Criminology Conference 2009

Migration: Criminological Issues

15th and 16th October 2009

Le Meridien Hotel and Spa St Julians,

Malta

Organised by the Institute of Criminology
University of Malta
With the support of the European Commission,
the Embassy of the United States of America
and CocaCola

Conference Proceedings

Acknowledgements

The Institute of Criminology is very grateful towards its sponsors (the EU Representation Office in Malta, the US embassy and the General Soft drinks Company Ltd), particularly to the US embassy which took a leading role in assisting the Institute of Criminology in its efforts to make this conference possible.

The Institute of Criminology would also like to thank the distinguished guests who opened the conference with their speeches:

Professor Douglas Kmiec – The US Ambassador in Malta
Dr Joanna Drake – The Head of the EU Representation Office in Malta

The Institute of Criminology would also like to thank **Professor Juanito Camilleri** (the Rector) and **Dr Bridget Ellul** (the Chairperson of the Board of the Institute of Criminology) for their support.

Rector's Welcome Speech

Minister Mifsud Bonnici, Ambassador Professor Douglas Kmiec, Head of EU Representation in Malta – Dr Joanna Drake, members of the press, distinguished guests and conference participants …welcome to this conference. A special greeting goes to the   ladies and gentlemen that have travelled from afar to be with us. Welcome to Malta! I trust that you have all had a pleasant flight …or flights …for those of you who have crossed the Atlantic. I know that amongst us, we have experts from: the US, the UK, Israel, Germany, Poland, Portugal, Italy, Belgium, Greece and Australia.

This is a very happy occasion for our Institute of Criminology…an important milestone in its steady development. This institute was established in 1993 on the initiative of the then Minister for Home Affairs and Justice, His Excellency Professor Guido de Marco and the then Minister of Social Policy, the Speaker of the House of Representatives, Dr Louis Galea. Together with the late, Dr Joe Louis Grech, they founded what was then called: "The Institute of Forensic Studies". The Institute was to serve as a resource centre of expertise in the field of criminal justice, to provide tertiary education to criminal justice personnel and to act as a consulting agency to the government as well as to private enterprises engaged in this sphere. Apart from this, there were plans to develop the Institute's forensic laboratories. These never materialized, because the extensive cost of creating and maintaining them was not considered as cost-effective and justifiable. However, Criminology found fertile ground at the Institute – growing steadily and blossoming into what it is today. It is for this reason, that this year, the "Institute of Forensic Studies" was re-christened and became the "Institute of Criminology".

Today, besides participating in research projects, the Institute of Criminology offers:
- Full-time and part-time BA (Hons) in Criminology courses in Malta and Gozo
- A part-time Diploma in Policing
- A full-time Postgraduate Diploma in Probation Services

…and, I'm happy to announce, that during this conference, we shall be launching the first Mediterranean, Dual, International Masters in Criminology and Criminal Justice Studies with Western Michigan University, US. This is a one-year, full-time course. For those interested,

additional details can be found in the leaflets that will be distributed later on.

However, this is not the only feather in the Institute's cap. I am also very pleased to inform you that, through the Institute of Criminology, the University of Malta, together with the Armed Forces of Malta and a private enterprise (Attard and Co.), is participating in talks with FRONTEX …and if all goes as planned, Malta will become a partnership academy. This means that FRONTEX personnel will be following courses in Malta – which the Institute of Criminology will be happy to monitor and coordinate together with its partners.

It may be a strange comparison, but the Institute of Criminology can be likened to Alexander Fleming's chance discovery of penicillin. This wonder drug emerged from neglected, contaminated dishes. The same can perhaps be said of the Institute of Forensic Studies … today the Institute of Criminology. Perhaps it did not develop as initially intended by Dr Joe Louis Grech, but it *did* evolve and develop into something Dr Grech would surely be proud of.

I promised to keep my speech short and sweet, so I will proceed to opening this conference: "Migration: Criminological Implications". Why was this title chosen and what does it have to do with Criminology? Since I have been socializing with criminologists, I have learned that Criminology is a practical, dynamic, multi-disciplinary social science. Criminologists keep a watchful eye on crime-trends that emerge from particular social issues – as for example migration. From the analysis of criminological research, Criminologists strive to answer questions like:

- Why do people commit crime?
- What can be done to deter people from committing crime?
- How can society react effectively to crime, once it is committed?
- Who are the victims and how can they be helped?

The Institute of Criminology organized this conference with the hope of shedding light on this modern, human tragedy and possibly presenting some possible solutions at the end. We are sure that the distinguished speakers will share with us valuable insight. I am also certain that we will all enjoy this conference …but more than this, I feel confident that we will walk away from it enriched with knowledge that could, perhaps, help us make a positive difference in people's lives.

Before I conclude, I must however, thank the generous sponsors of this conference:

- The US Embassy in Malta

- The UE Representation Office in Malta
- The Coca Cola Company Ltd

….and the team of the Institute of Criminology and the friends of this Institute, who tirelessly strived to make this event happen.

Thank you!

Professor Juanito Camilleri
Rector

Speakers and Abstracts

Immigration and the Emergence of Crime as an International Issue

Dr Paul Knepper, Senior Lecturer, University of Sheffield (UK)

Abstract: We live in an age of international crime, but when did it begin? In the last decades of the nineteenth century, Great Britain confronted crime problems believed to have originated beyond its borders. In a world tied together by inter-continental railways, undersea telegraph cables and ocean-going steamships, trouble in "far away" places jeopardised domestic pursuits. Mass migration into Western Europe and the Americas raised anxieties about importing crime problems from "backward" areas of the globe. Great Britain enacted the Aliens Act of 1905, which established the first modern immigration restriction system in Europe, in response to fears of professional criminality, the white slave trade, and anarchist bomb plots.Examining the history of crime as an international problem provides insight into concern about "globalisation of crime" today.

Foreigners in Maltese prisons: A late occurrence? Sixty years of analysis and an earlier episode

Dr Saviour Formosa, Senior Lecturer and Dr Sandra Scicluna, Senior Lecturer, Institute of Criminology, University of Malta (Malta)

Abstract: The incidence of migrants in Maltese prisons is virtually unknown with studies focusing on the generic 'foreigner' component, irrespective of the purpose of entry into Malta. This paper investigates sentenced offenders in Malta's prisons and develops a classification system which distinguishes between short-term visitors, long-term residents and migrants who become citizens. This paper then takes a comparative approach through a qualitative assessment of offender case studies taken from 1850 till 1950. A quantitative approach analyses the relative crime component and delves into an understanding of the social and spatial parameters that encompass the background of such 'foreigners'. A 60 year (1950 – 2009) analysis is carried out with a further specific focus on the 1990s which show a high rate of incarceration for foreigners in Maltese prisons as compared to other EU countries, a very evident total change in source country, an exponential increase in non-Maltese incarcerations and an evolving offence structure.

The First, Second and Third Generation Migrants

Prof Shlomo Goria Shoham, Professor of Law, Tel Aviv University (Israel)

Abstract: This paper relates the various processes of acculturation of the three generations of immigrants as related to the rate of crime and deviance.

Political Science, Criminology and Public Policy -

Prof J. Kevin Corder, Professor, Department of Political Science, Western Michigan University, Kalalmazoo, Michigan (USA)

Abstract: How are public policy problems solved? Criminology and Political Science offer distinctive ways to approach this question. Public policy work on crime works toward root causes of criminal behaviour and victimization and considers a wide range of solutions – grounded in functional areas as diverse as social policy, policing, and corrections. Public policy work in political science – which may focus on financial regulation, housing, drug safety, or occupational safety and health - tends to be wedded closely to regulatory agencies and choices made in the Congress. Political Science work tends to devote less attention to root causes – why is the workplace unsafe? How do hazardous drugs enter the marketplace? Why do banks fail? - and instead focuses on what interests are represented, what values are at stake, and how conflicting values are reconciled in the choice across policy alternatives. The fundamental shared concern of both fields is the exercise of prescriptive authority in public policy debates– how are the voices of particular actors privileged and why? If specific types of expertise can improve policy choices, under what conditions will expertise inform deliberation and reform?

Mobility, Surveillance Technology and Border Control -

Prof. Gregory Howard, Associate Professor of sociology, Western Michigan University and Lisa Kruse, doctoral student in sociology, Western Michigan University, Kalamazoo, Michigan (USA)

Abstract: Border control poses significant challenges for nation-states. The threat of illegal crossings by people and the movement of illicit goods must be balanced against the economic imperative of smooth border transactions to facilitative profitable commerce. Surveillance

technology is being deployed in the United States and the European Union as a means of creating "smart borders" that are capable of distinguishing between legitimate and suspect traffic and directing the resources of the nation-state toward those deemed suspicious. This paper will study the "Secure Border Initiative" (SBI) in the United States, especially the component called *SBInet* that envisions the deployment of sophisticated surveillance technology along the U.S./Mexico and U.S./Canada borders. The European Border Surveillance System (EUROSUR) and Frontex in the European Union, where surveillance technology is being used to coordinate control of a common EU border will also be analysed. The aim of the paper is to compare the practices and challenges that have comprised the U.S. and E.U. efforts to make their borders "smarter," looking closely at the organizational integration of new surveillance technology.

Comparative Constitutions and Refugees -

Prof. Ashlyn Kuersten, Professor of Political Science and Constitutional Law, Western Michigan University, Kalamazoo, Michigan (USA)

Abstract: How do smaller countries protect human rights in their constitutions, yet deal with the practical issues inherent with large numbers of refugees, migrants and immigrants?

The criminal alien bar in U.S. immigration law; procedure and substance –

Dr Peter H. Matson, Attorney and Counsellor at Law

Abstract: This paper briefly covers the U.S. immigration laws relating to detention and the removal process followed by the implications on that system of criminal convictions and criminal acts. The most significant aspect of criminal acts on the U.S. removal process is the bar to judicial review of a removal order that applies to a removal order for a convicted alien.

Bombing Civilians: A Socio-Historical Account of a State Crime

Ronald C. Kramer, Western Michigan University, Kalamazoo, Michigan (USA)

Abstract: The bombardment of civilian populations by military aircraft is a state crime, a violation of international humanitarian law. Such attacks often promote a form of migration and cause refugee problems. Early in the twentieth century the terror bombing of civilians provoked outrage across the world. However, starting with World War II this illegal state behaviour became normal and acceptable, particularly in the United States. The purpose of this paper is to develop a socio-historical account of how the bombing of civilians developed during the war and became normalized, that is, accepted and approved within American military organizations and political culture down to the present day.

Contesting public and personal spaces of immigrants through heterotopia

Dr Joanne Cassar, lecturer, Faculty of Education, University of Malta

Abstract: Immigration to Malta in the last few years has mainly been perceived as interrupting normality. This article deals with the politics of space in the context of the migratory attempts of people from African countries who arrive in Malta by boat. The perceived disruptions their arrival brings about and how they are dealt with are understood through Foucault's concept of heterotopia (1994a), which refers to "in-between" spaces related to cultural and social practices. This article regards migrants as a product of discourse and deals with Foucault's views on alternative social spaces related to the discourse of the other. Discourses surrounding immigration are outlined and presented in ways which show that they act in contradictory constellations. Detention centres and refugee open centres are regarded as heterotopias, which resulted from the 'crisis discourse' and the 'burden sharing' discourse. Finally, a number of suggestions are put forward, with reference to the obligations of the educational agenda to foster and disseminate multicultural principles.

The investigation of illegal immigrants dying within Malta's territorial waters.

Prof M.T.Camilleri Podesta`, Professor of Anatomy, Faculty of Medicine and Surgery, University of Malta (Malta) Dr. M. Scerri, Dr. S. Ali, Dr. H.Galea and Dr. D.Grima

Abstract: The phenomenon of illegal migration has assumed significant proportions in recent years though its extent seems to have abated somewhat over the past few months. A number of these migrants perish before they reach our shores. We are presenting our findings over a period of 5 years from October 2004 to September 2009. over this period over 60 illegal immigrants were found dead in our seas. all the cadavers are first examined by a forensic physician and then submitted to a post-mortem examination during which a full dental examination is carried out; samples are also submitted for DNA testing. Our findings will be presented.

Living on the Edge: Migrant women in Malta

Dr Frances Camilleri Cassar, Senior Lecturer, Institute of Criminology, University of Malta (Malta) and Special Lecturer, School of Sociology and Social Policy, University of Nottingham.

Abstract: Migrant women can face additional disadvantages when compared with other women and minority men. Systematic statistical indicators and research on ethnic minorities in Malta are relatively infrequent. However, observation and reports by non-governmental organizations and voluntary groups suggest that migrant women are at risk of the most extreme forms of poverty and social exclusion. In many if not all dimensions of life: housing conditions particularly those accommodated in detention centres, access to education, employment and working conditions, access to health care, social benefits and financial services. This paper presents a critical overview of the socio-economic situation of migrant women in Malta as a first and crucial step towards a better understanding of the specific needs and disadvantages faced by this vulnerable group, and goes on to discuss the role of the State for evidence-based decision making and policies. I conclude by suggesting that it is only in light of more reliable information, currently scarce in Malta, can the State protect migrant women against multiple discrimination. Indeed, quality data should be part of the design process of Malta's active inclusion policies to redress gender and social inequalities, and encourage the integration of the most disadvantaged women trapped at the edge of Maltese society.

Policing Multiethnic Communities: What can we learn from others?

Prof Mahesh K. Nalla Professor and Director of Graduate Studies, Michigan State University, Kalamazoo, Michigan (USA); Dr Jacqueline Azzopardi, Director, Institute of Criminology,

University of Malta and Dr Saviour Formosa, Senior Lecturer, Institute of Criminology, University of Malta (Malta)

Abstract: Europe has experienced a rapid increase in the movement of people from across the eastern and southern borders. Malta is no exception. Police as first responders are often the first service personnel who come in contact with citizens, including immigrant populations. These developments have implications for understanding police-community relations in the immigrant-destination countries.   In this paper we examine officers' attitudes of police-citizen relationships and explore ways in which police community relations could be enhanced given the changing nature of Maltese society.

Sudanese Refugee's in Victoria: A Criminological Case Study
Ms Krystle Gatt, Ph.D Candidate School of Global Studies, Social Science & Planning, University of Melboure (Australia)

Abstract: Since 1945 Australia's refugee/asylum and immigration policies have been designed with the intention of filling gaps in the labour market as well as advancing its geo-political ideals. However, the image portrayed to the public has continually been one of the government upholding the notion of humanitarianism, and thus being compassionate towards a 'deserving people'. An analysis of the literature concerning Australia's legislative response to asylum seekers demonstrates that the government tightens its refugee and asylum policies when: the Australian economy no longer requires unskilled workers; or when asylum seekers no longer possess a geo-political value. It is against this back drop and developments in Australian immigration politics that the Sudanese community has been targeted by politicians and the media.

This paper seeks to demonstrate that since the 1990s and particularly in the wake of the September 11 attacks in New York City, the once accommodating policies and political discourses surrounding asylum seekers have been transformed into harsh policies accompanied by negative discourses. Legislative measures were implemented to deter and prevent asylum seekers from arriving on Australian shores, and there was also a growth in security politics across the nation. Furthermore, asylum seekers were being depicted as terrorists, criminals and queue jumpers who posed a threat to Australian society and were therefore unworthy of our empathy and citizenship rights. These discourses and representations have been used by politicians when

needed to justify policies and legislation and for political gain. These tactics have culminated in hostility and fear in the community and have brought about a new sort of racism towards asylum seekers, refugees and immigrant minorities, issues which are well known to Sudanese immigrants in Victoria.

Transnational Internet Fraud: E-migrants Committing Cross-border Crime Without Crossing Borders

Prof Thomas D. Coogan, Jr., Associate Professor and Director of Forensic Studies, Stevenson University, Baltimore, Maryland, (USA).

Abstract: The traditional migrant criminal will be seen as someone who leaves his homeland, enters the country in person, and then commits crime. His criminal activity will be deterred physically by being stopped at the border, arrested, deported, or incarcerated. The E-migrant criminal, however, does not leave his homeland, enters the host country virtually—not in person but by means of the internet—and then commits crime. The E-migrant criminal is not physically present so his criminal activity is not deterred physically by being stopped at the border, arrested, deported, or incarcerated by the host country. This article surveys several types of transnational internet fraud schemes and identifies what is being done to deter these schemes. The article also suggests that while the E-migrant cannot be deterred by many of the means used to deter traditional migrant criminals, migration statistics and related data could be useful in identifying other means to deter E-migrant criminals from committing transnational internet fraud.

Are immigration status, delinquent peer influences, antisocial personality traits, depression, and child-psychological abuse by parents/guardians consistent risk-factors for youth violence and aggression?

Prof Christopher J. Ferguson, licensed psychologist and assistant psychology professor, Texas A&M University, Texas, (USA)

Abstract: The current study examines the multivariate nature of risk factors for youth violence including delinquent peer associations, exposure to domestic violence in the home, family conflict, neighbourhood stress, antisocial personality traits, depression level and exposure to

television and video game violence. A predominantly Hispanic population of 603 children (ages 10-14) and their parents/guardians responded to multiple behavioural measures. Outcome measures included aggression and rule-breaking behaviour on the Child Behaviour Checklist (CBCL) as well as violent and non-violent criminal activity and bullying behaviour. Results found that delinquent peer influences, antisocial personality traits, depression, and parents/guardians who use psychological abuse in intimate relationships, were consistent risk-factors for youth violence and aggression. Neighbourhood quality, parental use of domestic violence in intimate relationships, and exposure to violent television or video games were not predictive of youth violence and aggression. Immigration status was not related to aggressive behaviour. Childhood depression, delinquent peer association, and parental use of psychological abuse may be particularly fruitful avenues for future prevention/intervention efforts.

Examining Patterns of Criminal Offending between a Mediterranean and North American Population

Prof Tony Smith, Assistant Professor of Law and Justice Studies at Rowan University, Glassboro, New Jersey, (USA)

Abstract: Gottfredson and Hirschi's *A General Theory of Crime* has been extensively tested since its inception in 1990. The theory makes a rather bold declaration - self-control, the core theoretical concept, is *the explanation* for all criminal behaviour. In support of this claim, the most recent meta-analysis of self-control studies ranks the theory, based on comparisons of effect size, as one of the strongest predictors of deviant behaviour in the published literature. However, a review of the extant literature uncovers only a single study that tests the theory on a population outside North America. We wish to add to the paucity of research that tests the core theoretical propositions of *A General Theory of Crime* outside North America to determine whether self-control is, indeed, a robust explanation of deviance across different cultures. Implications for crime prevention strategies will be discussed.

A New Legal Model: Addressing Rape Reform in Law and Practice

Prof Susan Caringella, Western Michigan University, Kalamazoo, Michigan (USA)

Abstract: This paper will delineate a legislative model for reforming rape reforms, as predicated upon their successes and failures across the United States, England, Canada, Australia, and New Zealand. That rape reforms have not realized the objectives underlying the statute alterations sweeping across these countries over recent decades. This is probably not remarkable news anymore and we can build upon this knowledge and concretely and specifically demarcate areas for realistic progress in the 21st century is remarkable, and newsworthy. The discussion will explain how the legalistic model is designed to be pragmatic and achievable, especially necessary in the era of political conservatism and backlash. Corollary recommendations for ensuring implementation that mirrors the goals of reform will be described. Conclusions consider the social structural and social institutional levels of analysis vis-à-vis promoting justice for rape victims, and offenders, throughout the legal system.

Migration, Transition and Routes to Citizenship

Prof Andrew Willis, Visiting Professor, Institute of Criminology, University of Malta (Malta)

Abstract: Twenty-first century globalisation entails the increased movement of goods, services and capital – including human capital. The latter has a legal and illegal dimension but with similar drivers – the search for safety and security and economic advantage. Although the two are seen as posing different problems – welcoming and integrating 'legals' whilst frustrating and / or returning 'illegals' to their point of origin – there are latent similarities. For both groups any form of assimilation is fraught with difficulty and both are exposed to criminogenic influences that promote social exclusion and limited forms of citizenship. Perhaps surprisingly, the best policy options may apply equally to both groups.

Speakers' Biographies

Jacqueline Azzopardi is the Director of the Institute of Criminology, University of Malta. Her PhD research dealt with police culture in Malta. Her research interests are in the areas of: gender and crime, policing domestic violence, policing juveniles, hate crimes, the police and people of different races and police informants. She has been a member of the Police Academy Board since 1998 and has acted as an assistant to prisoners on the Prison's Board of Appeals for about five years. She also acts as a consultant to the Ministry of Justice and Home Affairs. She has published and contributed to publications/articles that dealt with: culture, policing, policewomen, police culture, violence, and politics as well as youths and delinquency. She has also been designated as the Maltese National Research and Science Correspondent for CEPOL.

Juanito Camilleri - is the Rector of the University of Malta where he has been spearheading a number of reforms aimed at modernising the University. He held the position of Group Chief Executive Officer of Melita Cable plc. and was the founding Chief Executive Officer of Go Mobile. Prof. Camilleri read a Bachelors degree in Computer Science at the University of Kent at Canterbury, UK obtaining First Class Honours and was awarded a Rotary prize for Distinction. He obtained a scholarship awarded by Trinity College and moved to Cambridge, UK to pursue a doctorate in Theoretical Computer Science, which he completed in 1990. He started his working career as a Research Fellow at the Computer Laboratory of the University of Cambridge, UK and at the time also worked as a Research Consultant. In 1992, he moved back to Malta and founded the Department of Computer Science and AI at the University of Malta. In the meantime, he was commissioned by the Government of Malta to formulate Malta's first National Strategy for Information Technology, which was published in 1994. Prof. Camilleri has also served as Malta's representative on the European Union Joint Research Council.

Frances Camilleri-Cassar is a full time Senior Lecturer at the Institute of Criminology. She completed her doctoral studies in 2004. Her thesis was published as a book in 2005, and later nominated for the Social Policy Association UK Best Publication Award in 2006. Her Master's dissertation was also published as a book in 1997. Her research interests are within the broad area of social policy. Research collaboration include participation in academic studies for the DG

Employment, Social Affairs and Equal Opportunities, a consultancy with the United Nations Research Institute for Social Development, and peer reviews under the Mutual Learning Programme. Recent publications include entries in the International Encylopaedia of Social Policy, Routledge/ Taylor and Francis Books Inc., in 2006, a qualitative study of women and politics in Malta for the Friedrich Ebert Stiftung in 2007, and a quantitative study of date rape cases among young women for the University of Malta under the EU Daphne II programme in 2008. Besides her research output, Dr. Camilleri-Cassar has a sustained record of teaching at both undergraduate and postgraduate levels. In 2007, she joined the School of Sociology and Social Policy University of Nottingham as Special Lecturer where she shares teaching duties with colleagues specialized in international, comparative and principles of social policy.

Marie Therese Camilleri Podesta is professor of anatomy, within the faculty of Medicine and Surgery, at the University of Malta. Professor Camilleri was the first female to be appointed full time professor and head of Department in 1981. She has headed the department of Anatomy several times and has also been acting head of the Department of Physiology and Biochemistry in the past. She is responsible for the teaching of anatomy to medical and dental students as well as to paramedical students. She is also an *ex ufficio* member of the Faculty Board of Medicine and Surgery and that of Dental Surgery and is chairperson of the Faculty Admissions Committee. She has collaborated with the Department of Clinical Pharmacology at the University of Malta and with the Department of Pathology to carry out in vitro testing on human cancer cell lines of various extracts from conifers and flowering plants, members of the lamiacae and asteraceae. The main work has concentrated on the induction of cyto-toxicity on specific cancer cell lines and comparison of the activity on normal cells. Internationally, collaborations are ongoing with the Department of Bio-organic Pharmacy of Pisa and Nottingham University, U.K. Professor Camilleri is also appointed by the Maltese Law courts to carry out medico-legal post-mortem examinations. In addition, she is a member of the Council of Health.

Susan Caringella is a professor and an internationally known expert on rape, feminism and criminology. She has published in academic journals and books on topics ranging from rape to violence against women, legislative change, sociological, criminological and feminist theory, political ideology and public opinion. Her work has been widely cited and recognized with national, state, and university scholarship awards and honours. She was honoured as the "Distinguished Scholar" by the Division on Women and Crime of the American Society of Criminology in 1998.She was previously recognized by the Division on Critical Criminology, the second of only three divisions within the American Society of Criminology at that time, with a

"Lifetime Achievement Award" in 1993.She was the founding chairperson of the Division on Critical Criminology of the American Society of Criminology, and was also elected to serve as the chairperson of the Division on Crime and Juvenile Delinquency for the Society for the Study of Social Problems shortly before that. She has been prominent in other national professional associations such as the Academy of Criminal Justice Sciences and the American Sociological Association.She has published in respected journals such as the Journal of Research on Crime and Delinquency, the Journal of Interpersonal Violence, Social Justice, Contemporary Crisis, and the International Journal of Victimology.She is a consultant with the National Institute of Justice and the Centres for Disease Control.She serves as well as a Deputy Editor for the Journal of Women and Criminal Justice, as an Editorial Board member for the Journal of Violence Against Women: An International and Interdisciplinary Journal – the most successful journal ever launched by Sage publications, and the new journal by Sage entitled Feminist Criminology. She just published a book "Addressing Rape Reform in Law and Practice" 2009 with Columbia University Press, and is working on "Rape: 2000 Years and Counting" for Oxford University Press, as well as on "Rites of Passage: Surviving an Academic Career" with Routledge.

Joanne Cassar is a lecturer at the Faculty of Education at the University of Malta. Her research interests comprise youth studies; in particular young people's sexuality, gender and the construction of sexual identities in the contexts of educational institutions, popular culture and policymaking bodies. Her lecturing areas also deal with multiculturalism. She has presented papers in numerous international conferences and is also an author of children's books.

Thomas D. Coogan, Jr., is an Associate Professor and Director of Forensic Studies at Stevenson University in Baltimore, Maryland, United States of America. Prior to joining the faculty Prof. Coogan worked in private legal practice and served as a law enforcement officer with the U.S. Secret Service and attorney and senior executive with several U.S. Government inspector general offices, including the U.S. Postal Service. He holds post-secondary degrees from Hamilton College (A.B.) and Antioch College (M.F.S., J.D.).

J. Kevin Corder is Professor in the Department of Political Science at Western Michigan University in Kalamazoo, Michigan. Prof. Corder's work on economic policy and forecasting, voting behaviour, and the non-profit sector has appeared in the American Political Science Review, the Journal of Politics, Public Administration Review and other venues in Political Science and Public Administration. His latest project examines the responses of the Federal Reserve System to the global financial crisis.

Dr Joanna Drake, is the Head of Representation of the European Commission in Malta

Christopher J. Ferguson is an assistant professor of psychology at Texas A&M International University. He holds a Ph.D. in clinical psychology from the University of Central Florida and also trained at the University of Texas Medical School in Houston. He has been active in publishing research papers on violent and aggressive behaviour in peer-reviewed journals and scholarly books and has done clinical work with adults and juveniles in correctional settings. His research interests include violent criminal behaviour, positive and negative influences of video games and other violent media and refinements in meta-analytic techniques.

Saviour Formosa is a Senior Lecturer within the Institute of Criminology, University of Malta. He has a Ph.D. in spatio-temporal environmental criminology. Dr. Formosa is responsible for Information Resources at the Malta Environment & Planning Authority. He lectures in various faculties at the University of Malta. His main expertise lies in the implementation of cross-thematic approaches and uses to the data cycle and management with emphasis in the thematic and spatial data structures, visualisation, modelling, web-mapping, analysis and dataflow management and reporting. He is a Member of the Applied Criminology Centre at the University of Huddersfield. Dr. Formosa has developed the www.crimemalta.com website which covers ongoing news and crime-related statistics in Malta

Krystle Gatt is a criminology honours graduate and is currently undertaking a Ph.D. at RMIT University in Melbourne Australia. Her thesis titled "*The Watergate Story, Gate Construction and the Implications of a Scandal*" seeks to explore how political misconduct is perceived and portrayed as well as the consequences brought about by the use of such discourse. Her interests are centred in researching issues concerning crime in society through the integration of themes found in sociological theory, politics and history.

Gregory J. Howard is associate professor of sociology and director of graduate studies at Western Michigan University. He earned a Ph.D. from the School of Criminal Justice at the State University of New York at Albany in 1998. His current research is concerned with evolutionary theory and criminology, comparative methods, and surveillance.

Douglas Kmiec, Ambassador of the USA to Malta. He received his undergraduate degree with honours from Northwestern University in 1973 and his law degree from the University of

Southern California in 1976. He was a member of the school's law review and was awarded the Legion Lex Commencement Prize for Legal Writing. Kmiec was a member of the faculty at Notre Dame Law School from 1980 to 1999, with several leaves to serve in the Office of Legal Counsel for Presidents Ronald Reagan and George H.W. Bush. At Notre Dame, he directed the Thomas White Center on Law & Government and founded the *Notre Dame Journal of Law, Ethics & Public Policy*. From 2001 to 2003, Kmiec was the Dean and St. Thomas More Professor of the law school at the Catholic University of America. Following his Catholic University of America deanship, Kmiec assumed the endowed chair in constitutional law at Pepperdine University School of Law

Paul Knepper is senior lecturer in the Department of Sociological Studies, and an associate of the Centre for Criminological Research, University of Sheffield, UK.Recent articles have appeared in the Journal of Modern Jewish Studies, British Journal of Criminology, Journal of Social History, Jewish History, and Journal of Contemporary History. His forthcoming book, "The Invention of International Crime: A Global Issue in the Making, 1881-1914" (Palgrave), explores the emergence of crime as an international issue.

Ron Kramer (Ph.D.-Ohio State University) is Professor of Sociology and Director of the Criminal Justice Program at Western Michigan University. His research specialty is state and corporate crime. He is the co-author with Dave Kauzlarich of *Crimes of the American Nuclear State*, with Raymond Michalowski of *State-Corporate Crime: Wrongdoing at the Intersection of Business and Government*, and with William Chambliss and Raymond Michalowski of *State Crime in the Global Age*. Dr. Kramer has been honoured with the Teaching Excellence Award from Western Michigan University and with the Lifetime Achievement Award from the Division of Critical Criminology of the American Society of Criminology.

Lisa Kruse is a doctoral student in sociology at Western Michigan University.

Ashlyn Kuersten, a native of Alaska, was educated at the University of Louisville and Exeter College at Oxford before receiving her Ph.D. in Political Science from the University of South Carolina in 1997. She has been an associate professor of Political Science and Women's Studies at Western Michigan University since then. She teaches courses in American government, Constitutional Law, Civil Liberties and Gender and the Law. She has been interviewed on National Public Radio, the Washington Post, USAToday and the New York Times. Her latest book is titled "Women and American Law".

Heiner Kuhne, currently professor of criminal law, criminal procedure law and criminology at the University of Trier. Since March 1999 he was appointed visiting Professor at Westminster University, London and since April 2001 he became Visiting Professor at Kültür University, Istanbul. He is also permanent expert for the UN-Crime Prevention Branch and an official adviser for the Turkish Government in Human Rights Issues.

Peter Harold Matson, Esquire, is an American citizen, and a permanent resident of the Commonwealth of Virginia where he is currently licensed to practice as an attorney and counsellor at law. Born in New York City he was raised in New England and attended the University of Connecticut and Roger Williams University where he was awarded a Bachelor's of Science degree with honours. Mr. Matson enlisted in the U.S. Navy in August of 1980 and after obtaining a commission has been promoted to the rank of Lieutenant Commander. Mr. Matson retired from the U.S. Navy in 2008 following several years assigned to the Joint Chiefs of Staff at the Pentagon in Washington, D.C. Mr. Matson worked as a solo practitioner in Northern Virginia, and as a trial attorney with the U.S. Department of Justice in the Civil Division, Office of Immigration Litigation. He now runs a solo practice in Malta concentrating on international law, and U.S. immigration and labour and employment law. Mr. Matson works part-time for the University of Malta, college of theology and law as a part-time supervisor of clinical students seeking their law degree. He was awarded a Master's degree in accounting from Old Dominion University in Norfolk, Virginia, and a juris doctorate degree from American University, Washington College of Law. Mr. Matson holds positions as the vice-chair of the Law of the Sea, Immigration and Naturalization and Europe committees of the American Bar Association, International Law Section, and is a member of the Labour and Employment Law Section. A member of the Virginia State Bar and the Virginia Bar Association, and a life member of the Veterans of Foreign Wars, Mr. Matson is married to the U.S. Defence and Naval Attaché, Commander Jane Moraski, who is assigned to the U.S. Embassy, Valletta.

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Professor Nalla was commissioned to coordinate and conduct workshops for member states in four regions of the world. Proceedings from these have formed the cornerstone of the draft (UN ECOSOC) International Protocol Against the Illicit Manufacturing of and Trafficking in Firearms, Ammunition and Other Related Materials, as a supplement to the recently adopted United Nations Convention Against Transnational Organized Crime. He is the Editor-In-Chief of the *International Journal of Comparative and Applied Criminal Justice.*

Sandra Scicluna is a lecturer with the Institute of Criminology, University of Malta. Her Ph.D. research was about prison rehabilitation in Malta. She lectures in the following areas: transnational crime, punishment, substance abuse, the world of corrections, dealing with foreign offenders and organised crime. She has past experience working as a Probation Officer and was elected as member of the CEP Board. She is also a member of the Police Academy Board and has acted as an assistant to prisoners on the Prison Appeals Tribunal. In addition, she acts as a consultant to the Ministry of Justice and Home Affairs and is Deputy National Science Correspondent for CEPOL. She has produced and contributed to various publications on topics which include: substance abuse, domestic violence and the development of probation and prisons in Malta.

Shlomo Giora Shoham is a professor of law and an interdisciplinary lecturer at Tel Aviv University. He is a world-renowned criminologist, who has published more than a hundred books and more than a thousand articles on crime, deviance, philosophy, religion, psychology, and the human personality. Over the years, Professor Shoham developed his innovative personality theory, which is a highly appraised new theory of personality development. In 2003, Professor Shoham was awarded the Israel Prize for research in criminology. He has also been awarded the highest prize in American criminology, the Sellin-Glueck award; and recently the prestigious Emet Prize. He is the recipient of a decoration from the prime minister of France; Professor Shoham has lectured all over the world, and has been a resident at universities of Oxford and Harvard, and at the Sorbonne.

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Andrew Willis is currently a visiting Professor at the Institute of Criminology, University of Malta. Formerly, he was a Senior Lecturer in Criminology and Head of Department at the Department of Criminology, University of Leicester UK. He is consistently involved at the interface of higher education and professional practice in criminal justice – developing and running programmes that allow social workers, probation officers and police officers to add an academic to their professional profile. He works in partnership with the UK's National Policing Improvement Agency (NPIA) at Bramshill in international police officer training.

Papers Presented for the Proceedings

Foreigners in Maltese prisons: A late occurrence? Sixty years of analysis and an earlier episode

Dr. Saviour Formosa, Senior Lecturer and Dr. Sandra Scicluna, Senior Lecturer, Institute of Criminology, University of Malta

The First, Second and Third Generation Migrants

Prof. Shlomo Giora Shoham, Professor of Law, Tel Aviv University (Israel)

Political Science, Criminology and Public Policy

Prof. J. Kevin Corder, Professor, Department of Political Science, Western Michigan University, Kalalmazoo, Michigan (USA)

Mobility, Surveillance Technology and Border Control

Prof. Gregory Howard, Associate Professor of Sociology, Western Michigan University and Ms. Lisa Kruse, Doctoral student in Sociology, Western Michigan University, Kalamazoo, Michigan (USA)

Bombing Civilians: A Socio-Historical Account of a State Crime

Prof. Ronald C. Kramer, Professor of Sociology and Director of the Criminal Justice Program, Western Michigan University, Kalamazoo, Michigan (USA)

Living on the Edge: Migrant Women in Malta

Dr. Frances Camilleri Cassar, Senior Lecturer, Institute of Criminology, University of Malta

Policing Multiethnic Communities: What can we learn from others?,

Prof. Mahesh K. Nalla Professor and Director of Graduate Studies, Michigan State University, Kalamazoo, Michigan (USA); Dr. Jacqueline Azzopardi, Director, Institute of Criminology, University of Malta and Dr. Saviour Formosa, Senior Lecturer, Institute of Criminology, University of Malta

Sudanese Refugee's in Victoria: A Criminological Case Study

Ms. Krystle Gatt, Ph.D Candidate School of Global Studies, Social Science & Planning, University of Melboure (Australia)

Transnational Internet Fraud: E-migrants Committing Cross-border Crime without Crossing Borders

Prof. Thomas D. Coogan, Jr., Associate Professor and Director of Forensic Studies, Stevenson University, Baltimore, Maryland, (USA)

Examining Patterns of Criminal Offending between a Mediterranean and North American Population

Prof. Tony Smith, Assistant Professor of Law and Justice Studies at Rowan University, Glassboro, New Jersey, (USA)

Migration, Transition and Routes to Citizenship

Prof. Andrew Willis, Visiting Professor, Institute of Criminology, University of Malta

Foreigners in Maltese prisons: a late occurrence? 60 years of analysis and an earlier episode

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1   Introduction

The incidence of migrants in Maltese prisons is virtually unknown with studies focusing on the generic 'foreigner' component, irrespective of the purpose of entry to Malta (Scicluna, 2004; Formosa, 2007). This paper investigates sentenced offenders in Malta's prisons and develops a classification system which distinguishes between short-term visitors, long-term residents and migrants who became Maltese citizens.

The paper initially takes a comparative approach through a qualitative assessment of offender case studies taken from 1850 till 1950, followed by a quantitative approach analysing the relative crime component. The study attempts to understand migrant offender issues through the social and spatial parameters that encompass the backgorund of such 'foreigners'. A 60 year (1950 – 2009) analysis was carried out with a further specific focus on the 1990s which show a high rate

of incarceration for foreigners in Maltese prisons as compared to other EU countries, a very evident seachange in source country, an exponential increase in non-Maltese incarcerations and an evolving offence structure.

2   Background

In Malta there are negligible race differences or different ethnic groups, except that based on a religious belief. Following a reduction of foreigners after independence in 1964, due to British rundown, the number of foreigners living in Malta is once again increasing, especially those from the North African countries. Foreigners moved in for seasonal or long-term stays with a resultant mix of cultures. Long-term stays became rooted communities such as the growth of an Arabic community in Mosta in the nineties that moved to San Pawl il-Bahar during the early 2000s. Analysing crime by ethnicity may help identify impacts as evidenced during the 1990s of foreigners committing homicide on other foreigners as against targeting Maltese victims. Whilst research is compiled on an annual basis by the UN on convicted population structure (examples being the USA in 1998 showed a 7% foreigner component, in England and Wales they totalled 0.05% (United Nations, 2003), Malta's situation has yet to be analysed and this paper attempted to lay the foundations for further research.

Though not covered in this paper, a recent phenomenon where Malta has not gone untouched and which is also impacting on crime is that of illegal migration. Large annual numbers of migrants, that at times may reach above natural (population) growth balance have arrived in Malta mainly from Libya on boats. Whilst most are non violent, incidences have been registered were individuals in free centres partake in crime such as drugs (Khat case in July 2006 (Calleja, 2006), alleged group rapes (Malta Independent, 2006) and other offences. Such incidences cause a misconception of this group, enabling xenophobic debates that generally hinder the investigation process.

3   Methodology

Classification System

Lacking a pre-established categorization structure identifying the different type of foreigners in Maltese prisons, the authors developed a migrant classification system based on a spatial (residential-location) and temporal (time spent on the islands) structure:

short-term visitors termed short-stay persons who retain foreign citizenship; such as tourists, those passing-through in transit, or those who may visit the island on a regular basis or live in an undeclared address such as a hotel or other residence (no spatial component and short temporal component)

medium to long-term residents are persons who have a registered Maltese address but retain foreign citizenship (have a spatial component and a variable temporal component)

naturalised – or registered foreign-born persons who became Maltese citizens (have both permanent spatial and temporal components)

3.1 Instruments and Sources

The study was composed of two parts. The initial study was based on a purposive sample of prisoners held in Corradino 1850[1] (n=401), 1860 (n=966), 1870 (n=1608), 1931 (n=648), 1941 (n=483) and 1951 (n=338) (a parameter was taken for each year) which looked into sentencing and pardoning discrepancies between Maltese and non-Maltese offenders. The cases identified those prisoners who would be termed migrants but would fall under the short-term visitor category. Malta, being a British colony until 1964 experienced a high number of English or commonwealth prisoners. Prisoners' petitions were used as assessment to investigate whether there was discrimination in the issuing of pardons. Nationality and place of residence of the prisoners were also analysed.

