

## Introduction

The agenda of the Fourteenth United Nations Congress on Crime Prevention and Criminal Justice (Kyoto, Japan, 20-27 April 2020) addresses the issue of a culture of lawfulness, which must respect unique cultural identities. This has been a recurrent theme ever since the time of Aristotle, who discussed it in relational terms between “the specific” and “the general”.

Now there is a vast range of comparative research on the various legal cultures in the world. Concerning the aforementioned emphasis on respecting cultural identities, in every such culture there is an ethnocentric tendency to view the law of one’s own country as “natural”, as if the laws of other countries did not have the same merit<sup>1</sup>. In fact, every legal culture is specific or ethnocentric. From a birds-eye perspective: “The fact is that [any] nation’s way of administering justice often reflects deep-seated cultural, religious, economic, political and historical realities. Learning about the reasons for these different practices can give us insights into the values, traditions and cultures of other systems”<sup>2</sup>.

Such insights may be the beginnings of a change in legal culture – at least those elements that are within human control. Since 1945, an important part in this is played by the United Nations, which contributes to what is taught and how it is taught<sup>3</sup>.

Despite the auspicious character of the United Nations as a key stakeholder, its role in instilling the culture of lawfulness so far has been rather minor, and even less

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- 1 P. L. Reichel, *Comparative Criminal Justice Systems. A Topical Approach*, Pearson Education, Boston 2013, pp. 3-4.
  - 2 E. Fairchild, R.D. Dammer, *Comparative Criminal Justice Systems*, second edition, Belmont, California, Wadsworth 2006, p. 9.
  - 3 S. Redo, *Blue Criminology. The Power of United Nations Ideas to Counter Crime Globally*. European Institute for Crime Prevention and Control, affiliated with the United Nations (HEUNI), Helsinki 2012.

considering its relevance as a global democratic institution<sup>4</sup>. This poignant argument brings forward four points.

First, the United Nations is the only world forum able to pursue democratic reforms in the education for a culture of lawfulness within the limits set by Member States, among which the democratic drive for the rule of law, rather than rule by law currently sees little change of fortune.

Second, it is reminiscent of the academic analysis of the democratic condition of the world, published at the beginning of this century. The analysts then argued that: “To be achievable, global democracy ought to be attractive and sustainable, but that is unlikely to be enough. It must be supported by cultural change, i.e. change in the way people think, what they value, and what they take for granted in their behaviour and beliefs. Cultural change of this kind is, in large part but not entirely, outside human control. We can still influence it by what we teach, and how we teach it”<sup>5</sup>.

Third, “a mature democracy needs a political instrument, a method and an organisation. Delegation is the process for the incremental creation of institutional complexity. So a mature democracy will, most likely, be the product of a long sequence of delegations. And, as a political instrument, it will need an equivalent of the Leninist party which served as an instrument for the Communist revolution”<sup>6</sup>.

Finally, the above argument about the auspicious role of the United Nations indeed calls for a revolution that extends across party lines. Above these sits the idea of a global culture of lawfulness heralded by the Thirteenth United Nations Congress on Crime Prevention and Criminal Justice (Doha, Qatar, 2015). Friends of the United Nations Crime Prevention and Criminal Justice Programme may be among the first to note that, amid the United Nations’ official calendar holidays there has been no ‘Day of Culture of Lawfulness’, whose original sense would reflect the Italian experience of the fight against organized crime<sup>7</sup>. That sense was highlighted to us by Eduardo Vetere, former Director of the Division for Legal Affairs of the United Nations Office on Drugs and Crime. Guided by that sense, as the Co-Editors of this volume, we now may add that Qatar Congress’ unanimous adoption of its Declaration by theistic and non-theistic UN Member States (followed by the formally binding adoption by the UN General Assembly) implies that the concept of a global culture of lawfulness as a part of *ius gentium* comprises positive and natural law components

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4 A. J. Langlois, K. E. Soltan, *Global Democracy and its Difficulties. Challenges of Globalisation*, Taylor and Francis, London-New York 2008, pp. 2 & 43-44.

5 *Ibidem*, p. 18.

6 *Ibidem*, p. 18.

7 B. Cayli, Italian Civil Society against the Mafia: From Perception to Expectations, *International Journal of Law, “Crime and Justice”* 2013, no. 41, pp. 81-99.

relevant to most legal cultures<sup>8</sup>. This fact points to the transnational, transcendental and intergenerational merit of a culture of lawfulness<sup>9</sup>.

However, this highlights the one issue that is difficult for some, especially Islamic States, that is of gender mainstreaming - with UN policy contradicting their patriarchal interpretation of the relationship between men and women. Without further equalisation of rights and duties between men and women, the ecumenism of that particular legal culture may be contradictory to the United Nations spirit and letter, including that of the Doha Declaration of the Thirteenth Crime Prevention and Criminal Justice Congress, if not downright illusory. For no other single factor in any legal culture could do as much for criminal justice and “justice” in general as gender mainstreaming does.

With this reflection, may this issue of “Białostockie Studia Prawnicze”/“Białystok Legal Studies” be a motif for the Member States of the United Nations to continue to develop the concept of a global culture of lawfulness in its various aspects at the Fourteenth Congress and thereafter. We conclude by noting that those Member States which adopted the United Nations Sustainable Development Agenda<sup>10</sup> took a formal commitment to ensure by 2030, that “all learners acquire the 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” (sustainable development goal 4.7). This is one of the elements of the entire paradigm shift in academic criminology and the worldwide practice of crime prevention and control<sup>11</sup>. This goal must be implemented for the fight against crime and other conflicts with the United Nations law, including the 2030 Agenda, to be successful, i.e. effective and humane in whichever way.

To assist in fulfilling that commitment, the texts in this volume of “Białostockie Studia Prawnicze” offer not only public policy perspectives, but also research findings. This modest volume seeks to reflect the interlacing approaches of academics and practitioners, both faced with the same challenge of developing and promoting

8 Cf. J. S. Schall, *Natural Law and the Law of Nations: Some Theoretical Considerations*, “Fordham International Law Journal” 1991, vol. 15, issue 4, pp. 997-1030.

9 S. Redo, *On the Importance of Preschool Civic Education for the Global Culture of Lawfulness*, (in:) H. Kury, S. Redo, *Refugees and Migrants in Law and Policy. Challenges and Opportunities for Global Civic Education*, Springer, Heidelberg 2018, pp. 207-234.

10 A/RES/70/1, *Transforming our world: the 2030 Agenda for Sustainable Development*, 25.09.2015.

11 S. Redo, *United Nations Criminology 2016-2030: Nihil Novi Sub Sole?*, “Polish Journal of Criminology” 2015 vol. 1, pp. 1-11; S. Redo, *The 2030 United Nations Sustainable Development Agenda and Academic Criminology*, “International Annals of Criminology” 2017, vol. 55, pp. 132-146.

the knowledge and skills needed to contribute to the global culture of lawfulness in a theoretical and practical manner.

The new action plan with regard to the Fourteenth United Nations Congress on Crime Prevention and Criminal Justice may further advance the culture of lawfulness, in line with the 2030 Agenda goals.

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