

The Common Study Programme on Criminal Justice and Critical Criminology

Twenty five years on

René van Swaaningen & John Blad, Erasmus University Rotterdam, the Netherlands

Introduction

If we discuss critical criminology, we nearly always discuss theory and research. *Teaching* critical criminology is hardly ever written about. With this article on the European 'Common Study Programme on Criminal Justice and Critical Criminology' (henceforth CSP) that exists for over twenty-five years in its very own anarchistic style we want to change that.¹ The twenty-fifth anniversary of the programme was celebrated in November 2009 at the Erasmus University Rotterdam, the Netherlands with a common study session on the theme 'What is critical? Key themes for critical analysis in 1984 and 2009'. Because the history of the CSP tells such an interesting story of how (European) critical criminology developed over the last twenty five years we think it is worth a wider audience than just its participants. Having coordinated the Dutch part of the programme for many years, we want to offer an insider's view of its pioneering role in critical criminology, both with respect to its international scope and its unique teaching philosophy, and highlight its orientation at the future.

The early years

When the first edition of the common study programme, that commenced in 1984, ended in 1986 one of the participating professors, the Chilean penal scholar Sergio Politoff who then taught in Rotterdam, evaluated the experience as 'sheer poetry'. In the programme academic staff and students in the fields of criminal law, criminology, psychology and sociology of law – and possibly more domains were represented – worked together to develop new understandings of the criminal justice systems in Germany, Italy and The Netherlands and to find new ways of addressing the systemic failures and drawbacks of these systems. Besides chaotic, inspiring, troubling, worrying, exciting and anarchistic, the programme was indeed of a poetic nature, in the sense that we all seemed to feel that we would be able to improve, redesign or indeed *find* justice by sharing and developing our relative knowledge and insights. Students and staff alike were deeply involved in critical discussions, travelling to eachother's countries for common study sessions of a fortnight's

¹ Themes of the various common study sessions can be found at the programme's website: <http://commonstudyprogramme.wordpress.com/>

length, allowing ample time for parties and (cross-) cultural discoveries. One of the most poetic things of the programme, perhaps it can even be called a miracle, was that it was ran in English whereas none of the participants had English as his or her mother-tongue. Everyone spoke English in his or her own peculiar ways and yet everyone seemed to understand what was communicated - although it sometimes took a great effort to come to that understanding. Italian legal philosopher Alessandro Baratta's way of asking whether he could pose a question, 'can I put an ask', became a favoured expression of many staff members and students alike. The use of quirky English only became a problem when in the late 1980s British universities entered the programme: they spoke too fast, unarticulated and idiomatic for many continental Europeans. All of the efforts put in those common sessions made them worthwhile, then and now. The strong student-input and commitment, good times, great parties, good discussions, critical scope, international friendships – and even marriages - and quite a touch of anarchy have remained.

Amongst the staff members Czech sociologist Gerlinda Smaus played a prominent role, located as she then was in Saarbrücken's University of the Saarland, Germany, together with Alessandro Baratta, who initiated the common study programme in collaboration with criminologist Louk Hulsman (Erasmus University Rotterdam) and penologist Massimo Pavarini (University of Bologna, Italy). The academic staff in Saarbrücken did not only play a leading role in developing the contents of the first *European* criminological education programme (sponsored by the so-called Erasmus Scheme of the Council of Europe), but also took on the enormous bureaucratic responsibilities involved with applying for grants, reporting about organizational matters, distributing moneys and delivering financial accounts. These were the days when there was still a lot of European money available for international study programmes. There can be no doubt that without the resilience of the Saarbrücken team this programme would not have been realised. The university of the Saarland hosted many preparatory staff sessions (1982-1983) where the programme's content was discussed at length and in depth. Before we continue with the development of the programme over the years, let us give a short description of the curriculum and structure of these early days of the CSP.

The structure of the programme

The common study programme had a total duration of two years and comprised a sequence of four programmatic 'units' of one approximately a semester, which were to be implemented in each of the three participating universities. The themes of the four units were 1) the social construction of reality, 2) selectivity of the criminal justice system, 3) legitimations and function of criminal justice and 4) alternatives to the criminal justice

