

Threats and Phantoms of Organised Crime, Corruption and Terrorism



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Critical European perspectives

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Measuring Organised Crime

A Critique of Current Approaches

*Klaus von Lampe*¹

Introduction

The process of establishing the concept of organised crime as a corner stone of criminal policy doctrine has entered a new phase. For decades, concerns had been centred on the question of definition. Interagency and international law enforcement cooperation called for a common understanding, while differences in fact and in perception hindered such an agreement. Moreover, sceptics maintained that organised crime was largely a figment of imagination, conjured up by law enforcement lobbyists to legitimise infringements of civil rights and liberties, while proponents of the organised crime concept hoped to stifle the criticism with a generally accepted definition.² In recent years the emphasis of the official discourse has shifted from the definition to the measurement of organised crime, implying that the old squabbles have been left behind for good. Measuring organised crime not only presupposes the existence of organised crime, it inevitably requires conceptual clarity and certainty. The irony of history, however, lies in the fact that the project of measuring organised crime has been launched before an agreement on the definitional issue has been reached. In fact, as Toon van der Heijden (1996), in a review of the developments on the EU level, has observed, the priorities shifted to the issue of measurement only after ‘the EU member states

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² For a discussion of the organised crime debate see Van Duyne (this volume) and von Lampe (1999; 2001a).

concluded that particularly the aim to reach a common definition offered (too) many problems for the time being.’

This chapter sets out to explore how the unresolved conceptual issue impacts on efforts undertaken by agencies on the national and EU-levels to measure organised crime. It will be argued that assessments of organised crime that are intended to provide an orientation for strategic law enforcement planning and policy development have to be grounded in a clear and empirically based conceptual framework. After examining two approaches in particular, the ‘organised crime potential’ assessment of the German police agency Bundeskriminalamt (2002) and the ‘risk-based methodology’ developed by the Ghent University’s Crime Research Group (Black et al., 2000, 2001; Vander Beken & Defruytier, this volume),³ some cautious suggestions for improvement of the current approaches will be made.

Organised Crime and the Problem of Measurement

Measurement means linking unambiguously delineated concepts to empirical events. Empirical phenomena are mapped onto a system of numbers, which, depending on the mapping rules, allows statements on the nominal difference between phenomena, on a more or less sophisticated ordinal ranking of phenomena, or, ideally, on quantities relative to an absolute zero point (Maxim, 1999; Zeller & Carmines, 1980). Measuring organised crime can potentially be of practical use for government and legislature in various respects, provided appropriate methods of measurement are available.

The first potential benefit would be to clear the smoke created by media induced imagery and to obtain some understanding of the overall scope of the problem by determining how pervasive and how serious organised crime really is. This, in turn, would facilitate rational decisions, for example, on the allocation of scarce resources between law enforcement and other branches of government, or it would help to weigh the costs and benefits, say, of anti-organised crime legislation that negatively infringes on defendants’ rights. The

³ For other approaches see Queensland (1999), Porteous (1998), Reuter & Petrie (1999), Van Dijk et al. (2002).

same applies to the detection of hot spots within the overall picture of organised crime. By discriminating between different manifestations or areas of organised crime, measurement could help to set the right priorities.

Another desirable objective of measuring organised crime would be to identify trends over time. Measuring organised crime in certain intervals could be employed as an early warning device which would provide a rational basis for strategic planning on the administrative and legislative levels.

Finally, the ability to measure organised crime implies the ability to evaluate the effectiveness of counter-measures. So far, only very indirect indicators of success have been employed, for example, the volume of assets seized in organised crime proceedings.

Measuring organised crime requires three steps: the specification and definition of key concepts, the operationalisation of these concepts by translating them into variables, and the linking of these variables to empirical data (see Black et al., 2001, pp. 17, 42).

Since there is no agreed-upon and established definition and the issue as such is complex and embraces different levels and quite diverse units of analysis, it is crucial which phenomena are specified as empirical referents. Depending on the basic understanding of the nature of organised crime, the process of measurement can take on completely different directions from the outset. When one equates organised crime with certain types of criminal activities, namely the provision of illegal goods and services, then illegal markets might be chosen as the key concept which needs to be operationalised (see Porteous, 1998; Reuter & Petrie, 1999). When, in contrast, criminal structures are considered the essence of organised crime, the measurement will focus on factors such as the number, size, composition and structure of criminal groups, while the nature and extent of illegal markets would be treated as no more than contextual variables (see Albin et al., 1995; Galeotti, 1998). Other approaches might emphasize systemic conditions such as underworld power structures (Reuter, 1987, 1994) or corrupt alliances between criminals and public officials (Block, 1983; Chambliss, 1978).

It is important to stress that from all we know, choosing between these approaches and selecting certain variables for measurement is not merely a technicality, because the indicators that may be specified for each of these three dimensions (activities, structures, and systemic conditions) are not

interchangeable. The volume of an illegal market, for example, does not determine how market participants are organised. The same is true, though perhaps to a lesser degree, for indicators within each dimension. There seems to be no fixed relation, for example, between market volume and profitability, or between the size of a criminal organisation and its structure.⁴

Moreover, whatever salient features of organised crime one specifies, they cannot be expected to always have the same impact on their environment, just as certain environmental factors can be assumed to have different consequences for organised crime in different constellations. To come to a meaningful assessment of organised crime, then, entails conceptualising a complex set of internal and external factors and to view them in mutual relation.

