

British Society of Criminology

The British Criminology Conferences: Selected Proceedings. Volume 2. Papers from the British Criminology Conference, Queens University, Belfast, 15-19 July 1997. This volume published March 1999. Editor: Mike Brogden. ISSN 1464-4088. See end of file for copyright and other information.

CRIME AND INSECURITY IN THE NEW EUROPE: SOME OBSERVATIONS FROM POLAND

Jon Spencer and Bill Heberton

This paper considers the restructuring of perceptions of crime in Central-Eastern Europe in the context of developments in European integration. In particular, it examines recent change in Poland. The authors take a case-study approach and analyse how EU and US influences have borne on understandings of crime in Poland and the 'required' response to it. They argue that any adequate understanding needs to contextualise both policy-level and institutional-level developments and the interplay of interests at sub-state, state and supranational levels.

Introduction

The economic, social and political events which took place in Central-Eastern Europe in 1989 and since which witnessed the end of the Cold War, the dissolution of the Warsaw Pact, the fragmentation of the Soviet Union and the emergence of a united Germany, have set in motion a recasting of the European security order (Carr, 1996; Sperling and Kirchner, 1997). In the new Europe, the concept of security has been broadened from traditional notions of national (military) security to wider concepts of international security, and has necessitated the striking of a new balance between the economic, political and 'order-maintenance' requirements. Security in the Post-cold War is defined increasingly in economic terms and the shadow of war has been displaced by the threat of political and economic chaos in Central and Eastern Europe. The stability of this new order is seen as contingent upon the successful transition of these countries to the market economy and multi-party democracy. A stable economic and political environment is crucial to the transition. Consequently, until the transition is completed and consolidated, issues of political economy must be understood as elements of the new security order.

This line of reasoning raises two questions. What is the relationship between economic and order-maintenance elements in the new security politics? Second, what are the implications? In this context, new security risks are being distinguished or at least given new significance and agendas reconstructed at sub-state, state and intergovernmental levels - 'Western domestic agendas around law and order have become linked to those of the EU, and in turn, to the problems of the wider Europe' (Carr, 1996: 395).

Many member states of the EU are concerned with the possibility of increased criminal activity originating from Central-Eastern European countries and targeting Western European countries as their markets; especially in relation to drugs, illegal immigration, prostitution and economic crimes. These concerns of Western European countries is evident both in the experience of crime; theft of expensive cars and their shipment out of Western Europe eastwards, the increasing number of 'illegal' immigrants from Central-Eastern European countries and in the increasing anxiety about drug routes through Central-Eastern Europe which is evidenced by the reaction of Western European countries to criminal matters especially in the area of policing (see Heberton and Thomas 1995, for broad background and discussion of development of exemplars such as Schengen and immigration regimes; also Benyon, 1994). However, while these EU internal security (policing) measures have been ad

hoc and of an intergovernmental and cumulative nature, the development of this security field emphasises the changing nature of security politics. The most effective instruments in the policy toolbox of the Western democracies are economic and financial: the extension of free-trade agreements, a suitable macroeconomic environment, financial aid and technical assistance to ease the transition to a market economy and what we term assistance in 'ideas'. This paper takes the new security politics as the context within which to examine Poland as a particular case.

In general

One of the main areas of attention which emerged from Central-Eastern European and Western countries has been a concern with organised crime. In general the conceptualisation of organised crime was that of mafia type structures and criminal interests in drugs, prostitution, car ringing and racketeering amongst others. Generally the focus was on the Western regions of the old Soviet Union with special interest in Moscow and St Petersburg; however, Western newspapers also focused on other cities, for example Vladivostok. These reports and the increasing number of murders, which gained a high media profile, were of people committed to reforming the legal system to tighten controls on organised crime; businessmen and journalists^[1] came to clearly delineate the problem as an international one. Russian organised crime became problematised within, it could be argued, a Western perspective. Such organised criminal activities were structured as an international threat requiring international collaborative remedies. There can be no doubt that there has been a restructuring of criminal groups in Russia since 1990 but as Aromaa and Lehti (1996: 65) comment the notion of Russian organised crime is 'an attractive target for myth making'. The conditions have been favourable for the re-structuring and creation of criminal groupings: privatisation of public property, scarcity of police resources, a ready supply of small arms via post-cold war de-militarisation and the new trade channels for drug trafficking, illegal immigration and auto-theft (for background see Handelman, 1995). Of course, many of these activities are also the common pre-occupations of organised crime in Western countries. However, for European Union countries and the USA it is clear that there is a pre-occupation with Russian organised crime (and of course transnational organised crime in general, see Heberton and Thomas, 1998).

This focus on organised crime results in little attention to the day to day crimes which have significant disruptive effects on people's everyday lives. However, this pre-occupation with organised crime should not result in a view that crime in Russia and other former soviet countries is out of control. The rates of crime in Russia, for example, in relation to property and personal crimes have not yet reached proportions which would be considered exceptional in a Western European perspective, as Aromaa and Lehti comment:

The real rise in crime during the past five years has been unusually rapid. When pinpointing the main characteristic trait of the crime problem of the area, it is the pace of change rather than the total volume. (Aromaa and Lehti 1996: 56).

