# Narrating organised crime stories and Aristotelian principles of drama

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# Aristotelian dimensions in organised crime research

*Petrus C. van Duyne*[1]

## An introduction

Much of the organised crime literature consist of stories beginning with an academic version of the simple "once upon a time . . ." followed by a subject delineation and then the protagonists and antagonists, consisting of the government and the actors of the 'underworld'. There are many of such stories all under the heading of 'organised crime'. But such a common heading does not entail a similar meaning or content. Far from that, there are a lot of different OC-stories with so much diversity that criminologists are still struggling to determine the 'essence' of the meaning of OC, which is quite a medieval way of philosofying. This neglects the human element with all its diversity and consequenly different OC-stories, which often read as personal dramas. "We say things, but mean people"[2], as the German historian Golo Mann (1995) observed in his book on German history. In OC literature we also see that authors try to determine a solid OC frame, a kind of 'thing' capable of doing all sorts of heinous deeds, but in fact the narratives are about people.

Nevertheless, despite the tendency to solidify OC, the latter is still badly defined as one can deduce from Klaus von Lampe's textbook of 2016. He provides a thorough discussion and analysis of the multitude of definitions, however, without clearing the conceptual fog. That is not a problem if we accept the basic methodological principle that differences between (opera-

1 Visiting professor, Northumbria University, UK & emeritus professor, Tilburg University, The Netherlands.

2 "Wir sagen Dinge und meinen Menschen".

tional) definitions result in different phenomena: sets of population/phenomena as the Dutch methodologist A.D. de Groot argued in his classical work on methodology. To which he added the warning not to generalise over the boundaries of definitions. I admit, this leads to fragmentation if not chaos. Is that a problem? Perhaps it is to those who want OC as something solid or a personage with a clear role assigned: threatening, undermining, marching. That is 'criminal drama' compared to which the multitude of badly defined juridical and social constructions are just bloodless abstractions, increasing rather than reducing chaos.

Still chaos calls for discipline. How to bring order to this continuous proliferation of OC-stories? It is difficult to 'disscipline' the content, which is the stage for criminal actors. Nevertheless, we can address this question more formally and look for some formal rules for designing the outlines of such a 'drama'. This is not odd: For a balanced composition of a drama *Aristotle* (384-322) formulated some simple rules in his *Poetica* which was re-discovered and highlighted during the Renaissance. A good dramaturgic stage play had to heed one basic constructing principle: *unity*, subdivided in unity of *time*, *place* and *action*. So, the dramatic events must take place within one determined time span, such as 24 hours, roughly occurring at the same place and must not go up blind alleys. These requirements make sense for dramas or stories in general, but can we also meaningfully transfer this to organised crime dramas/narratives? To answer this question, we must first raise the question whether we see OC definitions 'in action'.

When we look at the historiography of organised crime, we find a field in which the subject is determined by political interests: most stakeholders in this portfolio are practitioners or politicians and determine from their interests the answer to the "what is OC" question. Obviously, this difference in interests results in many answers but no unity of subject. For this an operational definition must be coined, which failed. Instead, we have a multitude of definitions, almost for every story a separate one plus an acronym: the Cosa Nostra (LCN, the US paradigm), Russian organised crime (ROC) or an unspecified organised crime group (OCG). But when one subsequently follows the narratives one by one it appears that the relevant definition spelled out in the introduction of some study remains subsequently unused: you do not see that definition 'in action' as a selection-rejection tool for creating a sample: slicing off organised from non-organised crime.

This has been apparent in the Dutch *Organised Crime Monitor* of the Ministry of Justice: the report presents a 'national' definition from earlier works, however, this definition is not observed as a working tool 'in action', in research nor in practice (Kruisbergen, 2017; Van Duyne in press). As a result, drawing the boundaries of the subject OC looks like the gerrymandering of electoral districts. For example, Abadinsky (2003) divides OC in 'traditional' and 'non-traditional' OC, very much from an American angle and without proper delineation. In the end one may wonder whether we talk about the same 'thing' and if not, we rather stop talking.

This doubt has been accurately formulated in the more recent textbook on organised crime by von Lampe (2016; chapter 2). He sketches the development of the term OC in a short (conceptual) 'mental history' from the turn of the 19th century onwards. Though we cannot present a summary of his interesting historical analysis here, the outcome is of serious interest: the broad and ambiguous OC conception of law enforcement has prevailed across time allowing "convenient opportunities for flexible use of the concept" (von Lampe, 2016; p. 25). So unsurprisingly, we find no ordering Aristotelian principles on the stage of law enforcement and politics where fuzzy narratives and 'medieval thinking' abound (van Duyne, 2003). The same applies to most of the academic research carried out under the OC-banner but with no operational definition as cutting tool and thus giving no guarantee of 'unity of time, place and action'.