This leads to the identification of a second major problem for the conceptualisation and subsequent measurement of organised crime: the problem of construct validity. Construct validity, generally speaking, refers to ‘the assessment of whether a particular measure relates to other measures consistent with theoretically derived hypotheses concerning the concepts (or constructs) that are being measured. (...) Construct validation involves three distinct steps. First, the theoretical relationship between the concepts themselves must be specified. Second, the empirical relationship between the measures for the concepts must be examined. Finally, the empirical evidence must be interpreted in terms of how it clarifies the construct validity of the particular measure’ (Zeller & Carmines, 1980, p. 81). With regard to measuring organised crime, construct validity does not seem to be attainable, at least not at present. Given the paucity in theory and data, there is no certainty regarding the relevance of any one indicator in terms of the interrelation between various features of organised crime and in terms of social impacts, apart from the question how to conceptualise social impacts. Take, for example, the aspect of hierarchy. It is not clear in what way vertical differentiation influences the capacity of criminal groups to, for instance, inflict harm or avoid prosecution. Consequently, the observation that more and more criminal groups develop a hierarchical structure would not, as such, justify the conclusion that the

⁴ For a tentative discussion of the interrelation between environmental factors and the size and structure of criminal organisations, see Southerland & Potter (1993).

seriousness of the organised crime problem is on the increase (or on the decrease). There may be differences in the level of threat depending, for example, on the functions these groups perform. A hierarchically structured criminal fraternity may well have a different impact on society than a hierarchically structured criminal enterprise, just as the consequences may differ depending on the area of crime or the social context. A burglary gang will tend to constitute less of a threat in monetary terms than a group of sophisticated white-collar criminals, but to the citizen the former will appear more threatening.

In the end, leaving aside the practical problems of collecting information on organised crime, there are many ways one can think of to measure certain aspects of organised crime. But without proper theoretical underpinning, the resulting data will most likely not bring us beyond a purely descriptive level. A statistic on the number of hierarchically structured criminal groups, for example, for the time being will tell us just that: how many hierarchically structured criminal groups there are. In a research context this piece of information might provide a useful starting point for further inquiry, whereas in a situation report on organised crime such statistic would only provoke undue conclusions before the background of stereotypical imagery of sinister crime syndicates.

Two Current Approaches to the Measurement of Organised Crime

In light of the fundamental methodological difficulties and limitations any attempt to measure organised crime is an ambitious and daring endeavour that has to be viewed with due methodological scepticism. At the same time, these efforts deserve respect insofar as they venture to go beyond simplistic conceptions of organised crime. It is interesting to note that the impetus for these efforts has not so much come from within the scientific community but from government and law enforcement agencies, as is also the case with the two approaches that will be examined in greater detail in the following sections.

The Annual Situation Reports by the German Bundeskriminalamt

Since 1992, the German federal police agency Bundeskriminalamt (BKA) has been drawing up annual situation reports on organised crime, based on ongoing criminal investigations during a given year. The idea of the situation report is to bring together the entire knowledge generated in proceedings that are classified as organised crime related in accordance with the official German definition of organised crime.⁵ The information contained in the published versions includes the number of organised crime cases, the number and types of offences committed by the suspects under investigation, the nationality of the suspects, the possession and use of firearms, and the amount of damages and (estimated) profits. The classified, extended versions of the situation reports contain descriptions of individual cases and additional analyses. The following discussion pertains only to the published version.

Originally, the importance attached to the annual organised crime reports was similar to that ascribed to the official crime statistics with regard to the overall crime picture (Gehm & Link, 1992). In the public debate the reports continue to be interpreted in this fashion by treating changes in the number of organised crime related investigations as equivalent to changes in the extent of organised crime. Among law enforcement officials and scholars, however, the view has gained acceptance that the reports primarily reflect on the allocation of investigative resources (Falk, 1997; Meywirth, 1999; Pütter, 1998). After an initial period of growth in the years 1991 through 1993, the total yearly number of organised crime related investigations has remained on about the same level of around 800. A trend is discernible only insofar as the share of newly opened investigations has more or less steadily decreased while the share of investigations that are continued from previous years has increased. This implies in broad terms that new cases could be initiated only to the extent old cases were closed (von Lampe, 2002).

⁵ Organised crime is defined as ‘the planned violation of the law for profit or to acquire power, which offenses are each, or together, of a major significance, and are carried out by more than two participants within a division of labor for a long or undetermined time span using a) commercial or commercial-like structures, or b) violence or other means of intimidation, or c) influence on politics, media, public administration, justice and the legitimate economy’ (Levi 1998:335).

Other data contained in the situation report may also be influenced by organisational factors. Since most reported investigations (66,1% in 2001) are conducted by specialised units which typically focus on specific types of offences or, most notably, specific ethnically defined groups of offenders (Pütter, 1998), the types of offences and the nationality of the suspects that appear in the reports are likely to reflect these specialisations more than actually underlying variations. The largest share of any offence category has consistently been that of drug trafficking with 35,2% in 2001, followed by property crimes with a share of 13,6%, vice offences with 11,3%, business related crime (including various types of fraud) with 11,2%, and customs and tax offences (including smuggling and VAT fraud) with a share of 9,5% (Bundeskriminalamt, 2002). Another consistent feature of the organised crime reports is that a majority of the recorded suspects (52,1% in 2001) are foreign nationals. What comes as a surprise, given the commonly held belief about ethnic homogeneity in organised crime is that most cases (80,7% in 2001) involve ethnically heterogeneous crime networks, although it is not clear on what level the cooperation across ethnic boundaries actually occurred. Among the foreign suspects the three largest minority communities in Germany are also those most strongly represented in the organised crime reports, Turks with 8,7%, former Yugoslavs with 5,6%, and Italians with 4% in 2001.

