'yield' of reports is likewise the grounds for concern.

It is important to appreciate that regulatory as well as criminal law mechanisms are used to control laundering, but there are practical and political/legal problems. What, for example, does the Bank of England intend to do if a particular bank, building society or - newly regulated - *bureau de change* does *not* report any suspicions one year? In the real world, are the cops going to show any more interest than in the past in prosecuting bankers and lawyers who have acted as intermediaries in major trafficking or fraud cases? Monitoring compliance with anti-laundering procedures provides a constant justification for inspection of Third World and other governments' financial systems, but it also does lead to mutual pressure to raise standards of commercial integrity, at least in relation to wilful blindness in accepting funds that could only have come from crime.

Concluding remarks

Gradually (and see Sutton, 1998, for a valuable analysis of this in relation to stolen property markets), criminologists have begun to see 'the causes of crime' as including an analysis of how crime is organised socially and technically. This fuses the neglected traditions of gang/subculture theory with situational opportunity theory, especially in its improved recent formulations (Clarke, 1997; Clarke and Homel, 1997) in showing how the forms of crime are shaped by the motivational and cultural environments in which they occur, which facilitate and/or inhibit the development of highly organised crime, whether or not accompanied by offender versatility. To understand how this is possible, we need to examine crime as a business process, requiring funding, technical skills, distribution mechanisms, and money-handling facilities. The larger the criminal business, the more likely all these elements will be

required, with the special business problem that what they are doing is illegal and, if caught and convicted, they – and their bankers or lawyers - could all go to jail for very long times as 'organised criminals'. In short, we are not arguing that no-one forms international groupings that commit very serious social harms: though not all of them are labelled 'organised criminals' (Ruggiero, 1996), there obviously are such groups and networks. However, for all but those who simply want to develop a moral panic to get more powers and resources, what is important (for crime control as well as academia) is to appreciate the subtlety, complexity and depth of field of the organisation of crime.

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Definitions of Organized Crime in the European Union
A Criminological Perspective

The Harmonization of Concepts

Throughout the 1990's organized crime has been a strong motivation for and driving force behind the constant effort to expand cooperation in the legal and law-enforcement aspects of the European Union. Thus, organized crime has been cited repeatedly as a justification for decisions and agreements on police and legal cooperation.

> "Organised crime is increasingly becoming a threat to society as we know it and want to preserve it. Criminal behaviour is no longer the domain of individuals alone, but also of organisations that pervade the various structures of civil society, and indeed society as a whole. Crime is increasingly being organised across national borders, also taking advantage of the free movement of goods, capital, services and persons" (Action plan, 1997: preamble).

As indicated, the principles of the Union Treaty concerning an open market for capital, goods, services, and labor force have been the main source of the expectation that criminals would utilize these new possibilities for trans-border activities. It is feared that organized criminal networks will not only benefit from free movement within the Union, but also abuse differences in national laws. Thus, criminal organizations could be viewed as capitalist enterprises that wish to organize on the international level, establish illegal activities, transport illegal goods and illegal earnings from one country to another, and establish bases in or move to the country in which the illegal sector suffers the least—economic and punitive—consequences (Adamoli et al., 1998: 107)1

To date a number of EU member states—including the Scandinavian countries–have had no national definitions of organized crime • neither penal definitions nor legal classification systems that include organized crime. Of course, this absence of definitions reflects the fact that these countries have not had or only seldom have had criminality of a magnitude and character that would necessitate concepts of organized crime or criminal organizations. By virtue of ever-increasing EU cooperation in the legal field, however, the concept of organized crime has not only been introduced into the debate over criminal policy in recent years, but it will also be imported into the criminal law and legal administration of these countries. In countries where organized crime is more an abstract concept than a concrete experience • such as the Scandinavian countries • import of organized crime as a concept is coincident with the implementation of organized crime as a phenomenon, where organized crime is *constructed*

1 Even though it is correct in principle that an open market for goods, services, and work force provides betteropportunities for criminals to move around, it is doubtful that organized crime has the ability to operate in accordance with such cost-benefit pronciples, thereby freeing itself from its local, national, or ethnic base.

as a social and criminal problem (see Bay, 1998). Consequently, it is important not only to evaluate these efforts toward harmonization from a penal perspective, but also to assess how these EU initiatives will affect the comprehension of organized crime in the national debate over legal policy and in the scientific discourse.

This paper will discuss three key EU definitions • definitions that have been developed and used in recent years by the European Parliament, the European Council, and the so-called K4 Committee, which is a coordinating committee in the legal area comprising high-ranking officials and which is appointed in accordance with Article K.4 of the Union Treaty (Treaty, 1992).

Organized Crime as the Driving Force behind EU Cooperation in the Legal Area

As mentioned above, organized crime is serving as a generator to intensify police and legal cooperation and harmonization within the EU and, thus, to establish the future European Police Office (Europol).

The initiative for establishing Europol was taken in 1991 when Germany proposed setting up a central European police unit in order to intensify the joint struggle against drug crimes and other organized crime. To accelerate the establishment of a joint police unit, however, a Europol predecessor was established: the Europol Drugs Unit (EDU), whose initial task was to exchange police information on narcotics and money laundering. The EDU's mandate was later expanded to include the exchange of information and intelligence on certain forms of illegal, organized activities that include two or more member states and to assist police and other authorities in the battle against organized crime (Article 2 in Joint Action, 1995). The types of crime initially covered by the EDU agreement include the illegal drug trafficking, illicit trafficking in nuclear substances, illegal immigrant smuggling, and illegal trading in stolen motor vehicles; but this list has since been expanded to include trading in human beings (so-called white-slave traffic) (Joint Action, 1996b: article 1). The focus of the Europol Drugs Unit on organized crime was later emphasized in the decision that this police unit would gather information concerning expertise on combatting international organized crime (Joint Action, 1996a).

Organized crime also plays a central role in the Europol convention. In its statement of purpose, Europol's field of activity is defined as: "terrorism, unlawful drug trafficking and other serious forms of international crime where there are factual indications that an organized criminal structure is involved" (Europol Convention, 1995: article 1). Thus, organized crime is a prerequisite for the operation of Europol, but the Europol convention does not define organized crime in greater detail.

The convention on extradition between member states of the European Union (Convention, 1996) is also grounded in the effort against organized crime. In accordance with this convention, criminals shall be extradited when a "conspiracy or an association" is involved whose purpose it is to commit various types of crimes, including "drug trafficking and other forms of organized crime" (Article 3, Paragraph 1), but neither of the terms 'conspiracy' or 'an association to commit offenses' or 'organized crime' is defined in greater detail. However, participation in a criminal organization is defined as follows:

"(...) the behaviour of any person which contributes to the commission by a group of persons acting with a common purpose of one or more offenses in the field of terrorism as in Articles 1 and 2 of the European Convention on the Suppression of Terrorism, drug

> trafficking and other forms of organized crime or other acts of violence against the life, physical integrity or liberty of a person, or creating a collective danger for persons, punishable by deprivation of liberty or a detention order of a maximum of at least 12 months, even where that person does not take part in the actual execution of the offense or offenses concerned; such contribution shall be intentional and made having knowledge either of the purpose and the general criminal activity of the group or of the intention of the group to commit the offense or offenses concerned" (Convention, 1996: article 3, paragraph 4).

In this and similar documents concerning police and legal cooperation within the EU, it is always an explicit assumption that the overall goal is to combat "international organized crime," which is a standard formula that is often repeated in the preambles to legal documents in this area. But the language is inconsistent. Sometimes reference is made to "international crime," in other cases it is "organized crime" or "transnational crimes". Even though these terms are not synonymous, they are used as such, without being defined in greater detail. It is assumed that their meaning is known and there is an implicit assumption that the concrete forms of criminality that the EDU and Europol are to be involved in, such as the smuggling of drugs, automobiles, people, and radioactive materials, are by their very nature organized or international.

That these terms alone figure in the preambles of EU documents clearly indicates their function. They are nonbinding and imprecise designations that primarily serve ideological and justificatory functions.

The Political Definition of Organized Crime

A first attempt at a more precise and binding definition comes from the European Parliament. The European Parliament has been working for a long time to place organized crime on the EU agenda. It was, in particular, those countries that have long and extensive experience with serious organized crime that took the initiative in this area. Most of the numerous documents on criminality that the European Parliament has approved contain direct references to the danger represented by organized crime. The parliament's *Resolution on Criminal Activities in Europe* points to organized crime as the most serious crime problem in Europe and it states that "organized crime, with its strong destabilizing and corrupting influence, is a political, social and cultural problem which undermines public institutions and democracy itself" (European Parliament's resolution, 1994: preamble). In close accord with this concern, the European Parliament defines organized crime as follows:

> "(The European Parliament) defines organized crime as an organized criminal association operating at international level, the activities of which range form actual criminal offenses to the direct or indirect control of economic activities, public works concessions, licenses, contracts and services" (European Parliament's resolution, 1994: article 1)

Thus, this definition is based on three primary qualifications—the type of organization, the geographic field of operation, and the extent of the criminal activities, whereby particular emphasis is placed on corruption of the business sector and, consequently, those elements of organized crime that threaten the principles of societies based on market economy. However, this broad, politically oriented definition of organized crime has had neither practical nor legislative significance and the parliament itself later abandoned the use of this definition (e.g. in Committee on Civil Liberties and Internal Affairs, 1997).

As the desire to expand Union-wide cooperation in the battle against organized crime has been operationalized by central officials and judicial authorities, the understanding of organized crime has become more concrete, but at the same time it has also been diluted, so that the fundamental and salient features of organized crime as underscored in the European Parliament's definition have been obliterated.

The Police Definition of Organized Crime

In the early 1990's the Drugs and Organized Crime Group began issuing annual joint EU situation reports on the extent and directions of international organized crime. The EU reports were and are based on national reports, but these were not standardized until 1994 when an *ad hoc* Working Group on International Organized Crime developed a proposal for the systematic reporting of national organized crime (Appendix 2 to K.4-udvalget, 1993). The K4 Committee used this to produce a number of instructions on how the annual national reports should be made: what subjects the reports should cover (Appendix B to K.4-udvalget, 1995) and a list of characteristic features of organized crime (Appendix C), i.e. operative directions indicating how organized crime can be identified, classified, and distinguished from other forms of crime.

Based on these criteria, the national police forces have prepared annual reports on organized crime in their country during the past year and these reports have been combined to form annual situational reports on organized crime in the European Union (Arbejdsgruppen vedrørende Narkotika og Organiseret Kriminalitet, 1995a; Arbejdsgruppen vedrørende Narkotika og Organiseret Kriminalitet, 1995b; Arbejdsgruppen vedrørende Narkotika og Organiseret Kriminalitet, 1996; Arbejdsgruppen vedrørende Narkotika og Organiseret Kriminalitet, 1997).

The K.4 Committee's list of features of organized crime includes eleven characteristics:

"At least six of the following characteristics shall be present, three of which shall be nos. 1, 5, and 11 below, for a crime or criminal group to be characterized as organized crime:

1. Collaboration of more than two people;
2. each with own appointed tasks;
3. for a prolonged or indefinite period of time;
4. using some form of discipline and control
5. suspected of the commission of serious criminal offences;
6. operating on an international level;
7. using violence or other means suitable for intimidation;
8. using commercial or business-like structures
9. engaged in money laundering
10. exerting influence on politics, on the media, public administration, judicial authorities, or the economy;
11. determined by the pursuit of profit and/or power." (Appendix C of K.4-udvalget, 1995).2

2. The official English version of the eleven criteria was not available. Consequently this quotation is based on an unofficial translation from the Danish version.

According to this list of features, organized crime can be both a crime and a criminal organization, as indicated in the introduction to the eleven characteristics. This dual nature is important because it opens up the possibility that a series of criminal acts in itself can be characterized as organized criminality, even if there is no actual organization involved. This means that *ad hoc* cooperation in crimes, such as bank robberies or smuggling expeditions, can be characterized as organized crime if the other required criteria are met.

1. Collaboration of more than two people. The first condition for the presence of organized crime is the existence of a (rudimentary) organization, assumed here to mean more than two persons, i.e. a group of persons. However, this introductory and obligatory characteristic contains no requirement of an organization in the traditional sense: with a division of labor among various functions, with formalized relations among participants, or with a ranking of the participants. Thus, cooperation can include all forms of social organization from the loosest and most temporary form of cooperation to the most traditional forms of hierarchic and continuous organizations.

This primary condition of cooperation among a group of persons is an important criterion for distinguishing between a specific and a common sense form of organized crime. While in everyday speech we may speak of a planned and continuous form of criminality that is carried out by individuals, such as repeated, unlawful smuggling of foreign women for prostitution, as crime that is (well) organized; it is clear here that such criminality can be designated as organized crime only under certain conditions. Thus, it is not sufficient for crime to be organized. It must be committed *within* (as opposed to *by*) an organization—understood here to be cooperation by a group of more than two persons.

The wording of the first criterion for classification as organized crime is in close accord with criminological research on this type of criminality. This research shows that organized crime is not necessarily committed by or within bureaucratic structures, but it is carried out just as frequently in loosely structured networks (Potter, 1994).

2. Each with own appointed tasks. Division of labor is the expression normally used in organizational sociology to indicate "predetermined tasks" and it is customary to view an organization with a division of labor as more advanced or developed than an organization without a division of labor. After all, the division of labor indicates that the tasks the organization undertakes are so varied and specialized that the individual tasks must be divided among persons with various qualifications, functions, or rankings. In this context, the division of labor should be understood in a broad sense, meaning that a hierarchical system within an organization can also be seen as a kind of division of labor. This hierarchical form of the division of labor means there is a power structure and a built-in inequality within the organization.

Both the functional and the hierarchical division of labor are well known in the international literature on criminal organizations, but there is hardly agreement among researchers, however, as to what form of power structure is characteristic of organized crime. Abadinsky maintains that organized criminal groups have a vertical power structure with three or more permanent levels and that authority is linked to ranking and that this is true regardless of which person assumes a position (Abadinsky, 1994: 6). Kenney & Finckenauer also stress the structural aspects. Organized criminals have a well structured hierarchy with leaders and subordinates, but also a number of "hangers-on" and people who are loosely connected to the organization (Kenney & Finckenauer, 1995: 4). Maltz, on the other hand, asserts that even though a well-defined (albeit informal) hierarchy maintained by force is usually in place, a definition of organized crime cannot be based on a particular form of structure, since these structures can be rather volatile (Maltz, 1985: 28).

3. For a prolonged or indefinite period of time. This characteristic entails an expectation that the criminal organization comprises a stable structure that is permanent or at least is not *ad hoc* in nature. As with the second criterion, the purpose is to qualify the organized aspects. We are not dealing here with temporary or spontaneous working forms, but more permanent formations.

Both Abadinsky and Kenny & Finckenauer assume in their definitions of organized crime that the organized groups comprise a stable and continuous conspiracy, meaning there is an organization that can exist independently of its actual members—when leaders die or are imprisoned the organization does not collapse because they are replaced by others. Continuity is not crucial for Maltz. He stresses that there are both noncontinuous and continuous forms of organized crime. The noncontinuous forms are situational *ad hoc* groups that appear in order to profit from individual situations. For stable criminal organizations, however, it is their continuous activity, such as narcotics distribution, extortion, or illegal gambling that is the cohesive element (Maltz, 1985: 28).

4. Using some form of discipline and control. This characteristic of organized crime describes internal social control within the criminal organization. However, it is difficult to imagine any form of social organization without "some form of discipline and control." A "particular form of discipline or control" would have been more meaningful, since without question it is a means of maintaining an organization and protecting the organization against legal measures that is meant.

Abadinsky maintains that, like legitimate organizations, an organized criminal group has rules and regulations that its members are expected to follow (Abadinsky, 1994: 8), and Kenney & Finckenauer point out that membership, initiation rites, rules and regulations, activities, and leadership in an organized criminal group comprise the formal aspects of internal social control. These rules and rituals are surrounded by an oath of secrecy that, if broken, results in expulsion or death (Kenney & Finckenauer, 1995: 6). Maltz points out, however, that the use of force as an internal disciplinary means within criminal organizations has been on the decline and that the oath of secrecy mentioned above has been far from total, since there are numerous examples of members who have witnessed against their organization. Maltz also stresses that discipline in an organization in which most members are armed and ready to use their weapons must be based on a high degree of acceptance on the part of its members. Although there must, of course be some form of internal social control before a group of individuals can be called an organization, it is not—for Maltz—a decisive factor in the definition of organized crime (Maltz, 1985: 29).

5. Suspected of the commission of serious criminal offences. The fifth characteristic, which is one of the three obligatory ones, contains three significant elements. First of all, it is sufficient if there is suspicion of illegal activity, i.e. the lowest degree of crime assumption by police. Moreover, it is not specified as to how such suspicion is grounded, but since these criteria are based on international police cooperation, it may be assumed that the usual requirements in provisions regarding suspicion must be met: the suspicion must have a certain strength, the suspicion must be directed against a certain action, the suspicion must be directed against a certain person (or perhaps an organization in this case), the suspicion must be directed against an action that has been committed (Koch, 1980: 89). The latter condition is dubious, however, since "commission" may vaguely refer to either a criminal act already committed or the assumption of future criminality.

Secondly, there are some (unspecified) requirements on the seriousness of the crime. It may be assumed, however, that there is a concept of proportionality built into these criteria.

Being registered and reported for organized crime is a form of police surveillance that can have serious consequences for those implicated, so it is assumed here that the criminal offences must be commensurate with the form of power exercised. The guidelines for national reporting of organized crime mention the following forms of serious crime: drugs, fraud, counterfeiting, armed robbery, kidnapping, extortion, theft and fencing of automobiles, hit-and-run robbery, art theft, illegal arms trafficking, traffic in human beings, prostitution, child pornography, environmental crimes, illegal gaming systems, and money laundering (Appendix B of K4-udvalget, 1995).

Thirdly, it is assumed that crimes, i.e. punishable offences, are involved, which is an obvious premise. More importantly, the plural form is used, so that there must be a series of serious crimes and, thus, more than one individual act.

6. Operating on an international level . The nature of trans-border crime is indicated by this characteristic, which is an extension of the organizational characteristics under points 1-4. The fact that an organization operates transnationally is an indication of the organization's qualifications, scope, and professionalism, since it may normally be expected that international operations raise greater demands than national ones.

A characteristic such as trans-border activity is not typically included in scientifically formulated criteria for organized crime. Crime on the national level can be just as organized as international crime. It is included in the EU's list of the features of organized crime because this list was compiled as a result of international cooperation: if trans-border crime, it is legitimate for it to be dealt with by EU police cooperation.

7. Using violence or other means suitable for intimidation. There is general agreement that one feature common to all types of organized crime is the willingness to use or to threaten the use of force, both against other criminals and against clients who cannot repay their debt. Concerning the background for the use of physical force, Maltz writes that the conflicts that arise, of necessity, within an organization and between said organization and its clients or business contacts that, in the legal world, would be settled (as a rule) in the courts, must be solved by other means in illegal business operations (Maltz, 1985: 27).

The EU's language is noteworthy in that the motive behind the use of violence and similar means - intimidation - is of key importance. It is not a prerequisite, however, that intimidation has actually occurred or that anyone has felt intimidated, but only that the means that are used can have an intimidating effect. Presumably, in this context violent behavior includes both violence and the threat of violence. Other means capable of intimidation may include economic methods and symbolic forms of violation.

8. Using commercial or business-like structures. Organized crime is - or can be - a mix of legal and illegal enterprises. Initially legal enterprises can develop more and more illegal aspects, while the opposite occurs when organized crime invests its profits in legal businesses or gains joint ownership of legitimate businesses. There can also be other reasons for organized crime to be involved in legitimate businesses. They can be used to launder the proceeds of crime and legitimate businesses can also serve as a good front.

The wording of item 8 of the EU criteria is also very broad and unspecified on this score. When it refers to commercial or business structures, this presumably does not necessarily refer to businesses in the legal sense.

9. Engaged in money laundering. Integrating the proceeds of crime into the legal financial system is inextricably linked to all forms of property crime, particularly on the grand scale, such as is the case with certain forms of organized crime. The money laundering criterion is a

direct extension of the above-mentioned characteristic concerning the use of commercial or business-like structures - one can hardly imagine money laundering without the use of such legal structures.

10. Exerting influence on politics, on the media, public administration, judicial authorities, or the economy. Corruption in the form of bribery, attempted bribery of public officials and politicians, or the use (or threatened use) of force toward persons involved in the judicial system is an important feature of organized crime in the criminological literature. To some criminologists it is the most important criterion (Cressey, 1969: 319). Corruption enables organized crime to achieve a certain form of immunity against being reported to the police, investigated, arrested, charged, and tried and bribery can be an attempt to gain a competitive advantage, for example in obtaining orders (Maltz, 1985: 25).

However, instead of the well-defined term corruption the EU criteria uses a broader term—the exercise of influence. The crucial difference between these two terms is that corruption is of necessity an illegal form of influence or attempted influence, while the language that was chosen also includes legal forms of influence, which raises a number of questions. Can legal political activity or lobbying be the "exercise of influence at the political level?" Is participation in the political or cultural publicity "influence on the media?" Is the use of attorneys, for example, to defend one's interests the "exercise of influence on public administration or justice authorities?" Are business activities the "exercise of influence on socioeconomic conditions?"

This characteristic can be interpreted quite broadly and comprehensively, so that practically any form of participation in society can be included, but it can also be interpreted narrowly, so that the "exercise of influence" is identical to corruption, i.e. either bribery or the use of power as a means of influencing public officials.

11. Determined by the pursuit of profit and/or power. Criminological research often stresses the nonideological nature of organized crime. The objectives of organized crime are power and profit—not political or ideological goals. Thus, this feature distinguishes those in organized crime from political extremists groups that may be organized in the same manner and commit the same types of crime, but are driven by political motivation (Abadinsky, 1994: 6; Kenney & Finckenauer, 1995: 3). Since this criterion is one of the three obligatory ones in the EU list of characteristics, politically motivated crimes in the form of terrorism are not normally classified as organized crime.

The Legal Definition of Organized Crime

The joint legal definition of organized crime is a result of the action plan for combating organized crime that was approved at a Council meeting in April 1997 (Action plan, 1997). The action plan was developed by a so-called High Level Group comprising representatives of the prosecutory authorities of the member states. This plan of action consists of 15 political guidelines and 30 specific recommendations, as well as a timetable and implementation plan for each of the recommendations. The desire for a joint legal comprehension of organized crime and joint criminalization of participation in criminal organizations has a high priority in the action plan. It is the first of the political guidelines:

"The Council is requested rapidly to adopt a joint action aiming at making it an offense under the laws of each Member State for a person, present in its territory, to participate in a criminal organization, irrespective of the location in the Union where the organization is concentrated or is carrying out its criminal activity" (Action plan, 1997: 4)

Otherwise, the action plan is a mixture of far-reaching program declarations and short-term recommendations. The main goal of the action plan is to make the fight against organized crime at the European and international levels more effective and this overall goal is used as an argument for expanding EU cooperation in the legal area. It is proposed, for example, that Europol's authority be extended beyond the present convention (Article 6, Paragraph f) and the Europol be given operational power (Political Guideline No. 10). It is proposed to relax the requirements of double criminality in connection with mutual legal assistance and extradition between EU countries (Political Guideline No. 4) and there are several proposals concerning how judicial authorities can coordinate their actions to combat organized crime: establishing a network for legal cooperation at the European level, appointing interdisciplinary groups, and developing cooperation among judicial authorities and tax authorities (Political Guidelines Nos. 7, 8, 9, and 12).

The specific instructions for action are divided into a number of general conditions, proposals for preventing organized crime, recommendations for new legal instruments, ideas for practical cooperation among police, judicial authorities, and customs authorities for combatting organized crime, proposals for expanding Europol's mandate and tasks, and finally suggested measures to prevent money laundering. With certain exceptions, the action plan advocates implementing all 30 recommendations by the end of 1998, which indicates, first of all, the high priority the action plan places on the effort against organized crime and, secondly, the intensity of the expanded legal cooperation within the EU.

On the basis of this action plan, the Council for Legal and Internal Affairs approved a joint action on making it a criminal offence to participate in criminal organizations (Joint Action, 1998).3 The joint action sets forth joint definitions for criminal organizations and requires that all member states criminalize membership in such organizations. The object of this joint action is to introduce a common strategy regarding participation in the activities of criminal organizations: more uniformity in legal proceedings against such participation and easier extradition of persons accused of participation in criminal organizations to member states demanding such extradition.

A criminal organization is defined as:

"Within the meaning of this Joint Action, a criminal organization shall mean a lasting, structured association of more than two persons, acting in concert with a view to committing crimes or other offences which are punishable by deprivation of liberty or a detention order of a maximum of at least four years or a more serious penalty, whether such crimes or offences are an end in themselves or a means of obtaining material benefits and, if necessary, of improperly influencing the operation of public authorities. The crimes or other offences referred to in the first paragraph include those mentioned in Article 2 of the Europol Convention and in the Annex thereto and carry a sentence at least equivalent to that provided for in the first paragraph" (Joint Action, 1998: article 1).

The crimes referred to in Article 2 of the Europol convention include illegal drug trafficking, illegal trade in nuclear and radioactive materials, organized illegal immigration (smuggling of

3. At the meeting of the Council for Legal and Internal Affairs on 19 March 1998, agreement was reached on the formulation of this joint action. It will be given final approval at the meeting on 28-29 May 1998.

humans), trade in human beings, illegal trade in stolen motor vehicles, and terrorist activities.4

4. Article 2 of the Europol Convention states:
• 1. The objective of Europol shall be, within the framework of cooperation between the Member States pursuant to Article K.1(9) of the Treaty on European Union, to improve, by means of the measures referred to in this Convention, the effectiveness and cooperation of the competent authorities in the Member States in preventing and combating terrorism, unlawful drug trafficking and other serious forms of international crime where there are factual indications that an organized criminal structure is involved and two or more Member States are affected by the forms of crime in question in such a way as to require a common approach by the Member States owing to the scale, significance and consequences of the offenses concerned.

In order to achieve progressively the objective mentioned in paragraph 1, Europol shall initially act to prevent and combat unlawful drug trafficking, trafficking in nuclear and radioactive substances, illegal immigrant smuggling, trade in human beings and motor vehicle crime.
Within two years at the latest following the entry into force of this Convention, Europol shall also deal with crimes committed or likely to be committed in the course of terrorist activities against life, limb, personal freedom or property. The Council, acting unanimously in accordance with the procedure laid down in Title VI of the Treaty on European Union, may decide to instruct Europol to deal with such terrorist activities before that period has expired.

The Council, acting unanimously in accordance with the procedure laid down in Title VI of the Treaty on European Union, may decide to instruct Europol to deal with other forms of crime listed in the Annex to this Convention or specific manifestations thereof. Before acting, the Council shall instruct the Management Board to prepare its decision and in particular to set out the budgetary and staffing implications for Europol.

Europol • s competence as regards a form of crime or specific manifestations thereof shall cover both:
1) illegal money-laundering activities in connection with these forms of crime or specific manifestations thereof;
2) related criminal offenses.
The following shall be regarded as related and shall be taken into account in accordance with the procedures set out in Articles 8 and 10:

- criminal offenses committed in order to procure the means for perpetrating acts within the sphere of competence of Europol;
- criminal offenses committed in order to facilitate or carry out acts within the sphere of competence of Europol;
- criminal offenses committed to ensure the impunity of acts within the sphere of competence of Europol. (Europol Convention, 1995).

The above-mentioned appendix to the Europol convention contains a long list of crimes, the most important of which are murder and aggravated assault, racism and xenophobia, kidnapping, illegal restraint and hostage-taking, organized robbery, embezzlement and other crimes against property, forgery of money and documents, and illegal trafficking in arms, human organs, endangered plant and animal species, and hormonal substances. Moreover, Europol's jurisdiction also includes money laundering and other punishable actions originating in the above-mentioned forms of crime.5

The Joint Action against participation in criminal organizations, defines participation in a criminal organization in two different ways (Article 2, Paragraphs 1 and 2), and the individual member states can choose whether they wish to criminalize participation in criminal organizations in accordance with one or both definitions:

1. "Conduct by any person who, with intent and with knowledge of either the aim and general criminal activity of the organization or the intention of the organized group to commit the offenses in question, actively takes part in:

    - the criminal organization's activities referred to in Article 1, even where that person does not take part in the actual execution of the offenses concerned and, subject to the general principles of the criminal law of the Member State concerned, even where the offenses concerned are not actually committed,
    - the organization's other activities in the further knowledge that his participation will contribute to the achievement of the organization's criminal activities as referred to in Article

2. Conduct by any person consisting in an agreement with one or more persons that an activity should be pursued which, if carried out, would amount to the commission of such

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5. List of other serious forms of international crime which Europol could deal with in addition to those already provided for in Article 2(2) in compliance with Europol´s objective as set out in Article 2(1).
Against life, limb or personal freedom:
- murder, grievous bodily injury
- illicit trade in human organs and tissue
- kidnapping, illegal restraint and hostage-taking
- racism and xenophobia

Against property or public goods including fraud:
- organized robbery
- illicit trafficking in cultural goods, including antiquities and works of art
- swindling and fraud
- racketeering and extortion
- counterfeiting and product piracy
- forgery of administrative documents and trafficking therein
- forgery of money and means of payment
- computer crime
- corruption

Illegal trading and harm to the environment:
- illicit trafficking in arms, ammunition and explosives
- illicit trafficking in endangered animal species
- illicit trafficking in endangered plant species and varieties
- environmental crime
- illicit trafficking in hormonal substances and other growth promoters. (Europol Convention, 1995)

> crimes or offenses as referred to in Article 1, even if that person does not take part in the actual execution of the activity" (Joint Action, 1998: article 2).

This definition is intended to reconcile three different legal traditions: the continental tradition according to which it is possible and desirable to punish participation in the activities of a criminal organization, the Anglo-American tradition which views a conspiracy as punishable and according to which an agreement between two or more persons is sufficient for indictment, and the Scandinavian tradition of far-reaching regulations on participation and attempt, which are general in nature and not specifically directed against criminal organizations or criminal conspiracies (Rådet for Den Europæiske Union - Generalsekretariatet, 1997). Depending on how this joint definition and the obligation to make it a criminal offence to particiapate in a criminal organization is implementet in national legislation, this way of criminalizing membership of an organization will be a crucial departure from legal traditions in Scandinavia.

But the definition of illegal participation in a criminal organization also expresses an attempt to include the participation of - for example - an attorney or abookkeeper, in the activities of an organization, when those involved act intentional and with the understanding that their participation helps promote the criminal organization.

Why Organized Crime as a Joint Concept?

In both of these EU definitions emphasis is placed on the organizational aspects of organized crime. This becomes clear when, in its Joint Action, the Council for Legal and Internal Affairs first defines a criminal organization and then defines how participation in such an organization is to be viewed. It is also clear in the way the various features of organized crime are balanced. In the Council's legal definition the organizational aspects and seriousness of the criminal action are obligatory elements and in the K4 Committee's eleven characteristics the organizational attributes, together with the seriousness of the crimes and the motives, are also obligatory.

When the emphasis is placed on organizational relationships and on the seriousness of the crime, the result is definitions or categorizations that are unable to distinguish between *organized crime* and other forms of collective criminality that are organized, such as gang crime, white collar crime, and organizational crime. Thus, there are no attempts to identify distinctive features of organized crime. Instead of defining organized crime as an independent and distinctive form of crime, organized crime becomes a catch-all term for a number of serious crimes that already have other designations.

This conceptualization of organized crime as an overriding category which, in principle, can include all forms of collective crimes and organizations, results in a heterogeneous classification system. The category of organized crime comes to encompass motorcycle clubs such as the Hell's Angels and the Bandidos, but also corporate embezzlers and organized fraud against EU funds. Such a broad classification system tends to be devoid of specific meaning or, in any event, of comprehension. Instead, the term organized crime is reduced to an evaluation of the seriousness and organizational features of certain types of crime.

Organized crime as a concept is inappropriate and should actually be avoided, since it contains the linguistic possibility of several meanings. First of all, it is difficult to define and delineate organized crime from other types of crime such as professional crime, criminal subcultures, career crime, gang crime, criminal networks, criminal conspiracies, organizational crime, corporate crime, and white collar crime (Bay, 1995). Secondly, it is difficult to distinguish between crime that is organized and organized crime, i.e. between a common sense meaning of organized crime and a narrower legal or criminological meaning.

To avoid confusion of organized crime *per se* and crime in a broader sense, various researchers have developed methods for distinguishing them. Donald Cressey places organized crime in quotation marks when he speaks of it in the popular sense, but omits the quotation marks when he uses the term in its scientific sense (Cressey, 1969). Michael Maltz distinguishes between organized crime (general meaning) and *organized crime* (specific meaning) (Maltz, 1985). Joseph Albini has proposed using the term syndicated crime for the specific form of organized crime (Albini, 1971). None of these proposals have caught on, however.

If one wishes to use the term organized crime, he must isolate the distinctive features of such crime that will distinguish it from other forms of collective crime. Such a definition would focus on the power aspect of organized crime. The conclusive feature which distinguishes organized crime from all other forms of collective crime and makes organized crime a serious social problem is that organized crime comprises an economic and physical power factor that can place itself above customary laws and legal principles, either by the use of corruption or by threatening the authorities' monopoly on the exercise of power. Thus, it can form a parallel power and authority that appropriates the official authorities' tools of power and monopoly position in the areas of legal proceedings, the physical exercise of force, and taxation.

It is these community-threatening traits that comprise the distinctive feature of organized crime and that actually make the case for the concept of organized crime: the establishment of a parallel social power structure with special rights and means of force, as well as the corruption of the judicial system and other authorities by means of economic or violent force. It is in these traits of organized crime—i.e. the methods used to commit and conceal criminal activity—that a descriptive and analytical definition should concentrate on.

Why has the EU chosen to use such a broad and imprecise definition of organized crime? It is primarily for political reasons. By raising a number of broad criteria for organized crime, this type of crime is made to appear more extensive and serious than it would if more precise and limited criteria were used. And since organized crime has been defined previously in only a few member states and since, in general, it is difficult to define organized crime, it has been possible to define the scope of the joint concepts more freely than it would have been for criminal forms that had already been defined specifically.

Presumably, the previously existing definitions have also helped dilute the criteria. Countries such as Italy, France, Portugal, and Germany already had national, penal definitions and, moreover, The Netherlands and the United Kingdom had operational definitions used by the national police authorities.6 Since the joint criteria were supposed to be based on—and, to a certain extent, to integrate previously existing national definitions and classifications, it was probably necessary to reach compromises that stand in the way of a more optimal form of classification and definition.

A third reason is that this way of understanding organized crime has achieved international acceptance—presumably by virtue of United States' influence on international police work, on legal cooperation, and particularly on the myth making of crimes. By using the concept of organized crime and linking the efforts against organized crime to the police and penal authorities within the EU, it is possible to tie into the popular, mass media-based myths of the Mafia, criminal syndicates, and an underworld that is an illegal copy of the law-abiding world (Bay, 1992).

6 The national definitions and classifications of organized crime are indicated in (Statewatch, 1994); (Arbejdsgruppen vedrørende Narkotika og Organiseret Kriminalitet, 1995) and (Adamoli et al., 1998).

Notes

Part of this paper - in Danish - will later be published in (Bay, 1998).

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The inflation of crime in Russia

Ladies and gentlemen, dear participants of this conference.

The production of a new threat is one of the fundamental principles guiding the new European security agenda. The menaces of the Cold War seem to haunt Europe, this time in the form of so-called "organized crime" seen to be proliferating mainly from the countries of the former East block. As a new external enemy, East European crime - especially the "Russian Mafia" - serves in the creation of a common identity, as well as arousing calls for the implementation of centralized police bodies.

Over the last five years I have studied the influence of the Russian crime situation on Finland. My work has consisted of field work in Finland, Russia and Estonia. I have collected a store of thematic interviews and other materials in connection with law enforcement officials, liaison officers and other specialists. In the following, my intention is to depict the hypothesis I have been working on to explain the impact of Russian crime on Finland, as well as to make the crime situation in Russia more understandable.

The title of my presentation is "The Inflation of Crime in Russia".

The starting point for constructing the hypothesis is a paradox. Briefly, if the Russian crime situation is as alarming as various sources claim, the growing interaction between Finland and Russia should result in serious criminal consequences for Finland. However, this simple logic has not held true so far. In the following, I shall briefly attempt to illustrate the empirical aspects of this paradox.

Most of the information concerning crime in Russia paints a very black picture of the present situation. According to question polls, one Russian in three actually believes that "the mafia" governs the Russian Federation. Both foreign and domestic sources often claim that semi-legal and mafia-type organizations control a crucial part of the Russian state, society and markets. Some students of the Russian markets insist that it is quite natural for all Russian and foreign businesses to pay protection fees to extortion-orientated mafia-organisations, known as "roofs" (kryshi) in local parlance. Certain Russian law enforcement officials claim that most of the money flowing out of Russia is in fact being laundered by organized crime. The Russian law enforcement agencies are plagued by inefficiency, low or delayed wages, and corruption; the Ministry of the Interior annually fires approximately 30,000 employees for abuses of office. In such circumstances it is hardly surprising, that the phenomenon described as "organized crime" has been defined as the principal public enemy of the Russian state and society. Especially as the number of exposed criminal groups has multiplied from approximately 800 in 1990 to over 8,200 in 1995.

The situation in the city of St. Petersburg, which lies only a few hundred kilometers from the

Finnish border, seems to be the most alarming. From 1990 to 1995 the murder rate grew from 5,8 to 20 per 100,000 inhabitants. And when one looks at the statistics concerning causes of death, one may observe that only 60-70 percent of actual murders were ever registered! The law enforcement officials of St. Petersburg estimate that there are up to 200 leaders of "organized crime", and up to 15,000 participants in "criminal organizations" living in the city. Annually the authorities expose over 500 "criminal organizations" and around 2,000 crimes and dozens of murders committed in the context of "organized crime". At the same time, the Finnish law enforcement officials do not even know how to register such categories. Confiscations from the criminal groups of St. Petersburg include firearms, narcotics, explosives and hard currency worth hundreds of thousands of U.S. dollars, and the numbers are increasing.

Several Russian law enforcement officials, criminologists from the Ministry of the Interior, academics and reporters share the view that Russia is in a state of criminal chaos, contaminated and infested with the phenomena that they describe as "organized crime".

Meanwhile, the interaction between Finland and Russia has grown considerably in the 1990´s. The flow of people, goods and capital has increased over the 1,300 kilometer border that Finland, alone in the European Union, shares with the Russian Federation. In St. Petersburg and its surroundings, only a few hundred kilometres from Helsinki, there are more people than in the whole of Finland. The number of visits paid by Russian visitors to Finland has skyrocketed up to one million people annually, which is an exceptional figure for a country of five million. On their shopping sprees in Finland, the Russian tourists annually spend approximately 600,000 U.S. dollars. Annually over 300,000 Russian automobiles cross the border and hit the Finnish roads. The volume of Finnish-Russian trade has grown considerably over the past few years, exceeding the massive Soviet-Finnish clearing trade. A majority of the 75,000 foreigners living in Finland originate from the former Soviet Union, and their number is expected to double over the next 10-15 years. Over 20,000 people living in Finland report that they speak Russian as their mother tongue.

This economic, cultural and social interaction between Russia and Finland has reached levels unknown in the history of the two countries.

Knowing the dangerous dimensions of crime in Russia, one may well ask about the criminal consequences of the interaction between Finland and Russia. What kind of evidence does the Finnish law enforcement have about crime originating in Russia? What kind of quantitative and qualitative changes has the Finnish crime situation undergone? How is "Russian crime" discussed in Finland? How is Finnish law enforcement reacting to crime originating in Russia? What kind of security agenda has been established for combating this crime?

Rather paradoxically, the evidence produced by Finnish law enforcement does not reveal any considerable quantitative growth or qualitative change, which could be attributed to Russian influences, in the Finnish crime situation.

In spite of the annual volume of one million visitors from Russia, the statistics of crime and conviction show that annually only about one percent of suspects and convicts are citizens of Russia. The majority of the crimes committed by Russians are traffic offences and petty larcenies, which applies to the general population equally. For instance, in 1996 only three Russians and four Swedes were suspected of murder in Finland, while the number of Finnish suspects was over 500.

If the Russians are just about visible in the crime figures with their one percent, they are even less visible in the prison statistics. On the average, slightly more than three percent of those incarcerated in Finnish prisons are foreigners. Out of 3,200 prisoners, only six individuals are citizens of Russia. The Russians committing crimes in Finland are less likely to get a prison sentence than Finns in general.

This situation may be compared to Sweden in the early 1970´s, when more than 1,000 Finns were annually sent to Swedish prisons for serious crimes, such as assaults and homicides. The growth of professional crime in the Finnish emigrant community was far more serious than in the case of Russians in Finland today. The prominence of the criminal element in the Finnish emigrant community was probably a major reason for the persistent discrimination against the Finnish-speaking minority in Sweden. In the most drastic instances, this has resulted in some Finns being treated as deviants because of their inability to learn to speak Swedish with a proper accent.

The image of Finland being infiltrated by Russian mafia-style criminal activity certainly lacks evidence, though of course we have to define what we mean by mafia-activity. The Finnish police has not uncovered a single case of organized extortion of protection fees from Finnish businesses, corruption of public officials initiated by Russian business circles, or assassinations attributable to Russians. A few cases of Finnish-Russian economic crime and drug-trafficking have been exposed and investigated by the police, but these include incidents of Finnish businessmen cheating Russians, Finnish citizens associating with Russian drug organizations, and Finnish and Russian businessmen jointly misleading the customs and tax officials of the Russian Federation.

Even the statistics concerning suspected money laundering - compiled by the Financial Supervision Authority of the Bank of Finland - offer no evidence of serious Russia-related problems. Only three percent of the inflow of suspected laundered money originated from Russia in 1997, and over the past four years Russia´s share has been 10 percent of the average volume. Nevertheless, the National Bureau of Investigation reports that a fifth of the investigated cases of money-laundering are in some way connected with Russia, but this may have something to do with the fact that most Finnish businesses have Russian contacts of some kind.

The dramatic increase in the number of Russian motorists traversing the roads of Finland has not resulted in the expected massacre: in 1997 over 700 individuals died in the Finnish traffic, but only nine deaths were attributable to Russian drivers. With the dismal reputation of Russian drivers and vehicles, one would expect some depressing side-effects to an invasion of the Finnish roads by hundreds of thousands of Russians. The Finnish traffic police believe that the publicity concerning the dangers of Russian traffic has increased safety on the roads, as people drive more slowly and carefully in the presence of a Russian car, especially a truck.

As you can see, although the facts of the Russian crime situation are alarming, the evidence of its wide-spread consequences in Finland is extremely hard to find.

There are two simple and logical answers to this paradox. First, some may claim that Russian criminals are able to operate in Finland without fear of being detected, because Finnish law enforcement lacks the professional skills for uncovering qualitatively new and dangerous crime phenomena originating abroad. The second hypothesis for explaining this paradox

forces us to investigate the crime situation in Russia, and the control mechanisms that shape it, more critically.

The first explanation, blaming the inadequacies of law enforcement, has its advocates. They tend to emphasize the qualitatively specific nature of most of the crime originating in Russia, which makes it hidden, and thus difficult to expose by using conventional methods of law enforcement. According to this school of thought, the Russian criminal organizations create various contacts in Finland, but operate on a purely legitimate basis at first, switching to criminal operations once they are well-acquainted with the environment and have established contacts with Finnish bulvans. Those emphasizing the hidden nature of Russian crime seem to share a common prejudice: they are certain that Russian criminality is much more professional, intelligent and experienced that Finnish criminality.

One is reminded of the conclusions drawn by the criminologist Otto Pollak in the 1960´s. According to Pollak, the criminality of women is of minor statistical significance, because women are cunning and treacherous, and thus less prone to being exposed by officials than men. Pollak believed that there are differences in the criminality of men and women, and as women tend to commit crimes in their homes, their crimes often go unreported and uninvestigated. Women are able to cover their crimes by using their feminine role: they may kill under the guise of providing shelter and comfort, or manipulate passion in order to betray and deceive. In addition, Pollak was of the opinion that women are punished less severely than male criminals, as the justice system tends to treat women more softly.

Why is it, that many Finns imagine Russian criminality to be more hidden, and latent, than our domestic criminality? It does seem, that the Finnish public consciousness tends to view Russians much as Otto Pollak viewed women.

The crime originating in Russia has one very odd dimension. Several of my informants in the Finnish and Swedish police forces - and also from other countries where Soviet emigrants have formed prominent communities - have claimed that crime originating in Russia often has a Jewish predomination.

One leading Swedish expert of Swedish-Russian economic crime told me that the majority of the Russian-speaking economic criminals operating in Sweden are Jews, and that their ethnic characteristics make them naturally adept at economic crime. Several experts of Finnish law enforcement have told me that the country most infested with Russian crime is Israel, which has received the largest community of Russian Jewish emigrants.

A very slight rhetorical tendency to blame the Jews runs through some of my research material. As some of the exposed criminals really are of Jewish descent, the information collected by the police may acquire dodgy elements of ethnic stereotyping. According to a Finnish policeperson, the leader of the biggest Russian-speaking drug organization exposed in Finland was indeed a Jew; a citizen of Israel, who only spoke Russian. According to my source, the man´s ethnic character facilitated his criminal career.

At the same time, my informants in St. Petersburg law enforcement did not refer to Jews at all when discussing the principles of ethnic organization in the context of "organized crime". They emphasized the role played by people of Caucasian origin, while stressing that most criminal organisations are not ethnically homogenous. Anti-semitic sentiments may be widespread in Russian society, but not among the police.

However, going all the way to Canada, according to the Criminal Intelligenence Service of the Royal Canadian Mounted Police a particularly infamous criminal group of Russian-speakers in Ontario - tagged "Caucasians" - consisted purely of Jews. The Ontario criminal intelligence reported that the Jewish group was widely known as "The Beast". It was also reported that the Jewish background of the group enabled the members to travel more easily in and out of the former Soviet Union. According to the Ontario police, Jews are present in the most powerful "Russian" criminal group as well.

Why are Finnish, Swedish and Canadian law enforcers blaming Jews for the growth of Russian-speaking criminality on their soil, while the Russian officials make no such claims?

Statistics do testify to the fact that Jews have been one of the most predominant nationality in emigrating from the former Soviet Union. With the collapse of the Soviet regime, over three million ethnic Russians returned to Russia, but at least one million ethnic Jews emigrated to Israel from the former Soviet Union. The statistics of the Israeli immigration ministry clearly show that the majority of the Soviet-Jewish emigrants have managed to find work as academics, researchers, physicians and teachers. The fact that Jews emigrate from Russia, while Slavic emigrants return to Russia, goes some of the way to explain the paradox above.

The following hypthesis may be constructed: While the criminal activities prolifirate in Russia, most of the individuals emigrating to Finland and Sweden in fact represent the minor nationalities, among them Jews and Ingerian Finns, instead of actual Russians. While the police information indicates that many of the most serious criminals are in fact of Jewish descent, this becomes more understandable when one views the proportion of Jews among the emigrant population. This is one possible explanation why there is no evidence of Finland being infiltrated by criminality originating in Russia: The bulk of Jewish and other minority nationalities are more orientated to intellectual professions, and thus less prone to criminality. In addition, the minority nationalities have a long experience of harassment and intimidation by both Soviet and Russian officials, and thus may wish to keep out of trouble.

On the other hand, blaming Jews for Russian-speaking crime has darker historical precedents. In addition to traditional Christendom and Nazi-Germany, recent history provides many examples of political campaigning when Jews have been associated with criminality. In the political rhetorics of several countries, communists, Jews and Russians have often formed a homogenous national security threat. For instance, in the United States of the 1950´s Senator Joseph R. McCarthy launched an anti-communist campaign, in the name of national security, which contained xenophobic and anti-semitic accents, aimed at prominent Jews as well, the majority of whom were of Eastern European origin. The scholar Daniel Goldhagen (1996) has illustrated the ways in which the labelling of Jews and their businesses as criminal and dangerous facilitated the persecution and eventual genocide of Jews by Nationalist Socialist Germany.

Contemporary history-writing tends to isolate anti-semitism as a historical phenomenon, alien to our time, but my in my research I found the old prejudices alive and kicking. The association of dishonesty and crookedness with Russian-speakers, often defined as Jews, may well facilitate developments familiar from the beginning of the century. Uncertainty about the influence of the Russian markets on Europe may well contribute to scapegoating the Jews for economic and social instability, once again. The Swedish example of processing information concerning actual criminals of Jewish descent is evidence of this worrying trend.

The racist hate crimes committed against Russian-speakers in Finland is another alarming phenomenon. In the ealy 1990´s the Finnish media engaged in a spectacular campaign of xenophobic, even racist, scaremongering against the Russian-speaking minority and Russian tourists. After the Soviet Union collapsed and the borders were opened, there were actual cases of Russian-speakers practicing efficient shoplifting and prostitution; the media pounced on these few instances and blew everything out of proportion. The popular image of Russian speakers as "thieves and prostitutes" was created very quickly, and this resulted in the creation of a culture of hate crimes. The assaults and attempted murders against Russian-speakers have not been committed by young fanatics or skinheads, but by ordinary, "mature" individuals. The typical stimulus has been the act of speaking Russian in a public space. The following examples registered by the Finnish police in 1996 and 1997 illustrate the nature of these hate crimes.

- A 55-year-old Finnish male pensioner heard a woman speaking Russian in the centre of Helsinki after midnight. Suddenly he loudly called her "a whore" and struck her in the face

- A 49-year-old Finnish Lutheran priest heard two young boys speaking Russian at the Helsinkin railway station. The priest said that "Russians are shit" and hit one of the boys on the head with a plastic bag full of glass bottles.

- In the provincial town of Jaala, a 25-year-old Finnish woman wildly opened fire with a shotgun at a motel accommodating Russian tourists. Later she explained to the police that she had been overcome by "holy wrath" against the Russians, whom she considered to be prostitutes.

- In Helsinki, a middle-aged Finnish man believed he had been robbed by a Russian the night before, and decided to kill the first Russian in sight. When he heard three men talking to each other in Russian on the street, he went to buy a Mora-knife and stabbed one of the men.

In addition to the violent hate crimes above, Russian-speakers are under a constant barrage of public verbal abuse, with the words "whore", "thief" and "mafia" being bandied about by the Finnish citizens. It is hardly surprising, that the over 20,000 Russian-speakers resident in Finland tend to avoid speaking Russian in public places.

When two Finnish policemen were murdered in the centre of Helsinki in 1997, public opinion was instantly convinced that the murderer was Russian, because the man had spoken English, and because newspaper reports claimed that the man had carried his bag "in a Russian manner". All those concerned about Finnish-Russian relations breathed a sigh of relief, when the murderer turned out to be a Dane.

The activities instigated by the public hysteria about Russian criminality are a deeper cause of worry for the police than Russian criminality itself. Besides the hate crimes, the Finnish public is working up a demand for illegal or semi-legal goods and services, such as smuggled alcohol, cigarettes, drugs, sexual services and stolen goods. Similar public demand is promoting such supply in Northern Norway as well. The following example sheds some light on this problem.

In 1997, investigative journalists revealed the existence of a couple of small brothels operating in Eastern Finland. There were claims that the "Russian Mafia" is entering the

country via the brothels. The public called for a quick investigation, prosecution and sentences, but the publicity had quite the opposite effect. Hundreds of men from all over Finland flocked to one of the brothels, which closed down because of the attention. However, another brothel operated during the investigation, continued to operate after the prosecution and was doing well after the sentences. The fact that individual prostitution is not illegal, and the fact that evidence of procuring is difficult to produce, fade into insignificance where the wide demand for prostitution is concerned.

The moralistic crusade initiated by the press, resulting in minor riots and assaults on the Russian-speaking population, may yet cause more work for the police than the actual suspected crimes. On the other hand, the more responsible segments of the Finnish media have reacted to the negative developments, trying to remind the public that being a Russian-speaker does not justify being branded as "a thief" or "a prostitute".

Accordingly, we should question the necessity of categorizing crime in terms of nationality, ethnicity or citizenship when dealing with "Russian crime", as such categorizations tend to produce xenophobic and racist sentiments among the public.

In preventing criminality resulting from the opening of the borders during the 1990´s, Finnish law enforcement has developed a sort of a security agenda for conceptualising the phenomena and for focusing the preventive measures. This agenda, based upon experience, claims that qualitatively the Russian-speaking criminality has brought practically nothing new to the Finnish crime scene, except for the new possibilities that have opened up for Finnish criminals. Cases resembling organized crime have included the illegal trade in alcohol and tobacco and prostitution, as well as more severe cases of organized automobile thefts, international drug-trafficking, procuring and economic crime over the Finnish-Russian border. Although such cases receive wide public attention, they are not numerous in comparison with Finnish domestic crimes.

Individuals of different citizenships and ethnic backgrounds have usually collaborated in such crimes, without emphasis on nationality of ethnicity. Finnish citizens have worked together with Estonians and Russians, Finnish citizens of Russian or Estonian origin, or with the Ingerian Finns who hold Russian passports but have residence permits in Finland because of their ethnic background. In addition, the criminals of different nationalities operate in different territories.

Finnish professional criminals are known by the police to control parts of the Estonian drug trade together with their Estonian and Russian counterparts, and dodgy Finnish businessmen are known to operate in both North-West Russia and the territory of Finland, operating together with the Russians by cheating each other and evading taxes in both countries. Some Finnish businesses are cheating the Russian tax officials by systematic double-billing, but Finnish officials have not been willing to report their names to the Russian officials, since the crimes have not been committed on Finnish territory. Moreover, as some have said, cheating Russian tax officials is beneficial for the Finnish national economy.

All this undermines the significance of citizenship-based or geographically defined statistical measurements of crime, and its reliability when investigating the crime phenomena in question. In general, one should speak of internationalizing networks of Finnish, Russian and Estonian criminals, who communicate by speaking English, Finnish or Russian.

The police generally agree that in the framework of ordinary crime prevention and its development, the crime originating in Russia can be successfully prevented, which means that there is no need for a special unit for combating crime originating in Russia. Instead, the police are calling for developing and strengthening cooperation with Russian law enforcement in the framework of developing the implementation of the intergovernmental crime prevention agreement, and developing the activities of the liaison officers working in Russia. The liaison officials begun their work on Russian territory in 1991, and the crime prevention agreement was ratified in 1993. However, the establishment of positions for liaison officers and signing crime prevention cooperation agreements is not enough. Effective implementation calls for the development of long-lasting personal ties between the officials of the two countries. Such development needs time. With such extensive, long term crime prevention between Finland and Russia, the possibilities of Russian crime influencing Finland remain minute.

The problem remains, that not all countries are open to such development. Some countries will not develop cooperation, because their officials and politicians view their Russian counterparts as being immoral, criminal and corrupt. They suspect Russian officials of being in thrall to organized crime, of extorting bribes, or working as spies, or deceiving their Western counterparts in other ways. This is especially true of some Estonian officials. The Estonian member of parliamemt Ando Leps has written that "organized crime" of Estonia is purely a Russian import, and that the activities of the "Russian mafia" are actually directed and approved by "corrupt chauvinist officials in Russian bodies of power", who want to keep Estonia in the Russian sphere of influence at any cost. Such sentiments are obviously a hindrance to cooperation.

What are the problems ecnountered by Finnish law enforcement officials when cooperating with their Russian colleagues? In my interviews I tried to cover every possible aspect of the cooperation between Finnish and Russian law enforcement officials, trying to find the problems related with inefficiency on the Russian side, as well as more general problems of cooperation. None of the present or former Finnish liaison officers were able to report a single case of suspected abuse of office on the Russian side. On the whole, the Finnish liaison officers praised the efficiency of the Russians, thus debunking several old myths about the Russians. The problems tended to be mutual; red tape and language problems.

The reluctance of some countries to take part in such cooperation may simply result in the actual growth of Russia-related crime problems in such countries. We may well ask why some of the leading criminal figures of St. Petersburg have been well represented in Sweden, but not in Finland. It is possible that "organised crime" originating in Russia may enter Finland in the future, but this time from the West.

In addition to the problems prevented in the framework of the ordinary crime prevention agenda, the Finnish Security Police has also defined the actual national security threats caused by crime originating in Russia. The central focus of the Security Police is on economic security, and the security of "the structure of society", as defined by the police. By "the structure of the society" the officials of the Finnish Security Police mean mainly the members of the political, economic and administrative elites of Finland. The fact that the members of the ruling elite often have complex connections of an economic nature to various instances or among themselves, is a cause of worry for the police, as such connections may be used by criminals in influencing and corrupting political, adminstrative or economic decision-making.

This is a major concern of the police, as such relations are generally unhealthy and pose a threat to national security, as Russian professional criminals, as well as instances representing non-criminal interests, may easily utilise the inadequacies of the "structure of society". The informants from the Security Police also said that such connections of economic nature among the ruling elites of Finland closely resemble the equivalent situation in Russia, which adds to the paradoxical nature of the situation.

I will now come back to the paradox mentioned in the beginning. Why is it that the explosive growth of crime in Russia, and the qualitative and quantitative changes, along with the growing interaction between Finland and Russia, have not affected the Finnish crime situation to a greater extent? Here we encounter the phenomenon of cultural differences in policing, especially differences in the control mechanisms that shape crime. What is evident, is that the control mechanisms of Russia produce a much higher crime rate than the equivalent system in Finland. Crime rates are higher in Russia, and the crimes are qualitatively more serious. Understanding the paradox calls for a critical evaluation of the Russian crime situation, and this includes a study of the control mechanisms that produce crime, as well as moral codes in general.

Many distinguished scholars, such as Louise I. Shelley (1996) and Peter H. Solomon (1996), have shown how the Soviet Union did succeed in the creation of a monolithic police state, authorizing the police to intervene in most aspects of the lives of the citizens. All elements that contradicted the state interests were considered criminal, especially profit-making and private business were condemned as seriously damaging to society.

When the regime collapsed, the function of policing faced various changes, which resulted in changes in the production of crime. However, the main hypothesis is not the fact that the crime control, in the context of producing crime, changed more than the actual crime situation, but that the mechanisms of crime control and crime production remained relatively constant. This resulted in the inflation of crime, and the relative growth in the production of crime, compared to the actual crime situation.

Several factors may be isolated when studying the sources of the inflation of crime in contemporary Russia. I shall now briefly explain how the function of policing accordingly changed the practices of crime registration, the implementation of the theory of criminal law, the general anti-market sentiments, the growth of private policing, and the undefined sphere of emerging relations between the public and private spheres. All these contributed to the inflation of crime.

The crime rate increased not only because of actual crime, but with the change in the position and function of the police. My informants revealed how the police under the old regime attempted to minimize the amount of registered crime because of administrational, political and practical reasons, but after the changes they begun to register as many crimes as possible, also for various reasons. The result was a growth in crime, or a growth in the production of crime by crime control, which resulted in the inflation of crime.

One important factor is the theory of Russian criminal law. According to the theoretical principles, all phenomena that run counter to the interests of the state are defined as "socially dangerous", and all socially dangerous phenomena are defined as crime by the crime control system. The system of crime control does not attempt to integrate the deviant elements, but works to isolate elements that oppose state interests, and eventually to eliminate them. Backed

by the theory of criminal law, and motivated by a resistance to change, Russian law enforcement has succeeded in implementing exceptional measures, and in producing more crime. This is reflected in legal reforms and their implementation, presidential decrees, and the establishment of new law enforcement agencies which reveal considerable growth in the production of crime. In comparison to the European Union, for instance, the Russian Federation has been highly effective in defining the phenomena described as "organized crime" as the principal enemy of state and society, and also in the context of producing "organized crime".

The Russian moral codes that condemn private enterprise and profiteering are also contributing to the inflation of crime. As business and profit-making was criminalized speculation, and punished as such, during the eight decades of Soviet rule, it is hardly surprising that the majority of the people have negative attitudes towards private business and its players, condemning them as criminal. Profit-making is causing social tension because of the drastically increasing social inequality. This is naturally considered a threat to state interests, and in effect criminal. Ironically, the crime-orientated interpretations of Russian capitalism that are being offered to the world consciousness draw their inspiration from the dregs of Soviet moral codes. The vulgar leftist background of some Western social scientists, especially in Scandinavia, works to bolster such interpretations.

One of the factors promoting the inflation of crime is the emergence of private security policing in Russia. Such activities are often seen as a form of criminal extortion, but more critical evaluation of such sentiments speak for the inflation of crime. Private security companies are the principal cause of the collapse of monolithic state control, thus constituting the principal threat to the state agencies. Producing an image of criminal threats in the emerging markets is ultimately in the best interests of the private security businesses themselves, as such images increase the demand for security services. This also works to promote the inflation of crime.

The concept of corruption has also fallen victim to inflation. The newly established relations between private businesses and state officials have become an object of inflated discussion, as the old moral codes condemn the dabblings of state officials in commercial affairs as criminal. In Finland such revelations are a part of everyday life. In addition, corruption scandals are extensively utilized in the solving of political conflicts of interest.

Even prostitution has become inflated. Several of my informants said that prostitution is proliferating in Russia at an alarming rate, but when asked what they meant by prostitution, they included in the concept all immoral practices made possible by the market economy, such as the housewife institution or cohabiting adolescents. Of course there are huge numbers of actual prostitutes as well, but categorising all housewifes in the same group does seem inflated.

The word "mafia" is also used very liberally by many Russians. Mafia often refers to all possible aspects of contemporary society which contradict the past.

The ultimate result of the inflation of crime is, that as the legistlators and enforcers react to such public concerns, the autocratic model of policing becomes predominant.

Ladies and gentlemen.

The impact of Russia´s crime situation on the crime situation in Finland clearly shows that there is a cultural division between the two national traditions that produce crime and criminals. In accordance with my hypothesis, the crime-infested image of Russia being produced for our consciousness is fundamentally a product of Russian societal processes that promote inflated arguments about the crime situation. The mechanisms of crime control work to result in the inflation of crime. The information produced in Russia tends to become inflated, especially when projected onto the Finnish, or European forum.

Although understanding the differences in systems of crime control, the new European security agenda is prone to exploiting this process of inflation. Thus it may be turned into an inflation of security, and help in the construction of a common threat, and in the forging of a common identity. This would naturally promote the creation of a central system of control in Europe.

However, in the Russian Federation the centralized control systems for combating "organized crime" are highly developed and severe, and the inflation of crime has resulted in discussion about actual human rights violations. In addition, nationalistic, xenophobic and anti-semitic tendencies are being nurtured by the inflation of crime.

Ultimately it depends on European political conjectures, especially economic policy, how and where the societal processes producing inflatory crime concepts are being utilized.

Thank you for your attention.

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On Profiling Organised Crime in Estonia

Introduction

One and a half year ago I prepared my first paper on organised crime that was presented here, in Espoo. The data sources I then used were interviews with law enforcement officials, mainly the members of the Estonian Crime Prevention Committee. Since, I have concentrated my research on organised crime problems. I have tried to collect information on organised crime from any official data source. Besides the interviews with law enforcement officials, I have used memos issued by the Estonian Criminal Police, the responses to the organised crime surveys from the Europol. Finally, I have composed my own very short questionnaire. In this paper I will give the overview of the sources and try to compose the whole picture of organised crime as it is seen by the Estonian Law Enforcement agencies.

I am completely aware that the data from the police or prosecution are not the only sources for information about organised crime. Interviewing criminals and mass media analysis are the other possibilities.

What is profiled?

First of all, we should agree on what is profiled when one is talking about 'organised crime'. It is necessary to start with the clarification of the terms used. Although starting every paper with the definition of organised crime seems to be boring, the definition of the phenomenon could not be omitted since it varies from country to country and even from expert to expert.

The notion 'organised crime' is not mentioned in the Estonian Criminal Code or any other legal act in Estonia. The only appropriate definition is given in paragraph 196'1 in the Estonian Criminal Code in which 'criminal alliance' is defined as: "a stable group of three or more persons with division of labour, associated for the purpose of committing offences of the first and second degree".

The expression 'criminal group' (which is not the same as a group of criminals) is often used synonymously for the 'criminal alliance'. When talking about organised crime, Estonian experts as a rule talk about criminal groups. In this way, the definition of organised crime *how Estonian policemen use it* could be roughly re-formulated as "Organised crime is a sum of criminal groups". Therefore, following this definition, one should describe all the groups in order to describe organised crime in Estonia. From a criminological point of view the phenomenon of organised crime and criminal groups are not the same. A simple description of the organised crime groups does not take into account societal consequences of organised crime.

It is worth to mention that in fact, criminal alliance, in turn, is treated as a number of criminals acting together. Often the number of groups per 100,000 population measures the

extent of organised crime in a region and the number of members in it estimates the group.1 Although I use data about the number of groups and the size of groups in this paper, I ask the reader to be critical. This simplification is probably unavoidable and even necessary while it is one of the possibilities to describe somehow this complex latent phenomenon. The usage of numeric data gives us some estimation of the number of professional criminals rather than describes organised crime.

Kommentar [FL1]: (Можно провести паралель с экономикой. Число занятых в данной организации(компании) также как и число предприятий в регионе может как-то описать экономическое положение, но ничего не скажет о том, преуспевает ли предприятие, не даст возможность ничего сказать об экономике данного региона.)

Organised crime story

The conclusions below are made on the basis of more than 10 interviews and talks with high-ranking law enforcement officials from the Estonian Police Board and the Estonian Security Police during 1996-1997, and several memos written by the departments to the Ministry of Interior.

Short history

The emergence of organised crime in Estonia could be dated to the eighties, when the first criminals, who could be considered organised, came to Estonia. Some law enforcement officials suggest that the rise of organised crime started in the very beginning of the 1980s. The preparation work for the 1980 Olympic Games caused one of the biggest waves of migration into Estonia during the years of the Soviet occupation. Along with construction workers, a number of criminals came to Estonia. Ordinary people as well as criminals were attracted to the Baltic States by proximity to the West, higher living standards and a more liberal regime compared to the other parts of the Soviet Union. The activities of these newly arrived criminals included fraud, pickpocketing, and illegal money exchange.

The majority of experts, however, suggest that the first organised crime groups appeared in Estonia during the subsequent period of *perestroika* that opened up new opportunities for business. The first organised criminal association formed and acting on the territory of Estonia was a group of sportsmen operating a protection racket. The first outside criminal group came to Estonia from the Russian part of the Soviet Union in the end of the 1980s. The activity of newcomers was mainly gambling on the streets, a new phenomenon in Estonia. At the end of the 80s there were already several organised groups of criminals in Estonia that were mainly engaged in illegal gambling and racketeering.

Although some economic reforms started earlier, the re-establishing of Estonian independence in 1991 could be considered as the crucial point of transition from socialism to a market-oriented economy. Of various kinds of entrepreneurial activities, trade in non-ferrous metals, either legal or illegal, became most popular in Estonia. Metals were exported mostly from Russia to the West. During that period, often referred to as the Estonian 'Metal Age', several organised crime groups made their initial capital. To estimate the scope of the trade and the profit made, it should be mentioned that in 1993 Estonia became one of the top-ten exporters in non-ferrous metals in the world. To the extent that enormous profits were involved, the battle between organised crime groups about the spheres of interest became extremely violent. Homicide statistics show considerable growth in 1992-1994. The money that organised crime groups gained from the metal export trade was eventually invested into both legal and illegal business.

1 See, for example: 'Organised Crime in the Baltic Region. Collected Articles', Criminological Research Centre. Riga, November 1997, p. 235.

Since 1994 Estonia and Russia passed several laws to regulate the metal export trade: Russia introduced 100 percent taxation, and Estonia declared a state monopoly on metal exports. Also the border between the two states became stricter. The metal trade was no longer so profitable. Organised crime groups moved their money into new business areas: economic crimes, tax evasion, and smuggling, mainly in drugs. As one Estonian law official expressed it, "organised criminals started to move towards a purely Western type of thinking."2 At that time also Estonian-speaking criminal groups and authorities appeared.