system.² Each unit comprised five topical courses and ideally students were expected to take part in all courses and all units. Four of the topics were related to more or less concrete problem-areas in criminal justice: prison, drugs, traffic and violence. 'Prison' was chosen, because it is the ideal-typical embodiment of what criminal justice ultimately leads to: punishment. 'Drugs' was seen to exemplify the moralistic nature of criminal justice and something that formed a major caseload for courts and the prison system. The topic 'traffic' shows how everyday run-of-the-mill delinquency is dealt with. 'Violence' is a problematic event that probably causes the most public turmoil, where alternative – i.e. non-custodial - approaches are accepted least, but for which criminal justice is mostly hardly ever a solution either. The last topic was a theoretical one called 'general topic(s)': this topic substantively contained literature from the domains of epistemology, sociology of law, legal (normative) theory and theoretical criminology. In terms of didactics, the students had a repetitive scheme of activities, beginning with individual homework - often inviting the students to confront their own experiences with popular images of events - a working-group meeting without a lecturer leading up to a report that was then discussed with a lecturer in a seminar. The whole structure of units, topics and working groups embodied the ideological positions of the three 'founding fathers' of the programme. It was meant to be followed in the same way in all the participating countries and each national group wrote collective papers on these themes that would be discussed at common sessions.

One of the main persons responsible for the central theoretical framework, the 'general topic', was Gerlinda Smaus, and since this topic was supposed to embody and deliver the *strategic scientific discourse* through which the students were expected to develop critical knowledge and insights that they could use in analysing the other four concrete topic-fields, the general topic was the one that was most and most heatedly discussed in the preparatory staff-meetings and later, when the educational program was implemented, with the students. Gerlinda Smaus could be quite grumpy about this at times. When students were just making statements rather than constructing arguments that were grounded in knowledge, she would sigh away: 'start reading some books first, instead of just uttering 'opinions''.

With hindsight we can say we offered a highly sophisticated study programme with cutting edge academic knowledge. In terms of empirical study, the concrete topic fields could be furnished with up-to-date research, but how could or should these empirical findings be understood? How were the developments within the criminal justice systems of the three countries involved to be interpreted? We were all critical of the institutional, cultural and structural qualities of the existing criminal justice system, but what orientation should our implicit or explicit proposals take? Could and should the criminal justice system be

² Initially, there were five units, but for practical reasons the 'old' units four and five were soon combined in order to fit the academic year.

abolished, as Louk Hulsman claimed, and what would be the implications? Or could it be fundamentally transformed so as to lose its 'hidden function' of reinforcing and reproducing unequal power-relations, delivering for instance women more and better justice? One of the debates that evolved was between a feminist position, most notably taken by Gerlinda Smaus and Italian criminologist Tamar Pitch and a penal abolitionist angle, predominantly represented by Louk Hulsman's views. Another debate concerned the endeavour to reduce criminal justice and punishment on the one hand - the position of *diritto penale minimo* (minimal penal law) taken by Alessandro Baratta and Massimo Pavarini - and the complete abolition on the other. It are these two debates that we would like to look back upon, for it was central in the early days of the programme.

Abolitionism and the liberation of humankind

The epistemological view that social reality is constructed by processes of externalisation, objectivation, institutionalisation and internalisation (Berger & Luckmann, 1966), and the fact that language plays a crucial role in these interlinked processes of social construction gave Louk Hulsman reason to believe that the only way of overcoming the serious failures and draw-backs of the criminal justice system is by abolishing *the language of crime*. Crime is a concept, he argued, that only misleads us and distracts us from a realistic analysis of how the 'problematic situations' that we are used to call 'crime' come into existence and in this way it keeps us far away from effective problem-solving (Hulsman, 1986; see also van Swaaningen, 2010). Proposing the abolition of this symbolic universe of crime and criminals, the latter portrayed as ontological entities independent of any relational or interaction context, he wanted to create room for alternative strategies of dealing with offending conduct. Criminal justice agencies as such should according to Hulsman not be abolished; on the contrary, they would have an important role to play in another frame of reference, a frame of non-punitive problem- and conflict-resolution. This position gave rise to a lot of (continuing and always returning) debates within the common study programme, almost always ending either in a rejection of the abolitionist position *tout court* or in an acceptance of the abolitionist ideal but with strong doubts about its achievability. Arguments were brought forward against this abolitionist strategy were mainly that it would imply the strongly voluntaristic notion that we would be the masters of our language and that language does not own 'us', and also that it seems to suggest that the use of language could be separated from the exertion of power. Influential or even decisive use of language is of course possible, but indeed only from a position of almost hegemonic power. In the Netherlands, this has been demonstrated by the redefinition of the unemployed from 'victims of the forces in the labour market' into 'fraudulent profiteers' who prefer to live on the states benefits instead of seeking a job, however badly paid ('t Hart: 1983). This redefinition process made it easier to lower the unemployment benefits and cut state

expenditures in times of economic crisis. The ethical and democratic value of wishing to achieve such a hegemonic power to decisively change language is however dubious in a democracy, which should be open to constant critique and debate.