In certain categories of the organised crime reports, such as the number of offences and the amount of damages, the distribution is skewed by a few extreme values. The number of offences per organised crime related investigation, for example, varies greatly without a discernible pattern over time. The overall numbers have ranged between some 31.000 offences (in 1998) and about 104.000 offences (in 1991). The high relative and absolute number for the year 1991 emanates from two investigations with a combined total of 82,000 offences, including one complex fraud scheme involving some 50.000 victims (Pütter, 1998). A recent increase from 42.693 offences in 2000 to 69.574 offences in 2001 is largely due to one investigation into investment fraud involving 21.000 victims. Fraud cases have a similar effect on the amount of damages in terms of material losses. In 2000, for example, an elaborate business fraud scheme accounted for 4,6 billion DM out of a total damage figure of 7,3 billion DM, compared with 1,4 billion DM in the previous year, 1999, and 2,3 billion DM in 2001 (Bundeskriminalamt, 2002).

In recognition of the various reservations that have to be made regarding the meaningfulness of the statistical approach of the conventional organised crime reports, efforts have been undertaken in recent years to add a more qualitative dimension (Falk, 1997; Meywirth, 1999). These efforts have led to the introduction of a 'structural analysis' which centres around the description and ranking of group structures according to what is called their 'organised crime potential' (Bundeskriminalamt, 1999; Meywirth, 1999). The 'organised crime potential' is essentially a composite index. It is devised to capture the level of organisational and operational sophistication and 'professionalism' of criminal groups. The index comprises 50 indicators that had originally been formulated to assist investigators in detecting organised criminal structures. For the purpose of the 'structural analysis', these indicators have been weighted on the basis of a survey among officers of central organised-crime units who were asked to rank the importance of each indicator according to individual evaluations using an ideal typical professionally operating criminal group as a yardstick (von Lampe, 2002). The values assigned to the indicators as a result of the survey add up to a sum total of 100 points. The more indicators correspond with the characteristics of a given criminal group and the higher the individual values of the corresponding indicators, the higher the scores on the scale from 0 to 100 and the higher the assumed 'organised crime potential' (Meywirth, 1999). The highest ranked indicator is 'hierarchical structure' with a value of 4.35, followed by 'international' (3,49), 'an at first glance inexplicable relation of dependence or authority between several suspects' (3,36), 'payment of bribes (...)' (3,03), and 'measures to launder money' (2,96). The lowest ranked indicators are 'assumed names' (1,17), 're-admittance after release from prison' (1,17), 'work on demand' (1,23), 'disappearance of formerly available witnesses' (1,28), and 'use of relatively expensive or difficult to implement scientific means and findings' (1,29).⁶

The 'organised crime potential' of criminal groups is measured with reference to areas of crime and ethnicity. In 2001, the groups with the highest average 'organised crime potential' were found in the area of environmental crimes, followed by tax and customs violations, business crimes and violent

⁶ The unpublished list of indicators with the ranking factors has been kindly furnished to the author by the Bundeskriminalamt in August 2002.

crimes, and among those groups with Yugoslavian, German, Turkish or Italian membership. In 75,5% of the cases the score was below 50 points (Bundeskriminalamt, 2002). The highest score in 2001, 90,9 points, was reached by a criminal network involved in the trafficking of contraband cigarettes.⁷

The Bundeskriminalamt (2002) has pointed out the fact that there is a strong correlation between the average duration of investigations and the score on the 'organised crime potential'-scale. This may be seen as a confirmation of the assumption that cases involving criminal groups with a high 'organised crime potential' are especially complex and time consuming. But it may just as well imply the opposite. The longer an investigation lasts, the greater the likelihood that details become known which correspond to indicators of 'organised crime potential'. This means, for example, that crime groups involved in criminal activities that demand more time consuming investigations, such as business crime, have a greater chance of being classified as having a high organised crime potential than groups engaged in less difficult to investigate criminal activities.

As has been argued elsewhere (von Lampe, 2002), the 'structural analysis' appears to combine the shortcomings of an analytical approach that lacks the necessary theoretical underpinning with those of a statistical approach that promotes the collection of data not because they are meaningful but because they are available. To begin with, neither the list of indicators nor the relative weighting of the indicators are derived from a comprehensible analysis of the functioning and dynamics of criminal groups. If the selection and ranking of indicators were based on empirically grounded theory, the aspect of 'hierarchy', for example, would most likely be found toward the bottom of the list. The evaluation of particular factors aside, the methodology seems to be more fundamentally flawed. The 'organised crime potential'-index implies that the indicators are empirically independent, that the relevance of every indicator is known, that the occurrence of an indicator, such as for instance 'hierarchical structure', has the same significance under all circumstances, and that any combination of indicators has similar implications as long as the individual values add up to the same score. It seems safe to say that this is not the case.

⁷ This information was kindly furnished by the Bundeskriminalamt in August 2002.

Therefore, the ‘organised crime potential’-index can at best be taken as a meaningful measure in extreme cases with either very high or very low scores, provided the low scores are not the result of limited information.

But even with these reservations in mind it is doubtful whether any relevant inferences can be drawn from measuring the ‘organised crime potential’ as long as this is done with regard to particular areas of crime or certain ethnic groups, given the diversification and multi-ethnic character of many of the criminal networks included in the organised crime reports. In 2001, about one third of the groups were active in more than one area of crime and on average scored higher on the ‘organised crime potential’-scale (44 points) than groups that were only engaged in one type of crime (37 points).

In sum, the situation reports may contain valuable information, but a number of flaws regarding the collection and presentation of the data diminish the validity for an assessment of organised crime and, more specifically, of organised crime groups. The ranking of organised crime groups by their ‘organised crime potential’, using the current methodology, in the end appears highly arbitrary.

The Ghent University’s ‘Risk-Based Methodology’

In comparison to the approach taken by the Bundeskriminalamt, the ‘risk-based methodology’ developed by the Ghent University’s Crime Research Group is more far reaching and scientifically more ambitious. There is, however, a common core. The ‘risk-based methodology’, like the ‘organised crime potential’-index, has been designed to improve the meaningfulness of organised crime situation reports, in this case the Belgian Annual Report on Organised Crime. Moreover, the Ghent approach is similarly based on an analysis and ranking of organised criminal groups. The main difference lies in the fact, that the ‘risk-based methodology’ has a much broader scope of analysis by also including environmental factors (Black et al., 2000, 2001; Vander Beken & Defruytier, this volume).

