

QUICK READ SYNOPSIS

Democracy, Crime, and Justice

Special Editors: SUSANNE KARSTEDT
Keele University
and GARY LAFREE
University of Maryland

Volume 605 of
The Annals of The American Academy of Political and Social Science
May 2006

Prepared by Herb Fayer, Jerry Lee Foundation

Democracy and Crime: A Multilevel Analysis of Homicide Trends in 44 Countries, 1950 to 2000

Gary LaFree, University of Maryland, and Andromachi Tseloni, University of Macedonia

Background

This paper looks at the connection between democratization in the second half of the twentieth century and the rise of violent crime rates.

- The civilization perspective predicts violent crime rates will decline along with the civilizing effects of democratization.
- The conflict perspective predicts that violent crime rates will increase along with the brutalizing effects of the market economies that accompany democratization.
- The modernization perspective predicts that violent crime rates will initially increase with the transition to democracy, but then decline as democracies mature.

Note: This analysis of data from 44 countries shows the most support for a modernization perspective. However as predicted by the conflict perspective, the homicide rates gradually increased for full democracies. This last finding must be tempered by the fact that no study has specifically examined these connections for a large sample of countries.

Civilization Perspective

Violent crime research seems to challenge the civilization perspective when looking at democratization in Europe, Latin America, and Mexico.

Conflict Perspective

Conflict theorists argue that the capitalist market economies have raised violent crime rates by increasing inequality, unemployment, and social misery, both within and between countries.

- As the economic gap between the industrial haves and have-nots widens, poverty, slums, and unemployment rises.
 - The growing reach of global markets creates a fluctuating surplus population of unemployed and underemployed workers.
 - In peripheral countries there is increasingly a shortage of decent housing, an absence of basic social services, and a lack of living wages, all of which drive crime rates up.
-

Modernization Perspective

In the modernization perspective, crime results when modern values and norms come into contact with and disrupt older, established systems of role allocation and weaken traditional support mechanisms.

- These basic processes have been linked to rising crime rates and other forms of deviance through a range of distinct, but closely related concepts including breakdown of rules, social disorganization, deprivation, tension, and negative relations with others.
 - However, it may be the case that prior cross sectional studies have not offered the most appropriate test of the modernization perspective.
 1. As countries transition from traditional to modern, they experience changes that weaken their social control mechanisms and make their normative guidelines ambiguous.
 2. LaFree and Drass find considerable support for a modernization perspective in their longitudinal studies of homicide rates in 34 nations from 1956 to 1998.
 - While no prior research has explicitly examined the possibility that transitioning democracies will experience elevated levels of violent crime that will then later diminish, there is some support for such a relationship between democratization and other types of crime.
 - In support of the modernization perspective, the study shows that a shift from an autocratic to a transitional democratic regime produces a significant increase in homicide rates.
-

Theory Challenges

The finding that the longer a country remains democratic, the higher its homicide rates, challenges the usual way that modernization is expected to explain crime rates over time.

- Once a country achieves modernization with a fully democratic political system, modernization theory does not predict that its violent crime rates should continue to increase.
 - The above outcome is more in keeping with conflict explanations that see increasing crime rates as an inevitable correlate of unregulated market economies.
 - The direct test of the democracy scale best supports a modernization interpretation, while the more direct test of stability of homicide rates for full and transitional democracies over time is supportive of a conflict perspective.
-

Crime Rates

Compared with industrialized societies, industrializing societies are more likely to experience rapid crime increases because the transition from traditional to modern society is associated with a breakdown of the normative order characterized by growing social disorganization.

- This raises the possibility that social disorganization, not modernization, drives crime rates. The extent to which highly modernized countries have low levels of social disorganization varies.
- Thus, fully democratic societies may enjoy many characteristics associated with low crime rates, but at the same time they may well develop characteristics associated with rising crime rates.

- The research suggests that whatever these criminogenic characteristics are, they generally increase over time – conversely, it may also be the case that some countries that score relatively low on democracy indicators may nevertheless have low levels of social disorganization.
-

Conclusion

This research provides the following conclusions:

- There is little support for the civilization prediction that crime rates will gradually decline with the “civilizing” spread of democracy.
- As predicted by the conflict perspective, violent crime rates of full democracies have increased during the period spanned by the data.
- Contrary to the conflict perspective, fully democratic countries do not have, on average, higher homicide rates than other countries.
- As predicted by the modernization perspective, countries transitioning between autocracy and full democracy have the greatest increases in homicide rates.

Note: The results suggest that concern about crime in transitional societies is not overreaction, but that if transitional democracies can continue to move toward full democracy, their crime rates may begin to decline. Nevertheless, attaining full democracy does not permanently solve national crime problems.

Democracy, Values and Violence: Paradoxes, Tensions and Comparative Advantages of Liberal Inclusion

Susanne Karstedt, Keele University

- Background** Democracies represent a way of life that is almost by definition non-violent. Democracies are committed to non-violence with a way of life that ensures non-violent means to share power between communities with widely differing values and beliefs.
- Contrasting with this ideal conception, the second half of the twentieth century was characterized by two global trends.
 1. An unpredicted extension of democratic regimes.
 2. A simultaneous rise in the levels of violence and violent crime.
 - This paper explores the seeming paradox and gap between the ideal and the reality of democracy.
-

- Trends in Democracies** Three trends contributed to the increase in violence during the second half of the twentieth century.
1. Interpersonal violence increased in the course of the process of democratization in Eastern Europe and Latin America.
 2. Increasing ethnic rebellion and violence coincided with ostensible democratization in the southern and later in the northern hemisphere.
 3. Since the 1960s, violent crime in the established western democracies considerably increased as it seemed democracies had lost their capacity to contain interpersonal violent crime.
-

- Questions** The above trends clearly challenge any ideal conception of democracy as inherently non-violent and raise some questions.
- Are democracies criminogenic producers of criminal violence?
 1. They appear to have high levels of individual and collective violence in contrast to more autocratic regimes.
 2. However, it seems equally possible that democracies return to lower levels of violence than autocratic states, even after periods of mounting violence.
 - Are the institutions of democracy and their citizens normally peaceful habits so fragile that democracies can quickly turn toward violence?
-

- The Deficiency Perspective** Common to the analyses of violent crime in rising democracies is a deficiency perspective that violent crime is the result of deficiencies and maladjustments that arise during the process of democratization.

- In addition, this perspective attributes the rise of crime and violence to genuine deficiencies of democracy, and consequently as disadvantages when compared with autocratic regimes.
- The liberties democracies provide, the inequality they produce, and the diversity of beliefs and patterns of behavior lack the tight social control of autocracies.

However, the deficiency perspective is misleading as it overrates the impact of democratization and underrates the effect of de-autocratization. Transitions *toward* democracy tend to be mainly defined by its final goal – namely the establishment of democracy. Transitions are also transitions *from* authoritarian and autocratic states, and the waves of crime and violence during the transition period might be equally seen as a legacy of the autocratic past.

← - - - Formatted: Bullets and Numbering

The Vulnerability Perspective

The vulnerability perspective, contending that democracies, their institutions, and practices are fragile and easily destroyed, has mainly been developed in relation to ethnic violence.

- Ethnic cleansing and ethnic violence dramatically increased during the recent waves of democratization – seen as the dark side of democracy.
- This slide into ethnic violence occurs through the perversion of either liberal or socialist ideals, because these are geared toward ethnic homogenization and inclusion.
- According to Mann (2005), democracies are particularly vulnerable to violence and violent crime in multi-ethnic environments.

The Surplus and Imbalance Perspective

The perspective developed in relation to the increase of violent crime in mature western democracies combines two arguments.

1. In mature democracies it appeared that specific democratic values and practices had become too dominant – the surplus perspective, and
 2. Had spiraled out of control or were not properly balanced by institutional regimes – the imbalance perspective.
- Both a surplus of democracy and a lack of balance were held responsible for steeply rising rates of violence in mature democracies.
 - Among the likely causes were individualism, individual autonomy and the related values of self-expression.
 - Rampant market and consumer individualism had spiraled out of control, had diminished self-control, and destroyed patterns of informal social control.

Note: Thus a surplus of core democratic values and the forces unleashed by democratic practices had set western democracies on a path to violent crime.

Causes of Violence

The increase of violence coincided with a decline in the public's trust in government as well as a decline of trust in institutions.