The second part investigated the full parameter of foreign persons who were in prison between 1950 and 1999 (n=8396) with a preliminary review of those incarcerated in the period between 2000 and 2009 (n=2946).

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[1] Prison regulations were enacted in 1850 and 1931 and the study took two decadal samples for each regulation period).

The survey was based on manual inputting from archival records at the National Archives (NAM) and from Prisoner Ledgers at the Corradino Correctional Facility (CCF).

Instruments used for the analysis included spatial information systems and databases which were created by the authors.

Results

4.1   The pre 1950 period

Analysing the situation of foreign offenders in the Corradino Civil Prison (today named Corradino Correction Facility) from the year 1850 to 1951. This section looked for early recorded evidence of distinctions between the two groups through incidences of discrimination in sentencing or issuing pardons as well as through the incidence of prisoners petitioning the governor for a pardon.

Prisoners requesting a pardon could receive immediate release (NAM, LGO/35/5223; NAM, LGO/36/5260/5293; NAM, CSG/04/31/3724; and NAM, LGO/48/7876). Although the majority of the small number of applications were granted, there is no clear pattern about whether pardons were granted or not (see Table 1). A case in point was reviewed when a prisoner asked that his one-month detention be transformed into a fine so that his children would not be left without supervision, which petition was refused (NAM, LGO/48/8192). In contrast, a prisoner who had wounded another prisoner, was pardoned because he had almost served his sentence however it is made clear that the victim had forgiven him (NAM, LGO/48/9448). Pardon was not granted for a foreign prisoner condemned for life, but the governor recommended that the prisoner should be pardoned at a later stage when he was older so that he could be reunited with his wife (NAM, LGO/48/9514). On the 28th May 1870 an Englishman petitioned the governor on the grounds that his trial was unfair. Although the petition was refused it was suggested that he should ask for a remittal of sentence on the ground that his health was not good (NAM, CSG/04/41/5327). Two days later he was released and sent onboard his ship to leave the island (NAM, CSG/04/41/5336).

Table 1: Petitions for pardon refused or accepted by Governor in 1870

Maltese Prisoners	Refused	16
	Accepted	21
English Prisoners	Refused	3
	Accepted	30
Other nationalities	Refused	3
	Accepted	4

Source: Adapted from NAM, CSG 04

Almost all petitions by English prisoners were granted, whilst about half of the pardons for all other nationals (Maltese and others) were refused. Status and standing were considered valid grounds to differential treatment of insiders and outsiders (Hay, 1975 cited in Garland, 1991:203). Maltese judges may have been sentencing English offenders (outsiders) disproportionately severely, giving them grounds for appeal; or the English colonial administration may have been treating Maltese appellants (outsiders) disproportionately harshly, and English petitioners (insiders) more favourably. A more compelling explanation may have nothing to do with discrimination. Most English prisoners would leave the island as soldiers or marines, frequently to a harsher life than that experienced in prison, and often at the request of the military or naval authorities. This reflects Foucault's (1977:178) reasoning that the army, hospitals and educational institutions all served to meet the imperative of producing well-trained bodies; and it was immaterial where this training took place. For example on 21st December 1870 twenty-two prisoners were released on request of the superintendent of ports, with an order to them being returned to ship and sent home (NAM, CSG/04/42/6281).

After 1931, prisoner's right to petition was modified. Although they could still petition for a pardon of their sentence they could only do so after three months when the sentence was less than two years or six months when the sentence was more than two years.   Prisoners were not allowed to petition a second time before they received an answer to their first petition and in any case not before six months had passed from the previous petition. If a prisoner was seen to be abusing this

right the director could prohibit him from further petitioning (Prison Regulations, 1931:Sec.91-95). Fourteen prisoners were pardoned in 1931 (NAM, CSG/01-75/1932, NAM, CCP/10/15), 19 prisoners in 1941 (NAM, CSG/01-97/1941, NAM, CCP/10/27) and 12 in 1951 (NAM, CCP/10/38). A problem that occurred during the war was that English prisoners were complaining that they were being treated differently than the Maltese, both at the point of sentencing and during their stay in prison. Table 2 shows that there were 107 requests for pardons in 1941, out of which 86 were refused 13 accepted and seven prisoners were sent to the reformatory. In total 86 Maltese requested a pardon, 75 were refused, four were accepted and seven were sent to the reformatory, as they were juveniles. In comparison, 21 English prisoners requested to be pardoned, 11 were refused and nine accepted (NAM, CSG/01-1941).

Table 2: Requests for pardons in 1941

|	Refused	Accepted	Reformatory	Total
Maltese	75	4	7	86
English	11	9	-	21
Total	86	13	7	107

Source: Adapted from NAM, CSG 01-1941

These figures might indicate that there was an 'obviously apparent' bias in issuing pardons but this may be an over-simple explanation. Judges of the Maltese courts were issuing much harsher sentences against English people during this year than the Maltese. For example two Maltese persons were given four-and-a-half-months and five-and-a-half-months imprisonment for assaulting a police officer (NAM, CSG/01-3461/1941). On the other hand three Englishmen for the same offence were awarded one year hard labour for two of the offenders, while the other was given a year-and-a-half of hard labour (NAM, CSG/01-2606/41). The former were refused a pardon while the latter were forgiven three-months and four-months respectively. This might indicate that pardons served to balance prison sentences. Harsher sentences issued to the English might be explained because the judiciary at the time was pro-Italian. The chief justice of the time Sir Arturo Mercieca was interned as soon as Italy declared war on the allies and he was later sent to Uganda (Bondin, 1980). Other members of the judiciary were also interned. In 1943 the

governor requested an inquiry about the treatment of servicemen by the Maltese courts and in the Maltese prisons. Although no conclusion is forwarded on the sentences it is suggested that some of the sentences seem 'pretty startling' (PRO, ADM, 178/355B).

Figure 1 shows that the majority of prisoners came from the inner harbour area (44% overall: 46% in 1850, 34% in 1860 and 52% in 1870). Ten per cent of prisoners came from other areas in Malta, with even fewer prisoners from Gozo. The proportion of military prisoners rose from 12 per cent in 1850, to 28 per cent in 1860 and dropped to 2 per cent in 1870. This increase in 1860 could probably be explained by the expansion of the British navy in Malta. In 1860 a fight between the British navy and the chamber of commerce occurred, as the former wanted to take over the French creek to transform it from a mercantile base to a navy base (personal communication, R. Mangion, 10/04/02). This led to a higher increase of Englishmen on Maltese soil. In 1859, due to the Italian unification many Italians came over to Malta. With more foreigners on Maltese soil foreigners in prison were bound to increase. This led to an agreement between Italy and Malta to regulate the transfer of criminals (Ordinance 1 of 1863). On the international setting one finds the end of the Crimean war and in the 1860s a great movement of immigrants and emigrants around the Mediterranean. All this could have contributed in the increase of foreigners in the Maltese prisons, although the researcher suspects that the principle cause was that of the expansion of the British navy and Italian unification.

Figure 1: Place of residence of prisoners prior to imprisonment in 1850, 1860 and 1870
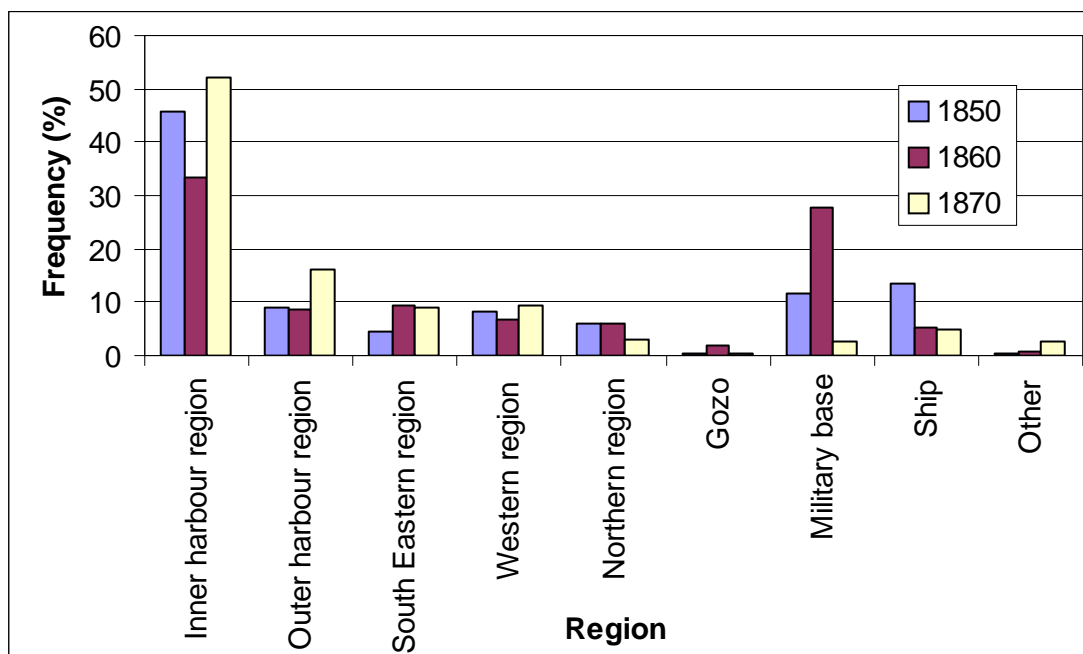
The inner harbour region is the most industrialised place in Malta. With the advent of the industrial revolution an influx of people going to towns and cities occurred. Richards (1977:202) places the peak of the industrial revolution in England around 1850 with other European countries following. Marx (1959:334) maintains that with the advent of the industrial revolution the mode of production changed. Peasants with small parcels of land could not compete with the big landowners and they were forced to abandon their lands to seek work in the cities. Here working conditions were poor. Although in Malta there was no great movement of people from the countryside to the towns none the less some movement occurred particularly due to the lack of transport which workers in the naval industries found to their detriment and eventually moved to live in the inner harbour region. These people would not have known the ways of the city and they could get into trouble much easier. Another factor contributing to the overrepresentation of criminals in the inner harbour area is that proportionately more people lived in a smaller area and there was more opportunity to commit crime.

Figure 2 shows that in 1850, 23 per cent (90 individuals) were English. The "other" category was made up of Italians (7 prisoners), 2 prisoners from Corfu, and a prisoner each from America, Dalmatia, Tripoli and Tunisia. In 1860, most offenders were Maltese (68%), followed by the English (29%), the Italians (2%) and Americans (1%). The situation changed ten years later. The amount of English prisoners decreased from 280 in 1860 to 112 in 1870, while the number of Maltese prisoners increased from 637 in 1860 to 1443 in 1870. It seems that military personnel

were no longer posing the same problem with most offenders (90%) being Maltese.

Figure 2: Nationality of prisoners in 1850, 1860 and 1870
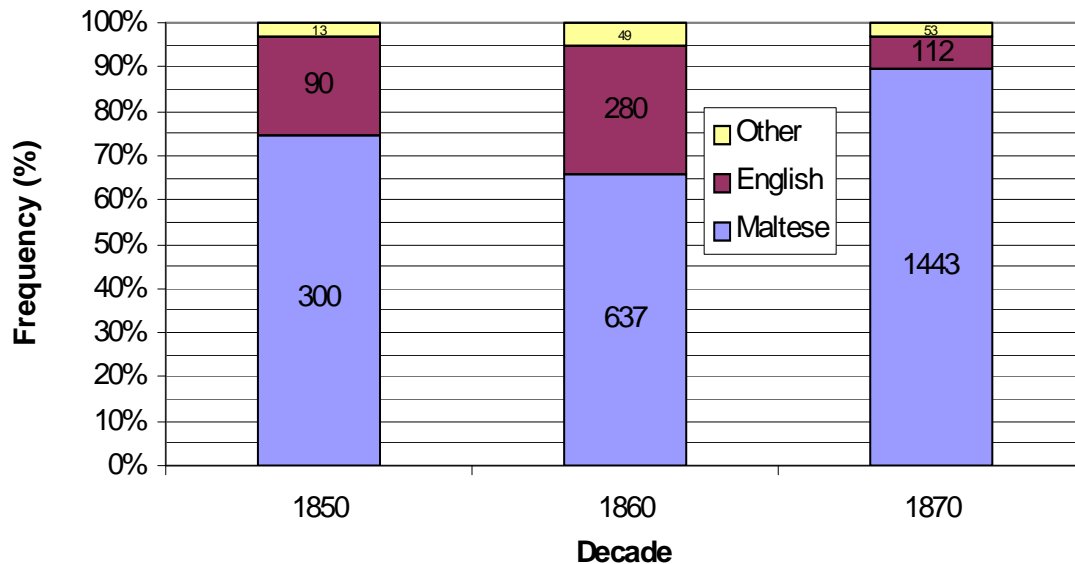
Source: Based on NAM, Prison Admission Records 1850, 1860 and 1870

As can be seen from Figure 3 even in the middle of the 20th Century, most offenders lived in the inner harbour region – 61 per cent in 1931, 54 per cent in 1941 and 47 per cent in 1951. The inner harbour region always attracted more crime mainly because there were many people living in close proximity, it was the place where the mercantile ships entered and where most business was situated. Even after the second world war, when most rich people had left the three cities and Valletta, crime rates in these areas continued to flourish. People living in the outer harbour area follow with 16 per cent, 17 per cent and 23 per cent for the years under study. The northern part of Malta is the least criminogenic with 3 to 4 per cent of offenders coming from this region in 1931, 1941 and 1951. The south-eastern and western regions having a slightly higher percentage than the northern region. Offenders from the island of Gozo are few (1%, 4%, and 3%). However when one considers that offenders sentenced to less than 15 days were kept in the Gozo prison, and that most offenders where actually sentenced to less than 15 days, Gozo's claim to be a crime free zone diminishes, probably becoming no different to Malta as a whole. In 1941 and 1951 there were a number of offenders (6% and 4%) who lived in a military base before being

committed to prison. The absence of prisoners from military bases in 1931 might indicate that military personnel who committed crimes were tried by court martial. During the war the rich people in these places moved to the countryside while the poor entered the cities. There was an influx of poor people in the towns during the war and after. Miller's (1958) theorising on the link between crime and poverty, surplus labour, urbanisation and overcrowding retains its plausibility.

Figure 3: Place of residence of prisoners prior to imprisonment in 1931, 1941 and 1951
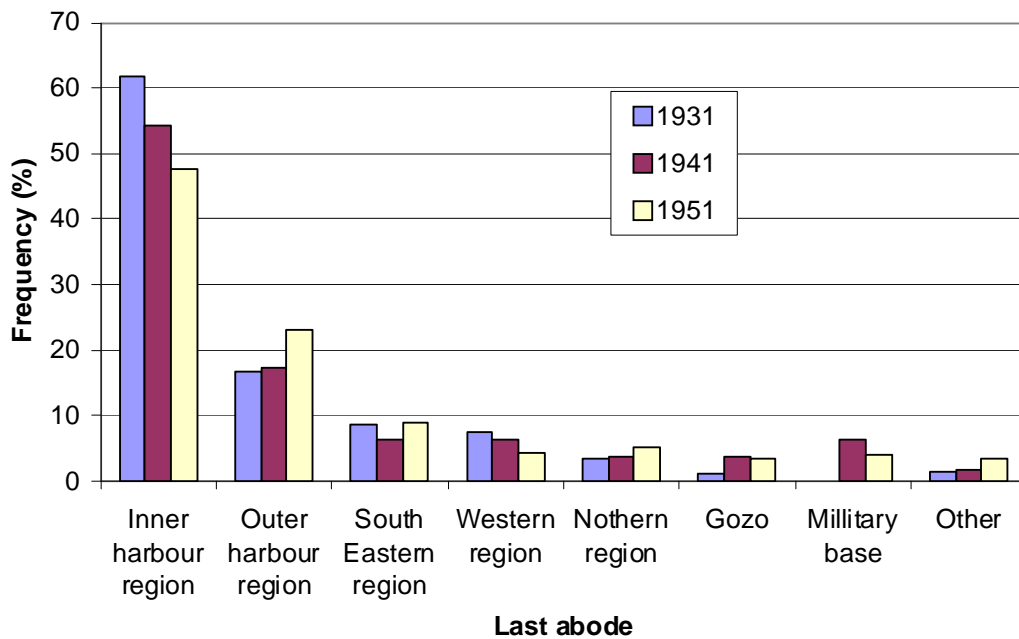
Source: NAM, Prison Admission Records 1931, 1941 and 1951

Figure 4 shows the nationality of the prisoners committed to Corradino during these years. Most

prisoners were Maltese (97% in 1931, 89% in 1941 and 93% in 1951). Other prisoners during 1931 came from Egypt (2%) from Susa (1%), Suez (0.3%) and Bona (0.2%). In 1941 seven per cent were English, two per cent of prisoners were Egyptian while one per cent came from Tripoli and Ireland. There was a prisoner each from Algiers, Canada, Denmark and India. The Maltese tend to totally identify themselves as Europeans rather then southern Europeans, but all those who do not conform to the Maltese mentality of the European image are treated in a racist manner (Borg and Mayo, 1994:219). This attitude would have shown itself in the prison warders. It was felt during the war years when the guards did not seem to know how to deal with English prisoners. They ignored them, leading Captain Strologo to comment that the English prisoners were being discriminated against. Recent research has focused on the treatment of ethnic minorities in prisons, linking discriminatory treatment with stereotypes held by prison warders (Smith, 1994:1101).

Figure 4: Nationality of prisoners in 1931, 1941 and 1951

A more interesting notion is found in the war internees. A cursory look at the work done by internees prior to internment shows that most of them held high status jobs (see Table 3). Six internees were lawyers, out of which one finds an ex-prime minister. Another six were journalists or editors of pro-Italian journals. Twelve were merchants and the others held various professions such as an ex-captain of the British navy, teachers, engineers, pharmacists, accountants and university students. Thirty-six of those interned held jobs with the royal naval arsenal varying from mechanics to accountants and engineers. Half of the internees held a professional job and some of those working with the royal arsenal also held jobs such as accountants or heads of departments. One can note a parallel between the treatment of the internees and Micciarelli, ninety years previously. While both prisoners and internees were considered undesirable by society and therefore put in social quarantine (Durkheim, 1893:104) they were not treated similarly due to their social standing (Rusche and Kirchheimer, 1939:176). One would suppose that the enemies of the state during a war would be considered much more dangerous than prisoners, most of whom had committed some petty crime. This paradox in treatment can only be explained by the social standing of most of the internees. The Maltese reaction was mainly based on a political move with the Constitutional Party trying to overcome the Nationalist Party and surely not all Italian sympathisers were interned as this would have amounted to much more than eighty people.

Table 3: Professions of internees

Job held prior to internment	Number of internees
Royal naval arsenal	36
Merchants	13

Journalists/Editors	6
Lawyers/ex-parliamentarians	6
Teachers	2
Engineers	2
University Students	2
Employed	2
Other professionals	7
Unknown	4
Total	80

Source: Constructed from Bondin, 1980:115-121

Some internees ended in prison. Eric Maitland Woolf an internee was problematic to the authorities. Ganado (1977:288) in his memoirs wrote that his trouble making was equivalent to all those of the internment camp. Woolf was born in England but immigrated to Malta to work with the Strickland press. However he soon left the newspaper. When he was arrested in 1940 he soon got into trouble because he attempted to commit murder as an internee and was transferred to the main prison. He requested that he should be treated in the same manner as all other prisoners awaiting trial but his request was refused both because of security reasons and because as a prisoner awaiting trial he would have had more privileges than an internee would. This would have been seen as receiving a reward for a crime (NAM, CSG/01-2200/1941). We see two journalists Micciarelli and Woolf being treated very differently by the prison authorities. However this is justified as Micciarelli was condemned under the press law and Woolf was being tried for murder. Having social status helps, however when the crime committed is atrocious nothing will favour one.

Post-1950

The post-1950's study took a quantitative approach and analysed all the incarcerated offenders parameter. Results show that the Maltese islands, having hosted the British colonial powers till

1964, saw its prisons welcoming a number of residents/dependents from that power, as evidenced by the 1950s with 96% of international offenders directly coming from England, Wales and Gibraltar, where the larger part were marked as being aboard Royal Navy ships when they committed an offence (Table 4). This decreased over time until the British garrison left in 1979. Subsequent 'aboard ship' offences were mainly tourism and/or merchant shipping related.

Table 4: International Offender residence: the 1950s: percentage 1

International Offender 'Residence'	1950 - 1959	1960 - 1969	1970 - 1979	1980 - 1989	1990 - 1999
Aboard Ship	71	62	5	19	0
England	22	3	10	6	1
Pakistan	4	0	0	0	0
Gibraltar	2	0	0	0	0
Wales	2	0	0	0	1

This situation was reversed in the later decades by a take-up of Arab foreigners, mainly Libyans who have dominated the prison scene since the 1970s, when the Maltese government sought closer ties towards the North African countries, particularly Libya. This component reached 25% during the 1990s (Table 5). In fact, North African offenders constituted 59% of all 1990s international prisoners, with 38% coming from the closest lands of Libya and Tunisia.

Table 5: International Offender residence: the 1990s: percentage 2

International Offender 'Residence'	1950 - 1959	1960 - 1969	1970 - 1979	1980 - 1999	1990 - 1999
Libya	0	0	20	13	25
Morocco	0	0	2	0	13

Tunisia	0	0	0	21	13
Nigeria	0	0	0	0	10
Ghana	0	0	0	10	8
India	0	0	0	3	8
Egypt	0	0	2	3	6
Algeria	0	0	5	2	2

Figure 5 shows a spatial depiction of the countries of origin of migrant prisoners in the Maltese islands. The number of migrant offenders in prison rose drastically in the 1980s (24.4%) and 1990s (30.6%) after relatively low percentages averaging 6.3% in the previous three decades. The spatio-temporal flow from a Northern European to a heavily African component is very evident. Interestingly, the high Libyan component of the 2000 figures is very significant, which component would be drastically reduced should illegal immigrants be included in this study. The latter group have not been included since they were discounted from prison sentencing during the 2000s but kept in detention centres. Inclusion of this flow would shift the continental bubble to the Horn of Africa.

Figure 5 Migrant prisoners in the Maltese Islands: 1950s to 2000s 1
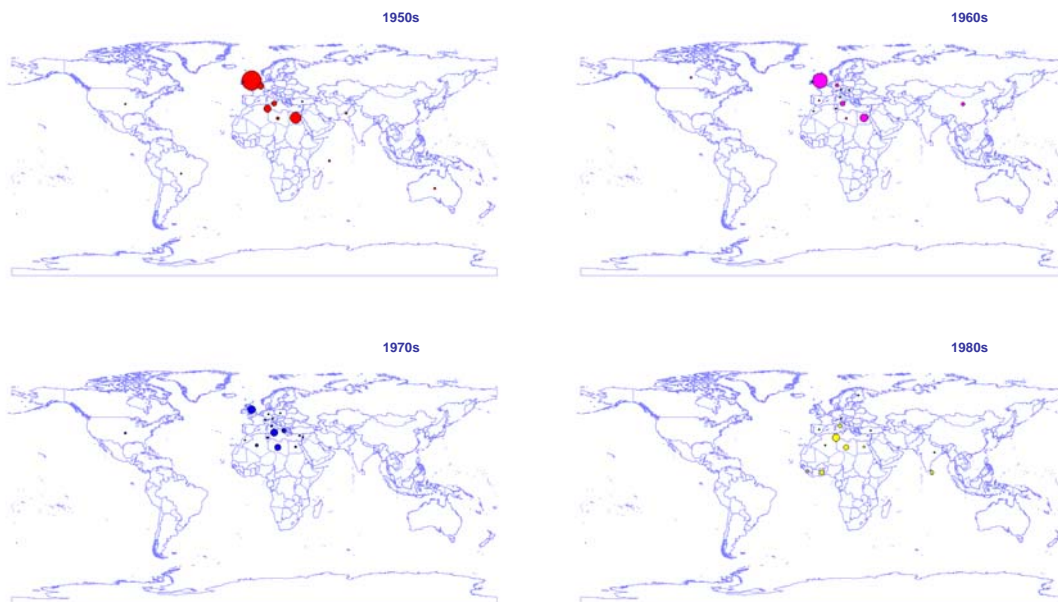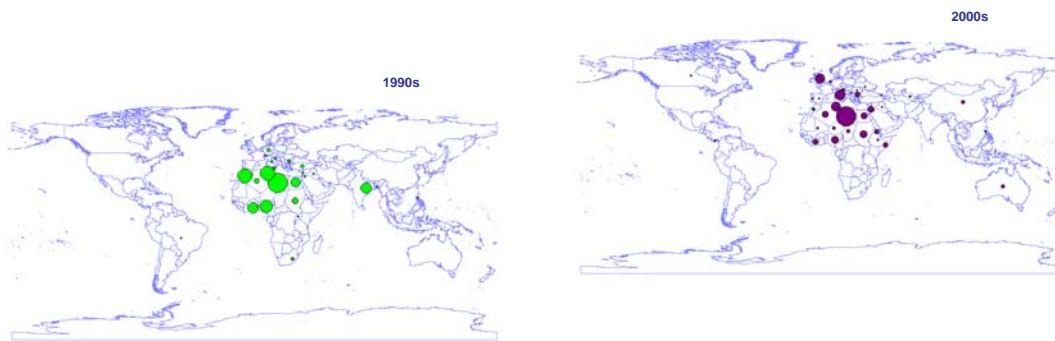
Comparing the component to the global scene (United Nations, 2003): a sub-study of the 1990s 17.1% foreign nationals in Maltese prisons indicates that this is definitely the highest both in Europe and in the only other island reporting comparative information: Hong Kong. Whilst the latter country registered an average of 4.6 percent of foreigners as a percentage of all incarcerated persons between 1998 to 2000, the highest in Europe was Spain with 7.7 %; less than half that of Malta (Figure 6). The other European countries show a mean of 1.63 without Malta's outlier and have varying percentages with the lowest being England and Wales at 0.05%.

Categorising these individuals in accordance with the classification system, the analysis indicates that 495 persons with a foreign address had foreign nationality and were born abroad, which definitely establishes this group as short-term visitors. Another 594 persons who were born abroad had a registered Maltese address, of which 420 foreigners had a long-term Maltese address but retained foreign nationality. Another 43 foreign-born persons had no fixed address or their residential location was unknown. In summary, of the 1219 foreign-born offenders, 1028 retained their foreign nationality, whereas the rest (191) hanged their nationality to Maltese thus signifying permanent residence. Interestingly the homeless persons (19) who were foreign-born now have Maltese citizenship which implies that after gaining citizenship they became homeless. Another 70 lived aboard ship.

Figure 6: Foreigners in Country Prisons as a percentage of total convicted 1998 – 2000 – an international perspective 2
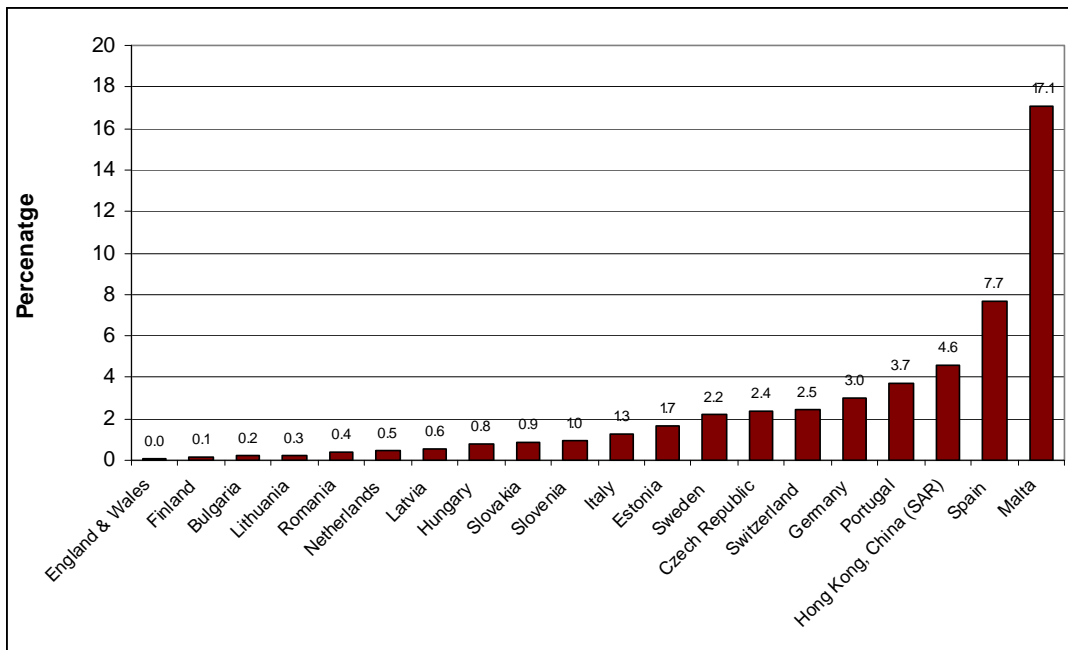
A 1990s offence analysis shows that the short-term stay category commit most offences followed by long-term residents and naturalised-registered persons with a maximum number of recidivist cases at 17 instances (same individual) against a maximum of 26 instances for a Maltese individual.

Figure 7: Migrant Offences (1990s): Instances of offences and Maximum instances per individual.
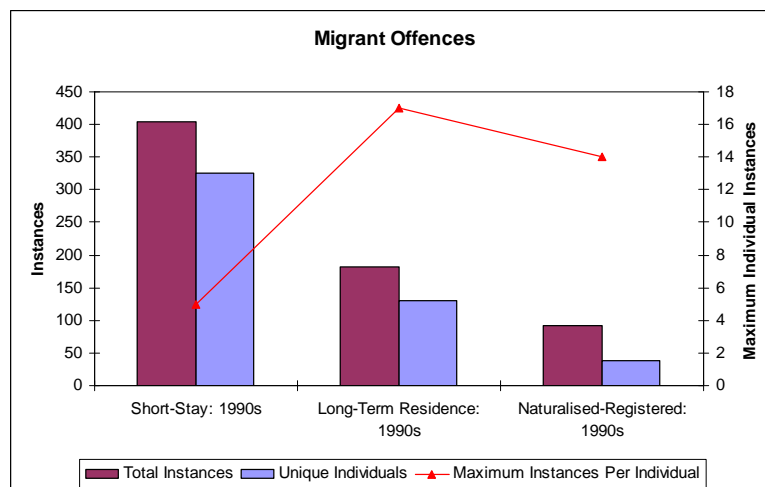
Migrants fall within younger age cohorts than their Maltese counterparts with the different categories showing marked differences between them: the naturalised component has a larger percentage presence than the long-term and short-term groups indicating a greater liability to fall foul of the law when the fear of deportation is much less, reflecting Messner's findings that this group is highly likely to be incarcerated (1992).

In terms of sex, the migrant component registered 96.2% males as against a 92.2% for the Maltese component.

In terms of status, the majority of the migrant offenders are single (66.2%) as against 57.3% for Maltese offenders, which figures further show that migrant offenders in the naturalised category have a high rate of separated or divorced structure.

Education-wise, migrant offenders tend to have higher educational levels than their Maltese counterparts. Figure 8 also shows that the interesting structure focuses on the trade and technical level within which the naturalised group falls.

Figure 8: Educational levels - Migrants 1990s
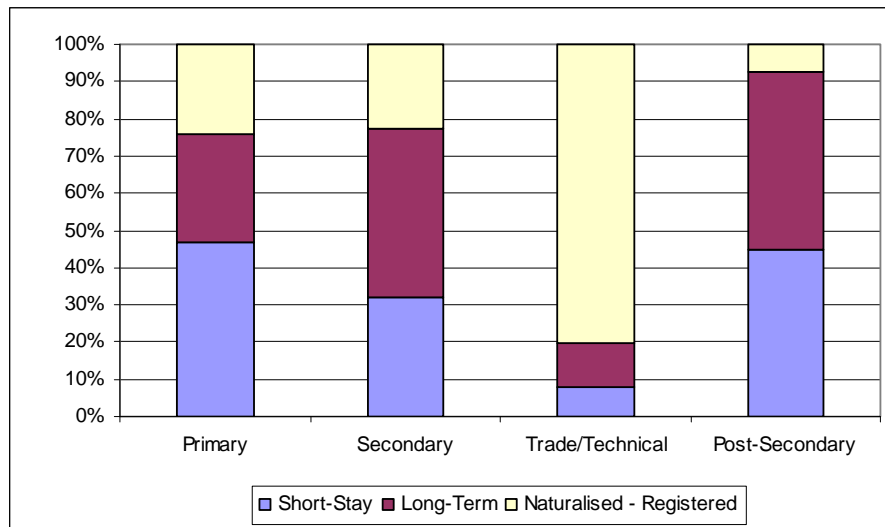
Employment-wise, migrants have lower unemployment rates (42.6%) than Maltese (70.5%),

however an analysis based on the classification system shows that the naturalised persons has a higher component than the Maltese at 78% within that category though the other two categories have high rates of students at 10% (short-term) and 9.3% (long-term) as well as 'general managers' at 4.4% and 9.3% respectively.

Sentencing for migrants shows that in general, foreign offenders have a higher short-term sentencing outcome (33.5%) as against the Maltese 16.8% figure, and a lower long-term outcome 60.1% against a 71.6%. However an analysis by migrant-category shows that the short-stay offenders are balanced between the sentence type with nearly equal numbers receiving short or long-term sentences. However moving towards long-stay offenders, the structure takes on a similar one to the Maltese structure with a near identical one for the naturalised persons. This is reflected in the type of offence they were sentenced for, which shows that naturalised persons tend to partake to more violent offences with increasing rates for robbery, vehicle crime and thefts.

In terms of recidivism, the larger component of migrant offenders fall within the short-term stay category who have a high 76.9% first-timer component. However, the structure switches in terms of those persons who are naturalised who have a 63.3% recidivist component, which beef up the figure of 8.7% of migrant offenders who have more than 3 times recidivism incidences.

In summary, the characteristics of migrant offenders shows that the migrant offender profile depicts him as male, aged between 21 and 30 years old (Entorf et al, 2000), a recidivist (Schwaner, 1998), has had a secondary education (Rutter et al, 1979), is single and unemployed (Wang, 1999) and increasingly partaking to serious crimes in line with Greenwood's findings (1982).

Finally, an analysis based on migrants' preferential residential location shows a seachange for the highest two locations, primarily due to the high short-term stay component where Gzira and San Pawl il-Bahar (Figure 9) are preferred to those taken up by the Maltese offender, traditionally switching between Bormla and Valletta. Sliema, Mosta, San Giljan and Qormi are also serving as attractors for migrant offender preference. An in-depth analysis shows that naturalised offenders are taking on a similar structure to the Maltese component where Bormla and Valletta start becoming preferable for migrants who stay longer or permanently on the islands.

Figure 9: Migrant Residential preferences: red signifies a higher residential rate

Residential Migrant
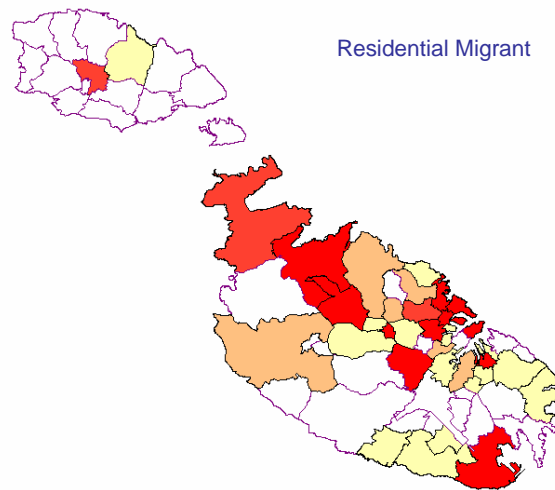
At the other end of the offender-offence pivots, offence analysis shows that whilst it is understandable that most migrant-related offences occur in locations related to transit, such as airports, seaports and bus termini, migrants tend to commit offences close to their area of residence, with Gudja, Floriana and Valletta registered at the top of the league (Figure 10) (Bottoms and Wiles, 1997). Further analysis shows that the transit component is very evident for the short-term offenders, however the longer-term migrants tend to commit offences also in high-density residential areas such as San Pawl il-Bahar and Valletta and also in the traditional haunts of the Maltese offender: the entertainment mecca of San Giljan and its recreation centre of Paceville.

Figure 10: Migrant Offence targets: red signifies a higher offence rate

Offence Location Migrant
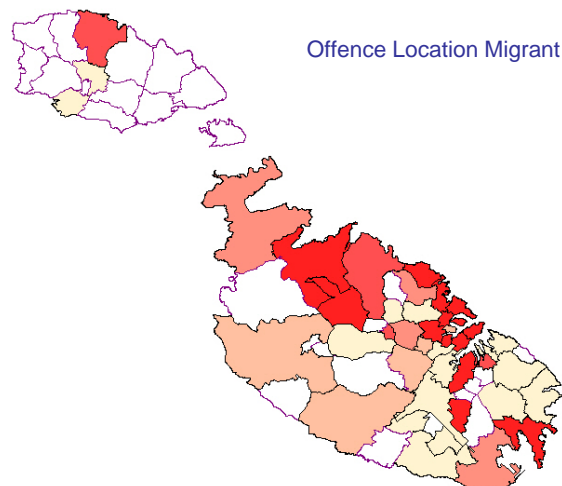
Conclusions & Outlook

The results of this analysis shows that there are distinct differences in structure in terms of migrant offender and the offences they commit when compared to their Maltezse counterparts. Both phases spanning the 150 years of the study show that whether in terms of actual offences and structure as well as in the sentencing and pardoning practices the differences meted out are distinct.

The classification system employed for this study has shown that the longer the immigrant stays on the islands, the higher the potentiality of emulation to the Maltese counterpart's structure both in terms of offence type, offender residential and offence spatial locations.

The study would have been enhanced with new data on the 2000s group being integrated within this analysis with specific reference to the incidences reported for those offenders who had been registered as illegal immigrants, but who have been subsequently released after the proscribed eighteen months detention process and who may have committed offences in the period following release. The offence spatial structure there is totally different to that offered by the migrant analysis carried out in this study.

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[2] NAM – National Archives of Malta
[3] CCP - Corradino Civil Prison
[4] CSG – Chief Secretary to the Governor

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NAM, LGO/48/9448

NAM, LGO/48/9514

NAM, Malta Prison Regulations, 1931

NAM, Ordinance 1 of 1863

PRO[6], ADM, 178/355B

All NAM and CCPLedgers from 1949 to 1999

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[5] LGO - Lieutenant Government Office

[6] PRO - Public Records Office (UK)

The 21st Century KultuKampf: Fundamentalist Islam Against Occidental Culture

Shlomo Giora SHOHAM

"I thank God that my sons Oudai and Koussai and my grandson Moustafa have sacrificed themselves for this country".

Saddam Hussein in a recorded message to the Iraqi people.

Introduction

Before September 11th the scourge of fundamentalist Islam was mostly felt by the Israelis, the victims of the Talibans in Afghanistan reflected symbolically by the toppling down of the giant Buddha statues; the suppressed students in Iran and by the slaughtered villagers in Algeria. After September 11th, the political hierarchies in the U.S.A., Britain and some other countries realized that a war was going on – fought with different weapons, but awesome frightening and quite effective – between fundamentalist Islam and Western culture. How did it happen? Why has it been over looked and what may be expected to happen? We must however clarify some preliminary questions: what were the socio-cultural processes which preceded these outbursts of war which most observers prefer to denote it as terrorism. What is the conceptual infrastructure with which this war may be analysed and finally can this war be dealt with, with conventional methods or novel tactics and strategies have to be devised to cope with it? Since we hold the present war to be a sequel to a harsh cultural conflict which raged throughout the ages between the Islamic more Tantalic social characters and the occidental largely Sisyphean social characters we have to deliberate on the concepts of Tantalic and Sisyphean social characters. These are related to our personality theory, which we have developed in extenso elsewhere (SHOHAM, 1982).

This theory identifies two opposing personality types: the 'participant' and the 'separant'. 'Participation' means the identification of the ego with people, objects or symbols outside the self, and the desire to lose one's separate identity in fusion with these externals. 'Separation', of course, implies the opposite. These two character types define the poles or extremes of a continuum of personality types.

Our personality theory also posits out three main developmental phases. The first is the process of birth. The second, the crystallization of an individual ego by the moulding of the "ego boundary." The third phase, a corollary of socialization, is the achievement of an "ego identity." The strain to overcome the separating and dividing pressures never leaves the human individual. The striving to partake in an all-encompassing whole is ever-present and takes many forms. If one avenue towards its realization is blocked, it seeks out another. Total participation or fusion is, by definition, unattainable. In addition to the objective impossibility of participation, the separant trait acts as a countering force, both on the instinctive and interactive levels. At any given moment of our lives, there will be a disjuncture, a gap, between our desire for participation and our subjectively defined distance from our participatory aims. We call this gap the "Tantalus Ratio," that is, the relationship between the longed-for participatory goal and the distance from it, as perceived by the ego (SHOHAM 1984).

