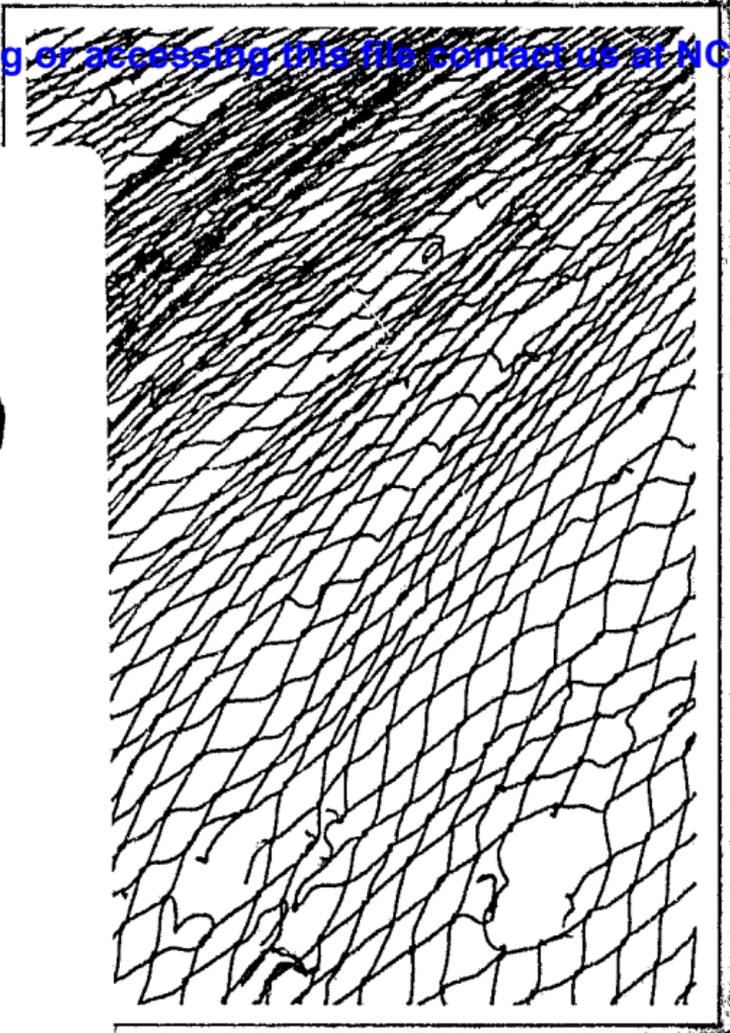


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ANALYSING
(IN)FORMAL MECHANISMS
OF CRIME CONTROL

a cross-cultural perspective

Mark Findlay and Uglješa Zvekić

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PREFACE

This is mainly a study in policy-relevant theorizing and analysis drawing on comparative material from ten countries. It was conceived in the light of two topical concerns: first, the growing interest in United Nations fora in various manifestations of non-formal crime control; and, second, the emergence of the same phenomenon in academic circles and among criminal justice practitioners. This revival of interest in informal crime control is, perhaps, a reflection of a growing tendency to question the operation and achievement of the formal state-based, professional-centred criminal justice system.

In this atmosphere concerning the criminal justice system, both common sense and "rationally" informed thinking seem to have impelled people to search for alternative solutions based on informal approaches. As often happens, when efforts are made to introduce and promote "new" solutions, the proponents of informalism tend to exalt (and oversimplify) the advantages of informal control and to overlook its shortcomings. On an ideological and analytical plane, formal and informal approaches to the control business tend to be represented as being opposed to each other. As this study cautions, both the ideologue and the social scientist, each for different reasons, promote a forced duality which may have little to do with the real situation. It also cautions against not only misleading visions of control but also against policy-making based on untested assumptions.

The structure of this volume reflects the process of the research itself. Part One comprises theorizing around formalization and crime control; there then follows presentations of empirical material on different examples of informal crime

control; and, finally, an integration of these endeavours results in an analytical framework which would appear to be relevant to policy.

This study is also the product of an effort further to develop principles of action-oriented research enshrined in Resolution 20 ("Research on Youth, Crime and Juvenile Justice"), adopted by the Seventh United Nations Congress on the Prevention of Crime and the Treatment of Offenders (Milan, Italy, 1985). This resolution, it will be recalled, emerged from the results of a Research Workshop organized by the United Nations Social Defence Research Institute within the framework of the Congress. The importance of some recommendations of the resolution are particularly highlighted by this study, these being the following:

- sound policy-relevant research should be based on appropriate theoretical considerations which take into account the socio-cultural position and significance of the matter under study;
- comparative research, should be cognizant of the social relativity of crime prevention strategies and crime control interventions that are culturally specific;
- action-oriented research should assess the preventive potential of control strategies recognizing fully socio-cultural and other diversities, and policy-making should be informed by the results of such studies.

The empirical material on different culturally specific informal mechanisms of crime control is the most informative part of this volume. Besides providing a wealth of information, it will, I hope, stimulate further reflection on socio-cultural matrices and strategies of crime control. We owe a special gratitude to the experts who contributed to this section.

As Director of UNSDRI I should like very much to point out that a number of research institutions, national and regional, contributed significantly to this research project.

While we owe thanks to all of them, I would be failing in my duty if I did not highlight in this context, the Arab Security Studies and Training Centre and the United Nations Asia and Far East Institute for the Prevention of Crime and the Treatment of Offenders. A contribution has been made thereby to the strengthening of the international research and information network. For UNSDRI, an interregional research institute of the United Nations, this in itself was an important achievement.

Rome, January 1988

UGO LEONE
Director

INTRODUCTION

From at least one point of view, the structure and development of this study is unusual. The reader should appreciate that what is contained herein is neither the report of a research exercise nor a critique of the "state of the art" in this backwater of criminological debate. What we are presenting is a process rather than a retrospective review of thought.

What do we mean by a process? It is perhaps best explained in terms of the progressional stages towards the goal of constructing an analytical framework. We commence with an interest in debates ideological. The mythology of crime control talk will be analysed in this work both in its call for change and in its being grounded in the real world. The symbolic language of control ideology becomes a vital indicator of the level at which our analysis should rest. In an attempt to remove such a debate from an exclusively ideology level, the objects of enquiry are deconstructed and subsequently pieced together within certain specific socio-cultural frameworks. The search for some relationship between informality and crime control is carried out from these culture-specific examples and is informed (as well as somewhat biased) by the visions of control provided by the contributors and unwillingly, but invariably, directed by our own.

Our writing expounds beyond the results of the search. All too often social science enquiry is presented as if introduction flows logically to conclusion when, in fact, the book or article may well have been written from the opposite direction. In our opinion it is thus easier to ensure that the introduction and body of the work accurately accord with the concluding remarks.

In the search for an analytical framework, the writing phase of this work was the final stage. By making such an admission we realize it lays it open to criticism on the grounds of internal cohesion or, worse still, of having subjected the reader to the sometimes anarchic throes of theory development. Such, and other related criticisms would not outweigh the value which we are convinced exists in providing the reader with informative cultural-specific material as well as with some insight into the paths of thought along which we travelled. For the frustrations which might confront the reader if on occasions he or she feels that these paths are perhaps better described as dead ends, we can only apologize. But, as anyone who has grappled with the sometimes tortuous process of social science analysis will realize, the attempts at theory building are only just that. And, they are often rewarded as much with insight as they are with further confusion.

PART ONE
ISSUES FOR ANALYSIS

OVERVIEW

This project is above all else a collective endeavour. In fact it would be incorrect to assume that the work is the result of a single or individual author. What was originally intended to be little more than a collection of essays around the topic of informal mechanisms of crime control has developed into an effort to build up an analytical framework relevant to policy and research, drawing on cross-cultural materials and perspectives reflecting a variety of information and attitudes on crime control, the social mechanisms which attempt to achieve this purpose, and their formalization.

The reader will see from the structure of the book that there appears to be a division between theorising around the concept of informal mechanisms of crime control and the presentation of the cross-cultural material collected from contributors. This division is perhaps based more on organizational convenience than on any intended disjunction between theoretical analysis and empirical description. In fact, the analytical framework with which the study concludes has relied heavily for its evolution on the cross-cultural revelations about informal mechanisms of crime control.

In order to appreciate more fully the nature of both the method and structuring of the material it would be useful at this stage to summarize the evolution of the work and the genesis of its theoretical concerns.

Evolution of the project

In the Summer of 1985 Mark Findlay (Criminologist and Consultant, New South Wales Bureau of Crime Statistics

and Research, Australia) was resident at the United Nations Social Defence Research Institute in Rome as a Visiting Research Fellow. It was during this time that Findlay and Uglješa Zvekić (Research Officer at UNSDRI) commenced their collaboration on the topic of informal mechanisms of crime control. The initial research interest in the area arose from a desire to examine a number of ideological pronouncements concerning the benefits of informal mechanisms of crime control, which had come to their attention from a variety of different international sources and commentators. These ranged from academic comment to the views of officials belonging to different criminal justice agencies and systems in both developing and developed countries. Even from a cursory examination of the literature available on the topic at that time it was apparent that there was little empirical information about the different structures and operations of such informal mechanisms in various socio-cultural settings. In addition, it was clear that what theoretical analysis had been carried out on informal mechanisms was primarily concentrated on the ideologies of social control and broad "informal" social structures (see Santos, 1980; Cohen, 1985). Therefore, it seemed necessary from the outset of the enquiry to engage in a search for some form of analytical framework which would begin to remove a number of the central concepts associated with informal mechanisms of crime control outside the realm of uncontested assumption or of ideology or both. The direct, and what appeared to be at the time, non-contentious purpose of such an analysis would be to provide a means of exploring the crime control reality of informal mechanisms. It was only later realized that this would be a difficult task indeed without first demonstrating what is meant by informal mechanisms of crime control. In addition there would be no frame of reference against which to test the limits of the analysis unless more information concerning the existence and operation of informal mechanisms was drawn together.

An early draft of a paper entitled "Analysing Informal Mechanisms of Crime Control" was prepared and circulated to a number of interested participants of the Seventh United Nations Congress on the Prevention of Crime and the Treatment of Offenders (Milan, 26 August - 6 September 1985). The resulting comments and criticisms helped the authors to refine certain aspects of the analysis. They were encouraged, moreover, by the interest showed in, and enthusiasm expressed, for the very fact that such an analysis was being attempted.

The need for an analytical framework was underlined by the observation that many delegates to the Milan Congress, from a number of regions, expressed strong views as to the attractiveness of informal mechanisms in comparison with their more formal counterparts. Consistent with the authors' earliest realization, if reasons were given for such views they rarely strayed from the realm of ideology.

Despite its very formative nature, a second draft of the paper on "Analysing Informal Mechanisms of Crime Control" was presented at several seminars and simposia in Italy, the United Kingdom and Australia so as to obtain further comments and ideas. This version was later published in the Spanish journal "Poder y Control" in 1987.

In summary, the paper commenced by discussing the revival of interest in informal mechanisms of crime control. It did not concern itself with definitional questions but rather chose to appreciate informal mechanisms as relative to the broader socio-cultural framework of their host ambients. The paper went on to outline the critique of formalization as a means of highlighting the artificially dichotomous nature of the formality/informality debate. At this stage the preference to view formalization as a dynamic continuum was expressed. Consistent with this notion, two levels of analysis were established: a structural level and an "operational" or functional level. Within the first were identified the theoretical concerns of formalization, such as

participation and professionalization. When dealing with the functional level, the paper distinguished between the control imperatives of socialization and external coercion. There was some discussion of the relationship between various models of control and their place within the broad process of socio-cultural development. Although identified as a third level of analysis, the relationship between informal mechanisms of crime control and specific socio-cultural development processes was little more than an extension of the other two levels. The paper concluded with an attempt to explore certain widely canvassed ideological notions about the relevance of informal mechanisms of crime control. It attempted finally to bring the focus for analysis down to basic issues of social practice, as they might appear in the dynamics of a cultural setting.

On reflection this analysis was found to be rather naive and certainly dislocated. Failure to reconstruct fully the concept of informal mechanisms of crime control led to initial confusion about what might be regarded as integral to formalization. In addition there was a failure to develop an exploration of the connection between identified mechanisms and their properties and degree of formalization, on the one hand, and their crime control potential on the other. These problems were magnified by the fact that the examples chosen as a broad focus for the critique were devoid of socio-cultural specificity. Therefore, any generalizations which may have been attempted from a discussion of the operations of such social institutions, would have limited relevance and specificity.

In the fall of 1985 the *Ad hoc* Advisory Group on UNSDRI's Work Programme and Directions, which annually reviews the work of UNSDRI, concurred in a proposed project of the Institute on informal mechanisms of crime control. The group agreed that the project should accumulate information on such mechanisms from various

regions of the world and then make an internal, cross-cultural analysis of the mechanisms in terms of their success as measures of crime control.

Collection of information

The task of accumulating the descriptive information proved to be a difficult one. Not only did the dearth of money and manpower prohibit a programme of direct observation and data collection, but the limited appreciation of the researchers, at first instance, of what might be conceived of as specific informal mechanisms in various cultural settings required that even the identification of such mechanisms be carried out by persons familiar with the complexity of the various socio-cultural situations chosen for study.

It was decided to utilize the special position of UNSDRI and its already existing relationship with various individuals and institutions throughout the international research and criminal justice communities to solicit contributions on the topic of informal crime control mechanisms. The selection of potential contributors was governed by a knowledge of those individual working in the field, as well as by a desire to establish a rough balance between dominant socio-cultural milieux, socio-political divisions, geographical regions and differing levels of socio-cultural development. Contributions were solicited originally from Africa, the Arab States, Eastern Europe, Latin America, Western Europe and Asia and the Far East.

The contributors were requested to provide a paper on the topic of "Informal Mechanisms of Crime Control: A Cross-cultural Perspective". Without being presented at the same time with a rigid or exclusive framework for the paper. They were encouraged, however, to approach the topic at the following levels:

a) Descriptive level

- i) Determine how informal mechanisms of crime control are understood and appreciated in their chosen culture.
- ii) Discuss the local literature, if any.
- iii) Select representatives of informal mechanisms of control and describe as fully as possible their structure and operations.
- iv) Discuss their socio-historical development.

b) Analytical level

- i) Examine their degrees of: --- formalization
--- participation
--- professionalization, etc.
- ii) Analyse the socialization processes which operate within such mechanisms --- how do they translate values through a recognized structure of authority?
- iii) Examine the relationship between these and other more formal mechanisms of crime control --- (concentrating on possible structural strains in their coexistence as well as in their relationship to the state-centred mechanisms of control in terms of their creation, patronage and autonomy).
- iv) Examine the relevance and appropriateness of such informal mechanisms to the dynamics of their host culture.
- v) Discuss their crime control potential.

There were clear methodological risks in not imposing on the contributors a predetermined definition of what should be considered an informal mechanisms of control. Also by not strictly requiring that certain analytical imperatives (such as at least, descriptive categories) be covered, the potential for a formal comparative analysis was jeopardized. However, as it turned out, the range and diversity of the descriptive and impressionistic information actually accumulated were

such that the comparative problem would not have been overcome irrespective of any constraints that may have been imposed at the outset.

To establish a balance between a recognition of the extreme cultural specificity of most aspects of the object of research and the need for some objectifiable analytical constructs, the decision was taken to treat the empirical information in such a way that whatever generalized trends or universal impressions did emerge, they should be used to influence the later structure of the analysis. It would have been arrogant and ill conceived to attempt to bind the empirical information within the constructs of analysis which was, at the information stage, so formative.

After certain negotiations, clarifications and some disappointments the following contributions were received:

- Informal Mechanisms of Crime Control in Arab Countries: Two Case Studies -- Saudi Arabia (Professor Mohammed Al-Hamid) and Morocco (Professor Ettibari Bouasla).
- Informal Mechanisms of Crime Control in West Africa (Professor Tolani Asuni, Nigeria).
- Therapeutic Communities in Italy (Dr. Mario Brunetti).
- La religión como control social (Professor Emperatriz A. Camero, Venezuela).
- Public Security Committee: An Unofficial Organization taking Precautions against Crimes (Professor Yang Fang, People's Republic of China).
- Informal Mechanisms of Crime Control in Japan (Professor Moriyama, Japan).
- Informal Mechanisms of Crime Control (Some Special Aspects Regarding Yugoslavia) -- (Professor Janez Pečar).
- Informal Mechanisms of Crime Control in Egypt and their Impact on the Criminal Policy (Dr. Abu El-Fotouh Salama).

Informal Mechanisms of Crime Control in the Federal Republic of Germany (Professor Sebastian Scheerer).

On receipt of the papers some attempts were made to request from the contributors clarifications on particular matters of interest and, in some cases, background information which they may have treated as common knowledge. The papers were extremely diverse in style, focus, emphasis, theoretical and descriptive balance, level of abstraction and socio-cultural direction. They presented a rich and varied pattern of information on many aspects of crime control, formalization and the identified mechanisms, in terms of both structure and function. Yet, while such diversity was anticipated and proved enlightening, it created major logistical problems for a cohesive synthesis of the information and for a truly comparative analysis.

It was realized that to complement an analytical structure focusing on discrete mechanisms at various degrees of formalization, it would not be appropriate to present the contributors' papers merely as an edited collection. In addition it was felt that the influence of cultural specificity would be best reflected by drawing together the descriptive and impressionistic data within a categorization of the individual identified mechanisms. This was done in spite of the risk of doing some injustice to the integrity of the logic advanced by each contribution. Within this exercise of limited recontextualization every effort was made to make an honest, accurate representation of the contributors' views. The exercise was not utilized to create some false unity. Part Two of this book is authored in this sense by the esteemed contributors.

Rationales for the proposed structure of the work

One would infer from the structure of this book that the analysis of the study has grown out of three concerns:

- i) an interest in identifying and describing the nature and operations of certain mechanisms of crime control which have been designated as informal,
- ii) a desire to explore the relationship between these mechanisms and the crime control purpose, and
- iii) a desire to determine whether formalization has a significant bearing on the crime control potential of these mechanisms.

The parameters of this analysis are discussed in more detail in the following chapter. However, at this point it might be helpful to the reader broadly to indicate the reasoning behind the structure.

The study appears in three parts, each of which has a distinct methodological autonomy and purpose. At the same time there is an intended progression linking each of the sections. Part One is an exploration of informal mechanisms of crime control at the level of constitutive analytical concepts. It commences with a somewhat compartmentalized discussion.

While such a course carried with it the danger of oversimplification, it will become readily apparent that no attempt was made to engage in a construction of discrete definitions. On the contrary, the need to deconstruct what is otherwise a value-laden and populist term was fully accepted keeping in mind the importance of the essential relationship between its component parts. By dealing first with mechanisms, then with the purpose of crime control and, finally, with the oscillating process of formalization, Part One makes an effort to introduce the future progress of the analysis.

The following chapter on conceptual concerns speculates on the relationship between formalization and principal structural components of all crime control mechanisms. In this context, an examination of the power and significance of the ideology of informalisms is followed by a more

applied discussion, which, in turn, leads to a concluding section in which are established the theoretical boundaries of the study. By ideology is meant a set of uncontested assumptions offering moral account for an activity or institution as well as instrumentally promoting (i.e. mobilizing support for) that activity or institution. It comprises, thus, ideas, ideals, theories, beliefs, and political action as related to informalism in crime control.

This section serves as a springboard for Part Two, which contains a detailed discussion of the empirical information collected by the study. A categorization is made of the principal examples of the informal mechanisms identified by the contributors. The descriptive and impressionistic information arising out of the contributions is then re-organized around these reference points. Implicit in this re-organization are two further distinctions, namely:

- i) between those mechanisms which emanate from already existing social institutions covering broader purposes and those which have been created as informalized alternatives to other crime control options; and
- ii) between those mechanisms which may be regarded as part of the crime control *status quo* and those which are developing or will be developed to informalize or formalize further, as the case may be, the existing crime control structure.

While the measure of ranges of formalization is alluded to in this part, it is Part Three that discusses this matter more specifically.

Part Three provides an opportunity for a fuller construction of the analysis aimed at enabling an assessment of the relevance of formalization to the control of crime. Certain characteristics and/or continua of formalization are identified and reflected against the information on mechanisms presented in the previous part. However, unlike that part, which

discussed the empirical information in a culturally specific manner, Part Three attempts an analysis that is both cross-cultural and internally consistent. The key concepts of formalization serve as pointers for assessing the extent to which certain mechanisms could be said to be formalized. This becomes a complex analytical exercise, given the earlier proposition that formalization oscillates over various concurrent continua. It is also based on the understanding that comparative analysis of formalization should emerge from the culturally universal assessment of the pointers.

Such analyses, however, would not suffice by themselves. In order to test whether any general statement can be made about the correlation between formalization and crime control, it is necessary also to subject the latter to some degree of measurement. Cognizant of the enormous difficulties of measuring a relative concept such as crime control, the analysis will, as an alternative, propose certain general indicators of crime control potential which may then be directed towards identified mechanisms in an effort to estimate their present and future crime control capacity. It will also be proposed that if such a measure is successful then it might be possible to attempt a loose correlation between the formalization of certain identified mechanisms and the assessment of this capacity of theirs. If this correlation is significant, it will furthermore be proposed that there should be a theoretical exploration to determine whether it is conjunctural and mutually influential. With this exploration completed, the necessity will arise for a discussion of the policy implications of the resultant analytical framework, and indeed, such a discussion will be utilized to conclude the final section of this study.

There is clearly in this work an interest in presenting culturally-specific information on the nature and operation of informal mechanisms of crime control. The overriding concern, however, is to create an analytical framework for the furtherance of future research covering both theory and method and for the improvement of crime control policies.

CONCEPTUAL CONCERNS

From the outset of this study we are concerned with the reality of informal mechanisms of crime control. To establish such a reality it is necessary to have identified certain mechanisms which have as their primary, or supplementary purpose, some degree of crime control. Such purposes may be manifest in little else than a community expectation that the mechanism will achieve such a goal. Therefore for any mechanism to merit scrutiny in the proceeding analysis it must be linked to crime control.

Once again we are bound by the socio-cultural relativity of what is crime, and what comprises its control. Control implies to some degree the continuation of the phenomenon being controlled. Not only is the focus of this control (i.e. crime itself) given substance through socio-cultural interpretations of behaviour, but also the degree to which such behaviour can be tolerated (which is the parameter of control) depends on socio-cultural structures.

Our interest may be centred on mechanisms of crime control in a variety of forms, but it is qualified by their formalization. It was the untested and perhaps untestable nature of the assumptions surrounding informal mechanisms of crime control which first prompted this analytical endeavour (Zvekić and Findlay, 1987). So while appreciating that it is naive to approach the concept of formalization as some comparison of simple opposites or some non-problematic dichotomy, we are interested in exploring external and internal influences towards and away from formalization. Possible comparisons between measures of formalization, are also worthy of study in the way they influence crime control potential.

We are not interested in crime control *per se*. Nor are we confined by a purpose bound or organizational appreciation of crime control mechanisms. We have adopted certain mechanisms as having been identified as advancing crime control potential within a designated socio-cultural setting. These will become the focus of the study in terms of their formalization and their consequent crime control potential.

Development of the research interest

In its earliest days this project was concerned with gathering certain empirical information from various regions of the world, in order to analyse and test certain ideological assumptions about the crime control potential of "informal mechanisms". Some such questions were identified as follows:

- i) informal mechanisms more accurately reflect and translate traditional community values;
- ii) informal mechanisms are said to generate a greater degree of community participation and to a lessening of reliance on state and professional intervention;
- iii) informal mechanisms of control imply a greater devolution of power and on a more pragmatic level,
- iv) informal mechanisms are more cost efficient, more humane and more effective in the task of crime control (Zvekić and Findlay, 1987).

It was to deconstruct and demystify the debate surrounding informal mechanisms of crime control that an attempt was made to advance a framework for analysis against which such rhetorical imperatives might be tested. In Cohen's terms (Cohen, 1985: 116) the desire was to remove the consideration of such crime control mechanisms from the "rhetorical quest for community". By removing the intellectual supports surrounding informal mechanisms as elements of the community ideology alone, it was hoped

that policy makers could assess their significance rather than accept their relevance, or preeminence, as acts of faith.

However, as the project developed its aspirations grew. It is the present intention to create a framework of analysis for the testing of certain correlative statements regarding crime control, identified mechanisms and their formalization. Additionally an applied perspective was developed to permit a shift from assumptions to a culturally relevant and mechanism-specific analysis of the actual crime control potential of certain identified mechanisms. This, it was expected, would serve as a contribution to improve policy formulation in the crime control field.

Methodological preconditions

It was the intention to invite the contributors to identify certain mechanisms as having some control potential within their relevant socio-cultural setting. The decision was not to confine the initial empirical exercise through a prescribed categorization of what might be objectively viewed as a crime control mechanism.

The imposition of such an artificial framework may have allowed a less problematic cross-cultural analysis at a later stage, at least at the level of crime control models. However, the seriousness of the purpose of understanding a variety of crime control mechanisms in a variety of socio-cultural settings, carried with it a necessary respect for the inherent diversity and cultural specificity.

While avoiding the temptation to impose our own concepts of what mechanisms of crime control might be, we have not neglected the necessity to confront certain definitional questions regarding the conglomerate concept of informal mechanisms of crime control. In fact, the bulk of what remains in this chapter will be an attempt to clarify the central features of the phrase "informal mechanisms of crime control".

However, from this discussion, it may be useful to declare to what extent the analysis is deemed to rest on the cultural specificity of the examples chosen for us. In general we accept the cultural specificity of:

- i) attitudes about crime and its control, including the allocation of priorities, and the measurement of their significance;
- ii) the selection of what is perceived to be a crime control mechanism; and
- iii) the interpretation and application of the meanings, degree of relevance and ranges of formalization.

The application of this approach has obviated the need to neutralize variations in the different appreciations of what are informal mechanisms of control and what are perceived of as crime control priorities. However, by accepting the cultural relativity of these concepts, one is required also to realize certain restrictions on the cross-cultural applicability of analysis. Even so, if we propose that certain influences on formalization may be constant throughout various cultures, then once they have been specifically applied to each individual cultural setting, the resultant assessment of formalization might be compared, as they relate (if at all) to crime control potential. It will be their application to various mechanisms, in terms of range and significance, which may be culturally specific.

In summary then:

- a) definitions of crime were accepted not only as culturally specific, but as social constructions (this without prejudging the level of arbitrariness of construction);
- b) the context and direction of crime control will be culturally and politically specific;
- c) the selection and cultural relevance of crime control mechanisms will emanate from particular socio-cultural framework;

- d) the definitive characteristics of these mechanisms will only gain their significance from within certain socio-cultural environments and in particular from the political arrangements regarding the scope and coverage of control;
- e) the range (if measurable) of formalization will be culturally specific as it is derived through attempts to assess a mechanism's formalization within specific socio-cultural settings. Therefore, not only are the characteristics of the mechanisms culturally specific, but so will be the interpretation of the significance of a particular influence on formalization;
- f) measures of crime control potential, however constructed, will be culturally specific;
- g) the initial level of analysis will be restricted to that which is internally specific to a particular socio-cultural setting; and finally
- h) there may be a possibility of cross-cultural analysis spanning internal estimates of formalization and assessments of crime control potential.

To some extent this analysis of informal mechanisms of crime control may be viewed as artificial. If we are to concentrate on discrete mechanisms as our objective of analysis then it may be argued that we risk ignoring the interrelationship with other mechanisms, or broader social institutions, at various levels of formalization. In addition both formalization and the mechanisms themselves may be dynamic concepts, and any analysis of these may be limited in its ongoing applicability. We would accept and work within such criticisms.

It may appear that by concentrating on the purpose of crime control alone due regard may not be given to the wider reasons for the existence and operation of certain broad social institutions. As well, the attractiveness and applicability of certain informal mechanisms may not rest

in their crime control potential alone. This is accepted and it is our intention to locate certain mechanisms within their framework of broader social arrangements, as well as to touch on their additional purposes and consequences. However, from the outset the intention is not to be deflected from their connection with crime control as the obvious focus for the analysis.

Our ultimate purpose is to enable some estimate to be made of the crime control potential of various mechanisms at cumulative indices of formalization. In addition it is hoped that, through some level of comparative analysis, an indication of the correlation between formalization and crime control potential might be established (or refuted). Therefore it will be necessary to do more than simply propose the discrete analysis of various mechanisms. An examination of the interrelationship between mechanisms at various levels of formalization as well as some comparison between the crime control potential of such various mechanisms will be attempted.

Yet when one approaches any comparative analysis between mechanisms, either on the level of formalization or crime control, one should be careful to avoid the trap of simply reaffirming a simplistic dichotomous approach, i.e. formal vs. informal mechanisms of crime control.

Recognition of the cultural relevance and the influence of socio-cultural specificities, on a number of key concepts (and corresponding behavioural structures) should not be taken readily as an indicator of our comfortable settlement with a position of extreme relativism. Allowing that cultural relevance and some degree of relativity should not preclude the "distinction between concrete structures --- actual membership groups --- and analytical structures --- aspects of patterned activity of individuals or social entities related to particular functions" (Moore and Sterling, 1985:84). Although one should be cautioned against the claim that analytical concepts are fully-fledged cultural

universals, one should not treat culturally-specific information provided by the national or foreign observer (informant) in the form it is provided and solely from the given cultural perspective. Otherwise, there is no place for objective science and, of course, no way for meaningful comparison. However, culturally-specific meanings are extremely important for the identification and attempted classification within the observed socio-cultural setting.

Returning to our study, and bearing in mind these cautionary remarks, it is suggested that due recognition of cultural relevance and some degree of relativeness is imperative for a meaningful discussion of crime control, identified mechanisms and some criteria and measures of the formalization of these mechanisms. This is much less so with respect to other analytical tools, such as, the proposed system analysis itself, influences on formalization and indicators of crime control potential.

Connecting the concepts

It might be said that one of the most salient (and perhaps challenging) ingredients of our analysis is the consideration of how crime control is affected by the differences in formalization of certain social institutions and organizations. A principal ideological assumptions promoting the development of informal mechanisms of crime control is that with a reduction of formalization there is an increase in crime control potential. Therefore, it is incumbent on any functional analysis of informal mechanisms of crime control at least to address the following three hypotheses:

- i) different crime control mechanisms will have differing crime control potentials;
- ii) the crime control potential of a mechanism will be influenced by whether crime control is a primary, secondary, or peripheral purpose of the mechanism;

- iii) as the formalization of a crime control mechanism varies, so does its crime control potential.

The determination of such hypotheses, while important in unravelling the significance of informal mechanisms of crime control, presents certain serious problems at the level of measurement. Firstly, we are using a very subjective and prospective unit of measurement, this being crime control potential. The critiques concerning the adequacy of measures of success in crime control are voluminous. The debate about the adequacy of official crime statistics (and what they actually represent) is well known. Further, more recent measures of crime rates through victimization present problems when translated into attempts to measure the success of crime control initiatives. As the later discussion of crime control will indicate, one is not even dealing with an object for measurement which can be clearly and unambiguously defined. To complicate further this task of measurement, it is not simply one of assessing the success of crime control measures, but rather that of attempting some prospective estimate of crime control potential. This is necessary because as yet certain informal mechanisms may not be appreciated in terms of their actual influence in controlling crime. Other mechanisms may be newly constructed for this purpose. Also, as the crime problem develops and diversifies, it becomes necessary to analyse the potential effect which certain mechanisms may have if directed towards a newly identified or signified category of crime.

It is also important to realize that the analysis may be applied in different developing socio-cultural settings. Therefore, it would be wrong to assume any degree of uniformity in terms of the already existing data sources on crime control mechanisms, as well as the propensity to measure, and accumulate new information.

To overcome to an extent these problems of measurement it is proposed to present later a variety of indicators around which a general estimate of crime control potential may be advanced. These could then be tested in the process of developing the methodology and technology for measuring the actual success of crime control measures.

Once certain mechanisms have been analyzed in terms of their crime control potential and formalization, some comparative analysis becomes necessary in order to establish whether there is any correlation between formalization and crime control.

Those who advance the ideology of informal mechanisms of crime control rarely express doubt about there being a favourable correlation between the two (or at least not an unfavourable one). Therefore it would be foolhardy to ignore the significance of the ideological wisdom that with a reduction in formalization there may be an increase in crime control potential. But the aim is more than to rely on ideological wisdom. The analysis will propose a theoretical consideration of whether the central influences towards or away from formalization would appear to have any bearing on crime control.

Prior to examining the empirical information on informal mechanisms and the central influences on formalization, it is necessary to explore in some detail the integral features of the concept of informal mechanisms of crime control. In so doing it will be necessary to construct some broad definitions permitting internal analysis as well as reflecting the existing cross-cultural variations.

We will highlight the structural imperatives and the recurrent patterns which emerge through informal mechanisms of crime control. While most aspects of this generic concept are culturally relative and to some extent reciprocal, they display recurrent structures, particularly through the patterned behaviours in their application. Such recurrent patterns and integral structures must be identified prior to a wider analysis.

The explanation of the concept will start with a discussion of mechanisms. It would be logical to address first the structural focus of the analysis. Next will follow an examination of the mechanisms' identified purpose, this being crime control. The concluding part will then examine formalization, which may influence both structure and purpose.

Mechanisms

One of the principal subjects of inquiry in this study is that of informal mechanisms. Therefore, one needs firstly to address the concept of the mechanisms and then to proceed with its further conceptual clarification with regard to the other two principal subjects of inquiry: that of crime control and that of formalization. Any definition of mechanisms may be based on a variety of standards, and furthermore may relate purely to concept-building activities with no specific references (highly abstract concepts). It may also relate to selected areas of inquiry (specifically related abstract concepts). Of course, mechanisms as abstract concepts may mean a variety of things and may relate to a variety of areas of inquiry. As specifically related concepts they may have or imply a variety of meanings. Thus, in the most abstract sense the concept of a mechanism implies dynamic operation, a transfer and a procedure. Mechanisms are procedures and/or instruments by which, or through which, some tangible or intangible matters are produced, created, constructed and/or transferred, further processed and applied. Mechanisms clearly have something to do with mechanics, machinery, etc., and they clearly imply instrumentality. But instrumentality does not necessarily mean that mechanisms may not stand on their own, that is, that they do not possess some form of autonomy. They are not and should not be conceived of only in terms of their belonging to, or participating in, something larger and more complex. Nor

should this instrumentally imply a lesser degree of complexity or the absence of a goal or orientation. Even if only instruments, mechanisms may be more complex than the tangible and intangible matters that they process.

In this study the concept of mechanism applies to a specific area of human action: the crime control area. Therefore, the concept of mechanism implies a variety of procedures, instruments and channels by which or through which crime control is exercised. Moreover, it also refers to all those social processes and methods by which a degree of social control (conformity) is attempted. Here, however, it should be stressed that we are not interested in all social processes or institutions of control. Rather, our focus is primarily on mechanisms (methods and procedures) that are more relevant or more oriented towards crime control.

No one would argue that crime control is something that is entirely separate from or independent of more broad-based social control. Crime control is just a part of social control and thus general mechanisms of social control are clearly of interest. It is useful, however, to draw a distinction between crime control mechanisms that are components of wider social control institutions or are, in fact, institutions themselves (such as religion, family, etc.) and those that are specifically and deliberately set up for the crime control purpose (such as police, corrections, community service, etc.). Despite the fact that this distinction is not clear, it delimits the subject of enquiry. As opposed to Cohen (1985) who is interested in organized responses to crime, the interest of the study is in a variety of responses. Some of these may be purposefully and crime control oriented while others may pursue crime control as part of a multi-purpose effort at achieving social control.

In addition, some of the mechanisms presented for our consideration may not be clearly organized as mechanisms for crime control. Issues of organization and specific crime control orientation are not therefore discriminative and

delimitating variables in our study, although, as we shall see later, the issue of organization comes into discussion as related to another key concept, namely formalization. The somewhat blurred distinction, previously mentioned, between purpose-designed crime control mechanisms and those which are part of a broader web of social control or which are, themselves, social institutions with wider purposes, brings us to another possible and perhaps useful distinction: crime control mechanisms may also differ in terms of their autonomy or incorporatedness (an example of such differentiation is presented by *Schreerer* in Part Three of this study). This distinction overlaps with the previous one, but only partially. Although on the level of elementary logic it might seem that specifically designed crime control mechanisms are more likely to be autonomous, such mechanisms may, in fact, be as much incorporated into a larger system (e.g. public security councils in China), as some incorporated mechanisms (e.g. police in the criminal justice system) may enjoy autonomy within the larger system. The question of autonomy does not end here, for apart from the issue of location, autonomy may also be a matter of internal structure and a matter concerning the basis of legitimacy of the mechanisms in question.

Following Weber, it would be appropriate to recall at this point that the corollary of autonomy is heteronomy in which legitimacy, structure and jurisdiction of mechanisms and the means used by them, are extremely well defined and well established. Here again, it is worth noting that there is some overlap, albeit partial, between the autonomy-heteronomy and autonomy-incorporatedness criteria.

Crime control mechanisms may also be looked at from the perspective of their *ex ante* or *ex post* activation, as noted by *Scheerer*, drawing from Hess, where he makes a distinction between active and reactive mechanisms. The former are those that seek preventively to exclude undesired

activities and that form part of the "active production of conformity", while the latter take action, for example, only when a norm violation has occurred.

Another way to look at crime control mechanisms is in terms of their principal or key characteristics in crime control aimed at the execution of their functions. Abel (1973), in his seminal study of dispute institutions in society, recognized the centrality of the intervener's role, on which basis, in turn, the theory of dispute institutions was pursued. Similarly, one may attempt to discuss mechanisms of crime control with regard to the collective or individual character of the principal agent. While the vast majority of crime control mechanisms operate collectively (e.g. family, religion and police), others rely on the individual role of a principal executive (such as the voluntary probation officer in Japan). This empirical characteristic does not, of course, preclude the need to examine the issue of role differentiation nor does it support naively the seeing of the collectivity as a homogeneous whole. It only suggests that some mechanisms, for their functioning, rely more on key executive agents and this characteristic may largely influence their performance as instruments of crime control. It also seems to condition the formalization of the mechanisms.

Crime control mechanisms are parts of their respective socio-cultural settings. In addition to their specific characteristics, all the mechanisms identified in this study have specific cultural meanings and are furthermore of different degrees of cultural relevance. In some socio-cultural setting certain mechanisms have a higher cultural relevance (and perhaps effectiveness) than others. Or, the same mechanisms or similar ones can have different cultural relevance ("weight") in different cultural settings — and this could be so not only from a crime control perspective. Moreover, it should be recognized that a number of alleged characteristics of mechanisms are so culture-determined that what

may appear in one culture an indicator, *par excellence*, of informality may be, to the same degree, in another culture a characteristic of formality. Indeed, this cultural dependence penetrates the whole discussion of crime control mechanisms, and shapes it more than any other analytical factor.

Crime control

Perhaps more than any other integral aspect of informal mechanisms of crime control, the concept of crime control has been appreciated in this analysis as culturally relative and as encompassing a dynamic interactive process. The specific concern with crime control in this analysis is not simply a concern with a particular process of socialization or specific type of social control. Such control is the object towards which the identified mechanisms aspire, and it relates directly to the regulation of crime by type of crime.

The control potential will depend on the nature of the criminal activity against which it is directed. Indeed the measurability of success in crime control will be directly influenced by the problematic nature of the crime type, and its overt (or covert) public presence. Thus, with murder for example, the success of certain crime control mechanisms may be less conjectural than might be the case with domestic violence or corporate fraud. In this respect the offender and his or her behaviour is central to an understanding of crime control. In addition, the perceived degree of social menace posed by the criminal behaviour will have a direct bearing on the priority accorded to a particular crime control initiative.

When examining the nature of crime control as translated through various control mechanisms, an inquiry into the relationship between the controllers and the controlled is useful at several levels. First, it permits reflection on the organizational structures and their attributes responsible for the operation of a crime control mechanism. Second, it is

through an understanding of this relationship that the significance of certain characteristics of the crime control mechanism, as actually in operation, can be better appreciated.

For example, if we consider a relatively informal crime control mechanism such as the intervention of an individual volunteer, this has its central operational imperative in the regular "face-to-face" interaction between the controller and the controlled. From this will develop a significant opportunity for an individual understanding of the offender and the offensive behaviour, together with a continuing appreciation of relevant developments following the offence. Another reasonable expectation would be the setting-up of a specific apparatus for observing and measuring the effect of such "one-to-one" intervention. However, along with such an informal approach, goes certain compromises with broader crime control implications. For instance, the offender (or other potential or actual offenders) may view such a mechanism as "soft" and without authority. They may see the crime control process as little more than an exercise in subterfuge (i.e.: in being able to convince the volunteer that they have mended their ways irrespective of their actual future intentions). Also, such a crime control relationship may be seen by other more formalized crime control agencies as being too heavily based on compromise, and they may therefore choose to dismiss it, not to support it, or even actively to undermine it. Outside the mechanism, the view may be that any attempt to relate to the offender as part of the control process will, in fact place under challenge the efforts of detection, investigation, conviction and punishment agencies within the criminal justice process.

It may be said that crime control aspirations are universal no matter what mechanisms are utilized. Yet, the very process of crime control is greatly influenced by the nature and functioning of the mechanisms.

This issue of relationship between the control process and the controlled may also be examined in a wider perspective. Much of what can be said about crime control will be determined by when it is seen as commencing, how far it is viewed as venturing into various aspects of the offender's social existence, and when it is seen as concluding. Again, to a large extent these questions will be affected by the nature of the crime control mechanism in question. Certain crime control mechanisms such as law-making institutions and religious organizations have, in fact, vital roles to play in defining at the outset the behaviours to be deemed criminal (or at least deviant), this being an essential pre-condition for the activation of the crime control process. Then through all the stages of detection, investigation, trial, punishment and aftercare, various mechanisms will drift in and out of the crime control picture, intervening in the offender's social existence to varying degrees. Also, if crime and deviance are socio-culturally perceived as being more than a violation of legal principles, they may call for a range of controls at the political, religious, educational and economic levels, to be directed against the offender. This will have a direct influence on the nature of crime control and the mechanisms chosen for its promotion.

In dealing with the relationship between the controlled and the controller, this study, taking into account its purpose, does not seek to direct attention to the offenders' appreciation of the reality of crime control.

In dealing with the concept of control, contributors to this study have presented their views in a very general way. They have discussed mechanisms focussing on:

- Prevention,
- Policing,
- Regulation,
- Punishment and correction,
- Aftercare, and
- Social and political re-education.

In so conceiving control they have also invited a consideration of its directions in two ways:

1. as control directed towards an individual through concepts such as individual responsibility, individualized punishment, specific deterrence, etc.;
2. as control directed towards certain social groups or the whole community.

It is usually those broader social institutions such as the law, religion, education, etc., which here have the responsibility of establishing the crime/non crime division, encouraging obedience to rules and associated general deterrence against rule breaking, and engender a sense of community victimization through criminal behaviour.

As previously stated, the interest of this study does not stop at crime control as such. The concept of control implies some assessable degree of regulation. No matter how general, a measurement of such regulation will be necessary in both potential and actual senses, to establish a scale of effectiveness and to associate it with the issue of formulation.

Formalization

Despite the falsity of the formal/informal dichotomy and the reality of oscillation between conflicting principles and policies (Moore and Sterling, 1985), there is a strongly held presumption that "informal mechanisms", "informalism" and "informality" are significantly different from their correlates ("formal mechanisms", "formalism" and "formality"). This is so not only in colloquial usage but also in scientific discourse.

In one statement informal control has been defined as the most basic relationship between:

"(any) Ego and (any) Alter in primary groups like the family, neighbourhoods, peer-groups, etc. as well as in

secondary groups like schools, at work, in political parties, religious affiliations, etc. The means of informal social control range from psychic interventions (status loss, ridicule, loss of honour) over economic sanctions (loss of work and income) to physical ones (beating, mock trials)" (see *Scheerer*).

The self-help of crime victims may be cited as an example of informal control standing at the far end of the formalization range. Such action, however, is not always conceptualized as an example of informal social control since it is individualized. In its operation it lacks the elements of the consensually conceived attributes of sociality. In contrast to "social" mechanisms (even if "informal"), it is less orderly, less predictable and, at least within many so-called modern societies, less acceptable.

Despite the fact that informal control may be individualized and that in some socio-cultural settings, the abovementioned example may be a recurrent practice, the literature on informal social control tends to focus not on such control but rather on more orderly group-based forms of control. This focus should not be necessarily seen as revealing a *deformation professionel* on the part of the vast majority of analysts dealing with the issue of social control. Rather, it is reflective of a legitimate concern with orderliness, predictability, and pattern, as minimum requirement of any activity of social control. Any analysis of such control must also be concerned with these features.

Even while recognizing the dangerousness of summary treatment and the risks attending generalization, an inspection of the relevant literature (see bibliographies in Cohen, 1985 and Abel, 1982) seems to validate the idea of analysing the process of formalization with respect to various mechanisms of crime (social) control. Rather than focussing on clear cut distinctions or dichotomies between informal and formal, the debate in science (though not in

ideology) in fact resolves in one way or another around "the formal" and its various degrees and characteristics. The key referential concept is that of "the formal" since it is primarily in relation to "formal mechanisms" that we talk about "informal mechanisms".

It is possible that this may merely be the result of the historical development and geographical location of the prevailing social science paradigms. Consistent with this line of reasoning, one may think of the principal referential *situs* of the formal as being the result of modern social science's analytical imperative: namely, analytical concepts should, at least to some degree, correspond to or reflect concrete structures. The more orderly patterned, tangible and static they are the easier it is to grasp these structures and expose them to analytical, intellectual manipulation (i.e. to analysis). And, in addition, it is easier also to take them as points of reference for analysing and comparing even those other structures, which are not amenable to the application of the agreed-upon analytical procedure. Most theories of social change and development while using the progression reference, work retrospectively in fact, from the complex to the simple, and from formalized, rationalized, bureaucratized reference points to the corresponding correlates. Formalization thus may appear as just another process that fits into an overt or covert evolutionary perspective: i.e. in other words, a process that merely progresses from less to more formalization. This naive evolutionary view with underlying assumptions regarding rectilinear change may of course be criticized on grounds similar to those other universal evolutionary explanatory concepts. But, such a critique should not be exaggerated. There seems to be evidence that quite strongly underscores the logic of some types of human action and modes of interaction increasing in their formalization. If formalization is perceived as the part of what Moore (1979) calls "structural rationalization", it would then also fit into this

latter process and direction of change, with the limits of its magnitude and consequences being recognized.

Formalization seen in this sense, is commonly not conceived of as encompassing medium- and small-scale changes. Nor is it seen as influencing greatly structures resistant to this process. These types of human interaction and structures, which are persistently static and are not notably susceptible to the influence of this "sweeping" trend, as well as some others which are purposefully removed from the trend, are not only evidence of oscillating patterns of change, but expose the intrinsic limits of formalization.

Recognition of the trend towards formalization, and of its intrinsic limits, as well as of the different propensities of structures to be subjected to or influenced by this trend, merits some comment on the sources of such developments. In concrete historical terms, and even more in terms of universal constants, it is almost impossible, however, to identify on a higher level of abstraction all those factors that may influence both the general trend and its variations.

It is therefore more useful perhaps to attempt to identify on the analytical level some important sources of influences working toward formalization and influencing it. One should, where possible, locate these sources in broader processes of social change the scope of which is wider than that of the control mechanisms. Also, the internal dynamics of the control themselves should provide a further location for analysis. Some influences are the function of the degree to which a particular control mechanism is dependent on its immediate social and/or regulatory context; others are connected to the dominant mode of political power and legitimacy in the society to which the mechanism belongs. Certain general processes of social change as (to cite some common and less debatable ones) commodity production, industrialization, etc., tend to influence and change patterns of human interaction leading frequently to the destruction or at least marginalization of social entities previously of

central importance, whether in terms of the production and distribution of goods and services, the accumulation, organization and transmittal of knowledge, or the production and maintenance of order.

It is claimed, and it seems to be true, that patterns of social organization become more formal when based on regular procedures and standards and when carried out through differentiated specialized roles. In the crime control sector examples might be policing or prisons, the formalization of which might perhaps be more clearly followed (although in Schwartz and Miller's legal complexity scale — 1964 revised 1974 — both are themselves indicators of legal formality).

General influences towards or on formalization have consequences, but some control mechanisms are less affected or more resistant to formalization and its subsequent effects. Such may be the case with the family as a control mechanism. Despite changes in the structure of the family, some of which are due also to general processes of change, which may include formalization, socialization through the regulatory and control functions of the family remain important and may not be deeply dependent on the process of formalization. Perhaps in some societies the effectiveness of family-based controlling functions decreases as they are influenced by other aspects of social change, but they do not become more formalized as compared with some other social institutions that execute control functions. This of course does not mean, as we shall see later, that the family is indisputably only an informal structure.

It seems that structures or mechanisms which are not primarily concerned with the translation or application of universal principles and in particular of formal rules, and which are themselves less based on such rules, tend to be more resistant to drifts towards formalization, and vice-versa. These mechanisms also tend to possess, to a lesser degree, internal sources generating formalization.

Perhaps the complexity of the mechanisms also has something to do with their internal formalization potentials. The more complex the mechanism, the more there is the need for regulating and prescribing interactions between its elements, i.e. status-interactions. The complexity of the structure assumes some degree of role and procedural differentiation, which may be considered an indicator of formalization. But, while complexity or even a mere increase in the size of the entity makes differentiation possible and tends to influence the drift towards formalization from inside and outside the social entity, the increasing differentiation and correlatively increased formalization both have some limits. There is ample evidence to show that corresponding variations in increased differentiation and increased formalization are not symbiotic. Indeed, repeated attempts to introduce some unity and homogeneity within complex systems subject to further differentiation, show that neither of these two processes are mindless and that both may pursue independent paths. Because of its stress on centralization and co-ordination, formalization may be looked upon as an appropriate strategy for achieving unity within the system. Thus, differentiation and formalization may reside within the mechanism's internal structure and stand together in a reciprocal and even symbiotic relationship. To some extent and under some conditions, differentiation figures prominently in the limits to formalization with the reverse also being true. This dialectical relationship connects the two processes whether influenced from outside the given social unit (mechanism) or from within the unit (Zvekić, 1979).

Although there is a tendency to equate or use the two concepts interchangeably, institutionalization may also be considered as a "requisite" of formalization. The concept of institution seems to be useful if linked with regulatory or, as Moore calls them, "normative" complexes. The more a mechanism is oriented to regulation the more likely for it to

have a higher propensity to favour formalization and/or actually to become more formalized. This leads to a number of other useful analytical characteristics, such as rule-orientation or constitutionality, precision, lack of ambiguity and predictability. These characteristics may make the mechanisms somewhat resistant to change, even while being, as institutions, predisposed to accommodate external influences or ambient systems. Such accommodation may therefore be influenced and perhaps even slowed down by the extent of formalization. The well known self-maintaining logic of bureaucracies is an exemplary case in point.