Briefly summarised, organised crime is conceptualised as ‘a function of the market for illicit goods and services’ (Black et al., 2001, p. 23), i.e. market principles are seen to significantly influence the way criminals and criminal

activities are organised. Criminal groups and illicit activities, in turn, are considered in a systemic context with regard to how organised crime impacts on society and how organised crime is affected by law enforcement and regulatory efforts. To this overall framework the risk-based methodology is applied.

Risk assessment is understood to be a method to systematically analyse socio-economic and political variables and their potential impact on organised crime with reference to the likelihood of threat and the levels of potential harm. The analysis comprises three stages. The first stage includes an environmental scan which seeks to identify relevant social trends by collecting and processing information from all available sources. The second stage involves a three-part assessment of the primary elements of analysis: criminal structures, counter-measures, and licit and illicit markets. The analysis of criminal structures aims at ranking the threat of identified organised crime groups based on a matrix of attributes. The market analysis, in turn, entails the examination of actual levels of organised criminal involvement in illicit markets and of the vulnerability of specific licit market sectors. The third stage is intended to provide an opportunity to link the three elements (structures, counter-measures, markets) back into a more considered whole. The basic assumption of the 'risk-based methodology' can perhaps best be summed up in the hypothesis that the higher the capacities of criminal groups, the greater the opportunities in illegal markets and the higher the vulnerabilities in particular sectors of the licit economy, the higher the risks for society to incur damages.

The Ghent approach marks a departure from conventional conceptions of organised crime in two important respects. On the one hand, the emphasis on the contingency of criminal structures helps to overcome the fixation on cohesive organisational entities and gives room for the appreciation of the dynamics of patterns of criminal cooperation. On the other hand, the holistic perspective allows viewing organised crime in a broader social context and, in fact, as an integral part of society.

However, the Ghent approach in its present form does not really follow through on the chosen path, because in the end it does not spell out a consistent overall framework that would equally account for the various manifestations of organised crime across the spectra of organisational structure and socio-economic embeddedness. What is provided is a specification of a set

of factors that are assumed to be relevant for the assessment of organised crime in one way or the other. But the selection of factors appears to reflect conventional conceptions of organised crime more than the complex, multi-dimensional conceptualisation implied in the general theoretical discussion supplied by the Ghent Research Group.

In order to take the contingency perspective seriously and to go beyond narrow conceptions of criminal structures, for example, the analytical framework of the Ghent approach would have to capture myriad forms of criminal cooperation, including transactions taking place in a pure market setting, embedded within social networks, or within the internal structures of hierarchical organisations, because conceptually, they all are on the same level (see Smith, 1994). However, the Ghent conceptualisation as it pertains to criminal groups seems to have been developed only with clear-cut organisational entities in mind, as evidenced by the list of attributes used to rank 'organised crime groups'. Items such as 'size of group', 'working with other groups', 'mobility', and 'continuity' would be either tautological or ill-fitting when applied, for example, to criminal actors who flexibly use webs of personal relations for the commission of crimes, i.e. to those patterns of criminal cooperation that seem to be characteristic of much of the 'organised crime' observed in Europe today (Bruinsma & Bernasco, 2002; Van Duyne, 1996; Hobbs & Dunnighan, 1998; Johansen, 1998; Junninen & Aromaa, 2000; Fijnaut et al., 1998; Gruppo Abele, 2003; Kleemans & Van de Bunt, 1999; von Lampe, 2003b; Paoli, 2002, 2003; Pearson & Hobbs, 2001; Ruggiero, 1996; Zaitch, 2002).

Similar reservations must be made regarding the systemic dimension of organised crime. The relation between organised crime and society is primarily conceptualised as a dichotomy of two separate spheres with organised crime constituting an external force. While it is stressed, for example, that the relationship between organised crime and the licit economy is 'multi-directional' (Black et al., 2001, p. 77; Vander Beken & Defruyter, this volume), the concept of vulnerability of licit economic sectors provides no framework for capturing criminal networks within the business elites. Likewise, the kinds of impacts ascribed to organised crime are addressed only in very broad terms of 'economic, emotional, physical, intellectual, and political damage' (Black et al., 2000, p. 36), which would account for a wide range

of constellations, including those not in line with a dichotomic view of organised crime and society. But at the same time, symbiotic relations between legal and illegal structures are not specifically accounted for.

Finally, the conceptualisation of the link between particular manifestations of organised crime and their impact on society is such that stereotypical imagery is not challenged. The 'risk-based methodology' is not straightforward regarding the assumed linkages between the highlighted empirical phenomena and their perceived significance in terms of threat and harm. Rather, the enumerated group attributes and environmental factors are treated as if their relevance were more or less self-evident. Just as in the case of the Bundeskriminalamt approach, interrelations are subliminally implied rather than derived from empirically grounded theory. Even though the need for developing causal explanations is stressed 'to provide an adequate understanding of the phenomena and their associated risks', such explanations are not systematically provided, especially not regarding the assumed relevance of group attributes. Even more so, the selection of some indicators is left up to police experts and policy makers (Black et al., 2001, p. 63; Vander Beken & Defruytier, this volume).