Another basic premise of the theory concerns the fixating of separant and participant personality types. This is related to the stage of development, at later orality, when a separate self crystallizes out of the earlier undifferentiated whole. There is an ontological base line by which the self is defined by the non-self - the outside object. The coagulation of the self marks the starting point for the most basic developmental dichotomy.

Two separate developmental phases can be distinguished: the first, from birth and early orality until the point at which the ego boundary is formed around the emerging individual separatum; and the second, from later orality onwards. In the first phase, any fixation that might occur, and thereby imprint some character traits on the developing personality, is not registered by a separate self capable of discerning between the objects, which are the sources of the fixation-causing trauma, and itself as recipient. The entity which experiences the trauma is a non-differentiated whole. However, if the traumatizing fixation occurs at the later oral phase, the self may well be in a position to attribute the cause of pain and deprivation to its proper source: the objects. We therefore propose a personality typology, which is anchored on this developmental dichotomy of pre- and post-differentiation of the self (SHOHAM, 1984).

The process of moulding the separate individual determines the nature and severity of the fixation, which in turn determines the placement of a given individual on the personality type continuum. However, the types themselves are fixed at different stages in the developmental chronology; the participant at pre-differentiated early orality and the separant after the formation of the separant self. The participant factor operates, with a different degree of potency, on both

these personality types, but the quest for congruity manifests itself differently with each polar personality type. The participant aims to achieve congruity by effacing and annihilating himself, by melting back into the object and regaining the togetherness and non-differentiation of early orality. The separant type aims to achieve congruity by overpowering, or "swallowing", the object.

Social Character

When our core personality continuum is applied to the characteristics of groups or cultures, it relates to a social character. The family and other socializing agencies transmit the norms and values of the group, which the individual then internalises. It is important to note at the outset, however, that a social character as the composite portrait of a culture is never pure. It portrays only essentials, not peripheral traits. One culture may absorb the social character of its conquerors. This social character may thence be classified along a continuum similar to our personality core continuum. The separant pole can be denoted as Sisyphean, after the Greek stone-manipulating Titan; we denote participant as Tantalic, after the stationary, inner-directed and abstract demi-god. Thus the social-character constitutes the cultural dimension of the personality continuum.

Patterns of Culture and Social Character

The classification of cultures along a continuum and their relationship to a given personality structure necessitate two basic assumptions. First, that cultures possess generalized traits that may be measured and ranked on a predetermined typology or scale. Second, that these traits could be related to the character of the individual. By adopting both these assumptions, we find ourselves in good or bad company, depending on taste or value judgment. Spengler and Toynbee have adhered to both these assumptions in their works on the growth and decline of cultures (SPENGLER 1954; TOYNBEE 1987). Indeed, Spengler compares the ages of cultures to the ages of man: "Every culture," he says, "passes through the age phases of the individual man. Each has its childhood, youth, manhood and old age" (SPENGLER 1954: 107). Oswald Spengler and Arnold Toynbee thus introduced the dynamic temporal dimension to the study of culture.

The current anthropological conception of culture as the "superorganic" (KROEBER, 1952: 22-30) pattern of symbols, generated by the interaction of groups and individuals and transmitted by learning, lends itself to abstract classifications. The crucial questions is, are the patterns Platonic ideals projected by the mind of the anthropologist onto the rarified ether of abstraction, or are they generalized descriptions of processes actually taking place in societies? If culture "is what

binds men together" (RUTH BENEDICT, cited in KLUCKHORN, 1962: 62) and it does so by "symbolating" human interaction, (REIS LESLIE WHITE cited in KLUCKHORN, 1962: 26) that is, by relating forms and appearances to qualities and attributes, then it already involves, by definition, the abstraction and ordering of "Gestalts." (KROEBER ,1963: 101). In other words, the processes of cultures are themselves manifested in arranged patterns. This may also be gleaned from some of the key concepts in the definition of culture. A symbol is a value - or meaning-laden sign; (WHITE, 1949: 25) and meanings and value judgments are readily expressed in generalized patterns. The "superorganic" is manipulated by tools, and the means chosen to achieve cultural goals are regulated by norms. Yet rules and norms themselves are constructs that are choice objects for paradigms and classifications. *Prima facie*, therefore, we may accept the feasibility, contrary to the vehement objections of some ethnographers, of ordering cultures into generalized configurations and patterns, or to use Spengler's flowery language, of painting the portrait of a culture (SPENGLER, 1954: 101). Indeed, Ruth Benedict and her cultural-relativist colleagues have demonstrated how patterns may be identified by the direct observation of cultures. Furthermore, Claude Levi-Strauss and his structuralist school have shown that cultural processes in "savage" societies are coincidental to the classificatory passage from things to symbols, notably the totemic generalizations from the concrete to the abstract (LEVI-STRAUSS, 1966). The structuralists thus identify in societies not only patterns, but also whole systems of functions underlying overt cultural processes. For Benedict, cultural patterns stem from "unconscious canons of choice that develop within the culture ... so that it selects some segment of the arc of possible human behaviour and, so far as it achieves integration, its institutions tend to further the expression of its selected segment and to inhibit opposite expressions." (BENEDICT, 1934; 54, 220).

These habits, symbols, values, cultural goals and the means to achieve them, crystallize into "total culture patterns" (KROEBER, 1963: 125-30) by which cultures may be identified. The ordering of cultural patterns into schemes, paradigms, continua and matrices may vary according to the purpose or theoretical orientation of the observer. There can be no universal criterion for measuring the validity of the classification of culture patterns. The value of a classification should be determined by the specific aims and needs of a given theoretical concern. This is aptly stated by Claude Levi-Strauss as follows:

> The real question is not whether the touch of a woodpecker's beak does in fact
> cure toothache. It is rather whether there is a point of view from which a
> woodpecker's beak and a man's tooth can be seen as "going together" (the use of

this congruity for therapeutic purposes being only one of its possible uses) and whether some initial order can be introduced into the universe by means of these groupings. (1966: 9)

We may thus observe in the literature, a vast array of classifications of cultures that serve an ad hoc aim of the researcher. On the micro level, we may find F.L.K. Hsu's classification of cultures by their dominant dyads. Japan, according to his criteria, is a father/son-dominated society, whereas American culture is dominated by the husband/wife-dyad (HSU,1969: 86). On the macro level, Riesman and his associates identified the traditional, inner-directed societies within a scheme related to transitional growth and economic development (RIESMAN, GLAZER and DENNEY, 1953). The typology that is closest in its general objectives to our own, is of course the one presented by Benedict, following Spengler's cultural relativism. The cultural-relativist method of identifying dominant social characters within a culture, which may be arranged between two poles of a continuum, suits our methodological purposes. By this method, we may characterize a culture according to its position on the continuum. This position is never static because it shifts with time and social change.

Next, we address the nature and viability of a social character. To Fromm, a social character does not consist of those peculiarities, which differentiate people, but of "that part of their character structure that is common to most members of the group." (1942: 277). The social character is, therefore, a common attribute of individuals, ingrained in them by socializing agents, which display the characteristics of a culture. Riesman, who uses *mutatis mutandis,* Fromm's definition of social character, relies for the sources and genesis of this social character on Erikson who claims that "Systems of child training ... represent unconscious attempts at creating out of human raw material that configuration of attitudes which is the optimum under the tribes' particular natural conditions and economic-historic necessities" (RIESMAN, GLAZER and DENNEY, 1953: 19). Erikson's mesh of social Darwinism with Marxist material dialectics is too concrete and harsh in our view as an explanation for the volatile concept of social character. We prefer to see the social character as a "collective representation" in the sense used by Levy-Bruhl, (1966: 3-5) of acts, symbols, and transitions from the concrete to the abstract displayed by groups in their interaction with the individuals which comprise them, or with other groups. This involves the transmission of the social character from the group to its young, and from generation to generation by a process of learning and socialization, and not by heredity, as postulated by Jung (1944: 616). The social character is the psychological type of a character as displayed by a collectivity, and not by the individuals comprising it. Yet, when this social character is implanted

in the individual by the group, it provides the necessary link between the phylogenetic and otogenic bases of the personality structure.

Activist and Quietist Cultures

Every classification fulfils the specific aims of a given theoretical structure. Our purpose is to determine the inter-relationship of the Sisyphean-Tantalic personality type continuum with the separant-participant continuum of cultures. Consequently, we have to define our cultural continuum and describe the polarities of our social characters, and this, to be sure, is no mean task.. The "portrait of a culture," however, depicts only the predominant cultural traits and patterns, but every culture is perforce pluralistic and displays, to varying degrees, aspects of the opposite polar type, as well. This is the main reason why a continuum is the most suitable means of describing the polarity and range of social characters.

The polarization into Sisyphean-separant and Tantalic-participant social characters has influenced the *Weltanschauung* of observers from times immemorial. The first characteristic which distinguishes a separant culture is an orientation toward action. The second contrast is between unity and plurality. The participant culture decrees that one has to rid one's thoughts of the illusory perceptions of the senses in order to reach the monistic wholeness behind the deceptions of plurality. Consequently, the Parmenidean sphere, representing all-present wholeness is also the three-dimensional *mandala* that is the prevailing symbol of the Far Eastern participant cultures. The separant conception of reality follows Pythagoras, and of course Heraclitus, who saw the universe as ordered into measured pluralities that follow the universal formula of sequence and dynamic harmonies within inter-related boundaries. The third polarity contrasts the ideal of constancy in the participant cultures with the idea of relationship in the separant culture. If plurality is illusion and the veil of Maya and the sole reality is unity, then all relationships are also illusory because unity cannot interact with itself. Moreover, for participant cultures, relationship is not only deceptive, but also the source of evil, sorrow and pain. For separant cultures, on the other hand, relations with space and time and with other human beings are the frame of reference of human life, and have to be coped with by integration, adjustment and solidarity. The fourth contrast relates to the emphasis of separant cultures on reason, on those formulae and models that explain man and his universe. The participant cultures tend to distrust and reject logic relying more on intuition and revelation. The fifth polarity which we have found useful is that between the separant tool orientation, i.e., a culture geared toward the manipulation of objects and the participant symbol-oriented culture, in which ideas and belief systems are cantered on inwardly-contemplating individuals immersed in "doing their own thing".

Our five polar characteristics of social characters are summarized in Fig 1. These patterns are by no means exhaustive, but rather illustrative. They point out the highlights of a given social character, but do not constitute a precise definition.

Separant   Participant
_____

Object-manipulation   Self-manipulation
Reason   Intuition
Flux   Constancy
Plurality   Unity
Action   Resignation

Fig. 1: Polar patterns of social character

Our use of a continuum to describe social characters means that no culture may be tagged by one definitive label. Consequently, in every participant social character there is separant patterns, and vice versa. In Judaism, for instance, Yom Hakipurim, the Day of Atonement, is a participant ritual in which the individual strives to partake of divinity through self-humiliation and effacement. Yom Hapurim, the feast celebrating the deliverance of the Jews from Haman, Ahasuerus' evil Wazir, is written in Hebrew like the Day of Atonement less one syllable: ki. This led the Lurianic Kabbalists to link the two holidays: the Day of Atonement being Yom ki Purim. The lots cast by children and adults on the festival of Purim were compared with the lots of life and death cast by God on Yom Hakipurim, the Day of Atonement. And yet, Purim is a separant ritual of frenzy in which individuals strive to reach each other through the ecstatic togetherness of wine, song and dance (*Encyclopaedia Judaica* 1971, p. 1390). The pure separant or participant culture does not exist in reality, but the signs that indicate the presence of one or other type of social character may be arranged on several continua, representing various cultural areas.

At the separant extreme, we may place the northwestern European societies imbued with the Protestant ethic, which burst forth in the full-blown flames of the "American Dream." On the participant pole we find cultures dominated by the Hinayana Buddhist doctrines of quietist self-annihilation.

It might well be that the separant-activist trends of north-western European cultures have their

origins in the ethos of the Germanic tribes who conquered their way across Europe, carrying Thor's hammer as a symbol of power. They even dispensed with the fear of the after-life by having Odin, the God of Battle, send his armour-clad maidens, The Valkyries, to carry the slain warriors to eternal bliss in Valhalla. There is no doubt, however, that the concern with achievement, the manipulation by force of less powerful societies, and the scientific conquest of nature which marked the rise of north-western European societies in the last centuries, were boosted by the Protestant ethic. A separant trend runs through Luther's sanctification of work as a sacred calling, Calvin's stress on achievement as proof of predestined worth, Hegel's doctrine of action as the necessary bridge between subject and object, and Marx's decree to harness all means of production in order to mould man's (dialectical) future. The separant culture is Sisyphean because its aim of incorporating and controlling spatio-temporality within itself is unattainable. Hyperactivity often channels itself into routine and aimless ritualism, social engineering is more likely to lead to the social death of totalitarianism or the robotic zombies of Orwell's 1984, and the scientific manipulation of matter seems to achieve the suffocation of air, the death of water and the perfection of artefacts for mass murder. Yet, the separant striving to reach Utopia through the dialectics of action is never-ending, like the pushing of the Sisyphean rock.

We may, at this stage, anticipate critical reactions to our focus on religion as an anchor for the identification of cultures along our continuum. However, this focus is warranted both by theoretical considerations and empirical findings. First, religious affiliation has been found to correlate with many attitudes and modes of behaviour, as well as with the structure and contents of social institutions (MCCLELLAND, 1961). Religion is a significant identification tag, although many other social institutions, norms and cultural goals are also relevant for our classification. Most, if not all, of our pairs of polar patterns are reflected in the religious doctrine of a given culture. Most of human history, to risk a sweeping generalization, has been related, influenced and many times totally dominated by religion. The "unchartered region of human experience," to use Gilbert Murray's fortunate phrase, (1955: 4-5) is the domain of religion. Although the areas of our "positive knowledge" are greatly expanding, most of the swift human journey from an involuntary beginning to an unknown end is governed by confusion and chaos. Consequently, religion has reigned supreme in human societies throughout history. Even Marxism has been denoted a "secular religion," and Bertrand Russell (1947: 383) has made the following ingenious analogies:

Yahweh	=	Dialectical Materialism
The Messiah	=	Marx

The Elect	=	The Proletariat
The Church	=	The Communist Party
The Second Coming	=	The Revolution
Hell	=	Punishment of the Capitalists
The Millennium	=	The Communist Commonwealth

Yet, if we try to place Communist China, still adhering to the Marxist secular religion, on our space continuum, we may decide that its position is not on the far separant pole because it still retains some vestiges of the Taoist and Buddhist participant social characteristics.

On the participant extreme of our continuum, we have placed Hinayana Buddhism, of the Southern Theravada School. The Hinayana is the "small vehicle," as condescendingly labelled by the Mahayana Buddhists who called themselves the "great vehicle." The Hinayana rejects temporal existence as a burden because all action and interaction is irritation, friction and suffering (dukkha) (HUMPHREYS 1952: 81). Second, the Samsara, the cycle of growth, fruition and decay, which is the essence of the individual's separate condition, produces disharmony and desire, the harbingers of evil. Third, plurality is an illusion generated by the perception of the separate self. Nirvana, therefore, is achieved by the annihilation of the individual self and "awakening," into the blissful reality of unity (HUMPHREYS 1952: 88-89). We may identify in the Hinayana doctrine at least four out of our five main patterns of the participant social character: quietist inaction, rejection of temporality, self-effacement and the belief in the omni-presence of unity behind the veil of plurality. Although Hindu yoga is near to the participant pole, it is somewhat removed from the extreme position of the Hinayana.

The social characters like the personality types may be arranged along a continuum with the extreme Sisyphean and Tantalic social characters at its two poles. The social characters which embraced during the last millennium and a half the Muslim creed's ethics and way of life tend more or less towards the Tantalic pole of our social character continuum whereas the occidental cultures tend to move towards its Sisyphean pole.

The relationship between the self and its human and objective environment is, therefore, conceived within the context of a Bubersean dialogue. If an I-thou encounter occurs, there is a sense of revelation and meaning. If a dialogue is not affected, the self feels that its environment is menacing, opaque, and absurd. A dialogue may be affected, according to Buber, only if the self opens up voluntarily to the other. When the choice has been made, and the self enters into a

dialogic relationship with another human being, or into an authentic relationship with words, music, or a painting, the alternatives—to use a quantum mechanical simile—collapse, and the relevant mental energy is infused exclusively into the dialogical relationship. Technically, we have availed ourselves of Niels Bohr's conceptualisation of the complementarity between divergent dualities to describe the possibilities of linkage between man, on the one hand, and energy-matter, on the other. Bohr says:

> Evidence obtained under different experimental conditions cannot be comprehended within a single picture, but must be regarded as complementary in the sense that only the totality of the phenomena exhaust the possible information about the objects…Indeed this circumstance presents us with a situation concerning the analysis and synthesis of experience which is entirely new in physics and forces us to replace the ideal of causality by a more general viewpoint usually termed 'complementarity'. The apparently incompatible sorts of information about the behaviour of the object under examination, which we get by different experimental arrangements, can clearly not be brought into connection with each other in the usual way, but may, as equally essential for an exhaustive account of all experience, be regarded as 'complementary' to each other. (1937: 291).

Bohr intended his complementarity principle to apply not only to pairs of quantitative parameters (the measurement of both at the same time barred by the uncertainty principle), but also to the bonding of contradictory parameters in biology, psychology, and philosophy, especially ethics. Hence, for instance, the complementarity between value judgments and collapse of alternatives would induce us to see evil after we have made an indeterministic choice to opt for evil. Per contra, if we elect to see good, we shall see good. If we concentrate on one alternative, the other collapses; if we set out to observe good, we tend to ignore evil, and vice versa. The complementarity principle in the field of cultural norms may be envisaged in the following manner: Every organism needs a system-in-balance to function and survive. This holds true for artefacts as well as human aggregates.

The link between consciousness and the objective world was masterfully metaphorized in the following Hasidic tale, as told by S.Y. Agnon to Gershom Scholem:

> When the Ba'al Shem had a difficult task before him, he would go to a certain place in the woods, light a fire, and meditate in prayer—and what he set out to perform was done.

When a generation later the Maggid of Meseritz was faced with the same task he would go to the same place in the woods and say: We can no longer light the fire, but we can still speak the prayers—and what he wanted done became reality. A generation later Rabbi Moshe Leib of Sassov had to perform this task. And he too went to the woods and said: We can no longer light the fire, nor do we know the secret meditations belonging to the prayer, but we do know the place in the woods to which it all belongs—and that must be sufficient; and sufficient it was. But when another generation had passed and Rabbi Israel of Rishin was called on to perform the task, he sat down in his golden chair in his castle and said: We cannot light the fire, we cannot speak the prayers, we do not know the place, but we can tell the story of how it was done. And, the storyteller adds, the story, which he told, had the same effect as the other three. (SCHOLEM 1941: 350)

This Hasidic tale was interpreted by Scholem as portraying the decay of the Hasidic movement and the transformation of its values (SCHOLEM 1941: 350). Our interpretation is different: We hold that the Ba'al Shem Tov (the Besht)—the charismatic founder of the Hasidic movement— taught that the optimal performance of man's tasks in this world is a praxis: a combination of action and meditative prayer or spiritual concentration.

The link between subject and object has been one of the most relevant psycho-philosophical problems from time immemorial. Solomon Maimon, the disciple of Kant, posited the matter in metaphoric terms: 'To find a passage from the external world to the mental world is more important than to find a way to East India, no matter what statesmen may say' (*Encyclopaedia Judaica* 1971, vol.11:743). Still, our concern is more pragmatic: We wish to understand how the mental revelation of an Archimedean 'Eureka' is structured into an objective creation. We hypothesize that this creative linkage is affected by a mythogenic structure, the meaning of which has, of course, to be presently explained.

Andrew Lang, a pioneering student of mythology, stated towards the end of the nineteenth century that myths are not just cautionary tales to frighten young children into eating their porridge, but causal and etiological explanations of phenomena that had taken place in historical reality. He, therefore, denoted mythology as a proto-science (Lang 1968). Freud claimed that 'myths are the distorted vestiges of the wish-fulfilment fantasies of whole nations…the age-long dreams of young humanity.' (FREUD 1925, p. 182). Freud actually raised his intra-psychic interpretation of dreams on to the group level and claims that the myth is an expression of the tribe's 'social characters,' the nation's or social aggregate's wishes and visions. Surely, the myth of the Flood was not dreamful wish fulfilment, but a projection of actual experiences of disastrous

inundations by rivers—especially in Mesopotamia and Egypt. Myths are, therefore, also a projection of experiences and of spectacular events borne by a group before written history in ille tempore. According to Bachofen, 'The mythical tradition may be taken as a faithful reflection of life in those times in which historical antiquity is rooted. It is a manifestation of primordial thinking, an immediate historical revelation and, consequently, a very reliable source.' (BACHOFEN 1967, p. 73). Eliade further claims that, because myths reflect the occurrence of events on a high level of abstraction, they also reveal the principles or designs underlying events. He writes that 'the myth discloses the eventful creation of the world and man, and at the same time, the principles which govern the cosmic process and human existence. The myths succeed each other and articulate themselves into a sacred history, which is continuously recovered in the life of the community as well as in the existence of each individual. What happened in the beginning describes at once both the original perfection and the destiny of each individual.' (ELIADE 1954, pp. 34-48).

We hold that myths structure meanings for human behaviour and serve as motivation and prime movers for both individual and group behaviour. As myths are projected models of human behaviour at all levels, they may be records of past experience as well as a structuring for future longings and goals. Myths are also expressions of both overt behaviour and of covert dynamics; of the here and now as well as of transcendence. The dimensions of myths may also vary greatly, ranging from micro-myths, like names of persons and places representing meaningful experiences or quests, to meta-myths representing the polar type of human behaviour on both the individual and group levels such as the myths of Sisyphus and Tantalus. They vary with time and place. Every society and culture has its own indigenous mythology. Myths move in time from sacred myths recorded before history to modern myths, like master detectives Sherlock Holmes and Hercule Poirot, or the master spy, John Le Carré's Smiley, or even Superman, who realizes the dreams of omnipotence among the downtrodden, henpecked inhabitants of Metropolis.

Myths can relate to individuals. The offering of Isaac and Iphigenia, signifying the sacrificial enmeshing of the young within the normative system of society, are two examples. Then there are group myths like the adventures of the Olympian gods and the tribal exploits of the German Æsir. The Nazi movement may indeed be studied as a collective myth when the collective worms, to use Goëbbels' macabre simile, become effectively a fire-spitting dragon (SHOHAM 1995).

We follow in the giant footsteps of Claude Levi-Strauss, who claimed that myths are a connecting structure between divergent polarities like the raw and the cooked (1964: 9). However, we

attribute to mythology, as a structure, wider and deeper functions. Piaget has described the function of a structure, thus:

> A system of transformations is characterized by the laws of this system (in contradistinction to the attributes of its individual components). The system is preserved and enriched by the actions of these transformations, but they do not lead to outright components, which are outside the (structured system). In short, a structure is characterized by holism, transformation, and self-regulation (1971: 5).

It is important to note that once the structure has been formed, we get used to it by processes of feedback. The earlier and longer one has had a structure, the more it is cherished through the dynamics of cognitive dissonance and is normalized and mythologized. Established structures lend security, familiarity, and confidence. Hence, normative upheavals and ideational revolutions are painful and relatively rare.

Since we try to understand the KulturKampf of fundamentalist Islam against Western culture within the context of Culture conflict it would be useful to examine this culture-conflict frame of reference. Thoorsten Sellin says:

> Culture conflicts are sometimes regarded as by-products of a cultural growth process – the growth of civilization – sometimes as the result of the migration of conduct norms from one culture complex or area to another. However produced, they are sometimes studied as mental conflicts and sometimes as the clash of cultural codes. (1938:34)

The theoretical premises of culture conflict may be expanded both on the relatively well-cultivated social level and the meagrely explored personal one. It would be rather fruitful to guide our analysis by the following trichotomy:

1. Culture conflict as mental conflict. These normative conflict situations would take place, presumably, within the arena of the personality of the potential criminal or deviant prior to his first criminal act or his initial "recruiting" to a deviant subculture. These internal conflicts and their subsequent first over manifestations are crucial in the differentiation process of defining a person to himself and to his relevant others as delinquent and deviant. This is the rather

abrupt transfer from the "right" side of the legal and social barricade to the "wrong" one.

2. The gradual deeper integration of an individual within the criminal or deviant group and his corresponding rejection of the "legitimate" or "square" normative systems involves rather elaborate conflict processes: the narrowing of socio-economic opportunities, the rupture or jeopardizing of marriage and other domestic affiliations, the stigmatising rejection and counter rejection of friends, community, voluntary associations, and most of the former membership and reference groups. The last step in this process is full-fledged membership in the criminal or deviant group. The resolution of the internal conflicts with the "right" side of the barricade at this advanced stage of deviance is by severing most relevant normative ties with it.

3. The third level of analysis is the perennial favourite of culture conflict theorists: the fluctuations of crime rates in a given community for a given time, the genesis and volume of special types of crime and deviance, urbanization, industrialization, internal and external migration, disintegration and secularisation of traditional and tribal structures, and the *ex-definitione* link among most of the other forms of social change and the conflict of conduct norms.

A Frame of Reference:

A frame of reference is a common boundary of phenomena that has an empirical common denominator. The common denominator may not necessarily characterize the *whole* phenomenon under consideration; it would be sufficient that a part of its factual manifestation would fit into the common boundary of the frame of reference. By exclusion we may note the culture conflict premise is not a theoretical system in the engulfing Parsonian sense, nor is it of similar scope to the conflict theory of society, which society (according to the expounders of Simmel's thought) is held together in dynamic equilibrium by diverging normative discord. We hold, moreover that culture conflict is also not a "middle range theory" by which Merton denoted the relatively limited theories applied to rather narrow and well-defined areas of study. Culture conflict is both wider and deeper and at the same time less systematic than a middle range theory. The latter operates on one level of analysis whereas culture conflict may include in its premises phenomena

that occur on different planes of a space which need not have clear-cut delineations.

Levantinism

Before we launch our own analysis of the clash between fundamentalist Islam and Western civilization we would like to examine previous attempts at explanation. Extreme manifestation of the Levantine is behaviour base on the external form and attributes of a culture, while at the same time being ignorant of or disregarding its contents and intrinsic values. It is manifest among members of oriental and Eastern cultures exposed to European culture. The Middle Eastern Levantine adopts occidental languages, dreass and mannerisms. He takes care to furnish his house based on the latest ads. He is not acquainted with, no has he had the opportunity, to become interested in European literature, art or history, and he has not internalized the values of European culture.

In many instances, Levantinism results from a failure to imitate or rebel. Individuals or groups in a society regard the adoption and absorption of a more advanced and progressive culture as a panacea for all miseries and social ills. Eventually the task proves to be too formidable or the internal cultural mixture is thought to be impossible, and the innovation or rebellious zeal to integrate with the so-called "enlightened" culture deteriorates into a superficial and shallow imitation of its external manifestations. On the group level, this can take the form of an Atatürk or a Zaglul Pasha burning with the fervor of making Turkey and Egypt modern occidental nations, but ends in the pitiful image of Levantine bourgeoisie in Alexandria and Constantinople whose original oriental values and culture are still latent below the surface. The group's reaction toward this behaviour is far from derogatory, because usually those who display the external trademarks of the advanced and modern culture belong to the social elite and are idolized by the ignorant multitudes.

The aetiology of Levantinism can generally be traced to a failure of innovation. The Afro-Asian intellectual, the South American revolutionary and the idealistic communist bring from abroad, or from books, new ideas, new techniques and schemes for raising the standard of living, eliminating malaria, trachoma and syphilis, introducing more efficient and less corrupt bureaucracies, and installing a postal service or a telephone system that really works. Reality, however, is rarely cooperative: there are no roads for heavy trucks to convey equipment; there is no money or trained workers to construct the roads; very few people understand technical matters; the population is so entrenched in its traditional routine that few avail themselves of new services, or

are interested in them. The Western idea of hard work and the concepts of accuracy or even of time itself are foreign, undesirable or meaningless – what is the big hurry? So the great dream deteriorates into rusty, unused or broken equipment, the clerks continue their perennial slumber undisturbed, while the timetables and efficiency charts are slowly covered by dust from the scorched desert plains or by entangled vines reaching from the humid jungle. The innovator is discouraged, deflated, disgusted and succumbs to his private hibernation retreat surrounded by the external remnants of his dream, a few gadgets, a few beverages, a few clothes and half-baked knowledge sent over to him from the faraway "progressive" culture. This is the main current of individual Levantinism.

With time, emulators of the occidental cultures realized that they had a love affair with a mirage. There can be no admixture between their indigenous cultures and the Western one especially when the latter was exploiting the former through political or economic colonialism. Freedom fighting and independence wars from colonialism marked most of the second half of the 20th century. Furthermore the conflictual encounter with Occidental culture and the relatively shallow absorption of their patterns of cultures and norms was linked to a disintegration of the familial and traditional normative structures of the Muslim societies. Middle Eastern and North-African Muslim societies witnessed the disintegration of the familial ties and the exposure of their young to drugs, alcohol, pornography, gambling and prostitution, all of which they attributed to the encounter with the West. Hence fundamentalist Islam howled a rallying cry back to the purist Islamic norms of family asceticism thrift and sexual mores. The enemy, the wiedergeist, the devil was the Occident, the harbinger of all those ills. Hence jihad should be waged to the bitter end against the Western nations, culture, religion, technology, art and literature.

Huntington says that Westernisation and modernization are two parameters that are only tangentially correlated. Westernisation would enhance modernization of indigenous cultures. But then, when economic and technological progress reaches a fair level of political, military, and economic might and independence, a sense of dignity and self-esteem sets in with a pride of one's roots and traditions and rejection of occidental values and Western culture as a whole (PIAGET 1971:86). On a personal level the clash between Western values and norms and indigenous traditional ones that are liable to give way and disintegrate, temporarily leads to a value vacuum, and to alienation and an anomie that may lead to the embrace of fundamentalist Islam. This could create a renewed sense of belonging – "rootedness" and "ego-identity," in the Eriksonian sense (PIAGET 1971:87). Our stance, however, differs from the culture conflict frame of reference as applied to the clashes between Western and Islamic cultures and their resolutions as described by

Huntington. He bases himself on the research by Ronald Dore (SHOHAM 2000), whereby the first generation elites of a newly-independent colony are educated in the former colonial power's universities, and thus bring back with them an admiration and adherence to Western norms and culture. However the second-generation youth, studying at home in their indigenous languages is influenced by their own culture and religion and hence is more liable to adhere to fundamentalist Islam. We, however, claim that the second generation is still uncertain and confused from the influence of their parents on the one hand and the local culture on the other. Hence, the second generation is culturally passive and rarely does it actively reject Western culture. Usually this role is assumed by third generation, who are sure of their origin, firmly anchored in their indigenous culture and fiercely proud of their heritage, which they consider far superior to any occidental normative system. They are the natural candidates to fight Western culture and embrace fundamentalist Islam (SHOHAM and SHOHAM and ABD-EL-RAZEK A 1966).

The rejection of Western mores and values by the Muslim fundamentalists despite their willingness to accept Western technology in industry, science, medicine, as well as the military, is mainly due to the fact that the largely Sisyphean diachronic arriviste tool-oriented West does not really agree with the Tantalic, synchronic, passive and meditative East. Unlike the regimented stratified and specialized Christianity, Islam is unified holistically and embraces the whole human life, both individual and group. The Muslim's customs, mores, morals, and laws are regulated in the realm of the family, tribe, nation, subject and object, physics and metaphysics, faith and logic. Huntington claims that Islam is well on its way to dominate holistically the Muslim's life, the way Marxism ruled the body, soul and society of its adherents in a totalitarian manner (1996:137). The Muslim brotherhood aims, and in many Islamic societies, succeeds in dominating the educational systems from kindergarten, to university, and thus infiltrates in a relatively short period the social and political infrastructures of a large number of Muslim nations.

Muslims, points out Huntington, tend more to resort to violence to deal with internal and external conflicts. The *New York Times* counted 59 ethnic conflicts in the year 1993 half of which involved Muslims. In 1993-94, Muslims were involved in 26 out of 50 ethno-political conflicts. Ruth Seaward found that out of 12 wars waged in the 1992 (with at least a 1000 deaths), 9 were between Muslims and non-Muslims. The most frightening statistic is that the mean military strength of Muslim countries, as measured by material and manpower on a predetermined scale, is 11.8 compared to 7.1 for non-Muslim nations, and the military expenditure in Muslim accounts for an average of 17.7 percent of the national budget compared to 12.3 percent in other countries (HUNTINGTON 1996: 347-8). Indeed Din Muhammad Beseif, The law of Muhammad, as decreed

by Islam, is by way of the sword.

Another parameter, which is very rarely related to human behaviour, is the entropy gradient of the second law of thermodynamics. This law was formulated for physics and mechanics by the Frenchman Sadi Carnot in 1827 and by the German Rudolf Clausius in 1868 that in a closed system, entropy (the dissipation of energy) must ultimately reach a maximum. Entropy then ordains that in closed systems the physical or chemical processes will degrade (SCHNEIDER and KAY 1994). The second law of thermodynamics also states that work is dissipated into heat but heat cannot be completely converted into work. This is the principle of irreversibility in nature (Schneider and Kay 1994: 27). This law of entropy increases with nature becoming more disordered determines the diachronic "arrow of time." However, the work more relevant to our present context has been carried out by Ilya Prigogine and his associates.

Prigogine's ideas are applied in our context by use of the two dynamics of fluctuations and bifurcations, which he describes. According to Prigogine, fluctuations are disorders within the subsystems of systems. When these fluctuations become very violent through resonance or feedback they can shatter the organization of the system. This process, which happens in a system that is far from equilibrium, is the "bifurcation" junction. At this crossroad, it is up to the organism, in our case the human being, to choose indeterministically to react in a manner that is evolutionarily adaptive and thus reach an "order through fluctuations," or choose not to intervene or react in a non-adaptive manner with catastrophic results for the system. (PRIGOGINE and STENGERS 1967: 73).

If we apply these dynamics to human society we may claim that the transformations and exchange of energies between social characters obey the rules of thermodynamics and entropy: The Muslim societies in the Middle East and North-Africa have perennially been Tantalic participant social-characters of low entropy, while occidental cultures have mostly been close to the Sisyphean pole of social characters with high entropy. When the West invaded the Muslim societies by sheer force of colonialism, by economic dominion or technological scientific and managerial superiority an influx of violent fluctuations that led to the bifurcation junction with nefarious, evolutionary non-adaptive and structurally destructive results to the Muslim societies. First, traditional Muslim values of asceticism, frugality, self-sufficiency, lack of worldly ambition, cohesion of family, tribal mores, sexual virtuousness and belief in God, were assaulted and harassed by the carnivorous, covetous, ambitious occidental invaders. Second, industry, oil, conspicuous consumption, fast food, hedonism and present orientation, brought an avalanche of

high entropy, waste, pollution and the tyranny of diachronic time in low entropy societies that lacked the means and structures to deal with these ecological catastrophes. Kemal-Pasha Atatürk, Reza Shah Pahlevi, Zaglul Pasha and many others who tried to emulate the West destroyed the low entropy infrastructure of their societies but could not possibly build, erect, and transform their cultures into high entropy Western type social characters, thus their societies slumped into what Halpern calls incoherence. The Levantine's shallow absorption of Western culture, on top of the ruins of the traditional norms and values, makes for an incoherence of *Weltauschauungen* (HALPERN 1977). All this may be the consequent pathological states for societies of low entropy and for the individuals who compromise them who have been invaded, harassed, and subjugated by social characters of high entropy. We must make a conceptual clarification, however, in order to understand the alienating havoc wrought by Sisyphean high entropy cultures when clashing with Tantalic low entropy cultures.

The Return of Accidia

We propose a conceptual revival of "accidia" ("acedy" or "accidie") to denote an individual's breakdown of involvement with social norms and values, just as "anomie" ("anomy" or "anomia") has been resurrected from a sixteenth-century usage to denote normative disintegration in society. The need for a distinct and specific concept of accidia stems first of all from the fact that anomie was conceived by all its exponents, from Durkheim to Merton and beyond, as an attribute of groups and not individuals. For Durkheim, anomie was a collective hangover from a social (mainly economic) shock. The effect of this on individuals is almost taken for granted: the normative enclosure has burst open. This conception of anomie is focused, therefore, on a societal state and the individual's confrontation with it is secondary; the individual himself is left in the shade and his subjective state of mind is entirely disregarded.

The dynamism of our conception of accidia rests in its being the final link in a triadic chain. The three elements of the chain are as follows. First there occurs an initial normative gap between previously internalised norms and newly transmitted ones. Second, there is a congruity-motivated involvement by the subject to bridge this gap. And finally, if this involvement-effort fails, there is a value-breakdown, a disengagement – or to use current slang, the subject mentally "cops-out." Our dynamic conception of accidia is anchored on the congruity principle, which is a basic ego defence mechanism – motivating human beings to resolve their normative conflicts and thus to re-establish their otherwise threatened cognitive balance and consonance.

Pious saints like the Talmudic Reish-Lakish and the Catholic Augustine were notorious lechers in

their youth; the switch from a "life of sin" to a life of religious fanaticism and apostasy is quite common. The accidiac, however, would tend to agree with Sartre that "it seems that Man is incapable of producing more than an impotent God" (Kaufmann 1958: 259). Similarly, when the examining magistrate brandishes a crucifix at Meursault, his natural reaction is in fact barely to react at all. The Existentialist outsiders are anaesthetized to all value-systems and commitments, particularly religious ones (including committed atheism). Similarly accidiacs, to use Camus' Judge-penitent's simile, in The Fall, would like some of Dante's angels be neutral in the fight between God and Satan (Camus 1956: 87).

Among the types of alienation presented by Seeman, the nearest to our present exposition is "self-estrangement." The latter is quite in line with out conceptualisation in so far as it relates to Fromm's description of a mode of experience in which the person experiences himself as an alien and has become estranged from himself (Seeman 1959: 534). This is similar to the element of self-objectification, which we have identified as one of the components of accidia. However, Seeman relies considerably on an "other-directedness" element in his conceptualisation of self-estrangement. The former as expounded by Ortega y Gasset and David Riesman, is a very common personality trait among individuals comprising "the mass society" and "the lonely crowd." Other-directedness makes for "joyful obedience," and Dale Carnegie-type contentedness. But for the accidiac, other-directedness is non-existent. Camus' Meursault regards the judge who is trying him for murder, the courtroom and its audience as having hardly anything to do with him. At most his trial appears to him as a game (Camus 1958: 103). He assumes the spectator and not the participant role and he feels at times quite interested in the proceedings because it is his first time at a criminal trial. He sometimes even feels de trop in his own trial (Camus 1958: 105). The Judge-penitent in The Fall is also 'playing at doing things, and not doing, being and not being there' (Camus 1956: 87) The accidiac regards his environment as an arena where games are staged incessantly, but where he is a watcher and not a player. To him, man is a game-player dabbling in semi-serious games, but the accidiac himself is not one of the players. Accidia is a hangover of the Tantalic low entropy social character that was dissipating in his levelling encounter with a high entropy Sisyphean social character.

The aetiology of the so called Third World societies is linked very significantly to the invasion of high entropy, socio-political and economic patterns of cultures into low entropy societies which cannot contain the resultant destructive fluctuations. These assault and destroy the traditional normative infrastructure with nothing but brute force, violence, corruption, managerial abuse and

stifling mindless bureaucracy to take its place. The mineral and other natural resources in which the 3rd world is rich work to its detriment in a positive feedback cycle. The low entropy third world countries do not have the technology to mine and process their natural resources hence the high entropy Western countries are doing it. They erect petrochemical plants mining industries; wood processing projects which enhance an accelerated urbanization, which take the form of huge shantytowns. These processes destroy the traditional villages and create a vast population of poor homeless undernourished diseased population (Rifkin 1980: 188-93). Since most of the food and consumer goods and gadgets are imported they are handled either by Western agents and distribution companies aided by the local corrupt hereditary or military backed oligarchy. This is the frightening saga of the aftermath of the violent encounter between the high entropy west and the low entropy 3rd world. Moreover since the low entropy countries are unable to develop their own industries, the invading high entropy aggressive salesman induce the already impoverished shanty-town dwellers to buy more consumer goods which they cannot afford and hence they are sucked into the vicious circle of ever being in debt to "the company store."