Being a rational person, von Lampe could have taken the logically ultimate step in discarding the organised crime concept, at least for research purposes. However, while keeping that thought in the air, he proposes instead a threefold unity of dimensions: (criminal) *activity*, *structure* and *governance* (von Lampe, 2016; 27-33). Here I sensed a link from Aristotle's Poetica to Organised Crime: could these be interpreted as new ordering principles, a kind of 'neo-Aristotelian' composition rules for drafting OC narratives? Can criminal undertakings be moulded in an orderly narrative taking these basic dimensions as elements for describing or analysing criminal themes in the broad landscape of 'organising crime'? Or will that turn out to be a 'Procrustean bed'?

In this introduction to this Cross-border Crime Colloquium volume I will make a modest start to dig up some tokens of these neo-Aristotelian basic dimensions – or shall I name them "*von Lampean dimensions*"? Whether we can find in each narrative all three dimensions and in what

order is difficult to predict. If some have no recognisable elements or indicators, that does not make them bad research: perhaps there are other (historical) dimensions that might fit better.

## Czech expert perceptions and Norse semantics

There is a persistent tendency in criminology to work with 'perceptions of crime' as a proxy-instrument to assess the prevalence of particular criminal phenomena: evidence 'in the eyes of the perceiver'. It is not a very precise method of research as the 'eye' is not a camera but the portal for further stimuli processing within existing interpretation schemata. This may result in a biased observation. Despite this well-known shortcoming collecting perceptions, in fact interpretations, as a method can be justified when other available methods are equally imprecise: police figures are notoriously unreliable, prosecution and court data represent just a selection of 'real' crimes and public perceptions can be biased by the threat images broadcast by the media or popular clichés which often have a grain of truth, though we do not know how much.

*Miroslav Scheinost* finds all these predicaments in his chapter on *expert* opinions on perceived trends of organised crime in the Czech Republic. The Institute of Criminology and Social Prevention, the Czech criminological research institute, wanted to take stock of 28 years of expert perceptions on trends in OC as they have been collected through their expert surveys. This is quite a lot of data, most of it 'soft' with the methodological consequence that combining them does not make them stronger according to the equation: (soft data from source A) + (soft data from source B) = (more soft data from both).

What is the output of these data? Can they inform us of any trend in surveyed OC through expert *perceptions* in the past 25 years? Bear in mind: the subject is not OC itself which is only a hypothetical derivative of the aggregated expert opinions. How does that fit to the three dimensions?

To begin with the most remarkable observation of most experts: in the experts' opinion OC is the 'stabilisation of OC'. This opinion gets gradually stronger from the 2000s onwards and is supported by whatever crude statistics are available: these show low and rather flat frequencies across

the years. The Czech experts expect a saturation of the criminal markets and their participants, but with the exception of the rise of financial and economic crime: “a shift from street crime to white-collar crime”, as Scheinost calls this change.

Can we apply here the neo-Aristotelian/von Lampean basic dimensions or is that like applying a Procrustean bed to make it fit to our mould? Or would we only unduly stretch the interpretation? The dimensions ‘activities’ and ‘structure’ are logically connected as antecedence and consequence. ‘Traditional’ smuggling of contraband, e.g., in a sea-container entails another skilled crew and more organisation than financial and economic crime, such as cross-border VAT fraud or investment fraud. This makes the observation of a shift to financial and economic crime relevant. The dimension ‘Governance’ remains somewhat problematic: who disciplines who within the criminal organisation? This requires a deeper psychological and social insight in the exertion of power: from muscles and hard knuckles to subtle hints to compromising skeletons in the cupboard. Perhaps ‘criminal human management’ would be a more appropriate denotation which may be exercised the hard or the soft way. In financial crime it is more often the soft way.

Though the three dimensions have the charm of simplicity, the chapter by *Paul Larsson* shows how police, scientists and politicians in Norway have been struggling with the meaning of these two OC words making the narrative more complicated. The author narrates the historical manifestations of criminal organisations, some going back to the brigandage in the 18th and 19th century: organised liquor and tobacco smuggling. “Organised crime; Norwegian style”, Johansen (2005; p. 189) called it. To that came the perceived threat from outlaw motorcycle gangs such as Bandidos and Hells Angels, to which in 1992 the ill-famous Rowdies were added. To this came in the same year the moral panic from the EU after the murders of the two Italian judges Falcone and Borcellino (van Duyne, 1996).

Norway could not back out of this international awareness raising even if OC was considered ‘un-Norwegian’. But there were sufficient foreigners from Eastern Europe to make the claim of OC presence plausible. The author describes how before 2000 the main attention of the police was directed to drugs and motor gangs. Over the first decade of the 21st century this changed to trafficking of humans, work-related crimes and offences linked to immigration. It looks a bit haphazard and many actors used the

OC phrase with a different meaning depending on the claim of more investigative tools and latitude of operation. One can certainly not speak of ordering dimensions which could steer the way of thinking in policing and research.

