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Ethnic Diversification and Crime

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For a long time a (criminological) debate on the crime problem among immigrants was not possible in many European countries. It would have triggered racist actions and nationalistic policies. These are still strong arguments, but not strong enough to ignore completely the problems among immigrant groups. It might even be the other way around: ignoring the problems does not help integration but brings about the risk of stigmatising migrants as such—also the migrants who do succeed in finding their way in European societies. Ethnic diversification describes in a neutral way the actual situation in Europe. The crime problem in Europe cannot be understood anymore if this diversification is not included in the analyses. This is the rationale behind this issue of the European Journal on Criminal Policy and Research.
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EDITORIAL

Semantics do matter. This insight came up while the editorial committee was preparing this issue on crime problems among ethnic minorities in European countries. Over the last 30 years the population of many European countries has radically changed. Migrants from all over the world have become part and parcel of European countries, or better European culture. Multiculturalism has become the intellectual nominator to describe what has happened to Western civilisation with its long roots in Christian religion and humanist philosophy. Assimilation cannot be the aim of a culture with its emphasis on freedom of speech, meeting and lifestyle. On the other hand, a melting pot is not an attractive alternative if some kind of social cohesion and mutual trust is found to be essential in order to guarantee the economies of the welfare states. ‘Multiculturalism’ stresses the challenges which the new composition of the populations imply, but seems to underestimate the problems which happen to occur when new groups have to be included in existing cultures.

For a long time a (criminological) debate on the crime problem among immigrants was not possible in many European countries. It would have triggered racist actions and nationalistic policies. These are still strong arguments, but not strong enough to ignore completely the problems among immigrant groups. It might even be the other way around: ignoring the problems does not help integration but brings about the risk of stigmatising migrants as such — also the migrants who do succeed in finding their way in European societies. Ethnic diversification describes in a neutral way the actual situation in Europe. The crime problem in Europe cannot be understood anymore if this diversification is not included in the analyses. This is the rationale behind this issue of the European Journal on Criminal Policy and Research.

The hypothesis of the research reported by Josine Junger-Tas is that a lack of economic and social integration of ethnic minorities in our society can lead to criminal and antisocial behaviour. The first part of this article deals with the various dimensions of social integration into Dutch society, some of which are connected to characteristics of this society while others relate to the features of various ethnic groups. Attention is given to group differences in the integration process. Useful concepts in this regard include the level to which these groups have social, informative and cultural
capital that can help them to integrate into the society. The second part considers the theoretical links between integration and criminal behaviour. She attempts to develop a theoretical framework that could explain the different levels of involvement in crime between various ethnic groups and between individual juveniles in these groups. This framework draws on the separate theoretical perspectives: social control theory, specific aspects of strain theory, new developments in the ecological approach to crime and the possible impact of cultural and individual variables.

*Philip Muus* highlights some of the past and current trends in international migration towards European countries, and the developments in immigrant settlement, migration policies and immigrant labour market integration. A short definition of international migration is the movement of persons across national borders with the intention of settling in another country for a period of at least a year. Several types of migration are distinguished, including migration from (former) colonies, recruitment of ‘temporary’ workers, family reunification, asylum seeking, ethnic Germans, EU-migrants, highly skilled migrants, clandestine migrants, and East-West migration. The immigrant settlement and migration policies are also discussed.

*Godfried Engbersen and Joanne van der Leun* use various Dutch data sources to explain the relations that exist between illegality and criminality. They discuss the emergence of illegality as a social problem and the linking of illegality to criminality. In addition they focus on the illegal immigrants’ differential involvement in types of crime on the basis of data gathered for the *Unknown City* project—a project in the four largest cities in The Netherlands. The differential involvement will subsequently be explained on the basis of the extent to which illegal immigrants have access to the labour market and supportive networks, and on the basis of the implementation of the policies towards illegal immigrants.

Within Britain, the police use of powers to stop and search members of the public on the street has long been a source of controversy. At the centre of the debate has been the observation that those from minority ethnic backgrounds, particularly black people, are stopped and searched far more often than white people. *Joel Miller, Nick Bland and Paul Quinton* have recently conducted research looking specifically at the question of stop and search. Their article draws on this research to consider how the impact of stops and searches on the community can be reconciled with their use as a crime-fighting tool. Specifically, it asks the following questions: How do stops and searches impact on public confidence in the police? What role do stops and searches have in policing? Following from this, what steps can be taken to minimise their negative impact on the community and maximise their effectiveness against crime problems?
In the *Current Issues* section *Gerry Rice* and *Terry Thomas* explore the exchange of personal information between agencies working with drug users, and take as a case study the ‘Wintercomfort case’ concerning a day centre for drug users in Cambridge.

*J.C.J.B.*

*Themes in preparation:*
Illegal Products and Markets
Contours of a European Criminology
Social Policy and Criminal Justice Policy

Suggestions and papers are welcomed. See the inside cover for the editorial address and additional information.
ABSTRACT. This article first discusses various dimensions of the social integration of minorities into society. The Netherlands is taken as an example, although research from other countries (such as the US and Sweden) is also taken into consideration. Useful concepts in this regard include the level to which these groups have social, informative and cultural capital that can help them to integrate into the dominant society. The second part considers the theoretical links between integration and criminal behaviour. The author assumes that the fundamental causal processes that lead to the development of criminality and other negative behaviour are independent of country of origin, ethnic group or the country of residence. In other words - that these processes, as they emerge in social control theory, have a universal character. In the second place, she assumes that differences in crime between ethnic groups are linked to group differences in socio-economic integration in the host country and in culture-related variables. Furthermore, there are also differences in the criminality of allochthonous youth within ethnic groups. These are similarly assumed to be linked to differences in commitment to social institutions such as family and school and to differences in accepting specific Western norms and values.

KEY WORDS: antisocial behaviour, ethnic minorities, integration policies, neighbourhoods, social control theory

INTRODUCTION

This article contains both a scientific and a policy perspective. I was not driven solely by scholarly curiosity, but also by the hope that, in the future, we will find better ways of integrating ethnic minorities in the Netherlands, of avoiding ethnic tensions and conflicts, of reducing the over-representation of some groups in criminal statistics, and of increasing equality before the law. The basic hypothesis of the research is that a lack of economic and social integration of ethnic minorities in our society can lead to criminal and antisocial behaviour. The article poses a number of questions relating to this fundamental hypothesis.

The first part of this article deals with the various dimensions of social integration into Dutch society, some of which are connected to characteristics of this society while others relate to the features of various ethnic

*This article is part of a larger essay written at the invitation of NWO (Dutch Research Foundation).
groups. Attention is given to group differences in integration processes. Useful concepts in this regard include the level to which these groups have social, informative and cultural capital that can help them to integrate into the dominant society. The second part considers the theoretical links between integration and criminal behaviour. I have attempted to develop a theoretical framework that could explain the different levels of involvement in crime between various ethnic groups and between individual juveniles in these groups. This framework draws on the separate theoretical perspectives that we hope to connect: social control theory, specific aspects of strain theory, new developments in the ecological approach to crime and the possible impact of cultural and individual variables.

**Ethnic Groups**

What should we understand by the term 'ethnic minorities'? According to a definition of the UN Sub-committee for the Protection of Ethnic Minorities in 1952, minorities are “non-dominant population groups with stable ethnic, religious or linguistic characteristics and traditions that distinguish them from the rest of the population and that they wish to retain”. Another definition, also 50 years old (Wirth 1945), gives a stricter interpretation by referring to discrimination. According to this definition, a minority is “a group of people who, on the grounds of their physical or cultural characteristics in comparison to others in society, are subject to differentiating, unequal treatment and who thus regard themselves as the subject of collective discrimination”. Wirth proposes that the existence of a minority group in a society implies the existence of a corresponding dominant group possessing higher social status and more privileges. The status of minority entails exclusion from full participation in society (quoted in Yinger 1994).

The majority of Western countries have a number of ethnic minorities in their territories, including the following groups. Firstly, a number of relatively new nations such as the American continent, Australia and New Zealand have minorities descended from the original population within their borders. Furthermore, Western countries have always been in need of cheap labour and some ethnic groups are descendants from slaves imported for this purpose in the past. But by far the largest category of migrants comprises labour immigrants. Some groups were — and are still — recruited to meet the lack of (un)skilled labour, even today. Since 1950, 18 million immigrants have entered the United States, the majority of which have a non-European background. Around 15 million migrants came to Western Europe, most of whom were immigrant workers (Yinger 1994).
Southern Europeans were recruited by Switzerland, Belgium and the Netherlands. In the 1960s and 1970s, Turkish and Moroccan workers were brought in to work in such countries as Germany and the Netherlands. The majority of these immigrants have retained their original nationality.

Another important category concerns migrants from areas colonised in former times that move to the mother country generally in search of work and a better future. These groups (West Indians, Pakistanis and Bangladeshis in England and Surinamese in the Netherlands) often have the nationality of the host country. A growing group of immigrants wishes to flee poverty and unemployment. This is the case of the Mexican labourers in California most of whom do not have legal status (Maharidge 1996). In this regard it is important to note that, despite increasingly strict immigration laws, immigration based on economic grounds is still a gradual, continuous process to North America and Europe. This results in an increasing — and nigh impossible to quantify — number of illegal or ‘undocumented’ inhabitants in these parts of the world. In the Netherlands, a statistical method was applied, based on data on all registered arrests of illegal aliens in 1995 in the four major cities, giving a reasonably reliable estimate of the number of illegals staying there (Van der Leun et al. 1998). The illegals appeared to come from 120 different countries, the greatest groups being Moroccans and Turks. The estimate for the four major cities amounted to a minimum of 40,000 illegal aliens, the largest number (18,000) of which lived in Amsterdam.1 Finally, there are also those who, on political grounds, or because of oppression and war, have fled their country; a number of which return to their homelands once a democratic regime has come into power. In summary, ethnic minority groups can be characterised as follows:

- an ethno-cultural position different from that of the majority of the population;
- a low socio-economic position;
- groups that are too small-scale to have much (political) impact on policy;
- this unfavourable situation can continue for more than one generation.

The Integration of Ethnic Minorities into the Host Country

There are a number of concepts expressing certain policy requirements and processes with which a person becomes a full citizen of the host country. Assimilation is a term often used in American literature in particular. It

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1Rotterdam 11,000; The Hague 8,400 and Utrecht 2,600.
means that practically all immigrants belonging to a certain group are fully absorbed into the population of the host country, in the sense that their descendants are no longer identified with their forbears, that they feel full citizens of the host country and that their own culture has practically disappeared and has been absorbed by that of the host country (Glazer 1997; Lucassen 1997). Some feel that a national minorities policy should work towards this goal and that assimilation should be the final result of successful participation in the new society. However, although the majority of immigrants cannot be distinguished from the original population, this is by no means always the case. Some groups such as the Chinese, Japanese, South Koreans and, in certain respects, the Jews, attempt to maintain and defend their own cultural and religious features despite extremely successful economic and, sometimes, political integration.

Another concept is social adaptation, often used in the case of asylum seekers and defined as “an active process that demands the immigrant’s effort and initiative” (Martens 1995). Adaptation places the greatest burden of this process on the shoulders of the immigrant and seems blind to the fact that successful participation in the host country requires an interactive process between the host society and the immigrant.

A third concept is social integration. In this respect, a distinction can be made between various dimensions of integration such as structural integration, socio-cultural integration (Vermeulen and Penninx 1994), and political and legal integration based on the principle of the equality of citizens before the law.

**Structural Integration**

Structural integration refers to the position of ethnic minorities with regard to education, the labour market, income and housing. In all Western countries, radical changes have swept through the labour market, whereby industrial production has been overtaken by a service economy. The requirements of personnel imposed by the labour market in this sector mean not only higher qualifications but greater flexibility, more social and communicative skills and a greater ability to adjust — areas in which many ethnic youths are poorly skilled. The process of social exclusion is reinforced further by employers’ and personnel recruiters’ discriminatory stereotypes of ethnic staff. Confronted with this restriction of socio-economic integration opportunities, a number of young people from ethnic backgrounds reject some of the fundamental institutions in our society. They drop out of school early, work in irregular — and low-skilled — jobs or resort to crime.
The concept of structural integration fits well into what Entzinger refers to as 'the Emancipation paradigm' – a policy model that strives towards the collective strengthening of the economic position of ethnic minorities whereby their separate identity is respected (Entzinger 1996). This could also be called a 'proportionality model' because the goal is to arrive at an equal socio-economic position for all citizens, regardless of ethnic background or culture. In practice, this means that accessibility to social institutions should be improved so as to create equality of participation. In order to realise this and to reduce educational disadvantage and discrimination, long-term effort and support for ethnic minorities at national and local level is essential. Until recently, this was the dominant Dutch policy model.

In contrast to this model, however, Entzinger pits the liberal 'naturalisation paradigm' that assumes that the State offers all citizens equal access to social and economic resources. The essence of this paradigm is – in contrast to the proportionality model – that society equips all its citizens with the necessary skills to gain access to these resources. Ethnicity and cultural matters are seen as belonging to the private sphere and as such should not be the object of specific policy measures. In this individualistic model, the responsibility for improving the socio-economic situation of ethnic minorities is placed to a greater degree on their shoulders than on the State. In this regard, it closely resembles the Swedish 'adjustment model' (Martens 1995). It is this model that is currently replacing the former emancipation model and that will structure future policy in the Netherlands.

Socio-Cultural Integration

Socio-cultural integration involves participation in society’s institutions, the development of interpersonal contacts with members outside the group, and the degree to which the behavioural patterns of the host country are adopted. This process similarly implies the level to which the host country accepts the lifestyle and customs of ethnic groups (Lindo 1997). From another angle, Glazer believes that “the goal (of assimilation) is to make newcomers into citizens, to encourage them to take part in politics, to learn English, to break up immigrant colonies and teach them American customs [. . .]. This will lead to making immigrants better Americans” (Glazer 1997, p. 102). However, Glazer also remarks that the Americanisation and assimilation process fully excluded blacks until 1960, with disastrous effects in terms of segregation, employment, education, income and housing.

Socio-cultural integration can be measured by various indicators. Obvious indicators are segregation and language. Others are participation in
creative and social activities with non-group members, including inter-group friendship and marriage. Another important factor is the level to which fundamental Western values such as individual autonomy versus group loyalty, respect for individual human rights, equality of the sexes and Western views on fundamental values and goals in life, are accepted. Socio-cultural integration, however, is also highly determined by the acceptance of minority groups by the host country and by a certain tolerance for cultural differences. Both in Europe and the United States there are indications that long-term discrimination and exclusion mechanisms in the host country can result in a strong emphasis within groups of immigrants being placed on their difference in terms of religion, culture, education and language and even in forms of fundamental religious movements and terrorism.

Another response to exclusion and marginalisation can be the development of a criminal lifestyle. One illustration of this process is segregation, which encourages isolation whereby contact with the population of the host country is minimal. It discourages learning the language of the host country and thus reduces educational and career opportunities which in turn reduces interaction with the population and with the culture of the host country even further. ²

One of the indicators of socio-cultural integration is inter-ethnic friendship and another concerns the number of mixed marriages. This number differs strongly per ethnic group. 80% of the Italian migrant workers in the Netherlands married a Dutch partner, while the majority of Portuguese labourers sought a partner from their own group. The number of mixed marriages among the Surinamese is 40% (Van Heelsum 1997) which is testament to the considerably greater integration into Dutch society of this group compared to the Turks and Moroccans.

The importance of mixed marriages as a sign of socio-cultural integration is highlighted by a number of American statistics (Yinger 1994). This figure is 30–40% for the autotochtonal (native Indian) group and Asian immigrants while the large group of Latin-American ‘Hispanics’ varies from 15 to 50% depending on the group. Entering into a mixed marriage strongly depends upon the structural integration of the group. For example, only 13.3% of the first generation of Mexican-American men married a non-Mexican woman, while this figure was 23.4% for the second generation of Mexican men and 30.2% for the third generation. The per-

²According to Glazer, the black ghetto population in the US developed its own language which is related to, but differs significantly from the American English spoken by the members of the dominant society.
percentage was almost twice as high for men with high-status employment (40.4%) than for men with low-status employment (21.4%) (Mittelbach and Moore 1968). The only exception is again the black population with a percentage of mixed marriages varying from 2 to 6% (Yinger 1994; Glazer 1997).

**Political and Legal Integration**

Those emphasising the political and legal dimension state that ethnic minorities are considered second-class citizens by the government and citizens and as objects of discrimination and racism. To improve this situation, they argue for formal legal measures such as race laws, granting equal rights, reconsidering fundamental civil rights (freedom of religion), simplifying naturalisation procedures, granting political rights and special advisory bodies for ethnic minority groups on topics of particular importance to them (Galenkamp and Tempelman 1997).

A number of countries have developed specific laws following the American legal reforms, which have played an exemplary function. There is the Civil Rights Act of 1964 which assures equal rights for citizens; the Immigration Act of 1965, the Fair Housing Act of 1968 making discrimination in housing allocation illegal, and Affirmative Action which gave the black population in particular preferential treatment in the employment market (Glazer 1997). Canada introduced an Equal Opportunities Act which served as the model for a comparable Dutch Bill adopted by Parliament, which became law in 1994. The Dutch General Equal Treatment Act came into force in 1994 (Groenendijk 1998). In addition, Sweden and the Netherlands have granted limited political rights to foreigners resident in those countries for a considerable period, which allows them to take part in local elections. In the Netherlands, naturalisation has also been encouraged by simplifying the procedures and retaining the option of dual nationality.

However, the question is the extent to which these kinds of measures really stimulate integration. Some of these legal measures such as Affirmative Action have clearly resulted in positive advances (Bowen and Bok 1998) although the law provoked considerable resistance and has since been abolished in some American States.

**Group Differences in Successful Integration**

Some researchers feel that integration will occur anyway, regardless of any action taken—or not taken—to accelerate the process. They believe that it
is mainly a question of waiting until the problems of minorities resolve themselves (Glazer 1997; Martens 1995). For instance, Martens states that it takes immigrants in the Swedish welfare state 10 years to integrate into society. And according to Glazer, all groups of immigrants in the US – of which there are great numbers – ultimately become full American citizens in one or two generations, losing their own culture in the process. The only exception in this pattern is the black population, which has not yet become fully integrated.

The latter refers to an important empirical fact, namely the finding that some groups integrate considerably faster than others. Within one generation, they can scarcely be distinguished from the host country population in terms of economic, social and cultural aspects. Other groups are left behind, and live in segregated areas typified by poverty, unemployment, alcohol and drug abuse and crime. This is the case for certain groups of Algerians and Moroccans in France, Turks and Moroccans in the Netherlands, West Indians in England and blacks in the US. Furthermore, it is these groups that comprise the largest percentage of the prison population (Tonry 1995). Almost all other groups of immigrants have successfully been assimilated into American society (Yinger 1994). This even applies to Mexican Americans, despite their extremely low levels of education and vocational training on entering the country and despite the discrimination to which they are subjected. Nonetheless, they follow the normal integration process according to such indicators as language, training and mixed marriages. The same processes come into play for other Latin-American population groups. Only the black population remains lagging behind and scores exceptionally poor integration ratings.

In Western Europe there are comparable differences in the integration of minority groups. In Switzerland, Belgium and to a lesser extent in the Netherlands, large groups of Southern European workers entered these countries in the 1960s and 1970s and were put to work. Some of them – particularly the Portuguese – later returned to their homeland, but those who remained integrated with the host country society without many difficulties. One of the signs of this smooth integration process is shown by the fact that these groups are no more likely to become involved in crime than their indigenous counterparts (Junger-Tas 1976).

A Dutch study compared the integration of Southern European immigrants in the Netherlands with those of the Turkish group (Lindo 1997). In this regard, it is important to note that their initial respective economic situations were very similar: both groups came to the Netherlands at the start of the 1960s, the Southern European and Turkish fathers had similarly poor educational backgrounds and entered the country as migrant
labourers. The educational level and type of unskilled labour was also the same (Lindo and Penninx 1992). In fact, both groups had a similar position in the economic structure. At the end of the 1960s, both groups were still working as unskilled labourers in traditional industries. In the years that followed, however, a considerable number of Southern European workers improved their position. Some made the switch to the service sector, others improved their skills through re-schooling, and when the traditional industrial sector collapsed, they suffered less than their Turkish counterparts.

There are a number of factors that help to explain the relative success of the first generation of Southern Europeans. Firstly, their structural integration process ran more smoothly. Extra training probably led to less unemployment. This was far harder to realise for the Turkish groups because of a constant influx of new immigrants entering the country whilst the flow of Southern European immigration had stopped by this point. Cleaning jobs in the service sector did not mean economic progress but did mean that the Southern Europeans suffered less from unemployment. A second additional factor was that their housing situation was relatively good and, even more importantly, that the group was far less segregated than the Turkish group. A factor that had an impact both structurally and socio-culturally was the high participation in the labour market of first generation Southern European women in comparison to Turkish women, and the smaller size of Southern European families.

From the perspective of cultural integration it should be noted that they had a relatively open attitude to the dominant culture and even took the initiative in many cases to join Dutch socio-cultural organisations. This was not the case in the Turkish group that was characterised by strong internal social cohesion, effective social control mechanisms and an extremely critical view of Dutch culture. Southern European women were also successful in developing contacts with Dutch women both at work and in the community. Independently of the socio-economic situation of their parents or the type of marriage, the second generation Southern Europeans were particularly successful at school. Lindo suggests that this is mainly related to the high level of participation in the labour force by their mothers. Because of their contacts with the Dutch population, the mothers received a great deal of information about the Netherlands in general and the Dutch school system in particular, which equipped them to give their children more support and guidance in their school careers, leisure and sports activities. Without doubt, the equality of the sexes and influence of the mother on the children played an important role in the integration process.
However, it should be observed that the structural and socio-cultural starting point of the groups compared in the study were not as similar as first seemed to be the case. It is clear that, in comparison with the Turkish families, the Southern European families had a more positive attitude to learning new skills, and had more egalitarian views on the position of women—which is why women could play both an economic and parenting role—and were more open to the Dutch culture.

According to Martens (1995), whilst the integration of newcomers is not only completed within 10 years, the Swedish crime figures show that second generation immigrants commit less crime than the first generation. In this regard, the great diversity and the specific nature of the immigrants in every European country is a key factor. For example, two thirds of Sweden’s immigrants originate from other Scandinavian and European countries. The minor cultural chasm between these immigrants and the Swedish population—in some ways comparable to that of Southern Europeans in Switzerland, Belgium and the Netherlands—seems to play a significant part in explaining the favourable and rapid integration process.