Since the oil revenues in the Middle East and North-Africa go to a small minority of power crazed and money debauched potentates, most Muslim countries seem to have the pomp and ostentatious lavishness reminiscent of The Thousand and One Nights - for the exclusive consumption of corrupt and degenerate despots, with few resources allocated to social welfare, socialization, medicine and education for human rights and their awareness. The result is even greater poverty, more subjugation, less democracy and less freedom for women. The only refuge left for the downtrodden masses seems to be the sole solaces which cannot disappoint and let down: Allah and the Koran. Since the shallow absorption of Western culture inherent in the Levantine dynamics made for a distorted perception of Western social-characters, particularly as reflected by the colonial bureaucracies or greedy executives of Western conglomerates, an us/them dichotomy has been created in the self/other perception of the Muslim populace. Consequently, those who fall back onto purist Islam create a vision of themselves as worthy martyrs, mostly crushed, subdued and enslaved by the Western wiedergeist, usurper, Satan. Hence, all means are appropriate to combat this demonic trespasser. No moral scruples, legal restraints or pity should curb the fight against the hellish adversary. Since the U.S. and its allies the Wise Men of Zion (this tsarist forgery is a runaway bestseller in the Muslim Middle East and North Africa), have never shown any compassion to their Muslim victims, the war against them should be to the bitter end. This is the ideology, war plan and strategy of the Al Qaeda, Hizbullah, Hamas, and their ilk. Because the war against the west is a jihad, no human can declare an armistice, only Allah can decide on the conduct of the war against the accused foes through his

emissaries: Osama Bin Laden, Sheikh Hassan Nassralla and Sheikh AhmedYassin. This also conforms with the work of entropy theorists like Prigonine and Hermann Haken (Portugali 2000), who point out that when an extreme choice is followed in a bifurcation all the other alternative possibilities undergo a cognitive collapse as if they never existed.

Conclusion

Finally, we are left the question of whether it is possible to avoid, halt or curb the catastrophic collision course between the Islamic cultures and Western civilization. To approach this question seriously we must divide it into two: Firs, do we have a model or an experience of changing a low entropy culture into a high entropy? Second, could such a model or experience be applied to the clash between Islam and the occidental culture? We have an answer to our first query in the form of two examples, one a micro illustration of the absorption of Jewish immigrants in the hills of Jerusalem; the second, the on-going experience of East Asia vis-à-vis modernization, social management and economic development.

The official ideology and strategy of the Jewish agency in the 1950s was to fore new immigrants, who at the time were mostly from low entropy cultures to discard quickly the traditions, norms and values of their countries of origin and absorb the normative system of Israel, which at that time was largely a high entropy community. Consequently, at the new immigrant settlement of Beit Shemesh located near to Jerusalem, Jewish Agency bureaucrats took great pains to create a "true melting pot," mixing all manner of ethnic groups so they would abandon the culture and norms of their countries of origin and become integrated Israelis as quickly as possible. Thus a Yemenite family was settled near a Moroccan one and both were placed opposite the asbestos shed of an extended Iranian family. This strategy resulted in strife, tension, and social conflict as well as twice the rate of delinquency in Beit Shemesh as compared to Jerusalem. Per-Contra when the bureaucrats might have been away, sick or inattentive, a whole tribe of Kurdistani Jews replete with their leaders, rabbis, gabbais (community functionaries), cantors, sooth-sayers, and witchdoctors settled on a hill near Jerusalem and named their new abode "Ness Harim," Miracle on the Mountain.. At first when the nurse came to offer medication to the sick she was scolded and chased away. Gradually the tribe members learned that antibiotics were as effective as the incantations of the witchdoctor. Thence, every box of medicine had to have the benediction of the witchdoctor before actual use by the tribesmen. When people finally realized that the medicine was effective even without the blessing of the witchdoctor, they were immediately assigned to irrigate the old orchard which didn't need irrigation to being with. Today with the coming of age

of thethird generation, delinquency is no longer part of the landscape at the Ness-Harim, the tribal village. It is flourishing economically. Many second and third generation members are doctors, lawyers, senior army officers, and the rest are successful farmers who grow fruit, grapes, and olives, and raise chicken, cattle and goats using the latest science and technology.

On the Sabbath and holidays the entire tribe comes to the synagogue and kisses the hand of the barely literate, octogenarian headman. Here the low entropy tribe has absorbed the high entropy patterns of the absorbing culture, yet the normative and traditional structures having remained in tact didn not allow the fluctuations caused by the absorption of innovations to disrupt the tribe. Hence, the fluctuations resulted in bifurcations, which enhanced adaptively the evolutionary synthesis and cultural growth of the whole tribe and its individual members. The traditional normative infrastructure on the other hand of the Beit-Shemesh families was disrupted therefore the absorption of high entropy patterns of culture generated fluctuations, which played havoc with the new-immigrant families and their members.

On the Macro level we have Japan, China and the so-called Four Tigers – Hong Kong, Taiwan, South Korea and Singapore – initially all low entropy cultures that absorbed high entropy modernization and technology. Because they succeeded in keeping intact their traditional normative structures the fluctuations of modernization did not disrupt their infrastructures but bifurcated into evolutionary adaptation and were synthesized into economic growth and cultural flourish. Kishore Mahbubani informs that it took Britain 58 years and the United States. 47 years to double GDP. Japan required 33 years; Indonesia, 17; South Korea, 11; and China in 10 (cited in Huntington 1996:77). This brings to mind Napoleon's warning that we should let China sleep because world will be sorry is she awakes. The Western economic conglomerates must have difficulty sleeping when they consider that China and the Four Tigers already have enjoyed annual economic growth of approximately 8 percent. This remarkable feat was possible because modernization, industrialization, and scientification were kept in check and balance by traditional Confucian values of asceticism, thriftiness, hard work, the cohesion of the family unit and the responsibility of the individual for the welfare of the community. (Huntington 1997: 133) Hence, high entropy patterns of culture generated fluctuations in the low entropy absorbing structures, but Confucian values served as shock absorbers, and the fluctuations led to a bifurcation of growth and adaptive viability.

In summary, on both on the micro and macro level, it is possible to achieve a viable and adaptive

synthesis between low entropy and high entropy. The fundamentalist Muslims must realize with Camus that revolutions failed: The French Revolution ended with the Terror; The German Revolution with Auschwitz; and the Russian Revolution with the Gulag (Camus 1962). Also the West realizes that the days of colonialism and the economic exploitation of low entropy countries are just about over. President Bush, the Israeli security forces and anti-terrorism units around the world over will demonstrate to militant fundamentalist Muslims that terrorism will not achieve its disruptive goals. The only way is viable synthesis between low entropy cultures backed by traditional normative infrastructures absorbing (in a controlled manner) the fluctuation-generating high entropy pattern of cultures resulting in adoptive evolution and growth. In the 10th and 11th centuries Jews and Muslims lived in Spain in a mutually fructifying symbiosis; later the Christians joined in a convevencia (living together)with Alfonso X(El Sabio), which kindled the renaissance in Europe, the expansive discoveries of new-worlds, and The Age of Enlightenment. Fundamentalist Muslims, and for that matter their Western adversaries, must realize the profound wisdom of Rabbi Akiva, the second-century sage who said: "The forces of the world are determined but Man is endowed with the Freedom of choice"(Berko n.d.). Hence, the stochastic bifurcation is given but a clear choice should be made between suicide, destruction and bereavement, and viability by dialogue and growth through the complementarity of opposites.

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Political Science, Criminology and Public Policy

J. Kevin Corder

1   Explaining changes in public policy

What explains changes in public policy? Criminology and Political Science offer distinctive ways to approach this question. Public policy work in Criminology considers the impact of a wide variety of crime reduction strategies – grounded in functional areas as diverse as social policy, policing, and corrections. There is a highly self conscious debate in Criminology about how to widely apply this knowledge. Public policy work in Political Science often focuses on responsiveness – how formal outcomes or outputs reflect concerns or demands of citizens and groups. The work is typically retrospective and rarely applied. Political Science work tends to devote less attention to origins of policy problems and instead focuses on what interests are represented, what values are at stake, and how conflicting values are reconciled in the choice across policy alternatives to manage these problems. How are the voices of particular actors privileged and why?

In the field of criminology the search for policy solutions to the problem of crime spans a number of policy areas and levels of government. The functional areas range from policy choices related to poverty and early childhood development, to the practice of policing, to choices about corrections – implicating professions and public actors across the education, public health, police and corrections bureaucracy at the city, state and federal level. The field of criminology adopted a self-conscious program to contribute to policy choices – by influencing local, state and federal law enforcement and prison officials, in particular. Although much of literature laments the failure of criminology research to influence policy choices, the diffusion of several innovations in the 1990s– hot-spot policing and broken windows policing – suggests that policy choices do incorporate expertise from the discipline (see Walker 2004).

Political Science approaches policy change from several angles. How do policy choices respond to public preferences or demands? What interests are reflected in policy choices? What institutions constrain policy entrepreneurs? Who matters?   In scholarship focused on policy change in the U.S. there is a robust qualitative historical literature that examines fundamentally important transformations of the American state- choices about the scope and structure of social welfare programs, regulatory agencies, and the growth of the federal bureaucracy (historical institutionalism). There is also a huge literature on policy communities that maps out the actors

and organizations with a stake in outcomes in particular areas (issue networks) and an equally large literature that focuses on agenda-setting, choice among alternatives, evaluation and learning (the policy process).

Answers to four specific questions highlight the intersection of Criminology and Political Science. How do political scientists approach policy change? How do criminologists approach policy change? What insights about criminal justice policy emerge from the political science literature? How have criminologists tapped political science work on public policy? After sketching out answers to each these questions it is clear that both fields struggle with questions of expertise and authority. Under what conditions will expertise influence public policy choices? Criminology offers a surprisingly rich set of examples of how expertise can inform policy debates and influence policy choices. This impact is somewhat remarkable given what we know about the policy process. A relatively static network of actors, organizations and ideas are available to respond to emerging policy problems, so the rapid incorporation of new approaches or innovations is rare.

2   Policy change and Political Science

Although not fundamentally concerned with the efficacy of particular public policy choices, a vibrant and growing literature on public policy has informed answers to questions about how government responds to social problems. The general problem of crisis, disruption, and learning by government is at the center of a broad political science literature that grapples with the evolution of political institutions and public policy. At the core of this literature is the idea that public policy changes reflect a form of social learning. Rooted in work by Hugh Heclo, the intuition is that governments, particularly public sector experts, are confronted with tremendous uncertainty as they confront technically complex and challenging policy choices (see Heclo 1974). A decade or more of historically informed work on complex policy change (in political science, loosely labeled historical institutionalism) has emphasized the way that political choices and agency practices of the past inform or constrain contemporary policy responses. Major developments in America politics – the expansion of the welfare state – have been the focus of work that consider the role of actors, ideas, and institutions in the sometimes disorderly and unpredictable path of public sector innovation (Weir 2006). One persistent concept that emerges across a number of works in this tradition is layering – the idea that existing institutions are adapted to take on new and unforeseen tasks or challenges (Thelen 2004). Rose (1990) poses the problem as "inheritance before choice" - elected officials approach a crisis with a set of agencies, actors and tools at the outset. There may be no time or insufficient consensus to create new agencies or instruments. Urgency may dictate that there is only time for what Polsby (1984)

terms an "acute" innovation – a set of policy choices undertaken without an exhaustive consideration of alternatives, trade-offs, and implications of those choices. Alternatively, Hacker (2004) describes a particular form of adaptation – conversion – to explain situations in which formal rules or laws remain fixed but internal agency practices are updated to manage new problems. The implication is that responses to public policy problems will rarely be innovative – but reflect existing norms, resources and routines. As new problems emerge on the public agenda – the American experience of increasing crime rates after the 1960s or the security challenges implied by European integration - the historical institutional perspective suggests that we expect a tepid pace of innovation.

A tandem, but distinct, set of work examines how bureaucrats cultivate reputations of competence and expertise, a linchpin of bureaucratic autonomy. Carpenter (2001) highlights the way that early 20th century bureaucratic entrepreneurs in the U.S. responded to demands for government solutions to a variety of political and economic challenges. Public sector experts identified solutions to problems that elected officials were under pressure to address – elected officials gave these bureaucrats formal authority and power to put these solutions in place. This perspective gives us compelling contemporary insights as well. Roberts (2006) traces the precarious attempts of leaders in the Federal Emergency Management Agency (FEMA) to link agency reputation to expertise rooted in the emergency management profession. A few seminal events – the 9/11 terrorist attack, Hurricane Katrina – triggered renewed interest in the ways that state actors respond to crisis. Boin, t'Hart, Stern, and Sundelius (2005) sketch out a framework for tracing the actions of government – from "making sense" of events as the crisis unfolds to, ultimately, the complex process of learning. The process of learning or adaptation proves to be highly contentious – as actors seek to use the lessons of the crisis to advance particular solutions or policy instruments, to define a new era or a return to normalcy, and to balance demands for sweeping reform and more pragmatic stewardship of existing expertise and instruments to avert future crises. Taken together the historical institutional literature, the emerging work on crisis management, and the bureaucratic reputation literature help us engage basic questions about public sector performance in the face new stresses or demands. What accounts for successful adaptation or innovation?

Hall (1993) concludes that policy changes might be relatively uneventful – modest changes in instruments or tools - and subject to little scrutiny media or political scrutiny. But, rarely, experts are confronted with such radical failure of existing tools that wholesale (paradigmatic) changes are required – these changes are disruptive, involve a host of diverse actors, and capture the attention and interest of the media and the broader public. This perspective complements a substantial political science literature on policymaking that focuses on the actors and processes

that underpin policy change. In a classic work on the policy process, Kingdon (1984) highlighted the intersection of problems and politics in the process of policymaking. A central finding of his work is that solutions – advocated over the long haul by interests with a stake in that solution – are opportunistically attached to new problems that emerge on the agenda. Kingdon's work draws on the idea that policy unfolds in stages and that different actors – bureaucrats, legislators, interest groups - are more or less influential at particular stages – defining the problem, crafting alternative solutions, or evaluating the efficacy of new approaches. A second set of work in political science focuses on the network of actors that influence policy choices. Originally described as an iron triangle composed of narrowly focused bureaucrats, interest group clients, and powerful elected officials, Heclo (1978) and, later, Sabatier (1993) expanded the range of interests that attend to policy – understanding policy changes as a function of a wide range of more or less attentive government, public and private actors. Each of these perspectives – historical institutional, policy process, and issue networks – embraces an element of incrementalism – the ideas, institutions, and actors that were behind policy choices in the past are likely to influence policy responses to new problems. If we understand the origins of policies in the past, then we are likely to better understand policy responses in the future.

3   Policy change and Criminology

The central public policy puzzle that recurs in the Criminology literature is the apparent failure of social science research findings to influence the decision and policy choices of elected officials. Why have government responses to crime – particularly the U.S. federal response after the 1960s – failed to incorporate knowledge and expertise derived from Criminology. The failure is tied to low levels of government investment in research and the failure of basic research to influence behavior and practice of police and corrections agencies. The conclusions of Blumstein and Petersilia (1995) are representative: "It is hard to think of another policy area where the concern is so high, the expenditures are so high, and the knowledge base so thin." (1995: 483): They concluded that research expenditures related to crime and policing (specifically the $22 million budget for the National Institute of Justice - NIJ) were "profoundly inconsistent" with the resources committed to address comparable social imperatives like education and health. To explain this lack of investment, they offer a number of specific claims: policy prescriptions are driven by ideology rather than research, practitioners value craft knowledge rather than research, the legal profession devalues empirical research, and the underlying social science research is unreliable ("distorted"). These types of concerns are reflected in the Criminology literature with a remarkable regularity and over a long period of time. Describing the impact of social science research on police practice, Sherman (2004) laments:

"Police chiefs and officers are now less engaged in scientific evaluations of their own practices than at any other time in the past four decades." (Sherman 2004: 157)

Despite the obstacles to application of research and the pessimistic assessment of practitioners, there are clearly examples of empirical research influencing criminal justice policies – often a product of deliberate attempts to make research more policy-relevant. Sherman (2005) locates the fundamental contributions of criminology to public policy in a series of foundation and government efforts to fund experimental research. Sherman was simply exuberant over the accomplishments of the work of the Police Foundation – established by the Ford Foundation in 1970: "it established a model the federal government could use to embrace experimental criminology in the 1980s and 1990s with a greater enthusiasm than any government has ever done, before or since." Federal support for experimental research was mainly funded through the National Institute of Justice (NIJ) under the leadership of James F. Stewart in the mid-1980s. Sherman also points to the successful application of police research in the mid-1990s – a combination of intensive local involvement in police research in a few large urban areas (notably Kansas City) and the creation of a network of major metropolitan police chiefs (the Police Executive Research Forum and the Harvard Executive Sessions). The Director of the NIJ from 1993-2001, Jeremy Travis, recognized early in his tenure that the link between research and policy was critical (Travis, 1995). Clear and Frost (2007) pointed to 1999 as a signal moment in the impact of criminology on public policy – with the investment by NIJ in a new journal (Criminology and Public Policy) and a number of other innovations to improve public and policymaker knowledge of crime and police research. These innovations included an ambitious three year dissemination strategy for the new journal - targeting 10,000 policymakers at all levels of government, a contract with a public relations firm, and a deliberate effort to craft research findings to capture the attention of news media.

The challenge of directing research to policy problems may be more acute as the policy problems change -- from the increasing rates of violent crime that motivated a government response in the 1960s, to threats of terrorism, the challenge of migration, and the human and fiscal costs of mass incarceration. Much as the work above prescribed investments in police and corrections research, Forst (2009) prescribes application of traditional data and analytic tools to the development of counter-terrorism policies. Similarly, recent accounts of the government response to the problem of crime (see Ruth and Reitz 2003) describe the growing number of incarcerations as evidence of the failure of policies to produce long-term solutions. The fundamental concern that emerges from this work involves the exercise of prescriptive authority in public policy debates– if specific types expertise can improve public sector performance, why and how can that expertise be exploited?

4   Political Science and the policy problem of crime

Given the shared concerns of criminologists and political scientists about government responses to acute social problems, it would not be unreasonable to expect political scientists to be broadly engaged in work on criminal justice policy and institutions. But work by political scientists on crime, corrections and policing – especially in the most visible political science outlets – is limited. There are notable exceptions, particularly the highly influential work of James Q. Wilson (notably, Varieties of Police Behavior in 1968 and Thinking About Crime in 1975). The absence of a large body of political science work is surprising given persistent public perceptions of crime as an important social problem. Political science attention to other policy areas – taxes, economic policy, and environmental policy – is much more extensive. The work that does appear in political science journals has focused on two basic questions. How do elected officials respond to problem of crime? How are these responses translated into adaptations in policing or corrections?

Much of the political science research on crime policy is motivated by the puzzle or problem of responsiveness – how do elected officials respond to public concerns or worsening objective conditions related to crime? Caldiera and Cowart (1980) examined agency budgets for seven federal criminal justice agencies – specifically the annual appropriation from Congress and the annual budget request for these agencies from the White House. They found that the difference between previous year appropriations and current year requests is highly responsive to changes in the reported crime rates – with the largest effects reflected in the budget of the Bureau of Prisons. Responsiveness – the link between requests and crime – is stronger under Republican presidents than Democratic presidents. But Nicholoson-Crotty and Meier (2003) unambiguously demonstrate that the incarceration rate in the U.S. is independent of changes in the crime rate – incarceration increases as the capacity of the government to manage criminals is enhanced through higher staffing levels (the addition of prosecutors and corrections personnel.) In this sense, outcomes are relatively unresponsive to the underlying problem. Smith (2004) finds a similar result across the American states. Crime rates do not explain changes in the incarceration rate. He concludes that the best explanation for increasing state prison populations is the growing proportion of Republican governors. Across a series of works published over two decades, James Q. Wilson questioned the commitment of elected officials to produce a meaningful responses to increasing crime rates. In a characteristically pessimistic assessment, Wilson (1995) concluded that U.S. policymakers facing the problem of crime would fail to "make justice swifter and more certain," fail to "improve the way our streets are policed", and "do little to alter the early childhood experiences of at-risk children." Reflecting on U.S. demographics – a spike in the number of teenagers – he concludes ".thirty thousand more young muggers, killers, and thieves than we have now. Get ready" (Wilson 1995: 507). Wilson's pessimism was misplaced – the

rate of violent crime declined in the U.S. despite the demographic changes -- homicide rates, for instance, fell from a 1991 peak of 9.8 per 100,000 in the U.S. to the range of 5.5-5.7 per 100,000 over the next decade, rates not observed in the U.S. since the mid-1960s. Attempting to explain the origins of this decline in violent crime by focusing on crime reduction policies in particular states, Smith (1997) finds that so-called "nurturant policy approaches" – investments in disadvantaged children – reduced levels of homicide. (This piece is notable since it draws extensively on related literature in sociology, economics, and criminology – but does not integrate or draw on other political science work). Political scientists have also examined how the policy problems are framed and understood by the broader public. Schneider and Ingram (1993) implicate "social construction' of target populations as a critical element of policy design and advocacy – how do positively or negatively constructed groups benefit or incur costs from a policy choice? They specifically claim that highly punitive "punishment-oriented" crime policies are popular since the burdens of the policies are directed to negatively viewed powerless groups – 'part of the social construction of these groups is that they respond mainly to punishment" (1993: 340). The implication, consistent with the observations of practitioners, is that prescriptions to the problem of crime may be driven by ideas that are not informed by research on the efficacy of policy. In an effort to be responsive to popular demands and expectations, legislators and other public sector actors may implement policy choices that are not effective.

Even in cases where legislative or other formal actions reflect changes in how governments approach the problem of crime, the implementation of these policies requires changes in the behavior of police officers, correction officers, and prosecutors. The actions and behavior of police officers – archetypal "street-level bureaucrats" – have been a particular focus of political science attention (see Lipsky (1980)). The puzzle addressed in this work is how top-level preferences over the work of the typical officer is translated into street-level implementation – under what conditions do subordinates respond to demands from higher level policy makers or elected officials? Wilson (1989) suggests that police are one of many public sector professions that make up "coping" agencies – agencies where the day-to-day activities of professionals are not observed and the outcomes produced by the activity of individual actors is difficult to measure. In contrast to agencies that produce observable outcomes or outputs, these coping agencies imply thorny management challenges. Conflict between supervisors and operators is common – with supervisors attempting to induce operators to respond to changing external political demands while operators manage a discrete set of (occasionally perilous) situational imperatives. Ultimately, the answer to management challenges does not lie with the actions or strategies of immediate supervisors, but with the broader agency culture – the extent of professionalism in the police force and the frequency of interactions among subordinates (see,

particularly, Brehm and Gates (1997) empirical work on police brutality).

Political Science research on the problem of crime raises questions about the quality of responsiveness – the ability or willingness of elected officials and existing agencies to adapt to changing objective conditions. The routines and activities of existing actors – policymakers and street-level actors– blunt efforts to adapt existing practices to novel problems.

5   Political Science (and political scientists) in the Criminology literature

The lack of productive exchange between Political Science and Criminology has been recognized in both fields for nearly thirty years. Solomon (1981) proposed a broader treatment of the policy process in contemporary Canadian criminal justice. In a recent survey of work in the field of criminology, Ismaili (2006) simply concludes that "the policy-making process continues to be neglected in studies of crime policy." There are examples of criminology literature that draw explicitly on political science insights into the policy process – ranging from efforts to explain the evolution of U.S. corrections policy to efforts to explain convergence of policies across industrialized countries and the proliferation of U.S. style responses to crime. Drawing on a familiar theme in the policy process literature – how existing solutions are attached to emerging problems – Jones and Newburn (2002) describe how the solution of prison privatization was motivated by different problems in the U.S. and the U.K. The solution of privatization address acute prison overcrowding problems in the U.S., but was proposed in the U.K. as a way to reduce the size of government bureaucracy.

The most visible influence of political science and political scientists in criminology journals is in work on interest group activity – often directly drawing on the issue network approach. Miller (2004) finds that public sector actors – bureaucrats –dominate the criminal justice policy debate in the U.S. – at the expense of broader interest groups and victim or citizen advocacy groups. In her review of non-legislative congressional testimony on crime policy ("state-of-the-problem and oversight activity"), she finds that criminal justice bureaucrats made up fully 40 percent of witnesses appearing before Congress.   Her assessment of the implication is unambiguous:

"[C]riminal justice policy is ripe for "client politics" at the national level, with widely dispersed costs, concentrated benefits for organized criminal justice agencies, and little likelihood of electoral punishment from voters. Policy makers have little incentive to broaden the scope of actors to include groups that might challenge the strategies and goals of criminal justice bureaucracies" (Miller 2004)

In a broad-ranging application of political science frameworks to criminal justice policy, Stolz (2002) invokes the classic work of Bachrach and Baretz (1962) – arguing that focusing on the formal actions of legislators and bureaucrats ignores the central question – why is some activity

criminalized in the first place? to solve what problems? Stolz challenges the dominant role assigned to professional association interest groups – police officers associations and bar associations – in most criminal justice research. Instead of accepting the idea that criminal justice policy is constructed by a relatively narrow group of state legislators, agency leaders, and interest group representatives – she specifically claims that a much broader set of groups is active at the agenda-setting stage – deciding which crime problems will be solved with state resources. U.S. federal action to respond to the problem of violence against women in 1994, for example, is attributed to specific lobbying efforts by a large network of civic and social groups. She proposes a broader view of groups that influence policy change – groups that advocate on behalf of victims, offenders, or ex-offenders – Mothers Against Drunk Driving or the National Committee Against Repressive Legislation.

The work by Stolz and Miller points to the importance of understanding how public (and private) police and corrections actors influence the way that government responds to the evolving problem of crime.

6   Expertise and policy change

One of the central questions in both Political Science and Criminology is related to claims of authority and expertise. How is one particular actor or set of actors able to claim authority to offer decisive policy prescriptions? Or, from the perspective of Bachrach and Baretz, able to frame a social circumstance as something that government should address as a criminal justice problem in the first place?

Recent work in political science has taken on this problem more generally. Rich (2004), for instance, examines the role of think tanks in the formulation of policy solutions. That think tanks influence policy is not surprising, but Rich identifies the mechanism of this influence. Think tanks and associated experts can seed the initial debates about alternative approaches to emerging problems. Expertise is rarely brought to bear immediately or decisively to public policy problems but experts are influential early in the policy process and in issue areas where consensus has emerged. The impact of police research on police practice is consistent with this broader insight. Walker (2004) examines how the agenda of police research is influenced by what he labels "external political factors." He concludes that the political forces which drive the agenda cannot influence the unanticipated direction of future research – especially if the research findings challenge conventional wisdom about "what works." One of Walker's case studies – the diffusion of community policing – suggests that reform and change was rooted in a series of evaluation of standard professional policing funded by the Ford Foundation. These evaluations found that conventional improvement strategies – reducing response time, increasing the frequency of

routine patrols – had no effect on crime rates. As public dissatisfaction with the police amplified in the 1970s these research findings led to a search for new and unconventional approaches to policing, prompting "a complete reorientation of a major social institution."   Walker concludes that the Clinton Administration's "enormous investment in police research" was part of a broader effort to promote these changes. (Sherman (2005) concludes that at the same time that social science research was increasingly incorporated in police practice, there was not a similar reception for research in the corrections community.)

The policy process and issue networks literature has been integrated, at least to a small extent, in the criminal justice policy literature. But the historical institutional perspective that has emerged in the past decade in political science seems particularly promising as an approach to make sense of the evolution of corrections and policing institutions. Although not drawing explicitly on the historical institutional framework, Ruth and Reitz (2003) offer an assessment of the U.S. government response to crime that is consistent with the tradition – tracing the origins and implications of the "conservative revolution in crime response policy" triggered by rapidly escalating violent crime in the 1960s. They describe the period after 1967 as an abrupt break in the "public, political, and intellectual reaction to a public problem" - with one consequence being the creation of new public policy problem (and even crisis) – mass incarceration.

The government's response to the problem of incarceration, global migration, and even terrorism are shaped in fundamental ways by existing ideas, institutions, and actors with particular interests and stakes in the outcomes. Political Science research and the experience of the criminal justice community suggests that the incorporation of new knowledge – expertise – depends on a deliberate, expensive and long-term process of educating existing actors, reforming existing institutions and even challenging existing ideas. It should be no surprise that social science research and discovery does not immediately impact public policy outcomes, but – over the long haul – the impact of research is unambiguous. Social science research on policing transformed the operations of major urban police forces – how did this happen? Why was the corrections community less receptive to experimental innovation? The experience of the criminal justice community, despite the frustration of many members of that community, offers a number of concrete examples of how social science can influence agency management, administrative practice, and policy outcomes.

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Mobility, Surveillance Technologies, and Border Control

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1   Introduction

As academics, we are an itinerant lot. In the case of the lead author, he was born and raised in the Los Angeles suburbs to a travel agent mother whose occupation afforded access to abundant tourist opportunities. He moved to upstate New York for graduate school before landing a job in the Midwest of the United States (US). In between New York and Michigan, he lived for the better part of a year in Vienna. Now he contemplates the prospect of commuting to work in Malta. As for the second author, she grew up as a "military brat," moving with her family to a number of states including Hawaii and Michigan as well as Germany. As she completes her doctoral studies, she now envisions a job search that will have the entire U.S. and to an extent the world as her market. Certainly our stories of mobility are particular instances of a more general pattern within the academy and the larger society.

Of course, mobility is a signature of what some have called the age of late modernity (Garland, 2001; Giddens, 1991), and this flow of people, goods, and data produces a series of risks, threats, and uncertainties which have become the object of concern for a host of control systems (Ericson, 2004). As people move across space, the possibility for "irregular" passage across national borders becomes pressing, as news of sea borne interceptions and rescues in the Mediterranean, raids on migrant encampments such as the one in Calais, or the wild west shoot out between agents from the Customs and Border Protection agency of the U.S. and human smugglers at the San Ysidro point of entry evidence. As goods move across space, the demands of a just-in-time economy must be serviced, else the shelves of the neighborhood IKEA or Walmart might go bare, while simultaneously smuggled items like guns and drugs to say nothing of dirty bombs and tainted food must be identified and seized as they transit through the same portals as legitimate traffic. As data move across space, they must be securely delivered to financial institutions and

universities, battlefield commanders and national security analysts, medical doctors and airline officials without falling into the hands of those with nefarious intentions, like identity thieves and enemies of the state. Mobility is a beautiful monster. We cannot think of a world without mobility, yet this mobility carries with it the possibility of the unthinkable – pandemics like H1N1, outbreaks of e-coli in our healthy spinach salads, terrorist attacks, and drug riddled streets.

Enter border control. While news of the death of borders at the hands of globalization were surely premature, word of the decline of state sovereignty is similarly unjustified in light of efforts by countries around the world to make national or community boundaries smarter and more agile. Officials in both the European Union (EU) and North America (NA) have placed great stock in the capacity of surveillance technologies to secure the borders of "Fortress Europe" and "Fortress North America". The aim is to regulate mobility in order to contain its inherent risks through the production of smart borders with various surveillance technologies.

The balance of this presentation seeks to accomplish a few modest ends. First, we wish to describe efforts to secure external borders in the EU and NA. We will focus particularly on the role of FRONTEX, especially the missions it coordinates in the Mediterranean, and EUROSUR in the EU. For NA we will focus primarily on the U.S. Customs and Border Protection's "Secure Border Initiative", especially SBInet, and efforts to create a NA "security and prosperity" perimeter modeled after the EU. Second, we wish to develop a theoretical perspective with which to make sense of these developments. Because efforts to create smart borders in the EU and NA are the deeds of state actors, we will draw on the dialectical structural model of state and law creation used by Kitty Calavita (1989, 2005) to study immigration law in the U.S., Spain, and Italy. Her model draws attention to the contradictions often embedded in law and policy as state actors balance commitments to capital accumulation and legitimation. Provisions of legislation can be "symbolic gestures" or something more depending on the capacity of "street level bureaucracies" to put the provisions into action (Lipsky, 1980). In other words, a full account of mobility, surveillance technology, and border control must work at both the state and organizational level of analysis, and it must be sensitive to the subjective experiences of border control agents. Third, we wish to specify a few research questions and goals for a study bearing on mobility, surveillance technology, and border control that can be informed by dialectical structural, organizational theory, and the pursuit of criminological verstehen.

2   Securing External Borders in the European Union and North America

2.1   Making "Fortress Europe"

Member states in the EU find themselves under great pressure from irregular immigration. The
BBC News (2008) reports that eight million irregular immigrants are residing in the EU and that
half of them entered the community legally but then overstayed their visas. France estimates that
it has 400,000 irregular immigrants (Sayare, 2009). Greece says it detained more than 146,000
irregular immigrants in 2008, up 30 percent from 2007 and up 54 percent from 2006 (Gatopoulos,
2009). EU authorities say Greece has the highest number of irregular entries amongst the
member states followed by Italy and Spain.

Malta struggles with irregular immigration as well. Recently, The Times of Malta reported that
the Armed Forces of Malta (AFM) rescued 78 migrants from a dinghy in the central
Mediterranean. Through September of 2009, Malta has brought ashore 1,200 irregular
immigrants from 13 boats, down from last year's total during the same period of 2,568 irregular
immigrants in 82 boats (Calleja, 2009). Irregular immigrant arrival by sea in Malta exploded in
2002, according to UNHCR data, and has varied between 1,500 and 2,000 irregular arrivals per
year from 2003 until today (Lutterbeck, 2009). Considering this influx relative to Malta's
population, it is like 400,000 arriving in Germany or 300,000 arriving in France, the United
Kingdom, or Italy (Lutterbeck, 2009).

Owing to a strict detention policy in Malta (i.e., all irregular immigrants are detained while their
identity and nationality are established and their frequent claims for political asylum are
processed) and international conventions governing the treatment of refugees, Maltese detention
facilities have been taxed. Amnesty International and the UNHCR have been critical of
conditions in the Maltese detention facilities. Detainees have been murdered, apparently by other
detainees, and suicides have taken place as well. Reports of sexual assaults against detainees
have also been investigated. When detainees refused to reenter a detention facility, complaining
about its shabby condition and their idle days, AFM reacted with force causing injuries to some of
the detainees (Amnesty International, 2005). The detention of irregular immigrants is not only
costly in political capital, but it imposes a significant economic cost on the government of Malta
as well, which it has so far had little luck distributing onto other members of the EU. As Malta's
Deputy Prime Minister Tonio Borg stated in 2007: "Irregular immigration is probably the most
important challenge Malta has faced for a very long time, possibly the greatest in more than a
thousand years" (Quoted in Lutterbeck, 2009, pp.121-22).

The arrival of irregular immigrants in the EU has fueled nationalist and right wing sentiments. This has been particularly pronounced in Italy where Prime Minister Berlusconi's coalition depends on the far-right Northern League. In the industrial north, the league's power base, informal citizens' patrols have taken to the streets in several cities. Says Gretana Zaya of the far-right Italian National Guard: "Italians can't go for a walk, women can't go out without being attacked. Italians aren't protected anymore, only immigrants are" (Reuters, 2009). Some members of these citizens' patrols use Fascist-style salutes and don the storm trooper uniforms of Mussolini's Black Shirt thugs (Reuters, 2009). No doubt this pressure from the right has influenced Italy's decision in May 2009 to return migrants found in international waters to Libya, which has raised howls of protest from the EU and non-governmental organizations owing to Libya's harsh treatment of migrants and failure to recognize international conventions on the status of refugees or to provide a formal UNHCR presence on its soil (Amnesty International, 2009; Busuttil, 2009).

While not as pronounced in Malta, with very weak electoral support in EU Parliament elections and national contests, nativist sentiments are also alive. An anti-immigrant rally in Valletta in 2005, which was sponsored by a new right-wing pressure group called the National Republican Alliance, heard leaders shouting that immigrants presented a danger to the Maltese of a "social, moral, and medicinal nature" and that Malta should avoid becoming "the toilet of the Mediterranean" (Lutterbeck, 2009, p. 140). Malta has also seen the emergence of extreme right-wing parties such as Norman Lowell's Imperium Europa, which seeks to recreate the Holy Roman Empire purged of all non-White and non-Aryan elements (Lutterbeck, 2009). National Action, founded in 2007, has pursued an anti-immigrant, pro-tax cutting, pro-bird hunting agenda. Josie Muscat, a leader of National Action, has said "Malta is being invaded by people arriving in boats . . . who will overtake the country in the next twenty to thirty years unless we do something" (Lutterbeck, 2009, p. 141). One proposal for what to do was offered by Milton Keynes in a blog entry posted to the webpages of the right-wing "Stormfront": "Citizen patrol boats are desperately needed to prevent these pirate vessels from reaching European waters . . . a bit like the Texan and Arizona Minutemen patrols, we must embarrass the authorities into acting . . . this crime against our children must be stopped – by any means necessary" (Keynes, 2008).

These xenophobic and nationalist expressions must be balanced against the economic facets of mobile populations. While some migrants seek asylum from persecution at the hands of

oppressive regimes, many others seek jobs and the promise of a better life. The demand for labor in EU countries with aging populations to which migrants are attracted is significant. A Bank of Italy report released in August 2009 concluded that immigrants, who comprise eight million workers or eight percent of the workforce in Italy, do not strip Italians of jobs and that they even enable women in Italy to seek paid employment by providing labor for domestic chores (Reuters, 2009). In 2005 Spain introduced another amnesty for some 700,000 irregular immigrants, a move reportedly driven by the contribution migrants made to Spain's economic boom as they worked jobs that Spaniards were unwilling or unable to fill (BBC News, 2008). In Malta, which the British Council and the Migration Policy Group called one of the "least receptive EU nations toward immigrants," about one-third of irregular immigrants who have arrived since 2002 have found work in the country, mainly in undeclared jobs in the construction and tourism industries that are big players in the underground economy estimated to be about 25 percent of GDP in Malta (Lutterbeck, 2009).

So what has been the EU response to the challenges of irregular immigration and the other risks inherent in mobility? This project is concerned with two particular aspects of this response. First there is the EU agency called FRONTEX, which was established in 2005 as a means to gather together a host of scattered EU bureaucracies concerned with border control issues. FRONTEX represents a compromise for those strong EU types who wanted a full-fledged European border control organization to secure the external perimeter. Because an EU presence on the national borders of members states raised significant sovereignty issues, a concern that still informs border control practices today, FRONTEX serves only as a coordinating agency; it does not command operations. It provides financial and logistical support to member states that participate in FRONTEX sponsored operations. The agency is dependent on equipment and personnel provided by member states to staff operations. Sometimes member states do not deliver the goods, which was also a problem for the central government of the U.S. under the Articles of Confederation. In the Mediterranean region FRONTEX has been sponsoring Operation Hera in the Canary Islands under Spanish leadership, Operation Poisidon in the Greek Islands under Greek command, and Operation Nautilus in the central Mediterranean under Maltese leadership. Important for this project are reports by France that Operation Nautilus IV is a "complete failure" (Calleja, 2009), Italy's decision to deal with Libya (Busuttil, 2009), and evidence of displacement by FRONTEX operations of migratory flows, and therefore irregular immigration burden, to other EU member states (e.g., Operations Hera and Poisidon may direct migratory flows into the central Mediterranean) (Lutterbeck, 2009).

Besides coordinating operations, FRONTEX also is active in the training of national border guard forces to make them interoperable. It also has responsibility for the training of a European rapid response border control force. Another important branch of FRONTEX is the risk assessment division. The aim of FRONTEX is to create a coordinated border control presence throughout the EU through the use of training, surveillance technology, and intelligent border control. Based in Warsaw, FRONTEX is blessed with a growing budget, although it has had some difficulty in its efforts to recruit staff (FRONTEX, 2009).

A more recent development in the EU has been the creation of EUROSUR. The legislation that produced EUROSUR calls for the deployment of surveillance technology in order to secure the external border of the EU. The initiative depends on real-time satellite imagery, database mining, radar, movement sensors, scanners, biometrics, and communication technologies (Europa, 2008).

2.2   Making "Fortress North America"

As time in the presentation is short, we will also have to abbreviate our discussion here. Suffice to say that while the U.S., Canada, and Mexico regulated mobility across borders prior to the 11 September attacks, obsession with border security became paramount in the aftermath of the destruction of that day. Like in the EU, a potent mixture of legitimation concerns and capital accumulation demands have long been influencing the formation and implementation of border security policy by the U.S., Canada, and Mexico (Calavita, 1989). Perhaps especially in the U.S., public demands for safety and security meant that border control took a quite stern and interventionist tack toward mobility and risk management after 11 September. Coupled with the safety and security concerns produced by terror threats, some groups in the U.S. have followed the nativist track with talk of "invasions" across the southern border and the need to defend America in "Minutemen" style. The U.S., Canadian, and Mexican governments, however, have learned that too much of a focus on security and territorial integrity can hurt the bottom line. Manufacturers and retailers who rely on just-in-time arrangements with firms in Canada and Mexico have felt keen economic pains from tighter border security. This drag on economic fortunes has pushed talk of surveillance technology as a means of making "smarter" and more efficient borders. The U.S. and Canadian governments also seem to be moving toward a "North American perimeter" modeled after the EU that depends heavily on surveillance technology.