- Part of this process was a loss of legitimacy of vital institutions of democracies like the education system, the system of social welfare, and the criminal justice system.
 - Both the vulnerability and the surplus-imbalance perspectives point toward built-in mechanisms in democratic regimes that impact on their capacities to contain and restrict interpersonal violence.
 1. They attribute this neither to deficiencies of democratic institutions and practices nor to the presence of non-democratic practices.
 2. Instead, the very institutions, practices, or values of democracy are seen as encouraging violent crime and specific dynamics that impact on their capacities to restrict crime.
-

Liberal Inclusion

“Civil society” is seen as a necessary condition for effective liberal democracies as it counterbalances state and majority power by complex relationships among the citizenry, establishes the dominance of choice and produces trust among citizens

- Liberal democracy is a project of inclusion of a plurality of people, classes, values, and practices.
 - Democratic societies have to deal with the tensions that arise from inclusionary values and practices on the one hand, and from recognition of plural interests, values, and differences of class and ethnicity on the other.
 - Democracy recognizes and encourages the integration of individual choice, autonomy, and diversity. These attributes help explain the links between democracy and violence, and constitute democracy's comparative advantage and disadvantage vis-à-vis repressive, autocratic regimes.
 - Democracy offers citizens opportunities for deviant and dangerous behavior, and simultaneously reduces their desire to do what democracy allows them to do by establishing common and shared values and procedures that ensure the exertion of individual rights.
-

Liberal Inclusion and Violence

As far as democracies rely on and enhance a particular value pattern through their institutions – individualistic and egalitarian values, as well as higher levels of trust and tolerance - the level of violence should be, in principle, lower within democratic societies.

- Democracies, however, carry with them the possibility of high levels of violent conflicts – individual and collective violence – when built-in tensions within democracies reach high levels.

- This will happen when:
 1. Individualistic values of autonomy, self-expression, and self-assertion are not balanced by inclusionary mechanisms and sufficient mechanisms of social control.
 2. When structural inequality is high and thus egalitarian values are violated, when parts of the population are denied fairness and justice, and when exclusionary processes affect specific groups of the population.

Comparative Advantages and Disadvantages of Democracy vs. Autocracy

Democracies and autocracies have both *comparative advantages and disadvantages* in their capacities to contain violence.

- Strong comparative advantages for democracies are: their dominant value patterns of individualism and egalitarianism; practices that generate trust and civic engagement; and welfare institutions, the rule of law, and procedural justice.
- Democracies have strong comparative disadvantages which include: expressive values not balanced by self-control; a lack of social control practices; and imbalances either between their institutions or between values and structure.
- Strong comparative advantages of autocracies include: values of welfare solidarity; practices of pervasive social control; welfare institutions, and social control through corporatism.
- Comparative disadvantages for autocracies arise from the dominant value pattern of authoritarianism, the practices they typically impose and the institutions through which they govern.
- Strong comparative disadvantages for autocracies are: collectivistic, authoritarian, and non-egalitarian values; practices of arbitrary treatment of citizens, and the resulting legal cynicism, lack of trust, and violent social control; and institutions based on the rule of power.

Note: Democracies that accumulate comparative disadvantages in the form of high levels of tension and imbalance should generally have higher levels of violence than other democracies or autocracies. Authoritarian regimes might be more successful in keeping tensions under control, and accordingly have lower levels of violent crime.

Transitional Democracies

Transitions from autocracy to democracy combine the comparative disadvantages of both autocracies and democracies, which push violent crime to the high levels that typically accompany the transition phase.

- When the grip of the authoritarian regime loosens, the social instability produced during the preceding period of autocracy erupts in violent conflicts and a wave of violent crime.

- Democratic values and practices that are capable of constraining violent crime in more mature liberal democracies are not yet firmly established, and the transition produces high levels of tensions and institutional imbalance in the fledgling democracies.
-

Is there a comparative advantage of democratic values?

Comparative Advantage of Democratic Values

The development of core democratic values like individualism and egalitarianism appear to offer a comparative advantage to democracies in maintaining low levels of violence.

- First, the more that countries adopt individualistic and egalitarian values, the lower their levels of lethal violent crime, though egalitarian values do not achieve this without egalitarian structures.
 - Second, strong democratic institutions produce strong democratic practices and values, and both are related to lower levels of violence.
 - Third, high levels of violent crime are found in autocracies, which mostly have collectivistic and authoritarian values.
-

Comparative Disadvantage of Democratic Values

If economic discrimination prevails in democracies, the tensions between egalitarian values and actual discrimination generate higher levels of violence, pointing to comparative disadvantages of democracies.

The clustering of collectivistic and authoritarian values as well as of structural inequality within autocracies indicates strong tendencies of enhancing cultural and structural inequality, which generate the higher levels of violence observed for these societies. But these same patterns and practices provide a comparative advantage for autocracies in containing violent crime in the case of high economic discrimination.

- The core values of democracies created comparative disadvantages for mature democratic societies in restricting violent crime in three ways:
 1. Egalitarian value patterns in mature democracies were confronted with rising social inequality and, in particular in the democracies in Europe, with increasing levels of economic discrimination through the influx of many immigrants.
 2. Market individualism was not balanced by welfare and other institutions.
 3. As individualistic value patterns shifted toward more extreme forms of self-expression and hierarchical self-interest in mature western democracies, patterns of control were loosened and vital social bonds dissolved.

Conclusion

Democratic values have a high potential to realize their comparative advantages in restraining violent crime if they are fostered by democratic practices and institutions; they risk however turning these advantages into comparative disadvantages.

Democratization and Political Change as Threats to Collective Sentiments: Testing Durkheim in Russia

William Alex Pridemore, Indiana University, and Sang-Weon Kim, Dong-Eui University, South Korea

Background

This paper is about how the authors tested Durkheim's (1979) hypothesis that rapid social change leads to societal deregulation and anomie (instability), and thus to higher homicide rates.

- Previous studies focused on the effects of socioeconomic factors and did not consider political characteristics.
 1. Theory and empirical evidence suggest it is unwise to ignore such issues.
 2. Recent studies show how political features of a society can influence not only the structure of its criminal justice system but also its rates of interpersonal violence.
 - Distinct from the effects on violence of rapid social change, Durkheim argued that during periods of acute political crisis, interpersonal violence will increase due to the threat to collective sentiments posed by the crisis.
 - The authors believe that the collapse of the Soviet Union and its transition toward democracy provided a unique opportunity to test Durkheim's hypotheses.
-

Durkheim

Durkheim's two main theses about homicide were that homicide rates would decrease as (1) the "religion of humanity" (i.e., respect for the individual) became stronger and (2) collective sentiments weakened and became fewer in number over time, with the latter being more important than the former according to Durkheim.

- Durkheim argued that the rate of change was important, that rapid change would lead to an anomic division of labor, social deregulation, and a greater number of anomic homicides.
 1. Karstedt (2001) confirmed the above when she showed that nations that exhibited stronger collectivistic relative to individualistic norms had significantly higher homicide rates.

- Durkheim was clear that sentiments inspired by the collective (like the “cult of the state”) are stimulants to murder, which is why political beliefs often in themselves carry the seeds of homicide.
 1. Where family spirit is strong, offenses against the family are regarded as sacrilege.
 2. Where religious faith is intense it often inspires murders as does political faith.
 3. Where political change and threats to collective sentiments are generally present, areas experiencing greater change in political faith should be those where homicide rates increase.

Note: While Durkheim spoke of threats to collective things, the type of violence he expected was not group-related or organized violence to protect the collective, but rather unpremeditated murder. The authors tested this aspect with data on interpersonal violence, not group-related violence.

This Study

This study tested the short-term aspect of Durkheim’s hypothesis related to threats against collective sentiments in the sudden collapse of the Soviet Union in the 1990s.

- Swift political change represented a political crisis.
- The transition toward democratization and marketization represented a clear departure from and threat to the Soviet state and all it represented, and from deeply seated cultural traditions that privileged the group over the individual.
- The study looked at the hypothesis that political change represents a threat to collective things, which should incite passions and thus increase homicides. Specifically, the study tested the hypothesis that regions in Russia facing greater political change would have the greatest increase in homicide rates.
- The results of the study indicate support for the hypothesis.

Note: In Durheimian terms, the homicides due to deregulation resulting from rapid socioeconomic change would be labeled anomic and those resulting from political change would be labeled altruistic, since the latter result from threats to sentiments about the collective.

Formatted: Indent: Left: 0.5"
Formatted: Bullets and Numbering

Rate of Change

The political break in Russia could hardly have been swifter or sharper, and the shock therapy that instituted market reforms was radically at odds with the former centrally planned economy.