The current activities of criminal groups

The formative stage of Estonian organised crime is by now more or less completed. According to the police, the main reason for this is the end of the inflow of criminal groups from the outside, usually from Russia. This is, on the one hand, due to improved police work and stricter border regime, and, on the other hand, the desire of local criminal groups not to allow new competitors into Estonia. Although at the earlier stages some of the groups have been led by groups from Russia, these relations have recently weakened considerably.3 It is possible to recognise this trend by looking at the names of the groups. If in the late 1980s and early 1990s the groups were named according to the origins of their leaders (for example, Krasnodar, Perm, Solekamsk, etc.), today groups are usually called by the names of their leaders living in Estonia. The structure and nature of relations between criminal organisations from Russia and Estonia has changed. Russian groups communicate no longer directly with particular Estonian groups, but through the recognised Estonian leaders. The relations of subordination and control between groups are thus replaced by economic links.

Police reports identify about 10-20 organised crime groups operating in Estonia today. It should be mentioned that organised crime groups in Estonia are "divided" by the police into Russian groups and Estonian ones. Taking into account the changes in relations between the Russian and Estonian underworld, the term "Russian" refers to the Estonian criminal groups mainly composed of criminals whose ethnic background is Russian, Ukrainian, etc. The activities of "Russians" and "Estonians" are different. Russian gangs' traditional activities are racket, theft of auto vehicles, violent crimes. Estonian criminal groups are engaged in economic crimes, tax evasion, and smuggling. This division is not only according to the ethnic composition of the groups. To some extent this is a differentiation between "old" and "new" crime. Violent crimes, theft, racketeering, illegal gambling and prostitution are types of crimes that are already familiar to the police, and there are traditions and skills to detect and combat them. In contrast, corruption, money laundering, tax fraud, and transnational criminal links are relatively new phenomenons. The Estonian police lacks necessary skills, equipment, legislation, and even knowledge about these types of crimes.

Exploiting its geographical position, the traditionally strong links between Estonian organised crime and criminal groups from Russia, and new links with criminal groups from the Western countries, Estonia became a transit point for illegal goods, especially drugs and alcohol. The main partners in drug smuggling are groups in Russia, Finland and Sweden. The role of organised crime groups from Russia was already discussed. However, criminal organisations from Sweden and Finland are performing on the Estonian stage as well. Estonian police has solved a case in which smuggling of illicit drugs through Estonia to Sweden was organised by Swedish criminals. It is also a recent trend that not only transit of narcotics to Finland but also

2 Anvelt Andres, *Interview conducted in Tallinn* 23.09.1997.
3 Estonian Police Board, *Information on Organised Crime* , in manuscript (in Estonian, 1997).

production of drugs in Estonia is organised by Finnish criminals. The next links in the chain include drug transportation to Finland, and money laundering in Estonia.4

To sum up, in the situation when official statistics on criminal groups does not exist, the narratives from the law enforcement officials give an opportunity to follow the dynamics of groups and their activities. The generalised approach, where not separate groups but criminal activities are discussed, gives the possibility to differentiate several stages in the development of organised crime. The following stages could be distinguished:

1. Formational stage "Racket and gambling"
2. The stage of collecting initial capital, so called "Metal Age"
3. The division of spheres of interest, "Bloody Autumn"
4. Drug trade and smuggling, "Western crimes"

While expert interviews are the best to describe the qualitative changes in organised crime, they do not provide the base for an estimation of the extent of organised crime and does not allow any comparison between countries. If a quantitative estimation or comparison is the goal, more formal data are usually needed. In that case criminal statistics and surveys could help.

Questionnaire

All the questionnaires on organised crime I have seen describe organised crime groups according to some common criteria, in order to create a basis for systematic analysis. In the explanatory notes to the questionnaire on criminal organisations active in the Netherlands it is said, that this form of profiling criminal groups "makes it possible to typify the known criminal groupings in a short time on the basis of a number of essential characteristics"5. The Expert Group on Organised Crime of the Council of Europe has developed a set of criteria through which organised crime could be defined. These criteria (1 through 4 are mandatory, the other optional) include:

1. Collaboration of three or more people;
2. For a prolonged or indefinite period of time;
3. Suspected or convicted of committing serious criminal offences;
4. With the objective of pursuing profit and/or power;
5. Having a specific task or role for each participant;
6. Using some form of internal discipline and control;
7. Using violence or other means suitable for intimidation;
8. Exerting influence on politics, the media, public administration, law enforcement, the administration of justice or the economy by corruption or any other means;
9. Using commercial or business-like structures;
10. Engaging in money laundering;
11. Operating on an international level6

4 Anvelt, Op.Cit.

5 A contribution of the Netherlands Delegation to the World Ministerial Conference on Organised Transnational Crime, Naples 21-23 November 1994, p. 63.

6 Criteria are listed in: Sabrina Adamoli, Andrea Di Nicola, Ernesto U. Savona, and Paola Zoffi. "Organised Crime Around the World", HEUNI Publication Series No. 31, Helsinki 1998, p. 9.

These criteria were included into a short questionnaire distributed to the Estonian Police Board and Security Police in April 1998. At the moment I have responses from the Security Police, but am still waiting for responses from the Police Board. The Security Police reported data about 9 criminal groups. Each group satisfies all criteria listed above.7 For details I also used information from the PC-CO questionnaire completed by Security Police and the Police department.

In addition to the information obtained from the interviews, it could be said that two thirds of the reported groups are associated either with the Estonian capital Tallinn or its neighbourhood. However, groups are operating on a regional, a national (Estonian), as well as an international level (mostly in Russia). International links usually include Russia. One of the groups co-operates with group(s) from Scandinavia, and the Chechens' group has relationships with their compatriots in other countries. The groups also have relationships with each other.

The groups reported in the survey have been operated on a long-term basis. The "oldest" for 10, the "youngest" for at least 4 years.

According to the survey results each groups contains at least 10 members. It is quite possible that due to the specifics of their tasks the Security Police are not dealing with smaller groups. The biggest group reported incorporates more than 100 members. The size of four groups could be estimated as 10 to 20 individuals; another 4 groups are bigger, with 30 to 50 members. The Security Police notify that groups with more than 10 members have a hierarchical structure with a "leader", and "inspectors" on specific types of crime. On the lower level there are small groups of 3-4 persons, one of whom is "responsible".

The questionnaire contained questions about the ethnic composition of the groups. Two of nine groups are ethnically homogeneous. Those are Estonians and Chechens. The other groups have members of different ethnic origins. The Security Police estimates the proportion of non-Estonians in criminals to be 75%.

7 When looking through the report made on the basis of the questionnaire, Security Police commented these data. They added that there are more than 9 criminal groups in Estonia. 3 of 9 groups do not exist any more thanks to the Security Police effort.

Table 1. Criminal activities groups are involved in.

Criminal activity	The number of groups involved in
Extortion	9
Fraud	8
Kidnapping	6
Robbery	5
Housebreaking	5
Vehicle theft	5
Narcotics	5
Armed robbery	4
Homicide	2
Prostitution	2
Illegal gambling schemes	1
Counterfeiting	1
Other types of crime	6

Source: Questionnaire

Table 1 gives the overview of the types of criminal activities that the groups are involved in. All groups practise extortion and almost all of them are involved in fraud. Quite remarkable is the fact that no group was involved in illegal trade in firearms, although this option was listed.

The results of the questionnaire also showed that all the groups are believed to be involved in money laundering. Money laundering, however, is not criminalised in Estonia yet.

Statistical data

There is no statistics on how many persons were accused on organising or belonging to a criminal alliance (§ 196'1). From the interviews with experts and the questionnaire we could, however, conclude what types of crime could be the reflection of organised criminal activities. Extortion, as we have seen before, is a type of criminal activity that all the groups are involved in. The data on registered cases of extortion should reflect the scope of this activity, if we could trust criminal statistics at all.

The idea is to examine the rate of the types of crime most common for criminal groups. The other possibility is to look at the number of persons under prosecution for cleared offences together with some other characteristics of offences available from crime statistics. There are two parameters I would like to look at. Firstly, if the criminal offence was committed in a group or not, and, secondly, the ethnic background of the offender.

Table 2. The number of registered offences and persons convicted in Estonia 1995-1997

	1995	1996	1997
Extortion			
registered offences	195	169	194
persons convicted	151	137	138
- in group	124	111	112
Estonians (%)	-	33%	37%
Fraud			
registered offences	869	890	1863
persons convicted	136	187	210
- in group	73	119	108
Estonians (%)		71%	72%
Narcotics			
registered offences	51	115	114
persons convicted	-	74	85
- in group	-	21	24
Estonians (%)	-	19%	28%
Economic crimes			
registered offences	186	196	504
persons convicted	74	82	167
- in group	11	11	26
Estonians (%)	-	83%	91%

Source: Statistical Bureau of Estonian Police Board

The data on persons who have committed crimes in co-operation with others is interesting because it is the only possibility to reflect activities of criminal group members. The limitation in this case is, of course, that it is impossible to distinguish between groups of criminals and criminal groups. Data presented in table 2 show that the number of registered cases of extortion, the activity that all the criminal groupings are involved in, remains more or less stable over the last three years. Data on narcotics and economic crimes shows considerable growth.

The data on fraud should be commented separately. The number of registered fraud has increased by 109% from 890 in 1996 to 1863 in 1997. Without taking into account data on persons convicted, the situation could be alarming. The increase in the number of persons convicted of this type of crime is not so dramatic (increase by 12%). Fraud is the type of crime that has a rather high clearance rate: according to the Police Board data 68% of recorded frauds were cleared in 1997. Putting together data on recorded cases and convicted persons we could say that the same number of criminals commit more frauds. From the interviews I have learned, that in 1997 a group of criminals involved in numerous frauds was caught, and each fraud was convicted (and recorded) separately.

Organised crime often has an ethnic dimension. In one interview with an expert, organised crime was defined as 'the number of crimes committed by non-Estonians'. From the questionnaire we have learned that there are no homogeneous Russian groups and that 75% of criminal group members are non-Estonians. It gave me the idea to look at the ethnic background of the persons under prosecution. Again, there are the same limitations as in the case of offences committed by groups. The percentage of convicted individuals, who have an

Estonian background, is growing in all types of crime. The explanation could be quite simple: the proportion of Estonians in the population is growing as well. As we can see, the involvement of Estonians is higher in economic types of crime. These numbers support the information obtained from the interviews with policemen.

To sum up, the numerical data on recorded crimes does not provide enough information to make any conclusion about the extent of organised crime in Estonia. It could be used, however in combination with the information gained from the interviews with law enforcement officials to illustrate some trends. On the other hand, interview data could and should be used to interpret crime statistics.

Conclusions

In the presented paper three sources of information about organised crime were analysed: interviews with police officials, questionnaire data and crime statistics.

The most informative source has with no doubts been the interviews with officials. This is the best source for data about the groups, about the history of organised crime and the trends. Only interviews could clarify the usage of terms by the police. This, in turn, can help to avoid some misunderstandings.

The questionnaires help when there is a need for quantitative information and there is no official statistics available. Questionnaire could, probably, help to follow the changes in the activities of organised crime groups in one particular country. I would, however, be critical to use these data for comparisons between countries. The questionnaire is also useful to make information gained from the interviews more concrete because it does not allow generalisations.

Crime statistics in the way it exists in Estonia now could be used to illustrate the data on organised crime group activities that was collected from the other sources.

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Organised Crime and the Narcotics Business in St.Petersburg 1

The use of illegal drugs and the role of organised crime in the narcotics market are difficult to investigate because these remain hidden to a very high degree. Empirical research employing techniques such as participant observation and interviews of drug users, offenders, and other informants with first-hand knowledge of the subject, allows you to get into the very center of events, to see the underworld from the inside with "aboriginal eyes".

Organised crime constantly expands its sphere of influence. "Money-making" remains the priority, but it is accompanied with others: crime organisations are interested in access to state structures, and in influencing economy and policy. Thus, quantitative change of crime succesfully passes to qualitative change. In today´s talk about the criminal elements being on the way to "capture" authority, "capture" does not mean "war". It is rather a matter of fusion, criminal structures having abundant experience of cooperation with business, political parties and other central elements of society.

Today´s business world is strongly coordinated with organised crime. This is not a matter of a criminal takeover. Crime organisations have for a long time been successfully involved in the privatization process, and in banking operations, credits, and the mortgage business. The criminal organisations become a kind of hybrids of the criminal-business enterprise. Many of them are capable not only of taking a bank "under their wing" but they have also been able to open their own bank. Thus "obshak" (criminal organisation money) is turned into money that can be invested and turned into productive capital. This structure can be more effective than the state because crime organisations have access to a coercion apparatus that is more likely to produce results than state operations.

In comparison with 1993-1994, the situation in the criminal world is rather quiet. There are serious reasons to believe that it is "a quiet before thunder". Year by year, St.Petersburg receives more criminal money from Moscow. St.Petersburg is one of the largest business centers of the country. With seaport, airport, railway stations, its location close to the border ("window to Europe"), the city is extremely attractive for contrabandists, swindlers in the art business, antique swindlers and other professional criminals. According to expert opinion, Moscow is not only the political but also the criminal capital of Russia. Moscow money introduces managers, owners and their interests into St.Petersburg. The conflict in this field is inevitable.

Organised crime as business means supply of goods and services, which are illegal but have a large demand. Narcotics trade is one of the most profitable of such activities. Police arrest the weakest and less organised narcotics dealers (often with the help of information obtained

1 Edited by Kauko Aromaa.

from their rivals), thus effecting a kind of selection: those who are better organised stay immune to control. The laws prohibiting the use, buying, possession and production of drugs contribute to the same result.

Presently, there are no less than 500,000 drug users in St.Petersburg, and their number is increasing. This is corroborated by research carried out in the Center of Deviantology and elsewhere. The drugs market is changing because of the influence of many factors: the political and economical situation in the countrym, legislation, production opportunities, police action, and fashion.

Leningrad (St.Petersburg) has always been one of the centers of synthetic drug production. According to this indicator, it is presently the leading center in the country.

Barbiturates, amphetamines, PCP, LSD, MDMA, DOP and their modifications differ very much from each other according to how complicated and expensive they are to produce. At the moment, all necessary opportunities for producing synthetic drugs are available: there is practically no control over the necessary chemical components, most of the highly qualified chemists are unemployed, and nearly all existing chemical laboratories are not in operation and are bankrupt. There is no doubt that widespread narcotics production has already begun, intended also for Western European markets.

The phenomenon of a "new youth culture" has become popular among young people, linked to a youth subculture around discotheques. This can explain the increasing number of narcotics users with a rather high social status, and with a financial position much higher than average. Drugs being fashionable is a very important feature of the present situation. It is not only that certain kind of drugs are fashionable, but drug use as such has become a matter of prestige.

Despite the fashionability of synthetic drugs, opiates and cannabis are the principal drugs in St.Petersburg. This market is very stable, because of the very well functioning channels of distribution.

Representatives of organised crime penetrate the legal economy because they must invest large sums of money obtained by illegal narcotics sales into legal business. All over the world, this is the way legal and illegal businesses cooperate and become integrated.

Of course, Russia is no exception. The result of such integration is the consolidation of legal and illegal business in a kind of economic symbiosis. First: large sums of money accumulated in the narcotics business allow organised crime to penetrate high levels of the economic, political and information sectors, and to invest money into the financial sector. This naturally leads to the consequence that whole branches of the legal economy are in the hands of organised crime. Second: the influence of organised crime turns legal sources of money into a kind of "holes" for money transition into criminal spheres and for criminal purposes.

The narcotics business makes use of different mechanisms such as fixing prices, expanding the market e.g. by multi-level marketing (the main advantage of which is that it induces clients to find new clients), by promoting a broad selection of drugs and inventing new preparates. Narcotics money is invested in all branches of the legal economy. These are in great need of capital, and for example state securities produced by most governments are very convenient to turn such money into legal capital.

St. Petersburg, being one of the largest cities in Europe, provides a large market for drugs and is not unimportant in the framework of Russia or of Europe, either.

Organised crime in St.Petersburg, as elsewhere in Russia, is not just business without influence on legislation and policy. If laws are unrealistic, "legislation" of an illegal character will define a line of behaviour and norms, on which society lives. Policies of prohibition and punishment never bring good results.

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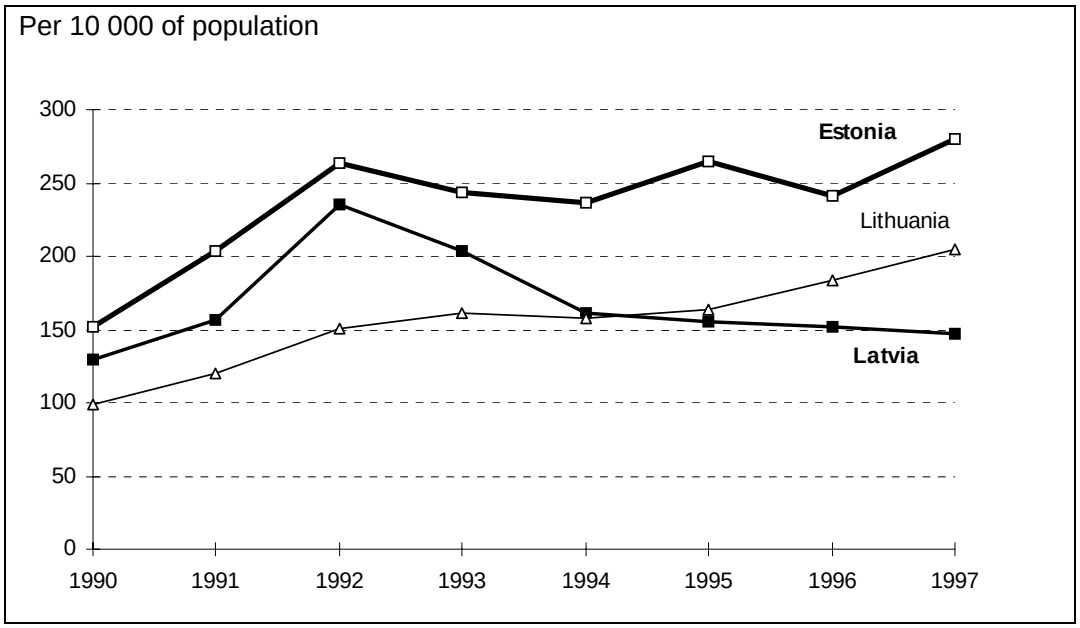
Crime Trends in Estonia

General overview

The number of police-recorded crimes has increased during the late 1980s and early 1990s in all the Baltic countries. Since 1992, the crime rate has stayed at a relatively high level, mainly due to a large number of property crimes.

In Estonia, 280 crimes per 10 000 inhabitants were recorded by the police in 1997, which is the highest level since 1992. The respective figure was 147 in Latvia and 205 in Lithuania. (These figures are not entirely comparable due to differences in criminal law and registration practice. In the case of Latvia, the decrease in 1994 is to some extent explained by changes in the criminal law.)

Figure 1. Total number of police recorded offences against the Criminal Code



In Estonia, 82% of the crimes recorded by the police in 1997 were crimes against property, 10% were cases of hooliganism, 3% were crimes against persons (homicide, assault, rape, etc). The other types of crime were less represented. Domestic burglaries constituted 16% and thefts from cars 15% of all recorded crimes. According to the police the most common stolen objects were audio and video systems, clothes, jewellery and car parts.

The rate of violent crime is significant in the north-eastern part of Estonia (especially in Narva). The rate of property and economic crime is highest in Tallinn.

According to the survey of the Estonian Institute for Market Research, 26% of the respondents or members of their family suffered because of crimes against property and against persons in 1997. The most common crimes according to the survey are as follows (% victimised during the last 12 months):

theft from a car - 9%
theft from a garden or field - 8%
pickpocketing - 6%
theft from an apartment (domestic burglary) - 5%
theft from a premise or summerhouse - 5%
crime against person - 5%

Homicide

The homicide rate has increased in all of the Baltic countries during the years 1989-1994, but has decreased substantially during the last three years. The same trend appeared in Russia, where the rate has been even higher than in Estonia. During the same period no remarkable changes occured in the Central European countries (Poland, Czech Republic, Hungary), and their homicide rate has remained at a low level in comparison to Russia and the Baltic countries.

Table 1. Homicide rate per 100 000 inhabitants *

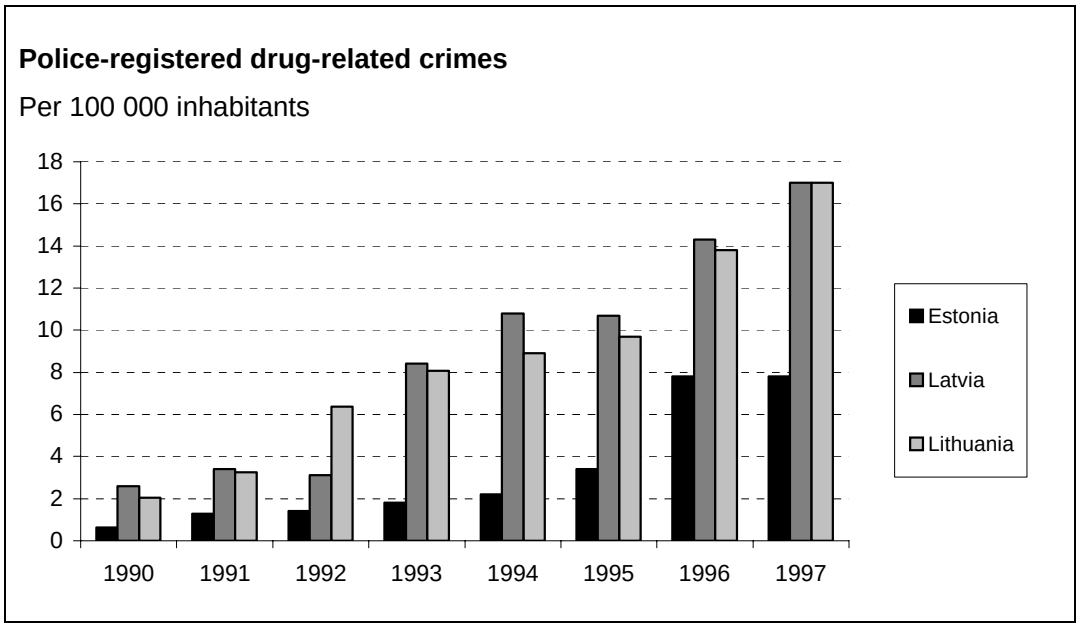
	Estonia	Latvia	Lithuania	Poland	Czech Republic	Russia
1988	6,0	…	…	…	…	…
1989	7,9	…	…	…	…	…
1990	11,0	9,2	7,5	1,9	2,1	14,3
1991	10,8	11,4	9,0	2,5	2,5	15,3
1992	19,3	16,1	10,5	2,6	2,4	22,9
1993	25,6	24,7	12,5	2,9	1,4	30,4
1994	28,1	23,0	13,4	3,0	…	…
1995	22,1	18,2	11,7	…	…	…
1996	19,8	15,4	9,3	…	…	…

* According to the data on causes of death

Drug-related crimes

The number of registered drug-related crimes has increased in all of the Baltic countries during the 1990s. It should be noticed that the number of registered drug-related crimes is substantially influenced by police capability and activity. The level of drug-related crime is probably much higher than the official statistics show, especially in Estonia.

Figure 2.



Citizenship of offenders

According to police data on known offenders, Estonian citizens have been more active in the area of economic crimes, and non-Estonian citizens (mainly immigrants) in commiting drug-related crimes and violent crimes (homicides, rapes, robberies). In 1997, the non-Estonian citizens' criminal activity (known offenders per 10 000 of population) was 1,4 times higher than the Estonian citizens' (2,2 times in cases of 'first degree crimes' such as homicide, assaults etc).

Victimisation of foreign citizens

According to the police data, the most common crimes against foreign citizens have been property crimes (theft of cash, documents, valuables, etc). The number of violent crimes has been small (see table 2).

The number of registered offences against foreign citizens has been relatively small and stable during the last years, although the number of tourists (especially from Finland and Sweden) has increased substantially at the same time. For example, only three serious violent crimes and one serious robbery against Finnish citizens were registered in 1997, although more than 2,5 million Finnish citizens visited Estonia in 1997.

Table 2. Police registered crimes against foreign citizens in Estonia, 1997 *

	Finland	Sweden	Denmark	Germany	Latvia	Lithuania
Serious violent crimes	3	1	-	-	-	1
- intentional homicide	1	-	-	-	-	1
- assault	1	1	-	-	-	-
- rape	1	-	-	-	-	-
Robbery **	1	-	-	1	2	-
Public theft ***	97	10	2	5	2	1
Theft	353	66	11	14	24	9
Other	34	12	3	5	7	1
TOTAL	488	90	16	25	35	12

* Including data about foreign citizens living in Estonia
** With the use of serious violence or threat
*** With the use of minor violence or threat

Sources:
Official statistics of the Estonian National Police Board;
Surveys of the Estonian Institute for Market Research (Eesti Konjunktuuriinstituut)(EKI-TEST,1994-1997);
Data on causes of death of the Statistical Office of Estonia.

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Crime Trends in Latvia

The level of crime in Latvia has increased very rapidly in the period of 1991-92. There are several reasons for that: one is the short term improvement of crime registration. Another is that the regained freedom and democracy was understood as an allowance of arbitrary behaviour and disorder in law. Since 1993, however, the level of crime has considerably decreased (table 1). In fact, during the last 5 years crime has decreased by 40.4%. Now there is a period of stability.

The crime rate per 100 000 inhabitants is rather different in the three Baltic states (table 1). To continue with the positive trends, we should mention the improving clearance rate (detection rate). In 1997, 51.4% of crime was cleared. This is the best clearance rate since 1990 in Latvia and better than that of our neighbours - Lithuania and Estonia - 42.8% and 31.7% respectively.

As concerns the traditional types of crime, let's draw our attention to the structure of crime (table 2). The proportion of serious crimes is especially high - it makes up half of all the crimes (51%).

The level of intentional homicides has decreased by 40% since 1993 (table 3). However, if we sum the high number of intentional homicides with the number of bodily injuries with lethal outcomes - 176 cases (1997), the picture is not satisfying. Particular concern is caused by the increase of some forms of violent crime: intentional serious bodily injuries, aggravated injuries and aggravated injuries leading to death. The decrease of registered serious crimes mostly happened due to the fall in robberies. There was also a decrease in large scale thefts and rapes. At the same time, the number of thefts from cars and trading places increased.

The number of juvenile crimes rose in 1997. In that year juveniles accounted for 19.2% of all crimes committed. It actually is a threatening problem, if we consider the age of young perpetrators (15 - 23 years).

Characteristically, in the latest period, crime trends show not only quantitative, but also qualitative changes. New forms of crime are developing in the sphere of finance and economics; electronic communication systems experience different kinds of criminal manipulations, so does the public opinion - making use of absence of stable values and ideals, new non-traditional religious movements and sects gain ground, posing threat to human lives and the integrity of society.

Special attention should be paid to economic crimes. Police statistics show that a great part of registered economic crime (41.6%), reflects cases of money counterfeiting. As concerns the return of damage, law enforcement agencies show extremely poor performance - only 3.5% of losses get returned. None of three Baltic States possess an effective system to face economic

crime which is the especially dangerous for our states given our geo-political, social and economic situation.

One of the indicators of economic crime is so-called ``shadow`` economy. The data of the Ministry of Finance prove that 30-32% of Latvia's GDP has been generated exactly in this ``hidden`` sphere of economic activities. One form of the ``shadow`` economy is smuggling. Authorities estimate that smuggling of different kinds of commodities is considerable and amounts to : 50% of all meat products, 60% of precious metals, and about one third of alcohol sold in Latvia. The smuggling of food products is destroying local producers. At the same time, in 1997, only 19 persons were convicted for smuggling, 12 of them - conditionally. This is evidence that the efficiency of measures against smuggling is very low. Smuggling is favoured by following conditions:

- high taxes (income, VAT);
- inadequacies in legal regulations;
- insufficient training and activity, as well as poor co-ordination of work in law enforcement institutions.

Illegal operations with privatisation certificates (like ``vouchers`` in Russia) is another type of economic crime, causing significant damage to the state, and this significance still hasn't been assessed. Damage by illegal operations in the process of privatisation are not estimable today.

Unsolved are issues related to organised crime - illegal prostitution services and racketeering. Due to lack of time, not all matters related to organised crime are discussed, for example drug and arms trafficking.

The latest feature in the Latvian crime situation in the last 10 years is the appearance of crimes with use of explosives. The average number of crimes is around 60 cases per year (1995 - 67; 1996 - 60; 1997 - 64) and more than half of them have been committed in Riga. Speaking about the latest explosions in Latvia, it must be said that the State has not recognised the commission of any terrorist acts, since the concept of terrorism is not defined in Latvia (except for highjacking of aircraft). Therefore, amendments to the Criminal law and the Criminal Procedural law are needed.

The number of crimes related to the use of guns is rather unstable (table 4).

The distribution of offenders (table 5) suggests that the level of recidivism is remarkably high (41.2%), as is the share of crimes committed in groups (41.0%) and crimes committed under the influence of alcohol (46.4%).

The level of recidivism is also high among convicted persons (23.8%), as is the tendency to commit crime in groups (44.7%) (table 6).

Contrary to police statistics, victimization survey data from 1996 show no essential difference in crime levels in the 3 Baltic States (table 7). Similarity is also observed in the reporting rate to the police (table 8). Noticeable discrepancy appears in respect to the corruption level, which is three times lower in Estonia than in Latvia (table 9).

One of the achievements of this year is that the new Criminal Law has been finally passed by the Parliament. However, it has not been announced by the President, meaning that it is not yet in force. The President may be unwilling to sign it because the new Criminal Law retains the death penalty which the President wants to be abolished. The discussion of death penalty in the Parliament will be continued and the Paliament may implement changes in the Criminal Law in favour of abolishing the death penalty if the 6th protocol of the European Convention on Human Rights is ratified.

The beginning of 1998 gives no reason for optimism. There have been cases of extremely horrifying murders and aggravated bodily injuries, many of which have been associated with alcohol. However, some negative social circumstances effect the crime level, but this is beyond the influence of the police. Here the main concern is over the crimes committed under the influence of alcohol or narcotic substances. Surveys and press publications claim that there is a high level of violence against children, especially sexual abuse of children. There is also a rapid increase of drug abuse, particularly among the youth.

There is a need for co-ordinated efforts of police, social workers, and the medical establishment. The attitude and involvement of society as a whole has to be considered as well.

Table 1. Crime level in Latvia as compared to criminality in Estonia and Lithuania

Indicators	1990	1991	1992	1993	1994	1995	1996	1997
Registered crime								
Latvia	34 686	41 929	61 871	52 835	40 983	39 141	38 205	36 865
Estonia	23 807	31 748	41 254	37 163	35 739	39 570	35 411	40 972
Lithuania	37 056	44 984	56 615	60 378	58 634	60 819	68 053	75 816
Crime rate per 10 000 population								
Latvia	129	158	235	204	161	156	152	148.7
Estonia	150	206	267	245	236	265	240	280.2
Lithuania	99	120	151	161	158	164	183	204.5

Table 2. The distribution of crime (Total/percent distribution by type of crime)

		1992	1993	1994	1995	1996	1997
Recorded crime		61 871	52 835	40 983	39141	38205	36865
Of which:							
Violent crime	Total	21 611	31 801	23 520	20 244	19 640	18 791
	%	34.9	60.2	57.4	51.7	51.4	51.0
Economic crime	Total	1 169	899	860	1 137	1 287	1 749
	%	1.9	1.7	2.1	2.9	3.4	4.7
Drug-related crime	Total	83	219	278	271	361	428
	%	0.1	0.4	0.7	0.7	0.9	1.2
Property crime	Total	51 639	41 211	28 813	26 281	23 368	21 892
	%	83.5	78.0	70.3	67.1	61.2	59.4
Homicide*	Total	293	429	375	281	256	259
	%	0.5	0.8	0.9	0.7	0.7	0.7

* Including attempts

Table 3. Homicide by selected country

	Year	Total	Per 100 000 population
Latvia*	1997	259	10.5
Denmark**	1993	71	2.0
Estonia	1997	247	16.7
Russia*	1994	32 286	21.8
Lithuania	1997	391	10.5
Norway***	1993	47	1.6
Finland**	1993	129	3.7
Ukraine***	1994	4 571	8.8
Sweden**	1993	173	3.0

* Including attempts
** Calculated per population aged 15-67
*** Calculated per population aged 14-67

Table 4. Distribution of gun crime

	1995	1996	1997
Total number of gun crimes	435	508	344
of which:			
gun homicides	66	51	39
gun assults	246	348	206
Illegal possession of guns	536	626	591
Confiscated guns	203	260	267

Table 5. Offenders: percentage distribution by selected characteristics

	1990	1991	1992	1993	1994	1995	1996	1997
As percentage of the total number of offenders:								
juveniles	19.4	18.9	15.6	13.7	12.6	15.2	15.8	16.0
no study nor work							65.6	63.8
with a previous crime record	33.0	35.1	34.6	40.4	40.4	40.1	39.5	41.2
members of a criminal group	36.6	41.3	49.6	52.3	46.0	44.7	43.7	41.0
under the influence of alcohol	39.2	41.9	45.4	50.3	52.8	47.6	47.2	46.4
narcotic drug intoxication							0.57	0.51

Table 6. Number of convicted persons in 1997

Total	**12 772**	
of wich:		
with previous conviction	3037	23.8%
crime convicted in group	5703	44.7%

Table 7. Percentage victimised by the different types of events in the course of the past year

	Finland**	**Estonia****	**Latvia**	**Lithuania**
	1992	**1995**	**1996**	**1997**
theft of car - car owners only	0.7 0.8	1.6 2.7	1.8 4.3	1.0
theft from car - car owners only	3.0 3.6	7.0 11.5	4.5 10.5	10.4
car vandalism - car owners only	5.6 6.8	5.2 8.6	3.6 8.5	7.3
theft of motorcycle	0.2	0.2	0.4	0.3
theft of bicycle	4.9	4.7	2.5	7.1
burglary with entry attemted burglary	0.6 0.6	4.2 3.9	2.6 5.3	7.6 5.5
robbery	1.0	3.4	2.6	3.3
personal theft pickpocketing	4.7	8.2	12.7	13.2
sexual incidents*	3.7	1.3	0.7	0.9
assault/threat	4.1	5.5	2.6	4.8

* women only
** Kauko Aromaa, Andri Ahven. Victims of Crime in a Time of Change: Estonia 1993 and 1995

Table 8. Percentage of crime reported to the police in the past five years

	Estonia	**Latvia**	**Lithuania**
Car theft	88	92	89
Theft from car	31	37	45
Car vandalism	22	35	23
Theft of motorcycle	100	63	25
Theft of bicycle	25	29	42
Burglary	69	71	58
Attempted burglary	30	23	37
Robbery	26	31	44
Personal theft	19	16	23
Sexual incidents*	12	7	24
Assault/threat	20	20	30

Table 9. Function of the person who demanded the bribe

	Estonia	**Latvia**	**Lithuania**
	1995	1996	1997
Government official	0.9	4.6	2.7
Customs officer	0.9	3.5	2.7
Police officer	0.7	1.3	3.5
Inspector	1.3	2.0	0.5
Other	0.5	1.1	1.4
Total (of all respondents)	**4.3**	**12.5**	**10.9**

Table 10. Capital punishment imposed

1985	1986	1987	1988	1989	1990	1991	1992	1993	1994	1995	1996	1997
6	5	6	5	9	5	4	4	-	-	4	-	-

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Comparative Survey of Criminality in Lithuania

This paper compares the main indicators of criminality in Lithuania with that of the other countries - primarily the Baltic states. The neighbouring Baltic states, Latvia and Estonia, began their independent social development from the same social conditions as Lithuania, but in a slightly different time. All three states are yet in a transitional period, so the comparison of their criminality is especially important during all the period of independent development.

But before this it is important to discuss shortly the main crime indicators at the time when the three countries were still incorporated into Soviet Union, but beginning their moves towards independence.

Table 1. Criminality in the Baltic Republics during 1985-1989

Year	Registered crimes			Crime rate per 10 000 inhabitants		
	Lithuania	Latvia	Estonia	Lithuania	Latvia	Estonia
1985	21 363	25 303	14 828	59,8	97,6	96,9
1986	20 628	22 307	12 500	57,5	85,3	81,1
1987	20 037	21 502	11 465	55,9	81,4	73,7
1988	21 337	22 991	12 167	58,7	86,2	77,4
1989	31 238	29 676	19 141	84,9	110,6	121,1

The period of revival in the Baltic countries began in 1988. Gorbachiov's "perestroyka" began earlier. Limited private economic activity was then allowed, but on the basis of socialistic economy in essence. All of these and other (unmentioned here) social - economic changes have influenced on criminality in the Baltic states, which was already especially striking in statistical accounts by 1989. This is shown in table 1 where the data of registered criminality is presented. During the five years before restoring independence, as indicated in table 1, the crime level in Lithuania was constantly smaller than in the other Baltic republics. In 1985 it was 1,7 times smaller than in Latvia and Estonia, whose crime levels were approximately equal in 1985. In 1988 the crime level in Lithuania was 1,5 times smaller than in Latvia and 1,3 times smaller than in Estonia, so the gap in crime levels decreased not in Lithuania's favour.

In 1989, criminality in the Baltic republics increased significantly: in Lithuania the number of registered crimes increased by 9901, in Latvia - by 6685, and in Estonia - by 6974. So, in total numbers, the greatest increase of registered crimes was in Lithuania. According to the

comparative indicators (rate per 10.000 inhabitants) the situation is a little bit different: the crime level in Lithuania increased almost 1,5 times, in Latvia almost 1,3 times, in Estonia almost 1,6 times. Thus, the largest percentage increase in crime rates in 1989 was in Estonia; in Lithuania. Lithaunia had the second largest increase. Yet despite differences in rates of increase, Estonia had the highest crime rate in 1989 (121,1), followed by Latvia (110,6) and Lithuania (84,9).

Thus, it seems that before the restoration of independence the level of criminality was smallest in Lithuania as compared with the other Baltic republics (Latvia and Estonia).

Now it is urgent to examine the situation after Lithuania had restored its independence.

Table 2. Criminality in the Baltic States during 1990-1996

Year	Registered crimes			Crime rate per 10 000 inhabitants		
	Lithuania	Latvia	Estonia	Lithuania	Latvia	Estonia
1990	37 056	34 686	23 807	99	129	150
1991	44 984	41 929	31 748	120	151	206
1992	56 615	61 871	41 254	151	235	267
1993	60 378	52 835	37 163	162	204	245
1994	58 634	40 983	35 739	158	161	236
1995	60 819	39 141	39 570	164	155	265
1996	68 053	38 205	35 411	183	152	240

During the period of Lithuania's independence (1990-1996 as shown in table 2), the total number of registered crimes (as compared with 1989) increased in Lithuania by 2,2 times, in Latvia by 1,3 times, in Estonia by 1,9 times. Thus, the rate of growth in the total number of registered crimes was greatest in Lithuania and smallest in Latvia.

The number of registered crimes in Lithuania increased by 2,2 times, in Latvia by 1,4 times, in Estonia by 2 times. So, we can state that the crime development in Lithuania during the period of independence was very similar to that in Estonia. In Latvia the rate of growth in criminality was significantly smaller than in Lithuania and Estonia.

In 1996 the crime rate in Lithuania per 10.000 was 183, in Latvia 152,2, in Estonia 240. In Lithuania the rates of crime growth during the period of independence were the greatest, but the crime level during all this time still remained significantly - by one-third - smaller than in Estonia, but became by one-fifth greater than in Latvia.

Comparing the former period (1985-1989) with the present, the crime rate remained the highest in Estonia (240); the second highest in Lithuania (183) and the third highest in Latvia (152). In other words, the criminality in Lithuania has exceeded that of Latvia, and criminality in Estonia has remained the greatest.

During the period of independence, the state of registration and accountance of crime indicators (which during the Soviet period was identical in all Baltic Republics) has changed considerably. The Baltic countries have at different times decriminalised deeds, which during the Soviet period were criminalized, and have at different times and in various ways criminalized "new deeds" that appeared while developing market economy (for instance commercial crimes). Therefore it is difficult to compare the crime structure of these states on the whole. It is only possible to compare only some indicators of registration of traditional crimes during the latest five years - 1992-1996.

Table 3. Crimes of hooliganism in the Baltic States during 1992-1996

State	Year				
	1992	1993	1994	1995	1996
total numbers					
Lithuania	1424	1444	1699	2565	3003
Latvia	1282	1193	1319	1406	1311
Estonia	779	795	881	1215	1155
as a percent of all crimes					
Lithuania	2,5	2,4	2,9	4,2	4,4
Latvia	2,1	2,2	3,2	3,6	3,4
Estonia	1,9	2,1	2,5	3,0	3,3

We can see in table 3 that the registered hooliganism crimes in the Baltic countries were constantly increasing during the five year period. The total registered number of hooliganism crimes in Lithuania increased more than 2 times, in Latvia remained almost stable (there were registered 29 crimes more), and increased by 1,5 times in Estonia.

Crimes of hooliganism make up only a small part of registered criminality in the Baltic countries: from 1,9-2,5 per cent in 1992 to 3,3-4,4 per cent in 1996. In all three Baltic countries hooliganism as a proportion of all crime increased by 1,7 times during the last five years.

Thus, a complex evaluation of the data about the status of hooliganism crimes in the Baltic states suggests, that the volume and rates of growth of hooliganism crimes are the greatest in Lithuania, followed by Estonia, and then Latvia.

Indicators of the spreading of theft, one more traditional type of crime, are presented in table 4.

Table 4. Thefts in the Baltic States during 1992-1996

Year	Registered thefts					
	Lithuania		Latvia		Estonia	
	total number	as a percent of all crimes	total number	as a percent of all crimes	total number	as a percent of all crimes
1992	42 708	75,4	48 190	77,9	33 309	80,7
1993	43 375	71,8	39 356	74,5	27 339	73,6
1994	40 252	68,6	27 211	66,4	24 719	69,2
1995	41 619	68,4	24 628	63,0	28 165	71,2
1996	44 600	65,5	23 368	61,2	24 764	69,9

Thefts made up the greatest part of criminality in general in the Baltic states in 1992 (75,4% in Lithuania, 77,9% in in Latvia, 80,7% in Estonia). The smallest proportion of thefts was in 1996 (65,5% in Lithuania, 61,2% in Latvia, 69,9% in Estonia). As we see, in Lithuania and Estonia theft as a proportion of all crime decreased during the five years by approximately 10 per cent, and in Latvia by 16,7 per cent.

Thus, thefts constantly make up the greatest part of registered criminality in the Baltic states: in 1992 in Lithuania - 3/4 in Latvia - more than 3/4 and in Estonia - 4/5; in 1996 in Lithuania - 2/3, in Latvia - less than 2/3, in Estonia - more than 2/3.

In general, theft as a proportion of all crimes and its dynamics during 1992-1996 was similar in all of the Baltic countries.

But by total numbers of thefts and their dynamics the Baltic states differ very much. During the above mentioned period, the greatest number of thefts was registered in Lithuania in 1996, where there were 1892 crimes more than in 1992 but only 1225 more crimes than in 1993. So, the number of thefts in Lithuania during the period mentioned above has not increased much (by 4,4 per cent).

In Latvia during 1992-1996 the greatest number of thefts was registered in 1992 and the smallest in 1996 (a difference of 24822 crimes, or 51,5% smaller).

In Estonia during 1992-1996 the greatest number of registered thefts was in 1992; smallest in 1994 and 1996 (accordingly by 8590 crimes or 25,8 per cent and 8545 crimes or 25,6 per cent smaller).

This analysis shows that the most unfavourable situation and dynamics of thefts during the 1992-1996 period among Baltic states was in Lithuania: the total number did not increase

much in Lithuania (by 4,4 per cent) and in the other two Baltic states it has significantly decreased (in Estonia by one-fourth and in Latvia by half).

The most widespreaded types of theft in all of the Baltic countries are thefts from dwellings and thefts of vehicles.

Table 5. Thefts from Dwellings in Baltic States during 1992-1996

Year	Registered thefts from dwellings					
	Lithuania		Latvia		Estonia	
	total number	as a percent of all thefts	total number	as a percent of all thefts	total number	as a percent of all thefts
1992	6 610	15,5	9 845	20,4	7 980	23,9
1993	6 964	16,0	9 075	23,0	7 137	26,1
1994	7 414	18,4	6 257	23,0	6 878	27,8
1995	6 344	15,2	5 083	20,6	8 175	29,0
1996	8 631	19,3	5 068	21,6	6 864	27,7

Thefts from dwellings now make up about 1/5 of the general number of registered crimes in Lithuania and Latvia and more than 1/4 in Estonia.

The number of registered thefts in the Baltic countries has changed differently. During 1992-1996 the total number of registered thefts has increased by 2021 crime or 30,6 per cent in Lithuania. In Latvia this number during the aforesaid period decreased by 4777 crimes or 48,5 per cent. And in Estonia it decreased by 1116 crimes or 14 per cent.

Evaluating the indicators presented, it is possible to state that the state and dynamics of thefts from dwellings is the most unfavourable in Lithuania; in Estonia thefts from dwellings decreased by 1/7 and in Latvia almost by one-half during 1992-1996.

Table 6. Thefts of Vehicles in the Baltic States during 1992-1996

Year	Registered thefts of vehicles					
	Lithuania		Latvia		Estonia	
	total number	as a percent of all thefts	total number	as a percent of all thefts	total number	as a percent of all thefts
1992	2 000	4,7	-	-	1 735	5,2
1993	2 879	6,6	4 265	10,8	1 262	4,6
1994	6 344	15,8	4 266	15,7	1 094	4,4
1995	6 738	16,2	2 774	11,3	801	2,8
1996	6 267	14,0	2 215	9,5	666	2,7

The situation and dynamics of thefts of vehicles during 1992-1996 are especially unfavourable in Lithuania. Auto theft as a proportion of the general number of registered thefts increased by 3 times. In Estonia, on the contrary, the proportion made up by thefts of vehicles decreased by 2 times. In Latvia great fluctuations in the proportion of thefts of

vehicles do not allow an exact (strict) conclusion, however it is possible to assert that auto theft as a proportion of all thefts remained relatively stable during the period in question.

The number of registered thefts of vehicles in Lithuania increased by more than 3 times during 1992-1996. At the same time in Latvia this indicator decreased by almost 2 times and in Estonia by 2,6 times.

It is possible to affirm that such an especially unfavourable state and dynamic of thefts of vehicles in Lithuania is determined by its geographical position (as a transit state) which is rather different from the other two Baltic states•, and that it is not a result of Lithuania•s inability to set its affairs in order. It is possible to maintain also that for Lithuania this specific position costs much.

One more traditional and widespread type of crime is robbery. We see the data about robberies in table seven.

Table 7. Robberies in the Baltic States during 1992-1996

Year	Registered robberies					
	Lithuania		Latvia		Estonia	
	total number	as a percent of all crimes	total number	as a percent of all crimes	total number	as a percent of all crimes
1992	488	0,9	807	1,3	480	1,2
1993	737	1,2	1 177	2,2	612	1,6
1994	4 217	7,2	1 142	2,8	786	2,2
1995	2 837	4,7	905	2,3	694	1,7
1996	3 481	5,1	1 031	2,7	577	1,6

In the dynamics of robberies in the Baltic states during 1992-1996 we notice that the first two years coincide with a period during which the of reorganization of law enforcement agencies and state institutions as a whole was still under intensive creation, and when the latentiveness (the "dark figures") of robberies could be greater. So the state in all Baltic states during the years 1992-1993 is analogous. But during the three later years of the explored period we observe a stable indicator of the proportion of robberies: in Lithuania the proportion of robberies as compared to general criminality is approximately twice that in Latvia and three times greater than in Estonia.

The number of robberies in Lithuania during the three later years is slightly decreasing, in Latvia remains roughly stable, and in Estonia is also somewhat decreasing. Therefore it is possible to ascertain that the state and dynamics of robberies in the Baltic states is similar.

Besides traditional property crimes, whose states and changes in the Baltic countries are presented earlier, it is very important to compare traditional violent crimes against person in the Baltic states: murders, severe bodily injuries, rapes.

Table 8. Premeditated Murders (with attempts) in the Baltic States during 1992-1996

Year	Registered premeditated murders (with attempts)		
	Lithuania	Latvia	Estonia
1992	303	293	223
1993	480	429	328
1994	523	375	365
1995	502	281	304
1996	405	256	268

Premeditated murders make up an insignificant part in the criminality of the Baltic states, but they are the most serious violent crimes against persons. During 1992-1995 in the Baltic states the situation of registered murders (with attempts) was different. In Lithuania the total number of these crimes had increased by 1,5 times, in Estonia by 1,4 times and in Latvia the annual fluctuations of this number do not show any clear tendency. During the last year 1996 the number of murders was smaller in all the Baltic states than during the earlier year 1995: in Lithuania by 97 crimes, in Latvia by 25 and Estonia by 36 crimes. Could this mean the beginning of a tendency towards a decrease of premeditated murders? The statistical data of next several years will show.

Table 9. Rapes (with attempts) in the Baltic States during 1992-1996

Year	Registered rapes (with attempts)		
	Lithuania	Latvia	Estonia
1992	191	124	72
1993	196	130	104
1994	165	129	124
1995	200	158	102
1996	168	130	94

In table 9 we see the state and changes of one more serious traditional violent crime against the person • rape. During the examined period of 1992-1996 the number of registered rapes (with attempts) in Latvia was stable, in Lithuania there was a slight tendency towards reduction and in Estonia was a similar slight tendency towards growth. But in essence the situation of these crimes in the Baltic states was similar and in Lithuania the spreading of these crimes was the smallest.

Table 10. Intentional Serious Bodily Injuries in the Baltic States during 1992-1996

Year	Registered intentional serious bodily injuries		
	Lithuania	Latvia	Estonia
1992	346	571	223
1993	344	725	220
1994	353	714	248
1995	299	597	223
1996	351	467	229

The state of registered intentional serious bodily injuries in all the Baltic states is stable. Only in Latvia during 1993-1994 was there a markedly greater number of serious bodily injuries than were registered during the other three years.

Beyond doubt, the intensiveness of the spreading of these crimes is the smallest in Lithuania. In general, serious violent crimes in the Baltic countries make up about 2 per cent of the overall number of registered crimes.

The crime situation in every country is also reliably characterized by the level of clearance rates in the Baltic states, which are illustrated in the following table.

Table 11. Percent of crimes closed in the Baltic States during 1992-1996

Year	Closed crimes (percent)		
	Lithuania	Latvia	Estonia
1992	35	26	18
1993	37	28	25
1994	41	31	27
1995	40	35	29
1996	41	44	33

As shown in table 11, during the investigated period of 1992-1996, the highest clearence rate in all years was in Lithuania. In the beginning of the period almost twice as many crimes were closed in Lithuania than in Estonia and one • third more than in Latvia.

Generally, indicators of crime closure were constantly improving in all the Baltic countries, but even now they are not high: in Lithuania in 1996, 41 per cent of the registered crimes were closed, in Latvia 44 per cent, and in Estonia almost 10 per cent less • only 33 per cent.

Conclusions

1. Before the restoration of independence crime level in Lithuania was constantly smaller. In 1988 the crime level in Lithuania was 1,5 times smaller then in Latvia and 1,3 times smaller than in Estonia.
2. According to the indicators in 1989 the highest crime level per 10.000 inhabitants was in Estonia (121,1); in the second place was Latvia (110,6); in the third place Lithuania (84,9).
3. During the period of independence changes in criminality in Lithuania were very similar to changes in Estonia (criminality in Lithuania until the year 1996 inclusive increased 2,2

times, in Estonia • 2 times). In Latvia the rate of crime growth (1,4 times) was significantly smaller than in Lithuania and Estonia.

4. In 1996 the crime level per 10.000 inhabitants in Lithuania was 183, in Latvia 152, and in Estonia 240. In Lithuania the rates of crime growth during the period of independence were the greatest, but the crime level during all this time, nevertheless, remained considerably, by one-third, smaller than in Estonia, but became by one-fifth bigger than in Latvia.
5. The most unfavourable state and dynamics of thefts in 1992-1996 among the Baltic states was in Lithuania: the total number in Lithuania increased a little (4,4 per cent) and in the two other Baltic states it decreased considerably (in Estonia by one-fourth and in Latvia by half).
6. Premeditated murders make up a small part of the criminality in the Baltic states. In Lithuania during 1992-1995 the total number of these crimes increased by 1,5 times, in Estonia by 1,4 times and in Latvia annual fluctuations of this number do not show any clear tendency. In 1996 in all Baltic countries the number of premeditated murders decreased: in Lithuania by 97 crimes, in Latvia by 25, in Estonia by 36.
7. In all three Baltic states indicators of crime closure were constantly improving, but even now they are not high. In Lithuania during 1996, 41 per cent of registered crimes were closed, in Latvia 44 per cent, in Estonia only 33 per cent.

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Konflikter i næringslivet.1

En grossist for bensinforhandlere klaget til Prisrådet på at Swix Sport ikke ville selge dem skismøring. Prisrådet behandlet klagen, grep inn og forbød Swix å nekte forretningsforbindelse med bensingrossisten.

Hvorfor i all verden skulle noen ønske å nekte noen å selge varene deres? I følge vanlig økonomisk tankegang skulle en leverandør være interessert i å spre varene sine mest mulig.
I utgangspunktet vil man selge maksimalt av sitt produkt, det er jo dette som gir inntekt og profitt! Videre skulle man tro en produsent, feks Swix, ønsket mest mulig konkurranse blant videreforhandlerne, slik at prisen ble minimal, og flere forbrukere fikk råd til å kjøpe varen. Dette er grunner som skaper forventning om at produsenter og leverandører vil selge til så mange videreforhandlere som mulig.

Den klagende grossisten hevdet bla a at salg av skismøring utenfor faghandelen vil føre til økt priskonkurranse, og viste til et brev der Swix avslørte at de ville beskytte sport- og fritidsforhandlernes tilgang på den "betydelige bruttofortjeneste disse representerer" (Pristidende nr. 6/1992, s 61). De mente således at det gjorde seg gjeldende "almene hensyn" som tilsa at nektelsen burde forbys. Økt konkurranse ville føre til lavere priser og mer effektiv utnyttelse av samfunnets ressurser. I tillegg hevdet bensinstasjongrossisten at nektelsen var "urimelig" for dem, da de i god tro hadde regnet med leveranse og bla a satt av plass til Swix' produkter i katalogen sin.

"Almene hensyn" og "urimelighet" utgjorde de to inngrepskriteriene Prisrådet opererte med.2 Kriteriene må ses i sammenheng med henholdsvis Prisdirektoratets og Konkurransetilsynets hovedgeskjeftigelse, rettledet som de var/er av prisloven og konkurranseloven. Formålet har helt siden 1953, mer eller mindre tydelig formulert, vært å bidra til optimal utnyttelse av ressurser. Det altoverveiende virkemiddel i så måte har vært konkurranse. Hindringer for konkurranse skal fjernes, og der det ikke konkurreres fra før, skal det legges til rette for dette. I tråd med denne mål-middel filosofien, som er blitt mer og mer sentral i den "vestlige verden" etter den andre verdenskrig, slås det fast i alle tidligere studier av Prisrådets praksis at inngrep er forbeholdt markeder uten "virksom -" eller "effektiv konkurranse"3 (Bachke 1977, Jensen 1991). Konkurranse har således i praksis nesten fungert som et inngrepskriterie.

Bensingrossisten hevdet at både almene hensyn og urimelighet gjorde seg gjeldende, i tillegg til antydninger om at det ikke forekom effektiv konkurranse i markedet. Swix mente på sin side at bensinstasjoner ikke kunne tilby den service skismøring krever at betjeningen kan gi. De hevdet dessuten at deres valg av distribusjonssystem utgjorde den beste utnyttelse av

1 Næringsliv = "erhvervsliv".
2 Med omleggingen til konkurranseloven i 1994 ble "urimelighetskriteriet" fjernet. Men også av andre grunner, som vil fremgå, skal vi i det følgende konsentrere oppmerksomheten om "almene hensyn".
3 Uttrykk ofte brukt i behandlingen av disse sakene.

ressurssene. De skulle i så måte ha fulgt en fast distribusjonspolitikk på dette helt siden 1947. Prisrådet vurderte det imidlertid slik at denne nektelsen både skadet konkurransen i markedet for skismøring og var urimelig for den klagende grossisten, og foretok inngrep. Swix ble dermed i praksis pålagt å levere skismøring til grossisten for bensinstasjoner.

Det er først og fremst på to måter at næringsdrivendes interesser kan komme i konflikt med "almene" interesser (hensyn). For det første kan en bedrift ønske å profilere seg på en bestemt måte, gjerne som noe eksklusivt, og dermed forsøke å unngå at produktet assosieres med noe "billig", feks forretninger kjent for lave priser. Kanskje ønsker man i denne forretningen ikke at produktet skal *være* billig, nettopp av samme grunner. Det kan også tenkes ressursmessige hensyn: I noen tilfeller er transport så kostbart at det å levere til mange vil fordyre distribusjonskostnadene i urimelig grad. I andre tilfeller kan man ønske å belønne avtagere som markedsfører produktet. Ofte finner man situasjoner der en bedrift (butikk) står for markedsføringen av et produkt, mens andre bedrifter ikke tar del i disse kostnadene, men likevel høster fortjeneste ved å ha produktet i sitt sortiment. Felles for disse tilfellene er at incitamentet til nektelsen kommer fra leverandøren. Så lenge leverandøren kan godtgjøre at utvelgelsen av videreforhandlere foretas etter "objektive kriterier" på konsekvent vis, blir dette akseptert av Konkurransetilsynet, slik det også ble av Prisrådet.

For det andre kan nektelsen skyldes at leverandøren eller klagerens rivaler prøver å eliminere priskonkurransen. I mange tilfeller er det den nektedes konkurrenter som legger press på leverandøren for at vedkommende ikke skal levere til klageren. De kan med trusler om å skifte leverandør presse leverandøren til å nekte å forhandle med den som klager. Grunnen til å presse leverandøren på dette punktet kan være at klagerens konkurrenter er fornøyd med inntjeningen i markedet, og ser profitten truet av klagerens lave priser. Denne typer grunner til å nekte forretningsforbindelse er grunnleggende sett av horisontal karakter, og det finnes flere eksempler på at leverandører er interessert i å få vedtak mot seg, for derigjennom å få et "alibi" for å stå i mot presset fra klagerens konkurrenter. Men dette er langtfra alltid tilfelle. I mange tilfeller ser det ut til at såvel leverandøren som vedkommendes faste forhandlere motarbeider "effektiv konkurranse" i markedene, slik tilfelle etter all sannsynlighet var i markedet for skismøring.

I tillegg til den sakstypen som ble presentert i det foregående, finner man eksempler på helt andre nektelser. Det kan være saker der klageren er forbruker (konflikten vil da ikke være *mellom* næringsdrivende), klager på offentlige reguleringer (som distriktspolitiske hensyn eller beskyttelse av spesielle markeder slik som bokmarkedet), klager innen markeder der andre myndigheter gir konsesjoner (eksempelvis media) eller at nektelsen dreier seg om så små beløp at myndighetene ikke finner å bruke tid på dem. Videre finnes det saker der klageren oppfører seg kverulantisk etter hverdagslige kriterier, der nektelse skyldes personlige motsetningsforhold, tilfeller der en leverandør har sett seg lei på manglene betaling fra klagerens side og nekter videre forbindelse, eller rett og slett oppsigelse/ingen fornyelse av kontrakt.

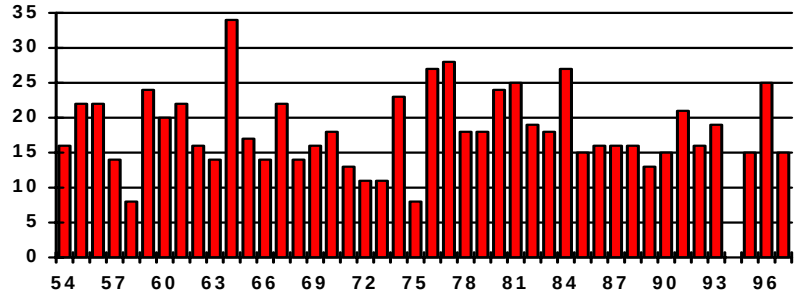
Leveringsnektelser kan innklages til konkurransetilsynet og behandles etter konkurranselovens §3-10. Dette lovverket er imidlertid ganske nytt. Fra 1954 til 1994 gjaldt en annen lov, den såkalte "prisloven". Også her fantes en hjemmel for å gripe inn overfor forretningsnektelser (§23). Det rettslige grunnlaget er ikke helt likt i de to lovverkene, og dette kompliserer mitt prosjekt her i dag. Jeg har foretatt en liten studie av saker behandlet etter inngrepsparagrafene i to lovene, men for å gjøre dette skikkelig, måtte jeg presentert det rettslige grunnlaget. Det er det ikke plass til. Her skal jeg nøye meg med å slå fast at denne

type saker tidligere ble behandlet av et domstollignende organ, Prisrådet. Etter 1.1.1994 avgjøres klager etter konkurranseloven §3-10 av forvaltningen. Mesteparten av mitt materiale skriver seg fra tiden under prislovens regime, så i dagens anledning skal vi tilsidesette forskjellene i regime og det rettslige grunnlaget. Jeg skal forsøke å kommentere utviklingen av forretningsnektelser behandlet i henholdsvis Prisdirektoratet og Konkurransetilsynet i perioden 1954-1997.4

Utviklingen av antallet saker og inngrep.

Etter dette forsøket på å sette leveringsnektelser i et større perspektiv, skal vi nå se nærmere på antallet behandlede saker i Prisrådet og hva slags skjebne disse har fått.

Antall saker behandlet i Prisrådet 1954 - 1997.5

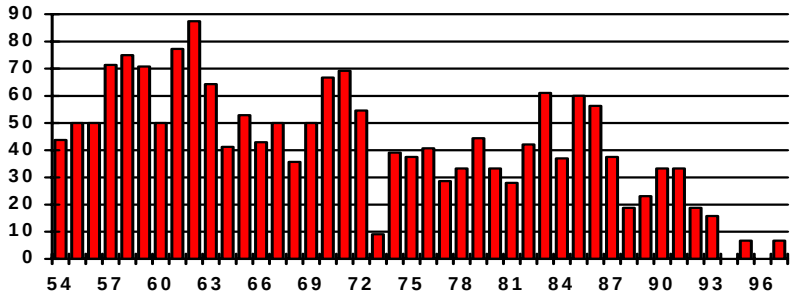


Kanskje det mest bemerkelsesverdige ved denne figuren er det lave antallet saker. Tar vi i betraktning antallet firmaer som finnes i Norge, og forestiller oss hvor mange relasjoner disse inngår med hverandre vertikalt, er det åpenbart at det må oppstå mange konflikter. Det er derfor oppsiktsvekkende at bare ca 20 saker i snitt havner i et offentlig konfliktløsningsorgan. Det andre som slår en er kanskje at antallet saker er såpass stabilt. Når vi opererer med så små tall som her, skulle man vel forvente at variasjonsbredden ble større? Her opplever vi så små tall at tilfeldighetenes uimotståelige utjevningskraft ikke får fult spillerom, likevel ser vi ikke større svingninger enn fra 8 til 34, og det som ekstreme ytterpunkter. Og ser vi nøye på figuren kan man ytterligere få det inntrykk at saksmengden har stabilisert seg i den siste halvdelen av 40-årsperioden. (Vi skal merke oss at 1994 er utelatt, det var det året den nye lovgivningen ble satt i kraft, og Konkurransetilsynet er innrømmet en liten innkjøringsperiode).

4 Med det nye lovverket skiftet Prisdirektoratet navn til Konkurransetilsynet.

5 Kilde for 1983-1993: Prisdirektoratets årsrapporter publisert i Pristidende. 1977-1982 er basert på oppsummeringer av Prisdirektoratets virksomhet i de årlige stortingsmeldingene med retningslinjer (St.meld. 53 (1977-78) s. 17, St.meld. 64 (1978-79) s. 17, St.meld. 44 (1979-80) s. 17, St.meld. 69 (1980-81) s. 19, St.meld. 58 (1981-82) s. 14, St.meld. 59 (1982-83) s. 20-21, St.meld. 43 (1983-84) s. 11). Disse oversiktene er basert på årganger som ikke helt følger kalenderåret; fra 1/11 til 31/10 året etter. Dette medfører at det blir en liten overlapp, noen saker blir talt med to ganger, de som ble avgjort i november og desember 1976, mens det tilsvarende blir en glipp for de sakene som ble avgjort i november og desember 1982. Dette skulle likevel ikke ha betydning for hovedinntrykket, skulle tallene for de enkelte år bli mye forskjellig med "årsskifte" 1. november skal dette jevne seg ut. 1954-1976 er basert på Bachke 1977, side 48.

Andel inngrep i sakene behandlet av Prisrådet 1954 - 1997.6



Det er vanskelig å slå fast at det har funnet sted en *jevn* nedgang i andelen inngrep, men det er tydelig at Prisrådet etter en litt nølende start var svært hissige på å gripe inn overfor forretningsnektelser. Dette kommer særskilt godt til syne sammenlignet med den jevnt lave villigheten til å gripe inn man finner i prislovens siste tiår. Foruten toppårene i 83, 85 og 86 har andelen vært jevnt under gjennomsnittet (45%) i siste halvdel av prislovens regimetid. Og de siste årene sank andelen til i praksis 2-3 saker i året. Etter den nye loven trådte i kraft har det vært henholdsvis 1, 0 og 1 inngrep.

Bachke (1977) kommenterer utviklingen tom 1975, og forbauses av det han forstår som en stadig mer forståelsesfull holdning overfor forretningsnektelser. Dette baserer han på en overgang fra at flertallet av klager blir tatt til følge, til at mindre enn halvparten blir denne skjebne til del. Hans skjønn, om enn mer kvalifisert, er likefullt ikke mindre skjønnsmessig enn mitt skjønn. I ettertid synes det litt merkelig at nettopp dette skulle utgjøre en grenseverdi, i dag opererer vi jo med 10% inngrep! Sammenlignet med den utvikling han ikke kunne vite noe om, den som kom etterpå, er praksisen langt mer "forstående" i dag enn den han karakteriserer som "forståelsesfull". Jeg har selv studert utviklingen og vært i tvil om det finner sted noen sig-nifikant endring overhodet. Dette bla a på bakgrunn av det lave antall saker. Men når Bachke mener det finner sted en dreining i mer aksepterende retning, på grunnlag av et materiale mye mindre preget av endring enn den etterfølgende utvikling, legger jeg til grunn at en slik endring har funnet sted.

Hvordan kan man forklare endringen? Det er i hovedsak to forhold som peker seg ut til å forklare at nesten ingen saker ender med inngrep, og ikke har gjort det på 10 år: Innslaget av "bagatellsaker" og utviklingen av den bestemte markedsformen "monopolistisk konkurranse". Men før vi kommer så langt, er jeg nødt til presentere kildematerialet.

Det empiriske grunnlaget.

Det jeg har gjort, er å gjennomgå et sakspapirene for et utvalg av sakene i to perioder. Fra årgangene 1991,1992 og 1993 (slutten av prisrådperioden) har jeg trukket ut en tredjedel av den samlede saksmengde, og tilsvarende fra årgangene 1995, 1996 og 1997. Til sammen har dette blitt 39 saker, der jeg har gjennomgått sakspapirene fra den formelle klage til vedtak eller avslutningsbrev foreligger fra myndighetenes side. I det gamle regime gjaldt en del andre regler som har betydning for hvordan man skal telle sakene. For det første var saksbehandlingen innrettet mot Prisrådet. Sekretariatet for Prisrådet var prisrådkontoret i Prisdirektoratet. Denne forskjellen innebærer at man i det gamle regime fikk "henlagte" og

6 Kildene på antall inngrep er de samme som over, prosentueringene er foretatt av meg.

"trukne" saker, saker som aldri kom så langt som til Prisrådbehandling. Jeg har tatt med noen slike saker også. Etter innføringen av konkurranseloven forsvant ordningen med Prisrådsbehandling. Sakene behandles nå av saksbehandlere i den såkalte "markedsavdelingen" på Konkurransetilsynet, og avgjøres rent administrativt av ledelsen i markedsavdelingen sammen med ledelsen av Konkurransetilsynet. Dermed blir forskjellen mellom saker som ble behandlet av Prisrådet samt de som ble henlagt/trukket, og saker som får endelig vedtak i dag, ikke så stor.