The penal law development did not develop smoothly either. The legal definition of the General Civil Penal Code of Norway §60a – 2004 was not a success leading to only few convictions ("muddy", "hopeless in practical use"). Worse, the motor bike gangs were not covered by this law, which filled the police with horror. Hence, the law was rewritten and widened to include obviously criminal networks and forms of 'collaboration' (§79C; 2013). With the dimensions of activities and structure more or less becoming discernible, the criminal '*governance*' remained puzzling. The old law was more directed to hierarchical groups with clear roles and a place to meet. However, such criminal organisations are rare in Norway. The interpretation of the governance aspect of this penal clause proved to divide legal opinions. In a case against organised illegal wolf hunting the lower district court interpreted conduct of the coordinating group of wolf hunters according to the broad dimension of the new law resulting in a guilty verdict. However, the appeal court still clung to the narrow angle of a hierarchy and decided there was no such hierarchy among the hunters: thus no OC. Interestingly, there is no reflection on what this implies for the non-hierarchical motorcycle gangs. Perhaps the court should have done some Aristotelean syllogistic logic exercises.

The author ends his chapter with a sigh when he raises von Lampe's (2016) question: "Can we do without the term?", the question I raised before (van Duyne, 1990; 1995). Larsson's answer is now also negative: With "its shifting character and slipperiness [. . .] yes we can do without it".

## Criminal human management

While most attention in criminological research is devoted to the criminal underground economy, mainly drugs, law breaking in the market of licit commodities is less intensely researched. This covers a wide range of economic sectors, of which only a few are covered in this volume. To begin with a 'commodity' which is ubiquitous: labour being prone to criminal abuse. This is elaborated by *Anita Lavorgna*. She describes the system of

criminal labour exploitation, *gangmasterism* (caporalato), in Italy. Naturally, labour as such is not illegal, but 'taking advantage of the state of need' of the worker is criminalised. This is not just an individual private matter between two parties, employer and employee, but a broad criminal system with cross-border dimensions. For example, a report of the Dutch Advocate of Supermarkets and the Labour Union, warns against exploitative labour conditions in Italy related to tomato picking: "*excessive working hours and without break or day off and serious underpay with 50 percent below the legally prescribed wage and unsafe and unsanitary conditions*". Often the employees have no labour contract. As five percent of the Italian (canned) tomatoes end up in Dutch supermarkets, labour exploitation in Italy is considered by the big Dutch supermarket chains as a common concern. Nicely said, but if you touch one of the main root causes, the ever-lower import prices insisted upon by the dominant supermarket chains, the supermarkets are more likely to become evasive and to quickly dry their crocodile tears.

Though the focus of Lavorgna's chapter is on the agricultural sector, principally in Southern Italy, where the mafia allegedly penetrated the agro business, the author pricks through this myth. She shows not only that cases of criminal gangmastering are more often reported in Northern Italy, but also that 'taking advantage of the needy' can also be observed in respectable corporations. The author elaborates the recent case of a leading book manufacturer, *Grafica Veneta*. This corporation proved to be involved in gangmastering set up by Pakistanis (former victims themselves) who exploited co-ethnic workers to work in Grafica. The leading management knew or at least 'should have known' of these unlawful practices.

The author mentioned 260 proceedings against gang-mastery practices which deserve an in-depth analysis of (a) the organisation of their activities, (b) structures of the work processes and (c) human resource management or 'governance'. However, these dimensions remain submerged in the author's elaboration of the moral sides of gangmastery, which is rather part of Aristotle's *Nicomachean Ethics.*

This is further born out in the chapter on Nigerian criminal cults/sects in Italy by *Stefano Beccucci*. The organisation of crime by Nigerians in Italy was first thought to be composed of more or less horizontally organised networks. However, more extensive research revealed a hierarchic or-

ganisation, particularly in the drug market. Otherwise, the structure of Nigerian criminal organisations appeared to revolve around secret cults or sects, developed in Nigeria in the second half of the previous century at several universities, each with their occultist and esoteric practices. They did not start as criminal organisations, rather as a kind of self-help association, but as time went by, most drifted into criminality.

The author identifies a number of secret sects that followed the diaspora of the Nigerians, in this case to Italy, where they maintained the hierarchic ties to secret cults in the mother country. They were autonomous, but still subordinate to the secret cult in Nigeria. The author discerns a social ladder from the top position of command down to the lowest executive level: from commanding international operations, to national and regional level (in Italy, spread over regions and towns). At each level in the organisation the investigations and research reveal a real structure with well-defined functions: *e.g.* legal matters, the cult's finances and the maintenance of discipline which can range from imposing a fine to physical punishment. To secure loyalty for life and endurance, the initiation rituals are accompanied by a lot of violence (a pain test) and esoteric and magic rituals concluded by an oath. Once confirmed as member one must pay a fee; and the higher one is in the hierarchy, the higher the fee.