Regarding the assessment of criminal groups, the Ghent approach, like the Bundeskriminalamt's 'organised crime potential'-index, relies on the meaningfulness of a list of attributes for determining the capacity of criminal groups. These attributes are ordered in a matrix of categories that are designed to capture the 'intent' and 'capability' of 'organised criminals' to achieve specified aims. But, to begin with, the assignment of certain attributes to particular categories is not always plausible. For example, 'violence' and 'deadly violence' are placed in the 'intent'-category, whereas 'corruption' is listed as an aspect of 'capability' (Vander Beken & Defruytier, this volume). Moreover, the choice of attributes is not always convincing. Although 'hierarchy', the highest valued group attribute in the Bundeskriminalamt's 'organised crime potential'-index, is not included in the Ghent catalogue of indicators, there are some other questionable items. It is not clear, for instance, in what respect the intent to use 'violence' and 'deadly violence' should signify a high level of sophistication. Quite the opposite may be true, when one thinks, for example, of the disastrous consequences the Sicilian Mafia had to suffer from the campaign of terror that was staged under the ill-fated leadership

of Totò Riina (see Stille, 1995). Another highly ambiguous indicator is the 'size of group'. Again, it seems farfetched to assume that such a property, to the extent it can be discerned at all, is positively correlated to the capacities of a criminal group regardless of the circumstances. On the contrary, far from being an asset, a large group size can very well become a liability in a hostile environment (Reuter, 1983). So when large criminal groups are detected by the police this does not necessarily expose a particular source of threat, but rather, it could be seen as a confirmation of the notion that the vulnerability of criminal groups increases with size.

In sum, the 'risk-based methodology' has the potential to advance the analysis of organised crime to a higher level. It demarcates a broad area of investigation for further research. But for a tool that aims at assessing and measuring organised crime in an administrative or policy context, it is incomplete. Crucial elements in the conceptual edifice are missing, for example, to account for the diversity and elusiveness of criminal structures or the embeddedness of criminal networks in high status groups. It is likely that in the practice of strategic planning and policy development the conceptual void will be filled once again by conventional stereotypical conceptions and imagery so that in the end not much will have been gained.

Some Suggestions for Improvement

The weaknesses of the two approaches appear to be rooted in the fundamental difficulties of measuring something as elusive as 'organised crime'. However, the critique does not necessarily have to exhaust itself in emphasising these limitations. Some alternatives may be available to the approaches taken by the Bundeskriminalamt and the Ghent Research Group, namely regarding the choice of empirical referents and the underlying model of organised crime.

Empirical Referents

Measuring in the social sciences requires conceptual clarity and much can be gained for the measurement of organised crime by clearly stating what

exactly it is in empirical terms that is supposed to be measured (Black et al., 2001, p. 17; Reuter & Petrie, 1999, p. 22). The BKA and the Ghent approaches, in any case, leave considerable room for improvement in this regard.

Both approaches take collectivities of offenders in a broad sense as the basic unit of analysis. The Bundeskriminalamt treats all suspects in a particular organised crime investigation as members of a 'grouping of offenders' (*Tätergruppierung*). The Ghent Research Group uses the term 'organised crime groups' as a generic concept to include 'networks and/or hierarchical structures' (Black et al., 2001, p. 53) and stresses the diversity and elusiveness of the phenomena that fall into this category: Organised crime groups 'are predominantly dynamic and fluid' (Black et al., 2001, p. 23), and they 'exist in different forms, geographical locations, and (...) exploit (or service) different areas of socio-economic activity (both licit and illicit)' (Black et al., 2001, p. 5). In the end, both approaches are similar in that they attempt to avoid a restriction of the analysis to stereotypical crime syndicates. This inclusiveness, while certainly desirable, comes at a price, because a wide range of phenomena are lumped together without a clear conceptualisation and without considering the empirical and analytical differences between various types of criminal structures. In consequence, no objective criteria are at hand to delineate 'criminal groups' as the basic units of analysis, and different structural patterns are prone to be treated as equal so that the assessment is likely to be skewed by comparing apples and oranges.

Groups and Networks

Perhaps the most profound flaw is rooted in the failure to treat the concepts of 'criminal network' and 'criminal group' as analytically distinct categories. Implicit in the BKA and Ghent approaches is the notion of a one-dimensional spectrum of structures from loose networks to hierarchically structured criminal groups (see e.g. Black et al., 2001, p. 55). While such a conceptualisation may make sense in some ways, when it comes to assessing crime structures in a given geographical area or market, a more appropriate perspective would have to account for the partial or complete overlap of network and group structures, i.e. the fact that webs of criminal relations may constitute, at the same time, networks and groups.

An example may illustrate this point. Take the trafficking in stolen motor vehicles. A typical scheme involves the theft of cars, the alteration of the cars in appearance and possibly the forging of documents, and finally the sale to more or less unwitting customers. Theoretically, all tasks could be performed by one person alone, but most commonly a number of actors will be cooperating. There may be specialised thieves, car mechanics, document forgers and procurers who get involved either as individuals or as members of small task forces. A number of individual thieves, for example, may sell to a group of mechanics who prepare the stolen cars for resale and pass them on to different procurers who, in turn, obtain false documents from various forgers. In this case, only the car mechanics would constitute a 'group' in the true sense of the word, assuming that they collaborate on a continuous basis as an integrated structural entity, while the overall structure constitutes a network consisting of sets of business relations through which the group of car mechanics, their suppliers and their customers are connected.

The BKA and the Ghent Research Group only go so far as to say that not only the core group of mechanics but the entire web of illegal business relations can qualify as organised crime, but they provide no objective criteria for dissecting the conglomerate of direct and indirect relations between the participants into manageable units of analysis.

Given the emphasis both approaches place on group-specific indicators it would seem plausible to distinguish clear-cut organisational units from less integrated structures. In the example, therefore, the core group of mechanics would most likely be taken as one 'organised crime group' whereas the suppliers and customers, since they by themselves are not directly connected, might be disregarded altogether.

