

Crime, Social Control & Legitimacy

BOOK *of*
ABSTRACTS

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In 2013, the Faculty of Criminal Justice and Security of the University of Maribor, Slovenia, celebrates its fortieth anniversary of safety and security studies, the tenth as a member of the University of Maribor. To honour these two occasions, among other events, a symposium "Crime, Social Control, and Legitimacy" is to be held on September 23, 2013. Seven invited speakers, distinguished professor and friends of the Faculty of Criminal Justice and Security, will present their perspectives on legitimacy and thereto related contemporary criminal justice and security issues.

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Symposium Programme

09.00 – Opening of the Symposium

KARIN STANA KLEINSCHEK, *Professor and Vice Rector, University of Maribor*

GORAZD MEŠKO, *Professor and Dean, Faculty of Criminal Justice and Security University of Maribor*

09.10 – 10.30 – Panel I.

Moderator: Bojan Dobovšek

Democratization and Legitimacy of Criminal Justice: Dangerous transitions

SUSANNE KARSTEDT, *University of Leeds*

The Determinants and Consequences of Police Legitimacy: A Meta-Analysis of Evidence from Europe

PAUL PONSAERS, *University of Gent*

Police Self-Legitimacy and the Use of Force among Slovenian Police Officers

JUSTICE TANKEBE, *University of Cambridge* and GORAZD MEŠKO, *University of Maribor*

Legitimacy of Policing in Central and Eastern Europe – Results from a Cross-National Survey

GLEB BOGUSH, *Moscow State University – Lomonosov*, GORAZD MEŠKO, *University of Maribor*, CHUCK FIELDS, *Eastern Kentucky University*, KATJA EMAN, *University of Maribor*, and JERNEJA ŠIFRER, *University of Maribor*

10.30 – 10.50 – Break

10.50 – 11.50 – Panel II.

Moderator: Bojan Dobovšek

Sentencing Reform: Current Developments and Future Challenges

JULIAN ROBERTS, *University of Oxford* and MOJCA M. PLESNIČAR, *Institute of Criminology at the Faculty of Law, University of Ljubljana*

Punitive Public Attitudes, Fear of Crime and Resentments against Migrants - Interdependencies in an Age of Ontological Insecurity

HELMUT HIRTENLEHNER, *Johannes Kepler University Linz*

A Constructivist Approach of Cybersecurity/Cyberdefense Concepts: Lessons of Security Studies Theories and Discursive Analysis

DANIEL VENTRE, *GERN, France*

11.50-12.10 - Discussion and Closing of the Symposium

Discussant: Gorazd Meško

Crime,
Social Control
&
Legitimacy

Abstracts

Democratization and Legitimacy of Criminal Justice: Dangerous Transitions

SUSANNE KARSTEDT, University of Leeds, United Kingdom

The criminal justice system is a focal area in the transition to democracy and in the process of democratization of institutions and civil society. Establishing the rule of law and an independent judiciary, changing entrenched cultures of policing and in the security apparatus is deemed seminal in the tidal change of transforming societies. Police and courts are seen as the vanguard of democratic change, while in established democracies their role is at least not seen as decisive in contributing to the development of democracy.

In which ways does the transition to democracy impact on the legitimacy of criminal justice institutions, and how do these processes affect other institutions in the transitional process? Are there typical trajectories of de-legitimization and re-legitimization? Which institutional and civil society changes do mostly affect the legitimacy of criminal justice?

This paper will explore these questions from a comparative perspective, moving from global to European perspectives. It will be based on international data and indices.

ABOUT THE AUTHOR

SUSANNE KARSTEDT is Professor of Criminology and Criminal Justice at the University of Leeds, United Kingdom. She has researched and written widely on international and comparative criminology, and on globalisation, crime and justice. She is presently preparing a book on comparative research on the impact of democratic values on crime, and justice, in particular contemporary punishment. She was the recipient of the Christa-Hoffmann-Riehm Award for Socio-Legal Studies in 2005, and the Sellin-Glueck-Award of the American Society of Criminology in 2007.