**ETHNIC MINORITIES AND CRIME**

The criminological perspective in this article is essentially based on social control theory. This perspective was chosen based on the assumption that this theoretical perspective offers an adequate framework for researching delinquent behaviour among juveniles from ethnic backgrounds. The assumption is that the fundamental causal processes leading to criminality are independent of the ethnic culture or of the culture of the host country. We return to this explanatory model later. However, we added a number of key dimensions to the social control theory.

In the first place, these include aspects of strain theory that pays specific attention to social and economic structural variables forming the context within which many ethnic youths grow up. In recent research testing the theory, it was found, that structural factors may have a weak direct link to crime but primarily influence parenting skills and potential—in other words, social bonding factors (Sampson and Laub 1993). In addition, Sampson and colleagues (1997) and Wikström (1998) were the main players in breathing new life into the ecological approach of Shaw and McKay

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(1942) and their findings are interesting with regard to the situation of ethnic minorities in so-called ‘concentration areas’. Both dimensions were neglected by classic social control theory and should really be included in an explanatory model that is then put to the test. Finally, specific cultural and individual elements can impede successful integration in society and thus relate to crime. Below, we examine this model in further detail, indicating the extent to which we follow or reject classic strain theory and (sub)cultural theory.

Social Control Theory

Social control theory was developed in the 1950s and 1960s and was then systematised by Travis Hirschi (1969) and later considerably expanded (Sampson and Laub 1993; Samson et al. 1997; Wikström 1998; Sampson et al. 1999). The central question in social control theory is not why people violate rules but rather ‘why do people respect the rules and norms of society?’ The question inevitably implies a vision of the way that people function in society and the motives for human actions. According to Hirschi, every person has needs, desires and aspirations that are in themselves neutral. Everyone wants to have certain material goods, to be recognised by and share status with his equals, and to have a degree of safety. It is the way in which people try to achieve these objectives that can be antisocial. The relationship of the individual to society determines the degree to which he will respect norms and rules (Reckless 1961; Matza 1964). In this perspective, what people can win or lose by respecting the rules is essential.

The nurturing process designed to lead individuals to conform to societal norms is referred to as ‘bonding’ young people to society. In general terms, ‘bonding’ takes place via a two-part approach. Direct external control is exercised by means of consistent, informal social control of the behaviour of young people and negative responses to deviant behaviour. Indirect control operates through rewarding conformist behaviour and by so doing, gives youngsters an incentive to continue such behaviour. Some have referred to this as ‘commitment to conformity’ (Briar and Piliavin 1965). Powerful, internalised social controls are realised by the transferral of norms from both formal and informal social institutions such as the family, school, church, and youth club or sports club. To the extent that parents more emphatically represent conventional culture and the child has internalised these norms, it is protected against involvement in crime.

The internalisation of conventional values and norms is not a matter of course, however—a number of conditions must be satisfied. In the family,
this is the positive bond or relationship that develops between children and parents. But another important factor is that parents do understand what is required for their children to function well in society. In addition, they must be able to guide their children in this process — which is referred to as ‘monitoring’. Internal controls that are encouraged along these lines include self control, a positive self image, high frustration tolerance and a sense of responsibility (Reckless 1961). As far as the school and workplace are concerned, it is essentially school achievement and performance that determines involvement in conventional behaviour and plans for the future, and protects against antisocial activities.

In brief, young people who have good relationships with their parents, and succeed at school and work, stand to lose a great deal from involvement in crime and deviant behaviour. Such behaviour is very risky and involves enormous social costs: people could lose the respect of their family, may be rejected by their social environment or no longer be accepted by leisure or sports organisations. All these factors are coupled to a major loss of social status. If bonds with the family are weak and fundamental social sub-systems function poorly (school and workplace), if conventional norm-respecting behaviour yields no incentives in the form of respect, status, income and security, then young people will have scant regard for what society expects of them or for how they are perceived by conventional ‘others’. In such cases, a juvenile will only be motivated by what he sees as his own immediate interests. He will no longer feel bound or restricted by the values and norms of society and will feel free to attain his own goals through other — possibly criminal — means. Classic social control theory (Hirschi 1969) identifies four elements that structure bonds with society.

- Young people’s attachment to significant others. This means that internalising norms, also referred to as a conscience, take place through the bonds that the child has with persons important to him. As Durkheim said “we are moral beings to the extent that we are social beings” (Durkheim 1961). Significant persons are generally and in the first place the parents but could also be others such as a teacher or sports coach or a good friend.

- The commitment of young people to conventional subsystems. According to Hirschi this is the rational component of conformist behaviour. It means that, on the basis of ‘common sense’ considerations someone weighs up the pros and cons of delinquent and other high-risk behaviour. If these systems function well, the individual will receive great in-
centives in terms of money, recognition, respect and status. Ambitions and aspirations also reinforce conformist behaviour and make antisocial conduct increasingly high risk.

- The active functioning of the individual in conventional subsystems (involvement). The idea is that the more time, energy and attention given to this aspect, the less likelihood of considering antisocial behaviour.
- Belief in the moral values and norms and values of society. This belief assumes that the norms and values, although probably shared by most people, are supported to varying degrees. If bonding with the conventional order is weak, individuals will be more likely to turn to antisocial behaviour, regardless of the extent to which they support the values of society (in abstracto).

Social control theory is one of the most empirically tested criminology theories, both in the US and outside and is largely confirmed by the facts. Furthermore, there are indications that the theory also applies to population groups other than white (middle class) juveniles (Junger 1990) which renders it extremely effective for studying youngsters from ethnic minorities.

Although the term ‘social control’ is commonly accepted within the scientific community, it is strongly reminiscent of citizen-citizen control as though the external control mechanism is the pre-eminent tool used by society to ensure that its members behave in accordance with the law. This implication is unfortunate because obeying the law does not precede but greatly depends on the result of successful social, economic and cultural integration in society. By social and economic integration we understand this to be successful participation in economic and social life which means that people are employed, earn sufficient income, enjoy a certain status and take part in social and sports activities in the community. If we want people to follow the law they must derive certain gains from so doing. In other words, norm-conformist behaviour requires certain social and economic incentives that breaching the law cannot offer. Moreover, good integration requires reciprocity: positive social integration can only result from targeted action not only on the part of individual families, but on the part of government and institutions as well.

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4This is the reason I use the term integration in preference to adaptation (Martens 1995). Adaptation suggests that the efforts to function well in the host country must come exclusively from the side of the immigrant while integration also assumes the commitment of the host country.
The Social Context: Strain Theory and the Ecological Approach

A substantial criticism against social control theory is its micro and meso character. The social control theory as developed by Hirschi (1969) is restricted to the immediate environment of the young people and does not include the broader perspective of the socio-economic organisation of society. Thus, the theory takes no account of the given fact that families and children live under extremely disparate social and economic circumstances (Box 1981; Kornhauser 1978). The social class and ethnic structure of society and its geographic distribution are barely involved in considerations.

The strain theory developed by Merton (1957) and further elaborated by Cloward and Ohlin (1960) is based in essence on the idea that, if children are taught that the most important thing in life is social success – expressed in wealth, possessions and social status – and these children are then denied the opportunity of reaching these goals through legally prescribed routes, tensions and frustrations will result in children attempting to reach these goals by any routes open to them, including crime if necessary. Criminality is then seen as a response to frustrated social objectives, assuming that social bonding processes are constant but that strain and stress factors vary. However, this basic idea is not supported by empirical research. Moreover, “people don’t need to be indoctrinated by their culture to want more comfort, more economic security, the recognition of their equals and more control over their lives” (Kornhauser 1978, p. 169). Although it has been shown that socio-structural background factors are crucial, the assumption is, as shown by Laub and Sampson (1993), that they relate to crime in indirect ways, via social bonding processes.

Kornhauser indicated the importance of the ecological approach, stating that in disintegrated neighbourhoods, residents are not capable of realising their shared norms and values because they cannot exercise the social control required to do so. Given that the environment and living conditions of families can have a great impact on the ability of parents to bring up their children, on the successful participation of their children in social institutions and thus on their social bonding with society (Sampson and Laub 1993), the lack of this dimension in classic social control theory is a shortcoming. In this sense, social control theory is far more a sociopsychological than a sociological theory.

Recent research has also thrown more light upon the impact of neighbourhood variables on crime (Sampson et al. 1997). This is based on the concept of ‘collective efficacy’ or social control that connects social cohesion in a neighbourhood, as a function of mutual trust and solidarity,
with the willingness of people to enforce norms of behaviour. Sampson and colleagues analysed the connection between living in disadvantaged neighbourhoods with a significant turnover of the population and the amount of violent crime, in 343 districts of Chicago. The research is of immense importance because 8,782 local residents were personally interviewed at home so that the informal social control of children, social cohesion and victim levels in the area could be measured. Neighbourhoods varied in levels of poverty and ethnicity of residents, numbers of immigrants, labour market, age, family structure, family, house ownership and population stability. The research showed that a large number of socioeconomic disadvantages in the area, concentration of minorities and a large turnover of population related negatively to social control in the community and positively to the level of violent crime. Further analyses demonstrated that other social factors such as local services, friendship and family ties bore a negative relation to the levels of violence. The extent of social control exercised (collective efficacy) was, however, the strongest predictor. The survey also showed that social control, far more than ethnicity, is a mediating variable in disadvantage. In a further elaboration of this data, particular attention was given to the way in which social control of children in a neighbourhood takes place (Sampson et al. 1999). The basic starting point is that social control of children is not simply exercised by their parents and within the family but also through what Coleman calls “social capital” (Coleman 1988). This is not a characteristic of individual persons but relates to the social organisation of the neighbourhood that comprises three dimensions.

The first dimension could be referred to as *intergenerational closure*. This means that the parents, apart from numerous contacts with their children, also maintain contact with other parents in the area, particularly with the parents of their children’s friends. The second dimension is *reciprocated exchange* which refers to the content of exchanges between parents (they may give each other material support but also information on childrearing and so offer each other and their children social support). The third dimension refers to *informal social control and mutual support*. The authors emphasise that this not only involves shared norms relating to acceptable child behaviour but determines willingness to enforce these norms if required. This does not require local residents to have strong personal ties — it is sufficient that people share specific standards regarding local behaviour and a pleasant community and are prepared to take action to maintain these norms and values. It is clear that the ability of communities to realise such quality of life varies. For example, the problem with regard to disadvantaged communities with a concentration of negative
factors means that poverty, minority status and single parenting can lead to isolation. This means that social resources, as described above, remain inaccessible and people's lives are dominated by (economic) dependence, suspicion, fear of strangers and fear of crime. In such districts, it is extraordinarily difficult to exercise effective social control of children in a collective process. So it should be no surprise that the research discovered considerably more contact and exchange between parents—thus more social control—in stable and affluent areas than in poor, segregated areas.

Although criminological studies have demonstrated that communities differ with regard to crime figures, the question as to whether this is due to a concentration of criminal individuals in certain areas or—at least partly—to factors relating to the community context, has received no clear answer. In an attempt to answer this question, Wikström (1998) researched the association between a number of individual risk factors (lack of parental supervision, lack of school motivation, delinquent friends and a positive attitude towards delinquency), a number of characteristics of the neighbourhood (SES and the presence of subsidised housing) and serious crime (car theft, burglary, strong-arming, serious threats, forced sex and drugs selling). Wikström's results are shown in Table I. As expected, more youngsters in poor rather than prosperous districts were found to have little parental supervision, delinquent friends, a negative attitude towards school and a positive attitude towards delinquency.

There seems to be a clear link between the number of risk factors and serious criminal behaviour in all neighbourhoods with the exception of one. In disadvantaged districts with subsidised housing, no relationship was found between the number of risk factors and serious delinquency. This means that in these areas, the impact of neighbourhood factors on the behaviour of youngsters is considerably stronger than that of individual risk factors. This influence is particularly strong if there are no, or only one or

<table>
<thead>
<tr>
<th>Individual risk factors</th>
<th>Neighbourhood characteristics</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td>High</td>
</tr>
<tr>
<td>0</td>
<td>3.4</td>
</tr>
<tr>
<td>1—2</td>
<td>32.8</td>
</tr>
<tr>
<td>3—6</td>
<td>56.3</td>
</tr>
</tbody>
</table>

two, high risk factors. If there is a number of high risk factors, there is no difference in criminality between communities.

The results suggest that there is a number of neighbourhood factors that, if there is sufficient concentration, can have enormous impact on the behaviour of young people. Here, it should be noted that the influence depends on the presence of possible risk factors in the child and in the family. These results are of great importance for research on the high crime figures among ethnic groups, in particular in the light of increasing segregation processes in European cities. A concentration of a run-down area, poverty and lack of prospects results in growing isolation in society (Wilson 1987). Given that people no longer believe in the inherent rightness of the system, central values such as a good education, hard work, ambition, honesty and independence are no longer accepted (Rank and Hirschi 1988). Contacts with young people of ethnic backgrounds bring frustrations, bitterness and anger to the fore. Living on social benefits, antisocial and criminal behaviour are seen as acceptable forms of calculating, profit-seeking behaviour and not as ways of life to be avoided.

**Individual Factors**

It was argued earlier that social bonding and integration must be learnt and are influenced by important structural background and community factors. However, this also applies to the individual children and young people exposed to the socialisation processes of family, school and peer group. They are not clean slates, bringing with them a range of individual and situational characteristics. During the last 10 to 15 years, much research has been conducted into the influence of individual and family factors that can form a risk to the development of delinquent and problem behaviour (Loeber and Dishon 1983; Farrington 1986, 1987, 1988; Loeber and Stouthamer-Loeber 1986; Farrington and West 1990; Hirschi 1994). In this respect, a key question is just how far we can explain later unfavourable results directly because of individual high risk factors or the intervention of social bonding processes.

A number of individual high-risk factors are entirely or partially innate such as temperament, impulsiveness, intelligence and hyperactivity (ADHD). Moreover, some factors such as aggressive behaviour and antisocial behaviour at an early age are very stable qualities that have great impact on later behaviour (Olweus 1979; Huesmann et al. 1984; Loeber 1991). These factors can result in behavioural problems in the family and to learning problems and problem behaviour at school (Barnum 1987). This disturbs the bonding or integration process made explicit in social control
theory which could lead to antisocial behaviour and various types of high-risk behaviour. Although the scientific community agrees that inherited factors bear a weak relationship to delinquency at best (Rutter and Giller 1983; Loeber and Stouthamer-Loeber 1986), antisocial behaviour at school can, for example, mean that children are rejected at school with a poor school career as a result. This failure makes them susceptible to associating with other marginalised and deviant friends as well as psychosocial disturbances such as depression (Patterson 1994).

It is certainly not the case that all children suffering from behavioural problems will later develop delinquent behaviour. The majority of children ‘grow out of it’ on reaching adulthood. However, certain unfavourable circumstances can be identified such as when children exhibit problem behaviour on more fronts, both at home and school — when the problem behaviour is frequent and intense and when children exhibit various types of antisocial behaviour — such as theft and aggression (Loeber 1987, 1991). Where individual and situational variables are concerned, we assume that these influence, and are influenced by, social bonding processes in the family and with school, friends and leisure activities. It is also possible that these factors have a direct impact on antisocial and problem behaviour.

The Cultural Dimension

Up to now, criminological factors have been discussed that are unrelated to specific ethnic cultures, and may form a universal framework. Finally, we shall now discuss a number of (sub)cultural theories that pay attention to the differences between ethnic groups.

The (sub)cultural theories assume that in our highly differentiated and heterogeneous society many conflicting subcultures exist, each with their own value systems. In some cases, that system will contain values regarded as criminal by the ‘dominant’ culture. However, the members do act in accordance with the values and norms of their own subculture (Sellin 1938). These theoreticians assume that man is so elastic and flexible that culture can make ‘everything out of him’. Later, Sutherland and Cressey (1955) also assumed that crime is the result of conflicts of values, not of interests. Young people supposedly develop into delinquents through many repeated and intensive interactions and integration in groups with a delinquent value system. But this approach seems too simplistic.

Although empirical research has shown that delinquent peers play a considerable role in causing criminal behaviour, this is not the only, and probably not the key explanatory factor. In this regard, Kornhauser points
out that this way of thinking does not distinguish between culture and social structure: conflicts are not created by clashes between cultures but by the differential distribution of such things as power and wealth over different social positions (Kornhauser 1978, p. 37). However, it is true that culture-related variables can have an indirect impact on the development of crime because their influence on the socialisation process can increase problems in the social integration of young people into the community.

From this perspective, important values include traditionalism – for example in religious beliefs – versus modernism, respect for authority versus democratic decisions, individualisation versus group loyalty, views on achievement at school and at work, ambitions and aspirations, discipline and postponing immediate gratification, views on marriage and the role of women in public life. In this respect, the assumption is that differences in social and economic participation and in culture-linked variables between the host country and migrant groups and within these groups, may contribute in explaining differences in criminal participation.

Cultural views are of course not static, they change under the influence of the environment and living conditions. Pels (1998), for example, indicates differences in opinions on parenting between first generation Moroccan mothers and those of younger generations which make her somewhat optimistic with regard to future developments. However, her study does not explain the lack of supervision and control of young children and of adolescents (Junger and Steehouwer 1990; Van der Hoek 1994). With respect to the development of criminal behaviour, supervision is extremely important parenting behaviour (Hirschi 1969; Rutter and Giller 1983; Riley and Shaw 1985; Farrington 1986; Junger-Tas 1988).

Educational research also shows the extent to which the views and behaviour of Turkish and Moroccan parents on the respective role of family and school and the Dutch language, can influence their children’s school career. Factors relating to success in junior school education – followed by secondary education – include the openness of the family to Dutch society, stimulating contacts with Dutch children and speaking the Dutch language, using cultural facilities such as the library, attending a mixed school—rather than a ‘black’ school—and having good contacts with teachers (Crul 2000). This is of equally great importance in the light of the finding that failure at school is a strong predictor of delinquency. Veenman (1996a, b) found that Turkish youth were often not encouraged to learn because it is more important for young Turkish males to find work to support a family than to continue their education. This resulted in a huge
number of early school drop-outs who endured higher rates of unemployment and some turned to crime to supplement their income. For Moroccan youth, the worlds of parents and children are emphatically separate (Pels 1991; Van der Hoek 1994). Children at primary school spend a great deal of time with their peers without any adult supervision. As a result, they have far greater freedom than Dutch children. Moreover, parents feel that when young men (as opposed to girls) enter puberty, this marks the factual end of parenting.

The enormous freedom goes hand in hand with a hedonistic youth culture. Participation in that culture entails considerable financial costs pressuring youth to leave school early to generate income either on the black market or by means of criminal activities. Matza (1964) described this as a ‘drifting’ process whereby the lack of formal social control of boys—as opposed to girls—results in truancy, school drop-out, boredom and hanging around with other marginalised youth. Committing ‘minor’ criminal acts is encouraged and boys quickly learn that there are alternatives to employment that generate a reasonable income. The immense group pressure to take part in the consumer youth culture facilitates this process (Elliott and Menard 1996). Motorbike and bicycle theft, fencing stolen goods, and dealing in drugs are popular criminal activities whereby drug-dealing in particular guarantees a substantial income. Criminal activities rival normal employment because they have a higher short-term yield. The criminal lifestyle will only be abandoned once the cost–benefit balance is negative, for instance because of repeated detention or when it jeopardises a permanent relationship or future marriage.

In a re-analysis of her original self-report survey among Moroccan, Turkish, Surinamese and Dutch youth, Junger et al. (forthcoming) researched the extent to which a number of social control variables such as a certain traditionalism (opinions about the participation of girls in education, the degree to which the family speaks Dutch and the question of whether one expects to return to the homeland) and religiosity (following dietary rules, compliance with Ramadan and visiting the mosque) are related to serious and violent behaviour and to police contacts. The analysis showed that young people in families typified by numerous conflicts and little supervision and communication, who experience behavioural problems at school, and who see crime as less serious, are less traditional and religious and spend a great deal of free time outside the home, commit more serious crimes than juveniles to whom this does not apply. A striking result is that the variable ‘ethnic group’ added no explanatory variance to predicting serious crime.
The question is where do the theoretical notions and concepts and the empirical tests that they gave rise to, actually lead. In other words, how can they form a touchstone for greater understanding of the parenting and societal processes responsible for a disproportionate number of members of ethnic groups becoming the 'losers' of our society — as school drop-outs, unemployed, criminals and victims of crimes and physical and mental illnesses. If the government wishes to take more effective action in this area, it is crucial to arrive at a clear understanding, not only of possibly isolated causes explaining why juveniles go off the rails but of the interrelatedness and interactions of these causes. Hence the attempt to arrive at an insightful, clear and integrated theoretical model that builds on the empirically tested theories outlined above and on relevant empirical findings drawn from anthropology, sociology and psychology (see Figure 1).

In the first place, we assume that the fundamental causal processes that lead to the development of criminality and other negative behaviour are independent of country of origin, ethnic group or the country of residence. In other words, we expect that these processes, as they emerge in the social control theory, have a universal character.

In the second place, we assume that differences in crime between ethnic groups is linked to group differences in socio-economic integration in the host country and in culture-related variables. Furthermore, there are also differences in criminality of allochtonous youth within ethnic groups. These are similarly assumed to be linked to differences in commitment to

![Figure 1. Theoretical model of structural background variables, individual variables, social bonding processes and dependent variables.](image)
social institutions such as family and school and to differences in accepting specific Western norms and values. This means that stronger social bonding and a certain acceptance of Western norms and values will go together with more social integration and less crime, while poor bonding and the rejection or selective acceptance of fundamental Western values such as a combination of school drop-out and the simultaneous wish to participate in the consumer youth culture, will go hand in hand with more delinquency. The area in which juveniles live can play an important role because neighbourhoods differ in social cohesion, thus in the level to which they can exert informal social control on the children and young people living there and similarly in offering them the opportunity of obtaining a legal or illegal income.

Furthermore, based on the research data of Sampson and Laub (1993) and Sampson et al. (1997), we assume that structural social, economic and demographic factors are not directly linked to crime but that this link is indirect and is forged via the nature and scale of social bonding processes.

Finally, we expect that individual and situational factors are directly linked to criminal behaviour and also via the intermediate role of social bonding processes. These hypotheses led to a conceptual model as shown in Figure 1, whereby the arrows indicate the direction of the supposed relationships, as well as possible interactions. In addition to crime, dependent variables include high-risk behaviour such as excessive alcohol consumption, gambling and drug use and falling victim to crimes.