The research findings show that the local secret cults can operate autonomously: they decide whether they will trade drugs, be involved in sex exploitation, or engage in international fraud. But they have to mention such engagement to the bosses of their secret cult, fitting the complex structure of hierarchy and autonomy. This involvement can be a direct one, as is mainly the case with drug smuggling operations or indirectly the assignment of 'street corners' as selling places where their members are allowed to sell.

The Nigerian involvement in the sex industry in Italy, but also other countries, is well documented: there are many documentaries on You Tube and other channels. Also, the fear instilled by voodoo and other magical practices, is well known. This sex work exploitation is not a Nigerian mafia subject, but a matter of the local or regional secret cults. The daily organisation of the sex work revolves around the ill-famous 'Madam' who runs the girls and the facilities. There is no mention of subordination, but rather friendship or partnership with a leading person of a local cult. But this remains also within the 'structured autonomy': free to engage in sex crime

businesses, but the 'central bosses' must be informed and paid. Important for such criminal structures is their embeddedness in a broader Nigerian tribal landscape and the 'men of distinction', or the 'godfathers' as the ones who make a structure work.

As a form of criminal management Nigerian criminality in Italy looks quite orderly: specific operations, a structure, and an undeniable governance. This is the more remarkable as this contrasts with the lack of order in the legal governance or, rather mal governance, in this large country with a population of more than 200 million and the largest GDP on the continent. This looks like an ideal crime furthering combination: wealth and disorder at the elite level, leaving aside what may be found at lower levels. Unsurprisingly, in the perception of Nigerians, corruption in the organs of public administration, from government down to the lower parking officers, is endemic. This is accompanied by a broad shadow economy in which large amounts of money are pumped around: within the country but also into and out of Nigeria, to the benefit of many corrupt beneficial owners. In their chapter *Petrus C. van Duyne* and *Jackie H. Harvey* present the findings of a research project on the beneficial owners of 'grand corruption' in Nigeria.[3] In this project 'grand corruption' was described as: *large-scale decay of decision making in the administration or private sector where 'grand' refers to either the financial scale or the impact on the public administration or the public in general*. For the purpose of strict delineation, the term 'grand' remains a problem: where does 'grand' begin? The authors did not solve this problem, but the cases the authors studied concerned high ranking politicians, civil servants and high officers of the military while the financial gains or damage was for each case well above a million euros.

As grand corruption is engrained since the country's independence one may expect some organisational structure similar to the Nigerian criminal sects in Italy. That expectation was not met: except for a few cases, the organisation of corruption or abuse of office (the latter encompassing the first) was rather an opportunistic response to favourable circumstances, mainly furthered by a lack of oversight. These favourable circumstances

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[3] *Tracking beneficial ownership and the proceeds of corruption: evidence from Nigeria*. Research project led by Northumbria University and funded by UK AID as part of the Global Integrity Anti-Corruption Evidence Programme.

were mostly taken advantage of by *a lone* perpetrator: in 16 cases there was only one suspect; mainly Governors (11), one minister and others in the apex of power who simply took cash out of the state coffer rather than working within complex conspiracies. These 'solo-thefts' look unsophisticated, but their damage was far bigger than the schemes in which four or more conspirators defrauded the state: ₦ 510 billion by 17 solo perpetrators against ₦ 126 billion in a conspiracy setting. Of this multi-offender category one case was outstanding: 25 offenders among which one governor stole ₦ 100 billion. The higher the rank, the bigger the loot and simpler the organisation.

An important role is attributed to the nebulous figure of the 'godfather': the 'man of respect' in the background who can make or break the election of a candidate through his network and shady funds as was reported by the authors. It is difficult to classify this figure who obviously denies being a godfather himself. Nevertheless, he does not need to have a finger in every corrupt pie, while his 'governing' influence may be as sloppy as the legal governance of Nigeria itself. Why should high-level corruptors and godfathers be better organised than the government? Despite this sloppiness the dimensions of activity, structure and governance can still be discerned and using them may unravel a 'rational story' after all. Aristotle in a Nigerian gown.

From Nigeria to the chapter on the Arab clans in Germany by *Klaus von Lampe* seems like a big jump. But that may only be geographical: crossing over from the godfathers in Nigeria to the phenomenon of criminal clans may in conceptual terms not be so distant. Where a Nigerian godfathership consists of followers as personal retainers, not necessarily related by blood, clans consist mainly of kith and kin with an elderly clan leader or patriarch at the top. These family ties contribute to a strong mutual cohesion and loyalty which shields its members against the 'outside world'. This is particularly important if that 'outside world' presents itself in the form of the German police, which has identified clans as a criminally threatening phenomena: 'clan criminality'.

In various Länder of Germany the police have determined that members of Arabic (Mhallami) speaking extended families, have a higher risk of committing criminal offences, not only singly but as 'members' of a clan. This is according to police data, which must always be looked at with due caution: the police records may be biased because of intensified attention;

and the database consists of heterogeneous figures swept together: traffic offences, petty property crimes, tax offences and more serious crimes such as drug trafficking, a category also comprising petty drug possession. Moreover, 'reported' by the police does not imply that there is a prosecution follow-up. Nevertheless, though it is difficult to assess the magnitude of 'real' clan-related criminality, the author brings together whatever information has been collected about the criminal activities, the structure and governance of Arab clans, mainly in Berlin, Bremen and Nordrhein-Westfalia.

