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## **On Education in the Global Culture of Lawfulness**

*In memory of Cherif M. Bassiouni (1937-2017)*

**Abstract:** This essay seeks to clarify what is meant by a Culture of Lawfulness (CoL), first in its original academic terms and antonym – lawlessness. The author ventures into its quintessence from a sociological perspective of criminal tribal traditions, next as the effect of conflict and post-conflict situations, and, then, as statutory lawlessness under the guise of the Rule of Law. Second, the essay considers CoL as a collateral of the 2030 United Nations Sustainable Development Agenda, introduced under its *chapeau* by the Thirteenth United Nations Congress on Crime Prevention and Criminal Justice (Doha, Qatar, 2015). Third, the author looks into the relation between the Rule of Law and economic development. Finally, he looks into the question of the advancement of a Global Culture of Lawfulness that supports the rule of law and human rights while respecting cultural identities, through intergenerational and intercultural transmission of crime prevention values in the age of migration. In this latter context, the author discusses the educational CoL challenges for immigrant children and youth.

**Keywords:** Culture of lawfulness, education, lawlessness, migration, rule of law, United Nations

### **1. Introduction**

Friend of the United Nations Crime Prevention and Criminal Justice Programme, the eminent public international law expert Cherif M. Bassiouni noted once that the difference between thinking and acting in bureaucratic or academic terms differs because the former is based on mandate and authority, the latter on concept and method. While taking on board the topic of this essay, as a former member of staff of the United Nations Office on Drugs and Crime (UNODC), and now a freelance academic, I have reflected many times over the wisdom of this.

My academic reflection involved the phenomenon of the so called “Indian criminal tribes”, their protective conduct concerning the life and property of its own members vis-à-vis the aggression and victimization of others. The ‘tribes’ study by

Thorsten Sellin (1886-1994) was foundational to intercultural criminology as an interdisciplinary academic science. From there emerged my further interest to look into the history and ethnography of criminal traditions of Central Asian tribes, which eventually arrived and settled in India, where they created the illustrious Moghul Empire<sup>1</sup>. That academic reflection crisscrossed with my United Nations (UN) work experience as a Senior Crime Prevention and Criminal Justice Expert in the Regional Office on Drugs and Crime for Central Asia in Tashkent, Uzbekistan (1999-2002), which pursued technical assistance for the ratification of the UN Convention against Transnational Organized Crime.

This essay draws on the above crisscrossing academic and bureaucratic career, with a view of clarifying what in 2015 the Thirteenth UN Congress on Crime Prevention and Criminal Justice is meant by a Culture of Lawfulness (CoL) globally. This rather sketchily mentioned concept in its Doha Declaration<sup>2</sup> by that document's legal virtue has become a supplement to the 2030 UN Sustainable Development Goals (SDGs) Agenda "Transforming our world"<sup>3</sup>, where only one of CoL's elements is mentioned, namely the Rule of Law (RoL).

With a view to contributing to the axiological basis of CoL, this essay first provides some interdisciplinary evidence on CoL. Next, it focuses on the statistics on the intergenerational transmission of criminal violence (homicide) in the SDGs framework. Finally, the essay concludes that the global Culture of Lawfulness should be advanced and taught to enter global commons, so it will not remain a slogan only communicating the importance of intercultural education in the age of migration.

## 2. Axiological basis of lawfulness

According to the Encyclopaedia Britannica, axiology (from Greek *axios*, "worthy"; *logos*, "science"), also called Theory of Value, is the philosophical study of goodness, or value, in the widest sense of these terms<sup>4</sup>. It incorporates economic, moral, aesthetic, religious and logical terms. Normative in its essence, axiology is, like

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1 S. Redo, *Organized Crime and Its Control in Central Asia*, Office of International Criminal Justice, Sam Houston State University, Huntsville, TX 2004.

2 I.e. "the promotion of a culture of lawfulness that supports the rule of law and human rights while respecting cultural identities" (PP 7). Under the chairmanship of Mexico, the draft of the Declaration had been worked out by the intersessional meetings of the United Nations Commission on Crime Prevention and Criminal Justice (2014-2015). The mention of "Culture of Lawfulness" in the declaration may originally be credited to that country, member of the Organization of American States, wherefrom the concept originally comes.