Challenging the conventional definitions of certain kind of actions as 'crimes' deserving punishment, may be appropriate, but alternative definitions and alternative responses would just as well be exerting power, perhaps of a more hidden kind than the power exerted by the criminal justice system. It always struck us as an irony, that so many critical academics were quite willing – and with good reasons – to subscribe to fundamental critiques of the (real and latent) functions and effects of criminal justice on the one hand, but could on the other hand apparently not trust alternative dispute settlement either. Good literature on 'net-widening' and 'mesh-thinning', in which Stanley Cohen's (1985) seminal book *Visions of Social Control* played a key-role, made many of us aware of the expanding culture of control, growing through the use of apparently non-punitive means, so also here there are good reasons to be critical. So many times we listened to the saying that 'good intentions pave the road to hell', that the feeling arose that the best attitude for an academic is to be a cynic, which is not the same as being a critic. Where the critic hopes to achieve some sort of improvement or even perfection in what he is criticising, the cynic just does not believe that the world will ever be better than it is. Whereas the cynic immobilises himself and others, the critic can inspire to social reform and emancipatory action where these are needed, no matter the difficulties that will be encountered. After his rather pessimistic account of what happens to many 'alternatives to custody', Cohen (1985) however also reminds us that it always makes more sense to cautiously reaffirm ones own beliefs and values than becoming a detached critic of everything.

The irony in the debates, loosely described above, is ever so much deeper when we realise that many of the participants agreed that if there is one important (hidden but real) function of criminal justice system that is scientifically demonstrable, it is the function of replicating the status quo of inequality. While many think of this reproduction of the unequal class-structure as the unintended by-product of the core function of combating crime, Gerlinda Smaus (1998) was more radical in her critique. To her it is the core function of criminal justice to reproduce unequal power-structures *and it does not combat crime* but instead reproduces that phenomenon since it - crime – delivers the apparent legitimations for the power-reproductive activities of the criminal justice system.

On this issue there is a basic consensus between Hulsman and Smaus, since the first also concluded that the criminal justice system, with its single strategy of punishment and all it implies, does not and cannot deal adequately with so many fundamentally different phenomena expressed in offending, but does reproduce a criminal sub-population that is not given any chance, so to speak, to escape from being criminalised because of their reinforced

societal marginalisation. On other issues, however, Gerlinda Smaus criticised abolitionism fundamentally.

In view of the converging criticism of criminal justice from the angle of penal abolitionism, and critical criminology in the wider sense, one would expect that the feminist movement, of which Gerlinda Smaus is a representative, would find reasons to combine forces with abolitionism: they both could be considered as liberation movements, emancipating citizens from oppressive powers. But Smaus, in discussion with René van Swaaningen (1989), took the position that this co-operation between the abolitionist and feminist movement would only be acceptable if both movements would explicitly subscribe to the fundamental, axiomatic values of *justice and equality* (Smaus 1989: 182). She very much doubted whether this was the case, since penal abolitionists did not really pay a lot of attention to the position, the views and interests of women, both in society at large and within the criminal justice system. She saw abolitionists mainly as privileged academic men, fighting other men about the use of punishment in a fundamentally patriarchal society, whereas women had to fight against the domination of men, both in the public and in the private sphere. Hulsman's plea for decriminalisation and for 'giving the conflict back' to those directly involved in the (supposedly shared) life-world gave her reasons for deep concern. Would that be appropriate? How could it help women to emancipate from oppressive arrangements installed *precisely* in their life-world? Had not the battle for the criminalisation of rape in wedlock uncovered the support for masculine domination, hidden in the (substantive) criminal law, and the necessity to fight a *public fight* for a change in the law that would acknowledge women's equality to men and do them justice? Even if it is true, as Hulsman stated, that 99% of all conflicts are solved without any role of the criminal justice system, the question remains *how* are they solved? Is it not possible, or even more plausible, that, as far as these conflicts relate to the oppression of women, they are not solved at all, but rather endured by women suffering from them? Is the agenda of penal abolitionism not simply too narrow, since it does not include the transformation of wider oppressive, patriarchal structures of society? Smaus (1989: 189) argued she was infuriated by the simplistic and seemingly absolutist claim to abolish the criminal law as a solution to all problems, in view of the fact that all that has ever been achieved in history could only be achieved by prolonged and resilient public battles against oppression.

