Globalization, crime and comparative criminal justice

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INTRODUCTION

The globalization of crime needs to be examined not only as a feature of objective changes in the nature of criminal behaviour and threats, but also as an aspect of changes in the approaches that are used to combat or to study crime. Globalization presents or exacerbates a series of difficult choices for national and international policy-makers. In turn, policy decisions (and non-decisions) help shape globalization. Arguments referring to the globalization of crime influence a variety of local, national and international interventions. Social actors involved include politicians, administrators, police forces and the secret services – and the media. But we should not forget the part played by commercial organizations such as banks and businesses, and (where it comes to illegal immigration) by airlines and lorry drivers. Because crime, crime control and criminology are so interrelated, attention must also be given to the discourses of practitioners and criminological experts whose responses help shape the problem of crime. This chapter will first say something about what is meant by globalization and offer an outline of possible links between globalization, crime and crime control. It will then discuss the rise and implications of ‘globalizing criminology’ and conclude with some consideration of the implications for social policy.

THE CHALLENGE OF GLOBALIZATION

The changing nature of crime means that it is becoming impossible to formulate the response to crime in purely national terms. Within the European Union, for example, Justice and Home Affairs has now become a key component of the European Union’s ‘Third Pillar’ activities. In particular, organized ‘transnational’ crime, terrorism and illegal immigration have become central political issues for the EU as well as for the other G-8 most powerful industrialized countries. The terrorist attacks on the United States on 11 September 2001, as well as the continuing response...
to that attack, mean that there is now nothing metaphorical about talk of waging a ‘war on crime’. The need to defend societies against such threats has tended to dominate most discussions of the globalization of crime. Without denying their significance, however, my purpose in this chapter will be to show the need for an agenda of research that also ranges more widely. After all, even responses to domestic crime are more and more shaped by what is done elsewhere (see e.g., Jones and Newburn, 2006; Johnson and Zimring, 2009; Nolan, 2009; Pakes, 2009; Crawford, 2011; Melossi et al., 2011).

The various developments referred to as globalization are the subject of an enormous literature (see earlier chapters of this *Handbook*) and refer to current complex and contradictory processes regarding the overcoming and reconfiguring of economic, political and cultural boundaries. But sometimes talk of globalization confuses trends towards internationalization, Americanization and Europeanization that it would be better to distinguish. Moves to greater unity within the ever enlarging European Union or the signing of the NAFTA can be seen both as a sign of globalization and as a reaction to it. In some respects, globalization can also be seen as no more than the latest stage in the expansion of capitalism and the spread of ‘modernity’. Certainly, little of what is ascribed to globalization in relation to crime or anything else is totally without precedent. There have been other periods, such as the early years of the twentieth century, that witnessed widespread levels of concern about international drug traffic, accompanied by xenophobia about foreign threats (though Britain and Holland were amongst the countries then accused of profiting from the trade). As far as crime control is concerned it is enough to think of the spread of Beccaria’s ([1764] 2008) ideas about punishment in the eighteenth century, or the flurry of international exchange visits in the nineteenth century to compare styles of prison building.

Globalization should also not be seen as a homogenizing juggernaut. Even those processes that encourage homogenization have objective and subjective aspects that do not always coincide. If globalization sometimes produces similarities and convergence of behaviour and ideas, it also often presupposes and even heightens differences (Nelken, 1997). Economic globalism may speak of the import, largely US inspired, of neo-liberal conceptions of the free market and community responsibilization backed by an authoritarian state, whereas legal globalism, largely UN inspired, unveils a contrary vision of universal human rights delivered through social democracies (Muncie, 2011). While globalization can make it more difficult to draw political and moral boundaries it may also create all the more need for them. Crime and crime control are therefore of interest not least because of the important and often fundamental role they play in