- These profound changes, together with the dramatic and publicly visible events of the time, by their very nature represented a direct assault and break from the past.
- If there is slow evolutionary change it allows strong sentiments to dissipate, erode, and be replaced, thereby leaving the original sentiments to fade into the past.

- In rapid change, however, the collective things are still present and the sentiments about them are still strong, thus perhaps leading to increased interpersonal violence via mechanisms described by Durkheim.
-

Results

The results of this study are more about the effects on changing homicide rates of rapid political change generally, and not necessarily democratization specifically.

- Karstedt notes that the failure to democratize, rather than democratization itself, is responsible for rising crime rates in several post-Soviet countries.
 1. She notes that things like distrust of the legal system and the failure to develop a functioning civil society are causes of crime.
 - Karstedt's work supports the conclusion that rapid change is the operative and not the transition to democracy
 1. However, it may be that becoming a democracy is a special situation that in the short-term leads to increased levels of crime.
-

Conclusion

The Russian homicide rate more than tripled between 1988 and 1994, and in 2000 it was still twice as high as it had been a decade before.

-
- Durkheim's overarching thesis should lead us to expect a decrease in violence in the long run because of the strengthening of the religion of humanity or moral individualism.
- Similarly, during gradual societal development, the weakening power of the collective, and thus the strength of passions and collective sentiments should lead to fewer homicides. However, short-term political crises or threats to the collective will incite passions that increase violence.
 1. Longstanding Russian cultural traditions included strong bonds based on collective sentiments and on the Soviet era, resulted in ideologically-rooted, exaggerated sentiments about the collective.
 2. These factors are bound to elicit heightened passions when threatened.
 3. The present study found support for Durkheim's hypothesis that rapid political change (i.e., political crisis) has effects on changes in homicide rates that are distinct from the effects of other social and economic changes.

Democracy and Intellectual Property: Examining Trajectories of Software Piracy

Nicole Leeper Piquero and Alex R. Piquero, University of Florida

Background

Intellectual Property (IP) lies in a unique position to aid in understanding the relationship between democracy and crime due to its important effect on economic activity for both individuals and nations.

- Democracy will relate to IP theft primarily because democratic countries produce large quantities of IP.
 - Such countries stand to benefit the most from laws against IP theft.
 - Because democracies are the driving force behind IP theft laws they are likely to exhibit fewer infractions.
 - This study focuses on software piracy--one of the fastest growing industries hard hit by piracy--with two goals:
 1. To identify distinct trajectories of software piracy of offending countries.
 2. To examine how these trajectories vary according to the strength of democratic institutions.
-

WIPO

The World Intellectual Property Organization (WIPO) contends that, “intellectual creation is one of the basic prerequisites of all social, economic, and cultural development.”

- WIPO says the lack of protection hampers individuals from freely creating and developing innovations.
 - Individuals need protection and incentives for continuing to advance ideas and innovations.
 - Obstruction to protection comes from weaker states which don't enforce IP laws because they receive few benefits, and they want to ensure the availability of products to their citizens, even if they are copies.
 - Many Asian nations say copyrights are a Western concept designed to create monopolies over the distribution and production of knowledge and knowledge-based products.
 1. These countries want access to new advances such as pharmaceuticals.
 2. They also have fundamental cultural beliefs that do not support the notion of protecting proprietary creative work.
-

Software Piracy

Of all forms of IP theft, software piracy has garnered the most research attention.

- As much as 50-90% of all software packages in use have been illegally copied.

- In some environments such as universities, the behavior has become socially acceptable.
-

Results

In this study all trajectory groups are decreasing in rates of software piracy.

- This may signal that adjustments are being made to this new technology and that eventually it may become fully regulated.
- The low-rate piracy trajectory includes mostly countries that are fully democratic, while the high-rate are less democratic with low GDP.
- Low-rate piracy countries have the highest personal computer ownership.
- High-rate piracy was in the countries with the lowest political and civil rights.

Note: These results were consistent with the author's hypothesis.

High-Rate Group Characteristics

What is it about the high-rate trajectory groups that lead them to evince very high software piracy rates?

- Cultural differences between east and west may contribute to differing views regarding IP rights.
 1. Western cultures stress individual freedoms and rights.
 2. Eastern cultures stress the importance of society as a whole over any single individual – they believe that advances should be shared with society for the greater good and not simply for individual profit.
 - These varying views contribute to the perceptual differences in not only how IP should be monitored, regulated and enforced, but also in motivational influences toward the advancement of knowledge and knowledge-based products.
-

Coercion of the Less Powerful

Some countries, primarily industrializing, less powerful ones, are being coerced by highly industrialized ones into abiding by IP laws.

- Countries with less power are being subjected to laws enacted by countries with more power.
 - From a conflict viewpoint, rich and powerful democratic countries produce large quantities of IP and as such benefit the most from laws against the theft of their IP property.
-

GDP and Democracy

What are we to make of the fact that GDP and democracy measures were both significant in the analysis?

- It appears that democracy matters above and beyond the level of GDP.
-

- Future Studies** Future efforts should strive to collect a longer time series of data for more countries.
- It would be interesting to examine how transitional democracies deal with software piracy and how they enforce IP laws.
 - Additional types of piracy may reveal different patterns compared with software piracy.
 1. Do high-rate software piracy countries also have high rates for other piracy?
-

- IP Protection** According to Alford, serious IP protection requires political and economic pluralism and independent legal institutions capable of vigorously enforcing citizens' rights.
- The problem in the high-rate countries is that citizens do not have much autonomy to develop and pursue their own ideas and the means to protect such interests from intrusion.
 - Freeman, however, argues that a revolution is flattening the world: All the knowledge centers of the world are connecting into a single global network.
 - Democratic countries seem to offer a buffer against software piracy, while non-democratic countries appear to exacerbate piracy by having restricted market access to certain products – this provides opportunities for exploitation of copyrighted materials to fill the void.

War Crimes, Democracy, and the Rule of Law in Belgrade, the Former Yugoslavia, and Beyond

John Hagan, Northwestern University, and Sanja Kutnjak Ivković, Florida State University

Background

The creation in the former Yugoslavia of the International Criminal Tribunal (ICTY) is an advance in the rule of law and arguably part of a larger process of the globalization of democratic norms.

- There is good evidence of the localized influence of cultural norms on ethnic and national group members in post-war crime settings.
 1. Serbs in Belgrade insist that war criminals be tried in their places of origin.
 2. Serbs in Sarajevo and Vukovar and others agree that war criminals should be tried where their crimes occurred.
 - The success of the ICTY in helping to reestablish the rule of law is seen as a precondition for reintegration of the states of the former Yugoslavia among the democratic nations of Europe.
 - Although there is consensus in Kosovo that the ICTY has an important role to play regarding war crimes, there is surprising agreement in both Sarajevo and Belgrade that offenders can now more appropriately be tried in local and national courts.
 1. A key reason is because judges at the ICTY are believed to lack political neutrality and independence.
 2. The ICTY receives the most support in Pristina, the city that was most recently in need of defense and least able to organize criminal proceedings itself, while the ICTY receives the least support in Belgrade, with Vukovar and Sarajevo in between.
 3. There is compelling evidence of localized cultural norms operating among ethnic group members in war crime settings
 - This paper explores support for the ICTY in comparison to local courts among the Serbs living in and outside of Serbia.
-

Milosevic

Slobodan Milosevic was the first sitting head of government to be indicted by an international tribunal, and his indictment played a significant role in his removal from elected office.

- For such a process to be successful in advancing democracy it not only must meet procedural standards, but also be widely perceived as meeting these standards by members of the public who identify with both the victims and parties accused of perpetrating these crimes.

Note: The ICTY may be viewed a substitute for military conflict, with court outcomes symbolically calibrating who are considered the defeated and defended through the sentencing of offenders representing former warring parties. This source of conflict may also make the respective parties especially sensitive to their perceptions of the justness of these court outcomes.