This sharp analysis and critique of Hulsman's abolitionism does not imply that Smaus believed that the criminal justice system could be trusted as an emancipatory institution, on the contrary.³ But, as long as the criminal law presents itself as a form or even the key

³ In 1994, Gerlinda Smaus published an article in the German *Kriminologisches Journal* that sharply analysed empirical data with regard to physical violence against women in various contexts and the discomfiting, non-supportive response victimized women get when they address the agencies of formal social control, such as the police. Her

element of *justice* and the protection of all as *equal citizens*, this justice and equality will have to be vindicated if they are absent in reality. In this sense, the counter-factual values and principles of law in general facilitate emancipatory movements as far as they succeed in demonstrating injustice and unequal social and societal arrangements.

Since the criminal justice system, and its punitive model of dealing with problems, is infested with various power-interests, and in view of the almost completely hegemonic cultural notion that crime deserves to be punished, it is no surprise that penal abolitionism has become almost forgotten and for many merely functions as an exotic example of unworldly academic thinking. Popular fears and anxieties in the population and political discourse capitalising on these feed the process of instrumentalising criminal law mentioned above. But in the meantime, a new movement has entered the arena, which calls itself Restorative Justice. It is a movement that no longer proposes the abolition of the criminal justice system, but neither wants to keep it as it is - especially not its core punitive ideology and praxis. In how far should critical criminologists and lawyers embrace this movement as a way to get out of our current dead-end? Blad (2010) has recently argued that restorative justice offers adequate procedures and sanctions to deal with the most frequent forms of offending in a civil and communicative way, avoiding the many costs of criminal punishment. Restorative sanctions appear to be quite effective in many important respects, including the needs of victims (Sherman & Strang, 2007), and for this reason a fundamental reorganisation of the criminal law is proposed.

Later developments in the common study programme

By the end of the 1980s, early 1990s the original structure of the common study programme had already changed quite a bit. Of the 'founding fathers, Hulsman had retired and Pavarini (and the university of Bologna with him) had stepped out, but Baratta remained the pivot when it came to money and trying to attach other Italian universities to the programme – albeit with limited success. The European money to organise common sessions had dried up, which implied that they became much shorter (first a week and later just three days) and people had to pay their own stay – though sometimes with some subsidy from the home university - or staff members would participate in a paid conference that was organised for externals to pay the costs of the common session. The fact that we managed to survive without any structural subsidy shows how big the commitment of the staff and students always remained. And the lack of subsidy also had one big advantage: staff meetings that were till the early 1990s extremely tiring because of the long discussions about money have become a lot shorter and more pleasant.

argument is that the illegal violence in the life-world has an analogical meaning to that of the legal violence of the system: the maintenance of power-relations.

New participants – two universities from Barcelona, Spain (UB and Autònoma), with staff members such as Roberto Bergalli, Elena Larrauri and Iñaki Rivera, the university of Ghent, Belgium with Patrick Hebberecht and Ronnie Lippens, and Middlesex University from North London, Britain with staff members such as John Lea, Roger Matthews and Jock Young. Of course, not all the new participants just wanted to adopt the structure as it was designed before their entry. The Spanish wanted to introduce a new topic on policing and the British questioned the structure of the four units. Gradually a more flexible model that allowed for local difference replaced the model with internationally similar units, topics and meeting groups, and individual papers – often based on research for the master thesis – have replaced the collective ‘national’ papers. Today, the ‘commonness’ is mainly determined by the theme of the common session – although the master programmes in criminology in the different countries prove to offer enough common ground for fruitful discussion. The themes are generally rather broad, but focused at the same time, whilst students can also present work they are engaged in – for example on the master thesis – if it does not fit in the conference theme.

The British in particular would leave their mark on the development of the programme since the mid 1990s. First, we discovered that native English speakers did not always understand our continental variety of what they thought to be ‘their’ language, and that vice versa we did not always understand the fast, idiomatic and often inarticulate mumbling of the Brits. And second, and more importantly, the key-debate changed into a confrontation between abolitionists and penal reductionists (mostly an often legal background) on the one hand and left realists (who were sociologists by education), whose aim it was to develop a viable, practical progressive model of law and order on the other. These debates could at times be very polemic, but in the end the sharp controversies over the ‘ontological reality of crime’ or the abolition of criminal justice has resulted both in a more reflexive left realism and a more realistic abolitionism (van Swaaningen, 1991, 1997; Lea, 2002). With hindsight we judge it as a positive outcome of this debate that the in earlier days presumed self-evidence of what is the ‘correct’ ideological line on criminal justice was broken. Critical criminology has benefited from a more open mind - or eclecticism if you like – and has been able to broaden its horizon beyond the traditional themes and cultural borders.