For many scholars globalization requires students of criminal justice to shift the focus of their attention from the nation-state (Sheptycki and Wardak, 2005; Aas, 2007; Larsen and Smandych, 2008; Pakes, 2010a, 2010b). On the other hand, others argue that nation-state and more locally based justice practices continue to shape or resist ‘global’ trends (Beirne, 2008; Muncie, 2011; Savelsberg, 2011). An important current debate in comparative criminal justice revolves around explaining variation in prison rates as a result of differences between countries in their kinds of political economy. The claim is that higher numbers in prison go together with the embracing of neo-liberal social policies (Whitman, 2005; Cavadino and Dignan, 2006; Nelken, 2010a; Downes, 2011); there is a strong link here to the ideas about the harmful effects of social inequality as demonstrated by Wilkinson and Pickett (2009). Put another way, however, it could also be argued that what these writers are describing are not so much intrinsic policy differences in the way states choose to deal with marginal citizens but differential ways of responding to a similar transnational trend. Neo-liberalism would then be treated as an index of the weakening of the nation-state, and a force for breaking down barriers between states. Being influenced by this trend means they have fewer resources to regulate what goes on inside their boundaries, including certain options in dealing with their marginal populations. What is clear is that globalizing processes can have different – perhaps even opposite – meanings and outcomes in different local – or glocal – contexts (Muncie, 2011; Nelken, 2011a; Savelsberg, 2011). It should also be remembered that neo-liberalism is not the only transnational trend to affect incarceration rates. Differential response to increases in (economic and other) migration means that many of the places least influenced by neo-liberalism (such as the countries of Southern Europe) are those most likely to incarcerate a higher proportion of immigrants (Solivetti, 2010).

Globalization in the sense of growing convergence is not inevitable, and talking about it as if it is may often be part of a political strategy. There are already some early signs of a return to economic protectionism, and many national, regional and cultural identities are growing stronger. Resistance movements objecting to decision-making by dominant states, corporations and NGOs have already acquired large followings. On the other hand, even those ‘no global’ groups most committed to fighting the evils of globalization are forced, or choose, to adopt many of the techniques and logos developed by globalizing companies. If we wish to plan interventions that can limit the negative effects of globalization we need to construct theories of the middle range aimed at showing how crime-related
phenomena are affected by and affect larger trends. Globalization leads
to changes in opportunities for crime control as well as crime, and thus,
depending on methods and circumstances, may or may not increase or
reduce crime. The nation-state may indeed be weakened by globalization
but it is also strengthened by reacting to global crime threats. At the same
time, ‘resistance’ to globalization (and not only globalization) may itself
involve criminal behaviour or otherwise serve to increase crime.

GLOBALIZATION, CRIME AND CRIME CONTROL

Globalization involves changes in the relevant boundaries we need to
consider. Criminological problems such as cybercrime, financial crime,
ecocrime and crimes against humanity, it is argued, cannot be analysed
from a traditional comparative perspective, because their scope and effect
are truly global. Although they are committed at a certain geographical
place they have consequences that do not remain limited to a certain
country or region (Van Swaanningen, 2011). At a level below that of the
state we witness the ‘glocalization’ of local safety policies. But it also
changes the meaning of space itself. People increasingly live in a realm of
‘scapes’, networks and flows rather than within geographical boundaries
(Appadurai, 1996; Aas, 2007; Shearing and Johnston, 2010). Greater
contacts through trade, travel and communication can give rise to new
types of crime such as those connected to transnational organized crime
or to sexual tourism. More commonly, however, globalization affects the
way more ordinary crimes can be committed, and has implications for the
levels and distribution of such crimes.

Increased legal trade helps camouflage the growth in illegal trade. And
illegitimate business as much as legitimate business can gain from customs
frontiers being eliminated (as in the EU or NAFTA). Globalization in
manufacturing and service industries involves the specialization and inte-
gration of differentiated units that can involve legal and illegal businesses
alike. Where markets expand, but other legal barriers persist, this allows
businesses more opportunities to shop around for more favourable regimes
of regulation so as to have impunity for what would be white collar crimes
at home. On the other hand, too often it is only the criminogenic aspects
of opening up markets that are discussed. It is rarely noted that the same
developments can also reduce some opportunities for organized and profes-
sional criminals. For example, the abandonment of internal custom
barriers means that there is less chance for lucrative schemes of smuggling,
contraband and subsidies frauds within the EU. And market opportunities
can weaken the hold of local organized crime monopolies (Nelken, 1997).
One important way globalizing trends contribute to crime is by exacerbating the differences between more or less economically successful or favoured countries (those in the centre of capitalism as opposed to those on the periphery) as well as between different regions, different cities and even, or especially, parts of cities (Davis, 1990). In its impact on developed societies, globalization can be seen as an aspect of the decline in Fordist methods of industrial production and trade, linked to the relative exhaustion of the home market for Fordist goods (Taylor, 1999). The loss of the manufacturing base and the possibility of finding substitute work is an important variable in the chain of crime causation. It explains the reduced opportunities, ghettoization, marginalization and social exclusion that provide both the conditions and alibi for much crime.