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PHILIP MUUS

INTERNATIONAL MIGRATION AND THE EUROPEAN UNION, TRENDS AND CONSEQUENCES

ABSTRACT. Member States of the European Union (EU) have undoubtedly changed into de facto countries of immigration. Since the upswing in migration in the late 1980s, net migration for the 15 EU Member States together has not been below 500,000. This article first focuses on trends in international migration (such as migration from former colonies, recruitment of temporary workers, and East-West migration) and special groups of immigrants (such as ethnic Germans, asylum seekers, and clandestine migrants). The second part of the article pays attention to immigrant settlement and migration policies, especially focusing on the European Union (trafficking and smuggling of humans, and the integration of migrants on the labour market). Detailed comparison of international migration flows is seriously hindered by a complexity of different national registration systems, and different countries display differences with regard to type and history of migration, country of origin, size of migration flows and immigrant populations.

KEY WORDS: asylum policies, immigrants, labour market, migration, statistics

INTRODUCTION

Europe changed from an area of emigration towards the New World into an area of immigration in the second half of the past century. Decolonisation, a temporary but massive need for low- and unskilled workers, wars and political suppression, the end of the Cold War, and the reunification of Germany, have led to a variety of migration movements towards and inside Europe (Muus 1993; Salt 1998; Coleman 1999). At the start of the new millennium the European migration debate is about the need for replacement migration given the rapidly ageing and declining populations, about the need for (highly-) skilled workers, about clandestine migration and the abuse of asylum, and about how to fight the trafficking of migrants. If we take a closer look at the individual 15 Member States of the European Union we witness a mosaic of migration movements and of resident immigrant populations, and a mosaic with a view to type and history of migration, country of origin, size of the migration flows and immigrant populations. This article will highlight some of the past and current trends in international migration towards European countries, and the develop-
ments in immigrant settlement, migration policies and immigrant labour market integration.

**INTERNATIONAL MIGRATION, TYPES AND TRENDS**

A short definition of international migration is the movement of persons across national borders with the intention to settle in another country for a period of at least a year. Detailed international comparison of international migration flows is seriously hindered by a complexity of different national registration systems. Here we refer to the major trends and estimates given by EUROSTAT (1999, 2000) and the SOPEMI (Continuous reporting system on migration) system of the OECD (Organisation for Economic Co-operation and Development, 1999).

Figure 1 shows that international migration towards and from the current 15 Member States of the European Union has resulted in an annual net migration (immigration minus emigration) pattern, which shows important variations in time, but has been above 500,000 for the whole area since 1988. Behind these data we find a complexity of (national) patterns. The most important will be highlighted.

![Figure 1. EU 15 total net migration, 1960–1999.](source: EUROSTAT, European social statistics Migration, table A-1. 1993-1998 provisional data; 1999 estimate EUROSTAT in: Statistics in focus, population and social conditions, theme 3-15/1999)
Migration from (Former) Colonies

Former colonial powers such as France, the UK but also the Netherlands and to a minor degree Portugal and Belgium, have been confronted with migration flows from their (former) colonies, partly as a consequence of decolonisation. The UK received migrants from the Caribbean and the Indian sub-continent; France witnessed a massive inflow in the early 1960s from Algeria; and the Netherlands became, from the early 1970s onwards, a settlement country for a large proportion of the small population of Surinam, having already received a major wave of repatriated Dutch and others from nowadays Indonesia in the 1950s.

Recruitment of 'Temporary' Workers

In the 1960s until the 'oil crisis' in 1973 several Northwestern European states received a large number of predominantly low- and unskilled male workers from the Mediterranean countries. Portuguese, Spaniards, Italians, Yugoslavs (here from former Yugoslavia) and Greeks, along side Turks, Moroccans, Algerians and Tunisians headed for vacancies on the labour markets in Germany, France, Switzerland, Belgium and the Netherlands. Each destination country had its own particular relationship with a few of the dominant labour sending countries: Germany with Turkey, France with the Maghreb and the Iberian peninsula, Switzerland with Italy and Spain, Belgium with Italy and Morocco, and the Netherlands with Turkey and Morocco. But most destination countries also received workers in lower quantities from the other sending countries. The UK recruited workers in its former colonies. Sweden received large numbers of Finnish workers, who could move easily within the Nordic free movement area. While recruitment was in most countries halted in the mid-1970s, return rates of the workers were low, specifically among workers from current non-EU countries. Many of the labour migrants from Southern European countries returned home, specifically to countries such as Spain, Italy and Greece. These higher return rates were caused by important improvements in the economies back home, the return to democracy (Spain, Greece, and Portugal) and the existing or forthcoming membership of the European Community. Gradually, Southern European countries started to show positive net migration figures, partly due to the return of the former labour migrants but partly due to an increase in migration from non-European destinations.

Family Reunification

Migration from former recruitment countries, specifically from the Maghreb and Turkey, continued after the recruitment policies were halted. Migra-
tion continued under a new heading. Those who were allowed to stay chose a more permanent stay and many of them opted for (partial) family reunification in the countries of destination if policies allowed them to do so. Later this follow-up migration was, and is still to be, seen among their adult children who may bring their marriage partner over to the country of destination (family formation).

Asylum Seeking

In the mid-1980s most of the Northwestern European countries experienced a new type of migration that within a number of years increased to become a major potential inflow of immigrants. Individuals from problem areas all over the world started to apply for asylum in Europe. Figure 2 shows that a number of countries within the current EU received a disproportional share of all asylum seekers. Germany was and to a certain extent still is, the dominant destination country for asylum seekers. The other important destination countries in the EU are France and the UK, and population-wise, smaller countries such as the Netherlands and Sweden (see Table I).

Interestingly, we can note not only a disproportional share of asylum seekers between EU countries; but also that the country of origin of asylum seekers differs greatly between those countries (Böcker and Havinga 1998; UNHCR Statistics 2000). In 1999 the top two countries of origin of asylum seekers for a number of European destination countries still shows important variations (see Table II).

TABLE 1

The relative proportion of asylum seekers (year 1998) in the population of receiving EU Member States (1-1-1998) (per 1,000 inhabitants).

<table>
<thead>
<tr>
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<tbody>
<tr>
<td>Belgium</td>
<td>21,965</td>
<td>10,192,300</td>
<td>2.2</td>
</tr>
<tr>
<td>Denmark</td>
<td>5,699</td>
<td>5,294,900</td>
<td>1.1</td>
</tr>
<tr>
<td>Germany</td>
<td>98,655</td>
<td>82,057,400</td>
<td>1.2</td>
</tr>
<tr>
<td>Greece</td>
<td>1,990</td>
<td>10,511,000</td>
<td>0.2</td>
</tr>
<tr>
<td>Spain</td>
<td>6,639</td>
<td>39,347,900</td>
<td>0.2</td>
</tr>
<tr>
<td>France</td>
<td>22,374</td>
<td>58,726,900</td>
<td>0.4</td>
</tr>
<tr>
<td>Ireland</td>
<td>4,530</td>
<td>3,704,900</td>
<td>1.2</td>
</tr>
<tr>
<td>Italy</td>
<td>6,940</td>
<td>57,563,400</td>
<td>0.1</td>
</tr>
<tr>
<td>Luxembourg</td>
<td>1,709</td>
<td>423,700</td>
<td>4.0</td>
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<td>Netherlands</td>
<td>45,217</td>
<td>15,654,300</td>
<td>2.9</td>
</tr>
<tr>
<td>Austria</td>
<td>13,805</td>
<td>8,075,400</td>
<td>1.7</td>
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<tr>
<td>Portugal</td>
<td>355</td>
<td>9,957,300</td>
<td>0.0</td>
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<tr>
<td>Finland</td>
<td>1,272</td>
<td>5,147,300</td>
<td>0.2</td>
</tr>
<tr>
<td>Sweden</td>
<td>12,844</td>
<td>8,847,600</td>
<td>1.5</td>
</tr>
<tr>
<td>United Kingdom</td>
<td>46,015</td>
<td>58,185,000</td>
<td>0.8</td>
</tr>
</tbody>
</table>

EU-15               | 288,757                | 374,582,800                      | 0.8                                              |

Source: European Communities (2000).

*aAsylum seekers: Belgium: excluding dependent children; Denmark: excluding applications outside Denmark and rejected applications at the border; Spain: excluding dependents, 1998 estimate; France: excluding dependents and some accompanying adults; Ireland: rounded figures; Italy: excluding dependent children, rounded figures; Austria: 1998 estimate; EU-15: 1998 estimate.

*bPopulation: France: calculated on the basis of the 1990 census; Austria: calculated on the basis of the 1991 census; United Kingdom figure for 1-1-1997; EU-15: estimate.

*Ethnic Germans*

A specific case should be made for a major migration flow to Germany: the 'return' of ethnic Germans. Under Basic German law, former German settlers and their descendants in Central- and Eastern European countries and the former Soviet Union are entitled to German citizenship upon arrival in Germany. The lessening of emigration restrictions for these categories in the weakening East Bloc caused an important upheaval with the arrival of hundreds of thousands of ethnic Germans, starting in the late 1980s and reaching a peak of nearly 400,000 arrivals in 1990. Since then the yearly numbers have gone down, but have remained at over 100,000 yearly.
TABLE II
Top 2 countries of origin of asylum seekers per selected European destination country in 1999.

<table>
<thead>
<tr>
<th>Receiving country</th>
<th>First country of origin (in percentages)</th>
<th>Second country of origin (in percentages)</th>
<th>Total asylum seekers (absolute)</th>
</tr>
</thead>
<tbody>
<tr>
<td>Austria</td>
<td>Yugo. FR 34</td>
<td>Iran 17</td>
<td>20,130</td>
</tr>
<tr>
<td>Belgium</td>
<td>Yugo. FR 13</td>
<td>Romania 5</td>
<td>35,777</td>
</tr>
<tr>
<td>Denmark</td>
<td>Iraq 28</td>
<td>Slovakia 49</td>
<td>6,467</td>
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<td>Finland</td>
<td>Slovakia 49</td>
<td>Poland 10</td>
<td>3,107</td>
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<tr>
<td>France</td>
<td>China 17</td>
<td>Yugo. FR 8</td>
<td>30,833</td>
</tr>
<tr>
<td>Germany</td>
<td>Yugo FR 33</td>
<td>Turkey 10</td>
<td>95,331</td>
</tr>
<tr>
<td>Netherlands</td>
<td>Afghanistan 11</td>
<td>Iraq 9</td>
<td>39,300</td>
</tr>
<tr>
<td>Spain</td>
<td>Algeria 16</td>
<td>Romania 12</td>
<td>8,405</td>
</tr>
<tr>
<td>Sweden</td>
<td>Iraq 32</td>
<td>Yugo. FR 16</td>
<td>11,231</td>
</tr>
<tr>
<td>Switzerland</td>
<td>Yugo. FR 64</td>
<td>Iraq 4</td>
<td>46,133</td>
</tr>
<tr>
<td>UK</td>
<td>Yugo. FR 20</td>
<td>Somalia 11</td>
<td>71,415</td>
</tr>
</tbody>
</table>

Source: UNHCR statistics 2000; provisional figures (www.unhcr.ch/statist/0002euro/tab05d.htm).

**EU-Migrants**

This category of migrants usually gets much less attention from researchers and the media because of its supposedly less problematic character. The increase in the free movement rights for EU citizens within the European Union does not seem to have led to a major increase in mobility within the EU. Simon (1990) concluded that the high mobility figures within Europe of the 1960s and early 1970s have not been reached since then. Recent figures (1997) on the relative proportion of EU citizens in the total immigration and emigration of foreigners in EU countries, show that immigration of EU citizens is relatively important in Belgium, Luxembourg, Ireland and Portugal (all more than 50% of all foreign immigrants), but also that the return of EU citizens is far above that of non-EU nationals (EUROSTAT 2000). Most EU countries have migratory relations with neighbouring countries.

**Highly Skilled Migrants**

A minor flow of migrants consists of highly-skilled personnel, both from within and outside the EU. It is partly made up of intra-company transferees, moving within transnational corporations. Its economic significance outweighs the small numbers involved (Salt 1998). Recently, the numbers of high-skilled migrants from non-EU countries have increased in a number of European countries. Available data are scarce, but for the UK in the 1990s...
there was a noticeable upward trend in permits for the highly skilled (OECD 1999). The Netherlands experienced an increase in work-permits for non-EU foreigners at the end of the 1990s, and whilst the numbers may be small, new types of immigrants become visible such as ICT experts from countries like India and South-Africa (Muus 2000). The German Federal government approved a plan (green cards) in July 2000 to allow 10,000 ICT experts from non-EU countries to work in Germany for a maximum of five years under specific conditions. If necessary, an additional 10,000 will be allowed to enter the country (Frankfurter Algemeine, 14–07–2000).

Clandestine Migrants

Part of the migration to Europe takes place outside the official channels. Restrictions on entry for most of the non-EU countries in the fields of work, asylum and family reunification have reduced yearly net migration figures for legal migrants. The same restrictions may have pushed some potential migrants into irregular migration heading for clandestine jobs often in the informal part of the economy and/or to a clandestine stay with legally resident family members or compatriots. Some of the clandestine migrants may have arrived legally, but by overstaying the allowed period for a temporary visit they become illegal; asylum seekers, whose asylum claims are not acknowledged may become illegal immigrants if they do not obey the decision to leave the country. Southern European countries such as Spain, Italy and Greece, relative newcomers as ‘de facto countries of immigration’, have specifically become attractive for clandestine labour migrants. The presence of clandestine job opportunities in the informal economy has attracted many. Migration regulation lags behind the restrictive policies of the other EU countries with a longer immigration history. The introduction of new admission laws in the ‘new’ countries of immigration is repeatedly carried out in conjunction with major regularisation programmes. Since 1986 four major regularisation programmes have been launched in Italy, the last programme of 1998/1999 introduced a quorum of 300,000 persons; the first major regularisation programme in Greece (1997/1998) led to 375,000 applications (if compared to an officially recorded labour force in Greece of 4.3 million) (OECD 1999). Regularisation programmes in Spain concerned 108,000 persons in 1991 and 21,000 in 1996 (OECD 1998).

The presence of clandestine migrants in the countries where no opportunities exist for major regularisation, is by definition a wild guess. ‘Gues-timates’ vary between 5–10% of the legally resident foreign population.
East–West Migration: Unlike the Expectations

The gradual disappearance of authoritarian communist regimes in the former East Bloc countries and the final dismantling of the Iron Curtain went hand in hand with a sharp increase in East–West migration. High immigration into Germany (1989) led to wild speculations among other Western European governments about unprecedented massive migration from the East towards their countries. These fears and expectations never materialised, partly because the Aussiedler immigration to Germany is a specific German issue that cannot be transplanted to other countries, partly because of the restrictive admission policies of Western European countries, and partly because of a lack of existing migration patterns and a much lower desire than expected to leave the country of origin. Some migration took place to other Western destinations such as the USA, and surpassed European destinations. The migration patterns that arose are much more complex and partly take place within Central and Eastern Europe by people whose origins lie there. Salt (1998) distinguishes the development of three distinct migration regions in Europe: Western Europe, Central and Eastern Europe excluding the CIS countries, and the CIS countries. In Central and Eastern Europe an increase in short-term, short-distance movement across state-boundaries is reported. Salt (1998) quotes Okolski (1998) who distinguishes temporary labour migration westwards, intra-regional flows of workers, inflows of workers from developing countries, inflows of highly skilled workers from Western-Europe, return migration, and ethnic migrations to Germany, Israel and the former USSR. Countries in Central and Eastern Europe have become the unintended end stations of migrants on their way to Western Europe, a type of migration often labelled as transit-migration. The wars in the former Yugoslavia have to be mentioned specifically, having caused major refugee flows inside the former Yugoslavia and towards other mainly European destinations.

IMMIGRANT SETTLEMENT AND MIGRATION POLICIES

Foreign and Foreign-born Population in the European Union

On 1 January 1998, according to EUROSTAT estimates, the total foreign or non-national population of the 15 EU Member States was 19.1 million of a total population of 375 million. The number of EU citizens among the non-national residents is estimated at 6 million, the remaining 13.1 million have a non-EU nationality. Germany (7.4 million), France (3.6 million) and the UK (2.1 million) have the largest non-national popula-
tions. Relative figures show that the share of the non-national population is above the EU average (5.1%) in Belgium (8.9%), Germany (9%), France (6.3%), Luxembourg (34.9%), Austria (6.6%) and Sweden (5.9%). Low proportions of non-national population are found in Greece, Spain, Italy, Portugal and Finland (all between 1.5% and 1.8%). Denmark, Ireland, the Netherlands and the UK show medium shares of non-national population (between 3.0% and 4.7%).

The composition of the non-national categories shows important variations between the Member States of the EU, as may be expected from the different national migration histories. In Germany 2.1 million Turkish nationals reside; in France 1.4 million nationals from Algeria, Morocco or Tunisia; in the UK 0.3 million nationals from Bangladesh, India or Pakistan reside (EUROSTAT 2000).

Figures on nationality do not necessarily tell the whole story about the presence of immigrants and their descendants in a country. Immigrants from former colonies may already have been in the possession of the nationality of the mother country. Naturalisation by definition has an impact on the size of the non-national population. Clarke et al. (1998) have investigated the available data on naturalisations in the 15 EU Member States, and have arrived at an estimate of increasing numbers of naturalisations between 1980 (102,000) and 1994 (227,000). This increase seems to have equal pace with the increase in the total non-national population. Belgium and France are excluded from these figures due to a lack in the time series. Change of nationality decreased among EU nationals, while it increased among non-EU nationals. In the area of the EU and EFTA countries 1.9 million people acquired the citizenship of their country of residence between 1986 and 1993. Among them were 0.4 million EU/EFTA nationals and 1.5 million non-EU/EFTA nationals. The top three countries of previous citizenship for that period were Morocco, Turkey and the former Yugoslavia. Clarke et al. (1998) discern three trends in naturalisation:

1. the increase in naturalisation among long established 'guest-worker' categories and their family members;
2. links with former colonies clearly visible in the acquisition of citizenship figures;
3. naturalisation of citizens from 'refugee producing' countries.

Differences in national legislation with regard to naturalisation may have an effect on the actual rates of naturalisation. Naturalisation rates in the early 1990s are highest in the Netherlands and Sweden (around 6% in 1994), while the naturalisation rate in Germany is the lowest (below 1%
in 1993) if nationality changes for ethnic Germans are excluded. Naturalisation rates of non-nationals in Germany are expected to rise after a liberal change in citizenship legislation has taken place the end of the 1990s.

Unfortunately, there exists no statistical information for all individual EU countries on their population by country of birth. Figures presented by the OECD (1999) for the Netherlands and Sweden show large differences between the size of the foreign-born and the foreign/non-national population in 1997. While the foreign born population is 1.5 million in the Netherlands and nearly 1 million in Sweden, the foreign/non-national population is 0.7 million in the Netherlands and 0.6 million in Sweden. Similar differences may be found in countries such as France and the UK with large populations born in former colonies. Germany, due to its thus far restrictive naturalisation legislation, and new countries of immigration, will show a lower discrepancy between the two figures.

**Migration Policies**

The regulation of migration in the EU takes place at different levels. A distinction has to be made between international migration of EU citizens and that of non-EU citizens. Most types of migration of EU citizens are nowadays ruled by the supra-national regulations of the EU.

Since 1968, the year wherein the regulation on the freedom of movement for workers within the Community was introduced, the number of regulations concerning free movement rights of EU citizens has gradually increased. Regulations and directives followed: on the right to remain in the territory of a Member State after having been employed in that State (1970); on the abolition of restrictions on movement and residence within the Community for nationals of Member States with regard to establishment and the provision of services (1973); on the right of nationals of a Member State to remain in the territory of another Member State after having pursued there an activity in a self-employed capacity (1975); on the right of residence (1990); on the right of residence for employees and self-employed persons who have ceased their occupational activity (1990); and on the right of residence for students (1990).

The basic principle of free movement rights for EU citizens within the EU is that either income can be generated by a job or self-employment, or by the Member State of origin in case of study, or by a pension from the Member State of origin etcetera. Unemployed EU citizens are entitled to look for a job in another EU country for a period of up to three months, but have to return to their country if no job is found. Those who move for other reasons, such as in the case of a marriage with a national of another
EU Member State, fall under the national regulations of admission of foreigners for that Member State.

Non-EU citizens enjoy none of these rights. Even if they have permanent establishment rights in another EU Member State, they are not entitled to move freely within the EU. All international migration of non-EU citizens is regulated by national law, unless it concerns specific categories of migrants for whom international treaties are valid.

Admission policies of individual Member States of the EU have generally become more restrictive towards most types of non-EU immigration. The admission of low- and unskilled foreign labour has practically become impossible since the oil crisis of 1973. Only temporary, seasonal labour is in certain cases admitted, mainly in relation to temporary labour shortages in horticulture and agriculture. Rules on the admission of family members of legally resident third country nationals were tightened. Since the increase in the numbers of asylum seekers, most European destination countries have taken all kinds of restrictive measures to decrease the number of asylum claims, particularly putting emphasis on fighting those who, as non-genuine asylum seekers, abuse the system. Germany, which once had a most generous asylum provision in its Basic Law, has amended the relevant Article 16(2) ‘Persons persecuted for political reasons enjoy the right of asylum’ with specifications and restrictions (Bosswick 1997). Asylum seeker receiving countries started to introduce a number of principles regarding the right to apply for asylum, such as: the safe country principle (lists of countries whose citizens will have practically no chance of receiving a protection status); and safe third countries (countries where asylum seekers could have applied for asylum during their journey).

The Schengen Agreement and the Dublin Convention, started as intergovernmental initiatives and introduced the principle that an asylum claim will only be dealt with in the first Member State of arrival. Simultaneously, a large number of measures were taken to shift responsibility for the arrival of foreigners who lack the proper documents and visas, to the carriers. After the introduction of carrier sanctions, a number of readmission agreements were concluded with neighbouring countries of the EU. These agreements stipulate that the respective country (A) will readmit her own citizens and those foreigners who arrived illegally or stay illegally in the respective EU country, while having arrived from that country (A). As a consequence of all these restrictive measures it has become increasingly difficult for potential non-EU migrants (‘third country nationals’), whether or not forced to migrate, to arrive in a legal way or to apply for a stay permit in an EU Member State. Although the figures for registered migration to EU Member States have largely decreased since the early 1990s, there
are signs that it is increasingly difficult for individual clandestine migrants to arrive without assistance and that irregular migration is largely becoming part and parcel of an organised (criminal) business. Trafficking and human smuggling are becoming the unintended but negative side effects of the ever-restrictive entry policies of EU countries.