At the same time, human intentionality figures prominently in the limits both of formalization and differentiation. If we look at formalization as a means for the achievement of a goal, that is, if we deal with deliberately set up institutions which are *ipso facto* purposeful, then the extent of formalization may even expand their capacity for self-manipulation, leading towards greater accommodativeness. It is irrelevant here that for the sake of their preservation they might in fact increase the social importance or menace of such a perceived social problem. Recurring attempts to reform institutions, set up to focus on specific social problems, are examples of formalization processes facilitating accommodation.

The relevance of the preceding discussion to the subject of our inquiry lies precisely in the different directions of, and contradictions between, the influences affecting formalization. While these may be looked at primarily from the structuralist perspective, whether from outside or inside the mechanism, other types of influence should also be taken into account.

As previously noted, human intentionality figures prominently in the setting of limits to ever-increasing influences on formalization. We have seen, for example, that in the case of purposefully created institutions based on conditions favouring formalization, the degree of formalization

may increase the institution's accommodative capacities. But, from a different angle it is also possible to discuss influences inhibiting formalization arising also from human intentionality or from normative complexes (beliefs, values, ideologies, etc.) or from both. These may be even more decisively responsible for variations or oscillations in patterns of change. This particularly applies to regulatory-controlling mechanisms.

Drifts towards formalization are counterbalanced by drifts in the opposite direction: this indeed is a basic point of ours, although it should not be taken to imply that a balance is ever achieved between the two. These drifts are not so opposed to each other that a true dichotomy can be assured. Black's (1976) postulates on the inverse complementarity between the law (state control) and "anarchic" (informal) control are useful for some purposes; it is felt however, that it is reflective of an "extremist" position and, therefore, has certain limitations.

The ideology of informalism is a good example of this kind of counterbalancing. Cohen (1985) rightly points to the recent rise in the informalism ideology in the crime control field as a destructuring movement, reversing long-established trends in the criminal justice system: "away from the state", "away from the expert", "away from the institution", "away from the mind". The first three 'aways' are of particular significance for our discussion. They point out that the attacks on formalism are centred around the issue of power. Without questioning the centrality of authority *per se*, the proponents of informalism call for control mechanisms which are non-state centered, in which professional expertise is not of overriding importance and which are less institutionalized, that is to say, bureaucratized. In this sense the ideology of informalism has consequences on the formalization of control. It exposes again the importance of less-formal control structures like the family and reflects nostalgia for folk-pastoral notions of

community involvement. What is more important for so-called modern societies, it strongly favours "alternatives" to the *formal* criminal justice system.

As a consequence of this ideology and of the crisis of the welfare state in recent years, a number of such alternative programmes have been set up, e.g. juvenile diversion programmes, neighbourhood justice system and voluntary probation officers.

Some of these are of less recent origin and may have emerged from the ideology of democratization and public participation rather than of informalism as such. Whatever the case, the movement or ideology of informalism should not be seen merely as the counterbalancing of drifts towards formalization; indeed, they are not too removed from the formalization trend. Most of these alternatives were, as a matter of fact, mechanisms deliberately set up by groups or, more frequently by the state itself and, in that sense, they were not dissimilar to formal mechanisms which too were deliberately designed at the outset of their creation. The degree of their formalization appears even greater when it is recognized that they often participate in state-sponsored systems of control. Organized informalized alternatives have been as expansions of state control (Abel, 1982).

The ideology of informalism does not solely explain the drift "away" from formalization for there have been other ideological influences such as populist ideas and revolutionary visions, as well as anti-system ideologies exemplified by such slogans as "small is beautiful", "people are not machines", "experts don't know everything", "bureaucracies are anti-human", etc. (Cohen, 1985). Also noteworthy is the fact that the ideology of informalism was shared by groups belonging to the left and the right of the political spectrum; it was not necessarily promoted by individuals and institutions as spousing liberal causes.

The foregoing notwithstanding, it would be going too far to claim that formalization is actually being promoted by

“organized informalized alternatives”. In spite of a trend towards increased formalization in their later stages of existence, such institutions are undoubtedly less complex, less dependent on the state and on professionals and foster more direct intimate relation between the “controllers” and the “controlees”.

There are a number of crime control mechanisms which are perceived as being inherently informal and which seem to be less affected by the historically noted swings between informalism and formalization. Examples of such mechanisms are the family and religion. But even here a cautionary note needs to be struck. There are different types of family which, in different historical and socio-cultural settings, have different levels of formalization — at least in terms of authority structures, division of role and labour, rigidity, coerciveness, and some other scaled indicators of formalization itself. The formalization of religion, also, is dependent largely on its distance from other regulating complexes, especially from those of a political character. It may not be inaccurate to propose that the level of formalization of regulatory structures is determined by the degree to which there is interpenetration between them and the structures of power. While there is no doubt that the source of ultimate authority is a crucial issue of mandatory regulatory systems, and it needs not be highly formalized, it turns out that norms and rules, even when unwritten, seem to be precise, exclusive and often rigid and coercive — these being almost “functional requisites of formality” — also in structures perceived as belonging to the extreme informal side of the informality/formality scale.

The formalization issue acquires some special features when discussed within the type of control context: there appear to be at least two aspects meriting analyst's attention. First, drifts towards formalization seem to be influenced by the type of specific behaviour being subjected to control. Evidence seems to show that the greater the

perception of social menace posed by crime, the greater is the likelihood of the response being organized within a more formalized structure of authority. Second, different social groups, communities and some other units have different levels of tolerance for "deviant" acts and "deviant" actors and aspire therefore to achieve different levels of control. The greater the level of tolerance and the lower the level of desired control, the more likely the response will be less formal.

Up to now this study has been exploring the issue of formalization in a conceptual sense. In so doing, it has drawn a picture of the influences of a variety of external and internal factors. From this point onwards the endeavour will be to locate this conceptual understanding within the conglomerate image that is "informal mechanisms of crime control".

Further speculation on analysis

As expressed in the introductory section of this chapter the development of the analysis will be largely determined by the nature of the study's empirical method. In this regard it would not be sensible to propose an analytical framework which relies on formal statistical measures to establish either the reality of informal mechanisms or their influence on crime control.

On the other hand, the study does not also profess to abandon the quest for objective measurement, in favour of a phenomenology of informal mechanisms which cannot escape the bounds of cultural relativity. Further, cannot simply accept the reality and significance of informal mechanisms of crime control as being what others say they are or what they ought to be. After all a principal aim of this project is to evolve some form of analysis which could move the debate about informal mechanisms out of the realm of ideology alone, and provide a workable structure

within which the nature of the mechanism, its formalization and its broad influence on crime control could be estimated.

The earlier discussion of formalization in this study sought to distil some analytical constants serving as a basis for a modest comparative analysis. Even at this level it should be kept in mind that the objects of enquiry will continually bring us back to the recognition that the application of this analysis must be culturally specific at all stages.

The scope of the analysis, and even the wider purposes of the endeavour, are constrained by certain premises which at this stage might bear identification:

1. The study accepts crime control as a legitimate social function. Though even on this matter criticisms might be levelled by those who cannot separate crime control from class domination. As the contributors to the study have indicated there is a universal consciousness about the social dangers posed by crime and a remarkable cross-cultural commitment to its control.

As the new radical realist criminology has recently recognized, crime really is a problem (Matthews and Young, 1986:21). As for its control, the debate about the significance of formalization is so often couched in terms of effectiveness in dealing with this problem.

2. The study will recognize the extreme cultural relativity of which social behaviours and social entities are encompassed by a particular definition of crime. In this context it might be argued that a more appropriate thing would be to talk of deviance or delinquency. Despite the fact that some "crimes" discussed by the contributors might not fit within a formal/legal definition of what is criminal, the study will continue to apply the term crime principally because of the reactions which flow from the imposition of such a particular label.

3. The study accepts a theory of social institutions which recognizes certain causal relationships between institutional structures and individual behaviours and vice-versa.
4. We believe to some extent that while appreciating the great degree of institutional interaction (in terms of both purpose and operation) which characterises the fabric of society, it is legitimate to isolate certain institutions and processes as objects of analysis.
5. The study accepts that crime control may be an actual goal of certain social institutions. As such, the achievement of such a goal or levels of achievement, are worthy of analysis.

This being said, it is recognized that extraordinary empirical problems stand in the way of developing any useful or realistic measure of such an ambiguous concept as crime control. Indeed, it is this recognition that has modified the study's original aspirations of providing precise and practical indicators of crime control potential; these, instead, are only indicated.

These abovementioned factors have arisen from our initial appreciation of the ideology surrounding informal mechanisms of crime control. They also serve as natural preconditions for any such analysis of the specific concepts briefly identified in this chapter.

FORMALIZATION AND COMPONENTS OF CRIME CONTROL MECHANISMS

Outline for the appreciation of the relationship between formalization and crime control mechanisms

Whereas the discussion of informal mechanisms of crime control in the previous chapter was to a large extent reductive, this chapter will engage in a more specific and relational treatment of the bond between crime control mechanisms and formalization. To facilitate this, the discussion of formalization will be confined to the boundaries of the mechanisms under consideration. Formalization should not be considered a discrete "thing", nor should its influence be divorced from the material or social construct which it is seen as qualifying. At this stage the analysis will not take the examination of the influence of formalization outside either the internal structure of a particular mechanism, or the interrelationship, at the level of structure and function, between various crime control mechanisms. The present focus will not be on those external influences on formalization referred to in the previous chapter as originating from the wider social control institution or from within the structure of society at large. Nor will there be a concern with the consequences of formalization for achievement of the mechanisms' crime control purpose. This will be picked-up in the concluding chapters.

This chapter will introduce an attempt to analyse the way in which formalization may, in the first instance, influence the nature, structure and operation of certain crime control mechanisms and then, as a consequence, the manner in which their crime control potential may fluctuate. As was the case in the previous chapter, we start from the position

of the mechanism itself. An identification is made of three components which are, to differing degrees, essential to all crime control mechanisms. The ideology of informalism is introduced as it relates to these components and comment on the possibility of deconstructing the oversimplified ideology of informality (and its myth-making potential). This is centred around the actual significance of formalization for the components and for the mechanism as a whole.

These three components, namely authority, regulatory frameworks and decision-making, are discussed in some detail as determinants of, and integral to, the structure and nature of the mechanism concerned and to the processes operating within and/or related to it. While discrete enough to serve as objects of separate analyses, the components are also sufficiently interrelated and interdependent to permit a certain degree of systematic analysis. Such analysis, as will be appreciated later, is likely to advance the discussion of:

- i) the formalization process as related to certain universal and consistent components of crime control mechanisms;
- ii) the interrelation between these components at different levels of formalization; and
- iii) if possible, the effect of the formalization (in a theoretical sense) of these components on the structure and purpose of the mechanisms; including the realization of their crime control potential.

The community in the ideology of informalism

In his recent work on social control Cohen (1985) reviews the ideological flaws which surround the "quest for community". Even cautioning against a simplistic dismissal of the ideology of community as being deceptive in nature, he attacks representations of the community which, though historically resonant and influential are, in fact, unrealistic:

"The most immediate problem lies in the idealistic flaw of trying to base a social-control ideology on visions derived from other societies. In the first place, the content of the visions themselves is often historical and anthropological nonsense: neither the pre-industrial rural village nor the tribal or folk society were exactly communities in the ways that are idealized. In the informal justice literature, for example, radicals often underplay the paternalism, the fixed lines of authority and the arbitrary nature of justice. Conservatives forget the high degree of conflict and disorder that were tolerated. Both sides tend to ignore the implicit threat of violence (natural or supernatural) which often lay behind the submission to community or informal justice. And despite the evidence from revisionist historiography about the unequal, arbitrary and random nature of eighteenth-century policing and punishment, there is still a tendency to look for a 'Golden Age' of pre-capitalist 'community control.'" (Cohen, 1985:121-122).

This nostalgia, sometimes bordering on what Cohen identifies as "anarchic sentimentality" is not the only retrospective and reactive feature of the ideology of informality. The whole direction of this ideology, so strongly manifested in the recent "quest for community" in developed countries, is reflectionary and backward-looking.

It would be incorrect, however, to assume from this that a transfer of the object of reflection into a contemporary crime control situation will suffice to test the current congruence between the ideology and reality or the accuracy of the claims made for it. This very object may itself be an illusion. Also the concept of community being at the heart of the informal crime control ideology is not a neutral concept "but a moral quest, not just a classificatory term to designate how life is led in a particular geographic or social space, but how life should be led" (Cohen, 1985:118). This being so, the ideology of informality in the

context of the crime control debate, at least as stated in the West, does not sit well with objective analysis.

The detachment of the ideology of informality from the level of illusory abstraction is not only difficult but rarely deemed necessary. For example, it is assumed by the proponents of informal control mechanisms that community is the only appropriate environment for an offender to receive correction. However, as Beck (1979) reminds us, the reality of this community may be extremely problematic from the offenders point of view "... the very fact that they have fallen among state officials is eloquent testimony to the lack of social, political and economic resources that support the kind of household and community life that protects the individual from the hard edge of the state."

This being said, it would be wrong to assume that there is a hegemonic ideology of informalism; it would be equally wrong to believe that this ideology will necessarily distort social reality. The contemporary debate is largely limited to the developed countries, where as a general rule, the authoritative control institutions are more often than not quite formalized. Commitment to informality at the ideological plane conflicts not only with the ideological supports underlying these formalized institutions but also with their operation. Such an ideology would appear contradictory from the point of view of the State. This does not mean, however, that when the State appreciate the functional significance of the ideology, it does not choose to adopt it as a means of diversifying its instruments of control. This ideology is directed to either a return to less formal social institutions accompanied by an abandonment of all that is formalized, or the creation of informalized alternative institutions which may, as stated by Mathiesen in relation to the organization of prison labour, act as a "competing contradiction" (Mathiesen, 1974). It can be either reformist or revolutionary. It can either aim at a gradual transformation of the formal into the informal, or

by relying on what Gorz calls "non-reformist reforms" (Gorz, 1964), overturn the formal through resort to alternatives, albeit competing and contradictory.

This representation of the ideology of informalism may not be necessarily as applicable to developing country cultures as it is to the cultures of developed countries. Indeed, similar ideologies emanating from developing countries or situations with cultural imperatives different from those of westernized/industrial nations, may not be so plagued by the gulf between rhetoric and reality. It is a pity, therefore, that a highly developed ideological debate from a source other than that presented in West European and North American literature, is not readily accessible. The few existing pronouncements focusing on developing country situations do not go much beyond the simple formal/informal dichotomy. For example, "The policy choices are clear. A country could attempt to strengthen the areas in which it is weak or it could try to examine the gains to be achieved from its strengths. A wise social policy is one that pays attention to both. If priorities have to be set, our findings lend support to a government policy which reinforces informal, traditional methods of assisting young people in the transition from childhood to adult membership in society Community and family life have survived the transition from rural to urban society, despite being battered by a host of negative influences associated with urban life. The strengths which reside in these communities are to be found within families, in the schools, in religious organizations and in the community at large. Governments could build on these strengths by paying particular attention to the recommendations coming from the public reported in this study. The key to that social policy would be the role of the family" (UNSDRI, 1984:274-275).

It would not suffice, for the present analysis, to confine the understanding of the ideology of information to the questions of what it is and what it does. Neither the mere

identification of the influence of the ideology in the direction of a certain social change, nor the mere highlighting of the gap between it and a socio-cultural reality will permit legitimate statements on its power and significance. The relevance of the ideology can be made clearer only when something can be said about its meaning within the given socio-cultural reality. Yet, to search for some causal connection between ideology and social change, or to expect any synchronization of words and deeds may only be wasted labour. One may gain little applause by attempting to explain away issues of ideology. "If progressives are like children who believe that fairytales are true and that those who tell them are always good, then radical demystifiers are like adults who labouriously try to prove that fairy stories are not really true, and that those who tell them are always bad" (Cohen, 1985:155). Perhaps the significance of the ideology of informalism lies in its existence alone.

The reality of "control talk" is not simply that the tellers of social control tales are either well-intentioned fools or ill-intentioned knaves. The reading of crime control stories and appreciation of the story tellers "conjures up a much more opaque set of images: the same people sometimes knowing what they are doing, sometimes not; believing in what they are doing, yet at the same time sceptical about the whole exercise; succeeding in some ways, totally failing in others." (Cohen, 1985: 155-156). Therefore, if crime control operatives are able to take the ideology of informalism with a grain of salt, the analyst must neither become obsessed with debunking it, nor be deceived by its appearance.

Just as the ideology of informalism is often developed around simple but conflicting assessments of formalization, the reaction to it is equally simple and internally inconsistent. However, the real meaning and significance of the ideology, for the progress of crime control, is more complex than this. It is not meant to be abstract and its

adherence talks of things functional, such as greater efficiency in crime control and greater relevance to socio-cultural needs. Thus it may have the potential either to question or legitimate — or, for that matter, to question and then to legitimate — crime control practices. Under certain conditions it may even give the appearance of successfully investing daily organizational imperatives with a rationale of consistent logical theory.

We disagree with Cohen's assertion that what should be asked is less whether these theories are correct or not or whether they come before or after the policy, but more how they can be made to work. If policy initiatives described as emerging from the ideology of informalism are themselves based on false assumptions, they should not be expected to work, nor should their operation be supported. In addition, the utility of such initiatives is as much a product of political decision as it is one predetermined by reason or substantiated by fact.

Certainly crime control operatives can live with a certain degree of inconsistency between ideology and practice. In fact, in actual crime control settings the significance of the underlying ideology is unstated and discrepancy, if any, is simply ignored (Findlay, 1985a). Indeed, meriting close analysis is the very fact that in spite of the tolerance of inconsistency between a practice of crime control and its supporting ideology, the ideology has real potential for influencing future change.

In this context it would be worthwhile to distinguish between two legitimizing functions of ideology: legitimization of the *status quo* and legitimization of the consequences of some proposed social change. In the latter situation the ideology's significance lies in its ability to confront the contradictions of the existing order and to advance an alternative strategy. Therefore, the ideology can be spoused even when its internal contradictions are ignored, exploiting, at the same time to its advantage, the

contradictions of an opposing ideology or practice. The contradiction between the ideology and practice of informalism in this situation is not so significant for analysis until the change is achieved, for up to that point the traditional power of the ideology can be challenged only in a projected sense and at the level of theory or, alternatively, from the standpoint of another ideology. Thus, in the debate on informalism in the more formalized cultures, the position of the proponents of informalism can be heavily based on ideological speculation and, as such, can be challenged principally only from a conceptual point of view.

The interesting prospect facing the present analysis is that a large portion of the descriptive information presented in Part Two talks of informal mechanisms of crime control as reflective of existing significant policy commitments. To this extent the ideology of informalism supports the *status quo*. In this situation the power of ideology must be appreciated keeping in mind the effect of the contradiction between ideology and practice. How is it that the "control talk" of informalism, however implausible internally, attains and retains acceptability in such social orders?

Perhaps one answer to the question concerning the meaning and significance of the ideology of informalism lies within symbolism. As the legitimacy of the power to criminalize in certain common law countries lies within the symbolism of the "rule of law" (see Findlay, 1985 b), so too the power of informalism may lie within the idealized symbol of the community. Yet, when examining the significance of this symbol, we must appreciate what Cohen calls a theoretical double bind: to take the symbol seriously while at the same time exploring its connections with reality and what it is meant to signify (Cohen, 1985: 157).

While concentrating on the community as a conceptual power source, we shall briefly return to our interest in mechanisms. The whole language of crime control is rooted in what Edelman calls the symbolic language of politics

(Edelman, 1964). When examining the power of a symbolic representation of community for the development of crime control mechanisms, the symbol itself and its language must have political significance.

An important cornerstone of the community symbol is the structure of authority and the location of responsibility for the exercise of that authority. The community implies some degree of shared responsibility for the exercise of authority based on a significant consensus as to the functioning of authority exercise and its effect. The origins of authority can vary from the supernatural to traditional or modern distillations of a collective conscience. The origins of an authority, however, are not greatly important for an acceptance of its legitimacy. Once it is located firmly within the symbolic domain of the community, it is invested with an unique, unequivocal legitimacy. As a corollary, non-community-based authority structures are automatically criticized as undemocratic, unrepresentative and artificially imposed. The features of such mechanisms are always suspect: professionalization, bureaucratization, etc., are considered to be not only outside the community, but also opposed to community interests.

The symbol of community is an effective device for endowing otherwise heterogeneous concepts and processes with the appearance of homogeneity through simple association. This arises from the precondition that the symbol of community itself is seen as universal, irrespective of the great variety of "communities" within which it might be applied.

Within the symbol of community there can be a harmonious resolution of contradictory pressures for constancy and change. Authority is translated into a predictable process for the transmission of power through various regulatory frameworks. While laws and rules need to be represented as being flexible and sympathetic to everchanging community priorities, they will best be represented as

constantly diverted towards some irrefutable proscriptions, if the regulatory framework arises as a natural consequence of the community. Therefore the individuals who produce the talk of change (professionals, politicians, administrators, researchers, etc.) will effect such change through the path of least resistance, if it is transposed through a constant regulatory framework represented as a natural adjunct to the symbol of community. Hence laws and statutes may create the preconditions for change, even while the framework within which they are created and formalized appears unchanged. There will be no revolution to overturn the regulatory framework if it is ideologised as a natural consequence of community.

For example, the official discourse about solving the crime problem is inextricably linked to the utilization of democratic (participatory) regulatory frameworks. It is only when the social threat posed by a particular crime problem is represented and widely accepted by the community as an immediate and unique social menace that regular regulatory framework are bypassed or distorted for control. Even so, protection of the community is put forward as the ultimate justification for what otherwise might be an unacceptable innovation.

Here again it is useful to observe the uncritical confusion of concepts which the symbolism of community overrides. A community-based regulatory framework is assumed to be democratic. But then democracy can be both representative and participatory at the same time and there are obvious conflicts inherent in such a marriage, needing to be addressed. These conflicts, however, tend to be overlooked by the proponents of an idealized community.

The resolution of certain ideological dilemmas is often realized through the conceptualizing of the decision-making process. Within the symbolism of community it is the community which decides for the community. Overlooked here are important questions as to who represents the

community, who takes responsibility for the community or who is the advocate of community interest in the decision-making process. So long as the language of decision-making reflects well the symbolism of the community, its legitimacy is not questioned.

Herein lies perhaps the key to the power of the ideology of informalism. Because of the almost iconoclastic position of community within present debates about crime control, this symbol has come to act as a central influence in the language of crime control. It is not implied thereby that this symbolism also controls the meaning of the language for, were this the case, it might effectively argue out and resolve some of the fundamental dilemmas within the ideology and between ideology and function. The language can promote policies carried out for reasons opposed to the underlying ideologies of the policies, and the same ideologies can be used to support different policies. The contradictions loose their significance within the symbolic mystification of crime control language. If one follows this link between symbolism and language, where meaning is of little consequence, then one might accept the extreme position that explanations given by certain members of society about how particular institutions actually function, necessarily constitute a fiction, a fiction which is often understood by them to be such. Cohen (1985: 160) presents a nice example of this: "Nobody running a community dispute mediation centre in New York actually believes that this recreates the conditions of a Tanzanian village court any more than 'house parents' in a 'community home' believe that they are living in a family with their own children. And criminologists who mount research projects to determine whether an agency is 'in the community' or not should know that they are busy with magic, not science."

Therefore if one accepts that the ideology of informalism has a significant bearing on the development of crime control initiatives, it is necessary to ask questions about the

nature of this influence, how it is put into effect and what its consequences are. The potency of this ideology lies in the symbol of community, not so much as an actual concept, but as a symbolic framework within which other social entities are accorded their definitions and purposes. It becomes too a framework within which criticisms are mounted against failures respect the symbol. The symbolism is given effect through the language of crime control. The status of authority, the nature of regulatory framework and the voice of decision-making are all fundamentally affected by the language which they use and which is used about them. The symbolic language of the ideology of informalism, therefore, will influence the operations of the mechanisms under consideration. It has application for present crime control and crime control "as it should be". The symbolism of community represents an ideal version of social structure; it is also supposed faithfully to represent actual structures.

One final point meriting attention is the fact that, despite the heterogeneous nature of crime control and its cultural specificity, the resurgence of interest in informalism has had up to now a unifying effect. As Abel (1982) shows, conservatives, liberals and radicals have been united under the banner of informalism. This, however, is more a statement demonstrating the various uses to which the symbolism of community has been put, rather than a statement indicative of a truly common position being taken on the nature and purpose of informalism.

Components of the mechanism: authority, regulatory framework and decision-making

Wherever there are durably repetitive patterns of social interaction there are bodies of rules governing relationships. This may be considered as a kind of cultural universal. The statement rests on a number of stipulations but it certainly

recognizes the trivial and nevertheless important social fact that the function of governing rules is not only that of confirming the patterns of interaction, they may also operate on the existence of uncertainties, strains and conflicts inherent within such interaction. It, however, contends that control (compliance) is carried out within some kind of regulatory framework, that, furthermore, it rests on some authority, and that it constantly involves some kind of decision-making process. Yet, such a generalization tells us little, if anything, about the nature and forms of the rules, as well as the ways in which they are implemented and how conformity is ensured.

As already pointed out, the ideological debate regarding informalism in crime control highlights these three issues as being of importance when delineating the structural parameters of the relationship between mechanisms and formalization. The proponents of informalism do not suggest that even what is extremely informal rests on no authority, has no governing rules and that the decision-making process is absent. Rather, the issues in contest are the different nature and form that these three components have in allegedly informal - as opposed to formal - situations. Moreover, sociological (anthropological) traditions in law have also debated these issues with respect to what may be considered distinctly legal as opposed to "non" or "pre" legal systems. Yet, it might be true that here, as well as in some other areas of social science, we may be dealing only with definitional issues, since the universality of obligatory normative systems is rarely denied.

Mechanisms of crime control are part of the obligatory normative order and therefore one of their primary functions is the confirmation of that order. Some of the mechanisms may be specifically oriented towards crime control while others may be performing the crime control function only as one among others. Whatever the case, they

comprise these three components: authority, regulatory frameworks and decision-making. The rest of this chapter will attempt to examine possible links between formalization and mechanisms of crime control with reference to authority, regulatory frameworks and decision-making.

Authority

Empirically speaking authority may rest upon a number of properties such as a position within a social entity — kinship, financial standing, prestige based on knowledge, including wisdom — or on other properties considered by the social entity as being either of great importance, or exceptional, but always unevenly distributed among the members of the entity. Such status (authority) may be directly linked to individuals or some selected group; it may be linked also with the supernatural or similar kind of belief structures. Theoretically, as Weber stated, authority refers to the probability of ensuring obedience to specific commands; therefore, the concept of authority is of course closely connected with that of power. Both are, in turn, closely linked to two principal issues: first, the ways of guaranteeing legitimacy and second, reasons for which and through which legitimacy is bound. Weber's classical discussion of traditional, legal and charismatic authority attempts to lay down the precepts on which beliefs in legitimacy and authority are based. As Selznick (1968) rightly emphasizes, the key issue for the discussion of law is authority; a statement that is often blended with social control issues in general. Pospisil (1971) claims that authority exists universally and that it is one of the principal defining criteria of law or rather "authoritative social control".

Authority is, in fact, used by many analysts in an attempt to differentiate formal from less formal control mechanisms. Thus, for example, Black (1976) links the notion of

law with state authority, similar to that of a marxist tradition. This should not be seen as a negation of the presence and involvement of authority in other types or forms of control structures. As already noted, the ideology of informalism suggests that the "community" rests on different types of authority as compared to formal structures. Yet, it might be noted that discussions on "community based authority" seem to operate either with a rather vague concept of a diffused authority or go back to Weber's notion of traditional authority: "Traditional authority rests on the belief in the sacredness of the social order and its prerogatives as existing of yore" (Etzioni, 1979). Yet Weber clearly recognizes that, in its pure type, traditional authority is patriarchal. But even if authority rests in the sacredness of the order or in the group as a whole, Weber shows that there is a difference between rule enforcement, regulatory frameworks, decision-making, and grounds on which a belief in the legitimate authority is based. The nature of the mechanism and of its components reflect certain authority structures and may even support them to some extent; yet, some pre-existing, legitimate authority is a precondition for the creation of the mechanism.

Groups as a whole do not enforce rules. Regulatory frameworks or principles of command within which authority is made manifest, are substantively bound by tradition. The violation of such tradition ("principles of a regulatory framework") may endanger the legitimacy of authority. And yet, while principles on which decisions are based are bound by tradition, concrete decisions can exhibit some degree of arbitrariness. As long as they can be justified or legitimized by inclusion in the established regulatory framework, these may present a less structured threat to authority. Mundane holders of authority need not deliberately justify decisions; some kind of alleged conspiracy or deception on the part of other participants in the

order will suffice. To use a slightly mystical (and analytically unclear) phrase: the spirit of the order seems to be well fixed. This does not mean that the limits of tolerance are not more or less constantly intentionally or unintentionally challenged and tested.

It may appear that the relationship between formalization and authority is straightforward. For example, it is claimed that "bureaucratic authority" is more formal than traditional or charismatic authority because "it rests on enactment". Furthermore, laws can be enacted or changed by formal procedure despite the fact that the formal procedure is usually only the ultimate step in the otherwise complex and often informal process when changing the law. Such formal procedures are not explicit in the traditional order. The existence and acceptance of norms and rules are essential for traditional order or for a distinct true community. Despite the fact that norms and rules may not be fixed through written symbols (language), their authoritativeness might be much higher when compared with a number of written, allegedly "formal", norms and rules. Take for example a bureaucratized court (formal mechanism) and a tribal court (informal mechanism). A formal court operates on the basis of a set of written rules and applies a set of written rules. An informal court, again, operates on a set of rules and applies a set of rules. The difference seems to be only in terms of the form in which norms and rules are manifested. As a matter of fact, the status and position of the holders of authority within a community in which tribal courts operate, seem to be more fixed and formalized than where bureaucratized formal courts operate.

This brings us to the appreciation of the importance of formalization; that is, the interpretation and understanding of formalization with reference to the given socio-cultural context. According to a number of indicators crime control mechanisms may, in general, be more or less "formalized".

However, within a socio-cultural structure different components of the mechanisms may also be more or less formalized than others.

Perceived deviance seems to be exposed to a higher level of formal treatment than a number of other kinds of social interaction. Some behaviours which are more traditionally associated with class-based property crime and crime against the person, may be more formally and overtly processed than complex commercial and transactional deviance. All those interactions that are conceived of as being of crucial importance for the smooth functioning of organized institutions and for the maintenance of order, seem to be regulated by precise sets of norms and rules. Maintenance of social order, to which crime control belongs is precisely the type of social function that requires authoritative regulation.

Regulatory framework

The regulatory framework provides guidelines for the application of a number of universal as well as particularistic rules. Although authorities may make *ad hoc* decisions, these usually require taking into account the specificities of the case. Concrete decisions or rules governing particular decisions have to fit into the general guidelines as provided by the regulatory framework. In the case of the less formalized (say, unwritten framework) what counts is the spirit of the normative order. This is not the exclusive domain of informal regulatory frameworks. Even in highly formalized frameworks (say, codified law or constitution) decisions and interpretations are often claimed to be in accordance with the spirit more than with the letter of the rule.

Within the crime control sector different crime control mechanisms rest on different types of authority and may have or operate within different regulatory frameworks.

The existence and acceptance of a variety of authorities and regulatory frameworks are well recognized social facts. It may be asserted that this multiplicity tends to increase with the process of social (and organizational) differentiation. Such a trend is of course not unilinear nor unidirectional and decentralization in the otherwise highly centralized state is just such an example. The delegation of powers from the central authority to lower levels is also well evidenced. Weber recognized this fact within order based on traditional and/or charismatic authority. Bureaucratic authority, in spite of the state's claim to the monopoly on legitimate coercion, to a large extent, also rests on a number of types of authority and regulatory frameworks. Professionals and their organizations are another example of different types of authority and regulatory frameworks which can be found within the overt bureaucratic structures. This implies that there are a multiplicity of types of authority and regulatory frameworks within the social order. This is also the case with a dominant-modal authority and regulatory framework within which a number of other and different types of authority and regulatory frameworks can exist. In reality or in ideology, alternatives to formal order rest on this notable social fact.

This multiplicity of authorities and regulatory frameworks can be also recognized in informal mechanisms of control. Take, for example, religion. The ultimate authority rests in the supernatural and the dominant regulatory framework will possess rules governing duties, tasks and responsibilities towards this ultimate authority. Its regulatory framework seems to be highly formalized; moreover, its regulatory framework formalization, as well as the formalization of this authority, are more evident with religious law and even more so with the conflation of the religious and mundane state legal systems. In these cases authority, power and responsibility for the enforcement of rules which underly decisions concerning punishment in all cases of

sacral and/or prophane deviance are delegated. The more power is delegated the more likely it will become formalized; furthermore, it appears that formalization brings about more accountability. Yet there is evidence of an opposite trend: the less the power is authorized the more potent it can be and simultaneously the less "formalized" and less accountable.

In the context of the formalization debate reference to professionals may serve to illustrate the link between authority and regulatory framework, on the one hand, and autonomy and accountability on the other. Although professionals are visibly linked with contemporary societies they are not simply a modern phenomenon. Moore (1970) shows that the first occupationally differentiated roles were, in fact, specialized in certain sectors of social life, these being conceived of as *para* or *quasi*-professionals. They carried out roles which other members of the community, subject to standardized processes of socialization (and education), were not able to perform. Some of these roles were linked to the function of the maintenance of social order or social control (priests, chiefs, mediators, etc.). Their socialization to the role was not institutionalized in the sense that it did not take place within specific, deliberately set up institutions for the transmission of knowledge. Nevertheless, it was distinct and more formal as compared with the standardized socialization (education) procedures to which other members of the community were subjected. These roles enjoyed authority, power and prestige. Their regulatory framework was based less on specific technical knowledge and more on a dominant system of moral values and beliefs. Yet, there was a kind of esoteric cultural preparation for the role and the application of, or adherence to, rules governing its performance. Within the given social order, the legitimacy of which may have rested on the supernatural authority or, as proponents of informalism would like to say, on the group as a whole,

these early or para professionals enjoyed monopoly within a given regulatory framework similar to that of their modern descendants.

Despite the shared recognition of professionalised authority and professional's regulatory frameworks, these are challenged today (*inter alia*, also by the proponents of informalism), as they were, but to a lesser extent, in the past. As informalism ideologies resurge these challenges restrengthen. These attacks were directed against the formality of profession's authority as well as that of its regulatory framework (disciplinary knowledge).

Yet, when challenging the formality of professionalism, the proponents of informalization are constrained by the language of formal authority. Thus, the debate on the characteristics of informal justice appears bound by simple dichotomies such as that of professional and non professional images. The attributes of one are advanced on the back of its contrary image. As Maureen Cain usefully encapsulates the process: "Hitherto, scholars have sought to distinguish informal or popular justice from professionalised justice, thus, unintentionally giving the professionalised form pride of place, allowing it to set the agenda, and determine which attributes are to be examined. Using this strategy one can come up with only negative characteristics for informal justice, or inversion of the professionalised version: informal justice is cheaper, closer to the needs and aspirations of its clients, faster, and so on. One can never identify an attribute which cannot even be conceived of by the professionalized form" (Cain, 1985: 341-342).

On this point of argument it is pertinent to observe that both the proponents and critics of informalized justice presume that there is some seminal relationship between formalization and criminal justice. On such an assumption they construct their relevant criticisms or supports for or against certain features of the mechanism which they identify as at differing degrees of formalization. For exam-

ple, a professionalized structure of decision-making may be criticized for its attitudes towards "clients"; these attitudes are conceived of as somehow naturally arising out of the formalization of the professional. Through the professional an attack can also be launched against the regulatory framework within he/she works, and the authority which he/she is said to give effect to.

Yet the essence of such a criticism often becomes obscure and is overridden with prejudices emanating from the critics' general attitudes to formalization. In fact, status differences (and distance) between professionals and their clients — which are seen as contrary to and exposing the professional's ideology of client-service orientation and commitment — is something that one can find also in informal mechanisms. Misra and Agnihotri for example, indicate that there are clear status differences between members of the jati-panchayats and other members of the community. "The seniority of age, lucrative occupation and comparative higher income added with modest education constitute a power in the institution of jati-panchayats" (1985: 101). The increasing role and involvement of professionals in recently established "informalized alternatives" is just an updated example of a drift towards role differentiation which appears to be almost constant throughout various types of authority and regulatory frameworks within crime control mechanisms. It should not simply be viewed as some adverse consequence or negative promoter of formalization.

The increased involvement of professionals (or even only of distinct specialized roles) within an otherwise "informal" mechanism tends, at least if measured by rule orientation, to decrease the mechanism's formalization. Professional's rule-orientation is a device to reduce the need for formalization; this does not deny that the major property of the profession is its goal more than rule orientation. One way to reduce the presence of formal rules is to rely on roles possessing a set of built-in rules. These may be professional

or para-professional and their presence can influence the visibility level of formalization.

The issue of formalization of the authority structure and of the regulatory framework is also linked to the position of the mechanism within society's organizational and power structure. A monopolistic or competitive position in society to some extent influences its level of formalization (Zvekić, 1985). Thus, the more central a mechanism's place in the organizational and power structure of society, the wider may be its span of control and its overt formalization. State-centred crime control almost by definition requires high investments of formal institutional resources, yet it allows also for the existence of informal less-institutionalized resources in some peripheral areas of state domination. Family or religion-centred crime control do not require high investment of formal institutional resources, yet their position in the overall structure of society allows for a wider span of control. In addition, their need for a dislocation of power is much lower since they penetrate and cover a larger section of the social organization. As compared with the State, they encompass more of society.

They also gave less tolerance with respect to other crime control structures in society. Their monopolistic position does not require high investments in formal institutional resources. They already come with their own highly developed infrastructure of authority, regulatory frameworks and decision-making. Their monopolism affects each of these components and is sometimes too easily confused with their formalization.

So far we have alluded to the complexity of the relationship between chosen components and their formalization. Such is hardly unexpected when one recalls our earlier identification of the complex and dynamic nature of formalization itself. Further, as we perceive of formalization as being an influence on structural components, rather than

some universal characteristic of their operation, the two way connection between component and influence is a further complication for analysis. On this point there is immanent confusion in the temporal sequence question, as it applies to the formalization of a component within a mechanism. If a component is invested with a certain level of formality at its creation, can this be said to precede the component or does it arise as a consequence of the components' existence?

Discrete and perhaps disjointed observations on different aspects of the relationship between authority and regulatory frameworks, and formalization, which were noted above reflect the realization that there may be no static or universal relationship which affords generalized comment. In the preceding pages the oscillating patterns of formalization were noted. But formalization is not a "thing" with respect to any major component of the mechanism between which a relationship can be simply constructed. Moreover, there seems to be no clear criterion for assessing a universal level of formalization of authority and of regulatory frameworks, nor could such be made in a static or singular sense. What becomes clear is that there is a connection between formalization and type of authority and regulatory framework, but the connection is not unidirectional nor can it be established without reference to the mechanism and its position in the society.

The process of decision-making

The third component of crime control mechanisms against which formalization should be examined is the decision-making process. This, of the three selected components, is perhaps that which most clearly represents the interpretative dimension of the mechanisms. It is through decision-making that the intention of crime control gains its application and direction.

The relationship between regulatory framework and decision-making can be conceived of in terms of discretion; once again however, the discretion in this relationship is seen simply as dichotomous. Mechanisms charged with the implementation of crime control are rarely governed by precise and immutable rules alone; nor are they free to exercise unfettered discretion. The operation of such mechanisms is usually based on various mixtures of rules, principles, standards, and some degree of discretion which is embedded in the roles.

The interpretation given to the value of strict rules, as compared with discretion, will depend on the occupational and positional identity of those who proffer the opinion. For example, functionaries of a formalized/professionalized criminal justice bureaucracy, such as judges and lawyers, may argue that justice can only be ensured through strict adherence to a defined framework of rules. Yet interestingly, within the ideology of justice which such professionals purport to practice concentrating on concepts such as judicial independence and impartiality, the exercise of discretion is jealously protected.

Recent examples of informalized crime control alternatives reveal a commitment to this rules/discretion mix. However, such mechanisms seem to favour a heavier reliance on the exercise of discretion, which is said to distinguish them from their more formalized counterparts which, in turn, are both bound by formal rules and required to give them effect. Santos discusses such legal and judicial reform in the direction of informalization and community justice:

"These reforms, though diversified, tend, in general to focus on dispute processing and conflict resolution and to share the following characteristics: a) emphasis on satisfying mutually agreed outcomes rather than on strict normative observation; b) preference for a decision model based on mediation or conciliation rather than on adjudication;

c) competence of the parties to take care of their defence in the setting which is both de-professionalized and run in ordinary language; d) the third party will be a non-jurist though with some legal training, elected or not by the community or by the group to be served by the conflict resolution setting or institution; e) the institution has none or very few coercive powers which it can mobilize in its own name" (Santos, 1979: 384).

Implicit in such a representation of crime control is the essential position of flexibility and discretion within the decision-making process. In fact, the concept of the decision as presented by Santos is seen as something which is arrived at through a meeting of open minds, as opposed to that being objectively arrived at and based on principles rather than people.

All decision-making within the criminal justice process involves some degree of discretion. In referring to judicial discretion authorities in the field have repeatedly stated that the total exclusion of judicial discretion by legal principle is impossible in any system. However great is the encroachment of the law, there must remain some residuum of justice which is not according to law -- some activities in respect of which the administration of justice cannot be defined or regarded as the enforcement of the law. Therefore, it is in discretion that one finds the functional heart of the decision-making process. The structure of the process may, to varying degrees, be predetermined by rules but the relationship between rules and decisions may not always be a parallel one. So when discussing discretion, the concepts of rules and regulatory frameworks should be considered in order to appreciate the distance discretion may stand away from them.

Formalization has a special relevance for discretion. The epitome of discretion as informal *par excellence*, is the decision of the individual about his own affairs, touched as little as possible by the regulation of external factors. Also

in the case of systematic discretion, the independence and impartiality of the decision-making process, both seen as essential to concepts of unfettered discretion, may be compromised by the formalization of the internal and external operations of the system.

By saying that the connection between formalization and discretion is direct, it should not be assumed that it is neither unidirectional nor always mutual. As will be shown later there is no linear correlation, for instance, between a decrease in formality and an increase in discretionary opportunity. Nor is it correct to assume that proponents of informalism will always advocate the wide use of discretion in decision-making.

Discretion is a device through which oscillations in the degree to which decision-making processes are formalized, can transpire. Therefore, rather than appearing as a constant indicator of informality, discretion provides one avenue through which formalization will influence decision-making.

Discretion has particular significance for crime control. Most versions of the criminal sanction require the identification of a guilty individual to provide the focus for their application. Thus, as Davis observes, "Discretion is a tool indispensable for (the) individualization of justice. All governments in history have been governments of laws and of men. Rules alone, untempered by discretion, cannot cope with the complexities of modern government and of modern justice. Discretion is our principal source of creativeness in government and in law" (Davis, 1970:25). A number of positive justifications for the importance of discretion in the operation of criminal justice can be found within this statement. Most of these are reflected against the negative image of justice governed by rules and law alone. For example, discretion is represented as having the potential to soften the hard edge of unsympathetic and uncompromising laws. Therefore it is the independent, uncontrolled and subjective characteristics of discretion which are to be

favoured. But, as is the case with most ideological motivations within the criminal justice debate, an opposing ideology can often be also mounted on the same or similar grounds. The ideology of justice which favours an adherence to rigid and formal rules and procedures may use the properties of independence and ungovernability of discretion to condemn it as unjust, individualistic and anarchistic. Therefore, the importance accorded to discretion as a feature of crime control decision-making, will be strongly influenced by the ideology which the relevant decision-making process is said to reflect.

Crime and control decision-making will necessarily be plagued, to some extent, by conflicting ideologies which stem both from the ambiguous nature of crime control concepts as well as from the conflicting intentions of criminal justice. The latter refers to the aspirations of determining individual criminal responsibility while, at the same time, treating all people equally before the law and imposing universal punishments. As to ambiguity, one should reflect on how can it be that on the one hand discretion is represented as arbitrary and the antithesis of the rule of law, while simultaneously it is seen as an individualized protection against arbitrary and capricious laws. Noting these prevailing contradictions is important to understand the later assertion that discretion can be both advanced and criticized by the proponents of informalism, as could be the case with a decision-making process based on the rigid rule of law.

Prior to a more functional examination of the relationship between decision-making and formalization, it will assist our purposes to return to the symbolism of community. Bearing in mind the earlier assertion that the symbol of community is essential to the ideology of informalism, it is important to consider what forms of decision-making processes might be deemed supportive of this symbol. Such a consideration is not, however, a simple

exercise. As is the case with the diversity of attitudes towards discretion, so too there exists a diversity of attitudes concerning what type of decision-making process is community supportive. Above all else, for a process of decision-making to accord with the symbol of community, it must be both accountable to the community and protective of its interests. However, accountability might lead to a pressure for greater formalization rather than informality. Take for example the police as a mechanism of crime control. As such a mechanism, it may exist in different degrees of formalization depending on the socio-cultural framework within which they operate. Policing has been recently subjected to pressures for a return to the values of "community policing" (Alderson, 1984). Such a notion encompasses, to some extent, a destructuring of the professionalized organization of policing towards greater interaction with the community. However when it comes to arguments for greater police accountability there is usually the call to establish some formalized structures, whether community centred or not, to ensure accountability (Lea and Young, 1982).

These contractions can be seen as challenging the linear correlation between the symbolism of the community and the ideology of informalism. Or maybe, on a more pragmatic level, it is a recognition that within the general community-based advocacy of informalism, there will be a reliance on some more formalized aspects of decision-making, in order to guarantee more fundamental objectives such as community protection and other vital community interests.

This brings us to the important realization that viewed within the overall crime control picture, informality is rarely an objective in its own right. Moreover, informalization should be seen as an operational device used to better achieve the crime control purpose. An example of this is the regulation of discretionary decision-making so as to ensure

a greater degree of justice within a crime control mechanisms. Inherent within any such process of regulation will be the influences of formalization. "The principal ways of controlling (discretion) are structuring and checking. Structuring includes plans, policy statements and rules, as well as open findings, open rules and open precedents... Checking includes both administrative and judicial supervision and review" (Davis, 1970: 55).

The degree to which formalization will influence components of a crim control mechanism in the context of decision-making, is not determined by internal considerations alone. In fact internal considerations such as the location of the decision-making process, the identity of the "deciders", the character of the decisions they are required to make, the objects of the decision, etc., are far less likely to be either the impetus or focus for formalization than certain external conditions of crime control. For example, a supervening commitment to "due process" as the central characteristic of criminal justice, may require the continual development of rules and principles as both desirable and inevitable. This would be the case no matter the type and mode of the decision-making process within the criminal justice system. Nor would its significance vary simply because such different decision-making processes function at various levels of discretion.

Caution should be exercised against too great an emphasis on the overbearing importance of external social factors at the risk of ignoring some significant influences towards formalization which are internal to a mechanisms of crime control. Special attention should be paid to this when examining those mechanisms of crime control which operate outside an institutionalized setting. Perhaps the best way to conceive the influence of formalization is as follows:

- i) the nature and properties of the formalization of certain broad social factors and institutions will

affect the process of formalization of a mechanism of crime control linked with or located within broad social institutions;

- ii) as a consequence the internal level of formalization will be to some extent self-regulating as a dynamic concept;
- iii) it will then influence and be influenced by other internal elements;
- iv) the aggregate formalization of the mechanism itself may affect the significance of formalization for the wider crime control endeavour.

So far we have examined the concept of discretionary decision-making as being, to some extent, internally related to regulatory frameworks and, as such, to authority. However, the vast amount of unauthorized decision-making which is a characteristic of the operation of the criminal justice process should not be ignored. On the issue of authority for decision-making, Davis identifies the following types: "...purposeful legislative delegations, vague statutory terms to which administrators must give meaning, and public acquiescence in administrative assumption of ungranted power. The third probably involves more power than the first two in combination and the second probably involves more than the first." (Davis, 1970: 217-218).

With increase in formalization there might be a corresponding increase in authorization. Deviation from such a trend is suggested by the notion that a decrease in authorization may result in an actual increase in the power of the discretionary decision-making. Thus, a non-delegated discretionary power may be more potent than that which is delegated. The degree of formalization which is evidenced by the decision-making process — thereby giving effect to such power types — may influence the potency of discretion. For example, the more covert, non-accountable and unsystematic a decision is in the exercise of power, the

more forceful it can be. Davis expands further on this correlation: "The non-delegation doctrine seems crazily incongruous when placed alongside of the commonplace power of selective enforcement, as exercised by police, prosecutors, regulatory agencies, and other administrators. Not only is the power of selective enforcement typically ungranted through legislative delegation, and not only is it completely unguided by statutory or other standards, but it is also unstructured and unchecked, and it includes the power to set aside legislation in whole or in part, no matter how clearly the legislative will has been expressed. What is still worse, the power of selective enforcement is exercised by single officers in individual cases, with no requirement of consistency, so that a statute is set aside in one case, enforced in the next case, and partially enforced in a third case. And no equal protection clause, no principle of equal justice, and no judicial review are ordinarily available to a victim of arbitrary exercise of the power of selective enforcement." (Davis, 1970: 218).

Underlying the discussion of decision-making and formalization is the recognition that any predictable or consistent statement about their relationship may be both unhelpful and obfuscating. The reasons for this are various. First, the contradictions pervading the constituent elements of discretion within decision-making processes. These refer, for example, to a number of dilemmas regarding principles such as: "Where law ends, discretion begins and the exercise of discretion may mean either beneficence or tyranny, either justice or injustice, either reasonableness or arbitrariness" (Davis, 1970: 3). Moreover, Bottomley suggests that the interpretation of such principles may, in fact, indicate the judgements given on the functioning and tasks of the entire penal process. The meaning accorded to the decision-making process will be initially influenced by the characteristics of the parties to the process. In crime control decision-making "... not only are the individual needs and

characteristics of the 'client' taken into account, but the decisions themselves are very likely to be influenced by the individual characteristics and values of the decision-makers" (Bottomley, 1973: 220).

The second complication is with the forms of formalization. Decision-making processes which are closely aligned to state-centered regulatory frameworks (and which are written) could be only apparently more formalized. Yet some more community-based decision-making processes are also formalized in the sense that rather than controlled by a statute or a legal process, they are constrained by binding unwritten or even unspoken traditional rules and values.