Concerning the criminal activities attributed to 'members' of clans, the author does not find much law breaking that can be associated with serious organised 'clan criminality'. Moreover, it remains unclear whether these transgressions are personal or clan activities.

Notwithstanding this lack of clarity, the author presents a few 'iconic' crimes attributed to identified clans: one lethal shoot-out and two heists, which were botched because of sheer amateurism which may rather be embarrassing to the clan or its pater familias. Otherwise, there is mention of 'real' clan criminal activity, but the command structure remains uncertain. For example, crimes by a few relatives, acting on their own, is silently condoned by the pater familias or clan elders who gracefully receive their cut of criminal revenues as do other members, not connected to the predicate offences but needing some cash. Is this clan criminality? Also, a clan as an extended family, may also strive for social respectability and deplores being associated with their black sheep on their criminal path. While elaborating the kind of relationship of crime to 'clans', the concept soon loses its explanatory power or distinctness of the ordinary criminal family in the slums or trailer camps.

The author submerges 'clan criminality' into four scenarios demonstrating how indeterminate the concept is: from identified 'real' clans operating as "organised, coordinated or otherwise approved by the 'clan leadership'" heeding the 'family honour'; to the other extreme in which individuals appropriate a clan name as a 'brand' for reasons of prestige or to intimidate more convincingly. Police and media do not wait long to use that label for their own reporting as it sounds sensational and simplifies the perception of reality: it is simpler and more impressive to report about a fearful clan than an intangible network of criminals abusing the family name of the uncle of one of its lower ranking members.

Meanwhile, applying the von Lampean three dimensions on his own chapter, we observe that actions, structures and governance are helpful as signposts to understand criminal conduct: "It is the people rather than the organisational functions that define the organisation" (Reuss-Ianni, 1972; p. 104). Or, to repeat Golo Mann: "We say things but mean people". And these people's actions are best presented in these unities.

## Treasures from the earth

The concluding remarks of the previous section underline that from these broad dimensions onward we must follow the psychological, social and political traces of the criminal plodder eking out a living. Whatever dimension applies, the toiler is at the bottom where the supply chain of corruption monies and exploitation begins. The authors of this volume follow this trail, to begin with the scraping of the earth for rare minerals in Congo as is described by *Brendan Quirke*.

Congo has riches which are coveted by the whole modern world, but due to mal governance few benefit from it. It is one of the treasure houses of a variety of rare minerals which are applied in all electronic tools, from cell phone to satellite. The author describes how minerals such as coltan, cassiterite, gold ore and wolframite, all of strategic 'e-importance' became 'conflict minerals'.

Congo has a history of merciless exploitation, beginning as personal property of the Belgian king Leopold II untill 1908, then plundered by president Mobutu (1965-1997), after which the so-called African World War broke out, mainly fought in East-Congo and adjacent regions. The war dragged in nine African states as well as some 20-25 armed groups. Officially it ended in 2003, but violence continued, causing millions to die from starvation and diseases. Naturally the militias have to be financed, for which the mineral riches of Congo provide the basic commodity, also internationally. Next to the regular mines, there are the many artisanal diggers using simple hand tools in open pits or primitive and dangerous mines. They work for themselves but are illegally taxed by armed forces (regular or militia) which are present in more than the half of the mining sites. This illegal taxation of the artisans as well as illegal trade of other commodities or simple extortion perpetuate the threatening presence of militias and risk

of violence. The militias operate under warlords who are not restrained by other authorities and seem to have no incentives to disguise their heinous crimes, such as widespread rape, behind semi-legal structures.

It goes without saying that this situation of violence against human rights and the ongoing state of armed insecurity around these strategic minerals raised international concern. It was recognised that this was not only a matter of international criminal law which is the competence of the ICC. The industrial actors processing the rare earth minerals have as buyers a responsibility as well. Thus, the question was raised how to prevent criminal militias and military benefitting from licit mineral trade through local traders. To that end various approaches were developed and turned into law or guidelines for traders. The USA passed the Dodd-Frank Act 2010; the OECD introduced the Due Diligence Guidance; the United Nations drafted its Conflict Mineral Guidance; and the EU passed a regulation on Conflict Minerals back in 2017, which came into force in January 2021. Together an extensive patchwork of uncertain effectiveness. The basic requirement imposed concerns the concept of 'due diligence': variously defined, but in its essence, means the task of identifying where in the chain of supply there are risky goods or suppliers that may be related to conflict areas. Due diligence must be executed in such a transparent way that it can be determined whether the minerals are 'conflict free'. To that end proof must be presented of clean and clear supply chains: from mine to end consumer. Establishing such a paper trail is easier said than done in regions such as East Congo and neighbouring countries where corruption is rampant and organised crime consists of warring army groups with unknown structure or governance while otherwise embedded in a scramble cash-based economy.