**Trafficking and Human Smuggling**

Irregular migration is not in itself a new phenomenon. But European countries, both EU Member States and other European countries, have increasingly been confronted with trafficking and human smuggling. Traffic in migrants has received more media attention since more often loss of life has been reported related to trafficking. Reports mention the number of 120 people who have lost their live while crossing the Gibraltar Strait in the first six months of the year 2000, or, since 1993, the number of at least 1,574 people who have died trying to reach Europe (*Trafficking in Migrants*, (21)). Koser refers to three debates on asylum in Europe: the efficacy of asylum policies; the trafficking of asylum seekers; and their growing vulnerability. There is empirical evidence to support the view that increasing proportions of asylum seekers are being forced to turn to traffickers in order to negotiate restrictive asylum policies; the ways in which trafficking is exposing asylum seekers - including at least some `genuine' refugees - to new forms of vulnerability; direct links exist between asylum policies, trafficking and vulnerability, and that the blame for growing vulnerability lies more with asylum policies than with traffickers or with asylum seekers themselves (Koser 2000, p. 91).

A vicious circle seems to develop between increasingly stricter entry controls and the need for potential (forced) immigrants to turn to the services of traffickers or smugglers. In recent literature an important distinction is made between smuggling and trafficking. The main purpose of smuggling is related to facilitating the illegal crossing of a border. Trafficking is a concept that requires consideration not only of the manner in which a migrant has entered the country, but also of his/her working conditions and whether he/she consented to the irregular entry and/or these working conditions (Salt 2000).

The information on trafficking routes is still in an incipient phase. The information is largely based on incidental or anecdotal information, and suggests five main trajectories: through Russia, the Baltic and Poland; through the Ukraine, the Balkans and the Czech and Slovak Republics; through Bulgaria, Romania and the Balkans; through the Middle East and
the Eastern Mediterranean; and from North Africa towards Italy and the Iberian peninsula (Salt 1998).

**Common EU Policies on Migration and Asylum**

For the scope of this article it is not feasible to try to present a full overview of the initiatives and activities that are undertaken in order to try to realise common EU policies on migration and asylum. Policies on migration and asylum were, until the introduction of the Amsterdam Treaty, developed at the intergovernmental level (Schengen Treaty, Dublin Convention). The introduction of the Single Market under the Single European Act (in force in 1987) as “an area without internal frontiers in which the free movement of goods, persons, services and capital is ensured”, meant the abolishment of internal border controls within the EU. The deadline was set for 31 December 1992. This date was neither adhered to by Schengen (in force in 1995) nor by the EC (European Parliament 2000). The UK and Ireland are in a special position by maintaining their border controls. Individual Member States temporarily (re)introduce border controls (e.g. France) or have inserted controls behind the border (e.g. the Netherlands, Germany). The need for common migration and asylum policies was not only deemed necessary due to the abolishment of internal border controls, but also due to the important rise in asylum applications in EU Member States and the absence of a common policy on temporary protection in case of mass flight. The increase in irregular migration and the presence of clandestine migrants may have been another negative factor to get a common policy off the ground. The Amsterdam Treaty (in force on 1 May 1999) gave an important impetus to the establishment of Community law on migration and asylum by moving the decision making process from the intergovernmental third pillar to the Community first pillar. Title IV on ‘Visas, Asylum, Immigration and other Policies related to Free Movement of Persons’, Article 61, states that:

> in order to establish progressively an area of freedom, security and justice, the Council shall adopt: within a period of five years after the entry into force of the Treaty of Amsterdam, measures aimed at ensuring the free movements of persons [...], in conjunction with directly related flanking measures with respect to external border controls, asylum and immigration, [...] and measures to prevent and combat crime [...]

These measures are stipulated in Articles 62 and 63. Secondly, the asylum and immigration paragraphs of the intergovernmental Schengen accord have been incorporated into the EC and EU treaty. The application of Title IV is subject to the provisions of the respective Protocols on the posi-
tion of the UK and Ireland, and that of Denmark. In order to meet the five-year deadline the Justice and Home Affairs Council decided in Tampere (October 1999) to work on the following main areas: co-development with the countries of origin of immigrants; keeping immigration movements under control and combating networks involved in smuggling immigrants; and the integration of third country nationals residing legally in an EU Member State. On 27 March 2000 the Justice and Home Affairs Council adopted a programme (‘scoreboard’) containing a timetable of directives and regulations necessary for the realisation of an area without internal borders (Migration News Sheet, April 2000, August 2000). Interestingly, these developments took place at the same time as plans were being made for another enlargement of the EU. Which way this will impact on the enlargement, or specifically on the free movement rights of citizens from these potentially new Member States, still needs to be answered.

The Integration of Immigrants: The Case of the Labour Market

One of the most important indicators of the incorporation of immigrants into a country is their integration in the labour market. Comparative data on the labour market integration of immigrants is scarce. Only recently EUROSTAT (2000) published data on the (un)employment of the working population by main groups of citizenship. These figures distinguish nationals in an EU Member State from other EU nationals and non-EU nationals. These data do not provide information about the wider categories such as foreign-born immigrants and their descendants, who might have the nationality of that particular EU Member State.

The available figures show a grim picture of the unemployment rates of non-EU nationals in the EU Member States in Table III. The unemployment rates among non-EU nationals are generally far above the unemployment rates of the nationals, while the unemployment rates of the other-EU nationals tend to be much closer to the unemployment rates of the nationals. Table III only provides some general insight into the situation in 10 Member States. Country reports on ethnic minorities and immigrant groups in the labour market (Employment Observatory 1999) do not provide a different picture for the other Member States. These country reports lack definitional standards for comparison, but for the countries for which data are given they show that not only are the unemployment rates substantially higher among non-EU citizens, but also that the labour market participation rates among non-EU citizens are below the average. In other words, a relatively smaller proportion of the potential labour force among non-EU citizens takes part in the labour market, while unemployment rates among
Table III
Unemployment rates by main groups of citizenship in selected EU Member States, 1996/1998 (%: unemployed persons as a percentage of total working population of each group).

<table>
<thead>
<tr>
<th>EU Member States</th>
<th>Total</th>
<th>Nationals</th>
<th>Other EU</th>
<th>Non-EU</th>
</tr>
</thead>
<tbody>
<tr>
<td>Denmark (1997)</td>
<td>6.8</td>
<td>6.3</td>
<td>11.3</td>
<td>25.0</td>
</tr>
<tr>
<td>Germany (1998)</td>
<td>9.7</td>
<td>9.0</td>
<td>10.4</td>
<td>20.1</td>
</tr>
<tr>
<td>Spain*</td>
<td>20.8</td>
<td>20.8</td>
<td>15.4</td>
<td>23.9</td>
</tr>
<tr>
<td>France (1997)</td>
<td>12.3</td>
<td>11.6</td>
<td>10.1</td>
<td>31.3</td>
</tr>
<tr>
<td>Ireland (1997)</td>
<td>10.3</td>
<td>10.2</td>
<td>16.2</td>
<td>5.4</td>
</tr>
<tr>
<td>Netherlands (1997)</td>
<td>5.5</td>
<td>5.1</td>
<td>8.4</td>
<td>24.7</td>
</tr>
<tr>
<td>Austria (1997)</td>
<td>5.1</td>
<td>4.4</td>
<td>5.6</td>
<td>11.4</td>
</tr>
<tr>
<td>Portugal (1997)</td>
<td>6.7</td>
<td>6.6</td>
<td>9.0</td>
<td>11.5</td>
</tr>
<tr>
<td>Finland (1997)</td>
<td>19.3</td>
<td>18.9</td>
<td>24.7</td>
<td>53.4</td>
</tr>
<tr>
<td>United Kingdom (1998)*</td>
<td>6.1</td>
<td>6.0</td>
<td>7.0</td>
<td>11.9</td>
</tr>
</tbody>
</table>

Source: EUROSTAT (2000), Table D-1.2.
*Based on working population living in households.
*Labour Force Survey.

this category are generally much higher than among the nationals or the other EU citizens. Immigrant unemployment is especially high among the ‘guest-workers’ of the past, and specifically among the low- and unskilled of non-EU origin. The labour market integration of the more recently arrived refugees and humanitarian status holders is less well documented. Indications of the employment situation among some of the refugee categories in the Netherlands (Van den Tillaart et al. 2000) and Sweden (Westin 2000) do not show a very favourable picture, even if the skills and educational level of an important proportion of the refugees is above that of the formerly recruited foreign labour force.

Immigrant settlement is predominantly an urban issue, and the rate of immigrant settlement tends to increase with the population size of the urban area. The problematic aspects of the labour market integration of immigrants, which partly coincides with segregation in housing, has predominantly become an urban issue.

Continued Debate on Future Migration
At the beginning of the new millennium the migration debate received another impetus, this time not due to the unexpected arrival of large numbers of asylum seekers, or the detection of new major trafficking routes, but because of a publication from the Population Division of the United Nations (2000). The publication called Replacement Migration is a demographic exercise concerning the size of the future migration needed to re-
place declining and ageing populations. Europe’s population will decline and age in the near future. The conclusions of the report on the European Union tell us that:

- if the total population of the European Union is to be kept constant until 2050 it would be necessary to have 47.4 million immigrants between 2000–2050 or 949,000 immigrants per year;
- if the size of the population aged 15–64 is to be kept constant until 2050, it would be necessary to have 79.6 million immigrants between 1995–2050 or 1.4 million immigrants per year;
- if the support ratio of the persons aged 15–64 years for each person aged 65 years or older is to be kept constant until 2050, it would be necessary to have 701 million immigrants between 1995 and 2050, or 12.7 million immigrants per year.

How politically unrealistic these scenario’s are can be read about in the same report. In the case of keeping the support ratio (c) constant, Europe’s population would need to grow threefold until 2050 and three-quarters of the total population in 2050 would consist of post-1995 migrants from outside the European Union and their descendants. It would be an unprecedented case of mass immigration even when compared to traditional immigration countries such as the USA, Canada and Australia.

A declining population is not so much a problem in itself as an ageing population. For example, European welfare states will be increasingly faced with problems as to how to continue financing general pension systems. Trying to raise the participation and employment rates of the resident immigrant and non-immigrant population might as well be part of the solution as well as selective immigration with regard to age and skills.

**Concluding Remarks**

Member States of the European Union have undoubtedly changed into *de facto* countries of immigration. Since the upswing in migration in the late 1980s, net migration for the 15 EU Member States together has not been below 500,000. Germany has been the main net receiver of immigrants between 1960–2000. Large differences exist between the current 15 Member States with a view to migration histories and immigrant settlement. Immigration patterns have developed between specific countries of origin and individual EU Member States. As a consequence the absolute and relative size of the immigrant population, the duration of stay, and the countries of origin of immigrants may vary greatly between the Member States. Recently, Northwestern European countries have become the dominant
receivers of asylum seekers, while Southern European countries receive relatively more clandestine migrants. The fear for massive East–West migration has never been realised, except for the large inflow of ethnic Germans into Germany.

The total non-national resident population in the 15 EU Member States is 19.1 million of a total population of 375 million, equalling 5.1% (1–1–1998). 13.1 million have a non-EU nationality, while 6 million have a nationality of another Member State. It is evident that the total immigrant population is much larger if we include the effect of naturalisation, specifically in countries with simple naturalisation procedures.

The freedom of movement of EU nationals to other EU Member States is largely governed by EU law. The admission of non-EU migrants mainly takes place at the national level. Restrictive national and intergovernmental (Schengen, Dublin) immigration or admission policies have developed as answers to rising numbers of (forced) immigrants. One of the unintended consequences of partly closing the entrance gates for work and asylum is the irregular migration of non-EU migrants and the increased importance of traffickers and smugglers. The political reaction of EU Member States, faced with difficulties in regulating the migration of non-EU citizens whilst having committed themselves since 1987 to a Single Market ‘without internal frontiers in which the free movement of goods, persons and capital is ensured’, has been the initiative to try to develop a common immigration and asylum law before 2004 (Amsterdam Treaty, in force 1 May 1999).

The labour market integration of at least part of the non-EU immigrant population in EU countries is an area of concern. Unemployment rates among the non-EU citizens are generally far above the unemployment rates of nationals or of EU nationals from other Member States. Unemployment rates are not only high among the un- and low-skilled ‘guest-workers’ of the past, but also among the more recently arrived, and often better skilled, forced migrants of the 1990s. It is evident, with a view to a successful labour market integration of the resident immigrant population and to future labour migration, that more attention must be paid to the development or the selection of the required skills, and to measures to combat discrimination of non-EU nationals in the labour market.

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ABSTRACT. In this article illegal immigrants, a relatively new group of immigrants living at the margins of society, are discussed. The question of the significance of crime for groups that are officially excluded from the formal labour market and public provisions, is presented within the framework of the Unknown City research project, conducted in the four largest Dutch cities (interviews with illegal immigrants; an ethnographic study to determine the extent of support by various ethnic communities; and an examination of the ways in which the restrictive policies towards illegal immigrants were implemented by the police, the Aliens Departments, and by professionals within public or semi-public institutions in the fields of education, healthcare and housing). Both the relatively limited involvement in crime in general and the differences between groups can be explained by the embeddedness of illegal immigrants in the labour sphere and the support by ethnic communities. Attention is paid to the social and legal construction of the illegal immigrant through new legislation and to the observation that illegality is increasingly linked to crime. The majority of illegal immigrants are not criminally active. One exception is the category that is active in the lower levels of the hard drug trade. The authors' analysis suggests that the perception of the 'criminal illegal immigrant' first and foremost reflects the division between wanted and unwanted immigrants, which is the result of the shift towards a restrictive policy.

KEY WORDS: crime, ethnic minorities, illegal immigrants, immigration policies, migration, social networks

THE IRREGULARISATION OF MIGRATION

Despite the controversies that surround the relationship between crime and ethnic minority groups, it has received extensive scholarly attention over the past 20 years. A large number of studies have contributed to a growing insight into the size, nature and causes of criminality in different ethnic groups (Tonry 1997). They often focus on established immigrants with legal residence status, particularly emphasising juvenile crime among second-generation migrants who came to Western Europe within the framework of family reunification, or young immigrants who were born and grew up in Western European countries. In every single country there are certain groups who are disproportionately represented in registered crime, and this also holds for the Netherlands (Junger 1990; Bovenkerk 1994; Junger-Tas 1997). In the past 10 years, however, the nature of migration flows has
changed radically. A pluralisation and fragmentation of migration is taking place. This ‘new migration’ is characterised by new geographical patterns of migration, new types of migrants with deviating legal statuses, who are dependent to some extent on other existence strategies rather than formal paid employment or social security (Koser and Lutz 1998; Snel et al. 2000). The new geography of migration relates primarily to the increased long-distance migration to Europe from a growing number of countries. In addition, we see that, within Europe, the traditional migration direction from South to North is complemented by migration flows from East to West. To some extent these altered migration flows become apparent in migration statistics. Between 1990 and 1997, in the Netherlands, the proportion of immigrants from other countries, both from non-industrialised Third World countries and various Central and Eastern European countries, rose from 7–30% (SCP 1998, p. 241).

The new migration also becomes visible in the increasing significance of new types of immigrants in addition to the traditional labour migrants and migrants from former colonies and their offspring. Firstly, there are the asylum seekers, whose number has increased dramatically since the mid-1980s (Muus 1999). Due to the length of the asylum procedures, many of them are kept in a state of suspension for considerable time as to whether or not they will acquire a permanent or temporary residence status. Secondly, there is an increasing flow of temporary immigrants from Central and Eastern Europe who travel back and forth to the countries of the European Union, Germany in particular. Thirdly, there is the relatively new type of immigrants known as undocumented or illegal immigrants. Many illegal immigrants came to Europe on a tourist visa and then stayed, others crossed the border illegally, and again others became illegal when they were refused refugee status. The dividing lines between asylum seekers, ‘commuting’ immigrants and illegal immigrants often prove to be diffuse (Gächter et al. 2000). Relatively little is known about the size of the category of illegal immigrants (Delaunay and Tapinos 1998). Western European estimates run in the millions (Castles and Miller 1994),¹ whereas Dutch estimates vary from approximately 50,000 illegal immigrants to 200,000 illegal immigrants. Our own estimates, in which illegal immi-

¹The ICMPD (International Centre for Migration Policy Development) in Vienna maintains that the number of illegal immigrants who trespass the borders of Western European States for the sake of illegal employment or residence, could be estimated to be at least 400,000 in 1998 (J. Widgren, South-east Europe as a key area for illegal immigration. Statement by Mr. J. Widgren, Director of ICMPD (International Centre for Migration Policy Development) in Vienna at the Symposium organised by Bundesnachrichtendienst (BND) in Pullach (Germany) on 28 October 1999).
grants from Central and Eastern Europe were left out, resulted in a minimum number of 40,000 illegal immigrants for the four major cities in the Netherlands (Van der Leun et al. 1998; Engbersen et al. 1999).

The irregularisation of migration has raised new research questions as to the relationship between migration and criminality. This is particularly the case where illegal immigrants are concerned. Two themes are regularly referred to in this respect. Firstly, the issue of organised migrant trafficking (Koser 1998) and, secondly, the question of the significance of crime for groups that are officially excluded from the formal labour market and public provisions. In this article, we will discuss this second theme, using data collected within the framework of the Unknown City research project (Burgers and Engbersen 1999; Engbersen et al. 1999). As part of this research project conducted from 1993 to 1998, some 170 illegal immigrants were interviewed, all living in Rotterdam. In addition, an ethnographic study was carried out to determine to what extent illegal immigrants are supported by various ethnic communities. Further, we examined the ways in which the restrictive policies towards illegal immigrants were implemented by 40 police officers working for the police and the Aliens Departments, on the one hand, and by 90 professionals within public or semi-public institutions in the fields of education, healthcare and housing, on the other. Finally, the files of the Aliens Departments were analysed, including a Rotterdam file (1989–1994) on 330 apprehensions of illegal immigrants, which was compared with files on apprehended legal residents, and a file of all apprehensions of illegal immigrants in the four major cities in 1995, amounting to a total of nearly 7,000 (Van der Leun et al. 1998).

In this article, we will use the various data sources selectively to explain the relations that exist between illegality and criminality. Before look-

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2 We used a wide variety of search channels and came into contact with people from the traditional immigrant groups in the Netherlands (Turks, Moroccans, Surinamese and Cape Verdeans) and with illegal immigrants from other countries such as Pakistan and Ghana. About one quarter of the research group was female. Most respondents were between 20 and 40 years of age. For more details see Burgers and Engbersen (1999).

3 We focused on the Turkish community in Rotterdam, the Moroccan community in Utrecht and the ‘African’ community in Amsterdam, which consists mainly of Ghanaians. For the sake of clarity we use the word ‘community’ although it is obvious that there is no such a thing as one single community in these cases. With the help of interviewers who belonged to these communities we came into contact with 42 Turkish households (32 legal and 10 illegal), 40 African households (25 legal and 15 illegal) and 39 Moroccan households (28 legal and 11 illegal), see Engbersen et al. (1999, forthcoming).

4 Of these interviews, 30 were held before the introduction of the Linking Act and 60 roughly one year after.
ing at the results, we would first like to discuss the emergence of illegality as a social problem and the automatic linking of illegality to criminality. Next, we will focus on the illegal immigrants’ differential involvement in types of crime. This differential involvement will subsequently be explained on the basis of the extent to which illegal immigrants have access to the labour market and supportive networks, and on the basis of the implementation of the policies towards illegal immigrants.

THE SOCIAL CONSTRUCTION OF ILLEGALITY AND CRIMINALITY

Illegal immigrants are no new phenomenon in Dutch society. Yet, since the beginning of the 1990s, their presence has been increasingly considered a social problem. In the post-war period, three phases can be differentiated in the ways in which the Dutch State reacted to the presence of illegal immigrants. In the first phase (1960–1969), the Dutch State showed considerable leniency in admitting ‘spontaneous migrants’, who came primarily from the Mediterranean region. This leniency was closely related to the great demand for low-skilled labourers in the expanding Dutch economy. Labour migrants could travel to the Netherlands under their own steam, without the help of any recruitment agency, to try their luck in the mining, shipbuilding, metal or textile industries. If they found a job, they could get a work permit, and subsequently a residence permit.

In the second phase (1969–1991), there was still considerable leniency, although less in terms of a liberal admission policy and more towards the presence and work of illegal immigrants. The 1980s were the years of tolerance *par excellence*. Although meanwhile a restrictive migration policy had been developed based on new legislation in respect of immigrants, there was still a large gap between legislation and its implementation in practice when it came to effectively combating illegal residence. It remained quite easy for illegal immigrants to acquire a social-fiscal number and be employed in certain sectors of the Dutch economy. Employment of illegal immigrants was checked and fined only to a limited extent. The actual toleration practices seem to have been partly based on economic considerations. Despite the high numbers of unemployed, it was difficult for certain sectors (e.g. agriculture and market gardening) to find workers.

Then, at the beginning of the 1990s, a policy turnaround became apparent, leading to the third phase (1991–present). The toleration practices still continued to exist, but a number of legislative and other measures were taken to combat illegality more effectively (including the Compulsory...
Identification Act of 1994, the Marriages of Convenience Act of 1994, the linking of the social-fiscal number to a valid residence status and the Linking Act of 1998, which aims at restricting entitlement of public services to legal residents). This stricter policy in respect of illegal immigrants can be explained as a reaction to two developments.

First of all, since the end of the 1980s, the number of asylum seekers coming to the Netherlands has been steadily increasing. This influx and the bottlenecks in the selection and reception of asylum seekers led to heated debates about "the Netherlands being 'full'" and to some concern about the illegal stay of asylum seekers who had exhausted all legal remedies. Secondly, another major policy turnaround took place in domestic politics. The lenient policy in respect of benefit recipients was replaced by a stricter and more activating approach (Visser and Hemerijck 1997). It now became less acceptable that unemployed citizens no longer wished to do certain types of jobs, as was more common in the 1980s. Various provisions and projects were developed to guide long-term unemployed, including the young, towards such types of labour. In this third phase, illegal immigrants were regarded with much less sympathy, and illegality is increasingly associated with 'abuse of public provisions', 'disruption of the labour market', and particularly with 'crime' (Tinnemans 1994).

Commissioners of Police in Amsterdam and Rotterdam recurrently gained public attention when they stated that illegal immigrants were responsible for a substantial part of the property crime in the inner cities. However, it soon proved that the presupposed negative implications of illegality could not be substantiated. The limited research that was conducted to examine this matter led to the necessary differentiation in this negative perception. The same went for the 'wild' estimates regarding the number of migrants (Clermonts et al. 1991; Van der Leun et al. 1998).