Av de gamle sakene var det 16 som ble behandlet av Prisrådet. Disse ble trukket tilfeldig etter saksnummer utfra de tre nevnte årgangene. De 16 sakene ble supplert med 7 saker som ikke "nådde fram" til Prisrådet, saker som ble trukket eller henlagt. At de ble henlagt innebærer på ingen måte at de ble uinteressante. Til sammen består det "gamle" materialet av 23 saker. Det nye materialet består av 16 saker. Disse er trukket ut på samme måte som i det gamle materialet, og utgjør tilsvarende omtrent en tredjedel av den samlede saksmengden i perioden.

Materialet gir ingen mulighet til å forklare utviklingen i hele perioden. En forklaring på nedgangen måtte ta høyde for hvorvidt sakene var sammenlignbare gjennom hele perioden. Det er feks ikke sikkert, som det antydes over, at inngrepsandelen gjenspeiler en slags *holdning* til å gripe inn. Det kan like gjerne være uttrykk for at sakenes *karakter* har endret seg. Dessuten kan det være misvisende å bare fokusere på klager som fører til inngrep. Mange saker løser seg underveis i saksbehandlingen. Enkelte av de trukne saken fra Prisråd-tiden blir forlikt underveis. Det samme finner vi i dag, og det virker som en rimelig antagelse at innslaget av slike saker har vært jevnt helt siden 1954.

Bagatellsakene.
Det som etterhvert ble åpenbart, var at de fleste saker aldri ble formulert skriftlig, og aldri fikk noe saksnummer. De aller aller fleste henvendelser kommer pr telefon. Kontorsjefene, som tar seg av slike henvendelser, redegjør da rutinemessig for reglementet og antyder hva som skal til for å få medhold, tar i mot adresse og sender et eksemplar av retningslinjer for behandling av klager. Det viste seg at Konkurransetilsynet mottok 1-2 slike henvendelser hver dag! Det gir, hvis vi beregner 250 arbeidsdager i året, 350-400 hundre henvendelser årlig. Minst.

Dette er tall som rimer bedre med en intuitiv forståelse av omfanget av forretningsnektelser og konflikter generelt i næringslivet. Av 400 er det 5% som ender med formell klage. Og av disse er det kanskje 10% igjen som får medhold. Jeg skal ikke antyde at ansatte i Konkurransetilsynet skremmer vekk klagerne, det er det ingenting som tyder på. Antageligvis tyder omfanget av frafall fra telefon til formell klage, at det er svært få saker som er leveringsnektelser av et slikt slag at det ville medført inngrep. En grunn til å tro noe slikt finner vi blant noen sakene som fikk saksnummer. Mange av disse bærer nemlig preg av at de ikke har hatt telefonisk kontakt med Konkurransetilsynet før klagen ble sendt (eller er sendt inn på tross av at saken åpenbart ikke ville få medhold). Dette er saker som ikke faller inn under noen av inngrepskriteriene, der heller ikke klager hevder at noen av disse gjør seg gjeldende, eller der dette fremgår som utvilsomt. Jeg har kalt denne type saker for "bagatellsaker".

Ved en gjennomgang av de 39 sakene fant jeg å kunne karakterisere 21 som bagatellmessige. Godt over halvparten av sakene totalt er enten klager fra forbrukere, klager på offentlige reguleringer, faller utenfor prislovens eller konkurranselovens kompetanseområde, bærer preg av kverulantisme fra klageren, er av personlig karakter, eller bærer preg av å handle om noe

helt annet (som tilfeldigvis medfører forretningsnektelse, som mislighold av kontrakter). Mange av sakene hadde rett og slett ikke noe å gjøre i Prisrådet eller Konkurransetilsynet. Dette gjaldt særlig de "nye" sakene (12 av bagatellsakene er nye, mens 9 er fra det eldre materialet).

En grunn til den lave andelen inngrep er rett og slett karakteren til de sakene som kommer inn. Mange av sakene Konkurransetilsynet behandler er således slike som kunne vært avskåret i telefonen, dersom klager hadde ringt før klage ble sendt, eller forstått rekkevidden av det som fremgår av retningslinjene de fikk tilsendt. (Det er typisk at "bagatellklagene" ikke føres av jurister men lekfolk.) Når Konkurransetilsynet får så mange som opptil 400 henvendelser i året, er det bare rimelig at noen av disse passerer det filteret som telefonen muliggjør.

På dette grunnlaget kunne man stille det omvendte spørsmål, om hvorfor så *mange* saker som 15-20 ble behandlet av Konkurransetilsynet og Prisrådet, og hvorfor så *mange* som det gjorde medførte inngrep. Konkurransetilsynet og Prisrådet kan de seneste ti år betraktes som en oppsamlingspost for mindre fornøyde næringsdrivende, som i større eller mindre grad, og mer eller mindre tilfeldig er blitt utsatt for nektelse av forretningsforbindelse.

Men fortsatt står 18 saker igjen definert som "genuine" forretningsnektelser. Det er tross alt nesten halvparten av sakene. Hvorfor er det heller ikke her særlig utbredt å foreta inngrep?

Monopolistisk konkurranse.
Svaret kan ligge i forekomsten av markedsformen "monopolistisk konkurranse", men denne sammenhengen er basert på mer spekulative sammenhenger enn det foregående. Selve begrepet "monopolistisk konkurranse" kan høres ut som en selvmotsigelse, konkurranse og monopol blir i økonomien betraktet som ytterpunkter og motsatser i spekteret av markedsformer. Men navnet skjemmer visst ingen, og når man snakker om monopolistisk konkurranse siktes det oftest til det vi kan kalle "merkevarekonkurranse". I denne formen for konkurranse om forbrukernes kjøpevillighet, er fokus flyttet fra pris til *egenskaper* ved varen og/eller *bilder* av egenskaper ved varen, selv om pris ikke blir helt eliminert som konkurranseparameter. I noen markeder er varene helt homogene, som økonomene sier. Dette er en av forutsetningene i "frikonkurransemodellen". Mel og sukker består av de samme kjemiske sammensetningene uansett hvilket firma som produserer det. Det motsatte er heterogene markeder, hvor varene ikke direkte kan erstatte hverandre. Enten besitter de forskjellige kvaliteter, som feks møbler. Men her er det en glidende overgang til mer eller mindre fiktive forskjeller produkter i mellom. Mer og mer vanlig er det at varene *fremstilles* som mer differensierte enn de i virkeligheten er. Vi kjenner de mest påfallende eksemplene alle sammen, for dette er de som møter oss på TV-skjermen i reklamepausene, fra superboards og alle de rom som reklamen etterhvert har invadert, inkludert private telefonsamtaler. Biler, damebind, bensin, leskedrikk, sjokolade, klær, - eksemplene på merkefokusert konkurranse kunne mangfoldiggjøres.

Den økte betydningen av denne markedsformen kan illustreres med veksten i reklamebransjen. Fra 1979 til 1992 økte bruttoproduksjonsverdien nesten fem ganger, fra 1,7 til nesten 8 milliarder kroner, antallet bedrifter økte 1½ gang, fra 500 til 1300 (Historisk Statistikk 1994, tabell 21.6). Denne veksten henger både sammen med at antallet arenaer reklamen utspiller seg på har økt, slik at det å markedsføre en vare med reklame er blitt dyrere, og at reklame har blitt en viktigere del av konkurransen. Tallene skal derfor ikke

brukes til å antyde at omfanget av monopolistisk konkurranse er firedoblet siden Bachke gjorde sin studie. Men at den har økt betydelig, synes opplagt.

Det fremgår ikke av øvrige studier av leveringsnektelser i hvilken grad klager har rettet seg mot leverandører av merkevarer. Hverken Bachke (1977) eller Jensen (1991) tar opp dette spesielt. Det finnes således ikke noe sammenligningsgrunnlag for dagens situasjon. Men det er påfallende at i 14 av de 18 sakene som ikke er klassifisert som bagatellmessige, finner forretningsnektelsen sted i en markedsføringskanal preget av monopolistisk konkurranse.7

Hvilken relevans har sammenhengen mellom manglende inngrep overfor forretningsnektelser og forekomsten av monopolistisk konkurranse? Vi så innledningsvis at Prisrådets og Konkurransetilsynets virksomhet måtte forstås i lys av lovenes formålsparagrafer, og at disse er nært knyttet til stimulering av konkurranse i næringslivet. Inngrepskriteriet "almene hensyn" er nært knyttet til dette, i tillegg til at Prisrådet (og Konkurransetilsynet?) har vært "særlig inngrepsvillige" overfor markeder der konkurransen har syntes svak. Men det finnes ingen tegn på at man har skilt mellom de forskjellige konkurranseformene "priskonkurranse" (frikonkurranse) og "merkevarekonkurranse" (monopolistisk konkurranse) i de sakene jeg har gjennomgått. Det er påfallende at et typisk merkevaremarked som klesbransjen blir kategorisert som i "virksom konkurranse", mens empiriske studier av dette markedet (som Furseth 1994) konkluderer med at dette er en sannhet med omfattende modifikasjoner, det hevdes bla a at de dominerende kjedene ikke deltar i den lokale priskonkurransen (s 207).

Til tross for konkurranseformenes forskjellige egenskaper, den ene retter seg mot pris og presser prisene ned, mens den andre først og fremst retter seg mot egenskapene til varen og fremstillingen av disse, ser det ut til at konstateringen av konkurranse uansett utløser motvilje mot å gripe inn. Når utviklingen i næringslivet går mot mer og mer produktdifferensiering (man sørger for at produktene i samme marked ikke ligner hverandre) og/eller mer og mer reklame (man sørger for at produktene i samme marked ikke ser ut som de ligner hverandre), er det klart at dette gjenspeiles i Pris/konkurransemyndighetenes virksomhet. Det blir stadig viktigere for videreforhandlere å forhandle det rette produktet, mens Prisrådet og Konkurransetilsynet opererer med et udifferensiert konkurransebegrep.

Til slutt.

Motstrebende har vi erkjent at det i Prisrådets virksomhet synes å finnes en gradvis dreining i retning vegring mot å gripe inn overfor forretningsnektelser i næringslivet. Det er påpekt to forhold som kan forklare dette. Andelen bagatellsaker kaster lys over den lave andelen inngrep i dag, mens utviklingen av konkurranseformer der produktenes mer eller mindre tilsynelatende forskjelligartethet kan gi forståelse også av nedgangen i inngrepstilbøyelighet. Vi skal ikke her ta stilling til om Konkurransetilsynets håndtering av monopolistisk konkurranse er av det gode eller onde. Vi nøyer oss med å antyde at utviklingen av næringslivet i retning av produktdifferensiering og reklamebasert konkurranse kan kaste lys over utviklingen av andelen inngrep i forretningsnektelser behandlet av Prisrådet og Konkurransetilsynet. Minst like viktig for denne forståelsen imidlertid omfanget av bagatellsaker, som igjen må forstås på bakgrunn av konkurransemyndighetenes saksfilter. Ikke alle bagatellsakene blir avverget i klagers første møte med Konkurransetilsynet, og tidligere Prisdirektoratet, og behandlingen av disse sakene utgjør en stor del av myndighetenes virksomhet på dette feltet.

7 Basert på mitt skjønn.

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Kontroll av økonomisk kriminalitet innen det internasjonale verdipapirmarkedet

Verdipapirmarkedet har de senere år vært rystet av flere store skandalesaker. Lovbruddene strekker seg fra det enkle til det komplekse; fra underslag (NOKA), dokumentfalsk, kursmanipulasjon (Sysdeco), megleres brudd på god forretningsskikk (NAT/ Platou) til innsidehandel. I forbindelse med disse sakene er det reist spørsmål om hvor kontrollen var når lovbruddene skjedde og hvorfor det ikke ble satt noen stopper for dem.

Undersøkelsens siktemål, som avsluttes i år 2000, er å beskrive noen "cases" hvor kontrollen av ulovlige handlinger vektlegges. Det er det ytre, formaliserte kontrollapparatets funksjoner (Kredittilsynet [SEC], Børsen og ØKOKRIM) undersøkelsen retter seg mot. Utviklingen innen kontrollen er ikke entydig. På 1980 - tallet skjedde nasjonalt en sterk deregulering av finansnæringen (Larsson 1997a). Samtidig skjedde i mange vestlige land en formalisering av kontrollen innen verdipapirmarkedet (Moran 1984 og Clarke 1986). Etter økonomi- og bankkrise ved inngangen til 1990- tallet har det nasjonalt og internasjonalt skjedd en utviklingen av ulike kontrolltiltak rettet mot finansnæringen.

Innsamling av data vil konsentrere seg om bruk av foreliggende materiale, supplert med intervjuer av sentrale aktører. Analysen vil fokusere på velkjente "cases". Både norske og utenlandske saker vil beskrives slik at ulikheter i kontrollsystemer og kontrollkultur kan sammenlignes.

Reguleringen av næringen er viktig av flere grunner. Verdipapirmarkedet har i dag en helt sentral plass innen økonomien. Dette marked er slik at kriminalitet og kriser ikke bare truer de nasjonale markeder, men den økonomiske orden på internasjonalt nivå. Det er flere offer for kriminaliteten innen næringen. Enkeltaksjonærer taper store pengesummer på underslag og bedrageri (eks. Noka-saken). "Markedet" eller "børsen" kan lett bli offer - de er avhengig av tillit, hvis tilliten svekkes vil omsetningen av verdipapirer lide under det (NOU 1996: 2).

Hensikten med undersøkelsen er å belyse sentrale spørsmål omkring reguleringen og kontrollen av verdipapirmarkedet. Eksempelvis:

- Styrke og svakheter ved ulike former for kontroll.

- Hvordan kan lovbrudd innen næringen bedre forebygges?

- Er det realistisk at lovbrudd oppdages underveis, eller kun etter handlingen er begått?

- Kontrollens kostnader og inntekter. Det vil si hvilke hinder skaper ulike kontrollformer i markedet, er det noe å tjene på økt regulering av verdipapirmarkedet eller er det utelukkende utgifter forbundet med kontrollen?1

- Kan utviklingen innen kontrollen av dette markedet best beskrives som deregulering eller er det snakk om re- eller omregulering? En kan i enkelte næringer se at deler av reguleringen som setter rammer for driften fjernes, mens det ytre kontrollapparatet samtidig styrkes.

Det vil være essensielt å besvare disse spørsmål for å belyse hvordan kriminalitet innen næringen bedre kan reguleres.

Den strukturelle rammen. Utviklingen innen verdipapirmarkedet de seneste tiår

Det har blitt spesielt viktig å kontrollere verdipapirmarkedet etter omsetningen innen markedet skjøt i været fra midten av 1980- tallet2. Før 1983 - 84 var kjøp og salg av aksjer og verdipapirer noe som gjaldt en snever elite. Det var på mange måter innsiderenes marked. Markedet fikk et nytt preg etter flere nye aktører kom inn (Clarke 1986). "Folk flest" ble oppfordret til å sette penger i ulike fonds og det ble vanlig at ulike "kasser" (pensjonskasser og lignende) handlet på Børsen. På denne måten ble markedet demokratisert. Dermed kom det inn eiere som hadde et langt mer indirekte forhold til bedriftene de investerte i. De var ikke direkte interessert i bedriften, men kun i utbyttet av papiret. Derved økte betydningen av tilliten til verdipapirmarkedet og meglerne. Dette medførte en bevegelse fra mer uformelle former for kontroll, selvkontroll og i retning av formalisering (Moran 1984). Det kom flere nye lover fra midten av 80- tallet eksempelvis Lov om verdipapirhandel og Lov om verdipapirsentralen 1985 og reguleringen av innsidehandel fra 1988.

Mye av hva som skjedde i Norge har likhetstrekk med utviklingen i andre vestlige land. Den norske økonomi per 1997 er en del av den internasjonale økonomi. Kontrollen av omsetningen av verdipapirer i Norge kan derfor ikke studeres alene, den må settes i en internasjonal ramme og sammenlignes med utenlandske erfaringer. En ny hverdag i næringen medfører at gamle måter å kontrollere næringen foreldes og at nye presser seg frem.

Metode / "cases"

Tilgangen på data er alltid et problem når lukkede verdener skal studeres. Verdipapir- og finansmarkedet har mange ekskluderende trekk og var inntil nylig preget av å være innsidernes marked. Likevel finnes det metoder som kan benyttes, en mulighet er studier av foreliggende materiale omkring velpubliserte saker.

"Ofte er det slik at kritisk journalistikk får sakene frem i lyset og fungerer som pådriver for kontrollmyndighetenes arbeide. Fra nyere tid i Norge er Hårek saken (Larsson 1997 a),

1 Da VPS (lov om verdipapirsentralen) ble diskutert i stortinget kom det en rekke kritiske invendinger om kostnadene ved registreringen i forhold til de fordeler en vant med å innføre den. Man antok registreringen ville skape unødige hinder i verdipapirmarkedet og at det ville medføre stort ekstra-arbeide. Det viste seg at vinsten ved denne formen for kontroll overgikk kostnadene.

2'De senere år har vi hatt en eventyrlig utvikling når det gjelder omsetningen av aksjer og obligasjoner. I mange år lå meglernes totalomsetning av aksjer på noen hundre millioner i året, men de siste par årene har omsetningen rett og slett eksplodert. I 1983 var omsetningen på 7 milliarder kr, og i tillegg ble det foretatt kapitalutvidelser i børsnoterte selskaper for 2.7 milliarder kr. I 1984 ble denne fantastiske omsetningsrekorden slått ganske ettertrykkelig, og omsetningen ble økt til nesten 20 milliarder kr, og kapitalutvidelsen passerte 6,5 milliarder kr.' (Debatt Odelstinget Em. 30 mai - Lov om verdipapirsentral s. 992, 1985). Disse tall er 'peanuts' mot dagens omsetning av verdipapirer. Omsetningen av aksjer og grundfondsbevis på Oslo Børs passerte i 1993 terskelen på 120 milliarder (NOU 1996: 2)

> NAT /Platou (februar / mars 97) og Noka Securities (mai 97) sakene talende eksempler. Særlig Dagens Næringsliv har satt kritisk søkelys på tvilsomheter innen næringslivet som har vist seg å være store og alvorlige kompleks. De metodiske problemer med å bruke media er mange, men det som ofte har skjedd i de store skandalene er at andre, kontrollmyndigheter og gransknings grupper, også har gått inn i sakene. Det virvles derfor ofte opp et svært stort og sammensatt materiale opp som står til forskerens disposisjon." (Larsson 1997b)

Medias viktigste funksjon i slike saker er som pådriver for det formelle kontrollapparat. Det bør understrekes at mediadekningen ikke er hovedkilde, det er dokumentasjonen kontroll-apparatet produserer som er av størst betydning. Det kan være dommer, sakspapirer, ulike rapporter, innberetninger eller faglitteratur. Disse kilder vil suppleres med samtaler med ansatte i ØKOKRIM, Kredittilsynet og børsen samt "spillere" på markedet.

Noen saker som kan være egnet å studere i detalj er:

- NAT (Norwgian Applied Technology) / Platou saken. Denne saken avdekket at fonsdmeglere ikke bare i Platou, men også andre firma forsynte seg kraftig av aksjer som deres kunder skulle hatt. Disse aksjene ble betegnet som underpriset slik at fondsmeglerne gjorde nærmest "idiotsikre" investeringer. Firmaet R.S. Platou valgte å innstille sin virksomhet etter Kredittilsynet inndro deres konsesjon. Kredittilsynets rapport om forholdene i meglerhuset understreket en rekke kritikkverdige forhold (DN 22/3 - 1997).

- Noka securities /Almgren saken. Hovedforholdet i Noka kollapsen var at adm. dir. Almgren i Noka Securities investerte i Ericsson aksjer med kundenes midler for å dekke over eget tap på 23 millioner i svenske statsobligasjoner. Han spekulerte på at Ericsson aksjene skulle synke i verdi (shortsalg). Det gjorde de ikke, de steg. Almgren "spilte" bort kundenes penger og "pyntet" på regnskapene slik at tapene ikke kom frem (dokumentforfalskning). Almgren ble høsten 1997 dømt til flere års fengselsstraff for disse forhold. Totalt ble det avdekket et tap på over 150 millioners, flere tapte millionbeløp på Noka.

- Peter Young / Morgan Grenfell saken. Dette komplekset er kanskje spesielt interessant fordi Young blant annet spekulerte i norske verdipairer og brøt flere børsregler i den forbindelse (som eksempelvis flaggingsplikt, det vil si rapportering om kjøp til børsen). Young var ansett å være en av de absolutt beste spekulantene før han "mistet taket". Etterhvert kom han til å sette store summer i risikofylte investeringer.

- Baringsbank / Leeson saken. Baringsskandalen er et eksempel på svikt i både bankens intern- og eksternkontroll (Larsson 1998). Ingen grep inn før den unge Nick Leeson hadde "spilt" bort ærverdige Barings banks (som ble grunnlagt på begynnelsen av 1700 tallet) reserver på børsen i Singapore i januar 1995.

Fra selvregulering til formalisert ytre kontroll?

Store deler av verdipapir- og finansmarkedet har inntil nylig i stor grad vært selvregulert. Selvregulering kan enten utføres av den enkelte bedrift eller av bransjeorganisasjoner (som Norges Fondsmeglerforbund). Selvregulering kan defineres på denne måten:

> "Self-regulation is defined broadly to include social control against corporate crime engaged in by both individual corporations and trade associations. It includes private enforcement of the law and private enforcement of corporate policies designed to prevent

corporate offences (such as accounting policies designed to prevent slush funds and bribes)." (Braithwaite og Fisse, 1987 s. 222)

Denne type kontroll fungerer best i lukkede homogene kulturer hvor aktørene er av ens oppfatning når det gjelder etiske spilleregler og hvor trusselen for overtramp er utstøtelse (Clarke 1986).

Børsen er en selvregulerende organisasjon3. Børsen skal føre tilsyn med at børsreglene overholdes (børslov § 1-5, se NOU 1996:2 s. 189). Det gjelder eksempelvis regler om verdisensitive opplysninger, et tilfelle var Sysdeco som ikke ga riktige opplysninger og dermed bidro til å skape en feilprising av aksjene. Det gjelder også regler om hvem som kan handle med papirer, kravet om at kunden skal være valuttainlending var et spørsmål i Peter Young saken hvor det ble handlet norske verdipapirer. Det kan også være spørsmål om brudd på meglernes egne retningslinjer. De skal ideelt sett være en "uinteressert mellommann" ikke drive egen butikk, noe som ikke var tilfelle i NAT saken. Dette forholdet kan også oppfattes som brudd på den noe runde betegnelsen god forretningsskikk (vphl §5). Børsen skal melde fra til Kredittilsynet dersom "børsen har grunn til å anta at det er handlet i strid med bestemmelsene i vphl."

I den senere tid har Børsen måttet tåle kritikk på grunn av håndteringen av flere saker. Dagens Næringsliv (3/3 - 97) kom med påstander om at børsen ikke lenger var troverdig som kontrollør. Det var for få ansatte, 6 personer, som hadde mangelfull informasjon til å kunne utføre sine oppgaver. Kontrollen burde derfor flyttes til Kredittilsynet ble det hevdet. "Kontrollstaben på børsen kan like gjerne flyttes til Kredittilsynet, som i alle tilfelle har mer troverdighet i sitt embete enn Oslo Børs." (DN 3/3 - 97).

Det er flere organer som kontrollerer ulike sider av verdipapirhandelen. Børsen og Kredittilsynet skal samarbeide i større saker, mens ØKOKRIM tar seg av de saker hvor det er snakk om å reise tiltale. Kredittilsynet utfører vanligvis stedlig tilsynsvirksomhet. Deres hovedmandat er etterhvert utvidet fra å konsentrere seg om soliditeten til bedrifter innen finanssektorens til å se til at de "virker på en hensiktsmessig og betryggende måte." Det er en rekke handlinger som rammes av denne utvidede definisjon blant annet innsidehandel og aktivitet som truer tilliten til verdipapirmarkedet. Kredittilsynet har langt større muligheter etterforske større sakskomplekser enn børsen. Både Børsen og Kreittilsynet benytter først og fremst råd og advarsler når overtramp oppdages. Disse kontrollorganer spiller på lag med og har i stor grad sammenfallende interesser med de kontrollerte. Kontrollører og kontrollerte har ofte samme faglige og yrkesmessige bakgrunn (Løyning 1995) noe som stort sett oppfattes som en fordel, men som også kan være problematisk. Fordelen er at de vet hvordan det tenkes og gjøres i finansverdenen, mens det kan være uheldig at de skal kontrollere "gamle kjenninger".

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"They are not honest criminals" -the construction of legal practices around the policing, litigation and counterlitigation surrounding white collar crime and entrepreneurship in contemporary Finland.

working paper

Abstract:
There is (once again) a boom in the control of white collar crime in Finland and much has happened in this field throughout the 1990´s.New laws have been passed, not only criminalizing laws, but laws that have as their aimpoint to make the control economic crime more effective. Positions for public prosecutors specialized in the field of white collar crime have been established.

The whole organization of investigation of white collar crime has been reformed and new posts have been established. The police and tax-authorities have developed new ways to control white collar crime. Extensive crimes have been revealed. Also they have as one of their aimpoint to access the damages caused by white collar crime. The tax authorities arranged a massive advertising campaing against the hidden economy.

All this has resulted e.g. in that the representatives and unions of enterpreneurs have reacted strongly: they are describing these control policies with words like "police-state", "murder of justice" "percecution" etc. A new phenomena has aroused. The people who are prosecuted of white collar crime`s are constantly lodging complaints or pressing charges against the police and litigating for damages caused by allegedly false accusations.

The interesting matter in this phenomena of policing, litigation and counterlitigation is that the police claim that the accused are litigating and lodging complaints only in order to prolong the process and to take the attention away of the crime. The enterpreneurs claim that there are political reasons for the police to control them, and that the measures used in this persecution are exaggerated and illegal. The aimpoint of the presentation is to try to understand at how and why these new control practices are constructed from different points of view, and try to connect this more generally with the phenomenon of white collar crime.

1. Introduction

There are two aimpoints of my presentation. Firstly, I want to give an insight to the present boom of the control of white collar crime in Finland, and to the relatively new phenomena of lodging complaints and counterlitigating in cases of white collar crime; Secondly, I will try to analyze how these new control practices and reactions against them are constructed from different points of view, and try to connect this more generally with the phenomenon of white

collar crime.1

As everyone knows, white collar crime has been relatively neglected in the study of crime and deviance. The main focus of study - as well as that of control policy - has been on traditional street-crime.This is the case in Finland as well. Every now and then, however, it becomes fashionable to talk about white collar crime as a public problem2. In Finland there was a phase of concern in the beginning of the eighties when several big cases on white collar came to daylight and a boom of prosecuting white collar criminals emerged. A lot of the charges were dismissed, because of the complicated nature of the cases, and because of the inexperience of police and procecutors. In 1983 our President Koivisto gave critisized the public procecutors for procecuting too easily in cases of white collar crime. After that, the thereshold to prosecute white collar criminals became higher. All in all, the debate concerning stricter control faded away towards the end of the eighties.

After the long period of economic growth and excessive consumption in the 1980´s, a period of depression began in Finland in the beginning of the nineties. The development of the GNP began to decline and unemployment began to increase. There was a rapid increase in the number of bankruptcy petitions.3 In 1992 there was the so-called 'Black Thursday', when several banks published simultaneously their unprofitable part-year reports and several big companies became bankrupt. During the depression, several illegal acts committed by bank directors, politicians and businessmen were revealed, and simultaneously excessive gover-mental monetary support was granted to banks, which have in the last few years experienced considerable problems partly because of the losses caused by dishonest businessmen and bank executives.

The decision makers' attention was once again to economic crime and one of the key profit areas within the profit plan of the police in 1993-96 was to prevent economic crime. In order to achieve the objectives set in the plan, a project was launched in the chief management of the police, to draw up a concrete strategy on the measures required by the effective prevention of economic crime.

In 1993 a research was funded by the ministery of interiors on the economic damages caused by white collar crime. Prior to this researchproject, there was no comprehensive statistics available of economic crime as we defined it in this research (committed in an organizational framework).4

The main task was to assess *the extent of the economic/white collar crime crime and the amount of losses* of the cases that were sentenced. Also the problems of investigation of the police were mapped.

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1 At this point I have not had the possibility to systematically gather extensive data on the exact amounts of complaints or lawsuits against the police. A preliminary questionnare concerning the experiences of the police in this matter was performed to all investigators dealing with white collar crime. In addition I have discussed the matter with numerous investigators. A case study was completed on compaints made against one person in charge of inquiries, as it was seen as an interesting 'exaggerated stereotype' of the phenomenon.

2 On the processes of defining public problems, see e.g. Gusfield: 'The Culture of public problems' (1981).

3 The increase of banctrupsy petitions began several years earlier at the same time when the financial markets were liberalized (deregulated). Matti Viren, Velkakierre No. 13,1995. p.33.

4 Laitinen-Alvesalo: Talouden Varjopuoli (The dark side of economy), (1994).

The main result of the research was that only *10 % of the damages that are known to the police/procecutor are adjudged.* Furthermore only *5 % of the adjudged damages are received back from the offenders by the state or other victims.* **5** The puhishments in white collar crime were very lenient. Also an estimation was presented on the total amount of damages, that is, the damages caused by the hidden white collar crime.This research had a lot of publicity, and it aroused controversial reactions. All in all, it had its role in strengthening the present "war against white collar crime".

2. The present crusade against white collar crime

In the field of white collar crime much has happened throughout the 1990´s: The present *goverment has in its programme "to fight white collar crime and the black economy"* and they have made a special programme6 to do so, and are politically bound to the promises of the programme. The parlament granted 100 million finnish marks to the programme. It has been emphasized that the money invested in control will be multiplied as the damages caused by this type of crime will be seized.

Indeed, in the field of controlling white collar crime a lot has happened throughout the 1990´s in Finland in several branches.7 New laws have been passed, not only criminalizing laws, but laws that have as their aimpoint to make the control economic crime more effective, e.g. the law regulating banctrupcies, register of companies, debt recovery procedure, concealment regulation between authorities and bank secrecy. There are new positions for public prosecutors specialized in the field of white collar crime. A special new office has been established i.e. the banktrupcy ombudsman whose duty is to supervise banctrupcies.

The whole organization of investigation of white collar crime has been reformed and the amount of investigators has multiplied during the past few years. Policemen have special courses on how to investigate white collar crime and ad hoc organs for co-operation between different authorities have been established. The police management has also constructed their own definition for white collar crime, which has been informed to all policemen who are involved in investigating them. The policemen are obligated to register all cases that fulfill the definition in a special page in the reports of offence. The aimpoint is to attain comprehensive statistics on white collar crime, and to have up to date information on the amount of property that has been seized by different police districts.

The police and tax-authorities have developed new ways to control white collar crime. The key elements of the new control policy are to are attain damages and to control white collar

5 Virta, Erja - Laitinen, Ahti, 1996.

6 Valtioneuvoston periaatepäätös 1.2.1996 (The Goverments Desicion of priciple 1.2. 1996)

7 Ministery of justice: New laws have been passed e.g. the law regulating banctrupcies, register of companies, debt recovery procedure, concealment regulation between authorities and bank secrecy. Public prosecutors offices specialized (12) in the field of white collar crime have been established and there is special training for all procecutors. A special new office has been established : the bantrupcy -ombudsman whose office´s duty is to supervise banctrupcies and who performs special investigations in banctrup´s estates. The Police: 20 new investigation units and new posts have been established (now 406 investigators). Policemen are trained to investigate white collar crime and special organs for co-operation between officials have been established. One of their aimpoints is to access the damages caused by white collar crime. The tax authorities financed a massive advertising campaing against the black-economy. They have developed a computerprogramme with which they try to reveal "suspicious enterprises". Ministery of trade and industry: New laws are under construction on state subsidies, and the control of them has been made more strict.

crime - not years after they have occured - but as they are happening. This has meant that the whole culture of investigation has changed in cases of white collar crime. The new requirements have resulted in that the police are much more active in their control-mechanisms. Instead of inviting the suspected white collar criminal politely to come to answer some questions, the police arrest them for interrogation. They are using more coercive means (e.g. house search, seizure of property), they are using intelligence to reveal crimes. The co-operation of officials has become quite routinized and effective. In addition the police the tax- and some other authorities arranged a massive advertising campaing against the black economy.

At the same time, some high officials have been aquitted from white collar crime. One of the most scandalous event was that the husband of a member of the supreme court was dismissed from accustations of tax evation on the basis of the "small amount of the evaded tax". This has caused another kind of image of control: citizens are claiming that the criminal justice systems favours those in high places and the whole integrity of the supreme court has also been questioned. Furthermore, an ex-ministers ("Uffe") compensations for civil damages related to the bank crisis were adjusted drastically by the present minister of Finance, and the damages were considered tax-deductible. When this became public knowledge, the Minister of Finance gave her resignation. These scandals have had their role in preassuring the police to get better results in the investigation of white collar crime.8

All in all, white collar criminals have been forced to face similar kind of intensity of reactions of the control system as "traditional" criminals have done for ages.

3. Images of control - Images of reactions towards it

Along with the new and intensified control mechanisms of white collar crime, another relatively new phenomena in the finnish legal culture has aroused. The people who are suspected of white collar crimes are constantly lodging complaints or pressing charges against the police claiming e.g. that there are grounds for disqualication or that there are procedural faults in the preliminary investigation. They have expressed that they do not trust the police. On the other hand, the police claim that in many cases the reason for the defendants´ reactions is that they are trying to prolong the process, and are trying to take the attention away from the real matter. It is quite interesting how how these legal practices are constructed from different points of view.

3.1. Business world and enterpreneurs

The representatives and associations of enterpreneurs have reacted strongly: they are describing the new control policies with words like "police-state", "miscarriage of justice" "political percecution", "unneccecary shaming" etc. E.g. the enterpeneurs association announced heavily in the mass media that based on their research on the actions of tax authorities, they have come to the conclusion that most of the audits had been arbitary, included several kinds of illegalities, and caused unneccecary banctrupcies. An investigative journalist questioned these results, and looked into the actions of tax authorities. According to his investigation, the images given by the enterpreneurs association have not described rightfully the present reality of control, and uses words like "enterpreneurs delusion" and "enterpreneurs media game". According to him, the tax authorities have "stepped on some big

8 Immedityly after the "Uffe" scandal, a special group of ministers was established to think on measures against white collar crime. They gathered 50 suggestions from the field to change laws and to make control more effective.

toes", and as a result there has been systematic attempts to make the tax authorities seem as "bad".9 In fact an audit was made by the state´s audit unit into the actions of tax authorities (Control of control!). The result of the inspection was that the entrepreneurs claims were wrong.

If a person feels that she has experienced that she has been treated in an unjust manner by the police there are three possible methods of reaction. One can press criminal charges, one can sue for civil damages or lodge a compaint.10 The general notion11 of police who are dealing with white collar crime is that the use of all posible legal mechanisms has increased in the past few years, and in particular they are used much more by white collar criminals the traditional criminals.

In the case study I conducted, the accused was charged of offences agains banktrupcy law: via complicated arrangements he had made 1,5 million marks dissapear. He undertook legal actions against 20 people that were somehow connected to the case. He lodged complaints, pressed criminal charges and sued for civil damages. He claimed that the person in charge of the investigation had harrased him, caused unnneccecary suffering, comitted slander, denied him legal aid, kept him in detention too long. He had similar complaints agains the investigators in the case and the prisonguards. He also claimed that the tax auditor had acted illegally. Furthermore, he claimed that the two administrators of his estate and their lawyers had given false statements. In his opinion even the bank manager who demanded that his business should be adjudicated in banktrupcy had made himself guilty of something. The general attitude of the defendant is quite clearly, that he was extremely angry that his actions were questionned in any manner, and that he had been subjected to being treated as some kind of "criminal".

"It is clear that the police see that going bancrupt is a crime in itself...I have done nothing criminal and the police are desperatly trying to find something illegal in my actions"

The more public figures often see that they are selected and subjected to control measures only because of who they are and that otherwise no attention would have been paid to similar actions. An ex-minister who was suspected of participating in land flips (the value of an estate rose from 12,5 million to 18 million in one day!) said:

*"I was a normal customer of the bank and the only reason my actions are condemnd is because of my name. What I did was only rearranging my financial matters, and I didn´t know anything about the internal problems of the bank...and the prices of estates change so rapidly."*12

3.2. Police

9 Helsingin Sanomat 23.2.1997. p.D2.

10 Lodging a complaint is a pecualiarity in the Finnish legal system. There is no due form to draft it, there are no time limits and one can complain of any actions of any state authority. The supervising authority must always look into it and give a statement. The highest official of these compaints is the parlaments legal ombudsman, who has the power to give (punitive) admonitions. Originally the complaint was designed to secure the legal rights of uneducated people.

11 According to the questionnare I made, 80 % of white collar crime investigators knew cases where such mechanisms had been used.

12 Kauppalehti 24.9.97.

The controller´s viewpoint is quite different from that of the enterpreneurs. The whole perception of white collar offenders differs radically from that of the traditional offender.

"*You can not trust these white collar criminals, they are not "honest criminals" like the traditional ones, who played by the rules and understood that it is in the nature of matters that policemen were supposed to chase criminals; that was not called persecution*". 13

The way the police look at the new control mechanisms is basically that there is nothing new in them with respect to crime control in general:

"*White collar or street crime, all in all they are crimes that we are supposed to investigate...why should we go easier with the white collar criminal?*" and "*They (white collar criminals) just cannot perceive that they get subjected to the treatment criminals are supposed to...*"14

The rhetorics used by the police show that the police in its turn is not used to the constant questioning of its actions. Surely, the police has always been subjected to complaints and litigation, but the measures used by white collar criminals are different and the according to the police, the legal grounds are new and more innovative and they are done for different reasons than traditionally:

"*They use all possible legal means against all possible parties in order to prolong the process....one cannot breathe during the investigation of white collar crimes before one has answered to numerous complaints that the accused and his legal adviser fabricate*"15 ,

and

"*... the only point of the complaints is to make the investigation more difficult...and to take away the attention away from the real matter, the crime that has been commited*" 16

Also the police see that the basic nature of the reactions against control measures is reflecting the general skewed mentality of the white collar criminal:

"*Using all those legal measures involves the same logic as illegal business...it´s playing games with the law...twisting and bending it, and using it to get what one wants*".17

The fact that quite many policemen refused to answer my question on their knowledge of cases where the accused had taken legal measures against the police gave the impression of sensitiveness in this matter:

"*Yes, I know, but I dont´t want to talk about them.*"

and

"*Lets let the parties involved tell about them...*"18

13 Comment of a white collar crime investigator (interview).
14 Comment of a white collar crime investigator (interview).
15 Comment of a white collar crime investigator in the questionnaire.
16 Comment of several white collar crime investigators in the questionnaire
17 Comment of a white collar crime investigator (interview).

There is a notion as well, that some investigators have become almost intimitated and more careful in e.g. using coercive measures in their investigation:

"*Some investigators use all their energy in building the case so that they can be sure that they can not be claimed to have done anything wrong....the majority of their time goes - not into investigating the crime - but into constructing a buffer against complaints*"19

4. Concluding remarks and questions

Is the effective control of white collar crime only a political makeshift? Nils Christie has analysed "the suitable enemy", by which he means unwanted conditions that are seen as suitable to be raised as "social problems". According to Christie drugs are a perfect enemy. The enemy needs to be hated by the population. It ought to be seen as dangerous, often inhuman. Good enemies are those that never die. He claimes that economic crime, is "perfect, indispensible, AND completely useless if taken seriously." Because the good enemy must be relatievly small, it must be without great political power. He questiones the possibility of law and order campaings against white collar criminals: "Can we imagine the same rules of the game than e.g. in drugs: (Provocation, infiltration the police pretending to be businessmen, bugging of telephones, payment to informers, the complete stripping by customs officers of business executives, and intimate body searches)?".20

Is the control of white collar crime, and the consideration of it as a "problem" permanent, or is it, once again, an acute political need that has aroused the intesnified control. According to Christie white collar crime is indispensible particularly to goverments slightly to the left. "But this enemy is a good one only when kept at a distance and on an abstract level. Clearly exposed, it might become dangerous."21 It has been claimed that in the end of the day, there will always be more political interest is more likely to be exerted in blocking or derailing white collar crime investigations, and that police can operate effectively only to the extent that they are free from political influence.22 Is in fact control the control of white collar crime more effective than the control of it ?

Christie´s analysis is quite relevant if one looks at the abovementioned trends in Finland: the elites representative´s reactions can be seen as efforts to water down their control. It is interesting how Sykes´ and Matza´s techniques of neutralazation can be found in the reactions of of white collar criminals. As Matza stated: "The criminal law, more so than any comparable system of norms, acknowledges and states the principled grounds under which an actor may claim exemption. The law contains seeds of its own neutralization".23 Denial of responsibility, denial of injury, denial of the victim, condemnation of the condemners and appeal to higher loyalities are all beautifully present in the abovementioned rhetorics of white collar criminals.

It has been suggested that in fact techniques of rationalization and neutralization can be used to explain white collar criminality, how they become lawbreakers. An Important part in the

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18 Comments of several white collar crime investigators in the questionnaire

19 Comment of a white collar crime investigator (interview) 25.11.97. There is an interesting analogy here to journalists who have been subjected to several law suits (white collar criminals´); they too have become careful when writing about them.

20 Amusingly enough, one key area of Finnish policing in 1998 is drugs.

21 Christie in van Swaaningen: Abolitionism (1986), p. 42-54

22 Friedrichs 1996, 272.

23 Matza (1964), p. 61.

aswer is that white collar criminals adopt a vocabulary of motives: excuses, justifications, disclaimers and denials.24

Foucault´s analysis on the establishment of a useful group called delinquents is pertinent here as well. He distuingishes illegalities and delinquency, where he claims the strategic opposition to exist (although the juridicial opposition is between legalities and illegalities). The fact remains that many types of harmful business behaviour have succeeded in avoiding being subject to any criminal sanctions at all.25 According to Foucault, delinquents will remain at the borderland of society, they are forced to be satisfied with weak conditions of life, becuse they are cut off from the population that could help them; they are categorized inevitably as a part of localized criminality, which isn´t atrractive; which is politically not dangerous and economically harmless.26

One the other hand one must also ask, is this agressive way of reacting to (white collar) crime desirable? Aren´t the mechanisms of the the criminal justice systems as a whole legitimated through this "war against white collar criminals". Henry and Milovanovic have suggested that conventional crime control efforts fuel the engine of crime. Control interventions take criminal activity to new levels on investment and self enclosed innovation. Public horror and outrage call for more investment in control measures that further feed the cyckle. They claim that crime is autopoetic in that it is self-sustaining through its absorption of others reactions to it.27

The suitability of the criminal justice system itself in its task has surely been questioned among criminologists (abolitionism, peacemaking criminology), but this has been done mostly in relation to street crime. In fact, with respect to white collar crime, the controllers and even the critical criminologists have stood at the same side! The Finnish criminal justice system is now embracing also other than the marginalized: in its net are caught also the elite´s representatives who have expressed that the criminal justice system is unfair. Will this lead into that new mechanisms outside the criminal justice system are demanded and developed? If so, will those alternative mechanisms be implemented only in the illegalities of the elite?

Why is it useful too look at the control system of white collar crime and reactions against it?
White collar crime has questioned the traditional concept of crime. It reminds us constantly of the artificiality of all definions of crime28, and maybe even makes us question the onthological reality of crime on the whole.29 The control mechanisms of white collar crime are different then those of ordinary crime, and so are the reactions against control. The control of these offences is often said of being hampered of competing values and social costs which do not arise in repressing ordinary crime.30

Research on white collar crime should not, however, lead to reaffirm the existing realities of the criminal justice system. What Henry and Milovanovic suggest in their proposal for a Constitutive Criminology is the development of alternative replacement discourses, which are directed toward the dual process of deconstructing prevailing structures of meanings and

24 Friedrics 1996, (among others), 230.
25 Nelken in Maguire et al: Oxford Handbook of Criminology (1994), p. 366.
26 Foucault: Dicipline and Punish, (1980), p. 315.
27 See Henry and Milovanovic: Constitutive Criminology,(1996), pp. 214-241.
28 See Nelken (1994), p. 366.
29 This is what the aboilitionists claim: there is no onthological reality of crime.
30 See Nelken (1994), p. 360.

displacing them with new meanings, words.This is in fact what Sutherland did when he introduced his ground-breaking definition of white collar crime, which has reorientated much investigation in the notion of crime.31 Looking into the control mechanisms, and reactions to control and how they are constructed from different points of view gives interesting insights into the analysis of the criminal justice system as a whole.

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31 Sutherland (1940), See Henry and Milovanovic (1996), p. 106.

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Den seneste kriminalitetsudvikling i Grønland

Generelt om politimesterembedet i Grønland
Grønland er en selvstændig politikreds i rigsfællesskabet. Den er, som de øvrige 55 kredse i Danmark, underlagt Rigspolitichefen og Justitsministeriet. Kredsen er opdelt i 18 distrikter med hver sin politistation. Ved udgangen af 1997 bestod politistyrken af i alt 112 politi-tjenestmænd, hvoraf 22 var udsendte.

Politimesteren har sit embede i Nuuk. Han er ansvarlig for den overordnede administration og anklagevirksomhed i samtlige politidistrikter samt administrationen af de 3 anstalter for dom-fældte.

Grønland havde pr. 1. januar 1997 i alt 55.971 indbyggere (befolkningstallet i Danmark udgjorde pr. samme dato 5.2 mill. indbyggere). Heraf boede 81% eller 45.351 indbyggere i landets 17 byer og knap 17,5% eller 9.770 indbyggere i landets 59 bygder. De tre største byer er Nuuk med 13.300 indbyggere, Sisimiut med 5.364 og Ilulissat med 4.634 indbyggere.

Grønlands Kriminallov
Grønlands Kriminallov er væsentlig forskellig fra f.eks. den danske straffelov, idet kriminal-lovens hovedsigte er at føre den dømte tilbage i samfundet og ud af kriminalitet ved foran-staltninger, som normalt ikke omfatter frihedsberøvelse i traditionel forstand. Af samme grund indeholder kriminalloven ikke stafferammer, idet det forudsættes, at hver enkelt sag afgøres konkret. De normale sanktioner er bøde, betinget dom, dom til forsorg og anbringelse i anstalt. Den sidste foranstaltning indebærer i langt de fleste tilfælde alene ophold i anstalt udenfor normal arbejdstid.

Udgangspunktet om, at hver enkelt sag afgøres konkret fraviges indenfor en række særlovs-områder, hvor foranstaltningen - typisk bøde - udmåles ud fra mere generelle principper og dermed får karakter af en mere takstmæssig afgørelse. Dette gælder navnlig overtrædelser af lov om euforiserende stoffer, færdselsloven og arbejdsmiljøloven.

I hver by findes en kredsret. Kredsdommeren er lægdomer, som under medvirken af to doms-mænd behandler alle sager. Anklageren er politimand, og besidderen (forsvareren) er heller ikke jurist. Ankeinstans er Grønlands Landsret i Nuuk, der ledes af en landsdommer, som skal opfylde de i Danmark gældende betingelser for at blive dommer. I landsreten møder anklage-myndigheden ved en jurist, ligesom besidderen som udgangspunkt er jurist.

Der er i 1994 nedsat en Retsvæsenkommission, som bl.a. har til opgave at revidere den grønlandske kriminal- og retsplejelov, ligesom den skal opstille de fordele og ulemper som måtte være forbundet med at Grønland hjemtager rets- og politiområdet. Kommissionens beretning forventes at foreligge ved udgangen af 1999.

Den seneste kriminalitetsudvikling i Grønland

Igennem de sidste årtier har kriminalitetsbilledet i Grønland - som bekendt - været præget af en relativ høj og gennem årene næsten konstant stigende kriminalitetsfrekvens.

Kriminalitetsmønsteret har været præget af et relativt set stort antal personfarlige forbrydelser, medens niveauet for berigelseskriminalitet - typisk de simple former for tyveri, bedrageri osv. - stort ser svarer til det der findes i Danmark.

Baggrunden for den grønlandske kriminalitetsudvikling har så vidt ses aldrig været genstand for en egentlig videnskabelig undersøgelse.

Det er imidlertid politiets vurdering at en væsentlig del af Grønlands kriminalitetsproblemer kan forklares med tilstedeværelsen af navnlig følgende kriminalitetsfremmende hovedfaktorer:
omvæltningerne af økonomisk, social og kulturel art, som det grønlandske samfund har været udsat for siden 1960érne, herunder navnlig den betydelige vandring fra bygd til by, stigningen i befolkningstallet samt faldet i antallet af personer som lever af traditionel fangst og fiskeri,
det høje spiritusforbrug, og befolkningens nemme adgang til våben.

Antallet af anmeldelser af overtrædelser nåede sit foreløbige højdepunkt i 1986 med 6.721 anmeldelser (fig. 1). I perioden fra 1986 til 1992 kunne der konstateres et år for år lille men konstant fald i anmeldelserne, idet antallet af drab (fig. 6) og specielt sædelighedsforbrydelser (fig. 9) dog fortsat steg medens antallet af anmeldelser for berigelseskriminalitet (fig. 2 og 3) som en hovedtendens faldt.

Det jævne fald i kriminaliteten siden 1986 blev på ny afløst af stigninger i 1993, 1994 og 1995 for så vidt angik det samlede antal af anmeldelser. Det var imidlertid alene det samlede antal anmeldelser for vold (fig. 5) og tyveri (fig. 3) som steg år for år i den nævnte periode. Over den samlede treårige periode kunne der endvidere konstateres en stigning i antallet af anmeldelser for voldtægt og forsøg herpå (fig. 8) samt berigelsesforbrydelser i øvrigt (fig. 4).

Derimod faldt det samlede antal af anmeldelser vedrørende såvel drab og drabsforsøg som indbrudstyveri over den samme periode (fig. 6, fig. 7 og fig. 2).

Stigningerne i 1993-95 var overraskende, da et faldende spiritusforbrug (fig. 10) samt befolkningens aldersmæssige sammensætning tilsagde et fortsat, jævnt fald i kriminaliteten.

I 1996 faldt antallet af anmeldte i forhold til 1995 med 11,7%. Faldet vedrørte alle kategorier med undtagelse af drab (som steg fra 5 til 7 anmeldelser, fig. 6) og indbrudstyverier (som steg fra 896 til 952 anmeldelser, fig. 2).

Senest er der i 1997 på ny indtrådt en svag stigning i antallet af anmeldelser på 4,2% i forhold til 1996. Ser man på det gennemsnitlige niveau fra 1990 til 1997, ligger antallet af anmeldelser for 1997 - 5.157 - ca. 2% lavere ende gennemsnittet, og fortsat væsentlig lavere end i 1986.

Ser man på de faktorer, der typisk har betydning for kriminaliteten i Grønland - 1) spiritusforbruget, og 2(antallet af personer i den kriminalaktive alder, kan den - ganske vist svage kriminalitetsstigning - ikke umiddelbart forklares, idet udviklingen skulle medføre en stagnation eller i bedste fald en nedgang i kriminaliteten. Spiritusforbruget lå i 1996 på 12,6

liter pr. person over 14 år (i 1986 lå forbruget på 20 liter ren alkohol pr. person), hvilket i øvrigt svarer til spiritusforbruget i Danmark. De store fødselsårgange fra 1958 - 1986 ligger nu i alderen 29 til 40 år, således at antallet af 15-29 årige, den kriminalaktive alder, er relativt små.

Det er imidlertid værd at bemærke sig, at der i forbindelse med den seneste stigning i det samlede antal anmeldelser, samtidig er sket et betydeligt fald i anmeldelserne indenfor områderne drab og drabsforsøg (fig. 6 og fig. 7), vold (fig. 5) og formueforbrydelser (tyveri og berigelsesforbrydelser i øvrigt, fig. 3 og fig. 4).

Den største kriminalitetsstigning fra 1996 til 1997 er sket på områderne indbrudstyveri (fig. 2) og øvrige sædelighedsforbrydelser (fig. 9) som dækker over blodskam, kønsligt forhold til børn og blufærdighedskrænkelse.

Der er fortsat ikke konstateret hårde stoffer i Grønland, ligesom der endnu ikke er afsløret tilfælde af egentlig organiseret kriminalitet i Grønland.

Til det samlede billede af kriminaliteten hører udviklingen med hensyn til Kriminalforsorgens tilsynsvirksomhed og anstalternes samlede belæg. Således har tilsyn og anvendelse af anstaltsanbringelse været stødt faldende med det hidtil laveste niveau i 1997 (fig. 12) Det færre antal friheds- og tilsynsforantaltninger peger på en nedgang i antallet af grovere forbrydelser.

Der er også i 1997-98 udfoldet store bestræbelser på det kriminalpræventive område. Således har politimesterembedet i flere tilfælde modtaget tilskud fra Justitsministeriets særlige kriminalpræventive pulje til brug for konkrete projekter vedrørende forebyggelse af navnlig vold og sædelighedskriminalitet.

I 1997 konstateredes der for første gang bandekriminalitet i Grønland. I Nuuk blev en drengebande med medlemmer fra 15 - 19 år afsløret af politiet som bagmænd til en række røveriske overfald og indbrudstyverier. Sagerne mod de pågældende blev hovedsageligt afgjort med tilsynsdomme. Der er efterfølgende udfoldet store bestræbelser i SSPK-regi (socialvæsen, skole, politi og kriminalforsorg) på at komme dette - i Grønland - nye problem til livs. Således har Nuuk kommune eksempelvis ansat en række "miljøarbejdere", som primært har til opgave at opsøge og tale med de unge i de miljøer, hvor de unge typisk færdes. Bestræbelserne ses tilsyneladende at have båret frugt, idet der ikke efterfølgende er afsløret lignende drengebander.

Sammenfattende er det politimesterembedets vurdering, at der er grundlag for at nære håb om, at stigningerne i det samlede antal af overtrædelser af kriminalloven i 1993-95 og igen i 1997 har været af tilfældig karakter, og fremfor alt, at det seneste fald i den personfarlige kriminalitet vil fortsætte.

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Crime trends and trends in the criminal policy in Norway 1

To talk about crime trends is also to talk about trends in criminal policy. Crime statistics tell about the number of acts which have been reported to the police, accepted by the prosecution authorities as crimes, and dealt with by courts and prison authorities.

It is old knowledge that crime statistics actually give us statistics on the capacity of the different parts of the control apparatus.

The latest published statistics on the police, the courts and prison activities are from 1995. More recent figures can be found in other sources such as state budgets from the last years; a document called Stortingsmelding no. 27 (1997-98) written by The Ministry of Law and delivered to Stortinget (the parliament), and from information from the police reported in the media. All these kinds of sources are used in this paper.

In the following I will discuss two main topics:
1) The first is about figures, trends - and discussions connected to some of these figures.
2) The second is about recent trends in crime politics in Norway.

1) Figures
I will first present some figures, which I assume is expected of me: The number of reported offences in 1995 were 400600 (SSB 95, table 1). Of these, 286000 were classified as crimes, showing an increase compared to the previous years.

In Norway another category, 'crimes investigated by the police' is more often used. In 1995 270000 crimes were investigated by the police (SSB 1995, t. 4). This figure represents an increase from previous years, an increase which can also be traced in the number of investigated crimes pr 1000 inhabitants from 1960 to 1995:

1960: 10.8
1970: 16.8
1980: 29.8
1990: 55.4
1995: 61.6 (SSB 95, t. 4)

Of the 270000 crimes in 1995:
69.3 % were classified as theft;
4.3 % were classified as violence against person
(of these 32 were classified as murders)2 (SSB 95, t. 5)

1 A somewhat extended version of the paper given on the 22nd. of May 1998. Many thanks to Ragnhild Hennum, Heidi Mork Lomell and Rachel Paul for all their comments and help to make this paper correct and readable.
2 From 1991 to 1995 the numbers of reported murders were: 38; 50; 47; 46; 32.

But instead of giving rows of figures, I will concentrate on some discussions which stem from changes in figures of some kinds of reported crimes - even though these crimes do not take any dominant position among the figures. Some present of the concerns, arguments, proposals and measures will be presented.

Of course I can only deal with some of the topics that have been discussed. Other discussions could also have been presented.

As a general comment to the discussions, one can say: Serious concerns are expressed when reported numbers go up; and when they go down.

i) concerns when numbers go up

One example: The numbers on reported violence (acts classified as 'crime of violence against the person') show an increase from 8300 in 1991 to 11600 in 1995 (SSB 95, t. 5). Also in the first quarter of 1998 there has been an increase in the number of reported violent crimes compared to the same period in 1997. The highest increase in absolute numbers was found for 'assaults' which increased from 2200 to 2500, an increase by 13 %; while 'wounding or inflicting bodily harm' had the highest relative increase by 26 % (N = 582), when comparing the first 3 months of 1997 and 1998 (SSB 1998).

These increases in crimes of violence is one of the reasons behind a suggestion from a majority in Stortinget, urging the courts to increase the sentences in cases of violent crimes. But this idea challenges the ideal of the independent court. So in the end most of the representatives found it sufficient to give a statement as a political signal in general, while a few wanted to make a statement directed to the courts.

The number of murders also cause serious concerns. In recent years there has been no increase in reported murders (see fn 2). But there are other increases to be found. In a newspaper (Dagbladet 10.3.98) the police report on murders in 1997. This year 39 persons were murdered, and of these 14 by knife. In 1994 the numbers were respectively 6 out of 27.

This increase in the reported use of knives has led to a suggestion from 'The Committee to consider Laws on Weapons'3 to increase punishments in criminal cases involving weapons.

In 1993 a law was passed that criminalized possession of knives 'or other sharp tools' in public places (not if the purpose was respectable), with punishments of fine up to NOK 2000 or of imprisonment for up to 3 months.

According to The Ministry of Law, 1002 persons have been reported to the police for possessing knives illegally in 1997. In 1997 146 persons were given ticket fines for possessing knives (Dagsavisen 10.3.98).

The police are satisfied with the law which gives them an opportunity to stop and search people for knives (Dagbladet 10.3.98).

In 1997, there were reported 7 cases of murders were firearms had been used.4 But even if these cases are few and less than the number of knives used in reported murders, there are concerns about firearms.

This winter there have been reports in the media showing worries and concerns for young boys and men in Oslo, who according to the police and journalists, are between 20 and 35 years old, belong to two conflicting groups or gangs, and are often from immigrant

3 'Våpenlovutvalget'

4 The firearms used were: shotgun (hagle) 2, revolver 0; rifle 1, pistol 4.

families. The reports say that these men 'have enough firearms' such as automatic pistols and revolvers.

This discussion is also encouraged by a study by Thomas Haaland and Inger Lise Lien (1998) on groups or 'gangs' among young, mostly immigrant people in Oslo. These are conflicting groups, and serious incidents of violence have occurred between these kinds of groups before (for one such incident, see Guri Larsen 1992).

This winter the police have also pointed out violence in homes and families directed towards women and children, as a major concern (Dagsavisen 4.2.98). For a long time researchers and women's organisations have considered this kind of violence as serious acts on the grounds that they often lead to serious physical harm, are repeated, may last for years, are often combined with psychological humiliation, and the victims are reluctant to go to the police. What is worth noting is that also the police place this kind of violence high up on their list of concerns.

ii) concerns when the reported numbers go down

The numbers of reported sexual offences went down in 1995: The numbers of rapes investigated by the police were both in 1992 and 1993: 360, in 1995: 309, which is a decrease by 14%.

More seriously it was seen that the numbers of rape reported to the police decreased; and even more seriously that also the number of *sanctions* for rapes went down by half from 75 in 1991 till 36 in 1995 (SSB 95, t. 36). The number of reactions for rapes in 1997 were even lower, by 30 cases (SSB 1997).

These decreases resulted in serious concerns from several groups who were anxious that women would from now report even fewer cases of rape than before.

To improve the position of women, women's organisations and a political party, SV,5 made a proposal to define as illegal 'unintentional rape', to make it possible to sentence men who today may plead not guilty, saying they did not understand the refusals and resistance from the victim, and may be believed, at least in a lower court (Dagbladet 27.1.1997)6.

But this proposal has as yet not gained much support.7

Last year there has been an increase in the number of rapes reported to the police: In the first 3 months of 1998 109 rapes have been reported to the police, compared to 86 reports during the first three months of 97 (SSB 1998).

Also when it comes to incest and sexual abuse towards children under 14/16 years, there have been concerns that the number of cases *reported to the police* have declined recently. This happened after a case in Bjugn where a number of persons were reported for sexual abuse against children, but none found guilty.

The numbers of incest and sexual abuse towards children under 14/16 years *reported to the police,* and *investigated by the police* have gone down from 1991 till 1995:

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5 SV, Sosialistisk Venstreparti; The Socialistic Left Party

6 According to the report in the newspaper, the majority of the courts found that a 52 year old man committed for trial had used force when he forced the 18 year old woman to have sexual intercourse with him, but that he did not 'understand ' that the girl tried to avoid this from happening. At the same time the man was convicted to pay the woman NOK 40.000 as compensation for her suffering.

7 Also another topic has recently occurred connected to cases of rape: A man brought to court charged with rape, has, before the penal-law-case was completed - reported the woman to the civil court on charge of libel.

reported to the police:

	incest:	sexual abuse towards children under 14/16 years:
1991	168	607
1995	111	393

investigated by the police:

	incest:	sexual abuse towards children under 14/16 years:
1991	103	322
1995	88	397

In 1992 the concerns about incest led to an increase in the maximum punishment up to 21 years of imprisonment for serious crimes of incest. This is the highest possible punishment in Norway (Andenæs 1994).

Not only penal measures

What is important to note, though not particular to rape and sexual abuse against children, is that measures have also been taken with the intention to help and cure, directed towards both the offended and the offender.

This means that at the same time as 'The Norwegian society' sees these acts or happenings as crimes, suitable tasks for the police, courts and prisons, - we also see them as accidents that need to be mended or helped - beyond moral indignation and punishment.

For victims there are several self-help-centres:

- Women's shelters (Krisesentre) for women who have been battered or raped. Today there are such shelters in all but 66 municipalities. In 1995 4000 women and children spent in total 74000 nights in the shelters (Aftenposten 24.3.97). For a discussion of immigrant women and Women's shelters, see Rachel Paul 1995; 1998).

- A centre for persons who have been raped (Voldtektsmottaket), which is part of the municipal acute clinic (Legevakta).

- Centres for persons who have been exposed to incest (Støttesenter for incestutsatte). The first centre started in 1986, and today there are 12 such centres. In 1995 they received 8000 visits and 19000 referrals from persons who have experienced incest, recently or long ago, and from their family-members (Aftenposten 24.3.97).

- There is also a centre for men who have been exposed to incest, which offers possibilities for talks in groups or with one consultant (Aftenposten 5.11.97).

- Social-medical section for children and youth; Children's ward; Clinic for women/children, Aker Hospital, Oslo. (Sosialmedisinsk seksjon for barn og ungdom, Barneavdelingen, Kvinne/ Barnklinikken, Aker sykehus, Oslo). This centre started in 1986. The yearly number

of children/youth who have been referred, has varied from 20 in 1986 to 143 in 1996.8 (Annual report 1996)

For offenders:
- The Institute for Clinical Sexology and Therapy (Institutt for klinisk sexologi og terapi) which started in 1989 and has worked with men who have committed rape (Reid J. Stene 1998).

One could say that there is a trend and a tendency to open up another perspective on these acts - and see them not only as crimes, but also as accidents that need to be helped and prevented.

Today we see a peculiar break with this trend in a suggestion from two political parties (Arbeiderpartiet and Kristelig folkeparti),9 that prostitution should be criminalized, and not only the prostitute-customer (to criminalize the customer has been suggested before (see Høigård and Finstad 1986)).

At the same time a new book has been presented with the title "Når sex blir arbeid"/"When sex becomes work", by May-Len Skilbrei (1998). The author who has talked with several women in this field, and who has also worked on "Teletorget" organizing telephone calls between men and women, finds this suggestion not a very good idea. This will not have any great impact in reducing the number of persons starting as prostitutes; it will only create more trouble and difficulties for them, as the condemnation and stigmatization will increase.

And there are already alternatives to criminalization to be found in Oslo. For seven years "The Night-home" with 13 beds has offered prostitutes an asylum, and all together 500 users have been registered (Thomas Haaland 1997).

This tendency to see unwanted acts not only as crimes but also as accidents and problems that need to be helped, is of course the case not only when it comes to sexual offences, but also in other instances, for example violence.

When it comes to *violence*, there are programs for offenders that start in prison, as for sexual offenders. In 1996 about 90 persons attended these "talk-groups for persons who are sentenced for violent and sexually offensive acts (St.meld. nr. 27 (1997-98)).
- There are also services outside prison, such as 'Alternative to violence, Centre for men who use violence' (ATV)/(Alternativ til vold, senter for menn som slår). This centre started in 1987. Today there are 18 such centres in Norway. Since the centre started and up to today between 500 and 600 persons have contacted ATV because they perceive their violent acts as a problem, and have attended courses and groups. In more than 2/3 of these cases, the men themselves have taken the initiative to contact ATV, and this contact is voluntary (Annual report 1995).

When it comes to those acts that crimes we define as related to narcotics, we see the same dualism which mirrors the ambivalence of what the acts are all about: Is it a problem for law and order, or for treatment and help?

In this field it seems that the persons brought to trial, sentenced and imprisoned, are more likely to be controlled than helped. But also here there have been treatment-programs in

8 In the report for 1996 the Section says they are in doubt in 60% (of the 143 investigated cases) whether an offence of serious sexual abuse has taken place or not, and finds it not likely in 20% of the cases.
9 The Labour Party and Christian People's Party.

three prisons, but reaching only a fairly small number of relevant prisoners (see St.meld. no. 16 (1996-97)). Control measures dominate heavily inside the prisons.10

Services for treatment are most often placed outside prison.

If we should take our point of departure in the social, treatment and helping-sector, we immediately see the combination of control-help. There is nothing new in the fact that help and control are combined and mingled. On the contrary - they are like Siamese twins in the Norwegian history of poverty- and criminal-measures. But the method of this combination that the Norwegian authorities have chosen in the field of drug-use, in their Law on social measures and welfare (Lov om sosiale tjenester mv.) of 1993, is new, inventive and astonishing.

Here the point of departure is that treatment for drug use should rely on voluntary participation. Forced treatment is impossible. So the solution is, according to § 6-2, that a person can be kept in an institution by force - not to be treated - but to be motivated to be treated freely. There is a limit to this: 3 months. After that you get an offer to make a contract. But then it does happen that persons under treatment sometimes drop out. So then, forced measures were invented: if a person should run away from the contract that she or he has freely agreed upon, the institution can search for her or him, and keep her for another 3 weeks by force - in order to re-motivate the run-away to continue the treatment. This may happen three times.

From 1993 and till the summer 96, there have been reported all together 39 cases where force have been used according to § 6-2.

Far too little! This is the view of The Ministry of Social affairs, who therefore worked out suggestions to increase the control on people using drugs, opening up possibilities for one family-member to report another to the social authorities, who may then consider use of force. Another suggestion has been to standardize and increase the use of urine-tests.

This tendency to believe in force and control can be seen also in other sections of the policy on drugs, where methadone-programs for long-time drug-users are kept at a small scale and are developed slowly (see for example Nils Christie: Snegler som livreddere/Snails as life-savers, 1998).