3 A/RES/70/1, *Transforming our world: the 2030 Agenda for Sustainable Development*, 25 September 2015, <http://www.un.org/en/sections/documents/general-assembly-resolutions/index.html> (16.01.2018).

4 <https://www.britannica.com/topic/axiology> (16.01.2018).

the UN crime prevention and criminal justice standards and norms, based on global values derived from intercultural and legislative advice of Member States.

### 2.1. Failed states

Before dealing with “lawfulness”, its antonym “lawlessness” (absent-law situation) was one of the most frequently met terms in my criminological search for understanding and countering organized crime developments in Central Asia. “Lawlessness” is often studied in public international law because of “failed states” – i.e. states which do not exercise basic governmental obligations such as security, basic education, and health care. Lawlessness there is caused by civil conflict. “Lawlessness” in a Greek translation of the New Testament appears 27 times, as *anomos* (lawless) and *amomia* (lawlessness). Charles Montesquieu criminologically equated lawlessness with the barbarism of Tartars. Émile Durkheim and Robert Merton elevated anomy to the level of sociological theory. Gustav Radbruch highlighted “statutory lawlessness”. UN Member States introduced a contrarian global Culture of Lawfulness as a part of its cutting-edge 2030 SDGs Agenda. Thanks to the above and other expert contributions, there now is a ground-breaking paradigm for developing and educating in a global Culture of Lawfulness in the age of migration, regardless of whether this involves failed states, states exercising statutory lawlessness, or truly democratic regimes. Obviously, in either case relevant targets and institutional measures commensurately apply to bring its authorities and residents in line with the priorities and standards of CoL, whether local or global.

Criminologically-relevant evidence on the relationship between post-conflict and lawlessness is unequivocal. In support of this thesis, the UNODC study on “Crime and Development in Africa” (2005) quotes Paul Collier’s and Aneke Hoeffler’s research findings that the experience of civil war appears to raise the per capita rate of homicide by about 25% for a period of five years after the end of combat, irrespective of other changes, such as to the level of income, in equality or the nature of state institutions<sup>5</sup>. The same study quotes him: “[there is a] continuum in the scale of criminal violence, from the violent robbery committed by one individual on another through gangs and mafias, up to large scale conflicts with the state”<sup>6</sup>. The study emphasizes his argument that the distinction between street crime and rebellion is more than a matter of scale, however. Finally, the UNODC study found three emblematic cases in Sierra Leone, Angola, and the Democratic Republic of the Congo (DRC) which confirm on different scales that the conundrum of civil war prompts organized crime and promotes the interests of terrorists.

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5 P. Collier, A. Hoeffler, *Murder by Numbers: Comparisons and Inter-Relationships between Homicide and War*, 2004, Oxford Centre for the Study of African Economies Working Paper Series 2004-10, mimeo available at: <http://www.csae.ox.ac.uk> (16.01.2018).

6 P. Collier, *Rebellion as a Quasi-criminal Activity*, “Journal of Conflict Resolution” 2000, vol. 44, no. 6, p. 840.

Rather than belabouring this by now obvious point, another research finding relevant to CoL in post-conflict situations suggests that lawlessness may lead to lawfulness under certain stringent conditions. These conditions were found through an experimentally evaluated randomized study of Disarmament, Democratization and Reintegration programmes in Liberia, another war-torn African country. The programme aimed at rehabilitation of ex-fighters - high-risk men who were illegally mining or occupying rubber plantations. It provided them with peaceful work opportunities, supported by agricultural training, capital inputs, and counselling. Fourteen months after the programme ended, men who benefited from it increased their farm employment and profits, and shifted work hours away from illicit activities. Ex-combatants also had a reduced interest in mercenary work in a nearby war. Finally, some of them did not receive their capital inputs but expected a future cash transfer instead, and they limited illicit and mercenary activities most of all. The evidence suggests that illicit and mercenary labour supply responds to small changes in a return to peaceful work, especially future and ongoing incentives. But the impact of training alone, without capital, appear to be low<sup>7</sup>.