The changes in the attitude towards illegal immigrants over time indicate a social reclassification of illegal immigrants. Whereas they were once welcome as 'spontaneous guest labourers' and later on were silently tolerated as the 'necessary workforce' for certain economic sectors, they were now excluded as undesired 'illegal immigrants'. This reclassification process also became visible in other European countries and North America (Gans 1995; Bourdieu 1998, pp. 15–18). In the course of the 1980s and 1990s, in various countries, illegal immigrants were defined more precisely and identified as a threat to the economy and society. In this, social myths played a significant part, particularly the myth of the illegal immigrant as 'criminal' (Quassoli 1999).
So far, there is very little systematic empirical support for the equation of illegal immigrants with crime. Within the framework of the Unknown City project, a first indication can be found in the interviews with 170 illegal immigrants in Rotterdam. Apart from the use of false or forged documents, which the respondents considered unavoidable, the majority of the interviewed illegal immigrants refrain from criminal activities. They do everything they can to keep on the right side of the law and commonly find other ways of making a living. A small part of the respondents is involved in prostitution (which can be labelled as a 'semi-criminal' activity) and in street-level drug trading. The latter is mainly the case with Moroccan and Algerian migrants, who work as 'runners' for dealers who cater for tourists in Rotterdam. They find themselves in subordinate and relatively marginal positions and their criminal activities are mainly oriented towards survival (Engbersen and Van der Leun 1998).

In order to find more substantial empirical evidence, the interviews were supplemented with an analysis of three samples drawn from the files of the Rotterdam police. The main sample consisted of 330 apprehensions of illegal immigrants and was taken from the files of the Aliens Police. Two control samples were used, made up of 590 apprehensions of legal immigrants and 640 crime suspects legally residing in Rotterdam. In addition, we analysed all apprehensions of illegal immigrants in 1995 in Amsterdam, Rotterdam, The Hague and Utrecht together, which were almost 7,000 files pertaining to more than 6,000 illegal immigrants. The illegal immigrants who are registered are apprehended by the Aliens Police or handed over by basic police units because of illegal labour and/or illegal residence. Furthermore, a small part was handed over by the Railway Police, the Military Police or by detention centres. It must be noted that the likelihood of being apprehended is highly dependent on the behaviour of the illegal immigrants. People who live their lives 'in the shadows' have a low probability of being asked to show their documents, whereas those who work together with other illegal immigrants and those who engage in criminal activities, or in other ways attract attention, run a higher risk. Although police data are inevitably selective, these were the only data that could help us to gain some insight into patterns of apprehension.\(^3\) Table I provides an over-

\(^3\)Police data have to be handled with care. Nonetheless, in many instances, they are still the most suitable data to gain insight into patterns of criminal activities (cf. Hagan and Peterson 1995; Tonry 1997). Rather than deny the validity of these data per se, the procedure followed here is to study the statistics as a useful source of information, in particular when combined with the ethnographic research.
view of the apprehensions of illegal immigrants in the four largest cities in relation to the legally residing immigrant population. The majority of the illegal immigrants are apprehended in Amsterdam and Rotterdam, the two largest cities. In the following, we will zoom in on the situation in Rotterdam, as the Rotterdam data enable comparison with legally residing suspects.

Arrests of illegal immigrants, however, cannot be taken as an indicator of criminal involvement as they can also be the result of illegal labour, illegal residence or misdemeanours such as fare dodging or hanging around in places where this is forbidden. In our view, the most adequate definition of crime among illegal immigrants is one that bears much resemblance with crime among legal residents. The reasons for apprehension can be classified into five categories:

- illegal residence;
- misdemeanours such as fare dodging, prostitution or illegal labour;
- minor offences, for example, shoplifting, car and house burglary, and vandalism;
- serious offences, including violence and robbery;
- drug-related crimes, which mostly come down to the possession of relatively small quantities of hard drugs.

The last three categories are labelled as 'criminal activities' as they fall under criminal law. In principle, this holds true regardless of the residence status of the apprehended person.

The analysis of police files first of all demonstrated that most illegal immigrants are not apprehended for criminal activities. When we limit our-

<table>
<thead>
<tr>
<th>TABLE I</th>
</tr>
</thead>
<tbody>
<tr>
<td>Apprehended illegal immigrants and total number of legal immigrants in four cities (1995).</td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th></th>
<th>Amsterdam</th>
<th>Rotterdam</th>
<th>The Hague</th>
<th>Utrecht</th>
<th>Total</th>
</tr>
</thead>
<tbody>
<tr>
<td>Apprehended illegal immigrants</td>
<td>2,558</td>
<td>2,218</td>
<td>1,094</td>
<td>410</td>
<td>6,280</td>
</tr>
<tr>
<td>Total of legal immigrants</td>
<td>232,236</td>
<td>148,322</td>
<td>116,202</td>
<td>48,392</td>
<td>545,152</td>
</tr>
<tr>
<td>Total of inhabitants</td>
<td>722,350</td>
<td>598,275</td>
<td>442,439</td>
<td>235,629</td>
<td>1,998,693</td>
</tr>
</tbody>
</table>

*Source: Van der Leun et al. (1998), based on police data and municipal population registrations.*

*People who (or whose parent) originate from non-industrialised countries.*

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6The patterns found in the other cities are largely consistent to the ones described here, but most apprehensions for criminal offences take place in Rotterdam and Amsterdam (see Engbersen et al. 1999).
TABLE II

Reasons for arrest, all apprehensions (N = 328).

<table>
<thead>
<tr>
<th>Reason for arrest</th>
<th>%</th>
</tr>
</thead>
<tbody>
<tr>
<td>Illegal residence/ labour</td>
<td>47</td>
</tr>
<tr>
<td>Misdemeanours</td>
<td>13</td>
</tr>
<tr>
<td>Minor offences</td>
<td>26</td>
</tr>
<tr>
<td>Serious offences</td>
<td>5</td>
</tr>
<tr>
<td>Drug-related offences</td>
<td>9</td>
</tr>
</tbody>
</table>


selves to the most recent reason for arrest (see Table II), nearly half of the registered illegal immigrants in Rotterdam were apprehended for illegal residence (47%) and an additional 13% for misdemeanours such as illegal labour or fare dodging. Furthermore, 26% were apprehended for minor offences such as shoplifting and car burglary, 5% for serious offences (robbery, murder, and possession of firearms), and 9% for offences against the Opium Act. Taking into account the fact that criminal activities significantly enhance the risk of getting caught by the police, these figures indicate that the majority of illegal immigrants do not resort to criminal activities.

The high proportion of arrests for illegal residence (almost half of the cases) is as such paradoxical when you take into account that the police are not actively tracking down illegal residents. A more detailed look at the files (see Table III) reveals that this concerns people who are arrested during spot checks in the workplace or during general checks, as on public transport. Others were apprehended during checks that were directed at other people (they just happened to be around) or because of rather vague reasons such as ‘displaying suspicious behaviour’. A closer look at the reasons for apprehension reveals that drug-related offences and different categories of theft prevail. Traffic offences, which constitute one of the main reasons for apprehending legal residents, are negligible in the case of illegal immigrants.

Secondly, when we limit ourselves to arrests for criminal offences, we can draw a comparison between the arrests of illegal immigrants and those of legally residing suspects (see Table IV). This comparison makes clear that, across the board, illegal immigrants are less involved in crime than a comparable group of legal residents. This is not the case with drug-related crimes, on which illegal immigrants score evidently higher.

Thirdly, the data suggest a differential involvement in crime. A breakdown by country or region of origin shows that the involvement in crimi-
TABLE III

<table>
<thead>
<tr>
<th>Type of offence</th>
<th>(%)</th>
</tr>
</thead>
<tbody>
<tr>
<td>Traffic offences</td>
<td>0.8</td>
</tr>
<tr>
<td>False papers</td>
<td>13.8</td>
</tr>
<tr>
<td>Disorderly conduct</td>
<td>3.1</td>
</tr>
<tr>
<td>Non-aggravated theft</td>
<td>16.9</td>
</tr>
<tr>
<td>Aggravated theft</td>
<td>27.7</td>
</tr>
<tr>
<td>Robbery</td>
<td>2.3</td>
</tr>
<tr>
<td>Ill-treatment</td>
<td>1.5</td>
</tr>
<tr>
<td>Intimidation</td>
<td>3.8</td>
</tr>
<tr>
<td>Murder, manslaughter</td>
<td>1.5</td>
</tr>
<tr>
<td>Opium Act</td>
<td>22.3</td>
</tr>
<tr>
<td>Firearm Act</td>
<td>3.1</td>
</tr>
<tr>
<td>Other Acts/regulations</td>
<td>3.1</td>
</tr>
</tbody>
</table>


The number of apprehensions for criminal offences varies significantly (see Table V). Illegal immigrants from specific countries are over-represented when it comes to arrests for certain offences. In short, we find the following patterns: undocumented migrants from Turkey and Eastern European countries are mainly apprehended for illegal residence and misdemeanours. Moroccans, Algerians and Eastern Europeans are arrested rather frequently for criminal offences (theft, false documents). Western Europeans (mainly French), Moroccans and Algerians score high in terms of the number of arrests and are most frequently arrested for drug-related crimes. Turkish illegal immigrants are rarely involved in registered crime. Criminal activities appear to be most common among illegal Moroccans, Algerians and Western Europeans (especially French tourists who often come to Rotterdam to buy hard drugs). These patterns cannot be solely accounted for on the basis of selective enforcement by the police.

TABLE IV

<table>
<thead>
<tr>
<th></th>
<th>Illegal immigrants apprehended for offences (N = 142)</th>
<th>Legal inhabitants apprehended for offences (N = 638)</th>
</tr>
</thead>
<tbody>
<tr>
<td>Minor offences</td>
<td>65</td>
<td>75</td>
</tr>
<tr>
<td>Serious offences</td>
<td>12</td>
<td>22</td>
</tr>
<tr>
<td>Drug-related offences</td>
<td>22</td>
<td>3</td>
</tr>
</tbody>
</table>

A fourth conclusion we can draw from the apprehension files is that the police encounter serious problems when trying to combat crime among illegal immigrants by expelling them. Whereas this is the first formal priority in the government policy in respect of illegal immigrants, meeting this goal in practice turns out to be problematic. Some of the criminally active illegal immigrants are well aware as to how they can hamper their expulsion (cf. Cornelius et al. 1994). They make use of the fact that countries such as Morocco and Algeria are reluctant to take them back, and they are often quite successful in hiding their identity. In the sample of apprehended illegal immigrants, there were 43 people who had a history of drug-related offences and who managed to continue their activities despite the fact that they were arrested by the police more than once. Half of them had also been arrested before for other offences such as theft or robbery. Because it is so difficult to expel them, the police send them away or, worse, do not even bother to make an arrest in these ‘helpless cases’. In their reports, the police state euphemistically that such persons are ‘sent away in a southerly direction’, and of course the police are well aware of, and more than once frustrated by, the limitations of their interference. Paradoxically, we found that illegal immigrants apprehended for illegal residence and/or labour were more often effectively expelled (meaning that they were actually sent back to their country of origin) than illegal immigrants apprehended for criminal offences (see Table VI). This is in direct contrast with formal policy goals.

<table>
<thead>
<tr>
<th>Country</th>
<th>Illegal residence</th>
<th>Misdemeanours</th>
<th>Criminal offences</th>
<th>Drug offences</th>
<th>Total</th>
</tr>
</thead>
<tbody>
<tr>
<td>Turkey</td>
<td>% 45</td>
<td>% 52</td>
<td>% 0</td>
<td>% 3</td>
<td>100</td>
</tr>
<tr>
<td></td>
<td>N 13</td>
<td>N 15</td>
<td>N 0</td>
<td>N 1</td>
<td>29</td>
</tr>
<tr>
<td>Morocco</td>
<td>% 21</td>
<td>% 19</td>
<td>% 34</td>
<td>% 26</td>
<td>100</td>
</tr>
<tr>
<td></td>
<td>N 23</td>
<td>N 20</td>
<td>N 37</td>
<td>N 28</td>
<td>108</td>
</tr>
<tr>
<td>Algeria</td>
<td>% 21</td>
<td>% 25</td>
<td>% 29</td>
<td>% 25</td>
<td>100</td>
</tr>
<tr>
<td></td>
<td>N 5</td>
<td>N 6</td>
<td>N 7</td>
<td>N 6</td>
<td>24</td>
</tr>
<tr>
<td>Western</td>
<td>% 17</td>
<td>% 25</td>
<td>% 19</td>
<td>% 39</td>
<td>100</td>
</tr>
<tr>
<td>Europe</td>
<td>N 10</td>
<td>N 14</td>
<td>N 11</td>
<td>N 22</td>
<td>57</td>
</tr>
<tr>
<td>Eastern</td>
<td>% 39</td>
<td>% 29</td>
<td>% 32</td>
<td>% 0</td>
<td>100</td>
</tr>
<tr>
<td>Europe</td>
<td>N 11</td>
<td>N 8</td>
<td>N 9</td>
<td>N 0</td>
<td>28</td>
</tr>
<tr>
<td>Other</td>
<td>% 44</td>
<td>% 32</td>
<td>% 17</td>
<td>% 6</td>
<td>100</td>
</tr>
<tr>
<td>countries</td>
<td>N 34</td>
<td>N 25</td>
<td>N 13</td>
<td>N 5</td>
<td>77</td>
</tr>
</tbody>
</table>

The difficulties in combating the most visible forms of crime committed by illegal immigrants reflect the gap between formal goals and actual outcomes, which immigrant policies are notorious for (Jahn and Straubhaar 1999). Yet, they also explain at least partially why the symbolic link between illegal immigrants and crime is fuelled unremittingly. Particularly the regular outcries of police officials must be considered in the light of persistent problems with illegal immigrants who are difficult to expel. The aforementioned findings, which are primarily based on police data, raise the question as to how to account for the illegal immigrants’ differential involvement in criminal activities. They also raise the question of how the majority of illegal immigrants manage to survive without turning to illicit ways of acquiring an income. We will try to answer these questions by looking at the broader findings of the project.

EMBEDDEDNESS AND EXCLUSION OF ILLEGAL IMMIGRANTS

The differential involvement in the criminal sphere of groups of illegal immigrants can be explained by the extent to which illegal immigrants are able to acquire a relatively secure societal position despite their illegal status. This position is strongly dependent on three spheres of integration or embeddedness: the social network of relatives or the larger ethnic community; the labour market; and the extent to which illegal immigrants are tolerated or helped by lower officials from various public or semi-public institutions. In the following we will look closely at these three spheres.

TABLE VI

Expulsions of apprehended undocumented immigrants by reason for arrest (N = 328), in percentages.

<table>
<thead>
<tr>
<th>Type of expulsion</th>
<th>Illegal residence (N = 97)</th>
<th>Misdemeanours (N = 89)</th>
<th>Offences (N = 80)</th>
<th>Drug-related offences (N = 60)</th>
</tr>
</thead>
<tbody>
<tr>
<td>Expelled to home country</td>
<td>43</td>
<td>53</td>
<td>33</td>
<td>27</td>
</tr>
<tr>
<td>Sent away</td>
<td>38</td>
<td>36</td>
<td>56</td>
<td>66</td>
</tr>
<tr>
<td>Other or still in detention</td>
<td>19</td>
<td>11</td>
<td>11</td>
<td>7</td>
</tr>
</tbody>
</table>

The Role of Ethnic Communities

The extent to which illegal immigrants can rely on established migrant communities largely determine their chances of making a living and prolonging their residence in the country. However, there are considerable differences between these ethnic communities. These differences become apparent in the existence of various ‘informal patterns of incorporation’ as observed in our sub-study of the Turkish and Moroccan communities in Rotterdam and the African community in Amsterdam (Engbersen et al. 1999, forthcoming). These ethnic community patterns of incorporation play a substantial role in explaining the illegal immigrants’ differential involvement in various forms of crime.

The first pattern of incorporation involves communal sharing (cf. Fiske 1991). Substantial support is given to an exclusive group of relatives. The assistance often covers a wide range of fields such as support in coming to the Netherlands or in finding a job or a place to stay. However, this incorporation pattern does imply a form of organised migration within a transnational community. This is particularly true for the Turkish community in Rotterdam, whose members have maintained close personal and economic relations with people from the mother country (Staring 1998). These intensive transnational relations lead to selective forms of migration. The arrival of a relative is cautiously planned and orchestrated, and often effectuated via a tourist visa. The dominant motive in this support pattern is solidarity with one’s own family. There is nonetheless an asymmetrical relationship between the ‘legal’ support giver and the ‘illegal’ support recipient, which may cause conflicts. In the most extreme cases, it can lead to the exclusion of an illegal immigrant from a certain household or network. Illegal immigrants can also withdraw from support relations that they experience as humiliating.

The second pattern entails bounded solidarity (cf. Portes 1995). In particular Moroccan illegal immigrants are often confronted with limited forms of support from their own community. Support is given to a less exclusive and, consequently, larger circle of compatriots. In specific situations, people feel called upon to help illegal compatriots who are confronted with setbacks and who they feel connected to. However, this help is limited and restricted. It often pertains to financial aid, but it can also involve incidental help such as providing medicine, introducing illegal immigrants to potential employers and marriage partners, or serving as an interpreter in the contacts with lawyers or physicians. In this support pattern, the help is focused on illegal immigrants with whom the legal immigrants have weaker ties. In this model there is also an asymmetrical
relationship between the legal support giver and the illegal support recipient, but it is not a relationship of permanent dependence, rather a more anonymous and less personal relationship in which incidental favours are granted.

The third incorporation pattern is based upon *market relations* between the legal providers of jobs, housing, documents and so forth and the illegal immigrants who need these (cf. Mahler 1995). In our study, the groups of Moroccans and Africans were dependent on such market relations. Employers give them jobs (often low-paid), and landlords rent out apartments, rooms and beds to them. Illegal immigrants can also buy or hire the documents they need (passports, identification cards, health insurance cards, social-fiscal numbers). In this third incorporation pattern, there is an asymmetrical relationship between the two parties. A contractual agreement can always be cancelled, for example, if illegal workers or tenants are not submissive enough or violate certain rules of conduct. Labour and housing conflicts are then settled by firing or evicting the illegal immigrants or by simply refusing to pay them for the work they have done.

The empirical results make clear that there are differences in the extent to which illegal immigrants are incorporated and helped by their ethnic communities. These differences in informal incorporation patterns provide a partial explanation for the illegal immigrants' differential involvement in various forms of crime. The low crime rate among illegal Turks is partly the result of their embeddedness in the Turkish community. Their relations with relatives and other compatriots in the Netherlands grant them access to specific forms of support and make them less dependent on crime to survive in the Netherlands. Quite the opposite is the case with illegal Moroccans, who often have to manage on their own without a supportive network. Forms of survival criminality are the only option for some of them. Illegal Africans occupy a position that lies in between that of the Turks and Moroccans. They can rely on more support from their own ethnic community than the Moroccans, but are involved to a far greater extent in illegal and informal ways of earning a living than the Turks.

However, from the descriptions of various informal incorporation patterns, it may also be deduced that these support patterns are not immutable. As a result of the conflicts described before, the supportive relations may change over time. A relevant question in this respect is to what extent restrictive policy will make the communal sharing pattern more problematic. In the past, illegal Turkish immigrants eventually often managed to find formal employment (and, partly as a result of this, also a marriage partner), which enabled them to lead an independent life. However, this has now become much more difficult. The result is that many illegal im-
migrants remain dependent on relatives and acquaintances for a longer period of time. Due to the problems concomitant with sustained support, members of ethnic communities have adopted a more critical attitude towards illegal immigrants and more often refuse to provide guarantees for their journey to, and stay in, the Netherlands. However, the weakening of informal support systems does not imply that illegal immigrants no longer come to the Netherlands or immediately leave the country. They can still come to the Netherlands illegally (via smuggling networks) and try to support themselves via the informal economy or criminal sphere. Thus, legal forms of exclusion by the State and informal forms of exclusion by ethnic groups may encourage illegal immigrants to go further underground. One important question is therefore whether or not the participation of Turkish illegal immigrants in criminal activities will increase in the future.

The Role of the Labour Market for Illegal Immigrants

A second element in the explanation is access to the labour market. The practice of referring to illegal immigrants as undocumented workers makes clear that labour is seen as crucial when trying to understand the phenomenon of illegal migration (Portes and Rumbaut 1990). Yet, an analysis of the labour market position of illegal immigrants in Rotterdam shows that access to the highly regulated labour market is not as unproblematic as is sometimes suggested (Van der Leun and Kloosterman 1999). Even when using a broad definition of work, including odd jobs, casual employment and prostitution, we found that about one third of the research group was without work at the time of interviewing. This was mainly the result of the difficulties in finding a permanent job. Typically, illegal immigrants regularly find themselves in and out of employment and frequently face periods of unemployment in between. The interviews show that, after 1991, it has become more difficult for them to find a secure job because they cannot obtain a social-fiscal number anymore. This implies that finding a regular job in which they pay income tax is now, in principle, impossible. Yet, both employers and their illegal employees find ways of circumventing the blockades, for example, by 'borrowing', leasing, buying or forging documents or making use of the services of employment agencies that conceal the illegal status of workers. The illegal immigrants' high 'search costs' (in terms of time) are also reflected in the respondents' fragmented careers. In most instances, they do not specialise in one type of job, but go from one sector to another, without being able to climb the socio-economic ladder.

As to the work they do, it is clear that the respondents are almost exclusively active in the secondary segment of the labour market. They do unskilled work, which requires little or no training. Employers turn to illegal
workers for unattractive tasks such as cleaning, fruit picking and newspaper delivery. The respondents typically work in smaller firms in well-known sectors such as the cleaning industry, market gardening and, to a lesser extent, the manufacturing industry and construction. They work on a casual, sometimes even daily, basis and are mainly used to make flexible production possible. However, it must be noted that, besides paid jobs, we also found forms of unpaid work. Whereas some illegal immigrants are supported by their family and fulfil household or care tasks in return, others are entirely supported by family members or charitable organisations. Our research does not show any large involvement in the domestic sphere besides that of the family. Apparently, the respondents lack the ties that could link them to this growing demand.