According to Taylor, as industrial areas decline there is less factory work for young men and much of the part-time work that becomes available is deemed more suited to women. This leads to a crisis in masculinity, the gender order and parenting. With so many women working there are also fewer people around to exercise surveillance and provide unpaid voluntary work in and for the community. As locally based social control declines, property crime and black economy activity increases and escapist routes of alcohol and drugs become tempting (Taylor, 1999). On the other hand, there are also those fortunate enough to benefit from the better economic opportunities presented by globalization. These typically seek to safeguard their families in bubbles of security in defined areas of housing and shopping that are fortified against the risks posed by those members of the population who have been displaced from the economy by processes of global change (Bottoms and Wiles, 1996).

A key feature of crime and crime control in the current phase of globalization is the frequently cruel attempt to increase the circulation of goods and money whilst blocking the transfer of people from less favoured to more favoured countries. From the 1970s onwards international police collaboration and databases have been overwhelmingly focused on blocking illegal immigration. Newspaper reports tell us that immigrants who enter without permission have been drugged and sent back like parcels from France; would-be immigrants have died in their hundreds in the straits of water off Southern Italy and Spain; and others have suffocated hiding in container lorries trying to reach the UK.

In Continental Europe the growth of irregular immigration has led to an increase in registered crime but, even more important, to considerable changes in the make up of the officially classified criminal population outside and inside prison (Ruggiero et al., 1995). The offences for which immigrants are convicted are often connected with the irregularities of immigration itself. Otherwise their crimes usually involve small-time drug
dealing, which is often the only way immigrants can pay their passage (Geopolitical Drugs Watch, 1996). They are also convicted for other (relatively) low-level offences for which most locals would normally be able to avoid prison with the help of competent lawyers and the benefits that the penal process offers to those with a stable address and other guarantees. But there are, it must be said, also many examples of more serious crimes in which immigrants are well represented, both as perpetrators and as victims (Freilich et al., 2002). Attempts to expel or extradite offenders often fail because of difficulties of identification and lack of collaboration from home countries. Meanwhile, the existence of a large number of irregular immigrants willing to accept work at any price puts enormous pressure on regular immigrants to continue to accept poor wages and conditions.

There are also less obvious, and perhaps more auspicious, ways in which globalization affects crime. Crime is not always simply the product of globalization – it can itself be a factor in producing globalization. Sometimes globalization helps bring offences into existence. The laws against what is aptly named ‘insider trading’ were introduced at the time of the so-called ‘big bang’ liberalization of the London stock exchange. They were required so as to maintain the impression of predictability and trustworthiness of the globalized City of London once it was opened up to outsiders. Globalization here led to the criminalization of behaviour, which not long before had been considered as acceptable, or at least containable within acceptable limits, as long as it was confined to ‘insiders’. On the other hand, one of the most perplexing issues of the American-induced international financial crisis from 2008 is the lack of pressure to create transnational regulatory bodies to prevent a recurrence.

What may be termed ‘globalizing moral panics’ about crime problems range from paedophilia to political corruption. These anxieties may not necessarily have any common denominator but their very existence is significant of the way crime reconstructs moral boundaries beyond the nation-state. This is also demonstrated by the creation of International Criminal Courts, such as the War Crimes Tribunal at The Hague, and now the permanent court based at Rome (though for the present these courts have only narrow jurisdiction and the Rome court does not yet enjoy the support of important states such as the USA). The attempt to defeat human trafficking, as in the 2000 Palermo Protocol, represents an example of an international response to a global social problem. But empirical research shows not only that such agreements are interpreted and used inconsistently in different countries but also that national priorities over immigration control or the regulation of sex work continue to be predominant (Nelken, 2011b).
Many of the trends associated with globalization have direct consequences for crime policy. This is true most obviously of the ‘hollowing out’ of the state, the privatization of public services and the emergence of the so-called ‘two-thirds society’ with its quota of surplus labour force. As economic actors become more independent of the nation-state this reduces the tax base, and the locus of political decisions, including those to do with crime control, moves up to the super-national level or down to regional and local levels. There is a reconfiguration of the responsibilities for crime control between government and civil society, between state and non-state actors, and between the public and private spheres (Crawford, 1997). The retreat from Keynesian economics goes together with the abandonment of ‘penal welfarism’ and the growth of popular punitiveness towards street crime (Garland, 2000).