## 2.2. Statutory lawlessness

Justice is a concept of natural law. Its pursuance is the task for the United Nations as a part of public international law work stemming from its Charter<sup>8</sup>. In this sense, the Organization's rule of law provisions are subordinate to justice. Definitely the first substantive conjunction to that critical effect was made by Gustav Radbruch (1878-1949), German philosopher and Minister of Justice in the pre-Hitler-rule Weimar Republic. In 1946, Radbruch published an article on statutory lawlessness that involved Hitlerite law making under the guise of the sovereign will of people. In this seminal text, he argued that only a statute whose *ratio legis* (*Zweckmäßigkeit* or purposiveness) complies with natural justice is lawful. In other words, the statute's legally binding force (its "certainty") must be corroborated by its correspondence to natural law, which validates its inherent force. In the critical circumstance he addressed, that was the ultimate law to which judges' conscience should resort to hand down an independent verdict free of governmental interference.

His argument on "purpose-legal certainty justice" has been a gloss over several post-war court judgements in the partitioned Germany that had to address this critical circumstance. Those courts rescinded the Hitlerite ruling premise that governing in the name of sovereign (elected parliamentary majority) automatically

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7 Ch. Blattman, J. Annan, Can Employment Reduce Lawlessness and Rebellion? A Field Experiment with High-Risk Men in a Fragile State, "American Political Science Review" 2016, vol. 110, no. 1, pp. 1-17.

8 B. Simma (ed.), A. Paulus, E. Chatodou (ass. eds.), in collaboration with H. Mosler, A. Radelzhofer, Ch. Tomuschat, R. Wolfrum, The Charter of the United Nations. A Commentary, Oxford University Press, 2nd ed., Oxford 2002, vol. 2, p. 36.

validates every judicial decision. Among several cases, Radbruch gave the early post-war example of the verdict of the court in Wiesbaden. It pronounced that Hitler's "statutes" that declared the property of the Jews to be forfeited to the State were in conflict with natural law, and null and void the moment they were enacted".

On the basis of such verdicts Radbruch argued that positive law which violates natural justice equals lawlessness. Finally, he called for the rebuilding of the genuine *Rechtstaat* - "a government of law that serves as well as possible the ideas of both justice and legal certainty. Democracy is indeed laudable, but a government of law is like our daily bread, like water to drink and air to breathe, and the best thing about democracy is precisely that it alone is capable of securing for us such a government"<sup>9</sup>.

Three years after the end of the Second World War, outraged by its atrocities, the like-minded framers of the Universal Declaration of Human Rights (UDHR) invoked the rule of law in its preamble. The rule of law should protect human rights in order to thwart the recourse to modern despotism – an intolerable injustice against which only rebellion is possible.

Since the entry into force in 1976 of the Covenant on Civil and Political Rights, it gave a statutory basis to pursue justice according to RoL. However complex is its defining (see the UN declaration on the rule of law<sup>10</sup>), "statutory lawlessness" now encounters many controls in positive law.

### 3. The Rule of Law and economic development

One of the controls is checking how countries perform with regard to the rule of law, including judicial independence, often invoked in the above declaration. The higher the rule of law, the richer the country.

For the World Bank, RoL is measured comparatively, by evaluating, quantifying and aggregating numerous perception accounts and polls gathered from over twenty composite, less or more representative sources assessed in the World Governance Indicators (WGI) database<sup>11</sup>. In turn, the merit of independence is comparatively

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9 G. Radbruch, Statutory Lawlessness and Supra-Statutory Law, "Oxford Journal of Legal Studies" 2006, vol. 26, no. 1, pp. 1-11.

10 A/RES/67/1, Declaration of the High-level Meeting of the General Assembly on the Rule of Law at the National and International Levels, 30 November 2012, <http://www.un.org/en/sections/documents/general-assembly-resolutions/index.html> (16.01.2018).

11 The WGI analysts research, classify, codify, synthesize and quantify descriptive and normative information from non-administrative sources (the so called "extant indices"), starting with other indexes, then go through the polling data in which people are asked about various aspects of good governance, but also through the records electoral rights, etc. These quantified and aggregated perceptions indicate opinion on the extent of confidence in and abiding by the rules of society, especially involving its quality of contract enforcement, property rights, the police, and the courts, as well as the likelihood of crime and violence in a country.

accounted for by a cross-national survey asking the question: “In your country, to what extent is the judiciary independent from influences of members of government, citizens, or firms?”<sup>12</sup>.

Table 1 exemplifies how the rule of law (1996-2016), the judicial independence (2007-2016) perceptions, and the GDP per capita (1870-2016) ranked for the four African countries mentioned above, and in 20 other countries. Some of them had been involved in colonization or had been colonized. They, and others, demonstrate quite a Global South/North mixture of (non) secular legal cultures. This may yield observations on the prospects for a global Culture of Lawfulness.