More in general, illegal immigrants are highly dependent on immigrant networks when trying to find employment. Their opportunities are largely determined by the access that they have to relevant information, which will mainly be obtained through social networks that generate enough ‘trust’. When seeking employment, undocumented migrants cannot readily use regular organisations and channels. In this respect, we found that contacts within the ethnic communities are of prime importance. Some 80% of the respondents found work this way. This is particularly the case with respondents who come from strongly established communities, such as the Turkish respondents, and, to a lesser extent, the Cape Verdean respondents. The interviews reveal that the Turkish respondents are better off than the Moroccan respondents. The former can rely on a ‘Turkish economy’, which is reflected by the fact that it is only among the Turkish respondents that the majority work for employers with the same background. Moreover, many Turkish respondents work exclusively with Turkish colleagues and speak Turkish in the workplace, whereas the Moroccans either work for Dutch employers and have a social-fiscal number (when they came to the Netherlands before 1991) or are left to their own devices. Whilst 94% of the Turkish respondents look for work within their own community, this only applies to 67% of the Moroccans. Among the Moroccan respondents, about one fourth is involved in the drug trade. They come into contact with this type of informal or illicit work through other Moroccan migrants, but the interviews make clear that these ties are limited. These illegal immigrants are used as ‘messenger boys’ and do the risky part of the job in exchange for a ‘salary’. More encompassing forms of support are usually lacking. Not surprisingly, the illegal drug runners often fall back on organisations that support the homeless, rather than on their co-ethnics or family members. In sum, the illegal immigrants’ access to the labour market is increasingly dependent on immigrant networks and established immigrant communities.
The Role of Implementation of Policies in Practice

A third factor which influences the options for illegal immigrants is the policy towards illegal immigrants. The way in which these policy measures are implemented by, among others, the police, Aliens Departments, and officials of public and semi-public institutions is crucial in this respect. The interviews with professionals who have to implement the rules and regulations in practice, show that major policy priorities are not or are insufficiently realised, and that lower level workers are often more lenient than the rules allow for. They use their discretionary autonomy to support people that they should officially exclude or they are not in the position to take effective measures. In other words: there is a certain social space, that some illegal immigrants can use to their advantage. The latter is particularly clear in the case of expulsions of illegal immigrants. Even when they are apprehended, many illegal immigrants who have committed crimes, are not expelled effectively and therefore can continue their activities.

The above-mentioned does not mean that the restrictive policies have no effect whatsoever. Measures to close off the access to the formal labour market (such as the Identification Act, the linking of the social-fiscal number to a valid residence status etcetera) have had considerable impact and so have the attempts to exclude illegal immigrants from social services. But this is much less the case where the other policy priorities are concerned, such as the apprehension and expulsion of criminal illegal immigrants and the exclusion of illegal immigrants from provisions in the fields of education, housing and healthcare. These observations are not unique to the Dutch situation. A similar gap between policy goals and policy outcomes is obvious in most Western European countries (Cornelius et al. 1994; Jahn and Straubhaar 1999).

We argue that this gap is partly the result of the fact that professionals within various institutions in the fields of education, housing and healthcare are reluctant to exclude illegal immigrants from all types of support. Lower officials also take into account pragmatic, humane and professional considerations when dealing with illegal immigrants, thus they occasionally help and tolerate certain groups of illegal immigrants. This also goes for the police that leave illegal immigrants who do not cause any nuisance alone (Engbersen and Van der Leun 1999). The formal policy is thus primarily a symbolic policy towards an insoluble social problem. This policy is intended to have a symbolic effect both in the Netherlands and abroad: reassuring those parts of the Dutch population that fear the arrival of illegal immigrants, on the one hand, and informing undesired migrants that they are not welcome, on the other. At the same time, large groups of illegal immigrants residing in the Netherlands are de facto tolerated. Thus, in the Netherlands and also in
other European societies, a situation has evolved in which there is, on the one hand, a very restrictive legal framework, vocally accompanied by tough statements from politicians on how they keep out illegal immigrants, and, on the other hand, an extensive toleration practice that is partly responsible for the fact that illegal immigrants are able to stay.

The implementation practices of the police and other institutions do not offer an adequate explanation for the illegal immigrants' differential involvement in certain types of crime, but they do for the poor results of the expulsion policy with regard to illegal immigrants who have committed criminal offences. Most of all, these specific implementation practices offer a partial explanation for the illegal immigrants' limited involvement in the criminal sphere.

MARGINALISATION AND CRIMINALISATION OF ILLEGAL IMMIGRANTS

In the introduction, we pointed to the social and legal construction of the illegal immigrant through new legislation and to the observation that illegality is increasingly linked to crime. On the basis of large-scale empirical research, the involvement of illegal immigrants in crime was put into perspective. The majority of illegal immigrants are not criminally active. One exception is the category that is active in the lower levels of the hard drug trade. A second and associated finding is that the various groups of illegal immigrants are distinct. The differential involvement reflects the difference between those who can fall back on strongly established migrant communities and those who cannot do so or only to a limited extent. Remarkable in this connection is the difference between Turks, who have access to their own solid resources, and Moroccans, who are sooner inclined to resort to (drug-related) crime. Africans were found to rely more on market forces than the other groups. Our analysis suggests that the perception of the 'criminal illegal immigrant' first and foremost reflects the division between wanted and unwanted immigrants, which is the result of the shift towards a restrictive policy.

Secondly, we have argued that both the relatively limited involvement in crime in general and the differences between groups can be explained by the embeddedness of illegal immigrants in the labour sphere and the support by ethnic communities. Certain groups of illegal immigrants have sufficient opportunities to acquire income and, in addition, they can rely on various provisions such as housing and the access to medical care. Thirdly, we pointed to the practical realisation of the restrictive policy towards illegal immigrants. Implementation practices, which are often more flexible than one might surmise from legislation, function as buffers that enable illegal
immigrants to survive without having to resort to criminal means.

These observations do raise the question as to whether the 'arrangement' described will hold in its current form. Various legal measures have made it increasingly difficult for illegal immigrants to support themselves through formal labour. Also, access to public services has become subject to increasingly severe checks, witness the implementation of the Linking Act (Van der Leun 2000). At the same time, there are no clear indications that illegal immigrants are leaving the country or that newcomers leave the Netherlands aside. As a result, illegal immigrants do become more dependent on family and relatives, and are forced into a more marginal social position. This shows that the stricter policy has real and sometimes unintended consequences, both for the illegal immigrants and their immediate social environment. By implication, the exclusion of illegal immigrants can result in a greater push towards criminality when these buffers lose their strength. This might happen when (a) the restrictive policies are further pushed to their limits and (b) when the illegal immigrants in question cannot rely on well-established and resourceful immigrant communities. As, in the light of the increasing fragmentation of migration, whether the latter is likely to happen much will depend on the policy stand that will be taken in the near future.

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ABSTRACT. This article presents research carried out as part of a government research programme looking at the police tactic of 'stop and search' in England and Wales. For many years, figures which have shown a higher rate of stop and search of minority ethnic groups, particularly black people, have provoked much controversy, and have been seen by many as a manifestation of police racism. This article reviews the way in which stop and search impacts on public confidence, with particular reference to those from minority ethnic groups. It goes on to explore its role within policing, including an examination of its effectiveness against crime and the evidence for racism in police practice. Following from this, it considers how stop and search can be used in a way that minimises negative impacts on the community and maximises its effectiveness against crime.

KEY WORDS: disproportionality, intelligence, stop and search, PACE (Police and Criminal Evidence Act), police powers

INTRODUCTION

Within Britain, the police use of powers to stop and search members of the public on the street has long been a source of controversy. At the centre of the debate has been the observation that those from minority ethnic backgrounds, particularly black people, are stopped and searched far more often than white people. In 1981, the Brixton Disorders report (also known as the Scarman report), which sought to explain the then recent riots in Brixton, South London, an area noted for its large black population, pointed to the intensive and indiscriminate use of searches as a key factor in the outbreak of disorder. Research from that time and since has highlighted the higher rates of stops and searches of black people, compared to their white counterparts (see e.g. Smith 1983; Willis 1983; Young 1994; Bucke 1997). And police search statistics for England and Wales published by the Home Office since 1996 (e.g. Home Office 1999) have consistently shown that black people are on average at least five times more likely to be searched by the police than white people.

Debate about the reasons for this 'disproportionality' in stops and searches has been vigorous. This has tended to focus, on the one hand, on claims of police discrimination; and on the other hand, claims of higher rates of offending among the black population and differences in demo-
graphic and cultural characteristics of different ethnic populations, have been used to explain, and to justify, the disproportionate focus of police stops and searches of those from minority ethnic backgrounds.

The spotlight was, once again, placed on the police use of stops and searches in the recent *Stephen Lawrence Inquiry* (1999). This inquiry, which followed the racist murder of a black teenager in South London in which the police failed to bring the killers to justice, focused not only on the police investigation of the murder of Stephen Lawrence, but also on the investigation and prosecution of racially motivated crimes in general. This process highlighted to the inquiry the minority ethnic communities' general lack of trust and confidence in the police, the inquiry report noting that stop and search was a universal area of complaint. The report went on to say: "The need to re-establish trust between minority ethnic communities and the police is paramount. Such distrust and loss of confidence is particularly evident in the widely held view that junior officers discriminate in practice at the operational level [...]."

**The Focus of this Article**

In part as a response to the issues raised by the report of the inquiry, the Home Office carried out a programme of research looking specifically at the question of stop and search (Bland et al. 2000a,b; Miller et al. 2000; MVA and Miller 2000; Quinton et al. 2000; Stone and Pettigrew 2000). This article draws on this research (in particular on analyses carried out in Miller et al. 2000) to consider how the impact of stops and searches on the community can be reconciled with their use as a crime-fighting tool. Specifically, it asks the following questions:

- How do stops and searches impact on public confidence in the police?
- What role do stops and searches have in policing?
- Following from this, what steps can be taken to minimise their negative impact on the community and maximise their effectiveness against crime problems?

In answering these questions, the research will draw on a range of data collected for the programme, including:

- interviews with over 100 operational police officers, supervisors and managers;
- observations of over 340 hours of routine patrol work;
- in-depth interviews with 55 people stopped or searched and 12 discussion groups with 104 people from the wider community;
- statistics produced from police records;
- statistics generated by the British Crime Survey;
- research visits to a number of police forces.

**The ‘Stop and Search’ Tactic**

There are a wide range of police-public encounters which form part of policing. The term ‘stop and search’ can be used to refer to a subset of these encounters. Specifically, they can be seen as referring to encounters which involve some element of police suspicion, and of calling members of the public to account for themselves in some way. Within the range of stop and search encounters, a distinction can be made between those encounters which only involve stopping and talking to a member of the public, and those in which the encounter involves a search of the member of the public by the police officer because of suspicion that they have illegal items in their possession. For the purposes of clarity, when discussing the former, this will simply refer to ‘stops’, and in discussing the latter, the article will refer to ‘searches’. In fact, these two types of encounter often fall under different powers and result from different practices. Both types of encounters are discussed below.

**Searches in Historical Perspective**

Prior to the Police and Criminal Evidence Act, 1984 (PACE), legal powers to search existed within a variety of local and national legislation (Willis 1983; Brown 1997). While there were general powers to search for drugs and firearms, powers to search for stolen goods were only found in local legislation, for example under Section 66 of the Metropolitan Police Act, 1839, which applied only to London. It is clear there were a number of problems in the way the police used their search powers before PACE. For example, a study by Willis (1983) found that, while the various pre-PACE legislation required some kind of reasonable grounds for suspicion as a basis for a search, in practice officers often did not follow this requirement. Smith (1983) came to similar conclusions. Furthermore, as already noted, various pieces of research found that searches fell disproportionately on black people.

The **Royal Commission on Criminal Procedure** (1981) drew attention to the problems in the use of search powers, and the Police and Criminal Evidence Act 1984 (PACE) followed this by making changes to search
legislation. The legislation granted new powers applying to searches of persons and vehicles for stolen or prohibited articles, and these were designed to be clear and to apply nationally. PACE also incorporated safeguards, including the requirement of reasonable grounds for suspicion, the provision of reasons for police actions, the completion of a written record—a copy of which was to be made available to the person searched, and the publication of search statistics (Young 1994; Brown 1997). In doing this, the new search legislation followed the general spirit of PACE, with its stated aim of balancing the rights of the suspect against the need to tackle crime (Young 1994).

In defining reasonable suspicion, PACE makes clear that this should have a clear and objective basis, and should not involve the stereotypical targeting of particular groups. However, PACE did not affect the police's existing right to carry out voluntary searches. These searches involve first obtaining the consent of the person before a search is carried out. However, the current PACE code makes clear that this should be carried out in a clear and transparent way. Details of searches under the most common legal powers, along with voluntary searches, are given in Table 1.

Despite the best intentions of PACE, it has been subject to a range of criticism. One of the key criticisms relates to the difficulty of regulating police behaviour through legal rules (e.g. Baldwin and Kinsey 1985; Smith 1986; Dixon et al. 1989). Certainly, empirical research since the introduction of PACE (Bottomley et al. 1991) suggests it is doubtful whether the standard of reasonable suspicion is always reached by officers, based on analysis of search records. Dixon (1997) also reminds us that some officers may avoid the requirements of reasonable grounds for suspicion and the recording of searches if it can be claimed that the suspect consented to the search; and as Young (1994) points out, the notion of 'voluntary' is extremely liable to misinterpretation.

In a similar vein, Young (1994) challenges the PACE ideal of an individualised, objective suspicion free from stereotyping. Rather, stereotyping in police work is seen as inevitable, and even necessary for police work. However, this reality leaves the door open for stereotyping which is not based on objective facts about the sections of the population most likely to be involved in crime. According to Young, this can and does lead to discrimination in the use of searches against black people.

**Police Stops**

Police stops inevitably form, and have always formed, part of policing. They are often governed by different legislative powers than searches,
A CHALLENGE FOR POLICE-COMMUNITY RELATIONS  75

TABLE I
Most common types of searches.

<table>
<thead>
<tr>
<th>Power/basis for search</th>
<th>What is the object of the search?</th>
<th>When can it be used?</th>
</tr>
</thead>
<tbody>
<tr>
<td>Police and Criminal Evidence Act 1984, Section 1</td>
<td>Stolen goods; articles for use in certain Theft Act offences; offensive weapons, including bladed or sharply-pointed articles</td>
<td>Where an officer has reasonable grounds for suspicion</td>
</tr>
<tr>
<td>Misuse of Drugs Act 1971, Section 23</td>
<td>Controlled drugs</td>
<td>Where an officer has reasonable grounds for suspicion</td>
</tr>
<tr>
<td>Firearms Act 1968, Section 47</td>
<td>Firearms</td>
<td>Where an officer has reasonable grounds for suspicion</td>
</tr>
<tr>
<td>Section 60 of the Criminal Justice and Public Order Act 1994 (as amended by Section 8 of the Knives Act 1997)</td>
<td>Offensive weapons or dangerous instruments</td>
<td>When authorisation by officer of the rank of inspector or above is given in relation to a specific place and time period</td>
</tr>
<tr>
<td>Non-legislative 'voluntary' or 'consent' searches</td>
<td>Any illegal item</td>
<td>When an officer has or the consent of the person searched</td>
</tr>
</tbody>
</table>

*Other powers include: Sections 163a and 163b of the Prevention of Terrorism Act 1989; various poaching and wildlife conservation legislation; the Aviation Security Act 1982, section 27(1); the Customs and Excise Management Act 1979, sections 163 and 164; and the Sporting Events (Control of Alcohol etc.) Act 1985.

although they need not involve the exercise of formal legal powers. As less intrusive encounters, they have not been subject to the same level of controversy and debate as searches, although the Stephen Lawrence Inquiry (1999) flagged-up concerns about their disproportionate use against minority ethnic groups. Stops may occur where:

- an officer stops somebody on a voluntary basis, perhaps because they have some suspicions about the person (although not necessarily grounds for a search), or because they think the person may have some useful information;

- an officer stops someone under legislative powers (this may involve stopping someone under PACE powers with a view to a search, but has his suspicions allayed after a conversation; officers also commonly stop vehicles under Section 163 of the Road Traffic Act 1988).
THE IMPACT OF STOPS AND SEARCHES ON PUBLIC CONFIDENCE IN THE POLICE

Perhaps surprisingly, research shows that there is a general support for the principle of stops and searches across the community at large, provided that they are used appropriately. For example, qualitative research has found that people from a range of ethnic backgrounds saw a value in stops and searches (FitzGerald 1999; Stone and Pettigrew 2000). However, there are very clear concerns about how they are used in practice, and a view that the powers are often abused. Similarly, FitzGerald (1999) cites survey evidence across a range of minority ethnic groups in London suggesting that most people thought the power could be useful in addressing crime.

Who gets Stopped or Searched?

One of the central issues to understanding the effect of stops and searches on community perceptions is to understand the community’s experiences of stops and searches. A first step to understanding this is to first of all identify who it is that is getting stopped or searched by the police. As already noted, one of the major criticisms of stops and searches has been their disproportionate use against people from minority ethnic communities (e.g. Home Office 1999; Bucke 1997; Smith 1983) and this was identified as a major concern by the Stephen Lawrence Inquiry (1999). To illustrate, Table II provides figures from the 1996 British Crime Survey (BCS) describing the different rates of both stops and searches reported by the public for different ethnic groups.

Table II shows clearly that African Caribbeans, compared to whites, are substantially more likely to be stopped, more likely to experience multiple stops, and more likely to be searched. The Table suggests that Asians, in general, are likely to experience stops at similar rates to whites. However, once stopped, they are more likely to be searched.

There is also evidence that ethnic groups not captured by the breakdown may also suffer disproportionately from stops and searches. For example,

<table>
<thead>
<tr>
<th></th>
<th>Whites</th>
<th>African Caribbeans</th>
<th>Asians</th>
</tr>
</thead>
<tbody>
<tr>
<td>Stopped during year (%)</td>
<td>16</td>
<td>23</td>
<td>15</td>
</tr>
<tr>
<td>Stopped more than once during year (%)</td>
<td>5</td>
<td>14</td>
<td>7</td>
</tr>
<tr>
<td>Searched (% of those stopped)</td>
<td>8</td>
<td>20</td>
<td>15</td>
</tr>
</tbody>
</table>
research by Mooney and Young (1999) identify Irish people in an area of North London as more likely to be stopped. It is also notable that disproportionality in searches, at least for black and Asian people, can be found across most police forces in England and Wales (Home Office 1999).

However, in interview, many police officers claimed that the sort of people they stopped and searched were targeted because they were criminals, regardless of ethnic background. In view of this, searches were often seen as acceptable, even when nothing was found. To shed some light on whether this is generally the case, data from the 1998/9 Youth Lifestyles Survey was analysed. This is a survey of young people aged between 12 and 30 which focuses on experiences of crime and the criminal justice system within England and Wales. Details are presented in Table III.

Table III shows that those stopped or searched are more likely to have reported offending in the past year. However, half of the respondents who have been searched in the previous year had not been involved in offending, other than drug offences, as had three quarters of those stopped. When drug-use is also considered, stops and searches appear more closely targeted: while half of the people stopped did not report offending or taking drugs in the previous year, this was true for just a quarter of the people searched. It is worth noting that among those who ‘used drugs only’ in the previous year, 54% had used only cannabis.

### Table III

<table>
<thead>
<tr>
<th>Offended in previous year (other than drug-use)</th>
<th>All(%)</th>
<th>Those stopped in the previous year (%)</th>
<th>Those searched(^b) in the previous year (%)</th>
</tr>
</thead>
<tbody>
<tr>
<td>Offended in previous year</td>
<td>19</td>
<td>26</td>
<td>50</td>
</tr>
<tr>
<td>Used drugs only in previous year</td>
<td>17</td>
<td>19</td>
<td>24</td>
</tr>
<tr>
<td>Not offended in previous year</td>
<td>65</td>
<td>55</td>
<td>27</td>
</tr>
<tr>
<td>All</td>
<td>100</td>
<td>100</td>
<td>100</td>
</tr>
</tbody>
</table>

*Offending here is defined as having committed at least one of a range of offences in the last 12 months, involving criminal damage, property, fraud and violence.

\(^b\)Those searched in the last year are those who, on the last occasion stopped either in a vehicle or on foot, were searched; those only ‘stopped’ were those who were not searched on the last occasion.

\(^1\)Analysis is based on 3,931 cases, including 3,579 white, 107 black, 80 Indian, 76 Pakistani/Bangladeshi, and 89 ‘other’ respondents.
Overall, then, it appears that many stops and most searches are focused on those who have offended or taken drugs. However, we should not lose sight of the fact that a substantial minority of searches and over half of stops still involve those who do not report offending or drug-taking. It is also worth noting that those involved in crime in the previous year may not be carrying out an offence at the time of the stop or search. This may be an important issue when considering the potential impact of stops and searches on community perceptions.

Confidence in the Police

Following on from this, it is clearly important to understand what the consequences of being stopped and searched are. In this regard, the Youth Lifestyles Survey tells us that 67% of those neither stopped or searched in the previous year thought the police do a ‘fairly’ or ‘very’ good job. Compared to this, those who had been stopped only in the last year had a similar level of confidence, with 64% thinking the police do a ‘fairly’ or ‘very’ good job. By contrast, this was true for just 46% of those who, on the last occasion they had been stopped in the previous year had also been searched. On the face of it, this suggests that the experience of a stop, on its own, does not substantially affect an individual’s confidence in the police.

There are, however, likely to be a wide range of factors which influence the confidence that the public has in the police and it may be that these explain the relationship if they are correlated with experiences of being searched. For example, the Youth Lifestyles Survey also shows that while 57% of those who had offended (excluding drugs) thought the police did a very or fairly good job, this was true of 66% of those who had only taken drugs and 69% of those who had not offended or taken drugs. It is also notable that 72% of those in rural areas thought the police did a good job compared to only 56% of those in inner-city areas.

In order to assess whether searches appeared important in influencing perceptions of the police, independently of other such factors, a logistic regression model was developed. The model controlled for a range of variables, including age, ethnicity, social class, urbanisation, offending behaviour, knowing people in trouble with police, and victimisation (full details can be found in Miller et al. 2000). The model confirms that searches were indeed associated with a lower confidence in the police, even after account-

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2For those who had experienced both a foot and vehicle stop in the last year, this relates to those who had experienced a search either during the last foot or vehicle stop.
ing for other relevant variables. However, the experience of being stopped but not searched did not show an association. We should perhaps be a little cautious about disregarding the experience of stops, however. Certainly, qualitative research suggests that the experience of being stopped can be a negative one (Stone and Pettigrew 2000). While this finding has clear implications for those searched across the board, it seems inevitable that people from minority ethnic backgrounds, because they are more often searched, will disproportionately suffer from a loss of confidence as a direct result of their personal experiences of searches.