The Determinants and Consequences of Police Legitimacy: A Meta-Analysis of Evidence from Europe

PAUL PONSAERS, Ghent University, Belgium

This paper deals with police research in Europe with the aim of providing a meta-analysis of scientific research on the police. We go into the observed diversity of this research, in two distinct senses, of the subjects of research: while it is remarkable that the subjects of research vary considerably depending on the countries, their dispersion within the same country is shown everywhere.

We observe also a deficiency in the theoretical framework of the scientific study of policing. This study remains most often politically steered in the direction of a wide variety of subjects. We can speak of a patchwork of subjects, only rarely is a programme of fundamental research found that ensures its consistency and certain forms of the accumulation of knowledge. The very national, indeed local, character of this research shows that their authors often remain within their national borders when they search for literature that may guide and inspire them.

Furthermore, there is no doubt about the domination of the Anglo-Saxon scientific world. The issues of political orientation that ensue – although relevant in a context of common law principles – are and remain very specific. This practice produces effects of selective, or “tunnel”, blindness, leading to disregard for certain fundamental aspects of policing realities, tackled nevertheless in certain countries, but unknown because of this hegemony.

The contribution systematically addresses the following subjects: (1) financing and structuring of the field of research on policing; (2) conditions for the production of research on policing: a question of space into which independent research can fit; (3) what kind of research is appropriate in terms of the disciplines and methods, as well as subjects and gaps. The main issues here refer to (a) the point of view (the discipline and the method) from which “policing” is studied; (b) the item or the subject that is studied, occasionally to the point of no longer seeing anything else; and (c) the gaps and channels of research on policing. As a conclusion, (4) we step beyond the scientific and disciplinary ethnocentrism of research on policing in both the national and the international context.

The development and maintenance aspects of independent and high-quality research on policing are intimately linked to the structure of opportunity. Classically, the access and the resources, the space research can fit in, and control over its progression depend on: (1) the distance between the state and policing (conditioning the political “sensitiveness”

of the subject of policing, in its various senses: substantive (organisation, function), adjective, etc.); (2) multiplicity of police organisations; and (3) the degree of internalisation of powers and skills by the police apparatus.

ABOUT THE AUTHOR

PAUL PONSAERS is full time Senior Professor Emeritus at Ghent University, Faculty of Law, Penal Law and Criminology Department, Social Analysis of Security Research Unit. He has a Licentiate degree in sociology and a Ph.D. in criminology. He is the president of the Centre for Police Studies (Belgium) and of the association Panopticon. He also presides the editorial board of the series *Het Groene Gras* (Eleven Publishers) and is the managing editor of *Cahiers Police Studies* (Maklu Publishers). He specialises on policing matters, on which he published several papers and books in national and international journals and series.

Legitimacy of Policing in Eastern Europe – Results from a Cross-National Law Student Survey

GLEB BOGUSH, Moscow State University, Lomonosov, Russia

GORAZD MEŠKO, University of Maribor, Slovenia

CHARLES, B. FIELDS, Eastern Kentucky University, USA

KATJA EMAN, and JERNEJA ŠIFRER, University of Maribor, Slovenia

“The legitimacy of legal authorities – particularly the police – is central to the state’s ability to function in a normatively justifiable and effective manner” (Bradford, Hugh, Jackson and Roberts, 2013: 1). In other words, legitimacy is seen as a central concept in procedural justice theory and described as a multi-dimensional phenomenon consisting of different elements (i.e. rules, appropriate beliefs, relevant actions etc.). The crucial fact is that the presence of these elements in society is necessary because only in these conditions people believe in legitimacy of power (Beentham, 1991) of any kind of authority, particularly of that of the police as the most evident facet of the criminal justice system.

The paper presents the main findings from a cross-national survey on legitimacy of policing in Slovenia, Croatia, Bosnia, Serbia, Macedonia, Romania, Poland, and Russia conducted in the spring of 2013. The survey shows the law students’ perception of various legitimacy related variables, such as procedural justice, distributive justice, trust in police, police cooperation, police effectiveness, legal cynicism, police authority, moral credibility, deterrence, and legal compliance. The findings present a future challenge for the police and criminal justice system in all eight countries, although the results, based on the law student’s opinion, are not necessarily representative of the entire population, notwithstanding the fact that a certain number of law graduates will, presumably, work in the fields of law enforcement and criminal justice.