An analysis of reported crime figures in Russia^[2] suggests that the only crime which demonstrates trends which are significantly different to Western European countries is that of homicide which has a resemblance to the situation in the USA rather than other European countries (Erlanger 1996).

The specific and narrow construction of organised crime as mafia type activity has masked other forms of organised criminal activity, especially those concerned with the processes of privatisation (see for example Kupka, 1992). We have written previously on the potential of Anglo-American criminology to over emphasise organised crime of the mafia type rather than consider the opportunities for 'entrepreneurial organised crime' (Heberton and Spencer, 1994). Again the relationship between organised crime, of all types, and legitimate entrepreneurial and state activities has largely been ignored in consideration of the issue of crime, crime control and prevention in relation to Central-Eastern European countries. There is considerable evidence that the development of 'successful' organised crime structures requires both an active economy and the opportunities to reap the financial rewards of the more affluent societies (Alexander and Caiden, 1985).

What emerges from this analysis of the re-structuring of crime in Central-Eastern European countries is that there are three main agenda items for Western governments:

- the need for internal reform to establish legal and policing systems which are in line with European and international policing and legal structures.
- the need for assistance and the transference of know-how to Central-Eastern European countries from Western governments
- the structuring of the crime discourse to establish a market of meanings. This latter concept can be defined as:

... a process ... whereby there is being established within the mainstream criminological discourse a marketisation of meanings. By this we mean that Anglo-American criminology is defining those actions, behaviours and processes for Central-Eastern European countries which are treated as "criminal" (Hebenton and Spencer, 1994: 58)

Thus certain and specific actions are criminalised, usually those committed by the poorer and more disadvantaged members of those societies; for example it is more likely to be those who are least able to exploit the conditions for personal improvement who will be criminalised; those in advantageous positions in the post-communist regimes are:

... more likely to succeed through clever moves in and between labour, capital, real estate and information markets. (Offe, 1992)

Central-Eastern European countries also had to engage in the process of harmonising its criminal law alongside other economic and social reforms. Bard (1996 unpublished) has argued that the current processes of harmonisation within Europe has removed criminal law from its cultural basis, it is no longer viewed as peculiar to each culture and country. However, these processes of harmonisation are fraught with difficulties and dangers; harmonisation for example in relation to sentencing policies have proved futile (Bard 1996 unpublished), the attempts at harmonisation through international legal strategies will, he argues, result in a lowering of judicial and legal standards. For Bard the development of common and co-operative strategies between the countries of the Council of Europe will lead to increased punitiveness which in many cases is contradictory to the concern which the Council of Europe has in relation to the defence, maintenance and furtherance of human rights.

Poland has also experienced pressure to develop legislative frameworks, judicial standards and methods of policing which are seen to meet the requirements of maintaining a secure Europe. In order to meet these requirements necessitated a period of reform of the police, judiciary and penal code; all of which has taken time to implement. The reason for the deliberate and slow period of reform might be do with the very nature of the revolutions in 1989. Weitman (1992) argues that Central-Eastern European countries would not develop into societies concerned predominantly with liberty, as the 'cause of inequality ... is nowhere on the agenda' but into societies replacing: '... totalitarian regimes ... by autocratic, state dominated regimes' (Weitman 1992: 21).

Weitman, then, views the revolutions as fundamentally political rather than as primarily social, as they were not concerned with liberty, justice or equality. It may be that these democratic principles of the enlightenment are no longer valid, especially where *free* markets, and their potential for social exclusion and fragmentation, are more likely to be tolerated and incorporated into state structures rather than resisted. What is of interest here is the development of Central-Eastern European countries within democratic frameworks and the impetus of Western European countries to develop democratic frameworks which are more considerate of the structures and forces of market economics. In these processes of reconstruction, crime is of significance. Crime is significant not only in economic terms; the actual cost of the crime, the increasing costs of criminal justice and penal sanctions, but also in its social costs which contribute to social exclusion and fragmentation. These comments apply equally to Central-European countries as they do to those of Western Europe. In exploring these issues further Poland is an informative case-study within which to explore some of the issues in more detail.

Poland: A Particular Case

In the summer of 1996 Poland had obtained the necessary economic conditions for membership to the single currency of the European Union (EU).^[3] The attainment of these economic conditions, which are causing many Western European countries considerable economic problems, witness the events in France over the summer of 1996 as a consequence of attempting to reach EU economic convergence criteria. The economic transformation in Poland, which was no easy task (see Dabrowski et al 1991 for an outline of the early problems) raised a number of significant concern about the rise in crime, criminality and especially the activities of organised crime (Busilo *et al*, 1996). Poland has, because of its ambition to become a full member of the EU, embarked upon internal reform, accepted the transference of know-how from Western governments and has by necessity had to engage in the range of debates about the definition of crime and criminality. In considering Poland as an example of how issues of assistance and transference of know-how are utilised it is important to consider the issues of internal reform, external anxieties and the process by which crime becomes re-defined. These areas will now be considered in more detail.