Formalization being itself a dynamic process with inward and outward influences, it relates in a different manner to various control mechanisms and, furthermore, to their various components. In addition, different ranges and characteristics of formalization which act and react on one another, generate pressures for a shift in discrete degrees of formalization. One should also be aware that various components of the mechanism are simultaneously, and in differing degrees, susceptible to influences towards or away from formalization. Therefore, in methodological sense we deal with the resultant composite measure of formalization.

In spite of the complexity of the issue previously discussed, an analyst may choose one or a number predetermined criteria or indicators of formalization and apply these to the components of the mechanism or to the mechanism as a whole. But the available empirical evidence may turn out to be unsuitable for such analytical determinancy and precision. Some formalization seems to be present in almost all crime control mechanisms. It might be indeed possible to differentiate the degree of formality of authority, regulatory frameworks, decision-making processes or the mechanism as a whole, in a society in which some indicators or criteria of formalization are almost ready at hand and given (such as: high role specialization, written codes, departmentalization,

etc.). However, by comparing a number of mechanisms along these adopted continua, their analytical utility becomes dubious when applied to mechanisms which are operating in a different socio-cultural matrix. And even so, one may only talk of different levels of formalization, or influences to and away from formalization. In so doing one exposes the multifaceted composition of formalization.

To establish a composite notion of formalization applicable to various mechanisms or even to universalized components is complex in itself. Then, if such a concept is to be applied to culturally relative objects, the result may produce conclusions too diverse to form the basis for useful generalization. In making this admission we are not conceding that to attempt to explore the relationship between formalization and crime control mechanisms will always produce unusably relative results. In fact the analyst is faced with at least two alternative direction for such an endeavour. First, on a more simple level a model mechanism frozen in culture, history and space, can be selected and its nature and operations can be examined in terms of a single indicator of formalization. However, the result of such analysis will be both limited and somewhat artificial. Second, a more challenging path may be chosen, that is, to grapple with the complexity of the mechanisms and their components, pre-determined as that may be by broad socio-cultural imperatives. To this the analyst can attempt to apply a vision of formalization which recognizes the following:

- i) that formalization consists of various characteristics and continua which are dynamic;
- ii) that formalization is both a feature and a consequence of certain already existing structural realities and processes;
- iii) that formalization will not only influence the nature and operation of the mechanisms but will, in turn, be influenced by the properties of the mechanism.

Whatever the path chosen by the analyst, speculation on the relationship between the components of the crime control mechanisms and formalization will only profit if confronted with empirical evidence. Some of this evidence is provided in Part Two of this study.

PART TWO
CROSS-CULTURAL MATERIAL

INTRODUCTION

In Part One reference was made several times to the contributions received on the topic of informal mechanisms of crime control. These form the bulk of this part of the book. In order to more comprehensively examine the various identified informal mechanisms, the individual contributions were taken as the primary source, and on this basis we have engaged in a process of recontextualization. Simply put, this was an exercise in reorganizing the various sub-topics within each contribution around certain categories of crime control mechanisms. This obviously necessitated some interference with the integrity and the logical development of each paper. Mindful of this, an attempt has been made as sensitively as possible, to at least not misrepresent the major premises and arguments of each contribution.

However, the benefits of this approach have proved to be significant. What is more important, it provided the conditions to view each mechanism in its broadest sense, and from as many cultural perspectives as were made available. In addition, it revealed both the complementary and contradictory interpretations from the various contributions with regard to particular mechanisms. Therefore, the reader will be now able to conveniently review the descriptive and impressionistic material in a generic rather than a progression sense.

Very broadly, mechanisms of crime control are classified under two general groupings:

- 1) mechanisms which might be viewed as arising from wider and more diverse social institutions (eg. the family, religious institutions, educational endeavours and political organizations); and

2) those referred to as "informalized alternatives": which appear as discrete purpose-designed entities, created with the intention to stand in contrast with more formalized mechanisms.

As with efforts at such sub-groupings, one immediately realizes that there is a degree of interrelationship and overlap which challenges the validity of their distinction. However we would make the same admission concerning some of the various mechanisms themselves. Even so, the points of difference are significant enough to justify such a separation.

Somewhat related to these broad groupings is the matter of the present status of these mechanisms. Those in the first group are, more often than not, already existing and could be seen as a part of the social, cultural *status quo*. Regarding the mechanisms in the second group, instead, their existence implies some changes in the *status quo* either through a contradiction with, and consequent adjustment of, certain previously existing more formalized mechanisms, or by the creation of completely novel mechanisms for crime control.

Due to the fact that each contributor was given the licence to select whichever mechanisms he/she considered to be of significance within the given socio-cultural milieu, the reader will only find selective references to certain contributions (and differing emphases on individual contributions) under each topic head. Some contributors paid greater attention to the former group of mechanisms, while others concentrated more specifically on informalized alternatives. Some contributions dealt with the connections between various mechanisms while others chose to deal with their subjects in a more discrete manner. Under certain categories of mechanisms one may find diverging views regarding the structure, nature, operations and significance of a particular crime control mechanism, while for other

categories there is a remarkable meeting of minds over all such issues. With regard to the more specialized categories which appear towards the end of this part, the information refers only to a single mechanism.

The concept of informal mechanisms of control and the specifics of what characterizes the chosen examples were approached from somewhat different perspectives by each contributor. In some cases the ideological significance of the mechanisms has been emphasized over and above the discussion regarding their structural or functional dynamics. In conjunction with the alternate course chosen, other contributors have presented their views with little concern given to labouring on distinctions between ideology and function.

In all cases contributions presented a wealth of descriptive and impressionistic material of remarkable originality. A number of the contributors also chose to present a critical perspective concerning the chosen mechanisms, their aims and their actual operation. In representing all this material we have made no conscious effort to distinguish between the differing types of material sourced. We have preferred to leave open for the reader's preference, any emphasis of one form of material over that of another.

Prior to commencing our recontextualization around these aforementioned categories we would again warn about the importance of cultural specificity. At the risk of reducing the impact of our concern for such a perspective by all too often raising its relevance, we would suggest that serious misinterpretations of expressions and opinions may arise if the reader fails to reflect on them in their socio-cultural context. In fact, much of what is said about informal mechanisms of crime control will have little specific meaning outside such a perspective. As the nature of the contributions and the way in which they were solicited would suggest, the opportunity for and interest in making generalizations about the topic are few indeed. Finally on

this point, whenever possible we have endeavoured to present such culturally specific material in the form it was originally presented. Our "linking" comments, have not attempted to recouch the contributors' views into a reading of what their culture should be. Perhaps one of the explanations for a certain imbalance in the exercise that follows can be traced back also to the issue of cultural specificity. The very selection and position of certain mechanisms is an indication of their relative importance for the host cultures, as much as it is evidence of the contributors' research preference.

An additional point to be made in introducing this study is to clarify that we do not at this stage wish to endorse or criticise the presentation of any of these mechanisms as informal. The reader will no doubt appreciate that in terms of our prior theoretical discussion, we may find certain grounds on which to question the application of formalization concepts to any or all of the following mechanisms.

However it is not our purpose at this point to open up a critical debate about formalization and the mechanisms identified. As indicated earlier, it is significant in itself that certain commentators consider such mechanisms to be informal. Their reasons for holding such views, and their more general impressions of what is informal, provide a constructive basis for analysing both the assumptions about and the reality of informal mechanisms of crime control.

FAMILY

(*T. Asuni; M. Al-Hamid; E. Bouasla; A. Salama*)*

There are two broad directions of interest expressed by contributors in the concept of the family as an informal mechanism of crime control. Firstly there is the supportive environment of the extended family as it translates authority through the strictly designated regulatory framework of member status within the family structure. This regulatory framework not only has responsibility for the administration of rules and values, but it also takes on the role of policing infractions. The second principal direction is associated with the former and revolves around the structures responsible for the enforcement of kinship ties.

Prior to dealing with the descriptive detail of the relationship between the family and crime control it is worth noting, as does *Asuni* that: "institutions like the family which is included amongst informal mechanisms, indeed are formal to some extent". *Asuni* develops this concept with reference to what he describes as "loose friendship groups". "The family is a more formal institution. It is more stable, and it has its unwritten rules and regulations and a division of labour depending on the socio-cultural milieu in which it exists. Age in the family takes precedence over other factors in decision making".

In addition *Asuni* observes that various social control methods are interrelated and interlinked and cannot be considered in individual isolation". In this regard one should not simply consider this interconnection at the level

* Names of the contributors whose parts of the text are reproduced in the section.

of institutions alone, eg. family, church, school etc. This relationship is based to a great degree on the special closeness of family units, and on shared values.

Similarly, when introducing his discussion on the family in Saudi Arabian society, *Al-Hamid* also emphasizes the internal and external interrelated nature of this and other institutions.

“The family is a ‘natural’ primary group. It comes into being out of the process of having and caring for children and living in close proximity to other members. Long before formal schooling, the family was ‘the child’s most intimate instructor and the agent of the broader cultured group, such as the ethnic group, nation, social class, and (frequently), its religious orientation’ (Roucek, 1978: 121). The family is not a closed social system, existing in isolation. Rather, it is an open system which sustains relationships with other systems in the total transactional field. The family as a social system and the determinants of its structures and functions, are the foci of sociological analysis. Its importance in the field of sociology has been reflected in the amount of attention devoted to it by a wide range of academic and clinical disciplines”.

In developing the idea about the fundamental connection between the family and society in general, *Al-Hamid* introduces the potential for social control.

“The family should be considered as mediating between society and the individual. It reflects, and interprets the society to family members. The nature of the relationship between family members should be seen as the key in understanding how to adopt social control to the process of social change. It is observed that the strength and the influence of family differs from one society to another”.

The extended family

When translated into its West African context, the extended family is conceived of as being “not limited to the

nuclear family, but extends both vertically to include several generations, and horizontally to include cousins. In a large number of cases in West Africa the family name means a lot; it infuses not only a sense of belonging but also an awareness of some obligation. Living up to and enhancing the family status is a moral obligation which is emphasized" (*Asuni*).

Therefore one of the earliest characteristics of the extended family is the concept of shared reputation and the consequent obligation to mutually maintain it. This creates some supervening collective consciousness which is identified symbolically through the family name, but is more deeply revealed in the status-based ties of obligation.

"Children have their rights, but they also have their duties and obligations and it is lopsided to emphasise their rights without insisting on their obligations at the same time" (*Asuni*).

Bouasla presents a view about such obligation, and its consequent degrees of dependency, which also considers social ties outside the family unit. "Since the family is the basic social unit, the main Islamic values relating to social life and the conception of the external world in terms of cohesion, solidarity and collective responsibility are taught through it. The individual enmeshed in such a human network is likely to react to his society in a complacent and positive way because he has a secure and inalienable place in his human group (family, tribe, nation).

Within the nuclear family in the urban world, or the extended family in the rural one, the individual is conditioned to seek mutual dependence and to fulfill series of duties, obligations, and attitudes toward his kin group.

Kinship is (identity) oriented and mutually internalized with no strong preferences distinguishing paternal from maternal kin. Nevertheless the paternal (pattern) is practiced in the residence which is patrilocal, in the system of inheritance, and the preservation of the family name".

The authority which is both represented by, and permeates the family structure, is embodied within the rigid status structure of the family unit. "The family is a structured institution. It has a division of roles, and a hierarchy of status. Father, mother, and children each have a given function and role to keep the family alive. In our culture moreover, instrumental leadership is typically assumed by the husband-father, who is thus the boss-manager of the family. The family or the kinship unit in most developing countries has been largely responsible for the development of social solidarity and the regulation of social control" (*Al-Hamid*).

One of the principle predeterminants of such a status structure can be found in traditional attitudes to the domain of knowledge and wisdom. "The factor of age is vital in traditional institutions but this does not totally exclude knowledge. It is accepted that experience comes with age, and experience is more valued than knowledge. Knowledge in this context is not necessarily academic or professional knowledge which may be limited in scope and relevance (*Asuni*)". While recognizing the importance of traditional status structures for the translation of traditional values, these structures within the family context usually have "a more personal touch to them".

Another factor which is identified as governing the existence of the family, is that of progressive and mutually shared levels of respect. This respect is directed towards both the authority of the family and its inherent regulatory framework. In addition it provides a basis for an extension of respect towards legitimate authority within broader social institutions. "It is not enough to house, feed and clothe them but it is also essential to give them moral training. If a child is not taught to respect his/her parents, how can the child be expected to respect legitimate authority, which is not always embodied in individuals? How can a child be expected to make civic contributions

when he has not been taught to make useful contribution to the welfare of the family to which he belongs?" (*Asuni*).

With authority structures consensually supported, it is now necessary to consider the traditional and/or shared values and norms which are the objectives of family socialization patterns. These values are entirely culturally relative, depending both on larger moral, civil and religious imperatives, as well as on those internal factors which may structure the family in a particular way. For example in Moroccan society, whether in the nuclear or extended family, "... the father's authority is strong, he is the breadwinner and educator of children, his image is idealized, so he (with the mother) plays the role of disciplinary agent. He teaches the child the moral code and the traditional values and ideals of the Muslim society in which he is raised. These ideals are piety, respect for others, mutual aid, solidarity, magnanimity and steadfastness. The mechanisms of education vary between reward when the child acts in accordance with these ideals, and punishment when he does the wrong thing.

In general the child learns to identify his behaviour with the sanctions and prohibitions laid down by the parents (chiefly the father). He introjects the moral imperatives and ideals of his parents. They become his ego-ideal and conscience. The family life and surrounding environment contribute to the strength of this conscience of the child. His father gives him a good example by seeking mutual aid, neighbourliness, advice, and high education. His brothers and neighbours do the same thing and usually they play a part in shaping his behaviour.

Among the prohibitions that the child learns there are also predatory habits, violence and crime, because they are contrary to the moral values and the muslim ideal, and because they affect the cohesion and authenticity of the whole community of the faithful. The moral code and moral tradition play a part in this way as well as the

parents' explanations of moral and legal punishments if these prohibitions have been committed.

Deference is a behaviour learned from the injunctions of parents warning the child against aggression and delinquency. Parents demand and teach children submission, selflessness and uprightness. The external environment of family (the little community) plays a part in this way to the extent that mutual aid and respect is an aspect of communal life. The authoritarian structure of family which is stratified (parents — elder brothers and daughters...) plays the same part in shaping deference, without, for all that, leading to the negation of self-esteem or engendering hostility. Over and above this educational role of the family some features of the family structure contribute toward a strong readiness to realize these cultural ideals and perfect personality. The warmth and affection within the family makes individuals seek mutual aid, fulfil duties and obligations, and react in a complacent way to his society. Because everybody is indulgent toward the child (adolescent and adult), and has a warm relationship with him, this child will identify himself to their image and adopt the pattern of behaviour sanctified by moral and social values" (*Bouasla*).

The family is clearly one of the principal agents of socialization, understood as, "the process through which individuals are trained both formally and informally to accept the values and the norms of the groups to which they belong" (*Al-Hamid*). Socialization in respect of the family is usually seen as directed towards traditional values and the *status quo*. "The family, as an important agent of socialization, conditions the child, first of all, to the idea that the type of family he experiences is the approved pattern for adult living. From time to time, the child learns the norms and the values of the society in general and the family in particular. It is obvious that the authority of the parents over the child contributes effectivelly to reinforcing the family's desired behaviours" (*Al-Hamid*).

It is dangerous to restrict its potency only to the application of conservative values. As *Pečar* notes, "socialization can both preserve the past, ensure the present and provide for the internalization of new values. Thus, socialization allows for the adoption of already existing values and the adaption of new values in a dynamic fashion. In this respect socialization can be viewed as reformative as well as conservative".

When conceiving of the family as a mechanism of crime control, socialization needs to be viewed in terms of its crime control potential. In so saying we are immediately confronted by the cultural specificity of social control. *Bouasla* evidences this. "The process of socialization as a mechanism of social control has been acknowledged by Islam. According to Islam, man is born in a natural state of purity which is the complete submission to the will of Allah. Whatever becomes of man after birth is the result of external influences and factors or, in modern terms, the socialization process. The Prophet Muhammed (peace be upon him) declared that every child is born into the true malleable nature of *fitrah* (the pure natural state of Islam), its parents later on make it into a jew, christian or pagan. Many psychological studies assert the Islamic concept of purity. According to Hartshorn and May (1929), 'the average child of grades 6 to 8 (10-13 years) is chiefly a creature of circumstance. Whether his conduct happens to be good or bad, it is ethically unorganized".

To consider the family's socializing facility as a single and internal process is too limited. The role of the family in socialization needs at least to be linked with broader influences coming from its more proximate ambient. "The primary social unit is family, but in the rural world the family remains wide and generally composed of four or five generations that are living in the same house, and finally this extended is linked closely to its immediate little community (district or tribe) to create a great potentiality for integration, socialization and soliditarity. In the urban

world the family is generally nuclear or becoming so. Nevertheless, the nuclear family remains linked to other families in little towns and old cities, and constitutes together a kind of little urban community which provides against social desintegration by maintaining the traditional value systems of neighbourliness, collective reinforcement and solidarity" (*Bouasla*).

The family as an agent of socialization is also concerned with reinforcing its own social status and existence. Therefore the component principles around which the family is constructed may themselves become objects of socialization. These in turn can provide sub-frameworks on which other socialization patterns are constructed. A useful example of this is the significance of kinship ties, and the manner in which they constrain processes of crime control.

In a culture where kinship ties are strong, an attack on the status and property of a family member can be interpreted as a shared victimization requiring some response from the family as a whole. This communal attitude towards crime control and retribution can in turn be adopted as regards other more acceptable crime control procedures. An interesting example of this is presented by *Salama* when referring to prevailing customs and values in Egyptian society. "Every society has its own customs and values which are reflected upon people's behaviours and manners. Some of these customs are so deeply rooted that they become binding, like formal penal laws.

The phenomenon of revenge for example is one of the most deeply rooted customs in upper Egypt. Although all legal measures are taken against the murderer, yet the blood guardian still feels ashamed and disgraced until he takes vengeance; for family ties in these communities are so strong that one feels part and parcel of the family and any aggression against his family is against himself. Revenge is the only penalty that satisfies the blood guardian so he conceals the facts from the police to inflict his own penalty on his enemy.

Police in Egypt used these strong ties among families which lead to revenge, to put and end to all disputes and strifes. They hold meetings for customary reconciliation attended by heads of feuding families to discuss the problem and take decisive decisions.

As these reconciliations have proved to be successful, police have begun to form reconciliation committees in every village and town since 1984”.

The reality that the complex code of kinship may itself verge on a form of rule structure or legal order may be appreciated in those societies where the principal basis of authority resides in kinship.

The family in a state of change

So far descriptions of the family appear to have referred to a static institution, but the family can also be viewed as a dynamic and changing institution. The broad influences of socio-economic development may have a profound effect on the nature and social position of the family.

“Lackner (1978) believed that the sudden socio-economic change in Saudi Arabia and the transformation of the social life and attitudes cannot fail to have a deep impact on the society. Al-Juwayer (1983) mentioned some innovations that have come to affect the Saudi family. Some examples that he mentioned are as follows:

- 1) Saudis are able to travel widely.
- 2) They have become aware of the different relationship between men and women in other countries.
- 3) Women expect more in terms of companionship, free social intercourse, etc.
- 4) Married women demand separate homes from their husbands' parents, and they demand the right to divorce should the husband see another wife.
- 5) The extended family seems to be weakening” (*Al-Hamid*).

The family's central importance within the Arab and African cultures is one of the reasons why the way in which it is affected by socio-economic development is considered to be of the utmost importance.

Therefore, any challenge to the immutable and traditional family structure gives cause for concern. Such concern regarding the influence of change, and change itself, may not be so apparent in cultures where the family is not considered fundamental or essential to the fabric of that culture, or where it is a more fluid and diverse social institution.

"The family and religion in Saudi Arabia, as is the case in most traditional societies, are very important components of the society. A cohesive extended family is the major distinctive characteristic of the Saudi family. Long (1976:5) wrote about the people of the Gulf. He mentioned that they are oriented more closely to their extended families and tribal groupings than to any other socio-political structure such as Province, State, Region, or in the case of the Arabs, the Arab World" (*Al-Hamid*).

If the family is given such social pre-eminence and its traditional and static concept is revered, then obviously all evidence of change within that concept will be suspect. Also where the family is seen to co-exist in an irrevocable manner with another rigid and powerful social institution such as religion, the consequences of change will be even more critical.

The connection between family life and community structure is marked. As a result the destructuring of rural communities, the migration to the cities and the re-organization of the division of labour being dependent on new employment opportunities, have been identified as having a profound effect on the extended family.

"Meanwhile it is in the urban world that the dynamics of social change are creating an upheaval in the old structures. The industrial process that is taking place in the Atlantic

Coastal cities (of Morocco) has created a labour market that satisfied to a great extent the demand for work in these cities. The attraction of cities becomes strong, whether real or imagined, among the young rural population, and the first migrants were generally absorbed without great difficulty in the industrial activities of the cities. Nevertheless the singleness of rural development, owing to a series of factors such as the structure of landownership, the allotment of investment in modern agriculture (large farmers) at the expense of traditional ones (small farmers), and finally the inadequacy of the labour market in agriculture, has accelerated migration towards the cities. This may affect on the one hand a whole family, and on the other individuals who first go to the city to look for a job and a room, then they are joined by their family. The life in these over-populated areas is very difficult and brings about conflicts between their inhabitants. Social control remains weak because of the transition period for the family uprooted from their rural little community and thrown in an urban aggregate, and also because of the general deterioration of life conditions in the shanty-towns" (*Bouasla*).

The Moroccan contribution relates the disruption inherent within urbanization to a weakening of the socialization and control potential of the family. Also elements of what were considered merely as part of the extended family become social forces in a separate sense.

"The old structures have been disrupted, and some socializing functions performed by social institutions have been weakened. The role of the family in this new social setting is diminished by migration which in turn uproots rural families from their former traditional settings. Conflicts over conceptions of authority between parents and children center on the enforcement of old authoritarian norms. The "youth problem" is becoming crucial. The process of modernization has created a variety of conditions which have tended to intensify the perception and self-

perception of youth as a distinct category, with problems of its own, within the broad contours of modern Morocco... Youth groups tend to develop in the urban areas and to a lesser degree in the rural ones because the participation in the family becomes insufficient for developing full identity and full social maturity" (*Bouasla*).

The influence of family change on social control

One of the major assertions of our contributors who discuss the family as a crime control mechanism is that the traditional extended family in particular, is a potent force for social control. Not only is the family itself a significant social control agent, but its social control potential both complements and is complemented by the operation of other associated social institutions eg. education, religion, etc. *Asuni* recognizes this and then examines those features of socio-economic development which challenge traditional notions regarding the family and thereby, it is alleged, affect its social control potential.

"As stated earlier the individual social control institutions are inter-related and the family is related to the school and the neighbourhood. The latter reinforces the social control influence of the family, since family name and status are perceptions of the neighbourhood and community at large. Furthermore the neighbourhood in small communities often provides an extension of family social control where there are shared values.

Some factors tend to bedevil and undermine the social control effect of the family and if these factors can be identified, something positive can be done to reduce their undermining effect. One is the complex factor of urbanization-migration-industrialization. This factor adds a new dimension to parental and family responsibility. The vertical and horizontal family extension is not always available in the big cities and the neighbourhood is not as

cohesive and homogeneous. For this reason the parental and family responsibility should assume a greater and more intense dimension as there are fewer people to share the responsibility. Clinical experience has shown that parents and families in big cities are not sufficiently aware of the changes in the environment and they tend to relate to their children as if the situation, in which they, as children, were brought up is still the same as that in which they are bringing up their own children. The supportive and restraining influence of the extended family and neighbourhood is not available any more.

Another factor which undermines the social-control influence of the family is state intervention. This is a touchy and highly debatable issue. While it can be admitted that it is necessary for the state to intervene to ensure that the right thing is done for children, and that they are not deprived nor abused, the question is how far should the state go in its regulatory function. The worst thing that can and does happen is for parents to abrogate their responsibility to the state leaving the children unguided since the state cannot effectively assume total parental responsibility. The situation has often arisen where parents blame the school and the school blames parents for the children's failure and unacceptable behaviour.

The parents' active contribution towards their children's welfare and education earns them their extraordinary respect. The children, in turn, are willing to accept their parents guidance and from them learn among other virtues probity, setting of realistic priorities and management of money.

The importance of specific socio-cultural settings for the structure and relationships with the family is crucial, in discussing the informal social control institutions like the school, the family, etc., one has to examine the situation within the socio-cultural and even economic context of the communities concerned. In a number of communities in

Africa considerations of group solidarity supercedes the individual solidarity. In the same vein, the individual owes his/her existence and individuality to the primary group to which he/she belongs" (*Asuni*). He also identifies certain emotional bonds as being fundamental for the socializing power of the family, although with some caution. "When talking about the family, it is taken for granted that we are referring to normal families in which the basic elements of love, care, consistency in behaviour patterns, etc., prevail. In the extended family the constancy of love and affection is often maintained even when they are equally exhibited by all members concerned. This constancy cannot readily be maintained in nuclear families where there may be wide discrepancy in the level of love and affection exhibited by parents. The consistency in behaviour patterns of both parents is often not maintained. In other words the extended family offers a balancing effect.

When discussing the family one should be careful not to glamourise it in an unrealistic way. Indeed the extended family has some disadvantages but, on the whole, the benefits outweigh the disadvantages especially when not viewed from the narrow perspective of the single individual — particularly the more successful individual — but from the totality of the systems. Obviously the extended family which helps individual members to be self-supporting is more constructive than that which encourages parasitic living" (*Asuni*).

Al-Hamid also highlights the potentially destructive influences of urbanization on the family. In so doing he refers to the associated issues of the working mother, divorce and delinquency. "Other aspects of new urban life, contribute to some extent to the weakness of some mechanisms of control. We think here of the overpopulation of cities, the relative impact of the work of women outside their home on the education of children and the potential for delinquency it favours and also the impact of the family disintegration owing to divorce.

Information on these two last aspects of urban life should be empirical and obtained through field work research. But, even in the absence of such information and without exaggeration, we can say, that among the families where the parents — chiefly mother — are permanently working outside in cottage industry, services, or with a sub-contractor, children's education is inadequate. In facing this situation some children grow accustomed to a street corner life within an adolescent group that can develop a tendency for delinquency which could end in brawls and crime. Family disaggregation owing to divorce may produce the same consequences because the children are denied family life, the father's care and have to face life without social and psychological preparation".

It is *Asuni's* contention that the family's crime control potential depends on the maintainance of traditional authority structures, a rigid and extended regulatory framework, and a process of decision-making which is status oriented, considerate, and which is based on respect. In so saying, he regards that the family, as an informal mechanism of crime control, is and should be inextricably linked with other social institutions which have a potential to socialize towards traditional socio-cultural values.

"All those involved in the informal control institutions participate, according to their age and competence, in tasks expected of the institution. If it is participation in decision-making on issues related to the welfare of children, the children themselves do not actively participate. Decisions are made for them on the consideration of their perceived needs, expectation of their future role, and observation of their personality traits and exhibited aptitudes. All those concerned participate in decision-making on issues which involve adults and in order that a decision is arrived at, persuasion is exercised until a consensus is reached. Deference is paid to the views of the older members especially if these are backed by knowledge and experience

in the particular issue under consideration. These people's authority is earned and not conferred on them by any bureaucratic means.

The function of the informal control institutions (such as the family) is not directly concerned with control. The control element happens to be coincidental with the major function which, in the case of the family, is the continuity of the species; in the case of school, it is primarily academic learning; in the case of neighbourhood, it is essentially solidarity and security; and in the case of friendship groups, fellowship and recreation. These major functions do not require much of professionalism, if any at all. Adequate social control is an essential ingredient for the effective functioning of informal control institutions. Under these circumstances the cost effectiveness of the informal social control system cannot be easily measured. What effort is made to strengthen these institutions is directed to making the institutions work better — in doing so, the element of social control is taken care of.

It has been admitted that these informal social control institutions really work in small, relatively homogenous and stable communities. With modernization, industrialization, urbanization and migration, the factors of size, stability and homogeneity are disturbed. How do we expect informal institutions to be effective? The basic issue is to examine their primary functions and to discover which institutions carry them out in the absence or malfunctioning of the informal control institutions.

There is no question as to the need for the family as an institutions for without it the community would be extinct. The issue is its changing structure from extended to a less extended form and its becoming isolate because of urbanization. It can be said that social control is part of the family's function, because of the nuclear family's isolation parents are deprived of guidance by older and more experience elders. Furthermore, parents are more involved

in fulfilling themselves and due to economic reasons they are compelled to work away from the house. Parenthood, which is a most responsible obligation, is undertaken without guidance and without the opportunity to learn; responsible parenthood is not taught" (*Asuni*).

These impressions about the family have been presented in a manner which not only attempts to identify its social control characteristics but which recognizes the position of the family as a central element within certain cultures undergoing dynamic social change. In the light of the preceding discussion on the family "we get a perspective on the potentialities for delinquency and crime control or prevention relating to this basic social unit. Owing to its authoritarian structure, traditional organization, warmth of relations within it, prestige of parents and respect of elder persons in the household, the family plays a distinctive part and contribution in the social integration of individuals within their local community and society as a whole. This allows, on the one hand, for the function of social control, and on the other presents an institutional capacity to modify tensions, conflicts and social situations leading to crime and delinquency" (*Bouasla*).

RELIGION

(*M. Al-Hamid; E. A. Camero; A. Salama;
T. Asuni; E. Bouasla*)

Unlike the preceding discussion on the family, in which the contributors were generally supportive of the view that the extended family is positively influential towards social control, the contributors on religion as a crime control mechanism are divided over several key issues. Firstly, there is a difference in the appreciation of the essence of the relationship between religious values and principles and the state. Secondly, there are conflicting views concerning the inevitability of the connection between religion and state; flowing from this is a divergence over whether religious values are the appropriate basis for state law. Thirdly, there are also differences regarding relationships between religion, education and family structure; finally, there is a fundamental conflict on how religion should be represented within the socio-cultural structure as a whole.

There seems to be little disagreement about the fact that religion and religious institutions are a force in social control. The controversy is, rather, over whether such control is consensual or imposed. From the perspective of Islam, *Al-Hamid* discusses processes for the imposition/acceptance of religious authority. "Religion is considered to be a powerful institution of social control. It provides society with beliefs, values and systems that organize and control human interactions and behaviours. It provides, through social consensus, a base for rewarding and punishing behavioural patterns. Its influence on society is either direct or indirect, formal or informal, progressive or retrogressive, depending on the social, political,

economic and cultural environment in which its agencies are located”.

Debating on the coercive power of religion, *Al-Hamid* represents it as an unfounded criticism of the true nature of religion:

“Religion has been abused and attacked throughout history. Sometimes it has been used as a means of exploitation and suppression, as a pretext for prejudice and persecution. However, these historical incidents have not evidenced a proper understanding of the concept of religion. In Islam, for example, the concept of religion maintains that it is not only a spiritual and intellectual necessity but also a social and universal need. It is not to bewilder man but to guide him. It is not to debase him but to elevate his moral nature. It is not to deprive him of anything useful, or to burden him, or to oppress his qualities but to open for him inexhaustible treasures of sound thinking and right action (Abdalati, 1981: 29-30)”.

As much as any other social institution with which we are concerned, the concept of religion only receives its meaning within specific cultural settings. Therefore the social relevance of religion and religious institutions as agents of social control will be interpreted quite differently if on the one hand they are perceived as processes of domination and repression, or on the other as essential and natural cultural supports which give meaning and purpose to other socio-cultural institutions.

Contributors from Arab cultures to varying degrees see religion as both pervasive throughout their cultural structures, and as co-existent with certain other state and community-centred social control processes.

The Venezuelan paper however finds less difficulty in distinguishing between state and religious responsibilities. *Camero* contends that “at structural level the religious phenomenon is part of the so-called ideological apparatus of the state “or, more precisely, of the consensual organs of

civil society. The difference in focus lies in whether we, from the beginning consider religions as the part of a state apparatus. In actual fact it would appear to be only an ideological manipulating organ imposed from above... religious sentimentally is manipulated by the church at an institutional level (the state's ideological apparatus) through its organizations, institutions, literature, programmes, etc. On the one hand, it legitimizes the repressive power of the formal social control organs; hence the official church's institutional support of the totalitarian regimes or, in the present historico-political juncture the representative democracies, and, on the other, the consensual power it lends to the so-called ideological apparatus of the state".

When it comes to regulating every aspect of social life religion can be so all encompassing that even such simple legal divisions as what is civil and what is criminal, may collapse under the influence of religion.

"The role of law in Saudi Arabia, as in Islamic societies generally, is not to create and protect the rights of citizens, a purpose that common or civil law lawyers might assign to their legal systems, or to instruct citizens on ways they might become more perfect members of society, as socialist lawyers might observe about the role of law in their society. Islamic law serves and is the expression of God's will. It both provides its adherents with the knowledge of their duties so that they might more properly conduct this life and prepare for the next. It also enforces God's will that one should do what is morally proper and refrain from doing what is morally wrong.

Islam means submission. A Muslim therefore is one who submits to the will of God, and his legal system serves to show him how. The concept as well as the role of law therefore differ from that with which Westerners are familiar. In Professor Schacht's famous phrase, Islamic law 'is the epitome of Islamic thought, the most typical manifestation of the Islamic way of life, the core and kernel

of Islam itself.' It regulates daily life, religious activity, social behaviour, financial transactions and family affairs, and establishes and provides punishment for crimes and civil offenses. As Islam is concerned with the whole range of human activity, Islamic law does not divide simply between what is lawful and what is not. It views a wider ethical horizon and classifies an act in one of five categories: mandatory, recommended, permissible, reprehensible or forbidden. A Saudi lawyer might be asked by his client for an opinion on a question of contract liability; he could as well be asked for guidance as to what action might please God.

The orthodox law that regulates all of human activity, national and international, public and private, criminal and civil, is called the shari'a and is known to Muslims as the 'sacred law of Islam' the 'canon law of Islam' and the 'totality of God's commandments'. It translates variously and partly metaphorically as the 'way to follow', the 'clear path to be followed', the 'laid down path to salvation' or simply 'the path'. Literally, it means 'the way'. It is not religious law in the same sense that cannon law is, though it is easy to understand that with its religious prescriptions it could be confused as such. It is divine law; it is God's law" (Brand, 1986: 6-7).

If the functionaries of religion administer a religion which authorises and regulates all legitimate social practices, then they may also appear as a universal professional caste (priests, judges, lawyers, politicians, etc.). This could provide a screen behind which the structure and operations of crime control, in a formal sense, are exercised as if part of religion.

The origins of the law present divine law as supreme law, and the church as its only interpreter, here the problem re-presents itself: "What social sector is in charge of interpreting the law? Is not the priesthood caste the best and most loyal representative, — not of God on earth — but of the wordly owners of it" (*Camero*). She explores the

class-based structure of religious authority and, more specifically, the correspondence between the interests of the church and the interests of the powerful. The emphasis here is on the social control mechanisms which the Church systematically employs to ensure — through manifest or collective consensus as well as latents and individual repression — a level of authority in order to minimize and subdue deviance. The church is place in the realm of power.

“The constant element that has characterized the Church’s socio-historic course as a social institution is that of having presented itself as instrument of domination and hence justifying its existence. In order to achieve an effective recognition of its claim to the monopoly of spiritual power, the Church has, since the Middle Ages, placed its trust in the coercive power of the political military authority. In fact, Church has enhanced state organs of power and domination to advance its own political, commercial and religious interests. For example, in the early days of European colonization in South America, it was difficult to distinguish between what was political imperialism and what was missionary fervor. One was seen to legitimize the other and vice-versa. This bond was pursued and even reinforced by the increase in recolonization processes and advancement of ideals, ideas and movements of a socialist-communist orientation. While remaining an essential element of religion, the spiritual wellbeing of the members of the Church coexists with concerns that come within socio-economic perspectives. This broadening of concerns and interests introduces a number of movements and orientation within the Catholic Church.

It would appear that in Latin America, and perhaps in other Judeo-Christian cultures, civil and religious social institutions are kept separate: the sacred and the profane. The clearness of this division depends on the status of the Church within a particular community, the latter being inversely influenced by the level and effects of secularization” (*Camero*).

While the Venezuelan contribution concentrates its attention on religion in its institutional form, the individual Arab contributions focus on religion as a cultural totality. Thus, *Bouasla* informs that: "As a Muslim country, Morocco is impregnated with Islamic values relating to the organization of the whole social life of the faithful within family, district, tribe, city or the nation. Islamic values constitute the reference for persons and communities in their relations.

The first important feature of this cultural system is that it conceives the life of a person as closely linked to that of the community. In the oral traditional and in written sources there is a perpetual insistence on solidarity between the faithful. This is of great importance because the communal life, both in the rural and urban worlds, shows a high degree of social integration. This is exhibited both in the relations between families within a quarter or district as well as in the predisposition to help neighbours, elders, children, women or strangers".

Perhaps an explanation for the different attitudes to the legitimacy of religion as a principal socializer rests in the various ways in which religion is seen as being internalized within different socio-cultural settings. In Islam the ideal image of the muslim personality is established, and social cohesion is expected as each individual is supposed to aspire towards the imitation of such an ideal, both in spirit and behaviour.

Therefore, both through the examples which it promotes, and the regulatory frameworks which it establishes to assist the faithful in attaining these ideals, Islam has both a metaphysical and a broadly social significance. One of the most potent manifestations of how Islamic religion dominates over important aspects of Arab social life is its monopoly over the law in these cultures. However, Islam does not simply present an alternate legal system. It embodies the source of the law and legal principles; as well

as influencing how the law should be administered even in its more secular forms. This merging of law and religion provides a good example of the difficulties facing the analyst who may wish to make some assessment of religion as a mechanism of crime control, on the measure of formalization. If religion is law and vice-versa then can there be any distinction between the two as to formality? Or does the formality of one predetermine the formalization of the other?

“Islamic belief does not separate faith from law” (Brand, 1986: 3). In some countries, like in Saudi Arabia, the Quran is the national constitution, while the Shar’ia (“the sacred law of Islam”) is the orthodox law that regulates all human activity. It is the official law of State. “Islamic religion”, according to *Al-Hamid* “is both an informal and formal mechanism of control. Islam as a social system aims to control and prevent criminal activities by the valuable teachings that are based on understanding the outcomes of each crime, through reward and punishment techniques. The comprehensiveness of Islamic system, as a matter of fact, has the potential of guiding human kind to the right path, maintaining the social solidarity and closeness between individuals and, more importantly, satisfying the spiritual and moderate material needs of man. Having the abovementioned potentials it is really enough to Islam to be considered an important informal mechanism of crime control. Ideal Islamic society should derive its norms and values from the system that does not accept change or malfunction by human beings, which is the comprehensive law of Allah as institutionalized in Islamic thought. The comprehensive emphasis on religious values formally and/or informally and the application of Islamic Laws results in its adoption by formal and *informal* agencies of the state”.

Similarly, *Salama* comments:

“In defining crime and its reaction in a state, penal law is influenced by society’s values and interest, so if penal law is in line with religious values, ideals and the stable customs of

a society, its rules become part of the social tissue. That is to say, these values, interests and customs have positively influenced the formal policy for combatting crime and were translated by the penal law into penal rules and provisions". *Camero* recognizes the broad original connections between religion and the formulation of law. "In the beginning, an offence against a person was considered to be an offence to God and in respect of this conception the first norms which provided for the punishment of prohibited behaviours established the first differentiation between what was forbidden or taboo and what — at a social level — was permitted. Proof of the connection between law and religion being that all penal normatives that prevail in the sacred text ... establish the seriousness of the crime, its punishment and its possible reparation".

Thus religion can form a source of law, can represent the law and/or can use law as one of its essential embodiments. Yet, ultimately, it will be the manner in which law is administered which will predetermine its appearance in terms of formalization.

It can be noted that Durkheim's thesis that "the true object of religious worship is society itself and sacrilege become treason" (Moore and Sterling, 1985: 85) fits into the principle that "Islam, like the Old Testament, has enacted deterrent penalties against those who violate the taboos of society which are God's taboos" (*Salama*).

In Egypt the responsibility enforcing legal sanctions is seen as resting with the community as whole. This responsibility originates from Islamic religious principles and not merely from a state-based compulsion. "Islamic law has taken precedence over all divine laws in combatting crime; it has entrusted believers with the duty of combatting crime and forming a public opinion in which the good appears and the bad disappears, so all the believers are entrusted with the principle of command of the good and interdiction of the bad. Accordingly, all Moslems are

responsible for combatting crime as Islamic law states that security and stability of the society is the community's responsibility. In Egypt, for example, there is no penal clause which compels an eyewitness to testify, but testimony in Islamic Law is a religious duty imposed upon the believers" (*Salama*).

It appears that in Egypt there is a mutually supportive relationship between the state-centred legal system and religious law. This is not to imply that to some extent they diverge nor that they may rely on somewhat different rationals for responsibility. There are examples where both systems seem to co-exist in an administrative sense.

"Reconciliation is admissible among Moslems except a reconciliation which comes to an illicit solution.

Reconciliation is optional in the case of assault occasioning death or infirmity. The victim or blood guardian should accept reconciliation; but as for the crimes of manslaughter reconciliation is obligatory and blood money is to be paid to the blood guardian and not the state treasury.

Egyptian Criminal Law uses the reconciliation system within narrow limits. The penalty for adultery for instance, is nullified in the case where the husband accepts his wife's behaviour. An accomplice in a criminal agreement may be acquitted (and hence reconciled to the State) in the case of guiding and helping the police towards arresting other accomplices. Reconciliation is also applied to theft between family members and couples" (*Salama*).

The Egyptian Constitution (Art. 2) provides that "Islamic law is the main source of legislation". But, Islamic religious system in general greatly influences crime prevention and control activities whether carried out by specialized state-centered agencies or members of the Islamic religious community. "Combatting crime is greatly influenced by the degree of people's religious consciousness" (*Salama*).

Salama identifies some features of the social policy direction of Islamic law in Egypt which are "crime preventive".

"Islamic law has established public rules of social policy that aim at purifying society. It has also taken an interest in the raising of human conscience and improving social manners, the social policy in Islamic law is based upon:

1. Believing in god, resurrection, judgement and practising Islamic rituals;
2. Establishing faith within people for Islam is not mere mottoes or beliefs to be recorded in family records but it is value system that should be deeply rooted in the believers themselves. Islam is not mere legal punishments or retaliation, but values and principles;
3. Establishing upright manners and goodness, for they help purifying personality so as to resist evil and the desire to commit crimes" (*Salama*).

From the Latin American perspective a somewhat different emphasis on the relationship between religion and crime control. *Camero* concentrates more on the interactive relationship between personalities in the crime control equation in an attempt to indicate the significance of religious principles and institutions, for the process of socialization.

"If we consider social control as those measures tending to maintain and reproduce the established socio-economic and political order, it is possible to identify four relatively well differentiated levels where such control is exercised by religion:

1. control exercised by groups over the behaviour of members of another group where contradictory and conflicting relations are established between the dominating and the dominated sectors. As such, this may be a situation where 'superstructural religion' is exercised and given effect.

The result may be to focus on the cult as legitimation through which consensual and or coercive domination (which characterizes a large part of the history of the 'universal' church) is maintained. It is the cult of domination within the church which manifests itself in a religiosity that preaches the submission and resignation of the oppressed as the only valid option for their exterior and 'ultrawordly' salvation. Historically, this has been the type of social control manipulated by the Church in Venezuela from its colonial origins to the present day, with a few significant exceptions... In this respect it must not be forgotten that the process of conquest and colonization was achieved through collaboration between cross and sword. Likewise, North American imperialism's cultural invasion, was carried out with the resolute participation of important section of the Protestant Church. Both religions, Catholic and Protestant acted as spokesmen of the imperialistic domination ideology.

2. Control exercised by a group on the constituent members of the same group through associative authority: the ideology of domination is imparted through cultural/ideological institutions, which either possess secular power or are based on 'divine will'. Such power allows for establishing the limits between that is consented and what is not... In this sense the ecclesiastical authorities are responsible for and in charge of imposing 'moral sanction' and establishing throughout history, admonition through torture, punishment, or discipline, according to the seriousness of the crime committed. Nevertheless sanctions differ according to the social status of the delinquent; whereby for the same crime a member of royalty or the bureaucratic apparatus can be given a mild sanction and be reproved according to the existing moral norms, whilst a member of the more marginalized sectors of society is condemned to life imprisonment or death or

mutilation; in addition he will excommunicated from the congregation of the faithful believers;

3. Control exercised by some individuals over other individuals: that is to say, control by means of which the population is divided into innocent and guilty when, following various experiences of imprisonment and other punishment, the sense of guilt is expiated through repentance and retribution ... The resultant stigmas do not appear to have a great impact on modern sanctions. However, in certain regions of Venezuela with a high level of tradition, stigma is of such consequence for the 'guilty sector'; they are subjected to rejection, exclusion and moral punishment. This is entailed when deviating from Church norms regarding individual and collective situations. It is the manifestations of social reaction to criminal or deviant behaviour.
4. Selfcontrol: Interventions, pressures or incentives regarding voluntary individual behaviour. This is where religion and the Church — as its instrument of practice — acquires greater significance than through other 'ideological apparatuses'; for, together with the family, the Church is in charge of socializing the individual in such a way that he/she succeeds in internalizing all the norms, habits and customs that should literally control his actions 'on earth as in heaven' for the rest of his days.

... All these instances, where social control can be exercised find a place in the social structure where they can related with each other harmoniously or contradictorily, to legitimize the ideology of domination. This place is the Church which, through its institutions, organizations, communities or parishes, sects and individual cults, has developed from its most remote origins the authority to evaluate and sanction both social and suprasocial conduct and individuals by rewarding and punishing not only at an earthly level (historical) but also at a supernatural level

(ahistorical). In this way it consolidates the consensus of the hegemonic class in power, legitimizing the contradictions between the dominators and dominated; between what is consented to and what is not; between the innocent and the guilty; between the sacred and the profane; conceding paradise or hell as much in this life as in the next. It is the control of total domination which involves not only the body — as a workforce or merchandize — but also the soul, as an object created to serve the Supreme employer, as proclaimed by the Church of dominating sector” (*Camero*).

There would an imbalance in our resumé of religion as a socializing agent if it were viewed simply from the dichotomous perspective of socialization through domination or socialization through total consensus. Further, to accurately appreciate the socialization potential of religion as a process one needs to focus both on its ideological significance and its institutional manifestations. Several of our contributors examined certain components of religious institutions that have specific task in education, as a socializer. In this regard the focus has shifted from broad principles of social control to mechanisms of control. These more specific mechanisms, religious socialization is carried out through the reinforcement of belief systems. Examples centre on organizations for religious education.

“In West Africa where there is large Muslim community there are Quranic schools which operate morning and evening sessions. In the interval between the sessions, the students engage in other activities like learning a trade through apprenticeship to their parents or other craftsmen in the neighbourhood. The values of the homes and the Quranic schools are identical. The teachers are respected members of the community by virtue of their erudition and their religious practice. Knowledge of the Quran confers on the students a prestigious status in the community, and passing out of the school is often associated with an impressive ceremony with a big fan-fare involving not only

the families of the successful students but also the whole neighbourhood" (*Asuni*).

Al-Hamid also discusses in detail the importance of religious education and existence of religious-based youth groups, both in terms of general socialization as well as in terms of the promotion of the individual and collective responsibility for crime prevention and control. He points out that "the Mosque is not only a place for worshiping, but also a place for education, gatherings, conferences, decision making, and in particular places for courts and preparation of judges. While the Mosques may be considered as more formal religious institutions, there are other less formal mechanisms functioning in terms of transmission of religious beliefs. In Saudi Arabia such religious groups were formed around the organization of the Muslim Brotherhood. They established centers in selected Mosques with no governmental support. These groups focus on religious teaching, conformity to Islamic behaviour and provide guidance for moral and religious conduct. In addition they occupy a certain amount of a young person's leisure time which is said to be the period when delinquency is most usually practiced".

Finally, religion in certain of its institutional manifestations, can socialize towards change and liberation as well as inculcate traditional values and reinforce the *status quo*.

"From its very origins the Church, as the practical expression of religiosity, has been an important arena for the manifestation of social contradictions at the ideological superstructure level. Even when historically it has, in general, legitimized the conflicts and processes of existing social control between dominating and dominated sectors of society; between what is permitted and what is forbidden, between the innocent and the guilty; between what is sacred and what is profane, it is nevertheless true that in a situation of crisis and in a concrete political praxis stemming from an active and demystifying faith, it has acted as an instrument of liberation" (*Camero*).

POLITICS

(*J. Pečar*)

The ubiquity of politics and the complexity of its involvement in criminal justice matters, such as the determination of the criminal liability and which are the preferred responses to crime, is well recognized. Yet, in the sphere of crime control in general and in particular of crime prevention, the importance of politics seems to be more evident in the socialist countries. The socialist project to a great extent rests on the acceptance of the "new" dominant value system and on the mobilization of people in terms of compliance with this value system. Politics in socialism is more than a mere power game among groups within a society with different interests; it is also an important tool (once power has been contested) to be used for directing the social process towards some identified goal of socialist development. Normatively and perhaps also substantively, socialist societies seem to be more directly influenced and permeated by politics. Above the reality of daily politics there is a certain ideology on which politics rests or is supposed to rest. This ideology, as any ideology, is to articulate goals (ideals), and the legitimate means to be utilized for the achievement of the goals. Ideology is a belief system. Yet, in an operational sense it is enforced through specifically designed agencies which, in fact, are said to articulate and promote both the ideological goals and means. These agencies, such as political organizations, are at the same time the instruments for political education, propaganda and other forms of influence on their own members and others.

They also direct their activities towards the development and promotion of the basic socialist values and normative-

organizational structures. Such include the type of ownership over the means of production and socio-political and economic relations that are considered to be characteristic of and discrete for the socialist project.

Pečar highlights the importance of class consciousness, ideology and the role of socio-political organizations in the Yugoslav socialist self-management society particularly, with respect to crime prevention and control. He especially discusses the role of ideology and politics both in terms of their crime control potential as well as their limitations and shortcomings. He introduces his discussion of these broader issues by focussing on the concept of class consciousness and its potential for control.

Class affiliation and class consciousness in control

“Class affiliation is generally denoted as a particular property of a group of people whose values represent to them the motivation for class activity against the opposite class. This class affiliation is to be ideologically and politically understood as a consciousness which inspires individuals or groups in their struggle to reach their aims. It is presented in an organized manner through a particular political programme, which in turn is represented as a basis of legitimacy for the conquest and execution of political power.