Reports in the media on the numbers of persons dying by over-doses, is most often read as an argument for more police, more control, more prison. But one could also read these numbers as an argument for more help, more methadone-programs, and not to forget, more decent treatment by the ordinary health services of persons using drugs.

2) trends in the criminal policy

This section of the paper is based on a document made by The Ministry of Law to the Parliament, drawing up the lines for criminal policy (Stortingsmelding nor. 27 (1997-98) "Om kriminalomsorgen").

At first glance one might say that the trend in this document is two-fold:

i) more control, by increasing the opportunities for the police to control people, and to increase the number of prison-places (to day the number of prison-places is 2899. According to the Ministry's plan, the number of such places in year 2000 will be 3200).

10 The measures taken are: urine-tests; police raids in the early mornings, some times with dogs; strip and search of prisoners; investigating insides of the body such as rectum, stomach and vagina of women; search of prison-cells; offers to do the sentence on 'contract' (eg. Hedda Giertsen 1995).

ii) At the same time there is a tendency not only to increase the number of prison-places, but also to look for alternatives to imprisonment, such as conflict resolution boards (Jane Dullum 1996; Siri Kemeny 199); community-service (Paul Larsson 1994); an extended use of conditioned sentencing and imprisonment - and a proposal to open up for a pilot-project on electronic monitoring of offenders.

But looking more thoroughly on these alternatives to prison, it becomes clear that these more lenient alternatives will actually lead to more control than today, as they will be linked up to a compulsory program (obligatorisk tilsynsprogram); and the sanctions for breaking conditions will be more efficiently inflicted, if The Ministry is heard.

To realise their plan for more efficiency, The Ministry has made the following proposals: that the decision to re-imprison convicts on conditioned sentence who violate their conditions, shall be transferred from the court to administrative authorities. This would mean to re-introduce a system that was given up 8 years ago. The Ministry also proposes that prison directors shall decide whether violations of conditions for prisoners on conditioned discharge, shall lead to re-imprisonment.

As another measure The Ministry suggests an introduction of a new "short-time-prison" for seven days - which may be prolonged(!). In these cases the prison-authorities of the Ministry shall be in charge.

Some trends and tendencies can be read out of this document: First and most strikingly one sees a prioritization of efficiency at the cost of legal protection.

One can also see a tendency to increase the total volume of control,

and to blur the difference between serving sentences in prison and under probation; between the role of the prison-ward and the probation officer, so that the tasks of a probation-officer will be more and more like those of a ward.

Another trend can also be discerned more clearly today: By use of programs, projects, 'sentencing plans', it seems to me that prison-authorities more and more speak of prisons and sentencing not only in administrative and bureaucratic terms, but also as a place for social-technical measures, for repairing the 'criminals'. The treatment-arguments from the 60s and 70s are here again, but now wrapped up in a more modern, administrative, efficient-like language. The prison-programs boil down to a question of finding the right tool, whether it be 'scared straight' or 'conceptual skills'. This efficiency-perspective we also see in the politics of differentiation, which was introduced at the end of the 1980s, claiming that the programs and measures for prisoners shall not be evenly spread to all, but to 'those who take responsibility for their own rehabilitation'. The treatment should be efficient (see Stortingsmelding no. 23 (1991-92) "Om bekjempelse av kriminaliteten" and St. prp. nr. 1. The Ministry of Law (the state budget) for the years later 1992).

Again, just as in the 60s and 1970s, this 'repairing-the-criminal'-perspective tries to convince us that we all have the same interests, namely to find the right healing-program; and leaves out (or at least tries to leave out) the questions on criminal-policy, values and decency.

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Crime trends in Finland in the 1990's

For Finland, the early 1990s were a period a severe economic recession, followed by a reorganisation process of economic structures that is still continuing. The EU membership has supported this process. The next phase of the restructuring process is the present, exceptionally rapid migration wave, resulting in a situation where there are only a few growth centers, with vast emptying backlands. Parallel to this regional polarisation development, there is another process of social polarisation that is connected with a very high unemployment and a tendency to weaken the well-developed Finnish social welfare system. The high unemployment rate is an indication of a new problem of a large relative surplus population that Finland has to deal with by its own economy, lacking today any obvious target area to which the surplus population could migrate for better employment opportunities. In this respect, the situation is very different from the previous period of high migration (in the 1960s), when Sweden was able to absorb hundreds of thousands of Finnish immigrants. In the long run, the surplus population may begin to develop sub-, slum and countercultures that will produce crime problems hitherto almost unknown in Finland.

One of the largest qualitative crime changes has to do with the expansion of the narcotics market to cover the whole country. The relatively negative future expectations as well as the easy availability of narcotic substances are almost sufficient explanations to this process. The availability of narcotics has improved as the supply has grown due to the massivity and ease of international mobility, and because the relative saturation of the central European markets has made even the rather small Finnish markets increasingly interesting. A great deal of property crimes are made to finance substance abuse - in this way, the growth of narcotics offences is connected with certain property crimes (often such offences as car crimes, house and other burglaries, and shoplifting are mentioned in this context).

In the 1990s, also a growth of homicides has continued. This trend is created through four-five different factors:

- the growth of alcohol consumption that, with the present consumption pattern, furthers both acute alcohol-related violence and homicides that occur between marginalized males;
- the urbanisation of Finland is followed by a growth in homicides as the homicide rates in the large cities is somewhat higher than in other parts of the country;
- The "greying" of the population means that the large after-war birth cohorts have matured to the worst "homicide age";
- a professionalisation and toughening in the underworld, in part as the narcotics market grows stronger, brings forth homicides that are related to the power struggle, competition, and rule enforcement within this sector.

The recorded number of assault offences has after the mid-1990s started to increase and this increase may continue. This statistical development does not, however, reflect general violence rates as measured by victimisation surveys. These are rather on a downward track.

Recorded theft offences have been on a rather stable level in the 1990s. Also here, population surveys rather indicate a downward than an upward trend, at least as far as private persons are concerned.

Other crime changes of the 1990s, at least if we look for characteristics that are new, are primarily the fact that the role of foreigners - as perpetrators as well as victims - is gaining in importance, parallel to the fact that immigrants from many directions, also from the East, are becoming more common.

The public crime debate takes up a multiplicity of topics, from pedophilia and rapes to economic crimes. All this has quite little to do with large crime categories and their changes. An increased interest in economic crime has, however, been paralleled by a clear improvement in the control of this type of offences.

Above, I have repeatedly referred to "recorded crimes". The crime statistics produced as a byproduct of police activities is not unproblematic, if factual crime changes are looked for. For the same reasons, direct comparisons with other countries are on an insecure basis if these data are relied upon. Police statistics are working statistics of the police force, and depict the development in field only in a secondary sense.

An important improvement in this regard are the so-called victimisation surveys. In these, representative population samples are asked about their crime experiences and, i.a., reporting crimes to the police. The results are clear: surveys often provide a different picture of the development than the one derived from police sources. In the case of Finland, a long-term trend of an increasing reporting activity is found to have taken place. In an international comparison, the Finnish crime rates are rather low, a fact that is not easy to believe if recorded crime is compared. This discrepancy indicates that crime statistics in Finland are more advanced and more comprehensive than in many other counmtries. -Another trend that is revealed by victimisation surveys is a continuing increase in the fear of or concern for crime, as well as of a growing popularity of measures taken to avoid victimisation.

Police have not been dealt with abov (with the exception of reportign behaviour). Essential tendencies have been the professionalisation of the police and a tendency to complement traditional reactive policing with proactive programs (this is likely to increase recorded crime). Most recently, crime prevention and community policing have been adopted in their official task descriptions. Thus, also the earlier centralization tendencies of policing are about to be reconsidered. Parallel to these developments, a comprehensive automatization of the police information systems has resulted in an increasingly comprehensive recording of crimes - a phenomenon that has an independent growth influence on recorded crime.

Police resources in Finland are not very large. Of these, a considerable proportion is spent on various supportive activities, automatic data processing representing the new growth industry among these. Also, police resources have been cut to achieve savings in public expenditure. Such changes may have a visible effect on recorded crime cleared through the own activities of the police - some of the recent stagnation in recorded crime may be attributed to these circumstances.

With systematic long-term efforts, the Finnish prisoner rate has been brought down to a Scandinavian average. It has been demonstrated that this policy and the general development of crime cannot be directly connected.

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En studie av brott som blivit föremål för medling och vilka organisationer som intresserat sig för medling i Sverige

Det finns idag uppskattningsvis ett 20-tal verksamheter i Sverige som arbetar med medling mellan brottsoffer och gärningsman. En del medlingsverksamheter har varit mer eller mindre aktiva sedan slutet av 1980-talet, men de flesta är nystartade. I stort sett alla verksamheter har en särskild målgrupp gärningsmän, nämligen ungdomar. Medling bedrivs vanligen i projektform som inte iscensatts på initiativ av någon statlig instans. Medling i samband med brott är och har varit under rättsligt utredande men är inte reglerat i lag. I riksdagen har man vid flera tillfällen debatterat medling, varvid samtliga partier uttalat sig positivt i frågan. Ett intensifierat intresse har också kommit till uttryck på annat sätt.1 Medling mellan brottsoffer och gärningsman kan kort sagt sägas befinnas i en etableringsprocess under 1990-talet. Syftet med denna undersökning är ett led i att beskriva och analysera medling i Sverige.

Idéerna bakom medling omfattar flera olika kriminalpolitiska områden: brottsofferdiskursen, åtgärder mot ungdomsbrottslighet, alternativa reaktioner på brott i allmänhet samt civilrätt (förlikning) (jmf Zila 1988; Järvinen 1993). Det finns flera aspekter av medling, t ex vilka parter som deltar, medlarens uppgift och kompetens och medlingens juridiska hemvist. Mot bakgrund av att medling befinner sig i en etableringsprocess omfattar undersökningen vilka *grupper och organisationer som är intresserade* av medling i Sverige. Studien visar också vilka typer av brott som hitintills behandlats inom några av de medlingsverksamheter som redan finns.

Metod och material

Den första delen omfattar aktörer som deltagit på fyra möten om medling. Initiativtagare till mötena har varit Brottsofferjourernas riksförbund (1 möte) respektive Skyddsförbundet2 (1 möte) samt Riksgruppen för medling3, som står för två möten. Samtliga möten ägde rum i Stockholm. Ett möte ägde rum 1996, och tre möten 1997. Antal deltagare på mötena varierar från ett 30-tal till runt 130 personer. De två förstnämnda mötena bar titlarna "Medling - ett möte med möjligheter" respektive "Medling som alternativ påföljd". De två mötena i Riksgruppens regi kallades för "Medlarträffen" respektive "Medlingsdagen". Ytterligare några möten har anordnats under den tid som studien sammanställts (nov. 1997 - mars 1998). I studien av intressegrupper utgörs materialet av deltagarlistor med namn och oftast nämnd

1 En utredning om medling lades fram av Riksåklagarämbetet 1996 och frågan ska ytterligare utredas och utvärderas under 1998. Det har vidare inrättats en särskilt kurs i medling vid Göteborgs universitet (som dock inte primärt är inriktat på brott, men väl på att konflikter är parternas egendom som experter inte ska ta över). En svensk bok om medling vid brott har nyligen givits ut (Nehlin m fl 1998). Även de möten under 1996-97 som ingår i denna undersökning är uttryck för ett ökat intresse.

2 Svenska skyddsförbundet är ett samlande organ för alla skyddsföreningar, ibland kallade skyddsvärn, fångvårds eller understödsförening. Förbundet avger bland annat yttranden i frågor av betydelse för kriminalvårdens frivård. (Svenska skyddsförbundet 1996:2). Fortsättningsvis används i studien omväxlande skyddsvärn och skyddsförbund

3 Riksgruppen för medling kallas numera för "Föreningen för medling i Sverige".

organisationstillhörighet. En del personer har deltagit på flera av mötena, vilket *inte* framgår i resultatredovisningen, eftersom varje *mötesdeltagande* person ingår. Vid klassificeringar av personernas organisationstillhörighet har listornas uppgifter använts. Ibland kan en person presenteras som tillhörande socialtjänsten och vid ett annat möte presenteras samma person som representerade en medlingsverksamhet. Detta behöver inte innebära att personen i fråga tidigare eller senare har varit eller är medlare, utan på vad personerna i fråga angett vara sin organisation eller på nedtecknaren. Detta gäller särskilt klassificeringen av representanter för medling, men i några fall andra aktörer.

Den andra delen redogör för de brottstyper som blivit aktuella för medling vid sex medlingsverksamheter i landet. Materialet baseras på medlingsverksamheternas egna uppgifter och i ett fall på en utvärdering gjord av en utomstående. Urvalet av medlingsverksamheter baseras först och främst på att det finns eller kan åstadkommas en någorlunda god skriftlig redovisning av brottstyper och att man medlat åtminstone ett tiotal fall. Många medlingsverksamheter har i olika former redovisat sina brottstyper, t ex använder en verksamhet ett statistikprogram. Andra har efter fråga från mig antecknat brottstyperna. Några medlingsverksamheter anger de brott som *aktualiserats* för medling, men sedan inte blivit föremål för medling (ett fåtal fall). Det framgår dock inte vilka brottstyper som *inte* blivit föremål för medling, varför samtliga brottstyper som aktualiserats för medling ingår i undersökningen.4 Brotten har blivit föremål för medling under cirka en fyraårsperiod, från februari 1994 till december 1997. Vissa verksamheter redovisar brott för några månader, andra har uppgifter för upp till två år. Antalet brottstyper varierar från några få fall inom en medlingsverksamhet till närmare hundra vid en annan verksamhet.

I studien kommer vissa resultat jämföras med uppgifter från förlikningsprojekten i Finland och konfliktråden i Norge. Båda dessa länder har en mer etablerad medling jämfört med Sverige. Även jämförelser med Tyskland kommer att göras. Uppgifterna från Tyskland härrör dock från slutet av 1980-talet och rör endast en medlingsverksamhet, medan de nordiska länderna omfattar flera medlingsverksamheter under 1990-talet. Enligt den studie som uppgifterna om det tyska medlingsprojektet är hämtade ifrån, fanns i Tyskland under 1980-talet flera olika medlingsprojekt och generellt verkar situationen likna den situation som medling har i Sverige under 1990-talets andra hälft, det vill säga att flera projekt finns, men att medling inte riktigt etablerats. Det är främst uppgifter om *medlare* inom Norges, Finlands och i någon mån Tysklands verksamheter som används vid jämförelsen av de svenska organisationsrepresentant-erna. Jämförbarheten är därför något skev. Brottstyperna medger en något bättre jämförbarhet. Antalet ärenden som medlats i Finland är dock högre och i Norge mycket högre än antalet brottstyper i denna studie varför jämförelserna ska tolkas med försiktighet.

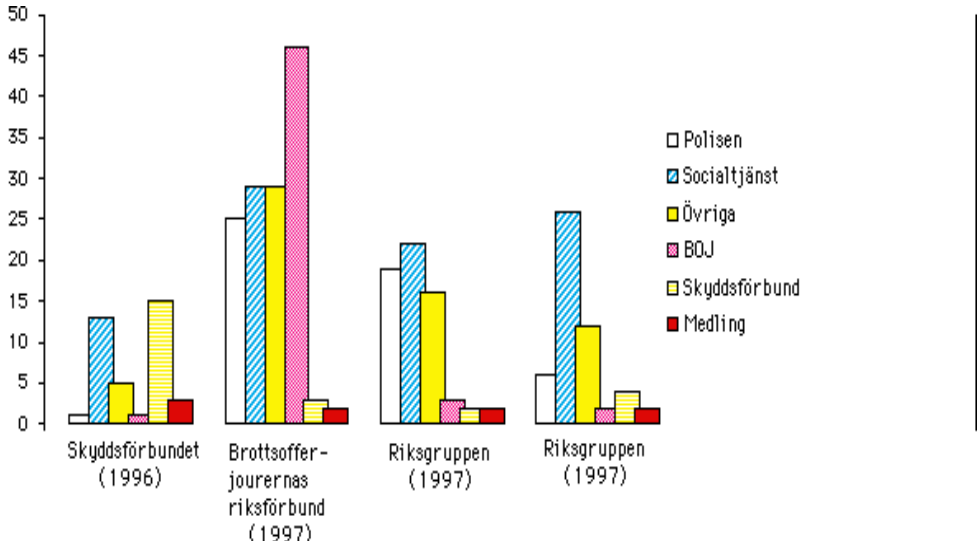
Aktörer på möten om medling

Följande avsnitt redovisar vilka aktörer som deltagit på fyra möten om medling vid fyra olika tillfällen 1996-97. Mötena ägde rum i Stockholm. Ett möte anordnadres av Skyddsförbundet med titeln "Medling som alternativ påföljd". Det andra mötet anordnades av Brottsofferjourernas riksförbund på den internationella brottsofferdagen och bar titeln "Medling - ett möte med möjligheter". De två andra mötena anordnades av vad som i studien kallas för "Riksgruppen". Denna grupp utgörs av personer som är intresserade av medling

4 En medlingsverksamhet anger som skäl till att medling ej blev av att gärningsmännen redan betalt böter och därför inte velat delta.

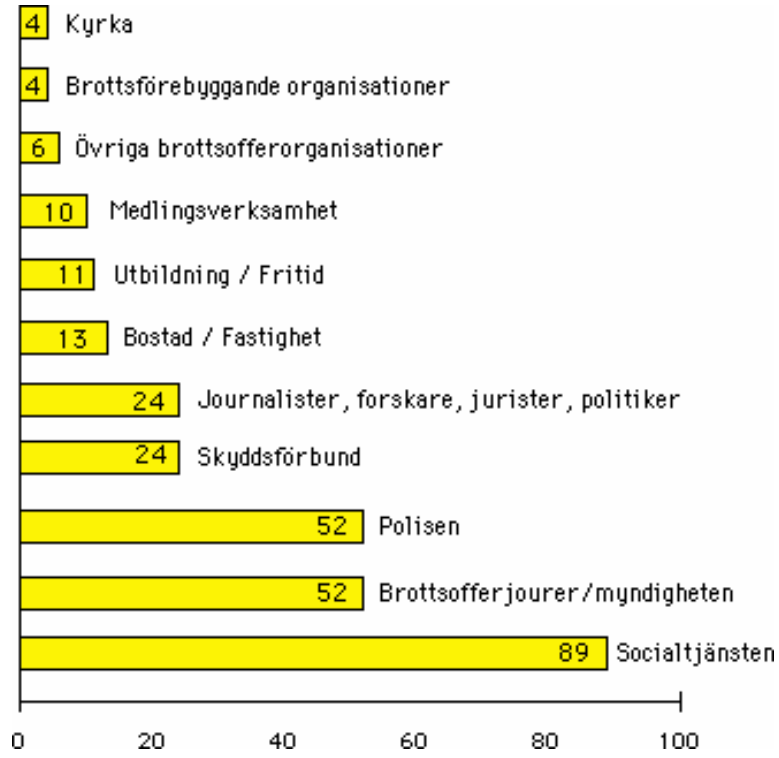
varav några har startat med medling och många vill starta med medling. Mötena hade titlarna "Medlarträffen" respektive "Medlingsdagen".

Figur 1
Aktörer på möten om medling. Fördelning efter möteskategori. Antal.5 (N=288)



5 Antalet aktörrepresentanter kommer framdeles att variera beroende på vilken kategori som analyseras.

Figur 2
Aktörer på möten om medling. Fördelning efter aktörskategori. Antal. (N=289)



Brott som blivit föremål för medling
Nedan redovisas vilka brottstyper som blivit föremål för medling inom sex medlingsverksamheter i Sverige. Inledningsvis anges brottstypernas fördelning inom varje medlingsverksamhet samt inbördes fördelning av de olika brottstyperna. Därefter redovisas en jämförelse av brottstyper mellan Sverige, Norge, Finland och Tyskland.

Tabell 1
Brottstyper som blivit föremål för medling. Fördelning efter medlingsverksamhet (N=356)

	Medlingsverksamheter I - VI						**Brott totalt**	
	I	II	III	IIII	V	VI	**Antal**	**Procent**
Snatteri	7	3	10	4	17	55	**96**	**27**
Skadegörelse/Klotter	18	12	22	19	-	10	**81**	**23**
Stöld*	18	7	20	18	-	9	**72**	**20**
Inbrott	11	5	9	2	-	8	**35**	**10**
Misshandel**	-	11	14	3	-	5	**33**	**9**
Rån***	-	5	11	6	-	-	**22**	**8**
Hot / Hot mot tjänsteman m.m****	-	1	7	-	-		**8**	**3**
Övrigt*****	2	1	1	-	-	3	**7**	**2**
Mordbrand	2	-	-	-	-	-	**2**	**1**
Summa	**58**	**45**	**94**	**52**	**17**	**90**	**356**	**(100)**

Verksamheternas redovisade tidsperiod (ungefärliga uppgifter): I = C:a 1 år (1994);
II = 15 månader (1996-97); III = 2 år (1995-97); IIII = 20 månader (1995-96); V = 3 månader (1997); VI = C:a 1 år (1996/97)
* Inkluderar försök till stöld, bilstöld och försök till bilstöld; tillgrepp av fortskaffningsmedel och försök till tillgrepp av fortskaffningsmedel.
** Inkluderar försök till misshandel, vållande till kroppsskada samt grov misshandel
*** Inkluderar försök till rån samt väskryckning
**** Inkluderar våld mot tjänsteman samt olaga tvång
***** I kategorin övrigt återfinns häleri (2), övergrepp i rättssak (1) samt förolämpning (1). Övriga tre (3) brott redovisas i verksamhet VI som "övriga brott".

Tabell 2

Jämförelse mellan Norge, Finland, Tyskland och Sverige av brott som blivit föremål för medling. Procent.

	Norge* 1994-95	Finland** 1990	Tyskland*** 1985-87	Sverige**** 1994-97
Snatteri/ Stöld	51	21	31	47
Skadegörelse/Klotter	21	30	17	23
Våld /Misshandel	5	27	29	9
Övriga	23	22	23	21
	N=4 387)	(N=732)	(N=204)	(N=356)

* Avser genomsnittet av samtliga Norges konfliktråd, utom konfliktråd som hade färre än 30 ärenden. Detta gäller dock ej våld/misshandel (där ingår alla konfliktråd). Källa: Evaluering av konfliktrådsordningen (1996:85-86), figur 17 och tabell 10.
**Omfattar nio förlikningprojekt. Källa: Lappi-Seppälä 1996:399, tabell 9.
*** Omfattar ett medlingsprojekt. Stöld/snatteri motsvaras i uppgiften från Tyskland av "simple theft". Källa: Trenczek 1990:116, tabell 1.
**** Omfattar sex medlingsprojekt.

Sammanfattning
Resultatet visar att socialtjänsten är den organisation som tycks vara mest intresserad av medling, drygt 30 procent utgörs av representanter från socialtjänsten. I relation till övriga aktörer är socialtjänsten också väl representerad på samtliga fyra möten och har en stor spridning över landet. Polisen utgör, liksom representanter för brottsofferorganisationer, ungefär 20 procent. Föreningar inom Svenska skyddsförbundet liksom brottsofferjourer som vardera stod för två av mötena i studien, finns representerade på samtliga möten. Endast ett fåtal av representanter från dessa organisationer deltog på de möten som inte initierats av dem själva. Bland övriga aktörsgrupper finns representanter för kommunal verksamhet, t ex bostadsförmedling, jurister, forskare, representanter från kyrkan och brottsförebyggande organisationer. Att det framförallt är socialtjänsten som intresserat sig för medling i Sverige är i linje med vilken bakgrund medlare har i Finland och Norge samt organiseringen av medling i Finland. I Finland, där medlare arbetar frivilligt är verksamheten vanligtvis en permanent del av socialtjänstens verksamhetsområde och de flesta medlare kommer från det sociala arbetsområdet (Iivari 1992:137). Dullum & Christie (1996:132) poängterar den relativt stora andel personer i konfliktråden som arbetar med barn och ungdom (framförallt socionomer och lärare).I Tyskland omnämns socialarbetare och övervakare som medlare, vilka har medling som en del av sina andra arbetsuppgifter (Trenczek 1990:114). I de finska förlikningsbyråerna är en klar majoritet av medlarna kvinnor (Stenberg 1994:17). I Norge är däremot männen något överrepresenterade bland medlare i konfliktråden, 57 procent. (Evaluering av konfliktrådsordningen 1996:55; Dullum & Christie 1996:132). (Uppgifter om medlares kön i Tyskland saknas.)

De brott som är vanliga inom medlingsverksamheterna i Sverige är stöld/snatteri (47 procent) och skadegörelse/klotter (23 procent). Dessa brott utgör tillsammans 70 procent av de totalt 356 brottstyperna som ingår i studien.

Trots det stora antalet medlingsfall i Norges konfliktråd jämfört med det relativt få brotten inom Sveriges medlingsverksamheter är likheterna slående mellan länderna avseende brotts-typernas fördelning. Samtidigt ska Sveriges något högre andel misshandelsbrott jämfört med Norge poängteras, eller i varje fall inte förringas. Finland och Tyskland har en relativt stor andel misshandelsfall. Skadegörelse (vandalism) tycks dock vara den vanligaste enskilda brottstypen inom Finlands medlingsverksamhet, enligt flera undersökningar (Marnell 1992:14; Järvinen 1993:112; Iivari 1992:138). Däremot visar statistik från en medlingsverksamhet (Helsingfors förlikningsbyrå) att endast ett fall av snatteri har medlats av totalt 204 ärenden (Marnell 1992:14). Även om Tyskland endast bidrar med brottstyper från en medlingsverksamhet i tabell 2, tycks snatteri/stöld och skadegörelsebrott vara vanliga brottstyper. I den tyska studien finns även en del uppgifter om två andra verksamheter, vilka i stort sett uppvisar liknande resultat (Trenczek 1990:113-118). Ett gemensamt drag för samtliga fyra länder är den anmärkningsvärt stora andelen skadegörelsebrott. Den utgör ungefär 20 procent i Norge, Tyskland och Sverige och 30 procent i Finland.

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Deltaglista 4:*Anmälningar till medlarträffen*

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Mediation and moral emotions II: observing mediation sessions

1. Introduction

This paper is the second one describing the findings of a study on mediation or victim-offender reconciliation in Finland. The first one was presented a year ago. The present paper will concentrate on the observations of mediation sessions and discuss their meaning for the position of mediation.

The Finnish mediation system gets most of its clients from the police and the prosecutor and deals with them before their cases are sent to the court. Although it is permissible and even commendable to retrieve cases from the community at large, without the intervention of the authorities, few cases appear this way. This is an agency-based system, using one vocabulary. Some of the basic elements of the Finnish mediation system were given in the paper a year ago, and a more comprehensive charting of the system is being prepared in NRILP by Ida Mielityinen.

Observation of mediation and court sessions

In our contacts with the mediation agencies and mediators we expressed a wish to observe and possibly audiotape mediation sessions. Some mediators disliked the idea; one person held that the presence of outside observers would jeopardize the whole idea of mediation; another could allow an observer in some cases but rejected the idea of tape-recording. However, most mediators were willing to let us in if the parties would agree.

The observed cases were ones that mediators suggested to us either directly or through the mediation agency. There were no particular attempts to make the selection of sessions representative. Because of this self-selection, it is likely that the observed sessions were chaired by mediators who were more experienced than the average. After having witnessed several sessions dealing with vandalism in which the victims had been corporate entities we expressed one wish: to see sessions with individual persons as victims.

The processing of eight cases were observed in nine mediation sessions. Three of the mediation sessions were tape-recorded; of others, extensive notes were made. In addition, mostly after the mediation sessions, a few parties to mediation were briefly interviewed.

The types of crimes the observed sessions dealt with include examples of the most important crime categories in Finnish mediation. Four cases dealt with assaults; a man had kicked his ex-girlfriend in her apartment; another man had kicked his girlfriend in the head in a public park; a man had hit another one in a bar and the victim's teeth had broken; the fourth assault by two teenagers against two other teenagers involved also the robbing of a small amount of money and other property. Two sessions dealt with vandalism; a group of schoolboys had painted graffiti; a man is his twenties had broken an expensive shop window at a shopping mall. One case involved the theft of the wallet from a pupil at a school and use of the stolen

library card to get CD's from the library. In the final case a man suspected that his neighbors' children intentionally made noise that prevented his sleeping; he had threatened the neighbors in various ways and the neighbors had filed a complaint.

Finally, four criminal court sessions were observed and notes written of them. They dealt with assault (the verdict was aggravated assault), theft, and drug offenses.

2. Observations on the sessions

The setting of the mediation and court sessions.

The contexts of the mediation and court sessions differ in many respects. The court sessions are held during business hours, addressing is formal ('Vous'), the 'script' of the session is relatively rigid. The mediation sessions are often held in the evening, others are addressed on the first-name basis, the flow of discussion is relatively free. In the criminal court, the events are discussed based on the pre-trial investigation minutes made by the police; in mediation, the parties describe the events in their own words. In court, a direct exchange of words between the defendant and the victim is rare; in mediation, it is common. In court, a considerable part of the words spoken are addressed to no person but for the benefit of the court record; in mediation, there all discussion is addressed directly to other persons present. In court, the verdict is handed down by the judge--the defendant and the victim seem passive recipients of the decision; in mediation, the offender symbolically assumes responsibility of the matter, makes an apology and is forgiven by the victim.

Emotionally charged settlements in mediation

All the observed mediation cases lead to a settlement, seven during the observed session, the eighth one later. Two of the cases were such that it seems improbable that they would have reached as reasonable a settlement in any other way, either if they had been left alone or had been processed by the official legal system.

One of these was the case of a ex-couple, who had separated shortly after a child had been born a few months before the incident. The assault, a kick severe enough to leave bruises that a doctor could verify (no sick leave ordered), had taken place because of differences over the ownership of some electronic equipment. The mediation session was over an hour of very intensive and deeply emotional discussion over the relationship of the couple - very constructive discussion in the end. It appeared that for the woman, the session was a means to force the man to discuss these matters. The man seemed to be terribly hurt because the woman had reported the incident to the police in the first place. But an agreement was reached: asking and giving forgiveness.

Mediation seemed like a sensible way of dealing with the matter. The man probably would not have talked to the woman without some form of coercion. A court might have ordered fines but would probably have made the couple fall even further apart. A marriage counselor might have helped if they would have been able to go there - but on the other hand the relationship did not seem to involve any particularly serious problems that would require special professional attendance.

The other clear solution involved a man and his neighbors, a family. The man who worked at a night shift had had problems sleeping during the day because of noise from the radiators. He suspected - he was convinced - that this neighboring family, or their kids, deliberately tapped the radiators. He had asked them to stop and had issued all sorts of threats, that of killing included. Insults had been exchanged between the neighbors. The man was really furious, so

furious he asked to meet the mediators without the other party because he was afraid he might not be able to control himself if they were present.

After meeting with both parties in long, tedious discussions in which all sorts of solutions, including the moving away of one or the other of the parties, were discussed, the mediators noticed that there was a chance to show the angry man that the family had not caused the irritating sound. They had been out of town during a weekend during which he had suffered from the noise. This did not happen in the observed session, it was later told by the mediators that when the man heard this, he burst into tears. Pretty soon the parties were together drafting a letter to the house managers for them to investigate what caused the irritating noise.

Compensations for pain and suffering

The preceding two cases were, it seemed, actually solved through mediation. They were also very emotional in tone. Some of the other sessions were more matter-of-factual. There was, however, in one of them an interesting stage that illustrates the limits and possibilities of mediation - and the power of moral emotions.

It was an assault and robbery case, involving young school kids. Two drunk young men had assaulted two other young boys in the street and taken some cigarettes and money from them. Apart from the four youngsters there were four parents present in the session - two for the two victims and two for the two offenders. The victims had been scared a lot and one of them had got some painful bruises, but there were no medical expenses nor any permanent damage. The property taken was only worth a 100 marks (USD 18). The mediators are usually discouraged to suggest or accept any monetary compensations for pain or suffering that are bigger than the very restrictive guidelines for compensation in traffic accidents require or allow. Under those terms, you must be quite badly hurt to get any money for pain and suffering. The settlement was taking shape with the standard apology and only the 100 marks compensation for the lost property. The father of one of the victims felt this was clearly inadequate, considering the seriousness of the offense: "I mean an assault and robbery". A lengthy discussion of the principles of compensation followed. The father grudgingly said he accepted the principles, but yet he seemed emotionally dissatisfied, as if there remained a deficit in the balance sheet of moral emotions. Finally one of the mediators suggested an additional agreement outside the official written settlement: the offenders would do one afternoon of clean-up work at the yard of the family of one of the victims. This seemed to satisfy the distressed father. This to me shows that the guidelines regarding compensation of damages may restrict the playing out of people's moral negotiations. It also shows the power of moral emotions.

Young people spoke little

Two mediation sessions in which some parents of the young parties were present were taped and transcribed word by word. The young protagonists turned out to speak very little. In the first session, there were four young offenders, their mothers (4), a representative of the victim (a corporate entity), and two mediators. The four young defendants used only one-fifth of the turns of talking and only four per cent of the words spoken in the session. In the other session, there was one young offender, his father, the mother of one individual victim and an adult representative of a corporate victim, plus a mediator. The young defendant used one-third of the turns of speech and one-tenth of the words spoken in the session. There were on average only four or five words in one speaking turn by a youngster in both sessions. They were mostly short replies to questions by adults.

The observation may not be representative, but even a few findings like this go against some of the most simple portrayals of mediation. However, even if the observation were representative, it does not mean that mediation would be a worse alternative than a regular court; these mediation sessions still endow the quiet youngsters with a larger role in their affairs than common court proceedings so. The observations do support the statements by some of the interviewees who said that youngsters are often reluctant to talk much while their parents are present and who sometimes ask the parents to wait for a while in another room while the matter is discussed between the young protagonists.

An emotionally satisfying settlement is not always reached.
In addition to those mediation sessions that clearly achieved something emotionally important, there were sessions that were less satisfying. For example, one of the assault cases observed was such that the two male parties, who were old pals or at least acquaintances, had already reached an agreement between themselves and did not want to discuss the whys and wherefores of their fight. The matter came up in mediation only because the offender could not afford to pay the dentist to fix the victim's teeth that his fist had damaged. It seemed that the municipal social welfare agency had set it as a condition for a voucher to the dentist that the men participate in a mediation session. So, even if a nominal agreement was reached - inculing apology and forgiveness plus a plan for the offender to repay the municipality the dentist's bill - there was not an equally satisfying emotional and substantial settlement as in the most successful of the observed cases. A similar sense of incompleteness remained in some other sessions as well.

3. Conclusion
There is more variation to the sessions than the ideal-typical depictions of mediation would suggest. There were different types of sessions:

- those that work just as depicted in the documents of the mediation movement: the victim and the offender genuinely meet and resolve their conflict facilitated by the mediators and the situation;

- those whose participants do not want to discuss the matters in front of other persons - these tend to turn into moralizing events - their function is to remind the offender of the blameworthiness of his/her deed;

- those in which the participants are reserved about their emotions but do accomplish something about the practical matters of compensation.

While the chances for open discussion and an adequate dealing with moral emotions are better in mediation than they are in the regular court session, often the functions of the mediation sessions seem to be elsewhere - and closer to the traditional functions of courts: to symbolize, to mark in a ritualistic way the importance of some societal norms, a warning, perhaps.

However, the observations made in this research suggest that mediation indeed does often offer a suitable form for the participants' moral emotions to be expressed and played out.

A judicial conflict, even that between the offender and the victim of a crime, often has properties that are similar to the well-known game of Prisoners' dilemma. Often the result would serve better both parties if they agreed to compromise. However, against every single

move of the opposite party, a tough, uncompromising position seems the best bet. For a person to be ready to choose a conciliatory move he often has to have quick feedback that the other party is going to cooperate. An important element in these "games" is the emotional tone of the interchange. In a mediation session, these conciliatory moves seem to easier to initiate than in a more formalistic and adversarial court proceedings.

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Alcohol and Drug Abuse Treatment and Recidivism. An attempt to evaluate the effectiveness of substance abuse treatment as an alternative to imprisonment among Icelandic prison inmates.

Introduction

Treatment of criminal offenders for alcohol and drug abuse has a long history behind it, both in prisons and outside prisons. In the years following 1970 the optimism relating to the feasibility of such treatment programmes provided for offenders receded considerably following the publication by an American scientist of the conclusions drawn by him concerning the possibilities for such treatment (Martinson, 1974). His conclusions indicated rather meagre success in the rehabilitation of offenders. His message was that for this purpose "nothing works". Later investigations have nevertheless indicated the opposite; namely that rehabilitation is indeed successful in some cases, and is frequently manifested by a reduction in the rate of return to prison (McMurran and Hollin, 1993). The success of treatment is however very difficult to measure, and study results are often misleading. Grevholm and Külhorn (1997) compiled a survey of the results of eleven Nordic studies of the results of treatment programmes carried out in 1980-1995, and found that none of them fulfilled the methodological standards applicable to such studies. Martinson's conclusion of no success and speculations relating to the links between drug abuse and crime, in addition to varied opinions concerning the appropriateness of offering drug treatment in prison, have had the effect that views relating to drug treatment of offenders have fluctuated considerably in the past two decades (Peters, 1993).

The objective in treating criminal offenders for alcohol and drug abuse can be described as twofold. One is to improve their health and their life in general, and the other is to reduce the likelihood of their return to prison. Notwithstanding the fact that the link between alcohol or substance abuse and crime is by no means always evident, such abuse and crime often go hand in hand, and many offenders are of the opinion that their crimes are a direct consequence of their drug abuse. Many studies have been conducted outside Iceland for the purpose of investigating these links. It has repeatedly been revealed that abuse of drugs is common among offenders (Baldwin, 1991), and also that abuse of alcohol is frequently linked to violent crimes (Gudjonsson and Petursson, 1990; Cookson, 1992; Thomas and McMurran, 1993), whereas abuse of other drugs tends to be linked to property crimes (Junger-Tas, 1991,

Egg, 1992). A recent study of young English criminal offenders (Kirby, 1993) showed that 93% of those asked said they had been abusing drugs regularly, and that they committed crime in order to finance their drug purchases.

According to the studies conducted by Sigurdsson and Gudjonsson (1994, 1996) of alcohol and drug abuse by Icelandic prisoners prior to the service of their sentences, three out of every four participants reported having been under the influence of some intoxicating substance when committing the crime for which they were sentenced, and of these, 64% said that they had been under the influence of alcohol and 33% under the influence of illicit drugs (Sigurdsson and Gudjonsson, 1994). The prisoners were asked various questions concerning their drug abuse before they were incarcerated. A sizeable proportion seemed to have considerable alcohol or other drug problems. Seventeen per cent said that they had been using alcohol or some illicit drugs on a daily basis for the six months prior to imprisonment, and almost one-fourth (23%) said that they had at some time used drugs by injection. Almost one third considered themselves to have a drug problem, and 57% said that they had received treatment for alcohol or drug abuse at some time (Sigurdsson and Gudjonsson, 1995, 1996). An excerpt of Sigurdsson's and Gudjonsson's writings on alcohol and drug abuse by Icelandic prisoners was published in the Annual Report of the Prison and Probation Administration for 1993.

Since 1990, the Prison and Probation Administration (hereafter abbreviated PPA) has offered prisoners the option of completing the last six weeks of their imprisonment by taking part in a treatment programme for alcohol and drug abuse with SAA (Samtök áhugamanna um áfengisvandamálið), a government-supported private organisation that offers treatment to alcohol and drug abusers. This is a traditional six week programme based on the medical model of alcoholism (Minnesota Model) and the twelve AA (Alcoholic Anonymous) steps. This is done in accordance with the Prisons and Imprisonment Act, No. 48/1988, which provides for the possibility of housing a sentenced person in a hospital or other institution for treatment, if this is considered feasible on account of health, age or other (unspecified) reasons. Until 1990 this provision was usually only applied in cases of physical illness where hospitalisation was required, as no medical treatment wards have ever been operative in Icelandic prisons. This treatment option is one of three alternatives of imprisonment in Iceland, the others being community service, which was legalised in 1995, and transfer to a half-way house in Reykjavik run by the Prison Aid Association, which also started in 1995.

Most prisoners applying for completion of a prison sentence by treatment for alcohol and drug abuse do so at their own initiative, but this also happens frequently as a result of a recommendation or at the instigation of others, in particular family members or persons employed within the prison system. The applications are examined by the PPA, which grants such permissions in consultation with the chief physician at SAA on the basis of the prisoner's conduct or performance when serving his sentence and any other indications as to whether his desire is expressed in earnest. In 1990-1996 a total of 120 prisoners were afforded the opportunity of completing their sentences by taking part in such a programme. Most prisoners permitted to complete their sentences in this manner have been sentenced to fairly long prison terms, which most often are terminated by conditional release on probation. By offering this option, the idea is to provide for the prisoners a better preparation for life outside prison. Before the treatment starts a written agreement is entered into between the prisoner and the PPA, specifying the conditions accepted by the prisoner. He undertakes to obey certain rules and orders issued by both the PPA and SAA. If the conditions set are violated, or if the prisoner wants to terminate the treatment, he is brought to prison again, where he

completes his sentence. If a prisoner leaves the SAA treatment facilities without the knowledge or approval of the PPA, this is regarded as a breakout from prison, which may be subject to disciplinary sanctions under the Prisons and Imprisonment Act.

The objective of the present study is to assess what results may have been obtained from offering to prisoners the option of completing their sentences by participating in a six-week alcohol and drug abuse treatment programme at SAA. This is done by investigating whether there is any difference in the rate of recidivism among those who completed this programme and those who failed to do so. It was assumed that persons in the former group were less likely to return to prison, and that those who did return would do so later than the others. In making this comparison, use was only made of information concerning those who completed their treatment programme not later than four years ago, i.e. those who took part in such a programme in 1990-1993, so as to obtain a reliable picture of their return rate. Another purpose was to investigate the criminal records of the prisoners and compare it to the available information on the criminal records and return rates of Icelandic prisoners in general. An assessment of the efficiency of the treatment was not included, as the available information does not permit this. The study was in part carried out with the financial support of the Alcohol and Drug Abuse Prevention Fund (Forvarnararsjóður).

The rates of return to prison among Icelandic prisoners have been the subject of some study programmes. Gudjonsson (1982) investigated how more than 70 boys who had been accommodated at Breiðavík in Iceland, a home for behaviourally disturbed children, had fared after they left that facility, and found that approximately 73% had committed a criminal act three or more years after they had left. Soon after, another study of the return rates to Icelandic prisons was conducted by Kristmundsson (1985), who found that more than one half (55%) of prisoners who had completed their sentences in 1979 and 1980 had served a prison sentence previously, and that 59% of them had returned to prison by 1984. Recently Sigurdsson and Gudjonsson (1997) investigated the criminal records of almost 500 Icelandic prisoners who had served their sentences in the period 1991-1995. Among the results was that 40% of the prisoners had served prison sentences previously. An excerpt of their article on the criminal records of Icelandic prisoners was published in the PPA's Annual Report for 1996.

The investigations of Kristmundsson (1985) and Sigurdsson and Gudjonssson (1997) indicate that recidivism in Iceland showed a marked reduction in the period 1980-1985. It must be noted, however, that different studies show different return rates. A lower rate is shown if a study relates to all persons coming to prison for the service of a sentence, but a study of all persons staying in prison at a particular point in time shows a higher rate. In the latter case a higher return rate may be expected, because the study group then includes a higher proportion of habitual offenders. A cross-section of the present Icelandic prison population reveals that approximately 50% of Icelandic prisoners have served a sentence previously.

Method

A study of recidivism rates and criminal records of 48 prisoners who were permitted to complete their prison sentences by a six week alcohol and drug abuse treatment programme at SAA in 1990-1993 included 44 men (92%) and 4 women (8%). Figure 1 shows the age distribution of the prisoners. Their average age at the time the treatment programme was initiated was 30.1 years (SD=8.0). The youngest prisoner was 18 years old, and the oldest was 54 years old.

The study included a comparison of those who completed the full six week programme at SAA and those who failed to do so, i.e. those who terminated their participation at their own request and those who were dismissed as a result of some disciplinary violation during the programme.

Results

Table 1 shows the number of prisoners, for each year separately, who completed the entire programme, and of those who did not. Of the 48 prisoners given the opportunity of completing their prison sentences by participation in a six week alcohol and drug abuse programme at SAA, 34 prisoners completed the programme (71%), but 14 (29%) ceased their participation before its completion, 8 at their own request, and 6 because of disciplinary violations during the programme. Those completing the programme were 32 men (73%) and 2 women (50%). No comparison was made between males and females, as the female sample was very small. Female prisoners are only between 5 and 6 per cent of those who at any particular time serve prison sentences in Iceland.

Table 1. The number of prisoners who completed a treatment programme and those who failed to do so in 1990 to 1996, both years included.

Year	Treatment completed Number (%)	Treatment not completed Number (%)	Total
1990	11 (85%)	2 (15%)	13
1991	9 (60%)	6 (40%)	15
1992	8 (62%)	5 (38%)	13
1993	6 (86%)	1 (14%)	7
Total	34 (71%)	14 (29%)	48

Table 2 shows the types of offence for which a sentence was being served at the time the treatment programme commenced. As shown there, more than half of the number of prisoners were serving a sentence for property offences, which is consistent with the causes for imprisonment in Iceland in recent years (refer to the Annual Reports of the PPA). It is noteworthy that almost one third (29%) of the prisoners to whom the study related were serving a sentence for violent or sexual offences, while according to the PPA's Annual Report for 1996, only 16% of Icelandic prisoners served sentences on account of such offences in 1996.

Table 2. The types of offence for which the prisoners were serving sentences when the opportunity of participation in the treatment programme was offered them.

Type of offence	Treatment completed Number (%)	Treatment not completed Number (%)	Total undergoing treatment Number (%)
Property offences	17 (65%)	9 (35%)	26 (54%)
Serious traffic violations	7 (88%)	1 (12%)	8 (17%)
Sexual offences	6 (67%)	3 (33%)	9 (19%)
Violent offences*	4 (80%)	1 (20%)	5 (10%)
Total	34 (71%)	14 (29%)	48 (100%)

* Two individuals serving sentences for homicide or attempted homicide are included in this category.

Figure 2 shows the differences in rates of recidivism during the study period, i.e. to the end of 1997, by year of treatment.

Table 4 shows the average numbers, standard deviations and t-tests for those who completed the treatment programmes and those who failed to do so in 1990-1993. No significant difference was demonstrated among the two groups as regards the variables studied. The mean ages of prisoners participating in the treatment programmes proved to be the same, as was the case with the average duration of the sentence or sentences they were serving at the time of commencing treatment. Almost one third (29%) of the prisoners in question were serving their first prison sentence at the time of commencing treatment.

Table 4. Means, standard deviations and t-tests for prisoners completing treatment (N=34), and those who did not (N=14) in the years 1990 to 1993, as regards to the variables studied.

	Treatment completed Mean (SD)	Treatment not completed Mean (SD)	t-test
Age during treatment	30.1 years (8.6)	30.1 years (6.5)	-0.01
Duration of sentence(s) terminated by treatment programme	19.8 months (28.8)	19.1 months. (12.2)	0.08
Age when first imprisoned	24.3 years (6.3)	23.1 years (4.4)	0.53
Number of unconditional sentences at time of commencement of treatment	5.4 sentences (4.8)	6.6 sentences (5.3)	-0.72
Number of prison terms served earlier	3.1 terms (2.3)	4.1 terms (2.7)	-1.24

Of the 48 prisoners undergoing a treatment programme in 1990-1993 a total of 30 (63%) returned to prison during the period. No significant difference was found between those who completed the entire treatment programme and those who failed to do so; however, a higher proportion of the latter group returned to prison, i.e. 86% instead of 53%. Neither was such

difference found as regards the time elapsed from participation in a treatment programme to commencement of the next prison term, between those who completed the programme and those who did not. Nevertheless, the prisoners completing the programme returned later to prison than the others. The former returned to prison in 19.5 months on the average, while the latter returned after a period averaging 14 months. Eleven of the returning prisoners were granted a second opportunity to complete their sentences by a treatment programme, and one prisoner was granted a third opportunity in the period coming under the study.

Discussion

Since 1990, a total of 120 prisoners have been afforded the opportunity of completing their prison sentences by participation in an alcohol and drug abuse treatment programme offered by SAA. In order to make it possible to discern any differences in the return rates to prison of those who completed the entire six week programme and those who failed to do so, the decision was taken to extend the study to at least four years from the termination of participation, in order to obtain a realistic picture of the return rates. In 1990-1993, forty-eight prisoners were afforded this option. Of these, slightly less than three fourths completed the treatment programme, but slightly more than one fourth terminated their participation at their own request or as a result of various disciplinary offences in the course of the programme. No statistically significant difference was found between the two groups, in spite of a considerable proportional difference. This may be due to the small number of individuals providing the sample. Further research is needed, and returns to prison of offenders who undergo a treatment programme while serving a sentence will continue to be monitored.

It is however noteworthy that the return rate of both groups (63%) was rather high, and considerably higher than the return rate of the prisoners studied by Sigurdsson and Gudjonsson (1997), which showed that four out of every ten individuals admitted to Icelandic prisons for serving a sentence over a period of four years had served a prison term earlier. A recent study of Norwegian offenders who completed their prison sentences by an alcohol or drug abuse treatment programme, conducted by Ødegård and Amundsen (1998), revealed a higher rate of recidivism (90%) than that of those who did not participate in a programme of this kind (81%). One explanation for the high recidivism rate of the Icelandic prisoners undergoing such a programme is without doubt linked to their criminal records, as their records were both longer and graver than those of the prisoners studied by Sigurdsson and Gudjonsson. The prisoners in the present study were, on the average, approximately four years younger than the prisoners they studied, who averaged 27 years (SD=8.7) when they served their first prison sentence. The members of the present study sample had also served more terms in prison and had received more unconditional sentences than the members of their sample, who had previously been sentenced by an average of 5.1 (SD=5.2) unconditional sentences and had served an average of 2.8 (SD=2.9) prison terms.

Another explanation of this high return rate can undoubtedly be traced to the alcohol and drug problems of the sample members, as this was the reason why they applied for a completion of their sentences by drug abuse treatment in the first place. It may be assumed that their drug abuse problems are proportionally greater than those of other prisoners, who did not lodge such applications. One deficiency of this study is the fact that no information was available on the prisoners' use or consumption of alcohol or illicit drugs, nor the nature of their problems, at the time they applied for participation in the treatment programme. The only dependable information on alcohol and drug use by Icelandic prisoners is to be found in the studies of Sigurdsson and Gudjonsson (1994, 1995 and 1996). Their study (1995) of 340 Icelandic prisoners concluded that 13% were regarded as seriously dependent on the abuse of drugs,

i.e., that they reported to have used drugs at least on a weekly basis for the six months preceding imprisonment and had, in addition, used drugs by injection some time. It has also been brought to light that a very large proportion of Icelandic prisoners seem to have taken part in an alcohol and drug use treatment programme at the time they commence the service of a sentence. According to the Annual Report of the PPA for 1993, 45% of the sample members of Sigurdsson's and Gudjonsson's study said they had completed at least one such programme, and of these approximately one half said that they had undergone such treatment at least twice.

When making this comparison, it is necessary to bear in mind that the studies of Sigurdsson and Gudjonsson included all individuals admitted to prison for the service of a prison term during a particular period, and their conclusions, therefore, relate to the course taken by the average prisoner. The present study, on the other hand, investigates the course taken by only those prisoners who were allowed participation in an alcohol or drug abuse treatment programme. It may be assumed that the members if this group have, on the whole, greater alcohol and drug use problems, and they may have a longer criminal record than the average prisoner.

As regards recidivism, the results of the present study indicate that a prisoner's completion or non-completion of a treatment programme does not matter much. Nevertheless it must be noted that the sample is rather small and it is questionable whether any firm conclusions can be drawn. The study may be regarded as the beginning of an investigation of the treatment and rehabilitation possibilities available for Icelandic prisoners, and it will be interesting to see what return rates are shown by prisoners completing their sentences by a treatment programme in a few years. The reader should also be reminded that the study is limited to the information available at the PPA. No information was available on earlier treatment programmes afforded the prisoners in question, nor their performance during any such treatment, and it would be incautious to draw any conclusions on the treatment results obtained for the members of the study sample.

In spite of the high return rate of the prisoners afforded treatment there are at least two weighty arguments in favour of continuing to offer prisoners the opportunity of concluding their sentences by taking part in a treatment programme. Firstly, treatment for the abuse of alcohol or illicit drugs must remain a valid option for prisoners contending with such problems, if only from the viewpoint of health care alone. In this respect, the reaction is the same as in cases of other health problems, i.e.; attempts are made to make general health care available for prisoners while they serve their terms. Secondly, a treatment programme outside prison is a positive option, both for a prisoner and for society at large. A constructive treatment environment is likely to have better influences a prisoner's well being and health than his incarceration in prison.

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Speculations on the Finnish Police Murders

Two policemen are shot in the centre of Helsinki. The press, tv and radio - the media - follow closely and in real time (cf. the Persian Gulf war) both the events and public reactions. It is said that never before have similar reactions been seen. Why do the police murders become such a great sensation?[1] What matters might be behind the "*police murder* sensation"?

The dreaded model constructed by Hollywood *came true*

You had already seen it in the movies, but only in the movies! Irrational, ruthless and unexplainable violence leaves you powerless. The emotional reaction is remarkable, and this feeling and event is symbolised by the image of the method of killing emerging on the memory's retina: in the night in the dark street executed *human* bodies lying on their knees and stomachs, cowardly and cruelly shot to the back (neck). When talking about the police murders this image rose and will rise to people's eyes. The whole narrative of the story is not insignificant.

A real time crime movie

The event has the elements of a thriller: a shocking and dramatic beginning (the way, time and place of killing) cannot leave people with emotions cold.[2] A nation-wide, extremely exciting, unique police operation begins, a chase, where after the first moments the hope of victory of the good is lost - after two days it seems impossible to catch the villain. And then: catharsis! The guilty one has been identified and finally apprehended. The good (the police), on whom has been attacked, acts like a victorious hero until the end (the police killer is not even battered when he is apprehended). The evil confesses, repents his acts and get his

[1] Before I discuss alternative explanations, I will answer a couple of concrete questions concerning my current research project: I've been just about two years with police officers as a participant observationist. In the morning of the event I was leaving for Spain to attend a conference in Oniati. It crossed my mind that I could have been patrolling with the shot policemen in the night of the murders (e.g. I felt a pain in my chest). Anyway, it was not very probable, because those men did not belong to those units I was driving with. However, I knew them both by sight and I had worked with their co-workers. With those, who knew them, I have talked about their feelings. However, these reasonings have nothing to do with the matters that I want discuss with the seminar attendants next. I want to talk about, what lay behind the "police murder phenomena", things connected with it and the consequences of it. Nevertheless, it should be said that perhaps discussing this subject is some kind of "debriefing" or therapy for me. This may explain the sarcastic rhetoric of my paper. Let us say that it is some kind of "reflective sociology" (or social psychology). Nothing is sacred to the sociologists.

[2] To start speculations... What is the function of the morning news, especially from radio? You (or "normal people") start a new day by listening is the world same place as last night, as it was before you went to sleep. Is everything out there OK? Is weather OK, is there revolution, riot or strikes, problems in traffic, anything abnormal? People are in sensitive condition when they wake up in home, aren't they? Now everything wasn't the same compared yesterday. The morning time concerning news is not insignificant. This kind of extreme (ultra) violence doesn't fit to context of mornings. So it was "bad sun rising", a morning shock, which turned daily rhythm of matters up side down: (might felt: "Don't give me slaughters at my breakfast, please!") The accurate time and place for violence is at night time: after nine o'clock news is the time of the entertainment of violence, enjoyment of action and violence, the acceptable time for Hollywood production.

punishment. The sorrow of the relatives bothers the minds of the public (audience). However, a cultural channel is based on this emotional impact:

The global village and collective reaction models

The global media has its role. The public reaction, the bringing of flowers, sympathy and condolences, has been tried to be explained by the model of "collective sorrow", reminding the one felt by Princess Diana's death. The background of collective sorrow is speculated to lie on the deep Finnish economical regression and mental depression.[3] Nothing more about the innocent, distressed white figure of the princess loved by the public, but more about other fairy tale characters: combat between good and evil.

The (gendered) combat between good and evil

The story is as taken from a fairy tale, the classic combat between good and evil. It was easy to identify oneself with the defender of (social) good (who could have been also somebody else than a policeman(?), but the knights of the crown are more classic).[4] The manner of killing and what had happened did not leave uncertain the division between good and evil as was the case in the hostage drama in Mikkeli and other episodes where the police had been surrounding its resistants.[5] If the incident had not been so evident, if the police had used firearms or forced the victim to act somehow, it would not have been so easy for the media to take its side:

Media's (public's) bad conscience of earlier critique of Finnish police's use of firearms

The police has been one-sidedly critisized almost only negatively in shooting incidents. The police have during the latest years shot to death some of its armed resistants. Relatively loudly has been demanded stricter control and limitations to police's use of firearms. Now the situation turned upside down. The policemen had been cruelly shot.[6] Behind the scene the media had to ask itself, if it was wrong, if it even was partially to blame. It was asked, if the Finnish police's use of arms was too soft. This affected the journalistic discourse. Would the human lives of the "civil servants" been saved, if they had acted like their American colleagues:

Discourse of the human faced civil servants

The police is there for us. The policemen had stayed up so that we could sleep. In one night this faceless control institution, the police, got a face.

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[3] The event was neither too near nor too far: the 100 000 Finnish users of antidepressants and also other depressed people got an opportunity to cry.

[4] Also the masculine stereotypes, young men as heroes, supporter the classicism of the story. Stereotypically the victimisation of a male can be accepted more easily, if he is (masculinilly) shot, especially, if he dies heroically. And yet: what about, if the other victim would have been a policewoman? Would the gender have been the issue of the "cause"? Now it was pondered, if the older policeman's poor knowledge of languages had partially caused the event. Furthermore the critical sociologists have their archetypes of good and evil, and on the other hand, of different societies. Very revealing is an curiosity that my colleague told me. When I and Anne Alvesalo were in Oniati, she told our foreign colleagues that the policemen had been killed in a manner of an execution (we had earlier discussed the Finnish events with them). They found it very interesting "that in Finland **the police killers** are executed without delay". Criminologists have stereotypes of countries (Finland as a "barbarian") and institutions: the police seems to be suitable enemy for critical sociologists/criminologists.

[5] In Mikkeli there was a hostage situation, where bad police managering resulted to death of hostages.

[6] From the college psychology, from the cognitive dissonance theory can be drawn the psychological interpretation of one standpoint at a time: the three different components of attitude have to be in balance: emotion, knowledge and behaviour. Now the behaviour in the event and the emotion it produced was so strong that the rational aspect was defeated as contradictory. It felt contradictory to talk about police's use of firearms based on common knowledge.

A reminder of humanity in the society: a policeman is a human being, too
The dead constables' faces were soon published. A policeman, too, is vulnerable and he has a family. Relatives grieved for them, their children and wife as well. People were really hurt, the murded ones and all those who grieved for him.[7] The policemen, these family members had stayed up for the security of the Finnish nation.

Social construction of patriotism and a threat upon our haven
The great story called Finland, Finnishness and patriotism, was reflected on the defenders of the society and social peace. The presumed public reaction produced a "social demand" for the social construction of the departed (killed) heroes. A tabloid even wrote, that in Finland after the war only president Urho Kekkonen got a more impressive funeral. And, in addition, it was again proven that Finland is no longer a safe haven, a peaceful village and a consensual welfare state.

Fragmented postmodern society and urban horror scenario
Collective emotional outbursts (of social nausea, sickness) seldom find their way out in the postmodern, fragmented society. When you find one, behind it lies a bigger constructive, collective feeling, feeling of insecurity: the fear of indifference due to the decayed social relationships in a modern urban society. And indifference (Niemel et al. 1997) in social relationships is (regarded as) the cause of violence and crime.

The archeexample of the fear of crime
At its worst the fear of crime is the fear of a stranger - of an outside, indefinite, unknown, unexpected and violent stranger - the fear of an attack on an honest and innocent people (both persons and nation).[8]

"Chasing a foreigner" and the connotations of the method
Some evening papers tried to provoke (moral) panic (cf. earlier elements of moral panic in Finland caused by the fear of eastern mafia and drug expansion) telling about the chase of a violent and ruthless foreign robber. The suspect had spoken English, and there was a violent robbery of money in connection with the act. The method was similar what is known as "eastern mafia" and (western) "drug gangsters" use. The police did not express any public opinion on the nationality of the criminal, but a certain connotation was seen in the special attack on boats departing from Helsinki for Estonia. In the radio Estonia officially regretted the suspicions on Estonian citizens. It was said there was "antiracistly fortunate in a misfortune": "Luckily the criminal was not black!" It was a good, suitable enemy against whom everybody (as one nation) could fight:

[7] Only the hardened criminals and critical sociologists avoided the touch of evil? As a matter of curiosity a postgraduate. sociologist, a colleague of mine said, that the whole case "pissed him off, the tabloids were load of shit...".
[8] As a matter of curiosity, a relative of mine told that their 5 year old son was were scared of this killer later. They are living near to prison, and he almost could sleep at night at all, because he was so afraid, while have heard talks and news of this killer - even though parents tried to avoid him to hear or see anything. "Aren't him in that prison, aren't him coming to our house." They have to lie that he is not there! How the most sensitive persons, children reacted tells about extensiveness of this sensation, as there is a Finnish expression "you hear the truth form children's mouths": A police killer is "a post-modern bogeyman, a witch, monster of fairy tails".

The characteristics of the suitable enemy

Some of the characteristics of a suitable enemy were found (Christie & Bruun 1986): nobody defends the victims (the suspect) or the defence is very weak, that is to say that there are very few opponent opinions or there are none. (The act was so cruel that there was no room for defence, and it would have been disgracing the "departed heroes", if someone had dared to criticise the action of the police or analyse them control-critically.)[9] The attacker (the police) gets the honour; the weak groups pay the main part of the consequences of the war (foreigners as suspects) and the majority's way of life was hardly disturbed, more dangerous and important matters got no attention, that is to say that the centralised power and the great majority were left in peace; and also one of the characteristics of an ideal problem is the fact that it can explain other undesirable things (e.g. the cancelling of prison leaves or the necessary existence of the prison institution):

Social demand for harder control and criminal policy

In Finland the Minister of Justice had started the conversation of tightening the too liberal criminal policy (see e.g. Suomen Kuvalehti). The liberal "understanding" criminal policy of the seventies had come to its end.[10] The "common people" are thought to support the harder line without reserve[11] (it can be proven by gallup surveys!): It is believed that people are afraid of the prison leaves. The hero hardly soiled himself with these demands:

Moderate police? - "Statesman's funeral"

For a long time the tight budget of the police had been a constant concern of the media and the subject was brought up again, as expected**,** by some parliament members. Representatives of the police union expressed their opinion on this question in electronic media. The police acted moderately, and as a matter of fact, in this way they got the "public" sympathy: The police did not make the mistake of trying to get more money before "the bodies were cold".[12] And most significantly they did not have to do it for themselves: media let representatives of the public tell their opinion several times, for example about 80-years old woman insisted on more powers for the police in nine o'clock news. But the Police made a great pr-happening (Durkheimian functions: funeral have several functions including as a rite, it functions as a symbol of community's social existence) organising a "Statesman's funeral" with funeral procession passing the central police station, where police chiefs were saluting: 20 000 people were present, and funerals were televised. So the church had their share too, the church used death, funeral as rehabilitation of religious rites, to rehabilitate of religion and church

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[9] There was a contradictory element concerning villain - and this is the only place I will mention anything about the person, Christiansen himself. People were confused by the thoroughly contradictory personality of the suspect: how was it possible that (as a policeman said: "the dream son in law") a well-behaved, pleasant and handsome Scandinavian (one of us) could commit such a crime.

[10] Also Helsingin Sanomat expressed its opinion in its editorial 28th October 1997: *"The support of the citizens helped the police significantly"* on this matter: *"Scandinavian liberal prison policy had - once again - sad consequences. Christensen is not the first major criminal, who has amazingly easily got a leave from the prison. He is also not the first, who murders someone."*

[11] There were also opponent opinions. For instance, the Councillor of the Court of Appeal, Jukka Kemppinen analysed the incident and the grief it caused and said that this sorrow could also have a connecting and healing power (**"Common grief, a turn to the better"**). He wrote in Helsingin Sanomat 8th October 1997: *"Opportunism is flourishing. When people are terrified of crimes, more severe penalties are demanded and people are silent about the fact that this kind of practice turns the crimes even more serious and causes more suffering and costs."*

[12] I know from my fieldwork experience that the internal conversations in the police was quite different. The chief of the National Bureau of Investigation expressed his opinion very objectively in Helsingin Sanomat 31st October 1997. But you can find purposeful rhetoric in his statement (see footnote 13).

institution in godless postmodern era (Look at the photo of mass procession!). Neither did the media blow it.

Still moderate Finnish media?
Also the media acted in a moderate Finnish way, and let the relatives mourn in peace. And it did not try to raise moral panic and turn sorrow into hatred. The sorrow was kept on the surface, the hatred was suppressed. No doubt, the English media would have acted the other way round.

The place of the murders, ground of historical values, the old centre of Helsinki
Lastly, it is possible to speculate that the public reactions may not have been so positive and extensive, if the incident had occurred in a "normal context of evil or crime", for instance in sub-urban Kontula or in Lahti in Liipola, and not in the centre of historic and upper-classic Helsinki, the metaphoric heart of the (patriotic) nation. This place was easy to find and bring condolences from all over Finland (vs. the sub-urb of Kontula), too.

Police-public relations
The good police-public relations have been used as an explanation model for the "public reaction". It is believed that there is fair play even with the robbers in a small village like Finland. But does these good relations have a lot of value as an explanation model in this story?

Consequences?
At last, did this episode give anything new to the Finnish criminal policy? Did it leave only a social demand for harder control and criminal policy? Did it leave an admiration for our police and a concern of its too tight budget, lenient use of firearms, changes in strategies and tactics, wider powers etc.?[13]

[13] The tight budget of the police is often seen (by the police) as a crucial problem of the social order: the chief of the National Bureau of Investigation wrote in Helsingin Sanomat 31st. October 1997: "*Open borders change the police work. The peaceful development of a democratic society is secured by providing sufficient assets for the authorities.*" His article deals only with the police.

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Biseksuelle menn og hiv-forebygging 1

Som et ledd i prosjektet "Mann nittiseks", et prosjekt om menn og menns seksualitet i regi av Statens helsetilsyn i Norge ble det opprettet en telefonlinje som henvente seg til menn som har sex med kvinner - og med menn. 76 menn ringte inn til denne telefonen og disse mennene ble intervjuet med utgangspunkt i et standarisert spørreskjema. Dette matrialet ble jeg bedt om å analysere. Jeg kom inn i undersøkelsen på et tidspunkt hvor alle intervjuer var gjennomført, slik at jeg ikke deltok i utformingen av spørreskjemaet, og heller ikke hadde anledning til å snakke med intervjuerne underveis i prosessen. Min jobb har således vært å gjøre skjemaene tilgjengelig for statistisk databehandling, og bearbeide materialet.

I tillegg til dette matrialet gjennomførte jeg et gruppe intervju med fem biseksuelle menn, som ble rekruttert gjennom min oppdragsgiver. Gjennom intervjuet søkte jeg primært å få utdypet de temaene som ikke ble særlig godt besvart gjennom telefonintervjuene.

De biseksuelle mennene ser ut til å ha et høyt kunnskapsnivå om hiv og smitteveier. De vet at menn som har sex med menn er en spesielt utsatt gruppe, og de vet at kondombruk ved analsex beskytter. I all hovedsak bruker de innringende mennene betegnelser om sin egen seksualitet som innlemmer at de også har sex med menn. Mennene er altså fullt klar over at hiv er noe som også angår dem, og har ikke utdefinert seg selv fra risikogruppen.