- Public Opinion** The judgments of the ICTY are helping to reshape the cognitive landscape of the former Yugoslavia.
- Surveys reveal a pattern of responses to the ICTY that range from high regard in Kosovo, through substantial minority support in Bosnia and Croatia, to rejection in Serbia.
 - In particular, it is not surprising to see the low approval in Serbian areas, arguing that “any historical account which punctures nationalist mythologies is likely to be rejected as long as a region is dominated by nationalist politicians who have irregularly denied responsibility for mass atrocities” (Wilson 2005).
 - Elsewhere in the former Yugoslavia the effect of being Serbian might be culturally diffused and mitigated by countervailing cultural beliefs and victimization experiences shared with the locally defended rather than the defeated groups.
 - Serbs in Belgrade are least supportive of the ICTY, not only for their own citizen’s cases, but also for the citizens of other jurisdictions in the former Yugoslavia – regardless of whether the defendant is of major or minor importance.
-

- ICTY Support** Conflicts associated with the institutional politics of liberal legalism of international criminal law threaten to undermine what in the comparative politics of the law literature is called “diffuse support” for the ICTY.
- Diffuse support is understood as conferring legitimacy and is rationally calculated in the sense that it can be diminished by bureaucratization decisions that conflict with majority opinion.
 - The above is true especially in transitional settings where new courts lack a historical embeddedness and are susceptible to legitimacy shortfalls, and on the other hand, are established as institutions of new nationalist governments, and thus enjoying support of the regime supporters.
 - In addition to the difference of historical longevity, there is also, in the international context, the pull of national sovereignty.
 1. It is the jurisdictional challenge to sovereign immunity that is the ultimate source of contention in the indictment of national military and political figures.

- Research on support for courts points to the importance of the perception of fairness of the criminal justice system – perceptions vary across the contours of the cognitive landscape in relation to individuals, groups, and places where perceptions of justice are formed.
 1. The work of the ICTY is not therefore likely to be seen similarly in different parts of the former Yugoslavia.

Conclusion

It seems likely that there is a predictable sequence to international efforts to restore the democratic sense of criminal justice in war crime settings.

- Ultimately settings and persons who have experienced major crimes by, as well as against, their people will wish to reclaim an indigenous role in the restoration of locally experienced justice.
- The challenge is to find a liberal legal balance between local, national, and international inclinations. Finding this balance is as much an empirical as an ideological matter, and it may inevitably involve conflict as well as consensus.

Law and Order in an Emerging Democracy: Lessons from the Reconstruction of Kosovo's Police and Justice Systems

Jeremy M. Wilson, RAND Corporation

Background Nation-building activities in post war countries require long-term prospects for democratic governance and stability, which rely on viable police, security forces, and justice structures.

- The author examines how well the UN and others have established stability and rule of law in Kosovo following combat in 1999.

Security Challenges Among the security challenges to overcome, three are particularly important – organized crime, corruption, and ethnic conflict.

Security Model The model used to evaluate the process of reconstructing internal security depicts success in achieving stability and rule of law as a function of three issues: initial conditions, internal security inputs, and outputs as seen below.

Initial conditions Initial conditions are those prevalent at the beginning of reconstruction – at least four of these significantly affect reconstruction of internal security.

1. A functioning central government.
2. Existence and effectiveness of security forces.
3. Effective justice system.
4. A peace agreement or formal surrender.

Internal Security Inputs Critical internal security inputs in the model include the external means for providing security and stability.

1. The number and type of intervening troops affect how well the new security structure can deter insurgents, patrol borders, secure roads, combat organized crime, and conduct law enforcement.
2. Financial assistance for training and equipment, ministry and court administration, and building infrastructure.
3. The duration of assistance is important and is probably needed for at least five years.
4. Knowledge regarding the availability of equipment is necessary to ascertain if troops have the tools required for security functions.
5. Pre-war planning of what practices are best in their applicability to local cultures and requirements.

Outputs Outputs are the first-order results of the assistance program, which may include:

1. Indigenous trained troops, police, judges, prosecutors, etc.
 2. Police stations, courts, and prisons.
 3. Ex-combatants who have completed a demobilization, demilitarization, and reintegration program.
 4. Institutional development and reform of security ministries.
-

Measuring Outcomes

Outcomes of success include internal security functions that ensure stability and the rule of law.

- Without the ability to measure performance, policymakers lack adequate means for judging success and failure in ongoing crises and for making mid-course corrections.
 - Measurable outcomes include crime rates, levels of political violence and insurgency, and public perception of security and corruption.
-

UNMIK

The United Nations Interim Administration Mission in Kosovo (UNMIK) is organized around four pillars: humanitarian assistance, civil administration, democratization, and reconstruction and economic development.

- UNMIK'S CIVPOL (Civilian Police) was formed to establish law and order and to develop, implement, and ultimately transfer responsibilities to a professional Kosovo Police Service.
 - UNMIK's Penal Management Division has restored four detention facilities and two prisons in order to incarcerate offenders and improve security.
-

KFOR

In 1999 an international security force was deployed called KFOR to ensure a safe environment that would facilitate the return of refugees.

- KFOR maintained responsibility for conducting patrols, maintaining public order, crowd control, information gathering, antiterrorism, and intelligence gathering on organized crime.
-

Kosovo's Challenges

This review noted some challenges to the development of Kosovo's security and described ways in which UNMIK has addressed them.

- Perhaps the most vexing security threat is ongoing interethnic strife
 1. A key way that this has been addressed is with a multiethnic criminal justice system.
 2. There is a need for an unbiased judiciary that includes Serbs.
 3. The above suggests that future reconstruction efforts should pay attention to the equity and effectiveness of all institutions charged with law and order responsibilities.

- A multiethnic police and justice system may help establish a more equitable application of law, but it will not resolve interethnic differences by itself.
 - It is also important to address the underlying causes of unrest
 1. Establishing a peace treaty among conflicting parties is a first step in resolving conflict.
 - It's important to ensure that the military is available to assume public security responsibilities, but there is an immediate need for a strong civilian police force.
 - It is important to gather data to be used to measure program success and managerial performance.
 1. Operations can be improved if decision-makers couple data collection plans with their operational objectives.
-

Future

Planning for future operations based on past experience can help reduce the overall trauma associated with these complex and important efforts. Plans should include:

- Protecting citizens from all forms of crime.
- Making a safe and secure environment to ease other nation-building activities and the transition to democracy.
- Building public trust in police and justice institutions to help gain public support for democracy.

The Right to Unionize, the Right to Bargain, and the Right to Democratic Policing

Monique Marks and Jenny Fleming, Regulatory Institutions Network (RegNet) at the Australian National University

Background

If police are expected to defend democracy, they should not be denied the basic democratic rights such as the right to collective bargaining and the right to freedom of association.

- Police unions, through networking with other social justice groups and through encouraging democratic practice, constitute a forum for the protection of democratic policing.
 - For this potential to be reached, police unions need to identify with broader labor movement trends toward community unionism.
 - The social and labor rights of the police are often constrained by regional, national, and international regulatory frameworks.
 - Like other trade unions, police unions can be narrowly self-interested, focusing on workplace improvement and status enhancement.
-

Trends in Unionism

Trade unions have both the potential to advance social justice, but also to be narrowly concerned with their own vested interests, which in recent years has been the case more than that for social justice.

- The challenge is for unions to redefine their role as a “sword of justice” for two reasons:
 1. It provides an opportunity for much-needed revival.
 2. It will increase their capacity to mobilize a broad range of civil society actors in pursuit of their public interest agendas.
 - An increasing number of unions, although too few, are democratizing internally, engaging in issues of economic and social justice for others as well as for themselves.
 - Unions may break out of their bureaucratic conservatism to implement new programs through strategic reengagement with community-based groupings. This trend in trade unionism has come to be known as community unionism.
-

Police Unions

Police unions are often viewed as disruptive entities within highly disciplined organizations.

- Policing scholars have condemned them as obdurate organizations.
- Politicians regard them anxiously as powerful interest groups able to (improperly) influence public perceptions and voting patterns.
- Even supporters object to the often conservative content of their policy proposals.

- Police unions have taken on the character of “business unionism” where union reps spend most of their time promoting members welfare and supporting them in disciplinary hearings or legal matters.
- Police involvement in decision making processes has led to a weakening of management powers, thereby creating more participatory and democratic processes.

Note: For the most part, though, the democratic impetus of police unions is seldom recognized in the literature, and yet a number of police unions have taken the lead in promoting more just and effective policing.

Perhaps the best examples are the Police and Prisons Civil Rights Union in South Africa and EUROCCOP, an association of police unions across Europe.

Police as Citizens

Police must be treated as “citizens” if we expect them to behave democratically toward other citizens.

- The fact that police are citizens means they have the rights, privileges, and benefits of citizenship.
 - Police as citizens have rights to decent service conditions, to form employee representative organizations, and to engage in collective bargaining.
 - Police managers have attempted to shift toward more corporate and participatory management styles as police managers have come to recognize the value of rank and file participation by individual police.
 - Through collective representative organizations like unions individual police can be informed and heard, be involved in co-determination processes, and can negotiate important decisions.
 - Police are more likely to respond toward the public in democratic and fair ways if they themselves have democratic benefits
-

Other Union Roles

Police unions can play a number of other positive roles in furtherance of democratic policing.