One of the important means of acquisition, maintainance, improvement or extention of power is no doubt control, with all the attributes which it has had throughout history. ‘Controlization’ has always been a class issue, and part of the programme of a political party whether in the process of conquering power, or of using it once it has been conquered. For this reason, it imprints its class character on control mechanisms.

From the marxist perspective class relationships are closely connected with very delicate political imperatives

including the crime issue, and the question of control agencies and their reaction. According to the classics of Marxism the 'struggle of class against class is a political struggle' and this struggle is manifested also in the field of control whether it be implemented in a formal and/or in an informal mode. Each class in power uses all possible instruments in order to preserve this power and to conduct its policy of the management of society in accordance with its political system and projects.

Legal norms, which may incorporate behavioural norms, reflect class interests, protect class values and, briefly, serve the class which has the authority to proclaim them as its objectives and/or means. Political influence, authority, and power in general are enforced through such norms. That is why behavioural norms also have a class function. The class in power secures its authority by means of these norms and compels violators to obedience.

Deterrence and coercion, threat and punishment are not the only means that political power has at its disposal to 'socialize' and integrate people in a political system. Other means used for this purpose are political, propagandistic, educational, pedagogical, socio-economic and ethical. For this reason, criminal policy is not limited only to coercion; it is also subject to considerable changes, and subjected to a number of non-legal influences and considerations. It includes a host of other, non-repressive activities, like humanization, ideological indoctrination, rationalization, etc. All these endeavours are therefore directed towards socialization, be it formal or informal, often in accordance with the ideological and political conceptions of reducing deviance through voluntary and/or coercive means.

Repressive activities of state control mechanisms are, throughout the world, complemented by various para-professional preventive and similar activities which often follow — depending on the socio-political system — the directions of a given ideology and political philosophy. This

means that a struggle against deviance has always been a problem involving socio-political forces, if not the state itself.

Some consider that functions of control can be performed entirely separately from the class and political forces, formally, and without the influence of these forces over control mechanisms. But control has always served someone and will be, perhaps, liberated of all pressures and influences only in conditions of a classless society and in a situation when society is not exposed to external dangers.

Class interests, affiliation and consciousness allow for a differential treatment of deviant phenomena, for selectivity and for the exercise of discretion even within the frame of legally regulated procedures. These allow for many things to be given up, overlooked, forgotten and changed; from aggravating to extenuating circumstances, differently assessed and differently defined. Many things can also be extenuated, aggravated, or tolerated, differently perceived and treated, by formal control mechanisms among which some are more politically susceptible than others. Some of them are also more subjected to class-based influences through the recruitment and selection of personnel, and are therefore more susceptible to external political influences. These mechanisms must often conform more to the influences and expectations from outside than those based on the needs of the people they deal with. Such 'handling' is often an important criterion for the measurement of their success, which in turn is evaluated by those in power and not by clients; this raises the question: which of the two is the more important for formal mechanisms?

The role of class-based influences is even more extended in the field of prevention and with regard to a number of mechanisms designated by the political forces in power with the aim to protecting certain class-based values and interests.

In Yugoslavia these mechanisms are, for example, conciliation boards, workers' self-management control, various self-

protection boards and committees which function informally and in which 'class affiliation' is less limited, far more direct and less formal. Class significance is considerably more attributed to preventive informal control mechanisms than to the state's formal control. These informal mechanisms complement and extend social control; they also increase the class role with the purpose of developing the 'consciousness of the need for a proper socialist life' (Milutinović, 1984). It is precisely in the field of prevention and social self-protection that informal control proves to be the least regulated and for this reason all the more susceptible to political and class indoctrination (influences), particularly in 'ante delictum' circumstances.

The role of socio-political organizations

For this reason research on informal (social) control as an important instrument of criminal policy, especially in a self-management socialist society such as that in Yugoslavia (or, at least as it should be), can not disregard the impact of society's dominating ideology conveyed through the principal agencies participating in the processes of control and political socialization. These agencies are socio-political and political organizations which also perform ideological control. Socio-political agencies, with their politico-ideological framework, exercise by various means and ways influence on the development of social consciousness, morality, values and responsibility.

By these means they also influence primary and secondary groups and exercise an impact on informal control and its socializing functions. Socio-political organizations try to evoke a collective desire for lawfulness, justice, coexistence, solidarity, humanity, etc. At the same time, they attempt to promote self-protection and prevention, struggle against deviant phenomena, and especially to ensure respect for and protection of socialist (and class) values.

Political socialization should not be conceived of as a sort of paternalism over informal control. It has to avoid imposing authoritative patterns of interference in interpersonal relationships. Nor must it recommend any repressive ways of thinking, submission and manipulation. Issues of informal control are therefore much more complex than they appear to be at a first glance. Since this kind of 'controlization' arises mainly from the direct relationship between people and it influences those relations, the question regarding its functioning is even more important. Socio-political organizations can play a particularly important role in the design and implementation of control. Since they are concerned with the cognition and critique of social praxis in the field of deviancy, these organizations also tackle numerous socio-political issues, such as crime, social control, security, etc. thereby accepting political responsibility for deviant and harmful phenomena and their control. Of particular importance in Yugoslavia are the League of Communists, the Socialist Alliance of the Working People, the trade unions, etc. They are the principal organized ('conscious') socio-political forces. They have, particularly in the last decade, shown a great interest in the control of behaviour as well as in other questions concerning control from ideological, theoretical, organizational, political, and pedagogical points of view. The focus of their attention is concentrated on the question of how social values are upheld and which are the principal social processes generating and influencing deviance. The work of the League of Communists which inspired the articulation of various concepts and forms of social, and in particular, informal control, is focused on the development of the social self-protection system aimed at heightening social consciousness which would result in a more efficient internal and integral protection of the society and its individual members.

As socio-political organizations, instead by repression, tend to deal with deviance by means of persuasion, agitation

and education, by various moral and pedagogic measures; they have, therefore, an important role in the creation of informal mechanisms of control. This is particularly so because the classical state instruments of repression are intended to be the *ultima ratio* and not the principal means” (*Pečar*).

Socio-political organizations, headed by the League of Communists, influence the process of control through their impact on legislation and the general process of political socialization. The activities of socio-political organizations are mainly directed towards prevention in places where people develop direct relationships through work activities. As will be seen later, *Pečar* discusses at length control in the work place due to the importance that the work place and relations developed therein have in the social reality of the socialist project. Special emphasis is given to control through socialization, persuasiveness, voluntary and consensual participation and other non-repressive and non-state centred means of control. In his further discussion *Pečar* focuses on the problematic issues connected with:

Politicization (and depoliticization) of informal control

“It is probable that the tendency to politicize the control of deviance is present to a much greater extent in socialist systems than in other political systems. This is best manifested by the influence which politics exercises upon the law, mechanisms of social control and behaviour in general. Politicization of values, norms and state control takes place mostly through institutionalization and sanctioning. The influences which exercises upon the prevention of deviancy are however different. In this sphere, politicization is far less formal and it is itself subject to other social, cultural, and educational influences. The fact is that when ideology is ‘threatened’, the importance of control is emphasized and attempts are made so that people accept it,

what is more, they are expected to co-operate and participate in it. For this reason, non-institutionalized public in Yugoslavia by means of the mass media and by various decisions, recommendations and resolutions adopted by political organization.

A society's ideology, political power and law, determines the character of crime. Therefore, power and politics also try to 'indoctrinate the public with values and political goals of a class society' (Jambrek, 1976) which should enlighten people with regard to the struggle against a crime. Politicization in this sense is therefore understood as a process of winning people over to co-operation in the prevention of deviance. It is expected, that such politicization will contribute to the wide acceptance of social norms and values and impede in this way the rise of deviancy. Thus, this is not only a criminal policy issue. It becomes the social issue of integrating members of the society and assuring their identification with the community or society.

In socialist societies there exists a wide spread tendency to attribute class character to crime and to struggle against crime as an ideological stigma. Since it is easier to politicize extra-legal preventive activities than the work of professional controllers, state-based repression is less under the influence of politics than all other control spheres which are not regulated by or do not depend upon penal norms. Official policy often declares itself as competent and responsible for society's security, and it legitimizes to such preventive activities. This is perhaps all the more attractive since politicization in Yugoslavia is closely connected with the processes of reducing the role of the state, deinstitutionalization, decentralization, etc., which lead to the creation of new mechanisms of non-state control. In Yugoslavia, prevention, self-security, self-protection, etc., are therefore considered as functions of self-management or as something which is immanent to the socio-political regulation of self-management socialism. This gives rise to the

politicization and ideologizing of the struggle against deviance especially as preventive activity.

However, erroneously perceived, interpreted or administered the politicization of deviance, control and prevention produces some negative effects. These are; fear without reason, placing excessive emphasis on deviant phenomena, generalization of individual cases to the level of social laws, too eager detection of and concern over non-existent dangers formalization, bureaucratization and rigidity in reaction, submission without reflection, excessive modelling on mechanisms of repression, normative naive optimism, efficiency in words but not in acts, etc. It is for this reason that the disadvantages of the 'politicization' of control should be more carefully studied.

Politicization can reach a stage when it becomes self-superfluous and unnecessary, and it transforms into depoliticization. When certain values have been so deeply established in a society that they can survive on their own or by means of control mechanisms exercised by primary and secondary groups (that is in the frame of informal control), then there is no reason for people to attempt, through so far identified means to actualize these values. Consequently, the state and political authorities no longer have any reason to pave the way for values which have been generally accepted, although their violation still occurs. Politicization of socialization of values is one thing, while their implementation and actualization is another.

There are other forms of depoliticization (and decriminalization) such as: turning over to social care and to the protection of health and school services the settlement of certain social and especially control problems; in other words, through professionalization. This, for example, results in the medicalization of forms, approach and treatment, thus reducing a number of problematic issues for the crime control sectors in *stricto sensu*. But such depoliticization also carries certain dangers, specially if people

with behavioural problems were to be too hastily referred to professional services for treatment or processing (psychiatric hospital as prison). This would again be a form of informal social control as an extension of formal state control, and under the authority and within the regulatory framework of the professions but without appropriate legal safeguards" (*Pečar*).

SCHOOL

(*T. Asuni; E. Bouasla*)

Contributors to this volume have paid relatively little attention to the school as an informal mechanism of crime control, despite the almost colloquial sociological use of school as an example of informal control. Our contributors have, in fact quite rightly, realized that there is a direct and close connection between crime control and education. Yet, education in the past as well as at present takes a variety of forms and channels, and school can be considered as the formal agency of education. "Periodicity, programming and continuity in addition to its stereotypicity, give the school special control potential" (Castro, 1985). Given the importance education has and is constantly gaining in modern societies instruction and the school — as the most formal agency of education — absorb a great amount of social and individual time and space. The school is, of course, involved in the crime control question, at least as the discipline-oriented obedience promoting and socializing agency. As noted by a number of critical criminologists, the school lies on the same continuum with prison in terms of discipline, obedience and education. It is perhaps for this reason that the concept of "re-education" symbolically links school and prison. But, in addition to purely educational functions, the school is also an agency which has the capacity to allocate certain prerogatives for the exercise of social power (or the lack of it) and/or for participation in the social distribution of rewards based on occupational skills and position. It is in this more general context of socialization, power allocation and connection with other socializing, education and control mechanisms that the contributors discussed the

control potential of the school. Its informality, thus, was clearly conceived on the basis of minimally two conditions: first, that it is not specifically crime control centred, and second, that its control functions are more socially relevant and efficient if exercised within a supportive community network. This in turn assumes that socialized self-control depends on reinforcement from relationships that include some degree of affectivity which, it is further assumed, is by definition higher in informal than in formal control mechanism.

As is the case with a significant portion of the preceding discussion of religious institutions, the brief reference to education presented by two of our contributors concentrates on its socializing potential and responsibilities. Further, the institutional interest of these contributors is delineated by the influence on schools of urbanization. The purpose of educational institutions for the inculcation of respect and discipline is touched upon. There is a recognition of the integration of the school within the sphere of influence of other broad social institutions such as the family and religion. Finally, the relationship between delinquency and unemployment (which is vitally influenced by levels of literacy and education) is speculated upon.

“Small regional schools can and have been an effective social control institution because they must share the same value system as the neighbourhood in which they are situated; the teachers are often drawn from the same area; the schools are small and the teachers have many occasions to interact with the parents of their pupils. In such schools there is, therefore, very little need for formal parent-teacher associations...

In short, local schools are an integral part of the community and they complement the home training to which children are exposed. Such schools are not overburdened by bureaucracy and the personal teacher/pupil, pupil/pupil and teacher/parents interaction is very intimate.

School programmes in such institutions are not focussed on academic learning only, but also concentrate on character-building. From among the many objectives of the school, it is the latter aspect that contributes immensely to its social control potential as a mechanisms of crime control" (*Asuni*).

It is alleged that the increased student-teacher alienation and, as a result, the reduced socializing potential of the classroom are consequences of the large size of schools.

"Quite often programmes in the larger schools tend to alienate the pupils, who are educated in a direction which estranges them from their local environment, but are however, not sufficiently prepared to cope with life in the new environment in which they are thrust. They find themselves in a state of anomie which predisposes them to deviant and antisocial behaviour.

Another related aspect of the school system is the emphasis on occupation which raises students' expectations of occupational opportunities beyond what is possible and available. The work market is not large enough to absorb the turn over and after spending years in school young people cannot find a job. Consequently not only do they feel cheated, and that they have wasted their time, but they have not developed the skill for survival in their basic environment" (*Asuni*).

This simple distinction between the socializing potential of local as compared with larger city schools obviously rests on an idealized conception of its role within the broader community context. As such it might be better viewed as another community mechanisms, involved in the socialization of traditional community values.

Bouasla, even more strongly than *Asuni*, underscores the connection between migration, deficiencies in education, unemployment and potentialities for delinquency. He maintains that lack of educational facilities in rural areas further promotes rural-urban migration, the effect of which

is an increase in rural depopulation. This consequently contributes towards family desintegration which already rates as of extreme importance for the community-centred agencies of socialization and control. The built-in crime prevention and control potential diminishes with a breakdown in community structures. The school's socialization and crime control potentials are diminished when it is separated from the family and the local community, since "school life is also a factor which brings about or supports Islamic values and co-operativeness amongst children and adolescents; its authority-based structure compels respect for the educative institution's requirements as well as those of the family life. That is to say, school plays a role as a disciplinary agent. A pupil's behaviour which is in contrast with the school rules and its moral code is punished, giving him a sense of disapproval not only from the headmaster and teachers, but also from his classmates and his parents. The same thing happens when a pupil does not obey his parents at home; the headmaster and/or the teacher intervene to warn him, to express disapproval of his behaviour and when necessary, to punish him.... This sometimes causes a temporary increase of the pupil's tensions; but mostly it makes him aware of having been in the wrong and encourages a responsible behaviour respectful of the social and moral code" (*Bouasla*).

On the other hand, educational programmes, including campaigns against illiteracy, drug-abuse and violence, have positive effects in terms of preparing young people for new patterns and styles of life. These efforts, according to *Bouasla*, are of significance with respect to crime prevention and control. The direct relationship between education endeavours and crime prevention and control activities, is illustrated through the discussion of the vocational training centres created for school drop outs. "These vocational training centres contribute, on the one hand to the social integration of a great number of pupils who fail their grade

or drop out of school protecting them from vagrancy and delinquency which remain a threat to adolescents who leave primary or secondary schools. On the other hand, the vocational training centres contribute to youths' economic integration and participation in Moroccan society thereby securing their future and making them useful members of society.

The growth of these vocational training centres and their development both in urban and rural centres is a rewarding experience and will be a profit-earning measure both on the social and economic levels, to the extent that it will allow for a complete integration of Moroccan youths who are not able to attain a high educational level. The planned setting up of these centres in rural areas is a good measure which in the short and long-term will keep rural youth in their districts because they would provide a series of professions and handicrafts for them to practice locally. Providing small towns and rural areas with these centres may avert the increase of rural depopulation which up till now, has constrained the majority of rural youths to do unskilled or low-skilled jobs in cities, resulting in a series of difficult circumstances (Income-Housing-Transport, etc.) and the consequent drift towards delinquency" (*Bouasla*).

This discussion rests on the assumption that the ideal anticrime environment is assisted by a small strong community network within which a school with a limited number of students is a vital supportive socializer towards traditional community values. In this respect and as regards the crime control objective, it is not so much the merit of education *per se* which is seen as a panacea for delinquency but rather the school's potential for inculcating moral values, for occupying students' time and for providing basic vocational skills.

LABOUR

(*J. Pečar; S. Scheerer*)

In societies where labour is one of the bases of the overall social organization, this is increasingly becoming organized outside other basic social units such as the family or local groups and communities. The work place tends to be away from the place of residence and from a number of other places in which human activities and forms of interaction are carried out and located.

Professionalization is in fact a mode of exercising and controlling work activities. The submission of work activities to the requirements of the work process (technology) and the work place (as a mixture of the structural and normative complexes), is an essential part of historical and contemporary social control (See Foucault, 1977; Melossi and Pavarini, 1981). Prevention and control of deviance at the work place is of course part of the above mentioned work place-centred social control complex. It has its technological dimensions, ramifications and significance, as well as its more immediate social dimensions and significance.

Both *Pečar* and *Scheerer* in their contributions highlight the way in which some of the typical forms or crime control processes in Yugoslavia and Federal Republic of Germany are linked to, and carried out at the work place level.

Pečar starts his discussion by pointing out some relevant dimensions of crime "generating" and crime control potentials of the work place, and then proceeds with the description of self-management, workers' control and its relevance to crime control process.

"The work place as a possible criminogenic factor, in terms of offering opportunities for deviance, has been rela-

tively neglected in criminology. The work place does not only impose certain obligations but -- depending on the case -- also provides many rights which can be abused in conditions of insufficient control. If work is, on the one hand, a source of morality, for man's existence, progress, wealth and power, it is also on the other hand, a concealed agent of stimulation for deviant behaviour. Although the work place itself -- as linked with the individual's profession -- does not constitute an exclusively provocative element in the genesis of deviance, it nevertheless deserves particular attention in the etiology of crime, dishonesty, unlawfulness, etc. This is so because work and employment are important socio-political, economic and criminal policy domains and categories.

Every performance of work necessitates certain experience, knowledge, education and measures of quality and quantity of work as well as certain responsibility for the work performed. The work place may lead to success and provide reputation and respect; it offers an opportunity for autonomy or leads to subordination; it is also a source of and justification for gaining income and various privileges. The work place offers a possibility for 'self-actualization, self-realization and self-expression' (Greenwood, 1972). On the other hand, it is a source of tensions and strains, of unfulfilled desires, and of conflicts. All these are dependent on the 'physical work climate, physical conditions and organization of work' (Bujas, 1964).

Criminogenic influences of the work place

A great deal of deviance arising at the work place remains for the most part undiscovered. Virtually anybody has, at his/her work place, different opportunities which enable him/her to do something which is not in accordance with the generally accepted behavioral norms, sanctioned by law or professional rules. Consequently, the greatest

temptation of the work place consists of the opportunity for deviance.

In order to commit a criminal act at the work place a criminogenic atmosphere is needed. This includes a co-operative surrounding (for it is practically impossible to commit a great number of criminal offences without the participation of other people) and the necessary motivation. The proverb 'opportunity makes the thief' is nowhere more true than at the work place. The crimino-victimogenic potential of each work place is of course different depending on the kind of work and tasks to be performed; therefore some branches, professions and work places are more criminogenic than others and offer more opportunities for abuse, fraud, theft, concealment, embezzlement, etc.

For that reason it can be said that particular work places 'produce' particular deviance and that not all crime is present at every work place. Everything depends, however, on 'wishes and oportunities' (Nettler, 1974) which are provoked by various circumstances. In so saying we should not disregard the importance of professional skills and the experience of each individual. Consequently, the work place within a 'profession' has never been so vulnerable to theft, and industrial environment never so tightly linked to dishonesty and embezzlement (A. Handbook on White Collar Crime, 1974). Contemporaneously, deviance at the work place also means a breach of trust while, on the other hand, the temptations that the work place presents can corrupt people and create deviants.

The taking away, carrying off for private use, and appropriation of goods relate to the specificities of the work environment, the working atmosphere, discipline, etc.; they are relatively normal acts and in many places more or less permitted to a certain degree. Therefore, so-called 'business morality' presents a considerable criminogenic impact since it spreads irresponsibility, and nonaccountability for mistakes. These conditions favour the domination of a deviant

subculture over the culture of honesty and responsibility which are indispensable at the work place in order to assure its normal functioning. For this reason the attitude of each individual towards the work place and towards its property (especially when it does not belong to the worker) can be a relevant criminal policy question.

Formal and informal control over behaviour at the work place in terms of honesty

Deviance at the work place is in most cases invisible and therefore the phenomena of individual deviance may remain concealed over long periods of time. This gives rise to the question of how to create — at the work place and in the work process — informal control which would contemporaneously assure the full development of man's personality without threats, denunciation and intrigue. Informal control is supposed to exercise better influence over honesty, morality, productivity, security, efficiency and work discipline than the reversion to formal norms (governmental, self-management and others). Therefore, more than legal acts, political propaganda and politicization in general, education and other efforts are required to achieve the goal of crime control at the workplace. In an industrial society moral norms, professional culture and behaviour are critical issues which give rise to the question of 'psychological perception of opportunity' (Cressey and Ward, 1969). This holds all the more true since the individual at the work place is, in fact, to some extent, master of a situation and too often left to rely only on his/her self-control.

The work place has always been given particular attention and therefore regulated by legal norms, moral and ethical principles and codes of professional ethics, etc. Regardless of the fact that in some areas these issues have been given too many formal and bureaucratic mani-

festations, and regardless of how much they depend on the character of a given profession or type of work place, the question of honesty and the various impacts on it have been addressed (even nowadays) mainly through informal control and self-control.

Yet even these types of control may be strongly under the influence of higher authorities and their officialdom, who are frequently formalistic and bureaucratic. These may even include professional types of control which require dependency and subordination. Since formal control is, in most cases, exercised outside the work place, and because its interference in work conditions is sometimes even undesirable, it has proved to be more or less ineffective. More efficient control, however, is to be expected from the work organization itself as a control environment either within its own structure or to create an atmosphere where self-control can flourish.

The informal activity of groups in the performance of certain types of work, including motivations for work and the opportunities it offers, are situations which exercise positive or negative influence on crime and on control amongst work peers. This, however, resembles any primary socialization process which takes place in basic human groups. The goal of the control which occurs in primary and secondary groups is to preserve more or less traditional relationships among people. Activities at the work place, the practice of a profession, and the evolution of the work process in contemporary society in general are, in fact, far more dynamic processes which cause many conflictual situations and possibilities for deviance.

In Yugoslavia there are a number of types of control within the work place, such as: worker's self-management control, professional service of inner control, security service, work security service, fire-fighting services, technical control, etc. These kinds of control are supposed to represent a more or less disalienated process which diverts

the individuals from deviance in their work environment. The reintegration of control at the work place is therefore one of the important issues which should be present and carefully considered in the process of production as well as in every day life. This should be done not only out of ideological incentive or for political reasons, but also to foster professional morality and honesty.

The workers' self-management control

Self-management in Yugoslavia requires its own specific mechanisms of control. For this reason it is necessary to introduce them into a 'self-management' society, integral to which are new agencies that would 'socialize' the judiciary and control agencies. Among other agencies, reference can be made to conciliation boards, ordinary and special courts of associated labour, arbitration tribunals, courts of honour and commissions for investigating the source of unjustified wealth acquisition. Each of these agencies to some extent point to the various forms of workers' self-management control existing in the work place. All these mechanisms function mostly in an informal manner and through the use of informal instruments.

Workers' self-management control is a new, non-coercive — frequently also informal and democratic — system of behaviour control and its modification, mainly in small groups, around which people associate for a very particular purpose. But this control is mainly concerned with only one particular aspect of behaviour, i.e.: that connected with the work place and execution of professional work. Self-management therefore does not rely upon the state, it develops instead forms of control which progressively become less alienated and more independent from classical state control mechanisms. This has not however diminished the role of state agencies; on the contrary, self-management control mechanisms co-operate with these in the prevention,

detection and processing of unlawful acts committed by individuals and groups.

This results, however, in a dichotomy of control where self-management control mechanisms act mostly in an informal way and with a certain degree of autonomy which depends on internal conditions of enterprises and other associations. The state however still defines what is deviant behaviour, prescribes procedures and implements sanctions, especially in those cases in which it is not possible to obtain obedience by means of self-management instruments. In spite of socialization and processes aimed at diminishing the state's role as regards control, it does not lose its power because self-management control mechanisms are primarily focused on prevention, an area which has so far been rather neglected by the state.

Organization and field of work of self-management control mechanisms

The concept, form and method of workers' self-management control is different from conventional control mechanisms, especially as far as the protection of individuals' rights at the work place are concerned. It is not only concerned with protection but also with surveying people's relationships and their attitudes towards property, especially in connection with the Marxist image of the role of the labour class and its concept of organization of a self-management socialist society. Self-management control is accomplished in the following way:

- direct control (but not at the various individual levels as this could result in total tyranny),
- through self-management bodies in the work organization, and
- through a special agency of self-management control which performs its role in a particular informal way without formalized rules of procedure but, rather,

according to 'common sense' in those fields in which a group of people have been drawn together to perform control within an individual work organization.

Control power

Workers' self-management control does not impose any positive or negative sanctions. Its principal purpose is to foresee consequences before they arise and in that respect point to facts which must be changed, improved, abolished, co-ordinated and regulated. In this connection, it gives incentives, proposals and remarks, puts questions, finds facts, reports, gives explanations, provides opinions, etc. Its effectiveness depends on the degree of development and self-management capacity within a concrete group of people. The choice of methods, forms of control, instruments and their originality — which have often an entirely tactical importance — frequently depend on the distribution of power within the given work organization.

Workers' self-management control by itself does not impose the requirement of obedience. If it wants to implement its sanctions it must resort to the body which established it; that is to say the assembly of the working people of a given organization or any other form of self-management association. It deals with questions which may also fall within the province of existing competent state mechanisms of control. It differs from these in that it tries to reach its goals through persuasion, prevention, consent, and the elimination of conflicts. In summary, its means are noncoercive and, if possible, based on consent. For this reason it is oriented primarily towards control through prevention.

Should self-management control mechanisms be incapable of dealing with the problem, they can turn to other control mechanisms for assistance (i.e., state, self-management and professional) within or outside the work organization.

The lay character of workers' self-management control

With the implementation of self-management control mechanisms and with the introduction of self-management in the field of social defence in general, control has ceased to be a state and professional controllers' monopoly. It has slowly passed into the hands of the people, either groups or individuals. Thus, control has democratized and expanded to the point that it is no longer only a means but also a value *per se*. Attempts are made to reach this goal through the politicization of self-management control, especially because massive participation is desired to create feelings of greater security and absence of threat, as well as to ensure people's participation in prevention. For this reason the process is mainly concerned with socialization in the so-called pre-delictual stage, where state mechanisms of control have proven to be the most ineffective and control the most alienated.

In spite of the politicization of self-management control, or in spite of activities of political socialization or, again, maybe precisely because of them, the lay character of self-management control developed tendencies towards vertical linkages, normativism and regulativeness, dependence on professional services and repressive agencies, etc. Moreover, we can frequently witness such phenomena as conservatism and bureaucratization, bending to 'superior' interests, interventions from the outside, people's arbitrariness, superficiality and/or non-reaction to harmful acts, etc.

At the same time the lay character and broadness of workers' self-management control causes the following processes and phenomena: more controllers produce more deviancy and the socialization of control creates a culture (or subculture) of control. The lay person is susceptible to suggestions about, and 'philosophy' of, state control. Their not belonging to a particular profession enables such behaviours as vindictiveness, punitiveness, manipulation, bu-

reaucratism, domination and even requests for the application of control instruments of which the state disposes. Lay workers' self-management control will have to formulate its own substance and develop its own philosophy of workers' self-management control; it should not simply imitate the state.

Public character of workers' self-management control

Public participation has always been a highly desired and differential element of 'socialization' and control. People working within self-management control also take over the responsibility for dealing with behaviour by applying mechanisms which are not applied by the state. The extension of public influence and the socialization of control enables its deprofessionalization, the attribution of class elements in the assessment of extraordinary phenomena and the delegalization of proceedings. It also raises a diversity of interests and reactions, a modification of desires and attitudes concerning benefits, as well as differential treatment of individual phenomena in the immediate social environment of persons and groups. Workers' self-management control gets its power from the people who comply with it by consent. For this reason, it can, in principle, function without coercion and threats.

Although institutionalized, these mechanisms of control do not function behind closed doors nor within the frame of closed groups. On the contrary, problems are displayed before the public and information is made available to all concerned. Workers have, within their work process, the 'inalienable' right to control the implementation of decisions and other self-management rights and duties (Toš, 1975).

Public participation should also render manipulation, domination and other incorrect forms of treating people, especially in the sphere of control, practically 'impossible'. At the same time it renders possible everybody's participa-

tion in judging what is right and what is wrong, thereby contributing to the settlement of questions in a manner acceptable to the majority. In this way, this kind of control resembles the extra legal informal control performed completely and effectively by primary social groups such as the family, the neighbourhood and, perhaps also, the school.

The state is by no means excluded from self-management, i.e., workers' control. It has its own agencies for dealing with deviancy and correction, and it can accomplish its tasks in a parallel manner with workers' control or once this has been concluded.

Nevertheless, public participation intrinsically contains the danger of inadequate intervention, disrespect of human dignity, contempt and disdain, exclusion from the environment and stigmatization. Preventive control is not without stigmatization, pressure of unacceptable interests, punitive orientation, primitivism, emotional judgement and formalism. For these reasons too much public involvement renders privacy impossible and produces additional conflicts and stresses.

Motivation for control activities of self-management

Motivation for this activity presents one of the crucial issues for its success. The focus of attention is directed towards motivation for the kind of control which institutionally functions in commissions, councils, boards, etc. Its efficiency namely depends on the participants and their perspicacity, mobility, suitability, endeavour, etc. These characteristics, however, depend on whether the members of commissions, boards and councils are scrupulously concerned about how their control activities affect other activities. Do they have enough time and knowledge for this activity? Do they cope with a situation which is within their own environment? Are they authoritative enough? Do they enjoy a good reputation within their community?

Just like people in general involuntarily accept being controlled, some, instead, decline to exercise control over others. Therefore, the success of self-management control depends also on whether people want to control others, or whether they choose to oppose such responsibility even when imposed on them. If people do not identify with the aims of control results would be meger.

Despite the fact that it has political support, the practical results of workers' self-management control fall considerably short of expectations. Nevertheless, the need of control for economic reasons and possible class interests, as well as the need for security, honesty and lawfulness, give workers' control its significance.

Therefore, better motivation for the informal control of people in the work process cannot be achieved through the legal regulation of problematic matters unless the required consciousness supported by both economic and moral foundations is developed. But, due to a situation in which compliance has become increasingly difficult, and because of unfavourable economic conditions, motivation for non-repressive control has decreased considerably. This occurred in spite of the significant degree of politicization of the protection of social property issue which is also the main concern of workers' self-management control.

Criminal policy significance of workers' self-management control

Self-management and informal control and treatment of behaviour require that a relatively new type of relationship is established among people. It is mainly based on democracy and humanism and does not use coercive and repressive instruments. The goal of control is not repression but the prevention of deviance. Institutional control also presents an inalienable and constituent part of people's self-management rights in the work process. The following

components are especially significant for workers' control, because they point to the 'withering away' of the state and to the socialization of control: lay character; the exercise of control in the environment where the need for control arises; the possibility of achieving positive sanctions; and the reintegration of some control functions.

It is important however that, albeit from different points of view, workers' control deals with the same issues as self-management bodies and exterior control mechanisms. It accounts to bodies which dispose of formal negative sanctions. In cases of disobedience, self-management control does not deal with sanctions for the enforcement of discipline and has, for that reason, a special status among control mechanism. Herein lies its socio-pedagogic, preventive and criminal policy role, on the one hand, and its weakness on the other.

The main duty of the workers' self-management control is to prepare proposals for measures to be applied, and its role lies principally in detecting and/or preventing deviancy and, perhaps, also in developing and shaping an "anti-criminal" consciousness among people. The greatest abuses in the course of its operation can consist in either blocking the work of the workers' control or in its own inoperativeness which occurs relatively often.

In terms of criminal policy — workers' self-management control presents the most basic system of widely-concieved prevention and reduction of all those activities and social relations that act in detriment of social property managed by work organizations. At the same time it could be an important means of suppressing those conditions which lead to criminality within the work environment.

In spite of the potentials of this kind of control and of its presence within work organizations, it is evident that most deviancy escapes the bounds of workers' self-management control. This is mainly due to its inactivity and lack of information. This results in discouragement and disap-

pointment regarding its control related expectations. These feelings exert pressures for an expansion of the institutionalization of workers' control but they have not influenced considerably its content. As a lay and informal control activity it cannot compete with state repressive mechanisms, although it is precisely the latter which, on the one hand, rely on workers' self-management control for assistance while, on the other, it criticizes its ineffectiveness.

For this reason, this kind of control has equally proved not to be a substitute for state control but only its complement, and its appendix in those areas where the state is unable to use its authority. Therefore, it is not to be expected that this duality of state and self-management control will soon to come to end.

These mechanisms have been functioning for a relatively short period of time; thus in spite of intensive politicization they cannot be yet assessed in terms of their effectiveness. Nevertheless, politicization has considerably contributed to the fact that these mechanisms have been perceived as adequate and acceptable in a concrete socio-cultural environment.

Formally, the institutionalization of these bodies is consistently regulated in all work organizations and other forms of self-management associations. Since self-management control is also supposed to be a class activity, there is special interest in, and enthusiasm for, its effective functioning on the part of political organizations, especially by the Yugoslav League of Communists and labour unions. But, although people formally agree to participate in workers' self-management control, which is imposed by state regulations on every work organization and other associations in general, active participation lags considerably behind its widely extended presence in the structure of economic and social life. Although there is evidence of tendencies towards the professionalization of workers' self-management control, these nevertheless, do not obstruct the

basic concept according to which workers' self-management control is, above all, a class and lay institution which functions in an entirely informal way" (*Pečar*).

Scheerer provides us with an account of crime control at work place in the Federal Republic of Germany. In contrast to the worker's self-management control in Yugoslavia, "*Betriebsjustiz*" (literal translation: factory justice) is the "internal administration of justice at the place of work, exercised not by the worker's collectivity, as is sometimes the case in East Germany and other socialist countries, but by the management of industrial firms." (*Scheerer*). However, before presenting the main characteristics of the "*Betriebsjustiz*", *Scheerer* discussed at some length the interpretation of informal mechanisms of crime control in German (legal) culture and its different reading in West Germany. This discussion should help the reader to appreciate the characteristics of the "*Betriebsjustiz*" in its socio-cultural setting.

Informal mechanisms of crime control — notes on the concept from a German background

"Since the nineteen-sixties everything 'formal' has undergone modification; from social requirements ('formal dress', i.e. tuxedo/carnation, coat/tie) to institutional traditions (e.g. at the universities). The reason behind this was that formalized procedures of any kind were, quite justly, regarded as petrified power structures designed to protect the established material and ideological order. Given the central importance of a country's criminal justice system, in term of implementing and symbolically reinforcing this order against challenges, it is quite logical that it also was affected by the revolt of the nineteen-sixties.

To understand the widespread resentment against the formal administration of justice that has up to the present and constantly influenced West Germany's development of

crime control one must keep in mind that the legal system was extremely formalized during the 19th century and that the anti-formal movement of the nineteen-sixties was certainly not the first one. Forceful anti-formal movements preceded it between 1880 and 1920, during the national socialist (fascist) regime between 1933 and 1945; and even in the nineteen-fifties. Over all these periods formal administration of justice and formal mechanisms of crime control were under critique. The political aims associated with this criticism were startlingly diverse between them, ranging from professional interests, through totalitarian ambitions to democratic ideals. Their common denominator was, indeed, the fight against formal rationality of law.

In Germany, the most influential concept of formalized legal culture stems from Max Weber (1864-1920), according to whom *legal domination* (as opposed to traditional and charismatic domination) can assume several different forms (namely, those of bureaucracy, of administration by honoraries, or of direct democracy), the purest of which is that carried out by means of a bureaucratic administrative staff. Within such a bureaucracy, all members obey only the impersonal orders of the law such as objectively defined official duties, which precede economic social or other policy considerations.

The type of legal thought thus characterized, was developed to its highest degree of perfection by the German Pandectists of the 19th century. It was ardently attacked by the "New Jurisprudence of Free Law and the Jurisprudence of Interests in Germany" by Geny and Lambert in France, and by Sociological Jurists and Realists in the USA.

While Weber himself, and the vast majority of the public of his days, was deeply skeptical of the possible effects of de-formalization, the idea of a more realistic, substantively just and not merely logically coherent system of law rose to prominence with the welfare state. Weber's

skepticism proved justified when, after his death, totalitarian, and therefore antiformal nazi ideology of law became the dominant doctrine.

Formal law was seen as being unable to respond to pressing social needs, social inequality, and poverty. Formal administration of justice was seen as neglecting the social conditions of delinquency, of being substantively unjust, and last but not least, of being ineffective in going to the roots of a problem. At that time the movement for informal mechanisms of crime control — e.g. diversion — presupposed a passage from formally rational to a more substantively rational (or responsive) legal system, and must be seen in the context of a much broader criticism of bureaucratic domination that pervaded all walks of life.

From a German perspective, therefore, discussions about informal crime control can be seen as part of an ever stronger discourse about the sins and fallacies of formalization that gained momentum in the late 19th century and which to date has not come to a halt.

The differential appreciation of informal mechanisms of crime control

In the Federal Republic of Germany crime control is basically considered as something the state agencies (police, prosecution, courts, corrections) are responsible for. This "etatist" attitude has a long history and has not been profoundly changed even by the increased appreciation of informal mechanisms of control.

The extent to which the German public prefers state-oriented and state-controlled informal mechanisms (i.e. incorporated informalism) over autonomous local initiatives becomes clearest when compared to the situation in the U.S.A., where, for example, diversion programmes are often initiated not by the criminal justice system itself but by other institutions which are normally rooted in private and

local initiative. Decentralization and shared responsibility by citizens are typical features of the North American justice systems, which reach as far back as colonial times when out of necessity local communities relied on their own resources.

In Germany, by comparison, the local level lacks the (legal and actual) competence to more or less creatively and autonomously deal with crime. While in the U.S. the prosecutor's office and police are organized on a local and county level — thus enabling them to determine their own strategies in fighting crime — judges and prosecutors are oftentimes chosen by means of direct general elections; in Germany these offices follow strict hierarchical modes of operation on the State level thus leaving an extremely narrow margin for local needs and priorities. Citizens practically do not stand a chance to participate in the German criminal justice system; lay judges play a comparatively minor role and citizens do not feel it is their responsibility to participate in the country's legal culture as regards crime policies. It is therefore no wonder that the realization of diversion programmes in Germany is encountering some difficulties; that they are closely connected to, and sponsored by, the state hierarchy; and that authentic public participation in such programmes is quite a rare thing (Herrmann, 1984)" (Scheerer).

An illustration of the "Betriebsjustiz"

In his contribution, *Scheerer* extensively cited from Kaiser and Metzger-Pregizer's (1976) work on factory justice in West Germany.

Organization and procedures

"The organization within a company that deals with violations is clearly related to the size of the company. One

cannot speak of *Betriebsjustiz* in the singular, but must make distinctions along a continuum ranging from relatively undeveloped to relatively developed forms of organization.

While the literature mainly refers to regularly established systems within the company which parallel the state's justice system (factory courts, factory police etc.) in reality these are exceptions. The same is true for the collaboration of workers' representatives (*Betriebsrat*) in the prosecution and sanctioning of violators. Parallel to the development of distinct and specialized controlling and sanctioning organs we can point to a formalization of the company's reaction (work regulations, rules of procedure, maintenance of records). The establishment and formalization of the company's reaction is accompanied by increased official registration of violations.

In the great majority of firms *control organs* are only set up to deal with crime as a secondary duty. Special organs primarily concerned with this are as a rule only to be found in very large firms. 69% of the companies studied employ staff for security duties, 38% employ gate-keepers with no control-authority, while only 15% had an independent security force, and only 12% had special gate-controllers.

Betriebsjustiz has a wide range of possible methods of control at its disposal, which are used with varying frequencies. Patrolling the building is the commonest, followed by gate-control, control of cars and lorries, and checking of store-cupboards. These forms of control are supplemented by routine examinations and a large number of other measures.

The so-called *preventive measures* can be categorized as follows: technical preventive measures, appeals, deterrence, reduction of stimuli and preventive measures related to the structure of the company.

Betriebsjustiz has no single style of control. Rather can we distinguish three types: repressive, preventive, and informal. Nor can any single type of control system be

identified, for there are differences between companies resulting from their different sizes, levels of organization and nature of the work. The aim of the control system can generally be described as to maintain or restore order within the company.

For the *discovery of violations* the company management named the offender's immediate superiors and the head of the department as the most important sources of information. On the other hand workers' representatives saw the management and the worker's own colleagues as the most important sources of information. The control organs mentioned above only possess a part of the information about deviant behaviour. For the management the employee's own colleagues do not rate as an important source of information. Yet it was later established that they possess considerably more information on violations. It can thus be taken as established that even at the level of the discovery of violations a quantitatively important selection-process occurs, which determines which and how many violations shall become known to the management.

We were able to establish the further point that in roughly nine firms out of ten a certain *room for discretion*, which varied in extent, was given to employees in subordinate positions, so that inevitably the phenomenon of a 'dark figure' arises.

As a rule, both the management and the workers' representatives are involved (the latter with extremely variable levels of power of decision) in the *investigation of an incident* and in *decisions over a culprit*. Discrepancies could be seen between the estimates made by management and by workers' representatives of their relative involvement in sanctioning: the workers' representatives estimated their participation higher than the management. However, in most firms the decision was jointly made as a rule.

Granting a *hearing* to a *suspected offender* is an accepted procedure both in principle and in practice.

No generally valid principle appears to govern the provision of 'defence counsel'. The workers' representatives take over this task in two thirds of the companies.

The possibility of *challenging the accusation within the company* was not always given. However, here the workers' representatives play an important role. The labour courts, as a natural possibility of challenge outside the company, were only mentioned in one company out of two, and the ordinary courts only in approximately 7% of the companies. However, it seems that the suspected employee seldom makes use of the possibilities of appeal that exist.

In 9 out of 10 companies *sanctions are recorded* in the *personnel files*. The removal of such a record is handled in various ways.

Regularly established organs of Betriebsjustiz were rarely found in the firms we examined. This is for economic reasons. For these firms it is cheaper to let the personnel department handle internal violations, or else to play them down or pay no regard to them, rather than to set up and maintain moneyconsuming regular organs for prevention, discovery, investigation and punishment. In our enquiry into the firms it appeared that the size of company is an important variable here: the larger the company, the more likely it is to have such regularly established organs.

The following hypothesis was set up concerning *formalization*: the more highly developed the *Betriebsjustiz*-system (the higher its level of organization), the more will be found formal work-regulations, recording of violations in the personnel files and the formal removal of such records, and the more will there be written codes of *Betriebsjustiz*. In the case of work-regulations this hypothesis was statistically supported, but not in the case of records in the personnel files.

Our data indicated a tendency for the *workers' representatives* to be more fully *involved* in the sanctioning process in firms with a high level of organization than in less or-

ganized ones. In spite of the generally limited involvement of the employees, we must emphasize the possibilities for the protection of justice that the workers' representatives constitute for the accused employee.

Sanctioning within the company

Companies have the following *means of internal sanctioning* at their disposal:

Threat of dismissal, verbal reprimand, written reprimand, transfer or requests to resign are to be found in almost all firms. Reducing chances of promotion is found in barely half the firms, demotion and fines in one third, while exclusion from the company's social benefit schemes is, on average, mentioned as a sanction in 4% of the companies. Large companies have a wider and more differentiated range of sanctions at their disposal.

The two *extremes of sanctioning within the company*. We did not ask questions about the possibility of applying *no* sanction, nor about dismissal, nor about the laying of criminal charges when appropriate, since these possibilities exist in all companies.

With regard to *sanctioning-practice within the company* it can be established that sanctions are usually applied for specific instances in the case of offences, while in the case of breaches of work-regulations the reaction is more often to a balance of behaviour (several violations).

A *survey of the three areas of dismissal, sanctions within the company, and non-sanctioning* gave the following distribution: both for offences and violations of regulations about one half of all recorded violators were dismissed. Sanctions within the company were applied to 39% of offenders and 45% of violators of regulations, while for 7% of the offenders and 5% of the violators of regulations no formal sanction was applied.

An *analysis of offences* brought the following results: dismissal followed property-offences significantly oftener than offences against the person, which were more often dealt with by sanctions within the company, and also more often received no official sanction.

For *sanctions within the company* the pattern was established that the three forms of possible sanctions mentioned by nearly all firms (threat of dismissal, written or verbal reprimand) are also the three forms most commonly used. Transfers and fines were mentioned in 69% and 32% of the firms respectively, but used only in 14% and 9% of cases respectively. The sanctions reduced chance of promotion and demotion lost even more of their suggested importance in reality. The greatest discrepancy between theory and practice is found for 'suggesting the employee's resignation', which was mentioned in 88% of the firms but used in only 5% of the cases. When a company sanctions a violation, as a rule they combine several measures.

A *very rough division of measures taken within the company* into 'light' and 'severe' showed that light sanctions were more often used against violations of work-regulations than against offences. For the latter, light and heavy sanctions were roughly equally common.

As *all single types of sanction* differed strongly in their intended (suggested) and actual level of seriousness, it was not possible to construct a *sanctioning index* which could show how severely companies sanctioned particular rule-violations or offences.

For this reason we examined this question mainly with respect to the *rate of dismissal*, which we interpreted as generally the sharpest reaction by the company to deviant behaviour. We can summarize the results of this enquiry as follows:

There was a tendency for *women* to be more often dismissed than men for offences against the person and breaches of work regulations; for property-offences this tendency is reversed.

Foreigners were dismissed significantly more often than Germans for offences against the person and breaches of work regulations: for property offences there was no significant difference.

Age of violator was a significant variable only in the case of offences against the person; the younger the offender, the more likely was he to be dismissed.

Married violators and violators with children tended, in all types of violation, to be less often dismissed than single and childless violators.

Employees who had been with the company a long time were significantly less often dismissed than employees who had only been there a shorter time.

The effect of the *employee's work-status* is equivocal: skilled workers were less often dismissed for property offences than apprentices or unskilled workers. Salaried and senior salaried staff showed here the highest dismissal-rate. For other types of violation there were no significant differences.

Ease of replaceability appears only to play a role in the case of violators of work-regulations: of these, the easily replaced violators were dismissed significantly more often.

Trades union members were dismissed in cases of property offences only half as often as their unorganized fellow-employees. For offences against the person no significant difference could be found, but the figures tended in the same direction. For violations of work-regulations the trend was reversed, but did not reach significance.

The situation-specific offender-variables *previous court sentence* and *negative reputation with the management* showed no significant relationship to dismissal. Nevertheless a persistent trend was observable: dismissal-rates are in general higher for all types of violation for the two categories of violator 'known previously to have been sentenced' and 'already had bad reputation with the management' than for the others. Previous incrimination

seems to lead to severer sanctions at the hands of *Betriebsjustiz*, at least in the case of offences.

When property-offenders are known in the company to be in *financial difficulties*, they are significantly more often dismissed than in cases where this is not known”.

Sanctioning practice and procedure within the factory is obviously linked with the type of offences and offenders. The study shows that much more than is the case with the state-centred control system, a considerable number of norm-violations become known to the control organs. Most offences committed by commercial organizations are property-related offences, but only a small number are reported to the criminal justice system agencies. The company's selection process, in terms of reporting to the criminal justice system agencies, is remarkable and similar to the selection process that goes on within state-based control agencies. It should be noted that employees are also involved in the selection process not only by retrieving information but also by selecting which information, and for what type of offender, should be made known to the management. Thus, “employees' readiness to report offences rises with the damage or loss involved; there is a tendency for women, foreigners, unskilled workers and trainees to be reported more often. Thus, employees share the responsibility for the selective perception and/or recording of offenders by the management”. Therefore, the *Betriebsjustiz* depends to a large extent on the attitudes of employees:

“There is a clear disinclination on the part of employees to evaluate behaviour contrary to norms as worth sanctioning or as criminal. In their judgement of cases the members of companies that we questioned moved on two levels of norms: the first demanded the strict condemnation of all types of deviation, while the second presupposed the balancing and interpretation of many interlinked circumstances and motives.

The second level predominated. For this reason the judgement of individual cases is found exceptionally difficult and presupposes a complex judgement-process from case to case.

The judgement of undesirable practices is especially avoided, so as not to endanger the mutual confidence on which co-existence and daily life depend.

Because of this reporting is limited to serious cases. It comes about mostly through underprivileged members of the firm (e.g. foreign workers, women, etc.).

Since reporting itself represents an undesired procedure, this seems also to contribute to the consolidation of the lower status of these groups.

The resistance to reporting cases exists equally on the part of the person or group of workers concerned, and on the part of the control institutions, including the workers' representatives.

Among the reasons mentioned by superiors for not reporting were: the burden of additional work and unpleasant circumstances, disturbance of the atmosphere in the firm, uselessness of reporting because of inefficient or no sanctioning, danger to oneself by triggering-off role-insecurity and conflict involving the control-institutions.

Among the reasons mentioned for the expected resistance to reporting by fellow-workers were:

- deterioration of the work-atmosphere,
- uncertainty or disunity in judging the legitimacy of particular forms of behaviour,
- making oneself ridiculous by representing utopian claims.

The unwritten demand to solve one's problems oneself is also aimed at self-regulating reactions by the people affected. Calling in the ruling control-institution to sanction illegitimate behaviour will be interpreted as a failure on the part of the group of people immediately affected.

Equally, crime within the firm which makes it necessary to call in the police will be interpreted as a weakness on the part of the leadership. The vigorous resistance against reporting crime in one's own firm, or having it reported, cannot be interpreted so much as an identification with the firm as an identification with the working society and free play in carrying out one's work.

Employees estimate the seriousness of particular types of violation differently from the management; as a measure of this we have used differences in readiness to report different types of offence.

The higher the level of organization in the firm, the lower the readiness of members of the firm to report theft".

The results of the study also point out that the readiness to report increases with age, lower social position and duration of employment in the firm. The latter seems to underscore the importance of affiliation to the work place as the crime control potential already noted by *Pečar*, although the relationship is not conclusive. Yet, it is noted that "the longer the worker has been with a firm the less often he will be recorded as an offender".