ABOUT THE AUTHORS

GLEB BOGUSH, PH.D., is Associate Professor at the Moscow State University, teaching Russian Criminal Law and International Criminal Law. Gleb Bogush is the author of more than sixty publications on Russian and international criminal law. His research interests include international criminal law, international human rights law, system criminality, and corruption. Currently he is a Humboldt Fellow at the Max Planck Institute in Freiburg (Germany).

GORAZD MEŠKO, PH.D., is Professor of Criminology and Dean of the Faculty of Criminal Justice and Security, University of Maribor, Slovenia, and a visiting scholar at the Institute of Criminology, University of Cambridge, UK. He has recently edited *Handbook*

on *Policing in Central and Eastern Europe* (2013, with Charles B. Fields, Branko Lobnikar, and Andrej Sotlar). His current research interests include crime prevention, provision of safety/security, and legitimacy. E-mail: gorazd.mesko@fvv.uni-mb.si

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KATJA EMAN, PH.D., is Assistant Professor of Criminology at the Faculty of Criminal Justice and Security, University of Maribor. She was a junior researcher (2009–2012) and holds a Ph.D. in crimes against the environment. She co-edited a monograph *Environmental crime and environmental protection – multidisciplinary perspectives* (2012). Her research interests span green criminology, environmental crime, organized crime, crime prevention, crime mapping, and legitimacy. E-mail: katja.eman@fvv.uni-mb.si

JERNEJA ŠIFRER, M.SC., is a teaching assistant for statistics and methodology at the Faculty of Criminal Justice and Security, University of Maribor. Her current research interest focus on the use of different reliability and validity methods in criminological research. E-mail: jerneja.sifrer@fvv.uni-mb.si

Police Self-Legitimacy and the Use of Force among Slovenian Officers

JUSTICE TANKEBE, University of Cambridge, United Kingdom

GORAZD MEŠKO, University of Maribor, Slovenia

Legitimacy is conventionally not viewed as embracing powerholders' own need to believe in the moral validity of their authority. Indeed, the audience dimension of legitimacy – that is, legitimacy as perceived by the audiences of power – is widely held up as the bedrock of legitimacy. However, legitimacy cannot be sufficiently understood from the perspective of power-audiences; its fuller analysis necessarily requires a focus on powerholders' self-confidence in the moral validity of their own claims to power. Max Weber argued that powerholder legitimacy was a precondition for cultivating audience legitimacy. However, in their empirical analysis of legitimacy, police scholars have not given powerholder legitimacy the importance Weber correctly indicated it deserves. Using data from Slovenia, this chapter examines the conditions associated with police self-legitimacy and its implications for police use of force.

ABOUT THE AUTHORS

JUSTICE TANKEBE, PH.D., is University Lecturer at the Cambridge University Institute of Criminology, U. K. Some of his research has appeared in *Criminology*, *Law & Society Review*, and *The British Journal of Criminology*. His books include *Legitimacy and Criminal Justice: International Explorations* (forthcoming, edited with Alison Lieblich) and *Legitimacy, Social Order and Criminal Justice* (co-authored with Tony Bottoms).

GORAZD MEŠKO, PH.D., is Professor of Criminology and Dean of the Faculty of Criminal Justice and Security, University of Maribor, Slovenia, and a visiting scholar at the Institute of Criminology, University of Cambridge, UK. He has recently edited *Handbook on Policing in Central and Eastern Europe (2013)*, with Charles B. Fields, Branko Lobnikar, and Andrej Sotlar). His current research interests include crime prevention, provision of safety/security, and legitimacy. E-mail: gorazd.mesko@fvv.uni-mb.si

Sentencing Reform: Current Developments and Future Challenges

JULIAN ROBERTS, University of Oxford, United Kingdom

MOJCA M. PLESNIČAR, Institute of Criminology at the Faculty of Law, University of Ljubljana, Slovenia

In this paper we review some of the more significant developments in sentencing in Europe. A number of jurisdictions have proposed or implemented reforms which structure sentencing and promote greater consistency. For example, England and Wales has introduced a detailed guideline scheme for courts to follow at sentencing. In many other countries wide judicial discretion at sentencing remains the norm. The essay suggests some important elements for movement towards greater consistency of approach to sentencing across Europe.