- They can serve as a check against bureaucratic usurpation.
 - They can pose a challenge to the traditionally austere atmosphere of public police agencies.
 - Through collective bargaining, they serve to restrict the unilateral decision-making of police management.
-

Road Blocks

Where collective bargaining and freedom of association are prohibited, the argument is that access to such rights will negatively impact on the operational efficiency of police.

- In these countries, government and police management argue that awarding rights to collective bargaining and freedom of association will diminish discipline and emasculate the chain of command.

- Police unions are most likely to be present in countries where:
 1. Collective bargaining and freedom of association are recognized.
 2. Liberal or progressive ideologies dominate.
 3. Social movement organizations operate freely.
 4. Hierarchical bureaucratic traditions with police organizations are challenged.
 - The countries in which police are denied basic labor rights are usually emerging democracies, weak states, or ruled by authoritarians.
 1. Police in these countries often turn to police unions in nearby countries for assistance.
 2. They also have looked for support from bodies such as the ILO.
 - The ILO, as the international labour regulatory body, stipulates through its conventions that the police and the military are not automatically awarded the rights to collective bargaining and freedom of association.
 1. Authority in determining police labour rights is relegated to nation governments with negative outcomes for police in emerging democracies and authoritarian states.
-

**Defining Police
as workers**

A question remains – are police like other workers?

- On one hand their condition and experience may incline police employees toward unionism in their labor intensive industry.
- On the other, police identities are profoundly shaped and reproduced through public symbols and icons that represent them central to order and security with allegiance to management.
- The extent to which police unions identify with the trade movement is contingent on historical issues of the trade union movement, union leadership, police sub-cultures, labor law, labor regulations and types of networks police unions are part of.
- Police unions are likely to look toward the labor movement as a source of support and inspiration for their tactics – this relationship may require police to adopt a stronger union-community approach.
- They may have to join with other public sector unions and be more accountable and provide professional service delivery. They would then have to demonstrate they are more equitable, more democratic and more professional than private police.

Note: The future challenge of police unions will be to find a balance between responding to traditional industrial concerns and promoting democratic policing and social justice agendas.

Conclusion

The right to join police associations/unions and to engage in collective bargaining is increasingly viewed as a basic right of police members.

- The challenge for police unions is to align their rights with the democratic rights of those they police and to promote professionalism.
- In current academic and police discourse democratic policing means making the police answerable to democracy, not bringing the benefits of democracy to police officers.
- Public response when police have acted undemocratically is that police should be reigned in and made more accountable.
- Awarding police their rights could facilitate the further demonstration of democratization of policing.
- Through their labor organizations and collective bargaining processes police can develop skills in problem solving and negotiation which are viewed as key in democratic policing.

Note: The challenge is not only directed at police unions, but also at international regulatory organizations and scholars of the police to seriously engage with police unions so such organizations are able to contribute positively to debates on the future of policing and the realization of democratic citizen frameworks.

Policing, Recognition, and Belonging

Ian Loader, University of Oxford

Background

This paper looks at how policing institutions contribute to the production and flourishing of the values and practices of democracy.

- It looks at how police pursue crime control and social ordering tasks in ways that recognize the legitimate claims of all individuals and groups affected by police actions and affirm their sense of belonging to a democratic political community.
 - It looks at the institutional mechanisms required to ensure that considerations of equity and democracy are in place at the same time as the competing demands for order.
-

Ambient Policing

- In Britain, Martin Innes discusses four techniques and purposes that underpin what is now known as “reassurance policing,” a variant of what the author calls “ambient policing”:
 1. Reduce the social distance between police and the public.
 2. Meeting public needs and responding with proactive, multi-agency, problem-solving interventions.
 3. Creating an extended “police family” that seeks to place the police in a position of security provider and regulator.
 4. Altering neighborhood conditions and the ways in which problems are interpreted by individuals.

The author sets out three problems with ambient policing:

- It implausibly assumes that demands of consumers or citizens for particular styles and levels of policing can be met.
 - Ambient police strategies tend to efface questions to do with public consent to and the regulation of, police power .
 - These policing strategies risk making security a pervasive feature of social and political life.
-

Pervasive Security

Security may be said to be pervasive when it becomes the prevailing discourse for understanding and acting upon social problems.

- Pervasiveness occurs when police institute “tough policing” to protect “us” from “them” and colonize public life and policy.
- There is a call for unhindered action, speed, and visible display of public authority which produce deepening levels of intolerance towards minorities and calls for the curtailment of basic rights.
- When security practices and discourse take this form, one can usually be sure that individuals are, in fact, feeling insecure.

- The practices of pervasive insecurity do little to confront the conditions generating that insecurity and a vicious circle begins.
-

Policing in Democratic Societies

Security has to do with the levels of trust in one's environment and the measures put in place to ensure the safety of person and property.

- Security depends on their sense of attachment to, and confident, effortless membership of, a political community.
 - This sense of belonging flows from the experience and expectation individuals have that institutions recognize their rights, entitlements, and loyalties.
 - More than a matter of material risk, security has to do with the resources available for managing the unease that the risks present in their environment can generate.
 - Two things follow from this kind of thinking:
 1. No helpful distinction can be drawn between "material" and subjective aspects of security.
 2. Democratic policing supplies a vital component of the resources of secure belonging.
-

Police Actions and Meaning

State policing routinely produces and communicates an array of authoritative social meanings.

- In so doing, it operates in ways that shape the way people think, feel, and act in relation to problems of crime and disorder, their causes and effects.
 - Policing also operates as a mediator of collective identity, about whose voices are to be heard or silenced, whose claims are to be judged legitimate and in what ways individuals and groups belong.
 - The police are, in short, both minders and reminders of community.
-

Fostering Insecurity

Policing institutions are often oriented to maintaining dominant societal interests and values in ways that foster and reproduce insecurity among members of economically and socially disadvantaged groups.

- Policing institutions have been elevated to revered national symbols, such that they become the object of uncritical devotion from certain majority constituencies.
- Police are historically implicated in ways that expressly denigrate or misrecognize minority populations.
- This creates an environment conducive to acts of material violence toward minority groups.

- These groups' commitment to common democratic institutions is then undermined.
-

Fostering Security

- The opposite conditions can exist if police perform their duties in ways that sustain the conditions of a democratic common life in which the security of all individuals and groups can best flourish.
 1. Human rights and controls on police power and arrangements for the democratic governance of policing agencies are both vital to public security.
 2. Policing agencies cannot become conduits for majority concerns and demands attuned only to the claims of the wealthy, active, noisy, well-connected, or well-organized.
 3. Any policing entity that is to contribute to meaningful public security has to confront routinely its relations with disadvantaged groups.
-

“Deep” and “Narrow” Policing

The contribution policing makes to security is “deep” insofar as it can and does provide individuals with a powerful token of their membership of a political community that affords them resources to manage and feel relatively at ease with the threats they encounter in everyday life.

Policing contribution to security is “narrow” insofar as it does require ever greater numbers of police to be displayed in front of, or known to, the citizenry. Policing institutions contribute to security and to the getting and keeping of democracy as constrained, reactive, rights-regarding agencies of minimal interference and last resort.

Axiomatic Security

The conditions of axiomatic security are not found in late modern societies that evince marked economic and social inequalities coupled with heightened levels of public consciousness toward crime. In these settings, the project of making security axiomatic confronts social relations and media and political cultures in which security has become pervasive as well as the vicious circles that surface when social and political life assumes this form.

The Vicious Circles

Two vicious circles warrant particular attention.

1. **Authoritarian spiral** – individuals make demands for tougher anti-crime measures. Once these are in place it becomes difficult to create the political and cultural conditions wherein the pace of such measures can be slowed or reversed.
 2. **Fragmentation spiral** – individuals who feel insecure tend to search for alternative security solutions by using things like citizen patrols or hired guards and security hardware, thereby undermining their support for general security.
-

Breaking the Circles

How can these circles be broken?

- We need to spell out the regulatory functions that the state is alone or best equipped to enact in respect to producing forms of policing that recognize the security claims of all citizens, and respond to them in ways that sustain their sense of belonging.
- The state is best equipped to act as a meta-authority in ways that coordinate the allocation of policing resources, ensure that all policing agencies answer to democratically negotiated priorities, and call such agencies to account for their performance.
- We require institutional processes that search for and include every relevant candidate for determining how security resources can be distributed in ways consistent with it being a public good and remove claims that cannot reasonably be in the common interest – giving all citizens parity of participation.
- The task is to engage citizens in public dialogue about policing in ways that enable them to see the security and political freedom of everyone is more likely to be nurtured through common deliberation than by pursuing their own safety as individuals or by clubbing together with others in like circumstances, or falling for the seductive promises of strong, superficially responsive rulers.
- This must appeal to and mobilize those motivational feelings of belonging to a common political community, and strive for the forms of minimal, rights-regarding policing that can underpin the confidence individuals draw from being recognized as part of the “common public culture.”