Were all these guidelines without effect? No, some companies began to avoid risky regions, which is a good development. For the toiling population which saw its income shrink, this was a disaster. Otherwise, these due diligence guidelines are voluntary, without sanctions in case of non-compliance. From the perspective of the three dimensions, this landscape is ideal for rolling out lucrative criminal activities with a minimum of structure and no restraining 'governance' but a warlord who may be ousted and replaced by another 'strong man'.

The criminal landscape of Ukraine shares some relevant features with Nigeria. The public administration, law enforcement and rule of law are in

both countries infested with corruption, though Ukraine scores better on the Corruption Perceptions Index; 33 for Ukraine and 25 for Nigeria. Ukraine has also natural riches which are at risk of being squandered by corrupt entrepreneurs, which is the theme elaborated by *Petrus C. van Duyne*, *Anna Markovska* and *Alexey Serdyuk*. The two natural resources at risk are amber and wood harvested from some of the last primeval forests in the European continent.

Wood and amber are interlinked because the amber deposits are mainly present in wooded areas where some 18.000 years ago resin of pine trees fossilised in layers of alluvial soil. These areas are still wooded which implies that before amber deposits can be extracted a part of the wood has to be cut. That is an extra criminal revenue as the logs are sold to the more than ten thousand illegal wood mills spread across these regions.

The organisation of illegal amber mining has many manifestations across time and space. Basically, illegal amber mining is an individual outdoor enterprise. Everybody with a shovel can claim a piece of land and can start digging – alone or with friends or fellow villagers. This unstructured operation is likely to result in disorder, giving 'strong men' the opportunity to impose order and protection for a fee. Before the Maidan Revolt the corrupt civil servants of Yanukovyc received the benefits from this 'protection' racket. After the Maidan Revolt of 2013/14 this central criminal 'governance' crumbled. In its place 'strong men' claimed protection money. They were denoted as 'Amber Mafia', but whether this was just a popular name remains uncertain. The literature also mentions resistance against these self-proclaimed mafias. At any rate in the perception of many humble amber miners, a highly dangerous 'wild west' had developed.

In February 2020 a new 'Amber Law' was adopted that introduced the system of concessions for amber extraction purposes which provides a framework for the mechanisms of tax collection and land exploitation. At the time of writing an evaluation was not available.

Wood is another treasure of nature which has become an object of extensive criminality for which all the ingredients are amply present. The demand and prices of wood are internationally high, but oversight of the chain of supply is low. The state is the owner of virtually all woods and the employer of the whole workforce ranging from the Central State Agency for Forestry Resources down to the lumberjacks employed by the State Forest Enterprises (350.000 staff directly employed).

Leaving aside other complicating bureaucratic structures, in essence the state steals from itself through its own actors which it is supposed to control. Under Yanukovyc the highest actor maintained a strict corruption hierarchy, as was the case with amber crime. Ousting this regime did not chase away the system of corruption and embezzlement in which whole shipments of logs could disappear abroad. On the input side the schemes involve managers of state enterprises, corrupt local logging crew leaders and forest guards looking away. At the output side one finds illegal sawmills and shady middlemen for the export to foreign licit buyers "who know nothing", even if timber and logs are exported as 'fuel wood' but used for fine furniture. To reach a profitable volume many trees are felled for "sanitary reasons", even if they are healthy. Given the involvement of many officials one may call this *state crime*, whereby the criminal structure and governance are in a way given, ready for continued abuse.

While the prior chapters described the abuse of the treasure of the earth, manure also belongs to the earth. But manure is not a treasure but a burden, that should be removed in a legally prescribed way. This is elaborated by *Toine Spapens* in his chapter on 'manure crime' in the Netherlands.

Manure is economically a negative surplus product of cattle breeding. Once there was a balance between the number of animals a farmer could have on the one side and on the other side the surface of his land on which to spread the manure. However, from the 1980s onwards the industrialisation of the cattle breeding distorted this balance resulting in an ever increasing 'manure lake'. In view of the increasing political awareness of the importance of nature and its biodiversity, a legal regime for manure processing has been established to stem harmful proliferation of nitrogen and phosphate. For example, open dumping on the roadside or in open water, polluting the ground and drinking water and other forms of dumping manure in the open.

This regulation had little effect: due to a not too vigorous enforcement policy. The surplus, measured in terms of nitrogen and phosphate, had only increased: in 2014, 16% more nitrogen and 20% more phosphate were produced than could be utilised on the farmland available (CBS, 2016a): the government let it go. The leisurely attitude of the government was disturbed by the EU Nitrate Directive, which aims specifically at preventing and reducing pollution from nitrogen and phosphates. The government's

lax attitude was also disturbed by other activists who succeeded in obtaining a ruling of the Council of State obliging the government to heed the EU-regulation and withdraw all wrongful licenses. Consequently, the manure processing business expenses would rise, as would farmers' resistance.