The globalization of crime control is often thought to mark the decline of the nation-state or at least the need for it to pool sovereignty. But the opportunity to respond to organized crime and terrorism can also offer a way of (re)legitimating the nation-state and even of reversing neo-liberal policies. This can be seen in the American reply to the Al Qaeda attack on the centre of international finance in New York and military headquarters in Washington on 11 September 2001. The renationalization of airline security and the creation of the Department for Homeland Security are only two of the most obvious manifestations of the re-found centrality of the federal state. On the Continent, crime has gained new salience as a social issue as compared to its well established role in elections in most English-speaking countries. The promise to provide greater security against crime and incivilities – which is connected, rightly or wrongly, with immigration – has been a crucial determinant of voting in national elections in Italy, France, Germany, Holland and Belgium. Holding prisons are being constructed for unwanted immigrants, and second-generation immigrants become targets for public order policing.

Much the same can be said for the way globalization is pushing the development of communications technologies. Technology plays an increasingly important part in facilitating crime, but it also has at least as much of a role in stopping it. New forms of information technology that construct flows and exchanges in cyberspace serve both as a support for crime and an environment for crime beyond boundaries. The Internet spreads knowledge of crime techniques and facilitates the possibilities for organizing or committing crimes (news reports concentrate on paedophilia, money laundering, terrorism, bomb making, violent racism and hate crimes or even hacking, but the major risk still arises from the age-old crimes of theft and fraud). As important though, the same technological progress that facilitates crime beyond boundaries can also be used for
purposes of crime control. Governments increase their surveillance of international traffic through ECHELON and other unaccountable forms of listening devices.

Cryptography is used by governments even more than by criminals. More and more criminals are traced through their incautious use of mobile phones. And the relatively few sites of child pornography offer an excuse for censorship of the many more sex sites (Wall, 2002). It is unclear how social control will develop in this area. The initial euphoria over the unregulated communal togetherness that could be created in virtual space has largely dissipated. But the possibilities for individuals to forge virtual relationships have certainly expanded and, in general, though these relationships may sometimes be abused or abusive, so-called ‘netizens’ bring with them their existing normative values rather than treat the net as a moral wilderness. We may also witness increasing examples of informal control and regulation by, in, and for the ‘virtual community’. As shown by the censorship imposed by countries like China, as well as the controversy over the revelations about high-level political communications on Wikileaks in 2010, where state interests are at stake we can expect ever more efforts to control what becomes public knowledge.

THE SPREADING OF GLOBALIZING CRIMINOLOGY

To what extent is a global ‘gaze’ on crime threats possible and is it desirable? How can such a perspective avoid the risks of ethnocentrism or relativism by which what purports to be global is in fact local? Images of American types of crime, and crime control, circulate ever more widely. ‘Miami Vice’ pistols are sold in Warsaw, the most violent slum in Abidjan is called Chicago, and so on. But the same applies to the influence of ways of talking about crime amongst the elites. Globalization appears to be helping to produce an increasingly administrative and technocratic approach to crime from which few experts seem willing to dissent. The 1990s saw a major campaign concerned with the menace of ex-communist transnational organized criminals, shared not only by sympathizers with the American secret services (who were in search of a new role) but even by leading critical sociologists such as Manuel Castells in his description of what he calls ‘The Perverse Connection; the Global Criminal Economy’ (Castells, 1998). In the 2000s, for mainstream writers this threat has been replaced with that from Muslim fundamentalists. But others place their stress on international war crimes or genocide (Hagan and Rymond-Richmond, 2008).
For many writers the key fact about globalization is the enormous opportunity it is creating for business and organized crime. Locally based criminal justice systems, it is said, struggle to keep up with this challenge and perhaps are always destined to be behind. There is a long list of so-called transnational crimes. These include terrorism, espionage, including industrial espionage, theft of intellectual property, fraud, criminal bankruptcy, infiltration of legal business, drugs and arms trafficking, aircraft hijacking, the international wholesaling of pornography and prostitution, smuggling and trade in children, women, immigrants, bodily organs, cultural artefacts, flora and fauna, nuclear materials and cars; counterfeiting, crimes related to computer technology, international fraud and other financial crimes, tax evasion, theft of art, antiques and other precious items, piracy, insurance fraud, crimes against the environment, trade in endangered species, and internationally coordinated racial violence. Radical conclusions are drawn from this challenge. The legal institutions of the world, it is claimed, are still bound to the nation-state but the forces of coercion are transnational; existing state-based legal systems therefore cannot protect citizens from the new authoritarian threat provided by transnational organized crime. According to this view the globalization of crime thrives on the inability of the criminal law to globalize.