On the other hand, especially the Ghent approach stresses the primacy of market forces over organisation (Black et al., 2001, p. 23), a view that is also reflected in the Bundeskriminalamt's definition of organised crime which takes the planned, continuous commission of crimes as the key reference point. Before this background, it would be inconsistent to orientate the selection of the basic units of analysis to organisational criteria, because organisational (or group) structures are seen as the result of market dynamics. Instead, the notion of the primacy of market forces would call for a focus on specific sets of actors who participate in a particular complex of criminal activities. Thus,

in the given example, all directly or indirectly connected car thieves, mechanics, forgers and procurers could be treated as one 'organised crime group' because they are all involved in functionally interrelated criminal activities.

When one compares the two alternative approaches it should become apparent that a distinction between groups and networks in terms of competing forms of criminal organisation is not always helpful. Where individual actors and small groups of offenders cooperate in the commission of crime, as is the case in the example given above, a dividing line would have to be drawn quite arbitrarily between structural units and individuals who - seen from a functional point of view - belong to one overall entity.

A better alternative seems to be an approach which considers groups and networks to represent different structural dimensions in an analytical sense. A network consists of a set of relations among criminal actors that allow them to collaborate opportunistically with others most appropriate to the specific opportunity presented (Reuter & Petrie, 1999, p. 10). The concepts of group and organisation, in contrast, while also referring to a set of relations between actors, imply integrated, stable and durable structures that have an existence and behaviour independent of the behaviour of their members (Hall, 1982), treating the terms 'group' and 'organisation' here as merely differing in the degree of complexity, formalisation and size.

In comparing the two concepts of 'criminal network' and 'criminal group', that of 'criminal network' appears to be the more elementary and more concise one. It is more comprehensive and inclusive than that of 'criminal group' because network ties, i.e. relations that can be used for the commission of criminal acts, are inherent in any type of criminal cooperation, regardless of the organisational framework. Thus, criminal networks constitute 'the least common denominator of organised crime' (McIllwain, 1999, p. 304; see also Potter, 1994, p. 116). Furthermore, the network concept is less bias-prone than that of criminal groups. Since the existence of criminal groups as super-individual entities is linked to factors that are not immediately visible, the assessment becomes susceptible to misinterpretations and an overrating of collectivities that are defined by superficial characteristics such as ethnicity. In contrast, it is a comparatively less difficult task to ascertain the existence of networks because criminally exploitable ties are manifested in every collusive

criminal act (von Lampe, 2002), although some methodological problems do remain. Determining the boundaries of a network, for example, is partly a matter of definition and partly it is a practical problem of identifying and accessing network members (Knoke & Kuklinski, 1982, pp. 22–26; Scott, 1991, pp. 56–60; Sparrow, 1991, p. 262). Likewise, the assessment of network structures is sensitive to missing data and bias in data collection (Knoke & Kuklinski, 1982, pp. 34–35; Sparrow, 1991, pp. 256, 262). For example, the focus on particular individuals may lead to the false conclusion that they form a cohesive clique or sub-network within an overall low-density network, whereas a more complete picture might reveal that the entire network is dense, i.e. all network members, not just those receiving the most attention, are connected through a high number of ties.

Still it seems that it would be a step forward in the direction of greater conceptual clarity and methodological soundness to take criminal networks, not ‘criminal groups’, as the key empirical referent. This does not necessarily mean that the existence of group structures in the true sense of the word has to be ignored. Group structures can be captured within the framework of network analysis through concepts that pertain to the form and content of network ties (see Knoke & Kuklinski, 1982, p. 15–16).

Economic, Social and Quasi-Governmental Functions

A further conceptual clarification can be reached by taking into account that criminal structures may serve different functions and purposes, namely social, economic and quasi-governmental (von Lampe, 2001b, 2003a). Economic structures aim at material gain, such as, for example, a cigarette smuggling ring or a gang of burglars (Van Duyne, 2003). These have to be distinguished, analytically, from criminal structures that serve social functions which support their members only indirectly in illegal economic activities, for example, by facilitating contacts, giving status, reinforcing deviant values, and providing a forum for the exchange of information (Haller, 1992). Quasi-governmental structures, in turn, support illegal economic activities in a more abstract way by establishing and enforcing rules of conduct and by settling disputes in a given territory or market (Anderson, 1979). While these functions may empirically coincide, it should be obvious that they have to be distinguished

in order to come to a concise analysis (see also Block, 1983; Ianni, 1975; Paoli, 1998). Take, for example, the case of an illegal enterprise that is operated by members of a criminal fraternity such as the Sicilian Mafia (Paoli, 1998) or the Russian *vory-v-zakone* (Varese, 2001). It would neither be adequate to interpret the structure of the enterprise in terms of the structure of the criminal fraternity. In fact, both structural arrangements are most likely to differ greatly. Nor would it be adequate in this example to interpret the enterprise as a subdivision of the criminal fraternity. Instead, the analysis of the links that connect participants in a given criminal enterprise would have to include a consideration of the possible co-existence of business relations and other types of ties, for example social ties rooted in a fraternal association, kinship or community, to account for a certain degree of cohesion (Bruinsma & Bernasco, 2002; Kleemans & Van de Bunt, 1999).

An Underlying Model of Organised Crime

Taking a network approach to the assessment of organised crime entails the application of a wide array of conceptual tools that relate to, broadly speaking, two levels of analysis, the egocentric network, consisting of the relations of one particular actor, and the complete network which embraces the overall web of actors under investigation (Knoke & Kuklinski, 1982, pp. 16–18). It is widely assumed that meaningful insights can be gained by applying network analysis to criminal structures (Coles, 2001; Davis, 1981; Ianni, 1975; Lupsha, 1983; McIlwain, 1999; Morselli, 2001; Sparrow, 1991). These insights, however, pertain mostly to the understanding of the inner functions and mechanisms of criminal structures. In contrast, the questions that need to be answered in the context of assessing and measuring organised crime for the purpose of strategic planning and policy development is how specific network properties and attributes are indicative of the way criminal structures impact on and are affected by their broader environment. In this respect, not much is gained *per se* by opting for a network approach in contrast to a vague concept of ‘organised criminal group’. In the end, what is needed is a model which represents the interrelations between, on the one hand, the characteristics of criminal structures and, on the other hand, factors such as the type and volume of crime or the intensity and effectiveness of law enforcement. As

has been stressed above, such a model does not seem to be available at the moment, given the paucity in theory and data that continues to characterise the general knowledge on organised crime.