Finally, "...it was established that employees are relatively well informed about actual sanctioning-decisions of the firm. However, this does not lead them to estimate the general sanctioning policy of the firm correctly. In hypothetical cases we find far more often clear differences between employees and management.

However, we found a great confidence among employees that the firm's decisions on sanctions were appropriate to the case in question.

The most important point of agreement when we compare the two studies is without doubt the estimation, found in both studies, of theft from a fellow-worker as the relatively most serious offence, and, connected with this, the relatively indulgent judgement of theft from the firm, where both studies emphasize the variables 'extent of loss or

damage' and 'work-status of offender'. It follows from this judgement, which is different from that of the management, that in this area of the quantitatively most important criminal offence occurring at the place of work, no unambiguous consensus exists between workers and management. This is easily understood in terms of the different primary interests and functions of the two groups.

The qualitatively studies further supported the hypothesis in the quantitative analyses, that workers have little information, and that that little is imprecise, over the management's general policy on sanctions.

Both studies confirm that workers act as a strong selective filter for the officially registered quantity of crime at the place of work, so that they share decisively in the determination of the 'dark figure' within the company.

In this connexion we find a discrepancy between the considerable readiness to report found in the quantitative study and the description of dealing with the matter oneself as the most important means of resolving conflicts, or the statement that reporting violations was undesirable, found in the qualitative study.

A further important dimension of the employees' attitudes, on which we only obtained information through the qualitative study, is the consideration of work-atmosphere and the ability of the work group to carry out its job as criteria for evaluating a particular form of behaviour as legitimate or otherwise.

Finally, the qualitative study furnished us with a number of aids to explaining the data from the main study. As examples we mention here the connexion between the length of time a man has been with a company and his amount of room for discretion; the necessity of considering interpretation in judging the legitimacy of behaviour; and the strategy of the workers' representatives in 'taking no notice' of violations, thus obtaining a conflict-free relationship between management and workers".

Another important variable in terms of crime and/or deviancy reporting seem to be the "work-status of the employee", and previous official records of deviant behaviour, or general reputation with the management.

"Trainees were recorded more often for violations of works-orders than for offences, salaried staff (including senior salaried staff) more often for offences than for violating works-orders. For apprentices, unskilled and skilled workers the distribution is roughly the same for both types of violation.

If we compare the distributions of work-status for the two types of violation (breaches of works-orders and offences) with its distribution over the firm's whole work-force, the results obtained may be summarized as follows:

For offences, unskilled workers, specialists and senior salaried staff are over-represented. For violations of works-orders, wage-paid workers are generally more frequently recorded than their numbers would lead us to expect; for salaried staff this tendency is reversed.

While separate analyses of property offences and offences against the person showed no specific differences in the distribution of work-status, such a difference was revealed on examining the variable 'extent of damage or loss' which increases as the work-status of the offender rises. We hold the influence of variable opportunities for certain types of offence to be partly responsible for this effect. Furthermore we take it that in the process of defining an action as a violation, either by work-colleagues or by the management, similar actions will be differently evaluated in ways specifically related to work-status.

In spite of methodological limitations we can state important results for the variable *Replaceability of the employee*: employees recorded as offenders by the *Betriebsjustiz*-system tend to be estimated as easily replaceable. Our data also show that youths under 18 years, employees aged from 18 to 20 years, foreigners and women

are more often estimated as easily replaceable than their numbers in the offender population would warrant.

Among those recorded as having committed offences we find fewer *Trades Union members* than among violators of works-orders. Altogether trades union members are less often recorded as violators than their numbers would lead us to expect.

Previous court sentences were known to the firm in the case of 6% of the recorded offenders and 3% of the recorded violators. If one compares these figures with those for the criminal justice system, where one third of the total male population have been prosecuted at least once by the end of their 24th year, we can establish that previous criminal prosecution does not appear to be a selection-criterion for *Betriebsjustiz*.

On the other hand, a previously existing *bad reputation with the management* seems to be an important variable: one third of all offenders and two thirds of all violators of regulations had already acquired such reputations before their recorded violation.

An analysis by *type of bad reputation* gave the following results: for 34% of all offenders this was for the same offence on a previous occasion, for 44% it was for personal qualities and for 16% for bad work. In the case of violators of work-rules, 73% had reputations for having already done this on a previous occasion, 14% for personal qualities and only 8% for bad work. Within offences a clear distinction exists between property offences and offences against the person: property offenders are less often recidivist than offenders against the person, but much oftener have a reputation for bad work.

Altogether there is a clear tendency for offenders handled by *Betriebsjustiz* to be less likely to have previous 'sentences' than offenders dealt with by the criminal justice system."

The following excerpt discusses in summary and in a general way, some differences and similarities between the *Betriebsjustiz* and the criminal justice system.

“*Betriebsjustiz* and the criminal justice system are concerned with different sets of norms. The already discussed norms of the criminal justice system classify situations which belong to the basic set of social events: they can become relevant at any time or place. Most members of society live almost continuously in norm-relevant situations of this sort. Briefly, the norms of the criminal justice system may be described as 24-hour norms, while the norms of *Betriebsjustiz* can mostly be accurately, described as 8-hour norms. They mainly control situations which only occur in working hours and at the place of work.

The ‘catalogue’ of norms of the criminal justice system of interest to us here embraces exclusively general and reciprocal norms. In the various ‘catalogues’ of *Betriebsjustiz* we find on the contrary within each company particular and non-reciprocal norms.

It follows from our analysis of the control of behaviour that these norms will be maintained in the *Betriebsjustiz*-system above all by unspecialized organs of control, and particularly by the leadership. The criminal justice system, on the other hand, principally establishes specialized organs, e.g. the police, to control those to whom the norms apply. It is precisely the specialist status of these organs that in most cases limits the social and physical contact between them and those that they supervise. The numerous connections between the controllers and the controlled are less, too, in society as a whole than in the area covered by *Betriebsjustiz*. This leads to less intense control in society at large than under *Betriebsjustiz*, even though the latter can vary greatly.

The behaviour of the organs of control in the two systems is differently regulated. While the police can only carry out many of their control-operations if certain legally

specified conditions occur, the control-organs of *Betriebsjustiz* are less limited by normative regulations. In many companies, for example, searches of the person, car-checks, stock-room inspections etc. can be made at any time. In the area of operation of *Betriebsjustiz* the legally protected private sphere of the controlled person and his rights with respect to his controllers are thus relatively severely limited.

The organs of the company which share in sanctioning can often be motivated by business considerations, which is not the case (in this sense) with the state's organs in a criminal trial. The company's organs will also consider themselves as victims of the deviant act which they are dealing with more often than the state's. Finally, the comparatively high duration and complexity of the relationship between the organs of *Betriebsjustiz* and the deviant lead on the one hand to a personalizing of their operations, on the other hand to an inclination to extend their reactions to a breach of the norms beyond the literal imposing of sanctions.

Proceedings in the realm of *Betriebsjustiz* are only structured by codified norms to a very limited degree, while in criminal proceedings such norms are often found. Thus the guarantees of justice are weaker in *Betriebsjustiz* than under the criminal law.

In *Betriebsjustiz*, just as with the criminal justice system, women and older people are less often found as offenders. Foreign workers, who are underrepresented in the criminal justice system, are over-represented where *Betriebsjustiz* is concerned. With respect to the profile of offences it is found that property-offences under *Betriebsjustiz* are recorded as involving greater damage or loss than under the criminal justice system, and that the main business of *Betriebsjustiz* is dealing with offences against work-rules, which are not known (in this form) to the criminal law.

Our data show that sanctions under *Betriebsjustiz* are influenced by offender-characteristics, while this has not been established for property-offenders before the criminal courts. Further, correlations are found in *Betriebsjustiz* between the victim's situation and the recorded level of damage or loss in property offences, which have not been established for cases before the criminal courts".

PUBLIC SECURITY ORGANIZATION

(*Y. Fang*)

In her contribution on citizens' involvement in crime prevention and control in China, *Fang* discusses certain particular organizations which are designed to be "public security". These may be centred either within the workplace or around certain residential divisions. They are seen as consulting with and supportive of the state-based judicial organs. "However, it is not enough to depend only upon judicial organs. It is the responsibility of all citizens to combat crime. Our aim is to eliminate crime. The fulfillment of this task depends not only upon judicial organs but on a comprehensive approach towards public security.

By a comprehensive approach is meant that, under the party's leadership, people of all social strata are mobilized to make crime prevention and public security administration effective".

Following her introductory remarks *Fang* proceeds to identify the interrelated framework of public security organizations in China. "The Public Security Organization (PSO) is the functional division of offices, groups, enterprises, public utilities, etc. directed by its respective administrative department. The Residents' Committee, both urban and suburban, is a basic organization centred in each residential area. The PSO varies in number according to the size of the corporation. The PSO in a big corporation usually consists of the Public Security Committee (PSC) or Public Security Group (PSG). The members of the PSO are generally professional. They are appointed and/or dismissed by the leaders of the corporation. The members of the PSC are usually composed of the staff members and workers who are enthusiastic in promoting public welfare".

While the Public Security Organization is based within the workplace, and is professionalized through its membership, it may be supported by members of other less formalized public security organs. These include Public Security Committees and Public Security Groups. Depending on the size of the corporation within which the PSO operates, it may contain the two lesser structures. The existence of the most fundamental of these organizations, the Public Security Committee, is even authorized under the Chinese constitution.

"In accordance with Article 101 of the Constitution, each rural residents' committee is made up of a PSC and a mediation committee, in charge of public security affairs. Residents' committees in the cities are composed of retired workers and staff members. It is the Public Security Committee, an unofficial organization, that plays a very important role in preventing crimes".

Because of the heavily interconnected involvement of each of these organizations in public security, an attempt to clearly distinguish between them (structurally or functionally) may not prove satisfactory. In addition, the overlap between their structure and operations is further accentuated because of the workplace/residence interrelationship.

"The PSO in enterprises and the PSC in residence or village committees are different from one another. The former is under the leadership of its enterprise and the latter is under the administration of the local government. They support and assist each other. The PSO in enterprises encourages the staff and workers to take part in the activities of the residential divisions of the PSC; the latter, in turn, keeps in touch with the PSO in the enterprise, provides it with required information and co-operates with its activities".

In addition, *Fang* recognizes the coinciding connection between Public Security Committees and the judicial organs

of the state. It would appear that, in referring to judicial organs, she encompasses all crime control agencies within the state based system. "The relation between the PSC and the judicial organs consists in the former co-operating with the latter following its instructions. In the exercise of its functions the PSC supplements the functions of the judicial organs:

— to compensate for the scarcity of judicial personnel (the socialist legal system is still not perfect in our country). The judicial personnel are in short supply therefore those in such positions cannot always fully understand the various socio-cultural situations at their basic level. The members of PSC, however, are different. Living among the masses they are well-informed and can discover problems and settle disputes quickly;

— to supplement the time limits within which judicial personnel work. Judicial personnel work eight hours a day, while crimes take place at any time and mostly out of the normal working hours of the legal personnel. Some such incidents can become more serious if not promptly handled. It is therefore better if they are settled by members of PSC who live in the area and are therefore more aware of local affairs and can give timelier assistance when required. This also contributes to a prompt settlement of disputes;

— to avoid limitations of the scope and character of judicial responsibility. Some incidents outside the jurisdiction of judicial departments might lead to crimes if not dealt with. The PSC can prevent minor disputes from developing into crimes and avoid serious consequences. For example, the correction of ill-bred children is not within the competence of the judicial organs, but those children may go astray if exposed to bad influences for a long period of time. The Residents' Committee can shoulder the responsibility of arranging after-school activities for children and educating them; this cannot be done by legal personnel. This is an important aspect of the comprehensive approach

to public security. Only the PSC of the Residents' Committee can sustain this onerous task;

— to compensate for the poorly informed judicial personnel. With the limited number of personnel, the judicial organs cannot possibly receive adequate information. They must spend most of their time looking after existing criminal cases and no time is left for the prevention of crimes. The PSC is well-informed about each individual household and through living in the community can identify dangerous elements. It can, then, carry out educational activities according to developments. All of these are important for the prevention of crime”.

This connection between “judicial organs” and public security organizations is said to provide for community participation within the judicial process.

“The PSC’s role of linking the judicial organs to the people is an excellent form of implementing, at grass-root level, the people’s democratic dictatorship. It is an important unit comprising part-time workers for the purpose of preventing criminal offences. The prevention of criminal offences is considered to be a social engineering task related to all aspects and departments of society. The PSC is a very important unit in this social engineering process and is widely spread throughout the country. According to 1983 statistics in Shanghai, there are 1,971 Public Security Committees attached to the Residents’ Committees; 17,594 to public utilities and enterprises, and 2,915 to the Villagers’ Committees. Altogether there are 22,480 such committees (Shen Zhong-Yi, 1985:50)”.

Although for centuries there have been versions of residence-based control organizations in China (see Dutton 1986), these specific public security organizations are a more recent invention, at least in their present functional form.

“Although organizations similar to the PSC had been established in the 1950’s, their functions were quite limited.

Nowadays, the amount of tasks carried out by the PSC has exceeded all previous records; what is more, the work has become more thorough and scrupulous. Though the PSC is an unofficial organ, it plays an important role in the prevention of crime.

Some aspects of the work carried out by the PSC are:

- to co-ordinate, with public security organs, investigation activities such as cordon-off the scene of crime, secure a guarantor, and supervise remand prior to trial;

- to co-ordinate with judicial organs the execution of punishment, such as surveillance of the culprit, supervision of suspended sentences or parole, or watch over offenders while out of custody, procurin.g medical treatment, etc.

- to settle minor disputes, such as disputes between neighbours;

- to handle some minor offences, e.g. punish minor larcenies with disciplinary sanctions;

- to popularize the socialist legal concepts and advise citizens to observe the law;

- to safeguard public security, e.g. night patrol in factory districts and citizens' residences.

The work of the PSC is very concrete. Owing to intense industry on the part of citizens, many cases which are hard to decide upon, have been settled satisfactorily, come criminal seedlings eliminated, and vicious events reduced. In brief, the work of the PSC covers mainly three aspects of public security:

First, attentive control exercised over security and crime prevention. This means that members of the PSC must actively patrol, inspect and safeguard some important places and avoid unnecessary damage and loss. In the daytime, safety sentries are posted in key areas, and at night, bells and loud voices are employed to call citizens' attention and thereby prevent theft. In this way, much is done for public security and crime prevention. For example,

in the Yang Pu district of Shanghai, 1,843 dangerous elements were identified and 632 criminal cases were prevented in 1985. Members of the PSC patrol day and night and work hard toward public security. As a result crime cases have gradually reduced.

Second, a system of advise was established. Every year, members of the PSC analyse unstable elements in their own areas and seek out persons who have either been released for rehabilitation or who are undergoing reform through labour. For minor offenders, the PSC works to enhance reeducation and guidance in order to make them 'turn over a new leaf'.

In the Yang Pu district of Shanghai, for example, 3,162 potential offenders were identified. To help them begin a new life, 4,162 advisors were assigned; except for a few family members, most of them were members of the PSC. The advisors focussed on four concerns: to solve the problems associated with household register, occupation, marriage and family; to discipline the identified potential offenders and make them feel at ease in, and to live and work for, the socialist reconstruction. As a result would-be crimes were avoided. The advisors work was well done because the proportion of crimes to the total population in the district was five to ten thousand (0.05%) which was well below the standards required by the judicial administration.

Third, importance was attached to mediation. Members of the PSC actively co-operate with mediators to settle civil disputes promptly and to prevent the intensification of controversies and contradictions thus avoiding civil disputes from developing into criminal offences. For example a young peasant in Sandon Province, fell into a rage and was almost on the verge of committing murder when he learned that his fiances had been induced to go out on a date with another man. The members of the PSC in the village and the mediator intervened and stopped him. Later, together with the officials of the public security bureau whom they

had advised, they helped to rid the young man of his murderous intentions and reprimanded his girl friend. Through this mediation good terms were reestablished between the boy and girl and a criminal case was prevented. There are many similar cases in the country; 57,678 civil disputes were settled through mediation and 255 cases which were likely to cause death were prevented in 1983 (Zhou Lu, 1985:276).

Thus, it is clear that the PSO in enterprises, and the PSC of residents' committees, play an important role in the prevention of crimes. It is significant that these unofficial organizations work to promote fraternal unity between citizens, to maintain stable and integrated social order and to ensure citizens' united efforts to construct our socialist country".

In their crime prevention functions the PSC's are closely linked with professional policing agencies in China. "The public security organ (police system) is divided according to function and power into three main levels. The public security bureau, at provincial level, takes the lead and control over various local police stations while the public security bureau itself is subject to the leadership of the Ministry of Public Security.

All the different levels of public security organs (PSO) are official organizations while neither public security committees (PSC) nor public security groups (PSG) are. PSC are usually under the leadership of the local administrative branch and in turn the PSG are under PSC's direct control. The PSG are grassroots units of the PSC".

Fang makes an assessment of the decreasing level of formalization down the three-tiered structure on the basis of their recognized proximity to the more formalized public security organs. The main operational feature being their close co-operation with the more formalized public security organs.

"It has been proved by practice that the work of the PSC has been successful. It is syntonic with the work of judicial

organs and contributes much to the prevention of crime. Nevertheless, some problems remain, mainly concerning the following three aspects:

1. Generally speaking members of the PSC lack an understanding of legal concepts. Some members have even engaged in unlawful actions. For example, a young girl named Zhao was not satisfied with her parents' arrangement for her marriage and chose Gen as her boyfriend with Li acting as a match-maker. When her parents' objection became unbearable, Zhao committed suicide by taking poison. The PSC of the village took it for granted that Zhao's boyfriend was responsible for her death and requested RMB 1,500 damages from Gen and RMB 850 from Li. When the latter refused to pay, the members of the PSC forced her to do so; Li felt so cornered that she too committed suicide (Zhou Lu, 1985: 270). This episode shows to what extent the members of the PSC's lack legal sense, which results in a disadvantage to the prevention of crime.

2. The PSC in general, but especially the PSC of Residents' Committees, often find it is financially difficult to support its members' work. Activity fees for the residents' committees come from the State's limited subsidy and therefore the PSC cannot carry out its work efficiently. Some PSCs cannot even buy flashlights for night patrols. Some constructive proposals are also invalidated through lack of funds.

3. The PSC continues to be undermanned. Since economic reforms have been adopted many residents' committees have started commercial business. Some cadres of the PSC have changed jobs and public security forces have consequently become weaker. Residents' Committees are mostly composed of retired workers, many of whom are old and in poor health, and therefore, not in a condition to do what they would like to do. For example, some of the members of the PSC have to look after their grandchildren

and, contemporaneously, contribute much effort towards public security. These are some of the disadvantages that public security work meets with; in this respect there is, no doubt, much room for improvement.

In summary, the PSC has contributed towards a comprehensive approach to public security. Today, when the importance of a comprehensive approach is emphasized, the work of the PSC appears to be even more necessary. The PSC is playing an increasingly important role and more people have realized that public security work should receive wide support and help. We can envisage that public security work of residents' committees and business enterprises and institutions will increase their contribution to the prevention and reduction of crime" (*Fang*).

CITIZENS ASSOCIATIONS AND THE VOLUNTEER PROBATION OFFICER

(*T. Moriyama; A. Salama*)

Moriyama introduces his discussion of participation in the crime control process in Japan by identifying three types of citizen involvement:

- 1) there is what he refers to as “self-defence” procedures which include those precautions implemented by the individual for his / her protection against becoming the victim of a crime;
- 2) there are those initiatives which he classifies as “furthering” activities, which refer to non-state based socializing influences initiated either by the individual or associations of private individuals, the purpose of which may be crime prevention, control and protection,
- 3) and there are those activities which he terms controlling activities. These were any type of activities where the individual is involved in ensuring some degree of accountability from the state-based crime control agencies.

In concentrating primarily on mechanisms which arise as examples of the second type of participatory behaviour, *Moriyama* exposes their crime prevention, control and correctional potentials. They are presented to reflect the normal progression of the criminal justice process. This is a logical structure when one appreciates that *Moriyama* is principally concerned with participatory mechanisms which are to some extent interconnected with, and supportive of the formalized state-based crime control agencies.

In the area of crime prevention in stricto sensu (that is, before the crime occurred) there are in Japan a number of

Crime Prevention Associations ("bohan kyokai"). These organizations are linked with police and, as a matter of fact, they exist in almost all police stations across country.

"This association takes the role of helping police activities by promoting various crime prevention activities by citizens and enlightening the citizen's consciousness for crime prevention by organizing lectures, forums and/or film shows. They are centred around liaison offices ('bohan renrakusho'), which, in all, number up to 690,000 throughout Japan (one for every 60 households). The activities of these liaison offices includes the reporting to the police station crimes and accidents in the area delivering police crime prevention documents, transferring to the police residents' demands and opinions about crime prevention policy, organizing crime prevention forums and so forth. But as residents solidarity becomes weak, police leadership increases and some problems arise, such as: the reduction of the function and autonomy of associations, especially in urban areas. These associations include the Association for Prevention of Crimes in Banking Facilities ('kinyu-kikan bohan kyokai'), the Association for Prevention of Crimes in Apartment Houses ('apato bohan kyokai'), the Association for Prevention of Crimes in Bicycle Shops ('jitensha-gyo bohan kyokai'), Vocational Unions for Crime Prevention, etc.

As compared to the crime prevention activities for adults, the activities for juveniles are more vigorous and the various systems have been developed as the volume of juvenile delinquency has increased. Amongst them, since 1960, the activities of the Juvenile Guidance Officers ('shonen hodo-in') have been emphasized by the police. These include the identification and protection of juvenile delinquents who call for special attention, through the purification of vicious environments and through co-operation with the activities of the juvenile police. The number of Juvenile Guidance officers who are private citizens and who have been appointed by the

police, is about 55,000, and the majority of them are males in their 40's. Their occupations vary widely from businessmen, company workers, to teachers and men of religion. A similar system to the Juvenile Guidance Officers is that of Juvenile Guidance Committeemen ('shonen hodo-iin'), which is a non-police organization and is established by the local government. Based on the Juvenile Guidance Center of the area, Juvenile Guidance Committeemen number about 70,000 throughout Japan. They take care of more than 200,000 juveniles each year. In addition, other voluntary systems for juveniles include the Mothers Association ('shonen keisatsu haha no kai'), and the Conference on the Promotion of Environmental Purification ('kankyo joka suishin kyogikai'). Also, as regard traffic, there is the Traffic Safety Association ('kotsu anzen kyokai')." (*Moriyama*).

Furthermore we are informed about police-school associations and voluntary associations at the work place (Saito, 1985). Police-school associations are oriented towards crime prevention in schools. In 1979 there were 2,000 local associations and 36,000 schools were members of the national association. Crime prevention associations at the work place are also citizen participatory organizations which have their representatives in a number of firms. These associations focus on the prevention of delinquency among young employees and they also closely collaborate with the local police. In 1979 there were 900 associations and some 32,000 firms participated in the national association. *Moriyama* points out that co-ordination between these various crime prevention associations is not very good, and due to their close links with the police some of these cannot be considered to be pure by private citizens' organizations.

Similar to the situation in Japan we are informed that in Egypt there are a number of crime prevention associations; they also work in close collaboration with the police.

"In 1980 eight associations, registered under Act No. 32/1964, were formed and attached to Cairo Security Directorate. These associations are closely connected with each other through 'the Supreme Council for Crime Prevention' which works under Presidential Decree No. 312/1971.

The activities of these associations include:

- drawing people's attention to measures which should be taken against crime;
- finding solutions for problems and disputes without resorting to the police;
- understanding public opinion and people's problems and trying to find fast and effective solutions;
- finding the suitable climate in which people appreciate policemen;
- predicting criminal phenomena to be confronted;
- removing inconveniences which annoy citizens and interfere with their ability to keep their peace and maintain their security;
- developing a sense of affiliation, love and sincere fraternity among people, and confronting any violation against national unity or internal security.

These aims are achieved through different committees, for technical and criminal studies, dispute-solution, food sufficiency, street security, medical care, social reform and mass media. These committees act as links between the associations and the police" (*Salama*).

Moriyama points out that in Japan the role of the citizens is also important once the offender has been processed by the criminal justice authorities and the aftercare and correction phase begins.

"A great number and variety of citizens are involved at the correction stage. The benevolent visitor ('Tokushi mensetsuiin') system was established in 1953 based on the prison visitor system in England, and its major task was to provide adequate advice and guidance to the individual

prison inmates and to the juveniles in the reform and training schools, concerning their psychological suffering and the problems of their future. Experts in education, humanities, religion, law and social welfare served as such visitors. The number of benevolent visitors is about 2,000 and their average age is around 65. The total number of visits accomplished is more than 10,000 per year.

On the other hand, chaplains ('kyokaishi') have been involved in correctional institutions since 1888, and, before World War II, they were full-time government workers. At present, they are all serving on a voluntary basis. They are men of religion, and work for the fulfilment of the inmates religious need and to guarantee their religious freedom. Not only Buddhist chaplains but also Christian, Shinto and other religions are serving for a total of about 2,000 chaplains. Each of them visits institutions, on average, about 20 times a year.

In addition, there are many private collaborators who attend institutions in order to assist in achieving the correctional goal. Their activities vary widely from educational and cultural activities such as lectures, film shows, theatrical performances, entertainment, concerts, 'Bon' festival dances and athletic meetings, to prison industry, labour outside the prison, and medical services and sanitation. The number of these collaborators, in the field of educational activities alone, totals around 20,000.

But co-operation and support activities of this nature rely on the understanding of the residents in the area. Because of the increased indifference among the residents, the future of this system may have some difficulties. The importance should be recognized of this system for acting as bridge between society and the prison and for facilitating the socialization of correctional institutions.

Finally, at the rehabilitation and aftercare stage major examples of informal crime control mechanism are the volunteer probation officer system and rehabilitation aid

hostels. The involvement of citizens in the area of rehabilitation and aftercare has a long history, although it was carried out at various levels and in different forms. In Japan, it can be traced back to the seventh century. At that time it included not only charity by the imperial family but also social welfare activities by religious groups — especially Buddhist priests — directed towards offenders, vagrants and the poor. However, it was not until 1888, that Mr. Meizen Kinbara founded the ex-convicts aftercare society, ('sutsugokunin hogo kaisha'). The government correctional policy at that time consisted of a system where the inmates, after completing their term, were transferred to other sections for occupational training. It was abolished because of financial constraints and overcrowded prisons. Citizen's organizations took over these activities.

This type of citizen activity spread out all over the country, and in the 1930's there were around 1,000 of these organizations. They functioned as half-way houses; they offered meals, a place to sleep, occupational training and a place to work for those with criminal careers. In this way, these organizations became part of the community. In addition to philanthropic motives, the creation of the after-care societies were the result of a particular situation in which several mass-pardons had been granted and something had to be done for these ex-convicts whose public financial support had been drastically cut back. Concurrently, there was another important economic motive: the utilization of ex-convicts cheap labour for military exigencies in wartime.

After 1945, as the result of the law and legal structure reform, some of these organizations and institutions were transferred to, or merged with, the Reform and Training School. Yet, most of them were abolished, mainly because of the change of government policy towards religion. Thus, the number of these organizations and institutions decreased drastically. In addition, the remaining organizations encountered great financial problems.

There are about 100 such hostels all over Japan and 10,000 persons are admitted annually. Because of the recently financial difficulties encountered by the hostels and because the number of offenders who use these hostels has decreased, a number of rehabilitation aid hostels have ceased functioning or have transferred their interest to other fields of social welfare. Their future existence is therefore in danger and, as a result, the Ministry of Justice now gives them financial support in order to secure their continuity.

In addition, the Women's Association for Rehabilitation Aid and the Big Brothers and Sisters Association, (a student organization) are involved in crime prevention and rehabilitation activities at the local level. The former association has about 200,000 members; however, the administration is not autonomous but guided by the Ministry of Justice. The latter association has about 7,000 members, but the number is gradually decreasing because of students' indifferent attitude towards public service. Moreover, there are about 3,000 co-operative employers who offer work to ex-inmates, mainly in the construction and production field. Since 1951, the Ministry of Justice has organized an yearly 'Brighter Society' campaign at national level and has promoted various activities for the purpose of facilitating public participation in crime prevention activities at the local community level. It is reported that the number of citizens that participate in this campaign each year is over 2,000,000 but, in reality, the campaign cannot be considered to be entirely based on citizens participation" (*Moriyama*).

Another example of citizens involvement in rehabilitation and after-care given by *Moriyama* is the voluntary probation officer scheme.

"A volunteer probation officer is a private philanthropist who together with an expert probation officer who is a full-time government official carries out the supervision of probationers and parolees. At present, there are about 48,000 volunteer probation officers all over the country,

making it one of the largest public participation systems in the world. Although the origins of the volunteer probation officer system can be traced back to the 19th century, the prototype of the present system is to be found in the Juvenile Law of 1922, which provided volunteer probation officers for juveniles ('Shokutaku Shounen Hogoshi'). The Juvenile Law of 1922 also provided special probation officers assigned by the government. But since the number of special probation officers was limited, the volunteer probation officers for juveniles became an essential part of the rehabilitation activities for juveniles in the local community. The law, as amended in 1950, extended the role of the volunteer probation officer to that of carrying out the supervision both for adults and juveniles. However, it is interesting to note that supervision of adult offenders 'advocating dangerous thoughts' had been carried out by volunteer probation officers even before the amendments. Before the 1950 amendments, volunteer probation officers were not financially remunerated for their activities and although, the amended law provided for their compensation this is very small even today. Furthermore, voluntary probation officers are appointed by the Ministry of Justice. This indicates the change in the status of the volunteer probation officer who is now a part-time state official. Therefore, the volunteer probation officers' system has become part of the state-centred or at least state-sponsored crime control system. Their activities are carried out at the local level. Their mission is with the spirit of social service, to help in the offenders rehabilitation to society and to influence public attitudes toward the promotion of crime prevention so as to purify the local community environment and to contribute to individual and public welfare. (Article 1 of the Volunteer Probation Officer Law). The qualifications required for the position of Volunteer Probation Officer are stated in the law as follows:

- 1) confidence and recognition in the community with respect to his personality and conduct;
- 2) enthusiasm and time for such work;
- 3) financial stability; and
- 4) good health and activity.

Their main activities are supervision and guidance of probationers and parolees, environmental adjustment of inmates prior to their release, and participation in crime prevention activities in the local area. The average caseload is about five cases to each volunteer probation officer, and a total of more than 200,000 probationers and parolees are supervised annually. The volunteer probation officer's average age is (and 70% of them are in their 50's and 60's) around 60. As regards their occupational background more than 20%, are retired from service followed by agriculture/forestry/fishery employees, government and company workers, and men of religion. Volunteer probation officers establish their local organizations in the area; these, in turn, make up the national organization. They are autonomous and independent organizations whose purpose is to administer study sessions, to promote crime prevention activities, to communicate with and support volunteer probation officers, to exploit social resources and to liaise with the probation and parole office and other organizations".

Moriyama is not willing to discuss private participation in crime prevention in terms of an ideological conception of the community. Nor is his analysis limited to reflections on the past, or aspirations for an ideal model of crime control through community involvement. He takes his discussion into the critical reality of present day Japan and in so doing challenges the existence and actual crime control potential of informal participatory endeavours.

"From ancient times there exists in Japan the tendency to believe that social problems should be solved within one's relational social framework, and that these should be

handled peacefully. This tendency is supported by the so-called 'the culture of shame' ('haji no bunka'), where trouble was solved privately within the family unit, in school or in one's place of work, and within the local community, without displaying one's shame ('haji') in public. Such a resolution is based on the consideration that a clear-cut determination between guilt and innocence, as a result damage human relation, which, from the view point of the local community as a whole, is less desirable. In this sense, individual responsibility — one of the important principles in modern society — and associated processes of criminal justice recede in importance. These considerations, no doubt, also affect the education of children. Education is imparted not only for the purpose of helping the student become independent nor for the consequent socialization but, also, for the purpose of thereby maintaining social organizations in order that he does not disgrace his family or soil his parents' and school's reputation.

However, because of the revolutionary change in social consciousness after World War II, the training of children to be independent persons and the consequent socialization, gradually becomes the object of education. Nevertheless, the aforementioned tendency has not yet completely vanished. One of the reasons why there is a smaller number of crimes in Japan as compared with other developed countries is, as has often been pointed out, due to the norm — consciousness of the citizens that the culture of shame obliges. The emphasis in socialization is placed on the ethics arising from the old cultural tradition, namely the value system of attaching importance to shame and honour, of seeking the truth through self-denial and training, and of appreciating sympathy, compassion and harmony rather than conflict and strife with others and between friend and foe. Thus, the strong influence coming from the basis of such ethic and collective thought, helps prevent crime and delinquency.

On the other hand a certain type of cultural situation is presupposed for validating these principles. They are effective when a certain degree of integrating power and cohesion is recognized in the family, the school, the workplace, and the local community, which requires a normative and moral consent amongst its members. Therefore, when this mutual consent is diminished or destroyed its crime controlling power consequently cannot function adequately. The present cultural situation in Japanese society shows the symptoms of this direction and various problems associated with such a situation become apparent.

As in other countries, the phenomenon of a weakening in the social norms can be recognized in Japan. It is particularly in societies such as this, where new principles of modern constitutions are recognized and the individualistic freedom and a variety of value systems are being experienced for the first time, that 'the culture of shame' which once used to function as crime prevention force, is becoming attenuated. Priority is now placed on the independence of the individual, especially children, rather on parents and teachers' reputation, so that the constraint from parents, teachers and local community is reduced to a minimum.

A system once prevailed whereby a particular family whose child was a trouble-maker ('Hakuganshi' and 'Mura-hanchibu') was banished and estranged. None of this could now be applied socially due to the cultural relationships which have arisen from the modern constitutional setting and urbanization phenomenon.

Even within the present atmosphere of increased juvenile delinquency, there is a reluctance to process juveniles through stages of the criminal justice process.

The family, the school and the local community are certainly disturbed by juvenile's behaviour problems, and it is difficult for them to discipline juveniles by themselves. However, when the instances of delinquency are not con-

sidered to be serious enough to require a more severe punishment, being disposed of by the police and/or family court provides sufficient a shock to the juvenile to act as a deterrent.

The rapid increase in juvenile delinquency in Japan can be explained as the manifestation of a weakening of social norms, of the decline of the 'culture of shame' upon which social norms are based, and by the decay of the social concern for maintaining the good image of the social organization.

The consequence of this change in cultural consciousness is a challenge to the reality of private participation in crime control endeavours.

Many of the public participation mechanisms in the field of the treatment of offenders and delinquents previously described are also affected by these situations. When the existence of criminals within the local community was considered to be a shame for that community, every effort was made from within the community to prevent criminality and those efforts were actively organized. With the recession of consciousness, people's concern for the treatment of offenders and delinquents was also reduced.

Most parents show concern for the delinquency problem of their own children and are usually very preoccupied by their children's troubles; as a result, they cannot pay the necessary attention to the problems of other children. People's benevolence in general keeps decreasing; for example, before World War II rehabilitation aid hostels — which are the private supporting associations for ex-convicts — numbered up to several hundreds, but at present they barely reach one hundred. The number of these hostels decreased drastically over the 40 years that followed World War II. Also the number of volunteer probation officers is now less than that prescribed by law, and the majority of them are mature 60 year olds or older. Moreover, some of them serve in order to receive a special

favour, such as a decoration, rather than out of pure volunteer spirit. Basically, the difficulty consists of encouraging the younger generation to join in mechanisms of public participation. The Big Brothers and Sisters Movement, which consists of university students mainly, has also been affected by the indifferent attitude among university students.

A decrease in membership produces a financial problem for every organization, making it difficult to keep the organization active. This vicious circle finally makes public section support necessary. This may mean moving toward a process of state control which reduces its merits as an informal mechanism of crime control. In short, the present cultural reality of public participation in crime control in Japan may not, in fact, have sufficient social basis”.

Moriyama goes on to suggest, in a general sense, ways in which such a drift may be reverted.

“One possible approach may be the reorganization of the local community. The old traditional local community which, when established, was based on geographic and blood relations and where the purpose of crime control was keeping up the appearance and collective reputation of the community, does not exist. Also it is both difficult and a nonsense to attempt to revert to the traditional community. Thus, it is necessary to create a structure where old residents and new-comers can be integrated and share the same social consciousness. This structure would necessarily be directed exclusively toward the prevention of crimes and delinquency but could serve various goals, one of which is the prevention of crime and delinquency. Integrating peoples’ consciousness in the process of building the structure for solving problems of every day life is the necessary and sufficient condition to activate the structure, because the prevention of crime and delinquency alone is not likely to have first priority in the Japanese culture, where crime and delinquency are not perceived as a social menace of principal importance.

In some of the boom towns with high rise buildings attempts at this type of social organization are already being made and such new organizations are beginning to grow in number. But whether or not the infringement of human rights which once accompanied traditional crime control — such as the estrangement of a particular family from the local community ('*urahachibu*') and the violation of privacy — will diminish as a result of this new organizing effort, will largely depend upon the social and legal consciousness of the component members and the careful monitoring which will be required" (*Moriyama*).

CONCILIATION

(*J. Pečar*)

Although more often considered in the context of resolving civil disputes, our contributors have provided some examples where a conciliation process has been used for crime control purposes. We have already touched on one of these examples when referring to the Egyptian practice of reconciliation (under the heading of religion).

Pečar provides a detailed account of conciliatory boards as they operate in Yugoslavia, as an alternative to the more formal legal process under strain. In this respect they might be seen as a good example of what we earlier referred to as informalized alternative mechanisms of crime control. In so saying we do not wish to imply that *Pečar* simply presents such mechanisms as alternatives to a more formal system. In fact, as can be seen in his discussion of workers participation, he represents some of the mechanisms as being complementary to the state based operation of crime control. In addition he analyses the mutual influences that one system may have on the other.

In his discussion of conciliation *Pečar* specifically indicates that this stands apart from mediation. Unfortunately, with such mechanisms of dispute resolution it is never completely clear where mediation commences, conciliation evolves, and reconciliation ensues. The general feature of the involvement of the victim (or those representing the victim's interest) in the settlement process is, however, constant.

Conciliation boards

"The relatively high rate of litigiousness, especially among the lower social strata, has burdened the courts

considerably and contributed, to a great degree, to the idea that some conflicts between people could be settled by representatives of social, political, and other organizations or even by certain individuals who enjoy a good reputation and the respect of their community. It is typical of this kind of settlement that it takes place without the intervention of the state and its mechanisms of coercion, without threat, informally and, last but not least without cost.

Following are identified features of conciliation boards:

- as self-management (judiciary) agencies to solve conflicts arising from violation of peoples's rights;
- competencies are defined by a social contract, self-management agreement, etc.;
- decisions can be challenged in court;
- conciliation boards' decisions are binding and executable throughout the entire territory of Yugoslavia;
- foundation statute of the boards defines the conditions by which the use of legal means is possible, and decisions-making process through councils, boards, and commissions.

In this way, these mechanisms have their own defined areas of competence and activity; they are supposed to have socio-pedagogical, preventive and treatment roles and they function mainly with the consent of persons involved in conflicts.

As far as the structure of the conciliation board is concerned, the components which seem to be the most crucial for the work it fulfils are the conflict itself, participants in the conflict, members of conciliation board, and methods of conciliation.

Regarding the methods of conciliation, there are three elements which are especially important: confronting the problematic issue through a common approach, readiness of both parties to settle the dispute, and search for a common solution. The task of conciliation boards is there-

fore to influence the disputing parties so that they alter their attitudes and, especially, their feelings; the latter being the most difficult to achieve. It is important for parties to take heed of each other. They must try to adjust one to the other and encourage a certain degree of compromise in their demands.

The accuser, the accused and the conciliation board act as a triangular framework within which a process of mutual influence of all three agents takes place. As a matter of fact, this can be characterized by collective 'sensitivity' through which conciliation boards try to resolve the unfulfilled needs and desires of people, which led to the conflict in question. To estimate the situation, they rely on common sense, a sense of justice, a knowledge of life experiences, and knowledge of the people in the environment (in which they must enjoy certain reputation and respect). Furthermore, they must be sensitive to other peoples' problems. The analysis of the social composition of conciliation board members indicates that the majority of them belong to the lower social strata; that they have critical attitudes towards the performance of their function, and that education and professionalism are not all-important for the conciliation of parties in dispute. Some research concerning the activity of conciliation boards (Pečar et al., 1968) indicates that it is erroneous to expect people to have specific abilities which would have a favourable impact on the outcome of conciliation. From the point of view of disputing parties, the following seem to be the most important elements for the successful outcome of conciliation:

- that both parties are persuaded that the conciliation board is, in fact, the most adequate body to settle their problem;
- that the disputants agree that the conciliation board is reputable enough for them;
- that the disputants do not feel that the resolution of the conciliation board has been generally unfair to them, and

- that the disputants believe that the conciliation board has enabled them to confess, plead, justify, relieve tensions, make proposals, etc. freely and without constraints.

Particularly important for defining conciliation boards in dealing with deviant behavior are the following:

- the conciliation board is a social organization which is close to the people and which was established in answer to their needs, and to deal with conflicts which arise among people;
- its power and authority results from the fact that it is accepted voluntarily by disputing parties, and that it does not exercise any coercion and deterrence, neither does it impose of any sanctions.

A particularly important objective of the conciliation board is to reduce the scope of state repression, especially that represented by judicial mechanisms.

The organization of conciliation boards is not dictated by any formal requirements; rather their establishment is to be understood as a reflection of the actual situation in the various socio-cultural environments where they carry out their work. The variety and multiplicity of influences in urbanized settlements have had an impact on the people in these environments in so far as they are more resilient to moral tensions than people in rural areas where securing one's honour, self respect, private property, etc., are still values which have to be defended. For this very reason the reputation the conciliation board enjoys in the environment where it functions is of primary importance. It must be stated, nevertheless, that the initial enthusiasm of authorities and political organizations for conciliation boards has diminished considerably. The reason for this is mainly because, apparently in some cases, these boards seemed only an unnecessary adornment representing the state's tendency to reduce its role. Part of the disappointment was

also due to the fact that excessive expectations had been placed on a reduction of the role of the ordinary courts as a result of the work carried out by the conciliation boards.

Although positive legislation gives them all the possibilities, it was not to be expected the conciliation boards would take the initiative in mediations regarding criminal policy and general prevention. They are not fully informed about facts and they would not be able to react adequately to the conflicts in which they were mediating.

Members of conciliation boards are not reimbursed for their participation. Therefore, while it is socially honourable and reputable to be part of a board, on the one hand, the great responsibility it involves may, on the other, be a burden. Thus, persons without philanthropic inclinations may find the work tiresome, boring and frustrating. Consequently, it is important to find suitable people for this para-legal settlement, and conciliation of conflicts. Research has demonstrated that suitability for this functions does not depend on the degree of education or professional capacities nor on the level of cultural status.

The crucial points for activating conciliation boards is first of all mutual recognition of both parties that the conciliation board is the most appropriate body for the settlement of their problems, and secondly, the fact that the situation in conflict does not require any forceful modifications of the existing situation but only a consensual agreement.

Conciliation boards are, on the other hand, a mechanism which enables acceleration of the processes leading to the diminution of state judiciary functions. This tendency is manifested above all by the integration of lay people in judicial activities and by resolving matters which because of their great quantity and trivial character are cumbersome and inconvenient for judicial agencies. It is evident that so far conciliation boards have been widely used by those who view them as authoritative enough in regard to expectations

concerning settlement of conflicts within the system of self-management (Jovanović, 1972).

The activities performed up to now by conciliation boards indicate:

- that they perform their role above all for persons of the lower social strata regarding matters within their social environment, and that they are mainly adequate to settle conflicts among participants and not among legal professionals;
- conciliation boards proved to be unsuitable for the legal settlement of people's relationships;
- they have been notably successful in issues where the people involved did not want anything but a settlement and conciliation without coercion and sanctions; and
- that the majority of conflicts settled formally did not result from conciliation.

In spite of numerous imperfections, conciliation boards have in fact, an important socio-pedagogic role to perform. This role consists in influencing people's perceptions to eliminate tensions and frustrations, to help change the behaviour of persons involved in conflict; to establish and perceive one's own and other people's problems, thereby increasing people's ability to understand their own and other people's troubles.

Traditional criminal policy, on the one hand, works towards the elimination of disturbing consequences even before these arise; towards the correction of these consequences if they have already taken place and, of course, it deals with conflicts which have been defined as a criminal act, or are in fact criminal acts. That means that conciliation boards contribute considerably to the reduction of cases which would otherwise have to be processed by regular courts.

Conciliation boards are intended above all to intervene in conflicts and not to pass judgement or eventually im-

plement coersively decisions. For this reason, people must decide by themselves whether they will settle their conflicts before the conciliation boards or before the regular courts. In the opinion of some conciliation boards can not be considered as 'auxiliary' judicial agencies (Stamatović, 1966), although they do alleviate the pressure on the regular courts.

Nevertheless, it would not be appropriate to give these boards the power to investigate and administrate justice because this primarily a matter for professionals. Conciliation boards are above all lay bodies, suitable for dealing with problems which the issue is not that of establishing the actual evidence and hence culpability and liability. It is for this reason that they have proved to be most effective when dealing with matters arising from emotional conflicts and far less successful when treating the legal settlement of conflictual situations. Therefore, although they are frequently considered to be a type of court, conciliation boards should not be viewed from a judiciary point of view.

In most regions of Yugoslavia conciliation boards are perceived according to the culture in which they operate. The point is that regardless of to what degree they were formal, particular mechanisms of reconciliation, arrangement and settlement, have existed throughout the historical development of individual nations. But these have always dealt with conflicts among people and in the frame of reference of individual tribal communities even as regards matters concerning blood feuds.

The legal regulation of conciliation boards which came into force in 1959 has institutionalized the work of these bodies. While they operate under the leadership of the courts, attempts to subject their functions to certain already existing rules of civil or penal procedure have not been successful. But since conciliation boards have no power nor do they enforce decisions, this bureaucratization does not affect them to the extent it affects other mechanisms which

operate exclusively according to the law. Although they have a certain role in settling conflicts, they have no hierarchy except when it comes to intervening before the regular courts — if the parties in conflicts so require — when handling conflict cases which the conciliation boards failed to settle.

The disputant parties presence before conciliation boards is imperative, since the success of the conciliation depends mostly on their decisions. This also appears to be true of the socialization effect which conciliation boards exercise; their acceptability, reputation, and ability to effect resolutions depend on this.

Although there are certain trends towards the professionalization of conciliation boards, their lay character and the impossibility to use instruments of coercion, present the principal obstacles to its bureaucratization. Even if some state judicial mechanisms (courts, for example), strive, by various means — also by training them for this role — to achieve a more successful functioning of conciliation boards, they have not become an extended mechanism of the judicial system in spite of tendencies to give them political and ideological connotations.

It can be said that conciliation boards do not deviate from the traditional values of their cultural settings, especially in rural areas. This is perhaps somehow more problematic in highly urbanized settlements, while they still do not exist in work organizations. Possible conflicts arising in this setting — especially if connected with work processes — are generally handled by other self-management mechanisms such as arbitration, social attorney's of self-management, self-management courts, etc." (*Pečar*).

THERAPEUTIC COMMUNITIES

(*S. Scheerer; M. Brunetti*)

Moriyama's contribution emphasized the significance of voluntary involvement for informal crime control mechanisms. In so doing he concentrated on voluntary "controllers". *Scheerer* and *Brunetti* take up the notion of voluntariness and apply it from the other perspective of the crime control equation, i.e. that of the controlled. Since *Scheerer* presents the therapeutic communities as examples of informal mechanisms of crime control, it is interesting to note how they sit within his theoretical framework.

Scheerer underscores the distinction between autonomy and incorporateness as having an important bearing on the appreciation of informality. He goes on to distinguish between incorporated and autonomous informalism:

"1. Incorporated informalism. Despite its appearance, incorporated private or informal justice is integrally bound-up with formal mechanisms of crime control and could not exist without them, just as formal mechanisms are greatly supported by these. (*Betriebjustiz*, drug therapy, ...). It is possible that the intervention of informal mechanisms is less severe than that of formal law, but as it lets the rest of the mechanisms of crime control untouched (not competing), its major effect would be an extension of state powers (net-widening-effect; medicalization as the development of new dispositives of power in Foucault's sense of the term).

2. Autonomous informalism. If autonomous informalism can be prevented from reaching too high a level of pain infliction, it must be seen as competing with the rigid mechanisms of formalized control with the aim of reaching other standards of dispute settlement that correspond more with a

modern notion of justice. Yet, generalized attitudes towards autonomous informalism are negative, as it is said to be irresponsible (lack of legal protection, associations with mob justice in the sense of lynchings, i.e. populist forms of justice in the terminology of M. Cain). There are hints in current research that this attitude towards autonomous informalism is less justified than it would be towards incorporated informalism.

Empirical research has almost exclusively focused on either formal mechanisms of crime control or those informal mechanisms that are easily accessible and observable because they were set up, or at least later incorporated, in the state's system of crime control.

All other kinds of (autonomous) informal mechanisms of crime control — although very important in everyday life and even numerically much stronger than all formal and incorporated mechanisms — were left out of the scope of research.

Dispute settlement procedures in highly complex societies often seem free of any state intervention, but they do not, as a rule, happen without a certain reliance on the very fact of its existence. This is, of course, most definitely true for phenomena like discipline in industry, where all case studies showed that private justice is integrally bound up with formal law. Incorporated informalism exists ostensibly outside the formal legal system but is crucially dependent on it. It may further be true that dispute institutions, which legal anthropology likes to see as autonomous in relation to organized courts of modern industrial society, are, in reality, coined by the availability of organized courts and state justice wherever they occur (Spittler, 1980).

While it is true that in West German society, as in any other modern society, formal conflict resolution is normally available and represents at least a point of reference (implicitly or explicitly) for the people involved in a dispute. When people want to settle a dispute, the general 'domi-

nance of the law' (Trotha, 1982) does not prevent them from deviating from the typical social action as imagined by the law.

The formal way, to be sure, does not only take the burden of 'solving' a conflict off the shoulders of the victim, it also reduces its importance to virtually nil: formal law also strips the victim of his/her powers.

The idea that all conflict resolution in modern states must necessarily proceed in the shade of Leviathan (Spittler) may, therefore, be true; but it is then equally true then that remaining in this shade can help the victim save some autonomy in the way he or she resolves the conflict.