Forholdet til kondombruk og hva dette kan innebære for seksuallivet har endret seg sterkt fra hiv-epidemiens tidlige fase, hvor det å trekke frem kondomet ofte ble en kobling mellom sex og død. Som en sterk kontrast til dette er uttalelsen til en av mine informanter, når vi snakker om å glippe, og jeg spør de som sier at de alltid er helt konsekvente om det ikke hender at de ikke har kondom tilgjengelig, at kåtheten kan ta overhånd, og man gjør ting man angrer på siden. Og jeg sammenligner det med heterofile kvinner som glipper i sin bestrebelse på å beskytte seg mot graviditet. Da sier Svein:

"Ja, men det er liksom én ting. Noe helt annet er det å ha en pikk i ræva og føle at det er det samme som å ha en pistol i nakken! Sånn ville jeg føle det å ha analsex uten kondom."

Der hvor kondomet tidligere ble koblet til død, er det her mangelen på kondom som nå sterkt kobles til døden.

Dette gjenspeiles også i flertallets seksualpraksis: 84% av innringerne har ikke hatt risikosex definert som analsex uten kondom, enten ved at de ikke har hatt analsex eller at de konsekvent har brukt kondom ved analsex siste år.

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1 Innledningen bygger på rapporten Biseksuelle menn - seksuell praksis og hiv-forebygging (Jon 1998)

For en liten gruppe av de biseksuelle mennene virker det derimot som om de ikke har tatt trusselen om hiv-smitte helt på alvor. 16% oppgir at de aldri bruker kondom ved analsex. Noen av dem ser likevel ut til å ta noen forhåndsregler i form av at de bare har sex med en fast elsker, eller ved at de bare har sex med menn de kjenner godt. Nesten halvparten av dem tar imidlertid ingen forhåndsregler overhodet. En av disse er en gutt på 22 år, som har hatt sex med fem kvinner og åtte menn siste år. Han har hatt ubeskyttet analsex med fire av mennene. Sexpartnerne har han truffet enten via kontaktannonser eller på straighte utesteder. Han betrakter seg selv som tilhørende en risikogruppe fordi "Jeg er gutt og aldri bruker kondom". Han har ikke testet seg for hiv.

Det ser altså ut til at det finnes en liten gruppe menn som har sex med menn, som det forebyggende arbeidet ikke har nådd. Ingen av disse mennene fremstår som uvitende om hiv og smittemåter. De har kunnskap om hiv, men kunnskapen har ikke truffet i slik grad at de helt har tatt den inn over seg.

Men som sagt: det store flertallet av innringerne unngår enten analsex med menn eller de oppgir konsekvent å bruke kondom i den grad de har analsex. Å bruke kondom for å beskytte seg og partneren mot hiv-smitte ser ut til langt på vei å være etablert som norm i sexmøtet mellom menn. Men i hvilken grad innringerne beskytter de seg selv og sine kvinnelige partnere med bruk av kondom? Så og si alle de innringende mennene hatt sex med minst én kvinne siste år. Dette gjaldt 72 av de 78 innringerne.

Over halvparten av disse mennene, 42 personer, hadde aldri brukt kondom ved et vaginalt samleie med en kvinne. 11 menn hadde ikke vært konsekvente m.h.t. kondombruk, hvilket betyr at de har brukt kondom med noen kvinner, men ikke med alle kvinner de har hatt sex med siste år. 19 av mennene, eller ca. 1/4 av de som hadde vaginalt samleie med en kvinne, hadde alltid brukt kondom.

Når det gjelder sex med kvinner er disse mennene ikke i samme grad opptatt av den beskyttelsen kondomet gir mot hiv-smitte, som når det gjelder sex med menn. Det er kun 1/4 som konsekvent bruker kondom når de har sex med kvinner. De innringende mennene beskytter altså sine kvinnelige partnere i liten grad mot en eventuell hiv-smitte.

De aller fleste, 88%, av dem som aldri har brukt kondom ved vaginale samleier lever i et fast parforhold med en kvinne. At man i faste forhold ikke bruker kondom er ikke så uvanlig. Seksualvaneundersøkelsen fra Statens Institutt for Folkehelse (1993:24) viser at bare 12% av gifte/samboende oppga å ha brukt kondom ved siste samleie i 1992. I faste forhold vil en stort sett være opptatt av å beskytte seg mot svangerskap i den grad man bruker prevensjon. Mange vil da velge andre former for prevensjon enn kondom, som p-piller, spiral etc. I et slikt forhold, hvor en sikrer seg mot uønskete svangerskap, kan bruk av kondom bli et tydelig signal om at man ikke stoler på partneren, eller at partneren ikke bør stole på en selv i forhold til seksuelt overførbare sykdommer.

Ved selv å være risikoutsatte for hiv gjennom å ha sex med menn, vil disse mennenes kvinnelige partnere også trekkes inn i en risikosone. Og når mennene i tillegg i liten grad er åpne for sine kvinnelige partnere om at de også har sex med menn, vil jo kvinnene forbli helt uvitende om dette, slik at de ikke selv vil kunne ta kontroll over forhåndsregler i forhold til hiv-smitte.

I samtalen med de fem biseksuelle mennene snakket vi også om det å bruke kondom sammen

med kvinner. Jeg spurte om de koblet dette med sikker sex og kondombruk til det å ha sex med menn, eller om det også var noe de tenkte på når de hadde sex med kvinner. Thomas svarte da:

"Jeg har aldri jukset med en mann, men jeg har jukset med kvinner - det har jeg gjort. Jeg har ikke vært like konsekvent der, jeg har hatt samleie med kvinner uten å bruke kondom."

Svein bryter inn og sier:

"Ja det har jeg stadig, jeg. Men jeg har bare hatt det i forhold til kvinner så det bekymrer meg ikke i det hele tatt!"

Kjetil følger opp dette:

"Det bekymrer i hvertfall meg, for jeg fikk både herpes, sopp og clamydia av ei jeg var sammen med for 10 år siden. Og herpesen hadde jeg i fem år, og da blir du rimelig inaktiv seksuelt altså. Jeg var dritsjuk i den perioden."

Den første assosiasjonen disse informantene har til det å ha ubeskyttet sex med en kvinne er altså hvorvidt en kvinne kan komme til å smitte dem. Kjetils tidligere erfaring når det gjelder kjønnsykdommer har vært så smertelig at han tar forhåndsregler også i forhold til kvinner. Men det er de tradisjonelle kjønnsykdommene han primært har i tankene når det gjelder kvinner. Kunnskapen om hiv og risikogrupper er stor nok til at de ikke anser det som særlig sannsynlig at en kvinne skal smitte dem med hiv.

Anders sier:

"Det er veldig mye større sjanse for at jeg vil ha sex med en kvinne enn med en mann uten kondom. Jeg tenker sånn rent instinktivt at det å ha sex med kvinner det er noe helt annet enn å ha sex med en mann. For med menn må man beskytte seg, altså. Men jeg tenker ikke sånn med kvinner. I forhold til kvinner tenker jeg på graviditet og kjønnsykdommer. Ikke hiv."

Hiv hører tydeligvis inn i en mannssfære - og knyttes ikke til kvinner. Nettopp ved at deres umiddelbare tanker går i retning av risiko for selv å bli utsatt for hiv, forsterkes koblingen mellom hiv og mannssfæren. Bruk av kondom knyttes primært til ønske om å beskytte seg selv. Men at de selv kan representere en smittefare over for sine kvinnelige partnere er de mindre opptatte av. Først på direkte spørsmål fra meg dreies samtalen over til hvilke tanker de har om at de selv kan representere en risiko for kvinnene de har sex med. Anders gir tydelig uttrykk for at dette spørsmålet er noe han ikke har tenkt noe særlig på:

"Jeg tenker lite på at jeg kan smitte henne. Det er sikkert helt feil, men det har jeg altså tenkt svært lite på. Helt sånn naturlig, av meg selv, tenker jeg bare på hiv og menn. Hvis jeg setter meg ned og tenker på det vil jeg kanskje tenke annerledes. Men jeg har ikke tenkt på det altså."

Svein derimot gir uttrykk for en klar holdning:

"Jeg tenker som så at jeg er så sikker i min utførelse av sex med menn, at jeg ikke vil påføre henne noe. Derfor er ikke min kvinnelige partner i nærheten av noe risiko."

Ved konsekvent å praktisere safe-sex mener Svein at han eliminerer problemstillingen, og dermed isolerer han hiv-risikoen utelukkende til et forhold mellom seg selv og sine mannlige sexpartnere. Samtidig forteller han litt senere om episoder hvor han selv nettopp har tenkt at han utsetter sine kvinnelige partnere for risiko:

"Tidligere var jeg mer usikker på hvorvidt det var greit å suge eller ikke. Og da har det vært anledninger i perioden fra jeg testet meg og i de 8 ukene frem til testen gir resultater, hvor jeg har knullet damer uten kondom. Og hvor jeg på en måte har hatt en slags dårlig samvittighet. Og det har også skjedd en gang hvor jeg var kløpete nok til å bruke vaselin og kondomen sprakk. Jeg fikk helt panikk, og var kjemperedd for å ha fått det. Da også i den perioden før testsvaret knulla jeg en dame uten kondom. Jeg ga blaffen, og tenkte at dette her er litt dumt liksom, inni meg. Det har jeg opplevd noen ganger."

Selv om man er streng i praksisen med aldri å ha analsex uten kondom, kan man havne i risikosituasjoner. Så lenge man har analsex med menn vil det alltid være et moment av risiko i form av kondomsprekker. Og i et fast parforhold med en kvinne man ikke er åpen for, vil man fort kunne komme i vanskelige dilemmaer. Et annet moralsk dilemma er forholdet til det å suge uten kondom. I en brosjyre om sikrere sex fra Helseutvalget for homofile står det: "Noen mener at smittefaren er såpass liten at man velger å ta risikoen ved å suge eller bli sugd uten kondom. Det mangler sikker viten om smittefaren ved suging, og du må selv sette dine grenser." I og med at man ikke spurte innringerne om kondombruk i forhold til suging, har jeg desverre ikke noe data på de innringende mennenes praksis på dette feltet. Men erfaringer fra undersøkelser med homofile utvalg, tyder på at det er relativt utbredt at mennene velger å suge uten kondom. Her kommer de biseksuelle mennene opp i et moralsk dilemma som de bør ta inn over seg. For én ting er selv å velge å ta en risiko ut fra begrunnelsen at risikoen anses som liten. Noe helt annet er det å ta - selv en liten risiko - på vegne av en uinformert kvinnelig partner.

I det hiv-forebyggende budskapet til menn som har sex med menn har ansvar overfor partneren blitt kommunisert. Helseutvalget for homofile anbefaler f.eks.: "Ha alltid sex som om du selv og enhver partner er hiv-positiv" (min utheving). I brosjyren "Sikrere sex for menn som har sex med menn" kommer det også gjentatte anbefalinger som setter fokus på at man skal beskytte partneren - ikke bare seg selv. Men i brosjyren er hovedbudskapet rettet mot hvordan man selv kan unngå å bli smittet. I allefall tror jeg at dette blir det vesentlige man leser ut av budskapet. Budskapet til menn som har sex med menn er i hovedsak laget av og for homofile menn. Også for homofile er det viktig å ta inn over seg ansvaret også for den andre - ikke bare seg selv. Likevel vil ansvar for partneren være mindre sentralt når man kan anta at også partneren på eget selvstendig grunnlag sørger for å beskytte seg selv. Derigjennom blir orienteringen mot seg selv som mulig smittekilde tonet ned, til fordel for en sterk orientering mot egenbeskyttelse. De biseksuelle mennene forholder seg i hovedsak til dette budskapet rettet mot menn som har sex med menn. Gjennom dette deles deres seksualliv inn i to adskilte verdener. På den ene side deres sex med kvinner som ikke handler om hiv. Og på den annen side deres sex med menn - som de opplever som sterkt knyttet til hiv, og beskyttelse av seg selv mot smitte. Dette tror jeg er med på å forklare hvorfor de biseksuelle mennene jeg har snakket med fremstår som så selvsentrerte som de tross alt gjør når vi tok opp temaet kvinner og kondombruk.

Det forebyggende arbeidet bør således legge et sterkere fokus på å bevisstgjøre menn som har sex med begge kjønn om at de selv kan medføre en forhøyet risiko for sine kvinnelige seksualpartnere. Bevisstgjøringen bør settes direkte inn på å bryte koblingen om at hiv

utelukkende hører inn i en mannssfære. Samtidig støter det forebyggende arbeidet her på den begrensning at bruk av kondom ikke vil være et reelt alternativ for disse mennene i godt etablerte heterofile forhold. Å insistere på å bruke kondom i et heterofilt forhold, hvor det sentrale element i beskyttelse vil være beskyttelse mot graviditet, vil nok for disse mennene fremstå som en umulighet. Ved å insistere på å bruke kondom vil jo disse mennene tydelig kommunisere noe som det er viktig for dem å holde skjult. For de biseksuelle mennene vil nok et forebyggende budskap i retning av å insistere på kondombruk eller åpenhet ikke være et budskap man kan rette seg inn etter.

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Vold er ære, kriminalitet er penger 1

Siktemålet er å studere to Oslogjenger - en gjeng med flerkulturell bakgrunn, altså barn av innvandrere og en gjeng med ungdom født av norske foreldre - for deretter å sammenligne kultur- og kriminalitetsmønsterne i de ulike gjengene.

I denne innledningen vil jeg gi noen korte utdrag fra det første studiet; om den såkalte innvandergjengen.

Gjengen består av marokanske og pakistanske gutter i alderen 14 - 19 år, de fleste 17 og 18. Som gruppe kan de være fysisk utagerende, og til dels ganske kriminelt aktive også. Men de viser også varme sider som samhold, hengivenhet og lojalitet. Jeg har dybdeintervjuet en del av kjernen i gjengen, samt foretatt en rekke oppfølgingsintervjuer. Intervjuene har ført til en foreløpig rapport, med tittel: "Vold er ære, kriminalitet er penger".

Denne våren er det blitt skrevet en rekke artikler i norske aviser om "voldsgjengene" i Oslo. Særlig tre gjenger er beskrevet, som alle består av gutter i alderen 15 - 25 år, med innvandrerbakgrunn. Dette har vært interessant lesning. Mange av opplysningene som framkommer kjenner jeg igjen fra guttenes beskrivelser. At det er et tøft miljø er det ikke tvil om, men journalistene gjengir ungdommene på den måten guttene selv ønsker å framstå, som enda tøffere og kulere enn det de er. Men det er også slik at en del av beskrivelsene og tilsynelatende faktaopplysninger slett ikke passer med ungdommenes opplevelse av virkeligheten.

De er i et miljø hvor de fleste kjenner til hverandre, de vet hvem som "hører til" hvor. Og hvem som gjør hva. De har en imponerende oversikt over hva som rører seg i miljøet. Dette gjennom en kontinuerlig oppdatering i det de hele tiden er i bevegelse. Gjengene har ikke en slik fast struktur man kan få inntrykk av i mediene. De bruker ikke selv betegnelsene ledere og medlemmer, men gir uttrykk for at å være med i en gjeng som har et navn, er av betydning. Det er viktig å ha et rykte:

"Man må vise at man er noe liksom, at man er kuul, gæærn for å si det rett ut. Når en person er gæærn får man bra rykte, av andre liksom: "han der er farlig, ikke bråk med han". Skjønner du? Altså blant ungdommer, så er det viktigste å være sterkest på en måte. Å være farligst, ikke sant, hvis han er skikkelig gæærn, eller folka tror at han er gæærn, fordi han gjør mye rart, da får han bra rykte, da er det sånn at ingen tør å bråke med den personen."

Et "godt rykte" både innad i gjengen og overfor annen ungdom får man gjennom å tørre og tåle å delta i slåsskamper. Slåssing er en sentral del av det å være med i en gjeng. Gjennom

1Innledning til NSfK seminar, Finland, 21. - 24. mai -98. Prosjektet er finansiert av KRÅD, Veileder: Professor Per Ole Johansen, Institutt for kriminologi, Oslo

slåsskamper viser ungdommene styrke. Først og fremst dreier det seg om å stå samlet som gjeng og slåss mot andre. Mye av gjengens liv sentrerer mot dette. Men gjennom slåssing befestes også posisjoner innad i gjengen. De sterkeste har gjerne en høyere posisjon. Et "godt" rykte har en som tør å slåss, som ikke er redd for hverken å gi eller få juling. Når ungdommen snakker om å være "gæærn" henviser det til at man er tøff, ikke redd for noe og istand til å tøye grensene; gå utover normer og regler i samfunnet forøvrig. Flere av guttene ga i første omgang uttrykk for at de ikke fryktet noe som helst. Det viktigste er å ikke vise at man er redd. Det går an å være det, men det er noe de ikke engang viser overfor de nærmeste kameratene. Et godt rykte er å være usårbar. Redselen må de skjule godt. En forteller:

"Jeg er ikke redd for noe, det er bare sånn jeg er. Jeg er ikke sånn at hvis noen sier til meg at sånn og sånn kan jeg ikke gjøre, så gjør jeg ikke det. Jeg lar ingen bestemme over meg. Jeg hører ikke på de som prøver å skremme meg. Det er noen som er sånn ikke sant, som blir født sånn, som er oppvokst sånn, som ikke hører på de andre hvis de prøver å skremme deg. Det er noen som bare går mot de som er svakere enn dem. De gjengene som går mot de som er svakere enn dem, dem går ikke mot de som er like store eller like for dem, de er feiginger og de ser på de små som drittunger. For eksempel jeg, ikke sant, når jeg går mot en stor, da er jeg liksom redd inni meg, men jeg viser det ikke, for jeg tør å gjøre det."

Å slåss er å vise at de duger til noe. De viser at de er sterke, og at de mener alvor når de sier; "ikke kødd med oss, for da får du deg en på tryne". Og det er noe de kan, noe de behersker, både det å vise at det ligger alvor bak ordene, og det å snakke sammen gjennom å slåss. De synes det er på sin plass å vise sinne; vise at de ikke tar imot spydigheter eller forsøk på nedverdigelser. Det handler om å være i et fellesskap, hvor ungdommene snakker samme språk. Guttene i gjengen har innbyrdes forståelse av hva som betyr noe. En sier:

"Det å være i gjeng er at vi hjelper hverandre, ikke sant,. Skjønner? Når du er alene, hvis du har noen problemer med andre ungdommer, hvis noen av de andre gutta kommer og banker deg greier du ikke å slåss alene, en mot fem går ikke, ikke sant."

Slåssing er en form for utfoldelse. Hvor grensene er utydelige, men alle vet at de er der. Guttene viser fram sin maskulinitet, sitt "macho". De slåss for moro skyld, og de slåss på død og liv. De slåss for å opprettholde sitt rykte om at de er tøffe og "farlige". Slåssinga brukes som fritidssyssel for å kompensere for kjedsomhet. Og som underholdning med fart og spenning. Slåssinga har en mening, den gir ungdommene en følelse av "å være noe", en skal ikke kødde med dem, de vil ikke la seg "tråkke på", og gjennom det får de en identitet.

Slåssinga kan i seg selv sees som en egenverdi. Den betyr noe for ungdommene, som ikke er knyttet til de andre lovbruddene de begår. Det er en egen dynamikk i slåsskampene. Som er uavhengig av om det er ulovlig eller lovlig, akseptert eller uakseptert. De eksisterer i ungdommenes liv som noe normbundet. Første og viktigste bud er "Å stille opp for vennene", - som betyr: å være med på slåsskamp når det trengs. Ungdommene bruker slåssing som bekreftelser på hverandre:

"Jeg stiller alltid opp for vennene mine. Det er den viktigste regelen kan du si. Og om jeg ringer fordi jeg har kommet i bråk, og jeg har stilt opp for de tidligere, så kommer de om jeg trenger det."

Kampene varer over tid, og går i bølger fram og tilbake:

"..da er det sånn at etter den dagen vi har begynt å slåss, så kan det vare lenge, da skjer det neste dag også"
"En slåsskamp kan ta lang tid. Det varer i alt fra en uke til cirka seks, syv måneder."
"Ja, da har vi ikke noe annet å gjøre, når det er slåsskamp, da er vi i slåsskamp 24 timer i døgnet, da jakter du på folk (ler litt) alle har sin egen måte ikke sant"

Gjengens deltagere er innblandet i mye slåssing, men noen av dem er til stadighet i kontakt med politiet for andre lovbrudd. Å begå lovbrudd kan sees som en av gjengens gjøremål, men dette er "opplegg" som færre er med på av gangen.

I forhold til gjengen med sin kjerne bestående av rundt tyve gutter kan lovbruddene sees som mer improviserte opplegg hvor to til fem ungdom går sammen om et lovbrudd. Disse alliansene kan variere fra gang til gang. Lovbruddene er også en del av gjengens identitet, ved at de tør å gå ut over grenser, samt at det er en måte å skaffe seg "inntekt" på. Det er en del av det "å være modig og ikke redd for noe". MEN lovbruddene styrker ikke gjengens samhold på samme måte som slåsskampene gjør. Slåssinga betraktes ikke av ungdommene som lovbrudd. Lovbrudd defineres av ungdommene selv som "kriminalitet", og de kaller det også "de kriminelle tingene" eller "de gærne tingene" de driver med. Hvilke lovbrudd er det snakk om?
"Brekk", innbrudd, hærverk, ran, slår ned annen ungdom, trikser med mobiltelefoner, tyverier i butikker på dagtid og robber spilleautomater. Kjøp og salg, bruk og misbruk av rusmidler spiller ofte en rolle når ungdommene snakker om lovbrudd. Lovbruddene varierer svært med hensyn til alvorlighetsgrad.

Utgangspunktet for dette prosjektet dreier seg blant annet om gjengens funksjon i forhold til de lovbrudd som begås. Handler det om enkeltstående lovbrudd som ungdommene begår hver for seg eller er gjengen samlet en pådriver til at lovbrudd blir begått? Hvordan lovbruddene planlegges ble for meg et spørsmål jeg så som sentralt å finne ut av. På hvilken måte planlegger de sine ulovlige affærer? Planlegger de i det hele tatt? Jeg fikk forskjellige svar, som kan tolkes dithen at hvordan lovbruddene planlegges er avhengig av hvor lenge de har vært i gjengen, og hvilke lovbrudd gjengen begår. En av guttene forteller:
"I begynnelsen lagde vi mange planer. Vi snakka og snakka om hva vi skulle gjøre og hvordan vi skulle gjøre det. Vi brukte mye tid på å finne ut hva som var lurt."

"Lure ting" kan være å bryte seg inn i butikker hvor det er alarm:

"Vi fant ut hvordan vi kunne nøytralisere følere for eksempel. Det var ganske moro. For eksempel prøvde vi ut hvordan vi kunne stoppe strålene med glass og spray, sånn hårspray som damene bruker på håret vet du. "

Men så forandrer det seg etterhvert, de blir tatt av politiet, det blir innbyrdes krangling i gjengen, om utbytte, og om hvem som er til å stole på og ikke kommer til å tyste.
Jo "bedre" de blir, jo mer de spesialiserer seg, jo mer utfordring blir det å finne opp mer avanserte metoder.

"Ja, ja, da blir det mer og mer utfordring, mer og mer penger, vet du bare på en maskin kan det ligge femogtjue tusen, og da si vi er tre stykker, hvem er det som ikke er med på det? Så er det en som er hjernen, så er det resten som dekker maskinen..... ingen har lyst til å bli tatt, så det er jo ikke noe å tenke på da egentlig. Men det er noen som gir faan mer enn andre ikke sant, så du må sjekke selv, men hvis en blir nervøs så blir resten nervøse"

De begår lovbrudd i felleskap, men det er en som er "hjernen" bak. Utvelgelsen er også planlagt, selv om det kan virke tilfeldig hvem man tar med.

Både slåsskampene og vinningskriminaliteten skjer på måter og i sammenhenger hvor gjengen og miljøet fungerer som et referansepunkt eller i allefall et utgangspunkt. Men her stopper også likhetene. Fordi:

Slåssinga og voldshandlingene er i utpreget grad et kollektivt gruppefenomen. Det er en æressak å stille opp, og det forventes av en. I kampens hete er det den kollektive ære som står på spill, og den gjensidige lojalitet som bevises. Gjengmedlemmene lever med og lever seg inn i slåsskampene på en ganske annen og intens måte enn i de vinningskriminelle lovbruddene. Et medlem kan i perioder trappe ned og forholde seg ganske "straight" og lovlydig når det gjelder vinningskriminalitet, men backer han ut fra et slagsmål er hans dager talte, iallefall som gjengmedlem.

Vinningskriminaliteten skjer i samarbeid med en eller flere andre gjengmedlemmer, og til tider også i samarbeid med personer som sympatiserer med gjengen. Disse lovbruddene handler om penger, ikke om ære. Gjengen og miljøer fungerer som et kriminelt ressurs- og kompetansesenter i den forstand at man finner seg "crimepartners" som kan variere fra gang til gang. Gjengen har ingen normer MOT å begå vinningskriminelle handlinger, men det forventes ikke på samme måten som at det forventes at en stiller opp i voldelige konfrontasjoner. Og det er heller ikke gruppen som kollektiv med den kollektive ære som investering og risikofaktor det dreier seg om, når medlemmene vurderer hvordan de skal gå fram i vinningskriminelle sammenhenger.

Det er en forutsetning at men stiller opp for venner, alltid "hjelper til" - og aldri skygger unna en slåsskamp - men det er ingen forutsetning at de er med på annen kriminalitet, - selv om det styrker imagen om å være kul og tøff og TØR å begå kriminelle handlinger også. Men det kan være slitsomt, så jeg avslutter med et sitat om å være kul og tøff:

"Det er vanskelig å være ungdom egentlig, nå for tida, i hvertfall jeg, jeg synes det er ganske vanskelig. Jeg tror egentlig at alle ungdommer, dem driver med ting dem ikke vil gjøre egentlig, når jeg først tenker meg om, fordi, etter det jeg har opplevd, så er det liksom, alt det jeg har gjort, man blir ganske fort lei av det ikke sant, det kommer en tid da man ikke orker mer, det er ganske vanskelig å komme seg ut av det, fordi hvis man ikke er med på en ting, så er man ikke kuul og tøff og og farlig lenger, og hvis man er med, så er man kuul og tøff."

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Comparative sentencing project - Using focus group methodology

A comparative sentencing project (CSP) funded by the Scandinavian Research Council for Criminology is to look at sentencing policy and practice in four European jurisdictions (England, Finland, Lithuania and Norway) to examine the factors affecting the sentencing choice between custody or community sanctions.

This study of comparative judicial cultures asks judges in the four countries to respond to scenarios of five different examples of burglary in terms of the type of sentence they would consider giving, how much choice they have, what sentencing objectives they have in mind and what other information they would need to give a precise sentence in an individual case.

The aim of the research is firstly, to identify sentencing decisions that lie on the custodial/non-custodial borderline - referred to as the cusp. Secondly, to clarify the penal objectives and to identify the aggravating and mitigating factors that judges have in mind when sentencing this category of crime. Thirdly, to discuss the degree of confidence that judges have in the existing sentences for this category of offence. Fourthly, to identify the factors that would increase the judges' confidence in the use of community sentences, including innovations or additional requirements that might be proposed to enhance the credibility of community sentences.

For the purpose of the research we first had to identify a type of crime that would be suitable for cross-cultural comparisons and that would also generate borderline (cusp) sentencing issue in terms of whether judges should use prison or a community or other penalty.

We chose the offence of burglary (housebreaking or cambriolage) for two reasons. It is a type of crime that is reasonably demarcated and relatively more narrowly defined than some crimes such as assault and theft, and is thus more readily understood and therefore helpful when making cross cultural comparisons. Furthermore it is an offence that in each of the jurisdictions has a possibility of being considered sufficiently serious to warrant custody in some circumstances and community penalties in others.

We will use focus groups to ask judges to consider the five scenarios. The scenarios would vary e.g. value of th stolen goods, how organised was the crime, and a variety of offender types, from first time offenders to persistent offenders. Thus we will focus on the variables of culpability and recidivism and give examples to seek judges' responses on the appropriateness of penalties for each scenario and to clarify the purpose of sentencing as identified by reference to sentencing objectives of retribution, denunciation, rehabilitation, deterrence, restitution or incapacitation. We will seek clarification as to the list of factors that the judges look at to determine the seriousness of a particular case. The policy relevance of the research will be pursued by asking the judges if changes to the existing method of implementing community sentences, or whether legislative reforms providing new elements to community sentences would increase their willingness to use community sentences with offenders convicted of burglary.

Focus groups

A focus group is an in-depth group discussion on a pre-defined and limited topic by a small group of between five to eight panellists under the guidance of a moderator. The responses of the panellists are recorded as data for content analysis. It is a qualitative methodology and its success depends on the quality of the answers to the questions raised in the focus group discussions to provide an insight into the topic under investigation. The panel discussions normally last between one and a half and two hours.

It is useful both as a method of inquiry and consultation for it can be used to probe assumptions and meanings, examine key players' assessment of the credibility of reforms and the implications of changes in practice. Focus groups in this field work best when a very specific and limited topic is explored in-depth. They offer a systematic but unstructured way of looking at a topic in detail. The discussions held in a focus group panel are not as wide ranging as an academic seminar. In contrast to the questionnaire the responses in a focus group are not confined to pre-determined response categories and can be expressed in the respondents' own words. This approach gives much richer material for content analysis but as a consequence it creates more problems for the analysis of responses and limits the extent to which generalisations can be made.

In a previous study using focus groups to examine views about the use of community sentences (Davies 1993) we asked panellists to give us feedback through the use of follow-up evaluation questionnaires about their experience of the focus group. In California and England there was a considerable degree of support for the method. In response to the question 'Did you find the focus group a useful way of expressing your view?' California criminal justice officials commented as follows:

A judge wrote, 'Rarely is there any type of forum to explore these issues with other agencies that are in a position to influence change.' A sheriff wrote,' There are limited opportunities available for expressing views that have a state-wide implications.' A public defender wrote, 'All who were there have direct knowledge of the problems and work with it everyday, so we could speak with first hand information and share our own concerns with each other.' A superior court judge wrote, 'There was a good interplay of ideas.' (Davies 1993 p.105)

The response of magistrates in England (lay judges) following focus group panels to examine attitudes towards community sentences were, as in California, overwhelmingly positive. Comments from the evaluation questionnaire in England included the following comments:

'It focused my ideas. It was beneficial to hear the other views of magistrates I do not normally sit with.'

'It was good to explain views and then discuss the implementation of realistic ideas.'

'An opportunity to discuss matters of concern with fellow magistrates. We see little of each other normally.'

'Possibly the only opportunity to hear and express views I've been given so far.'

'One gets an inside version of how your fellow magistrates approach justice and penalties for wrong doing.'

'It is difficult to find the time when on the Bench to discuss fully the whole subject.' (Davies 1996 pp. 32-37)

The comments regarding the usefulness of focus groups expressed above would suggest that they provide the panellists with a positive experience in that it offered them the opportunity to express their own views and hear the views of others. For the researcher the focus groups provided the chance to clarify the formal and the informal rules used by decision makers, as well as the opportunity to probe the tacit or underlying assumptions that decision makers hold about their role. The moderator can seek to determine the significance of meaning attached to different types of information received by decision makers. By providing stimuli material to a panel of peers with similar knowledge and status, it is possible to clarify meanings and ambiguities and to check whether one panellist's comments correspond to what others say in the group. The interactionist nature of the discussion helps to promote greater insight as the moderator and other members of the panel can probe, challenge, and comment on the statements made during the discussions.

Burglary scenarios

In our comparative sentencing project we are asking professional and lay judges to give their views as to the likely sentence that a burglar described in five different scenarios would be given. Two of the five burglary scenarios are presented below. These two represent our most extreme cases in terms of seriousness. We would expect judges in all jurisdictions, even in Lithuania, to be able to consider a non-custodial sentence in Case 1. In Case 2, a more serious scenario with the offender having previous convictions, a Finnish judge would be likely to consider imprisonment. The three other scenarios provide less extreme examples where judges would have to exercise discretion to make decisions about borderline cases where either prison or community sanctions might be a possibility. We remind the judge that this is not a sentencing exercise where we would expect them to have a great deal more information, but is an exercise to see firstly in general terms what type of sentence they think is most likely, and secondly, to ask what further information would they need or request before they would make a decision in a real case.

In the scenarios we present brief facts about the offence, the offender and the victim and in all the scenarios the defendants are male aged 24 and plead guilty. The scenarios exclude those where violence is used or weapons are involved.

Case 1

Offence

Is a burglary of a flat during hours of daylight, when residents were at work. Access was gained through an open window, with no damage to property. The offence was opportunistic and the items stolen were foodstuffs for the defendant's own consumption. The offence was discovered as a result of information from an informer, and the defendant admitted guilt to police when first interviewed and pleaded guilty in court at the first opportunity.

Offender

Defendant is of previous good character and has been unemployed for over one year. He has two children and a sick wife and he suffers from epilepsy.

Victim

Working couple who were in their mid-20s who did not realize initially that they had been victims of a burglary.

Case 2

Offence
Involves the burglary of house at 2 a.m. (at night), when residents were asleep upstairs. Associate of defendant had visited house previously to assess possibility of entry and belongings, posing as salesman. Entry gained by forcing outer door - some damage. An untidy search was carried out by the defendant though the residents were not disturbed. Jewelry worth £1000 and of sentimental value taken and not recovered

Offender
Defendant has three previous convictions for burglary, the latest being for dwelling house burglary for which he was given a custodial sentence and released from prison two months prior to the commission of this offence. For one of the previous convictions he was given community service but he did not successfully complete it.

Victim
Retired couple who were in their late-60s. The wife was semi-invalid.

A covering letter is sent to the panelists in advance with details of the scenarios, a list of questions to be discussed, an explanation of the purpose of the study and the reasons why the session needs to be tape recorded. The success of the research depends on a number of factors but two are crucial. The first is to get the participation of respondents who are able to give an insight into the issues raised. The second is the quality of the discussions on the transcript that will provide the basis for the analysis.

The other collaborators on this project are Paul Larsson [Department of Criminology, University of Oslo, Norway], Arnoldas Matijosius [Constitutional Court of the Republic of Lithuania and the Faculty of Law, Vilnius University], and Jukka-Pekka Takala [National Research Institute of Legal Policy, Helsinki, Finland].

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Tracing the basis of "constructive punishment" - Some answers to some unanswerable questions?

Part I:

About the General Principles of Sentencing in the Finnish Criminal System

- something we need to know to be able to understand the idea of "constructive punishment"

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Few words of introduction

In this paper I will briefly examine few of the questions we should be considering when discussing the concept of "constructive punishment". I will bring up only few - but important - topics of the general principles of sentencing and try reflect them on the somewhat undefinet concept of "constructive punishment".

Accordig to the analytical pluralist conception, the application of punishment is guided by several differing basic values and goals (Lappi-Seppälä 1987, 661). How to use these basic values and goals, or wich ones should be stressed in a specific situation, depens on the situation in hand and on the surrounding society and it´s values and goals. A penal (or criminal) law ideology can be described as the basic conception of crime and/or punishment (Jareborg 1992, 103).[1] This basic conception more or less guides person`s ideas and opinions about crime and punishment in general. At least for a criminal law scientis it is important - or essential - to recognize what is the penal law ideology she or he uses in his or hers work.

Discussions and debates about different theories of punishment and crime have been ongoing for at least the last 250 years. This short paper will not solve any of the questions raised in

[1] Jareborg continues: "And obviously, anyone`s views on crime and punishment depent to a large extent on his views of the relation - if any - between God and Man, the relation between Man and nature, the optimal organization of society, causal mechanis, and the status of different types of persons." (Jareborg 1992, 103)

that discussion - nor does it try to do so. This paper serves mostly as a exercise for the author in directing his thoughts from the law and penal code to criminal. Because that is what criminal law is finally all about; the person on the reciving end.

These joint papers by Ahonen and Kauppila are the result of a lingering e-mail discussion and article and paper excange which started last year after NSfKs 39. forskerseminar in Hirtshals, Denmark. The authors hope that more than just a result this paper could be a startingpoint to a long and productive cooperation between a social scientist and a criminal law scientist. We hope that our example of cooperation across scientific borderlines will encourage others to do the same.

Purpose and limits of punishment?

In the modern capitalist society the aim, the goal of the criminal sanctions system is in the prevention of crime and the increase in equitable distribution of well-being. It has been said that the purpose of the whole system of punishment lies in the prevention of behavior that violates the vital interests of society and its members (Lappi-Seppälä 1987, 661-661, 666).1[2] Criminal provisions may be used only to protect interests which are vital to the community. What are these interests that need to be protected? [3] According to Nuutila, in modern goal-rational criminal justice the list of interests (Rechtsgüter) can be derived either directly or indirectly from the constitution and human rights. The interests to be protected by the criminal law would then be defined not in the minds of criminal law scholars and criminologist but also in the political discussions in Parliament and the international human rights conventions (Nuutila 1996, 308). The most important decisions on the use of punishment should be made by Parliament (also Lappi-Seppälä 1987, 658). This thinking gives penal sanctions the democratic backround they need in order to be efficient and acceptable in the long run.

The aim of the modern neoclassical penal system in preventing crime is mainly general prevention. The effect of penal system in general prevention is assumed to be reached through the moral creating and enforcing effect in punishment rather than through fear, deterrence (Lappi-Seppälä 1992, 6).[4] General prevention theory assumes that the disapproval expressed in punishment affects the values and moral views of individuals. This is supposed to lead to the internalization of the norms of criminal law and the values they reflect. People refrain from illegal behaviour, not because it is followed by unpleasant punishment, but because the behaviour itself is regarded as morally blameworthy (Lappi-Seppälä 1992, 7).[5] The effect of punishment on the strengthening of morals also requires that the sysytem is not made overly

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[2] Page numbers used here are from the English summary of Lappi-Seppälä´s dissertation.

[3]Overview of the principles governing criminal provisions, see Lahti, R. (1992). "Die Gesamtreform de finnischen Strafgesetzes: Zielsetzung und Strand der Reforbarbeit bis 1992: insbesondere im Blick auf die erste Phase der Gesamtreform", in Lahti, L.-Nuotio, K (eds.): Criminal Law Theory in Transition. Helsinki.

[4] However Lappi-Seppälä states that: "In concrete decisions, the level of punishment should not appear to the court to be means for seeking general prevention: it should instead be seen as means for the court to establish the blameworthiness of the offence in question in relation to other acts" (Lappi-Seppälä 1987, 667).

[5] Finnish and Scandinavian textbook definitions of general prevention emphasize the norm-strengthening impact of a properly working criminal system (Anttila & Törnudd 1992, 13). Deterrence can bee seen as a component of general prevention but not necessarily a major component (Anttila & Törnudd 1983, 156-159).

techinical and complicated (Lappi-Seppälä 1987, 658). The expediency of a criminal justice system is measured through its general prevention (Lahti 1985, 259).

These two starting points - protection of the vital intrest of the community and general prevention - are also closely connected to each other. It could be presumed that if the "vital intrest of the society" are protected by criminal sanctions the "morals and values" of the members of the society would be in harmony with the punishments for violating these values. Its a nice circle. Of course, here lies at least two kinds of questions (a) how do we define these vital intrests of the society, and - what is more important - *who* does this definding and (b) how do we deal with those individuals who do not share those same "morals and values" as the majority of the population? Part of the answer to the first question could be found in the basic human rights and international conventions. The second part of the first question could be answered by refering to democracy and its power and legitimacy. The second question has been answered dozens of times by hundrets of theorist, but it still remains open. Behind these complex questions lurke countless number of more questions.

Purpose of imprisonment?

Even if it is relatively "easy " to form reasons to justify punishment as such, it is not as easy to justify imprisonment as a form of punishment. The history of law and comparative law indicates that there is no direct correlation between the systems of sanctions and the level of crime; harder punishment do not necessarily degrease criminality and vise versa (Lappi-Seppälä 1987, 665). The hardest sanction in Finnish penal code is lifetime of imprisonment (for murder). The Criminal Law Commitee of 1972 particulary emhasized the heavy social costs of imprisonment and thought the use of it should be minimized (Anttila &Törnudd 1992, 13). On the other hand, total abolition of prison sentences seems hardly possible.

The emhasis on general prevention as one of the main principles of the Finnish criminal system easily leads easily to the conclusion that our reform ideology rejects totally individual prevention. This is not altogether true (Anttila &Törnudd 1992, 14). Special prevention just requires extensive discretion (Lappi-Seppälä 1987, 658). The role of the individual prevention in penal institutions, and the role of imprisonment in our criminal sanctions system, has been characterized by the following excellent words:

> *"To keep people in prison in order to cure them of their criminality is inhumane and irrational, as systematic research can not give any basis for hoping that the average offender will be less crime-prone after release. The period of time spent in prison should, nevertheless, be utilized positively as far as possible - and if there are certain categories of offences who can benefit from treatment, we should of course offer them this opportunity"*
>
> (Anttila &Törnudd 1980, 48).

The less the sanction affects the rights of an individual - less harm it brings to the offender - the smaller the risk of recidivism, and recidivism - in my opinion - is always a sign of a failed criminal sanctions system. Keeping that in mind we can say that in the present system, the risk of recidivism can be best lessened by avoiding the use of unconditional sentences of imprisonment.

When sentencing recidivist the penal system in fact follows what could be called common-sense policy of incapasitation. The selective incapacitation explicitly accepted only as a guide

in the choise of sanction for the most serious type of violent crime is used on recidivist (Lappi-Seppälä 1987, 668. See also Jareborg 1992, 108-110).[6] This *might* well be in harmony with the general prevention idea, but vital intrest of the society are nowhere to bee seen.[7]

Efficient, just and humane criminal justice...

The following movements or tendencies can be discerned in Finnish crimal policy since the 1960´s;

a) critisism of so called treatment ideology
b) emphasis on cost-bemefit thinking
c) so-called neo-classicim in criminal law
d) pragmatic reform work by utilizing modified ideas of the above-mentioned movements (Lahti 1990, 57).

The important difference between Finland and the other countries is that the treatment ideology never established itself as the main reform ideology. Finland more or less jumped over the treatment stage in the historical developement of penal reform ideologies and went directly towards a more modern ideology, emphasizing rationality in the form of general prevention and classic principles of justice, rather than mechanism of e.g. deterrence or individual prevention (Anttila & Törnudd 1992, 12-13).

From the mid 70´s the Finnish criminal justice system has been reformed in a "neo-classical spirit". The emhasis has been, as mentioned - instead of individualization and rehabilitation - on legal security and the principles of proportionality, predictability and equality. A general preventive oriented sentencing system emhasizes fairness and justness of sanctions and in sentensing the central values are proportionality, predictability and equality (Lappi-Seppälä 1992, 7-8).[8]

Efficient criminal justice shall be used for the prevention of unacceptable bahavior only to the extent proved necessary in a cost-effiency comparison of criminal policy measures (Lahti 1985, 259). In other words; criminal provision must bring about more advantages than disadvantages to the society as a whole. The advantages beeing, of course, the preventive effects from the point of view of the protected intrest, and the disadvantages (a) suffering of the victim, (b) financial disadvantages to the state and (c) restriction of the liberties of individuals (see Nuutila 1996, 311-312).

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[6] According to ch. 6:2 n. 4 of the Penal Code of Finland the following is a ground for increasing the punishment: "the criminal history of the offender, if the relation between it and the new offence on the basis of the similarity between the offenses or otherwise shows that the offender is apparently heedless of the prohibitions and commands of law".

[7] Here I can not go in detail to discuss the culpability of the reoffender; agreement on whether repeated crime signifies increased culpability has not been reached. In my opinion recidivism does not necessarely make the offender more culpable.

[8] These ideas are also expressed in the basic norm of sentencing (Penal Code ch 6:1): 'When meting out a punishment, all the relevant grounds increasing and decreasing the punishment and the uniformness of sentencing practice shall be taken into consideration. The punishment shall be meted out so that it is in just proportion to the damage and danger caused by the offence and to the culpability of the offender manifest in the offence .'

The *justice* of a criminal justice system is evaluated by the principles of equality, fairness and predictability (Lahti 1985, 259). Equality requires similar punishments for similar cases (Lappi-Seppälä 1987, 665). The principle of justice can bee seen as containing two demands that are in state of internal tension; formal (generalized) justice and (individualized) in casu justice. The former emhasizes predictability an the latter stresses that cases should be dealt with on an individual basis (Lappi-Seppälä 1987, 665). Predictability is in connection with legalistic *nulla poena sine lege* -principle.

Humaneness contains the idea of the criminal justice system beeing determined so that it is in harmony with the principles of human dignity, integrity, freedom of the individual and other human rights (Lahti 1985, 259, Nuutila 1996).

One way of justifying the criminal justice system is justification on *utilitarian* grounds. It can also be said that the justification of the application of punishment is tied to the benefits that particular system offers to the society and to the fairness of the laws maintained through the threat of using that punishment (Lappi-Seppälä 1987, 661). However, it is clear that the structure and operation of the penal system can not be determinated only on the bases of its utility. The penal system must be both goal-rational (utility) and value-rational (justice, humaneness) (Lahti 1990, 57). The answer to a successfull penal system is of course to balance these interest.

This brings us close to the question of the principle of *proportionality*. This principle states that there should be a just relation between the offence in question and the punishment. However, this principle does not state anything specific about the criteria of how this relation should be determined or what are the standards used in anchoring these quantates together; there is no way of measuring what is the "right" punishment for any given crime. In general, the literature relies on the general sense of justice (Lappi-Seppälä 1987, 665).9

...and "constructive punishment"

So what could constructive punishment be in the light of the few general principles of sentencing discussed above? Is there a definition for a constructive punisment? Can punishment be - or should punishment ever be constructive - is punishment not something you just bring on to yourself by acting against societies intrest? Should the punishment be constructive for the offender or for the surrounding society. Or both?

Constructive punishment in the eyes of the criminal sanctions system could be defined as *a punishment which while protecting (only) the vital intrests of the society builds general prevention without endangering the human rights of the offender during or after the punishment*. In this definition the punishment could be constructive for both the offender and the society.

Can imprisonment be constructive punishment? In my opinion there has to be special conditions for the prison sentence before it can be constructive in any way. This leads us back to Anttila`s and Törnudd´s sentence: "*The period of time spent in prison should,*

9 Lappi-Seppälä sees three justifications for this: a) if the public opinion were to be ignored, the confidence placed in the system would disappear, b) the ideal of democracy in itself requires that the sense of justice, as the will of the people, be adopted as a criterion in decisionmaking, and c) the feeling that criminal recive the punishment they "deserve" has a value of its own (Lappi-Seppälä 1987, p. 665).

nevertheless, be utilized positively as far as possible - and if there are certain categories of offences who can benefit from treatment, we should of course offer them this opportunity". If imprisonment is the only possible sentence in a given situation the time spent in prison should at least be utilized positively. Only then we can find a seed of constructiviness also in imprisonment.

Part II:

Insecurity and Life Control Among the Finnish Male Prisoners
- Things we need to know in order to be able to act constructively

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> "In the final analysis, human security is a child who did not die, a disease that did not spread, a job that was not cut, an ethnic tension that did not explode in violence, a dissident who was not silenced. Human security is not a concern with weapons - it is a concern with human life and dignity." (Human Development Report 1994, 22.)

The thoughts presented here are mostly based on a study of insecurity and life control among the Finnish male prisoners, and are intended as an introductional view of some preliminary results from this. The study is one part of a broad population research project on security, in-security and coping by the Department of Social Sciences at the University of Kuopio. The basic idea was to look for further information about the prisoners' welfare problems and sollutions to them. It is obvious that this information is needed in order to be able to act constructively: to help people out of their problems and to develop our systems according to both their needs/aims and the aims of the society. The main questions here were: how security, as a value, takes its place in the prisoners' systems of value; whether or not there is insecurity among the Finnish male inmates, which parts of human life are potentially the ones most affected by insecurity, and what would be the the most common ways of life control among inmates. These questions were considered among the 259 prisoners who were inter-viewed using a structured question form at the end of 1993. Some of their answers are compared here with answers from civilian Finnish men who participated in the population research of insecurity and coping. It is expected that the study will be completed by the end of 1998.

Tracing problems of welfare
One theoretic starting point of the study was security related to the concept of welfare: citizens' welfare, social security and life control are important but also demanding aims of social policy (cf. Riihinen 1979, Niemelä 1991, Raitasalo 1995; Niemelä 1997, 18). From the point of view of social policy and social work, it is important to know if people are suffering from problems related to welfare, and how common or accumulated these possible problems are among them. The findings of prisoners' values will point out what they prefer in their lives. If they seem to have some problems with the issues which are linked with these particular values, these problems might also be the ones - if any - that these people mostly prefer to get help for. In addition, if they seem to have problems with something they do not consider as so important for them, it might be very useful to try to find out why this is so, and

what this means from the point of view of social policy and social work - also from the point of criminal policy and correctional treatment of prisoners.

Traditionally security can be defined as a central need, value and right within human life (Niemelä 1991, 8-11) - infact as an important part of well-being regardless of whether you are in prison or not. According to Riihinen (1979, 820) security cannot be placed in the hierarchies of needs, but instead it is more like a dimension or a variable which goes through all categories of needs. With this in mind, security was here defined as (sufficient) well-being and (sufficient) certainty of its continuation in the central areas of human life - e.g. health, human relationships, work, etc. - which are closely linked with basic human needs. Insecurity is defined "negatively" here: as a lack of security (to some degree) and/or as the uncertainty of the continuation of well-being (to some degree). Insecurity can be experienced in a situation where one's own means of dealing with what happens in life are not enough. Life can never be perfectly secure, but how we are able to deal with insecurity is important, and whether we have or have not enough motivation, abilities, force, rescourses and so on, for life control. (cf. Kaufmann 1970, 24-27; Suhonen & Suhonen, 1973, 2-7, 10-14; Riihinen 1979, 819-820; Niemelä 1991, 8-15; Niemelä et al. 1994, 15-17; Lahikainen & Kraav & Kirmanen & Maijala 1995, 52; Väisänen 1995, 34-37; Järvikoski 1996, 44-45, Niemelä & co. 1997, 13-25.)

Prisoners often seem to be influenced by physical, psychic and social forces of different kinds. According to the earlier reports in Finland, prisoners have many kinds of problems with health, both mental and physical, despite the fact that their age structure is relatively young (Joukamaa 1991). They are a group of people, mostly men, who have serious problems with alcohol and drugs, and their death rates have grown in the 1980's (Kääriäinen 1996, 171-172). They have economical problems (Mellais 1991, Kuivajärvi 1992), and their educational level is low compared with the average educational level of the rest of the population (Karvonen & Mohell 1990, 35-38). Their lives seem to more to resemble eventful paths from adventures to stages of marginalization (Kääriäinen 1994) rather than fast ways to great success. Some of the prisoners have the problems described above, but actually we do not know how common or accumulated these problems are among prisoners and whether the problems cause them insecurity or not. Furthermore, we do not know if these problems bother them and if they want to get away from them or not. Infact we do know that there are many strategies used by some of the prisoners to find ways out of the stage of marginalization (e.g. Kuure 1996), but it is unclear just how commonly used they are. It has been said that if prisoners try to live without crime they should be able to change their ways of thinking and behaving, which often may be dominated by the social meaning structures of prison which do not work outside of it (Ulvinen 1996). What do the Finnish male prisoners think about their ways of life control?

Participants and methods

The 259 prisoners who participated in the study (81% of the original sample of 320 prisoners), were interviewed using a comprehensive questionnaire. The questionnaire was based on the one used in the population reseach project mentioned above (Niemelä ed. 1991). Prisoners' answers about security as a value are compared with the answers of the 239 civilian Finnish men who participated in the population study of insecurity and coping in the years 1991-1992. The questions about values were the same in both studies, prisoners' and civilians' and they were developed from the basis of the study of values made by Rokeach (1973).

The prisoners' sample consisted of Finnish male prisoners from the provinces of Häme (f=130), Kuopio (f=84) and Vaasa (f=45) wh were serving their sentences in six closed institutions (provincial or central prisons). The youngest of the prisoners was 19 years old, and the oldest was 73 years old (mean=33.4 years, standard deviation 9.1 years). As there were only five prisoners over the age of 55 years, 54 was taken as a boarder line in both samples to make the groups more comparable. Therefore 17% of the prisoners were of an age between 18 and 24 years; 45% at an age between 25 and 34 years; 28% at an age between 35 and 44 years; and 10% at an age between 45 and 54 years. The Prisoners' principal crimes were: robbery 10%, another crime against property 29%, violent crime 35%, drunken driving/traffic offence 18% and another crime 9% of the prisoners.

The first sample of civilian men consisted of 239 men from the Province of Kuopio. A sample was taken from the broad research group, 3 266 people by using the criterion created according to certain variables (sex, age, marital status, basic training and socio-economical status) and their frequency among the sample of prisoners. The first sample of civilians was created according to the prisoners' numbers above: 17% (f=40) of the civilian participants were from 18 to 24 years; 45% (f=108) from 25 to 34 years; 28% (f=68) from 35 to 44 years; and 10% (f=23) from 45 to 54 years. The second sample consisted of 2 019 men who took part into the population research project in 1991-1995. Their age varied from 18 to 54 years (18-24 years 16%, 25-34 years 25%, 35-44 years 30% and 45-54 years 30%).

About security and insecurity in the prisoners' life

The prisoners were asked the question, "What things are included in a secure life?". Almost all of the participants, 91%, replied that *human relationships* are included in it. About half of the prisoners mentioned family or especially a spouse and children. Every fifth prisoner interviewed mentioned friends. Two-thirds of the prisoners said that *sufficient livelihood*, and half said that *a residence* are elements of a secure life. Also, half of the prisoners mentioned that *health* is a part of security. Thirty-nine per cent of the prisoners mentioned *work,* and about every fifth mentioned *freedom*. All of these things seem to be quite closely linked with our basic needs (cf. Doyal & Cough 1991). So, what does insecurity mean for them? Thirty per cent of prisoners answered that it means *problems with your human relationships*. Thirty per cent said that insecurity includes some *health problems*. Every fourth mentioned *economical problems*. Other examples include *problems with residence* (23% of the participants), *uncertainty about one's future* (22%), *sense of fear* (19%) and *problems related to work* - mostly the lack of it, unemployment (15%), were mentioned. It may be argued that many of these things can arise from problems in satisfying our basic needs. (See Kauppila 1997a.)

One very important aspect of this study was to try to find out what is important in life for these people. According to the findings of the research, the central values releated to security, family security and own security, are highly valued - infact among the "top ten" in both of the research groups, prisoners' and civilians' (N=239). This supports the very idea of both this study and the broad population reseach project. Family security is important for 92% of prisoners and for 97% of civilians; own security is important for 88% of prisoners and for 93% of civilians. The beginning of the value ranking list is fairly similar in both groups: freedom, health and true friendship or companionship come first. The greatest differences between the groups were in the importance of work, national security, unpolluted nature, and social respect. In general, all of these things seem clearly to be more important for the civilians than the prisoners. It seems that people prefer the things that are some way closely linked with their daily life. (See Kauppila 1997b.)

What are the most common sources of insecurity among prisoners? Almost all of the prisoners said that the decrease in freedom, that people cannot decide about their own life, is a source of insecurity. In addition many things related to "environmental insecurity" - such as contamination of the nature, destruction of life, ozone depletion and the Greenhouse Effect - were among the ten most common causes of insecurity. These things were realtively highly rated among the civilian men too. There were also some social problems; peoples' disregard and violent crimes, as well as the reduction of social and health services, cutting unemployment benefits and amount of expences, that were very common sources of insecurity among prisoners. For example, in all, 57% of prisoners had been unemployed before being sent to prison. Infact all of the ten factors mentioned here caused more, and most of them much more, insecurity to the prisoners than to the civilians. The biggest differences were in the following factors: "bureaucracy", "amount of expences" and "people cannot decide about their own life". Do these differences tell us something about the differences in the living conditions and/or in the ways of living among these two groups of people?

Table 1. The ten most common causes of insecurity among the prisoners as compared with the figures among the civilian men (%)

Causes of insecurity:	Male prisoners (N=259) [causes me *great* insecurity]	Civilian men (N=2019)
1. People cannot decide about their own life	93 [65]	54
2. Contamination of nature	93 [54]	82
3. Destruction of life	91 [60]	70
4. Peoples' disregard for one and another	85 [47]	63
5. Bureaucracy	83 [54]	34
6. Violent crimes	83 [49]	62
7. Reduction of social and health services	83 [42]	60
8. Ozone depletion and the Greenhouse Effect	83 [41]	55
9. Amount of expences	81 [48]	39
10. Cuts in unemployment benefits	80 [51]	58

In all there were 65 factors which caused insecurity for at least every second prisoner, and 22 factors that caused insecurity for at least three out of four prisoners. Nineteen factors of these 65 caused inseurity especially for at least 50% of the civilian, 18-54-year-old men, who took part into the population research project (N=2 019). There were only 24 things that caused insecurity for at least every second person of the civilian sample - both men and women - who took part into the population research project in 1991-1995 (N=6 784; see Niemelä & co. 1997, 79). There were only two things among these 65 that caused more insecurity for the civilians than for the prisoners: "unemployment or losing one's job", which caused insecurity for 70% of civilian men; and "the situation in the former Soviet Union", which caused insecurity for 75% of civilian men. Among the prisoners the corresponding figures were 58% and 66%.

One aspect of life control and the future in the prisoners' eyes

What we think about our - or any other quarters' - possibility to influence our own future can be seen as a part of our life control, a part of manageability in life (e.g. Järvikoski 1996, 45; Pietilä 1994, 21). Therefore the prisoners were asked how much they think that certain quarters, including themselves, have an influence on their future. Almost all of them - 98% - answered that oneself at least has a little influence on one's life, and 86% of

Table 2. The quarters having influence on the prisoners´ own future (%)

Quarters having influence on the prisoners´ own future:	Not at all	A little	Great	Sum	N
Prisoner himself	2	12	86	100	259
Friends and companions (in civilian life)	19	56	25	100	258
Family	25	35	40	100	255
Coincidence	25	54	21	100	258
Social situation in Finland	29	42	29	100	258
World situation	35	44	21	100	258
Authorities (in civilian life)	38	44	18	100	255
God	51	27	22	100	255
Relatives	53	37	10	100	258
Beforehand ordained fate	51	30	19	100	257
Fellow prisoners	63	34	3	100	259
Prison personnel	68	23	9	100	256
Neighbours (in civilian life)	69	27	4	100	258

prisoners said that one has great influence on one's own future. Friends and family come next on this list. The influence of coincidence was also relatively highly ranked among the prisoners, and according to them, has more impact on their future than, for example, some authorities in civilian life. It is interesting to see that neighbours, persons that live next to you in civilian life; and prison personnel, persons that you cannot avoid meeting in prison, were not ranked highly.

Some steps on the way to conclusions

According to the preliminary findings of the research, security as a concept is closely linked to basic or central human needs. A secure life seemed to be consist of many social aspects, like human relationships, work and love. However, sufficient livelihood, residence and health also play a central role. Insecurity as a concept seems to imply problems with the satisfaction of human needs or some kind of uncertainty of the continuation of well-being. This result is also supported by the earlier studies among civilian people (e.g. Väisänen 1995, Niemelä 1997). The prisoners' ideas of a secure life were in general more similar, i. e. with the same contents, as compared with their thoughts of insecurity. The aspects of insecurity varied a lot, and perhaps they more often stemmed from the basis of the participant's personal life experiences. Security is more like an ideal situation, an idea of a good life - insecurity reflects something about the reality people are living with and the problems they meet while trying to

manage. Information on both of these is needed if our aim is to act constructively: ideals give us the aims to struggle for and reality shows us the obstacles we should to be able to remove.

The central values linked to security, like family security and own security, are highly valued among prisoners and civilians. The prisoners seem to think that the things which are nearer them or their family, like freedom, health, family security and love, are more important than those linked with phenomena far removed from their daily life, such as world peace, national security - or even work - may be. Perhaps the differences here are also linked with the differences in their life conditions: certain values are more important to people partly because they might have more to lose if those particular things are or should be threatened.

Traditionally work forms the most significant part of the daily activities in Finnish prisons. What is the effect on these activities if prisoners generally do not greatly appreciate work - i.e. the traditional forms of work that are available for them in real life in and outside prison? What does this mean from the point of view of managing in civilian life? However 39% of the prisoners said that work is included in a secure life. And there were many other more highly valued things among them. Perhaps we should think about, how to link the things they appreciate more with the constructive elements of activities like work; e.g. earning a living (even partly), having something meaningful to do and finding one's place in society without committing crimes. What could be the new legal and more constructive ways of self-realization during the sentence, the ways that could continue of be useful after release?

It can easily be seen within the answers of the prisoners that their autonomy has been threatened and limited during their life: for example decreasing freedom and bureaucracy are among the ten most common causes of insecurity. The threat of marginalization causes them insecurity in the form of peoples' disregard for one and another, reduction of social and health services, amount of living expences and cutting unemployment benefits. In comparison with the samples of civilian men it becomes prominent that in general prisoners feel much insecurity and to a greater degree in Finnish society. Instead of locking many doors of survival we should be able to open some more. Our right to take their freedom should increase our reponsibilty and duties to try to help them to keep their freedom after release.

For the most part it is an extremely good thing to trust oneself in getting out of troubles. But trusting mostly *only* in oneself is not such a good thing. If one succeeds, there is only oneself to thank for it, but if one does not succeed, who is to blaim? Many of the prisoners underline that "everyone is the master of their own fortune". As a social worker in a Finnish prison I have met many "lonely riders" who have lost their lands, horses and whatever still remains of their self-respect in this way. Among the prisoners' it seems to be quite general to trust friends, companions and family too - the "unofficial" people near them - and less general to believe in professionals, authorities and prison personnel. But what if there are not so many friends or family members available or they already have quite a lot of problems of their own? It is a great challenge for both prisoners and people trying to help them to build a confidential and functional relationship. But who do you trust and what do you do if you really mostly believe that coincidence has such a great influence on your future anyway?

It is obvious that the Cognitive Skills Training Program, other programs or any other means are needed to support peoples' control over their personal life - perhaps also in prison rather than just outside it. But it is worth remembering that everything in life is not just in our own hands. Life control is never only a question of individuals. There are always some meaningful others; community, society and so on, even coincidences, to be somehow taken into account.

Nowadays it seems to be impossible to manage totally alone, and it is to be hoped that we do not expect anyone to do so - whether having gone through some supportive programs or not. Instead we could consider, whether there is anything we have not tried yet, or have not tried enough, to be able to meet those problems constructively. Anyway it can be said that constructive solutions require willingness, abilities and rescourses to cooperate - from everyone involved.

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The increasing number of forensic psychiatric patients in Denmark, 1980-96

Causes and perspectives

The number of forensic patients in Denmark has increased dramatically during the last 15 years from 300 in 1980 to about 1000 today. In this presentation we shall try to explain why forensic psychiatry has become an exploding business.

Section 16 of the Danish penal code states, that "Persons who at the time of the act, were irresponsible owing to mental illness or similar conditions or a pronounced mental deficiency, are not punishable". The term "mental illness" is equivalent to the psychiatric term "psychosis". Section 68 establishes, that measures other than punishment can be used against psychotic offenders, namely 1: placement in a psychiatric hospital, which means, that the offender cannot be discharged before a new court order. 2: Psychiatric treatment, where the offender is admitted to a psychiatric hospital or department, and it is then for the psychiatrist to discharge and if necessary - together with the probation office - readmit the patient. 3: Outpatient treatment. Section 69 of the penal code establishes, that psychiatric treatment sanctions *can* be used instead of punishment to non-psychotic but otherwise mentally abnormal offenders.

Denmark, a small country with about 5 millions inhabitants, is administratively divided into 15 counties. Each county is responsible for the total health-service to the inhabitants of the county including the forensic patients. All forensic patients are thus treated within the ordinary psychiatric treatment-system. In principal the forensic patients are looked upon as all other psychiatric patients. Some counties have special wards for some of these patients, but in several counties they are treated at ordinary wards together with non-criminal patients. The forensic patients are not registered in any special way by the counties, and consequently the authorities responsible for the treatment, do no know the numbers - perhaps do not want to know the numbers . However, almost all the forensic patients with a sanction of "psychiatric treatment" and "outpatient treatment" are under supervision by the Department of Prison and Probation too, Kramp and Gabrielsen, 1994. Patients with a "placement order", who cannot be discharged, of course do not need a probation officer.The Department of Prison and

Probation has offices in every county, and with some minor unimportant exceptions, is the area served by the local office identical with the county. Each office reports monthly to the Department the number and type of clients under supervision - those with suspect sentences, prisoners released on parole, forensic patients and so on. In this way it is possible to count the number of forensic patients in each county month by month, i.e. the monthly prevalence of forensic patients in each county. This registration has taken place since 1977, and for the present analysis the material from 1980 is used to follow the development in prevalence of forensic patients. Patients with a placement order, most of them suffer from schizophrenia and have committed serious violent crime are not under supervision and therefore are not included in the present material. The number, however, is limited, around 80,(Lund,1997), which means that our figures are minimum figures covering a least 90% of the total number of forensic patients.

In 1994 we looked at the development of the prevalence of forensic patients, figure 1, Kramp and Gabrielsen, 1994.

The dotted line is the number of patients increasing from about 300 in 1980 to about 700 in 1993. The smooth line is the statistical model showing an annual growth rate on 6.83%.From 1980 until 1993, the growth exhibited an almost perfect exponential growth. Such a curve is a rarity within the social sciences; one expect exponential growth within biology or physics but never within the social sciences. This is due to the fact, that developments in social sciences are affected by feed back mechanisms. Nevertheless, to find an exponential growth curve in this case might be because the forensic patients form a rather small fraction of patients within the mental health care system, and thereby has not been noticed until now.

Three years later in 1996 we repeated the study, Kramp and Gabrielsen,1996. We extrapolated the model with an annual growth rate on 6.83%, figure 2, and we inspected how reality - the number of patients - fitted the model, figure 3. As it appears from the figure the model fits almost perfect - the growth rate still seems to be 6.83%. It can be added that the prevalence of forensic patients is still growing - at the end of April 1998 the number has increased to 1068. One can add this last point to figure 3 and see that the model still fits.

Thus, the latest numbers of forensic patients still exhibit exponential growth and thereby support the hypothesis that some kind of mechanism generates this increase. It should be noted that the same trend has been seen in many other countries.

In the following we shall discuss some possible answers to this increase in the prevalence of forensic patients.

Figure 4 again shows the number of forensic patients and furthermore the crime rate per year in thousands (the counts of bicycle theft and shop lifting has been removed from the crime rate). From the figure it is seen that the increasing number of forensic patients by no means can be explained by the increasing crime rate. The number of offenses reported to the police has remained almost unchanged the last 10 years, the annual number being about 400000, however, the prevalence of forensic patients has doubled.

For many years one has discussed “the criminalization of the mentally ill”, however, the opposite the “psychiatrization of the criminals” has also been put forward as an explanation -

that the penal system transfers more and more criminals, first of all the most troublesome, to the psychiatric system. Some years ago we investigated this hypothesis, Kramp,1993. Table 1 shows the total number of forensic patients in 1987 and in 1991. As mentioned '16 encompasses the psychotics, § 69 the non-psychotics. As already seen there is an increasing number of forensic cases - from 1987 to 1991, the number has increased by 26%. However, if one divides the patients into two groups, the psychotics and the non-psychotics, it is seen that there is a decrease in the number of forensic patients who do not suffer from psychoses, while the psychotics increase dramatically. If there should be any support of the "psychiatrization of the criminals" one should expect an increasing number of non-psychotics i.e. §69-patients, however, this has not happened, on the contrary - they are decreasing.