Internal Reform

Poland, like many other Central-Eastern European countries, had a history of resistance to the impositions of control and order from Moscow which had culminated in the political rise of Solidarity in the ship yards of Gdansk. Solidarity was a trade union actively seeking social, political and economic reform. The political rise of Solidarity in the 1980s led to a perceived sense of threat by the Soviet authorities and the imposition of martial law to protect the interests of the USSR. The changing attitudes to independence by Gorbachov in 1989, especially in the GDR resulted in the former Eastern bloc countries gaining political, social and economic independence from Moscow, usually through the process of bloodless revolution, these revolutions occurred in the latter part of 1989. This move to independence and the expectation of replacing the soviet system of power with democratic institutions is one which which brought with it harsh economic conditions, indeed economic conditions which were perceived to be harsher than those under the regimes dominated by Moscow.

The Polish Government under the presidency of Lech Walesa initiated a range of economic reforms which were not popular but which can be seen to have put in place the necessary infrastructure for the development of a capitalist economy. However, capitalism does not simply rely on economic structures but also on social and political structures to ensure the conditions for efficient production, consumption and political stability. Consequently institutions other than economic ones also require reform. Structures of social discipline are also necessary to ensure efficient production and consumption and thus the institutions of criminal justice required reform. Previously the institutions of criminal justice were focused on the need to maintain those structures of state and social discipline which protected the communist orientated regime, with the interests of the party being the most significant.

The reforms to the system of criminal justice in Poland were slow by comparison to other reforms. Economic reforms were put in place speedily as were the necessary political reforms to provide the beginnings of democratic structures. The police in Poland had been part of the military. Consequently changes to policing required the shift of responsibility to a civil ministry, the Ministry of The Interior. There was also a need to reform police practices which in the previous regime were constrained by the need to demonstrate that criminal activity was not a feature of everyday life under a soviet style regime. It was also necessary for the police to demonstrate that when crime did occur they were successful in clearing it up and bringing offenders to account. These preoccupations have obvious significance on recording and reporting practices. It is, therefore, very difficult to determine the levels of crime in Poland prior to the changes of 1989 as recorded crime statistics were unreliable, as Bienkowska commented in relation to the GDR:

...official statistics may be distorted by those who produce them. Indeed, what we know of the corruption in the GDR before the revolution of 1989, it would be surprising if criminal statistics were totally reliable. (Bienkowska, 1990: 52)

There is no reason to assume that the situation in Poland was significantly different to ensure that their criminal statistics prior to 1989 were any more accurate than those in the GDR. As Jasinski has commented:

In 1989 the crisis in the criminal justice system was perhaps even more profound than in other state institutions. Due to its notorious readiness to be at the disposal of political authorities, reinforced by the repression of martial law (1981-1982) and its later participation in the practising of exceptionally severe, transitional criminal legislation (in force 1985-1988), the criminal justice system did not have a good reputation in Polish society. (Jasinski, 1995: 6)

He goes onto detail some of the abuses of police power and the connections between policing and political activities. It is also apparent that not only were the Polish police prepared to apply the law differentially they were also prepared to subvert the rule of law to silence oppositional forces. In these processes the procedures of prosecution were also subordinated to the wishes of the police (Jasinski 1995). In 1989 changes were introduced which provided for freedom of judicial action, this was bolstered by the setting up of the National Council of The Judiciary. There were also changes to the Public Prosecutor's office with the dismissal of approximately ten per cent of Public Prosecutors through a system of verification, there were also legislative changes allowing public prosecutors some autonomy in determining action in criminal proceedings. The outcome of these changes in relation to judicial process was that:

...the Minister of Justice could no longer directly influence the contents of court judgements as he was able to do in the past, in many different ways, not usually regulated directly by law. (Jasinski, 1995: 7)

Jasinski (1995) notes that the most far reaching changes were to the police, and especially the secret police. The secret police were abolished and only those previous secret police officers who were verified could become serving police officers, this resulted in a large number of police officers becoming unemployed.

The reform of the Polish police force; its re-location as an independent state agency within a civil ministry, whereas previously it had been part of the military, was fraught with difficulties. There was no money to purchase new uniforms and to all intents and purposes the police looked to the Polish citizen very much as it had done before 1989. It therefore carried with it all the connotations of violence, abuse and untrustworthiness. However, the aims of reorganisation were to:

...create a new police force which would be adequately prepared to fight against crime in democratic state conditions, fully respecting the legal system and the rights of citizens (Polish Government: Ministry of Interior, 1995: 3)

However, the lack of social status and poor remuneration for police officers resulted in many officers leaving as well as those who did not qualify for verification. This process was exacerbated by the activities of 'private security' companies which served to diminish public confidence further and increase the fear of victimisation.

A considerable number of the police officers, failing to obtain verification or changing job because of poor salary levels, either established or worked for private security companies, many of which became fronts for organised crime and the running of protection rackets. The 'market share' of these organisations was no doubt enhanced by easily available weapons on the illicit market.