Although they are given much less publicity, it is also possible to find some consideration of opposing concerns. The claim here is that police forces are in fact using these worries about transnational crime to forge non-democratically accountable alliances. America has long given a lead by exporting its war against drugs and terrorism, but the attempts by the European Union to organize police cooperation in the absence of European-wide parliamentary accountability is another good example. Even before the events of September 2001, European Community members individually and collectively had already developed a ‘fortress’ mentality. One author argues that it is by looking at the enforcement practices of the transnational law enforcement enterprise that we can best come to understand the political form of the emergent transnational world system (Sheptycki, 1995; see also Nadelmann, 1993; Anderson and De Boer, 1994).

For every set of activities aimed at controlling global threats there are two narratives that can be told. One stresses the noble fight of the state and/or NGOs to extend the scope and reach of human rights (e.g., Naim, 2005), the other the extent to which controllers selectively exploit the problems of given victim groups for their own interests (e.g., Van Schendel and Abraham, 2005; Nordstrom, 2007). Research shows that police forces reach their own consensus on the main categories of criminality that need to be pursued even though the criminal law has not been harmonized.
powers and techniques demanded or taken in order to deal with the threat of major forms of organized crime often end up being used against more low-level or local forms of criminality (Sheptycki, 2002). Often they are adapted to keeping out those immigrants who in the present economic climate are once again assumed to be surplus to requirements. It is noticeable that illegal immigration is always now included alongside drugs and terrorism as a major threat against which ‘Fortress Europe’ needs to be defended.

But the effects of globalization on criminology (and vice versa) are not limited to the problem of international and transnational crime. Economic and political developments are also promoting a trend towards a European or even worldwide homogeneous understanding and control of more ordinary and conventional crimes such as mugging or burglary (Van Dijk, 2007). This ambition is not in itself unprecedented. Many criminologists have long believed that they were pursuing what was in principle a universalizable science. What is significant is the continuation of this endeavour even after the alleged discrediting of Enlightenment or Marxist meta-narratives of progress, when many practitioners of the social sciences have come instead to embrace ‘the interpretative turn’ towards cultural studies. Perhaps crime, like the discourse of rights or victimization with which it is, of course, connected, has assumed such prominence precisely because of the relative decline of more Utopian ideologies? Increasingly, human rights are promoted as (in more than one sense) universal panaceas in matters as different as corruption, gender violence and human trafficking (Merry, 2006; Nelken, 2010c, 2010d, 2011b).

An important example of globalizing criminology (and not only because of its auspices) is provided by the recently published United Nations’ sponsored global survey of crime and crime control (Newman, 1999). The survey displays impressive scope and ambition, offering not only to distil the ‘best practice’ implications of criminological research but also to summarize the results of an international victim survey of the views and experiences of no less than 155,000 victims in 54 countries. It starts out by seeking to prove that the crime problem is experienced more or less similarly everywhere. Worldwide, it says, opinion polls show the crime problem to be a concern second in importance only to unemployment. And – crucially – it argues that people are worrying about the same things. The evidence for this is found in an alleged worldwide ‘almost perfect correspondence in ranking of crimes’ as reflected in similar ideas about the seriousness of car theft, robbery with a weapon as compared to robbery without a weapon and so on (ibid., p. 28). Its vision for a (re)ordered world depends on this premise – what it calls ‘crime as a universal concept’.

This sort of globalizing criminology draws on the whole world for its
data. We are told, for example, that ‘over a five-year period two out of three inhabitants in big cities will be victims of crime at least once’. Much the same explanations of crime, it is proposed, can be applied to both poor and rich countries – and this forms part of a determined effort to reappraise the link between crime and modernity. It used to be thought that a growth in levels of property crime was the inevitable price to be paid for modernization. But the UN report claims that the level of theft in less economically developed countries, especially in large towns, has been underestimated (because where people do not trust the police they report less). The report argues therefore that increasing the level of affluence in poorer countries would indeed lead to less crime. The exceptions are where rich and poor live alongside one another, or where affluence leads to more going out at night and hence, just as in more developed societies, increases the risk of exposure to crime. The message is mainly optimistic. In richer countries there is more violence than was thought and this is rising. But property crime is beginning to decline because the market for small consumer goods is saturated, and it is more difficult to move electrical items such as televisions that have now become larger. Crime is also being discouraged by privately arranged security (whereas developing countries have less money to pay for this).