As Trutz von Trotha states (1982) one can assume that the filtering-out process from the dark figure to official sanctions is not the same as that between offences that are sanctioned and those that are not, but rather a measure of the amount of cases not sanctioned by legal agencies. In other words: in many of the cases that are not getting into official records, sanctions and control mechanisms may be applied, but in an unofficial way. It may indeed be the case that the majority of sanctions are those handed-out informally by the beneficiary of the violated norm, i.e. the victim. The law, that is to say, the monopolized handing-out of sanctions for violations of certain norms, is relatively unimportant.

In everyday life, it is not the legal institutions that assure normative order but the interacting subjects themselves" (*Scheerer*).

Therapeutic communities for drug-addicts seem to be a well suited mechanism for the discussion about degrees of autonomy enjoyed by certain types of informal mechanisms of crime control.

"The latest West German drug law widens the public prosecutor's discretion. The prosecutor can order a preliminary halt to proceedings if a drug addict can show that he has been in drug therapy for at least three months and if

the prosecution calculates that he would, in case of trial, not receive a sentence of more than two years imprisonment.

The court can either hand out a probation sentence or it can sentence the offender to an unconditional sentence and wait if the addict applies for a (preliminary) lifting of the sentence under the condition that he, the addict, 'volunteers' for a drug therapy. The time spent in a therapeutic community can be regarded as time served under conditions spelled out in the law; the most important of which conditions is that of living within the therapeutic setting (art. 36 of the F.R. Germany Dangerous Drug Law).

These newly introduced forms of diversion constitute deformalized mechanisms of crime control in as far as they introduce a dominant element of discretion and bargaining into a criminal justice system that was, for the most part, strictly adhering to the so-called legality principle which guaranteed an extremely formal procedure. The therapeutic communities are private organizations, and their mode of operation is not regulated by statute.

As some of these therapeutic communities possess very strict community rules — many of them much stricter than prison rules, e.g. as far as outside contacts during the first 3 or 6 months are concerned — this kind of alternative sanctions bring up the question of civil liberties (Dammann/Scheerer, 1986; Voss, 1985)".

Therapeutic community in Italy

Brunetti describes and discusses some of the central properties of therapeutic communities in Italy. He points out in particular, dilectical dilemmas and conflicting principles and practices around which these communities are organized. Formality/informality is only one of such dilemmas.

"Law 685, 'Regulation for narcotic drugs and psychotropic substances; prevention, cure and rehabilitation of related conditions of drug dependence', came into force in Italy in 1975. This law, which substitutes the 1954 law,

opens a new perspective in the struggle against drug abuse because, for the first time, besides regulating illicit production, trafficking and commerce of narcotic drugs, it also provides for the prevention, treatment and social reintegration of drug dependents. The novelty introduced by this law consists in the depenalization of voluntary, non-therapeutic, personal consumption of drugs. This divides the field of action into two sectors; on the one side, producers, traffickers and peddlers who are held penally responsible and punishable, and on the other, drug users.

The new law, therefore, considers drug dependence a social illness and, in theory, provides adequate measures and structures for medical treatment and social reintegration of the dependent. This change in trend opened the way to the creation of therapeutic centres of various types and levels among which the most important are the therapeutic communities for the cure and reintegration of drug dependents. According to a definition accepted by the World Health Organization (WHO), the term 'therapeutic community' applies to a wide range of programmes which have in common the practical application of the concept 'the individual is mainly responsible for his dependency and therefore for his rehabilitation.'

In this context the therapeutic community is seen as the structure which is capable of guiding and supporting the individual in difficulty in his efforts towards recuperating his autonomy. A CENSIS (Fondazione Centro Studi Investimenti Sociali) report on the Italian reality regarding the drug phenomenon in the period 1982-1983, attempted to list the motives that lead juveniles to consuming drugs. These are prevalently linked to situations within the family (crisis of guidance and co-habitation; permissive education) or to the profile of society (crisis of ideals with loss of credibility on the part of the traditional values, as well as contradictions within the substitute values; insecurity and lack of prospects for the future; economic prosperity and

consumer society leading to decrease in responsibility; tendency towards the pharmaceutical solution of conflicts, etc.).

The therapeutic community's activity is centred on reaching precise and progressive objectives such as: total abstinence from drugs, creation of a new life-style through the elimination of self-destructive and antisocial behaviours, encourage the acquisition of positive attitudes: honesty, responsibility and solidarity. At present (and as of 15.6. 1986) the therapeutic communities operating in Italy are 340. Out of 24.619 subjects undergoing treatment for drug dependence, 5.540 are treated in residential communities. Given the slow turnover of users (due to lengthy treatment and difficulties encountered by the subjects in the process of social reintegration) and the fact that the optimal number of subjects hosted is approximately 80, only a small percentage of the total drug dependent population in Italy is treated in therapeutic communities. In spite of the small sample, and because of the goals it pursues and the instruments it applies, the therapeutic community has its place in a study of structures analyzed as informal mechanisms of social control.

In fact, the therapeutic community focuses on a population that can be considered to be 'potentially deviant' (with all the precautions that the use of this term requires). Beyond it being considered an illness, drug dependency determines, in the behaviour of drug users, attitudes toward individual and social responsibility which are manifested in an exemplary mode through the evasion of laws and norms that rule social interaction. It is not uncommon for a drug dependent to make use of theft, robbery, peddling or prostitution to obtain the necessary means to purchase his/her maintenance dose. This very often leads him/her to fall in the mesh of the law which, at that point, can no longer take into consideration drug dependence (not punishable in Italy) but, instead, the crime committed.

According to the new legislation, in these cases the state of drug dependency is taken into consideration by the judge who can commute the punishment for the crime committed into compulsory treatment over a corresponding period of time in a closed therapeutic community, subject to three-month-period reports from those responsible for the treatment. In this particular case, the therapeutic community can be located on the border between formal and informal mechanisms of social control owing to the specific task assigned to it by the juridical authority. However, few drug users gain access to the therapeutic community through this means; therefore, for the vast majority admission and treatment are voluntary based and personally motivated. These criteria allow for an interpretation of informality as the dominant structure of the mechanism.

At present the therapeutic communities are looked upon with a certain amount of favour on the part of public opinion because they constitute at least, a tentative response to the despair and social alarm which characterizes the drug problem. The therapeutic communities originated from the merging of two different experiences in the treatment of deviant subjects: one was that of the pioneers of community psychiatry: Jones, Goffman in England, Basaglia in Italy, etc. who by adopting new therapeutic models in the cure of mental illness, arrived at the conclusion that the patient could only recover if he/she, together with others, participated in his/her own recovery; the other experience was the narcotic farms started in the United States in 1940. These farms for drug dependents and deviant subjects were utilized as a means of exploiting the therapeutic effect of work in the rehabilitation of drug addicts who had committed a crime.

Democratic participation and the leader's charismatic authority, group's anarchy and the organization's iron discipline, equality and hierarchy, exaltation of human values and denial of rights, work and meditation, could all

be present and even fused in the internal life of the therapeutic community. Yet, the therapeutic community provides subjects with ethic and moral boundaries by developing the necessary motivation for the achievement of a sense of belonging to the community. However, in general it can be said that no codified rules exist which indicate the technique to be followed for the construction and maintenance of a therapeutic community; in fact, each group differs from the other and tends to organize itself autonomously and in an original manner. Notwithstanding the absence of rules, it is nevertheless possible to individualize some common elements among almost all the groups and organizational structures that operate in this field:

- faith as a cohesive element of the community
- equalitarian structure
- family support for subject's internal integration
- accent on the dramatic, ritual, mystic and folkloristic aspects of constructing a community
- psychological growth, development of dedication and of the sentiment of love within the group
- consistency between personal life-style and community ideology
- security and freedom
- adherence to a reference set of values
- hierarchical communication scheme, but fluidity in the interaction among members of the community
- throw off reserve: closeness versus aloofness; open-up to others: loss of privacy
- public reprimand as mechanism of control
- sexual relation as part of the reward system
- return from a sub-culture to the dominant culture
- punishment and restitution of privileges.

Within the organizational system of the therapeutic communities, a first general distinction should be made between the residential community where the subject lives 24 hours

out of 24, and the non-residential community where the subject spends only a certain number of hours a day. The first type is advisable for subjects without the necessary social network to assist him/her throughout the long therapeutic treatment; the second, instead, is appropriate for less serious cases or for the purpose of selecting the patients that will subsequently reside in a community.

The non-residential community is made up of groups that meet daily in an established place for a certain portion of the day to carry out a working activity consisting in giving assistance and actual therapy. Families and/or volunteers dedicated to helping drug dependents are often involved in these activities. In this case, another structure that can be considered within the framework of informal mechanisms of control — that is, the family — establishes interaction with the therapeutic community. From this encounter, the family could receive an input that would contribute towards a change and revision of its internal organizational schemes which evidently did not anticipate or restrain the drug addiction phenomenon that one of its own members was developing.

Residential communities are often organized in farms but can also be given hospitality in a city building or in a specific area of the metropolis. In these the subject lives and works gradually reaching always higher levels of consciousness. In turn, the patients perform service duties, while control is carried out by ex-patients who have conquered dependence, or by volunteers specially trained in the same residential community. Generally speaking, the structure is strongly hierarchical as regards therapeutic activities, and strongly equalitarian concerning personal relations among its members. The organization can be 'charismatic' (when the leader's strong personality in fact exerts an influence on the patients), 'authoritarian' (when the hierarchical roles are formally defined and codified) or

'democratic' (when community participation prevails). Nevertheless, very often it is not easy to distinguish the three models. Sojourns in a community are usually very long (at least two or three years) and require strong motivation and dedication on the part of the subjects that undergo treatment. Excluding the already mentioned case in which the juridical authority has ordered compulsory treatment, it is obvious that voluntariness is the fundamental requisite given that it is not possible to detain a patient against his will by using coercive means.

The treatment commonly adopted in residential communities is sub-divided into three phases:

Reception: following the explicit request for help the patient is placed in non-residential groups with the goal of strengthening the motivations with specific behavioural regulations. Once a sufficient motivational level is reached the subject is passed to the second phase.

Residential: removal from the family, friends, and often from the city, to live in rigid, secluded conditions until the progressive improvement of the subject's adaptation permits a gradual return to freedom. Following this period, which rarely lasts less than 15 months, the patient enters the third phase.

Social integration (in family and in society): the third phase is a very delicate one because the subject may be exposed to the same dangers coming from the environment that had overtaken him/her at the beginning of the dependency phase. Having completed the treatment, the subject's personality ought to have been strengthened and the adjustment capacity improved. Activity in a therapeutic community, therefore, is moulded within these limits of intervention: but it must be kept in mind that to interrupt a privileged and dependency-generating relationship with heroin is the most difficult decision that a drug addict is

constrained to take. For this and other reasons it can be considered that, according to the statistics available to date, only 10-15% of drug dependents are theoretically disposed to face a therapeutic community programme, and of these, only a further 10% possesses or achieves the intensity of motivation that would consent him/her reach the residential phase.

Nevertheless, the therapeutic community constitutes a very useful therapeutic and rehabilitative instrument for all those subjects that because of psychological and behavioural fragility are not in a condition to face an autonomous and self-sufficient existence. It substitutes the subject's family and social group proposing new models to follow. Only recently, in fact, a new concept has evolved in this specific sector as well as in other related ones. The concept of 'private social' which is constituted of all those assistance activities such as prevention, cure, rehabilitation, etc. which develop and occupy the social space which was marginalized and neglected by the institutions and which, at a more or less private level, offer services to users that live in social discomfort and in need of substantial help. The activity of the therapeutic community can be focused within this framework for the assistance and social rehabilitation of drug dependents. Therapeutic communities are also planning to extend their activities to the assistance and rehabilitation of the mentally ill who, in Italy, have been left without concrete assistance due to the perverse effects that a humanitarian and progressive law (at a normative level) has had in its concrete social application" (*Brunetti*).

In commenting the West German project, *Scheerer* notes (and this can also be applied, to some extent, to the Italian project) that "public response was very favourable, albeit it still appears unclear whether the pyramid of sanctions will be broadened at the bottom and shortened at the top by increased work-orders (the idea behind what *Pfeiffer* calls the 'heap-of-sand-model') or whether the distribution of

sanctions will remain as it was and be enlarged only by additional possibilities thus increasing the overall number of subjects caught in the widened net of social control. In addition, while studies normally stress the lower level of professionalization in informal justice, this view must be differentiated. If professionalization is restricted to juridical professionalization, this is, of course, truism. But developments in many of the 'official' or 'incorporated' kinds of informalism are moving in the direction of a professionalization of a different kind (educational, medical, psychological, etc.). Indeed it seems that many kinds of informal mechanisms of crime control — e.g. those that are sponsored by the political system — are fulfilling the function of adding new professional knowledge to the overburdened formalized crime control agencies" (*Scheerer*).

PART THREE
THE WAY TO ANALYSIS

SIGNPOSTS

Premises for the construction of analytical devices in relation to formalization and crime control

The importance of socialization is one of the principal underlying themes concerning crime control which appears with notable constancy throughout all the contributions to the volume. In fact, it is claimed that, in relation to almost every identified mechanism, the crime control objective is advanced through processes of socialization. The nature and scope of these processes vary considerably depending on the socio-cultural setting and, of course, on the social institution (mechanism) in which they are carried out. However, they all involve the inculcation of certain norms and values, the reinforcement of certain authority structures and the creation of certain individual and/or collective consciousness, which are said to reduce the prevalence of crime.

Not only was there general agreement concerning the significance of socialization for crime control, but there appeared to be some commonality in how it was represented. For example, the most popular appreciation of socialization was a method through which an "anticrime consciousness" is generated within individuals and communities so that crime is prevented. In spite of major differences in sources and styles of such consciousness, the major purpose of its creation consistently focused on control through domination throughout individual cultures as presented in the contributions.

Domination need not necessarily be given a pejorative meaning. Due to the range of social situations in which domination may be evidenced it would be inappropriate to

accept a unidimensional or ideologised representation of domination. As the contributions have shown, domination can be based on consensus and voluntary submission, as well as on force and repression. Whether the dominated oppose, acquiesce or even actively participate in the process of domination largely depends on the social situation within which it occurs. Furthermore, there may be several ways in which the process of domination might be understood and therefore the analyst should be cautioned against naively understanding its dynamics at face value.

Although most contributors to the volume have appreciated the position of the "dominated", and sometimes spoken from that perspective, they have generally done so in an ideologised fashion. What is more, they have discussed control through domination from the direction of the socializer and, as such, have presented a rather optimistic view of its potential. In addition, the process of socializing to control through domination can appear more direct and unambiguous when perceived in terms of the dominant interests of authority. While not wishing to be distracted into a complex analysis of domination, and the power and authority relationships which underlie its existence, it is necessary at least to expose domination as being at the heart of control. While the connection between the dominator and the dominated can be perceived as one of simple origins, it may develop in an intricate and often divergent fashion.

This chapter is interested to draw out the general trends which emerge in Part Two regarding crime control and formalization. What will be apparent to the reader at this stage is that there are two simple observations which can be made concerning the discussion of mechanisms. The first concerns the extreme relevance of the variation and cultural relativity of information. The contributors have distinctly different attitudes towards the origins of control, towards the breadth of the social institutions which translate it, as

well as towards the cultural significance of these institutions and their interrelations. Second, there is general consensus that crime is an identifiable social fact regardless whether understood as a social construction or as an ontological reality *per se* requiring prevention and control. The manner in which such intervention is effected ultimately relies on socialization through pre-defined and pre-developed structures of authority. While the significance of such structures and the control process which they generate, can only be fully understood within their immediate social context, they manifest some consistent and universal characteristics which are elemental for their socializing and controlling potential. Adherence to the importance of cultural relativity creates difficulties in the effort to develop some theoretical relationship between formalization and crime control. To achieve this purpose outside the bounds of monoculturalism demands the discovery of some universals. Yet such a discovery threatens the significance of cultural specificity. Furthermore, to identify too many universal constants risks moving the analysis away from reality and into the realm of ideal types and models, or worse still, creating a false image of uniformity.

An earlier examination of formalization and crime control emphasized the complications inherent within these concepts. The material in Part Two provides ample justification for an argument in favour of a more particularistic analysis. This analysis may need to harmonize the co-existence of unique cultural variations which develops around more holistic statements regarding formalization and crime control. As a pre-condition to any attempt at examining the relationship between informalization and crime control, endeavour will be made to explore any discernable uniformity of concepts and their corresponding realities. Further, this conceptual complexity should be tested against the internal and external dynamics of socio-cultural influences.

This search for uniformity should also provide another opportunity for moving the debate away from, rather than back into, the realm of ideology. Herein lies another problem associated with the primary source material on which we rely presented in Part Two. Much of the information on crime control and informalism which is presented by the contributors takes the form of impressions and ideological statements as factuality. Details are rarely given on how or why certain mechanisms do what they do. We are more likely to find statements of what they can do, will do or should do, as well as assertions about their obvious and necessary relationship with other social institutions, events, consequences and behaviours. Yet maybe this says a lot about the importance of ideology for the development of the debate about informalism.

There appears to be an interesting constant in terms of the contributors' conception of the relationship between crime control and informality. While generally not being overly concerned with culturally specific definitions of these concepts, the contributors have focused on control as the starting point. This is perhaps obvious from their overwhelming interest in the power of socialization. The arguments about the crime control potential of the mechanisms identified seem to progress as follows:

- i) authority of a certain origin has both the power and legitimacy to dominate;
- ii) control flows from the above;
- iii) the maintenance of control is best achieved through various levels and processes of socialization;
- iv) certain agencies and certain mechanisms are better suited (and socially placed) to achieve such goals;
- v) this suitability to some extent, in varying degrees, and along with other factors, depends on the formalization (informality) of the mechanisms.

This scheme is somewhat oversimplified but it does lead to the realization that informality is viewed not so much as a primary element for the initiation of control, but rather as a preferred environmental determinant for the eventual maximizing of crime control potential.

Scheerer presents a useful discussion of the diversity of social control. From this one can appreciate that even by approaching the significance of informality from this direction, there exists the potential to see any or all characteristics of social institutions as being integrally bound up in the control process.

"In German sociological thought, the concept of social control can best be understood as forming part of the criticism of Ferdinand Tönnies' work 'Gemeinschaft und Gesellschaft' (1887). According to Tönnies, 'Gemeinschaft' was both a sociological abstraction and a step in social evolution, a type of social relationship which preceded the origin of the individual, while 'Gesellschaft' — the next step in social evolution — refers to social relationships that are perceived as the result of conscious associations of hitherto independent individuals. While this diagnosis was shared by many of his contemporaries such as Henry Maine (from Status to Contract), Emile Durkheim (mechanical and organic solidarity) and others, Georg Simmel (and later Theodor Geiger and René König) insisted that the new mass society did not, as was implied by Tönnies and even more so by his followers, necessarily mean loss of individuality and autonomy. In his work on 'The Web of Group Affiliations' Simmel argued quite to the contrary that complex societies offered innumerable variations of group membership and role taking, which in their combination would let persons regain their individuality because each one's pattern of participation would be quite unique. While Tönnies had basically argued that participation in mass society was bound to bring about social restrictions and conformity, and that individuality

could at best flourish as a result of retreating from social life in modern societies, his critics tried to conceptualize autonomy and individuality as a result of patterns of active participation and specific types of social control.

If the central questions which gave rise to the popularity of the concept of 'social control' can be summarized in the two phrases,

- How can processes of socio-structural transformations be explained and/or steered?
- How can individuality and autonomy be safeguarded under the conditions of complex modern societies?

then it may well be that 'all social problems turn out to be problems of social control' (Park/Burgess, 1921).

While the term 'social control' is often used in either a very vague or restricted sense, a valuable attempt at clarification has recently been advanced by Henner Hess (1983), who distinguishes between *active* and *reactive* as well as between *formal* and *informal* social control. According to Hess, social control is the prevention of and reaction to deviance from desired behaviour. Under *active* social control he understands all those mechanisms that seek to preventively exclude undesired behavior (from intentionally created barrier to the structural coercion exerted by, e.g., the economic conditions, and from socialization of individuals to legitimation of institutions, i.e. the whole 'active' production of conformity which is not in reaction to a norm violation that already happened). All social control that takes its starting point there where deviance — a deviant act — has been socially perceived, is *reactive* social control, even if it includes — as it generally does — 'special preventive' and 'general preventive' aspects.

Reactive social control is commonly divided into *formal* and *informal* sub-categories, but it proves difficult to find a clear-cut distinction. Therefore, it seems advisable to allow for concepts such as 'semi-formal' social control and other

in-between differentiations. Generally speaking, *informal* social control is exerted by interactive partners in groups whose primary goal does not lie in the reaction to deviance. Informal control is to be found in the most general relationship between (any) Ego and (any) Alter in primary groups like the family, neighborhoods, peer-groups, etc., as well as in secondary groups like schools, at work, in political parties, religious affiliations, etc.. The means of informal social control range from psychic interventions (status loss, ridicule, loss of honor) over economic sanctions (loss of work and income) to physical ones (beating, mock trials). Often, all three of these means are combined, as can be shown in the enforcement of subcultural rules (motorcycle gangs, new social movements, radical political groups).

Informal control is to ensure obedience to informal rules, i.e. to custom and tradition, moral obligations and the rule of reciprocity. Formal law does not appear so much as a positive order, but as a prohibition to certain informal sanctions which it tries to inhibit (such as child abuse, defamation, etc.). On the other hand, there are those institutions which are specifically designed to react to deviance, such as the police, and the whole administration of justice. These *formal* reactions to social control can also take many different forms, but behind them one will always find the state's monopoly of (legitimate) violence.

There are numerous interactions between formal and informal social control agencies. The most important systematic connections is that for effectiveness, formal social control rests upon a web of informal mechanisms that ensure a basic agreement on the legitimacy of the formal norms. On the other hand, in case of the formal institutions' failure to ensure proper reaction to deviance, informal institutions can take over completely or in part as functional equivalents — much the way Max Weber has shown with churches in the USA — to replace a state apparatus where it had not yet been entrenched, or the

way Henner Hess has demonstrated it with regard to the sicilian mafia.

Social control is a broader concept than crime control: the very definition of an act as being criminal is already a product of a (social control) category in which to put an undesired behavior. But the mechanisms applied to crime control are all mechanisms of social control, too, and they vary in their respective degrees of (in)formality.

The most formal mechanisms are those that are exerted by agencies of control specifically set up to deal with questions of crime, which are highly professionalized, and which proceed in a manner that has been laid down by a law-making authority and which provides exact definitions of each step to be taken.

On the other extreme one will find the highly informal self-help of crime victims who 'somehow', (i.e. without fixed procedures), turn against someone whom they believe to be an offender, and where no third party is involved.

In-between one will find strictly 'proceduralized', but non-professionalized crime control such as in an African community (Christie, 1977), and non-state modes of conflict resolution within factories, as well as many other forms of managing problems of crime and deviance. It is here where the necessity to find further differentiations is most acutely felt.

Hess (1983) defines as 'informal social control' all acts of prevention of reaction to undesired behavior exerted by groups or organizations which are not primarily designed to control criminality (family, neighborhoods, churches, schools, economic enterprises, etc.). If we go by this definition, we could distinguish active and reactive kinds of informal control. Everything which makes it harder to engage in deviant behavior — be the activity designed to prevent offences or produce a crime prevention side-effect — would belong in the category of active informal crime control. Family education, neighborhood contacts, as well as religious and school influence play an important role. The same holds true for

'technoprevention', i.e. technical devices that prevent people from committing crime. Reactive mechanisms of informal crime control would be the following: any reaction to criminal acts by people or agencies that are not especially designed to engage in crime control. If families of heroin addicts or if schools develop strategies of reacting to the problem or if economic enterprises react to theft, fraud and other illegal behavior within the company, one would speak of reactive mechanisms of informal crime control.

Cain (1985) makes a distinction between professional justice (as representing formal mechanisms) on one hand and no less than three types of informal justice on the other hand: (1) *Collective justice* serves the interests of the working class, which it aims to advance by education, prevention, and individual rehabilitation; its internal organization is democratic, (i.e. non hierarchic and non gendered) it is accountable to the class subject, not to experts or the powerholders; but collective justice is always under pressure to slide away into either populist or incorporated categories of justice, in which true collectivity is a mere illusion. (2) Examples for *populist justice* can be found in German fascism; as well as in some Latin American countries it is not class based in its self-image, but regularly works in the interest of the powerful; it claims to be accountable to 'the whole nation', but is normally not: excessive mock- procedures and punishment (lynchings) belong in this category. (3) *Incorporated justice* can be part of capital itself (Eaton, 1980) or can be a pseudo- or semi-autonomous institution like the German (non-professional) 'Schiedsmann' (Bierbrauer et al., 1978), which is effectively linked to the state" (Scheerer).

The mechanisms of crime control presented by contributors are both active and reactive in form and operation and they incorporate a number of the features identified by Scheerer as having some influence on formalization. In the remainder of this chapter we will draw together some agreed pointers towards formality/informality. These we

will critically examine in terms of their actual significance for formalization and their broad connections, if any, to the indicators of crime control potential which in turn will be discussed at the conclusion of this chapter.

Pointers regarding formalization

The issue of formalization was not discussed specifically and in detail by many of the contributors. Some of them built their discussion on the premise that certain mechanisms are indisputably considered informal. In other cases, variations of formalization, both internal and external, were noted without explanation. Further, mechanisms were described and, once commented upon, were referred to as informal without providing the particular basis on which this assessment was made.

It has therefore been necessary to "read between the lines" a little in order to distill the reasoning behind certain impressions regarding formalization. Where appropriate this reasoning was combined in an effort to establish general pointers towards the formality or informality of the mechanisms under review. The concept of "pointer" encapsulates the ways in which influences on crime control mechanisms can be viewed along the formalization continua. For example: i) there is the singular directional influence (e.g.: x means more informal, or y means more formal); and ii) influences towards oscillation along such a continuum even when the influence has no directional imperative.

Taking into account the significance of the symbolism of community for the rhetoric of informalization, it was not surprising to discover that one of the most common pointers towards informality was being identified as "community centredness". If a mechanism was seen to complement certain general community interests, it was argued that it was informal. If the mechanism was small and local then it was deemed to be community centred. If the

operations of the mechanisms were mutually supportive of, and interlinked with other community institutions, then it seemed to receive at least some legitimacy and informality through such association.

The position opposite to that of "community centredness" was presented as a comparative measure. In this respect if community-based was deemed to equate with informality, then those characteristics which were considered outwith the community should be pointers towards formality. If the initial assumption is not true then the latter does not follow. Moreover, even if "community centredness" has some correlation with informality, that which determines sufficient association to merit such an assessment is somewhat problematic. In addition, those factors which stand in opposition to the pure notion of community are far from uncontested. Finally, certain mechanisms can be community centred on the one hand, whereas in other aspects of their operation they might be supported by or supportive of the more formal mechanisms of the state. For the sake of conceptual and terminological clarity, it should be noted that "community" represents a symbolic construct which is a congress of different social units (e.g. family); on the other hand, when preceded by the definite article, "the community", it stands out as another form of concrete social unit.

When considering formalization contributors were commenting both on the internal and discrete status of formalization for each individual mechanisms, as well as referring occasionally to external and comparative measures between mechanisms or their components. A good example of the distinction between such external and internal measures can be found in the concepts of collectivism and participatory justice. These naturally flow from the symbolism of community. They are both assumed to be characteristics and consequences of community-based decision-making and action. In contrast with the more formal state-based criminal justice process, collectivism and participation might be

viewed as hallmarks of informality. Their presence within the framework of a crime control mechanism can be deemed likely to maintain the status and directions of its operations informal. Yet a mechanism which is comprised of collective authority, a regulatory framework which is communal, and a decision-making process which is largely participatory, may be internally quite formal on a number of other measures. It may be affected by strict or stated rules of procedure and delegations; it may rely on a complex system for the determination of representation and statuses, it may enforce a set of formal values; etc. In these respects and within the hard light of its own social reality, it might appear to be quite formal.

Returning to community as the pointer, it should be recalled that if a mechanism could be compared with a concurrent state-based system, it was likely that it appeared to be less formal only because of the comparative framework applied. Likewise, this was the case with the community/informality maxim which in equating community with informality took for granted that state-based systems are necessarily formal; thus, state-centredness became the most significant pointer towards formalization. Yet, even on this level, the assessment of the mechanisms is not without difficulty. For example, it is difficult to establish a discrete measure of formalization for a mechanism which is to some extent attached to the state. Take the case of religion as a source of law in some Arab countries. It has a certain operation and a certain level of formalization as a broad social institution. But when it supports and merges with the more secular administrative process, it may take on aspects of formality which contrast with its supervening position as a primary social institution. If the broad social institution can be conceptualized as informal, there may exist within its simultaneous operations, pockets of formality which also require recognition. Such recognition may be difficult when there is a merging of roles within the

mechanism itself or between the mechanism and other social institutions. It does seem to be accepted however, that the more the offices of authority are incorporated within the framework of broad social institutions, the less specialized appears their functions and hence the less formal.

Professionalization is seen as relating to state-based systems of justice, and therefore as being antipathetic to the symbolism of community. With the separation and specialization of professions, as alleged by some contributors, there was a noticeable shift towards formalization. Within the development of the professions, their unique and distinct training process promoted specialization and status distinction. The professions became tied to unique internal codes of conduct and the professionals often became more responsible to these codes and to the notion of the profession, than to the wider social unit. Structures of status within the profession came to depend primarily on recognition within the profession rather than on outside (or imposed) measures. All such evidence is seen as a strong argument to equate professional with formal, and not only from the external comparative perspective.

However as state authorities can sometimes hide behind the mask of less formal resolution processes, so too can the less formal mechanisms hide their own degrees of formalization behind the mask of the state. Take the example of religious operatives who also possess a number of quasi-legal and judicial functions as part of their rule administration responsibilities in some cultural systems. They may appear to be less professionalized and hence less formal than their secular counterparts. But, in terms of other measures, and in the light of a closer examination of their separated functions they may appear to be more formal. These operatives may be apparently in closer relationship with the more traditional sources of authority and hence their "independent status" (which is so cherished within the

ideology of professionalism) may not overtly expose their position to categorization in terms of more formality. Nevertheless, it is true that their office rests on some degree of delegated authority: as with delegation comes formalization, their factual formalization is greater than the apparent relationship indicates. Although the ultimate authority for the religious operatives may be individualized and centralized (e.g. God), the tendency is for such all pervasive social institutions to base their operational potency on delegated authority. The process of such delegation might be conceived as informal, the acquisition of delegated power by worldly holders of authority is formalized. This obviously will depend on the stages and complexity of such a process of delegation.

Another impression of community is that it has a low level of institutionalization. Many of our contributors held the strong impression that institutionalization is clear evidence of formality; hence a pointer towards informalization. However when discussing institutionalization there was a significant overlap between the issue of institutionalized ideology (which permeates the community as well as more state-centred crime control agencies) and that of institutional structures. In relation to ideology, it was generally accepted that the more the ideology on which control is based is strong, dominant, apparently universal and/or represented as consensual, the more likely it will operate (be applied) through informal mechanisms of crime control. This does not deny that the ideology itself might exercise pressures in contrasting directions: it might tend to pressure overtly towards formalization, or, on the other hand, conceal what is formal but covertly support it. One example of the former direction is the informal mechanism's institutionalization within the social structure under the auspices of the ideology of informalism.

Institutionalization appears to provide an impetus towards formalization at least in terms of regulatory frameworks.

Such impetus will arise from internal as well as external levels of institutionalization and will particularly affect newly established informal mechanisms of crime control. Those informalized structures which arise more naturally out of the social and cultural matrix will be less susceptible to formalization than those newly created and imposed for a crime control purpose.

While commenting on the connection between institutionalization and formalization, the contributors recognized that this was neither a singular nor unidirectional relationship of influence. Even when focussing on the regulatory framework of a mechanism, certain stages or processes of regulation may be informalized to a greater extent than the formality of their ambient regulatory framework. In addition, informal manifestations of authority, or processes and conclusions of decision-making may be a constant feature of certain institutionalized mechanisms of crime control.

If the ideology of informalism implies spontaneity and deinstitutionalization, it will stand in conflict with the more institutionalized aspects of social control. Even if the ideology is said to embody such processes, in practice it may eventually be manifested through progressive institutionalization. This may be done on the one hand by attacking an already existing formalized structure, or on the other hand, by imposing an informal alternative and then pressuring towards its institutionalization and hence formalization. Ideologies (even those in the informal camp) can also use influences towards formalization in an instrumental fashion either to advance their own ideological purposes, or to tactically cloud their inadequacies, contradictions and real directions.

The nature of ideology itself may not be vital when determining formalization. Ideology can both adapt and adopt formal and informal mechanisms (together or to different degrees) depending on which is viewed as most

potent and politically acceptable at any one time. As a general practice ideology always tends to institutionalize and formalize new mechanisms no matter how it may choose to represent them. If, for the ideology, the already existing control structures are not fulfilling its expectations, there will be a short term push towards the creation of new mechanisms which appear to be on the opposite end of the formalization scale, irrespective of their purpose.

Organization might be viewed as an essential feature of institutionalization, and hence tied up with formalization. The greater crime control mechanism's reliance on organization (rule oriented structures), as the dominant mode for the exercise of its social control functions, the greater will be the appearance of formalization. This obviously relates to the fact that the higher the level of organized structures within such a mechanism, the smaller will be the space (opportunity) for informality, particularly within the more simple mechanisms.

The environment within which the mechanism operates may have a significant effect on its formalization. If such an environment is already highly organized and technologized, the greater will be the pressure to formalize at least the regulatory frameworks of the sub-systems within it (such as mechanisms of crime control). The regulatory framework of the wider environmental situation will constrain the actual operations of the regulatory framework of the control mechanism (sub-system). Often the framework of the environment of the super-structure is uncontested, or even not negotiable in terms of formality. It may only be the sub-framework of crime control which is debatable in these terms. In this situation the crime control mechanism may appear to less formal when compared with the more formalized framework of the environmental situation.

However, this relationship is not simply a comparative one. The source of authority may be generated essentially from the wider environmental situation in which it operates;

it may receive some degree of legitimacy, and be delegated with power from the environmental situation. It is necessary to realize that the mechanism depends, in many ways, on the indulgence of its environment. Decision-making as regards who are offenders, how they are to be dealt with and what rules are to be applied to them, may be delegated from the formal to the less formal source of authority. However, the rules themselves, and their creation may not be informalized. If the organizational superstructure can delegate authority, establish the regulatory framework and tolerate the decision-making process of the crime control mechanism, then it will experiment with variations in formality. When formalized structures challenge the position of less formal structures, and vice-versa, the structure which is most closely associated with the established bases of power and authority will prevail. If a crime control mechanism is closely linked to an organized institutionalized environmental situation within which it operates and within which the criminal activity which it is concerned occurs, it is likely that the mechanism will be formal. Furthermore, it would appear that the longer a mechanism remains and evolves within other formalized structures, the more likely it will become formalized. This should be said bearing in mind the possibility of the existence of less formal mechanisms within a formalized environmental situation which contradicts the prevailing direction trend, but fits into the oscillating trend of formalization/informality. A reason for this is that the crime control effort of such mechanism is advanced through the recognition of collective consciousness. If such consciousness is presented as formal and if it operates effectively, the environment can tolerate the existence of less formal crime control mechanisms through which such consciousness is further defused and applied in concrete manner. Looking at this issue from a methodological angle, it should be noted that on the simple level of external comparison, relative levels of for-

malization may be more easily ascribed to the crime control mechanism than might be effectively established through some internal measure. Inherent in the co-operation between formal structures or between formal and less formal structures, is the opportunity for comparative measures of formalization which, nevertheless, depend on the perspective of those measuring it.

Evidence at our disposal seems to suggest that there is no clear correlation, at least on the internal measure, between the autonomy of a normative complex, and levels of formalization. There may well be autonomous/informal, and autonomous/formal mechanisms. In a comparative sense, both formal and informal mechanisms may be incorporated into one another; yet, such incorporation does not indicate which of the two dominates. The question of autonomy and informality within the informalism debate, usually has some association with the relationship between the mechanism and formal state agencies and frameworks (see *Scheerer*). Instead of looking for a simple correlation between formality and state centredness, it would be more accurate to suggest this relationship in terms of influences. For example, where there is reliance, co-operation and/or a merger between state-centred and broader (less formal) social agencies, the more formal structures and processes will influence the formalization of other agencies rather than the opposite. If for no other reason than for the simple fact that completed merger does not bring about complete homogeneity, even when merger is complete, there will always remain some divergence in levels of formalization.

When we talk of the state's intervention and incursions into the operations of informal mechanisms, this should be seen as somewhat distinct from the process whereby less formal agencies or mechanisms find it necessary or complementary for their purposes to become more integrated into state-based control initiatives. The distinction rests on the direction from which initiatives for association have

emerged. When this direction is generated from state interests it seems to have a formalizing effect simply because it leads towards institutionalization. Such an influence usually has two objectives: either to create informalized (organized) alternatives or to move to absorb already existing informal structures within the state's ever-widening net of control.

Organized informalized alternatives can share political and social aims and can exist within a more rigid political framework but still remain less formal. Their informality rests in their composition. If they are highly collaborative with state authorities and possess externally defined mandates, such mechanisms may maintain their informality through the operations of "one to one / face to face" control through personal intervention; one to one observation and reporting; one to one security, protection and surveillance; one to one intervention and resocialization; one to one denunciation. Informality is achieved through the individualization of control subjects and through the individualization of intervention for the collective good.

The authority to impose sanctions and the legitimate power to enforce decisions often implies formality. These, in turn, have some relationship with the significance of delegation, a point which was mentioned in the preceding discussion on the relationships between formalization of the crime control mechanism and its environmental situation.

With complex and multifaceted delegation procedures comes formalization. This is not only because of the nature of the process but it relates to the way in which the delegated power is inextricably linked to its source of authority. For example, generally speaking, there is an almost a built-in need for state intervention when informalized resolutions fail, are not accepted, or need to be enforced. In addition, because it originates from a more powerful and authoritative state source, the delegated power will be limited and qualified. Therefore, the informal crime

control mechanism may necessarily remain subservient to state interests.

State centred informalized alternatives may in turn assist this process of incorporation. They not only require the authority and legitimacy that the state only provides through incorporation, they may also depend on the state system for their client base and, ultimately, on its financial assistance to ensure their operation; hence, their dependence on the state.

Participation in the process of crime control can be considered another pointer towards informality. It is claimed that the participation of the victim or the victim's interests in the control process leads to, and is more compatible with less formal resolution processes. This does not necessarily exclude the possibility that the regulatory framework which governs this resolution process will not be more formal (e.g. witness recent attempts to regulate the victim's access to and influence on the criminal justice process).

Individual participation of non-state centred operatives, on a *voluntary* basis, implies informality. For this to be so it is essential that the voluntary aspect of the participation should be real and not simply ideologised. However, as suggested earlier, when voluntary agencies work to support state agencies, there is a tendency for them to become more institutionalized and more formal. The moment voluntary agencies lose their own authority and power, and are still functional for the state, the latter may step in, as evidenced in the cross-cultural material at our disposal. As a result, the mechanism may become more formal or subject to accountability to state-based formal agencies. Needless to underscore that accountability tends to increase formalization.

Yet, in a social sense, the broader-based is the participation, the less specialized the operation of the mechanism; consequently, the less specialized, the less formal. This is

why professionals' involvement is taken as a given and almost indisputable indicator of the presence of some level of formalization; thus, deprofessionalization is another key issue of informalism ideology.

It is an important point to recognize that the further the responsibility for crime prevention and control is removed from the individual, the more likely it is that the responsible unit will be formalized. The lay character of a mechanism is said to be a clear indication of informality.

The discussion of participation brings us back to the symbolism of community. Contributors to the volume allege that the mechanism better reflects community interests and therefore is more likely to be informal if it possesses the following attributes:

1. authority rests its legitimacy on consensus and respect;
2. has a clear and hierarchical regulatory framework;
3. possesses non-contested decision-making structures;
4. members have mutually shared goals;
5. members possess an identity based on role within the social structure of the unit;
6. the unit itself is homogeneous and non-segmented;
7. there is a broad and representative membership within the mechanism; and
8. there is co-operation between it and other informal mechanisms.

Each of these attributes represents some aspect of the vision of community ethic but it would be an exaggeration to claim that each of them on their own stands as a pointer towards informality. Perhaps the way in which they could be utilized is in a cumulative sense, so as to build up a composite internal picture of informality.

Individual and collective consciousness is both conceived of by contributors as being a vital factor in the process of crime control, as well as an object of socialization to crime control. Essential to the creation of such consciousness is

the existence of shared consensual or sometimes imposed schemes of rules and values. These rules and values may themselves be clearly formal, or formalized in their structure and presentation. Moreover, mechanisms through which rules are made known and disseminated, and through which eventual adherence to them is ensured, tend towards informality. This is specially the case with the crime control mechanism which uncritically reflects universal rules and values; these, in turn, assist in the creation and protection of the broader social consciousness. The more closely the mechanism is oriented towards this broader social consciousness, the less likely it will be purely instrumental for crime control. In this respect, the mechanism is more goal-oriented and to the extent that the goals and rules are presented in a formal manner it will tend to be more formal. At the same time its closeness to the community counter-balances the abovementioned push towards formality. However, if these rules and values have their jurisdiction specifically extended into the secular regulatory framework, the more formal will appear their status and operations.

Some of the contributors were of the opinion that the nature of the mechanisms' purpose, and the type of resolutions towards which they were working, might be relevant to formalization. For instance, it was argued that if a mechanism was more prevention-oriented it would be more likely that it be informal. In addition it was also argued that if the direction of its operation was towards order maintenance through concession and compromise (rather than through the adversarial identification of criminal liability), the mechanism would be less formal. Such a direction would ensure the pre-eminence of group stability and collective solidarity rather than protection of individual human rights and status. The ideology of individualism was generally represented as running counter to informality. There appears to be no convincing evidence regarding a determined direction of the correlation between individual

discretion and decision-making in terms of formality/informality. Such a direction could be determined taking into consideration the nature and direction of the accountability process. Discretionary decision-making can be either formal or informal, but the more the decision is primarily based on individual preferences, the more its degree of formalization would depend on accountability processes. As noted earlier, statistical accountability implies some degree of formalization of control over mechanism as well as of the mechanism as a control agency. Some of the mechanism's properties have to be clearly defined and quantified in order to be statistically accountable. But apart from statistical accountability (moral, political, instrumental) implies some degree of formalization. Rarely one finds vested discretion with no rules setting limits and ways in which it is used.

The fewer the range and number of crime control mechanisms which operate within the broad parametres of social control, the more likely they will be informal. The less competitive and with clearer and consensually agreed upon jurisdiction, the lesser the need for delimitation of competence through formalization. On the other hand, the greater the range of diversity, the more likely an increase in formalization. Yet, in socially relative sense, the monopolistic position of a particular control mechanism tends to increase its formalization; at least from the external comparative perspective.

The final observation on formalization which can be extracted is perhaps so far one of the most trivial but true. If formal is considered "normal" (in a socio-political sense when it comes to crime control) then the pressure on all crime control mechanisms will be towards formalization, and viceversa. Modern industrial civilization seems to purport the normality of the formal.

Summarizing the pointers

So where does this lead us? In respect to the question of formality/informality some broad pointers towards and away from formalization were discussed and their possible overlaps and interconnections were examined. At the risk of oversimplifying the analytical outcomes of the preceding discussion, and accepting responsibility for any misrepresentation of the contributors' views (a few of which, in fact, we may take a different position on), the following suggestions can be presented:

1) The contributions confirm the contention that a useful appreciation of formalization can best be developed by examining internal (discrete) measures as well as external (comparative) measures.

2) Most mechanisms of crime control are in some way (either structurally or operationally) associated with other broader social control mechanisms, or socio-cultural institutions. Therefore, to fully appreciate the dynamics of formalization some examination of this, often supportive relationships, should be carried out.

3) Various components within the mechanism itself may be influenced in different degrees, at different times and sometimes in opposing directions, in terms of formality/informality, when compared with other components and other mechanisms. This oscillation along the continua of formalization must also be appreciated over time. The true dynamics of formalization are in themselves developmental and cannot be divorced from the progress of time or socio-cultural change.

4) The more a mechanism accords with the ideology and practice of community centredness, the greater will be its potential to exist and operate informally. The obverse is also advanced as being true: the less community centred, the more formal. However, this is not a simple conclusion due to the fact that there appears to be no cohesive ideology

of formalization as is the case with the informality / community symbolism. In addition, what comprises an "anti-community" perspective is not unambiguous. It should not be simply viewed, even for comparative purposes, only as state centredness.

5) Collectivism and participation within the operation of these mechanisms are seen, being supposed characteristics of "community", as pointers towards informality. Yet, this may in fact be so only on the comparative level. Internally, for instance the structure and operation of "participatory justice" may evidence a number of characteristics of formality.

6) State centredness, as noted, is not the simple opposite of community. In fact the influence of the state over less formal mechanisms (and in turn their reliance on the state) may compromise their informality as a social reality. Further, through their incorporation of less formal mechanisms, the operations of the state-based system receive some degree of informality.

7) With specialization usually one finds evidence of formalization. Therefore, specialization may be considered a strong pointer of formalization, especially when it is based on some kind of organized training.

8) Professionalism may be represented as a pointer towards formality. However, the reality of all that makes up professional operations and operatives, may be masked within other more general designations of status or offices within broader social entities. The formality of professionalism is, in turn, related to the overt specialization and institutionalization of the functions of professionals.

9) There appears to be no necessary correlation between levels of authority and power, and degrees of formality; if power and authority is delegated, the process of delegation and acquisition influences formalization.

10) While institutionalization may indicate formality *per se*, institutionalized ideology may provide a funda-

mental support for informal mechanisms of crime control. In addition, there will always be a trend towards institutionalization for all developing social control agencies. The obvious consequence of this is that all crime control mechanisms will be under some continual pressure to formalize. Institutionalization appears to provide an impetus towards formalization especially in terms of regulatory frameworks.

11) As a general practice the influence of a politically acceptable ideology will be one towards institutionalization and hence formalization, at least as long as the ideology advances towards the conquest or merely maintenance of power; yet, destructuring (informalizing) is often employed as a tactical or ideologized strategical device.

12) The higher the level of organization evidenced in the structure and operation of a mechanism of crime control, the less will be the opportunity and space for spontaneous informality.

13) The environment within which a mechanism operates significantly influences formalization.

14) With incorporation come influences towards formality/informality the direction of which, at the comparative level, is predictable on the basis of the relationship between the incorporator and the incorporated, rather than on their respective levels of autonomy alone.

15) The participation of the victim or the victim's interests in the mechanism of crime control is seen as a pointer towards informality.

16) Voluntary individual participation within the crime prevention and control process is seen as a pointer towards informality. For this to be so it is essential that the element of voluntariness be actual and concrete and not simply ideologized.

17) The further removed is the responsibility of crime prevention and control from the individual, the more likely it will be that the intervening crime control mechanisms will be formal.

18) The lay character of a mechanism is also a pointer towards informality, although this may not always be true either at the internal or external levels. The persistence of specialized roles in the control structure, even when these are incumbent by lay persons, may lead to formalization.

19) The nature of the mechanism's purpose and the type of resolution towards which it is working may give some clue to formalization. Thus, it is likely that if it is more prevention oriented it will be informal; similarly, it will also be informal if it works, through concession and compromise, towards resolution for the common good. On the other hand, the mechanism's orientation towards "all or nothing" type of resolution increases the likelihood of its formalization.

20) If formal is considered to be "normal" (in a socio-political sense) then the pressure on all crime control mechanisms will be towards formalization and vice-versa.

There are significant and detailed arguments which might be advanced to challenge the universal applicability and constant reliability of these pointers. The culturally specific nature of the examples from which they were drawn would suggest this. Yet there is sufficient analytical validity in their broad content to qualify them as useful working tools for analysis.

Indicators of crime control potential

As with the prior discussion of pointers towards/away from formalization this is an endeavour to distill from the contributors some more universal statements regarding crime control. In the light of the introductory remarks about the centrality of concern about crime control, it may have appeared more logical to have had this section precede the discussion of "pointers". Yet, in reality a noticeable proportion of those characteristics which were referred to

by contributors as influencing formalization are also proposed as having some relevance for crime control potential. Further, there are a number of matters related to formalization which affected the general operations of the mechanism, and its social control purpose, outside that of crime control alone. In this respect crime control potential becomes a more specific focus for analysis.

As was the case with the consideration of formalization, the individual and collective consciousness is seen as having an importance for crime control potential. If the identified mechanisms had some utility for the maintenance of a cohesive social identity (both individually and for the community) this would result, among other things, in an improvement in the prospects for crime control. This obviously depends on the coincidental assumption that such consciousness will be "anti-crime". It was, furthermore, suggested that if anti-crime consciousness was either selectively or generally developed, it might lead to a greater public involvement in the crime control effort. Such a consciousness could be positively constructed or could develop out of fear. Obviously its quality and magnitude influence the reality of the commitment. As it is alleged that greater public involvement means greater crime control potential, this might indicate the first apparent link with informality. It might be remembered that a high degree of voluntary lay participation in a mechanism can increase its degree of informality, at least on external comparative basis.

The relationship between the mechanisms and the wider social unit was seen as an essential consideration when analysing crime control. In this respect the search for indicators of crime control potential should not be bound within the structure and operations of the identified mechanisms alone. There is necessarily a comparative element at this stage of the analysis. As a realistic appreciation of crime cannot be achieved outside the socio-political milieu

within which it is exercised, identified, defined and reacted to, so too measures of control must be confronted by the socio-cultural reality which governs the purpose and direction of such control.

An example of this relationship is the observation that crime control potential may not be assessed through the analysis of the regulatory framework of the mechanism itself. Once this has been examined and perhaps established as being based on a hierarchy of authority maintained by respect, then some attempt should be made to see if this both compliments and reflects the regulatory frameworks of other broader social units, which may have authority over defining crime through determining what are the appropriate responses to it. In addition, if it can be shown that participants in the crime control mechanism and in those mechanisms which make up the wider social unit, are implicated in and share internalized goals and obligations toward these supervening structures (and to each other) then, provided these goals and obligations are not crime supportive, the crime control potential of the mechanism will be advanced.

The whole discussion of crime control potential rests on the premise that the process of socialization and its results will be "anti-crime". If the reverse were to be the case (such as may occur within particular subcultures or criminal organizations) then many of these indicators of potential might equally well apply to the promotion of crime rather than to its prevention and control. This is why the socialization process cannot be taken at its ideological or face value level. Much emphasis was placed on the presumed linear correlation between a clear and uncontested acceptance of authority, a close connection with that authority for simple and direct crime control, and the ultimate potential of crime control. Such is difficult to dispute. In fact, it may be argued if the broad authority structures of society are generally devoted to crime pre-

vention, then the level of crime will be low irrespective of the operation of particular crime control mechanisms. With this proposition then, it is important to underscore that the crime control mechanisms accept, rather than contradict, the legitimacy of the broader social institutions which have responsibility for defining the parameters of crime. Obviously this will depend in an actual sense, on the fact that such social institutions are not themselves significant perpetrators of criminal behaviour. If, for example, the state promotes certain types of criminal activity, then mechanisms of crime control must conflict with the state, or choose to ignore the crimes of authority and enforce the law on a selective basis. If the latter situation prevails it will obviously soon challenge the reality of a generally held anti-crime consciousness.