Many small and medium size companies have little or no choice but to avail themselves of the services of 'private security' companies. Poland is a 'cash rich' society; many sizeable day to day transactions are still conducted in cash and other less regular transactions are also cash based, buying a car for example. There are credit cards for the few wealthy Polish citizens usually with a Western bank. Due to the large number of cash transactions and therefore the large amounts of cash in circulation private security companies are employed to accompany business owners to the bank to deposit their daily takings. Surprisingly in 1996 it was still the task of the police to provide security to the banks when cash was being moved from one bank location to another. This is a relic of the past regime but without a reform of the law to remove this statutory responsibility from the police there is little likelihood of the large Western security companies, Group 4 and Securicor for example, establishing security operations in Poland thus leaving this market open to the small operators. Whilst there are a large number of private security companies which have attempted to exploit the entrepreneurial opportunities they tend to be small, perhaps family run affairs with only one or two employees. As Czapska (1995) has commented the growth in private security, which in 1994 employed more people than the Polish Police Service, is indicative of the privatisation processes of

penal justice in Poland. The areas of privatisation are not always clearly within the domain of legal activity:

The private security and detective companies often act on the edge of the law. For example, they protect prostitutes, which arouses suspicion that they profit from somebody's immorality, or that they facilitate somebody's prostitution in order to profit. (Czapska, 1995: 184)

One particularly financially beneficial area for private security firms is in the recovery of debt. The activities of private security companies has caused some concern in this area due to their propensity to use violence. Consequently it has been suggested that private security companies should be prohibited from providing debt recovery services. However, prohibition would, Czapska argues, only serve to provide an area of lucrative activity which would be immune to any form of control and therefore even more at the mercy of criminal groups (Czapska 1995). It is clear that the development of debt recovery services in Poland has resulted in the introduction of forms of criminal activity which had formally been unknown:

The methods used in such cases (i.e. blackmail, torture, kidnapping or even homicide) have only been known in Poland from gangster movies. They belong to Polish reality nowadays. (Czapska, 1995: 185)^[4]

The changes to the police force, whilst acting as a stimulus to the development of privatised security services, also had other consequences. Public confidence in the police was difficult to secure with the number of recorded offences increasing year on year since 1989. This could be due to a number of factors associated with the reporting and recording of criminal offences. It may be that Polish citizens are now more prepared to report crime than previously as their relationship with the state has changed. For the police as resources became more scarce and they have to compete with other demands on the financial resources of the state there may be a greater propensity to record in order to demonstrate the problem of crime and the need for resources to tackle it effectively. However, as experience in the UK has demonstrated increasing the number police officers tends to result in more rather than less recorded crime. However, for all of this it is likely that current levels of recorded crime, although underestimating the rate of crime, provide a more accurate picture of current rates of offending (Bottomley and Pease, 1986) than the figures prior to 1989. Interestingly, even for all the concern about Polish organised crime and increases in crime generally, Poland has a low level of traditional crime when compared to other Western European countries. In 1990 there was a total of 883,346 recorded offences by 1994 that figure had risen to 906,157; a 2.5 per cent increase over a four year period. This is a low rate of increase over such a time period and also the number of recorded offences in 1994 remained below a million.

The officially recorded crime rates do not provide a full picture of crime in Poland. In utilising the International Crime Survey (UNICRI, 1994) Siemaszko (1995) has been able to compare the experiences of victimisation in Poland with other Western and Central-Eastern European countries. He found in the Polish data a high level of under-reporting; for example in relation to car crime approximately a half of all thefts from cars went unreported. There was also evidence of high levels of victimisation with about 10 per cent of all Polish car owners experiencing some form of theft from their cars, only Spain had a high rate victimisation for this crime (Siemaszko, 1995). In relation to other types of property crime Poland experienced high levels of pick-pocketing, probably due to the high levels of cash in circulation. However, there appears again to be a low level of reporting in that only 21.4 per cent of all property crime was reported to the police; low levels of reporting are also apparent in relation to burglary.^[5]

In relation to violent crimes approximately a third of all respondents reported their victimisation to the police. What the data does show is a high level of victimisation when compared to other European countries, however, Siemaszko (1995) warns against taking this analysis as being too significant:

However, one should not attribute too much meaning to the rank order of countries with the highest victimisation rates since the differences between them are quite negligible. (Siemaszko, 1995: 25).

However, what is of significance is the very low level of reporting victimisation to the police. The level of reporting to the police for different crime categories in Poland is much less than the average rates fore Europe, Siemaszko (1995) calculates that approximately 70 per cent of all crimes committed in Poland are not reported to the police.^[6] In explaining this high level of under-reporting Siemaszko comments:

...one factor is the weakly developed insurance system: victims are not motivated to report crime by the wish to claim damages. Neither can Poles count on compensation from

institutions supporting victims of crime... . Also, many victims are afraid of offender revenge, especially in the cases of organised crime. If one adds to this the fact that people are sceptical as far as police effectiveness is concerned (i.e. their widespread belief that the police would not be able to do anything anyway), it is easier to understand why people in Poland are reluctant to report crime to which they have fallen victim. (Siemaszko, 1995: 26)

Crime in Poland is a problem in that it affects people's everyday life and has considerable economic consequences. The theft of a car, a particularly expensive item, not only causes economic loss but also a considerable amount of time spent in reporting the loss and attempting to recover some compensation. Car theft proves to be difficult to detect and control because of the lucrative markets to the east in Byelorussia and other countries with lax border controls. So, policing at the national level is problematic due to a range of difficulties, restructuring of the Polish police, weak borders and the continuing loss of confidence and trust in the police by the Polish people. These problems in relation to policing are also indicative of problems experienced in relation to the reform of the criminal justice system which can be summed up as being mainly concerned with funding:

One of the significant problems confronting the criminal justice system is its material situation. Due to general budgetary constraints criminal justice has insufficient resources at its disposal. (Jasinski, 1995: 8)

However, these internal problems are exacerbated by other external factors.