Table 1. Forensic patients in 1987 and 1991

	1987	1991	Difference
Total	521	658	137 / 26%
§16	335	538	203 / 61%
§69	186	120	-66 / -35%

§16: Psychotic when committing the crime
§69: The non-psychotics

The material consists only of the number of cases, and does not allow any diagnostic classification. However, there are various Danish studies about forensic patients including the diagnoses of the patients, Table 2 shows uniformly that the majority of the forensic patients were psychotics and around 50% suffered from schizophrenia. An unpublished cross-section-study carried out by Jens Lund in Crhus from November 1997 shows a fraction of schizophrenia among §16-patients between 65% and 70%. In conclusion in Denmark at least, there has been no "psychiatrization of the criminals", for sure the opposite - "criminalization of the mentally ill", first and foremost the schizoprenics.

Table 2. Forensic Patients in Denmark

Forensic Patients, 01.01.70 - 31.12.78, Copenhagen County

n=103; psychotic; 73, of this 42 Schizophrenic; non-psychotic: 30
Kofoed-Nielsen, H. and Odgaard, K: Kriminalpsykiatrisk Undersøgelse. Ufl 1983, 145, 1241 - 1245

Forensic Patients < 30 years, 01.01.78 - 31.12.87, Copenhagen City
n=87; psychotic; 71, of this 57 Schizophrenic; non-psychotic: 16
Jørgensen, Eva F. m.fl.: Unge med behandlingsdom i København. Ufl 1993, 155, 3006-3009

Forensic Patients, 01.06.87, whole country
n=573; psychotic; 459, of this 282 Schizophrenic; non-psychotic: 114
Lund, J.; Retspsykiatriske patienter. Ufl 1988, 150, 1209-1212

Forensic Patients, 01.03.91, KAS Nordvang, dept. R
n=38; psychotic; 32, of this 25 Schizophrenic; non-psychotic: 6
Hasle, N-J and L.E. Eplov: Retspsykiatriske patienter - diagnose, kriminalitet og sanktion. Ufl 1994, 156, 4683 - 4689

Forensic Patients, 03.1.92, whole country
n=690; psychotic; 521, of this 335 Schizophrenic; non-psychotic: 169
Kramp, P.: Registerundersrgelsen, unpublished.

Another explanation of the increasing prevalence of forensic patients could be that the duration of the sanctions stately increase. If so the constant input of new forensic patients, would cause an increasing prevalence, because the patients remain longer and longer in the system.

In Denmark sentence to psychiatric treatment is time unlimited; the sanction is abolished by a court order. It has been argued that the prosecution for various reasons do not bring these cases for the court whereby the patients remain longer and longer in the system. There does not exist data which allows an examination of this possibility for the period 1980 to 1987, but from 1987 the monthly intake and discharge of patients for each county is known. Figure 5 shows the yearly intake for the whole country for the years 1989 to 1995 and correspondingly figure 6 shows the yearly discharge of forensic patients for the same years. The intake rate, or the incident rate, is estimated to 4.3% per year and the discharge rate to 4.3% per year. These two rates being equal supports the hypothesis that the duration of sanctions has been stabled during the considered years. The average duration of a sanction can be estimated to around 4 years, so the considered period is in the shortest to cash up any change in duration time. On the other hand the pictures give no support to any hypothesis of an increasing duration time of sanctions.

Recently it has been argued by Olsen and Ravn ,1998, that this argument does not hold. However, the arguments of Olsen and Ravn are in the authors point of view incorrect. As this discussion is very technical it is omitted from the present paper and interested can look it up in Gabrielsen,1998. In conclusion there is no support for the hypothesis that an increasing number of forensic patients can be explained by an increasing duration time of the sanctions.

Finally, the reduction in the number of psychiatric beds could be a possible explanation of the increasing criminality among the mentally ill. As mentioned earlier it is possible to collect monthly data on the number of forensic patients in each county from 1980 until 1997. Furthermore, it is possible to collect data on the number of disposable psychiatric beds in each county. Also it is possible to obtain the number of occupied beds, i.e. the number of consumed beds. These numbers are received from The Institute of Psychiatric Demography in Aarhus.

During the period 1980 to 1997 a dramatic change has taken place in the mental health care system. Back in the 1980 we still had the large mental hospitals, whose patients were not only from the local county, but also from the neighbour-counties. During two decades the mental health care system has been reorganized into community mental health care and social support to psychiatric patients. In Denmark a substantial part of this reorganization has consisted in a transfer of resources from the large mental hospitals into community mental health care. The reorganization implied or included a close down of psychiatric beds in the order of 55%. However, a reorganization of a naturally grown system adapted to the increasing need of mental health care into a "from above" planned system of local community health care, does not take place without expenses. The needs from the real world seldomly fits into the planed needs. Thus, a radical reorganization should be expected to be reflected within different areas of the mental health care.

However, the speed of the reorganization of the mental health care system differed between the counties. This gives us an opportunity to consider the reorganization as a quasi experimental setting, in which the counties are the experimental units and "the speed of reorganization" is the intervention and the growth rate of forensic patients is the outcome.

It should noted that from 1980 until today which is the study period, there has been no changes what so ever concerning the Danish registration of mentally abnormal offenders; there has been no changes in diagnostic criteria used by forensic psychiatrists; no changes in how the prosecution administrates the rules of mental abnormal criminals and no changes in other part of the system dealing with forensic patients. The fact, that the whole system has remained unchanged in our study period, is of course very important, because new legislation or other changes could influence the number of patients. Furthermore, the Penal code is the same for the whole country covering all 15 counties, and as previously mentioned, the

Department of Prison and Probation which cover the whole country, registers nearly all the forensic psychiatric patients. On the other hand the counties have a high degree of autonomy concerning allocation of resources. There might be a high degree of dissimilarity between the counties concerning resources allocated to the large mental hospitals versus the local community mental health care and thereby a high degree of dissimilarity in the speed with which the single county reorganizes the mental health care system from large mental hospitals into local community mental health care.

Figure 7 shows for county 15 the number of disposable beds, the number of used or consumed beds and the number of forensic patients for the years 1980 to 1997. This is typical curves for a county - a decreasing number of psychiatric beds and a decreasing number of consumed beds - but around 1990 the number of consumed bed stops to decrease and in several counties one even sees a slight increase - in spite of the decrease in disposable beds. When the number of consumed beds crosses the number of disposable beds, overcrowding occurs. And we have had overcrowding at nearly all psychiatric wards in Denmark the latest years.

Figure 8 shows for the whole country the number of disposable beds and the number of consumed beds. In the beginning of 1990 the decrease in the number of consumed beds fades out and from 1992, there has been an increasing overcrowding in the mental hospitals; today in average around 10%.

In order to prove the postulate, that the decreasing number of psychiatric beds is the cause of the increasing number of forensic patients we have disaggregated the number of forensic patients and the number of consumed beds to the level of counties. Figure 9 shows for another county, Aarhus county, the number of disposable beds, the number of consumed beds and the number of forensic patients. It is seen that the number of consumed beds is not decreasing with the same (negative) growth rate as in county 15 and similarly the number of forensic patients are not increasing with the same growth rate in the two counties.

For the statistical analysis therefore, two growth rates for each county are calculated - the (negative) growth rate of consumed beds and the growth rates of the prevalence of forensic patients from 1980 until today. In figure 10 the growth rates of forensic patients are plotted against the (negative) growth rates of consumed beds. Furthermore, an estimated line is added, the slope of this line being significantly different from zero , $p=0.05$. This means, that - in a county - when the number of consumed beds decreases rapidly, the number of forensic psychiatric patients increases rapidly.

Without going into details concerning the statistical analysis it can be mentioned that the analysis is carried out as a multi level analysis so that the hypothesis of the slope of the regression line being zero is tested against the between-county variation.

Conclusion

In Denmark the number of forensic patients has tripled in the period 1980-1997 - from 300 to 1000. The reason for this very serious development cannot be found in changes of the registration of mental abnormal offenders, or changes in clinical practise or changes in the administration of the rules, or changes in the crime rate. The main reason seems to be the reorganization of the mental health care from mental hospitals into local community health care and thereby the closure of 4000 psychiatric beds. This study does not tell anything about whether the reorganization of the mental health care system has been of any benefit for some of the patients to the mental health care system. It tells that a reorganization of a natural grown system adapted to the increasing need of mental health care into a "from above" planned system of local community health care does not take place without expenses. This study shows that the most serious ill, the schizophrenics, seems to be some of the loosers in this reorganization.

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Kramp,P. & G. Gabrielsen, (1994): 'Antallet af psykiske syge kriminelle fordoblet på ti år'. I: *Nyt fra kriminalforsorgen*. Nr. 5-1996.

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Crime Prevention and Criminological Theory

Introduction

Over the last two hundred years, numerous theories has been presented as the only, or at least the principal, explanation of crime and/or criminality. Although these theories pinpointing one or a few factors are scientifically important, their use for the practitioner interested in the prevention and control of crime is somewhat limited. For the practitioner (eg administrators and CP-coordinators) these theories have little to offer since most individual theories reflects only a fraction of the everyday reality faced by the practitioner, so (if even the experts can't agree about what the problem is, or on what to do about it) why bother with theory?

Yet a theoretically founded strategy for intervention is of crucial importance, since there is no other way to develop consistent and efficient techniques to reduce criminal victimization.

The crime prevention practitioner needs a conceptual framework in which important key elements of disparate theories can be brought together and integrated in a model to facilitate the understanding of crime and the planning of crime prevention initiatives and to improve the understanding of;

a) Where (in the causal chain from societal and individual background factors, to the criminal opportunity that) a specific crime prevention initiative is directed?
b) Is the proposed initiative proximal or distant to the criminogenic situation.
c) If it is reasonable to assume that the plan will work, and
d) How changes in Society will affect the type, number and distribution of criminal events.

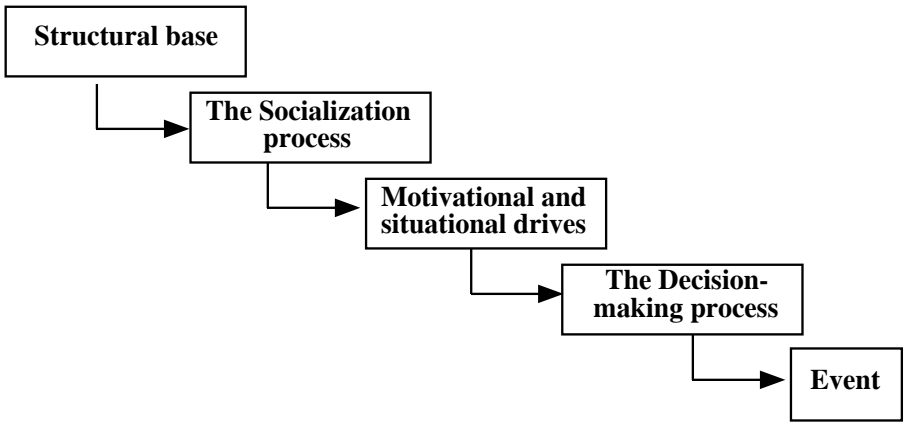
In this paper I will outline such a model. I have attempted to integrate what I consider to be key concepts of interesting theories of crime and criminality. I have worked backwards, from the criminal event, through the situation in which it occurred, more and less proximal background factors and on to the composition and structure of society. The model is however presented in the traditional fashion beginning with theories of society and human nature and ending with the decision-making of individual offenders (figures 1-6).

The aim of this paper is to demonstrate how one (of several possible) such integrations can be construed. I will also briefly discuss the implications of the model for crime prevention.

1. A multi-level model

The model can be divided into four "level boxes" preceding the actual (criminal)event (figure 1). These boxes are overlapping since levels on the makro-micro scale are somewhat floating. The contents of each of the "level boxes" is presented as mutually exclusive concepts, one figure (2-5) for each of the four "level boxes", and as the complete model (figure 6).

Figure 1 A Multi-level Model



1.1.1 Societal organization

The basic assumption of the model is that macro-level societal factors such as economic and political system, religious life and degree of Industrialization and urbanization, predetermine three important aspects influencing human behavior. First; underlying societal factors strongly influence biological and social characteristics of the population such as the age structure, the number and survival rate of children and the social desirability of having children of a certain sex. It also determines the parenting and child raising practices and associated features. Second; the degree of Communitarism of neighborhoods, of extended families and between individuals and institutions. Third; the type and kind of media coverage of different events are given as well as what type and kind of individuals are exposed to coverage of particular news and views.

1.1.2 Population Characteristics

Most people will agree that societal organization determinates, to a great extent, the characteristics of the population. Not only in the society as a whole (eg number of children and age structure) but that it also, through segregation, affects the characteristics of the people that will live in the individual communities.

Tradition, religion, social service and pension benefits, and degree of labor-intensive agriculture plays interrelated and important roles in explaining eg. birth frequency, educational structure and other important differences in population character. In countries like India and China, the social desirability of children of a certain (eg. male) sex combined with modern methods of fetus diagnosis, leads to a decrease in the birth rate of the less desired sex which affects the population characteristics of those societies.

Figure 2 Structural Base of the Model

1.1.3 Communitarism

”The more weakened the groups to which (the individual) belongs, the less he depends on them, the more he consequently depends only on himself and recognizes no other rules of conduct than what are founded on his private interest.” (Durkheim: Suicide, quoted in Hirschi 1974 p.16). In modern society, the concept of group must include the social structures of the area of residence.

”Communitarism is a condition of societies. In communitarian societies individuals are densely enmeshed in interdependencies which have the special qualities of mutual help and trust. The interdependencies have symbolic significance in the culture or group loyalties which take precedence over individual interests. The interdependencies also have symbolic significance as attachments which invoke personal obligation to others in a community of concern, rather than simply interdependencies of convenience as between a bank and a small depositor.” (Braithwaite 1984 p.100) Braithwaite describes Communitarism as a condition of societies, which seems to be rather static in a given society and differ only between societies. In this model, however, the degree of Communitarism differs not only between societies but also between communities. Communities are seen as subject to variations caused by differences in government presence and policies in different neighborhoods (eg social service and policing practices). With this adaption the concept of Communitarism is included in the model.

The level of communitarism influences, and is influenced by, individual social learning processes, and the population characteristics of a community .

1.1.4 Media influence

The influence of media (such as papyrus rolls, television or internet) can be understood in terms of the faith or *credibility* placed in a specific type, agent or publisher by consumers, the differential *exposure* to news and views in individuals and communities, and the *social importance* of singular media events which is closely linked to the total measure of *media supply potential*. For reasons of simplicity I will restrict the examples to the medium television. The same basic assumptions can be transposed to any kind of media.

When the media supply potential is virtually unlimited (as in cable TV) the relative credibility (of television in general, as well as of eg a television news anchor) is diminished due to

competing and non coherent priorities attributed to different news and views , or in other words, differences in casting policy. A recent study of the Crime content in the three major Swedish television news programs shows that one network showed more than 3 times the amount of crime news reaching the viewers of the program showing the least crime (3.1, 4,1 and 9,4 % of total news air time respectively) (Johnson 1995).

The number of people exposed to a particular media is dependent on a combination of media supply potential and personal or peer or primary group preferences. The social importance of media reflects the degree in which media output is a focal concern in everyday life. In Sweden, with two television channels in the early 1980s yesterdays TV was a natural subject for discussion, eg. around the coffe-table at work, which gave broadcast consumption a social value. Today, a massive increase in media supply potential has diminished the social importance of watching television since only a minority is likely to have seen the same programs, there is no common ground for discussion. At the same time as credibility and social importance, and exposure to particular television channels is diminishing, exposure (in daily viewed minutes per capita) to television in general has increased 33.6 % from 104 minutes in the fiscal year 1982/83 when two channels were operating, parallel with a massive increase in radio and television media supply potential to 139 minutes in 1994 when 60 % have cable. (figures from Westrell, personal com.)

Figure 3 The Socialization Process

1.2.1 The Social Learning process

In its basic form Social Learning Theory stipulated that all behavior is learned and that learning of social behaviors occurs through face-to-face interaction. Hence, the impact of the composition of the neighborhood (population characteristics) is obvious. The neighborhood level of Communitarism is of crucial importance to the socialization process. Consider, as an example, life in a small town with a butcher, a grocer, small shops where you stay and chat

for a while, and a limited number of people. Most people in such a town will know each other, at least by appearance, and will react to harmful behaviors exercised by others thus rendering a high level of informal social control. In such a community it is more likely that damages to the socialization process caused by deprived or outright dreadful home circumstances and/or parenting practice will be reduced trough the social network, than in the impersonalized social and shopping environments of our great cities. The social learning process affects, and is affected by, the level of communitarism in the community.

We now expand the concept of social learning process to include observational learning, and media influence. The point of departure is the fact that most behavior is learned by observation, often in absence of external reinforcements. ”Humans have evolved an advanced capacity for observational learning that enables them to expand their knowledge and skills on the basis of information conveyed by modeling influences, indeed, virtually all learning phenomena resulting from direct experience can occur vicariously by observing people’s behavior and its consequences for them.” (Bandura 1989, quoted in Hjelle & Ziegler 1992 p.337).

A long-lasting prejudice in theories of the behavioral sciences is that significant others (those from which behaviors, attitudes and motivations are most likely to be learned) are exclusively to be found among family and friends. As any parent knows, this is not true. In the ’Canadian Peer Study’ schoolchildren were asked to write the names of their friends. As the pupils behavior was monitored, the study showed that the pupils were much more likely to model their behaviors after persons they unilaterally rated as friends, than after persons who they rated and were rated by as friends (McCord, personal com.). It is obvious that a one-sided friendship (from A to B) must be much stronger to last for any duration of time, than a reciprocal one. Thus, idols are indeed significant others. This is well known among the market/advertisement psychologist’s and can be expressed thus;(role)”Models who appear high in competence, who are alleged experts, or who are celebrities or superstars are likely to command greater attention than models lack these attributes. Advertisers of everything from footwear to feminine products capitalize on this idea, utilizing television personalities, athletic superstars, and financial wizards to hawk their products. Other variables that are especially important at this stage are the observer’s own, preexisting capabilities and motives.”/.../”Essentially, any set of characteristics that causes a model to be perceived as intrinsically rewarding for prolonged periods of time increases the probability of more careful attention to the model, and, consequently, the probability of modeling.” (Hjelle & Ziegler 1992 p.345).

In 1986 Bandura showed that when our attention is directed to a model, positive incentives do not enhance observational learning. ”This is supported by research showing that children who watched a model on television in a room darkened to minimize distractions later displayed the same amount of imitative learning regardless of whether they were told in advance that such imitations would be rewarded or were given no prior incentives to learn the modeled performances.”(Hjelle & Ziegler 1992 p.347).

Key factors in determining media impact on the individual social learning process are; apart from that individual’s social circumstances, the exposure to different media content, the degree of credibility he or she attributes to it, and the social importance of the received information content in the contemporary culture. A Massive media supply potential tends to increase exposure to favored types of media content, while, at the same time diminishing its credibility and social importance in particular beyond the immediate group of peers.

The characteristics of the population and the degree of communitarianism, in combination with the media influence causes differences in the statistical distribution of outcomes of the social learning process.

Conscience, aspirations and lifestyle preferences is one important result of the social learning process.

1.2.2 Conscience

In this model, conscience is defined as a set of internalized values in which the individual truly believes. To their nature they can be pro-social, asocial or anti-social, or anything in between. The question we pass on to the Propensity box is, as Hirschi put it; ”Why does a man violate the rules in which he believes?” It is not ”Why do men differ in their beliefs about what constitutes good and desirable conduct ” (1974 p.23).

If a criminal event occurs while the offender exercises what he or she truly believes to be good and desirable conduct, the cause is either a cultural conflict (as between a totalitarian regime and dissidents, or between incompatible majority and minority cultures) due to different outcomes of the social learning process, *or* differences in the perception or interpretation of reality caused by mental illness.

Conscience is regarded as a direct result, determined by the social learning process, with no interference other than those stemming from biological differences in the capacity or functioning of the nervous system.

1.2.3 Strain

Strain can be defined as the discrepancy between an individuals goals and desires in life and his or her perceived prospects of reaching these goals in a lawful manner.

Since the mid 1800s when books of fiction begun to be increasingly available to members of the middle and lower classes, and in particular with the television revolution during the last generation, images and models of carefree life, as well as deviant lifestyles, has become available to the general public like in no other time in history. This causes a general raise of aspirations in the population, some more realistic, some less. It also displays criminal role models and rationalizations for criminal conduct, thus suggesting alternative lifestyle and (criminal)career opportunities. There is no such things as ’universal success goals’, but individual success goals tend to move in one general direction.

”The increased stress on achievement norms inflate the expectations and aspirations of the lower-class adolescent. At the same time, it limits the career opportunities available to him, demanding levels of education which he experiences special disadvantages in attaining. In addition, he finds that the career possibilities for which he is qualified have become excessively competitive, so that discriminatory criteria are covertly applied. Under such conditions he is inclined to locate the source of his troubles in the social system rather than in his own shortcomings. His sense of injustice encourages him to withdraw sentiments attributing legitimacy to the dominant social order and to search for a more efficient means to achieve his aspirations.”(Cloward & Ohlin 1960 p.1121),

When individual success goals are not met, there are two possible alternatives. Either failure is attributed to oneself, and goals modified to become more realistic or eg education

improved, or the failure is attributed to society (or to discrimination) which results in the individual questioning the legitimacy of system thereby reducing his sentiment.

”The democratic ideology of equality of opportunity creates constant pressure for formal criteria of evaluation that are universalistic rather than particularistic, achieved rather than ascribed-that is, for a structure of opportunities that are available to all on an open competitive basis rather than the proprietory right of a select group and that are achieved by one's own effort rather than acquired by the mere fact of birth into a particular race, religion, social class or family.”(ibid p.119). ”Yet there are often significant discrepancies between the criteria which *should* and those which *do* control social evaluations. Even in a democratic society, for example, where the dominant ideology stresses criteria based on social equality, talent, skill, knowledge, and achivement, many competitive selections and judgments take account of such nonuniversalistic criteria as race, religion, family prestige, wealth, social class, and personal friendship.”(ibid p.115)

The level of strain a person perceives has effects on his choice of routine activities and lifestyle as well as on his long-term crime potential or Propensity.

1.3.1 Propensity

The individual's propensity to make criminal choices is a combination of the degree of self-control that the individual is able to exercise, and, his or her readiness to utilize rationalization techniques for self-justification of criminal behavior.

Individual propensity is the grand total of a persons conscience and the strain under which he or she lives. An individuals propensity to commit crimes does change over time, but is relatively stable in relation to others of the same age cohort.

Gottfredson & Hirschi (1990) ascribe stable individual differences in criminal behavior to self-control (p.87). They mention six elements of self-control, of which four are either irrelevant or subcomponents to the two remaining, that low self-control facilitates *immediate* and *simple* gratification of needs and desires.

Rationalization techniques are self-justifications for breaking the rules that;”is based on what is essentially an unrecognized extension of defenses to crimes, in the form of justifications for deviance that are seen as valid by the delinquent but not by the legal system or society at large.”(Sykes & Matza 1957 p.666)

Rationalization precedes deviant behavior, thus making it possible. A person with a low level of self-control and a high readiness to apply neutralization techniques will have a very high propensity to make criminal choices. However, we should note that this box of the model presupposes that;”If the deviant is committed to a value system different from that of conventional society, there is, within the context of the theory, (this box) nothing to explain.” (Hirschi 1974 p.23).

Figure 4 Motivational and Situational Drives

1.3.2 Routine Activities versus Lifestyle

Routine activity is influenced by the level of strain, and in part by the propensity to pursue immediate satisfaction of desires, which is closely linked to the propensity to make criminal choices. The level of self-control (or ability to delay or divert gratification) plays an impotent part in explaining what kind of lifestyle, as well as what kind of activities a person, regardless of lifestyle, is likely to carry out.

Routine activity is defined as any activity repeated with some regularity. Driving a car is a routine activity, being involved in a car crash is not. Usual routine activities are working, commuting, sleeping, watching television, dining out, etcetera. The reason for including what some would label a 'non-activity', sleeping in the concept is it being the best example of the observation that;"The assumption, widely shared, is that a person can be simply too busy doing conventional things to find time to engage in deviant behavior."(Hirschi 1974 p.22)

In contrast, lifestyle is a set of personal preferences that effect the qualitative content of routine activities, home furnishing style etcetera. Going to a bar, or to the cinema is a routine activity, as opposed to the the choice of what to wear, choice of bar/film to see, or who to go with, and individual interaction pattern on the selected location(s) which are expressions of lifestyle. An individual involved in a lifestyle that also attracts crime-prone individuals is more exposed to crime opportunities than other individuals, and therefore more likely to commit crimes as well as to be victimized by others.

Routine activity and lifestyle strongly influence the creation of situations in which the individual finds herself/himself.

1.3.3 Situation

The lifestyle and routine activities of the individual has a strong impact on the situations in which the individual finds himself. This model's concept of situation has been strongly influenced by Ekblom (1994).

A situation consists of a) a place, b) the presence or absence of at least one potential offender and a crime target (object or person), and c) of modulators.

The environment of a place consists of two main components, the logistic (physical) environment that facilitates or obstructs the perpetrator's ability to commit a crime or modulator's ability to alter the event, and factors in the (psychological/emotional) environment that affect the motivation of perpetrator or modulators.

The crime target is described in terms of its desirability and/or provocability. If the target can defend itself (eg by hitting back or in case of a car, by being equipped with an alarm) that aspect of the target is considered to be a modulator. Modulators are persons or objects that influence the environment, the target or the potential perpetrator in a way affecting the probability of a criminal event.

Particulars of the situation influences motivation, the perceived level of frictions and temptations, and, the perceived risk of punishment and/or detection.

1.3.4 Motivation

Motivation is the result of interaction between the baseline propensity, the cognitive cues in a particular situation, and the wood-bee offenders present mood, presence or absence of intoxication and other short-term conditions affecting the current perceptual and emotional state of the individual.

The current motivational state, or short-term crime potential, is an important factor influencing the individual's perception and interpretation of the frictions and temptations of life.

1.4.1 Frictions and Temptations

The perception of frictions and temptations is closely linked to the current motivational state and to the particulars of a situation.

Frictions are situations causing feelings of wrath or anger towards a person or an object such as symbols for something the person dislikes (eg election posters or symbols for a 'hostile' football team). A temptation can be defined as a potential crime target that is attractive to the potential perpetrator.

Changes in emotional and cognitive states caused by sudden bursts of desire or anger affect the perception of risk and thus the decision-making process.

1.4.2 Perceptions of Risk and Deterrence

The individual's perception of the risk for detection and/or severity of punishment is determined by the particulars of the situation and his/her present perception of frictions and temptations caused by the recent emotional and cognitive state combined with what Stafford & Warr conceptualize as experiences of punishment and punishment avoidance. (Stafford & Warr 1993). Such experiences can be personal (direct) or indirect, that is, through the experiences of friends, by reputation or of others about whom the decision-maker has some knowledge. The experiences are not only about punishment, but also about successful strategies to avoid detection and/or punishment.

The individual's perception of risk is an important part of the decision-making process.

Figure 5 The decision-Making Process

1.4.3 Decision-Making and the Concept of a Limited Rational Choice

The model stipulates that perceived risk of punishment and detection combined with perceived levels of temptations and frictions are powerful influences in the decision-making process.

Criminals as decision-makers is not an uncontroversial subject in the field of Criminology. Is it reasonable to assume that,"For example, an individual contemplating breaking into a warehouse will estimate the probability that he or she will be apprehended (e.g., as .25), the possible gains and punishments to be achieved, and the levels of satisfaction that will be gained from the break-in if he or she is not apprehended (e.g., the utility of gaining $500) or is apprehended (e.g., the utility of gaining $500 and receiving a $700 fine)/.../To continue our example, the individual would make the following calculation:

$$EU=.75\ u(x^{\circ} + \$500) + .25\ u(x^{\circ} - \$700), \quad (9.1)$$

where u is a function that converts dollars into levels of satisfaction, and x° is the individual's initial wealth. The individual will commit the criminal act if his or her expected utility, as calculated above, is higher by doing so than by not doing so. (example from Lattimore & Witte 1986 who don't believe so either)

This level of elaboration is, in view of our knowledge of crimes and criminals, unbelievable, yet the "assumption that rewards and punishments influence our choices between different courses of action underlies much economic, sociological, psychological, and legal thinking about human action. "(Cornish & Clarke 1986 p.V). The notion of a reasoning criminal, who employs the same sorts of cognitive strategies when contemplating offending as he and the rest of us utilize in other respects, ought not to be strange.

The solution to the problem is the introduction of a concept of limited rational choice. "Rationality is not about meaning, but about instrumental achivement." (Niggli 1994 p.85).
"From this it follows that applying RCT does not inevitably require a view of (individual) offenders as thoughtful and intellectually sophisticated,..."(ibid p.84).

When making choices people do not, generally, use all the information available to them. People tend to use information that is consistent with what they believe (cognitive dissonance theory), easy accessible and readily available.

I believe Niggli sums up the limited rational choice concept quite well as he writes;"Given the individual level and the 'limited' character of rational calculus, concrete, short-term factors should be more important in utility calculations than abstract, general factors. For the rationally acting individual therefore the severity of sanctions is meaningless if there is only a small risk of detection or capture, since the severity of sanctions does not really address the individual but rather applies to the general societal level. (Ibid p.91f)

The result of the limited rational choice process is the decision to commit a criminal act, or to choose another course of action.

Figure 6 A Model Framework of Integrated Key Concepts of Criminological Theories

2. Offender Awareness Space and Crime Occurrence

To commit a criminal act is a source of stress for the offender. There is (also in situations favorable to criminal outcomes) always an element of uncertainty (what if the public interferes, the police show up etcetera). Offenders will commit most of their crimes in areas that are well known to them in order to limit the risks and increase their personal safety (it's always good to know what's behind the next corner). The physical as well as psychological qualities of the area is important for the offenders feeling of security and control.

The areas about which most knowledge is available are those in which the potential offender spends most of his time, eg the present or former area of residence, work, shopping and entertainment areas which are visited often. These areas are called the Activity Space of the individual. (fig a)

Figure from Brantingham & Brantingham 1984 p 353

The concept of Awareness Space includes the individual's Activity Space and an area around and between the everyday Activity Space, which is well known to the individual and the area that is seen from the transit links (roads, buses) that are used for transportation between the areas of activity (fig b) (Brantingham & Brantingham 1984).

The offender is likely to commit his crimes within his Awareness Space, but not too close to his home or other places where he might be recognized and subjected to formal or informal sanctions. The area should be well known to the offender, but he/she should not be easily identified.

Further, for a criminal event to occur the awareness space of the individual and criminal opportunities that are attractive to the potential offender must coincide at such a time and place where the offender is present (Brantingham & Brantingham 1984).

Figure from Brantingham & Brantingham 1984 p 362

This means that crimes are most likely to occur in such places that has a sufficient number of potential crime targets, that is not crowded or well-kept, and that are within the awareness space of the potential offender, but not in his/her own block due to lack of anonymity.

3.1 Implications for Crime Prevention Strategy

"The criminal event is usually taken to be a single episode. However, in reality, it is far more like a dynamic process. There are two ways in which this aspect can be captured.. First, the possibility that the offender, the target and the environment repeatedly combine to produce a succession of similar events, as with domestic disputes or racial harassment, should be allowed for. Second, even what for legal or administrative purposes may be regarded as a single event may have quite a complex structure. Cornish (1993) uses the concept of 'scripts' to describe the linked sequence of scenes through which a would-be offender has to navigate in order to successfully conclude the crime. Scripts are a kind of logistical map of the offense. For example 'ringing' (changing the identity of stolen motor vehicles to facilitate disposal) involves several stages, some of which may be crimes themselves: target selection> > theft> concealment> disguise> marketing> conversion or disposal. The pursuit of such specificity within the criminal event is useful in getting closer to causal mechanisms and opening up points of intervention. In many respects (as in the example) the script is peculiar to the type of crime, and cannot be used in classification of prevention. However, it is possible to identify

more or less 'universal' scripts which describe the common scenes through which most offenders have to pass in order to reach their goal." (Ekblom 1994 p 197f)

Figure from Ekblom 1994 p 200

"There is, of course, an alternative set of scripts. Criminal events may end up as aborted or failed attempts; if completed they may lead on to discovery, detection, arrest, trial and punishment or treatment. These additional events may involve formal legal processes or their informal equivalents ranging from official cautioning to private acts of revenge." (Ekblom 1994 p 198)

3.2 Crime intervention and Crime prevention implementation

If the causes of crime are many, multi-level and diverse (as the conceptual framework implies) how can crime prevention possibly work?

We do know that some victims are repeatedly victimized and that a small number of criminals commit a significant portion of all crimes. We also know (or can quite easily find out) where in place and time crimes cluster. We can also generate knowledge of the processes and circumstances surrounding the outbreak of criminal events on such hotspots, and analyze these incidents using the proximal circumstances model proposed by Ekblom, or a similar one, then take appropriate action in order to reduce the probability of criminal choices on high-risk locations and times.

The absolute minimum requirements when planning and performing CP intervention projects, are (or ought to be) to;

a) have identified and defined the particular problem to be prevented
b) have gathered information about and analyzed the problem
c) have a clear idea of what to do about it
d) formulate an action plan
e) to critically consider the plan. Is it likely to deliver the desired result?
f) to make sure it is implemented properly, and to;
g) evaluate the program and make adjustments when necessary

3.2.1 How can we know if a prevention plan will work?

Criminal events are concentrated in time and place. Some potential crime targets are disproportionally victimized. A relatively small group of offender commit a significant number of criminal acts.

Preventive efforts directed with these statements in mind are based on reality, and has thus a greater chance of success than any proposal ignoring the above facts. The next step is to consider the policy theory and the method of implementation. We know what behavior we wish to prevent, where and when it typically occurs etcetera.

The closer to the potential criminal event the preventing efforts are directed, and the shorter the chain of implementation, the better are the chances of successful intervention, other things being equal.

Figure from Ekblom 1994 p 212

When we consider the possible occurrence of criminal events as part of a sequence of interrelated circumstances, and also consider the process of implementing crime prevention initiatives as acts taken with the ultimate aim of influencing the decision-making processes of would-be offenders, it leads us to two conclusions.

First, that preventive intervention that occurs early in the causal chain leading towards potential criminal events (eg Societal reforms, programs for troubled youth, social programs) will affect a large number of people and will, if they are effective, lead to long-term reduction of people's propensity to make criminal choices and thus to a reduction of the crime level.

Second, that preventive strategies working directly in proximity of the (possible) criminal event has a direct effect on the outcomes of situations that might lead to a criminal event. The places where, and the times when, criminal events are likely to occur are often well known to

members of the public, police officers and researchers. A direct and immediate reduction of the quantity of crimes will be the result of successful intervention on such places.

4. Conclusions

Since little of crime is carefully planned, and many criminal events are triggered by frictions or temptations, there is little or no reason to assume that displacement effects will occur when (non-trafficing)crime is prevented on some locations.

It is possible to influence human behavior. Since criminal events cluster, any changes in the logistic, physical, emotional or social environment of hotspots and/or hot targets will have some kind of effect on the choices made by those present in the situation, including the would-be offender. The ultimate goal of situational crime prevention efforts is to change the cognitive cues of hotspots and/or hot targets, in a way affecting the potential offenders. By affecting individual's perception and ability to rationalize in, a situation, it affects his/her evaluation of the situation as a 'good' opportunity to commit a crime, and a criminal choice is thus made less likely.

The early (social) intervention strategies work towards background factors far from the concrete situation and often have long and complicated chains of implementation. The social crime prevention strategies are difficult to implement and it is difficult to measure their effects. If, however, the chosen social crime prevention strategies are effective, a long-term decreases in the future level of *criminality* will occur and, thus lead to a reduction of the future crime level.

The situational crime prevention strategies offers immediate and measurable reductions in the number of *criminal events* on selected locations. If hotspots (as opposed to well-off low-crime residential districts) are chosen for effective crime prevention efforts, the overall crime level will be reduced.

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Research Results of Sexual and Violent Offenders in Iceland

This paper is part of a BA thesis at the Department of Psychology, University of Iceland. The purpose of the study was to explore various crime patterns in sexual and violent offenders in Iceland. Violent and sexual crimes were studied as these are considered to cause significant mental and bodily harm in victims (Kendall and Hammen, 1995).

When questioned about the type of crime most feared, the general public frequently identify violent and sexual crimes, while the physical damage and the mental anguish of being a victim are identified as the main aspects of the crime most feared. Those who have been a victim of any type of crime more often than not fear that they will be attacked again (Viogt, Thornton, Barrile and Seaman, 1994).

According to Pollock and Rosenblat approximately 40% of the American public are afraid of becoming a victim of a serious crime, where serious crimes include murder, violent assaults and sexual offences (Beirne and Messerschmitt, 1995).

Of the various factors that have been associated with criminal behaviour, alcohol is probably one of the main ones and the most frequently mentioned. Therefore in this study the connection between alcohol and crime has been considered closely. This was done by studying how many offenders were intoxicated when the crime took place. Consideration was also given to the time of day at which the crime was committed. This was done on the basis that most crimes are committed at times when people are more likely than not to have been drinking. We were also interested in the relationship between the offender and the victim, specifically if the offender and victim knew each other before the crime took place.

When considering crime in general and how it comes about, situational factors are nearly always mentioned, that is the situation has to be right so that the offender has the chance to commit the crime. With this in mind we thought that by looking at some of the situational factors that are present when the crime took place we might get a clearer picture of how the crime came about.

The Icelandic judicial system classifies violent and sexual crimes as serious and therefore offenders often receive long sentences. According to Icelandic law it is possible to sentence offenders to serve 16 years for violent crimes and up to 12 years for sexual crimes (Icelandic Penal Code, 1995). Although the crime rates in Iceland is considerably lower than in other European countries, crime is a problem. Ideally we would like to see crime rates decline but for that to happen society will have to change the way it deals with crime. Crime prevention is a very difficult area to deal with but at the end of this paper we have put forward a few of our own ideas regarding crime prevention in Iceland. It should be made clear that these ideas have not in any way been tried or tested in Iceland. They are the authors´ suggestions and hypothesis based on the information and results obtained during the course of the study.

Method

Subjects

The subjects consisted of 106 criminal offenders who had served a prison sentence for their crimes in Iceland during the years 1991-1995. The age of the offenders ranged from 16-75 years and the average age of the offender when the crime was committed was 28.9 years. The subjects were classified into three groups depending on the type of crime they had committed according to Icelandic law.

The categories were:

Violent Offenders (N = 43)
Sexual Offenders (N = 37)
Child Abusers (N = 26)

Instruments

A checklist was designed by the authors with the help of our supervisors Dr. Jón Friðrik Sigurðsson and Dr. Gísli Guðjónsson.The checklist was compiled of twenty items about the crime, the offender and the victim. The items were chosen with regards to the hypothesis that were put forth by the researchers.

Procedure

All of the data in the study was collected through careful examination of court transcripts, where the offenders and victims statements were used as the primary source. Each transcript was read at least twice and information pertaining to the checklist was filled out. If for some reason the information in the transcripts was not satisfactory with regards to the checklist then they were left blank and filed as missing values. After the checklists had been filled out they were checked again against the transcripts to ensure that the information collected was as reliable as possible. All the data was collected and tested at the Prison and Probation Administration in Reykjavik

Results

Figure 1 indicates for each type of offence, the number of offenders that were intoxicated and those that were not intoxicated when the crime was committed.

Figure 1. Number of offenders who were and were not under the influence of alcohol when the crime was committed.

As can be seen in figure 1 most of the violent (92%) and sexual offenders (70%) had been drinking before they committed the crime where as most of the child abusers (86%) were sober when the crime was committed.

Figure 2 indicates the time of day at which the crime occurred. The term *variable* means that the same victim, the child, was abused on more than one occasion by the same offender.

Figure 2. What time of day the crime took place.

As could be expected most of the violent and sexual crimes took place during the night, between 1 • 8 am. It is not evident however from figure 2 that most of these crimes took place on Friday or Saturday night.

The relationship between the offender and victim, with regards to whether they knew each other before the crime was committed can be seen in table 1.

Table 1. The relationship between victims and offenders.

	Violent Offences		**Sexual Offences against Adults**		**Child Abuse**	
Offender	**N**	**(%)**	**N**	**(%)**	**N**	**(%)**
Spouse	5	12	4	11	0	0
Relative	0	0	4	11	7	27
Friend	1	2	2	5	3	12
Step-parent	0	0	1	3	7	27
Acquaintance	14	33	15	40	6	23
Stranger	20	46	9	24	3	11
Unknown	3	7	2	6	0	0
Total	**43**	**100%**	**37**	**100%**	**26**	**100%**

Almost 80% of all violent crimes in this study were committed by strangers or acquaintances. The term acquaintance in this study was used to indicate a situation where the victim and the offender *knew of each other* rather than actually *knew each other*. This proves to be complicated in a small society such as Iceland as people are likely to recognise a number of persons without having any personal contact with them. This should be kept in mind when considering the percentage of sexual crimes committed against adults. About 40% of the sexual crimes were committed by acquaintances. In 25% of the sexual crime cases the victim knew their offender personally. In the child abuse cases the offence was usually committed by a person that the child knew well, as might be expected. This is probably because to commit a sexual crime against a child the offender in most cases needs to gain its trust. The fact that many child offenders commit more than one offence against a single victim makes this point clear.

In table 2 it can be seen where most of the crimes took place.

Table 2. Location of crime

Place of crime	**Violent offences**	**%**	**Sexual offences against adults**	**%**	**Child abuse**	**%**
Victims home	13	30	13	35	8	32
Offenders home	5	12	12	32	13	52
Hotel	0	0	4	11	1	4
Public place	4	9	2	6	0	0
Outdoors	21	49	6	16	3	12
Total	**43**	**100%**	**37**	**100%**	**25**	**100%**

Most of the sexual crimes against adults and the child abuse cases took place in the victims or offenders home, this is a different pattern tothat seen with violent crimes in Iceland, where most of the violent offences took place outdoors.

Discussion

Similarities in crime types

When we look at the information as a whole we can see that different crime patterns emerge depending on the type of crime that has been committed. Most violent crimes take place at weekends during the night, the offenders have usually been drinking before the crime took place. The offender and victim in these cases seldom know each other well. A similar pattern arises with regards to sexual crimes that are committed against adults. The offender is more often than not drunk whilst engaging in the criminal offence and it usually takes place at night. In over half the sexual crime cases the offender and the victim do not know each other personally. There is however a difference in the location of the crime, most sexual crimes (both against adults and children) take place either in the victims or the offenders home. When we look at the information gathered on child abuse the criminal pattern changes somewhat. The offender and the victim usually know each other quite well and the offender is in most cases sober when the criminal act takes place. There seems to be quite a large difference between those offenders who commit violent or sexual crimes against adults and those who commit sexual offences against children. This is a point that we think has not been emphasised enough when crime prevention is being discussed.

Differences in crime types

Often when people talk about crime prevention they speak as though the same method will prevent all types of crime. From our research results we conclude that different prevention methods needs to be employed according to the type of crime that is to be prevented. Preventing crime is not an easy task but the work has to start somewhere, thus we have come up with a number of ideas that we believe justify further investigation, it should be made clear that these are only suggestions and that they have not been tested in any manner.

Violent crime preventio

Many people believe that aggression is a natural human instinct. What is more difficult for people to agree on is how aggression influences behaviour and why some of us are more aggressive than others. As of yet it is difficult to prove how large a part aggression plays in violent behaviour. However, we believe that aggression should be looked upon as a health problem rather than a criminal one. By accepting aggression as a contributing factor to violent behaviour and dealing with it as we deal with other health and medical problems we maybe able to assist people who have problems controlling their aggression. This we think is a better solution in the long run as young adults could seek help before they commit a criminal offence. For this to happen it is necessary to make treatment readily available to those who recognise that they need it. It is also important that those people who seek this kind of help need not be ashamed to do so, it has to be socially accepted. The connection between alcohol and violence seems to be quite strong and we suggest that people who have problems controlling their aggression be made aware of this. In such cases it may be beneficial for the subject to reduce their alcohol intake.

Sexual crime prevention

Sexual crime prevention we think has to start at an early age. In the icelandic rape victim report from 1995 there is an increase in reported rapes (compared to the years 1990-1994) where the offender is between 16-20 years old. We believe that changes should be made with regards to sexual education in Iceland. Sex education should not only focus on the physical act of reproduction (as seems to have been the case for many years) but also on the moral and psychological aspects of sex. This can be done by various methods, for example role playing.

Teenagers could be given certain projects where they try to imagine themselves as victims or offenders of a sexual crime. These exercises might help to increase awareness in teenagers of how certain situations can lead to criminal acts taking place. Hopefully it will also deter them from committing similar acts themselves in future. Alcohol plays a part in sexual crime as most of the offenders and victims are under the influence of alcohol when the crime takes place. Therefore we recommend as before that people be made aware of this factor and that help be made readily available to those who think they need to control their drinking. We would also like to see some kind of help be made available to those who have committed sexual offences so that they may be less likely to commit another similar act.

Crime prevention • child abuse

Child abuse is arguably one of the most difficult crimes to prevent. It is very unlikely that a person who is thinking of abusing a child seeks help, as child molestation is a very taboo subject in almost every society. Our research leads us to believe that a more profitable area of study may be to inform and study potential victims of child abuse rather than potential offenders. As the victims of child abuse are sometimes very young, it is necessary to start working with them from a young age. It is probably not viable to work with children younger than two or three years of age.

Most children in iceland start play-school around this age and this would more than likely be the best place to start the prevention programme. The idea is to encourage family role playing at the play-schools which is supervised by the play-school workers. What the children are supposed to learn is how they can connect and communicate with their family members. This idea stems from the fact that in iceland most parents work a full day and therefore are unable to spend a lot of time with their children. We think that it is very important that families

members feel comfortable with each other and can trust and tell each other things. This idea can not work if it is a one sided project. The other family members have to be aware of what the child is learning at play-school and they need encouragement from their family. In many cases we think it would be just as beneficial for the parents and other adults around the family to participate in this programme, it might teach everyone something about relationships and communication.

Child abuse • sex education

Sex education for young children is something we feel should be taught. We believe that most children over the age of six know vaguely what sex is and that it has some kind of forbidden element. What they do not know is what a normal or abnormal sexual relationship consists of. This should be explained to them in a way that they can understand. By explaining this we hope that if someone tries to violate the child the child has more of a chance of stopping it before anything happens as the adult is unable to gain their trust. The main point here is that the child has learnt that the adults behaviour is wrong and will tell someone about it, rather than keep the secret.

We do feel as before that child abusers need professional help to change their behaviour, this kind of help should be readily available to them. Our prevention ideas focus more or less on children and teenagers who in most cases are still at school. Therefore it should be possible to try out some of them without too much trouble or cost. Hopefully these ideas will become reality sooner rather than later.

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Våld och hot om våld mot fängelsepersonalen - situationelt perspectiv

Jag har undersökt våld och hot om våld mot fängelsepersonalen på basis av anmälningar som fängelserna gjorde till fångvårdsavdelningen under perioden 1993-1996 ("anmälningsmaterial") och material från en förfrågan riktad till fängelserna 1995 ("enkätmaterial"). Båda material utgår från våld och våldshot upplevda av personalen, rentav så att den ursprungliga avsikten med registreringen av fallen var att påvisa det förkastliga i fångens handlande.

Jag har främst koncentrerat mig på de våldsrelaterade situationernas karaktär och innehåll. Kvantitativt visar resultaten endast en allmänna tendens, visserligen samma allmänna förhållande mellan dold kriminalitet och upplevt våld, som är bekant från offerundersökningarna.

Anmälningsmaterialet omfattar i regel fall som upplevts som allvarliga och som lett till rättsliga åtgärder. Gärningsmannen har i dessa fall vanligen åtalats för våldsamt motstånd mot en tjänsteman. Anmälningsmaterialet inbegriper 74 fall under fyra års tid. Kvalitativt är anmälningarna ojämna. I allmänhet ingår person- och straffuppgifter, förhörsprotokoll och andra referat av händelserna. Uppgifterna om objektet inskränks i allmänhet till namn och arbetsuppgift. Tid, plats och huvudsakligt förlopp ur personalsynpunkt framgår i allmänhet relativt väl. Fångsynpunkten är däremot bristfällig, ofta är gärningsmännen synnerligen fåordiga vid förhören.

Enkätmaterialet innehåller uppgifter om i princip samtliga registrerade fall av våld eller våldshot mot personalen. Det handlar om ca 150 fall. Merparten har åtgärdats genom disciplinförfarande inom anstalten eller tillrättavisning av gärningsmannen. Här har vi att göra med ett ännu brokigare material. Anstalternas praktik vid registreringen har varierat olovligt mycket, så uppenbarligen också satsningen på svaren. Både bakgrundsinformation och fallbeskrivning påvisar brister. Men i flesta fall är det trots allt möjligt att skapa sig en bild av händelseförloppet.

(Här kan det nämnas att instruktionerna till anstalterna angående anmälning av exceptionella fall har nu i vår förnyats och man håller på att utarbeta en blankett för uppföljning av våld och våldshot mot personalen.)

Kompletterande källor är dessutom diskussioner med anställda i olika uppgifter i anstalterna och fångvårdsavdelningen samt mina tidigare intervjuer med fångar om fängelselivet.

Om gärningsmännen
Fångar med våldsamt beteende mot personalen är yngre och har en längre strafftid än genomsnittet. Deras medelålder var i anmälningsmaterialet 27,5 år, medianen 25, medelåldern

för samtliga fångar var 35. I jämförelse med de intagna under en slumpmässigt vald dag var den bekanta strafftiden (ca 3,5 år) vid tidpunkten för gärningen ett år längre än genomsnittet. Antalet anstaltsvistelser varierade vanligen mellan två och fyra. Brottsbakgrunden dominerades av brott och brottsförsök mot liv och våldsbrott. Långa förteckningar på diverse smärre brottmål var också typiska. Notiser om tidigare våldsamt motstånd mot en tjänsteman var relativt vanliga. Resultaten i enkätmaterialet var analoga.

Uppgifter om hälsotillstånd har jag inte haft till mitt förfogande. På basis av andra hänvisningar i materialet verkar det rimligt att dra slutsatsen att också psykiskt labila personer ingår i gruppen.

Gärningsmannen handlar nästan alltid ensam, det finns bara några få fall när två eller tre fångar samarbetar. I anmälningsmaterialet gjorde sig drygt tio procent av gärningsmännen skyldiga till handlingen mer än en gång, antalet är analogt i enkätmaterialet.

Om objekten
Den överlägset största delen av objekten tillhörde övervakningspersonalen. Och också när så inte var fallet, var väktarna tvungna att ingripa när situationen reddes upp. Primärobjektet av vanligen en person. I händelseförloppets olika skeden, från start till lugnande, deltog i anmälningsmaterialet i medeltal fyra personalmedlemmar, i enkätmaterialet tre.

Allmänt om fallen
I flesta fall startade händelseförloppet i anstaltens boendeavdelning. Händelserna följer samma rytm som fängelserutinen i allmänhet. Händelserna avlöser varandra från väckningen och öppningen av cellerna till stängningsdags, natten är en tyst period. Det finns preliminärt sett inga skillnader mellan veckodagar eller årstider.

Fallen i anmälningsmaterialet är kvalitativt sett allvarligare, typfallet omfattar förutom verbala hotelser även motstånd, spjärnande emot och slagförsök. Resultatet var relativt ofta småtörnar. Förstahjälp av läkare behövdes några gånger. God tur bidrog delvis till att allvarligare följder kunde undvikas. Våra data om gärningsmännens domar inför rätta är bristfälliga, de tycks variera mellan några dagsböter och fängelsestraff på tre-fyra månader.

Typfallet i enkätmaterialet är verbal hotelse. Hotelserna riktades både mot bestämda personer och generellt mot de närvarande i situationen. Innehållet i hotelserna varierade från administrativ förtret till avlivning antingen i fängelset eller i sinom tid i friheten genom gärningsmannens eller hans kumpaners försorg. Den typiska påföljden var vistelse på från två till fyra dagar i fängelsets specialavdelning. I anmärkningsvärt många fall ansåg man en tillrättavisning vara den lämpliga påföljden.

Merparten av fallen handlade inte om vapen. Skjutvapen ingick i tre fall, i två av dem tog man gisslan i samband med rymning. Under undersökningsperioden sköt man aldrig mot personalen. (Följande år hade vi att göra med en rymning under vilken man bl.a. sköt med kpist genom en tillkallad väktares vindruta.)

Om situationerna
Typiska situationer med våldsamt beteende är

- i samband med granskning, antingen av person eller cell
- när man avlägsnar ett antaget otillåtet föremål/ämne från en fånge

- när man internerar en fånge på grund av berusning eller någon annan orsak
- när man, i synnerhet i samband med internering, avlägsnar och granskar en fånges kläder och byter till annan utrustning
- när konflikter mellan fångar vänds mot personalen
- när obehagliga beslut (t.ex. straff eller förflyttningar mot en fånges vilja) tillkännages
- när man klandrar en fånge som brutit reglerna, förbjuder någonting eller ger order om hur en fånge skall handla i en viss situation.

S.C. Lights artikel *Assault on Prison Officers: Interactional Themes*, som grundar sig på rapportering av exceptionella händelser (New York State Department of Correctional Service), nämner som den mest allmänna orsaken "Unexplained". I nästan 26 procent av fallen hade orsaken till incidenten förblivit oförklarlig för objektet. I mitt material begränsas analoga fall till några enstaka. Men de vanligaste identifierade orsakerna i nämnda artikel påminner i övrigt i hög grad om orsakerna i det finska materialet.

Om verkande faktorer i situationerna

Fängelsekulturen, i vilken dels fångkulturen och dels övervakningspersonalens kultur ingår, innehåller ett motsatsförhållande mellan de två sistnämnda (den innehåller naturligtvis också många förmedlande och dämpande element). Om man granskar situationerna med hjälp av en indelningsmodell från Luckenbils (1977) eller Felsons (1984) analyser, där modellens nästa skede alltid representerar en längre framskriden eskaleringsfas, kan man i flera situationer uppenbarligen konstatera att utgångskonstellationen är från början spänd. Trotset och konflikten mellan rollerna är kontinuerlig.

Luckenbil:
1. Offret trotsar gärningsmannen.
2. Gärningsmannen tolkar detta som en personlig utmaning.
3. Gärningsmannen framför en motutmaning eller inleder redan ett fysiskt angrepp.
4. Offret tillmötesgår inte gärningsmannen eller går till motattack.
5. Det uppstår ett slagsmål som grundar sig på ett gemensamt outtalat avtal.
6. Efterspel.

Felson:
I. En verbal (eller symbolisk) konflikt
- angrepp mot motpartens identitet
- försök att påverka motpartens beteende
- misslyckande

II. Hotelser, medlings- och väjningsförsök (som kan göras både av deltagarna i konflikten och av utomstående; de kan också förekomma under den första fasen)
- medlings- och förlikningsförsök
- sporrande och uppviglande

III. Fysiskt angrepp

I en dylik situation och kulturmiljö blir den mest obetydliga frågan lätt en prestigefråga, och när så skett tryter den egna referensgruppens positiva lösningsmodeller för att behålla ansiktet. Väktaren glömmer att han representerar systemet och fungerar som en kränkt individ, fången å sin sida strävar efter rationaliteter bestämda av fångkulturen på ett sätt som för en utomstående verkar vansinnigt. Dessutom kan motstånd åtminstone för ögonblicket ge fången känslan av att han själv bestämmer över vad han gör, en liten bit autonomi. Också för

vaktpersonalen kan konfliktsituationer utvecklas till höjdpunkter i ett annars (lyckligtvis) rutinmässigt arbete och stöda en eftersträvansvärd professionell image.

I mitt material var fångars våld eller hot om våld mot personalen i traditionell mening rationell verksamhet endast i samband med några rymningar. I dessa fall var våldet ett på förhand medvetet valt medel i syfte att nå ett bestämt mål. Då kan man tala om instrumentellt våld.

Till slut några observationer om vaktpersonalens sätt att handla. En stor del av de individuella reaktionerna återspeglas antagligen inte i materialet på grund av rådande rapporteringspraktik. Likaså inverkar rapporternas ursprungliga syfte - dvs. att påvisa det berättigade i personalens verksamhet och det förkastliga i fångens handlande - säkert på hur man antecknar fallen. Men man kan ändå särskilja två verksamhetsinriktningar. Den första betonar professionalism. Man har gått in för att lugna fången, kraftåtgärderna är genomtänkta och motiverade. Den andra förhåller sig på ett eller annat sätt personligt till händelserna: "Det var jag som skulle gripa honom, jag är ju ingen boxboll".

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Voldsdømte flyktninger

Bakgrunnen for prosjektet
Prosjektet jeg arbeider med handler om voldsdømte flyktninger i Norge, det vil si menn mellom 15-35 år, dømt for forbrytelser mot liv, legeme og helbred, herunder drap, grove ran og voldtekt.

Jeg holder på med datainnhentingen til prosjektet nå, og disse er følgelig ikke ferdig analysert. Jeg vil derfor måtte forholde meg til resultatene av prosjektet som de fremstår i dag.

Bakgrunnen for prosjektet er at flere flyktninger enn det man er klar over har vært ofre for tortur, mange lider av traumer som følge av det, og som følge av krigshandlinger i form av post traumatisk stressyndrom.

Mottakssystemet i Norge er i liten grad utviklet med tanke på å avdekke psykiske lidelser. Ved psykososialt senter for flyktninger er det lange køer.

Når flyktningen kommer til Norge kan det i første omgang ta lang tid før søknaden om oppholdstillatelse er ferdig behandlet. I denne tiden bor flyktningene i asylmottak, ofte blir de sendt fra sted til sted. I svært mange tilfelle får flyktningene først avslag, dermed blir søknadsbehandlingstiden ytterligere forlenget ved at de anker. Denne tiden er preget av usikkerhet i forhold til fremtiden og i forhold til situasjonen for familie som er igjen i hjemlandet. Ofte må flyktningene gå i dekning mens anken behandles for å unngå utvisning.
Når vedtak om opphold er gjort opplever mange å bli sosialt isolert på grunn av manglende språkkunnskaper og og grunn av manglende arbeidslivstilknytning. Flyktninger har større problemer enn nordmenn med å få innpass på arbeidsmarkedet på grunn av diskriminering, på grunn av manglende kompetanse eller fordi utdanningen ikke blir godkjent i Norge.

En viktig problemstilling ved prosjektet er å avdekke hvorvidt manglende oppfølging fra mottaks- og hjelpeapparatet for flyktninger, i kombinasjon med livssituasjonen og de problemer de som flyktninger møter i Norge, kan utløse voldslovbrudd. Prosjektet er finansiert av Justisdepartementet i Norge med ni månedsverk.

Metode
Datainnhentingen gjennomføres i tre trinn. Det første var en karlegging av hvor mange innsatte som sitter i norske fengsler som har opphold på humanitært grunnlag eller politisk asyl, og som er dømt for alvorlige voldslovbrudd. 1Via fengselsstyret sendte jeg brev til alle fengselsanstaltene i Norge, vedlagt skjemaer til utfylling for opplysninger vedrørende alder, grunnlag for oppholdstillatelse, type lovbrudd, alder ved lovbrudd og dom.

1Vold og voldtektsforsøk (strf.lovens § 192), Forbrtytelse mot liv, legeme og helbred (Strf.lovens §§ 127, 228-233, 237, 238,242,243,267,268).

De utfylte skjemaene jeg fikk i retur viste at det pr. februar 1998 satt 22 flyktninger i norske fengsler. 2Disse satt i seks anstalter, alderen varierte mellom 24 og 37 år. Dommene de soner er fra 60 dager til 21 år. Ti var dømt for drap. Seks hadde sikringsdommer.

Grunnen til at jeg valgte en aldersbegrensning fra 15-35 år, var at menn i den alderen kanskje i mindre grad enn eldre menn er utenfor en etablert familiesituasjon, og derfor i større grad enn eldre og yngre vil kunne ha en løs sosial tilknytning og havne i situasjoner hvor voldsanvendelse kan oppstå. En grunn til at aldersgrensen oppad ble satt til 35, var også at innvandrerungdom som er skyldig i voldslovbrudd er et gjennomgangstema i massemedia. Jeg ønsket derfor å se i hvilken grad dette var tilfellet i forhold til flyktningegruppen.

I midlertid synes det ut fra datainnhentingen ved Ila landsfengsel som om aldersbegrensingen oppad heller skulle vært satt til 40 år, da den livssituasjonen flyktningene befant seg i forut for lovbruddet heller kan relateres til andre sider ved livssituasjonen enn alder.

Den totale fangebefolkningen utgjorde pr. januar 1998; 2591 innsatte. Av disse var det altså med forbehold kun 22 i alderen 15-35, med flyktningebakgrunn og som var dømt for voldslovbrudd.

Neste trinn i datainnhentingen var intervjuer. Jeg sendte forespørsel om intervju til de ni innsatte ved Ila landsfengsel og sikringsanstalt via sosialkonsulentene i fengselet. Av disse har en sagt nei til å delta i prosjektet, syv har sagt ja og en har etter purring via sosialkonsulent bortfalt da han ikke har gitt positiv tilbakemelding. Av disse har jeg foreløpig intervjuet seks personer.

I tillegg har jeg intervjuet de to sosialkonsulentene ved Ila, fordi det gjennom samtaler med dem kom frem at de kunne ha informasjon som ville kunne supplere intervjuene med de innsatte. F.eks. var det gjennom dem det kom frem at det sitter flere innsatte på Ila som er litt eldre enn 35, og som ellers svarer til utvalgskriteriene.

Hvert intervju varte mellom to og tre timer. Ett intervju ble gjennomført med tolk fra Tolketjenesten i Oslo. Jeg brukte en intervjuguide i intervjuene hvis hensikt først og fremst var å strukturere samtalene rundt forskjellige temaer.

På slutten av intervjuet ba jeg informanten om samtykke til å gå inn i domspapirene deres. Før intervjuene visste jeg ikke hva hver enkelt informant var dømt for. Dette var bevisst. Lovbruddene de er dømt for er til dels grusomme. For å unngå at mine fordommer og min antipati kom i vegen for en fruktbar samtale, valgte jeg å ikke gå inn i saken før etter at intervjuet var gjennomført. De fikk selv fortelle meg sin versjon av det de hadde gjort, uten at mitt inntrykk av det var farget av forhåndkunnskap.

Tredje trinn i datainnhentingen er en analyse av domspapirene i forhold til intervjuet.

Samtidig som jeg ønsket informantenes versjon og forståelse av handlingen de er dømt for, ønsket jeg også å se denne i relasjon til domstolens vurdering.

2Det hefter noe usikkerhet ved disse tallene, da Ullersom ikke hadde sikre opplysninger om grunnlaget for oppholdstillatelse. Pr. 13.7. 89, er dette fortsatt ikke klarlagt, da Utlendingsdireltoratet må gå gjennom saksmappene til de aktuelle innsatte.

Etiske perspektiver

Det er etiske perspektiver knyttet til denne type forskning. Det første jeg vil ta opp handler om dette prosjektets tema. Ved å sette fokus på denne type problematikk kan jeg, avhengig av funnene jeg gjør, risikere å nøre opp under fordommer som eksisterer i forhold til flyktningegruppen. Det ligger et stort ansvar i å formidle resultatene av denne type prosjekter slik at man unngår å gi innvandrerfiendtlige politiske grupperinger flere argumenter til sin propaganda.

Det er etiske problemstilling knyttet til denne type forskning generelt. Samfunnsforskning kan, kanskje særlig av hensyn til informantene, ikke rettferdiggjøres av erkjennelse for erkjennelsens egen skyld. Dette vil imidlertidig avhenge av i hvilken grad de utforskede involveres i prosjektet. Jo mindre informantene involveres, jo mindre må en kunne anta at omkostningene ved å bli utforsket vil være. Kanskje vil forskerens ansvar for informantene reduseres i takt med dette. Ut fra et slikt perspektiv kan en kanskje hevde at forskere i så stor grad som mulig bør unngå forskningsprosjekter som involverer direkte kontakt med informantene. En kontakt som antakeligvis vil kunne oppleves som mer belastende jo mer utsatt gruppen en ønsker kunnskap om er. Ved at man går inn og intervjuer mennesker som er i en vanskelig livssituasjon kan man risikere å påføre dem ytterligere belastninger. De kan bli tvunget til å gå inn i temaer de ellers unngår fordi det er for smertefullt. Men hvis en ikke kan mennesker i en vanskelig livssituasjon vil forskeren stå overfor metodiske problemer. I et prosjekt som dette, må en f.eks. kunne anta at det vil være vanskelig å utføre prosjektet og finne svar på problemstillingene uten at noen informanter vil involveres direkte. En annen innvending vil vil være om den utforskede gruppen vil komme bedre ut av det, ved at de ikke gjøres til gjenstand for forskning. Kanskje vil den langsiktige totale gevinst ved å forske på en sårbar, utsatt gruppe være større enn summen av belastningene for de enkelte som blir direkte involvert. Denne diskusjonen kan kanskje delvis parallellføres til diskusjonen rundt almenprevensjon, selv om en tross alt må kunne anta at belastningene ved å straffes vil være større enn belastningen ved å gjøres til forskningsobjekt. Er det riktig å straffe én, for å unngå at andre begår lovbrudd? Er det riktig å forske på en for å få vite noe om andre, og ikke minst er det i det hele tatt mulig?

Selv om jeg har innhentet samtykke fra informantene, kan det stilles spørsmål ved hvor reellt dette samtykke er. Kanskje har ikke informantene forstått hva det handler om, og sier ja fordi de tror de må. Kanskje sier informantene ja fordi livssituasjonen deres i fengselet er så tyngende at ethvert avbrekk vil være positivt. Selv om de dermed også kan sies å hente noe positivt ut av det, kan en kanskje også hevde at forskeren utnytter den vanskelige livssituasjonen informantene befinner seg i. Kanskje er det nettopp de tap informantene utsettes for i fengsel gjennom krenkelsesprosessen, som fravær av sosial kontakt med det annet kjønn, fravær av selvbestemmelsesrett mm. som letter forskerens innpass. Ikke minst vil intervjuet i seg selv kunne være opprivende og få konsekvenser for informanten, som han ikke selv overskuer i det han samtykker til intervju. Dette kan være forsterkning av psykiske problemer, skyldfølelse mm. ved at han ikke får anledning til å legge det han har gjort bak seg, men må gjennom det en gang til. Det er noe skjevt og urettferdig, ja nærmest parasittaktig ved forskerens gjerning, når hun som jeg i dette tilfellet går inn i et fengsel, grafser og rører opp i menneskers vonde erfaringer, for deretter å bli låst ut døren. Så kan jeg som forsker fordype meg i det som nå er blitt data, mens informantene sitter igjen med sine ødelagte liv. De kan ikke gå, mine data er deres liv.

Kanskje vil det likevel også kunne være positivt for den enkelte å bli utforsket. I dette prosjektet vil kanskje fordelene for informantene også i noen grad oppveie belastningene, fordi forskeren kanskje også kan tilføre informanten noe positivt. Informanten kan ha behov for å snakke om og gi sin egen versjon av det som hendte. Kanskje kan det å bli hørt, det å ha betydning og være viktig for et formål også ha en positiv verdi.

I dette prosjektet er jeg nøye med å understreke at informantens deltakelse i prosjektet ikke vil kunne påvirke soningsforhold, utvisningsvedtak o.l. ,men at deres deltakelse på sikt kanskje vil kunne føre til at flyktninger får en lettere mottaks- og livssituasjon i Norge. Flere av informantene ga uttrykk for at dette var viktig for dem.

Dette synliggjør også forskerens ansvar i forhold til informantene. Det er viktig at dette ikke bare blir tomme ord som ga meg innpass, de må også forplikte. Kanskje er det også positivt for informanten med et avbrekk i en rutinefyllt hverdag. Det å møte en utenfor fengselssystemet kan også være en positiv erfaring. Selv om det kan være en belastning å være forskningsobjekt, vil det sannsynligvis være snakk om grader av belastning, etter grader av involvering. De som i minst grad er involvert, vil kanskje i mindre grad oppleve det som en belastning å delta. Selv om deltakelse i prosjektet var avhengig av samtykke, vet jeg ikke om det kan ha blitt opplevd som belastende å motta forespørselen. Kanskje kan bare det å motta introduksjonsbrevet som jo anslår et tema og kategoriserer informanten, i seg selv oppleves som en belastning.