Hence, the incentives for law breaking with manure processing were clearly present. To this came the shortcomings of governance: doing 'too little too late', which means an insufficient number of competent inspectors and a low inspection frequency (once every seven to 13 years). Whether out of negligence or political choice, criminal actors had a great deal of latitude in the organisation of wholesale manure fraud which formed a chain of interconnected offences from farmer to end processors between which the middleman had an essential role of heading shell-companies which disappeared as soon as it became a target of law enforcement. This use of middlemen is a common structure of a scam as we also noticed in the Ukrainian-EU timber fraud. Not really innovative, but still effective in thwarting law enforcement.

Some methods of fermenting manure into biogas may be considered more innovating, and promising. But the fact that raw manure must be mixed with so-called co-products opened the opportunity of (ab)using dangerous waste from other malafide suppliers: dioxin, asbestos, antibiotics or pathogens. This can create a by-product that is sold as 'fertiliser', but in reality it
is the first step into the food chain and thus harming public health.

Though the author refers to various fraud schemes that were highly organised and involved numerous complicit facilitators in the upperworld, one cannot speak of a 'criminal governance'. The sector is too diverse and individualistic to hypothesise such a dimension. The only criminally relevant 'governance' is the government itself: the ministry and all the decentralised (local) agencies which reflects the paralysing fragmentation of law enforcement. The author points at an on-going policy of failure that may have been fostered by the strong farmer lobby in Parliament. At any rate, both Parliament and the responsible administration had recognised the manure problem and other environmental problems since 1980, but remained lukewarm towards any corrective action, which seems a traditional attitude (Van Duyne, 1991). With such a failing upperworld an organised crime group does not need a governing dimension of its own.

## The 'drama' of the labs and asset recovery

The 'drama' of organised oil criminality, as recounted by *Adriano Francescangeli*, is performed in the worldwide 'theatre' of illegal and customs laboratories. The author tells us how the 'state' as protagonist struggles with fraudsters as antagonists trying to take advantage of whatever loophole there is in the regime of indirect tax and excises. The essential 'plot' of the play is deceiving the authorities with the identity of the 'tax thing'. This should technically be taken very literal: what does not match with a definition is another substance or 'thing' and excluded from that specific taxation. So, abstracting from straightforward cases of oil theft, the simple plot is to change the composition of a taxable substance into one that is not or is less taxed. To that end ever more sophisticated chemical operations are designed. As protagonists and antagonists do not give up, there developed a protracted cat and mouse play, nationally and internationally.

The author provides an interesting history of the laboratory theatre from the establishment of the first Laboratory of the Board of Excise in 1842 in the UK (against fraud with tobacco products) untill the present where to respond to the increased mobility of criminal operators, mobile customs labs are used. The cat-and-mouse play appears to have become more professional, intense and 'at site and in real time'.

It goes without saying that the industrial development entailed an enormous increase of the number of substances to be analysed by the international Harmonised System across about 200 countries. Together this encompasses more than 5.000 commodity groups; each group is identified by a 6-digit code. One of the most complex chapters is that of petroleum or 'hydrocarbon'. And wherever there is petroleum, there is 'hydrocarbon crime' as the author calls it. He differentiates nine types of crime. While most of them are rather traditional (theft, smuggling, adulteration and corruption for drilling license acquisition), a few hydrocarbon offences need a real chemical education to carry out a professional substance manipulation to get a 'new' petroleum product. This is called a *designer fuel*, analogous to the designer drugs in the drug market. It results in the same cat-and-mouse play: oil-criminals add a small molecular change resulting in

another substance → a customs lab detects and traces it → a new adulteration is added followed by new detection and tracing.

The author discusses a number of innovations to thwart the ongoing cross-border fraud with low taxed fuel. One innovation, a system of real-time monitoring energy products (a kind of track and trace system) was soon circumvented by designing a blend that could not be classified as gas oil or fuel oil and was thus classified as untaxed lubricating oil. A second innovation with biodiesel was also neutralised by creating a blend that sits also between gas oil and fuel oil, that could likewise not be classified. A follow-up measure was also soon neutralised. In the end a smart innovation was introduced: the *marker program*. This consists of adding a specific marker chemical to the fuel. For the EU there is a European marker and each country can also add its own national marker.

Though it is difficult to remove such markers, it would be a miracle if fuel antagonists did not try to 'launder' these marked fuels too. And they did. The author mentions an illegal plant seized in January 2019 in Northern Ireland, which had a production capacity of 46 million litres of illegal fuel per year. Large amounts of low duty gas oil-diesel were distilled at over 200°C in totally unsafe conditions for the neighbourhood. It reflects again the high professional level of these organised crime group.

Regretfully the profile of the organised crime groups and the individual perpetrators remain sketchy. To remain profitable and avoid detection the fraud schemes must also have an orderly structure for storage facilities, professional transport and a cross-border network of outlets.