Over the late 1990s, early 2000s we see a process in which the lawyers loose terrain in the common study programme and social scientists gradually ‘take over’. When Gerlinda Smaus leaves Saarbrücken, a new German group from the Hamburg institute of criminological social research – with e.g. Susanne Krassmann, Bettina Paul and Sebastian Scheerer - steps in. When in 2000 the Erasmus University starts a full bachelor and master programme in criminology the Rotterdam department of criminal law and criminology splits and only the criminologists continue in the common study programme. And when Jock Young first moves to Kent and than to New York, two new English speaking social sciences departments join the club: Kent, with staff like Chris Hale, Keith Hayward or Mike Presdee, and New York with

e.g. David Brotherton and (at distance) Jeff Ferrell. Of the (relative) newcomers, only at the two Greek universities – in Corinth and Komotini - staff are lawyers by education: Vasilys Karidys and Sofia Vidali.

This has implied quite some changes. Even if they discuss similar themes, lawyers and social scientists generally approach these topics differently. Lawyers tend to take the law – or sometimes penal policy – as the starting point of their analyses, whereas for social scientists the phenomena themselves – often unrelated to any legal implications, sometimes in relation to social control in a wider sense but often not even that - are the subject of investigation. Lawyers start from a normative position; social scientists take an empirical approach. For lawyers, 'retorica' and logical argumentation are the basis of their analyses; social scientists apply more rigid methodological standards and techniques to ground their conclusions.

Paradoxically, the situation in which lawyers and criminologists have each other less and less to tell is invoked by a positivist swing of *both* disciplines. An increasing percentage of once critical lawyers retreat again in black letter law and no longer deal with the social sciences, and most of the new generation of continental European criminologists have a background in sociology, cultural anthropology or psychology and know virtually nothing about law. Despite some notable exceptions, 'interdisciplinarity' has become more of a pretext than a reality. We also have to see this in the context of the boom in criminology, mainly in Belgium, Britain and the Netherlands, where criminology departments are sometimes twice as big as criminal law departments.⁴ Elsewhere we have tried to explain the reasons for this development (van Swaaningen, 2003). In Spain, master programmes in criminology are mushrooming as well, but due to a lacking tradition in social scientific research, the role of lawyers is bigger here. The German case always struck us as very peculiar: despite a very rich social scientific tradition, criminology has remained a pretty marginal discipline at most universities – maybe with Hamburg as the sole the exception.

Some have welcomed this new social scientific approach, whereas for others – e.g. the Spanish group - the demise of a normative orientation and reflection on legal debates has been a reason to step out. After the Spanish legal scholars left the programme they were replaced by Portuguese social scientists – and one legal philosopher: Cândido da Agra. But, whatever one think of the new developments in the programme, it kept getting the blessings of Louk Hulsman who, up till his death in 2009, hardly ever failed to attend the common sessions.

⁴ At the Free University of Brussels the prominence of criminology is even shown in the renaming of the whole Faculty: From Faculty of Law it became Faculty of Law and Criminology.

The current participating universities⁵ are – in alphabetic order:

1. Democritus University Thrace, Komotini, Greece (Δημοκρίτειο Πανεπιστήμιο Θράκης – Τμήμα Κοινωνικής Διοίκησης) – criminal justice department;
2. Erasmus Universiteit Rotterdam, the Netherlands – criminology department;
3. Universiteit Gent, Belgium – research group criminology & sociology of law;
4. Universität Hamburg, Germany – Institut für Kriminologische Sozialforschung (Institute for criminological research);
5. John Jay College of Criminal Justice – City University New York, USA;
6. University of Kent, Canterbury, England – School of Social Policy, Sociology and Social Research;
7. Middlesex University, London, England – Criminology Department;
8. University of Peloponnesos, Corinth, Greece (Πανεπιστήμιο Πελοποννήσου – Τμήμα Κοινωνικής και Εκπαιδευτικής Πολιτικής) – criminal justice department;
9. Universidade do Porto, Portugal – Escola de Criminologia School of criminology).

What do we do now?

A first thing that struck us when we looked at old photos was that ‘in the old days’ the common study programme was such a ‘white event’. The first people with a non-Western background came from Latin America and entered the programme in the early 1990s through the two universities from Barcelona. Looking at today’s student population one easily forgets how short ago it was that studying at a European university was nearly for ‘whites only’.⁶ After the class-barriers were levelled out in the 1960s, the ethnic barriers with respect to the access to academic education followed in the late 1990s and 2000s. Particularly at Dutch and English universities the percentage of students with a non-Western family background mounts up to 25 to 30%. It has also become much more common for students to engage in fieldwork for their master-thesis in another country. In Rotterdam we have, for example, recently seen students who went to do empirical research in gated

⁵ In 2012, again because a staff-member moved from one university to another and could not let the CSP go, a second Dutch university will enter, Utrecht University, and the programme will expand to Eastern Europe when the Department of Criminology of the Eötvös Loránd University in Budapest, Hungary will join.