Foreløpige resultater

Intervjuene viser noen felles trekk. Av de seks informantene jeg har intervjuet på Ila landsfengsel er det fire som har sikringsdommer for drap og voldtekt. To er kun idømt fengselsstraff. Fire lider av psykiske problemer. Videre er det vanskelig å se at opplevelsene til de to som er idømt kun fengselsstraff fra hjemlandet ikke skulle ha betydning for handlingen de har begått i Norge, selv om dette ikke er gjort til noe poeng av dommerne ved straffeutmålingen. (Den ene er dømt til 21 års fengsel).

Dette gjaldt f.eks. en palestiner som var oppvokst i flyktningeleiren Shatilla i Beirut. Faren hans var blitt drept i krigshandlinger, selv hadde han vært geriljasoldat siden han var 15-16 år, og han hadde også vært med på direkte væpnede konfrontasjoner. Han var ettersøkt i Libanon og Syria og har i Norge opphold på humanitært grunnlag. Her soner 7 års fengsel for drap. Foranledningen for drapet var at to menn kom hjem til ham, truet, trakasserte og slo ham i flere timer. Han forsøkte gjentagne ganger å rømme, men ble hver gang holdt tilbake og slått. Til slutt grep han en brødkniv, og forsøkte å true seg ut. I basketaket som da oppstod i det inntrengerene forsøkte å hindre ham i å rømme, ble den ene drept. Informanten hevdet i intervjuet med meg, og også i politiavhøret, at han hadde vært livredd og at han ikke hadde ønsket å drepe noen. Dommeren på sin side fastslo at provokasjonen fra inntrengerne ikke stod i forhold til handlingen og idømte ham 6 år av almenpreventive hensyn, en straff som ble skjerpet til syv år med samme begrunnelse.

Jeg ser at forskerens rolle tydeliggjøres gjennom denne type prosjekt. Mens dommeren må forholde seg til jussen og dens begrensninger, har jeg som forsker mulighet for å trekke mange flere perspektiver inn i fortolkningen av handlingen. I dette tilfellet synes jeg så langt at det er vanskelig å se at ikke de erfaringene informanten hadde fra sin oppvekst skulle ha betydning i en situasjon hvor han blir truet på livet og mishandlet.

Noe som også går igjen er at flere hadde oppsøkt hjelpeapparatet for å få hjelp, men hadde opplevd å bli avvist, eller de opplevde at de ikke fikk den hjelpen de hadde behov for. Dette kunne f.eks. skyldes at problemene deres ble bagatellisert.

Et gjennomgående trekk er at livssituasjonen for informantene forut for lovbruddet er preget av manglende sosial tilhørighet, sykdom og desperasjon. Sykdommen har utviklet seg i løpet av oppholdet i Norge, situasjonen tilspisser seg og kulminerer i handlingen.

Jeg finner i halvparten av intervjuene, og delvis også i det fjerde tilfellet, store sprik mellom informantenes versjon av handlingen de er dømt for, og domstolens. Noen benekter at de har gjort det de er dømt for og hevder seg uskyldig dømt. Andre bagatelliserer handlingen, og særlig gjelder det for dem som er dømt for voldtekt.

Sikringsordningen er blitt sterkt kritisert. Likevel mener informantene i dette prosjektet som er idømt sikring at deres livssituasjon pr. i dag er bedre enn situasjonen de var i som kulminerte i voldshandlingen.

Ut fra de datene jeg foreløpig har samlet inn, kan det se ut til at det norske samfunnet er nødt til å påta seg et større ansvar for de flyktningene som får komme. Det er ikke tilstrekkelig å gi dem opphold, hvis de ikke får den psykososiale oppfølginghen de har behov for. Ikke minst gjelder dette for overføringsflyktningene. Hvis man går inn i leire og tar ut flyktinger, må man anta at de opplevelsene de har bak seg gjør at de har behov for mer enn mat, bolig og oppholdstillatelse. En av mine informanter sier det slik:

"Det hadde vært fint om vi bare kunne blitt møtt med litt større velvilje!"

En annen sier:

"Når vi ikke kan få noe hjelp, hadde det vært bedre om vi aldri hadde kommet hit."

Jeg vil understreke at prosjektet ikke er ferdig og at jeg i liten grad har analysert datene. Derfor er dette foreløpige resultater, og muligens vil den endelige rapporten fra prosjektet gi et annet bilde. Da vil også relevant litteratur komme med.

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Crime Prevention in Denmark

In 1971 it was decided to establish the Crime Prevention Council (Det Kriminalpræventive Råd) with the task of working within the frames of existing legislatures, for the prevention of crime. The background for establishing the council was a drastic rise in crime up through the 1960s. At the same time a reform of the decentralised structures in the administration took place, in result of which several small municipalities were put together into large municipal units. Consequently there was a loss of social control, and an increased need to develop advice regarding method and co-ordination of crime prevention.

Right from the beginning it was agreed that crime prevention should be based on broad social insight, knowledge and practical experience. For this reason the Council was structured as an assembly consisting of a number of nationwide private organisations and societies and public units of administration, which together constitute the Council´s highest authority "The Plenum". Today more than 40 organisations and units of administration have a seat in the Council. An executive committee, at present 8 people, appointed by "The Plenum" makes ongoing decisions about general and principle questions, and about financial matters.

The member organisations have appointed representatives who take part in specialised working groups, at present 5, which each concern themselves with strategic subjects within crime prevention:

- The technical Security measures Committee, which works with advice as regards technical protection against crime.
- The Strategy Committee, whose task it is to develop broad counselling to the citizens concerning behaviour and routines that can reduce the risk of falling victim to crime.
- The Crime Prevention Information Committee, which is concerned with the role of crime prevetions in schools, institutions and clubs.
- The Committee for Crime Prevention in Local Planning, which concerns itself with town and housing related strategies for well-being, sense of security and joint responsibility as crime prevention factors.
- The SSP Committee (The committee for co-operation between Schools, Social services and the Police), whose task it is to develop patterns for the organisation of crime prevention in the municipalities and local communities.

Once anually the committees hold a debate on a specific theme, as a result of which the executive committee together with the chairmen of the 5 specialist committees lay down the fundamental work themes for the Council´s work. The themes pointed out express fields with a special public need for crime penvention development.

The Council's work is co-ordinated by a secretariat put at its disposal by the National Commissioner of the Police. The staff has legal, police, social and educational training. Moreover, a nationwide network of contact persons has been built up in the secretariat. This

gives the possibility of quick, informal and direct co-operation in the daily work between the Council and the local participants in crime prevention.

The Crime Prevention Council may, by virtue of its structure, be regarded as a large "reporting system". The member organisations report to the sepcialised groups about new knowledge, collected experience, trends in the present time etc. The reports are worked up in the committees and communicated to the users through the secretariat and the organisations. All in all, the fundamental idea in the Council's communication and advice is that the recipient:

- either learns to protect himself against crime,
- or learns to say no to crime as an acceptable form of behavior,
- or is enabled to make a contribution to crime prevention in his local area.

The Council's interest and target groups are politicians on national and local level, authorities and organisations, employees in the police, schools and social work etc. and the ordinary citizens, young as old.

Crime prevention as such is performed locally in the municipalities and local communities and is based on local needs and conditions.

The Crime Prevention Council is, seen from a local point of view, the place that passes on specialist assistance, inspiration and the material to implement and develop the local work further. The secretariat today gives considerable advisory support to local activities. A recurrent theme - not only in the Council's organisation, but also in the Council's recommendations and advice - is that the Crime Prevention effort must take place in broad, interdisciplinary co-operation, and that the citizens involved must be active participants in the work, not just passive recipients of a public benefit. Most of the Danish municipalities have today, on recommendation from the Council, set up local SSP committees, whose fundamental idea is an expression of interdisciplinary work that transcends traditional barries.

Crime Prevention in the Nordic Context - "The Nordic Model"

The Nordic countries' historical, cultural and lingustic affinity constitutes a platform for extensive and inspiring co-operation within various areas. In keeping with the Nordic tradition, the Nordic crime prevention organisations also co-operate - Det Kriminalpræventive Råd (DKR) in Denmark, Det kriminalitetsforebyggende råd (KRÅD) in Norway, the crime preventing delegation in Finland, Brottsförebyggande rådet (BRÅ) in Sweden and the Ministry of Justice and Ecclesiastical Affairs in Iceland. Iceland has established a board for drug and alcohol prevention in 1997.

The Nordic countries are characterised by having comparatively large public sectors and generally well developed welfare systems. Public expenditure on social welfare for children, old people, the socially or physically disabled, is comparatively high. Although the improvement in welfare has been an end in itself and not a means to prevent crime, it is no exaggeration to claim that social crime prevention has had and has high priority in the daily social work and school work in the Nordic countries.

The Nordic crime prevention organisations are national organisations, whose task it is to further the work within cirme prevention, frist and foremost locally. It is also their task to

follow and analyse the development in crime and to further the development of knowledge and methods within this area.

The joint Nordic platform has had the consequence that work in the crime prevention organisations, in the main, shows great similarity, although the order of priority of the tasks can vary as can the methods employed. Thus, there is an fundamentally shared model for crime prevention work in the five Nordic countries: "The Nordic Model".

The Nordic Model may be described from the point of view of the function of crime prevention, as regards the judicial system, the sociopolitical area, child and youth development and crime occurrence. The Nordic Model is characterised by a strong affiliation to areas outside the judicial system, and the balance made between social and situational crime prevention.

With regard to the judicial system the Nordic crime policy is infeuenced by the view that criminal law system can have only a minor effect on the prevention of crime. The role of the judicial system is primarily that of creating basic standards and preventing crime in general terms. In many countries outside the Nordic countries crime prevention, on the one hand, is equated with stricter punishment, and other controlling and repressive measures on the other hand.

With regard to social policy, it is an end in itself to avoid marginalisation, to support vocal vulnerable people and to ensure that everyone has equal opportunities for education and for making a livelihood. Neither is a means of preventing crime. Outside the Nordic countries there are many examples of crime prevention measures that co-incide with what in the Nordic countries constitutes ordinary social work and is regarded as a citizen´s right.

The main sociopolitical goal with regard to children and young people is that they have as good conditions for growing up as possible and as good a life as possible. This type of social prevention can have a general influence or contribute to finding children and young people who are in danger of developing in an undesirably way and thus prevent crime and other anti-social behavor.

As regards the type of crime prevention which is intended to decrease the occurence of crime, situational prevention, it is possibly not remarkable in the Nordic Model what is done, as much as how it is done. The measures taken are the same as are to a larger or smaller extent used in other countries. But a Nordic characteristic is that we value informal social supervision. As in the case with the social care intended for children and youths, it is a specifically Nordic trait to involve the citizens themselves in participating actively and directly in the crime preventive work.

The Nordic Model for crime prevention is also marked by the effort to base crime preventive measures on concrete knowledge. As far as possible, crime prevention is based on national and international research and other knowledge. Research can also contribute to assessing the effectiveness of crime preventions measures. It is the task of research to systemise and compare the information available. It is also the task of research to develop new knowledge. The Nordic Model for crime prevention is remarkable in its efforts that prevention is to be effected on the citizens' terms and in their best interest. Finally the Nordic Model is marked by the fact that people's sense of security has a prominent place. The Nordic Model is in itself

an important instrument to creating and upholding an open and secure community for everyone.

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Crime Prevention in Finland

Jan Andersson used 18 minutes to describe crime prevention in Sweden. I had some 40 seconds to do the same for Finland, if the time is shared in proportion to those resources the crime prevention councils have in Sweden and Finland. I could do it showing following transparent which contains the most important information on the young and tiny crime prevention council we have in Finland.

Figure 1

National Council for Crime Prevention, Finland

Set up on 1989

Permanent committee under the Ministry of Justice
- Expertise
- Planning
- Co-operation

Focused on situational crime prevention

Chairperson, vice chairperson and 11 members from
- the Ministry of Justice
- the police
- The Ministry of Social Affairs
- criminological research
- municipalities
- insurance
- trade

appointed by the Government for a 3-year term

3 persons working in the secretariat, extra resources on project base

Current major project: preparing the national program for crime prevention

In Finland the National Council for Crime Prevention was set up nine years ago. Nordic examples and a recommendation from the Council of Europe had a strong influence on the decision to set up a special body for crime prevention. In a way, crime prevention was imported to Finland - without a national need to strengthen fight against crime.

I can prove the lacking demand for new measures to prevent crime in Finland, a Finnish peculiarity, by using figures made by Tapio Lappi-Seppälä for other purposes. He uses them to prove that the increase of criminality in Finland is not a consequence of the crime policy which has decreased the number of prisoners.

Figure 2

Criminality has increased almost identically in four Nordic countries as the left picture shows (penal code offences; the level differences are mainly due to statistical systems). The picture on the right side shows that Finland is an exception: in Denmark, Norway and Sweden the number of prisoners has been almost constant, in Finland it has gone drastically down. Now, my question is: In which kind of society that kind of decrease in prison numbers as we have had in Finland is possible?

My answer is: It is possible only in a society where criminality is not a major political question. Both the demand for harsh repressive measures and the possibilities to market the alternative crime prevention are based on the public concern on crime problems. In Finland crime issues have not been high on the political agenda. The Finns have lived too well with the existing criminality. That is the reason why our council has remained so diminutive.

Time is changing. There are clear signs that the public concern on crime problems is increasing. I'm not unreservedly happy.

The council was not planned to serve as a body with co-ordinating power in crime policy. The reason, I think, is that in Finland we traditionally don't have an illusion of unrealistic consensus in criminal policy issues. Conflicting views on crime problems have been relatively open in our country, partly because the police belongs not to the Ministry of Justice, but the Ministry of Interior. At the same time there is a strong need for a forum for co-operation in

crime prevention. - Luckily conflicts in criminal policy issues haven't got in Finland such kind of party political character we can find in several other countries.

The mandate of the Finnish crime prevention council is limited. The statutory provision states that special attention should be paid to the possibilities to reduce crime by influencing conditions that cause crime. Our main focus is thus the s.c. situational crime prevention.

The background for this limited mandate is officially that in the field of the situational crime prevention there was earlier no special planning body and therefore there was need to strengthen planning in this crime prevention strategy. There are other explanations, too. In the Finnish criminology a long tradition, longer and stronger than in other countries, has been to use the opportunity structure as the main explanation for the variations in crime. I refer especially to the work Patrik Törnudd has done in the Finnish criminology. The third explanation is that the mandate was very much written in Strasbourg, where I met frequently ex-director of the Swedish crime prevention council, Bo Svensson. According to him other approaches of crime prevention mainly lack the documented evidence of success.

I'm proud of the work the Finnish council has done in the situational strategy in spite of it's young age and minimal working resources. For example our study on situational prevention of economic crime is internationally the first comprehensive study in this field, as far as I know. Our report on bank robberies is a Finnish success story in crime prevention.

The council is not a research unit, but planning unit. Borderline between planning and research is often vague because all good planning is based on research. However in principle there is a clear division of tasks and on the other side a tight co-operation between council and the criminological unit of the Research Institute of Legal Policy. The council works physically and intellectually, but not administratively in the same environment. The situation has shown to be fruitful for both parts, not only for us. The council believes that it has a right to articulate crime prevention interests in the Finnish criminological research and therefore we subscribe research and provide financial support for it.

The main task for our council under last one and half year has been drafting the national crime prevention program for Finland. The example we have used in our work is Swedish. That illustrates the value of the Nordic co-operation in crime prevention: in our countries it is not necessary to do the whole work every time right from the beginning, but we can often use the work already done in the other Nordic countries.

Our council proposed to the Government that Finland should prepare a similar kind of crime prevention program Sweden have. The Government responded with enthusiasm and gave the council the drafting duty.

Now the council's work is almost done. The draft contains - not suprisingly - a lot of similar ideas as the Swedish program. But it is not a copy.

In Finland we have been in that lucky situation that by beginning our work later than Sweden we have been able to "Sherman check" our proposals. At leats our proposals try to follow more close the ideal of evidence-based crime prevention than the Swedish program.

That leads to the main point of my presentation:

While drafting the program and trying to use all information we have on effects of preventive measures, it was painful to notice how little we know. Perhaps we understand the criminal behavior relatively well. That's good. But we have really limited knowledge of what works. The scientific base of the car traffic safety planning is essentially stronger: in traffic safety planning there is lot of evidence what works and this knowledge is well documented. I like to use car traffic safety as a comparison. The task of crime prevention is to prevent damages caused by crime analogically to the task of traffic safety planning to prevent damages caused by traffic accidents.

In crime prevention there is an overflow of weak and unrealiable information, badly done evaluations, descriptions of enthuasiastic initiatives without any evidence of effects and, in the worst case, abused research. To manage this overflow of information has become more and more demanding task for us who try to take care honestly our duties in crime prevention and even keep the critical mind alive.

Crime prevention has challenged criminology. It has done that in a new and more thoroughgoing way than traditional competing criminological theories of causes of criminality challeged each other. And, I will lastly point out, I'm not at all harnessing criminology to serve policy making only. The challenge comes from the pure scientific interests: it calls for development of criminological theories and methods.

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Aktuelle kriminalitetsforebyggende tiltak i Norge

Det kriminalitetsforebyggende råd (KRÅD) har et omfattende mandat. I dette ligger rådets overordnede mål. Samtidig sier mandatet noe om hvilke oppgaver rådet skal løse og hvordan de skal løses. Fordi mandatet er meget omfattende og ressursene relativt beskjedene, er det til enhver tid nødvendig å prioritere enkelte oppgaver framfor andre. Det er dette som er tilfelle i inneværende periode hvor hovedsatsingsområder er barn og unge. Men i tillegg til hovedfokus har rådet en lang rekke aktuelle prosjekt hvor siktemålet er forebygging av lovbrudd.

1. Skolen som hovedtema

Innledning

Det kriminalitetsforebyggende råd (KRÅD) har for inneværende periode 1996 -1999 prioritert arbeid rettet mot barn og unge. Forebygging av lovbrudd blant barn og unge er et viktig tema, som også skolen gjennomgående vurderer som viktig. Når skolen ikke i særlig grad tar opp emner innefor feltet, skyldes det at det er læreplanen som styrer - og skal styre - skoles innhold. Dersom et emne har status som fag, vil det sikres bred og grundig behandling i skolen. Det er imidlertid mange prisverdige tiltak som ønsker innpass i skolen. Forebygging av lovbrudd må derfor stille i kø sammen med mange andre tema som ønsker seg en plass på skolens fagplan. Fagene i skolen er sterkt fastlagt, og rådet har ingen mulighet til å få inn et nytt fag. Rådets valg har derfor vært å lage et "tverrfaglig fag". Ved å ta delemner fra seks av de sentrale fagene i skolen, har rådet satt sammen en plan for arbeidet med forebygging av lovbrudd. For hvert trinn fra 1. til 10. klasse angir planen emner av forebyggende karakter tilpasset alderstrinnet. Alle tema er laget på grunnlag av emner som allerede har plass i den nye læreplanen av 1997 (L97).

Prosjektet handler om "god oppvekst og forebygging i skolen" som har fått navnet LEV VEL. Dette er betegnelsen på undervisningsmateriell til hjelp i det forebyggende arbeidet i skolen. Drivkraften i rådets arbeid med prosjektet er preget av omsorg for barn og unge, og et ønske om å bidra til å øke ungdommenes livskvalitet.
Rådets håp er at skolens ledelse vil komme til at materiellet er et godt hjelpemiddel til å sette innsatsen på dette området i system. Undervisningsmateriellet er gratis og ble sendt ut til alle landets 3330 skoler i august 1997.

Målet for skolesatsingen

Kriminalitetsforebyggende arbeid i denne sammenheng handler om å hjelpe barn og unge til å utvikle en sunn personlighet. Hele skolemiljøet, hjemmene, fritid og nærmiljø er aktører som til sammen utgjør barns og unges oppvekstmiljø, og alle har viktige funksjoner i det forebyggende arbeidet. Skal de ulike aktørene dra i samme retning og utfylle hverandre, vil det være av stor verdi å ha kjennskap til hverandre og samordne arbeidet.

Rådet har erfaring for at skolene er reservert i forhold til emnet kriminalitet før tilfeller av lovbrudd er et faktum. Navn på materiellet tar blant annet av den grunn, utgangspunkt i å reflekterer både at rådet ønsker et bredt siktemål som tar vare på flere sider av elevenes utvikling, og som tar hensyn til skoles ønsker. Derfor fokuserer materiellet på det positive, ikke det problemorienterte. Rådets forslag til mål for skolens forebyggende virksomhet har fått følgende utforming:

- Gi elevene kunnskap om etiske spørsmål, prinsipper og vurderinger, samt hjelpe elevene til gjøre gode etiske valg.
- Bidra til gode oppvekstforhold. Det gjelder elevenes oppvekstmiljø på skolen, i hjemmet og i fritiden, samt elevenes personlige vekst og utvikling.
- Gi elevene kunnskaper om hva lovbrudd er og hvilke konsekvenser det kan få for utøver og offer, samt påvirke holdninger og atferd slik at elevene unngår å begå lovbrudd.

Plan for det forebyggende arbeidet

Forskning omkring barn og unges kriminalitet i Norge viser at det fra 1960 har vært total nedgang i den registrerte kriminalitet for aldersgruppen inntil 15 år. Det er kriminaliteten for gruppen over 15 år som har økt. Men tallene viser også at færre unge begår lovbrudd, med de lovbrudd de står for, er flere og mer omfattende (Clausen 1995). Dette kan indikere at det forebyggende arbeidet som allerede er gjort, til en viss grad har virket. Det foreligger i dag mye forskningsbasert kunnskap om barn og unges kriminelle atferd og hva som er årsakene til den. Spørsmålene blir derfor: Kan skolen bidra til å bryte noe av det skadelige mønster som enkelte havner i, og ikke minst hvordan kan skolen være med på å hindre at et slikt mønster utvikler seg?

Det er kjent at flertallet av dem som har en kriminell løpebane, begynner denne i ung alder. Videre er det slik at den som for alvor har begynt med lovbrudd, ofte forblir i det kriminelle miljøet. Derfor må det forebyggende arbeidet begynne før den kriminelle løpebane starter. Hovedoppgaven blir slik rådet ser det å fokusere på hva som hjelper barn og unge til å leve et meningsfylt liv. Viktige stikkord i denne utviklingen blir identitet, egenverd, mestringsevne, grensesetting, utvikling av empati, sosial kompetanse, gruppetilhørighet, spenning og utfordring.

Utvalget av stoff gjenspeiler målet om at gode oppvekstmiljø er den beste forebyggingen for normalelever på grunnskolenivå. Det er progresjon i vektleggingen fra småskolens vekt på positivt læremiljø fram til ungdomsskolens større vektlegging av problemområder.
Med utgangspunkt i L 97 foreslår rådet i sin plan tre emner for hvert klassetrinn, og de fleste av disse er allerede godt kjent i skolen. Valget av emner ivaretar både variasjon og progresjon og gjenspeiler at det beste lovbruddsforebyggende tiltak er et godt oppvekstmiljø. Mange skoler har i dag undervisningsplaner innen sentrale holdningsskapende områder som rusmidler, trafikk og mobbing. Arbeidet med disse, eller lignende tema, kan lett integreres i rådets plan for forebygging. Skolen får på denne måten en helhetsplan for det forebyggende arbeidet.
Den nye læreplanen for grunnskolen vektlegger tema- og prosjektarbeid. Dette vil være en egnet metode i rådets type arbeid fordi egendeltakelse og egenansvar står sentralt i et hvert prosjektarbeid. Rådets materiale er bygget opp for blant annet å kunne brukes i slik undervisning.

Undervisningsmateriellet

Det er en rekke aktører på skolesektoren når det gjelder det kriminalitetsforebyggende arbeidet. Mange oppfatter det som om det foregår en konkurranse om å nå fram med sitt budskap. Alle har sine spesifikke behov for informasjon og praktiske ideer når det gjelder stoff og metode. Derfor vil aktørene ha behov for ulike hjelpemidler. Samtidig er det avgjørende at materiellet og aktiviteten til hver enkelt aktør er koordinert til en helhet. En komplett undervisningspakke i kriminalitetsforebyggende arbeid bør slik rådet ser det, inneholder en rekke elementer som blant annet tar for seg temaene mobbing, vold, rus, kriminalitet og rasisme. Det er utviklet egene undervisningspakker for småskoletrinnet, mellomtrinnet og ungdomstrinnet, som inneholder lærerveiledning, hefter og annet variert undervisningsmateriell tilpasset aldersgruppene. Materiellet kan brukes i den daglige undervisningen eller til tema- og prosjektarbeid. Som en del av skolepakken er det utarbeidet en egen plan for kriminalitetsforebyggende arbeid i skolen. Videre er det i samarbeid med Foreldreutvalget i grunnskolen laget et eget foreldrehefte med forslag til plan og emner for forebyggende tema i foreldreregi. Utvikling av pakken til nye områder, for eksempel videregående opplæring blir for tiden vurdert. LEV VEL er et samarbeidsprosjekt mellom: Det kriminalitetsforebyggende råd, Justisdepartementet, Kirke- utdannings- og forskningsdepartementet, Barne- og familjedepartementet, Sosial- og helsedepartementet, Kommunal- og regionaldepartementet, Regjeringens handlingsplan mot vold i bildemediene og grunnskolene.

Evaluering av LEV VEL

Evalueringen skal skje over 3 år. Møreforskning i Volda fikk i oppdrag å gjennomføre denne. Første trinn av evalueringen er avsluttet og gir oss data om hvordan LEV VEL ble mottatt og brukt i skolen. De to neste trinn av evalueringen vil bli gjennomført i 1998 og 1999.

Svarprosenten på første del av undersøkelsen var 65 %. Det ser ut som LEV VEL er blitt godt mottatt av skolene, og mange har lagt konkrete planer for bruken av pakken. Svarene fordeler seg med 37 % fra barneskoler, 40 % fra ungdomsskoler og 21 % fra kombinerte barne- og ungdomsskoler. Dette er ganske likt det utvalget som fikk tilsendt spørreskjemaet. Svarene fra byskolene utgjør 60 % og fra landsskoler 40 %. Utvalget som spørreskjema var sendt ut til, var 73 % byskoler og 28 % landsskoler. Landsskolene svarer med andre ord svært bra på spørreskjemaet, med en svarprosent på 94. Fordelingen av responsen fra byskolene gir ca 1/3 på hver av de tre typer skoler: sentrumsskoler, skoler ved bysentre og skoler som ligger utenfor bydelssentrum. Blant landsskolene ligger 42 % ved kommunesentrer, 38 % ved bygdesentrene, og 20 % ved skoler i utkantstrøk. Svarene fra by og land stemmer godt med det utvalget det ble sendt til. Fordelingen av svarene fra små skoler 23 %, fra mellomstore skoler 34 % og fra store skoler 43 %. Svarprosenten fra disse skolene stemmer også bra med utvalget som spørreskjemaet ble sendt til.

Ved halvparten av skolene fikk det pedagogiske personalet forhåndsinformasjon om LEV VEL-pakken. De fleste fikk informasjonen om skolepakken på et lærermøte. Det var 87 % av respondentene som svarte at skolen hadde mottatt pakken, og 13 % svarte at de ikke hadde mottatt den. Det ble gitt informasjon om LEV VEL-pakken i både kollektive og individuelle fora., flertallet av skolene i kollektive fora. De fleste som mottok pakken, hadde altså behandlet den. Dette viser at skolene har stor interesse for LEV VEL-pakken. Det finnes en sammenheng mellom de skolene som ikke forhåndsinformerte personalet om LEV VEL-pakken våren 1997, og de skolene som ikke mottok skolepakken. Det kan indikere at enkelte skoler har administrative problemer. Skolene får tilsendt mange undervisningsopplegg gjennom året. Dette representerer i mange tilfeller et administrativt problem og et

kapasitetsproblem for skolene. Det finnes ingen sterke indikasjoner på at enkelte geografiske områder faller dårligere ut når det gjelder mottak av pakken.

Undersøkelsen viser at 87 % vurdere pakken som svært nyttig. Dette bekreftes når 82 % skal bruke hele pakken eller deler av den. De fleste planla å bruke LEV VEL-pakken høsten 1997. Det var bare 3 % av de resterende skolene som hadde konkrete planer om å bruke pakken neste skoleår. Blant skolene som mottok LEV VEL-pakken, svarte 75 % at de kom til å bruke den i undervisningen. Det va16 % av de skolene som mottok pakken, som svarte at de ikke ønsket å bruke den. Det finnes ingen indikasjoner på at klassetrinn eller skolestørrelse har innvirkning på bruken av skolepakken. I materialet kommer det fram at uavhengig av klassetrinn eller størrelse vil om lag 80 % av skolene bruke skolepakken helt eller delvis.
Det ser ut til at LEV VEL passer godt inn i skolenes nye årsplaner. Av respondentene svarte 80 % at skolepakken enten passer "svært godt" eller "godt" inn i skolenes årsplaner.

Det faglige innholdet vurderes som "veldig godt" eller "tilfredsstillende" av 62 % av skolene. Mange skoler hadde ikke gjort seg opp noen mening om dette ennå da pakken nylig var mottatt. Av de temaene som skolene pekte ut, var mobbing, rusmiddel, etikk og verdi og sosialiseringsprosesser de viktigste. Tallene viser at mange skoler er opptatt av allmenngyldige kategorier.

De fleste skoler 97 % synes å være opptatt av kriminalitetsforebyggende arbeid. Det kommer også fram at skolene har egne handlingsplaner for forebyggende arbeid.

Det er 85 % av skolene som mener at de har risikoelever. Disse skolene har som oftest et faglig opplegg for slike elever. Om lag 40 % mener at LEV VEL-pakken er nyttig for denne gruppen. Det er en jevn fordeling av yrkesgruppene innen skoleverket som arbeider med denne type elever. Om lag havparten av skilene har en koordinator ved skolen som er ansvarlig for arbeidet på feltet.

Halvparten av skolene har registrert kriminalitet ved skolen. Tyveri og skadeverk er mest utbredt. Resultatet viser også at alvorlig mobbing, registrert som kriminalitet, representerer et mindre omfang. Skolene vurderer imidlertid mobbing generelt som et viktig tema i LEV VEL-pakken.

De fleste skoler samarbeider med et eller flere eksterne organ. Samarbeidet med politi er mest vanlig. Det er 61 % av skolene som holder foreldremøter med forebyggende tema minst en gang i året.

2. Strategier på kommunalt plan

Både forskning og erfaring viser at det er klare sammenhenger mellom samfunnsstruktur og samfunnsutvikling, oppvekstmiljø og kriminalitetsutvikling. Forebygging av lovbrudd bør derfor rette seg både mot enkeltindivider og mot ulike samfunnsinstitusjoner og myndigheter lokal og sentralt. Derfor er arbeid i forhold til lokale miljø en viktig del av det kriminalitetsforebyggende arbeidet. Det krever blant annet samarbeid innad og på tvers av offentlige og private sektorer i kommunene. Rådet gjennomføret i perioden 1990-1993 et prosjekt kalt "Samordning av lokale kriminalitetsforebyggende tiltak" (SLT) i sju kommuner. Verdifull erfaring som ble vunnet gjennom prosjektet, er videreformidlet på flere måter. Rådet har siden den gang videreført arbeidet med å finne fram til tverretatlig samarbeidsformer i kommunene med tanke på forebygging av lovbrudd. Blant annet har rådet fått utviklet en "sjekkliste" for kommunalplanlegging hvor hensynet til plan- og bygningsloven når det

gjelder utforming av områder for bolig, næring og tjenesteyting ligger til grunn. Erfaringene fra SLT-prosjektet benyttes for å utvikle informasjonsmateriell for tverretatlig kommunalt samarbeid. Medvirkning på kommunale konferanser, informasjonsmøter og konsulentbistand er andre måter hvor kunnskapen om prosjektet formidles.

Videre bistår rådet i arbeidet med å skolere sivilarbeidere i voldsforebyggende arbeid i kommunene. Det kriminalitetsforebyggende råd har videre sagt seg villig til å finansiere en evaluering av det arbeid som drives ved Siviltjenesteadministrasjonen - Hustad om "Vold og konfliktforebyggende tiltak blant ungdom" (VOKT). Evalueringen planlegges i disse dager og vil være igang fra januar 1999.

Det kriminalitetsforebyggende råds "Nabohjelpsprosjekt" bør også nevnes i denne sammenheng. "Aksjon nabohjelp" ble startet i 1985 på initiativ fra Det kriminalitetsforebyggende råd, Justisdepartementet og Norges forsikringsforbund. I 1991 inviterte Det kriminalitetsforebyggende råd landets politikamre til å finne prøveområder for "Prosjekt Nabohjelps-område". Prosjektet er avslutte fra rådets side, men naboer har mange steder fortsatt nabohjelpen i samarbeid med politiet og kommunen. Rådets målsetting med prosjektet har vært at de som bor i området selv tar ansvar for utviklingen i nabolaget, prøver å skape bedre kontakt mellom naboene for å få ned frykt og kriminalitet. Rådet oppfordrer hvem som helst til å starte slike prosjekt. Det kan være boligbyggelag, borettslag, velforeninger eller privatpersoner. 50-100 husstander er ofte nok. Det kriminalitetsforebyggende råd har fortsatt å yte konsulentbistand og skriftlig materiell om nabohjelp og hvordan man kan ha nytte av det.

3. Økonomisk kriminalitet

En gang i året inviterer Det kriminalitetsforebyggende råd til konferanse om et tema knyttet til økonomisk kriminalitet. Målgruppen er næringslivet, offentlige etater, departement, politi, påtalemyndighet, rettsvesen og forskningsmiljø. Økokrimkonferanse gir anledning til å diskutere spørsmål som har sammenheng med bedriftenes lovbrudd. Det kan være nye problemstillinger eller "gamle" eller kanskje tidløse. Konferansen gir de som arbeider med forskning og utredning muligheter til å møte de som i praksis skal utøve kontroll. Det er med andre ord en kontaktkonferanse hvor mulighetene ligger godt til rette for å styrke nettverk og bygge nye relasjoner.

Bedriftskriminalitet er et område man ikke "blir ferdig med". Nye former for lovbrudd oppstår, andre metoder tas i bruk for å forebygge, perspektivene utvikles, tidligere arbeidsformer må revideres. Det kriminalitetsforebyggende råd ønsker gjennom de årlige konferansene å belyse ved foredrag og diskusjon det arbeids som gjøres i forskningsinstitusjoner og i kontrollorganene. Bekjempelse av bedriftenes kriminalitet har gjennom lang tid vært et satsingsområde for myndighetene. Hovedhensikten er å oppnå avskrekking og holdningsskapende effekt gjennom økt oppdagelsesriskiko og straffeforfølgning, samt å frata gjerningspersonen det økonomiske utbyttet. Kriminalitetsforebygging vil i tiden som kommer kreve stadig mer av helhetsløsninger. Bedriftslovbrudd må gis et ansikt slik at flest mulig bli klar over virkningene; nemlig at denne type overtredelser har flere offer enn noen annen form for lovbrudd - det rammer oss alle. Økt synlighet og bedre innsyn er slik rådet ser det måter å angripe problemet på.

4. Forskning

Det kriminalietsforebyggende råd er avhengig av forskningsbasert kunnskap for å videreutvikle sin virksomhet. En rekke forskningsinstitusjoner har en vitenskapelig innfallsvinkel som er relevant for de forskjellige aspektene av rådets virksomhet. Det har derfor i inneværende periode vært tatt initiativ til forskningsprosjekt som kan belyse barn og unges kriminalitet, kriminalitetens årsaker, utvikling og effekten av tiltak. Mer konkret kan det nevnes at rådet har latt utarbeide en forskningsrapport med oversikt over og en vurdering av norske og nordiske forskningsprosjekter om kriminalitetsforebygging. Det kriminalitetsforebyggende råd har deltatt i finansieringen av et forskningsprosjekt om helerivirksomhet. Rådet har initiert et forskningsprosjekt som vil bli avsluttes i 1998 om gjengkulturens betydning for ungdomskriminaliteten. Videre evalueres skolepakken LEV VEL.

5. Informasjon

Informasjon er ett av rådets viktigste virkemidler som har en overgrepene funksjon for rådets satsningsområder. Rådet sørger for informasjon om kriminalitetsutviklingen og kriminalitetsforebyggende strategier og tiltak overfor virksomheter og publikum. En annen viktig oppgave er å gjøre rådet kjent som kompetansemiljø med kontaktnett til fagmiljøer som arbeider med kriminalitetsforebygging.

Informasjonen fra rådet går til ulike målgrupper. De informasjonskanalene som anvendes er tradisjonelle massemedier, men moderne teknologi som Internett vil bli tatt i bruk i nær framtid. Informasjonen utformes som forskningsrapporter og populariserte utgaver av disse, bibliografier, brosjyremateriell rettet mot særskilte områder i samfunnet og konferanserapporter. Videre er møtedeltakelse og foredrag en måte som benyttes for å få ut informasjon.

Rådet deler årlig ut en kriminalitetsforebyggende pris på NOK 50 000,-. En brosjyre om butikktyver og svinn er distribuert . Det har vært arrangert en konferanse med tema "Når det lovlige blir umoralsk" og en konferanserapport er distribuert.

6. Internasjonalt samarbeid

Internasjonalt samarbeid på det kriminalitetsforebyggende området tvinger seg fram som følge av en generell internasjonalisering. På nordisk nivå har det lenge vært et godt uformelt samarbeid. Et nordisk arbeidsutvalg har utvekslet informasjon om lokale strategier. Det kriminalitetsforebyggende råds intensjon med dette arbeidet er å innhente og gi informasjon. Rådet ser det som viktig å styrke samarbeidet mellom de nordiske rådene ved årlige møter og systematisk utveksling av kunnskap og erfaringer. Som eksempel på et konkret resultat av dette arbeidet kan nevnes engelsk oversettelse av dokumentet "The Nordic Model" hvor målgruppen er internasjonale organisasjoner.

7. Avslutning

Det kriminalpolitiske klimaet har i de senere årene blitt kjøligere. Krav på sterkere virkemidler og lov og orden framsettes på mange hold og har fått sterkere gjennomslag enn på lenge. Økte forholdsregler som samfunnets setter i verk for å bekjempe forbryterondet, ses av mange som den eneste rette veien å gå i bekjempelse av kriminaliteten i samfunnet. Det kriminalitetsforebyggende råd vurderer kontinuerlig de muligheter og begrensninger som ligger i det forebyggende arbeidet. Rådet er fullt på det rene med at kriminalitetsforebyggende tiltak bare er ett av flere virkemidler som samfunnet bør sette inn for effektivt å løse samfunnets problem.

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Crime Prevention in Iceland

In contrast to the other Nordic countries, in Iceland there is no central organisation whose task is to prevent crime. Recently the Minestry of Health has establish a separate committee, Icelands´s Council for the prevention of the use of drugs. Still there is a willing to put forward a proposal for a Committee covering all forms of crime prevention.

In 1988 a separate department was established under the Chief of Police in Reykjavík. The main intention was that the department was to take care of public relation and crime prevention work. Since then this deparment has increased in size and judies. Currently 11 officers and one sociologist are working for the department. The ideology behind the job is community policing in a broad perspective. The department has put forward many different programs in schools, for parents and others in different fields of crime prevention.

The focus on crime prevention has for a long time often been on particular types of crime, but not all known criminal activities. In my piont of view there is a need of change here, having the officers looking at the preventional part of all crimes they are handling. What I have in mind is that an officer takes into consideration when he is investigating a case how that particular activity could be prevented. By doing this we would have much more active work in this field and hopefully better results.

In Iceland there are also many other groups and agencies that work in the field of crime prevention. Most of them focus on the narcodic field but some having broader view. The City of Reykjavík is participating with the ECAD organisation (European Cities of Drugs) on a project to fight against drug use in Iceland.

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Gr nlandskort med angivelse af byer og bygder

af Bodil Karlshøj Poulsen

Bodil Karlsh□j Poulsen, kontorchef i Direktoratet for Sundhed og Forskning, hvor jeg er leder af det centrale forebyggelseskontor PAARISA (•lad os passe p□ hverandre•).

Jeg vil kort fort□lle lidt om m□lsætningerne for det forebyggende arbejde, s□tte nogle tal p□ vore problemfelter og fort□lle, hvorledes vi har organiseret forebyggelsen.

Gr□nland har tilsluttet sig Ottawa Chartret om sundhedsfremme. Det betyder, at vi har forpligtiget os til:

- at styrke indsatsen i lokalsamfundet,
- at udvikle de personlige f□rdigheder,
- at skabe st□ttende milj□er,
- at udvikle en sundhedsfremmende politik.

Landsstyrets har opsat en r□kke m□ls□tninger for det forebyggende arbejde.

- *Misbrug af hash, tobak og alkohol skal v re v sentligt formidsket inden rtusind-skiftet.*

Hash/cannabis er totalforbudt i Gr□nland. Det er indtil videre det eneste narkotika i landet og m□ siges at v□re s□rdeles udbredt. 75% af de 17-□rige drenge angav ved en unders□gelse i 1994 at have pr□vet at ryge hash. Blandt de voksne oplyste ca 20% at have r□get hash mere end □n gang.
Tobak: 80% af befolkningen er rygere.
Alkohol: vores st□rste •fjende•. Alkoholforbruget er g□et drastisk ned fra godt 22 l ren alkohol pr voksen indbygger i 1980'erne til 12,6 l i dag.
Der gennemf□res i 1998 ved NAD i samarbejde med Gr□nlands Hjemmestyre, Politi og Kriminalforsorg en unders□gelse af befolkningens brug af og holdninger til alkohol og hash.

* *Borgernes egenomsorg og lokal sundhedsfremme skal styrkes.*
* *Bygdernes sundhedsforhold skal forbedres.*

Der udgives et sundhedsblad •PAARISA-avisen•, med generelt sundhedsoplysende indhold. Derudover udgives en r□kke pjecer og information gennem radio og TV. Et af de forhold, der fordyrer og vanskeligg□r information, er, at alt materiale skal udgives p□ to sprog: gr□nlandsk og dansk.

* *Omsorgen for uf dte, sp de og sm b rn samt deres m dre skal h jnes.*
* *Antallet af u nskede graviditeter skal nedbringes.*

Antal aborter er lig med antal f□dsler. Is□r en del voksne kvinder benytter sig af abort som pr□vention.

- *Det nuv rende niveau for k nssygdomme skal reduceres. HIV-smittespredningen skal begr nses mest muligt, og omsorgen for HIV-smittede og AIDS-syge skal forbedres.*

HIV spredes fortrinsvist gennem heteroseksuelle forhold. Der er ingen spr□jtenarkomaner i Gr□nland. Gennemsnitsalderen for smittede ligger omkring 49 □r. Der arbejdes intensivt p□ oplysningskampagne over for de unge og voskne for at f□ stoppet smittespredningen.

* *Antallet af ulykker herunder brandulykker skal nedbringes.*
* *Tiltagene til forebyggelse af det uforholdsm ssigt store antal selvmord is r blandt unge skal intensiveres.*

Vi oplever omkring 50 selvmord om □ret, hvilket er en meget h□j rate i et land med 55000 indbyggere. Der gennemf□res kurser for ressourcepersoner og er udgivet en pjece som opfordrer til at tale om problemet.

Vi tror p□, at forebyggelse skal ske lokalt. Der bliver i disse □r ansat en forebyggelseskonsulent i hver kommune. Det lokale netv□rk best□r af samarbejde mellem sundhedsv□sen, skoler, politi, kriminalforsorg og kommunernes socialforvaltninger. Dette samarbejde n□rer vi stor tiltro til. Vi tror p□, at et godt helbred og sikring af arbejde til alle er den bedste kriminalpr□ventive indsats, vi kan yde og l□gger derfor vore kr□fter i at sikre alle sundhed og arbejde.

Kriminalpræventivt arbejde i Grønland

af Elisæus Kreutzmann

I tilslutning til Bodil Karlshøj Poulsens indlæg, kan jeg supplerende fortælle lidt om SSPK's tilblivelse i Grønland.

Under et landsdækkende socialchefmøde i 1986 var der nogen fra Hjemmestyret og Nuuk kommune, der efterlyste en mere fremadrettet og mere forebyggende indsats frem for, at vi hele tiden lavede lappeløsninger.

På baggrund heraf tog Nuuk kommune initiativ til at starte SSP-arbejdet. Der blev sendt en delegation afsted til Danmark, hvor kriminalforsorgen deltog. Derfor kom det til at hedde SSPK.

I 1988 startede SSPK officielt i Nuuk kommune, og har siden udviklet sig meget. I dag har vi et særskilt sekretariat under socialforvaltningen, hvor der er ansat 3 medarbejdere, ligesom man nu har fået ansat 7 miljømedarbejdere.

Der har været gennemført mange projekter i løbet af årene, og dem kan man læse om i brochurer m.m.

Resten af Grønland blev herefter inspireret i alle former for forebyggelse. Det er meget forskelligt fra kommune til kommune, ligesom andre interesseorganisationer også kører en anden form for forebyggelse.

Den grønlandske Retsvæsenskommission har i sit arbejde drøftet kriminalitetsforebyggende arbejde, og har således indhentet oplysninger fra forskellige kommuner.

Herefter har kommissionen lavet et forslag om, hvorledes et landsdækkende kriminalpræventivt arbejde eventuelt kunne se ud.

Kommissionen udgiver sin betænkning i år 2000.

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Inverterad prevention

Inledning

Syftet att förebygga brott är så att säga positivt per definition och brottsprevention fungerar som ett slags argument för verksamheter som kanske både bedrivs och avvecklas främst av andra skäl och med andra konsekvenser. Det verkar finnas politiska "konjunkturer" inte bara för hur viktigt det är att förebygga brott, utan också för hur det skall ske. Metoder glöms bort, lyfts fram, döps om, läggs ned eller återupptas relativt oberoende av deras effekter på brottsligheten, och det är oklart om forskningen är orsak till eller verkan av denna förändringsprocess.

När jag i slutet av 1995 började arbeta på BRÅ pågick diskussioner om ett nationellt brottsförebyggande program, som antogs 1996 (*Allas vårt ansvar,* Ds 1996:59), då också en kommitté för brottsförebyggande arbete bildades för att genomföra det på lokal nivå. Jag fick intrycket att brottsförebyggande arbete hade en helt annan innebörd än det haft fem år tidigare, då jag för BRÅ:s räkning studerat 1980-talets lokalt förebyggande ungdomsprojekt i samverkan (Sahlin 1992). Bland annat skildes brottsprevention ut från andra former av prevention (av t.ex. missbruk och psykisk ohälsa) på ett sätt som jag inte kände igen, andra aktörer och verksamheter dominerade i projekten och tidsperspektivet framstod som starkt förkortat: gränsen mellan att förebygga och omedelbart förhindra brott föreföll utsuddad. Begreppsapparaten var också förändrad. Grovt uttryckt verkade "brottsprevention" i mitten på 1990-talet framför allt associeras med situationell prevention i polisens regi och "tidiga åtgärder" med speciella behandlingsprogram för "diagnosbarn" (barn med DAMP, ADHD e.d.), medan föräldrars uppfostran av och uppsikt över sina barn kallades "social brottsprevention". Det område jag själv studerat – projekt som försökte engagera, sysselsätta och/eller kontrollera ungdomsgrupper i frivilliga aktiviteter – nämndes knappast längre, och inte heller strukturella insatser för bättre uppväxtvillkor.

Denna eventuella betydelseglidning sammanföll med en allmän nedrustning av generell socialpolitik och offentliga verksamheter för barn och ungdom, t.ex. fritidshem och fritidsgårdar, som en gång motiverats bland annat just med sin (brotts-)förebyggande funktion. Att detta pågick samtidigt som regeringen och olika statliga och kommunala myndigheter verkade betona behovet av brottsprevention mer än någonsin framstod för mig som en paradox. Avvecklingen av "brottsförebyggande" verksamheter rymdes helt enkelt inte i brottspreventionens diskurs.

Det är denna paradoxala situation, dess bakgrund och konsekvenser som är temat för mitt paper. Efter en skissartad redovisning av det senaste decenniets förändringar i brottspreventionens inriktning och begreppsapparat samt dess förhållande till kriminologisk forskning kommer jag att koncentrera mig på vad jag kallat *inverterad brottsprevention*. Det handlar alltså om svårigheter att synliggöra, konceptualisera och beforska åtgärder och beslut

som åtminstone hypotetiskt kan öka brottsligheten.1

De förändrade förutsättningarna

Oavsett hur man benämner och bedömer den, torde det inte råda någon oenighet om att det svenska samhället, liksom de flesta andra välfärdsstater undergått en genomgripande förändring under det senaste decenniet. Detta systemskifte har bland annat inneburit ökade inkomstklyftor, nedskärningar i olika trygghets- och bidragssystem (SOU 1995:104, s. 57ff.), skärpt bostadssegregation (SOU 1996:156, s. 28) och en minskad offentlig sektor, dvs. billigare skolor, sjukvård, barn- och äldreomsorg etc. Även socialtjänsten har sparat, vilket bland annat lett till att det blivit svårare att få bistånd och att bidragsnivåerna sänkts. Samtidigt som arbetslösheten under 1990-talet varit mycket hög bland ungdomar har deras möjligheter till arbetslöshetsersättning minskat (SOU 1996:111, s. 267ff.). Barnomsorg och fritidshem har blivit dyrare (SOU 1997:61, s. 80) och personaltätheten har minskat (ibid., s. 76 ff.); många fritidshem har lagts ned och resurser för barn med särskilda behov har minskat. I skolorna har klasstorleken ökat och specialundervisningen minskat, liksom elevvårdsresurser och antalet lärarledda timmar/elev (Skolverket 1996).

Brottspreventionen

Samtidigt har brottspreventionens inriktning förändrats. Några dimensioner, enligt vilka man kan klassificera brottsförebyggande verksamhet, är dess mål – vari problemdefinitionen ingår – aktörer och objekt, framtidshorisonter, grad av selektivitet/ generalitet och metoder. Även om jag inte haft möjlighet att mer ingående studera förändringar i det brottsförebyggande arbetet (vilket dessutom är svårt att göra av skäl som snart framgår) vill jag tentativt hävda att det förändrats med avseende på de flesta av dessa faktorer.

Många forskare har diskuterat preventionens utveckling i termer av kontrasterande preventionsmodeller (t.ex. Balvig 1979-80, DeWild 1980), och trots att de ovan nämnda dimensionerna är relativt oberoende av varandra menar jag att de kan användas för att konstruera idealtyper av brottsprevention, och jag föreslår här följande fyra modeller:

1 De resonemang jag kommer att presentera baseras på delar (framför allt kapitel 5) av ett manuskript, "Brottsprevention – en utredning av ett begrepp och dess begränsningar" (Sahlin 1998), som syftade till att bringa reda i hur "brottsprevention" förhåller sig till "tidiga åtgärder mot brott", undersöka hur man analyserat och klassificerat olika former av brottsprevention och utveckla redskap för en historisk studie av brottspreventionens idémässiga och praktiska utveckling. Rapporten, som också tog upp etiska aspekter på brottsförebyggande arbete, skrevs inom ramen för det nyligen nedlagda projektet *Tidiga åtgärder* vid Brottsförebyggande rådet.

	Överordnade värden	
	individens utvecklingsamhällets ordning	
Föränd-rings-objekt individers beteenden	1 **socialisation** 1980-tal	2 **kontroll** 1990-tal
förutsättningar för beteendepåverkan	3 **strukturer / miljö** 1960-70-tal	4 **organisation / lagstiftning** 1990-tal

Figur 1. En typologi av preventionsmodeller efter värden och förändringsobjekt.

De två modellerna i det översta fältet, nämligen 1) socialisation (uppfostran, stimulans och/eller utbildning av barn; lång framtidshorisont) och 2) kontroll (bevakning [av potentiella brottsobjekt och platser] / övervakning [av individer, särskilt ungdomar] / kontroll via information och repression; kort framtidshorisont.) är båda orienterade direkt mot individer för att påverka deras beteende på lång respektive kort sikt. Man kan också tänka sig ett mellanläge, "distraktion", som omfattar försök att engagera ungdomar i drogfria aktiviteter för att hålla dem borta från frestelser och kriminogena miljöer.

De övriga två modellerna syftar till att skapa bättre förutsättningar för ett förändrat beteende, dvs. de är *indirekta* och inriktade på 3) strukturer / miljö (att skapa "goda uppväxtvillkor", jämlika levnadsförhållanden, välfungerande bostadsområden och skolor m.m. för att skapa förutsättningar för barns och ungdomars positiva utveckling) eller 4) organisation / lagstiftning (att öka effektiviteten hos myndigheter och deras instrument för brottsprevention).

Modellerna skiljer sig åt beträffande samhälls- och människosyn: Medan (1) och framför allt (3) bygger på en ganska optimistisk syn på individens möjligheter att utvecklas i en icke-kriminell riktning, givet att hon erbjuds goda förutsättningar, implicerar framför allt (2) att brott begås om man inte riskerar att bli upptäckt, dvs. ett kontrollteoretiskt perspektiv. Den andra och fjärde modellen sätter i praktiken samhällets ordning som mål och preventionen är därmed ofta mer snävt inriktad på brott, än i de två övriga.2

Enligt min uppfattning dominerades 1960- och 1970-talets utbyggnad av välfärdsstaten av en föreställning om att förbättrade strukturer och bättre uppväxtmiljöer för (alla) barn och ungdomar indirekt förebyggde brott (3). Att "förbättra uppväxtförhållandena" hörde enligt Socialtjänstpropositionen "till de bästa förebyggande insatser som kan göras" (prop. 1979/80:1, s. 251). Mer konkret förordades en socialpolitik som sörjde för att barnfamiljer hade en god ekonomi och att socialbidrag beviljades även till sådant som lekredskap och

2 Jag är medveten om att denna indelning inte är exklusiv och att det finns många gränsfall och gråzoner, men jag menar ändå att den fungerar hjälpligt för att sammanfatta den svenska brottspreventionens utidshistoria.

sportutrustning. Dessutom hade "förskole- och fritidshemsverksamheten, den sociala hemhjälpen, föräldrautbildningen och fritidsverksamheten /.../ givetvis också en klart förebyggande karaktär" (ibid, s. 253), liksom kommunernas fritids- och kulturverksamhet:

> "Kommunernas förebyggande arbete för barn och ungdom är enligt min mening en av de viktigaste uppgifterna som kommunerna har. Denna är emellertid inte bara socialtjänstens uppgift. Som socialutredningen också pekat på har det i kommunerna vuxit fram en omfattande förebyggande barn- och ungdomsverksamhet, där framför allt
>
> fritids- och kulturnämnderna tillsammans med de sociala organen har deltagit i uppbyggnadsarbetet." (ibid, s. 254).

1980-talets brottsprevention karaktäriserades mer av åtgärder som innebar och syftade till socialisation – och i viss mån distraktion – av ungdomar genom att öka deras delaktighet i "vuxensamhället" och deras medansvar för den "lokala miljön" (1). Men målet med denna delaktighet växlade mellan att tillerkänna ungdomar inflytande över samhället å ena sidan, och att anpassa och inlemma dem i samhället, så som det redan var strukturerat och organiserat, å andra sidan. Den senare varianten, som alltså var mer orienterad mot "uppfostran" vann successivt mark i slutet av 1980-talet. Under hela 1980-talet förekom också rikligt med förebyggande ungdomsprojekt som mest syftade till distraktion, såsom drogfria danser och olika fritidsaktiviteter i föreningsregi (Sahlin 1992). Mot slutet av decenniet växte nya former av brottsprevention fram, mer inriktade på övervakning och direkt kontroll, om än ännu främst genom informella aktörer, t.ex. föräldravandringar (2) (ibid.).3

Med hänvisning till bl.a. det svenska Nationella brottsförebyggande programmets (*Allas vårt ansvar*, Ds 1996:59) tonvikt vid situationell prevention och kontroll av ungdomar och den positiva uppmärksamhet New York-polisens nolltoleransstrategi rönt i landet hävdar jag att tonvikten vid ett "försvar" av samhällets ordning genom ökad kontroll av platser och individer (2) accentuerats mer under 1990-talet, samtidigt som åtgärderna blivit mer kortsiktiga, så att social kontroll förväntas förhindra så att säga själva genomförandet av avvikande handlingar. I Sverige pågår f.n. försöksverksamhet med "nolltolerans" efter New-York-polisens modell i bl.a. Eskilstuna (Wikström, Dolmén & Fermefors 1997) och Stockholm. Enligt förespråkare för modellen (t.ex. Wilson & Kelling 1982, 1989; Kelling & Coles 1996) bör (lokal-)samhällets intressen ha företräde framför individernas frihet och rättigheter och ordningen upprätthållas genom kontroll och ingripanden, som förväntas ge omedelbara resultat i form av minskad brottslighet.

Därutöver förefaller 1990-talets brottsprevention i Sverige kännetecknas av omstruktureringar av myndigheternas organisation och lagändringar för att samordna och/eller effektivisera myndigheternas kontroll, något som bl.a. märks i polisens inriktning på s.k. problemorienterat arbete, närpolisorganisationen och inrättandet av lokala brottsförebyggande råd och annan formaliserad myndighetssamverkan mot brott (4).

3 Ett tragikomiskt exempel är ett bostadsområde i Malmö, som varit föremål för en rad förebyggande projekt under 1980-talet vilka omfattade allt från upprustning av utemiljön, uppbyggnad av ett lokalt föreningsliv samt aktiviteter och samlingslokaler för såväl vuxna som ungdomar i områdets centrum. Det senaste ungdomsprojektet avbröts dock i början av 1990-talet, varefter närpolisen flyttade in i den nedlagda Folkets husföreningens lokaler.

Däremot är det mitt intryck att möjligheten att förebygga brott genom att förändra samhällets strukturer och institutioner för att förbättra individernas uppväxtvillkor och välfärd (3) praktiskt taget glömts bort under 1990-talet.

Brottspreventionsforskningen
Analysen av brottsprevention förändras med – och förändrar – dess inriktning. En vanlig indelning, hämtad från framför allt psykiatrisk och medicinsk prevention, var förr primär, sekundär och tertiär prevention. De särskiljs inte bara genom sitt avstånd till den tänkta tidpunkt, då problemet förväntas komma till uttryck i faktiska avvikelser, utan också genom målgruppens bredd. Primär prevention har alltså den bredaste målgruppen och den längsta framtidshorisonten, sekundär prevention är inriktad på riskgrupper och tertiär prevention handlar om att förebygga återfall i t.ex. brott för små grupper av identifierade personer.

Men denna klassifikation är inte längre så lätt att applicera på åtgärder som syftar till att förebygga brott, nu är det vanligare att dessa klumpas ihop i "social prevention" som kontrasteras mot situationell prevention. Det senare innebär ofta att man har en bred och ospecificerad målgrupp medan framtidsperspektivet är extremt kort, det kan t.ex. handla om att förhindra skadegörelse genom att sätta in bevakning som ökar upptäcktsrisken eller stängsel som försvårar genomförande av brott. Begreppet "tidiga insatser" implicerar visserligen ett långt framtidsperspektiv, men ofta avses identifierade barn i riskzonen för en negativ utveckling, t.ex. barn med DAMP, och specifika professionella insatser för dessa, dvs. egentligen sekundär prevention. Det är svårt att idag hitta exempel på primär brottspreventioni myndigheternas förslag och rekommendationer.

Brottspreventionens teori och praktik är relativt oberoende av teorier om brottslighetens orsaker. Under den långa uppbyggnaden av välfärdsstaten och utbyggnaden av den offentliga sektorn framstod de möjligen som nära lierade, men det senaste decenniet har samhällsförändringarna antagit en annan karaktär och riktning, och övergripande politiska beslut har ofta inneburit att institutioner, som tillkommit för att förebygga olika slags problem och förbättra uppväxtförhållanden för barn och ungdom, avvecklats, begränsats eller fått sänkta anslag. Klyftan mellan brottsprevention och teorier om brottsligheten i en sådan period av nedskärningar har ökat men samtidigt osynliggjorts. Brottsprevention associeras idag ofta till kortsiktiga polisinsatser och tekniskt brottsskydd, och det finns en risk att de pågående förändringarna inom social omsorg och service varken studeras eller utvärderas med avseende på sina effekter för den framtida brottsligheten. En förklaring till denna divergens är att forskning om brottsprevention i hög och kanske växande grad är knuten till regeringens behov av underlag för och utvärderingar av sina egna brottspreventiva åtgärder. Forskning om brottsförebyggande åtgärder är med andra ord beroende av vilka brottsförebyggande åtgärder som faktiskt sätts in – och det avgörs i sin tur av politiska, ekonomiska och legitimitetsrelaterade faktorer.

Ju mer forskning om brottsprevention knyts till utvärderingar av brottsförebyggande projekt (som inte initierats som forskningsprojekt), desto mer kan man anta att denna forskning orienteras mot det som är politiskt relevant och gångbart nog att bli föremål för försöksverksamheter.

Syfte kontra effekter
Enligt t.ex. Wikström m.fl. (1994, s. 20; 1995, s. 13) är brottsprevention åtgärder som *minskar* indviders benägenhet att begå brott eller tillfällena till brott. Samtidigt definieras begreppet

som åtgärder som "*syftar till* att påverka de kriminogena faktorerna, dvs. de faktorer som främjar eller hämmar människors brottsliga beteenden" (min kursivering; Wikström m.fl. 1994, s. 20).

Men syfte och effekter är inte samma sak. Allt går inte som man tänkt sig, och effekter uppstår även utan avsikt. Det innebär att förhållanden och verksamheter som redan etablerats av andra skäl kan komma att benämnas som förebyggande – och vice versa, sådant som tidigare betraktats som förebyggande, förlorar denna beteckning. Härav följer också att det kan finnas "faktiskt" brottsförebyggande verksamheter som ännu inte, eller inte längre, uppmärksammats som sådana.

En verksamhet kan ursprungligen ha tillkommit med (helt eller delvis) brottsförebyggande syfte, men sedan ha permanentats pga. andra funktioner – och vice versa, som när straff i efterhand tillskrivs individualpreventiva effekter.4 Om man alltså skiljer mellan vad som tillkommit i uttalat *brottsförebyggande syfte* (vilket ofta gäller projekt idag) och vad som de facto har brottsförebyggande effekter, oavsett syfte och huvudfunktion, så kan det visa sig att det handlar om olika insatser eller verksamheter. Daghem betecknas som offentlig omsorg och service, deras huvudsyfte är att ge barn tillsyn och stimulans och underlätta förvärvsarbete hos föräldrarna. Ändå kan de ha *brottsförebyggande effekter* (se t.ex. Balvig 1979-80).

"Är behandling utan resultat behandling?" frågar Bergmark och Oskarsson (1994, s. 60) i en artikel om alkoholvård, och svarar själva att eftersom så få verksamheter har säkra resultat kan detta inte vara ett nödvändigt kriterium på behandling. En verkningslös samtalsterapi måste ändå, som aktivitet, beskrivas som terapi. Preventionsbegreppet används visserligen sällan som ensam beteckning på en aktivitet som sådan, men i likhet med behandlingsbegreppet förutsätter det inte att företeelsen i fråga är framgångsrik.

Ett syfte kan vara primärt eller sidoordnat. Sveri (1962) kallar bättre bostadsplanering, organiserad fritidsverksamhet, höjd levnadsstandard och liknande insatser som "inte direkt syftar till att minska brottsligheten men som man antar (åtminstone på längre sikt) skall ha sådan effekt" för "indirekt förebyggande åtgärder", till skillnad från de "direkt förebyggande", såsom "mer intensiv polisbevakning, kontroll med ungdomens alkoholvanor, inrättande av ungdomsgårdar i områden med hög kriminalitetsfrekvens", vilka alltså vidtas i brottspreventivt syfte (Sveri 1962, s. 36).

En verksamhets beteckning svarar ofta mot dess öppna syfte och varierar därmed med politiska och ideologiska konjunkturer ("tidsanda"), maktförhållanden och finansieringsmöjligheter. I tider med mycket pengar och engagemang för brottspreventiva ändamål kan verksamheter (projekt och reguljära) som betecknas som brottsförebyggande antas öka. Men det är för den skull inte säkert att omfattningen av verksamheter med brottsförebyggande *effekter* är större i sådana perioder. Dels kan man komma att använda beteckningen för verksamheter som hittills bedrivits med andra syften och som kanske saknar brottsförebyggande effekter, dels kan verksamheter som faktiskt förebygger brott samtidigt avvecklas av andra skäl.

4 Att "orsaken till någontings uppkomst och den slutliga nyttan, den faktiska användningen av detta något och inordnandet av det i ett system av ändamål" är helt olika saker, betonade redan Nietzsche ([1887] 1994), eftersom det "förhandenvarande, något som redan kommit till stånd, alltid på nytt tas i bruk för nya ändamål av en eller annan överlägsen makt, tas i beslag och utnyttjas för nya syften" (ibid., s. 84 f).

I ett samhälle eller i en tidsperiod där värdet av "lag och ordning" betonas finns det ofta ett stort intresse för brottsbekämpning,5 samtidigt som det finns ett ideologiskt motstånd mot vissa verksamheter, oavsett deras eventuella brottsförebyggande verkan. Insatser för att förbättra barns utvecklingsmöjligheter (t.ex. förskola) är exempelvis, enligt Farrington (1995, s. 346) svåra att "sälja" till politiker som brottsprevention, eftersom det tar tid innan man ser resultaten av dem. En satsning på situationella faktorer kan däremot ge både snabba och mätbara resultat, och passar därmed bättre i "projektformen" (se även Gilling 1994, s. 243).

Såväl syften och beteckningar som funktioner och effekter avseende en verksamhet kan förändras över tid – och i olika takt. Vid någon given tidpunkt eller ur någon synvinkel kan de stämma överens, men vanligen överlappar de inte varandra helt. Det kan t.ex. finnas element i skolundervisningen som betecknas som brottsförebyggande tills det står klart att de inte har någon sådan verkan, eller tills de av andra skäl avvecklas. Samma verksamhet kan alltså i en tid betecknas som brottsförebyggande, och i en annan som något helt annat, t.ex. straff, omsorg, service, utbildning, kultur eller fritidssysselsättning – medan andra inslag kan minska brottsligheten utan att någonsin kallas brottsförebyggande, eftersom de har ett annat huvudsyfte som inte ifrågasätts.

Även om en "åtgärds"- och "syftesorienterad" definition av brottsprevention kan te sig naturlig för organisationer och myndigheter som planerar att förebygga brott, är den mindre lämplig när man vill veta vad som på sikt minskar brottsligheten, oavsett vem som ansvarar för verksamheten – och oavsett om den alls kan kallas verksamhet – eller när man vill värdera olika företeelser ur brottsförebyggandesynpunkt.

	Betecknas som brottsförebyggande / brottsföreb. syfte	
	ja	nej
positiva	**1** (lyckat)	**2** (preventiv sidoeffekt)
Effekter på brottsligheten inga	**3** (misslyckat)	**4** (irrelevant)
negativa	**5** (kontrafinalt)	**6** (brottsstimulerande)

Figur 2. Förhållandet mellan brottsförebyggande syften och effekter på brottslighet.

5 Enligt en opinionsundersökning av SCB på uppdrag av BRÅ och Kommittén för brottsförebyggande arbete 1996 var över hälften av befolkningen beredd att betala mer skatt för att öka resurserna för att "upprätthålla lag och ordning" (Ahlberg & Håkansson 1997), ett mål som också de flesta politiska partierna i Sverige lyft fram under det senaste året.