Of the three dimensions the criminal activities and the counteractions are clear, the structure of the schemes can be largely deduced from the actions (still remaining hypothetical), but whether there is a 'criminal governance' capable of monitoring fellow criminals remains sketchy.

The 'drama of the labs' is a facet of the broader drama of trust. The internationally wholesale forgery of substances not only undermines fair play in the energy sector, but also the trust of citizens in the organs of the state and the rule of law. That does not only pertain to the states discussed in the previous chapters, Congo, Nigeria and Ukraine, but also to what is considered an orderly state such as the Netherlands. The continuing fraud schemes and the inconsistent enforcement policy undermined the trust of many farmers who are otherwise law-abiding citizens. This undermining is reinforced when the simple folk wisdom "crime does not pay" is not

heeded: "My neighbour got rid of his manure 'in his way' and now has a super tractor." Visibly maintaining simple folk wisdoms and taking back criminal assets is an important facet in daily policing.

Though 'going after the crime money' is not particularly innovative, for the police it should even be self-evident, it remains too often only theory. In the practice of the local police officer tasked with community policing and mainly addressing street crime, going after criminal money is something remote from his daily routine. However, this is not how the policy makers think of the task fulfilment by the 'copper': he should be the 'eyes and ears' in the neighbourhood and should not only watch broken windows and graffiti but also be alert to financial signals of crime: display of inexplicable wealth; rumours about long holidays by residents who never had an official job; over-crowded houses being rented for short terms etc. In short, street level observations of suspicious wealth and shady transactions are 'police stuff', as is discussed by *Gabriëlle op 't Hoog* and *Linette de Swart* in their chapter on *asset recovery teams* in the Dutch police.

The core task of these teams is to make the folk wisdom 'crime does not pay' experienced in its direct application: seeing the expensive watch, bike or moped seized as the first step to forfeiture or expropriation. The police are of the opinion that this approach has some concrete 'real life' impact; at least it hurts the criminal directly and is seen by his mates.

The authors describe how the concept of asset recovery teams was implemented. The police did not choose for a standard one-size-fits-all implementation, but for a flexible design, fitting the needs of the local police unit. Thus, the six asset recovery teams the authors researched appeared in different shapes and sizes. By means of a rotating system of officers who were posted in the recovery teams to gain financial experience and then returned to their units, it was assumed that this would result in a spreading of basic knowledge of financial policing. This led mainly to attention for 'low hanging fruit', as complicated financial cases were still undertaken by the specialised financial investigators.

From the interviews the researchers concluded that the police were satisfied with the simple asset seizing. However, satisfaction is not the ultimate effect criterion when it comes to 'seizing and freezing' valuables and cash – unexplainable and therefore probably derived from crime. On this point the police did not deliver any data. So, we know what the teams were

supposed to do: generating and spreading experience at community policing level flexibly implemented. The police officers did impress on suspects that crime does not pay and that 'tough guys' are just losers seeing their gadgets taken away. However, to what degree all this contributed to stemming and rolling back undermining criminality remains unknown: there were no output data provided. Thus, if we apply the von Lampean dimensions to the police units in this study, we see that they remain nebulous: the officers' satisfaction and flexibility are good, but are not proper indicators of structure; 'governance' is in a hierarchical police organisation always a given, but lacking proper data for feedback this will remain dusky; and when we don't see a simple tally of recovered assets and suspected owners, the 'activity dimension' looks somewhat unspecified.

We started this introduction with the 'rediscovery' of Aristotlelian drama principles, reshaped in the criminological organised crime concepts of von Lampe and tested their applicability on the chapters of this volume. To make them fit required some kneading but we got them mainly into our neo-Aristotelian mould suggesting new criminology can still learn from the old Greeks.

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This volume contains the contributions of the 21st Cross-Border Crime Colloquium webinar hosted by the Norwegian Police University College, Kongsvinger and organised 22-24 August 2021. Despite the pandemic, the Colloquium Group decided to return to the 'criminal normal' and the related research on (cross-border) organised crime, corruption, labour exploitation, fraud, ecological crime and the search for criminal revenues. These are partly old themes, some getting renewed attention, such as the hidden wealth of corrupt political elite, whether Nigerian godfathers or Russian oligarchs.

A criminal theme with global implications is the growing 'green-criminality' or crime against the nature. Forests are illegally cut clear in Eastern Europe to satisfy the hunger of the European furniture industry: cheap furniture from stolen wood from the Carpathian or further east leaving behind devastated landscapes. Also, criminal waste trafficking from industrialised farming finding its way through criminal channels is a recognised cross-border organised crime.

In peer reviewed contributions international experts present a broad range of criminal phenomena and policies: from a 25-year review of organised crime in The Czech Republic, labour exploitation and Nigerian organised crime in Italy, Middle-Eastern criminal clans in Germany, and international fuel fraud to criminal asset recovery policy in the Netherlands.

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