Table 1. Rule of Law, judicial independence and the Gross Domestic Product

Country Year	Rule of Law 1996-2016 Percentile rank (0-100)		Judicial Independence 2007-2016		Gross Domestic Product\$ per capita 1870/1996/2016		
Angola	3.5	13.15	2.95*	2.11**	455	2157	6929
Australia	96.4	95.1	6.12	6.15	4430	26151	38490
Belgium	89.9	88.9	5.37	5.73	3206	26725	33723
Brazil	44.2	51.9	3.14	3.77	716	7810	12058
DRC	1.0	4.3	n. d.	2.20	498	362	463
France	92.0	89.4	5.26	5.27	2952	25717	31733
Germany	94.0	91.3	6.53	5.58	2886	27336	36135
India	61.3	52.4	5.30	4.31	560	981	4239
Indonesia	36.1	38.9	n. d.	n. d.	555	3026	5389
Iran	19.6	26.0	3.84**	3.51	1016	7835	12439
Japan	89.4	88.5	5.50	6.08	1150	28385	33630
Liberia	0.5	17.8	4.17***	3.80	548	658	515
Mexico	27.1	33.1	3.58	3.10	982	9274	13223
Namibia	59.8	64.4	5.14	5.18	733	3836	6096
Netherlands	95.5	97.1	6.41	6.38	3390	28344	38331
Poland	70.9	74.5	3.54	3.75	1512	9518	21580

12 The recurrent survey involves a representative sample of firms in all countries representing the main sectors of the economy (agriculture, manufacturing industry, non-manufacturing industry, and services). It is a 7-point scale, ranging from 1 = heavily influenced through 7 = entirely independent, verifying three elements of independence: impartiality, respect of judicially rendered decisions, and freedom from interference in judiciary.

Portugal	88.9	85.1	5.68	4.70	1384	17027	20370
Qatar	49.2	79.3	5.50	5.59	790	42008	100305
Russia	24.6	21.5	2.70	3.36	1388	7577	18184
Sierra Leone	8.5	21.6	2.83	2.71	642	719	1369
Spain	90.4	80.7	3.76	4.01	1809	19709	26960
UK	94.5	91.8	6.04	6.30	4689	25328	33690
US	92.5	92.3	5.06	5.27	4045	35807	45809
Uzbekistan	12.1	11.1	n. d.	n. d.	405	1461	3786

Source: <http://info.worldbank.org/governance/wgi/#reports>; <https://govdata360.worldbank.org/indicators/h5eab47>; M. Lindgren. Documentation for GDP Per Capita by Purchasing Power Parities for countries and territories, The Gapminder Foundation, <http://www.gapminder.org/data/documentation/gd001/>, Excel-file with data & meta-data – v11

Notes: \* 2010 data; \*\* 2014 data; \*\*\* 2012 data; “\$” = international dollar is a hypothetical unit of currency that has the same purchasing power parity that the US dollar had in the United States at a given point in time (“Khamis-Gearry international dollar”). 1870 data for the non-existing countries (e.g. Qatar = ex “South Arabia”; Indonesia = ex-”Dutch East Indies”) have been accordingly extra- or interpolated, adjusted and accounted for country’s present territory as of 2016. These are approximations only, not suitable for statistical analyses (M. Lindgren, Documentation...,op. cit.).

The CoL data are limited to a short time (max. recent 20 years), while the GDP data extend back to 1870. However, for RoL 1870 is symbolic in the sense that since then it has been put to use in the industrializing and urbanizing Western hemisphere (e.g. France, Germany, UK, USA), but there is neither administrative nor perception data available cross-nationally for that year. “1870” for GDP is more meaningful. Data is available up to the present time. For more than 140 years, this GDP data series are not only good to assess the order of magnitude of development, but also to conclude that income levels converge at a rate of approximately 2 percent per year<sup>13</sup>.