Typologies of Organised Crime Models

Where ‘models’ of organised crime have explicitly been developed or categorised, in many cases they are really only perspectives, i.e. certain ways to look at organised crime (see Albanese, 1994). Some ‘models’ are more sophisticated in that they are meant to explain the emergence and development of criminal structures, so that organised crime, not its impact on society, is treated as the dependent variable (see Halstead, 1998). Finally, some ‘models’ are also perceived to predict social consequences, although this aspect tends to be stated only in very broad terms (see Williams & Godson, 2002). In their discussion of a methodology for anticipating ‘the further evolution of organised crime’, Williams and Godson distinguish several potentially predictive ‘models’ that emphasise causal relations between certain environmental conditions, certain manifestations of organised crime and certain outcomes. ‘Political models’, they argue, can explain the increase in particular types of crime and the emergence of criminal structures as the result of a weak state, an authoritarian form of government, and a low degree of the institutionalisation of the rule of law (Williams & Godson, 2002, pp. 315–323). ‘Economic models’, in their typology, include those approaches which attempt to predict organised criminal behaviour with a view to the dynamics of supply and demand and the levels of control of illegal goods and services (Williams & Godson, 2002, pp. 322–328). ‘Social models’, the third type of models defined by Williams & Godson (2002, p. 328), emphasise the cultural basis for organised crime, the idea of criminal networks as a social system, and the importance of trust and bonding mechanisms as the basis for criminal organisation. The ‘strategic or risk management model’, in turn, conceptualises the activities of criminal enterprises, for example the corruption of public officials or the exploitation of safe havens, as means to minimise risks emanating from operating in a hostile environment (Williams & Godson, 2002, pp. 335–339). Finally, Williams & Godson’s typology includes ‘hybrid or composite models’ which variously combine political, economic, social, and

strategy factors to predict, for example, that in certain states characterised by weak government, economic dislocation, and social upheaval, transnational criminal organisations will take control of much of the domestic economy to use it as a basis for operating in host states where lucrative markets and supporting ethnic networks exist (Williams & Godson, 2002, pp. 340-347).

All of these 'models' have in common that they tend to be closely related to concrete historic cases and, therefore, it is problematic to generalise from them, especially when it comes to combining different 'models' in one analytical framework.

As has been discussed elsewhere in greater detail (von Lampe, 1999, pp. 315-331), complex models of organised crime face two interrelated difficulties. On the one hand, it has to be determined what aspects of the social universe to include in the model at all, and, on the other hand, the relations between the model elements have to be established. By looking only at particular dyadic sets of model elements, these relations usually take the form of causal links in one or the other direction, but viewed in a broader context the relation may become more complex, ambiguous and a matter of chance. For example, the size of a criminal group can be related to increasing economies of scale in the corruption of public officials and the resulting neutralisation of law enforcement. At the same time, visibility can be expected to increase with size, thus creating additional vulnerabilities to law enforcement intervention. The outcome in a particular case, it can be hypothesised, may depend on the combination of such diverse factors as the degree of social homogeneity in a given geographical area, the organisation and social prestige of law enforcement, and the bias and journalistic qualities of the media.

Typologies of Criminal Networks

While at present there is no sufficient knowledge to construct a general model of organised crime that could account for the complex interplay of myriad factors under various circumstances, it seems worth contemplating the possibility of achieving some degree of analytical sophistication on a smaller scale, by distinguishing certain basic constellations or scenarios of organised crime and by trying to establish the interrelations between model components for each of these constellations.

One typology which aims at a meaningful distinction of organised crime settings has been developed from an analysis of the American organised crime literature. It emphasises variations in the social embeddedness of criminal actors and variations in the degree of social and cultural homogeneity even within one country (von Lampe, 1999, pp. 332–334). Two main types are identified, (1) criminal structures rooted within marginalised subcultures, such as those described by William F. Whyte (1955) and Ko-Lin Chin (1990), and (2) criminal structures that exist in an environment which is not marked by severe social and cultural cleavages, such as those described by William Chambliss (1978), John Gardiner (1970) and Gary Potter (Potter 1994; Potter & Gaines 1995). The cited studies suggest that criminal structures tend to be larger and more complex in marginalised subcultures than in more homogeneous social settings, while the involvement of the political and administrative elite in illegal activities tends to be more direct and more intense in the latter case. When it comes to measuring organised crime, these observations, to the extent they are accurate, could help to come to more accurate and meaningful assessments because they introduce an empirically grounded notion of normalcy into the assessment process.

The typology of ‘organised crime settings’ has been revised to accommodate the conditions in Europe (von Lampe, 2001b, 2002, 2003a). In its present form it is premised on two tentative assumptions, the relative social homogeneity of criminal networks, and a positive correlation between the social position of criminal actors and the quantity and quality of criminal opportunities.

The typology distinguishes four basic constellations. The first involves criminal networks with no social support structure within the country of operation, as in the case of burglary gangs that use home bases in Eastern Europe as a hub for crime sprees in Western Europe (Benninger, 1999). The recruitment and training of group members and the formation of teams apparently takes place under relative immunity from law enforcement. These conditions seem to be conducive to the emergence of complex organisational structures, including a military-like hierarchy and a division of labour within and between teams. The lack of social support in the countries of operation, in turn, corresponds with the predatory nature of the crimes and to the seemingly unrestrained willingness to use violence.