⁶ In order to avoid misunderstanding, there was obviously no formal rule about this; it was just an empirical fact that criminology as a field of study attracted mostly white students.

communities in Cape Town, the prison system in Malawi, human aid workers in Thailand or Bulgarian prostitutes who had worked abroad and had returned to the Bulgarian capital Sofia. The research-technical skills of students and their knowledge of English have also improved tremendously.

All this has had its consequences for the content of the programme. Whereas in the early days we looked at our 'own' country and compared 'our' criminal justice systems with that of two other Western countries, the orientation of the common study programme has become far more global now we can no longer presuppose that students are born or raised in the country where they study. If we study drugs, we no longer deal with the question how national criminal justice systems deal with this, but we rather focus on trade lines from producing to consuming countries, a tendency to control employees on the work floor on drugs or indeed doping in sport. Gender is also still a key-theme of discussion, but less focused on how the criminal justice system treats (white, middle class) women, and more about the position of Philippine domestic worker or the Russian prostitute in the global economy or indeed on the portrayal of gender relations in Bollywood movies or the portrayal of manliness in Hollywood action hero movies. And prisons are still studied as well, but more often in relation to other means of surveillance, be it technical, biometric, military or social, and generally linked with ideas on a risk society and a culture of control – albeit with a more distinctly critical edge to it than the authors who coined these concepts have developed (Beck, 1992; Garland 2001). At the common session in Hamburg, Germany in April 2010, on 'Governing Crime – Surveillance – Resistance' it was argued that new technological possibilities can lead to a new, very dispersed panoptical society. In their book *Cultural Criminology: An Invitation* Jeff Ferrell, Keith Hayward and Jock Young (2008: 85-122) demonstrate in a very down to earth way how technology is used in everyday city life to watch and control people all the time at every conceivable place – through CCTV, ATM's, mobile phones, Facebook, etc. – which inspired a great many student papers and debates on these themes – often in relation to privacy and civil rights.

Of all the topics of the 'old' common study programme 'violence' has proven to be the most durable. Already in the 1980s and 90s we explicitly dealt with state violence and human rights violations; and that approach is much more common today as it was than. The recent genocides in Bosnia and Rwanda by the end of the twentieth century and the human disasters in Darfur and the war in Iraq in the new millennium, and the subsequent tribunals and committees of inquiry that were established in this respect, as a new impetus for a supranational orientation in student theses and criminology at large. Today, with a continuous threat of a 'double dip', the worldwide economic crisis plays a central role in the themes discussed at common study sessions. In April 2011 in Ghent, Belgium it was still headed under the, albeit bitter, playful banner 'Never waste a good crisis. Economic crisis, crime and crime control policies', but at the next common study session in October 2011

Athens, Greece, a country that is hit particularly hard by the crisis, the tone is far more serious: 'Economic crisis and the crises: interactions, reactions and consequences'.

Looking at the papers presented at common sessions today, we see 'old' themes, but also themes that were hardly or not discussed in the earlier days. Quite a substantial part of the papers is for example on migration and border control – maybe not really surprising if we look at today's key political discussions, but noteworthy nonetheless. Irregular migration has been a central field of criminological research since the early years of the Chicago School, but it can well be argued that around the late 1990s, when multiculturalism came under pressure in many European countries and a new nationalism emerged, this triggered a lot of research. Studies into multi-ethnic organised youth groups and 'home grown' Islamist terrorism are carried out in this realm. In many student papers on this theme, Zygmunt Bauman's work serves as a theoretical source of inspiration. According to Bauman, globalisation is a major reason why questions of identity have become so important again in sociology - and obviously in the social reality too. Globalisation has put the idea of 'who we are' so much under pressure that 'we' increasingly feel the need to 'defend our way of life' against all those foreign elements who allegedly threaten our culture. Globalisation has created 'liquid fears', that may not be as focused as they were in the twentieth century, but are probably more powerful and will create an even larger social divide (Bauman, 2006). Jock Young (2007) has described our state of mind in our globalised late modern societies as one of vertigo.

We can also observe an increased concern about eco-crimes – i.e. crimes against the environment. These are truly global crimes, because their consequences do not remain limited to a certain country or region, but affect the world as a whole. We have seen papers on the illegal trade in wildlife or in ozon-depleting substances, the dumping and illegal transport of hazardous waste, illegal fishing, illegal logging and trading timber, bio piracy and the transport of genetically modified material, the illegal dumping of oil or the violation of regulations on hazardous chemicals and pesticides. The public concern about eco-crime has grown with the increased concern of global warming, and it has certainly become one of the key themes discussed at common sessions. It has even led to new branch in criminology: the so-called 'green criminology' (Beirne & South, 2007). Herewith criminology's traditional anthropocentrism is challenged: eco-crime is not only dangerous for humans, but also for animals and eco-systems. Eco-crimes are topical examples of what critical criminologists call 'crimes of the powerful'. Most of the current studies into eco-crime are in the realm of studies into corporate crime. It is to be expected that, during the current economic crisis and the revolts against 'rich and \$ham€€s' bankers and stockbrokers in many countries, papers on financial crime will follow soon.