The RoL perception indicator for assessing the likelihood of crime and violence covers only two decades, is very subjective, seasonal and general. Hence it is unreliable and unsuitable for any longer term analyses, especially in such sensitive and diversified matters as hate crime and crime by foreigners, including asylum seekers and other international migrants. Regarding judicial independence, with even shorter time span, there is a question whether or not restrictions on that

13 R. J. Barro, Convergence and Modernization, “Economic Journal” 2015 vol. 125, no. 925, pp. 911–942. As if that would not have been an exceedingly bold assessment, an even bolder one suggests that in Europe “the cross-country correlation between income and democracy reflects a positive correlation between changes in income and democracy over the past 500 years”, accounted for the latter through a proxy variable of “constraint on the executive” (D. Acemoglu, S. Johnson, J. A.R., P. Yared, Income and Democracy, “American Economic Review” 2008, vol. 98, no. 3, pp. 808–884).

independence negatively impact other components of civic education, including the treatment of minorities<sup>14</sup>.

For example, Poland may be in this regard way behind the Netherlands, not only in terms of RoL and judicial independence, but also in terms of the Netherland's GDP level in 1985 (\$ 21393). Even more is Indonesia. And so is the case for Portugal and Angola or Russia and Uzbekistan. The Dutch or German levels of observance of RoL and judicial independence, and, of course GDP, are very high, but this is also the case in Japan and Qatar. The current GDP of the Democratic Republic of Congo (DRC - ex-“Belgian Congo”), compared with that of 1870 GDP of Belgium, was 15 % and now is only 1,5 % - a fitting case for the dependency theorists?

Not the answer, but a hint which casts a little light over this rather puzzling picture comes from a 40-year study of economic development and democracy 1950-1990<sup>15</sup>. Based on a different data set from 135 countries (excluding major oil producers), it suggests that those with over US\$ 18 000 per capita GDP and 3 % continuous growth, develop economically further, notwithstanding authoritarian rule institutionally deviating from democracy. Moreover, they also have a higher fertility rate - a culturally important factor in the age of migration and the SDG Agenda. In sum, in this short essay on CoL, nothing firm may be said about the cumulative and enduring impact of RoL and judicial independence on the GDP in the past 20 years, except for observing that if (and when) they truly determine the GDP, then educating in a global CoL would be intimidatingly long and spurious; for instance, it would take Haiti 600 years to reach the present GDP level of Singapore - far beyond the 15 year timeframe of the Agenda 2030<sup>16</sup>.

#### **4. Identifying evidence for intergenerational crime and Culture of Lawfulness**

Local and global CoL should therefore have other viable expressions and composite indicators, commensurate with the current level of economic development of various countries. One such insight - intergenerational statistical evidence of criminal behaviour on which long-term data is available, will be pursued in this essay. In line with the original pre-Doha recommendations for Culture of Lawfulness first advanced in the crime prevention resolutions of the United Nations Economic and

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14 And, likewise, economic development and foreign trade investment which increases its risks.

15 A. Przeworski, M. E. Alvarez, J. A. Cheibub, F. Limongi, *Democracy and Development: Political Institutions and Well-Being in the World, 1950-1990*, Cambridge University Press, Cambridge 2000.

16 A. Whaites, *Achieving the impossible: Can we be SDG believers?* OECD GovNet Background Paper 2016 no. 2.

Social Council (ECOSOC)<sup>17</sup>, this and next section of this essay puts that evidence in the framework of two SDGs targets: 4.7 “By 2030 ensure all learners acquire knowledge and skills needed to promote sustainable development, including among others through education for sustainable development and sustainable lifestyles, human rights, gender equality, promotion of a culture of peace and non-violence, global citizenship, and appreciation of cultural diversity and of culture’s contribution to sustainable development”, and target 16.1: “Significantly reduce all forms of violence and related death rates everywhere”. Among other SDGs, both are instrumental for countering lawlessness, especially interpersonal violence.

Statistical analysis of interpersonal violence trends in Europe over past 500 years shows a considerable decline in homicide. This finding ensues from a systematic meta-analysis of more than 90 publications on premodern homicide rates in Europe as well as on a comprehensive collection of modern homicide time series in ten countries, based on national statistics and stretching over periods of more than 120 years. Manuel Eisner, its author, concludes that