The second category refers to crime networks which are rooted in marginalised subcultures. In these cases criminal actors can rely on a social support structure which is larger than that provided by their immediate criminal network, but one more or less set apart from mainstream society and its institutions. While the seclusion is used to shield criminal activities from detection, criminal actors are familiar enough with the host culture to take some advantage of its infrastructure, including communication, business and finances (Van Duyne, 1996; Pearson & Hobbs, 2001).

The third constellation includes criminal networks that are rooted in mainstream society. These networks comprise outwardly law-abiding actors who are not restricted by any practical, cultural or legal obstacles in taking advantage of the legitimate social infrastructure. Mainstream crime networks are typically involved in organised business crimes. In comparison with subculture-based crime networks, they have a number of strategic advantages, including 'natural' interaction with office holders that may translate into crime opportunities or reduced risks of law enforcement interference (Van Duyne, 1997).

The fourth type, finally, pertains to criminal networks consisting of members of the power elites. In contrast to the former category, actors have direct access to socially relevant decision-making processes. Examples are provided by a long series of scandals involving the abuse or misuse of competencies for profit or power (see e.g. Newell 2003).

The value of this typology, I would argue, is threefold. Firstly, it sensitises the observer to the potential existence of organised crime in all social spheres. Thereby, it works against some of the bias characterising conventional assessments of organised crime. Secondly, like the previously discussed typology, it allows to develop tailor made analytical frameworks for particular social settings. This is an avenue that might be worth considering for the Ghent approach which already acknowledges potential differences between social settings by structuring the analysis along the lines of particular licit and illicit markets. However, in comparison, the social embeddedness of criminal actors seems to be the more fundamental and therefore the more meaningful distinctive criterion.

A third benefit might be derived from the typology of criminal networks under the assumption that the capacity of criminal actors increases with social position. This would provide a crude measure of the 'dangerousness' of

criminal networks. The higher up in the social hierarchy a criminal network is located, the higher the level of dangerousness which can be ascribed to it (von Lampe, 2002). On the aggregate level, it could be quite informative to determine the share of mainstream and elite based criminal networks in comparison to those criminal networks that tend to receive the most attention in the media and also by the police: criminal networks embedded in marginalised subcultures and criminal networks without any social base in the country of operation at all. But given the bias in media coverage and law enforcement, the presently available data would not yield a realistic picture. This leaves the question to what extent the analysis of individual cases could contribute to the assessment of the extent and seriousness of organised crime. Here, for the time being, case studies might be a valuable alternative to statistical approaches by using them in the form of 'litmus tests' to determine, for example, the ease with which members of the political elite can form cooperative relations for the commission of crimes, or how easy it is for members of marginalised subcultures to bridge existing social and cultural gaps to access public officials for arranging a bribe or for entering into a more long term collusive relationship. One case alone of an extensive criminal network in the political establishment or of an alliance between socially marginalised criminals and office holders could give sufficient grounds, for example, for fundamentally questioning the integrity of the political elites and thereby confirming or undermining prevailing beliefs about the relation between upperworld and underworld. In the end, the analysis of individual cases might be more informative than the collection of quantitative data within an analytical framework of questionable validity. This does not mean, however, that collecting quantitative data should be neglected. Such data may provide a statistical bird's-eye view from which selections for in-depth qualitative studies can be made. Together they may justify assessments that go beyond mere descriptions of the phenomena which are lumped together under the umbrella term 'organised crime'. But it cannot be stressed enough that organised crime itself cannot be assessed, let alone measured, without valid operationalisation of this concept.

Conclusion

Measuring something as complex and elusive as organised crime requires a clear understanding of the object of study. It takes a great deal of conceptual clarity and deep insights into the processes and mechanisms at play to know what empirical referents to choose for the measurement and how to interpret whatever data are collected. While the study of organised crime has made some progress in recent years, I have argued in this chapter that there is still no sound basis for a meaningful measurement of 'organised crime', if alone because the proposed measures lack construct validity.

Current efforts in that direction have been borne out of legitimate interests of law enforcement agencies on the national and supra-national levels to come to a more precise and more rational understanding of the nature and extent of what they consider organised crime. These efforts have brought the discussion of the conceptualisation of organised crime to new levels of complexity, but in the end they cannot replace an empirically grounded theoretical framework developed through arduous scientific exploration.

The scientific process is framed as much by what we know (or believe to know) as by what we do not know. Strategic planning and policy development, in contrast, have to rely on whatever knowledge is available and often appear to be inclined to disregard how narrow a basis of knowledge there is. The two approaches discussed in this chapter illustrate this fundamental contradiction. Although there are elements of sound methodology and theory incorporated in both frameworks to assess organised crime, in the end many loose ends remain and leave ample room for lay theories, stereotypes and institutional interests to shape the course and outcome of the measurement process.

The conclusions to be drawn from this discussion, I believe, are twofold. Firstly, the study of organised crime should be aimed at developing a conceptual and theoretical framework that permits to measure 'organised crime' in a more meaningful way; even though it is less than certain that the complex and multifaceted phenomena associated with the term 'organised crime' do indeed yield to a positivistic scheme based on a single holistic concept. Secondly, as long as there is no sufficient basis for a meaningful measurement of 'organised crime' on a grand scale, methodologies should

be devised to assess the nature, extent and social relevance of more concrete phenomena. In this chapter I have tentatively outlined some avenues towards greater conceptual clarity. The proposed improvements centre on criminal networks as key empirical referents and on a typology that aims at meaningfully distinguishing criminal networks by differences in their social embeddedness.

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