Again, the contributors proposed that the mechanism's crime control potential advances with its integration in the community. This assumes that the symbol of the true community is committed to an anti-crime consciousness. Should the reverse be the case, such as can be witnessed in certain settlements where commercial existence centres on criminal activities, then the crime control/community connection will be specious. Within the context of mechanism/community relationship, the broad acceptance of the authority of the mechanism, support for its regulatory framework and community compliance with its decision-making process, heightens its crime control potency. The community will, as a natural consequence, become more readily involved in the operations of the mechanisms and will have a vast interest in its support. It is widely recognised that even the most formal/professionalized criminal justice agencies rely heavily on the facility of public reporting, on which they base so much of the initiation of their activities. It has been oft times indicated (Hood and Sparks, 1970; Shapland et al., 1985) that the likelihood that members of the public will report crime to the control authorities largely

depends on the community acceptance of the legitimacy of such authorities. Therefore, if the mechanism embodies and is part of a strongly held and cohesive set of beliefs and values, and it sits within certain more all-pervasive social structures for translating or imposing these values, then its crime control potential increases.

The reading of the contributions enforces a fundamental proposition regarding crime control as it relates to socialization. Simply put, the contributors felt that the more potent and more enveloping the mechanism's potential to socialize, the greater its crime control potential.

This power to socialize rests to a great extent on the power and authority of the mechanism itself. The closer a mechanism resides near the sources of crime defining authority, the more direct its responsiveness through enforcement. Such proximity will influence and be influenced by the process of delegation. With delegated power goes discretion and discretion may affect crime control potential. It has been argued that if discretion is exercised in a covert and unaccountable fashion, then the power in the hands of the discretionary agents will be greater in an individualized sense. If this power is directed towards crime prevention, then the crime control potential of the mechanism will increase. However, when directed towards criminal behaviour (*post factum*) the absolute measure of crime control potential is reduced. This does not necessarily mean that the mechanism's control efficiency is also reduced, at least not if viewed from its internal system-based measure of efficiency.

Crime control potential is affected by the power of the mechanism to socialize to an "anti-crime" consciousness: group to group, group to its own members, group to individual, and internally for the individual. Such effects are promoted if a clear concept of authority exists within the mechanism, if it is considered to be legitimate, and if the mechanism deals with its own members.

The more the power of selection (and selective enforcement) exists within the mechanism (whether it is based on discretion or on specific rules) the more likely it can direct and determine priorities of its own crime control potential. With informal mechanisms this is more likely to depend on discretion.

The less problematic is the general concept of crime for a particular social setting (and hence the more consensually accepted) and the more centrally it is embodied within the crime control mechanism, the easier it will be to identify and thus to apply control methods towards it. This does not mean that the crime *per se* will be easier to control, but that the control process will face less resistance. Associated with this is the consideration of the primary purpose of the mechanism. It might appear logical to say that the higher is the internal priority of crime control as a purpose of the mechanism, the greater is its crime control potential. Yet, once again, this does not mean that simply by adjusting its purpose alone the mechanism actually will be a better crime control agent, or that its crime control potential will automatically increase. The actual potential to achieve an increase in crime control potency, as a result of more concentrated crime control efforts and purposes, depends on a variety of structural and functional conditions. Thus, community tolerance of criminal behaviour may influence the potential success of a crime control mechanism. This is clearly associated with the earlier discussion of collective consciousness. Such tolerance is a reflection of the appreciation of the criminal question and of the significance of the status of crime prohibitions. Therefore, the operations of crime prevention, detection and punishment are more difficult within a social environment which has a large tolerance for crime and specifically to achieve a socially acceptable limit regarding a particular behaviour then, the way in which tolerance is arrived at may indicate whether or not an appropriate control balance has been achieved.

As stated earlier, involvement in the crime control process may not only affect its level of informality but also its crime control potential. The effectiveness of such involvement and participation, will largely rest on its actual voluntary nature. Voluntariness should imply enthusiasm and commitment; then, the more voluntary is involvement, the greater may be the crime control potential. Such voluntary commitment can, to a large extent, be distinguished from professional commitment; disciplinary knowledge which characterizes the profession is only one of the differentials between two types of commitment. Professionalism can provide the buffer between crime and community responsibility for its prevention and control. With an increased community involvement in crime control through voluntary commitment, the public is drawn closer to a shared responsibility for crime and its control. On the other hand, the more the state (and profession) intervenes between crime and community, the more distorted will be the social reality of crime. The individual may predominantly be concerned for crime either as a victim or a perpetrator, or as someone closely associated with either. Yet, a link between community responsibility for crime and crime control cannot be based only on the individual's experience, reaction and assertions. Crime control is a communal matter and easier in an environment where it is generally well understood. Also, the more individual members of the community feel responsible for crime, the more they will feel obliged to act in its control. This in turn means that crime control is associated with informality through the concept of community responsibility. As stated earlier, informal mechanisms better provide such a notion of responsibility. Perhaps the intricate connection proceeds as follows: Involvement (participation) ↔ voluntariness ↔ shared responsibility ↔ informality → increased crime control potential.

In some contributions, the nature of voluntary involvement was dealt with in a somewhat circumspect manner. Often it was the case that these voluntary operatives within the crime control mechanism were marginalized (e.g.: the old, the retired, etc.) and as such may have been individually less potent to represent the authority necessary to exercise crime control. This, of course, depends on the socio-cultural status of such groups of individuals. If for example there is socially perceived, a direct correlation between age, wisdom and authority, and the elderly are located centrally and directed within the basic social units (as within the crime control) then their effect on the operation of crime control may be positive. However, if they are marginalized from their social units but are still directly centred within the crime control mechanism, their age status and marginality may retard rather than advance the crime control potential. In this respect an informal mechanism made up of such operatives may not have a great crime control potential. The link between crime/community/individual appears again but in this case it is not simply a positive one.

Some contributors highlighted the fact that the crime control success curve would reach its peak, after which an increase in the crime control effort — past that which is socially tolerable — might decrease the crime control potential. It was argued that with “over-politicization” may come “over-controlization”, to a point where crime control becomes inappropriate for a given social reality. Again there is a correlation between politicization, institutionalization and formalization. Therefore, if a crime control mechanism is excessively formalized through politicization, to a point where it becomes socially anachronic, its crime control potential may be greatly reduced.

Similar conclusions might be drawn about over-professionalization. An excessive emphasis on professional structures is said to socially alienate the structure so affected. It

has, as a consequence, a breakdown of the relationship between the intervener and the client. It also prevents any significant level of community participation. But the relationship between professionalization and crime control (as between professionalism and formalization) is not a simple one. In a situation where professional structures are dominant to the point where they do not only discourage lay participation and community involvement but prevent them, these in turn, reduce the opportunity for a diversification of crime control initiatives. Such diversification allows for greater socio-cultural adaptability and enforceability leading to a greater crime control coverage. This does not deny that professional crime control structures do not possess a significant crime control potential. However, by precluding the co-existence and operation of other equally useful mechanisms of crime control they will reduce the overall crime control potential within society. Furthermore, by minimising the concept of community responsibility for crime control they limit the range of crimes with which they are able to deal and the forms in which these can be dealt with. Yet, as noted by a number of observers, the movement "away from professionals" may end up in "back to professionals" but somewhat disguised.

It is also recognized that moving away from professionalism in crime control affects the nature of the control process itself. Excessive lay participation may compromise "legal sense". It leads to the denegation of individual rights and protections in favour of the collective interest of the community. If some conflict develops between the professional and participatory sections of the crime control process then mutual suspicion and a reluctance to co-operate and delegate may ensue and this will have an adverse effect on the overall crime control potential. Community respect for the governing principles and operations of both approaches, may be thus reduced.

The crime control potential of a mechanism may be enhanced by its flexibility. Furthermore, if its efforts are effectively directed towards prevention, detection and correction, in a co-ordinated fashion, its crime control potential will necessarily be more complete. It is indispensable, however, that the prevention component is centrally linked to control. Lay participation may have more influence in the prevention stage than it does in the control phase, particularly if the detection and punishment stages are more formalized.

Recently there has been a great emphasis placed on the need for "efficiency" within the crime control system. All too often the arguments in favour of informal mechanisms have been a justification for a more fundamental desire to reduce the cost of crime control. Yet even with informal mechanisms their success may depend on extensive "one to one" intervention and supervision and this may in fact necessitate greater financial expenditures. On this point there arises the question of who will be required to pay. Will it be up to the volunteer to bear his/her own costs or will the state need to take responsibility for reimbursement? Whatever the answer there is a correlation between the financial (and human) investment in crime control, and its potential for success. In this respect external funding and support usually implies some degree of dependency and formalization, minimally as represented by financial accountability.

As with formalization there appears to be a relationship between the nature of crime and the environment within which it is committed, on the one hand, and the crime control potential of mechanisms directed against it on the other. If the covert opportunity for the commission of crime is significant within a specific environment, then informal and individualized mechanisms may be more successful in crime control. For example, crime in some environments may be hidden behind an atmosphere of support for the

offender or ambivalence towards his/her behaviour, as well as suspicion towards control agencies; all of these arising from within the immediate community. If the informal crime control mechanism possesses a developed system of informants and information exchange, then it will be easier to challenge or to work around such a crime-supportive consciousness.

Despite contributors' too often stated ideologized visions regarding control potential, in order to effectively assess it one must move outside the realm of ideology. For instance, it is impossible to judge the real effects of voluntary involvement advanced as an effective crime control approach when "voluntariness" is artificial and commitment is imposed by the state or by dominating social agencies and dogmas. Voluntariness and commitment do not then move out of the realm of ideology, and as such may tend to further confuse and obfuscate the measure of crime control potential. In addition, if the influences towards formalization are debated within the realm of ideology alone, they may only have relevance for the question of crime control potential as an ideological construct.

Reassessment of indicators

Neither the concept of crime control nor the information about it presented by contributors allow for an accurate measure of control. The object of such a measure is conceptually problematic, as is the information about what is controlled, what and who controls what, and how control is given effect. That is why indicators of crime control potential are more adapt for this analysis than straightforward measures of crime control.

More than a problem of measurement, addressing indicators rests rather on the projectional nature of the crime control potential. So much of what has been said about the effect of informality on crime control is directed towards

expected control. This might be due to the fact that so little work has been done on the actual crime control effect of informal mechanisms. Therefore, being interested in seeing how informality will affect crime control (if at all) directs analysis towards control potential rather than its verified consequences. This talk of future makes the object of measurement even more intangible. So we have decided to revert to search for universal statements concerning factors which may improve the possibility of certain mechanisms actually controlling crime. This obviously depends on the nature and the operation of the mechanisms themselves, their social settings, and the socio-cultural appreciation of what is crime and which criminal issues cannot be tolerated. Accepting all this would suggest the following generalizations concerning crime control potential:

1) The establishment of an "anti-crime" consciousness, both individually and collectively, assists in advancing crime control. It goes without saying that socialization is a necessary factor to achieve such a consciousness and once this is established, it provides the basis for furthering control. The crime control potential of identified mechanisms depends on, and therefore indicates, its utility for and capacity in establishing, maintaining and implementing this consciousness.

2) The utilization of such an anti-crime consciousness for socialization depends on its quality and extent and on the reality of its effective commitment to the goal of control within the mechanism concerned.

3) The relationship between the mechanism and the wider social unit influences crime control. Therefore, the search for crime control indicators should not remain within the realm of structure and operation of the mechanisms alone.

4) Crime control potential heightens as those involved in the mechanism internalize shared goals and obligations important for the wider social framework and the mechanism itself.

5) If the socialization direction (which must be anti-crime) is strong and potent, unidirectional and extensive, then the crime control potential of the mechanism will be correspondingly high.

6) If the mechanism is closely associated with, and legitimated by a strong supervening basis of authority, then its crime control function is less problematic and its potential higher; but the authority itself must be legitimate, that is, at least perceived as being legitimate.

7) If the community generally reflects an "anti-crime" consciousness and is supportive of the crime control effort, then, the more integrated the mechanism within the community, the higher its crime control potential. Likewise, the more intensive is mutual support between the community and the mechanism, the higher the probability of achieving crime control objectives. Participation and democracy seem to increase crime control potential at least in its preventive aspect.

8) Mechanism's capacity for selection increases its crime control potential in terms of directing and concentrating its control efforts on specific targets. That is why there seems to be an evolution towards increase in the selection and categorization of target-controlled subjects in the criminal justice system.

9) The less problematic the concept of crime (in a social sense), which is the object of control, and the more central its position within the reference set of the mechanism, the easier to identify and hence apply control methods; in other words, the control process is confronted with less resistance.

10) The greater the priority of crime control within the mechanism, and the more it is diffused through all stages of the control process (prevention, detention, punishment, correction, etc.) the higher might be its crime control potential.

11) Community tolerance of criminal behaviour may influence the potential success of a crime control mechanism.

12) Extreme or over-professionalization alienate the crime control endeavour from the community; it may also inhibit voluntary participation. Therefore, while professional justice agencies may have a significant influence on certain crime types, the overall crime control may be reduced by the exclusion of support from less formal agencies. On the condition that they are not mutually contradictory, diverse structure and methods for criminal control render the crime control potential higher. A diversification of crime control initiatives allows for the greater socio-cultural adaptability and enforceability of such control, resulting in a wider crime control coverage.

13) The more professionalized the control system, the less community-based is responsibility for crime and its control. The less individualized this responsibility, the less likely a general voluntary involvement in and commitment to crime control which, consequently, decrease control potential of the mechanism through which such control is effectuated.

14) An over emphasis on controlization and formalization decreases the crime control potential to the point that particular structures and methods of crime control becomes inefficient and unacceptable to the community.

15) Where formal and less formal mechanisms co-exist within a social system, their individual and collective crime control potential may be interfered with and reduced if they are divided by suspicion or through attempts to colonize one another's domain of responsibility, competence and jurisdiction. Yet, state-centred mechanisms tend to exhibit these monopolistic tendencies; this holds true even within the realm of state-sponsored ideology of informalism.

16) The crime control potential of a mechanism may be enhanced by its flexibility and adaptability.

17) There is a clear relationship between the mechanism's crime control potential and its level of human and financial resources and investments.

18) The control of crime must be examined at the prevention, detection, punishment and treatment stages. The more of these stages, and relational levels, are addressed by a crime control mechanism, the greater is its crime control potential.

Speculating on further analysis

It might be helpful, although a little adventurous, to make several broad speculations about the relationship between formalization and crime control. In addition, because of the way in which "universal" statements emerged from the contributions, these speculations may appear a little less than comprehensive; nor are they put forward as either uncontentious or causally significant. They should be approached as nothing more than separate examples which may provide some hints from which further analysis may flow. This analysis does not intend to take these as hypotheses requiring proof, or even as incontrovertible indicators of the existence and direction of such a relationship. They were used as signposts on the way to analysis.

Voluntary involvement (participation) is a pointer towards informality at least on the external comparative level. It is also a positive indicator of crime control potential if it is general and active. The link between informality and crime control may rely on the fact that a voluntary commitment to lay participation (if it arises out of an anti-crime consciousness) may best be facilitated in a less formal regulatory framework. This will rely on consensual authority, and will lead to a greater potential for crime control through a more general and participatory input into the process of decision-making.

The connection between community support and involvement, informality and crime control may also be suggested on a comparative basis. Its reality will depend on the struc-

ture of the community, the nature of community consciousness concerning crime, the position of the mechanism within the community and the mutual relationship of involvement and support between the community and the mechanism towards shared goals for crime control. The link is based on this mutually supportive relationship which perhaps is fostered by the informality of the mechanism and the informality of the community, at least from an external comparative perspective.

Flowing from this is the concept of individualized and collective responsibility for crime control. Structural distribution of responsibility, in turn, affects the formalization (informality) of the crime control endeavour. Location of such responsibility is an indicator of crime control potential as well as a pointer of formalization. If nothing else, responsibility vested in specialized/professionalized state agencies indicates lesser degrees of control potential as compared with the envisaged optimum and points to higher formalization than one would expect to find if responsibility was located in the community.

It would appear from this discussion that if any sort of relationship is to be forged between informality and crime control, it must be done using both internal and external comparative pointers of formalization and by looking at indicators of crime control potential which arise, themselves, out of mutual influences and relationships within the panorama of social control.

EXPECTATIONS FOR CRIME CONTROL

Problems in methods

This exercise in theorizing has revolved around efforts to understand the relationship between informality and crime control. That there is a significant causal relationship is a belief at the heart of many recent statements supporting the existence and preeminence of informal mechanisms.

Such a relationship (if in fact one exists) must necessarily be enquired into at the level of ideology and function (reality). The ideological should be the initial focus, even if only to appreciate the development of the present debate which is almost exclusively carried out within the realm of ideology. Recognising this, one of the original aims of this work was to attempt to locate the consideration of informal mechanisms of crime control into the functional reality of certain specific socio-cultural settings. This was not a simple task. In fact it was obvious quite early in our work that it was also not appropriate to attempt some simple separation between the ideological and functional. It would retard the process of analysis not to recognize the mutual relationship between speculation and operation at both levels.

The progress of interest in informality as it affects crime control usually originates in ideological considerations. Unfortunately this interest, particularly in recent European and American literature, rarely proceeds from the comfortable confines of ideology. However, as we have recognized, many of the principal ideological issues which appear within ideological debates about informality do have a particular significance for functional questions. One soon realizes that much of what is said to justify informal

mechanisms of crime control is so bound up with the symbol of community that their functions (as well as the interpretations of their success) are interwoven with ideological imperatives to such an extent that they are often considered as one. Not only are the concepts inherent within the notion of informal mechanisms of crime control appreciated as social facts, but the influence of their associated ideological constructs obtain such a level of ontological reality that they too merit particular analysis as significant and coexistent social facts. One may claim (at the risk of some exaggeration) that the history of the formality/informality debate is the history of respective ideological assertions.

However, one should not simply fuse all levels of ideological and functional analysis. In terms of our analytical purpose, it is constructive to merge these considerations when they are clearly interconnected, and in turn, related to the principal object of analysis i.e.: the operation of informal mechanisms of crime control. In such a manner, the ideological predispositions of social science method, for example, will not simply be thrown into some analytical "pot-pourri" the result of which is an indistinct eclectic "stew" of bland theoretical observations.

It is hoped that analysis embraces the diversity and variation of the research object. As stated previously, we are not interested in neutralizing actual socio-cultural variations for the sake of scientific certainty. We reject the relevance of the "if all other things are held constant" device as a method for analysing social mechanisms. The construction of artificial causal models has its place, but it would be inappropriate for the exercise of the conceptual investigation which proceeds from and fully appreciates socio-cultural variations — as is the case with the present endeavour. It has been through an initial respect for and adherence to socio-cultural variations at all analytical levels that the pitfalls of theorizing in abstraction were intended

to be minimized. As such, the limited potential of this form of "armchair" social science analysis, will only be fully realized when certain speculations concerning formalization face the critical light of future research which should examine specific crime control initiatives within particular socio-cultural settings. It might be ill advised to attempt such particularistic research around informal mechanisms of crime control, unless the object and design for such research is informed by the problematic issues which have been confronted so far in this analysis. Obviously the complexity of the phenomenon to be observed, and the framework of mythology which can surround it, will affect the organization of reseachable hypotheses, and the selection of appropriate and realistic methodologies. When one attempts to apply (or impose) a rigid methodological structure into such an ubiquitous and dynamic concept as formalization of crime control, the results, while internally consistant, may emerge as ambiguous or unaccountably incorrect. In addition, the slightest error in the constructions of theoretical presuppositions may lead to skewed conclusions, which, while apparently logical, may be in fact misleading.

Measures of crime control and informality will be affected by traditional concepts of scientific method as much as by preconceptions about them. Further, the analysis of the connection between informality and crime control will be influenced by the existence of some significant ideological expectations regarding this relationship. Therefore, as much as it may be necessary, for the reality of a mechanism, to locate research within the socio-cultural framework in which it operates, so too scientific method and methodology should be returned to a culturally-specific level of appreciation.

We have attempted to achieve this in two ways:

- i. by avoiding the creation of model or ideal types from socio-cultural realities; and

- ii. by recognising the complexity of socio-cultural realities, and attempting to integrate this complexity and variations into all stages of the analysis.

This latter predisposition, in particular, precludes the application of analysis to the task of grand theory, but when one realizes that there has never been a universal or long-lasting and unchallenged grand theory of crime control, then this analysis is not alone in not complementing such a theoretical direction. It was necessary for us to spend time deconstructing such an iconoclastic concept as informal mechanisms of crime control. But, once again, a careful attempt was made to ensure that the reconstituted understandings which emerged were not reconstructed in such a way that support was given to theoretical imperatives rather than to the reflection of socio-cultural realities. Similarly, in ideal — type model analysis, such a reconstruction of reality through the process of definition risks a rejection (or an ignoring) of social reality in favour of theoretical house-keeping. This analysis is not free of loose ends. But neither are the various critiques of crime control which focus on the “ideal” type, with no concern for social reality.

The task of analysis is complicated by a commitment to socio-cultural realism. This is not only because of the complexity of the objects to be observed, but also, one must open the cupboard of social science method and anticipate the need to go somewhere else for assistance because, in respect of a methodology which is flexible enough to service the needs of such an analysis, the cupboard may be bare. The easiest decisions concerning the method for analysis relate to identifying those which were inappropriate. As the reader will by now be aware, we are not interested in simple causal theory which emanates from within the rigid bounds of traditional natural science method. Our variables cannot be held constant and the environmental surroundings for the research exercise have an unpredictable potential to

influence the correlation between such variables on a constant basis. Therefore it has been necessary to develop an analytical framework which incorporates such social variability rather than trying to deny its existence at every new turn. As a result, less generalization can be made about cause, but what can be said concerning significant social relationships might approximate the real world: a world in which policy initiators and not philosophers or scientists, dictate the future direction of the objects of enquiry.

It would be wrong to imply that our analysis rejects the relevance of traditional methodologies in all stages of research into informal mechanisms of crime control. In fact, we do not examine the appropriate methodology for the applied and particularist research which may flow from this analysis. Such a selection may also depend on what is appropriate for the socio-cultural setting in which it is to be carried out. For example, in the first stage of establishing levels of formalization, in certain situations and for certain mechanisms, it might be appropriate to attempt to measure voluntariness through the application of empirical techniques such as the administration of questionnaires, while in other circumstances this approach might be impossible, and the assessment might arise from a more interactive or phenomenological direction. The choice is up to the researcher at first instance. The present analysis may only assist this researcher to identify the importance of voluntariness (and hence its need to be measured) for formalization. This in turn, and depending on its specific aims, can be linked to the other necessary stages of the research.

The following is more a panorama of analytical requisites than a manual in research method. The analysis will neither encourage nor preclude certain directions for research. It is a scheme around which specific research can be constructed.

The internal and the external

As a slight digression it may be useful to reintroduce one of the keys to the development of the analysis. It refers to internal/discrete and external/comparative measures. It is assumed that a relationship between informality and crime control rests on something, that something might be some measure of both concepts. Even though (through the use of pointers towards informality/formality, and indicators of crime control potential) we have only advanced the possibility of very generalized assessments, we have also increased the potential reality and accuracy of these by recommending composite measures. By this it is meant that both the internal and external perspectives of both formalization and crime control potential should be addressed. There is nothing so unique or perhaps radical in this commitment except insofar as it is seen as a form of dynamic measurement.

For this stage of the analysis, this distinction has further utility. From now on we will be looking towards "relationships". To measure (or at least establish) some of the initial connections on which such relationships are based, one must utilize a perspective which recognizes the discrete significance of the separate factors within the relationship and which can examine the comparative links between them. This needs to be a somewhat simultaneous exercise. The internal/external duality is one useful mean whereby such observations may be carried out. The limitations of this approach rest in its inability to say much about the overall significance of the relationship in question. Perhaps this will only be achieved through a more sophisticated structural analysis. These composite measures (either of concepts or of relationships between them) need to be placed within the broader social constructs which will accord them their significance. Therefore they must be informed by more comprehensive and universal theories of socio-political organization.

Linking informality with crime control

Our analysis would not progress far if (no matter how accurately) we were only able to suggest methods for determining levels of formalization and/or crime control potential. At least for the issue of formalization, there may be little if any purpose in attempting complicated external and internal assessments if one was not working on an important variable in the crime control equation.

It was earlier suggested that theoretical concerns would not be advanced without being able to establish some assessment of formalization and crime control potential relationship. Some comparative structures through which the significance of certain pointers or indicators can be identified and applied were presented so as to facilitate a general assessment of these two realities. The next stages of the analysis are to forge a connection between the two and then if possible indicate what meaning (for crime control) is represented in such a relationship. In order to establish the link one should return to consideration of ideology and function. At the level of ideology the link appears to be unidirectional and uncontentious. If one ascribes to the ideology of informality, the belief is centrally clear that if a mechanism is geared towards informality then the result will be an increase in its crime control potential. However, scratch the surface of the ideology and what is disclosed is not so much a real connection between the two, but an assumption. The assumed connection becomes the consequence of negative and reflexive thinking e.g.: certain mechanism are not controlling crime, they appear to be formalized, formality must have an adverse effect on crime control, therefore with informality comes more crime control potential.

From this observation arises several interesting issues:

- why is formalization and not some other feature of the mechanism identified as being significant in terms of crime control?

- why is the informal end of the continua believed to be the positively correlative to crime control? and,
- acceptance that “informal” will be more productive, from both within and outside already-existing crime control structures.

The significance of informality is not only the “forced” consequence of a disillusionment with the formal structures. Rather, it is the belief that levels of formalization will reflect variations of correspondence with the symbol of community, which invests in the informal a legitimacy which is almost entirely derivative. Informality is not to be preferred *per se*, but because of what it represents in a broader social sense.

As the link is clear on an ideological plain, it is far more contentious at the level of function. This in turn says much about the strength and power of the ideology of informality. A functional link is more difficult to analyse either because it is more difficult to establish, or because it is established at the level of ideology and one simply proceeds from there. But this on its own is not enough to ensure the practical effect of policy initiatives based on formalization. Such a strong and universally ascribed ideology will provide enormous support for (or resistance to) such initiatives. However, it does not necessarily follow that the social “output” would be supportive. So there is a need for a structural analysis of the assumed link and, as was the case with the initial examination of formalization and crime control, the initial focus for this level of analysis should also be the structure and operations of the mechanism itself.

For the purpose of this analysis a mechanism is taken as being the structure and process through which an identified purpose is (or is not, as the case may be) achieved. It is not simply a question of mechanism, but of what is the product of its operation. In this respect the crime control result is as much a part of the mechanism as are any of the organizational structures which influence its attainment.

It has been established that formalization will either influence, or indicate, differing manifestations of authority structures, regulatory frameworks and processes of decision-making. The connection is both internally and externally obtained. It may not be unidirectional, it may not be simple, it may not be causal in every respect, but it is extant. Further, both Parts One and Two of this study present ample support for the conclusion that certain variations in the structure and functions of a mechanism will influence its crime control potential. The reader may observe that there could be no other way, bearing in mind the definition constructed for mechanism. Yet even if one were to try to separate the purpose from the mechanism, the nature and the operation of the latter will always influence any achievable and realistic objectives. In so saying, it cannot be assumed that a structural link has naturally been established. The link depends on the nature of these various separate connections. Working back from crime control potential, the following need to be established:

- 1) that certain identifiable structures and functions of the mechanism affect crime control, but, what is more important these need to be identified and their effects tested;
- 2) once identified, these structures and functions need to be examined in terms of the specific influences of formalization on their existence and development.

To be able to assert that some structural link exists will not only depend on the ability to show that the connections are constant. In fact, with formalization being dynamic and the purpose of crime control having a variety of developing manifestations, the absence of constancy will not deny the existence of the relationship. Instead analysis should move in a direction of search for predictable relationships between components of formalization and those of crime control potential qualifying the strength and significance of

these relationships with respect to the socio-cultural milieu. The nature of the relationship and its consequences depend on the mechanism, its interconnections with other social institutions and social purposes, the degree to which it is concentrated on crime control and its legitimacy within the wider socio-cultural framework. Therefore it is suggested that, more than analysing whether the relationship exists at an abstract level, one should move to a consideration of particular mechanisms with specific purposes in an identified socio-cultural setting.

As speculated in the previous chapter, the link between informality and crime control is indicated through the presence of voluntariness in crime control operations. It may be useful to look at this through the following example.

Should one concentrate on an informalized alternative mechanism such as the voluntary probation officer in Japan, one might say, that at least on an external comparative level, it appears to be an informal mechanism of crime control. If its characteristic of voluntary participation is, in fact, what it says it is, then, as such, it could be deemed less formal than the state-based probation service. The element of voluntariness affects the nature of its delegated authority, perhaps the structure of its regulatory framework, and certainly its process of decision-making. As it is alleged that the element of voluntary participation improved the probation officer/client (offender) relationship, then (accepting that this relationship is elemental to the corrective and rehabilitative purposes of probation) an increase in voluntary participation should lead to an increase in the crime control potential of the mechanism.

However, such a conclusion depends on any or all of the following:

- i) that the commitment to participate is in fact voluntary;

- ii) that the internal structures of the mechanism are not so formalized as to compromise the external comparative measure of informality;
- iii) that the authority, regulatory framework and decision-making components of the mechanism are different from those of its more formalized counterparts thus complementing the less informal input; and
- iv) that the degree of participation does not grow beyond a point where it becomes publicly unacceptable, or where it contradicts and challenges the legitimacy and perhaps blocks the operations of more formalized justice organs, with which it is supposed to co-operate.

The link between informality and crime control exists. However, the nature of the link, its direction and its consequences are ultimately environmentally determined.

The limits on the dynamic relationship

In the previous chapter some pointers towards and away from formalization as well as indicators of crime control potential were spelled out. Oscillating patterns of formalization seem to exist with respect to crime control on a macro level. Drifts towards and away from formalization are recurrent practices in the realms of both reality and ideology. Although on a macro structural level modern societies seem to exhibit a greater propensity towards an increase in formalization, at least through the ever present growth in organizations, there is no universal, uni-directional drift towards or away from formalization. Yet, we also witness constant and concurrent drifts away from formalization, as well as the existence of social control institutions resistant to increases in formalization. All these only point out that influences to or away from formalization, as well as consequences in terms of increase or decrease of formalization, have certain limits. Previously we

dealt with negative influences on formalization in terms of their effect on a measure of formality. Here, we will develop this discussion as a way of clarifying the dynamics of the relationship between formalization and crime control.

These limits stem from or are associated with a number of biopsychological, logical and sociological factors, which resemble Moore's discussion on the limits to rationalization (Moore, 1979). In general the first category recognizes influences and strengths of emotions, preferences, value and belief assertions, as well as the disposition towards the manipulation of individuals, ideas, ideals and objects. Concentrated and somewhat articulated preferences, value and belief orientations and modes and means of manipulation are exemplified in ideologies. Thus ideological influences may represent determinant periodic or situational pushes towards or away from formalization with perceived and concrete consequences for the social arrangements of control. Furthermore, the profile of ideology itself may well be transformed by the influence of such factors. Consequently, these ideological influences set short, medium or long term limits to other influences towards or away from formalization, as they do to trends in the direction of formalization which are already operating and apparent in the established modes and forms of control. Within ideology these internally generated limits are more associated with the ideology's propensity and need for manipulation, than with its more general inherent orientation principles. Although, we have often called for removing the discussion and analysis of informal mechanisms outside the realm of ideology alone, it is fully recognized that the ideology and ideological influences are social facts. They are a reality which plays a significant role in the realm of formality/informality movements.

These biopsychological limits do not remain at the level of ideology. Other such factors figure prominently as limits of formalization/informalization. Collective or individual

preferential systems set limits for the exercise and periodic and situational operation of control structures with differing levels of formalization. Without entering into the complex task of further elaborating on this list, one should still recall the informal criteria applied by the informants and/or decision-makers in selecting subjects and behaviours for control within otherwise formal control structures. The informal way in which to "get things done" within formal structures should also be reflected upon. On a more informal level, the opposite examples may include specialization of roles; the re-intrusion of professionals into the otherwise dominantly informal structures; or the residual threat of calling upon formal proceedings if the informal arrangements fail. Within monopolistic environments, informality is limited by the ultimate call to tradition: — "the way in which things were always done" — in such a milieu it sets a certain formality limit to informal proceedings and contexts.

Logical limits to or away from formalization are more of a speculative nature. As a rule, each mode and form of control arrangement and operation has its logical limits. Drawing on the Marxist postulates of limits of development arising from inherent contradictions within the structure of social relations, the change in evolutionary or even revolutionary terms, comes about with the exhausture of the developmental potentials of the structure under consideration. Developmental potentials are therefore logically limited by conflict or contradictory potentials that exist and evolve from within the structure. Of course, this process may be resisted (and slowed down) or facilitated (and speeded up) by external influences. In systems (all of which are to some extent interdependent) the logical limits to the full realization of developmental potentials come both from within and outside their observed structures. In terms of the formalization issue one would expect, on a purely speculative logic-binding basis, that dynamics of change

and dynamic sources of change would — without external influences — almost mindlessly lead to certain levels of formality (or informality). Once the developmental potential of formalization is fully realized there should be a change in the level or in the quality of the structure. However, this rather naive linear exposition (which in fact is non-Marxist despite its reliance on Marxist postulates) suggests that the measure of a logically undisturbed development of formalization is limited by another measure of logic: that of instrumentality. If the system, or the structure by extensive development towards formalism, loses its functional significance because it does not rationally fulfill its functions and mission (goals), the logic itself implies the need for change in the formalization level. Formalization as a means to increase efficiency may lead, in fact, to lesser rationality. Logically, rationality itself sets limits to over-formalization.

The inverse example from the informal sphere would reveal similar logical limits. Informal should not be understood as irrational or illogical. Therefore, if the development of informalism leads to lesser efficiency in terms of the fulfillment of the structure's missions and functions, there will be logical limits to its further existence in such a form or to its further development along such lines. Logical limits "to or away from" indicate in fact that they are associated with biopsychological and sociological limit factors. Mindless developments are metaphorical, or at least closer to natural science models. When applied to humans and their interacting systems and constructions, logical limits become fully fledged human affairs and regain their real significance. Connected with biopsychological factors they are in part manifested in a more orderly preferential systems. Preferences are considered often arbitrary, biased, non-rational, and/or illogical. But this is only so if evaluated from the point of view of some other allegedly logically, rationally, non-arbitrary structured system. In

fact, logical ordering is ordering of some preferential, value or belief system according to related criteria, which are claimed to be logical within the logic of that system. Therefore, logical limits are set by the system, and can be tested both from within and outside the system.

Sociological limits are associated with the social fact that people live in organized units which differ and which rest on beliefs, values, goals, that is, on basis of legitimacy which are not *per definitionem* rational (Moore, 1979:2). Formalization, therefore, is subject to limits associated with the dynamics of groups and their basis of legitimacy. In Part One we mentioned briefly that the basis of legitimacy may be more or less formally pronounced or identified. This fact alone sets limits to formalization or informalization of other components and processes of interaction within the structure. Group dynamics itself precludes both extreme formalization and extreme informalism.

Discussions about limit factors focus on their role in terms of extremes of formality/informality. But it also indicates that these limits prominently figure in terms of controlling drifts to or away from formalization, and not only when these tend to reach extremes.

As with formalization, so too the crime control potential is limited by a number of factors which can be classified similarly into some broad categories. A number of statements made with respect to the limit factors of formality/informality also apply to crime control potential. Yet, more specifically, it needs to be underlined that biopsychological, logical and sociological factors have direct relevance in limiting crime control potential. In an aggregate manner they all initially influence the criminal question. They define what is criminal and what are the preferred and acceptable responses to crime. It is evident that on the logical level of analysis crime control potential directly varies with the profile and the structure of the criminal question.

Logical limits are exemplified not only by the definition of what is criminal but also through the logical assessment of the enforceability of the crime controlling rules and mechanisms. Unenforceable rules clearly limit the crime control potential of the mechanism.

Many of the biopsychological constraints to crime control are related both to the influence of values, beliefs, and preferences in defining what is considered to be criminal, as well as to the kind and strength of the responses to crime. Selective enforcement of rules and selective processing of subjects who had broken the rules is, again, an example of the role of biopsychological limits to crime control potential.

Similarly, sociological factors act prominently in the determination of the profile and the structure of the criminal question. Group organization and their basis of legitimacy are here of crucial importance. Groups organized around specific goals tend to emphasize the criminal nature of a threat to their goals or deviation from the procedures set up for the functioning of the group and the achievement of its goals. Furthermore, the criteria for the selective enforcement of rules are group-based as is the tolerance level for deviance. The role of authority and power in defining the criminal question is a criminological truism, and its relevance for crime control potential becomes trivial in theory though of the utmost significance in practice.

The significance of the relationship

The previously referred to limit factors merit an in-detail elaboration, but what has been said so far will suffice to underscore their importance in the discussion on the relationship between formalization and crime control potential. Within it, attention will be paid to formalization as the limiting factor of crime control potential.

Both from the material provided in Part Two and from the ideology of informalism, formalization appears to figure

prominently in limiting crime control potential. In other words it is alleged that with an increase in formalization, the crime control potential of the mechanism decreases. Following this logic of linear and inverse correlation between the two, it may be inferred that influences towards formalization, as well as limits to and from formalization are also responsible for a decrease in crime control potential. Yet, the oscillating pattern of formalization presents more complex relationships than those conceived by the simplistic logic of the ideology of informalism. Some evidence supports the significant hypothesis that there is indeed relevant correlation between formalization and crime control potential. This correlation needs to be examined with respect to different pointers of formalization and different indicators of crime control potential; also with respect to the nature, structure and social position of the control mechanism and its links with other social institutions in a given historical and socio-cultural setting. If, as evidenced in the contributions, control through socialization provides the highest crime control potential, then its potential increases proportionately with the socializing capacities of the mechanism. It should be noted that we now deal more directly with unidimensional progressive scaling measures than was the case with formalization. However, the general societal socializing agencies are not crime control-centred. Crime control is not the central concern of their operation nor the ultimate rationale for their existence and social legitimacy. The family today, as in the past, is considered the most important socializing agency. Therefore, one would expect a linear increase in the crime control potential of the family with the increase in its capacity to socialize its members smoothly and adequately with respect to the dominant values, beliefs, authority structures and behavioural patterns. The formalization issue seems to have no relevance here, since it is almost unquestionably asserted that family is perhaps the most

informal socializing (and control) institution. Yet, this is so only if one is to conveniently settle for an a-historical and a-cultural picture of the family, irrespective of its structure and of its social significance and position with regard to other social control units. Analysis of the temporal sequence would imply that if control commences with childbearing practices and develops through the learning of basic survival skills, values and norms of social conduct, including the moral division between right and wrong, then indeed there is a high positive correlation between the informalism of the mechanism and its crime control potential. However, it should be clearly recognized that its socialization capacity and crime control potential are also temporally and spatially restricted. Furthermore, empirical evidence shows that a decrease in the centrality of the family in the social system brings about a decrease in its socializing and crime control potential. The direct positive relationship between informalism and crime control potential, as in the case of the family, is seen from the perspective of external comparative pointers. On the other hand, when analysis of the alleged relationship is carried out with reference to internal pointers of formalization, it appears to be less simple; while its results are less congruent with the simplistic assumption regarding the strong inverse relationship between formality and crime control potential.

A number of contributions which referred to the extended family as the socializing agency with the highest socializing and crime control potential underscored its discrete but nevertheless elevated formalization level. Clear, paternalistic authority structures, decision-making processes and regulatory frameworks are set up and incorporated in the prevailing (traditional) normative order, with the consequential collective identity and automatization of control functions. Still, it is claimed, it ensures in general and on average, a high degree of compliance with that order. Therefore here, in reality, we are confronted with a formalized structure

possessing high crime control potential. There is, in this case, a direct positive relationship between formality and crime control potential. The consequence of this analysis seems to be that if socialization is the most influential factor and predictor of the crime control potential, then the formalization issue is of little relevance *per se*. It becomes relevant under these conditions only if analytically extracted from the social matrix and used on the external comparative level. The family being indeed temporally, behaviourally and spatially a restricted socializing agency, its generalist socializing orientation and its place in the socializing and control sequence may indeed make the formalization issue less relevant to crime control potential. Other broad socializing institutions may have different relevance for crime control. Some of them step into the socializing and controlling sequence almost coincidentally with the family. Such may be the case with religion and less often with politics. Others step into the socializing sequence later, such as the school or the work place (ie. through professional and organizational socialization). Although being themselves broad social institutions or associated with major social arrangements for the social organization (transfer and accumulation of knowledge, or production and distribution of goods) they provide mainly for religious, political, educational and labour socialization; they step in later and focus on specific rather than on general conformity.

Depending on the degree of generality of socialization carried out by a particular mechanism, the relevance of formalization varies considerably both from the internal and external comparative perspectives. In that sense, formalization may predict the crime control potential of mechanisms within which socialization and control are enforced.

It may be argued that the crime control potential of these non-specifically crime control oriented institutions or mechanisms depend on the success of their specific

socialization process. The true believers are not only less likely to question the legitimacy and operation of the mechanism, but are also less likely to commit acts which the mechanisms hold to be deviant. The story of the true believers is, however, interesting because large scale deviations within the mechanism may provoke the rebellion of the true believers when their level of tolerance, comprehension and compassion is over stepped. The true believers believe in the well-established properties of their membership structure or referential entity. For religious or political true believers, their respective institutions are much more "formalized" than the analyst or non-believer may assume when comparing them with other social institutions. Thus, the internal meaning (and measures) of formalization of such control structures is also in direct positive correlation with the crime control potential. In that way formalization predicts crime control potential on the condition that the goals and obligations are internalized and the controlling direction is potent, unidirectional and extensive.

Yet, the picture looks a bit different when one deals with non-believers dominated by the broad controlling institutions. Here we deal with more overt coercive domination. Consequently, the crime control potential of these institutions seems to decrease as coercive control increases, but only as far as it applies to non-believers. And yet this is not always the case. For example, the expansion of a specific belief and value system over all of society, and a further symbiosis of that system with the mundane power, tend to increase formalization and thus crime control coverage — but not necessarily its crime control potential. The measures of crime control potential may be quite different and sometimes contradictory.

The story of formalization thus goes back to socialization and consensus on basic values. In that sense, it can be argued that crime control potential indeed varies positively

with formalization; while in other cases formalization varies inversely and sets limits to it. In addition this dynamic relationship may depend in part on the analyst's approach, as well as on the selection of pointers of formalization and indicators and measures of the control potentials. New dimensions emerge in the relationship discussed above when focussing on the mechanisms which pose a specific crime control orientation. Control mechanisms deliberately set up to control crime through prevention are usually associated with other major social arrangements, such as the political or labour sectors. In this case the formalization issue and its relationship with crime control potential seems to revolve around the kind of control relationship (between the controllers and the controlled) and the features of involvement in the control process. A number of contributions predict that control success depends on voluntary participation and the committed belief in the legitimacy of the control process and the control mechanism. True commitment on the part of the controllers is as important as consent on the part of the controlled. Again we deal with the issue of consensus and the shared and widely upheld basis of legitimacy. As previously noted, the social acceptance of the control mechanism seems to be a better predictor of crime control potential than its level of formalization. Voluntary participation seems to run counter to professionalization, and therefore if informalism equals lay and voluntary involvement then formalization indicated by professionalization seems to limit the crime control potential. However, this is so only if we deal with true volunteers. Otherwise, imposed "voluntary" participation does not lead to a sufficient activation of the mechanism's control capacity. In such a case, formalization is the only way to ensure at least some degree of control, and as such tends to increase crime control potential; again, only to some degree. Imposed "voluntariness" sets up limits to increasing crime control potential. In addition, it affects directly the actual crime control efficiency of the mechanism.

The institutionalization of crime control agencies, even under the form of informal mechanisms, spreads out the control network. On a logical level, the widening of the control network should positively relate to the overall crime control potential. However, some contributions point out clearly that institutionalization is only the initial step forward. The issue again becomes that of the difference between the measure of crime control success and crime control capacity. While formalization may indeed increase crime control capacity, it may on the other hand decrease crime control potential in at least its preventive dimension. The measure of success is not any more prevention: less crime; but rather recording and processing: more crime. In that sense formalization seems to be positively related to one measure of crime control potential (more control structures institutionalized — more crime recorded), and at the same time inversely related to some other measures of the crime control potential (such as more control structures institutionalized — less successful crime control in terms of prevention). With some oversimplification, there seems to be here an inverse correlation between formalization and crime control potential, at least in its preventive dimension.

There appears to be no clear direction in the relationship between formalization and crime control potential by types of deviant behaviour. In general it seems to be true that with formalization comes more formal recognition of certain crime types. Yet, it does not follow that such clear definition is not also present within informal structures. The difference lies rather across the social significance attached to crime types. With formalization there is at least a more normative likelihood that formally-defined crimes will be exposed to more control. But the selective enforcement of rules and control tell us that formalization does not guarantee the enforcement of control. On the other hand, less formality, again at least on the normative level, seems to decrease the likelihood of more control across crime

types. Selective enforcement and control are also at play here, and their consequences are similar to those already noted in formalized structures.

Moving to the punishment dimension of control other complex relationships between formalization and crime control potential emerge. Punishment seems to be the most formalized dimension of the control sequence. Sanctions are usually clearly defined, predictable by type and enforced in some formal manner. Yet, they vary from ridicule, status loss, expulsion and boycott, through fines, a host of conditional restrictions, to coercive treatment (in or out of prison) and death. Punishments themselves may be scaled on some formality scale, with ridicule on one end and imprisonment and fine on the other. The relationship with formalization is dependent on the social significance of the punishment: that is, its objective. From the control system's perspective the objective usually consists in the confirmation of the legitimacy of the normative order. From the perspective of the controlled, it is either the reintegration of the offender in the community or simply just revenge and retribution. The two perspectives are not, of course, mutually exclusive. The confirmation of the normative order may be achieved both by formal or less formal punishments. Reintegration, however, has to rely more on informal methods because preferably it should be entirely carried out within the community and without the paradoxical non-linear stage of expulsion (e.g.: imprisonment) being followed by attempts towards re-socialization and reintegration. In that sense successful reintegration is more likely to be achieved within informal structures.

Although revenge may be entirely individual-based and individually carried out and thus approximating characteristics of informalism, other methods of expiation and revenge are much more formalized. Imprisonment is such an example.

Punishment implies a pre-existing criminal justice process which establishes criminal liability as the basis of punishment. However, the resolution phase in crime control may be distinctly different, if the earlier control stages were not adversarial. The significance of informal mechanisms therefore, as far as the resolution phase is based on concession and reconciliation, will obviously have greater significance for the success of that process.

At the correctional phase the issue of formalization and its relationship with crime control or rather correctional potentials has been readily recognized by the contributors. It should be noted that within the overall strains under which any criminal justice system operates, the correctional phase or the output end of the crime control process is, in fact, exposed to the harshest criticism, both from inside the criminal justice system as well as by outside evaluators and specifically the proponents of informalism. The efficiency and success of the control system is mostly measured by the end product of the system: to put it simply, by the number of people corrected, rehabilitated, and reintegrated in the mainstream of the community system. This is why the recidivism rate is considered as the conventional measure of the success of the whole system and not only of the correctional phase. The correctional phase, however, does not stand on its own. Rather it is incorporated in the punishment dimension of the system. As already noted, punishments have certain objectives, some of which revolve around resocialization, correction, rehabilitation, reintegration, etc. Formalization of the correctional stage is seen by many as the strongest barrier against success of the system and the achievement of its goals. Consequently, it is believed that a decrease in the formalization of the correctional phase would lead to easier and better functioning of the system, as well as better fulfillment of its rehabilitative goals. In this way such a decrease would promote correctional potential. Correction is not only treatment but

also prevention. In both dimensions it is believed that informal, or rather less formal methods, are likely to produce better results.

It is in the correctional phase that a number (or the majority) of informalized alternatives are to be found. Voluntary probation officers, juvenile diversion programmes, therapeutic communities, and community service orders, are only some examples. It is quite normal to expect that if resocialization and reintegration are the objectives of the system then the process of resocialization and reintegration itself has to be based within the structure in which the offender is to be reintegrated. Therefore, it logically follows that it is the community's primary responsibility to carry out these functions. Further, it is suggested that formal correctional institutions or methods need to be replaced or at least prominently placed within the community structure. The essential precondition is that there are in reality informal structures (such as the community) ready to and capable of performing the above-stated tasks. In the absence of such real structures informalization is achieved by the institutionalization of similar structures, a kind of simulation process. At the outstart, there is some level of formalization, at least in terms of initial institutionalization. These newly-created informalized structures are nevertheless part of, or closely associated with existing formal ones. Thus, they might be sponsored and controlled or supported by the state. They may initially or through their development lead to the incorporation of professionals or some other type of state involvement. Some elements of formalization seem to be constantly present in some form or another within these simulated informal structures. Yet, on the external comparative basis they indeed seem to be less formal than other highly state or professional based correctional structures. On the other hand, internal analysis may show that at least some of these structures are in fact highly formalized: in terms of authority, decision-making

and regulatory frameworks. Some pressures towards of formalization of informalized alternatives emerge from their environmental situation, which may include a concern for equity, legal safeguards and professionally correct treatment. It has been repeatedly pointed out by a number of observers that in some informalized alternatives there is the same kind of process and control that one finds in formal structures. Also, being actually sponsored by the state, some of these alternatives are based on the threat that formal procedures might be applied. Furthermore, they might not rely on the voluntary participation of the controlled. Since voluntary involvement is, as we have seen, of crucial importance both for the overall success and in terms of constraints for the reintroduction of formality, a lack of such greatly impedes both the success of and the efforts towards informalization. Cohen states: “— to force a juvenile to participate in a diversion programme under the threat of adjudication, has most of the elements of the formal justice system, save due process” (1985:50).