External Anxieties

Our study for the European Institute for Crime Prevention and Control (HEUNI) indicates that Poland along with Russia, Hungary, The Czech Republic and Slovakia are the main recipients of international assistance with the primary donor being the USA (Hebenton and Spencer, 1996; and our original report in HEUNI 1997). The target areas of assistance appear to be economic and financial crime, drug trafficking and illegal immigration. This is interesting because it demonstrates that many of the issues which affect Polish people, property crime, the impact of crime at a local level rather than international organised crime is not an area of focus for assistance. We found that across the whole of Central-Eastern Europe there was no governmental assistance in relation to non-custodial sanctions. Considering the cost of incarceration it is surprising that the introduction of effective forms of community based sanctions, with Western European assistance were not apparent. However, there was a significant amount of assistance in the development of penal sanctions. There was also a lack of assistance in relation to personal and domestic crimes as there was for developing strategies to deal with juvenile crime. In Poland there was an increase in the amount of recorded juvenile crime between 1984 and 1993 (see Wojcik, 1995) yet forms of assistance in this area were notable by their absence. This suggests that the areas of assistance are focused around the defined policy concerns of Western governments. President Clinton, when addressing the United Nations in 1995, made it clear that the US government would continue to provide and increase the amount of money available for international assistance in the area of 'organised crime' (The White House, 1995).

The anxieties expressed by EU and US governments are those which focus upon drugs, organised crime and illegal immigration. The attempts to combat the growth of these crimes is through the development of institutional practices. Poland has experienced a certain amount of pressure to re-draft its criminal law to make it congruent with that of other Western European countries. Poland has not always complied with requests for changes to its criminal law; the refusal to ratify the European Convention on Money Laundering was partly driven by domestic economic considerations. Money laundering results in foreign currencies coming into Poland from abroad which eases the economic situation. As Jasinski notes economic crime in Poland is not new but has changed its form since 1989:

...the most serious problem[s] today are not traditional criminal offences but economic crime[s], barely reflected in the statistics. This type of crime is not new in Poland - it existed before, partly in the same form, bribery, tax evasion and tax frauds. (Jasinski, 1995)

Apart from the concern with economic crimes, because of the association with organised crime, drugs have been a significant focus of international assistance. Poland is possibly the largest producer of illegal amphetamines in Europe; this is partly because whilst production is illegal in Poland possession is not. Consequently the policing of drugs becomes complex; for example it is not legal to intercept a consignment of drugs *en route* because it is not against

the law to be in possession of them, attempts to change the law have not been successful. Thus Poland is part of a viable drug route especially from the east, once into Poland they can be transported to the German border freely. At the same time the borders on Poland's eastern side are considered to be particularly vulnerable. The vulnerability is seen to have its origins in the disorganisation of some of Poland's neighbours especially in relation to matters of border control. The Ministry of The Interior would argue that many of Poland's neighbours has an unstructured approach to immigration issues. A consequence of this is that these borders become targets for organised crime and Poland becomes the corridor through which illegal contraband, be it drugs or people, are ferried to Western Europe via the German/Polish border.

In Poland it is considered that it is the weakness of the Eastern borders which results in Poland being viewed by organised crime as a viable route to the West. The weaknesses of these eastern borders are compounded by the lack of sophistication in relation to the use information technology. Western technology tends to be sophisticated, expensive, requires a certain amount of training to use it and the software is usually expensive to develop and needs the latest hardware to run it. Poland does not have the economic resources to purchase the technology or put in place training programmes, this is seen to hinder the development of rapid communication between Poland and Germany. Language is also viewed as a barrier to effective communication with few German border guards speaking Polish and few Polish border guards speaking German, mainly for historical reasons.

The issue of immigration has proved to be complex and one which has caused a high level of anxiety amongst EU countries. Poland has become a through route from the east to the EU via the Polish/German border. For those who are refused admission Poland is the country where they await the decision as to what happens to them. Government officials were unsure how many illegal immigrants there were in Poland at any one time or even how to calculate their number. The majority of those defined as 'illegal immigrants' are held in custodial detention (Statewatch, 1996). In December 1996 it was calculated that some 500 people were in detention and defined as illegal immigrants. The Polish policy towards illegal immigration and the use of detention are influenced by the demands from Western European countries, especially Germany. The Polish government considers that it has to demonstrate that they are effectively managing the situation in respect of illegal immigrants:

The Polish government has been under pressure for some time to demonstrate an effective refugee policy to Western European states, especially Germany. Following the meeting between Polish and EU Interior Ministers in Warsaw in the summer of 1996 it has been noticeable that the Polish press has presented threatening scenarios of 'streams of refugees'. (Statewatch, 1996: 7).

The main anxieties of Western governments, illegal immigration, drug trafficking, economic crime and organised crime provide the focus of for Polish policy in relation to criminal matters. They also provide a policy, and perhaps economic, lever for Western European countries to try and ensure Poland conforms to EU legislative frameworks. As Bard (1996 unpublished) commented, these attempts to heavily influence legislative programmes compromise justice by transgressing national cultural imperatives in law making.