Policing Uncertainty: Countering Terror through Community Intelligence and Democratic Policing

Martin Innes, University of Surrey

Background

Concern is growing about the extent to which terrorist violence can negatively impact upon democratic order and the routines of civil society.

- As terrorism-induced uncertainty amplifies a wider “ambient insecurity” stemming from everyday experiences of crime and disorder, a veneer of security is increasingly difficult to preserve.
- Terrorism can also amplify social divisions based upon ethnicity and faith, keying into wider concerns of community cohesion.
- The response to terrorism in democratic states increasingly encompasses managing a range of potential harms.

Note: This article provides a case study of the UK police response to al-Qaeda’s jihadist terrorism. There is concern whether established methods for generating intelligence are suitable to deal with the new risks posed by a morphing, fluid and de-centered al-Qaeda.

Neighborhood Policing (NP)

One possible solution for collecting intelligence is to enhance a system of local Neighborhood Policing (NP) giving communities a degree of direct democratic influence over how they are policed.

- NP officers will be well positioned to build interpersonal trust with members of Muslim and other minorities to gather intelligence.
 - NP processes can be used for detecting the subtle indicators of suspicion that people may develop about activities in their community.
 - Such moves may be more effective and ultimately less damaging to democratic traditions than extending covert policing methods.
-

Role of Local Police

Given the new risks and threats faced, the role of local policing in counter-terrorism activity needs to be enhanced.

- Police need to identify potential threats and locations where terrorists and their support groups are located.
- They must manage public fears through reassurance-oriented perceptual interventions to mitigate the harms of terrorism.
- They need to be able to deal with the fact that terrorist incidents can enflame community tensions, causing other crimes, increasing disorder, and affecting community cohesion.
- A significant intelligence deficit exists in terms of defining and understanding the threat posed by affiliates of al-Qaeda residing in Western countries.

Note: There are questions about whether the architecture of current intelligence systems is suited for responding to the emerging situation.

National Intelligence Model (NIM)

During the 1990s, under the auspices of intelligence-led policing, police agencies were encouraged to improve their efficiency and effectiveness by adopting proactive methods.

- In the UK the National Intelligence Model (NIM) was introduced to provide a national framework for how police acquire and process data.
 - The NIM was intended to connect information flows and exchange between “high” and “low” policing agencies.
 - Criticisms of NIM include:
 1. It focuses efforts on particular recurring individuals and problems, meaning police are less effective at locating new threats.
 2. An over-reliance on information from “professional” informants at the expense of other community intelligence available from ordinary members of the public.
-

Community Intelligence

Whereas criminal intelligence concerns particular individuals, and crime intelligence particular incident types, community intelligence helps build a contextual picture of risks.

1. A network of community intelligence contacts provides a way to maintain surveillance over groups and communities that are especially hard for police to penetrate.
 2. The whole community gets involved in expressing their concerns and how they are addressed.
- Community intelligence aids understanding of a community’s make-up and any inter- or intra-community tensions that exist.
-

The New Kind of Terrorist

For groups like al-Qaeda, based upon largely autonomous, disparate cells successful penetration of one cell may not yield much intelligence on others.

- In the past, groups like the IRA provided warnings about attacks, while al-Qaeda operatives give no warning and do not expect to be alive after launching their attack.
 - This shift of methodology alongside the change in their organizational structure has made it difficult and uncertain for police agencies in countering terrorist threats.
-

Strategic Contacts

Some units within the UK police now form “strategic contacts” with community leaders and opinion formers from strategically important groups.

- The purpose is twofold:
 1. To develop a community intelligence feed about the activities of individuals and groups of interest to the police.
 2. To disseminate information to these communities to counteract rumors.
 - Unlike more traditional forms of intelligence work, strategic contacts are overt.
 - Success depends on building interpersonal trust.
 - For the community representatives, they offer a chance to influence the style of policing they receive.
 - These relationships work through a form of “soft power” using persuasion, negotiation, and other subtle influencers.
-

Strategic Engagements

By identifying individual members of particular communities as leaders, police are seeking to establish contact with people who can help accomplish their objectives.

- One difficulty is establishing who really represents a community’s views.
 - Another concerns whether community leaders are really in touch with those at risk of alienation and radicalization.
-

Local Democracy

Under rollout of NP officers are assigned to specific neighborhoods and tasked to engage with those who can help generate community intelligence on the key collective problems affecting security.

- Once a profile of local problems is assembled, all local people are given an opportunity to vote on their priorities for police action.
 - The neighborhood police must then address these problems.
 - The integration of rudimentary democratic mechanisms is a marked departure from normal police activity.
 - This process provides a greater sense of ownership and control in terms of how individual communities are policed.
 - Any benefits in improving public trust are particularly important where relations with police have been historically difficult, which would include many Muslim communities.
-

Terrorist Activity Indicators

The architecture of the NP system can be harnessed to establish the presence of suspicions about political terrorist activities.

- Indicators for terrorist activities are often subtle and may not be known to any one individual, but rather shared between several.
- Individuals may each only have snippets of information that, when combined, provide a more substantial picture.

- The particular strength of the NP approach is that it can gather terrorism intelligence as a function of working to address more routine neighborhood security concerns.
 - NP processes complement existing intelligence channels, overcoming a diffusion of information by developing indicators of suspicion that the police should examine more closely.
-

Conclusion

Given the long history of difficult relations between many minority communities and the police, only “thin trust” can be developed and it must be sensitively managed.

- Despite its difficulties, NP is an approach that, when compared with the alternatives, is more coherent with the key values of the liberal democratic tradition.
- This is notable given that the violence enacted by al-Qaeda is intended to destabilize and undermine democratic processes.
- It would seem that democratic principles mediated through the institution of policing may provide a mechanism to effectively counter those who would seek to use violence to disrupt and destabilize democratic order.

Civil Democracy, Perceived Risk and Insecurity in Brazil: An Extension of the Systemic Social Control Model

Corinne Davis Rodrigues, Federal University of Minas Gerais

Background

Many of the newly re-democratized countries in Latin America face growing social problems, such as the rise in violent crime.

- This paper considers the possibility that both the increase in crime and fear of victimization in Brazil may be a result of democratization.
 - In Brazil it has resulted in a disjunction between the successful consolidation of political rights and electoral processes and a continued lack of civil democracy and democratic rule of law.
 - The paper also examines how measures of disjunction are related to perceptions of victimization risk and fear of crime in the Brazilian city of Belo Horizonte.
 - Different levels of social control (private, parochial, and public) interact to create communities where residents perceive less risk of victimization.
 1. The author argues that the public level of social control should be extended to include the concept of disjunctive democracy.
-

Social Bond Levels

The three social bond levels are explained below:

1. The private level is friendship and kinship ties in the neighborhood.
2. Parochial level refers to links among neighbors as well as participation in local voluntary functions.
3. Public level bonds are resident's ties outside the community, especially with police and government.

Note: Missing from most of the literature is an examination of the effect of all levels and dimensions of social bonds on perceived risk and fear of crime. Focus on the public level is the most neglected.

Latin Democracy

In the Latin American context the discussion of rights and duties in the public level of social control is especially relevant.

- It is argued that the process of democratization in Latin America is only political – allowing free and fair elections, but excluding rights such as equal justice or freedom from abuses of power by the state.
- The lack of civil democracy has hampered the ability of the state to secure civil rights and institute democratic rule of law, creating a disjunctive democracy.

- In a disjunctive democracy, while citizens participate in free elections, civil democracy is limited in three ways:
 1. Limited civil citizenship impacts on participation in the public sphere.
 2. Unequal access to the judicial system.
 3. The judicial system is incapable of successfully regulating the practices of citizens or the state – such as police activities.
 - In a disjunctive democracy the response to fear of violent crime is for both public and private thinking to allow violent practices by police to combat criminal violence, which leads to increases in violence, police abuses, vigilantism, and fear.
 1. Vigilantism further erodes the public order.
 - The lack of democratic rule of law de-legitimizes the state, undermines the public order of social control, and can undermine the legitimacy of political democracy as well.
-

Results - 1

The results show limited support for the extended systemic social control model.