ABOUT THE AUTHORS

JULIAN V. ROBERTS is Professor of Criminology in the Faculty of Law, University of Oxford, and a member of the Sentencing Council of England and Wales. He is Associate Editor of the *European Journal of Criminology* and the *Canadian Journal of Criminology*. He has been a visiting professor at: the Haifa Law School: School of Law, Kings College; the University of Cambridge; the University of Toronto; the Catholic University of Leuven; and the Department of Criminology, Université Libre de Bruxelles.

MOJCA M. PLESNIČAR, PH.D., is a researcher at the Institute of Criminology at the Faculty of Law, University of Ljubljana. Her main research areas are sentencing and punishment, but she also deals with issues spanning psychology and law, criminal procedure, as well as gender and crime. She has concluded her studies in law and criminology at the universities of Oxford and Ljubljana, all the while participating in national and European research projects. She has authored several journal articles and book chapters and edited a monograph on women and the criminal justice system in Slovenian.

Punitive Public Attitudes, Fear of Crime and Resentments against Migrants – Interdependencies in an Age of Ontological Insecurity

HELMUT HIRTENLEHNER, University of Linz, Austria

The present article investigates the intersection of fear of crime, public support for punishment and resentments against migrants in a framework spanned by broader social anxieties associated with the rapid changes of contemporary late-modern societies. It is assumed that marked hostility towards foreigners goes together with elevated fear of crime, and that both constructs engender a preference for tough punishment of outsiders. All three concepts gain their individual significance against the backdrop of a transfer of social and economic insecurities on crime and foreigners which thereby become codes for a discontent with one's living conditions and an uncertainty about one's future prospects in a society undergoing profound upheavals. Drawing on the group threat hypothesis, it is further argued that the linkage between negative attitudes towards migrants and the support to punitive public policies is not least owed to increased perceptions of competition brought about by intensified existential anxieties and fears of failing. The outlined theoretical considerations are translated into a structural equation model that is examined based on survey data from Austria. Our results support the chosen framework.

ABOUT THE AUTHOR

HELMUT HIRTENLEHNER, PH.D., is Associate Professor of Criminology and Head of the Centre for Criminology at the University of Linz, Austria. His research interests include fear of crime, punitiveness and quantitative criminology. Together with Stephen Farrall he recently published *Anxieties About Modernization, Concerns About Community, and Fear of Crime: Testing Two Related Models* in the *International Criminal Justice Review* (2013). E-mail: helmut.hirtenlehner@jku.at

A Constructivist Approach of Cybersecurity/Cyberdefense Concepts: Lessons of Security Studies Theories and Discursive Analysis

DANIEL VENTRE, CNRS (GERN/CESDIP), France

Cyberattacks, cyberthreats, and cyber insecurity have been characterized as one of the main threats to national security and the existence of modern, democratic and liberal societies. Combined with actions against cybercrime, the development of cyberdefense strategies (security of critical infrastructures, creation of military cyberdefense units, new cyberwar rules of engagement) are the means of securitization of cyberthreats.

We propose to use a constructivist framework, inspired by security studies theories (Copenhagen School, speech act, securitization, macro securitization), to analyse cybersecurity and cyberdefense concepts (cyberwar, cyberterrorism, cyberthreats, cybercrime, etc.). Through a discourse analysis applied to a corpus composed by the speeches of the U.S. secretaries of defence (over the 1995-2012 period), we will see how the concepts are constructed: rhetorical methods (metaphors), themes used, utopian – modernist – alarmist discourses developed, designation of cyberthreats/adversaries/ enemies, definition of the referent objects, etc.

ABOUT THE AUTHOR

DANIEL VENTRE, from CNRS (Centre national de la recherche scientifique), works at CESDIP/GERN. He is the holder of the French Chair in Cyber Security & Cyber Defense (Saint-Cyr/Sogeti/Thales). His research focuses on cybersecurity and cyberdefense policies and strategies. He has published several articles and books, among the most recent ones being *Cyberwar and Information Warfare* (Wiley-ISTE, 2011) and *Cyber Conflict: Competing National Perspectives* (Wiley-ISTE - 2012).

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