It is apparent that Poland, like many other Central-Eastern European countries, has experienced a sequence of changes in relation to criminal activities. Many commentators argue that since 1989 there has been a rise in criminal activities and the official figures seem to bear out these arguments (see Jasinski, 1995; Siemaszko, 1995; Czapska, 1996 and Gonzcol, 1993). However, whether there has been an increase in actual crime or changes in recording and reporting practices is in many senses an academic exercise; there is no doubt that people in Central-Eastern European countries are now more fearful of crime than in the past. It is also clear that the pre-occupations of Western European governments is not with the day to day crime, theft, burglary, assault or even homicide but rather with what might be defined as 'international crimes'; that is, drug trafficking, money laundering, illegal immigration and the whole panoply of organised crime, it is these latter crime types which attract assistance (Hebenton and Spencer, 1996; HEUNI, 1997).

It may be that the governments of the EU and USA have attempted to exploit the potential which Central-Eastern European countries hold in terms of developing markets for their goods, services and expertise. The development of markets in these particular areas also requires the definition of problems within a particular conceptual framework. The conceptual framework requires a series of solutions which are available from Western commerce because the framework for understanding social problems such as crime is similar to the one

utilised in Western European and North American countries. An example of this is the way in which the fear of crime becomes a feature of people's lives. The concerns about increased crime, the anxieties about the increasing criminality of young people, the increasing insecurity of the city are all part of the fear of crime in Poland as they are in Western countries (see Siemaszko, 1995; Mikusinski, 1995 and Wojcik, 1995). The increasing insecurity of the city, especially in relation to violent crimes, mirrors some of the anxieties as defined within the West, for example part of the problem in relation to cities is the 'influx of foreigners' (Mikusinski, 1995), a theme which is not absent in Western countries. Social alienation which the city is seen to create, the lack of community, the lack of a well resourced and responsive police force are all viewed as being crime creating along with:

...the presence of numerous subcultures in which the system of values based on violence and conspicuous consumption prevails and the youth subcultures based on brutality and aggression, [and the] particular intensity of pathological phenomena that accompany crime (alcoholism, drug addiction and prostitution). (Mikusinski, 1995 : 68)

These themes are not that far away from those which form part of the discourse on crime in Western European and North American countries. What is happening here is a bringing together of a range of activities which become simultaneously defined as *criminal*. Conceptual frameworks are used which view violence as occurring predominantly outside of the home and a characteristic of young people. The causative factors of crime being processes of consumption and values of violence, these themes are echoed in the history of young people and crime in Western Europe (see for example Pearson, 1981). These causative issues are presented as though they are in some way external to issues of social change especially in relation to housing, employment and the restructuring of social and political relationships.

Another feature of the construction of crime in Poland is the role of the media. It is clear that the Polish media have been instrumental in presenting crime in a sensationalist and exaggerated way. Siemaszko (1995b) argues that the Polish media has not only exaggerated and misrepresented the amount of crime in Poland but that it has also hindered the development of a 'rational approach toward the question of crime' (Siemaszko, 1995b: 78).

The media has also been instrumental in opposing measures which could be seen to be a liberal response to crime and offenders. For example Poland has a high rate of incarceration with an under developed form of community based sanctions. Thus to decrease costs, both economic and human, a decarcerative strategy would appear to be a feasible policy direction. However, the media concentration on crime as newsworthy results in the exacerbation of the 'fear of crime' and a resistance to the introduction of a less punitive criminal justice policy (Siemaszko, 1995b). These fears and anxieties about the uncontrolled nature of society and individuals is deeply ideological where the reporting and imagery used conveys a particular discourse about the society (see Young, 1996).

This politicisation of crime and law and order is reminiscent of Western countries, especially the UK and North America where crime is consistently presented as a problematic requiring more punitive and intrusive state responses both in the use of technology and in the increasing powers of state agencies to monitor and intervene in people's lives.

Poland becomes a focus of Western anxieties because of its geographic and economic location. Geographically Poland is situated between Eastern Europe and Russia and the other Baltic states. These countries provide relatively unhindered routes for drugs, illegal immigrants and organised crime to Western Europe with Poland being a corridor to the EU via Germany. [7] It is this geographical location which makes Poland an area deemed appropriate for Western assistance in relation to crime control. However, this is further enhanced by the economic location of Poland. The Polish economy has probably been one of the more successful of the former Warsaw Pact countries in achieving stability and growth. Poland is also committed to applying for full membership of the EU within the next decade. The growth of economic stability and the reformation of the economy from a command to a market one has provided not only legitimate entrepreneurial activities but also illegitimate ones. It is arguable that the base of organised crime could not embed itself without the structures of a stable market economy. For example in Bulgaria there has been a loss of confidence in the financial institutions which has resulted in a range of illegal and gangster type activities, however, these appear to be more intimidatory practices rather than ones requiring economic and commercial structures for success. Again part of the attraction of Poland for organised crime is both the infra-structure which is unregulated and poorly resourced thus leaving ample opportunity for manipulation and the lack of banking structures also provide easy access to

money laundering facilities. Whilst the problems with Polish borders have been identified there is also a lack of connection to established Western security systems.

