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EUROPEAN CRIMINOLOGY AND EUROPEAN IDENTITY: SOME CONSIDERATIONS

The viability of a European criminology depends on whether there is such a thing as a *European identity*. Reactions to this question generally range from total incomprehension to sarcasm. 'Europe' is a misleading, ambivalent and dubious concept. Europe is the arena for an ongoing internal struggle, and this at most would be the source of its vitality.

What does 'identity' mean exactly? A provisional answer might be: a set of specific traits which distinguish us from others. This applies to nations and even to continents. Without other countries, there can be no national identity. In a vacuum, identity is meaningless.

We derive our identity from what George Herbert Mead termed "significant others". Our self-evaluation is guided by our striving for recognition by those who are dear to us, whether they are teachers, loved ones or criminological opinion leaders. In order to evaluate ourselves, we try to see ourselves through the eyes of significant others. As the philosopher Charles Taylor (1991) has pointed out, our self-image cannot exist without a critical dialogue. We define our identity in a continuing dialogue with, and often in a struggle against, the things significant others want to see in us. Recognition therefore must be gained through dialogue and exchange.

This means that, in order to define our identity, it is necessary to be in contact with others who are important to us, whose opinions we value. For this reason, it is not enough to define a European identity as a specific group of cultures; such pluralism is characteristic of several nations, regions and continents. From what must Europe distinguish itself? Who are those significant others without whom there would be no 'European identity'? Are they Russian, Japanese, Northern American? It is not difficult to point out differences between Europe and Asian cultures, and perhaps Russian culture, especially in the areas of religion and politics. But the US is more of a problem. If Europe cannot distinguish itself from the United States, it is senseless to talk about a European identity. We have to indicate why the US is different from Europe, because identity is a matter of comparing ourselves to others with whom we have much in common. Freud termed this the minor narcissism of differences (see Ignatieff 1999).

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Is a European culture conceivable in which Americans do not play a role? As long as the Dutch or the Swedish feel greater affinity with Americans than with the Portuguese or the Greeks, Europe will be a chimera. The French will undoubtedly reiterate their point of view that the difference lies in our European aversion to the American mass culture and its focus on 'instant joy'. But nothing could be further from the truth: Hollywood, Disneyworld and American pop music are irresistible; even the French have succumbed to them.

But that is no reason to cease all attempts at European self-profiling. To begin our search for a European identity, we can take as our basis two intellectual attitudes which can be found among the great humanist thinkers of the Renaissance, specifically Erasmus and Montaigne. First of all, scepticism and secondly the awareness of the permanence of 'evil'. The classical meaning of scepticism is questioning, pondering, and the awareness that every solution, every choice is fallible. This demands openness and a willingness to disbelieve conventionalism and docility, in ourselves as well as in others. Naturally, such an attitude can only thrive in a community that offers people freedom and autonomy and that is tolerant of deviant behaviour.

The second attitude is about the awareness that we are relatively powerless. Through accident, lack of knowledge, shortcoming or blind passion, we can lose our grasp of life or be forced to act in a way of which we disapprove. We can never predict or control everything: we are people, not gods. We must therefore show ourselves to be modest, but without relinquishing the search for better answers.

In a certain sense, these attitudes are not compatible with the culture of the United States. Although it has its origins in Europe, the sceptical and fallible intellectual attitudes of Erasmus and Montaigne, seem to have been shelved. Only through the Bible does America retain a certain link to the limitations of man. And even that is fading. The message of television preachers is illustrative of this: 'Wash away your sins and start again, every day if necessary'.

For vigorous individualists who were raised with a vision of unlimited possibilities and taught the frontier spirit, it is almost impossible to live with scepticism, to know your limitations and to exhibit intellectual restraint. Americans, firm believers in progress, consider ambiguity and vagueness an insult to reason. They want to hold the reins. The denial of powerlessness is almost an instinctive reflex. 'Prediction and control' is the maxim of the average American scientist.

This is countered by the salubrious scepticism of Erasmus and Montaigne, who place the modest claims of experience above the dogmatic assertion

of principles. They teach us that we cannot ask for certainty about anything, and that we can only gain by accepting the diversity of perspectives in a spirit of tolerance. Scepticism is not only a manner of dealing with uncertainties; it is also related to self-restraint. When we include doubt in our thoughts and our actions, our ambitions and plans become less conceited.

According to the German sociologist Ulrich Beck (1992), this scepticism can grow into a new critical programme. Scepticism sharpens our ability to see through claims to power. This doubt, says Beck, makes Montaigne's ideas highly applicable today, primarily because he shows us that doubt is free from despair. His doubt is not discouragement; on the contrary, it is encouraging to seek and to create, and it therefore has little to fear from the reproach that nothing is achieved through doubt and that doubt can only retard and obstruct.