- None of the variables measuring the private or parochial level social bonds had significant effects on perceived risk or insecurity.
 - The public level measures were more successful in predicting perceived risk than the private and parochial.
 - Only legitimacy of local police had a significant effect on perceived risk.
-

Results - 2

The variables of the extended model of systemic social control present some interesting results.

- Civic participation had a significant effect only in the case of perceived risk of assault – where there was a higher perceived risk.
 1. It's possible participation increases the information regarding victimization and this can raise perceived risk.
 - Generalized distrust in the police showed significant effects for the perceived robbery risk – it decreased 5.3%.
 1. This may be due to the idea that violation of civil rights by police is necessary to control crime.
 - Greater preference for authoritarianism was associated with decreased perceptions of robbery risk.
 - By far, public disorder, the strongest predictor of perceived risk, had a significant positive effect in all of the models.
 - Neighborhood violent crime had a positive effect on perceived risk, although only in the case of perceived risk of assault.
-

Results – 3 The results of the socio-demographic variables for each model presented little support for the vulnerability hypothesis – in these models, the variables were only significant for perceptions of insecurity and not for perceived crime-specific risks.

- Women had much greater perceived insecurity than men.
 - The rich perceived less safety than the poor.
 1. In this case the rich are truly more likely to be victimized which increases the perceived insecurity.
-

Results – 4 The results provide mixed support for the extended systemic social control model.

- The measures of social bond at the private and parochial levels did not have an impact on perceived risk or safety.
 - Increased social cohesion does not always increase social control or diminish perceived risk – it can increase perceived risk by expanding the level of information about victimization in the neighborhood.
 - The lack of significance for the private and parochial level social bonds lends support to the argument that community level bonds are not sufficient for determining neighborhood safety – most violence is concentrated in poor neighborhoods.
 1. These areas have a tradition of high levels of social cohesion.
 2. Economic survival depends on mutual support.
 3. Policing is irregular and usually violent.
 4. They have access to fewer city services.
 - In these poor neighborhoods parochial level social bonds are not sufficient to decrease perceptions of risk of victimization.
-

Results – 5 Looking at the traditional measures of public level social bonds, perceptions of legitimacy of local police were an important predictor of perceived robbery risk and perceived insecurity.

- The greater the legitimacy the lower the perceived risks other than the perceived risk of assault, possibly because of their being rarely seen.
 - As per the extended model measures of public level bonds, the results provide some interesting evidence about the consequences of disjunctive democracy.
 1. Civic participation had a significant effect only for perceived risk of assault – it increased perceptions of risk.
-

Results – 6 The results of general distrust of the police and preferences for democracy and authoritarianism demonstrate some of the contradictions present in a disjunctive democracy.

- Those who like democracy feel safer, however, the opposite is possible, that those who feel safer prefer democracy.

- There is a decreased perception in robbery risk.

Note: While support for democracy may make people feel safer, it is the support of institutions that violate civil rights that impact on perceptions of crime-specific victimization risk.

Conclusion

While the results point toward the insignificance of private and parochial level bonds in diminishing perceptions of victimization risk and increasing safety in the face of social disorder, in Belo Horizonte, the public level bonds were important predictors of perceived victimization risk and safety.

- These results demonstrate that models including measures of democracy and democratic values may be important for understanding citizen perceptions of victimization risk and insecurity.

Public Opinion and the Governance of Punishment in Democratic Political Systems

Franklin E. Zimring, UC Berkeley, and David T. Johnson, University of Hawaii

Background

Criminologists and sociologists rarely make the political dimension of crime policy a principal concern, and political scientists never do.

- Part of the problem may be the uncertain disciplinary jurisdiction.
 1. Criminologists avoid political issues.
 2. Political scientists avoid crime and punishment as scholarly concerns.
 - As for governance, discussion of crime and policy in government is usually isolated from other areas of government activity.
 - There is an assumption in current writing that the level of citizen hostility is the primary cause of punitive policy change.
-

Public Attitude

This changing public attitude toward crime and criminals is used as a major explanation of policy change.

- The shift is to negative and more punitive and the effect of that is said to be harsher punishment policy.
- A majority of Americans favor more prisons and believe that sentences are too lenient.
- Some conservatives say government failure to restrain convicted violent or repeat offenders has done much to bring about the public loss of confidence in our political institutions.
- Three myths exist in the debate about crime and punishment.
 1. Leniency – Americans believe the major reason for current violence is criminal justice leniency.
 2. Efficacy – Americans believe prison works to control crime.
 3. Costlessness – Says “prison pays” in dollar terms.

Note: Citizens who used to believe in treating crime as a disease have turned so hostile as to embrace punishment as the only proper response to crime.

Sampling Existing Attitudes

The way to determine whether public hostility and fear are sufficient conditions for repressive penal legislation in democracies is to sample public attitudes in a wide variety of countries.

- The nature and intensity of attitudes toward offenders should be measured in a variety of social and political contexts.
- Repugnance toward serious offenders has been conspicuously common in history and that cannot explain the recent emergence of the widening divide in harshness between the United States and other democratic societies.

- Although thin, the data suggest a substantial cross-national agreement in public opinion about crime and punishment, which leaves analysts with the task of explaining why only American prison populations have exploded.

Note: The available evidence suggests that public attitudes about crime and punishment are not a sufficiently “moving part” to explain the vastly different levels of punishment that exist across time and space.

Questions

If citizen hostility is a chronic condition in advanced democracies, then the current U.S. policy raises questions.

1. Why do other democratic governments not reflect the hostility seen in the United States?
 2. What non-attitudinal features of recent American history might account for the singular U.S. escalation in punitive policy?
 3. If democracies reflect citizen preferences better than authoritarian regimes, why aren't most democracies much tougher on street crime?
-

Answers

Some answers reflecting other democratic country's policies include:

1. While citizens do not like criminal offenders, crime policy is not especially important to them in most circumstances
 2. Those places that set crime policy in government are usually removed from review in elections, and even from review by legislators
 3. Citizens believe punishment is in the realm of the professionals and such decisions involve principles that require professional judgment
 - This creates a disconnect between citizen preferences and punishment outcomes.
 4. Where there is discretionary choice for sentencing there is usually leniency.
 5. Citizens' trust in government to behave responsibly encourages leniency by permitting judges to individualize sentencing decisions.
-

American Changes

After a post-war period of low fear of crime, by the 1980s crime and crime policy were of very high salience at every level of government with no consensus about why it became so important.

- One causal candidate is the increasing rate of violent crime since the mid-sixties, that was accompanied by an increase in media coverage.
- Some see a natural relationship between high crime and the increased salience of the crime issue while others believe that political manipulation of crime fears caused the higher salience.
- The higher salience of crime issues generates stronger pressure for penal repression because it energizes people to act on a set of long-held beliefs that they only now regard as important.

- Governmental power is concentrated at the state level where crime policy has little competition for the use of power by the state.
- A major shift in rhetoric and opinion since the 1970s is a decline in trust in government, which has had a number of criminal justice manifestations.
 1. Citizens are restrained from acting on emotions when they believe there are experts using principles of punishment - when the claim of expertise is discredited, emotional responses rise.
 2. When there is trust in judges, allowing their discretion makes sense; distrust the judges and mandatory minimum penalties become the preferred method of ensuring punishment.
 3. Add to this the desire of political actors who desire to expand the scale of imprisonment.

Note: What sets the United States apart from other countries is both the greater political importance of crime and the larger structural vulnerability of criminal justice to the political process.

Conclusion

The path to reform in the United States requires restoring faith in government and recreating the role for professional expertise in the determination of punishments.

Citizenship, Democracy and Civic Reintegration of Criminal Offenders

Christopher Uggen, *University of Minnesota*, Jeff Manza, *Northwestern University*, and Melissa Thompson, *Portland State University*

- Background** Felons experience wide-ranging criminal penalties and disruptions in their lives which are frequently of permanent consequence.
- Felons typically confront legal restrictions on employment, access to public social benefits and public housing, and eligibility for educational benefits.
 - Depending on the state, they may also lose parental rights and the rights to vote, to serve on juries, and to hold public office.
 - The authors estimate that there are over 16,000,000 felons and ex-felons representing 7.5% of all adults and an astounding 33.4% of black males.
-

- Social Characteristics** The DOJ regularly conducts large, nationally representative surveys of state prison inmates and occasional surveys of probationers and parolees.
- Men and racial minorities are vastly overrepresented.
 - Only one-third of inmates are non-Hispanic white, while about half are non-Hispanic blacks.
 - The parole population mimics the prison population, whereas whites comprise a greater share of the probation population.
 - Inmates have very low levels of education.
 - Employment levels at the time of arrest are dropping.
 - Married prisoners declined from 24% in 1974 to 18% in 1997, though over half have children.