Poland has been successful in developing a market economy. Along with the re-structuring there has been an increase in crime and the fear of crime. People feel less secure and safe and Western assistance to Poland has concentrated not on traditional crimes but those which are anxiety provoking for Western European countries. The provision of assistance is more to calm Western anxieties and bring Poland under its control than it is with assisting in the process of democratic transformation.

Conclusion

Since the end of the Cold War there has been a resurgence in moral rhetoric on the part of the states in Western Europe and the United States as they search for new policy agendas and a new global role. The apparent victory over communism has fuelled the belief that Western values should be universally embraced (Vatikiotis, 1996). As McGrew claims of the language of contemporary politics, it is 'increasingly suffused with references to global problems, appeals to universal values and visions of a global community.' (McGrew *et al.*, 1992: 30). In particular, the issues of democratization and human rights are high up on the international agenda and the spread of these values is now a pronounced aim of Western foreign policy. Questions of 'universal' order and distributive justice are now the hallmark of international relations (see for example Bobbio, 1995; Neufeld, 1995; Zolo, 1996; Graham, 1997). At the same time, however, some point to the curious lack of purchase on democratic discourse that transnational ordering practices (policing) appear to have (Sheptycki, 1996; Heberton and Thomas, 1998) while others such as Alan Block (1996) in his critical analysis of the role of the USA prefer a neo-realist analysis of the new emerging order.

In this paper we have sought to examine some important factors related to Poland as a limited case instance, but there is clearly a pressing need to develop a suitable analytical framework for understanding the general nature of the new security politics. Such a framework will be required to contextualise both policy-level and institutional level developments and the interplay of interests at sub-state, state and supranational levels. Some institutions appear as central to the architecture of the emerging order in Europe, particularly when seen as a normative project (e.g. Council of Europe) and this normative dimension must also form part of any adequate framework of understanding.

Acknowledgements

This paper draws, in part, on fieldwork undertaken in 1996 in Poland, Bulgaria and elsewhere. We wish to acknowledge the financial assistance of both the Manchester University Hayter Parry Fund and the European Institute for Crime Prevention and Control (HEUNI) in Helsinki. Our sincere thanks to all those who assisted our research by being interviewed. The staff at HEUNI deserve a special mention for making our research visit so pleasant.

Notes

1. For an excellent analysis of this phenomenon of Russian 'mafia', see Backman (1998).[\[Back to text\]](#)
2. Official crime figures are complex as they are subject to a number of influences. However, they do provide a barometer of criminal activity.[\[Back to text\]](#)
3. Poland has associate member status to the EU and has intentions to attain full EU membership as speedily as possible.[\[Back to text\]](#)
4. In 1992, 33 homicides and 32 kidnappings were ascertained to have been carried out in the recovery of debt (quoted in Czapska, 1995: 185).[\[Back to text\]](#)
5. What is interesting is that between 1989 and 1994, 11.5% of all Polish respondents reported being victims of some kind of fraud, and of these 5% reported that they had been required to pay a bribe.[\[Back to text\]](#)
6. If this is the case, then Poland has approximately 3,020,523 offences per year; this is still below some Western European countries' reported crime rates.[\[Back to text\]](#)
7. Poland also provides a lucrative route the other way, going eastwards, for stolen goods, especially cars.[\[Back to text\]](#)

References

Alexander H.E. and Caiden, G.E (1985) *The Politics and Economics of Organised Crime*. Lexington, Mass: Lexington.

Aromaa, K. and Lehti, M. (1996) *Foreign Companies and Crime in Eastern Europe* Helsinki: Oikeuspoliittinen Tutkimuslaitos No 135.

Backman, J. (1998) *The Inflation of Crime in Russia* Helsinki: Oikeuspoliittinen Tutkimuslaitos No 150.

Bard, K. (1996) 'European Criminal Justice Policy'. Paper presented to the Faculty of Law, Helsinki University, September (unpublished).

Benyon, J. (1994) 'Policing the European Union: The Changing Basis of Cooperation on Law Enforcement', *International Affairs*, Vol. 70, No. 3, 10-20.

Bienkowska, E. (1991) 'Crime in Eastern Europe', in Heidensohn, F. and Farrell, M (eds.), *Crime in Europe*. London: Routledge.

Block, A. (1996) 'The New World Order of Criminal Justice', *European Journal on Criminal Policy and Research*, Vol. 4, No. 2, 101-17.

Bobbio, N. (1995) *The Age of Rights*. Cambridge: Polity Press.

Bottomley, K. and Pease, K. (1986) *Crime and Punishment: Interpreting the Data*. Buckingham: Open University Press.

Busilo, M. (1996) 'The Phenomena of Organised Crime in Poland', paper to the American Criminology Society Meeting, November, Chicago USA.

Carr, F. (1996) 'The New Security Politics in Europe', *International Journal of the Sociology of Law*, Vol. 24, 381-98.

Czapska, J. (1995) 'The Growing Privatization of Penal Justice and the Sense of Personal Security in Poland', *Interdisziplinäre Studien zu Recht und Staat*, 176-87.

Dabrowski, J. et al. (1991) 'Polish enterprises and the properties of performance', *Politics and Society*, 403-33.

Erlanger, S. (1996) 'Image of Lawlessness Distorts Moscow's Reality', *CJ Europe*, March/April.