IMPLICATIONS FOR SOCIAL POLICY

Without denying the value of the UN report as a ‘synthesis’ of knowledge about crime it is important to see how this sort of work seeks not only to document but also to produce ‘global facts’. Nothing is said about preventing the harms caused by the boardrooms of company directors or the practices of corrupt politicians. Even the apparently objective task of gathering comparative statistics without ulterior purpose can itself have an independent effect on systems of criminal justice (Von Hofer, 2003). But those responsible for organizing large-scale cross-national victim surveys also deliberately deploy their findings as much as a tool for achieving social change than as a search for understanding variability. The political goal, which is now seen to be applicable on a worldwide scale, is the need to increase the status of the victim and especially that of ‘repeat victims’. The views of victims are assumed to be not only the appropriate basis for determining how well police and other aspects of the criminal justice system are operating but also the measure of how they should be made to operate.

But there is a key ambiguity in the recommendations put forward by some globalizing criminologists (Newman, 1999; Van Dijk, 2000,
On the one hand their arguments could be seen to strengthen the nation-state. After all, what is mandated is the universal introduction of the Western model of the criminal justice state. The appropriate way of dealing with crime is taken to be ‘policing plus prevention’, a well-organized mix of public policing public, private crime prevention and community initiatives. The global penal gaze offers a ‘top-down’ mixing of the older rehabilitative approach with more ‘state of the art’ advice about crime prevention. As the UN report puts it, ‘promoting social control and responsibility, investing in youth and family, breaking the cycle of violence, city action and innovative policing have become synonymous with best practice in crime reduction’ (Newman, 1999, p. 220). But although the report describes a range of projects that it is claimed will work effectively in reducing crime, there is strangely no discussion of the many reasonable sounding interventions that do not in fact work. Nor does it hint at the difficulties even the most economically developed societies have in organizing unbiased and effective methods of evaluation so as to be able to distinguish the one from the other.

As with other types of international aid efforts the impression given is that organizing an appropriate response to crime is much like setting up a successful health or road system. Perhaps because of the diplomatic requirements of United Nations sponsorship there is no discussion of the problem of state crime, or the participation or collusion of governments in the crimes of their citizens (Friedrichs, 1998; Cohen, 2001). There is also no acknowledgement of the ambiguous role of states in politically, ethnically, religiously or otherwise deeply divided societies. No allowance is made for the intensely political stakes in the construction of consensus for criminal justice interventions, whether, as in the past, against the ‘dangerous classes’, or, as now, against immigrants and ethnic minorities. Reading the UN report it is easy to forget that what is good for some may not be in everyone’s interest. Private sector involvement in crime prevention is seen as only a good thing. No problems are raised about potentially conflicting public and private interests, the danger that private security tends to go only to those who can pay for it, or that those who supply it may have a vested interest in increasing rather than reducing fear of crime.

On the other hand, and at the same time, there are many ways in which this sort of globalizing criminology potentially undermines the sovereignty of the state. The UN report speaks in the name of victims and their priorities for crime control rather than in terms of the state’s claim to monopoly authority as regulator of disputes. The state is not being encouraged to ‘govern through crime control’ but rather to improve its services to victims. More generally, the report presupposes that states need to accept the requirements of the United Nations as a supranational body
and the universal criteria and standards it claims should be applied. The use of criminology in the report is intended to make a given transnational political programme seem natural and universal. As in the attempted imposition of worldwide standards against under-age labour or sexual exploitation many would consider the projects in themselves of value, even if often unrealistic. But, whatever its good intentions, we need to recognize that the globalizing penal gaze, like the related discourse of human rights, is also part of a scheme of world governance.

Like so many purported examples of universally applicable ideas, globalizing criminology presupposes Western (and even what are largely Anglo-American) models of criminal justice and discourses of criminology. But the USA and even Europe are hardly models of success when it comes to crime control and these societies themselves have sometimes looked to less economically developed ones for approaches to crime more rooted in the community. There is much more to be done in learning from the different forms taken by crime and crime control in other places (Nelken, 1994, 2010a). To make progress in this direction we will need to avoid the opposing errors of assuming either that other societies are – or should be – necessarily like ours, or presupposing that they are – and always will be – inherently different (Cain, 2000). Notwithstanding the obstacles, this will also require the promotion of social policy as a dialogue by which it is possible to listen to, and not only instruct, ‘the South’ (De Souza Santos, 1995).