Note: The absolute number of inmates as well as the proportion of Americans under correctional supervision have both changed over the years.

- Reintegration Problems** The formal and informal consequences of felony convictions make felons' reintegration in society as stake-holding citizens difficult.
- Formal post-incarceration penalties include those affecting housing, jury service, education, employment, and family life.
 - The research literature has only begun to explore the independent contribution of each sanction to the problem of reintegration.
-

- Civic Consequences** Limitations on political rights and those involving courts are in essence a statement by the government that offenders are worth less than other men.

- In addition to the impact of civil restrictions, felon disenfranchisement can affect political elections by reshaping the electorate.
 - A less visible, but perhaps equally important political impact may be in the subtle shifting of the terms of political debate – the political parties need not attend to the concerns of millions of citizens, mostly poor and of color who are currently locked out of the voting process.
-

Socioeconomic Consequences

Arrest, conviction and incarceration impose immediate wage penalties and alter long-term earning trajectories by restricting access to career jobs.

Family Consequences

Two family issues are (1) the intergenerational transmission of crime and class and (2) the effects of criminal punishment on family formation and marriage markets (the supply and demand of males and females within a prescribed area who are eligible for marriage).

- A father's criminal conviction is closely related with the children's criminal activity.
 - As the felon population has risen, so too has the population of children of convicted felons.
-

Categorizing Felons

Sociological models of inequality suggest three major conceptual schemes for understanding the place of felons in American politics and society:

1. Castes – felons are marked for life by a conviction that excludes them from many opportunities and rights.
 2. Class – they constitute a distinct criminal class or underclass.
 - This model is problematic as felons do not share a common relationship to the economic system simply by a conviction.
 - Some are in better position than others to rejoin the community.
 3. Status group – as a status group they share similar life chances determined by a specific social estimation of honor or dishonor. The stigmas attached to their legal standing produce a unique dishonor status, which impacts their standing as citizens, their political participation, and their community involvement.
-

Issues

All three above categorical schemes are useful in understanding the individual and aggregate consequences of a growing population of felons and ex-felons.

- Insights from each scheme are necessary to understand the full range of disabilities imposed on felons and their social consequences.

- The categorization of felons raises a practical issue – does permanent stigmatization or integration best ensure public safety?
 1. Which policies are best suited for the remaking of citizens and the community involvement and political participation that citizenship implies?
-

**Civic
Reintegration**

Felons and ex-felons face disadvantages arising out of incomplete citizenship and the temporary or permanent suspension of their rights and privileges.

- It makes sense to ask whether political participation and community involvement, as well as work and family factors, are central to successful integration.
 - Some evidence suggests a strong negative relationship between political participation and recidivism.
 - Far more evidence is needed on collateral sanctions and recidivism, such as community notification of sex offenders and restrictions on public aid, housing, employment, and educational opportunities.
-

Final Thoughts

The size of the felon population can have profound and far-reaching implications for democracy.

- Because they are disproportionately drawn from extremely disadvantaged groups, the felon population exerts particularly strong effects on labor markets, family dissolution, and partisan politics.
- Long-term studies of serious criminal offenders suggest that virtually all will desist from crime at some point.
 1. Thus if hardened criminals can become decent citizens, policies that impose a caste-like stigma upon them may erode democratic institutions.
 2. As rising waves of men and women leave criminal justice supervision each year, the time has come for a reasoned assessment of sanctions that strip them of their rights as citizens.
- The problem of recidivism and desistance from crime is thus recast as a problem of reintegration and restoration of full citizenship rights.
- To best fulfill the duties of responsible citizenship in a democratic society, former felons require the same basic rights and capacities enjoyed by other citizens in good standing.

Democracy and Criminal Justice in Cross-National Perspective: From Crime Control to Due Process

Hung-En Sung, Columbia University

Background

Not all countries moving from authoritarian regimes to democracy have successfully developed criminal justice systems that reflect ideals of equality, openness and fairness.

- Disjunctive democracies still suffer serious defects in human rights protection and interethnic relations, discrimination against minorities, and a subdued press.
 - Only in a liberal democracy can the strength of the state and the rule of law be effectively embedded and harmonized in the daily operations of the criminal justice system.
 - How governments react to crime and administer justice reflects the nature of the political regime.
-

Transition to Democracy

Based on Packer's analysis of the two competing models of justice administration (1968) the author proposes that the democratization process is characterized and facilitated by a simultaneous transition of the criminal justice system from crime-control structure to due process structure.

- The crime control model emphasizes individual responsibility and is designed to protect law-abiding citizens by stressing efficient apprehension and punishment of criminals.
 - The due process model stresses human rights and is devised to protect the rights of the accused.
 - The two models coexist in varying degrees and with different blends.
-

Crime Control Justice

The subordination of justice to the executive authority defines the outlook of a non-democratic legal system.

- Authoritarian police forces display unrestrained power and emphasize deterrence through extensive regulations and symbolic shows of force.
 - Prosecutors are widely perceived as an organ of state coercion and are, despite their influence, a target of public mistrust.
 - Judges meticulously apply the laws of the ruler and are more likely to impose prison sentences than democratic judiciaries.
 - The efficiency of the legal process is enhanced by the assumption of guilt. Cases are handled in a uniform, routine manner
 - The number of dismissed cases is low, assuring that law-breakers pay for their harmful acts.
-

**Due Process
Justice**

Liberal democracies preserve personal liberties by restraining the state's intrusion into individuals' lives.

- The protection of human rights is achieved at the cost of increasing efficiency and creating high rates of case attrition in the justice process.
 - Legal guilt as opposed to factual guilt requires determination of guilt only after factual determination of evidence is made.
 - Each stage of the judicial process allows the accused to challenge the operation of the process.
-

Hypothesis

The author hypothesizes that the organization and operation of criminal justice administration vary according to the attained level of democratization.

- In authoritarian societies an extensive police-prosecutorial machine linked to a large prison system constitutes the backbone of criminal justice; this system typically produces high rates of arrest, prosecution, conviction, and incarceration.
 - Criminal justice system in liberal democracies is structurally distinguished by a well-staffed judicial body and operationally characterized by low rates of arrest, prosecution, conviction, and incarceration.
-

Results

The following results were derived from this study.

- Of the eight examined criminal justice indicators, four (judicial personnel rate, police contact rate, conviction rate, incarceration rate) demonstrated significant variations consistent with the hypothesis.
 - Rather than disproportionately strengthening their courts as predicted, more democratic countries seem to have invested heavily in most of the individual criminal justice components comprising the system.
 - Two plausible explanations are offered for the unexpected finding that the size of both the police and prison staff turned out to be significantly larger in more democratic countries.
 1. Police in democratic countries might be under pressure to provide non-enforcement general assistance.
 2. In prisons the larger staff may be related to the rehabilitation philosophy and to humanitarian values.
 - Findings support the argument that the rate of case attrition is lower in more authoritarian countries and higher in more democratic countries.
 - The probability of bringing a suspect into the legal system and securing a conviction and incarceration was much higher in authoritarian societies.
-

- Penal Populism** Just as the progression of an authoritarian state toward democracy is not automatic or irreversible, so is the criminal justice development. Justice administration in liberal democracies can slip back to practices common in more authoritarian states because of the emergence of penal populism.
- Rather than focusing on long-term solutions to crime and disorder, public pressure demands that the elected officials focus on short-term fixes such as aggressive policing and harsh punishment of convicted criminals.
 - In many crime categories, offenders in the United States were more likely to be sentenced to prison and to serve longer prison terms than in other advanced democracies.
-

- Conclusion** The deepening of democratization increases the size and reduces the efficiency of the criminal justice system. This highlights the dramatic changes in the administration of justice that the rule of law can set in motion.
- The system loses some of its efficiency because different rights of victims, offenders, and the public are taken seriously at different stages of the process.
 - People consent and cooperate with criminal justice authorities if they anticipate the system will accord respect to and acknowledge the rights and concerns of individual citizens.
 - Satisfaction with democratic governance arises from a calculation of its benefits, including gains in civil liberties.
 - The evolution from an authoritarian criminal justice system to a democratic one is cumulative, but not inevitable, and the financial cost would overwhelm many poor countries and take many years to develop fully.
 - Future research should incorporate discussions and measurement of economic performance and government spending to further identify the possibilities and constraints in the democratization of criminal justice administration.
-