The media have always been a major theme in the common study programme – generally with respect to their role in the social construction of reality. This is a continuing line of

thought, but we can also observe some differences: we have moved from the written media to the role of the image; from the 'old' media to the new media; and there is more attention for the role of the media in the construction of style, image and identity – i.e. again a stronger focus on the acts themselves. For obvious reasons the internet did not get any attention in the early days of the common study programme, yet today it plays a key-role in the lives of all participants of the common sessions and in society at large. The internet reproduces (global) culture, it is only to a limited extent concerned with national borders and it has different meanings to different people in different settings. At the same time cyber-life is shaped by local contexts and (technological and political) constraints. The digital divide reproduces, however, the very same inequalities as in 'real' life: also here power, gender, race, education and s.e.s. determine people's participation in (cyber-) life. The main sociological relevance of the internet may be that conventional distinctions between public and private, licit and illicit, real and unreal become obscured (Ferrell et al. 2008: 123-157).

The internet also brought new forms of crime – such as hacking (breaking into someone's computer), designing viruses and so-called Trojan horses (i.e. planting software in other people's computer and thereby getting control over its functions), phishing (trying to get information from somebody pretending you are somebody's banker or provider), et cetera. Identity fraud has become quite easy, because on the internet you can pretend to be whoever you want to be; any shy adolescent full of pimples can pretend he is a self-assured hunk, a fifty year old man can pretend he is a twelve year old girl who just wants to chat with other twelve year old girls, and a mundane crook can pretend he is a major advertisement consultant. Internet forums have also become gathering 'places' where paedophiles, neo-nazis, radical jihadists or racist groups meet internationally. Virtual communities make it possible to 'participate' in football hooliganism with a few mouse-clicks, and websites such as Youtube even create a hyper-reality: people are bullied, beaten up (i.e. happy slapping) or sexually harassed and filmed for sheer 'entertainment'. All these themes have been widely discussed at common sessions.

You may have noticed that we have not used any '-ism' yet while describing today's common sessions. This does not mean that the old '-isms' are no longer discussed, but they have become less of a confession of faith; it has all become more eclectic if you like. As a deconstructivist and replacement discourse abolitionism still plays some role, but not as a guideline for penal policy. Left realism may play a slightly more prominent role in this respect, in particular in the Belgian group, where Patrick Hebberecht (2008) has made a thorough analysis of neo-liberal and 'third way' Labour penal policies of the last fifteen years, but we can never say left realism is *the* analytical frame of reference of today's common study programme. If we should mention one paradigm that guides the above described new themes of critical analyses it is cultural criminology: a perspective that emerged in the late 1990s, taking up much of the debate of (sub-) cultural studies in critical criminology; most notably of the Birmingham School, albeit without its heavy neo-Marxist orientation and with a stronger methodological basis - generally

using the ethnographic method of research, as it is traditionally employed by cultural anthropologists (Ferrell et al., 2008). At common sessions we have seen a wide array of studies on different 'glocal' youth cultures, using global signs, symbols, clothing and music styles and tags in a specific local setting. These cultural studies vary from hip hoppers to emo's, from neo-nazi's to jihadi's and from crips and bloods to graffiti artists.

What is Critical? Key themes for critical analysis in 1984 and 2009

What binds all the themes described in the previous paragraph? That is basically the question we asked students and staff to reflect on when we organised the twenty-fifth anniversary of the common study programme in Rotterdam. We asked the participants to write papers on the question 'What is Critical? Key themes for critical analysis in 1984 and 2009'. Students were invited to present papers on a particular theme that, in their opinion, requires a thorough critical analysis in today's criminology. The themes they came up with varied from corporate and financial crime, cultural diversity and ambiguity, gender, eco-crime, the local and the global in urban life, global crime, migration and multiculturalism, political crime and crime and politics, youth groups and identities. But, we also asked them to deal explicitly with (1) the question *why* you think a particular theme needs a critical analysis, (2) *what* the implications are for the domain (or subject-matter) of criminology and possibly also (3) *how* we are to study the proposed theme – as regards the research design. That turned out to be a much harder question, which was discussed at length at a 'students only' debate. Staff members were asked to reflect upon the development of their own thinking over the last twenty-five years. What were the themes they have been working on in the 1980s? What are the similarities and differences with what they are doing today? Have they changed their mind on certain issues? What has triggered such changes? What is according to them the future of critical criminology? This too resulted in some interesting contributions. John Blad described how he moved from abolitionism to restorative justice, John Lea told us about what he has learned from the confrontations with abolitionists, but probably the most illustrative for students was Jock Young's exposé about how and why *The New Criminology* emerged in the early 1970s, left realism around 1980 and cultural criminology in the late 1990s. For him, the way forward lies in bringing new life to the 'sociological imagination' of criminologists.