Many writers do see globalization as eroding the state’s monopoly over criminal justice (Drake et al., 2009; Muncie et al., 2009), but it would be premature to say that the nation-state has had its day as a source of ordering (Loader and Walker, 2007). Nation-state boundaries typically coincide with language and cultural differences and represent the source of criminal law and criminal statistics. The imposition of a common legal code and the common training of legal officials form part of attempts to achieve and consolidate national identity. And ‘borders’ continue to play important instrumental and symbolic roles, not least in responding to immigration. On the one hand, sovereignty has become more difficult to exert in fiscal matters. On the other, we have recently been seeing a process of de-globalization after the economic crisis beginning in 2008 and national states were obliged to step in to avoid financial meltdown in the markets. Even if we accept that the state is losing its centrality it does not follow that what happens in the field of criminal justice necessarily follows this general logic. The criminal law continues to be a powerful icon of sovereign statehood and the state persists as a key site where the insecurities and uncertainties brought about by (economic) globalization are expected to be ‘resolved’. The state may ‘act out’ in responding to some
crime problems precisely because it has lost power elsewhere (Garland, 1996). For Waquant, likewise, neo-liberalism has gone together with the emergence of stronger states in the way they deal with the poor (Waquant, 2009a, 2009b; but see Nelken, 2010b).

Changing forms of social and economic exchange both reflect and produce changing forms of interdependence. If economic links and exchanges are now global we might expect there to be a ‘moral’ basis that makes this worldwide interdependence possible and that it furthers (Durkheim [1893] 1997). Hence globalization could contribute to a new international solidarity, as seen perhaps in the strengthening of international criminal justice, the increasing role of international human rights and the way that, by helping victims of human trafficking, as well as the victims of sex tourism abroad, nation-states are increasingly extending protections to non-nationals. On one view this increased protection for victims abroad could be taken as a sign of a broadened definition of who counts as a ‘neighbour’ – one result of the way television has made our conscience global. On another we might dismiss this as more of an emotional reaction to the health and other dangers represented by returning sex tourists. From a neo-Marxist perspective, globalized exchange is too often itself a form of disguised exploitation; businesses and others find ways to avoid of criminal penalties in the ‘space between the laws’ (Michalowski and Kramer, 1987), whilst international bodies impose neo-liberal recipes and financial straightjackets as the price for loans and assistance (Klein, 2008).

Globalization is thus best treated as a Janus-faced phenomenon whose effects are not easily classified as either ‘good’ or ‘bad’ – also because globalization can communicate the knowledge that can be used to help counteract its bad effects. According to Sally Merry, the application of global protocols to reduce violence against women gains in legitimacy insofar as it is not enforced by dominating (and colonialist) nation-states but rather emerges in a fragmentary international agreement as a result of attempts at mutual persuasion. But it still faces a number of conundrums. It is difficult to find a way of both respecting cultural differences and protect women from violence. For such agreements to be accepted locally their implications for changing the status quo must be carefully disguised or blunted. But international support depends on credible programmes for social change, and those governments and courts least able or willing to help protect women’s rights are those where such assistance is most needed (Merry, 2006).

We have seen in this chapter that the phenomenon of crime and the way it is studied are undergoing important changes in the context of globalization. But we have also emphasized that much talk about the globalization
of crime also serves ideological ends. In a world in which resources are
distributed so unequally, the wealth and freedoms of the better off are –
and, even more, are often seen to be – connected by action and inaction
to exploitation and suffering elsewhere. The current focus on the world
threat from terrorism is only the latest example of how talk of the glo-
balization of crime tries to conceal this. Some time ago one astute com-
mentator prophesied that international terrorism would take the place
of human rights as a central concern because terrorism can be presented
as the ultimate abuse of human rights (Gearty, 1996, p. xviii). If we are trying
to make the world safe for all we need to ask, against whom? Globalizing
criminology is above all trying to make the world safe for the ways of life
of advanced capitalist societies – so we need to ask, safe to do what? In
practice, whether or not this is acknowledged, the struggle against crime
at the international, national, subnational or local level regularly overlaps
with the attempt to maintain privilege and tame diversity.

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