**What Influences Experiences of Stops and Searches?**

Finally, it is important to look in greater detail at the factors which make up a stop and search encounter, and examine how these influence the outcome in terms of public satisfaction. In fact, there is a large body of research which has examined this and which has produced a fairly clear and consistent picture. This has included both statistical and qualitative approaches.

For example, Skogan (1994) explored the correlates of satisfaction in the police handling of stop encounters using the 1992 British Crime Survey. Similarly, FitzGerald and Hale (forthcoming) constructed a model of public satisfaction with vehicle stops of males using the 1994 British Crime Survey (BCS). These models suggested satisfaction is greater when:

- people feel they are fairly treated by the police;
- the police act politely;
- the police show enough interest in what people had to say;
- people were not searched or sanctioned;
- people were given a reason for the stop - and one which was acceptable;
- drivers are not asked to produce their documents.

A range of qualitative evidence such as open-ended interviews and focus groups, confirms the general picture provided by statistical evidence, and provides some important additional detail. FitzGerald (1999) carried out a range of interviews and focus groups in London with community workers and young people, as well as with police officers. For young people, officers’ behaviour and attitudes during encounters were the main focus of complaint. They stressed that it was important for officers to be polite and respectful and to offer an explanation for why they had been stopped, in keeping with the statistical analyses discussed above. Interviews with people carried out for the Home Office research programme of people stopped by the police also came to similar conclusions (Stone and Pettigrew
2000). This work identified some further important issues, some of which were also echoed by FitzGerald:

- some police were seen as arrogant in their handling of stops;
- young officers were often seen as the most difficult;
- stops could be embarrassing, for example when they occurred outside work, outside the mosque or in front of others;
- bad experiences of stops were the most memorable ones;
- people may be less inclined to go to the police for help after a bad experience of stop or search.

It is also important to realise that members of the public are not necessarily passive when they are stopped. In FitzGerald’s study, both young people and police officers acknowledged that those stopped could be hostile, with police officers sometimes responding badly to this. This suggests that it is important for officers to know how to handle difficult members of the public without creating bad feeling.

Overall, it is clear that the way in which the police handle stop encounters can have an important effect on the way people experience them. It is notable, in this regard, that some people interviewed for the Home Office research recounted positive experiences of stops. It is also clear that when a stop is followed by a search, this tends to reduce their satisfaction with the encounter.

*Ethnicity and Experiences of Stops and Searches*

The disproportionate use of stops and searches against those from minority ethnic backgrounds has already been discussed. However, evidence also suggests that the quality of stop and search encounters is often worse for those from minority ethnic backgrounds. For example, Bucke (1997), analysing the 1996 BCS, found that while 82% of white people were satisfied with their treatment during stop or search encounters, this was true for just 72% of Asians and 55% of African Caribbeans. This lower level of satisfaction is explained, at least in part, by the fact that stops of people from ethnic minorities more often have the characteristics associated with dissatisfaction for all groups. For example, Bucke (1997) found that African Caribbeans and Asians were more often searched and were less convinced by the explanations of stops given by the police than other ethnic groups. Similarly, FitzGerald and Hale (forthcoming), in their analysis of vehicle stops, found that as well as being searched more often following a stop, black and Asian men were less likely to feel they were given a satisfactory reason for a stop, less likely to think they were treated politely or
fairly and were more likely to be asked to produce their documents at a police station.

It is not entirely clear why people from minority ethnic backgrounds should have more negative experiences of stops and searches. It may be that officers sometimes act, or are perceived to act, in a discriminatory manner. It may be that some police officers, when encountering those from minority ethnic backgrounds are less able to develop a good rapport, either because of cultural or social differences, or because they are confronted with more resistance or hostility from those from minority backgrounds. In this regard, FitzGerald and Sibbitt (1997) noted a climate of mistrust between the police and black people, although Norris et al. (1992) found no evidence of differences in the treatment or reactions of white and black people stopped by the police.

THE ROLE OF STOPS AND SEARCHES IN POLICING

Within the police service, there is a strong attachment to stops and searches. In the last year, more than a million searches were recorded by police forces in England and Wales. This figure, however, may be a substantial underestimate of the true number of searches. FitzGerald and Hale (forthcoming) suggest that, in 1993, the number of searches recorded by the police was substantially lower than that estimated using the BCS, and recording levels were significantly worse outside the Metropolitan Police.

Furthermore, it is notable that recorded search activity has shown a sustained and substantial increase since 1986, when monitoring of searches began. Figure 1 shows the changes in levels of search and arrests from searches recorded in England and Wales under PACE and other legislation from 1986 to the present, based on Home Office statistics. While part of this is likely to reflect improvements in recording since the introduction of PACE, it is also likely to reflect an increase in search activity (Brown 1997).

There are no equivalent police figures available for stops. However, some estimate can be made of the proportion of such contacts using data collected for the evaluation of the Stephen Lawrence Inquiry's recommendations (Bland et al. 2000a). Based on observations of police work involving 149 police-initiated stops of individuals, only 18 involved searches, suggesting that stops may outnumber searches by about seven to one. Of course, stops and searches combined are still fewer than the full range of police-public contacts.

The police service's attachment to stops and searches is also illustrated by the opinions of officers interviewed for the research programme, which
showed in general a high level of support. Having said that, there were various shades of opinion. At one end of the spectrum, were those officers who saw searches as central to police work: "Crime would go through the roof if they did not stop and search people." At the other end of the spectrum, there were more cautious views expressed. For example, some officers felt that searches were a good tool but had to be used in a focused way: "80% of searches are a waste of time [...] it's a solid gold tool for a solid gold problem."

The Effectiveness of Searches Against Crime

The primary purpose of searches is to tackle crime, and there is a general view among police officers that searches are effective at doing this. However, despite such a widespread belief, surprisingly little work has been carried out to assess the extent to which this is in fact the case, or the ways in which they may impact on crime.

In order to assess the extent to which searches might be effective in the detection and prevention of crime, it was first of all necessary to consider how, in theory at least, this might be achieved. The ways in which this might, in fact, occur are illustrated in Table IV.

The impact of stops on crime is more difficult to assess, although they may draw on some similar mechanisms to that suggested by searches. Probably the main direct impact on crime is through the detection of traffic offences. Beyond this, stops are likely to play an important but less direct role in addressing crime through the information and intelligence that they
**TABLE IV**

Ways in which searches may impact on crime.

<table>
<thead>
<tr>
<th>Impact on crime</th>
<th>Mechanism</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>Detection</strong></td>
<td></td>
</tr>
<tr>
<td>Past crime</td>
<td>Detection of those carrying stolen goods from crimes, those carrying offensive weapons or firearms who have recently committed violent offences, or those 'going equipped' to steal who can be linked with crimes</td>
</tr>
<tr>
<td>Present crime</td>
<td>Detection of those carrying drugs, offensive weapons, firearms, 'going equipped'</td>
</tr>
<tr>
<td><strong>Direct disruption</strong></td>
<td></td>
</tr>
<tr>
<td>Planned crime</td>
<td>Intercepting those 'going equipped', those carrying offensive weapons or firearms in order to carry out crimes, and those carrying drugs with intent to supply</td>
</tr>
<tr>
<td><strong>Long term disruption</strong></td>
<td></td>
</tr>
<tr>
<td>Potential future crime</td>
<td>Incapacitation or desistance of criminals through detection and sentencing</td>
</tr>
<tr>
<td><strong>Deterrence</strong></td>
<td></td>
</tr>
<tr>
<td>All crimes susceptible to detection</td>
<td>People not committing crime, or changing their offending patterns, for fear they may be discovered through a search</td>
</tr>
<tr>
<td><strong>Indirect effects through 'order maintenance'</strong></td>
<td></td>
</tr>
<tr>
<td>General crime and disorder</td>
<td>Focus on low-level crime problems maintains a social order and prevents the development of more serious crime problems (and reduces public fear of crime)</td>
</tr>
<tr>
<td><strong>Intelligence</strong></td>
<td></td>
</tr>
<tr>
<td>Contribution to detection of past crime and prevention of future crime</td>
<td>Information gained during a search encounter informs subsequent police work</td>
</tr>
</tbody>
</table>

may pick up. However, it should also be remembered that stops may often be a way of dissipating suspicion so that a subsequent search, or arrest or other legal process is not necessary. Overall, we would probably expect stops on their own to have less direct impact on crime than searches.

Using available statistics on recorded crimes and those revealed by the BCS (Mirrlees-Black et al. 1998; Povey and Prime 1999), recorded searches (Wilkins and Addicot 2000) and existing research, it was possible to esti-
mate the extent to which searches were effective for both the detection and prevention of crime, although a similar analysis was not possible for stops. The results of this analysis are summarised below, while more detail can be found in Miller et al. (2000).

**Detection:** Searches appear to have a minor role in detecting offenders for the categories of crime that they may conceivably address, and a relatively small role in detecting offenders for such crimes that come to the attention of the police. Thus, based on public reporting to the BCS, it is estimated that there are a total of 106 search ‘detectable’ crimes for every one arrest from a search. Similarly, for every 26 such offences recorded by the police, there is one recorded search arrest. However, they make a more notable contribution to police arrests for these crimes, totalling an average of 13% across a range of forces.

**Direct disruption:** Searches appear to have only a limited direct disruptive impact on crime by intercepting those going out to commit offences. Based on the BCS, it is estimated that searches reduced the number of crimes which may be seen as ‘disruptable’ by just 0.2% in 1997. Equivalent figures based on recorded crimes range from 0.6 to 2.3% for 1998/9. However, less is known about their localised effects in relation to areas specifically targeted by the police.

**Long-term disruption:** It is not clear to what extent searches undermine criminal activity through the arrest and conviction of prolific offenders. However, it is unlikely that searches make a substantial contribution to undermining drug-markets or drug-related crime in this way, given that drug searches tend to focus on users rather than dealers, and cannabis rather than hard drugs.

**Deterrence:** There is little solid evidence that searches have a deterrent effect on crime. Certainly, within London’s Metropolitan Police data there is no strong and consistent correlation between searches and crime levels a month later (Penzer 1999a,b,c). There is, however, some evidence that the very existence of stops may prevent crime, whether or not they involve searches (Boydston 1975). This may involve deterrence.

**Order maintenance:** The role and effectiveness of searches in relation to intensive order maintenance activity by the police is unknown. While this type of policing in general can have a short-term impact on serious crime, it has the potential to damage police legitimacy and hamper the effectiveness of policing in the longer-term (Jordan 1998).

**Intelligence:** Searches can provide ‘added value’ to police work in the form of intelligence (FitzGerald 1999), although this is likely to be true of stops in general. However, the fact that stops are not currently recorded
while searches are, means that intelligence arising from searches is probably better utilised.

Overall, it appears that searches make only a small impact on the detection and prevention of crime. The fact that they can make a more notable contribution to arrests within police forces may explain why police officers have a high level of confidence in them, despite their more limited consequences for crime problems.

**Conditions for Effective Searches**

The research gave a number of important pointers as to how the effectiveness of searches could be maximised.

**Strong Grounds for Suspicion**

One of the clear messages that came back from many officers is that searches are most effective when they have 'reasonable grounds for suspicion'. That is, in discussing the criteria that were important to carrying out a search, they corresponded closely to the legal requirements of PACE. Commonly mentioned factors included when a person:

- fits a description of a suspect, for example following a call to service;
- is in the vicinity of a very recently committed crime;
- is seen in an area experiencing a large amount of crime;
- is out late at night;
- is behaving in a suspicious manner;
- is a known offender.

Further evidence for the importance of grounds in achieving an arrest came from comparisons between searches which are required by law to have reasonable grounds and those which are not. For example, in one police force area examined by the Home Office research, Section 60 searches, which do not require grounds, had an arrest rate of only 5%. By contrast, Section 1 and Section 23 searches which do require grounds had arrest rates of 16 and 22% respectively. A comparison was also possible between searches carried out under powers requiring grounds and voluntary searches, which do not require grounds, for three police force areas. This indicated similar patterns. Voluntary searches had a similar arrest rate to Section 60 searches of just 4%. Once again, where grounds were required, searches were more effective at generating arrests, with arrest rates of 15% for Section 1 searches and 20% of Section 23 searches.
Intelligence
One of the issues mentioned most often by officers when discussing the characteristics of successful searches was the importance of intelligence. The type of intelligence valued by officers was that which closely dovetailed with information needed to develop grounds to carry out a successful search, and included:

- the location of crime hotspots;
- current crime problems;
- suspect descriptions;
- details of serious and prolific offenders identified by the police.

In interviews with officers, many officers valued information bulletins that were passed to them and the regular intelligence briefings that they received. However, there is no doubt that more could be done to pass intelligence on to patrol officers. For example, many officers felt that they were given little intelligence in their daily shift briefings, which is potentially one of the best channels through which such information might be imparted. Another officer remarked on a traditional police culture which eschews the use of intelligence, but which needs to be challenged.

Issues of Quality and Quantity
Across a range of settings and situations, it appears that when searches are carried out more often, they tend to be less efficient. That is, although they are likely to produce more arrests overall, the proportion of searches leading to arrest typically decreases. This pattern is true, for example, if we compare different police forces, given that they vary in the extent to which they use searches.3

One of the reasons for a lower yield associated with higher search activity may be a reduced quality of grounds. Where police are more ready to use searches, they may often have a lower threshold in interpreting reasonable suspicion before carrying them out. If this is the case, not only will this involve more searches of innocent members of the public, but these may more often take place without sound reasons.

A factor which may be important in this regard is the issue of police performance. Although police forces are moving away from assessing the performance of patrol officers based on the absolute numbers of searches they carry out, there is a lingering sense among at least some officers in-

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3Humberside, for example, which records six searches per 1,000 population aged 10 and over, has an arrest rate of 16%. By contrast, Cleveland, which records 101 searches per 1,000 population, has an arrest rate of 6%.
terviewed—particularly probationers—that they are still judged on this, at least on an informal basis. In forces or contexts where this perception exists, it is possible that the quality of grounds may be sacrificed, at least to some extent, to the pursuit of high rates of search.

It should be noted, however, that high rates of search do not necessarily lead to a low yield. As part of the research it was observed that in situations where searches are used in a targeted and intelligence-led way, for example as part of a specific operation, high yields can still be achieved. However, this may rely on strong public support and good intelligence from the community.

There is, however, a further way in which quality of searches is potentially sacrificed for quantity. This relates to the nature of arrests they produce. The research noted that a large proportion of drug arrests from searches are for offences involving the consumption of cannabis, and indeed that searches are very often targeted at these types of offenders. Evidence suggests that the use of soft drugs may be of less concern to the public than the sale of hard drugs, or crimes such as burglary or robbery (e.g. Bland 1997). Arrests for these offences are unlikely to have a major preventative impact on future crime through the disruption of offenders.

Overall, it should be noted that high rates of searches, particularly where these are seen to address crime problems of concern to the community, are likely to have some implications for police-community relations. Furthermore, as Jordan (1998) has pointed out, a loss of legitimacy with the public can have a damaging effect on the public co-operation with the police which may hamper police effectiveness.

The Question of Discrimination

As already discussed, disproportionality in stops and searches has been seen by many as a manifestation of police discrimination, and this has undoubtedly contributed to a negative perception of the police by the community, and by the minority ethnic communities in particular. Yet there are a number of possible explanations for disproportionality, including:

- stereotyping or racism by police officers in their use of stops and searches;
- the concentration of policing in areas with high minority ethnic populations, perhaps because of higher rates of crime;
- perhaps linked to the above, more people from minority ethnic backgrounds in public places when and where stops and searches take place, thereby being more ‘available’ to be stopped or searched (see e.g. FitzGerald and Sibbitt 1997; MVA and Miller 2000);
— a higher level of involvement in crime by certain ethnic minorities (as suggested by Reiner 1993), prompting officers to stop or search ethnic minorities more often, based on suspect descriptions and intelligence.

Research carried out as part of the Home Office programme (MVA and Miller 2000) explored this issue by comparing, for five sites within England:

— the resident populations of the five areas, based on local census measures;
— the ‘available’ stop and search population who were in public places, either as drivers or pedestrians, when and where stops and searches took place;
— police records of those stopped and searched.

The research found that measures of ‘available’ populations are very different from resident populations, with young men and people from minority ethnic backgrounds tending to be over-represented in the available compared to resident populations. Furthermore, by comparing records of those stopped and searched with the available populations, it was clear there was no general pattern of bias against people from minority ethnic backgrounds in aggregate street-level decision-making in these encounters. It was notable, however, that for certain places and encounter types, minority ethnic people were stopped or searched more than would be expected. It is also notable that other research within the programme identified some examples where racial stereotypes were used by officers as a basis for suspicion (Quinton et al. 2000).

The research also examined, for two of the five sites, whether or not the geographical patterns of stops and searches mapped on to the patterns of crime. This was important to explore, particularly given that there was a tendency for stops and searches to focus on areas with higher numbers of minority ethnic residents. The research showed a reasonable level of fit between crime and both stops and searches, although disparities in one site appeared to make a small, but unjustified, contribution to disproportionality.

On the face of it, therefore, the evidence from the sites investigated suggested that disproportionality at an aggregate level seems to be underpinned significantly by structural factors. Further support for this idea has come from FitzGerald (1999) who has observed, for the Metropolitan Police Service in London, that search levels for different ethnic groups is closely in line with the ethnic profile of suspect descriptions which guide police activity. Although neither of these pieces of research rule out the possibility of discrimination among particular officers, or in relation to particular individuals stopped or searched, the findings strongly suggest
that disproportionality will not be eradicated by the police simply by tack-
ling racist decision-making among police officers alone, although this is
clearly necessary and important.

Rethinking Stop and Search

The findings of this body of research have important consequences for po-
lice practice. Ideas for improving police practice are summarised below.

Targeted and Intelligence-led Use of Searches

Rather than using searches as a routine, every-day part of policing activ-
ity, if forces use them in an efficient, targeted and intelligence-led way,
they are more likely to address crime problems of concern to the commu-
nity, while minimising their inconvenience to law-abiding members of the
public. This could be reinforced by paying attention to maximising the
quality, not just the quantity, of arrests produced from searches. For ex-
ample, searches aimed at cannabis possession for personal use may not
represent the most effective use of resources. Ideally, searches should fo-
cus on active and prolific offenders, particularly if they are to prevent crime.

Ensuring Strong Grounds for a Search

In order to minimise negative impacts on law-abiding members of the
public, and to maximise their effectiveness against crime, searches should
also be used efficiently by being based on strong grounds, again making
the best use of intelligence. Not only would this mean that searches are
more likely to produce arrests, it also furnishes officers with a credible
explanation for carrying out a search, something important regarding sat-
isfaction with an encounter. Consideration should be given as to how
searches not requiring legal grounds, such as Section 60 and voluntary
searches, are best used given that these are less effective at producing ar-
rests. Stops without searches are less alienating than searches, and can be
a good source of intelligence. Where good grounds do not exist, stops may
be a useful alternative to searches.

Good Management of Encounters

The public are more satisfied with stop and search encounters when they
receive a reasonable explanation and when they feel that they have been
treated politely and fairly. To pursue this aim, encounter management should be given priority in the training and supervision of operational police officers.

*Involvement of the Community*

By adopting a policy of openness with the community, forces are likely to enhance the legitimacy of stops and searches with the community. This would include involving themselves with members of the community ‘on the ground’ to achieve support for policing activities, and at a more strategic level to monitor and oversee patterns of stops and searches within forces. This is likely to improve the flow of intelligence to police forces as a by-product.

*Responding to Disproportionality*

Forces can respond to disproportionality, to some degree, by addressing discrimination in officer practice, for example through the monitoring of search patterns, and by generating confidence among the community in the forces’ use of search powers, for example by involving community representatives in the scrutiny of search patterns. As has been discussed, however, disproportionality appears, to a large extent, to be underpinned by structural factors. Forces therefore need also to think about creative alternatives to carrying out searches in their attempts to deal with crime problems in areas where high levels of stop and search activity are likely to threaten the legitimacy of the police. If such a strategy could be achieved in areas with large concentrations of minority ethnic people, this might help reduce levels of disproportionality and improve the credibility of the police as a result. Again, this is likely to have pay-offs, as this will in turn support effective policing.

**Conclusions**

This article has identified some of the key ways in which stops and searches impact negatively on public confidence. It has also assessed the effectiveness of searches as a tool against crime and identified the ways in which their impact can be maximised. In sketching out a way forward for stops and searches, it transpires that practical steps to improve public confidence are closely aligned to those which are likely to improve effectiveness. As such, this way forward is characterised in many respects by ‘win-win’ solutions rather trade-offs between competing goals.
However, while the measures suggested here may help reduce the negative fall-out from stops and searches, in highlighting structural factors over and above any direct police racism in explanations for disproportionality, this article has been unable to offer concrete solutions to this problem. Yet in areas characterised by high rates of crime and large minority ethnic populations, high rates of stops, and particularly searches, may continue to threaten public confidence in the police, and limit the effectiveness of the police service when operating within these areas. And, at a national level, statistics which continue to highlight disproportionality in minority ethnic communities' experiences of stops and searches may threaten the legitimacy of the police at a broader level.

It is important, therefore, for research to give further thought to this problem. This might involve considering alternatives to search powers as a way of addressing crime problems. It might also involve balancing the short-term benefits to policing of carrying out high rates of searches in some areas with the longer-term damage to effectiveness of policing, and indeed quality of life, that may follow from this.

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ABSTRACT. This article explores the exchange of personal information between agencies working with drug users and the 'problems' created by confidentiality. Confidentiality may be conceptualised as a form of information privacy, which in turn derives from a wider idea of privacy. The authors take as a case study the 'Wintercomfort Case', concerning a day centre for drug users in Cambridge. The focus is to look at the legal and practice implications of the case, and to examine in particular the tensions that exist between welfare and justice agencies who may have access to the same information, but who may also have different agendas and objectives in taking action.

KEY WORDS: co-operation, drug use, information exchange, privacy

INTRODUCTION

In 1998 the government published its authoritative policy statement Tackling Drugs Together (Home Office 1998) setting out its belief that working with drug users had to be a multi-agency operation combining health, welfare and criminal justice agencies. The implication was that neither the punitive justice model of working nor the 'harm reduction' treatment model of working had all the answers, but working together and bringing the appropriate dimension to the particular drug user in question, was a more positive way of working; both ends of the justice welfare continuum had a similar overall aim in trying to reduce drug use, even if their immediate objectives and means differed. In the jargon of the day, this was 'joined up thinking'.