Manipulating the relationship

Previous analysis suggests that there is association between formalization and crime control potential. The issue is the direction of the relationship. There seems to be no persuasive empirical nor theoretical evidence to support the existence of determined universal, unidirectional, linear and causal relationship. Variations in direction characterize the association between formalization and crime control potential. Therefore, one is left with a rather cloudy picture: an unclear path along which to proceed without an unerring analytical direction, a path complicated by a host of divergent factors and conditions. Some such factors include the structure and function of the mechanism, internal and external influences towards and away from formalization (including the set of limit factors), the role and position of

the mechanisms in the social structure, its relationship with other social institutions and crime control mechanisms, the goals of the mechanisms, and the position of the crime control concerns within its goal and ideological structure.

The ideology of informalism suggests implicitly that formalization is a true variable. However, it is so not only in terms of its propensity to vary along the number of criteria or across a number of social institutions. Moreover, it is suggested that formalization may be varied or manipulated for some specific purpose. In this case, the specific purpose is the increase in crime control capacity through the potential of the society at large and in particular through control mechanisms. Yet, this manipulability through formalization, and consequently toward the increase in crime control potential is limited. Neither of the two are free to vary or to be manipulated without certain constraints.

It should be underscored that a number of broad socializing institutions are somewhat resistant to manipulation through variations in their formalization. Such is clearly the case with family, although intrusion into the sphere of family life through actions by professionals or social policy interventions (e.g.: in case of breakdown of the family or through family planning policies) generates influences towards formalization. Such influences can also be observed in, for example, religion which is otherwise, and at least from the external comparative perspective, considered an informal institution. But there are influences towards formalization coming from within as well as outside religion. These are especially marked when religion attempts to expand its jurisdiction and to merge with the state-centred business of the management of social life. In such a case the internal formalization level may increase even further. Such expansion, partly through formalization, tends to increase crime control potential at least in terms of crime control coverage. Yet, other measures or indicators of crime control

potential have to be analyzed in order to assess the direction of the relationship between an increase in formalization — in terms of the regulatory framework, codification, expansion of the authority's jurisdiction, and a certain level of the secularization of the decision-maker's roles and rules — and crime control potential.

Similarly with politics, again through variations in the formalization of certain social and political institutions, political power may attempt to enforce political projects. It should be emphasized that politics is more interested in and concerned with broad issues of social control, and in particular with political control, than with crime control in *stricto sensu*. A limited interest is manifested in terms of politicizing the criminal question, and in particular imposing the significance of certain values by giving them penal protection. Another manifestation lies in the institutionalization of the general control network within which specific crime control-centred responses are promoted. As evidenced in the contributions, the manipulability of politics, with respect to the formalization or informalization of the crime control mechanisms, primarily depends on the amount of power political centres and organizations are ready to invest in the criminal question. In addition this manipulability is closely linked with the ideology promoted by political groups. As was the case with religion, the institutionalization of new crime control mechanisms may increase crime control potential in terms of the span of control and crime coverage. Destructuring of the established mechanism or types of crime control responses is sometimes attempted through the promotion of their informal substitutes under the auspices of the ideology of informalism. Yet, the same process of substitution is formalized and in order to ensure at least initial functioning of the new creation there is a clear tendency towards setting formalized structures. It is then believed that the process of informal operation will develop somehow within the given

or provided formal institutional framework. This allows for control and manipulation over the development of informalism. It allows also for subsequent correction—should it be realized that the mechanisms or responses are not efficient or that they take a direction which was not envisaged and in addition, to some extent challenge the more formal sponsoring agency. This leads to the realization that an imposed increase or decrease in formalization may not have the desired directional effect, or may have contrary effects in terms of crime control potential despite the widening and diversification of the control network. For example, a deliberate increase or decrease in the formalization of the crime control mechanism within the labour milieu seems to be limited by the level of formalization of its immediate environmental situation. Organizational requirements imposed by the imperatives of the work process and technology tend to reduce the margins for manipulation through formalization of the crime control mechanisms in the given context. Again, an increase in the formalization provides for the widening of the crime control network in the given organizational context, and in general on a societal level. On the other hand, and on condition of the existence of an anti-crime consciousness at an elevated plane, informal mechanisms seem to increase the organization's crime control potential. Informalism also provides for increase in the selection processes and thus it may increase crime control potential with respect to some crime and offender types and at the same time, although not necessarily, dicriminalize others.

In a certain sense manipulation in formalization may be understood as a device for increasing crime control potential. This is more evident with mechanisms which are exclusively crime control oriented; with others, for which crime control is of no central concern — such as the school and the work place — informalization may run counter to the need for formalizing other more central functions of these insti-

tutions (e.g.: imposition of work regulation and technology, socialization to discipline, and the formalized acquisition and use of knowledge, etc.). This shows that central concerns or functions of the social institution may limit the possibility for variations in the formalization of the crime control and especially for the development of such types of social relations that would ensure crime control without reliance on some formal structures.

Mechanisms deliberately set up for the crime control purpose are more susceptible to variations in their level of formalization. This is due firstly to the fact that these specific crime control mechanisms are, as a rule, smaller in size. Secondly, internal interactions are unidimensionally oriented: towards controlling crime. This indicates that crime control is their central concern and purpose. Thirdly, the centrality of the crime control concern in relatively small-size mechanisms, precludes the development of a number of other concerns, interests or functions. Thus manipulation with formalization may be more concentrated and directed towards crime control. Finally, due to size and purpose of the mechanism, manipulation with formalization probably will have limited consequences outside the mechanism and more direct effects on crime control function and capacity. In addition to the above referred to structural propensities for manipulating formalization, specific crime control centred mechanisms are considered to be more susceptible to such manipulation through formalization on the ideological plane. The ideology of informalism, despite the symbolic referential role of the community within it, concentrates on specific crime control mechanisms. It is through making them informal or developing within them informal structures that it is hoped their crime control potential will be positively affected. Some evidence supports such assertions. One to one interaction in the control process is less formal than that of interaction between institutions and between an institution and a subject or a

group. However, according to some measures of formality, one-to-one interaction is not necessarily informal. The built-in rule and role orientation of the professional tends to increase the level of formalization of the interaction in the control process despite its one to one form. It also includes some degree of authority, power and decision-making inequality and works from or within a formalized regulatory framework, at least in terms of a disciplinary body of knowledge and skills applied to the problem area. All factors which tend to increase the social distance between the interacting subjects also tend to decrease the relationship's informality. Voluntary and lay participation in the one-to-one control process is not at the extreme end of the formality/informality scale and yet, it is usually less formal than professional's involvement. "Doing away with professionals" may introduce more informality and increase the crime control potential of the mechanisms on the condition that the mechanism's authority is legitimate and respected and that in the process of decision-making there is indeed a participatory input both of the controllers and the controlled.

Similarly, this observation applies to a number of informal group-based mechanisms. If they are part of the social structure, if there is consensus about their utility, authority, decision-making procedure and regulatory framework — in other words, if they are socio-culturally significant and supported — an increase in their formalization may introduce factors that would impede its normal, informal operation. In that sense, an increase in formalization may in fact decrease their crime control capacity and potential. Somewhat different is the case with institutionalization or introduction of new informal structures. What happens as a rule is that they are not a part of the existing social structure. They are just imposed upon the social matrix and their social significance and support needs to be advanced through their further development. Still, the less they arise out of the social

fabric, the more likely it is that they will be imposed with some form of further formalization. This suggests that the key issue is community support and the active participation of community members in the mechanism. The more the latter provides for full participation, the more it will be based on an acceptable and respected authority structure, the more its regulatory framework reflects community values and procedural preferences, the more likely it will have higher crime control potential. It appears that these conditions are better realized in less formal structures therefore suggesting that informality increases crime control potential. Unfortunately for the proponents of informalism, there is scarce empirical evidence that would establish a directional and positive association between informality and crime control potential, e.g.: the more informal the mechanism the higher its crime control potential. Formalization is an important dimension in the operation of the mechanism. It may indeed affect the crime control potential, by either increasing or decreasing it, as the case may be. Still the central and critical question is the social position of the mechanism, the support it enjoys and the type of relationships it promotes. We have seen that informalized relationships, as exemplified in the extended family or religion, may be quite effective in terms of crime control. But we have also seen that informal control due, to a number of reasons (like passivity of the members, lack of appropriate knowledge and skills, overreaction or high tolerance level, marginalized membership structure, etc.) may have quite limited crime control effects.

The analytical scheme in summary

The motivations behind some analytical interest in informal mechanisms of crime control will more often than not, arise out of some assumption about the utility of formalization for the crime control purpose. In this respect

the expectations regarding the results of any associated analysis will to some extent include a greater understanding of the causal relationship between formalization and crime control. Further, as is the case with a number of crime control questions, a significant expression of interest in the results of such an analysis, will come from organizations and individuals who also have a direct vested interest in the operation of the crime control project.

It is not surprising therefore that an analytical framework which attempts to satisfy these demands must contain an applied perspective. It would not be enough to expose the intricacies and power of certain ideological constructs. Nor would it be entirely suitable to work within the artificial domain of "model" analysis. At the end of the endeavour one needs to be able to say something about a very real social process, this being crime control. However, irrespective of such expectations, there are significant problems facing the task of analysing a relationship between two such relative concepts. For the analyst who is committed to an applied social science perspective, there is a temptation to abstract from reality the process of analysis not only on the level of method but, more fundamentally, at the definitional level. The choices for the analyst, in terms of a preferred framework and resultant methodology, should not be dichotomous. It is not, for example, necessary to prefer an abstract causal analysis while at the same time rejecting any concessions to social variability, rather, it is a question of establishing some workable balance. However, there is one precondition to analysis which is not negotiable. The analytical framework must possess the potential to recognize, rather than neutralize, socio-cultural diversity. This is obviously of much importance when one attempts to work with a concept such as crime control which possesses no constant reality outside the specifics of the social framework within which it is constructed.

Furthermore, an analytical framework appropriate to this task must be flexible enough to encompass a variety of dynamic levels. It should be recognized that:

- i) the objects for analysis are best defined within a particular social context;
- ii) these objects are dynamic and susceptible to constant change in form and operation;
- iii) any understanding of this form and operation will only be fully arrived at through a consideration of internal and external factors; and
- iv) to appreciate the motive of certain social relationships under review (which themselves are objects of analysis) it is necessary again to embrace rather than ignore the fluidity of these relationships as non-static social facts.

These levels of analysis are not apparent from the multifaceted object of analysis alone. An ultimate purpose of this analysis may be to speculate on and project certain alternatives for change. In turn, the significance of such change is conditioned by a number of broad political, economic and cultural imperatives which gain their legitimacy both at the level of ideology and practice. Analysis should attempt to interpret the eventual significance of ideological and functional influences where they are co-existent, mutually supportive or conflictual.

The following analytical scheme is meant to be progressional. Yet it has a tendency to become cyclical because it reflects the circuitous influences which prevail around the development of the relationship between formalization and crime control.

1. The initial task is to select a social "mechanism" which has crime control as a purpose. What is seen as representing a "mechanism", and in what way it evidences crime control purpose are questions the answers to which lie in the socio-cultural matrix from within which it has been identified.

2. The component parts of the mechanism (at least the structure of authority, regulatory framework and process of decision-making) should be examined in order to understand the structure and operation of the social unit.

3. From this early stage the analysis should be advanced on an internal/discrete and on an external/comparative level. The structure of the mechanism needs to be exposed; its social position and significance and its structural and operational relationships with other social control and socializing agencies need to be understood, and some comparative observations within the relevant socio-cultural matrix should follow.

4. An understanding of the ideology of crime control and its manifestations within the specific socio-cultural milieu are required because of their significance in social reality and for projections regarding future policies.

5. The level of formalization of the mechanism then should be assessed. Such an assessment should be directed both towards the components of the mechanism and its composite and operationally relevant parameters. This can be achieved by utilizing pointers of formalization as analytical devices. Formality is both a dynamic influence on the structural existence and development of the mechanism as well as a result of its operations.

6. The level of formalization of the mechanisms can only be assessed (both internally and externally) through comparative measures. Such comparison will necessitate some comment on the origin of the influences towards/away from formalization. In addition, since the formalization of other associated social units has a bearing on that of the mechanism under review, it also requires assessment.

7. Crime control is the next dimension for analysis. Because it is often measured as a static result of a process, it is more appropriate to examine the motion of crime control potential. Indicators have been provided which can assist in this endeavour. The complexity of a mechanism's structure,

its purposes and its reliance on the structure and purposes of other mechanisms, influences the measures of its crime control potential.

8. The relationship between formalization and crime control potential, which may be influenced by ambient processes, is forged through the structure and operations of the mechanism. This relationship exists both on ideological and structural planes which, in turn, influence each other. The link between formalization and crime control in a mechanism may be the manifest result of an interplay between the two planes.

9. An attempt should be made to analyse the significance of formalization for crime control potential and the direction of the link. This requires further examination of the dynamic nature of formalization, of the position of the mechanism in the socio-cultural framework, of the mechanism's connection with other social units to achieve its purpose, and of the social reality of the crime control project.

10. Once a relationship is established and it proves significant for crime control, it should then be further analysed from a dynamic perspective. The limits on formalization, the paths towards it, the variations in crime control priorities, and the influence and intervention of other agencies all need to be considered as they affect the ongoing status of the relationship.

11. The policy analyst may wish to enquire into the manipulability of the mechanism. First, how easily (and how discretely) can the mechanism be attired, in structure and operation, by certain sources of influence? Is formalization a useful tool for such manipulation? In order to enhance crime control potential, should the direction of such manipulation be towards or away from formality? What will be the consequent effect of such manipulation on the "global" crime control project? What limits such manipulation and what works against the enforcement of its expected results?

12. Finally, it is necessary to monitor the control process in order to chart the development of the relationship, the factual achievement of its potential, and its developing social significance. This would not only provide some indication for future research frontiers but it would also enable an ongoing evaluation of the success of policy initiatives. These dynamic relationships necessitate that policy initiatives in crime control be informed by results of research endeavours.

No informal mechanism of crime control stands alone and unsullied by other mechanisms of social control; ultimately all mechanisms of crime control are to some extent interrelated. Furthermore, they are subject to influences towards and away from formalization. These influences both originate and affect the mechanism's operation externally and internally. However the consequences of variations in formalization are not unidirectional. Rather they may be quite contradictory. But then so is social reality, the crime control business, and the ideology of informalism.

ABSTRACTS OF THE CONTRIBUTIONS

INFORMAL MECHANISMS OF CRIME CONTROL IN SAUDI ARABIA

(*Mohammed Al-Hamid*)

The population of the Kingdom of Saudi Arabia (90% of the Arabian Peninsula), was estimated to be 9.32 million in 1981 and it is divided into *Hadar* (those who are permanently settled) and *Badu* (those who live in movable tents). As a consequence of the growth of its oil income, Saudi Arabia was transformed, in two decades, from one of the poorest countries in the world into a highly prosperous nation. These economic changes also had an impact on the social life in general. The extended family and the Islamic religion are the most important components of the society. As such, they are also considered to be the principal socializing and crime controlling informal agencies.

Following is a theoretical discussion the importance of social control and on the various forms which it takes. The family, the peer group and religion are the central force for this discussion.

The family is a "natural" primary group. It is an open system which sustains the relationship with other systems in the total transactional field. It is a structured institution, with a division of roles and hierarchy of status. The socialization process within the family is a mixture of affection and submission to authority commands.

The importance of the peer group as a control group, extends throughout life. Sutherland's theory of the differential association highlights the role of the peer group with respect to deviance. A recent study in Saudi Arabia reports that 81% of the crimes were motivated by social factors, out of which 20% related to peer group influences.

In Saudi Arabia religion is one of the most powerful institutions of social control. In Islam, the concept of religion refers not only to spiritual and intellectual necessity but also to a social and universal need. Islam as a social system aims at controlling and preventing criminal activities by the valuable teachings that are based on understanding the outcomes of each crime through the punishment and reward techniques. It aims at guiding humans along the right path, maintaining social solidarity and closeness among individuals, and satisfying the spiritual and material needs of the individual and the group. In Islam, socialization as the mechanism of social control is recognized. Man is born in a natural state of purity which is the complete submission to the will of Allah. Later developments are the result of external influences or factors. Control norms and values in Islamic society derive from the comprehensive law of Allah as institutionalized in Islamic thought. The comprehensive emphasis on religious values, formally or informally, and the application of Islamic laws contribute to the low crime rates in Islamic societies.

The mosque is considered to be a religious informal institution of crime control. Unlike other places of worship for other religions, the Mosque is the place for:

- worship
- social gathering
- education
- conferences and decision-making
- military gatherings
- the preparation of judges
- adjudication

Informal religious groups, like the Muslim Brotherhood in Saudi Arabia, exercise their influence through books, journals, gatherings, etc. Their main aim is to spread religious values by focusing on religious teaching, promoting conformity with religious belief, and ethical precepts.

Membership to these groups is voluntary; there are no papers to sign, no dues to pay, no specific offices or responsibilities to hold, except that of the group leader and the responsibility to confirm the religious beliefs and maintain the group as such. These informal religious groups contribute in crime control directly or indirectly by:

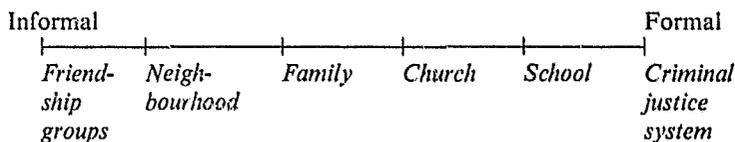
- socializing to and reinforcing religious values and norms
- organizing leisure time activities
- satisfying needs for group belonging and group activities
- creating a sense of the individual's responsibilities towards the community
- providing constructive solutions to delinquency.

Controlling deviance in Saudi Arabia is less difficult than in some other societies due to the effectiveness of religious values. The most effective control is the voluntary control that individuals impose on themselves by virtue of having internalized the shared norms of society.

INFORMAL MECHANISMS OF CRIME CONTROL IN WEST AFRICA

(*Tolani Asuni*)

Formal and informal are placed on a continuum, with the criminal justice system at its formal end and friendship groups at the informal end, while somewhere along the line neighbourhood, family, church and school can be placed.



The criminal justice system is characterized by rules laid down by an authority which is remote, not personal and is operated by the professional in hierarchical form based on bureaucratic criteria, which may include professional qualifications and experience.

Friendship groups are loose associations based on interpersonal relationship arising from mutual interest (not bound by written rules) and with some degree of equality among members. Their personality attributes are more important than any acquired attributes based on education.

Neighbourhood as an institution is not so loose and is based on residence, regular contacts and concern for security.

The family is the more formal institution, with stable but unwritten rules and specific form of the division of labour, depending on the socio-cultural milieu in which it exists. Age takes precedence over other factors in decision making.

The school and the church are even more formal institutions.

Informal is often equated with traditional. In traditional institutions there is some degree of formality but it is usually not characterized by written rules. There are shared values and interests, without the interference of imposed and remote authority.

The various informal social control mechanisms are interrelated and interlinked and cannot be considered in individual isolation. The friendship groups are related to the neighbourhood, and both are related to the schools and churches. This relationship is based, to a great degree, on special closeness of family units and shared values. When these factors do not exist then the social control effect of the various institutions is watered down or can even produce the opposite effect.

The discussion focuses on the socialization and the crime control potential of the school and the family in West Africa.

Schools in the local community, have a greater crime control potential due to their being integral part of the community's value system and their interrelatedness with the family, religion, neighbourhood and friendship groups. In urban areas, due to their size and formalized programmes, and interactions with the teacher, their control potential decreases. It is of utmost importance to provide within the school the recognition of the individuality of pupils and to concentrate on character buildings as well as transmission of disciplinary knowledge. School programmes should not alienate the pupils and should not estrange them from their local environment. Raising the level of pupils' expectations of occupational opportunities beyond what is in reality possible and available, creates tensions, deprivations and a state of anomie, which in turn predisposes them to deviant and antisocial behaviour.

The family is seen as the most influential socializing and controlling agency. Vertically it includes several generations and horizontally a number of cousins. Living up to and enhancing the extended family status is a kind of primary

moral obligation. The family invests in the moral training of all of its members, and in particular, that of the children. This training includes respect for authority based in the family, and extended to larger entities. The family is related to the community and other social control institutions. The extended family has some disadvantages but on the whole the benefits outweigh the disadvantages especially when viewed and evaluated from the wider perspective of the system as a whole. Some factors, such as the urbanization-migration-industrialization complex, and state intervention, undermine the social control effect of the family.

Informal social control institutions, their structure, operation and crime control effects and potentials have to be examined within the socio-cultural context. In a number of communities in Africa the consideration of group solidarity supersedes the individual.

A number of the alleged indicators of formalization, such as participation, professionalization, etc. do not appear to be relevant in terms of the mechanism's crime control capacity. The function of the informal control institutions is not directly concerned with crime control. The crime control element is rather coincidental with the major function of the informal institutions. Yet, adequate social control is an essential ingredient for the effective functioning of the control institutions. Informal social control institutions work in small communities which are relatively homogeneous and stable. With modernization, industrialization, urbanization and migration, these factors of morphology stability and homogeneity are disturbed. Since these institutions carry out a number of basic and major social functions, including effective crime control, the distracting trend must be arrested by the promotion of deliberate, and vigorous programmes in support of these institutions and their role and responsibility in the society. Such programmes must be integral as the functions and the institutions that perform these functions are highly inter-related.

INFORMAL MECHANISMS OF CRIME CONTROL IN MOROCCO

(*Ettibari Bouasla*)

Morocco underwent rapid demographic growth and changes in its social structure, including the almost equalization of the urban and rural proportions of the population (47%:53%). Over 65% of the population are young people. Although agriculture continues to be the main economic activity, there has been a growth in industrial development concentrated along coastal areas. The deficiencies and/or social inadequacy of education within the Moroccan community contributes to the process of deruralization. The rate of illiteracy is about 70%. Migration to urban centres increases disintegration of society, and together with illiteracy, contributes to crime and juvenile delinquency.

The extended family is the basic social unit in Moroccan society. It is composed of four or five generations. In rural areas it is closely linked to its immediate communal environment (district or tribe). As such, it has enormous integrative and control potentials. But even the nuclear urban family is linked to other families and communities.

The participation of women in the public sectors is limited, and ranges between 15% in rural to 21% in urban areas. Women have important roles in terms of family development and socialization. Old people (6.5% over 60) are well integrated in the family and the society and still enjoy considerable agebased respect.

The standard of living greatly differed across rural-urban and social strata axis. Recently it has declined further due to the effects of the economic crisis.

A variety of informal mechanisms of crime control in Moroccan society belong to or are tightly associated with the dominant cultural system: that of Islam. The Islamic cultural system permeates the whole society and all of its constitutive entities. This cultural system rests on the solidarity between the faithful and the strong ties of the individual to the community. In that sense, the cultural system is mainly integration-oriented. There is a strong sense of individual responsibility towards the community, and that of the community for its constitutive individual or collective members. The cultural system also promotes the ideal personality through the developed ethical conception of the muslim personality. The Islamic cultural system through its conception of mutual social responsibilities, ideal muslim personality and communal cohesion, acts permanently as the informal crime prevention and control system.

Within this cultural system, the family plays an important socializing and controlling function. It promotes and maintains the values of social responsibility, mutual interdependence and respect for the authority. Family authority, which usually rests on the father, is strong and acts as a disciplinary agent. The prohibitions transmitted through family-based control rest on the religious moral code, oral tradition and experiential model-roles. Owing to its authoritarian structure, traditional organization, affectionate relations and prestige and respect for parents and elderly, the family contributes to social conformity and integration. Therefore, it acts as a potent factual control agency as well as the institution with the greatest potential to manage and ease tensions and conflicts which may lead to delinquency and crime.

The school also has great importance in maintaining and transmitting the values of the Islamic cultural system. Working in close association with the community within which it is located and with the families from which the

student body comes, the school's socializing and crime control capacities and potentials are maximized. The school also rests on certain types of authority structures and disciplinary-controlling rules. Yet, it should refrain from the use of corporal punishment, and should rely on peaceful and less authoritarian (repressive) educational measures.

Vocational training centres have an especially important role in controlling, socializing and educating young people at risk. These centre on the one hand contribute to overall social integration of the young; and on the other, prevent them from further involvement in delinquency. The creation and diffusion of such vocational centres in rural areas would contribute to the decrease of the urban drift, and towards the economic and social revitalization of the rural areas. In addition, it would decrease illiteracy in society through the institutionalization of illiteracy campaigns, which in turn would lead, to some extent, to the prevention of violence and crime. Educational institutions and programmes can be also used for the promotion of preventive schemes regarding drug abuse.

In contrast to the conformity-integration orientation and influences of the Islamic cultural system, the family and the school, there are a number of influences towards social disintegration in Morocco. Some of these emerge from industrial development, and a host of associated or accompanying social processes. These processes bring about a series of changes in the traditional structures of society, and include an increase in community tensions, strains, contradictions and conflicts. The dynamics of social change has a crimegenerating potential. Yet, in rural areas, the traditional structures seem to be more affected at their economic level than in their moral and social dimensions. Therefore, these components of the cultural system still have significant crime control potential. Furthermore, the diffusion of modern means of communication and the cultural innovations they create, should be used within the

logic of crime control; that is, more emphasis should be placed on their crime prevention potential. On the other hand, the capacity of urban areas to absorb the pressures on the economic market and social services is quite limited. Consequentially, conflicts and tensions tend to increase, and part of such develop into criminal events. Therefore, there is a need for reinforcing the institutional and cultural systems of informal control, and setting up a number of social policy interventions. These social policy interventions, like the adjustment of the work schedule, are also informal mechanisms of crime control.

Within the context of the dynamics of socio-economic change, informal mechanisms, both the existing and those to be introduced, should be conceived within the logic and rational conception of social, economic and cultural life. This on the one hand, maintains and reinforces the aspects of the traditional structures that positively affect social control, cohesion and solidarity, and on the other, absorbs the technological and cultural innovations which are constructive for the development of a social order.

THERAPEUTIC COMMUNITIES FOR DRUG ADDICTS IN ITALY

(Mario Brunetti)

The work carried out by the therapeutic community for the cure and reintegration of drug dependents received an important impetus from the law issued in 1975 which regulates the prevention and cure of drug dependency. The terms 'therapeutic community' apply to a wide range of programmes which have in common their reliance on the individual's responsibility for his/her own dependency and rehabilitation. The activities of the therapeutic community concentrate around objectives such as: total abstinence from drugs and the creation of a new life-style encouraging the acquisition of positive attitudes, like honesty, responsibility and solidarity.

In 1986 there were 340 communities which provided residential treatment to approximately 5,500 dependents (out of the 25,000 who were undergoing treatment for drug dependence).

In Italy treatment in closed communities is compulsory for drug addicts who, having committed a crime, are processed by the judicial authorities. For all other drug dependents treatment in a therapeutic community is voluntary; this criterion places it within the category of informal control.

The therapeutic community presents a mixture of patterns of status interaction and ways of functioning. Thus, democratic participation, a leader's charismatic authority, group anarchy, iron discipline on the part of the organization, equality, strict hierarchy, exaltation of human values, denial of human rights, etc. all can be found to exist

within the community. In general, it can be said that no codified formalized rules exist which indicate the techniques for maintenance of order and the exercise of control and treatment in the community. Each group tends to organize itself autonomously. Yet, there are a number of common elements which, under certain conditions, may create a specific configuration of mixed formality and informalism. These elements refer to the psychological state of the members of the community, to punishment and reward techniques applied, to communication schemes, to contacts with the outside world, to the involvement of the dependent's family, etc.

There are two major types of therapeutic communities in Italy: residential community and non-residential community. The main difference being the amount and type of control and treatment applied. Volunteers and dependent's family members are often involved in the work of non-residential communities, thereby introducing more informal elements in the organization's internal structure. Generally speaking, residential communities are organized along marked hierarchical lines despite emphasis on equalitarian relations among its members. A residential community's organization may be: charismatic, authoritarian or democratic; characteristics which may shape its formalization profile.

The therapeutic community is a very useful treatment and rehabilitative instrument and context. It falls within what has recently been coined as the 'private social' — assistance activities which develop and occupy social space marginalized and neglected by formal assistance and control institutions.

APPROACHES TO THE STUDY OF RELIGION
AS A MECHANISM OF SOCIAL CONTROL
IN VENEZUELA

(Emperatriz A. Camero)

This work emerged from a larger study on "Cultural Violence in Venezuela" which looked at the influence exercised by religion, education and mass media over the process of legitimization, justification and maintenance of the established order in the interest of the class in power.

It particularly focuses on the role of religion and above all of the catholic church in this context. The analysis of the content of sermons and/or official declarations shows that the church served as an instrument of domination and/or the justification of domination exercised by political, military and economic power centres. It is also recognized that within the ecclesiastical institution, several pastoral projects with somewhat differing orientation developed and conflicted. It is retained that the Venezuelan church exercised general ideological control through the legitimization of the political and military power and the mobilization of masses with respect to concrete political projects. At community and individual levels it exercised social control through the manipulation of attitudes, values and beliefs of the common people.

A brief summary of studies carried out in Venezuela is presented.

The connection between religion and law is firstly identified through the analysis of the hyperworldliness of the law. The presence of the idea of a hyper-social entity which ultimately determines the substratum of the legal regulatory framework is noted. Such a hyper-social entity is

found in the natural law doctrine, as well as in positive law. The link is further explored with reference to penal law, and penal provisions existing in basic religious documents: the Bible, the Coran and a number of other religious texts. Modern penal systems also have a deep ethical and moral component. Religion is considered as part of the ideological apparatus of the State. It is a mechanism of social and self-control. Religious sentiments are manipulated at the institutional level by the church, through its organization, institutions, literature, programmes, etc. On the one hand, all these legitimize the repressive power of the formal social control organs (the institutional support to the political regime), and on the other, the moral and ideological support given to other mechanisms of the ideological apparatus (school, family, socialization, etc.). Therefore, informal control through religion is exercised on a macro-political level (alliance with the political and economic power centres), through worship practices, and in conjunction with other social units (the family, the school). Through its own institutions and other formal and informal control agencies, religion induces and generates the values of submission, obedience and uncritical attitudes. At the individual level such control is carried out through the process of total socialization which induces selfimposed self-control, as well as through individual and collective periodic confessions.

Social control is understood in terms of measures tending to maintain and reproduce the established socio-economic and political order. There are four levels at which religion acts as a social control mechanism:

- 1) control exercised by groups over the behaviour of members of another group — relationship between dominating and dominated social groups;
- 2) control exercised by the group on the constituent members of the same group through the authority of the association;

- 3) control exercised by some individuals over other individuals: the relationship between the innocent and the guilty;
- 4) self-control through interventions, pressures and incentives on voluntary individual behaviour.

All these instances of social control legitimize the ideology and the practice of domination. Religion, and in particular the church, is in charge of evaluating and sanctioning social and individual behaviour, either sacred or secular. Yet, in contraposition to the domination component, religion and the church have also libertarian components, generated both within ecclesiastical movements and outside of them, and influencing both religion, its institutions and practices, and the sectors of social life outside the religious realm proper.

PUBLIC SECURITY COMMITTEE IN CHINA: AN UNOFFICIAL ORGANIZATION TAKING PRECAUTIONS AGAINST CRIMES

(Yang Fang)

Combatting crime is not only the task of state-centred agencies but also of all citizens. Citizens' participation in crime prevention in China takes the form of public security organizations. These may be centered either within the work place or around certain residential divisions. They are seen as consultative and supportive of the state-centred criminal justice agencies.

The integral units of public security in China are the Public Security Organization and the Public Security Committees or groups. While the Public Security Organization is professionalized and under the supervision of the administrative organs at the workplace level, their work is supported by other non-professionalized public security organs, such as committees and groups. Their existence is authorized under the Chinese Constitution.

Public Security Committees are considered to be the basic form of citizens' involvement in the crime control process, and the basic form through which the people's democratic dictatorship is implemented in the crime control field. They were created in early 1950's and their network has expanded enormously. Their main tasks consist in:

- 1) co-ordination with the state-based public security organs
- 2) co-ordination with the state-based judicial organs
- 3) settlement of minor disputes
- 4) handling of minor offences

- 5) development of the socialist legality and consciousness thereof, and
- 6) protecting the work place and residence areas.

There are three important aspects related to the operation of public security organizations. Firstly, their daily involvement in crime prevention through policing of work places and residence areas. This type of activity reduces the number of criminal cases.

Secondly, involvement in a consultive and advisory capacity with "people at risk", including those released from institutional treatment. This activity focuses on matters related to occupation, marriage and the family.

Thirdly, co-operation with mediators in civil disputes in order to prevent civil disputes developing into criminal cases.

With respect to co-operation with the judicial organs, the public security organizations in fact supplement the work of state-based organs. Such co-operation makes up for the scarcity of judicial personnel and removes a significant part of their work-load.

Furthermore, lay public security organizations take a more comprehensive approach towards problems and offenders, since they are not bound by the formality of legal-professional rules and roles.

Despite the success which these organizations have shown in preventing crime and in supporting the activities of their state-centred partners, their operation faces some problems arising from the lack of financing through inadequate membership structure up to the lack of "legal sense" and sometimes too harsh reactions which may lead to negative consequences in exercising crime control functions.

INFORMAL MECHANISMS OF CRIME CONTROL IN JAPAN

(*Tadashi Moriyama*)

Trends towards the formalization of the responses to crime are exemplified by a) the transition of the informal punishments and dispositions to the formal, centralized state-based activity, and b) the further limitations of the crime prevention and control capacity of the individual and the local communities. Yet, private participation in crime control is still important and manifested through three basic types of involvement:

- 1) the "self defence" process, referring to precautions applied by the individual against victimization;
- 2) the "furthering" of activities, which consist in co-operation with law enforcement agencies, etc, and
- 3) the "controlling" activities, whereby individuals observe, supervise and control the state-based crime control process in order to improve it.

A number of forms of control through citizens' participation draw on the tradition of the "murahachiby"; community's control and sanctioning of deviant behaviour. Its more modern corollaries of the self-defence type include socialization and control as exercised by home, school, work place and local community.

Special attention is devoted to the second type of participatory behaviour with reference to the normal progression of the criminal justice process.

Crime prevention associations play an important part in the crime prevention phase. They are linked with police and are engaged in a number of activities, including crime

reporting, the circulation of the crime prevention material, the organization of crime prevention force, and the transfer of residents' demands and opinions about the crime prevention policy to the police. There are special types of programmes focused on the problems of juveniles. These programmes are individual-centred and also work in close association with local police. While some programmes are resident-based, others are institution-based, such as, the work place or school.

Citizens' involvement in the correctional phase is also widespread. Some such examples are professional-centred (the "benevolent visitor"), religion-based ("kyokaishi"), or lay-centred. The common denominator is their voluntary participation and involvement in the organization of a number of educational and cultural activities for inmates.

The history of citizens' participation in Japan, in the rehabilitation and aftercare phase, can be traced back to the 7th century. At that time it involved charity activities by the imperial family and social welfare activities for offenders, vagrants and the poor, carried out by religious groups. In 1888 the first ex-convicts aftercare society was established. Today, two principal forms of citizens' involvement in this phase of the control process are: the volunteer probation officer system and the rehabilitation aids hostels.

In the 1930s there were around 1,000 rehabilitation aid oriented organizations which functioned as half-way houses. After 1945, some of these merged with the Reform and Training School System, but most of them were abolished. Today there are about 100 such hostels, supported by the state. In addition, there are a number of aftercare-oriented associations, like Women's Associations, Big Brothers and Sisters Associations, etc. The voluntary probation officers scheme is individual based and there are about 48,000 volunteer probation officers in Japan. Their main task consists in supervising probationers and parolees together with a criminal justice system probation officer. In

addition, their tasks cover: helping inmates to adjust to the environment before release and to their participation in other crime control activities in the local area. There are local and national volunteer probation officers organizations. Details are provided on the social structure of the volunteer probation officers corps.

A critical examination of the crime control potential of these mechanisms shows that they all rely on the specific cultural situation. Norm consciousness, the "culture of shame", the appreciation of sympathy, compassion and harmony, as cultural principles, are given effect when they contain a degree of integrating influences and cohesion which are already deeply grounded in the basic units of social organization. Their existence gives rise to moral consent. When this moral consent diminishes, their crime control potential weakens. In Japan, these principles in the traditional cultural system are under strain, and this practically challenges the capacity and effective potential of the informal mechanisms of crime control. The number of forms of private citizens' participation in the criminal control process has declined numerically, while some have become more state-dependent. In that sense, the cultural reality of public participation in crime control in Japan indicates deficiencies in its social basis. It is suggested that there is a need for the restructuring of the local community, that is, social structures which should provide for the intensive interaction and involvement of its members; the social integration and building-up of people's consciousness for the purpose of solving general problems associated with social life, including the prevention of crime.

INFORMAL MECHANISMS OF CRIME CONTROL: SOME SPECIAL ASPECTS REGARDING YUGOSLAVIA

(Janez Pečar)

Informal social control is principally carried out within and by the primary and secondary groups within society. In general, it consists of a number of punishment and reward techniques, and is manifested in less defined ways such as: habits, customs, agreements and arrangements, etc., and it is also usually accepted on a voluntary basis.

In general informal control has two goals:

- it prevents potential non-conformists from becoming harmful for the group to which they belong, for the broader environment and the society at large;
- through the process of socialization and control, it increases the possibilities of smoothing out the differences between desired goals of control and the reality represented by deviant acts.

The major forms of the informal crime control in Yugoslavia are:

- control at the work place
- conciliation boards
- control through politics and political organizations
- control through mass-media

The work place offers enormous spatial and material opportunities for deviance, although it has been relatively neglected in criminological research. A great deal of deviance arising at the work place remains unrecorded. The crimino-victimogenic potential of the work place is dif-

ferentiated according to the type of work, the organization of the work, the criminogenic atmosphere, etc. Particular work places "produce" particular types of deviance and crime. Yet, opportunity as an external and objective component of deviant behaviour at the work place level is activated by the individual's proneness for deviancy. Since the formal state-based crime control is quite removed from the work place, and because furthermore, its interference in the work process is undesirable, informal work place-centred control seems to be more desirable and effective. In Yugoslavia, such control includes: workers' self-management control, services of inner control, security services, technical control, etc. The success of these various forms of work place-centred crime control depends to a large extent on work ethics, affiliation to the work organization, distribution of power, honesty, etc. In addition, all self-management control mechanisms co-operate with the state agencies of control. Workers' self-management control is informal and does not dispose formal sanctions. It is not strictly crime control oriented; rather, it focuses on all inadmissible, unlawful, antisocial acts. It attempts to reach its goals through prevention, persuasion and consensual elimination of conflicts. It is primarily prevention-oriented. Workers' self-management control represents taking away the control process from the monopoly of the state. It is of lay character and promotes public participation and the democratization of the crime control process. However, it also introduces a number of problematic issues, such as: more controllers produce more deviancy; socialization of control creates a culture of control; a network of lay informants diffuses the control components; its lay character brings about a tendency to initiate the state control as well as enabling vindictiveness, punitiveness, manipulation, domination, inadequate reactions, disrespect for human rights and dignity, stigmatization, etc. Lack of proper motivation for the active participation in the self-manage-

ment control leads also to its lesser effectiveness. Therefore, there are constant pressures towards more institutionalization and formalization of this control. It is important to maintain and further develop its democratic lay character and informality.

The conciliation process is another example of informal control. It also reduces the magnitude of state-based repression. Its organization should be understood as a reflection of the actual situation in a socio-cultural environment. Its structure and functions depend on the character of the conflict itself, the participants in the conflict, the members of the conciliation boards, and the methods of conciliation. The success of the conciliation process furthermore depends on its social acceptance and reputation. The crucial point for activating of conciliation boards is first of all mutual recognition by the parties that the conciliation board is the most appropriate body for the settlement of their problems, and secondly, the fact that the situation in conflict does not require any forceful modifications of the existing situation but only a consensual agreement. Conciliation boards are all lay bodies, with important socio-pedagogic functions, suitable to deal with problems which do not require a legal solution in terms of establishing the actual evidence and the issues of culpability and liability. Conciliation boards were legally institutionalized in 1959, and despite attempts towards their professionalization and bureaucratization their lay, non-hierarchical character, specific methods applied, and reliance on the deep-rooted cultural matrix are the principle factors maintaining their informality.

Due to the importance of the political project for the socialist society, political ideology and political organization play an important role as the control agencies. The League of Communists of Yugoslavia, the Trades Unions and other socio-political organizations focus their attention on the creation, acceptance and implementation of the

socialist value system. Their operation in the crime control field is oriented towards prevention and concentrated in the social space in which socialist relations of production are developed (work place, mainly). Crime control has always been a political and class issue. It is thus, clearly connected with class consciousness. Ideology, political forces and law determine the character of crime. Politization of crime control can be seen as a process of socialization, internalization and protection of social norms through political means. In Yugoslavia, crime prevention, self-protection, etc., are considered as functions of self-management and something which is immanent to the socialist self-management, socio-economic and political system. This gives rise to politization of the struggle against crime, especially with reference to crime prevention. Yet, over-politization of the deviancy itself and the control thereof may lead to: the unnecessary expansion of the control network; fear without reason; an excessive emphasis on deviant phenomena; a too eager concern about dangers which in reality do not exist; a rigidity in social reactions; submission and proneness to control; an excessive modelling of the non-state based control processes according to the punitive-repressive model; normative optimism, etc.

Information on crime, reporting of deviant processes and phenomena, and informing and educating public opinion are important functions of the mass media. The mass-media however, must not only be passive observers and transmitters of information. The tasks of the mass media are quite difficult; the mass media are faced with a number of problematic issues, such as: confidentiality of information v. public disclosure of information; inconsistency, the campaigning character, dependency on the unreliable or biased sources of information, etc. In order to present useful information, the mass media should rely more on science.

Informal mechanisms of crime control, especially those that develop within the self-management sphere, co-operate

with the state-centred control agencies. Yet, there is some degree of dichotomy, whereas the self-management control mechanisms act more in an informal way. But, the state still defines which behaviours are deviant, prescribes procedures and implements sanctions, especially in those areas in which it is not possible to achieve conformity (obedience) through the self-management mechanisms of control. In addition, the self-management control is almost entirely prevention-oriented. The self-management informal crime control and the state-based formal control are closely interrelated. In reality, the self-management control has not as yet become the substitute for the state control, but rather its complement, if not its extended arm or appendix in those areas in which the state is less able to use its authority and power. This duality between the state and self-management control will very likely continue to exist.

INFORMAL MECHANISMS OF CRIME CONTROL IN EGYPT AND THEIR IMPACT ON THE CRIMINAL POLICY

(Abu El-Fotouh Salama)

Crime control is exercised through the state-centred criminal justice system (criminal law and procedure, police, public prosecution offices, courts and prisons) and informal channels (customs, traditions, values, etc.. The criminal justice system does not operate in isolation; it reacts with respect to prevailing unrecorded rules, values, customs and principles. These in turn, support, suspend or modify the principles and the operation of the formal criminal justice system.

The formal criminal justice system in Egypt is based on these pillars: criminalization, penalization and prevention. The current Egyptian penal law was issued in 1937 and has undergone a number of significant changes (over 50 amendments). Its main objectives consist in: protecting social interests, satisfying the public feeling of justice, and realizing legal stability. These objectives also govern the criminal procedure. Police, public prosecution and the courts are the principle law enforcement agencies. The police are engaged in crime prevention and the initial reaction following a crime (prevention, deterrence and detection). The public prosecutor has the power to prosecute and to supervise the exercise of police operations at the preparatory phase of the process. Its main functions are: indictment, preliminary investigation, partial representation at the criminal court, issuance of criminal writs, submission of cases involving death penalty for the court of cassation, and supervision of the execution

of sentences. There are two types of criminal courts: ordinary and extraordinary. Ordinary courts are structured as follows:

- courts of first instance (misdemeanors and contraventions at governorate, province and city levels)
- courts of appeal (first instance court appeals; they are found in the capitals of the governorates)
- courts for felonies (based in Cairo, Alexandria, Tanta, Masoura, Baniawaff, Asyut)
- court of cassation (review court)

The most important informal mechanisms which influence criminal policy in Egypt stem from the principles of "Sharia Islamiyah" — Islamic Law. These principles lead to the strengthening of religious and social consciousness, which in turn, promotes anti-crime consciousness as manifested in the concern with crime prevention and moral behaviours against crimes committed by others and oneself. The social and criminal policy of Islam, aims at purifying society. Combatting crime and forming an anti-crime consciousness is the duty of Muslims. In Egypt people's religious consciousness greatly influences criminal policy and its implementation.

Reconciliation is one of the most important islamic legal institutes. It is based on the following premises:

- a) it saves human lives
- b) forgiveness is favoured instead of imprisonment

Egyptian formal criminal law recognises reconciliation as an institution but of more restricted magnitude when compared with its application in Islamic Law.

There are a number of crime prevention associations which are all based on religion and social duty to combat crime. These associations work in close collaboration with the police. In 1980 eight such associations were registered and attached to the Cairo Security Directorate. They are

also mutually connected through the operation of the Supreme Council for Crime Prevention.

Parallel to the formal state-based and Islamic justice system, there is also the Bedouin justice system. The Bedouin who live in oases and deserts have their own laws, customs and rules. In 1911 the State recognized the Bedouin legal system's autonomy, but in 1961 the jurisdiction of the state-based legal system was formally extended also to the Bedouin populated areas. Nevertheless, in practice, the Bedouin legal system is still operational, and the police relies on its structure for settling disputes among the Bedouin tribes and families. The following are the main characteristics of such autonomous legal order:

- a) the fine is the only punishment
- b) it is based on the principle of criminal liability
- c) there are specialized judges by types of disputes

The formal criminal justice system relies on the operation of informal mechanisms of crime control. Prevailing customs and values are of great significance for crime control potential in general, and it is noted that the police and other formal justice agencies use such structure in order to prevent and combat crime. Thus, since 1984, the police started supporting and creating reconciliation committees in rural areas.

The strength of the formal mechanisms should be relied upon and used to increase the efficiency of the crime control process.

INFORMAL MECHANISMS OF CRIME CONTROL IN THE FEDERAL REPUBLIC OF GERMANY

(Sebastian Scheerer)

The widespread resentment of the formal administration of justice, since the 1960s, is part of the anti-formal movement against an extremely formalized crime control system which marked, from the 19c. onward, the development of the German legal system. Weber's logically formal rationality was the most influential theoretical concept of the formalized legal culture. It was exposed to criticism from the "Interessenjurisprudenz", by Geny and Lambert in France, and the legal realist movement in the US. In Germany, critiques of the formal justice system should be seen also as part of an ever stronger discourse about the sins and fallacies of formalization that gained momentum in the late 19th century, and has not come to a halt. Yet even the movement towards informalism has lost some of the intellectual and working class support which it used to have. While informal justice has become rather popular with influential parts of the political establishment, negative evaluations arise from academic critics. A common criticism is that informal justice experiments were soon co-opted by the existing professional and power structures.

It is necessary to distinguish between informal agencies and informal mechanisms of crime control. The concept of social control may be further distinguished as active, reactive, formal and informal. Yet, such divisions are not clear-cut divisions, and reference to "semi-formal" and other inbetween differentiations may be useful. There are numerous interactions between formal and informal social control agencies. The most important systematic connection

is that for effectiveness, formal social control rests upon a web of informal mechanisms, while in the case of the formal agency's failure to ensure a proper reaction to deviance, informal agencies can take over completely or in part as functional equivalents.

Mechanisms applied to crime control vary in their respective degrees of (in)formality. The most formal mechanisms are those which are being executed by specifically set up, professionalized agencies with precise procedures. The most extreme of these are the highly informal "self-help of crime victims" organizations. In between one may find strictly "proceduralized" but non-professionalized crime control mechanisms and as in the rural communities in Africa, non-state modes of conflict resolution, and many others.

"Informal social control" may be defined as all acts of prevention of or reaction to undesired behaviour exerted by groups or organizations which are not primarily designed to control criminality (in the family, neighbourhoods, churches, schools, economic enterprise, etc.). There are other useful and interesting definitions and classifications, such as a distinction between professional justice (formal mechanisms) and a) collective justice, b) populist justice, and c) incorporated justice (informal justice). The following is the simple classification of informal mechanisms of crime control:

1) Autonomous Informality

Identifying those who make the 'rules' or 'decisions' with those who obey them

No determining links with the state or economic sub-systems (i.e. autonomous informality does not fulfill their functions)

No professionalization or expert culture

A wide range of evidence permitted

The goal is not the subsumption of a single case and the punishment of an individual, but the clarification of a situation

2) Incorporated Informality

- Hierarchic/segmented internal organization
- Little accountability to the parties concerned
- Wide discretion (against the 'offender')
- No or little public control
- The client is constituted as individual subject
- Factual extension of the state apparatus

Incorporated informal crime control is semi-autonomous or system based. It can be attached to the economic system. Factory justice ("Betriebsjustiz") is the example of such incorporated informal crime control. This is the internal administration of justice at the work place exercised not by the worker's collectivity, but by the management of the enterprise. Examples of incorporated informal crime control attached to the state apparatus are: juvenile diversion programmes and therapy in private institutions for drug addicts.

Autonomous informal crime control covers a range of mechanisms that handle deviant behaviours outside the realm of the formal criminal justice system and outside those informal mechanisms which were deliberately set up to deal with crime or are incorporated into and attached to the state's system of control or other social systems of control (economic, political, religious, etc.).

The sample of informal mechanisms of crime control shows different degrees of "informality"; while some large companies have set up special bodies to deal with offenses within the factory, the majority have not; while some have put up written regulations, others have not; while the treatment rules of private drug therapies are quite strict and some trial-like procedures have found access to their settings, informalism is so great in 'autonomous' informalism that it has so far been able to escape sociological attention.

While studies normally stress the lower level of professionalization in informal justice, this view must be dif-

ferentiated. If professionalization is restricted to juridical professionalization, this is of course a truism. But developments in many of the 'official' or 'incorporated' kinds of informalism are showing into the direction of a professionalization of a different kind (educational, medical, psychological).

Despite its appearance, incorporated private or informal justice is integrally bound up with formal mechanisms of crime control and could not exist without it just as formal mechanisms are greatly aided by the informal ones (Betriebs-justiz, drug therapy, etc.). Incorporated informalism is possibly a milder intervention than formalized law, but as it does not touch the rest of the mechanisms of crime control, its major effect would be an extension of state powers (net-widening-effect; or medicalization as the development of new dispositives of power).

Autonomous informalism is in a strained relationship with formalized mechanisms of crime control. The generalized attitude towards autonomous informalism is negative, as it is said to be irresponsible (lack of legal protection, association with mob justice in the sense of lynchings, i.e., populist forms of justice). Yet, if autonomous informalism is to be prevented from reaching too high a level of pain infliction, it must be seen as competing with the rigid mechanisms of formalized control, with the aim to reach better standards and more modern notions of justice in dispute settlements.

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⁵ In collaboration with the International Association of Judges.

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