“Taken together, these data first confirm the Europe-wide massive drop - roughly by a factor of 10:1 to 50:1 over the period from the fifteenth to the twentieth century [...]. The transition to declining homicide rates appears to have started earliest in the northwestern parts of Europe and then to have gradually diffused to the more peripheral regions of the continent. By the 19<sup>th</sup> century, therefore, homicide rates were lowest in the modernized, affluent, and urban regions of Europe, which were surrounded by a belt of high homicide rates in the periphery. By around 1950, most European countries experienced their lowest historically known levels of homicide rates. Since then, an increasing trend has prevailed [...] Further empirical research may particularly benefit from a more coherent set of theoretically based questions. Thus far, attempts at an explanation were primarily post hoc interpretations in the light of cultural, social, and political covariates of the secular trend in homicide rates. But it might be fruitful to adopt systematically comparative perspectives in future research. Findings from social history research may provide, for example, indicators of historical and geographical variation in patterns of formal social control, levels of literacy, political conflict, and the commercialization of the economy. By comparing regions that systematically differ in these respects, we might be able to learn more about what variables contribute to changing levels of homicide”<sup>18</sup>.

17 ECOSOC resolutions: 1995/9, Guidelines for the prevention of urban crime, (Annex, sec. 3(i), (ii)), 24 July 1995; 1997/33, Elements of responsible crime prevention: standards and norms (Annex), 21 July 1997; 2002/13, Action to promote effective crime prevention (Annex, sec. 12), 24 July 2002, <https://documents.un.org/prod/ods.nsf/xpSearchResultsM.xsp> (16.01.2018).

18 M. Eisner, Long-Term Historical Trends in Violent Crime, “Crime and Justice” 2003, vol. 30, p. 133.

The 2030 SDG Agenda is very coherent. Its Goal 16 “Promote peaceful and inclusive societies for sustainable development, provide access to justice for all and build effective, accountable and inclusive institutions at all levels” is an example of such a coherence, but of thoughtfulness as well. This is not only because of its focus on peaceful societies and connection with target 4.7, but also because SDG internally demonstrates RoL/CoL systemic link between its first target 16.1 and the two last targets 16 b/c (“Strengthen relevant national institutions, including through international cooperation, for building capacity at all levels, in particular in developing countries, to prevent violence and combat terrorism and crime”/ “Promote and enforce non-discriminatory laws and policies for sustainable development”). In other words, by putting these targets under one umbrella, the Agenda implies that dysfunctional RoL institutions work to the detriment of CoL. They account for the increase of xenophobic and other criminal violence and related death rates everywhere. This is one developmental thread that should be further explored in advancing a global Culture of Lawfulness.

### **5. The intergenerational transmission of crime prevention values as human capital: Immigrant children and youth at the forefront of a global Culture of Lawfulness**

Other evidence for the advancement of a global Culture of Lawfulness involves intergenerational and intercultural transmission of crime prevention values. Although criminologists and political scientists have been able to measure statistically the dynamics of homicide over the last 500 years, it is not they but other, social scientists, with their own concepts and methods have been able to document the historically changing identity of people, groups and nations and say how this matters for intercultural education over such a long time span. They should be credited with the opinion that even the most lawless Tartars (forefathers of the earlier mentioned Indian “criminal tribes”) - by far the most invasive, atrocious, predatory, violent and genocidal - to use this contemporary public international law term-nomads, in places they eventually settled in Eurasia have after all, as Sunni converts either become part of the already dominant Shiite Islamic legal culture (Iraq, Persia), or a part of the larger religious and social fabric of other invaded countries: China, Korea (Confucianism) or India (Hinduism).

Of course, for those gripped by regulatory impact on lawlessness and the chances for a global Culture of Lawfulness, drawing practical normative lessons from the epical intercontinental movements of people may not be so viable for crime

prevention education nowadays at interstate level, let alone locally<sup>19</sup>. And yet, if we look closer for such lessons, two emerge. The first lesson ensues from the ethnolinguistic observation, that language is the expression of the spirit of a nation, hence certain thoughts of an individual in one language cannot be easily or at all understood by those who live in another country with a different language (Humboldt/Sapir & Whorf). In the 1930s, the latter namely observed among the Hopi Indians (New Mexico, USA) that the word “empty drum” (a drum originally filled with petrol) for non-indigenous Americans implied the remaining presence of a highly explosive vapour. However, for the Indians (incidentally, cigarette smokers) it meant that drum absolutely void (“empty=harmless”)<sup>20</sup>.