Indeed, this need to balance the competing demands of legitimation and capital accumulation are written directly into the mission statement for the U.S. Customs and Border Protection (CBP) agency: "We steadfastly enforce the laws of the United States while fostering our Nation's economic security through lawful international trade and travel" (Customs and Border Protection, 2009).

In the wake of 11 September, the U.S. government embarked on a series of legislative and executive maneuvers to prepare a state response to the terrorist attacks and to signal a demonstration of resolve to the people of the U.S. and the world. Amongst the legislative moves was the passage of the hotly debated (after its passage) U.S.A. Patriot Act of 2001 and the Homeland Security Act of 2002. Amongst the provisions of the latter piece of legislation was the creation of the massive Department of Homeland Security (DHS). "Before the establishment of the Department of Homeland Security, homeland security activities were spread across more than 40 federal agencies and an estimated 2,000 separate Congressional appropriations accounts" (Borja, 2008, p. 2). Proposals were afoot in the U.S. for the consolidation of homeland security resources as early as February 2001 when the U.S. Commission on National Security/21st Century (Hart-Rudman Commission) recommended:

significant and comprehensive institutional and procedural changes throughout the executive and legislative branches in order to meet future national security challenges . . . [including] the creation of a new National Homeland Security Agency to consolidate and refine the missions of the different departments and agencies that had a role in U.S. homeland security (Borja, 2008, p. 2).

As it happens the 9/11 attacks provided an impetus to act upon this recommendation with new and sweeping legislation. Commissioner Robert C. Bonner, the chief of the freshly minted CBP, had this to say about the Homeland Security Act and its importance for border control:

One of the most important aspects of the Homeland Security reorganization was the creation of one border agency for the United States; one agency to manage, control, and secure our nation's borders. Concurrent with the creation of the Department of Homeland Security, United States Customs and Border Protection (CBP) was established and placed under the Department's Border and Transportation Directorate (BTS). By combining the immigration, customs, and agricultural

border inspections together, with the Border Patrol and its functions between the ports of entry, CBP became the single federal agency principally responsible for managing and securing our nation's borders both at and between the ports of entry. For the first time, one United States border agency is in a position to develop and implement a comprehensive strategy for border security and enforcement of all laws at our borders (Office of Policy and Planning, 2005, p. 2).

Bringing together the distributed elements of the federal government's "homeland security" portfolio, a move parallel to the creation of FRONTEX in the EU confederation, was pursued as a means of harmonizing and making more efficient the state response to risk and mobility. While combining into one organization those agencies concerned with the interdiction of illegal entrants at borders (e.g., Border Patrol and the Coast Guard) may yield efficiencies in planning and operations given a common objective, the integration of other agencies charged with the facilitation of travel, trade, and migration (e.g., the Transportation Security Administration as well as Immigration and Customs Enforcement) into that same organization introduces an organizational tension as well. In testimony before the National Commission on Terrorist Attacks Upon the United States, Commissioner Bonner articulates the organizational challenge in this manner:

The terrorist attacks on 9/11 challenged us in ways we had never before experienced. The agency's mission and its future were dramatically altered that day. Our priority mission changed to a national security mission: preventing terrorists and terrorist weapons from entering the United States. Also understood was the significance of securing our borders without choking the flow of legitimate trade and travel – all while continuing to carry out the traditional missions of the predecessor agencies that make up U.S. Customs and Border Protection (Office of Policy and Planning, 2005, p. 2).

While Mr. Bonner signals national security as CBP's "priority mission" and acknowledges only the "significance" of not disrupting legitimate forms of mobility, the organizational balance between legitimation concerns like national security and accumulation concerns like trade and labor mobility will change over time as the economic, political, and security climate evolves.

With CBP in place to implement a "comprehensive strategy for border security and enforcement of all laws at our borders", DHS unveiled in 2005 the Secure Border Initiative (SBI), "a

multiyear, multibillion dollar program aimed at securing U.S. borders and reducing illegal immigration" (United States General Accountability Office, 2007, p. 2). The SBI was designed for implementation in several organizations within DHS, but the CBP was specifically tasked with the SBInet program. Richard Stana, Director of Homeland Security and Justice Issues for the Government Accountability Office, described the SBInet program in testimony before a subcommittee of the Committee on Homeland Security in the House of Representatives:

The SBInet program is responsible for identifying and deploying an appropriate mix of technology (e.g., sensors, cameras, radars, communication systems, and mounted laptop computers for agent vehicles), tactical infrastructure (e.g., fencing, vehicle barriers, roads), rapid response capability (e.g., ability to quickly relocate operational assets and personnel) and personnel (e.g., program staff and Border Patrol agents) that will enable CBP agents and officers to gain "effective control" of U.S. borders (United States Government Accountability Office, 2007, p. 6).

Interestingly, in light of the double-pronged CBP mission to contain threats to U.S. law and order while facilitating legitimate trade and travel, the DHS defines "effective control" entirely in terms of "illegal entries" and a "satisfactory law enforcement conclusion (United States Government Accountability Office, 2007, p. 6). One important feature of the SBInet, part of the technology vein of the program, is the creation of a "common operating picture" that makes uniform data available to Border Patrol agents, other DHS personnel, and local law enforcement in order to make these multiple agencies "interoperable" (a chief obligation, by the way, of FRONTEX) (United States Government Accountability Office, 2007).

In September 2006, Boeing Corporation was named as prime contractor on the SBInet program with responsibility for selecting and managing subcontractors on both the technology and tactical infrastructure projects (United States Government Accountability Office, 2007). The DHS put the cost of completing the deployment of the SBInet across the southwest border alone at some $7.6 billion over five years, although this figure does not account for the "full life" of the program, including "research and development, operations, maintenance, and disposal costs" (United States General Accountability Office, 2007, p. 9).

Notwithstanding this considerable investment, the General Accountability Office (GAO) reports

that efforts to build the SNInet, particularly its technological dimensions, have been fraught with delay and failure (Hite, 2008). As the Director of Information Technology Architecture and Systems Issues for the GAO reported to the House Committee on Homeland Security:

Important aspects of SBInet – the scope and schedule, and the development and deployment approach – remain ambiguous and in a considerable state of flux, making it unclear and uncertain what technology capabilities will be delivered, when and where they will be delivered, and how they will be delivered (Hite, 2008, pp. 6-7).

The GAO has also observed that there has been no planning for how the SBInet technology will be integrated into the training and operations of the CBP and BP. According to the GAO:

The impact of SBInet on CBP's workforce needs and operating procedures remains unclear because SBInet technology is not fully identified or delivered. For the Tuscon sector, where Project 28 is being deployed, Border Patrol officials are developing a plan on how to integrate SBInet into their operational procedures" (United States Government Accountability Office, 2007, p. 1).

As Hite (2008) observes in his report to the House Committee on Homeland Security, it should not be surprising that CBP and Boeing are having trouble with the implementation of SBInet technology as "previous attempts to acquire and deploy surveillance technologies along the nation's borders to assist in detecting and responding to illegal entries have not been successful" (p. 5).

Before leaving this brief discussion of U.S. efforts to secure its national borders, we should make note of the concern afoot in NA about the economic consequences that have attended the hardening of U.S. borders since 9/11:

Unfortunately, the border today is not functioning well. People who live near it and people whose livelihood depends on the efficient movement of goods and people across it all relate that there is much room for improvement. The problems they point to – of long delays, high compliance costs and more – may not constitute a crisis, but they are slowing economic recovery

and weakening our capacity to compete globally (Sands, 2009, p. 4).

Observing that security risks have been given greater priority than economic growth, Sands (2008) contends further that "U.S. government agencies concerned with economic flows and those responsible for national security could do more to reconcile their competing purposes in a fashion that optimizes security and prosperity" (p. 3). One proposal to do more in this respect has been the "possibility of building a 'North American Perimeter' modeled after the European Union, whereby internal border controls are lifted as a common external border is established" (Koslowski, 2004, p. 2). An important move in the direction of a perimeter model to border control was the creation of the Security and Prosperity Partnership of North America (SPP) between the U.S., Mexico, and Canada, which called for working groups on security (chaired by the Secretary of DHS) and working groups on prosperity (chaired by the Secretary of the Department of Commerce) to prepare proposals for accomplishing the goals of the trilateral arrangement (Villarreal and Lake, 2008). The SPP realizes important elements of the White House's National Homeland Security Strategy:

The border of the future must integrate actions abroad to screen goods and people prior to their arrival in sovereign U.S. territory, and inspections at the border and measures within the U.S. to ensure compliance with entry and import permits. . . . Agreements with our neighbors, major trading partners, and private industry will allow extensive pre-screening of low-risk traffic, thereby allowing limited assets to focus attention on high-risk traffic. The use of advanced technology to track the movement of cargo and the entry and exit of individuals is essential to the task of managing the movement of hundreds of millions of individuals, conveyances, and vehicles (White House, 2002; quoted in Koslowski, 2004, p. 2).

By "pushing U.S. borders out" to a common NA perimeter and dropping internal border checks between at least the U.S. and Canada, significant competitive advantage might be obtained. In order to prepare such a "Fortress North America," however, arrangements for joint operations between border control authorities in the various nations would have to be established and the surveillance and communications technologies that would make such an ambitious project realizable must first be integrated into organizational operations. As the recent public announcements by Secretary of the DHS Janet Napolitano on U.S. border control and news that President Obama will advance immigration legislation early in the coming year confirm, the border control response of the U.S. and its NA partners will continue as an area of active policy

development and implementation.

3   Making Theoretical Sense of Border Control Policies and Practices

In order to make sense of the deployment of surveillance technology as a means of securing external borders in the EU and NA, we propose that a dialectical structural theory of state can help account for the substantive content of border control policies articulated by the legislative, executive, and judicial branches of governments while organizational theory can guide an understanding of the implementation and effects of such surveillance technology laden policies. Efforts to regulate mobility through the creation of "smart" borders are a state response to the issue of migration, the politically charged nature of which the various presentations at this conference on the subject attest. That surveillance technologies are seen as plausible solutions to the problem of regulating mobility requires an historically sensitive account of states as actors responsive to the often contradictory demands of the larger political and economic environment. The dialectical-structural theory of state proposed by William Chambliss and Robert Seidman (1982) and employed by Kitty Calavita (1989, 2005) to explain immigration law reform in the U.S. as well as in Spain and Italy promises good theoretical traction for our proposed project on border control and surveillance technologies. Importantly, Calavita (1989, 2005) has firmly rooted her investigations of immigration law reform in the tradition within the field of law and society that stresses the gap between "law on the books" and "law in action." We are particularly interested in this project with the creation of "law on the books" in the U.S. and EU with respect to border control and especially provisions dealing with surveillance technologies. At the same time, mindful of Michael Lipsky's (1980, p. xii)) view that "the decisions of street-level bureaucrats, the routines they establish, and the devices they invent to cope with uncertainties and work pressures, effectively become the public policies they carry out", we are also eager to examine how these provisions are put into action through their implementation in the low visibility, locally politicized, environmentally contingent locales where the border control practices of states are carried out by a host of organizations.

Dialectical structuralism can be situated in the large literature on the capitalist state which generally approaches the state as a "complex social relation" embedded within materialist conditions that vary historically (Das, 1996, p. 27). Dialectical structuralism rejects consensus approaches to an understanding of law creation and the state whereby provisions of law are said to reflect shared agreements within a society; instead, it grows out of the conflict tradition that

claims discord, tension, and friction as the engine of social relations. Developed with a Marxist commitment to class, race, and power, dialectical structuralism does not accept the premise of pluralism that public policy is formed by an eclectic assemblage of groups in which the capacity to produce a majority on some topic of concern carries the day. Dialectical structuralism also avoids the move of instrumentalism in Marxist theories by which the state is tuned into the hand puppet of the capitalist class. In its place, dialectical structuralism sees the state as "relatively autonomous" from the dictates of capital, making policies that may work "in the long-term best interests of capital but not necessarily at its behest" (Calavita, 1989).

Dialectical structural theory recognizes the state as an actor in a set of relations in which profound tensions between capital accumulation and legitimation are at work. While the state is not a mere tool of capital, its interests are not completely indifferent to the preparation of conditions for efficient capital accumulation. After all, the state depends on a healthy economy to maintain robust revenue flows through taxation in order to accomplish important ends like the maintenance of armed forces, the education of children, the construction of roads and other forms of infrastructure, and the provision of the general welfare. Moreover, as the recent series of economic crises around the world have demonstrated, the state is confronted with serious problems when unemployment rates rise and financial institutions tinker on the brink of catastrophe. At the same time that the state must be attuned to capital accumulation demands, it must also be sensitive to legitimation ends and its ability to reproduce authority relations with its subjects. In short, the state needs to obtain compliance from its subjects in as light a fashion as possible. While the state can mobilize deadly force in order to impose its mandates, this sort of heavy handed response is fraught with costs and complications best avoided so it is preferable that subjects comply automatically because they see state orders as furthering important values and normative commitments. This means that the state is attuned to the symbolic value of its legislative and enforcement actions and the ways that policies can be made more agreeable with popular ideology.

Calavita's (1989) work on the Immigration Reform and Control Act (IRCA) of 1986 in the U.S. has demonstrated the value of the dialectical structural approach for an understanding of the creation of immigration policy. Reviewing the long history of immigration law and its reform in the U.S., Calavita (1989) shows how the provisions of this legislation reflect a dialectical process between "economic pragmatism" and "anti-immigrant restrictionism." More specifically, Calavita (1989) demonstrates that the core provisions of IRCA "pull in two directions at once,"

with the flagship "employer sanctions" in the law a nod to nativist demands to contain illegal immigration while agricultural worker replacement provisions and amnesty for many undocumented persons ensured a steady stream of pliable and cheap labor. Because the employer sanction provision only prohibited employers from "knowingly hiring" illegal workers, and specified that employers did not need to verify the authenticity of documents presented by potential workers, Calavita (1989) concludes that it is "likely to remain primarily symbolic, a monument to the political process and ideology that produced it, but with little objective impact" [a prediction that has largely been borne out as recent news of workplace enforcement signals a big change of policy in the U.S.] (p. 249). Here is how Calavita (1989) summarizes the results of her study:

The dialectical account of IRCA presented here treats the bill as the product of conflict embedded in the political economy, between the ideology of immigration restrictionism and the economic pressure to provide employers with immigrant labor. The "resolution" to this conflict is comprised of, on one hand, a symbolic act of restrictionism – employer sanctions – that responds to the political demand to "regain control of the border," and, on the other hand, a series of measures designed to ensure an uninterrupted supply of labor (p. 254).

The analysis of the symbolic features of law and public policy has also been pursued by Peter Andreas (2009) in his study called Border Games of border control at the U.S./Mexican divide and in the EU. On his evidence, the relationship between states and smugglers is reciprocal with actions of the state triggering perhaps unanticipated counter-responses by smugglers and then those reactions leading the state to create still further policy moves in an endless process that is self-sustaining like a perpetual motion machine. Since the smuggler control "game" cannot be won decisively, public policy on border control aims to present a certain image of the state that may have relatively little to do with actual practice. Whether or not provisions of law are merely symbolic or have practical teeth will vary by policy subject and historical moment, demanding close empirical investigation, but law always attends to deep-seated conflicts of a political economic variety.

That a theory of state sensitive to political economy is needed to make sense of border control and immigration policy in the EU and the U.S. has been well documented by Andreas (2009) and further evidenced by Calavita (2005) in her study of immigration policy in Spain and Italy. In her scrutiny of immigration law in two EU member states, which sport provisions "cautiously

welcoming immigrants as workers and restricting their ability to put down roots by denying them permanent residence" while simultaneously "underwriting ambitious programs designed to integrate then into the social and cultural life of the community," Calavita (2005) locates her work within the "law and society literature on law in action and the contradictions within law that get played out locally in daily administrative practices" (p. 9). In this respect, Calavita (2005) builds on the insight of organizational theory that policy is not set on high but rather evolves at the local level owing to the resources, cultural commitments, political pressures, and moral entrepreneurship impinging upon state actors. As Lipsky (1980) has observed, "To understand how and why [service bureaucracies] often perform contrary to their own rules and goals, we need to know how the rules are experienced by workers in the organization and to what other pressures they are subject" (p. xi).

The chief contribution of organizational theory to the study of "smart" borders is that it counsels against a brutish technological determinism. As David Lyon (2007) has noted:

A number of dominant varieties of surveillance studies tend to underplay the role of active subjects in surveillance processes. The impression is often given that surveillance systems are more powerful and controlling than is the case, because the emphasis is placed on the technological capacities (and their supposed smooth and efficient functioning) of the system concerned (p. 90).

The law in action approach stresses that policy changes "must be interpreted and applied by decision makers who may not share the goals of those who championed their enactment" (Horney and Spohn, 1991) and must be further mediated by the discretionary practices of executive agents (Lipsky, 1980). Generally speaking, the law in action tradition sees law as a social phenomenon influenced by social, political, and economic forces outside of the black letter of law and policy directives. With Malcolm Feeley (1979), sociologists of law who adopt a law in action orientation envision the law as an open system in which policy prescriptions can interact in complex ways with the cultural commitments of courthouse workers, street-level bureaucrats, or other administrative agents.

In the research proposed in this presentation, we think that the surveillance technology provisions of recent border control legislation in the EU and the U.S. can be fruitfully understood as an

outgrowth of state concerns with capital accumulation (i.e., mobility of people, goods, and data is crucial to today's economic order) and legitimation (i.e., high levels of immigration, especially in nation's facing economic contraction, stoke nativist sentiments and demands for the state to do something to save the nation and its people). However, law in action and organizational theory provide ample caution so that we must recognize that surveillance technology provisions may face severe implementation challenges as a result of contradictory policy demands on a single state agency or as they are exercised at cross-purposes by more than one state agency. Surveillance technology policies may also conflict with ongoing organizational practices or may be inconsistent with important values in the organizational culture. In any case, our proposed study of mobility, surveillance technology, and border control will look skeptically at provisions aimed at the implementation of surveillance technology as a means of establishing a fortress EU or NA. In this respect we wish to avoid the serious mistake of many surveillance studies whereby "the impacts of new artifacts and systems may easily colonize the argument, such that already existing situations and processes are downplayed and 'indigenous' factors may be obscured by an exaggerated view of technical capacities" (Lyon, 2007, p. 54).

Amongst these "indigenous factors", which are often neglected in studies of state social control, are the "situational logic" and "emotion" associated with the use of surveillance technologies in border control situations. Whatever the specific surveillance technology being used in the field, its use will implicate performances by a variety of border control agents, performances that are informed not only by law and regulations but also by subjective experiences and personal interpretations of the meaning of the situation in which the agents find themselves. On this score we find the concept of criminological verstehen advanced by Jeff Ferrell (1997) to be compelling. "Verstehen denotes a process of subjective interpretation on the part of the social researcher," explains Ferrell (1997, p. 10), "a degree of sympathetic understanding between researcher and subjects of study, whereby the researcher comes in part to share in the situational meanings and experiences of those under scrutiny." On Ferrell's argument it is impossible to understand crime or social control responses without recourse to the "immediacy" of the criminal or enforcement event. In other words, sensual details of the situation and emotional reactions to unfolding interactions, including boredom and terror, shape the way surveillance technologies are appreciated and used by state agents and condition the manner in which "law on the books" provisions are implemented in the real world of "law in action." Ferrell (1997) continues:

If the experiences of criminals, crime victims, crime control agents, and others are shaped by

terror, pleasure, and excitement – and shaped differently according to their location in networks of crime and criminal justice, and in larger structures of social class, gender, age, and ethnicity – researchers must work toward particular forms of criminological verstehen attuned to these differences (p. 21).

The way forward in this respect, Ferrell counsels, is the tradition of field research in sociology and anthropology. And so theoretical commitments lead to choices of method. Following Ferrell, we propose that field research with officials and agents within EU border control agencies (e.g., FRONTEX and Armed of Forces Malta) and within U.S. border control agencies (e.g., Customs and Border Protection, Coast Guard, and Border Patrol) will provide crucial evidence with which to make sense of the implementation of border control policy developed by states as a response to tension between the ends of capital accumulation and legitimation.

4   Conclusion

The purpose of this presentation has been to establish mobility, surveillance technology, and border control as an important topic for criminological investigation. We have been keen to make five essential points toward that end in our remarks today. First, we contend that surveillance technologies have been advanced by the EU and the U.S. in NA because they promise to contain risks passing through national borders while simultaneously facilitating the legitimate mobility of people, goods, and data. Second, we think that dialectical structuralism helps to clarify how surveillance technology responds to the tension between capital accumulation and legitimation demands on the state that arise with border control and the inherent risks and advantages of mobility. Third, we maintain that whether the surveillance technology solution is primarily symbolic or carries potent teeth depends on the organizational capacity and interest to integrate surveillance technologies into the ongoing operations of border control agencies. Fourth, as the challenges experienced by Nautilus IV and SBInet briefly outlined today indicate, technological determinism must be avoided when considering the impact of border control policies built on surveillance technologies. Finally, we take from the work of Andreas (2009) and Calavita (2005) that an investigation into mobility, surveillance technology, and border control can benefit from a comparative analysis, and we believe that the EU and NA provide excellent opportunities to study how border control policy is formulated and implemented in different government formations (i.e., confederation of EU member states with weak central government vs. federation of United States with robust central government). Given recent moves toward a NA perimeter strategy

toward mobility and border control, the EU experience in creating a controlled external border should be instructive.

Given our articulated interest in the study of mobility, surveillance technology, and border control and its relation to what some have called late modernity, we seek to answer questions such as the following:

How do organizational resources and dynamics affect the incorporation of surveillance technologies into border control practices?

How do border control agents respond to the displacement of migratory flows, especially when issues of state sovereignty come to the fore?

How do the contradictory provisions of border control law envisioned by dialectical structural theory constrain and enable the behavior of border control agents?

How do border control agents' subjective states (i.e., their "situational logic" and call to emotion) interact with surveillance technologies during border control operations?

As we week answers to questions such as these, we will pursue four goals for the project. First, we believe that any serious examination of mobility, surveillance technology, and border control must get into the field in order to develop an understanding of how border control agents (i.e., "street level bureaucrats") incorporate and resist surveillance technologies as a means of making borders "smarter", more secure, and nimble. We need to understand the situations in which surveillance technologies are deployed. In this respect, we follow Jeff Ferrell's (1997) notion of criminological verstehen. Second, we seek to unpack the political economic influences on border control policy as they are defined in specific provisions, regulations, and judgments made by legislatures, executive agents, and judicial officials. Third, we intend to be mindful of Lyon's (2007) point that surveillance studies must take up both the "watched" and the "watchers" in that we will try to understand how the reactions of smugglers, migrants, and other border crossers influence the practices and experiences of border control agents. Finally, because late modernity is a visual age in which experiences and ideologies are often crystallized in the visual register, we

plan to pursue this project mindful of the visual aspects of border surveillance practices and experiences (Mirzoeff, 2002).

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Bombing Civilians: A Socio-Historical

Account of a State Crime

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Abstract

The bombardment of civilian populations by military aircraft is a state crime, a violation of international humanitarian law. Such attacks often promote a form of migration and cause refugee problems. Early in the twentieth century the terror bombing of civilians provoked outrage across the world. However, starting with World War II this illegal state behavior became normal and acceptable, particularly in the United States. The purpose of this paper is to develop a socio-historical account of how the bombing of civilians developed during the war and became normalized, that is, accepted and approved within American military organizations and political culture down to the present day.

Bombing Civilians: A Socio-Historical Account of a State Crime

The bombardment of civilian populations by military aircraft is a state crime. Bombing civilians is both a moral and a legal crime because it is behavior by state officials, acting on behalf of the state, that violates the "long-standing and widespread" moral principle and international legal norm of "noncombatant immunity" (Conway-Lanz 2006: 2). This normative principle is found abstractly in just war theory (Fiala, 2008) and very specifically in the legal rules of international humanitarian law, the laws of war (Byers, 2005; Maogoto, 2004). The violation of these laws by state officials constitutes war crimes, a specific form of state crime (Kramer, Michalowski and Rothe, 2005; Rothe, 2009; Kramer and Kauzlarich 2010). Bombing attacks on civilians often promote a form of migration and cause refugee problems. The purpose of this paper is to develop a theoretical account of how the terror bombing of civilian populations, particularly by the Unites States, developed during World War II and became normalized, that is, accepted and approved within American military organizations and political culture.

The Normalization of the State Crime of Bombing Civilians

The use of the airplane as an instrument of war to terrorize and kill civilians through aerial bombardment in the early part of the twentieth century gave rise to both a pervasive sense of dread about the future, efforts to develop more particular international rules to ban air warfare, and expressions of outrage when specific attacks on civilians did occur. Several thousand civilians were killed or injured by the indiscriminate bombing carried out by both sides during the First World War (Tanaka and Young, 2009). Following the "Great War" there was an outpouring of political speeches, futuristic novels, bleak poems, graphic films and strategic military tracts that reflected people's nightmares about air power, technological warfare and future cataclysmic conflicts (Patterson, 2007). Attempts were made at the Washington Conference of 1921-2 and by the Hague Commission of Jurists in 1923 to stipulate that: "bombardment by aircraft for the purpose of terrorizing the civilian population is forbidden" (Messerschmidt, 1992: 298). These efforts failed to produce a specific agreement on air warfare at the time, but the legal rule of noncombatant immunity remained in place, and thus, according to many legal experts, "strategic bombing of the civilian population was…a blatant violation of international law" (Messerschmidt, 1992: 307).

In 1937, the terror bombing of the ancient Basque (Euskadi) town of Guernica (Gernika) by the fascist allies of Franco's nationalist rebels during the Spanish Civil War provoked an angry outcry. As Englehardt (2008a: 2) observes: "The self-evident barbarism of the event-the first massively publicized bombing of a civilian population-caused international horror. It was news across the planet." And Patterson (2007: 38) points out that, "it's almost impossible to overestimate the outrage it caused in 1937." The global outcry stemmed as much from what the

attack presaged, as from the actual damage inflicted. As Kurlansky (1999: 200) notes: "The world was horrified-outraged at the ruthless massacre of unarmed civilians but also terrified at its first glimpse of the warfare of the future."

But within a decade, in the context of the massive violence of the global human catastrophe that was World War II, the illegal terror bombing of civilian populations became both commonplace and morally acceptable to many of the same political leaders and publics who, in the interwar years, had dreaded the rise of air warfare, attempted to specifically outlaw it, and condemned the horror of Guernica. The wartime erosion of social and moral restraints on the bombing of civilians was evidenced on all sides by the tragedies of the air attacks on the coastal cities of China, the Blitz of London, the bombing of Rotterdam, the firestorms of Hamburg, Dresden and Tokyo, and finally to "the most extreme and permanently traumatizing instance of state terrorism," the atomic bombings of Hiroshima and Nagasaki (Falk, 2004:45).

The area bombing of civilians in Germany and Japan by the Allied nations during World War II in particular wrought "…a revolution in the morality of warfare" (Schaffer, 1985: 3). While the German and Italian attack on Guernica and the Japanese bombardment of civilians in China in 1937 brought forth a "…chorus of outraged condemnation" from around the world that "reached unprecedentedly high levels" (Bess, 2006: 90), the Allied terror bombing attacks on Germany and Japan became normal and acceptable to many people by 1945. This appears to be a prime example of what sociologist Diane Vaughan (1996: 2007) calls "the normalization of deviance." According to Vaughan, the normalization of deviance occurs when actors in an organizational setting, such as a corporation or a government agency, come to define their deviant acts as normal and acceptable because they fit with and conform to the cultural norms of the organization within which they work. Even though their actions may violate some outside legal or social standard and be labeled as criminal or deviant by people outside the organization, organizational offenders, such as state officials, do not see these actions as wrong because they are conforming to the cultural mandates that exist within the workgroup culture and environment where they carry out their occupational roles.

During the course of World War II social definitions and cultural mandates concerning the terror bombing of cities began to change and the moral constraints on this illegal practice almost completely collapsed in just a few short years of what came to be called "total war" (Markusen and Kopf, 1995; Conway-Lanz, 2006; Patterson, 2007). Once "normalized," that is culturally approved, this form of state terrorism, the "most barbaric style of warfare imaginable" (Englehardt, 2008b: 161), would continue to characterize American war fighting right up to the present. As Selden (2009: 93) observes: "The strategy of killing noncombatants through airpower

runs like a red line from the bombings of 1944-45 through the Korean and Indochinese wars to the Gulf, Afghanistan and Iraq wars."

The theoretical question then, is how did the illegal bombing of civilian populations, including the threat and use of nuclear weapons, become normalized, culturally accepted and approved? Space does not permit an extended examination of this question but I will present a summary of my recent analysis of this normalization of deviance process (Kramer, 2010). This socio-historical narrative argues that over the course of World War II, the socially constructed morality of nationalistic and imperialistic war goals, the "technological fanaticism" of the bureaucracies charged with military planning, and the legitimation of state violence through the weaknesses of international law, all contributed to the overall erosion of social and moral constraints on the state crime of terror bombing and the development of normative supports for this practice.

The Social Construction of the Morality of War Goals

The primary goal of the United States and its allies during World War II, of course, was to win the war. The "precision bombing" of military and war related industrial targets, with its attendant collateral damage, and then the "area bombing" of enemy civilian populations to destroy their morale, were two of the means to that ultimate end. But by 1944, military victory was all but assured in both the European and Pacific theatres. At this point secondary war goals emerged to the forefront: ending the war as quickly and decisively as possible, and by accomplishing those objectives, saving the lives of Allied military personnel. The majority of American political and military leaders came to believe that the accomplishment of these national goals necessitated a change from a sole reliance on precision bombing to an increasing use of the practice of area bombing of enemy civilian populations, including the utilization of newly developed atomic weapons (Schaffer, 1985; Walker, 2004).

Many historians argue that strategic bombing in general, and the atomic bombings in particular, did help to shorten the war somewhat and thus they did save some American lives (Bess, 2006; Walker, 2004). After the war however, Henry Stimson, former Secretary of War, President Truman, and others who had participated in the decision to drop the atomic bombs, created an elaborate mythology that the bombings of Hiroshima and Nagasaki had been the only way to end the war short of a costly invasion of Japan, and that the lives of up to a million soldiers had been saved by shortening the war and avoiding the invasion. Neither of these assertions was true. Walker (2004:109) argues that the bomb "…was not necessary to prevent an invasion of Japan" and that it "…saved the lives of a relatively small but far from inconsequential number of Americans." But, according to the principle of noncombatant immunity found in both the just war moral tradition and the international laws of war, it is never permissible to target innocent

civilians or noncombatants to accomplish war aims or save the lives of military combatants.

The mythology created by Stimson and Truman, however, served to legitimate the atomic bombings, and by extension all forms of terror bombing during the war, in the eyes of the American people. The goals of shortening the war and saving the lives of American boys were presented as self-evidently "good" and "just." Even before this, of course, the entire conflict, in a nationalistic fervor, was defined as the "Good War" (Terkel, 1984; Wood, 2006). Defeating what was, to most Americans, the obvious "evil" of Hitler and the fascists, whose own state crimes during the war were massive, exacting "just retribution" for the "sneak" attack on Pearl Harbor and other Japanese atrocities during the war, and defending the American ideals of freedom and democracy at home against the criminal aggression of the Axis powers were such clear moral goals that any means necessary to accomplish them came to be viewed as acceptable and legitimate to most American leaders and the public. The social construction of the goodness and morality of the war in general, and the specific objectives of shortening the bloody conflict and saving the lives of "our boys in uniform," overwhelmed and short circuited any attempt to critically evaluate the morality and legality of the terror bombing of the civilian populations of the "evil" enemy as a means to those legitimate ends.

In addition, as a number of historians have documented, the United States also shared with its adversaries certain other nationalistic and expansionist motives. The war "propelled the U.S. to a hegemonic position" that provided a unique opportunity for American leaders to pursue these imperial designs (Selden, 2009: 91). Enhancing the economic power and geo-political position of the American empire became central goals of U.S. wartime policies, including the policy of terror bombing (Zinn, 1980; Gerson, 2007).

The United States has been an imperial project from its inception (Ferguson 2004; Anderson and Cayton, 2005; Nugent, 2008; Wright, 2008). Throughout its early history, American growth relied on expansion through force, including enslavement of Africans, expropriation of Native lands in the name of "manifest destiny," claiming North and South America as an exclusive American sphere of influence (the Monroe Doctrine), expansionist war with Mexico, and using American warships to ensure Asian trading partners (Beard and Beard, 1930; Kolko, 1984; Williams, 1959; 1969). As the 19th century drew to a close, structural contradictions in American capitalism provoked an intensification of America's imperial reach through formal colonization in Cuba, Puerto Rico and the Philippines. The United States would soon abandon its brief experiment with colonization as too economically and politically costly. The United States became an "informal" empire as opposed to a formal or colonial empire. As Selden (2009: 91) points out: "In contrast to earlier territorial empires, this took the form of new regional and global structures facilitating the

exercise of American power."

The Second World War provided an opportunity for the U.S. to greatly expand this informal empire by confronting and defeating rival imperial powers and by creating some of these new regional and global structures. A clash of imperial ambitions precipitated "The Day of Infamy" at Pearl Harbor. This clash necessitated the decisive defeat of Japan and the complete destruction of Japanese militarism and imperialism. According to some historians, the firebombing of Japanese cities and the use of the atomic bombs were viewed as important means to accomplish these goals and exact just retribution for wartime atrocities (Zinn, 1980; Gerson, 2007).

As the war progressed and it became clear that the United States would be able to exercise hegemonic power in the post-war era, American leaders began to plan for the construction of new global institutions that would greatly advance their imperial designs. As Zinn (1980: 414) notes: "Before the war was over, the administration was planning the outlines of the new international economic order, based on partnership between government and business." This new international economic order would enhance and expand the informal, "Open Door" imperialism the United States had been practicing since the early years of the twentieth century (Williams, 1959).

Even as World War II was putting the United States into a position from which it could dominate the world, American political and military leaders recognized that the Soviet Union, their wartime ally, would be their chief rival in the postwar period. The contest for power and domination between the Soviet Union and the United States that would later be dubbed "The Cold War" was already underway before the "hot" war against fascism was over. American officials increasingly came to view Stalin and the Soviets as a threat to their postwar imperial designs both in Europe and East Asia. And the perception of this threat would be an important factor in the most momentous decision of the Second World War: the decision to drop the atomic bomb.

A number of historians have argued that the decision to use the atomic bomb was motivated more by political factors related to the perceived Soviet threat than by purely military factors. Alperovitz (1965; 1995) presents persuasive evidence that American leaders dropped atomic weapons on Hiroshima and Nagasaki in an effort to impress Stalin with the power of the bomb and to intimidate the Soviet Union in the coming postwar contest for domination.

While numerous scholars have concluded that the use of atomic weapons against Japan was both a moral and legal crime (Zinn, 1980; Lifton and Mitchell, 1995; Boyle, 2002; Falk, 2004; Grayling, 2006; Gerson, 2007), the majority of Americans did not see it that way at the time, and still to this day, do not see it that way. Considerations of the morality and legality of the decision to use the atomic bomb, or of area bombing during World War II in general, were overwhelmed by the social construction of the morality of the "Good War." To most political and military

leaders and the majority of the American people, the goals of winning the war as quickly as possible, saving the lives of American boys in uniform, and exacting a just retribution on the evil German and Japanese empires were paramount, and they justified the use of any means, including the terror bombing of enemy civilians. Other nationalistic and imperialistic goals were either not recognized, or were interpreted within the mythic idealism that has from the very beginning characterized American culture.

The mythic ideals of political leaders in the United States are usually drawn from a broad, historical, cultural narrative often referred to as American exceptionalism (Fiala, 2008; Hodgson, 2009). American exceptionalism generally portrays the U.S. as a nation of exceptional virtue, a moral leader in the world with a unique historical mission to spread "universal" values such as freedom, democracy, equality, popular sovereignty, and increasingly global capitalism. This mythic cultural construction of exceptionalism "thoroughly informs US constructs of its identity" (Ryan, 2007: 119). According to Hodgson (2009: 159), the "myth of American exceptionalism" often takes a "missionary" form, with the U.S. viewed as "a city upon a hill" with a "God-given destiny" to "spread the benefits of its democratic system and of its specific version of capitalism to as many other countries as possible." Americans have always viewed their country as a "city set upon a hill" with a special duty and destiny to spread their values and wisdom, their freedom and democracy, to the rest of the world. This myth of American exceptionalism (Hodgson, 2009) has often shielded the American people from a critical examination of their history and the imperial motives that so often drive U.S. foreign policy.

World War II, "The Good War," only reinforced the mythic idealism at the heart of American exceptionalism. Wood (2006: 143) points out that one of the myths of that war is the idea that: "When evil lies in others, war is the means to justice." In the end, the fight against evil and the advancement of America's exceptional ideals justifies any of the means, including violent means, it selects to accomplish its national goals. In the wartime environment, conformity to these cultural mandates, helped to make the bombing of civilians, even with the most horribly destructive weapon that humans had ever devised, a normal and acceptable act.

Weapons Technology, Military Planning, and Technological Fanaticism

A second factor in the normalization of terror bombing was the way in which the destructive technologies of air power increasingly came to be the means that were relied upon to accomplish wartime aims within U.S. political and military institutions and organizations such as the White House, the War Department, the Joint Chiefs, the Army Air Force, the Manhattan Project and the Interim Committee. As Selden (2009: 87) notes, in a variety of wartime organizational settings, "Technology was harnessed to the driving force of American

nationalism." In order to realize its military goals the United States would increasingly rely on advancements in the technologies of mass destruction. The rise of American air power in particular would serve as the technical means by which these wartime aims would be secured. The B-29 Superfortress bomber, the Norden bomb-sight, the napalm bomb and other incendiary devices, improved radar and, of course, the development of the atomic bomb, all made possible the greater use of aerial bombardment as a primary tool of war.

Throughout the war, an instrumental rationality that fixates on the most effective and efficient means to accomplish pre-given and unquestioned ends developed within the institutions and organizations associated with military planning that led inexorably to the terror bombing of civilian populations. Organizational and bureaucratic imperatives concerning the development of technologies of mass destruction increasingly came to drive the war planning process and moral and legal concerns about these technologies were pushed aside. As Jackall (1980: 355) points out: "The rational/technical ethos of bureaucracy transforms even those issues with grave moral import into practical concerns." Thus, the instrumental rationality of the organizational form itself appears to be partially responsible for the state terrorism of bombing civilians. Again, Jackall (1980: 356) observes that: "The very rationality which makes bureaucratic structures effective administrative tools seems to erode moral consciousness."

Sherry (1987; 1995; 2009) has developed a compelling analysis of this rational bureaucratic process in its association with the development of American air power. He terms it "technological fanaticism." Sherry (1987: xi) argues, "…that among policymakers, if not in the public at large, a technological fanaticism often governed actions, an approach to making war in which satisfaction of organizational and professional drives loomed larger than the overt passions of war."

The very concept of "precision bombing," which American political and military leaders clung to for much of the war, implies a faith that advances in technology allowed attacks to be carried out on military and war-related industrial targets with only minimal and unintentional "collateral damage" to civilians and noncombatants. As Conway-Lanz (2006: 19) points out, both during and after the Second World War, "…many Americans tenaciously clung to the optimistic assumption that violence in war could still be used in a discriminating manner despite the increased destructiveness of weapons." Buttressing this assumption was the fact that the advancing technology of air power provided both a physical and psychic distance from the people being harmed for scientists and military personnel (Sherry, 1995).

Within the organizational settings in which World War II military planning took place then, an instrumental rationality concerning the application of the new technological means of mass destruction through the use of air power to the unquestionable moral goals of the war took hold.

As Selden (2009: 87) points out: "What was new was both the scale of killing made possible by the new technologies and the routinization of mass killing or state terrorism." This technological fanaticism served to override and displace moral and legal concerns over the use of terror bombing within the various political and military bureaucracies charged with wartime decision-making. It also provided both the optimistic assumption that air attacks could be carried out in a discriminating way, as well as physical and psychological distance from the actual consequences of bombing civilian populations. Technological fanaticism therefore, was one more factor in the dynamic social process that spawned terror bombing during war and allowed it to become normal and acceptable.