Gonzcol, K. (1993) 'Anxiety Over Crime', *The Hungarian Quarterly*, Vol. 34, Spring, 87-99.

Graham, G. (1997) *Ethics and International Relations*. Oxford: Blackwell.

- Handelman, S. (1995) *Comrade Criminal: Russia's New Mafiya*. New Haven: Yale University Press.
- Hebenton, B. and Spencer, J. (1994) 'The Contribution and Limitations of Anglo-American Criminology to Understanding Crime in Central-Eastern Europe', *European Journal of Crime, Criminal Law and Criminal Justice*, Vol. 2, No. 1, 50-61.
- Hebenton, B. and Spencer, J. (1996) 'The Transference of Technology and Know-how in Crime Control: Reflections from Helsinki', paper to the American Society of Criminology, November, Chicago USA.
- Hebenton, B. and Thomas, T. (1995) *Policing Europe: Cooperation, Conflict and Control*. Basingstoke: Macmillan.
- Hebenton, B. and Thomas, T. (1998) 'Transnational Policing Networks', *International Journal of Risk, Security and Crime Prevention*, Vol. 3, No. 2, 99-110.
- HEUNI (1997) *The HEUNI Database on International Projects in Crime Prevention and Criminal Justice in Central and Eastern Europe: Experiences with the First Two Years of Operation*. Helsinki: HEUNI.
- Independent on Sunday* (1992) 'Vladivostok returns to its wicked ways'. 2 May.
- Jasinski, J. (1995) 'Crime Control in Poland: An Overview', in J. Jasinski and A. Siemaszko (eds.), *Crime Control in Poland*. Warsaw: Ministry of Justice and Institute of Justice.
- McGrew, A. (1992) 'Conceptualising global politics' in McGrew et al *Global Politics* Cambridge: Polity Press
- Mikusinski, W. (1995) 'City and Violent Crime', in J. Jasinski and A. Siemaszko (eds.), *Crime Control in Poland*. Warsaw: Ministry of Justice and Institute of Justice.
- Ministry of Interior (Poland) (1996) *The Polish Police*. Warsaw: Ministry of Interior
- Neufeld, M. (1995) *The Restructuring of International Relations Theory*. Cambridge: Cambridge University Press
- Offe, C. (1992) 'The Politics of Social Policy in Eastern European Transitions', paper to the Comparative Studies of Welfare State Development, September, Bremen, Germany.
- Pearson, G. (1981) *Hooligan: A History of Respectable Fears*. London: Macmillan.
- Sheptycki, J. (1996) 'Law Enforcement, Justice and Democracy in the Transnational Arena', *International Journal of the Sociology of Law*, Vol. 24, 61-75.
- Siemaszko, A. (1995) 'Unreported Crime', in J. Jasinski and A. Siemaszko (eds.), *Crime Control in Poland*. Warsaw: Ministry of Justice and Institute of Justice.
- Siemaszko, A. (1995b) 'The Media and Crime', in J. Jasinski and A. Siemaszko (eds.), *Crime Control in Poland*. Warsaw: Ministry of Justice and Institute of Justice.
- Sperling, J. and E. Kirchner (1997) *Recasting the European Order*. Manchester: Manchester University Press.
- Statewatch (1996) 'Migrants Held in Detention Centres', December, 6/7.
- Vatikiotis, R. (1996) *Political Change in Southeast Asia: Trimming the Banyan Tree*. London: Routledge.
- Weitman, S. (1992) 'Thinking The Revolutions of 1989', *British Journal of Sociology*, Vol. 43, 12-24.
- White House Press Release (1995) 'US Initiatives Against International Organised Crime.
- Wojcik, D. (1995) 'Juvenile Delinquency and Victims of Crime', in J. Jasinski and A. Siemaszko (eds.), *Crime Control in Poland*. Warsaw: Ministry of Justice and Institute of Justice.
- Young, A. (1996) *Imagining Crime: Textual Outlaws and Criminal Conversations*. London: Sage.
- Zolo, D. (1996) *Cosmopolis: Prospects for World Government*. Cambridge: Polity Press.

About the authors

[Jon Spencer](#) lectures in criminal justice studies at Manchester University. He is co-founder and a Director of the Anglo-Baltic Applied Criminological Research Unit (ABACRU) in the Department of Social Policy. ABACRU focuses on developing research in the Baltic Sea region, notably Finland and the Baltic states of Estonia, Latvia and Lithuania. A former probation officer, he has published on probation studies, European issues and more recently on crime and the internet.

[Bill Hebenton](#) lectures in criminology at Manchester University. He is a co-founder and a Director of the Anglo-Baltic Applied Criminological Research Unit (ABACRU) in the Department of Social Policy. ABACRU focuses on developing research in and around the Baltic Sea region, notably Finland and the Baltic states of Estonia, Latvia and Lithuania. He has published on issues relating to criminal records, sentencing, developments in European policing, and the regulation of sexual offenders.

Copyright information

Copyright this article © Jon Spencer and Bill Hebenton 1999.
Copyright this volume © The British Society of Criminology 1999.
Pages of the journal may be downloaded, read, and printed. No material should be altered, reposted, distributed or sold without permission. Further enquiries should be made to the British Society of Criminology.