Some cultures lack words for an idea, they do not have a concept of that idea, so translating the UDHR into the Hopi language will do little to change this fact. It follows, that civic education terms for refugees and immigrants may for them be devoid of any sense in a host country, unless they are individually taught them in a host country’s language which meaningfully exercises democracy and the rule of law. Therefore such concepts like “individualism”, “personhood”, “community”, “empowerment”, “critical thinking”, “responsibility” or “right”, i.e. to safety, life or dignity - only then become meaningful when either their tribal sense is recast or new concepts are imparted in a host country.

The second lesson comes from studies of some lawless groups, and it inscribes itself into the goal of transmitting civic values across generations. One study here brings up particularly important results. This is an impressive systemic meta-analysis of 23 such intergenerational groups, altogether involving civic records of 3,423,483 children. It pooled kids’ data, analysed and reported in English, Danish, Dutch, French, German, Norwegian, Spanish, and Swedish in 25 publications, 1975-2016<sup>21</sup>.

The study investigated the criminal record of parents and their children, i.e. in either case “behaviour prohibited by criminal law and measured by official convictions, arrests, or self- or other-reported offending”<sup>22</sup>. The study found that children of criminal parents appear to be at an increased risk of such behaviour

19 Much more helpful would be a shorter time, as is the case with “the convict legacy” in Australia where to some 162,000 UK offenders were forcibly transferred between 1788-1868. However, there are no longitudinal studies of statistical nature to assess comprehensively the dynamics of lawlessness during and after those 80 years, in terms of passing it from one convict family member to another.

20 H. Kury, S. Redo, *Refugees and Migrants in Law and Policy. Challenges and Opportunities for Global Civic Education*, Springer, Heilderberg 2018, pp. XVII-XVIII.

21 S. Besemera, S. I. Ahmad, S. P. Hinshawa, D. P. Farrington, *A Systematic Review and Meta-analysis of the Intergenerational Transmission of Criminal Behaviour, “Aggression and Violent Behaviour”* 2017, vol. 37, pp. 161-178.

22 However, the study did not operationalize marijuana use as criminal behaviour, as this substance has been legalized in a growing number of places. In many studies, the definition of criminal behaviour does not include minor traffic offenses or other minor crimes. The authors included

themselves, i.e. there is a relation between an exposure and an outcome (bivariate odds ratio (*OR*)). On average, children with such parents were at a significantly higher risk of criminal behaviour compared with children without criminal parents (pooled *OR* = 2.4). Studies taking into account some covariates also showed increased risk for that behaviour (pooled *OR* = 1.8). Transmission was strongest from mothers to daughters, followed by mothers to sons, fathers to daughters, and fathers to sons. Moreover, transmission appeared stronger for cohorts born after 1981.

Finally, the study authors note that in some of the researched publications above, one clear message resounds: Parents with a criminal record provide lower levels of human and social capital, and fewer opportunities for education for their children. Educational disinvestment may lead to dropping out of school, teenage parenthood, unemployment and marriage and parenting problems, among others. In contrast, educational investment of parents leads to intergenerational conformity, the opposite of criminal behaviour.

The authors of the above systematic review and meta-analysis self-admittedly noted its methodological limits. For instance, the study only included samples from Western countries, so open questions remain on the intergenerational transmission of criminal behaviour across households in Asia, Africa and South America, and, globally, the inter-ethnic residential areas hosting immigrants. Moreover, the study did not account for economic, social or cultural factors or their covariates that may be constitutive of CoL, i.e. the local v. global relevance of such factors.

And yet, despite all these shortcomings, two other clear messages may be evident for the 2030 global Culture of Lawfulness. First, that regardless of legal culture, type of parental discipline and degree of monitoring and supervising children is associated with their lawlessness. Regarding discipline, other statistical studies show that parents whose disciplinary style tends to be firm but loving have children who self-report engaging in less crime than parents who use other disciplinary styles. A firm but loving disciplinary style prevents lawless behaviour and increases self-control. Regarding monitoring and supervision, as they increase so does the involvement of offspring in crime and delinquency<sup>23</sup>.

Second, both criminological findings may suggest two further developments concerning a global Culture of Lawfulness. One, that its future shape depends on the extent to which informal and formal education will account for a growing mixture of legal cultures brought into immigrant countries by non-native children and youth who should adapt to the rules of their new homeland, which, however, are not cast in stone. Another one, that likewise imminent is the fact that, especially in the Global

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self-reports (by parents or youth themselves) or other informants, including siblings, parents (regarding their children), or partners.