One of the key components of multi-agency working of any kind is the appropriate exchange of personal information on the service users so that each agency can effectively perform its task. This exchange is often said to take place on a 'need to know' basis; a 'need to know', that is, in order to perform your task (see e.g. Thomas 1995, pp. 63–65). Other concepts come into play, such as consent, and notions of a 'confidential service'
still exist, but all multi-agency work requires some form of exchange in order to take place.

The personal information that is exchanged remains constant, but the context of its use makes that information more, or less, sensitive, and in more, or less, need of a ring of confidentiality around it.

This article explores the exchange of personal information between agencies working with drug users and takes as a case study the ‘Wintercomfort Case’ concerning a day centre for drug users in Cambridge (see below). It goes on to examine the rules and ‘governance’ of information exchange about drug users and in particular the tensions that exist between welfare and justice agencies who may have access to the same information, but who may also have different agendas and objectives in taking action.

CONFIDENTIALITY

Confidentiality may be conceptualised as a form of information privacy, which in turn derives from a wider idea of privacy. Privacy and the right to be ‘left alone’ has gained status in most Western societies over the last 100 years (see e.g. Westin 1967; Flaherty 1989). The concept of confidentiality has been intrinsic to health and welfare work from its earliest manifestations and derives from early charitable works by the church, where discussion of sensitive personal matters could border on the confessional.

The rationale for confidentiality to be part of the health and welfare work today rests on the belief that it encourages trust, reliance and respect, and a sense of security and confidence. It is seen as a basic building block for establishing a good working relationship with the client or service user. One of the early ‘classic’ texts on social work believed that:

The caseworker has an ethical obligation arising from the implicit contract, to keep confidence. Social workers have had no need to theorise about the nature of the ethical obligation, because this consciousness of being professional persons always inclined them to accept confidentiality. (Biestek 1961, p. 124)

Professional concepts of confidentiality intrinsic to the work and supported by codified statements are also reinforced by various organisational and legal requirements. Governmental circulars and guidance require degrees of confidentiality amongst its social workers such as the UK’s Department of Health view that:

[...] all personal information must be treated as confidential. Mutual trust between a social services department and those using its services, or involved in their care, is
central to the successful provision of services both to the individual client and to clients in general. (Department of Health 1988: par. 15; emphasis in original)

From this starting point it was accepted that there might be deviations and departures from any ‘absolute’ confidentiality and that health and welfare confidentiality is always liable to be conditional. In general terms confidence would only tend to be broken when there was a danger to either the client themselves or a clear danger to others, especially children.

THE WINTERCOMFORT CASE

In December 1999 Ruth Wyner and John Brock, the Director and Manager of a voluntary sector day centre for drug users called ‘Wintercomfort for the Homeless’ were imprisoned for five years and four years respectively. They were convicted for allowing the trading of heroin on their day centre premises contrary to Section 8 of the Misuse of Drugs Act 1971. During their five week trial it was acknowledged by the judge that the two workers had nothing to gain from permitting drug dealing, one of the points at issue was the fact that these two workers knew this was going on but declined to tell the police on grounds of confidentiality (see e.g. Snell 1999; Gold 2000).

Judge Jonathan Howarth ruled that client confidentiality was no defence and the workers had a duty to co-operate with the police. Prior to sentencing Judge Howarth said:

when asked to do so, you refused to name to the police any person banned for dealing or suspected of dealing in drugs [. . .] you claimed to have a policy of confidentiality which prevented you from assisting the police to arrest and prosecute dealers in a wickedly addictive Class A drug. As I said during the trial, when that policy conflicted with the law it could not stand, yet you sought to uphold it to the last. (transcript of Judge’s decisions for sentencing 17 December 1999; see also Cohen 2000)

Refused access to information, the police had put undercover officers into the day centre to get the evidence they wanted, despite having an officer, at the same time, formally sitting on the centre’s advisory board.

The sentencing of the two workers caused concern in the drug services world about the vulnerability of workers. The organisation Release revised their guidance to agencies (Flemen 1999), and their spokesperson feared that sentences “could jeopardise the Government’s attempt at ‘joined up thinking’ as set out in the 1998 White Paper Tackling Drugs to Build a Better Britain” (cited in Snell 1999). A campaign for the overturning of the convictions and sentences was mounted and questions raised in Parliament (see e.g. Hansard, House of Commons debates, 17 Jan 2000, col.
544–545 and 29 Feb 2000 col. 17WH–24WH). On 11 July 2000 the two workers were released from prison on unconditional bail as their appeal was considered.

Although appropriate debate of the actual merits of this case are needed, our focus here is to look at the legal and practice implications of the case.

RULES AND GOVERNANCE OF INFORMATION EXCHANGE

A number of laws and guidelines operate in the UK to regulate the exchange of personal information that takes place between welfare services and criminal justice agencies.

Civic Duty

It is said that all citizens have a ‘civic duty’ to help the police in their work. The Police and Criminal Evidence Act 1984 s66 requires the Home Office to produce Codes of Practice for certain police activities, and within these codes is the statement that “all citizens have a duty to help police officers to prevent crime and discover offenders” (Home Office 2000b, par. C1A). The Codes go on to say that this is a “civic rather than a legal duty”.

The Common Law

The UK’s (unwritten) common law places an obligation of confidence around any information passed between people in a ‘contractual’ relationship and an expectation that such information becomes ‘impressed’ with an obligation of confidence. Failure to maintain that confidence could lead to civil action in the courts for ‘breach of confidence’ and while the ‘breach of confidence’ doctrine mainly applies to financial information rather than information held by welfare agencies, there is no reason in law why it should not apply to such information held by welfare agencies, including drug agencies (see e.g. Wacks 1989, Chapter 3).

The common law does permit a ‘breach of confidence’ if it is ‘in the public good’, and this would include the detection for crime (see also Department of Health 1999, par. 7.23–7.3). In this sense the common law position supports the civic duty described above.

The common law could be said to take a passive or permissive stance, and makes questionable Judge Howarth’s statement in the Wintercomfort Case that a confidentiality policy ‘conflicted with the law’ and therefore ‘could not stand’. Howarth’s statement gives the law a far more dynamic
status in demanding information which it arguably does not hold (see also Rice versus Connolly [1966] 2QB 414). The common law is more comparable to a subject’s qualified ‘right of silence’ that has been transferred to witnesses of crime.

The police do have powers to demand information but they are to be found in statutory law rather than the common law, and appear not to have been involved by the police in the Wintercomfort Case.

**The Statutory Law**

In some police investigations the police have extra powers to demand information. In matters of financial fraud the Criminal Justice Act 1987 s2 requires interviewees to produce information, and the Children Act 1989 s48 enables a magistrate’s warrant to be enforced by the police and to demand information about the whereabouts of a missing child.

The police cannot demand to see files kept by welfare or health agencies—including drugs agencies—because they are designated as ‘excluded material’ by the Police and Criminal Evidence Act 1984 ss11–13. The agency can consent to them being seen, but the police are unable to obtain a magistrate’s search warrant to seize them if that consent is withheld.

The police do have further powers to apply to the High Court for a Production Order on the ‘excluded material’ (Police and Criminal Evidence 1984, Schedule 1) and have used this power to demand journalistic material and medical notes which are also classified as ‘excluded’. The authors know of no such reported instances of production orders being made on welfare or social work files.

The police also have powers to intercept the phone calls of a drugs agency or to place listening devices in an agency without the knowledge of the workers, if they believe it will help detect serious crime and there is no other reasonable way of achieving this (Interception of Communications Act 1985, Police Act 1997 part III Regulation of Investigatory Powers Act 2000). Extra safeguards again surround the use of listening devices on welfare agencies, but ultimately they can still be used (Police Act 1997 s99).

The Crime and Disorder Act (CDA) 1998 s115 came into effect on 30 September 1998 and makes it easier for information to flow between agencies that have to implement the Act. Section 115 ensures that agencies have the power to disclose to their colleague agencies in the criminal justice network, but does not impose any duty or obligation to disclose the information held.

The Act defines what it calls ‘relevant authorities’ for the purposes of the Act and these are the police, local authorities, health authorities and
the probation service (CDA 1998 s115(2)). The voluntary sector—which includes many drug agencies—is not mentioned as such, but the Act does refer to ‘person(s) acting on behalf of such an authority’ (CDA 1998, 115 (1)(g)) which presumably covers that sector; not least if any of the ‘relevant authorities’ are helping to fund the voluntary sector agency.

Section 115, as we have said, puts no obligations on agencies to disclose information but is more of a reassurance to agencies that they would not be acting improperly in making such disclosures. One of the principles of data protection, for example, is that information collected for one purpose should not be used for another purpose (Data Protection Act (DPA) 1998, Schedule 1, Part 1, para. 2), but ‘exemptions’ are built into the Data Protection Act for the purposes of crime detection and reduction (DPA 1998 s29 and Schedule 2). Section 115 and the data protection ‘exemptions’ complement one another and a joint statement to this effect was put out by the Home Office and the Data Protection Registrar in 1998 (Home Office/DPR 1998).

The Human Rights Act 1998, which brings the European Convention on Human Rights into British Law for the first time, also brings with it the concept of personal privacy. The Convention ensures that everyone has the right to respect for his private and family life, his home and his correspondence (ECHR Article 8), but exemptions are once again built in if legal arrangements are in place to permit this. The Data Protection Act 1998 and Crime and Disorder Act 1998 provide these legal arrangements.

**Conclusions**

There is a constant tension between the right of privacy and information privacy (confidentiality) and the needs of criminal justice agencies to ‘intrude’ upon that area of privacy in order to prevent, detect or prosecute crime. The Data Protection Act 1998 lays down the principle that information obtained for one purpose should not be used for another, but exemptions are allowed for.

The American academic Amitai Etzioni has argued that the right to privacy in contemporary society may have reached a point where it is becoming counter productive. In order to balance that right with a sense of responsibility to the community we may have to place limits on the right to privacy and create a more ‘transparent’ society. Etzioni (1999, pp. 12–14, 183–188) proposes a formula of criterion to be met when privacy may have to give way to the greater public good:
1. when there is a clear and present danger to society;
2. when there is no other way;
3. when the intrusion is minimal;
4. when measures are in place to remove undesirable side effects.

Using these criteria Etzioni sees nothing wrong with some limits to our right to privacy (Etzioni 1999). While there may well be a case for these limits, it is also vital that the measures in place to counter undesirable effects are in reality strong enough to withstand the danger of incremental moves towards increased state control and interference. Who defines danger, identifies alternative methods of appropriate intervention and decides what intrusions in private lives are acceptable? While Britain persists in resisting the implementation of a written constitution with clearly defined rights, the balance between rights and responsibility that Etzioni calls for needs to be carefully monitored.

The policing of sex offenders in the community in Britain has in recent years provided us with a model of how privacy might be limited in a balanced way and engendered a debate on the appropriate exchange of information between welfare agencies and the criminal justice system. The debate has centred on surveillance, risk assessment and management rather than the need to effect arrests, but the lessons learnt have clear application in other fields (see e.g. Home Office 1997, 1999).

The confusion now currently surrounding this interface between UK welfare agencies and the criminal justice system has had repercussions throughout the welfare world. Since the Wintercomfort case ‘open-door’ policies which have been increasingly practised by agencies in the homeless/drugs field in recent years, have gone into reverse in favour of more ‘closed-door’ policies.

Judge Howarth’s ruling included the statement that “if the defendants were unwilling to use any reasonable means that were readily available to them to prevent the prohibited activity, then they were permitting the act”. Permitting the act meant permitting the offence even though a legal definition of “reasonable means [...] (and) [...] readily available” remains unclear. During the trial a variety of measures were cited that might be relevant, including more information exchange with other agencies, but also CCTV, closer supervision on agency premises, displaying of prohibiting notices, more banning of unsuitable people, more police involvement and ultimately the closure of services.

All such measures would clearly alienate drug users and others — including the homeless — and what is “reasonable means [...] (and) [...] readily available” as expressed in court, seems to be a debate more readily
engaged in by lawyers and funding agencies. The end product is more likely
to be an increase in covert consumption by drug users who feel excluded
by the raising of barriers to them coming forward for help.

These barriers are also not without financial cost (e.g. more CCTV) and
funders of voluntary sector drug agencies may baulk at the thought of pro-
viding yet more funding in the increasingly competitive marketplace of
the contract culture. If extra funding is not forthcoming, but the demand
for these changes remains, the only other way forward would be diverting
resources away from existing service delivery.

The link between homelessness and drugs is now well documented (see
e.g. Carlen 1996; Downing-Orr 1996; Hammersley and Pearl 1997) and
individuals who are socially excluded will not be engaged by services
whose flexibility and responsiveness are being limited. Services should
always be working to professional standards, and be fully accountable for
that service, but if they are, at the same time, putting up barriers to their
users in the process, it all becomes rather self-defeating. A socially excluded
group further excluded from welfare services will increase in vulnerabil-
ity and arguably become more involved in the criminal justice system.

The irony here is that the Human Rights Act which promised greater rights
to privacy from state interference (under Article 8 of the European Conven-
tion on Human Rights) could end up decreasing that right as voluntary agen-
cies get drawn into closer alliance with formal statutory agencies.

Overall there will also be erosion of the traditional strengths of the vol-
untary sector to be independent, innovative and accessible. Already the Home
Office Probation Unit has issued circular guidance suggesting that all agen-
cies performing public functions on behalf of the probation service — and
thereby defined as ‘public authorities’ — must comply with that service’s
National Standards if they are not to breach the requirements of the Human

In terms of Etzioni’s formula we should ask whether the breach of a drug
user’s privacy/confidentiality takes place because of a ‘clear and present dan-
ger’ and there was no other way, whether the intrusion was minimal and
whether we are doing anything about the undesirable side-effects? Of our
own government we have to ask whether this really is the best ‘joined-up-
thinking’ that we can come up with?

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This section contains a selection of abstracts of reports and articles on the central topic of this issue. The aim of publishing these short summaries is to generate and disseminate additional information. Most of the articles have been published in other journals in the English language, although we aim to incorporate French, Dutch or German literature on the subject. The WODC Documentation Service (wodcinfo@wodc.minjust.nl) can supply general information on criminal policy and research in Europe. Single copies of the articles can (when used for individual study or education) be provided by the WODC Documentation Service.


In recent years, Aboriginal justice projects have gained popularity in such places as Australia, New Zealand, the United States, and Canada. However, these programmes have remained relatively insulated from external critique, particularly as it relates to the problem of grafting ‘traditional’ principles onto non-traditional forms of social organisation. The purpose of this paper is to discuss this shortcoming in the context of examining the relationship between newly emerging neo-liberal discourses about personal responsibility and the function of ‘community’ as a domain of freedom, in Aboriginal restorative justice programmes in Canada.


Across the minor communities that comprise the heart of our larger corporal communities, the problem of violent crime expresses itself in characteristically different ways. All violent crime is a by-product of the struggle for domination that occurs in one form or another among all types of people in every type of minor community. However, the predominant individual type that inhabits a minor community varies along with a minor community’s prevailing norm for settling dominance disputes and, in turn, the severity of its violent crime problem. In ‘malignant’ minor communities, the ultraviolent and violent people are the predominant individual types, the prevailing norm for settling disputes over dominance is the proverbial ‘tooth and claw’; and violent crime is rampant. In ‘civil’ minor communities, the predominant individual types are the marginally violent person and pacifist; the prevailing norm for settling dominance disputes involves a variety of non-violent tactics; and violent crimes are a rarity. In ‘turbulent’ minor communities, there is neither a predominant individual type nor a prevailing norm for resolving dominance disputes, so violent crime is a smaller problem than in malignant minor communities, but still a much bigger one than in civil ones.

The authors test the hypothesis that the 1992 Los Angeles race riot represents backlash violence in response to recent Latino and Asian immigration into African American neighbourhoods. They propose a variant of ethnic competition theory that links residential ethnic succession with propensities for riot violence. They depart from previous research on riots by comparing census tracts rather than cities, and they find that, controlling for economic conditions and racial/ethnic composition, there is a significant association between ethnic succession in neighbourhoods (Latino and Asian in-migration and black out-migration) and riot violence.


Few criminological theories are as popular as subcultural theories which try to explain immigrant criminality over the generations. Few are also so badly misinterpreted. This article provides a re-reading of L. Wirth’s Culture, Conflict and Misconduct (1931) and of T. Sellin’s Culture Conflict and Crime (1938) and Conflits culturels et criminalité (1960). Returning to a cultural perspective it then asks not what makes immigrants and their children more delinquent, but what makes us think them so. Following A. Sayad, the authors pursue the hypothesis that the way in which we think about the criminality of immigrants and their children is the fruit of state-based thinking.


Experts have argued that there are significant barriers to recent immigrants’ use of the criminal justice system. This exploratory study, using convenience samples, is among the first to look empirically at the experiences of recent migrant victims with the criminal justice system in the United States. Contrary to expectations, the authors found that immigrants reported relatively few problems unique to foreign-born persons in dealing with the police and the courts, and that their satisfaction with the justice system was comparable to levels reported in studies of native-born victims. The results suggest that although recent immigrants’ expectations of the criminal justice system may be different from those of native born, the experiences of immigrant victims and their satisfaction with the justice system are similar in many respects to those of native-born victims.


Our sociological knowledge of crime is fragmented and ineffective in challenging and correcting mistaken public perceptions, for example, linking immigration and crime. These misperceptions are perpetuated by government reports of growing numbers of Hispanic immigrants in US prisons. However, Hispanic immigrants are disproportionately young
males who regardless of citizenship are at great risk of criminal involvement. They are also more vulnerable to restrictive treatment in the criminal justice system, especially at the pre-trial stage. When these differences are integrated into calculations using equations that begin with observed numbers of immigrants and citizens in state prison, it is estimated that the involvement of Hispanic immigrants in crime is less than that of citizens.


Is 'Black Deprivation' crime? This question surfaced repeatedly in the author's mind as she observed how the legalities of court proceedings constructed socio-economic marginalisation to be consistent with 'blackness' and a condition through which a black person's involvement in crime can be comprehended. This scenario emerged following allegations of a drug offence for which 24 black and 20 white defendants appeared before a London Crown Court during a seven-month systematic observation of drug cases in 1991.


Problems have been encountered in the integration of young 'Spätaussiedler'—people of German origin who have lived in Russia or Eastern Europe, and have now moved back to Germany. The problems that they encounter range from extreme violence to alcohol- and drug-abuse, and sexual delinquency. Although these young people (about 20% of the 'Aussiedler' population), encounter problems such as communication difficulties and differences in culture, it is not easy to distinguish them from the 'normal' German youth because they also have the German nationality. It therefore takes some effort to distinguish them in police statistics etcetera. The author proposes special prevention efforts, as well as special mediators, 'Brückenlehrer', to counter the problems that these young people face.


This research paper explores barriers to communication between the police and residents of socially disadvantaged neighbourhoods (SDNs). Using a participant observation approach, research in a poor, high-crime, multi-ethnic neighbourhood in Vancouver, Canada, examined communication between the police and neighbourhood residents. The infusion of Habermasian critical theory into community policing represents one means of overcoming the communicative obstacles that perpetuate the asymmetrical power relations between the police and SDN residents. The communicative emphasis in a critical theory of community policing is a commitment to forward policing in SDNs as a democratic and empowering process.

The articles in this issue draw on cross-national comparisons of indigenous crime and justice in three settler societies, Australia, Canada and New Zealand. These kindred states share a common imperial history but their geo-political, cultural and historical trajectories are sufficiently different to reveal the underlying nature of neo-colonial indigenous/state relations. Despite differences in indigenous culture, the timing of contact, the 'civilising' or assimilationist mechanisms employed and constitutional character, all states share an over-reliance on penal measures as a means of regulating indigenous/state relations. Yet considerable variations in the penal experience of Aborigines are observed so that differences are often greater amongst them than between Aborigines and non-Aborigines. The essays show that there has been a fundamental shift in the focus of criminological interest away from the indigenous 'problem' and a pre-occupation with crime to the pathologising theories and criminalising consequences of the disciplinary nature of welfare colonialism. No longer is the central 'problem' the deprived indigenous subject but the settler state and legacies of (post) colonialism. The subject of interest is the settlers and how they have conceptualised the indigenous and mobilised the law to legitimise land theft and manage 'race' conflicts.


In this special issue 13 short articles are collected which were presented during the symposium organised by Wolfgang Bilsky, Werner Reimers-Stiftung, Bad Homburg, 6–8 February 1997. The presentations, focusing on ethnicity, conflict and the law, are divided into the larger themes of introduction to the subject and basic information; aspects of forensic treatment of foreigners (ethnology, psychiatry and psychology); foreigners in the criminal justice system (treatment by the police, problems with communication and practical experiences with mandators, detainees and parties in the criminal procedure).


Immigration from former colonies and the influx of refugees whose disadvantaged situation in society often leads to drug problems, is described. The Dutch Government provides for a wide variety of services for drug users which include programmes for minorities such as the Surinamese, Moluccan, Moroccan, and Turkish communities. However, they are either executed poorly or are based too much on 'White' methods. An account of a survey about the current situation of Black Surinamese women in the Netherlands is given, and the situation of refugees in the Netherlands as it relates to drug use, is described.

In one of the more important studies in the criminological literature over the past decade, Sampson and Groves analyse data from 238 British neighbourhoods to test the mediating effect of the indicators of social disorganisation variables on the relationship between structural community characteristics and crime. In this article, the authors recognise that advances in statistical theory and software allow for a more detailed analysis of Sampson and Grove's integrated theory of community-level social disorganisation. Using covariance structure modelling (LISREL), the results of their analysis reveal that (1) Sampson and Grove's argument regarding the mediating effect of social disorganisation variables is only partially supported, (2) that social disorganisation is not one construct but rather represents a several mechanism by which communities maintain stability, and (3) that the resulting model may be interpreted as supportive of several theories of crime, including peer affiliation theories as well as social disorganisation.

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For a long time a (criminological) debate on the crime problem among immigrants was not possible in many European countries. It would have triggered racist actions and nationalistic policies. These are still strong arguments, but not strong enough to ignore completely the problems among immigrant groups. It might even be the other way around: ignoring the problems does not help integration but brings about the risk of stigmatising migrants as such—also the migrants who do succeed in finding their way in European societies. Ethnic diversification describes in a neutral way the actual situation in Europe. The crime problem in Europe cannot be understood anymore if this diversification is not included in the analyses. This is the rationale behind this issue of the European Journal on Criminal Policy and Research.