The Laws of War: The Absence of Enforcement and the Legitimation of Violence

The third factor that influenced the normalization of these bombing attacks on civilians was the weakness of international law itself. The primary problem with international law in general is the lack of any effective enforcement mechanism. While a plethora of laws and legal standards have been promulgated over the years (particularly with regard to conduct during war), states have been unwilling to give up too much sovereignty to allow for any formal controls or coercive enforcement tools to be created which may be able to effectively punish or deter violations of these standards. Absent any effective formal legal controls, the compelling drive to achieve nationalistic and imperialistic goals during the course of the war through the effective and available means of terror bombing was not deterred by the mere existence of the legal principle of noncombatant immunity.

While no effective coercive enforcement mechanisms existed under international law at the time of actual hostilities, following the war there was an important effort to hold states and political and military leaders to account for their actions during the conflict that constituted "war crimes" broadly conceived. The International Military Tribunals at Nuremberg and Tokyo prosecuted, convicted and then sanctioned a number of German and Japanese government officials for "illegal" acts they had allegedly engaged in during the war. Space does not permit an extended discussion of these international tribunals but it is important to note that the aerial bombardment of civilian populations, whether to destroy their morale or for any other purpose, was not one of the crimes that was prosecuted. As Jochnick and Normand (1994: 89) point out: "In order to avoid condemning Allied as well Axis conduct, the war crimes tribunal left the most devastating forms of warfare unpunished." They go on to argue that the decision not to include terror bombing among the war crimes to be prosecuted at Nuremberg or Tokyo helped to legitimate this behavior: "By leaving morale bombing and other attacks on civilians unchallenged, the Tribunal conferred legal legitimacy on such practices" (Jochnick and Normand, 1994: 91). So even the

most significant effort in history to actually enforce the laws of war, along with its undeniably important humanitarian accomplishments in advancing the legal categories of "crimes against peace" and "crimes against humanity," failed to even define the bombing of civilians as a crime let alone punish the behavior or attempt to deter it in the future with formal sanctions. Thus, the legal legitimacy conferred upon terror bombing by the International Military Tribunals helped to normalize the practice and ensure that it would be a normal and acceptable method of warfare in the future.

But alongside the failure to control terror bombing due to a lack of formal enforcement mechanisms, there is an even more fundamental way that that international law legitimizes state violence and contributes to its normalization. As Jochnick and Normand (1994: 56) have convincingly argued, the laws of war provide "unwarranted legitimacy" and "humanitarian cover" for violence during wartime due to the way in which states have created and codified an elastic definition of "military necessity" within the codes and conventions that constitute this body of law. Through overly broad and unchallenged conceptions of military necessity and military objectives, international law has legitimized and facilitated state practices during war such as terror bombing. During World War II the Allies did not openly violate the laws of war as much as they simply interpreted them in such a way as to justify and "legalize" their resort to the aerial bombardment of civilian populations in Germany and Japan. Jochnick and Normand (1994: 89) conclude that:

In both World Wars the laws of war played analogous roles. In each conflict the law served as a powerful rhetorical device to reassure anxious publics that the conflict would be confined within just limitations. The First and Second World Wars both saw the law subverted to the dictates of battle, reduced to a propaganda battlefield where belligerents traded attacks and counterattacks. And in the end, the law ultimately failed to protect civilians from horrifying new weapons and tactics. The scope of permissible violence expanded under a flexible definition of military objective and military necessity that eventually, and predictably, justified relentless terror bombing campaigns.

In conclusion, this theoretical narrative suggests that the political and military officials who approved and carried out these terror bombings during the course of World War II did not see themselves as criminal, nor did the vast majority of the publics they served. Those who thought otherwise, such as Vera Brittain (1944) were a small minority. The state officials who engaged in these criminal acts did not make a calculated decision to violate any laws. Instead they were enmeshed in a culture of denial. They were conforming to cultural mandates concerning ending the war, saving American lives, and advancing national and imperial interests that were derived,

in part, from the mythic idealism of American exceptionalism. They utilized the technological means at their disposal within bureaucratic settings that were dominated by a form of instrumental rationality that erodes moral consciousness. They interpreted international law through the lens of an elastic concept of military necessity and were never forced to contemplate the threat of formal legal sanctions. In a few short years during the war, bombing civilians, even with a new weapon of mass destruction, had become normalized. Thus, both the leaders and the majority of citizens in the Allied nations during the course of World War II had come to view the illegal aerial bombardment of the civilian populations of Germany and Japan as necessary, acceptable and even normal. And since then, terror bombing, what Englehardt (2008b: 160) describes as the "religion of air power," has become an important part of the American way of war to the present. Any efforts to resist the state crime of bombing civilians must take this normalization into account.

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Living on the edge: migrant women in Malta

Frances CAMILLERI-CASSAR

Introduction

The study of migration has a long history across several branches of the social sciences, but it is only in relatively recent times that people in poverty have increasingly been recognized as persons with rights and dignity. Indeed, existing evidence suggests that migrant women can face additional disadvantages when compared with women in the native population, and minority men.

Although systematic statistical indicators and research on ethnic minorities in Malta are relatively infrequent, observation and reports by non-governmental organizations and voluntary groups suggest that migrant women are at risk of the most extreme forms of poverty and social exclusion, in many if not all dimensions of life: housing conditions particularly those accommodated in detention centres, access to education, employment and working conditions, access to health care, and financial services.

Paper preparation

Due to a shortage of national, standardised data, this paper is not a detailed analysis of the literature, but a broad-brush review where I highlight a few specific themes that appear to me to capture the lived reality of migrant women, in the context of multiple discrimination and social exclusion in Malta. To this end, my presentation relies on small-scale studies drawn up by Maltese NGOs, writings by persons working in the field, personal communication with relevant authorities, and interviews with public officials, and NGO representatives. [7] I conclude with a review of some gaps in evidence-based decision-making, and a few recommendations for active inclusion policies in Malta.

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[7] Personal communication and interviews include: the National Statistics Office, Department Social Security Ministry for Social Policy, the Organisation for the Integration and Welfare of Asylum Seekers Ministry for Social Policy, Jesuit Refugees Service (JRS Malta), and Solidarity Overseas Service (SOS Malta).

Findings and Discussion

Access to Education

Education is key to social inclusion, and access to education does not seem to present a problem for girls and young women of ethnic minorities in Malta. Girls leave detention centres to attend mainstream schooling within a few weeks of their arrival from their country of origin, and their integration with other students is known to be relatively quick. However, it is reported that not all teachers are trained to work within a multi-cultural classroom, and social integration is left at the discretion of individual schools. Access to education may be a little different for older women as a result of their higher isolation, and lower language proficiency often a hindrance to the access of information and services.

Housing and Housing Conditions

Malta maintains an automatic detention policy for migrants and asylum seekers, and on arrival into Malta, women, men and children are held in closed detention centres for up to 18 months. Pregnant and nursing women are often released from detention due to their multiple vulnerabilities, however, it was reported by the European Parliament in 2006 that the bureaucratic procedure for release is lengthy, and women's stay in closed centres with other detainees may last for many months. The EU Committee on Civil Liberties, Justice and Home Affairs reported in March 2007 that four administrative detention centres were in deplorable conditions, and failed to meet legally binding international standards. Indeed, detention centres in Malta have often come under harsh criticism by the UNHCR, and Amnesty International strongly voices disquiet about the policy that violates international human rights, laws and standards.

Access to Healthcare

Women with refugee status, humanitarian protection, and rejected asylum seekers have access to

free medical care in state hospitals and state health centres. However, access to health care services may be difficult due to linguistic, and often cultural and religious barriers, lack of information, low income levels, and non-eligibility for employment related benefits. At the other end of the spectrum, the lack of training and experience among health service workers to address cultural and religious issues also reduces the accessibility to these services especially for migrant women. For example, Muslim women may find it unacceptable to visit male medical doctors, and often request the assistance of female social workers when in need of health care. Also, the practice of having uniformed personnel stand outside hospital wards and health clinics guarding migrant women as though they were criminals tears away their dignity, and predisposes them to multiple discrimination, strengthens the stigma against them, and is counterproductive to their integration into Maltese society. Such practice needs to be addressed by the authorities as a matter of priority.

Labour Market and Employment Conditions

Migrants in Malta continue to face discrimination when accessing jobs, in the level and quality of work, and in payment. Some NGOs signal that there is little enforcement by the State to ensure that migrants are employed legally, and that the minimum conditions set out by the law are being respected. The fact that people on humanitarian protection need their employer to apply for their permits leads to a very clear temptation to cut corners, not apply for such permits, and indulge in blatant exploitation. Women living in Open Centres are more likely to work in the female dominated cleaning and housekeeping in hotels. However, cultural norms, customs and religious beliefs are often key determining factors that may preclude the employment of migrant women. Malta's 2005 Census shows a high percentage of women, compared with men, who claim they are economically inactive as many of them face the added burden of child care. Informal child fostering gained popularity among Maltese families, however, the practice was discontinued due to unethical behaviour of some families caring for migrant children.

Access to the Financial system

Access to financial services is a major problem for migrants due to insecure employment, the language problem, and scarce knowledge of the finance system. For example, the purchase of immovable property is highly unlikely among migrant women who would like to purchase

accommodation for themselves and their children. It is made even more difficult by legal regulations that do not allow third country nationals to purchase immovable property unless the value of the property falls within specified thresholds.

Multiple discrimination

Professional expertise on multiple discrimination is doubtful in Malta. For example, the flaw in current legal provisions for the equal treatment of persons is that it does not acknowledge the complexity of ethnic minority groups. There is no distinction between the voices, and the needs and interests of women, men and children who tend to be multi-layered, complex and diverse. More specifically, the law does not protect against discrimination on more than one ground, and there is no special provision for women who are susceptible to multiple disadvantages when compared to men. Multiple discrimination is indivisible to policy makers and has no remedy under Maltese law.

Implications for Policy

Malta is encouraged to act with urgency in drawing up a long-term migration policy, taking into serious consideration future challenges, the fundamental rights of migrants, and especially the special needs of women. The European Commission against Racism and Intolerance encourages Malta to step up efforts in replacing all police and military staff at the Detention Service with civilian personnel trained in human rights and nondiscrimination, and in dealing with women and men of different backgrounds in a sensitive manner.

Monitoring the socio-economic conditions of migrant women (and men) requires collection and analysis of quality data that is crucial for policy makers for defining strategic goals, specifying expected results, and enhancing accountability. Migrant women have specific needs and difficulties which ask for gender sensitive policy approaches, and their role in childcare makes them an even more important target for social inclusion policies. Malta is urged to develop consultation mechanisms and dialogue at national level between migrant women, grassroots NGOs, and public bodies involved in the integration process. Indeed, the open method of coordination should be part of the design process of Malta's active inclusion policies to redress gender and social inequalities, and to encourage the integration of women living on the edge of Maltese society.

Allow me to conclude by raising a pertinent question in the hope of stimulating serious thought and hopefully further action: How often does the State take into account the existing realities in the lives of migrant women by listening to them, and involving them in discussions pertaining to policies that concern them directly?

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Police Community Relations In 21st Century Malta: Implications For Police Practices In Immigrant-Destination Countries

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INTRODUCTION

Between 1985 and 2005, the number of people living outside their countries doubled from 105 to 200 million people, particularly in Europe (Penninx 2006). Many reasons for migration are cited in the literature. One of the more prominent relates to migration from colonies to countries with a colonial history. Today, the reasons are more complex and varied. These include expatriates working for multinational companies; refugees and asylum seekers from Africa, the Balkans, former Soviet states, near-Eastern and Asian countries, and students from China, as well as undocumented workers from Africa, etc. (Penninx 2006).

With the formation of the European Union, many countries in Europe are beginning to feel an increased movement of people from Eastern Europe and from Africa. This is compounded by the fact that Europe is believed to be heading toward the "super-aging population" (Wilson 2007) resulting in many policymakers asking the question whether doors should be opened for immigrants or should the movement of people be restricted. Such labeling has implications for policies relating to integration and social cohesion which in turn influences the imagery and perceptions of the general population.

Malta, though a relatively small nation with a population of about 400,000, has experienced a surge in both legal and illegal migrants in recent years. According to the National Statistics Office (2009) non-Maltese citizens represent nearly 4.4% of the total population. In addition to legal migration, Malta has also experienced an increase in illegal migration. According to the Immigration Section of the Police General Headquarters, both the number of boat loads, as well as the number of people on board, has increased by many folds (table 1).

Table 1. Data on boats arriving in Malta with irregular immigrants: 2002-2008

Year	No. of boats arriving	No. of people on board	Average number of people on board per boat
2002	21	1,686	80
2003	12	502	42
2004	52	1,388	27
2005	48	1,822	38
2006	57	1,780	31
2007	68	1,702	25
2008	84	2,775	33

Such increases in both legal and illegal migration have implications for police community relations. Experiences from immigrant countries such as the U.S. and Australia suggest that local law enforcement agencies rely on rich sources of community structures and resources for effective delivery of services. In this paper we begin with a brief literature review of police-citizen relationships in immigrant countries such as the United States and the efforts made to increase the effectiveness of police practices in dealing with multicultural societies. We briefly review the concept of community policing and various strategies for building strong police-citizen partnerships, including private security, and follow-up with our survey of police officers' attitudes towards citizens and private security guards with specific reference to building community-policing relationships.

Historically, police-citizen relations in immigrant countries such as the U.S. suggest that minorities such as Blacks/Latinos negatively view police as compared to Whites (Lurigio, Greenleaf, Flexon 2009). The study also notes that both African-Americans and Latinos who had been stopped and disrespected by the police were less willing to assist them and less likely to believe that the police care about their neighborhoods. Compared to these groups, Chinese immigrants had overall positive views of the police (Wu 2009). More specifically, this group had positive views on police demeanor, integrity, and effectiveness but were less positive on police fairness. On a relative scale, Wu noted that the level of Chinese immigrants' global satisfaction stood in the middle with whites at the top and Blacks at the bottom. Further, Wu noted that recent police contact, media exposure to police misconduct, neighborhood conditions and city effects, were significant variables. Interestingly, satisfaction with local police was found to be linked to satisfaction with immigration authorities (Wu 2009).

Our literature review revealed limited studies on police-immigrant relations in countries traditionally considered non-immigrant. One such study was from Finland, which experienced a considerable presence of migrants from Africa since 1990s. Though Egharevba noted that police-citizen relations were generally considered good (2009), Egharevba and White (2007) identified many challenges and problem areas in Finish-migrants police relations. These include unfavorable circumstances in their encounters; poor communication or language barriers; perceived police prejudice against dark-skinned immigrants; fear of crime; African immigrants' mistrust of the police and its relationship to reporting criminal acts; alleged slow response of the police to African immigrants' calls; and encounters and meetings which are often tension-filled resulting in reluctance to co-operate with police (Egharevba and White 2007).

Antonopoulos' (2006) work on police-immigrant relations suggests that Greece, with a long history of emigration, has become a land not favorable for immigrants. Greek society turned against immigrants, identifying them as the criminal "other." This has in turn led to a number of racist incidents though no official data exists. Antonopoulos notes that racial attacks are not limited to the public, as a number of such attacks have been committed by police as well. Underlying these police-led attacks is a fairly common racist attitude towards migrants. Some comments include (Antonopoulos 2006:95):

Migrants have made us fearful of sleeping in our yards and balconies in the summer, as we used to do before.

Everyone lives in fear now.

Foreigners take jobs from the Greeks.

They make us install alarms in our houses and sleep with a gun under the pillow.

I do not think that migrants are a good thing for Greece

Experiences from the U.S. as well as Europe suggest that tensions between police and minority communities is a pressing issue. Police officers are more likely to use aggressive or punitive measures in dealing with ethnic minorities: Other commonly noted events include excessive police violence; discriminatory treatment of juveniles; discourtesy toward ethnic minorities; and excessive use of arrests – characteristics similar to those noted in Finland (Egharevba 2009). In general, ethnic minorities feel a lack of power and influence, that they are disenfranchised from the local white power structure, and view police as a symbol of oppression and racism.

As far back as 1968, effective community relations were recognized as one of the key factors for building positive police-citizen relations. In the 1980s many such programs were created under the rubric of community policing. Further, language and cultural barriers were recognized as impediments for effective relations with immigrant groups as well as majority communities resulting in proactive recruitment of bilingual police officers to promote police-citizen relations. In addition, Culver (2004) notes examples of practices that were found to help bridge the gaps with efforts that include creating a positive image by attending immigrant cultural events; distributing bilingual crime prevention information/public service announcements, videos to help learn how to free themselves from crime victimization; and a comprehensive needs assessment of immigrant community groups. This requires a comprehensive cultural change in police organizations.

Drawing from political incorporation theory, Lewis and Ramakrishnan (2007) argue that   new groups need to be incorporated into city electoral politics to help pave the way for improvements in the way that local bureaucrats treat members of those groups. Evidence from California cities suggests that police departments are ahead of city councils and other municipal agencies in providing support for bureaucratic incorporation of immigrants, in which local bureaucracies proactively develop their own practices based on professional ethos.

CONCEPTUAL FRAMEWORK

The police in civil societies represent a state governed by rule of law and one that protects human rights and freedoms. The primary role of police in democratic societies is to protect the fundamental rights of citizens: the primary criteria for police governance include equity, delivery of service, responsiveness, distribution of power, redress, and participation (Jones, Newburn and Smith 1998). Bayley (2006) notes that although the police themselves cannot bring about political democracy, they can contribute to democratic political development. Police in democratic societies perform a fine balancing act: they not only cautiously exercise their limited authority granted by the Constitution and legislative mandates but also make certain others do not violate citizens' constitutionally guaranteed rights (Goldstein 1971).

The citizen is the primary focus in democratic policing. Protecting citizen rights is elevated to the protection of basic human rights with the police mediating tension between "freedom-limiting searches" and aggressive enforcement (Pino and Waitrowski 2006). Essentially, police conduct is subject to the rule of law that values and respects human dignity; intervenes in a citizen's life under "limited and controlled circumstances"; and is accountable to the public it serves (Marx 2001). Implicit in the role of police in democratic societies are the following elements (Goldstein 1971; Bayley 2001; Marx 2001):

Serve the public by preventing crime and maintaining order

Police service is directly dependent on the public approval of police existence

Police seek public approval but maintain impartiality in offering services to all groups

Police intervene in the lives of citizens, albeit with strict limitations as provided by the constitution and other legal provisions

Police use force to the extent that law is observed and order is restored

Police tend to mirror the socioeconomic, cultural, and other characteristics of the community in which they serve

Police are part of, and not separate from, the community they serve

Finally, police are accountable to the public.

In sum, there is an assumption that police in democratic societies work for the community in which they serve and that the citizens support the police to effectively discharge their duties of

crime prevention and order maintenance. This brings us to the next related concept in police-community relations: community policing.

Though much has been written about community policing, there is a general consensus among researchers that the concept still evokes varied images to different people. These images include establishing a foot patrol, helping to form neighborhood crime prevention units, establishing neighborhood substations, and "crime-watch" plug-ins in television advertisements. All of these programs aspire to attain one goal: improve public safety and order, develop positive working relationships with citizens, and to work with citizen groups to assist them in order maintenance. Similar terms such as "citizen groups" and "partners of law enforcement" that are commonly heard among proponents of police/citizen partnerships are just as unclear as the term community policing. References to citizen and community groups may be very general and broad (i.e., including the entire neighborhood in which the beat officers are posted), or may refer to specific entities (i.e., neighborhood watch groups, typically located in high crime areas). However, one citizen group that is generally not included in the discussion of community policing is the private security employee.

Private entrepreneurship and privatization of public sector functions are inherent to all market economies. In the last 30 years many countries around the world have aggressively privatized many functions once considered public – including social control. The number of personnel employed in the private security industry, as well as security-related organizations in developed economies, has increased significantly in recent decades (Bailin and Cole 2000). Compared to private security industry growth, such expansion in the employment of public law enforcement officers was not apparent in these countries (Nalla and Newman 1990; 1991). Broad changes in the nature of property relations (i.e., "mass private property" where much public life takes place, i.e., amusement parks and large apartment complexes [Shearing and Stenning 1983]), consumerism and promotion of private security as a commodity (Shearing 1992), and the redefinition of the state's role in crime prevention resulted in the rapid growth of the private security industry.

One of the significant organized groups in many communities is private security. Most research on the growth of security personnel suggests that there are more personnel employed in the private security profession than in law enforcement (Nalla and Newman 1991). A majority of private security employees are private citizens unlike the police, most of whom are sworn

officers. Contrary to typical citizen groups, security employees are more likely to meet frequently as members of their professional associations. Further, many of the goals and objectives of security professionals are similar to law enforcement organizations (Nalla and Newman 1990). Nalla and Hummer (1999) argued that if law enforcement organizations would like to establish successful relationships with citizen groups police should consider security employees as one of the most viable partners. These relationships should be established not simply at a superficial level but rather as well integrated within the context of organizational culture, structure, and processes. In a study in the late 1990s, Nalla and Hummer (1999) found that security professionals as a group are more inclined than other citizen groups to develop working relationships with local law enforcement agencies for pursing commonly shared goals of crime prevention activities and promotion of safety for respective clients. However, the major hindrance to developing partnerships was poor communication and misperceptions between the law enforcement and private security personnel (Nalla and Hummer 1999).

Police organizational culture consists of norms, myths, assumptions, and practices which officers use to construct their meaning of police work. Police culture creates a unique organizational climate in which officers routinely work. Police cultural norms advocate particular rules governing officer interactions with citizens. Citizens are, in essence, the clientele of the police. With the reintroduction of citizens as the major foci of law enforcement's goals and objectives through popularly used phrases such as community policing, community-oriented policing, and problem-oriented policing, some attention has been focused on citizen-police relations and particularly, officer perceptions of citizens and citizen support of officers and their work.

Azzopardi- Cauchi (2004) was one of the first to undertake an extensive study of Maltese police organizational culture, specifically, the Maltese police officers' relationships with: the community, offenders, victims, judiciary and corrections. Her study notes that Maltese officers expressed prejudices against some immigrant groups such as Libyans, Arabs, Sicilians and Italians – and were thus more likely to target some groups. This study is an extension of police organizational culture in Malta with a focus on police citizen relations, and their views on democratic policing that captures police citizen relations as well as their relations with another citizens' group, the private security guard.

In this study we specifically examine police attitudes towards citizens and a specific organized citizen group, security guards, to assess the extent to which Maltese police personnel perceive the larger guiding philosophy of police work in the context of their relationship to citizens, both

organized and the general community. More specifically, we examine Maltese police organizational culture to the extent of how they view their relationships with citizens and private security guards.

The survey which was originally developed for Slovenia (Nalla et al. 2007; Nalla, Johnson, Meško 2009), South Korea (Nalla and Wook 2009a,b; Nalla and Hwang 2006), El Salvador and Guatemala (Nalla 2009), was used as a framework for the current study. The survey was administered to over 400 police officers in Malta and the findings from the initial responses (N=61) are presented here. Survey questions were coded on a Likert scales of 1~5 with 1 representing Strongly Agree and 5 Strongly Disagree. We have measured various elements of democratic policing based on the questionnaire administered by Nalla (2009). More specifically, we identify four key elements that capture the operational philosophy; accountability to law and democratic structures of the community; and the extent to which officers perceive citizen support. In addition, we also asked the respondents their views about private security guards on matters relating to government training and professionalism, how to improve relations with each other, and if security guards would be a good citizen group to partner in community policing activities. Once again, the assumption was that the extent to which police culture reflects officers' internationalization of police values and norms revolves around the interest of citizen safety and wellbeing.

RESULTS

At the time of the conference presentation, we had received only 61 valid responses and thus the findings reported below do not have confidence levels to extrapolate for the larger population. The demographic characteristics of the respondents are presented in Table 2. Nearly 60 percent of the respondents are 36 years or older, compared to the age group that is younger than 35 years. A little over half of all the respondents have 16 years or more of experience and nearly three-fourths of the sample are male officers. Nearly half of the officers have post-secondary education and only a fifth of the sample have a university first degree or higher.

Table 2. Maltese Police Officers' Demographic Characteristics (N=61)

Variables	Description	N	%[a]
Age	≤35 years	23	38
	≥36 years	37	60

	Missing	1	2
Years of Experience	≤15 years	27	44
	≥16 years	32	53
	Missing	2	3
Gender	Male	47	77
	Female	13	21
	Missing	1	2
Education	Secondary School	16	26
	Post-secondary School	28	46
	University First Degree or more	13	21
	Missing	4	7
Rank	Police constable	28	46
	Sergeant or higher	32	52
	Missing	1	2

a. May not add to 100 due to rounding

Officers Primary Responsibility:

We asked police officers a series of questions relating to their primary responsibility and their perceptions of citizens and community policing programs. The first two questions which tapped into their primary responsibility were " Officers in my unit know their primary duty is to serve the people of the community" and " Police officers' primary responsibility is to serve the government." Figure 1 shows the distribution of the officers' views relating to citizens. Nearly 90 percent of all officers view their primary responsibility is to serve the people of the community, in comparison to the question on service to the government (figure 2), where there was an even distribution between those who agree and disagree with nearly one-fifth of the respondents expressing ambiguity. This suggests that officers generally perceive citizens as their primary clients, a notion that is expected from police organizations that clearly adhere to democratic policing with an emphasis on rule of law and human rights.
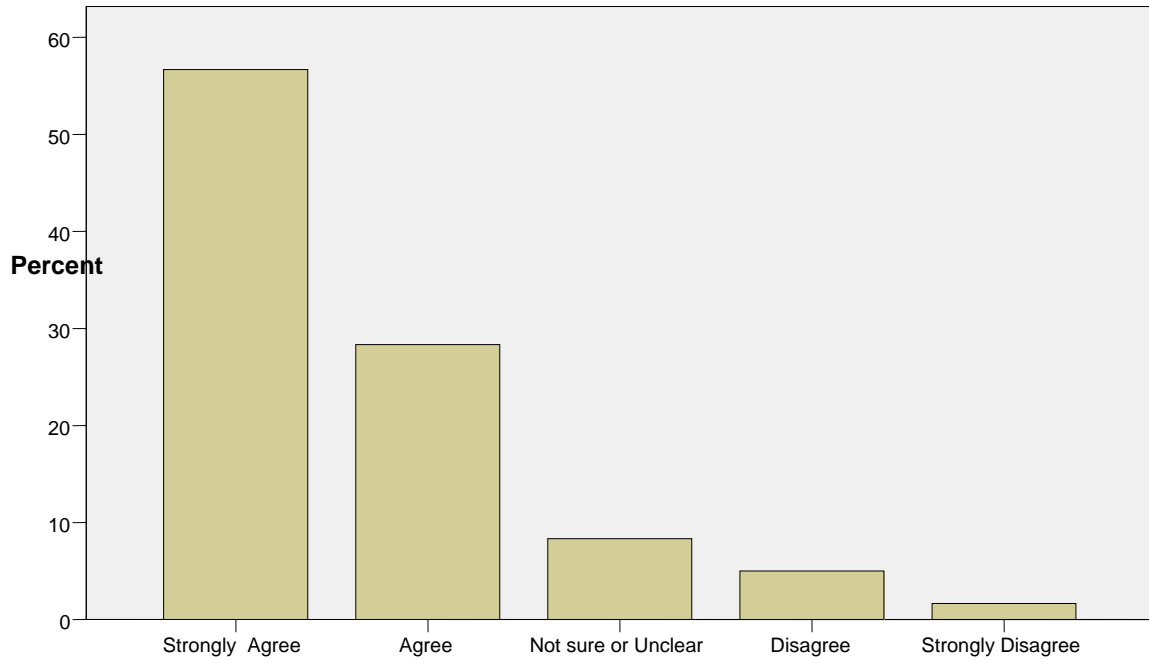
Figure 1. Officers in my unit know their primary duty is to serve the people of the community.
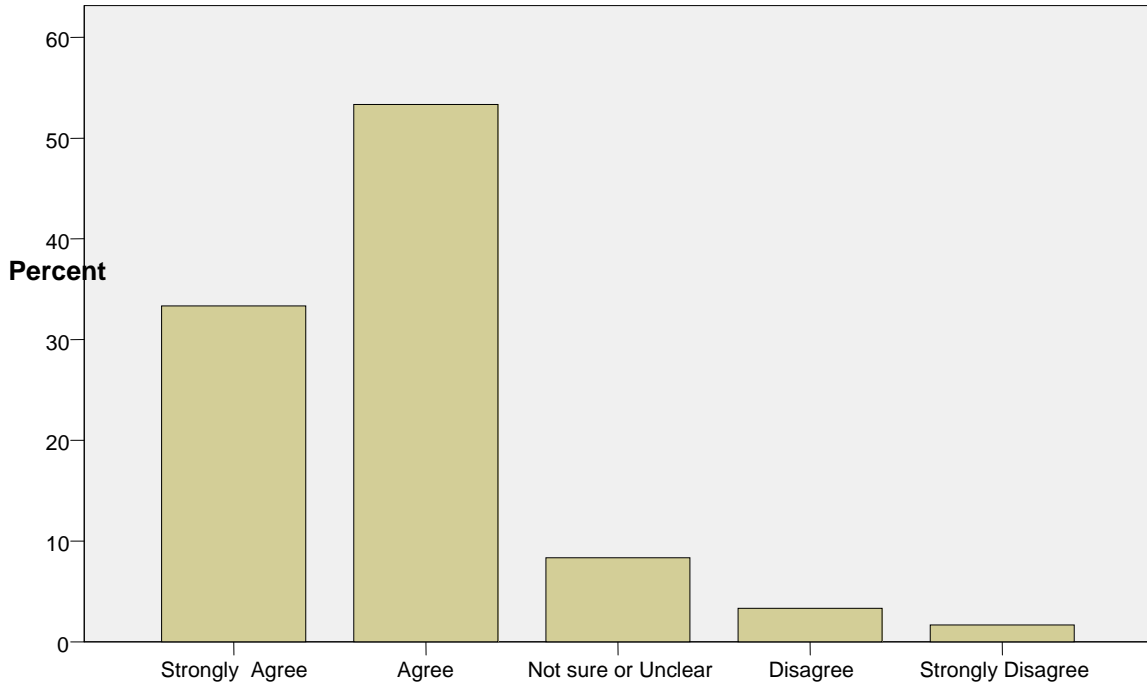
Figure 2. Police officers' primary duty is to serve the government.
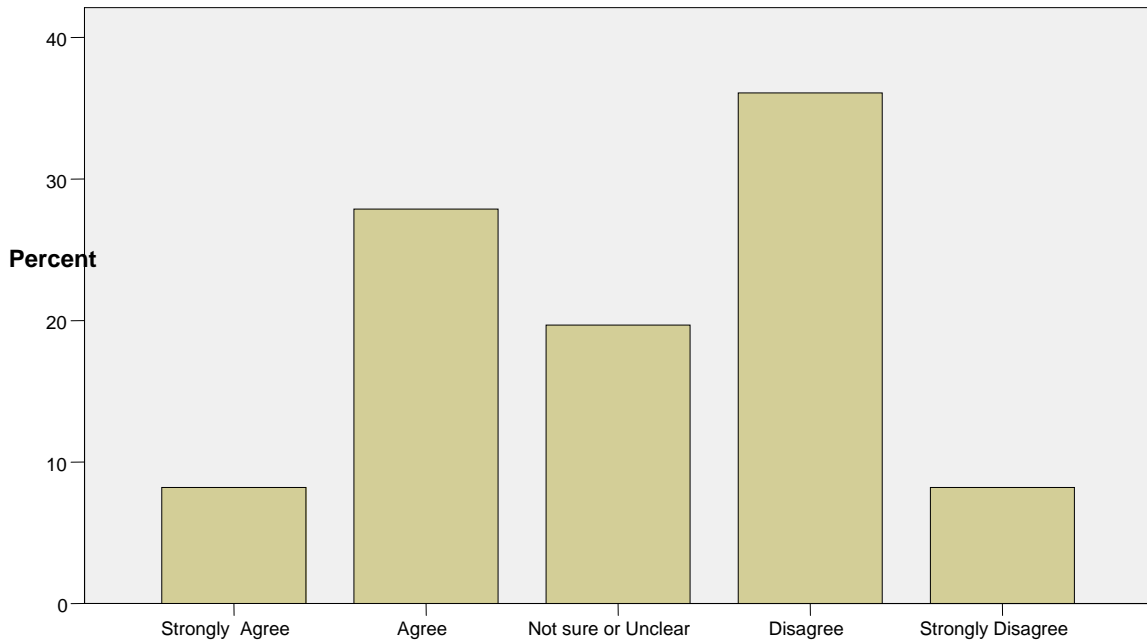
Figure 3. Enforcing the law is by far a police officers' most important responsibility.

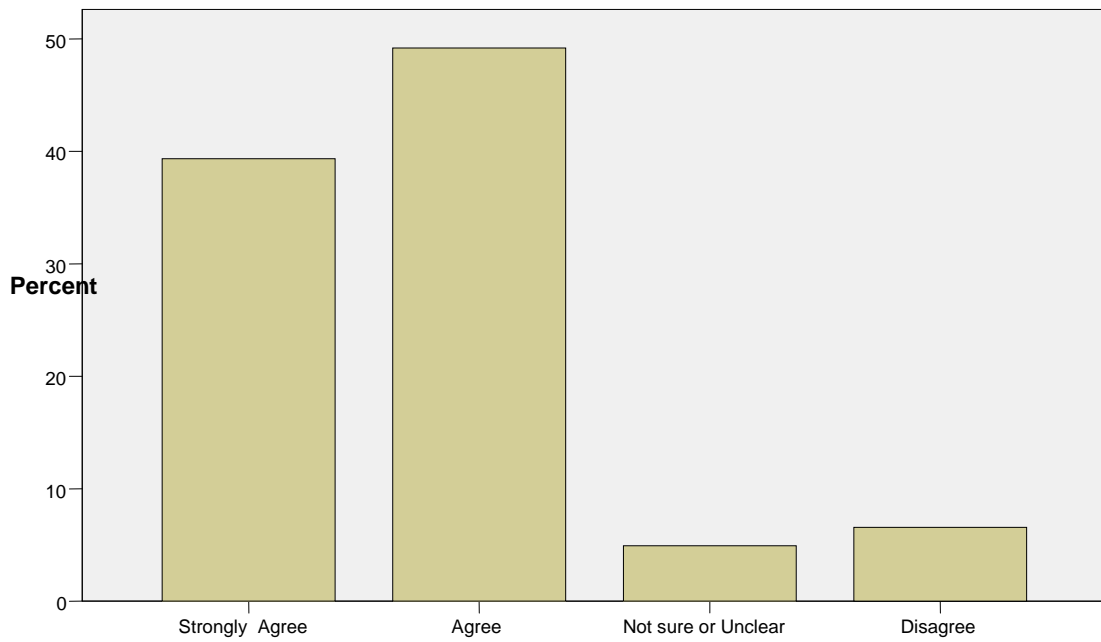**Figure 4. Police officers have to be accountable to the citizens for their acts.**

Table 3. Maltese Police Officers' Perceptions of Citizens (N=61)

Variables	SA/A[a] (%)	NS[b] (%)	D/SD[c] (%)
Citizens generally cooperate with police officers	40[d] (66)[e]	13 (21)	8 (13)
Citizens trust police officers	31 (51)	23 (38)	7 (11)
Citizens would often call the police if they saw something suspicious	40 (65)	17 (28)	4 (7)
Citizens would often provide information about a crime if they knew something and were asked by police	19 (31)	23 (38)	19 (38)
Citizens are willing to work with the police and try to solve neighborhood problems	31 (51)	17 (28)	13 (21)

SA/A = Strongly Agree or Agree

NS = Not Sure or Unclear (Missing is collapsed into this category)

D/SD = Disagree or Strongly Disagree

Number

Percentages May not add to 100 due to rounding

Findings on police officers' views of citizens are presented in Table 2. Nearly two-thirds of the respondents believe that citizens generally cooperate with officers and that they provide information if they saw something suspicious. Nearly half of the officers feel that citizens generally trust police officers and that are willing to work with police to solve neighborhood problems. The findings are mixed regarding the issue of citizens providing information about a crime if they knew and were asked by the police.

Table 4. Maltese Police Officers' Perceptions of Security Guards (N=61)

Variables	SA/A[a] (%)	NS[b] %)	D/SD[c] (%)
Overall Views			
In general, police officers have a positive view of security guards	22[d]	24	15
	(36[e])	(39)	(25)
Overall, my view of security guards is positive	37	11	13
	(60)	(18)	(21)
In general, police and security guards cooperate in crime prevention	30	20	11
	(49)	(33)	(18)
Government Training and Professionalism			
Government mandates relating to training would improve image of security guard industry	43	15	3
	(70)	(25)	(5)
Government training of security would improve image of security guard industry	50	9	2
	(82)	(15)	(3)
Professionalism of security officers would improve relations	52	9	0
	(85)	(15)	(0)
Improve Relations with Others			
Police agencies are willing to share information with security agencies	9	26	26
	(15)	(42)	(42)
Create an information database for joint usage	27	15	19
	(44)	(24)	(31)
Exchange personnel with security for training	29	16	16
	(47)	(26)	(26)
Conduct regular meetings of security agency representatives	39	16	6
	(64)	(26)	(10)
Participate in joint training programs with guards	33	16	12
	(54)	(26)	(20)
Security Guards and Community Policing			
Security guards will be good partners for community policing	35	15	11
	(57)	(24)	(18)
Joint community efforts with security guards to protect citizens	35	15	11
	(57)	(24)	(18)

SA/A = Strongly Agree or Agree

NS = Not Sure or Unclear (Missing is collapsed into this category)

D/SD = Disagree or Strongly Disagree

Number

Percentage may not add to 100 due to rounding

Police officers' perceptions on various dimensions of their relationship with private security guards are listed in Table 4. These include: Overall views on government mandated training and professionalism; improving relationships with each other; and security guards' roles in community policing activities. While 60 percent of police officers indicated that their own view of security guards is positive, only 36 percent indicated that generally police officers view security guards positively, suggesting a general lack of confidence in security guards. Only half of the respondents felt that security guards cooperate with police officers in crime prevention activities.

Nearly three-fourths of the respondents felt positive about government mandated programs used to enhance professionalism and the image of security guards. Further, police officers felt that an improvement in security guards' professionalism would help improve police-security relationships. On the issue of improving relationships with security guards, findings were mixed. Nearly two-thirds of the respondents felt that conducting regular meetings with security guard representative would help improve relationships and 54 percent indicated that participating in joint training programs with guards would help the cause. However, less than half of the respondents were supportive on the issue of creating information databases for joint use (44 percent) or exchanging personnel for training purposes (47 percent). Further, there was a considerable disagreement (42 percent) or ambiguity (42 percent) on the issue of sharing information with security guards.

Finally, we asked police officers two questions relating to a security guard's role in community policing. Findings suggest that a little over half (57 percent) of the respondents felt positive on the issue of a security guard's role in community policing efforts. Police officers not only felt that security guards would be good partners to work with in community policing efforts but also felt positive about joint community policing efforts with security guards. However, it is worth noting that nearly 25% of all the respondents were unsure or ambivalent about security guards' roles in community policing efforts.

CONCLUSION

In this paper, we have attempted to draw from the conceptual framework of democratic policing that policing involves concerted efforts in developing positive relationships with citizens for effective delivery of police services. Elements included in establishing democratic policing are recognizant of police as not only being dependent on public approval but also acknowledge that they are part of the community they serve. Additionally, democratic policing suggests adhering to rule of law, accountability to the constituents they serve, and operating within the framework provided by the constitution and other legal provisions. Once migrants are accepted into the society as naturalized citizens they are no different from other citizens. Thus, examining police community relations in migrant countries is the first step toward assessing police attitudes towards migrant groups.

In this exploratory study we examine the extent to which Maltese police officers adhere to the larger notions of democratic policing as measured in the context of rule of law and human rights. Further, we also examine the extent to which police officers consider security guards as viable citizen partner groups in community policing. Findings suggest that in general Maltese police officers consider citizens as their primary clients and view them positively. Police officers also believe that citizens have faith in police and that they cooperate with the officers in crime prevention activities. Additionally, police officers are positive of their relationships with security guards and believe they can work with them to expand their scope of community policing efforts as well as joint crime prevention activities.

While data gathering is still in progress, this analysis of the partial data offers glimpses at police perceptions of their primary duty, relationships with citizens and citizen groups such as private security. We hope the final data will offer insights to differences, if any, along gender, rank, and education variables as well as factors that determine positive or negative attitudes towards citizen groups to help shape policy to strengthen police acceptance of the principles of democratic policing.