Though the composition of the group has changed over the years, and we have become more a criminology programme, whilst the initial focus on criminal justice has diminished, we are alive and kicking, common study sessions are generally well attended – about 100 to 130 people - and the critical profile, the pleasantly uncompetitive, friendly atmosphere, the strong student-orientation and the loose – if not anarchic – organisational structure have all been maintained. For us, common sessions are still something to look forward to, and we hope they may continue to exist for a long time.

References:

- Bauman, Z. (2006) *Liquid Fear*. Cambridge: Polity Press.
- Beck, U. (1992) *Risk Society: Towards a New Modernity*. London, etc.: Sage.
- Beirne, P. & N. South (eds.) (2007) *Issues in Green Criminology: Confronting Harms Against Environments, Humanity and Other Animals*. Cullompton: Willan.
- Berger, P. & Th. Luckmann (1966) *The Social Construction of Reality*. London, etc.: Penguin.
- Blad, J.R. (2010) More conciliation and less punishment: demanding a public choice, *Journal of Law and Conflict Resolution* Vol. 2 (5), pp. 80-90. Available at <http://www.academicjournals.org/JLCR>.
- Cohen, S. (1985) *Visions of Social Control*. Cambridge: Polity.
- Ferrell, Jeff, Keith Hayward and Jock Young (2008) *Cultural Criminology. An Invitation*. London: Sage.
- Garland, D. (2001) *The Culture of Control: crime and social order in contemporary society*. Oxford: Oxford University Press.
- Hart, A.C. 't (1983) Strafrecht: de macht van een verhaalstructuur. In A.C. 't Hart, *Strafrecht en Beleid. Essays*. Leuven/Zwolle: Tjeenk Willink, p. 413-470.
- Hebberecht, P. (2008) *De 'verpaarsing' van de criminaliteitsbestrijding in België: Kritische opstellen over misdaad en misdaadcontrole in de laatmoderniteit*. Brussel: VUB Press.
- Hulsman, L. H.C. (1986) Critical Criminology and the Concept of Crime, in: H. Bianchi & R. van Swaaningen (eds.) *Abolitionism: Towards a Non-Repressive Approach to Crime*. Amsterdam: Free University Press, 25-41, later in: *Contemporary Crises* vol. 10: 63-80.
- Lea, J. (2002) *Crime & Modernity: Continuities in Left Realist Criminology*. London, etc.: Sage.
- Sherman, L. & H. Strang (2007) *RJ: The evidence*. Report for The Smith Institute, London.
- Smaus, G. (1998) *Das Strafrecht und die gesellschaftliche Differenzierung*. Baden-Baden: Nomos Verlag.
- Smaus, G. (1989) Feministische Beobachtung des Abolitionismus, *Kriminologisches Journal*, vol.21, pp.182-194.
- Smaus, G. (1994) Physische Gewalt und die Macht des Patriarchats, *Kriminologisches Journal*, vol. 26, 2, pp. 82-104.

Swaaningen, R. van (1989) Feminismus und Abolitionismus als Kritik der Kriminologie, *Kriminologisches Journal*, vol.21, pp.162-182.

Swaaningen, R. van (1991) Ach Europa: Die Vermittlung kritischer Kriminologie im ERASMUS-Programm 'Criminal Justice and Critical Criminology', *Kriminologisches Journal*, vol.23, no.3, pp.212-224.

Swaaningen, R. van (1997) *Critical Criminology – Visions from Europe*. London, etc.: Sage.

Swaaningen, R. van (2003) Kriminologie unterrichten in Europa; was sollen zukünftige KriminologInnen wissen?, *Kriminologisches Journal* vol.35, no.2, pp.125-134

Swaaningen, R. van (2010) Louk Hulsman, in: Keith Hayward, Shadd Maruna & Jayne Mooney (red.) *Fifty Key Thinkers in Criminology*. Abingdon: Routledge, pp.139-147.

Young, J. (2007) *The Vertigo of Late Modernity*. London: Sage.