Mitt intryck är att det mesta som skrivs om att förebygga brott handlar om fälten 1 och 3, dvs. om verksamheter som betecknas som brottsförebyggande för att de finansieras som sådana och har det öppna syftet. I praktiken bedrivs de ofta som projekt, och kunskapen om deras resultat samlas in genom utvärderingar som i första hand förväntas svara på om projektet varit framgångsrikt (1) eller misslyckats, dvs. inte minskat brottsligheten (3). Negativa effekter på brottsligheten av verksamheter som syftar till att förebygga brott beskrivs inom forskning, som behandlar t.ex. stämplingseffekter, polisens egen brottslighet, återfall efter straff och behandling och sådant som Gary Marx (1981) kallat "den sociala kontrollens ironi" (5). Däremot tror jag att mindre intresse generellt har ägnats fält nr 2, även om sannolika "förebyggande" effekter var ett viktigt inslag i retoriken under den offentliga sektorns utbyggnad. I USA har förskoleverksamhet bedrivits i projektform med brottsförebyggande syfte och givit goda utvärderingsresultat (se t.ex. Weikart 1990; Ziegler, Taussig & Black 1992), men pga projektformen hamnar det i ruta 1 i ovanstående modell.

Det sjätte fältet omfattar både åtgärder och förhållanden. "Brottsstimulerande" förhållanden utgör naturligtvis en stor del av den traditionella kriminologins empiriska fält, Eftersom verksamheter och åtgärder formas av en rad andra faktorer än dem som är relevanta för problemets lösning (Blumer 1971; Sahlin-Andersson 1996) finns ingen självklar korrespondens mellan (6) och brottspreventiva åtgärder för att förändra dessa förhållanden. Ett gränsfall mellan de två nedersta fälten (5 och 6) är när en institution som normalt anses ha en brottspreventiv funktion, om än inte ett sådant huvudsyfte, beskrivs som "kriminogen", så har t.ex. Walgrave (1982) kallat den traditionella grundskolan i Europa. Analyser av "brottsstimulerande" åtgärder, slutligen, får man söka efter i allsidiga utärderingar av olika slags projekt, reformer och politiska och ekonomiska beslut, där oönskade och oväntade konsekvenser i form av ökad brottslighet konstaterats (jfr Staulcup & Royers 1983, s. 40).

Att upphöra att förebygga: undersökningsproblem

Utbyggnaden av barnomsorg och kommunalt organiserad fritidsverksamhet för skolungdomar under 1980-talet hade i likhet med de flesta fritids- och kulturprojekt för ungdomar ett öppet förebyggande syfte – även om det inte bara var brott som skulle förebyggas. Men när sådana verksamheter begränsas eller avvecklas på grund av minskade resurser är syftet varken att "sluta förebygga" eller att försämra barns och ungdomars uppväxtförhållanden, än mindre att öka brottsligheten. Ändå kan effekterna av nedskärningarna hypotetiskt vara "brottsstimulerande". Frågan är då hur man skulle kunna undersöka om sådana effekter uppstår.

Preliminärt kan fyra olika slags problem urskiljas, nämligen brist på begrepp; bristande kunskap om verksamheternas brottspreventiva effekter (och i så fall genom vilka mekanismer och i vilket tidsperspektiv de förebygger brott); nedskärningarnas karaktär; samt praktiska, politiska och vetenskapliga hinder för utvärderingar av "negativa" insatser som avvecklingar och nedskärningar, eftersom sådant sker med andra syften.

Begreppsapparaten

Det första problemet handlar om att finna ett språk för att beskriva åtgärder och beslut med negativa effekter på brottsutvecklingen (dvs. fält 6 i figur 1).

"Förebygga" kan översättas med att förhindra att något icke önskvärt uppstår. Det förutsätter alltså dels att utvecklingen (om man inte gör något) värderas negativt, dels en föreställning om att den går att påverka i en önskad riktning. Därmed innebär förebyggande arbete också

en avsikt att intervenera i en utveckling för att förbättra den; vilket för övrigt bidrar till att vi "glömmer" verksamheter och förhållanden som kontinuerligt motverkar en negativ utveckling.

Om man alltså utgår från syftet, s*aknas motsatsord till "brottsförebyggande"*, eftersom det som skall förhindras per definition är oönskat och inte eftersträvansvärt. Beträffande de flesta erkända samhällsproblem kan man tänka sig att det någonstans finns ett intresse av att de ökar (exempelvis kanske hälsokost- och läkemedelsindustrin får en större marknad om ohälsan ökar), men det gäller sannolikt inte brottsligheten; knappast någon kan vilja underlätta eller stimulera brottslighet som sådan.6 Individer, grupper och organisationer kan mycket väl vilja begå brott, men de har inte målet att stimulera brottslighet i allmänhet. Ingen skulle öppet beskriva sina åtgärder som "brottsfrämjande", och det är alltså nästan lika svårt att föreställa sig ett dolt sådant syfte.

Det saknas dessutom begrepp för *avsikten att lägga ned* eller reducera en verksamhet som haft som mål att förebygga brott eller andra problem eller faktiskt fungerat så. Huruvida verksamheter med brottspreventiva syften läggs ned har inte mycket med deras framgång eller misslyckanden att göra, eftersom sådana beslut inte motiveras med att man vill sluta förebygga, utan med t.ex. ekonomiska skäl. Att upphöra med en verksamhet som förebygger brott innebär logiskt sett att vidta en åtgärd dom främjar brottslighet, men denna konsekvens kommer på sin höjd att nämnas som en negativ sidoeffekt av ett beslut som har andra syften och antas få övervägande positiva effekter – eller som anses vara oundvikligt.

Om man däremot utgår från *effekten* (att faktiskt påverka en utveckling) skulle motsatsen till att förebygga ett problem kunna kallas "främja". Ett begrepp som "brottsfrämjande" eller "brottsstimulerande" kan förekomma i en extern kritik av en verksamhet (t.ex. kurser i hembränning, vapenförsäljning), ett beslut (t.ex. liberaliserad alkohol- och narkotikalagstiftning) eller en åtgärd (t.ex. en indragning av en tullstation), oavsett syftet. Men om tillsyn och aktiviteter för barn och ungdomar förhindrar brott borde t.ex. daghem, fritidshem och fritidsgårdar ha brottsförebyggande effekter och en nedskärning av sådan verksamhet analogt ha en potentiellt brottsstimulerande verkan.

Effekternas karaktär

Nästa problem är att avgöra vad i de aktuella institutionerna och verksamheterna som har eventuella brottspreventiva effekter. Om offentliga verksamheter för barn och ungdom faktiskt förebygger brott, är det ett rimligt antagande (om än inte självklart) att nedskärningar medför risk för att brottsligheten ökar. Men det förefaller vara relativt ont om utvärderingar av just brottspreventiva effekter av generella insatser som omsorg, hälsovård och skola. För att avgöra hur en avveckling eller reducering av sådan verksamhet påverkar brottsligheten bör man dessutom helst veta vilka faktorer och mekanismer i dessa insatser som har en förebyggande effekt.

Barnomsorg

I länder som saknar allmän förskola och offentlig barntillsyn har förskola för underprivilegierade barn, respektive barn med beteendestörningar, visat sig förebygga brottslighet i ungdomsåren. Ett av de mest kända projekten är *Perry Preschool* i USA. Svarta 3-4-åriga pojkar med låg intelligenskvot från fattiga familjer slumpades ut för deltagande i en tvåårig

6 Det hindrar inte att det finns politiska och ekonomiska intressen i en ökad rädsla för brott (se Christie 1993) .

förskola med kognitivt orienterad utbildning. Kontrollgruppen var från samma bostadsområde och bestod av "tvillingar" som även matchades med avseende på trångboddhet, inkomst och huruvida de hade ensamstående föräldrar. Till projektet hörde emellertid också att lärarna gjorde täta hembesök och hade månatliga smågruppsmöten med föräldrarna. Vid nitton års ålder var medlemmarna i projektgruppen bättre på alla tester, presterade högre, hade mer sällan socialbidrag och oftare arbete och högre utbildning än kontrollgruppen. De hade också mer sällan gripits av polisen och i så fall för mindre allvarliga brott (Weikart 1989). Förklaringen var enligt dem som bedrev forskningsprojektet en positiv snöbollseffekt av att barnen kom bättre rustade till grundskolan, medan en utomstående forskare (Seitz 1990) i stället har hävdat att den verksamma delen i projektet var lärarnas kontakt med föräldrarna, som därmed utvecklades och engagerade sig mer i barnen (Ziegler, Taussig & Black 1990, s. 1000).

Ett antal liknande projekt7 har också visat sig ge positiva effekter på kriminaliteten, trots att detta inte var den primära uttalade avsikten. Däremot tvistar forskarna om vad i projekten som är det verksamma elementet – pedagogiken, barntillsynen, föräldrautbildningen eller stödet till föräldrarna. Ziegler, Taussig & Black (1990, s. 1003 f.) menar att det är just kombinationen av flera samtidiga stödformer som är effektiv, medan däremot Weikart, som tillhörde forskarlaget i Perry Preschool-projektet, framhävt den speciella Piaget-inspirerade pedagogiken och dess "barn-initierade lärande", som ger en stimulerande "känsla av makt i förhållande till vuxna" (Weikart 1989, s. 294).

Förutom att effekten av barnomsorgen som sådan inte helt kan skiljas från de övriga inslagen, som stöd och utbildning till föräldrarna, är ett tolkningsproblem att man inte vet huruvida barnen klarade sig bättre på grund av att deras *relativa* utgångsläge i skolan förbättrades. Paradoxalt nog är just den begränsning av insatsen som gjorde det möjligt att använda sig av kontrollgrupper och därmed ge säkra svar om förskolans positiva effekter, ett hinder för generalisering till ett samhälle där alla barn erbjuds förskola. Vidare är de offentliga skyddsnäten mot fattigdom avsevärt bättre i de nordiska länderna än i USA, och här finns inte heller samma grad av etnisk segregation och diskriminering. Det är också möjligt att projekten innebar barnomsorg av särskilt hög kvalitet. Trots dessa reservationer är resultaten så entydiga att de ger ett mycket starkt stöd för att barnomsorg har en kraftigt brottsförebyggande effekt.

Barnomsorg genom daghem är också en mer eller mindre nödvändig förutsättning för en rad av de preventiva program som handlar om pedagogisk inlärning av social kompetens och problemlösningsförmåga, vilket visat sig förebygga skolmisslyckanden, social missanpassning och kriminalitet (Bloom 1996). Men för detta fordras också tillräckliga resurser för att ge barnen något mer än ren tillsyn. Det förefaller som om nedskärningarna inom barnomsorgen i Sverige, eftersom de skett i en period av hög arbetslöshet och mindre barnkullar, inte minskat behovstäckningen utan i stället tagit sig uttryck i en lägre personalkvot, större barngrupper och mindre extraresurser för barn med "särskilda behov".8

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7 T.ex. *Syracuse University Family Development Research Program* , *Yale Child Welfare Research Program*, *Houston Parent-Child Development Center*, som alla bedrivits i USA och inriktats på en kombination av tillsyn, föräldrastöd och föräldrautbildning och som haft en kontrollgrupp av barn som inte fått del av verksamheten (se Ziegler, Taussig & Black 1990).

8 Det genomsnittliga antalet barn per årsarbetare ökade med 60 % i storstadskommunerna 1992-95, och i hela landet ökade det genomsnittliga antalet barn per grupp från 13,8 till 16,7 mellan 1990 och 1995 (SOU 1997:61, s. 78).

Fritidshem

Under 1970- och 1980-talen byggdes fritidshemsverksamhet för barn i låg- och mellanstadiet ut i Sverige och 1987 beslutades att sådan verksamhet skulle bedrivas enligt ett pedagogiskt program. År 1993 fastslogs kommunens skyldighet att anordna omsorg för barn upp till och med 12 år. Samtidigt har den statliga detaljregleringen minskat i och med att statsbidragen skurits ned (Socialstyrelsen 1996, s. 18 ff.).

Skolbarnomsorg (i form av fritidshem eller dagbarnvårdare) kan ses som en utvidgning av samhällets formella kontroll av barn och ungdomar, vad avser både vilken tid av dygnet och i vilka åldrar som barn står under vuxen personals formella uppsikt (Svensson 1981, Petersson 1995). Även om det funnits ett klart brottspreventivt syfte med verksamheten är det oklart om det uppnåtts. Ur jämlikhetssynpunkt har det funnits flera brister, bl.a. har fritidshemmen ansetts låsa barnen vid segregerade miljöer, och besvärliga barn har tenderat att uteslutas från de organiserade aktiviteterna inom fritidshemmens ram (Svensson 1981, s. 157 ff.). Besvärliga barn har dessutom ofta varit de som först faller ifrån öppna aktiviteter, samtidigt som de mest organiserade barnen, som redan är föreningsaktiva, är de som främst deltar i eftermiddagsverksamheterna (ibid., s. 160 f.). De höga avgifterna har sannolikt också inneburit att låginkomsttagare inte kunnat utnyttja omsorgsformen i den grad de kanske önskat. Vidare visade en undersökning av Socialstyrelsen att barn med psykosociala problem, åtminstone jämfört med barn med fysiska eller medicinska funktionshinder, i mindre utsträckning hade plats inom skolbarnomsorgen och mindre tillgång till stödresurser om de fanns där (Socialstyrelsen 1996, s. 89).

För dem som ser brottspreventionen ur ett kontrollperspektiv borde det emellertid upplevas som problematiskt att fritidshemmen minskat sin täckningsgrad och övergått från "inskriven" till öppen verksamhet, varigenom många barn i grundskolan är utan vuxentillsyn under eftermiddagarna.

Fritidsgårdar

Ett försök att utvärdera fritidgsårdarnas "samhällsnytta" gjordes av Persson (1981) på basis av uppgifter från Malmö kommun 1977-78. Han utvecklade en modell för mätning av kommunala fritidsgårdars och föreningars förebyggande effekter på ungdomsbrottslighet och skadegörelse och prövade den på 40 olika delområden i kommunen, omfattande 70 procent av ungdomarna.9 Antalet ungdomsbrott10 och antalet polisanmälda skadegörelser i förhållande till antalet ungdomar 7-18 år inom området mättes, liksom "onormala underhållskostnader" hos det allmännyttiga bostadsföretaget MKB (Persson 1981, s. 58 ff.). Siffrorna relaterades till andelen ungdomar som regelbundet besökte komunala fritidsgårdar, respektive var medlemmar i föreningar.

Andelen ungdomar i åldern 8-15 år som hade s.k. gårdskort, vilket berättigade till besök på fritidsgårdarna under kvällstid, varierade mellan 0 och 32 procent i de olika delområdena, medan andelen som var medlemmar i någon förening varierade mellan 40 och 79 procent (ibid., s. 59 f.). Båda dessa faktorer hade ytligt sett samband med den lokala ungdomsbrottsligheten och skadegörelsen. Den statistiska bearbetningen (multipel regression) visade emellertid att sambandet mellan föreningsmedlemskap och ungdomsbrottslighet helt kunde förklaras av skillnader i "sociala indikatorer" i bostadsområdena, såsom andelen soci-

9 Områden med mindre än 12 % ungdomar uteslöts ur undersökningen.

10 Som ungdomsbrott räknades 11 typer av brott, framför allt olika former av stöld, tillgrepp och skadegörelse, där enligt nationell statistik minst 41 % av de misstänkta är under 18 år (Persson 1981, s. 59).

alhjälpstagare och utländska medborgare, hushållens medianinkomst och in- och utflyttning till områdena (ibid., s. 60).

Däremot visade den statistiska analysen att ju högre andel ungdomar som besökte fritidsgårdar, allt annat lika, desto lägre var ungdomsbrottsligheten och skadegörelsen i bostadsområdet (ibid., s. 66 ff.). En jämförande studie mellan två miljonprogramsområden gav å andra sidan inget stöd för att den lokala ungdomsbrottsligheten kunde minskas genom att öppna en fritidsgård i området. En möjlig tolkning av skillnaderna i resultaten är att den brottsförebyggande effekten för individerna *bostadsområdet* äts upp av att de brott som besökarna ändå begår förläggs till trakten omkring fritidsgården, i stället för exempelvis till stadens centrum eller andra stadsdelar.

Resonemanget pekar på att en möjlig motsättning mellan lokala och genrella mål för brottspreventionen: Det kan eventuellt löna sig ur brottsskyddsynpunkt för ett enskilt bostadsområde att inte ha någon fritidsgård – förutsatt att grannområdet har det – medan däremot en allmän nedläggning av fritidsgårdar av utvärderingen att döma skulle öka brottsligheten i kommunen.11

Skola

Skolans existens är inte ifrågasatt, inte heller dess väsentliga funktion inom brottspreventionen. Däremot råder delade meningar om hur den bäst uppfyller denna roll. I det nationella brottsförebyggande programmet och t.e.x. Stockholms lokala brottsförebyggande program (Brottsförebyggande centrum 1997, s. 29), rekommenderas program mot skolk och mobbning, information till föräldrar och samverkan med polis och socialtjänst. Men enligt Engel & Hurrelmann (1989, s. 183) är skolor visserligen den mest effektiva preventiva institutionen – men bara så länge de koncentrerar sig på sin huvuduppgift, dvs att förmedla meningsfull kunskap till sina elever. Skolorna bör därför *undvika* att bli involverade i en social kontroll för andra myndigheters räkning. Liknande slutsatser drar Walgrave (1982).

Enligt Skolverkets publikation *Bilden av skolan 1996* har resursinsatsen per elev i grundskolan sjunkit sedan 1990, vilket framför allt tar sig uttryck i en kraftig minskning av antalet lärartimmar per elev. Skolklasserna har blivit större och specialundervisningen, mätt i antal timmar per elev, reducerades med en tredjedel 1990-1996. Kostnaderna för elevvård har ökat, vilket dock främst beror på höjda lokalhyror (Skolverket 1996, s. 69); elevvårdspersonalen minskade "avsevärt" i "utsatta" storstadsområden 1993-96 enligt Storstadskommittén, och särskilt elever som var utagerande eller hade koncentrationssvårigheter eller läs- och skrivsvårigheter fick minskat stöd (SOU 1997:61, s. 101 f.), samtidigt som allt färre elever uppgav att "de kan få hjälp då de behöver det" (Skolverket 1996, s. 30).

Elever i sjunde och nionde klass som vantrivs i skolan och känner sig ogillade av lärare involveras enligt Engel & Hurremann (1989) oftare i asociala och brottsliga aktiviteter. Att döma av en enkät till till 934 mellanstadiebarn från ett innerstads- respektive ett förortsområde i Stockholm gäller detta även i yngre åldrar.12 De 37 elever som "mycket ofta"

11 På samma sätt finns en möjlighet att framgångsrikt lokalt brottsförebyggande arbete kan leda till generellt ökad brottslighet genom överflyttningseffekter och genom en allmänt minskad tillgång på platser och verksamheter för ungdomar.

12 Enkäten utformades och undersökningen genomfördes av Johanna Graf och Susanna Ruben med finansiering av Skolförvaltningen i Stockholm och Socialstyrelsen. Huvudresultqten har publicerats av Socialstyrelsen (1996) i rapporten *Mellanstadiebarnen – vart tar de vägen på sin fritid?* Jag har fått tillgång till datafiler genom Johanna

kände olust inför skolan jämfördes med de 386 barn, som "aldrig" gjorde det. Barnen i den förra gruppen hade fler dagliga eftermiddagsaktiviteter och idrottade mer och gick något mer ofta på fritidshem men deras förhållande till kamrater och vuxna var betydligt sämre. De tyckte inte att vuxna lyssnade på dem och kände sig väldigt ofta ogillade av fritidspersonal och lärare, fick sällan beröm, kände olust inför raster, hade ofta ont i magen och huvudet och var ledsna och missnöjda med sig själva. De hade ofta blivit mobbade och själva mobbat och trodde inte att deras kamrater tyckte om dem. Och de hade skolkat, snattat, rökt och druckit mer än de barn som trivdes i skolan och åkte dessutom oftare in till city utan vuxnas sällskap.

De statistiska resultaten visar inte vad som föregått vad i denna otillfredsställande tillvaro men kan ge en antydan om att för ett litet antal barn är en upplevelse av att inte vara omtyckt i skolan ett fundamentalt problem, för vilket fritidsaktiviteter och fritidshem inte kan kompensera.

Tidsaspekter

Det tredje undersökningsproblemet rör tidshorisonten. För att empiriskt undersöka eventuella "brottsstimulerande effekter" av inskränkningar i offentlig omsorg och service för barn måste man för det första ha en uppfattning om huruvida de brottsförebyggande effekterna är *omedelbara* och/eller *långsiktiga.* Om den verksamma mekanismen är t.ex. just tillsyn för stunden, dvs. kontroll och distraktion, skulle en eventuell negativ effekt av nedskärningar snabbt visa sig genom att fler brott begicks av de åldersgrupper som fått försämrad tillsyn.

Om effekten däremot är långsiktig och beror på att verksamheterna ger social träning och trygghet som minskar barnens framtida "benägenhet" att begå brott, eller på att de innebär tidig upptäckt av och möjlighet till individuella insatser för barn i riskzon, och/eller på att de kontinuerligt motverkar skador från en olämplig hemmiljö, står man inför samma problem som vid utvärdering av många "sociala" insatser med brottsförebyggande syfte, nämligen svårigheten att kontrollera betydelsen av andra orsaksfaktorer.13

Nedskärningarnas karaktär

Det fjärde problemet är svårigheten att avgöra vad nedskärningarna i praktiken innebär för de verksamheter och individer och grupper som drabbas.

Variationer i brottsnivån kan betraktas som ett resultat av å ena sidan brottsstimulerande, å andra sidan brottsförebyggande insatser och förhållanden. Därmed blir de också föremål för rivaliserande förklaringar. En ökad brottslighet härleds av somliga till ökad utslagning och ungdomsarbetslöshet, av andra till bristande kontroll eller till för höga eller för låga straff. En väsentlig fråga är därför i vilken riktning olika slags förhållanden och insatser av relevans för brottsligheten förändras. Nedläggning av reguljära fritidsutbud för ungdomar kan bytas ut mot föreningsdrivna fritidsprojekt eller polisledda föräldravandringar; minskning av skolpersonalen kan kompenseras av mer behandlingsresurser, strängare disciplin eller stängda butiker i skolans närhet. Kompositionen av insatser, verksamheter och förhållanden av betydelse för brottsligheten är inte bara en följd av samhällsklimatet, utan kan också förstärka takten och tendenserna i en klimatförändring på ett sätt som kanske inte någon avsett, men som i sin tur kan ha en självständig inverkan på brottslighetens utveckling.

Graf och utfört några beräkningar på materialet.

13 Se t.ex. Fauske (1987), som för en diskussion om svårigheterna att direkt koppla brottslighetens faktiska utveckling till dess ors aker.

Nedskärningar inom omsorg och service kan medföra lägre täckningsgrad, mindre personaltäthet, större barn-, elev- eller ungdomsgrupper, kortare öppettider, ändrade åldersgränser, hårdare platskonkurrens och/eller fler avvisningar och avstängningar, och sårbarheten för olika sådana förändringar kan variera mellan olika individer, grupper och åldrar. En utvärdering av nedskärningars eventuella brottsstimulerande effekter förutsätter alltså en uppfattning inte bara om vilka grupper, brott eller situationer som påverkas av offentliga insatser, utan också *vilka som faktiskt drabbas* när resurserna för service, omsorg och tillsyn minskas. Jämfört med 1980 hade antalet barn per anställd inom barnomsorgen 1996 ökat med i genomsnitt 30 procent (*Arbetet Nyheterna* 961105). Nedskärningarna inom barnomsorgen var i början av 1990-talet "exceptionellt stora" i storstädernas mest "utsatta stadsdelar" (SOU 1997:61, s. 76). I genomsnitt ökade andelen barn per årsarbetare med 60 procent i storstäderna 1992-95 och i landet som helhet ökade barngrupperna från i genomsnitt 13,8 till 16,7 barn mellan 1990 och 1995 (ibid., s. 78).

Enligt en mindre, kvalitativ studie av nedskärningarnas effekter på förskolor i Malmö har de större barngrupperna medfört en hårdare styrning av barnens aktiviteter och mindre utrymme för såväl fri lek som kontakt med enskilda barn (Johansson 1996). Nya budgetmodeller med s.k. resultatenheter bidrog vidare till å ena sidan en tendens hos personalen att definiera allt fler barn som i behov av "särskilt stöd"14, å andra sidan en benägenhet hos kommunen att reservera beteckningen för fysiskt handikappade barn (ibid.).

Sparbeting och begränsningar av verksamheterna kan även resultera i generellt höjda egenavgifter eller ändrade avgiftssystem. Det kan exempelvis leda till att bara föräldrar med goda inkomster har råd med barnomsorg,15 eller att tillsynstiden begränsas trots oförändrat behov, eller att insatsen subventioneras men blir behovsprövad, så att bara barn med "särskilda behov" eller i "riskzon" får del av den. I de två första fallen kan man å andra sidan anta att många barn "i riskzon" inte alls, eller inte i tillräcklig grad, får del av servicen.

Men även i det fall då insatser behovsprövas kan problem uppstå för barn i "riskzon". Om barnens umgänge med "dåliga kamrater" har negativ betydelse kan behovsprövningen innebära att de positiva effekterna av omsorgen motverkas, eftersom hela barngruppen då har problem eller hög risk för problem. Sannolikheten att det finns resursstarka familjer som kan upprätthålla kvalitetskrav minskar samtidigt. Barnomsorgen har under de senaste decennierna "sprängt fattigdomsskalet" (Sunesson 1990, s. 53), vilket lett till att den till skillnad från behovsprövat bistånd upphört att vara stigmatiserande. Om service och omsorg på nytt begränsas till "utsatta grupper" kan man omvänt befara att de byggs in i ett "fattigdomsskal" med åtföljande negativa konsekvenser för de berörda. Det är å andra sidan också möjligt att behovsprövning kan ge "högriskbarn" relativa fördelar och därmed kompensation för eventuella övriga tillkortakommanden och resursbrister jämfört med andra barn (jfr t.ex. syftet med stödundervisning), vilket kan ge positiva effekter för dem som fortfarande får del av den aktuella insatsen (se Farrington 1995, s. 346).

Det finns vidare anledning att undersöka hur nedskärningarna drabbar de barn som inte identifierats som individer med särskilda behov, men som ändå kännetecknas av några

14 I stadsdelen Rosengård i Malmö bedömdes 70 procent av barnen vara i behov av "särskilt stöd", framför allt pga. språkförsvåringar eller språkförseningar (SOU 1997:61, s. 81).

15 Drygt 57 % av de mest utsatta – dvs. de fattigaste – stadsdelarna inom landets storstadsområden höjde taxorna under 1995 (SOU 1997:61, s. 80). Enligt ett tidningsreferat av en utgiven LO-rapport (*Barnomsorg, förvärvsarbete och jämställdhet*, Nelander 1996) har egenavgifternas andel av totalkostnaderna för barnomsorg fördubblats sedan 1980 (*Arbetet Nyheterna* 961105).

förhållanden, som brukar räknas som riskfaktorer, såsom att ha fattiga, ensamstående eller arbetslösa föräldrar. I mer än var tredje kommun måste barnen år 1996 lämna den kommunala barnomsorgen om en förälder är arbetslös, vilket under 1994 gällde 40 procent av LO-hushållen. Tillsammans med avgiftshöjningar bidrar detta till att många barn till låginkomsttagare i praktiken utestängs från barnomsorg (*Arbetet Nyheterna* 961105).

Designproblem

Det femte problemet gäller möjligheten att göra en "inverterad utvärdering". Inom socialpolitik är det ovanligt svårt att genomföra forskning med en experimentliknande design, vilken fordrar att insatser sätts in lokalt och avgränsat i ett område eller för en grupp, samtidigt som en kontrollgrupp med i övrigt likartade förhållanden och förutsättningar inte får del av den. Nedskärningar inom skola och omsorg sker inte i ett vakuum, utan i en miljö där andra förändringar pågår samtidigt. För att undersöka deras eventuella effekter på brottsligheten måste man därför också studera andra förhållanden och orsaker som har betydelse för brottsutvecklingen, liksom vad som görs för att kompensera för negativa konsekvenser.

För det första; vad gäller mätning av *omedelbara* effekter finns ingen given överensstämmelse mellan var barn bor, går i skolan, respektive deltar i eventuella fritidsaktiviteter å ena sidan, och var de begår brott, vandaliserar, stör eller slåss å andra sidan. Vad gäller *långsiktiga* effekter, får man räkna med att barnen och deras familjer flyttar och byter skolor och naturligtvis exponeras för en rad andra åtgärder och "orsaksfaktorer", som i sin tur förändras under årens lopp.

För det andra; myndigheter är skyldiga att behandla kommunbefolkningen rättvist, och i varje enskilt fall motverka negativa effekter av ett ojämnt utbud. Om exempelvis en kommundel har och en annan saknar skolbarnomsorg, kan man förvänta att barn från den förra, om de anses vara i särskilt behov av det, ändå får plats på fritidshemmet eller omsorg i någon alternativ form. Med andra ord kommer selektiva insatser att tas i anspråk i varierande utsträckning för att kompensera förlusten av generella insatser, vilket försvårar mätningar av effekter.

För det tredje; det går givetvis inte att förbjuda vare sig allmänheten, organisationer eller kommunala förvaltningar att utveckla alternativa verksamheter för att direkt kompensera för brister i det kommunala utbudet, t.ex. i form av privata, lokala arrangemang för barntillsyn, som kanske inte alltid är offentligt kända.

För det fjärde; en kommun eller kommundel kan inte hållas "projektfri". I såväl ett "experimentområde" som i kontrollområdet kan man förvänta sig ett antal större eller mindre satsningar på verksamheter av annan karaktär, som har möjliga brottsförebyggande effekter. Det är t.ex. rimligt att anta att information om eventuell ökad brottslighet i ett område eller inom en åldersgrupp bemöts med lokala brottsförebyggande projekt, som syftar till att motverka den negativa utvecklingen. Därmed ökas också konkurrensen mellan olika förklaringar till de förändringar som följer därefter (eller uteblir).

I dessa fyra avseenden är mätproblemen likartade dem man möter vid utvärdering av projekt med brottsförebyggande syften. Men beträffande nedskärningar tillkommer även andra svårigheter. Reducering eller avveckling inom socialpolitik och omsorg är sällan av "försökskaraktär" utan resultat av mer eller mindre definitiva beslut, som dessutom ofta presenteras som oundvikliga, och därför i princip irreversibla. Att förändringarna genomförs utan

externa anslag och i syfte att spara pengar gör det ännu svårare att motivera beslutsfattarna att utvärdera effekterna, i synnerhet som uppmärksamheten på eventuella oönskade konsekvenser av verksamhetsförändringen i form av ökad brottslighet definitivt inte underlättar beslutets genomförande. Jämfört med en vanlig utvärdering kan man därför vänta sig mindre hjälp och intresse från involverade aktörer och beslutsfattare med mätningar och kartläggningar, mindre anslag till utvärderingar, och samtidigt – förhoppningsvis – mer ansträngningar från dessa aktörers sida att motverka de eventuella effekter som undersökningen efter hand kan komma att antyda.

Som komplement till sådana mätningar av "oönskade effekter" av nedskärningar måste man därför antagligen använda olika mått som enligt annan forskning visat sig fungera som "prediktorer" för brottslighet och annat "asocialt" beteende, t.ex. kamratrelationer, hälsa och skoltrivsel, som kan avläsas omedelbart. Sådana indikatorer har dessutom ett allmänt inresse, utöver vad de kan förutsäga om brottslighetens utveckling.

Sammanfattning

Brottspreventionen – och forskningen om den – präglas av interaktionen mellan sociala, politiska och forskningsmässiga förändringsprocesser.

Det pågår, för det första, en reell förändring av samhällsstrukturen i termer av ökad ojämlikhet, ökad arbetslöshet, kvalitetsförsämringar inom skola och barnomsorg samt ökad etnisk och socioekonomisk segregation. Till skillnad från tidigare (avsiktliga) strukturförändringar motiveras den inte primärt av önskan att skapa ett bättre samhälle, inklusive förebygga sociala problem och orättvisor, utan av argumentet att den är ekonomiskt nödvändig eller oundviklig.

För det andra har brottspreventionens inriktning förändrats, från att ha varit till stor del inbakad i en allmän prevention av sociala problem genom strukturella insatser och miljöförbättrande åtgärder, över en inriktning på att socialisera den unga generationen till samhällslojala medborgare, till insatser som mer specifikt är inriktade på att förebygga brott genom ökad kontroll av individer och platser. Denna inriktning implicerar ett kontrollteoretiskt perspektiv på brottslighet, vilket mycket riktigt fått ökat utrymme i den svenska brottspreventionsdiskursen, som också lagt ökad tonvikt vid situationell prevention och i någon mån vid möjligheterna att tidigt upptäcka barn med hög risk för framtida kriminalitet.

Förutom dessa förändringsprocesser finns en historiskt betingad brist på begrepp, kunskap och praktiska och politiska möjligheter att bedriva forskning om "inverterad prevention", dvs. sociala förändringar och politiska åtgärder med potentiellt negativa effekter på brottsligheten.

Konskevenser för brottsligheten av avveckling och nedskärning av verksamheter som tidigare ansetts brottsförebyggande osynliggörs eftersom diskursen om brottsprevention framför allt uppehåller sig vid åtgärder som har ett brottsförebyggande *syfte*, och inte vid verksamheter med brottsförebyggande *effekter*. Vi saknar därför begrepp för att beskriva beslut och åtgärder som kan resultera i ökad brottslighet, såsom när man upphör med eller reducerar verksamheter med brottspreventiva effekter. Även om sådana beslut aldrig *syftar* till att öka brottsligheten, utan t.ex. till att spara, kan de i realiteten ha "brottsfrämjande" effekter.

Om man skulle vilja undersöka "brottsfrämjande effekter" av nedskärningar i den sociala omsorgen och servicen för barn och ungdomar uppstår flera problem. Ett av dessa är att det ofta inte är utrett vilka mekanismer i generellt tillgängliga verksamheter som har

brottsförebyggande effekter och i vilket tidsperspektiv de fungerar. Ett annat är att nedskärningarna konkret kan ta sig många olika uttryck och drabba olika grupper i olika kommuner.

Slutligen finns det ett antal problem förknippade med undersökningsdesignen. I likhet med situationen vid andra utvärderingar av brottsförebyggande åtgärder är det svårt att hålla andra orsaksfaktorer "konstanta" vid mätning av långsiktiga effekter och man kan (lyckligtvis) inte undvika kompensatoriska motåtgärder för drabbade grupper. För "inverterade utvärderingar" tillkommer problemet att beslutsfattarna sannolikt inte är motiverade att bidra till undersökningar av eventuella negativa effekter av deras besparingsbeslut, eller att genomföra avvecklingar etappvis eller som försöksverksamheter.

Någon omfattande utvärdering av hur nedskärningar av offentlig omsorg och utbildning ökade inkomstklyftor och andra förändringar av barns och ungdomars uppväxtvillkor påverkar brottslighetens utveckling kanske aldrig kommer att kunna genomföras. Men det bör inte hindra oss från att diskutera risken för sådana konsekvenser, eller från att vidga perspektivet på vad brottsprevention kan vara utöver de åtgärder som i en given tid står högst på statsmakternas dagordning.

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Forebyggelse[1]

1. Innledning.

Historien om Hans Brinkers er velkjent i Holland, og kanskje blant oss også, om jeg minner om den. Det var storm i Holland, bølgene rullet tungt mot dikene. I tillegg var det høyvann, ja ikke bare høyvann, men springflo. Hans var ute ved dikene. Han fikk øye på et lite hull hvor vannet stod inn i en stråle. Jord og grus ble revet med, snart ville det bli et digert hull, dikene ville revne og land stå under vann. Resolutt satte han knytteneven inn i hullet. Lekkasjen stoppet. Men ingen så ham, så slik måtte han bli stående natten til ende. Men han nådde sitt mål. Hans lille knytteneve forebygget at vannet skulle sluke hele området. Men vi ser ham for oss, der ute ved dikene. Utenfor er havet, stort, tungt, og farlig. Ruvende over ham. Akkurat som kriminaliteten som truer der ute. Også et hav som presser på, en mørk mengde, noe farlig, noe vi må beskytte oss imot.

Her er vi ved noen av de første vanskeligheter med forebyggelsesbegrepet. Fore-bygge, altså bygge opp foran noe. Siden det skal bygges beskyttelse mot noe, må jo dette noe være uønsket. På dansk griper man til latin og taler om det kriminal-pre-ventive råd, altså noe som går foran hendelsen. At hendelsen er uønsket, blir ytterligere understreket ved at det er "kriminalitet" som det skal bygges opp foran, eller pre-venteres. Kriminalitetsforebyggelse er David mot Goliat. Jeg vil være med på Goliats side.

Men dette går for fort. La oss stoppe opp og se på noen sentrale kriminalitetsforebyggende virksomheter. Men det er ikke lett å avgrense begrepet. Som Hedda Giertsen (1994) sier om forebyggelsesbegrepet, - "altfor bredt og altfor smalt". Alt kan kalles forebyggelse, når det passer dem som bruker ordet, det er "et magisk begrep som samler nasjonen og åpner pengesekken" (s. 296). Berl Kutchinsky (1990) omtaler fire grunnformer av forebyggelse; for det første ved å skape *fysiske eller elektroniske barrierer*, for det annet ved å skape *indre barrierer* hos menneskene, for det tredje ved å *redusere behovene*, og så som det fjerde å skape *legale alternativ*. Jeg velger en litt annen inndeling i tre hovedtyper: Den første går på *fysisk utestenging* fra eget territorium av de truende farer. Den annen går på *påvirkning av individer,* hindre at mennesker utvikler seg i en slik retning at de kan komme til å utgjøre en trussel. Den tredje kriminalpreventive mulighet ligger i å *endre de grunnleggende forutsetninger* for at uønsket atferd skal finne sted.

Det blir bare noen hovedtrekk ved den kriminalitetsforebyggende virksomhet jeg her samler meg om. Noe av det jeg tar opp er allerede påpekt av de forskjellige kriminalpolitiske råd i Norden, eller i drøftelser i regi av disse råd[2]. Dette blir et essay - altså et forsøk - for å få fram

1 Noe bearbeidet foredrag holdt på forskerseminar arrangert av Nordisk Samarbeidsråd for Kriminologi, Finland 1998. Takk til konferansedeltakerne for innspill etter foredraget, og til Louk Hulsmann, Heidi Mork Lomell, Hedda Giertsen og Nina Jon for momenter og referanser på forhånd.
2Et særlig interessant eksempel på parallelle resonnement til mine egne finner jeg i Hannu Takalas (1997) analyse av "Urban Criminality and built Environment"

en helhet som kanskje kan motvirke i det minste min egen tendens til slapp godtakelse av tiltak som ser ut til å ha en selvinnlysende nytteverdi.

2. Utestenging.

Utestengingen kan illustreres ved å tenke seg noen enkle sirkler. Innerst har vi det private, barrikadert bakom en rekke murer. Her er vi vant til å tenke på huset eller leiligheten. Men så kom jeg til å se meg om, der jeg satt i stuen og skrev. Soveværelsedøren var lukket. Den innerste sirkel i det moderne liv er *rommet*, - a room for oneself. Da jeg i en fjern fortid skulle ha bygget utedo på en sommerhytte, spurte snekkeren om vi ville ha en enseters eller toseters, - d.v.s. to hull ved siden av hverandre. Jeg angrer stadig på at jeg grepet av moderniteten ba om bare ett hull. I vår ikke fjerne fortid fantes en felles seng for de fleste, og så et bord i sentrum for de fleste aktiviteter, fødselsøyeblikket var et offentlig anliggende, dødsøyeblikket likeså. Symbolet på den moderne husholdning er nøkkelen på innsiden av baderomsdøren. Soveromsdøren trenger ingen nøkkel, ingen går inn der uten å høre til eller være spesielt invitert.

Den innerste beskyttende ring slås om den enkelte, til nød om de to, eller blant småbarnfamilier muligens rundt dem alle. Men så kommer en kraftig ring. Denne gang rundt huset eller leiligheten, the apartment, *appartemente,* ja nettopp, det adskilte. Jeg har vært invitert hjem til folk med to låser og dessuten jernbeslag i kryss over inngangsdøren. Folk som bor i småhus har lås på vinduer, lydalarm og direkte linje til politistasjon eller privat vaktselskap. Om de flytter fra sine småhus, sine små fort i skogen, angis grunnen av og til å være at de vil inn i en boligblokk hvor de er bedre beskyttet ved at det bare er en dør inn i leiligheten, og så i tillegg en *permanent* dør ut av blokken. Til ytterdøren er det callingsystem, kanskje også fjernsyn så man kan se hvem som ber om å bli sluppet inn. Finn Carling3 har skrevet en novelle hvor en søster i nød ikke ble sluppet inn fordi fjernesynsbildet av den nødstedte utenfor døren var for uklart. Men boligblokken kan jo også sikres på andre måter. Den latinske tradisjon er portnerkonen. Mange steder er hun nå videreutviklet, først ved å bli en hann, deretter ved at hannen blir bevæpnet, deretter ved at han flyttes ut i et lite vakttårn utenfor porten, men da knyttet sammen med et høyt nettinggjerde eller en mur som går utenfor og rundt hele boligblokken, deretter ved at denne ytre mur eller gjerde får piggtråd på topp, eller som jeg også har sett, at det på toppen av muren plasseres et elektrisk gjerde. Lyskastere på mur eller gjerde står selvfølgelig på natten igjennom, samtidig som fjernsynskameraer knyttet til skjermer inne i vakttårnet hele tiden gir et skarpt bilde av hva som skjer rundt hele boligblokken. Så om huset kan vi sette en tydelig sirkel. Den avspeiler bare hva mange steder allerede er satt der i praksis.

Og vi kan sette nye ringer. Vi kan i tråd med råd fra ledende teoretikere og praktikere på kriminalitetsforebygging også sette en ring rundt hele bolig-kvartalet. Kvartalet, eller hele nabolaget bør lages så man ser hvem som er hvem, eller kanskje heller; hvem som ikke er hvem, hvem som ikke er en av dem som hører til. Oversiktlige gater, ingen krinkelkroker hvor ukjente kan skjule seg, kantsten mot fortauet som markerer at gresset innenfor er privat eiendom. Ytterligere en mulighet ligger i å gi det offentlige rom status som privat. Når handdlegater og hele kvartaler blir privat, blir kontrollen enklere. Som Bottoms og Wiles (1996) peker på, gjør denne konverteringen det mulig å holde uønskede personer borte. Den edrue omstreifer eller boms kan ikke nektes å gå på Kungsgatan eller Strøget eller Esplanaden, men om handlegaten blir halvprivat, har han ingen selvfølgelig rett til adgang.

Men andre løsninger er også mulig. Representative kvartaler kan avskjermes ved at det, som i Los Angeles, legges motorveier mellom dem og nærliggende slumstrøk. Eller på enklere vis: Benkene på buss-holdeplassene lages så korte at ingen fristes til å legge seg ned på dem. Andre offentlige benker - om man da drister seg til å ha slike - kan lages så de også bare egner seg for korttidssitting. På Hovedbanegården i København har man fjernet alle benker i den store hallen, og i tillegg innført forbud mot at noen setter seg ned på gulvet. Da bilene kom til New York ble det sett på som et stort hygienisk fremskritt. Byen måtte bygges om. Bilene tok livsgrunnlaget fra grisene. Gatene ble asfaltert og grisehusene mer verdt som leiegårdsgrunn. Hestemøkken forsvant også. Før måtte man gå i sjøstøvler på Fifth Avenue. Og fremskrittene fortsetter, nå under kriminologers lederskap i kampen mot de istykkerslåtte vindusruter - the theory of the broken windows - og i kampen mot dem som underlig nok ser ut til helst å ville leve hvor vinduene er knust.

Kampen for å skape det kriminalitetsfrie rom, har to mulige ytterpunkter. Det ene er å stenge de uønskede totalt ute, hvilket i praksis betyr inne i et fengsel. Det andre er å sperre seg selv inne. Den første løsning avspeiles i hva som foregår i New York akkurat nå. Det er å ta kriminalitetsforebyggelsestanken til sitt ytterpunkt. Det er lettere å stanse en bekk enn en elv, lettere å stanse en elv enn en flod, mer effektivt å arrestere en som sniker på trikken enn en som i andre sammenhenger sikkert både skyter og bedrar, mer effektivt å stoppe en tagger enn den ransmann han snart vil bli, og under enhver omstendighet et gode å arrestere folk som drikker og senere urinerer på gaten. Man kunne, som Hannu Takala sier i APROPÅ (1997, s.41-42) satset på offentlige urinaler framfor politi, men da ble man jo ikke kvitt *de uønskede*. Utfra gartnerstatens tankegang, jeg anvender her Zygmunt Baumans begrep (1997) om at statens sentrale oppgave er å få fjernet ugresset, er selvfølgelig innesperring langt mer egnet enn hva som bare ville være en *vedlikeholdelse* ved urinaler, en vedlikeholdelse som gjorde det mulig for de uønskede å forbli i gatene. USA har snart et fangetall på 2 millioner, mens Russland har 1,3 millioner. Jeg har redegjort for dette i en artikkel om Straffens geografi, (Christie 1997). Intet tyder på at veksten vil stoppe opp. For meg står denne utvikling som prevesjonstankens ytterpunkt.

Det annet ytterpunkt i bestrebelsene på å skape det kriminalitetsfrie rom er beskrevet av Flemming Balvig (1995). Konkret gjelder det et område i utkanten av Sacramento, hovedstaten i California, men samme løsning finnes også andre steder, i og utenfor USA. Istedenfor å stenge de uønskede ute fra nabolaget, stenger man seg selv inne. Man setter ikke bare en mur rundt leiegården, men om hele nabolaget, og så slipper vaktene i porten bare inn folk med gyldig pass eller andre håndfaste bevis på at man har rett til å få komme. Flemming Balvig fikk ikke lov, ved første forsøk, og det forstår jeg godt etter å ha lest hva han senere skrev. Men Sacramentoløsningen er selvfølgelig i full harmoni med hva statsdannelser alle steder foretar seg. De rike i Sacramento forebygger kriminalitet ved å slå en ring om seg. På samme vis slår stater, særlig de rike stater, ringer om seg og forsøker å holde sine fremmede ute. Og akkurat nå, i Europa, slår de aller rikeste stater seg sammen for å holde hele samlingen av fremmede ute fra sine territorier. Demningene skyves lenger ut mot havet. Nye land som skal være med, må love å bygge like sikre demninger, samt å hjelpe hverandre med å holde det uønskede borte innen dikene. Hvis kriminologer ønsket å være ide-imperialister, kunne vi jo si at det var vi som fant på hele Schengen-avtalen! Tanken om kriminalitetsfore-bygging, er den seierende tanke, de seirendes tanke. Thomas Mathiesen (1997, 1998 A) har i sin stedige kritikk av Schengen tatt opp et helt sentralt tema.

Med dette er vi ferdige med sirklene. Men ikke helt. Vi må tilbake til den innerste sirkel. Badeværelset er låst, soveværelset er hellig. Kun fantasien setter grenser for hva her kan skje.

Kanskje blir noen slått bakom døren, eller seksuelt krenket. Eller ikke gitt tilstrekkelig stell og omsorg. Derfor er det her en motgående bevegelse i gang. Utestengingen av de vanlige fører til statskontrollørenes innmarsj. Det er helt naturlig. Privatiseringen, eller som romerne så det, *de-priveringen*, fører til at det er vanskelig å etablere likevekt i makt i de lukkede rom. Det reises derfor krav om at systemene må kunne tvangsåpnes for å hjelpe svake parter. Politiet blir den funksjonelle ekvivalent til storfamilie, til de gammeldagse "inneboende", eller til vaktsomme naboer. Kvinnen blir anmelder, i England fengslet om hun ikke opprettholder anmeldelsen, og mannen blir som voldsmann eller sedelighetsforbryter å regne. Fortsatte lovbrudd kan mest effektivt forebygges ved at mannen får varig opphold i lukket institusjon samt oppslag i nabolaget om hvem han er og hvor han bor om han noengang løslates, i mindre ekstreme tilfelle ved at han får forbud mot å nærme seg nabolaget. En annen variant, om saken ennå ikke er blitt en sak for statskontrollører, er at kvinnen flykter til krisesenter, og deretter til et godt avlåst bosted helt for seg selv. For kvinner uten annet sosialt nettverk enn familien betyr dette en sosial død. Rachel Paul ved Institutt for Kriminologi i Oslo er i gang med en studie av indiske og pakistanske alternativer til denne løsning.

Det går en linje gjennom hva som hittil er beskrevet. Ord som faller i tankene er slike som utstøting, utskillelse, frasortering, apartheid. Man slår en ring om seg og sitt og får de fremmede, det farlige, bort fra sin nærhet. Interneringen er den naturlige konsekvens av denne type kriminalitetsforebygging. Visse typer internering har dessuten et dobbelt formål. Jeg tenker på almenprevensjonen. Det er interessant å registrere hvorledes de forskjellige kriminalitetsforebyggende råd i Norden *ikke* legger seg tett opp til almenprevensjonen, *ikke* agiterer for denne, *ikke* gjør noen hovedsak ut av at de vil ha mer straff. Almenprevensjonstilhengerne agiterte jo for forebyggelse lenge før vi fikk noen råd for slik virksomhet. Almenprevensjonen er en krystallisering av viktige sider av forebyggelsestanken. Man piner den ene for at andre ikke skal gjøre som den pinte gjorde. Dette er kriminalitetsforebygging i første potens. Hvorfor står ikke dette som punkt nummer en på rådenes virksomhetsplaner? Jeg skal komme tilbake til spørsmålet. Men først til den annen type prevensjonstanke. Det er;

3. Tanken om den skjeve sjel.
På ny en innlysende tanke, denne gang i pakt med Bibelens ord. La de små barn komme til oss, så skal vi rette opp feilvaren og de vil vokse opp til å bli verdifulle borgere i landet. Eller, om de er litt eldre, la oss ved barnevernets eller behandlingsprofesjonenes hjelp rette opp defektene de allerede måtte være blitt påført. Eller, om de atpå til allerede har snublet i straffelovens bestemmelser, la oss sette inn med omfattende tiltak for å føre dem tilbake til kretsen av lovlydige borgere.

Bokhyllelengden må trolig angis i kilometer når det gjelder omfanget av litteraturen om disse bestrebelser. Mye er gladmeldinger i rapporter fra behandlere. Per og Kari fikk det bedre etter ett eller annet tiltak, kriminalitetstruet ungdom er tauet inn, oppholdet på Solgløtt betød et avgjørende vendepunkt.

Men innimellom gladmeldingene kommer jo også en og annen dystrere tone. Helt tilbake til Cambridge-Sommerville-studien kommer det små utrop om at det ikke alltid går så bra. Cambridge-Sommerville, - det var det elegante og gigantiske eksperiment hvor man ga halvparten av all kriminalitetstruet ungdom den maksimale psykoterapeutiske og praktiske hjelp, og den annen halvpart ingenting. Og så gikk det best med denne annen halvpart (McCord 19).

Sikker er ikke saken. Man kan visst ikke lenger ut fra de best kontrollerte studiene bastant konkludere at intet virker, nothing works (Martinson 1974). Noe ser ut til å virke. Litt. Men det må samtidig kunne sies at de skjeve sjelers oppretting neppe kan være kongeveien i kriminalitetsforebyggelsens tjeneste. Dette henger sammen med to forhold.

For det første; vi vet ikke hvem som har de største behov for innsats, hvilke barn trenger ekstra innsats og hvilke klarer seg på egen hånd uansett handicaps. Løvetannbarna kalles de i Norge, slike planter som mot alle odds bryter seg opp gjennom asfalten. Blant de eldre, blant slike hvor man ønsker å forebygge gjentagelse av alvorlig kriminalitet, er forholdet helt det samme. Vår evne til forutsigelse av farlighet er ikke til stede, og vil ikke bli det så lenge mennesker er mennesker, og derved med evne og vilje til valg, -kfr. her f.eks. Mathiesen (1998 B) og for psykiatriske pasienter Rund (1997).

Det annet forhold som vanskeliggjør forebyggelsen, ligger i at den hånd som hjelper, også brenner. Kriminalitetsforebyggelse er kriminalitetspåminnende. La oss bruke ungdom som eksempel. Vi vet at de fleste ungdommer som får problem med f.eks. stoffbruk, også er innehavere av en rekke andre problem. De vil regelmessig ha flere tidligere sår i sjelen, de er fattigere enn de fleste, de har mindre av et vanlig nettverk rundt seg, de har færre til å liste og lirke dem inn i arbeidslivet, de har nitten områder hvor de trenger hjelp. Og så velger man ut område nummer tretten, kaller dem narkomane og hekter dem inn i tiltak rettet mot denne tilstand. Det er ikke vanskelig å forstå at så skjer. En god del av problemene denne ungdommen sliter med er felles for mange. Det ville kreve omfattende samfunnsendringer å gjøre noe med dem. Narkomani er både bedre avgrenset og mer forskrekkende. Det er mye lettere å få penger til et "narkosenter" enn til et "ungdom må få det bra-senter". Det er lettere å få penger til det Kyvsgaard (1990) kaller sekundærforebygging eller enda lettere til tertiærforebygging, enn til primærforebygging rettet mot alle barn og unge. Det er ganske enkelt penger i kriminaliteten. Kan man love nedgang i kriminaliteten, eller en av dens avarter, er det store muligheter for å få finansiert tiltak som også ut fra andre hensyn kan være meget fornuftige. Mange narkokollektiv gjør et fint arbeid, også med alt det andre som plager folkene der, som vennemangel og skrøpelige selvbilder. Men narko står det over døren eller på himmelen over husene. Og narko står det brent inn på pannen til dem som går derfra.

Med innsikt om disse forhold er det naturlig å gå et skritt videre og drøfte hva vi kunne kalle;

4. Kriminalitetsforebyggingens ikke-tema.

Vi vet jo hva det er. Det er helheten. Fengslene er fylt med fattigfolk, noen litt skjevere enn andre. Velstående skjeve kommer annet sted hen. Det er jo helt klart, for alle som vil se, at den nåværende samfunnsutvikling vil forsterke de handlingene som tradisjonelt sees som kriminalitetsproblem. Vi ser konturene av det endimensjonale samfunn stige fram, det samfunn hvor inntekt og konsum står overdøvende sentralt i bestemmelsen av et menneskes samfunnsposisjon og hvor det å falle ut på disse områder derfor kan bli sett på som meget farlig. Av og til er samfunn organisert på måter som gir belønning på mange livsområder; håndverksdyktighet, lærdhet, snillhet og saktmodighet, evner til å fortelle historier så noen gidder høre. Ofte gir slike samfunn til og med løfter om lønn i neste liv. Vårt er et samfunn med en enklere målstruktur. Vanskeligere, men gjevere, å bli vinner. Kanskje også med større angst for at noen uberettiget skal ta fra en det man har vunnet. En klok mann i Norge (Aarnes 1998) sa det forleden slik i et intervju:

Jeg kaller det økonomisk vold når rike mennesker bygger seg hytte til 20 millioner i bygdesamfunn. Når de som bor der ikke er like rike, skapes det forbilder og målsetninger blant lokalbefolkningen som ikke er knyttet til dypere kulturelle verdier, sier han.

Han mener at den generelle elitekulturen som råder i samfunnet bygger på falsk status. Han nevner blant annet eliteidretten og skjønnhetsidealene i samfunnet som eksempler på slik elitetenking.

-Elitekulturen skaper skam blant de som mener at de ikke kan matche idealene sine. Det er en stor kulturoppgave å avsløre de falske forbildene, mener Aarnes.

Ingrid Sahlin (1997) har en uttalelse om endringer i sosiale forutsetninger for barns gode liv. Hun sier i et intervju:

Förut ansågs till exempel att trygga uppväxtvillkor var av yttersta vikt för barn och ungdomar. - Dette betraktelsessätt har i grunden förändrats i samband med att all social verksamhet har skurits ned och tvingats in i ett lönsamhetstänkande. När de reguljära samhällsverksamheterna försvagades innebär det egentligen motsatsen till brottsf örebyggande insatser. Men detta taler ingen om, eftersom det inte finns en vokabulär för en sådan inverterad brottsprevention.."

Man kan si om den kriminalitetsforebyggende virksomhet at den er samfunnsbevarende. Det er det jo ikke noe galt i. Men man kan også velge en litt annen formulering. Man kan si den er samfunnsforsterkende. Den gjør oss til mer av hva vi allerede er på forhånd. For å belyse dette, må jeg gå tilbake til mitt første punkt om den kriminalitetsforebyggende territoriale virksomhet. Til apartheid.

5. Apartheid

Nylig var jeg en tur i Brasil og nød det gode liv på stranden i Rio, og det ikke fullt så gode i den sydende heksegryte som Sao Paulo representerer. Det er visst 12 millioner innbyggere der. Men jeg oppdaget jo at blant dem jeg traff, i mine kretser, der hadde man enkelte felles erfaringer. Første gang jeg hørte om dem, forstod jeg ikke symbolikken. Jeg biler bestandig med Air-conditioning på, sa en kvinne i Rio. Senere sa en annen i Sao Paulo; jeg stopper aldri for rødt lys om natten, og som oftest heller ikke om dagen. En tredje observasjon fra Sao Paulo; der fantes meget få småunger og litt eldre som solgte saft og pusset bilvinduer slik som det ellers yrer av i andre Latin-Amerikanske storbyer. Forklaringen på alt dette lå i angsten for kriminalitet. Bilvinduer måtte aldri åpnes og biler aldri stoppes fordi mengden av ranere er såvidt stor. Derved er også salgs og service-mulighetene stengt for ungdommen. En som intervjuet meg for et juridisk tidsskrift, en heldagsaktivist for fangers rettigheter, nevnte litt tilfeldig at hun nå var ranet åtte ganger. En kollega var også ofte ranet, sist av en kvinne som holdt et barberblad mot halsen hennes. Offeret hadde ikke air-conditioning og vinduet var åpent. Men da brast det for henne. Hun hadde forelest, var trett og sliten og svett og på vei hjem for å fore sultne unger. Nå fikk det være nok med raning, sa hun oppgitt til raneren, og satte bilen i gir. Kvinnen med barberbladet trakk forskrekket armen tilbake og gikk hoderystende oppover fortauet. Hun var uforskyldt kommet ut for et offer uten folkeskikk. Selv dro jeg til politiarresten. Den lå vegg i vegg med et hotell på 7-8 etasjer. Enerom og dobbeltrom. I arresten delte 70 mann ett rom. Dante ville ikke trodd sine øyne.

I disse byer forebygges ved lukkede bilvinduer, elektriske gjerder, vakter med gevær og ubeskrivelige fengselsforhold. Man holder på det man har, med de midler som finnes. Litt utenfor betongkolossene, oppe i åsene, skimter man favellaene, fattigfolks selvbyggede nabolag.

Brasil er ikke Norden, men vi blir kanskje litt mer Brasil hver gang vi installerer enda en lås. En gang i året iverksettes en gigantisk innsamlingsaksjon i Norge for et eller annet utmerket formål. Aviser, radio og fjernsyn pisker opp giverentusiasmen og tusener av bøssebærere går

fra dør til dør med bønn om penger. Sist ble noen veteraner blant bøssebærerne intervjuet. Det var tyngre nå, sa de. Ikke fordi folk gav mindre om man oppnådde å komme i kontakt med dem, men fordi man ikke kom i kontakt. Det var så vanskelig å komme inn i husene. Ytterdørene mot gaten var stengt. Man kunne ringe på, men ble ikke sluppet inn hvis ikke folk kjente deg. Man har jo ansvar for naboene, og kan ikke uten videre slippe ukjente tiggere inn i oppgangen.

Et vanlig spørsmål blant forskere av kriminalitetsforebyggelsens virkninger, er om kriminaliteten bare forskyver seg. Om man forebygger effektivt i nabolag A, flytter da den uønskede virksomheten seg til nabolag B? Vanligvis finner man, at det gjør den ikke. Men det er jo ikke dette som er hovedproblemet. Problemet ligger i at nabolag B etter en tid også vil sikre seg, og det vil også C og D og E og F og de fleste andre, og så vokser den langsomt fram, den segregerte byen. Ti år etter at kriminalitetsforebyggerne har gitt sine råd er byene gått enda noen skritt mot de befestede boligblokker, eller de befestede nabolag, festningsverk som øker avstanden mennesker i mellom, gjør dem ytterligere ukjente for hverandre, og øker hva som kanskje etter hvert blir den berettigede angsten for det fremmede. Forskning om kriminalitetsforebygging, burde etter mitt skjønn dreies i retning av en analyse av de totale samfunnsmessige konsekvenser av virksomheten, og også av de interesser som står bak denne, fra interessene i de statlige råd, og over til interessene innen den private industri.

Her vil jeg et øyeblikk få dreie tanken tilbake til den klassiske kriminalforebyggende virksomhet, straff. Spesielt straff som almenprevensjon. De kriminalitetsforebyggende råd er som nevnt ikke opptatt av denne type virksomhet. Tvert om virker det som om man vil legge avstand til pinen, den tilsiktede lidelsespåføring. Kriminalitetsforebygging er noe godt, bare godt. Men derved mister man forbindelsen til *en* verdifull side ved den gammeldagse europeiske strafferetten; bevisstheten om at tiltak *også* har skadelige virkninger som må holdes i sjakk. Kriminalpreventive tiltak kan bære med seg omkostninger langt utover de lett synlige i lønn til vakter og regning for elektronikk. Kanskje man burde nekte butikker å ansette private vakter, så ble de nødt til å ansette personale i steden. Kanskje man av samme grunn burde pålegge alle som transporterte mer enn X antall personer i vogn eller vognsett å ha en levende konduktør til stede så angsten kunne begrenses der folk nå sitter alene og titter på hverandre ved nattestider. Men straks den er ytret, ser vi hvor naiv denne tanke er. For ikke engang innen strafferettsinstitusjonen råder lenger de gamle ideer om forholdsmessighet. William Bratton, sjefen for zero-tolerance aksjonen i New York, startet det hele som sjef for tunnelbanepolitiet. I en ulidelig selvgratulerende tone beskrives fremgangsmåten (Bratton og Knobler, 1998). Trikkesnikere ble arrestert, belagt med håndjern, stillet opp i lange rekker på perrongen, nye trikker passerte, flere havnet i håndjernsgjengen, og etter en passelig lang tids offentlig fremvisning ble trikkesnikerne i samlet rekke marsjert opp til et provisorisk rettslokale oppe på hovedgaten. Blant de arresterte fant man enkelte ettersøkt for andre forhold. Disse ble umiddelbart fengslet. De andre ble bøtlagt. Om de ikke betalte bøtene innen korte frister, ble de oppsøkt på bostedet, gjerne klokken fire om morgenen med kraftig dundring på ytterdøren. En konduktør på hvert togsett kunne ikke gjort samme jobben. Konduktører i undergrunnsbanen ville bare fått folk til å betale. I Bratton-utgaven får man kontroll med underklassen. Samtidig spredte det seg stolthet i politikorpset.

6. En farlig tanke i en farlig tid

Kanskje man kunne si at forebyggelsestanken er en spesielt farlig tanke i vår tid. Det skyldes to forhold.

Den er i vår tid først og fremst farlig fordi rettsapparatet også er preget av moderniteten. Vi ser i alle moderne industrisamfunn en økende tendens til hva Simon (1996) kaller "Governing through crime". Det endimensjonale samfunn styrer i større grad enn noen gang gjennom strafferettsapparatet. Velferdssystem går ned, nulltoleransen går opp. Det er ikke snakk om gjengjeldelse mot de gateurinerende. Det er snakk om grunner for å bli kvitt dem, nøyaktig som vi tidligere i både Finland og Norge og Sverige brukte inntak av alkohol på offentlig plass som grunn til å internere fattigfolk. Bottom og Wiles (1996) peker i en viktig artikkel på hvordan den gammeldagse, ineffektive stat var laget slik med vilje. Langsommeligheten, oppsplittingen av funksjoner, rettssikkerhetsgarantier, forholdsmessighetsbetraktninger, dommeres uavhengighet hadde beskyttelsesformål. Som de sier (s.33):

All this was intended to prevent abuse, and the capture of the State by vested interests. One consequence of these institutional arrangements was deliberately to create inefficiencies in the State's arrangements, but this was seen as an acceptable and indeed necessary price to pay for greater gains elsewhere. An important result of late modernity is that the pre-eminence of the nation-state is eroded ...and its overriding power declines. Simultaneously, late modernity, with its information-driven concerns, highlights the system inefficiencies which were historically built into the operation of the State.

Forebyggelsestanken er også av en annen grunn spesielt farlig i vår tid. Den er spesielt farlig fordi kriminaliteten er spesielt nyttig. Vår er en tid hvor det politiske systemet har gitt fra seg styringen av det sentrale virksomhetsråde i våre endimensjonale samfunn. Det politiske systemet har gitt fra seg styringen av sentrale deler av det økonomiske liv. Det er ikke konsesjonslover, arbeidstidsbestemmelser, fordelingspolitikk, skattenivå, støtteordninger til utsatt industri eller kontroll av importert svinekjøtt som står på dagsordenen. Alt dette avgjøres utenfor. Tukler vi med fordelingspolitikken eller skattlegging av bedriftene, flytter de, tukler vi med handelsbetingelsene, får vi nei fra EØS, vil vi kvitte oss med landminene, får vi nei fra USA. Da er det greiere med kriminaliteten. Her er en arena hvor det kan vises handlekraft, en av de få gjenværende, viktigere jo færre andre arenaer som er tilbake.

Hovedlinjene i kriminalitetsforebyggingen er i nydelig overensstemmelse med den generelle samfunnspolitikk. Apartheid, og så stell av noen skjeve sjeler. Men ikke noen tukling med de grunnleggende forhold. Den kriminalpreventive virksomhet er nyttig som en generell pådriver for angst. Man skaper en todeling, og bygger opp en mur imellom. Innenfor er det gode liv, våre liv. Der ute er de onde liv, farene som truer. Prevensjonstanken oppmuntrer til eksternalisering, utskillelse, adskillelse. Vi kan ikke så lett ha et kriminalitetsforebyggende råd til forebyggelse av oss selv, eller deler av oss selv. Eller, for å se det på safunnsnivå, det er heller ikke så lett å tenke seg en kriminalitetsforebyggende virksomhet som sier at kriminaliteten, den er jo en del av samfunnskroppen, en del av ordninger som vi i sum er glade for og slett ikke kunne tenke oss å være foruten. Eller enda et perspektiv, ett jeg selv arbeider med for tiden; Ved å bygge en mur mot det farlige, sperre det ute, befester man selvfølgelig forestillingene om at det der ute er noe farlig, noe man skal støte bort. Og ved attpå til å kalle det kriminalitetsforebyggelse, festner man ytterligere den merkverdige tanke at kriminalitet finnes. Det gjør den. Og det gjør den ikke. Men for mange formål, hvorav behovet for å forstå er det ene, kan det vise seg fruktbart å ta det standpunkt å si at kriminalitet ikke finnes. Handlinger finnes. Under gitte betingelser vil vi gi handlingene den mening at de er uønskede. Og under ytterligere gitte betingelser vil vi gi de uønskede handlinger den mening å være kriminelle. Men de kunne jo også vært sett på som helt annerledes om de ble betraktet innen helsesektoren, innen familiesektoren, innen vekkelsespredikantenes rekker eller på sirkus for den saks skyld. Handlinger er ikke, de blir. Og vekten som legges på kriminalitetsforebygging hjelper dem til å bli kriminelle. Gitt den mening, festner strafferettsvesenet sitt grep om handlingen.

Vi er midt oppe i en fornyet kriminaliseringsbølge, inn i soveværelset, ut i parkene for å praktisere lærdommen fra New York, eller inn i skolene hvor lærere oppfordres til å anmelde elever til politiet, - før var de ramp, nå blir de kriminelle for samme type handling. Om bevaring av det sivile samfunn sees som et viktig mål, bør organisasjoner for forebyggelse av kriminalitet sees på med mistanke, og deres iverksatte tiltak vurderes i et langtidsperspektiv.

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