In this way, Beck formulates an identity that can be termed European, although it is a limited intellectual identity. At best, we can think European in terms of this scepticism, but for the time being we cannot write poetry, dance or love as Europeans. Our feelings continue to be local or national: a Swede or a Dutchman probably feels closer to an American boogie woogie than to a Spanish flamenco.

So how do things stand with a European criminology? About the standard criminology manuals, the Dutch criminologist René van Swaaningen says, "it seems as if criminology has become a science for apathetic continental Europeans and animated Americans". But criminology has its roots on the European continent: until the 1930s, Lombroso and other biologically inclined criminologists and thinkers of the *Défense Sociale Nouvelle* were decisive for developments in criminology. When biological explanations for crime and methods to render repeated offenders harmless were introduced by the Nazis, this was in fact the end of the practice of European criminology. Continental criminologists allied themselves with the North American social science tradition, which was ideologically uncontaminated. After World War II, American criminology became freer and more creative, on the one hand because it did not have to bear the burden of two World Wars which weighed down many European criminologists, and on the other hand because the American sociologists were in a better position to look beyond the traditional dominance of criminal law contexts than were their European predecessors, who often had legal backgrounds (see Van Swaaningen 1997).

In a brief period of time – say, between Sutherland's and Merton's publications just after the war and the labelling and phenomenological research of the 1960s – American criminology blossomed as never before. The ap-

proaches that are now considered classical came to maturity then. In the last three decades, American criminology has moved more and more in the direction of functionalism. Much research is poor spirited, and journals are often filled with predictable and sterile articles. Hirschi and Gottfredson's *General Theory*, while thorough, is a veiled plea for social conformism, and Felson's routine activity theory seems only to accommodate environmental factors, not people. It is of great significance that new theoretical developments primarily come from Europe (e.g. Nelken) and Australia (e.g. Braithwaite).

The European practice of criminology has been carried away by these American developments during the last decades. Prevention and social control became the new magic words for a more and more policy-oriented criminology. Nonetheless, a large number of criminologists in European countries held on to normative forms of science, in the 1950s often based on existential philosophy, and from the 1960s onward in the form of radical Marxist-inspired thinking which was later to be termed 'critical criminology' (and in which abolitionism was a substantial undercurrent).

Post-war European criminology therefore continued to be more normative and often more critical than in America, in part because of war traumas. This reflection on the normative context of criminology gives European criminology a potential added value, but the question is whether critical criminology can still offer that value. Critical criminology had two major shortcomings: firstly, an absence of reflection on evil as a constant factor within *la condition humaine* as well as little eye for the individual responsibility of the offender; and secondly, the zealousness for reform in which new certainties, truths and false Utopian promises are held up and recommended.

The attractiveness of existentialist and personalistic thinkers of the 1950s was their emphasis on the person's own responsibility. The war experiences continued to make their effects felt: there was a need for mental reconstruction and social cohesion. An awareness of human shortcomings prevailed, but there was almost no spirit of dissent. As to the latter, Zygmunt Bauman can perhaps serve as a thinker who once again put the penetrating questions posed by existentialism on the agenda, but without the strive for societal consensus and harmony.

Bauman (1989) stresses that social conformism triggers criminal behaviour. The Holocaust was a machinery in which people accepted social norms unthinkingly. The disciplined soldiers, labourers and officials handed over their moral responsibility to a higher authority. It is not a lack of social stability that is dangerous, but the objective to overcome insecurity. And this formula is also instructive today, because our consumer society is again

obsessed with safety. The fear and anger that result from insecurity, are framed as problems of law and order (see Bauman's essay 'The Strangers of Consumer Era' (1995)).

In short, Bauman offers a revised existentialism, a morality of 'responsibility for' that must live with the insecurity of post-modern ambivalence and multiplicity. His work offers some points of departure for a European criminology that diametrically oppose the foolhardy positivism and determinism of Lombroso and the views on 'incurable criminals' within the *Défence sociale nouvelle*. At the same time its scepticism overcomes the utopian dreams of radical criminology ('building a just society free of coercion') and holds the door wide open for European diversities and singularities.

References

Bauman, Z., *Modernity and the Holocaust*. Oxford: Basil Blackwell, 1989.

Bauman, Z., The strangers of the consumer era: From the welfare state to prison. *Tijdschrift voor criminologie*, 37(3), pp. 210–218, 1995.

Beck, U., *Die Erfindung des Politischen.* Frankfurt: Suhrkamp, 1992.

Ignatieff, M., Nationalism and toleration. In: S. Mendus (Ed.), *The Politics of Toleration*. Edinburgh: Edinburgh University Press, 1999.

Taylor, C., *The Malaise of Modernity*. Ontario: Stoddart Publishing, 1991.

Van Swaaningen, R., *Critical Criminology: Visions from Europe*. London: Sage, 1997.

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