23 L. Ellis, Beaver K., J. Wright, *Handbook of Crime Correlates*, Elsevier/Academic Press, Oxford 2009, ch. 4.

North countries, the average size of households shrinks, hence also shrinks parental capacity for transmission of crime prevention values<sup>24</sup>. (Pre)school civic education should step in to compensate for the deficit in forming the eventual human and social capital of the succeeding generations, so as to enhance rather than undermine the emerging global Culture of Lawfulness. The vanguard for it has arrived already at Europe. These are the unaccompanied refugee children fleeing conflict, whom France and the UK opened a safe and legal route to stay in the latter country for good<sup>25</sup>.

## 6. Conjunctures and conclusion

There is no single recipe for development of CoL. So rather than just contemplating academically the shortcomings of academic methods, we should orchestrate and inculcate the Agenda's Rule-of-Law developmental essence for modern progressive education and inclusive, peaceful societies. Countries have the mandate and the authority to do so.

In conclusion, in implementing this mandate one more historical reference hints at why a global Culture of Lawfulness may hopefully succeed. In a typically Socratic manner, Alexis De Tocqueville (1805-1859), a French diplomat, political scientist, and lawyer who strongly believed in judicial review and criticized populist justice as incompetent, said that if a review fails, under its pressure "I refuse to obey an unjust law, I do not contest the right of the majority to command, but I simply appeal from the sovereignty of the people to the sovereignty of mankind"<sup>26</sup>.

Somewhat similar view suggests that "The constitution does not belong to judges, as a mystery intelligible only to a priestly caste, and it does not belong to political activists, as a set of incendiary talking points. It belongs to the people. It is our responsibility to judge the Court, and it is our judgment that must be decisive in the end."<sup>27</sup>. However, whether indeed both views are similar depends on two answers: whether or not the invoked people's sovereignty is equal to that of mankind's or is only tribal/partisan, and by what kind of sovereignty ("democratic" or "republican") is guided an individual decisive judgement. As a member of UN staff, I often heard almost in every country's official statement how particular it allegedly is in comparison with the rest of the world - in a way a confrontation between "republican"

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24 H. Kury, S. Redo, *Refugees...*, *op. cit.*

25 A. Gentleman, Deal with France could bring hundreds more child refugees to UK, *The Guardian* 26 Jan 2018, <https://www.theguardian.com/world/2018/jan/26/deal-france-hundreds-child-refugees-uk> (28.01.2018).

26 A. de Tocqueville, *Democracy in America*, transl. H. Reeve, *The Library of the World's Best Literature. An Anthology in Thirty Volumes*. Warner Library Company/Brook and Company, Toronto- Glasgow 1917, Book I, ch. XV.

27 K. Roosevelt, *The Myth of Judicial Activism. Making Sense of Supreme Court Decisions*, Yale University Press, New Heaven-London 2008, p. 7.

and” democratic” perspective. However, more often than not, this kind of mantric “republican”/”in my country” claims have been so similar to one another, that after a while one shared a consensus on commonality of problems.

Global Culture of Lawfulness is a recent United Nations response to such problems within its 2030 Sustainable Development Agenda. This new paradigm will succeed if, and when, the Agenda’s most incendiary but corollary precept - the rule of law - will further universalize. Global Culture of Lawfulness is locally impartial, as the rule of law should continue to be. CoL should be advanced and taught to enter global commons and yield crime prevention returns. Broadening the range of “Zero tolerance” behaviours, actively and participatorily implementing common human rights and duties - first in the areas of rights to life, safety and to dignity - is the departure point from which CoL may grow globally<sup>28</sup>, while respecting cultural identities, and strengthening their common core. Otherwise once more the conscience of mankind will be outraged. Civic education which embraces immigrant children and youth now at the forefront of a global Culture of Lawfulness may be the best to preclude this outrage, by pursuing the respect of cultural identities with due regard to people’s rights to life, safety and dignity.

## 6. Questions

- Why a global Culture of Lawfulness is needed nowadays?
- What evidence in its support may be mustered and is needed?
- What is a “failed state” and “statutory lawlessness”?
- How studies of intergenerational transmission of criminal behaviour may aid Culture of Lawfulness locally and globally?
- Which UN legal instruments are criminologically relevant for Culture of Lawfulness?

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28 H. Kury, S. Redo, Refugees..., *op. cit.*, p. XXIX, 873 et seq.

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