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Sudanese Refugee's in Victoria: A Criminological Case Study

Krystle GATT

1   Introduction

The United Nations 1951 Refugee convention was drafted and implemented under the principle of humanitarianism. On the 22nd of January 1954 Australia ratified this convention. The notion of humanitarianism has come to mean a very peculiar thing within the Australian political realm. Evidence demonstrates that the Australian government has cleverly constructed the humanitarianism principle to suit its particular needs –in order to justify its extraordinary policy responses to the refugee crisis (Watson 2006). On the one hand the image portrayed to the public has been one of the Government upholding the notion of humanitarianism, and thus being compassionate towards a 'deserving people'. On the other hand we have seen the Government displaying itself as a humanitarian under attack by 'criminals', 'terrorists' and 'queue jumpers' who pose a threat to our society. What has become increasingly apparent is the way these portrayals have been exploited in political rhetoric to aid in the increase of public support for immigration policies and additionally for political gain.

This paper begins with a brief historical account which illustrates how and why Australian Immigration policy has evolved since 1945 from accommodating policies into harsh policies. Furthermore the manner in which the notion of humanitarianism has morphed in and out of positive and negative political discourse – at the will of the government – will be illustrated. The remainder of this discussion has been divided into three sections. The first takes a look at Australia's welcoming policies in light of its economic and geo-political goals. The second will explore the tightening of the nation's immigration intake in the 1990s and particularly in the wake of the September 11 attacks in New York City. The final section will examine a case study of Sudanese refugees. This analysis seeks to explain why this minority group has been targeted by politicians and the media, in light of the displayed back drop and developments in Australian immigration politics.

2   Opening the Flood Gates: Australia Playing the Traditional   Humanitarian Role

Prior to 1945, Australia had a policy in place which sought to impede those who were not of white British descent from immigrating to the country. In particular, persons from China and the Pacific Islands had specific restrictions on their travel. This policy, branded the 'White Australia Policy', sought to exclude such settlers to ensure 'social cohesion and a homogenised Australian identity' (Babacan and Babacan 2009: 64). The period following WWII saw a post war boom in Australia and a lack of necessary skills to facilitate economic growth and development. As a result, concern increased in relation to the nations low population growth, increased labour shortages, and the need for unskilled and semi-skilled workers for the manufacturing sector. Considering the lack of British immigrants willing to make the voyage, the Immigration Minister of the day, Arthur Calwell concluded that a reassessment of the immigration policy was in order (Freeman and Jupp 1992). Consequentially the Minister announced a large-scale immigration program, renowned for its motto, 'populate or perish'. As a result, Australia began looking for refugees from other areas.

The end of WWII and the latter Cold War left an enormous amount of anti-communists displaced and wanting to seek refuge. By allowing these people to obtain asylum in Australia the Government would not only be helping people in need and thus upholding the notion of humanitarianism, they would also inadvertently be aiding in the fight against communism (Whitaker 1998). Considering Australia's geographical location with close proximity to Asia, it was believed the nation was at high risk of communist invasion. For this reason, refugees from the Eastern block and Vietnam were principally chosen (Babacan and Babacan 2009). Interestingly enough, those who were sick, old and weak were routinely rejected (Babacan and Babacan 2009). This adds to the view that the refugees selected to seek asylum in Australia had a purpose, namely to fill gaps in the labour market whilst assisting the Government with its geo-political goals, rather than being a humanitarian in its purest sense. However this was not the same image that was being portrayed to the public.

The humanitarian theme being rendered in political and media discourse was one of asylum seekers being the victims of persecution, and fellow human beings in need of attention. Thus the

refugees in our nation were painted as deserving and in need of our compassion (Gale 2004; Watson 2006). However, this positive rhetoric portrayed to the population was not the whole truth, the amendments being made to immigration policy could be seen by the discerning eye as a product of conscious social engineering to create a particular kind of society (Jupp 2002). In spite of this, the refugee regime put in place was still protecting thousands of the world's refugees. This was quite different to the immigration policies and discourses which later emerged.

3   Recessions, Globalisation, Deterrence and Fear: Australia's Change of Heart

The period following 1970 saw drastic changes to both the economic and political landscape in Australia. The 1973 oil crisis was the kick off to an economic downfall which prompted higher unemployment rates and rising foreign debt (Castles 1992). As a result, Australia embarked on a program of economic restructuring and privatisation. This opened the country to market forces from the 1980s onwards. This progress however, was aggravated by the recessions of 1982-1983 and 1990-1993 (Auckland, Williams et al. 1992). By 1993 there was a 25% decline in Australia's manufacturing sector (Babacan and Babacan 2009). Considering this was the area where most immigrants were employed, this group was discriminately affected by unemployment at that time (Beeson & Hadiz, 1998; Alcorso, 1991). Consequently, there was no longer a need for unskilled workers, as were desperately needed in the past. The fall of the Soviet empire also ended the Cold War and with it the geo-political value of certain refugees wanting to seek protection in the nation (Babacan and Babacan 2009).

By 1990 the world and Australia had radically changed. Globalisation was the key factor driving economic restructuring in the Australian economy. During this time, trade with Japan and countries in the Asia Pacific increased, which resulted in the strategic decision to begin recruiting highly skilled migrants to aid social and political relationships with Asia. Thus the Immigration department had undergone an evolutionary change from wanting unskilled workers to placing a high priority on highly professional workers. Through this migration intake, Australia could acquire the technical, entrepreneurial and linguistic 'know how' it eagerly required (Babacan and Babacan 2009). To achieve this goal, modifications were made to immigration selection criteria to attract highly skilled immigrants and business migrants to generate investment capital, with less emphasis on humanitarian selection, and a tightening of family reunification migration

(Hollinsworth and Hollinsworth 1998; McMaster 2001). By 1990 the economic focus for immigration gained precedence. The Hawke and Keating labour governments reduced immigration intakes (from 21,917 in 1981-1982 to 11,948 in 1989-1990) and terminated the humanitarian category in 1992. (Corlett 2000; McMaster 2001). This caused all offshore refuges (which were previously selected by the Australian government before arriving in Australia), to go through the refugee stream as onshore refugee applicants (meaning they had to find a way to the country illegally) (Babacan and Babacan 2009).

The calculated blocking of the offshore asylum route increased the amount of onshore asylum seekers arriving in Australia by boat and air. By the late 1990s Australia was confronted with a record amount of asylum seekers knocking at its door (Schloenhardt 2000). In late 1994, the number of unauthorised arrivals in Australia increased further with 1071 people arriving by boat and 485 by air (Babacan and Babacan 2009). The frustration of not being able to pick and chose who was immigrating to Australia offshore, and the added pressure of the declining economy was a key factor underlying the Governments decision to implement harsh policies.

The way that the asylum seeker issue was beginning to be viewed was completely different to the way it was perceived in the past. Groups and individuals who were seen as 'at risk' were now being seen as 'risking society' (Babacan and Babacan 2007). In this sense, citizenship and belonging were a right, not a privilege. McCulloch (2002) identifies that such a change may have eventuated due to economic globalisation and a retreat from the welfare state, where the government assumes complete responsibility of its citizens. The execution of welfare services and programs which could be measured, were now replaced by deterrence policies whose effectiveness was never intended to be calculated (Babacan and Babacan 2007). Under the new conservative philosophy, problems relating to crime and unemployment were seen as a matter of choice and therefore deterrence legislation could combat this problem.

The Australian Government implemented a plethora of legislation[8] aimed at deterring onshore asylum seekers as well as curtailing their citizenship rights. The harshest of these included

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[8] *The Migration Legislation Amendment Act (No 4)* 1994 (Cth) provided that a person who had access to protection in a safe third country would be denied entry to Australia's onshore refugee process. The *Migration Amendment Act (Excision from Migration Zone)(Consequential Provisions) Act 2001 (Cth)* set up what was known to be the Pacific Solution which allowed Australia to sub-contract its mandatory detention to poorer neighbouring countries. *The Migration Legislation Amendment Act (No.1) 2001 (Cth)* prohibited class actions in migration litigation. In 1997 the 45 day rule was implemented failing which authorisation to work would not be provided (Babacan & Babacan 2009)

indefinite mandatory detention[9] which had a restriction on the judicial review of the detainment of asylum seekers[10], and the Temporary Protection Visa (TPV)[11]. The TPV was the cornerstone of the Governments deterrence policies. It was said that the policy was designed to deter people smugglers, however its negative effects far outweighed what warranted implementing a policy to achieve such a goal. The TPV put restrictions on welfare benefits, family reunification and limited protection for a period of three years for those who were found to be refugees under the UN convention (Wong 2003). The establishment of the TPV created two classes of refugees. Those that were selected by the Australian Government, and those who arrived here through the onshore stream. This in turn had promoted a policy of inclusion and exclusion in society with those who could receive their human rights and those that couldn't (Babacan and Babacan 2009). These sorts of practices had been pursued by no other industrialised democratic country. McMaster (2001) states, that such harsh policy not only harms asylum seekers, but reveals the inadequacies of Australia's response to the refugee crisis.

The September 11th attacks in New York City brought about a rapid worldwide change as well as a change to the way the Australian Government played the domestic political game. The war on terrorism developed into a major issue around the world and created an environment where immigration and asylum seeker issues became enmeshed and blurred in political and media discourse (Hugo 2002; Babacan and Babacan 2009). Considering most of the boat people arriving in Australia from 1999-2001 were of the same Islamic backgrounds as those accused of instigating the attacks, this allowed the link to be made between asylum seekers and terrorists in public discourse. The then Defence Minister, Peter Reith, even went so far as to announce that the people coming over here on boats could be terrorists trying to infiltrate the country, as cited in (Pickering 2005). The connecting of culturally different asylum seekers and fundamentalist Islamic terrorists allowed the Howard Coalition government to imply that these people were not only culturally incompatible with an inability to coexist, but posed a threat to our values and survival (Barker 1981; Corlett 2002; Saniotis 2004; Koo 2006). Thus the event gave the Government the opportunity to justify its hard-line policies with a new racism. This new racism holds that a person is pre-determined by their culture, not their race. It is therefore a more discreet form of racism and is by nature easier for a contemporary population to accept (Gale 2004). The negative discourse used in this way by the Australian Government has also increasingly resorted

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[9] *Migration Legislation Amendment Act 1989*

[10] *The Judicial Review Bill* 1998 (Cth) abolished the fundamental common law right to seek an appeal for erroneous decisions from the Refugee Review Tribunal to the Federal Court (Babacan & Babacan 2009). Furthermore in 1997 legislation was passed to prohibit the Human Rights and Equal Opportunity Commission to initiate any contact with those in detention centres (Crock 1993)

[11] *Migration Legislation Amendment Act 1992 (No.12)*

to a politics of fear.

The fear of difference has been a recurring theme in Australian political and media discourse (Babacan and Babacan 2007). In the past moral panics[12] were stirred concerning just about every group of 'other' that settled in our society. In the 50s and 60s it was the Asian and Mediterranean settlers, then the Vietnamese in the 70s, and of late those of Islamic descent. The literature in this area suggests that people fear an increase in crime, losing their jobs, the limited amount of welfare services and a loss of national identity when a visible minority group resides in their community (Pearson 1983; Sibley 1995; Young 1996).

However there is no evidence to substantiate these fears. A recent study by Collins (2005) has shown that the moral panic of Middle Eastern ethnic crime gangs in Sydney subsequent to September 11 was largely unsubstantiated. Rather, the Middle Eastern 'other' was the victim of criminalisation discourse and socially constructed ethnic crime created by the media and used by opportunist politicians to win an upcoming federal election (Collins 2005). Furthermore, Lee (2007) argues that the feared subject is usually faceless and de-identified, and with this we are invited to apply any face we wish, which will change through space and time (Lee 2007). Needless to say, it is not a difficult task to confirm these stereotypes through various forms of party politics (Poynting and Noble 2004).

Following the September 11 attacks, the Howard Government and the press had routinely depicted refugees and asylum seekers not only as a 'problem' but a 'deviant problem' (Pickering 2001; Poynting and Noble 2004) The 'criminal' 'queue jumper' and 'terrorist' had been increasingly portrayed as an individual who by their own choice has undermined appropriate procedures, brought about their own illegality (Pickering 2001; Gale 2004), and thus are non-genuine refugees. As a result, collectively these 'others' have been portrayed as not worthy of Australian compassion (Koo 2006). These discourses of inclusion and exclusion put forth by the Government and the media lie within symbolic national boundaries situated in contemporary popular nationalism. Wazana (2004) appropriately states that

'The fact that the vast majority of these refugees come from countries where there is no 'queue',

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[12] The term 'moral panic' has been described by Stanley Cohen as a phenomenon which occurs when "[a] condition, episode, person or group of persons emerges to become defined as a threat to <u>societal values</u> and interests, in *Folk Devils and Moral Panics* (1972).

where there is no Australian immigration or U.N office, and that upon arrival in Australia, up to 97% of them are found to be convention refugee' is simply of no interest to the nation (Wazana 2004: 84).

This systematic criminalisation of onshore asylum seekers through a representation of deviancy has been used to support the Government's principles and policies of deterrence, whilst simultaneously delegitimising International human rights treaties and refugee obligations (Pickering 2001).

It becomes quite obvious at this point that the Australian government was beginning to depict itself as both humanitarian and victim. The Immigration Minister Phillip Ruddock stated the influx of asylum seekers had created 'the potential that Australia would lose the capacity to be able to help refugees through a proper resettlement program' as cited in (Watson 2006: 21). By accepting this notion, the government gave itself permission to implement extraordinary measures to deter those who sought to undermine the integrity of Australia's refugee program, and its ability to fulfil its humanitarian duties (Pickering 2001; Watson 2006). Many have sought to challenge such a view by arguing that by world's comparisons, Australia's refugee intake is very small, and for this reason has not warranted such harsh immigration policies (Mares 2001; McMaster 2001; Brennan 2003; Gibney 2004; Manne and Corlett 2004).

This brief history has exemplified Australia's longstanding obsession of controlling its borders and population and thus protecting its territorial, legal and cultural sovereignty at all costs. It was clear in 2001 when the Prime Minister John Howard exclaimed "We decide who comes to this country" (Howard 2001) that this was the case. By implementing hard-line immigration policies and adopting a fabricated notion of humanitarianism, the Howard Coalition government has created further suffering for the people it should be protecting. By doing so, it has also avoided its responsibilities under the UN Refugee convention (Mares 2001), ignored the global phenomenon of forced migration (Babacan and Babacan 2009), and has jeapordised Australia's human rights standing in the international community (Hugo 2002). The policies put into action have not only been marked by an indifference to the plight of asylum seekers (Babacan and Babacan 2009), they have promoted a new racism, dehumanisation, social exclusion and have threatened social cohesion. This in turn has created prejudicial stereotypes, fear of ethnic minorities and a concern for safety (Collins 2006).

4   Sudanese Refugee's in Victoria: An Easy Target

Australia's current immigration policy consists of a Humanitarian Program for refugees wanting to seek protection. The Humanitarian Program consists of both an onshore and an offshore component (Australian Government Department of Immigration and Citizenship 2008). By 2004 around 70% of entrants under the program were from Africa, with 11% coming from Sudan (Australian Bureau of Statistics 2008). A 2006 Census concluded that 19,049 Australian residents declared they were born in Sudan with 5,911 residing in Melbourne, Victoria (Australian Bureau of Statistics 2006). Due to the environment Sudanese refugees have migrated from – 20 years of civil war, residing in refugee camps for extended periods, constant contact with violence, etc – justifiably this group has special needs. The Australian Department of Immigration has many assimilation programs in place to aid new settlers upon their arrival to the country. These include trauma counselling, English language classes, and orientation programs (Australian Government Department of Immigration and Citizenship 2008). The hardships these people have endured are beyond imagination for most people in Australian society. It is understandable that refugees live with many pains, both psychologically and sociologically, however it is the responsibility of the new host country to ensure that these pains are not amplified. The barriers refugees face is not limited to that of finding appropriate housing, schooling and work. Often they also must have to deal with racism, inequality and isolation in their communities. Once these prejudices are heightened and manipulated by political and media establishments, we are dealing with a lot more than just refugee integration issues.

In 2007 a 19 year old Sudanese refugee, Liep Gony, was brutally attacked and murdered in Noble Park, Melbourne in the state of Victoria in Australia. Not long before this incident the media across the state had been routinely reporting supposed occurrences of a Sudanese ethnic crime wave-involving youth gangs taking over the state. This media representation was being displayed on all three national nightly news channels. Promptly after the news of Liep's death had emerged, the Minister for Immigration, Kevin Andrews announced that the nation would slow down the intake of refugees from Sudan because 'some groups don't seem to be settling and adjusting into the Australian way of life' (Farouque, Petrie et al. October 2, 2007). It was later found that the men who killed Liep were actually not Sudanese, they were Caucasian. Furthermore, in a Media

Watch program televised on the 8th of October, 2007[13], just after the Minister had proclaimed the Howard Government's immigration policy stance, it was established that even the media got it wrong. In the frames being displayed with 'evidence' of violence and the lack of assimilation of Sudanese youth, none of these young men were actually Sudanese. As was stated by Media Watch 'the commercial networks claim to have proof of African migrant violence was dishonest'. Simply put, the incidents sat well with the commercial news networks, considering their long held obsession with ethnic crime. Interestingly enough, upon learning of the inaccuracies of the claims upon which the Government's policy was based, there was no attempt to scrap the policy or publicly apologise for the mistake.

These concerns need to be considered in relation to the back drop of described developments in Australian immigration policy that have occurred over the past several decades. By taking a step back from the immediate context of the case study the bigger picture begins to come into view. The controversy took place in the lead up to the 2007 federal election. The 2001 and 2004 federal elections were won by means of the deliberate promotion of a homogenous Australian cultural identity, and thus the social exclusion of culturally different refugees. This was accomplished through the manipulation of fear politics and public insecurity, security issues and criminalisation of refugees (Jupp 2002; McCulloch 2003; Gibney 2004; Lee 2007). Given the Howard Government's track record of blurring asylum seeker issues in past election campaigns, it would be fair to conclude that this time was no different.

By announcing that the Government would slow the intake of Sudanese refugees, the Minister was not only demonising a minority group, he was also creating a fear of increased crime levels in Noble Park. Furthermore, an incidence of hate crime was painted as an ethnic crime issue promoting a fear of the Sudanese 'other'. Furthermore, Sudanese refugees went from being seen as 'at risk' to now 'risking society'. We had given this minority group a fantastic opportunity to settle and assimilate in our nation and they were now 'choosing' to be involved with crime. How could we possibly afford compassion for these people in our community? Another example of the morphing notion of humanitarianism in Australia perhaps? Or could the lack of economic and geo-political value for Sudanese migrants again be taking precedence in Australian immigration policy? What may safely be supposed is that a manipulation had taken place, it had taken place during a federal election, and more than likely it had taken place to promote a policy and win an election campaign.

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[13] See http://www.youtube.com/watch?v=C5dLnYrjwc0 for the full version of the program

The Howard Government's political stunt did not succeed that year. Rather, the nation saw a major step back in immigration relations and positive developments in Australia's refugee resettlement programs achieved over the last decade. The Government and the media have a responsibility, and this is to treat all of those residing within the nation with freedom, equality and respect.

In sum, this paper and case study has exemplified how easily racist propaganda can undermine social cohesion, promote segregation and decrease our capacity of being great humanitarians, even in a largely multicultural society like Victoria. Although this latest attempt at whipping up racism has fallen flat, we can't afford to be complacent. It is unlikely that we've seen the last of attempts to win elections and win support for government policy by using racist scape-goating. Victoria's example, as well as the current Australian government under Prime Minister Kevin Rudd initiatives to abolish hard-line deterrence polices – such as indefinite mandatory detention and the TPV – are all steps in the positive direction. However if we are to appropriately address the potential for politicians and the media to manipulate community attitudes towards refugees and migrants we need to encourage greater tolerance, understanding and respect for cultural and religious differences, while promoting the values that we share, and striving to build an inclusive nation which offers hope and opportunity.

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Transnational Internet Fraud: "E-migrants" Committing Cross-border Crime without Crossing Borders

Thomas D. COOGAN

1   Introduction

Historically, a traditional migrant criminal moved physically across or between borders to commit crime. To accomplish his mission, the traditional migrant criminal would have to be able to afford transportation, obtain entry visas, find housing, and deal with the many other physical realities and challenges of moving across borders. An E-migrant criminal, on the other hand, can accomplish his mission without getting out of his seat. He uses the internet to cross borders virtually and to commit crime without physically migrating. The E-migrant criminal does not need to travel or save or endure any of the traditional hardships of physically moving: all he needs is a scheme and an internet connection.

Borders are no longer a limitation. The public accounting firm KPMG observes that "[i]nternational boundaries don't affect the criminals, and IT issues don't affect criminals, but they certainly affect us." [14] Modern communications now links the E-migrant criminal to the entire world. The National Fraud Information Center (U.S.) also observes that "[w]ith telephone rates going down and the increasing use of the Internet, it's easier to keep in touch from one country to another. Unfortunately, crooks can take advantage of this to reach across borders and steal your money." [15] As such, traditional methods used to control migrant criminals are no longer effective. "The much heralded 'global society'," reports the International Centre for Criminal Law Reform and Criminal Justice Police (Canada), "is widely expected to make national borders increasingly irrelevant to most efforts to control the migration, virtual or real, of capital, information, and people."[16]

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[14] "KPMG Forensic Advisory: Cross-Border Investigations—Effectively Meeting the Challenge" (2007) http://www.kpmg.ca/en/news/documents/Cross-Border%20Investigations.pdf.

[15]   "Telemarketing   Fraud   Tips: Cross   Border   Fraud"   (National   Fraud   Information   Center, www.fraud.org/toolbox/tips/english/crossborder.htm).

[16] "Migration and Crime: A Canadian Perspective," The International Centre for Criminal Law Reform and Criminal Justice Policy 3.

The traditional migrant criminal could be effectively prevented from committing crime by denying entry or arresting, deporting or incarcerating him. Law enforcement would be prepared to physically capture and deal with such a criminal. Traditional migrant criminals could be stopped at ports of entry or denied visas. They could be picked up on streets or arrested at their workplace or home. But such traditional methods of crime prevention are not well-suited for stopping the E-migrant criminal who is not physically present in the jurisdiction where the crime occurred. New law enforcement initiatives are being developed to address cross-border crime, such as transnational internet fraud, that is being committed by E-migrant criminals.

The E-migrant criminal is listed among the top criminal justice threats by the U.S. Department of Justice, which investigates crime by the Federal Bureau of Investigations and also prosecutes and incarcerates criminals. As stated by the Department of Justice in testimony to the Congress of the United States:

International organized criminals use cyberspace to target U.S. victims and infrastructure. International organized criminals use an endless variety of cyberspace schemes to steal hundreds of millions of dollars at a cost to consumers and the U.S. economy. These schemes also jeopardize the security of personal information, the stability of business and government infrastructures, and the security and solvency of financial investment markets.[17]

E-migrant criminals come from many nations and commit many different types of crimes. Nigeria and Romania are among the countries from where much online fraud in the United States originates.[18]   A discussion of each scheme follows, along with various approaches for dealing with transnational internet fraud in those countries.

2   Transnational Internet Fraud

2.1   Nigeria: Advance Payment (419) Fraud

Internet fraud from Nigeria aimed toward the United States includes Advance Payment (419) Fraud, which is named for the violation of Section 419 of the Nigerian Criminal Code. The scheme relies on convincing a willing recipient to send money in several installments in increasing amounts —typically by wire—to the sender of the email.   A typical 419 scam starts

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[17] http://www.usdoj.gov/ag/speeches/2008/ioc-strategy-public-overview.pdf.
[18] The top ten countries by number of perpetrators are the United States (66.1%); United Kingdom (10.5%); Nigeria (7.5%); Canada (3.1%); China (1.6%); South Africa (0.7%); Ghana (0.6%); Spain (0.6%); Italy (0.5%); and Romania (0.5%). Internet Fraud "2008 Internet Crime Report," http://www.ic3.gov/media/annualreport/2008_IC3Report.pdf.

when an email is sent to multiple recipients from some alleged foreign official.   The sender will offer to transfer large sums of money into the recipient's bank account promising to pay a portion to the recipient. If the recipient expresses interest, the sender provides forged official documents that purport to legitimize the deal, and often invites the recipient to meet the sender and complete the transaction in person overseas. Eventually the recipient—soon to be victim—is required to provide advance fees (hence the name of the fraud) ostensibly for various taxes, attorneys' fees, transaction fees or even bribes.[19] The median loss for a Nigerian 419 fraud is $1,650 and 2.8% of complaints received by the Internet Crime Complaint Center (U.S.) (IC3) concern this type of fraud out of a total for all internet-related frauds of $264.6 million, indicating that many thousands of such frauds are successfully completed every year involving recipients from the United States.[20]

2.2   Romania: Online Auction Fraud

Online auction fraud is the most prevalent of internet crimes associated with Romania. Online auctions are very popular with tens of millions of Americans participating. In a typical online auction fraud, the Romanian poses as a seller from the United States and asks the buyer to send the purchase amount to a contact in another country before the purchase can be shipped. The money is usually transferred by wire and the funds are then picked up anywhere in the world using the appropriate information. So even though the buyer thinks he is wiring money to one country it can be picked up in another. Of course the purchased goods are never received and the buyer has little or no recourse for money sent via wire transfer.[21] Thus, "[d]igitization has enabled criminals to distance themselves from their illegal goods and services" and even "[t]hough the type of crime could be done in the past by phone or mail order, the internet offers a method of ordering goods from a broad number and array of faraway outlets," the result being that "[s]ome transnational crimes take place without the physical presence of the transnational actor."[22]

3   New Initiatives Being Developed to Address Transnational Internet Fraud

Migrant crime traditionally was prevented by denying entry or subsequent arrest, deportation, or incarceration.   Traditional methods of prevention, however, are not well-suited to stopping the E-

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[19] http://www.ic3.gov/crimeschemes.aspx#item-13.
[20] There is a perception that no one is prone to enter into such an obviously suspicious relationship, and be conned by such a scheme, however, the Financial Crimes Division of the U.S. Secret Service receives approximately 100 telephone calls from victims and potential victims and 300-500 pieces of related correspondence per day. http://www.fraudwatchinternational.com/nigerian-419/.
[21] http://articles.latimes.com/2007/dec/26/business/fi-ebay26?pg=5.
[22] Bordal, M. and Serrano, M., "Transnational Organized Crime and Internet Security: Business as Usual?" 33 n. 10 and 64.

migrant criminal, who does not need to physically migrate to commit crime. New law enforcement initiatives are addressing transnational internet fraud. In addition to law enforcement initiatives, transnational internet fraud can be reduced by improving the public welfare in nations that enable E-migrant criminals.

3.1 Nigerian Efforts

In 2002 Nigeria established the Economic and Financial Crimes Commission (EFCC) to deal with financial crimes like Advance Fee Fraud (419) which has had severe negative consequences on Nigeria, including decreased Foreign Direct Investments and tainting Nigeria's national image. The mission of the EFCC is to curb the menace of the corruption that constitutes the cog in the wheel of progress; protect national and foreign investments in the country; imbue the spirit of hard work in the citizenry and discourage ill-gotten wealth; identify illegally acquired wealth and confiscate it; build an upright workforce in both public and private sectors of the economy and; contribute to the global war against financial crimes.[23] The Nigerian government, however, may not be sympathetic to victims of these schemes, since the victim actually conspires to remove funds from Nigeria in a manner that is contrary to Nigerian law.

3.2 Romanian Efforts

The Romanian General Directorate for Combating Organized Crime (DGCCOA), part of the Romanian National Police, is responsible for dealing with internet fraud.[24]

3.3 United States Efforts

United States authorities work with their counterparts in Nigeria and Romania to deal with transnational internet fraud. All these law enforcement authorities face similar challenges. Unlike traditional crimes, the E-migrant criminal and his victim are in different locations and under different legal jurisdictions. That creates challenges in gathering evidence, obtaining testimony, and bringing the criminal to trial. That also creates potential conflicts regarding what laws and judicial systems should apply.

In the United States, a variety of Government agencies and private organizations deal with transnational internet fraud, including the U.S. Department of Justice and the Federal Bureau of Investigation, the U.S. Secret Service, the U.S. Postal Service, and the Federal Trade Commission. The problem in the United States is so great that the U.S. Secret Service has a special email address, 419.fcd@usss.treas.gov , to receive complaints.

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[23] http://www.efccnigeria.org/index.php?option=com_frontpage&Itemid=35.
[24] http://www.politiaromana.ro/Engleza/index.htm.

3.3.1   Government Sector

The U.S. Department of Justice is responsible for enforcing and prosecuting most federal criminal laws. The Computer Crime and Intellectual Property Section (CCIPS) of the Department of Justice's Criminal Division is responsible for implementing the Department's national strategies in combating computer crimes worldwide. CCIPS prevents, investigates, and prosecutes computer crimes by working with foreign counterparts. Section attorneys work to improve the domestic and international infrastructure-legal, technological, and operational-to pursue network criminals. CCIPS attorneys initiate and participate in international efforts to combat computer and intellectual property crime.[25]

The Computer Crime and Intellectual Property Section advises that with the explosive growth of the Internet worldwide, computer crimes increasingly are prone to have international dimensions. Some of the challenges faced by law enforcement on the international front include: harmonization of countries' criminal laws; locating and identifying perpetrators across borders; and securing electronic evidence of their crimes so that they may be brought to justice. Complex jurisdictional issues arise at each step. The Department of Justice is working with foreign governments through many channels to address global threats related to computer crime.[26]

The Federal Bureau of Investigation (FBI) is another arm of the U.S. Department of Justice. The FBI's cyber mission includes dismantling transnational organized criminal enterprises engaging in Internet fraud. [27] The FBI directs internet crime complaints to the Internet Crime Complaint Center (IC3). IC3's mission is to serve as a vehicle to receive, develop, and refer criminal complaints regarding the rapidly expanding arena of cyber crime. The IC3 gives the victims of cyber crime a convenient and easy-to-use reporting mechanism that alerts authorities of suspected criminal or civil violations. For law enforcement and regulatory agencies at the federal, state, local and international level, IC3 provides a central referral mechanism for complaints involving Internet related crimes.[28]

The Financial Crimes Division of the U.S. Secret Service, an arm of the U.S. Department of Homeland Security, plans, reviews, and coordinates criminal investigations involving financial systems crimes, including bank fraud, access device (credit card) fraud, including identity theft.[29] The Secret Service is involved with various task forces addressing internet fraud and computer crime, including the West African Task Force.[30].

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[25] http://www.cybercrime.gov/ccips.html.
[26] http://www.cybercrime.gov/intl.html.
[27] http://www.fbi.gov/cyberinvest/cyberhome.htm.
[28] http://www.ic3.gov/default.aspx.
[29] http://www.treas.gov/usss/financial_crimes.shtml#Computer.
[30]http://www.treas.gov/usss/financial_crimes.shtml#Task.

The Federal Trade Commission (FTC), unlike the FBI and Secret Service, is not a criminal law enforcement agency but instead focuses its enforcement efforts on consumer protection and issues an annual report on cross-border internet fraud.[31] The FTC refers website browsers to OnGuard Online for tips from the federal government and the technology industry to help guard against Internet fraud. [32] The FTC advises cross-border scams be reported to www.econsumer.gov, a project of 20 countries of the International Consumer Protection and Enforcement Network.

The U.S. Department of State also provides resources for victims of international financial scams and advises on reporting fraud to U.S. authorities and to authorities overseas.[33]

3.3.2   Private Sector

eBay, Inc., the internet auction site, established the Global Law Enforcement Organization (GLEO) to promote the safe use of its platforms and to collaborate with local, federal and international law enforcement to prosecute fraudsters.[34] Law Enforcement agencies in North America seeking assistance and records for investigations relating to eBay and/or PayPal may contact GLEO for assistance. Members of law enforcement can search eBay Listings and obtain eBay records in real time using LeadsOnline's First Responder Service.[35]

The Rules, Trust and Safety section for eBay Inc. claims to have over 2000 employees around the world working to combat all forms of on-line fraud. Its global Fraud Investigations Team, located in San Jose and Salt Lake City, United States; Dublin, Ireland; and Dreilinden, Germany, partners with law enforcement. In addition to providing the records necessary to bring cases, the team trains law enforcement officials globally on the best way to combat crime online. [36]

Efforts continue to be made to address transnational internet fraud by national governments as well as the private sector. But with the increasing use of the internet for financial transactions and its availability, transnational internet fraud can be expected to continue to grow. As stated previously, traditional physical controls in dealing with migrant criminals are not effective in dealing with E-migrant criminals. One traditional way in controlling migration, however, could be an effective way to deal with transnational internet fraud.

4   A Traditional Method of Controlling Migration That Could Be Effective in Dealing with Transnational Internet Fraud by E-migrants

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[31] http://www.ftc.gov/sentinel/reports/annual-crossborder-reports/crossborder-cy2008.pdf.
[32] http://www.ftc.gov/bcp/menus/consumer/tech/scams.shtm.
[33] http://travel.state.gov/travel/cis_pa_tw/cis/cis_4522.html?css=print.
[34] http://pages.ebay.com/securitycenter/law_enforcement.html.
[35] http://pages.ebay.com/securitycenter/law_enforcement.html.
[36] http://judiciary.house.gov/hearings/pdf/1025075.pdf.

One traditional way of controlling migrant crime is by reducing migration. Traditional migrants are migrant criminals can be discouraged to leave their home or enter their new home, or in turn can be encouraged to stay at home. What about the E-migrant criminal? Like the traditional migrant and migrant criminal, can they be discouraged from leaving or encouraged to stay at home?   A very cursory comparison of data comparing Nigeria and Romania, two nations with a very high rate of E-migrant criminal activity, with Austria and Norway, two nations with a very low rate, seem to indicate that the same factors that cause physical migration could also be causing virtual migration by E-criminals.

 The following table looks at just a few statistics in an attempt to identify patterns that would differentiate the low-crime countries (Austria and Norway) from the high-crime countries (Nigeria and Romania) in an effort to understand why the problem exists in some countries but not in others.

	COL 1	COL 2	COL 3	COL 4	COL 5	COL 6
Nations	$US Price for Internet[37]	Total Literacy[38]	Pop. below Poverty[39]	Net Migration in to Nation[40]	Econ. Freedom[41]	Public Debt as % of GDP[42]

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[37] "Price basket for Internet is calculated based on the cheapest available tariff for accessing the Internet 20 hours a month (10 hours peak and 10 hours off-peak). The basket does not include the telephone line rental but does include telephone usage charges if applicable. Data are compiled in the national currency and converted to U.S. dollars using the annual average exchange rate. World Development Indicators database" at http://www.nationmaster.com/graph/int_pri_bas_for_int_us_per_mon-price-basket-us-per-month#definition.

[38] "This entry includes a definition of literacy and Census Bureau percentages for the total population, males, and females. There are no universal definitions and standards of literacy. Unless otherwise specified, all rates are based on the most common definition - the ability to read and write at a specified age. Detailing the standards that individual countries use to assess the ability to read and write is beyond the scope of our source. Information on literacy, while not a perfect measure of educational results, is probably the most easily available and valid for international comparisons. All CIA World Factbooks 18 December 2003 to 18 December 2008" at http://www.nationmaster.com/graph/edu_lit_def-education-literacy-definition#definition.

[39] National estimates of the percentage of the population lying below the poverty line are based on surveys of sub-groups, with the results weighted by the number of people in each group. Definitions of poverty vary considerably among nations. For example, rich nations generally employ more generous standards of poverty than poor nations. All CIA World Factbooks 18 December 2003 to 18 December 2008" at http://www.nationmaster.com/graph/eco_pop_bel_pov_lin-economy-population-below-poverty-line#definition.

[40] "Net migration is the net total of migrants during the period, that is, the total number of immigrants less the annual number of emigrants, including both citizens and noncitizens. Data are five-year estimates. World Development Indicators database" at http://www.nationmaster.com/graph/imm_net_mig-immigration-net-migration#definition.

[41] "Index of 'economic freedom', according to the American organisation 'The Heritage Foundation'. It is worth noting that such indices are based on highly culturally contingent factors. This data makes a number of assumptions about 'freedom' and the role of the government that are not accepted by much of the world's population. A broad discussion of The Heritage Foundation's definition and methodology can be found at http://www.heritage.org/research/features/index/ChapterPDFs/chapter5.HTML. The Heritage Foundation" at http://www.nationmaster.com/graph/eco_eco_fre-economy-economic-freedom#definition.

[42] "This entry records the cumulative total of all government borrowings less repayments that are denominated in a country's home currency. Public debt should not be confused with external debt, which reflects the foreign currency liabilities of both the private and public sector and must be financed out of foreign exchange earnings. All CIA World Factbooks 18 December 2003 to 18 December 2008" at http://www.nationmaster.com/graph/eco_pub_deb-economy-public-debt#definition.

Nigeria	50.42	68	70	-170,000	1.15	14.4
Romania	16.96	98.4	25	-150,000	1.25	13
Austria	44.00	98	5.9	100,000	2.9	59.1
Norway	29.76	100	6.9	58,430	2.7	83.1

Does the price of internet service in these countries encourage or discourage transnational internet fraud? One would think a country with very high internet costs relative to income might have less internet fraud than one with free or low-cost access. Column 1, $US Price for Internet, indicates that low-cost access to internet services in Romania could be a factor in their high rate of transnational internet fraud compared to much higher internet costs in the low-crime countries of Austria and Norway. Nigeria, however, another high-crime nation, has among the highest internet costs yet still enables more transnational internet fraud than almost any other country.

Does literacy indicate a propensity to commit transnational fraud, which presumably requires a relatively high level of technical and communications skills? Column 2, Total Literacy, shows that literacy is very high in Romania, a high-crime country, but concomitantly literacy is very low in Nigeria, also another high-crime country. Thus, there does not appear to be a correlation between literacy and fraud.

How about poverty: do countries with high rates of poverty enable transnational internet fraud? Column 3, Population below Poverty, shows that poverty is high in Romania and Nigeria, lending support to the observation that countries with high levels of poverty could be enabling E-migrant criminals. Column 4, Net Migration into the Nation, shows that high-crime nations have a negative net migration whereas the low-crime nations have positive net migration. Column 5, Economic Freedom, again shows that the two high-crime nations have less economic freedom than the two low-crime nations. Finally, Column 6, Public Debt as Percent of Gross Domestic Product, shows that the two low-crime nations have much higher public debt than the two high-crime nations. Taken altogether, the data in Columns 3-6 show a correlation between economic conditions and indicate nations that have low poverty rates, attract migrants, have greater economic freedom, and take on more public debt are less likely to enable E-migrant criminals and be the source of transnational internet fraud than nations with less favorable economic conditions

This very limited information could be an indication that economic conditions at home have an impact on the level of transnational internet fraud being perpetrated by E-criminals. Thus, in

addition to developing new law enforcement techniques, those responsible for fighting transnational internet fraud may wish to consider employing a traditional method used to control migration, i.e., encouraging migrants to stay at home by improving economic conditions, which presumably would reduce E-migrant criminal activity.

5   Conclusion

Transnational internet fraud—fraud committed by the E-migrant—is an increasingly serious problem that will require increased international cooperation.

Due to the prompt development of information technologies on the basis of Internet network, the geographical obstacles which for a long time restrained the growth of crimes of this kind have disappeared. Today, transnational crimes connected with the use of the global Internet network occupy a significant share in the total volume of criminal offences. Their growth and development are promoted by the very nature of this kind of crimes characterized by availability of the Internet network and impunity of the offences because of inadequate preparation of law-enforcement agencies in investigating such crimes. The efficiency of prevention and investigation of cyber crimes depends much on coordinated international approach to the problem at different levels.[43]

Coordinated law enforcement continues to be an important element of dealing with transnational internet fraud. Law enforcement techniques such as denying entry, arrest, deportation and incarceration will not be as effective in dealing with E-migrant criminals as it is in dealing with traditional migrant criminals. Law enforcement agencies will and must continue to develop and employ new techniques to prevent, detect, investigate and prosecute transnational internet fraud. One traditional method of controlling migration—improving economic freedom and opportunity to encourage persons not to migrate—may also discourage transnational internet fraud by E-migrant

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[43] http://www.crime-research.org/library/Organ.htm.

Research Note:

Examining Patterns of Criminal Offending between a Mediterranean and North American Population

Tony R. SMITH

Introduction

Gottfredson & Hirschi's (1990) A General Theory of Crime has been extensively tested since its inception. The theory makes a rather bold declaration - - self-control, the core theoretical concept, is the explanation for all criminal and deviant behavior. In support of this claim, the most recent meta-analysis of self-control studies ranks the theory, based on comparisons of effect size, as one of the strongest predictor of deviant and criminal behavior in the published literature (Pratt & Cullen, 2000). The empirical evidence also finds self-control to be a robust predictor of deviance across different races, ethnicities, gender, and age groups as well. However, a review of the extant literature uncovers few studies that test the theory with a population outside North America, e.g. Korea (Hwang & Akers, 2003), Spain (Romero et al., 2003), Hungary, Japan, Switzerland, and the Netherlands (Vazsonyi et al., 2001, 2004). We wish to add to the paucity of research that tests the core theoretical propositions of A General Theory of Crime outside North America to determine whether self-control is, indeed, a universal explanation of deviance across different cultures. Implications for crime prevention strategies will be discussed.

2   Theoretical Background

2.1   Self-Control

Self-control is a unidimensional personality trait that consists of six core attributes: impulsiveness, selfishness, thrill seeking, quick-tempered, physical (not mental) orientation, and a preference for simple-minded tasks. In theory, when criminal or deviant opportunities present themselves to individuals with less than ample self-control, they are more likely to succumb to the temptation of the moment because impulsive persons lack consequential thinking skills, acting spontaneously in pursuit of immediate gratification of desires. Second, selfish individuals fail to

consider or are simply insensitive to the impact their actions have upon others. Third, criminal and deviant behaviours are exciting events that are naturally repugnant to those who are risk-aversive. Finally, insufficiently controlled individuals have a low frustration tolerance threshold (quick tempered) that increases the likelihood aggression will be used to resolve interpersonal conflicts (physicality) because it is a simpler solution (preference for simple-minded tasks) as compared to verbal negotiation.

2.2   Parental Effectiveness

Gottfredson & Hirschi (1990) argue that the development of self-control is linked to the home, accounting for the association between family factors and delinquency that is widely reported in the research literature. In particular, they argue that exposure to ineffective parenting practices during childhood leads to the development of poor self-control. Moreover, self-control is said to be an unalterable disposition once a critical period in adolescent development has been passed.

The theorists point out several parenting techniques that are predictive of the development of a child's self-control: "Someone must (1) monitor the child's behavior; (2) recognize deviant behavior when it occurs; and (3) punish such behavior" (1990, p. 97). If parents consistently detect and respond appropriately to their child's antisocial conduct then, in theory, this should lead to the development of a predisposition towards delayed gratification, empathy, and other qualities that suppress their likelihood of using force or fraud to achieve a personal end.

3   Methodology

3.1   Instrument & Hypotheses

An anonymous, self-report survey was administered to a convenience sample of students enrolled at the University of Malta and Rowan University (US). Since data collection is ongoing, the results of this manuscript are based on surveys that were completed in early October 2009 (n = 1752 from Malta sample; n = 175 from the US sample).

The survey instrument was constructed to allow the researcher to test, inter alia, the following hypotheses:

Hypothesis 1: Exposure to effective parenting practices increases self-control. There should be no statistically significant difference between the cross-national samples.

Hypothesis 2: As self-control increases, deviant behavior decreases. There should be no statistically significant differences between the cross-national samples.

Operationalization of Variables

Self-Control Scale: Self-control was measured using a modified version of a widely used 24-item attitudinal scale developed by Grasmick et al. (1993). The scale taps into the six traits that form self-control and scored using a four-point Likert scheme for each item. High scores represent high self-control.

Exposure to Effective Parenting Scale: Exposure to effective parenting techniques was measured using a modified version of scales developed by Cochran et al. (1998) and Gibbs et al. (1998). This eight-item additive scale measured four areas of parenting: (1) presence of explicit household rules, (2) absence of parental monitoring, (3) consistency of disciplinary punishment, and (4) parental recognition of wrongdoing. Each item was scored using a 9-point semantic differential scoring technique. High scores on this scale should be interpreted to mean exposure to effective parenting techniques.

Normative Deviance Scale: Because cultures vary in terms of what is defined as deviant, it was important to utilize a measure that was culturally neutral. A modified version of a scale developed by Vazsonyi et al. (2001) was employed for this study. The scale consists of 52-items that capture a wide range of deviant conduct -- vandalism, alcohol use, drug use, school misconduct, theft, assault, and general deviance (e.g., traffic violations, trespassing, et cetera). Each item in this scale was scored as a prevalence measure (0=No, 1=Yes).

Control Variables: Age was measured as an open-ended item where respondents were asked to report their age in years. Gender was measured as 0=Female, 1=Male.

Results

4.1   Sample Characteristics

Table 1 below presents the sample characteristics of both samples. As reported, the US sample had significantly more males (63%) participate in the study. There were also statistically significant differences between both samples in terms of self-control where Malta exhibited a slightly higher mean ($\bar{x}$ = 65.7). Finally, US participants rated their exposure to effective parenting techniques significantly higher ($\bar{x}$ = 51.3) as compared to the Maltese.

Table 1. Sample Characteristics

Variable	Range of Values	Malta	US	Sig. Difference?
Male	0-1	35	63	YES
Age	0-100	24.3	21.9	NO
Self-Control	24-96	65.7	64.4	YES
Effective Parenting	8-64	47.6	51.3	YES

Bivariate Analyses

Table 2 below presents the results of a series of independent samples t-tests comparing the two cultures in terms of their prevalence of offending. As reported in the table, the US sample had a consistently higher, almost double that of Maltese participants, prevalence rate of offending for each subtype of crime as well as the grand norm deviance scale.

Table 2. Mean differences by type of norm violation

Scale	Possible Value Range	MALTA	US	Stat. Sig.
Vandalism	0-8	0.98	1.93	YES
Alcohol	0-6	2.35	4.17	YES
Drug Use	0-9	1.68	3.22	YES
School Misconduct	0-7	2.26	3.64	YES
General Deviance	0-11	2.85	4.14	YES

		0-5	0.47	0.75	YES
Theft		0-5	0.47	0.75	YES
Assault		0-6	0.66	1.62	YES
Norm Deviance Scale		0-52	11.26	19.56	YES

Table 3 below reports the results of a bivariate analysis with Pearson's r correlation coefficients shown. The results suggest that there is much consistency between the two cultures: (1) Males have lower self-control and violate norms much more so than females; (2) age is unrelated to the prevalence of norm violating behaviours; (3) self-control is inversely related to norm deviance; and (4) exposure to effective parenting techniques decreases deviant behaviour. There is, however, a discordant finding reported. Exposure to effective parenting was a statistically significant predictor of self-control for the Maltese sample but not for sample of American respondents. Despite this, the direction of the coefficient, for all samples, was in the predicted direction.

Table 3. Bivariate Associations

		MALE	AGE	SELF-CONTROL	EFFECTIVE PARENTING
AGE					
	Total Sample	-.01			
	US Sample	-.02			
	Malta Sample	-.00			
SELF-CONTROL					
	Total Sample	-.07	.01		
	US Sample	-.20	.20		
	Malta Sample	-.05	.01		
EFFECTIVE PARENTING					
	Total Sample	-.11	.05	.15	
	US Sample	-.04	.22	.13	

		Malta Sample	-.14	.05	.16	
NORM DEVIANCE		Total Sample	.23	-.05	-.44	-.15
		US Sample	.35	-.08	-.46	-.18
		Malta Sample	.17	-.05	-.44	-.19
Bold figures = Statistically significance						

4.3   Multivariate Analyses

Hypothesis 1. An ordinary least squares (OLS) regression was performed to test the first hypothesis. Separate models were run using just the Maltese or American cases. Controlling for gender and age, parental effectiveness was a significant predictor of self-control for the Malta sample model (β = .159, p < .01) but not for the American model (β = .085, p > .05). Overall, both models were significant but relative poor predictors of variations in self-control given the R-square values reported (Malta R^2 = 2.7%, p = .00; America R^2 = 8.3%, p = .00).

Hypothesis 2. Table 4 below shows the results of a series of OLS regression models run on the seven types of norm violating behaviours as well as the grand norm deviance scale. Only the R^2 values (explained variance) and standardized regression coefficients (Beta values) for the self-control variable are displayed. Each model included the following variables: gender, age, parental effectiveness, and self-control.

Table 4. OLS Regression Results

	Explained Variance (R^2)		Self-Control Beta Values	
	Malta	USA	Malta	USA
Vandalism	15.3%	25.3%	-.32	-.28
Alcohol	10.3%	7.3%	-.30	-.16
Drug Use	9.5%	15.5%	-.27	-.31
School Misconduct	14.6%	12.9%	-.33	-.25
General Deviance	16.9%	22.9%	-.37	-.25

Theft	8.5%	19.0%	-.25	-.33
Assault	10.3%	15.1%	-.20	-.27
Norm Deviance Scale	22.8%	29.3%	-.42	-.40

Bold figures = Statistical significance

As table 4 reports, the models modestly predict norm deviance for both cultures. The explained variance for Malta ranges from 9.5% to 22.8% while the US model ranges from 7.3% to 29.3%. Additionally, self-control was a statistically significant predictor of deviance for both cultures with the exception of violations of alcohol norms for the US model, which approached statistical significance (β = -.016, p = .054). As for the beta values for self-control, we note that all of the values were in the theoretically predicted direction, as evidenced by the negative valences, and were similar in terms of magnitude of effect (most were moderate in strength). Based on these findings, we can say with some degree of confidence that self-control is predictive of deviance in two different cultures/nations.

Conclusions & Outlook

The results of this pilot study find support for Gottfredson & Hirschi's (1990) claim that self-control is a culturally invariant explanation of deviant conduct. However, the analysis failed to find statistically significant support for the causes (exposure to effective parenting) of variations in self-control although this finding might be a result of the small sample size for the US models.

This study has several implications for migration. First, if criminal conduct is a solely a function of poor self-control than migration should not increase crime in host countries unless, of course, those most likely to migrate illegally are persons with less than ample self-control. There is no reason to believe, at this juncture, that those with poor self-control are more likely to migrate illegally. Second, if it were clearly established that self-control is the cause of criminal behaviour, the host country can take measures to classify migrants as high-risk or low-risk for offending and respond appropriately. This, of course, requires the development of reliable and valid instrumentation to accurately measure levels of self-control. Finally, it must be noted that poor self-control does not always lead to criminal behaviour since opportunity to commit crime -- an important theoretical concept -- must be present. Nations can take active steps to reduce criminal opportunities, through situational crime prevention techniques for example, to prevent crimes for all individuals, regardless of their citizenship status.

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Migration, Transition and Routes to Citizenship

Andrew Willis

1   Introduction

Twenty-first century globalisation entails the increased movement of goods, services and capital – including human capital. The latter has a legal and illegal dimension but with similar drivers – the search for safety and security and economic advantage. Although the two are seen as posing different problems – welcoming and integrating "legals" whilst frustrating and / or returning "illegals" to their point of origin – there are latent similarities. For both groups any form of assimilation is fraught with difficulty and both are exposed to criminogenic influences that promote social exclusion and limited forms of citizenship. Perhaps surprisingly, the best policy options may apply equally to both groups.

2   Globalisation and the free movement of persons

The global economy is underpinned by the concept of the free movement of goods, people and capital. Free trade in 2010 means something that would have been alien in its scope and intensity in 1910, even more so 1810 and so on. The bounty of the new order is such that we take things for granted that were science fiction to our parents and beyond the imagination of our grandparents. Economic progress requires the dynamic of human capital moving to where it can best find its expression. It takes place within and between countries. The UN Department of Social and Economic Affairs offers a combined global estimate of 76 million person movements in 1960, 99 million in 1980 and 155 million in 2000 – with perhaps somewhere approaching 200 million person movements a year today (http://www.un.org/esa/desa/; Castles and Miller, 2008).

Examples of internal migration include the movement of 7 million African Americans from the rural southern United States to northern and urban areas in the period 1910- 1970. India with a population approaching 1.4 billion has 100 million circular migrants moving to urban areas for waged work and then back to rural areas to maintain a foothold during the agricultural season.

China also with population approaching 1.4 billion has at any point over 30 million "travellers" moving around the country.

Examples of external migration (which means immigration to the receiving country) include the one million net recipients to the Unites States a year at the end of the nineteenth and beginning of the twentieth century. Global trans-national labour migration was around three million persons a year at this time. The civil war in Russia caused some three million Russians, Poles and Germans to migrate out of the Soviet Union. The provisions of the Potsdam Agreement in 1945, signed by victorious Western Allies and the Soviet Union, led to the migration and resettlement of over 20 million people, mostly Germans and Poles expelled westwards out of Soviet territories, with some movement in the opposite direction.

We ignore the human dimensions of contemporary trans-nationalism at our peril. There are two major methodological problems in exploring this area. First, there is a need to be hyper-cautious in the use of immigration and related statistics. Many sources reflect an ideological grounding and policy perspective that would prefer one "fact" to another, and government sources are no more an exception than figures from political think-tanks or international aid agencies. References are given to the source agencies. The real picture is massively elusive – a known unknown. Where possible a rough and ready consensus is identified but the data are of necessity incomplete and imperfect and often partial.

Second, sensitivity is required in the use of terminology; some terms can distort the immigration debate. The term "illegal alien" conjures up images that stray outside conventional bounds of humanity –though it may have a precise legal meaning in some contexts – as does the brutally short and usually pejorative reference to "illegals". Equally, the term "undocumented worker" although well intentioned suffers from the drawback that it comes close to concealing non-compliance with civil law in entering a country without the formal right to residency and citizenship. The terms "illegal immigrant", irregular immigrant" and "undocumented immigrant" and synonyms are all used – descriptively and without prejudice. The generic term global person movements refer to legal and illegal person movements combined. The term "asylum seeker" has no easy meaningful substitutes.

3   Global person movements – legal and illegal

Some of the near 200 million global person movements a year are legal and some illegal, but they are subject to the same drivers – the search for personal economic advantage, security and well-being.

As regards legal global person movements the UK's Office for National Statistics (ONS) points to annual international legal migration to the UK rising from 300,000 a year in the 1990s to 600,000 a year in the current decade. In 2007 some 87 per cent of all immigrants were non-British citizens. The UK population is predicted to rise from 61 million in 2009 to some 77 million in 2060 – an increase of over 25 per cent (http://www.statistics.gov.uk/). One-quarter of babies born in 2008 were born to the eight per cent of the population who were not themselves born in Britain, though they may well hold British citizenship. Estimates suggest that one-in-four of the additional persons will be a new arrival from overseas (equally split between persons from Africa, the Indian subcontinent, the rest of Asia and elsewhere, including Europe). The pressure group Migrationwatch UK suggests, however, that 70% of the increase will due to economic migrants and asylum seekers (http://www.migrationwatchuk.org/). The proportion of legal but foreign workers is rising across Europe – 2.4 million in Britain (10% of the workforce), 1.5 million in Italy (6.5% of the workforce) and 3.8 million in France (8.5%) of the workforce.

This is a consequence of the free market economy. In the UK the population will increase by over one-quarter in a little over a generation, much of that increase will come from persons from overseas, and 1 in 10 of those in work today come from overseas. Multi-culturalism is not an abstract concept but a defining characteristic of the new economic order within which legal and non-legal global person movements will increase.

Paul Collier (2007; 2009) points to the likely scale by rejecting the traditional concept of the developed world and the undeveloped / developing world. He divides the world's population of six billion persons and its 194 countries into three categories. There is the "developed world", represented by the newly formed G20 and others. The affluent world comprises one billion or 1 in 6 of the global population. Then there is the "developing world" of around 100 countries, with four billion or two-thirds of the global population.

Finally, there is the "yet-to-be developed world" of some 60 countries, with one billion or 1 in 6

of the world's population. Currently, these countries collectively account for just one per cent of world's income. The populations are trapped in nations that are falling behind and falling apart. The countries are characterised by endemic civil war, missing or inept governance, pervasive corruption and economies that are over-reliant on one natural resource and fail to interact with the global economy. The bottom billion face the ugly reality that economic success and social progress are not easily within their grasp. These failed, failing and fragile states provide the major drivers for economic migration – some legal but far more illegal, as well as the need for political asylum (UK Department for international development – http://www.dfid.gov.uk/). The "push" of a miserable existence in the country of origin and the "pull" of the anticipated benefits in the new country are sometimes sufficiently strong to justify paying large sums of money to illegal traffickers to help make the perilous transition from economic backwater to economic reward.

Arguably, the UK government does not have the slightest clue how many illegal immigrants are in the country at the moment, nor what they are doing or for whom they are working. There are different figures from different sources. The UK's Office for National Statistics (ONS) estimates Britain hosts some 725,000 million irregular immigrants – about 1.2% or 1in 80 of the entire population (http://www.statistics.gov.uk/). Other official sources put the figure at between 540,000 (0.9% or 1 in 111 of the population) and 970,000 (1.6% or 1 in 62 of the population (http://www.homeoffice.gov.uk/; http://www.bia.homeoffice.gov.uk/; http://www.justice.gov.uk/index.htm). The need to avoid political controversy probably dictates that government figures are an under-estimate of the real scale of the problem. A steady stream of "immigrant stories" point to the same conclusion:

In the past four years the government has incorrectly issued over 40,000 visas to bogus students from Pakistan who supposedly came to the UK to study but at fraudulent colleges), perhaps in the hope of securing long-term residence or simply disappearing into an illegal subculture.

In 2007 some 8,000 illegal immigrants were found to have been approved by the Security Industry Authority (SIA) the government agency that oversees and regulates the private security industry, including security workers in government departments.

The UK Borders Agency stops 30,000 attempts by immigrants to enter Britain illegally a year at Calais and other French ports alone.

And last month the government's most senior law officer, Baroness Scotland, the attorney general, was exposed as having employed an illegal immigrant as a domestic cleaner, a lady from Tonga called Lolahi Tapui.

Finally, 11,500 out of 80,000 inmates in British prisons are foreign nationals – 14% or 1 in 7 of the total – coming from Kazakhstan to Kiribati and from Tonga to Turkmenistan, in all from 174 states in the world. Jamaicans are the largest group, followed by Nigerians. The high number of foreigners reflects in part the enormous difficulty the government has in deporting them.

There are numerous sources for US immigration figures, including the Central Intelligence Agency (CIA) The World Factbook – https://www.cia.gov/; Department of Homeland Security, Washington DC – http://www.dhs.gov/; Migration Policy Institute, Washington DC – http://www.migrationinformation.org/; Pew Hispanic Center – http://pewhispanic.org/; Population Reference Bureau, Washington DC – http://www.prb.org/; The Federation for American Immigration Reform (FAIR), Washington DC – http ://www.fairus.org/. Interestingly there is not that much difference between official figures and those from pressure groups and policy institutes; the differences emerge in relation to the interpretation of figures and the policy implications.

The USA is estimated to host anywhere between 10 and 20 million illegal immigrants, with three-quarters or more coming across the US southern border with Mexico, from Mexico, El Salvador, Guatemala, Colombia and other Central and South American countries. About one-half of the undocumented immigrants in the US are Mexican-born. Figures from the World Bank show that 55 out of 104 million people in Mexico (53% of the population) live below the poverty line which is defined as living on less than $2 a day; and 25 million (24% of the population) live in extreme poverty which is defined as living on less than $1 a day (http://www.worldbank.org/).

In 1990 only 12 per cent of unauthorized immigrants lived outside the big six settlement states of California, New York, Texas, Illinois, Florida, and New Jersey, but currently some 40 per cent live outside these states. They are estimated to comprise 25-30 per cent of all roofers, construction workers and agricultural workers. The mid-way estimate of some 15 million Illegal undocumented immigrants is equivalent to 5.0 per cent or 1 in 20 of the entire US population of 307 million.

It would be wrong to suppose that illegal immigration is restricted to the western developed world. In South Africa the government points to up to 1,000 illegal migrants are coming to the Western Cape every day, looking for work and a new start (http://www.dha.gov.za/; http://www.southafrica.info/). There are tens of thousands of the so-called "Zama Zama" or gold pirates illegally working in the diamond mines of the Free State province, many from Mozambique or Lesotho. As many as 3 million Zimbabweans may have made the cross-border journey, one of the largest exoduses Africa has seen; and they have been joined by immigrants from Angola, Burundi, Congo, Namibia, Nigeria, Senegal and Somalia. Government sources now claim that there are at least 6 million foreign nationals working illegally in South Africa, representing 14 per cent or 1 in 7 of the population. The 2010 World Cup acts as an enormous magnet for Africa's uneducated and impoverished, coming to camps and townships with the hope of finding work but finding only exploitation and xenophobia. Most suffer in silence for fear of losing their jobs or being deported. Minimum salaries should be £110 a month, but most farmers pay their workers £20 – less than 20 per cent of the minimum wage.

In all these cases when immigrants make it to their "promised land" they face the prospect of finding legitimate work or securing legitimate welfare dependency, provided they have the necessary standing; or they obtain illegal work because they do not have the appropriate papers. Each of these adaptations generates some form of financial independence better than that at the country of origin and perhaps allows some form of financial remittance to be sent back home.

4   Adaptation and the underclass

Successful relocation is hugely problematic for legal and illegal immigrants. The UK public's attitude to legal asylum seekers shows it is naive to presume that the reception of persons in need is either well understood or readily accepted. A national British Red Cross survey shows that the public's view of asylum seekers is skewed by ignorance and prejudice (http://www.redcross.org.uk/). Nearly a quarter of respondents (23%) believed there were more than 100,000 asylum applications every year – about four times the actual figure. On average, people thought that the UK is home to 24 per cent of all asylum-seekers – eight times the actual figure of 3 per cent. Only 10 per cent of asylum-seekers were judged to have been in higher education when in fact about a third of refugees have university degrees or professional qualifications. Young people aged 18-24 years, were particularly misinformed and hostile: 61 per cent chose the word "uneducated" to describe refugees, 33 per cent said they were "hostile"; 18

per cent saw them as "lazy" and 12 per cent deemed them "cowardly." Others pointed to the loss of British jobs or asylum seekers being given preferential treatment in the allocation of social housing.

Making the transition to another country is far from easy and uncertain in outcome. The legal immigrant or asylum seeker has to survive the stresses of due process, bureaucratic accreditation and being granted papers. The illegal immigrant has to survive the vicissitudes of the geographical transition which is often a high-price, low-likelihood gamble that they will even get to where they want or have been promised. There is no guarantee they will not perish on the way. There is also the possibility that the journey will be interdicted by border enforcement and they can look forward only to an immediate return to the point of origin or a precarious existence in some form of detention facility.

When legal and non-legal immigrants arrive the reality of successful adaptation to their new environment frequently falls short of the initial expectation. Both groups face the prospect of finding a level of assimilation that pushes in the direction of a progressively decreasing level of congruence between aspiration and outcome; and an increasingly attenuated link with their new country.

The first level is that of a successful integration into the host society so as to secure some form of citizen-like existence with financial security. The legal immigrant will do this with genuine papers, immediately or at some future point, whilst the illegal immigrant will do so with counterfeit papers or with no papers at all. Both will tend to take whatever employment they can get not least because employers will know their need to get something rather than nothing, their willingness settle for less not more because of the significant differentials between poor wages in the new country and even poorer wages in the old country, and their lack of familiarity with rights and entitlements. The common denominator is that neither legal nor illegal immigrants are going to be vociferous advocates of workers' rights and the minimum wage. In addition, for those who need employment most the "best" work opportunities are likely to be found in the lowest-waged parts of the private sector. Finally, the more questionable their status – their legal standing in the case of the undocumented immigrant, and their socio-cultural standing in the case of the documented immigrant – the more they will be expected to work at rates below that offered by the conventional labour market.

Successful adaptation is fraught with difficulty but the difficulties go beyond employment. Research by the UK's Equality and Human Rights Commission (http://www.equalityhumanrights.com/) found that 60 per cent of new legal migrants who had come to Britain in the last five years were living at the bottom end of the private rented sector, frequently in difficult-to-let former local authority homes, with a further 11 per cent living in social housing. Its chairman, Trevor Phillips, has talked about Britain "sleepwalking ... to segregation" characterised by indigenous "haves" and immigrant "have nots."

The second level is that of subsistence existence characterised by the most menial and poorly-paid employment such as sweeping streets and washing dishes, with little or no prospect of sending significant money back home or of paying-off any outstanding debts (to loan sharks or people traffickers). Adaptation at this level is also characterised by not just poor housing but homelessness, extreme poverty and sickness – including solitude and depression.

The third level is where matters degenerate further to a street-level existence characterised by begging and rummaging in bins, often accompanied by the associated social opiates of drunkenness and drug dependency.

The fourth and final level is a crime-oriented underclass existence that reflects a more extreme form of social dislocation and exclusion, with progressive and accelerating detachment from conventional society, something which comes to be accepted as normal and inevitable. Crime then becomes a rational response to a social predicament – a lifestyle, lifetime commitment. For males this is usually drug dealing and predatory street crime which is low-skill, low-risk and offers a reasonable reward. For females, it is usually drugs then prostitution. For both it marks a transition from being poor, through being dispossessed to membership of a minority criminal underclass.

Economic reward and social progress is something that is clawed out and painstakingly secured in small amounts; but downward social mobility has a different dynamic – a slippery slope with devastating velocity. Both documented and undocumented immigrants will try to secure employment that allows for upward mobility but the unrelenting pressure to service debt, to send money home or to provide for family members who are also granted permission to enter the

country, means that this is an uphill struggle. And even with financial success there are problems regarding the transfer of funds back home, not least being at the mercy of crooked money transfer dealers who at best charge extortionate rates of commission, and at worst steal funds in their entirety.

The mid-levels of subsistence existence and street-level existence are places of extreme tension without the probability success or its actual reward. They are interstitial points of anomie and gross discomfort. The pressure here is to progressively loosen ties with the either the legitimate adaptation (the documented or the to-be documented immigrant) or the bogus adaptation (illegal immigrant) in favour of an alternative adjustment that offers a better economic reward through a non-wage mechanism. The pressure is in the direction of adopting an assertively criminal lifestyle – where begging begets theft, and where simple acquisitive crime morphs into drug crime and predatory street crime. The prospects for a visa-regulated, ID compliant and welfare-entitled existence – genuine or counterfeit – have by now receded into the realms of the far-fetched or the impossible; the legal and the illegal immigrant alike remains "in the country" but not "of the country" and takes what they can "from the country." This is an unwanted and unwelcome outcome – bad in itself, bad for the immigrant, bad for their victims and bad for society as a whole.

5   Adaptation and ghettoisation

In addition to the baleful effects of social dislocation there is a further negative outcome – ghettoisation – importantly, something that applies to the indigenous population who are competing with the newcomers in the labour market, as well as to both the ticketed and the undocumented immigrant.

As the immigrant worker (legal or illegal) takes on low-paid employment this has the effect of making employment less available for the indigenous low-skilled worker. There is a dangerous trade-off between modest economic advantage to the newcomer, a more substantial economic advantage to the host country employer and a possible countervailing disadvantage that accrues to those who might otherwise be working but who are not. To some extent government and social policy prefers not to address the relationship because of the danger of being seen to be protectionist, even xenophobic – but this leaves the problems of two marginalised groups

unaddressed.

In July 2009 the US minimum wage rose from $6.55 per hour to $7.25 per hour – an increase of 11 per cent. At the same time there were 2.5 million young, unskilled, black and Hispanic workers in the US with unemployment rates already between 15 per cent and 24 per cent. The increase in the minimum wage will drive up the already high unemployment rates in these more marginal parts of the US workforce; and employers will increasingly turn to legal and illegal immigrants as a cheaper employment option. Immigration has a negative consequence for the low-skilled indigenous population – the "long tail" of social failure often reproduced over generations. Technology and free trade, including its migration component, have wiped out many "good" working-class jobs and the young who would once have done those jobs often no longer feel able to compete in the education race, so more or less drop out in secondary school. Some go on to join the ranks of the Neets (not in employment, education or training). Cheap migrant labour leaves indigenous workers claiming unemployment and welfare benefits as a direct consequence.

Paying under-market wages to undocumented workers makes good business sense. Low labour costs add to profitability in the good times, help to stave-off bankruptcy in times of recession, and have the long-term effect of depressing wages for indigenous workers. For employers this is a win-win scenario; and their workers are more-or-less content to live of the scraps from the rich host's table.

In the UK the Audit Commission which monitors the performance of local councils argues that recession and the soaring jobless toll leads to deepening social and human problems (http://www.audit-commission.gov.uk). And according to the Office for National Statistics (ONS) by mid-2009 the UK unemployment rate rose to 2.5 million – 8 per cent or 1 in 12 of the workforce. Youth unemployment is particularly evident with nearly one million young people out of work – 206,000 or 29 per cent of those aged 16-17 years having just left school, and 700,000 or 60 per cent of those aged 18-24 years (http://www.statistics.gov.uk/). Commentators refer to a "lost generation" of young people. It is not uncommon to find three generations of a family in the same house where none has any form of work experience.

There is an indigenous white, working-class population who are long-term unemployed. Despite a

decade of economic boom millions remained idle. There are 3.3 million households – 1 in 6 of the total – where no one over age 16 is in employment; and nearly two million children live in families without a parent in work. Welfare dependency and a culture of entitlement becomes the norm. With more than a hint of disapproval Michael Portillo, a former minister, has called this "subsidised slobbery" (The Sunday Times, 30 August 2009). This has echoes of Charles Murray on the emerging British underclass (Lister, 1996 – http://www.civitas.org.uk/pdf/cw33.pdf /). As the economy expands less well paid jobs are created that immigrants are happy to fill. This leaves a substantial and increasingly marginalised indigenous white underclass, which is mostly welfare dependent and occasionally involved in crime, usually drugs and / or low-level acquisitive offending. They tend to the nihilistic view that the future holds nothing and is not worth struggling or working for. They are low achievers with low socio-economic status and are more-or-less resigned to their social class position. It is a position more-or-less equivalent to that of the fourth level of social dislocation for the new arrival.

The claim that there is a direct causal link between immigration – legal or otherwise – and indigenous white welfare dependency is too simplistic and it panders to a visceral and distasteful rejection of "illegal aliens" (sic) and "people from abroad", but it would be naive not to acknowledge that these two groups are in pretty much the same labour market – the former preferring not to work for very little because welfare benefits offer a more attractive (and less arduous option), whilst the undocumented latter have no option but to take the modest wage on offer. The point here is that dealing with illegal immigration is heavily interconnected with social policy for the low-achieving and low-skilled indigenous population.

If dealing with the social problems associated with immigration is seen to be problematic then dealing also with the parallel social strain associated with the white underclass makes a difficult situation that much more complex. It is arguably the case that social policy prefers to abandon each group to its own version of the ghetto – the immigrant to the perils of the low-wage, unregulated economy and poor housing, and the white underclass to low-income welfare dependency in so-called "sink" housing estates. Both labour under the handicap of economic disadvantage and impoverished aspiration; and it should come as no surprise that brutalisation is sometimes associated with brutishness.

For the documented and illegal immigrant ghettoisation occurs when there are neighbourhood-specific, localised accommodations to trying circumstances, often reflecting shared ethnic, tribal

or religious affiliations. This has little to do with statehood or citizenship. Where social order is non-existent, fractured or perilous people will deal with like-minded others in the same circumstances to compose and construct a new and more protective environment. The best theorising and examples come from countries experiencing civil war or those emerging from conflict (Hills, 2004; Hills 2008) but the logic applies as equally to Sunni and Shia enclaves in Iraq as it does to a concentration of (say) Sudanese in London, or Hispanic communities in California. It is also to be found within the world's immigrant detention facilities.

In extreme circumstances there are two overriding security imperatives. The first is self-preserving security activity which is about protecting life and property and generating a subsistence level existence by meeting basic needs. The second, which can quickly follow, is self-promoting security activity which is about expanding geographical horizons and extending the sphere of influence by looking to profit from controlling the means of distribution and price of meeting basic needs (water, food and fuel) and of meeting wants (alcohol, drugs and sexual relations). Interestingly, much of this activity is premised on consolidating and defending territorial boundaries. It results in criminalised gangs and militias – a combination of normal crime (delinquency), territorial expansion and organised crime (Hills, 2004; Hills, 2008).

This is the mechanism by which the fearful and the dispossessed become less endangered and more able to control their own destiny. It is often ugly and brutish but effective. It stands within the state but also outwith it. It also avoids the slippery slope of progressive dislocation (discussed above) by jumping straight to the fourth and final accommodation – active membership of a crime-oriented ethnic minority underclass. In the case of war-torn countries, failed and fragile states the luxury of any form of social incorporation above this level is rarely possible.

6   Assimilation and citizenship

For both ticketed and undocumented immigrants the "slippery slope" analysis and the "ghettoisation" argument end in the same unfortunate place – an unsuccessful accommodation with the host country and rejection of its norms and values. The difference lies in the routes to this miserable conclusion. In the former case (slippery slope) attempts to adapt by conventional mechanisms, subsistence existence and street-level existence are all premised (albeit decreasingly) on making out within the socio-legal contours of the new country; but when this

fails there is progressive drift to the underclass end-point. In the latter case (ghettoisation) things are so bad to start with that self-preservation dictates that the brutish ending comes right at the beginning – and there is no attempt to meet or embrace the non-existent or extremely hostile wider norms and values.

This looks deeply pessimistic. There is a seemingly dystopian inevitability about this Hobbesian process but, paradoxically, the most extreme case – the collapse of civic order itself – offers a glimpse of how a more different form of governance could emerge. It points to a possible route to successful citizenship for the documented immigrant, the undocumented immigrant and the indigenous underclass. The underclass denouement whether by the slippery slope or ghettoisation process involves an underlying commitment to civic trading – a brutally basic form of the social contract; a subsistence level quid-pro-quo. The absence of a social order that we could readily approve and commend does not mean that there is no order at all.

For example, within failed and failing states such as Afghanistan, the Taliban war lords offer localised protection but expect strict observance of an extreme religious code and control of the drugs trade. In Iraq Shi'ite militias keep Sunni predators at bay but demand support and assistance; and vice versa. Hamas controls the distribution of international aid relief in Gaza but it also controls business and commerce, education and social welfare, and it expects support for its para-military endeavours. The same social logic applies within the drug-cartel controlled sectors of Mexico City (barrios) and Rio de Janeiro (favellas), or the Orangi township in Karachi , Dharavi in Mumbai or the one million who live in the Kiberia, home to one-quarter of Nairobi's population, and elsewhere.

Where the relationship with the state is non-existent or parlous the civic trading that is still to be found within excluded communities offers the way forward because the social contract proves (surprisingly) resilient and robust. What is required is something that can replace the deal struck between the householder and the local militia, or the deal struck between undocumented workers and local gang bosses, or the deal struck within an ethnic minority community between the power brokers (crime and drug lords) and their victims, or the deal that makes a low-achieving indigenous minority inward-looking rather than part of a wider body politic. In all these areas the key is to find a different deal, a better deal – something that offers more than localised affiliations at or beyond the margins of so-called mainstream society. The key is self interest – a satisfactory answer to the question "What's in it for me?" When the militia or underground community offers

more than the state the affiliation will be that way, but when the state offers more than the militia the allegiance will switch.

The need for this type of thinking is supported by the impoverished thinking that underpins the two major policy options offered as a solution to the "immigration problem."

One solution – the "fortress homeland" approach – simply rejects the would-be immigrant's claim to the rights and privileges of homeland citizens. This is to be guaranteed by increased security at the borders to deny illegal aliens entry in the first place, with the deportation of anyone who does secure illegal entry. It is usually accompanied by proposals for some form of screening and rationing of documented immigrants. This has compelling face-value plausibility. It is simple and easy-to-understand and resonates strongly with any individual's justifiable sense that they have the right to deny or grant entry (say) to their own home – which is as strong in law as it is powerful in sentiment. It also appeals to a more basic instinct that is wary of the unknown and resentful when there is a perception that the new neighbour may takes your employment away. The perception is real in its consequences whether the fear is well-founded or misplaced. This policy also appeals to right-wing exclusionists. This makes it easy to sell to the electorate, but the policy has a number of fatal drawbacks.

First, it fails to recognise the sheer scale and pervasiveness of contemporary international geographical mobility. This has an irreversible momentum. If the UN Department of Social and Economic Affairs UN in its wisdom points to some 200 million global person movements a year (http://www.un.org/esa/desa/) it is a strong bet the real figure is higher, probably much higher. We are into the same territory here as the difference between police recorded crime and crimes actually committed – with the same likelihood of disparity between what we think we know and what is actually going on. Whatever the real number is, it is huge – and it is not a simple matter of sticking the proverbial thumb in a dyke, because the levee itself was washed away some time ago.

Secondly, it fails to accept that as economic and social and well-being differentials become both greater (the gap between the "haves" and the "have nots") and more transparent as people become better informed about what is happening elsewhere on the planet, the anomic gap between aspiration and realistic expectation increases dramatically; and this fuels the disposition to do something about it – possibly through re-location, both within and between countries. It is

fanciful (or disingenuous) to suppose that the so-called "bottom billion" are not pushed by a harrowing lack of opportunity at home and pulled by the self evident bounties of the developed world; and that these drivers have real consequences.

Thirdly, the nation state's ability to secure its borders is manifestly less successful in practice than might be supposed from the easy rhetoric of terms such as "fortress Europe" or "homeland security." The strongest example comes from the illicit drugs market. Poppy cultivation and opium production in Afghanistan generates some 90 per cent of the world's heroin and bankrolls the Taliban and Al-Qaeda to the tune of $100 million year, just as the equivalent war lords in its fellow narco-state Columbia controls 50 per cent of the coca trade and the supply of cocaine (Peters, 2009). If the "war on drugs" is so straightforward then why hasn't it been won? And why should the UN Office on Drugs and Crime (UNDOC) (http://www.unodc.org/) even begin to contemplate legalisation as a measured policy response? Supply and demand will find their market resting place irrespective of international boundaries. This is as true of people as it is of drugs.

It does not follow that enforcement is not necessary or that border security should not be managed, as in the EU with Frontex (http://www.frontex.europa.eu/) or in the US by the Department of Homeland Security (http://www.dhs.gov/). There is nothing that is acceptable about so-called Romanian benefit mules, with up to 200 trafficked children, coming to the UK with false work histories and national insurance numbers so as to be able to fraudulently claim social welfare benefits, with the ancillary purpose of using the children for predatory street crime, in a racket estimated to be worth around $20 million a year (Europol – http://www.europol.europa.eu/). But managing borders and targeting organised crime is not the same as managing immigration. Border security agencies need to be wary – very wary – that the global mass movement of people, which is essentially a political and social problem, is not redefined as a technical and enforcement problem about border management. This lets politicians off the hook.

The other possibility – the "homeland incorporation" approach – argues that illegal immigrants do not pose a threat to the nation at large, its communities or the individual householder or worker, and that efforts should be made to offer them a path to legalization. The United States offers good examples. The Immigration Reform and Control Act of 1986 provided amnesty to 2.7 illegal immigrants already in the country; but also added sanctions for employers who knowingly

employed illegal aliens, though enforcement is low. In 2007 the Comprehensive Immigration Reform Act (S. 1348) failed to reach the statue book but could have provided a complex but earned path to legal residency for the 12 to 15 million immigrants then illegally present in the country, with progressive incorporation from "Z" visa probationary status to lawful permanent, green card status – over time and subject to payment of both fines and fees. This would have been accompanied by increased border security. There is a pleasing note of political realism about these measures. They accept the impracticability of physically removing 3 million persons from US soil in the mid-1980s and the sheer impossibility of doing the same for (maybe) up to 20 million persons at the present time.

The fatal flaw here is that in seeking to secure a political accommodation between the immigration hawks and doves one crucial fact has been overlooked, namely that both measures are underwritten by the short-term expedient of granting illegal immigrants some form of amnesty. This might be realistic but the "You're here; you can stay" approach every decade or so looks rather less compelling were it to be articulated (say) once a year, or once a month, or every day. At some point the critic will rightly say this is an "open door" policy – which, in effect, is what it is though no-one wants to say so – but it does not begin the address either the needs or aspirations of the documented or illegal immigrants.

The close-the-borders approach is as impracticable as it is appealing to extremists. The let's-have-an-amnesty approach offers more realism. Both fail by neglecting to address what is at the heart of the matter – a policy willingness to allow the marginalised indigenous underclass and the struggling legal and illegal immigrant alike to ask "What's in it for me?" and to receive a meaningful answer. Unless or until this happens the three strands of non-incorporation in the social contract will continue to offer some sort of solution to a social predicament. But by not allowing the question or offering an answer government inadvertently makes it clear that its de facto immigration policy is that of rejection and repudiation. When it does allow the question and can offer a reasonable answer, the state can begin to talk meaningfully about managing its borders (which now becomes premised on acceptance not rejection) and the need for regular amnesty begins to wither; but up to this point these policy options remain make believe answers to the wrong question.

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