BIAŁOSTOCKIE STUDIA PRAWNICZE

Advancing Culture of Lawfulness: Towards the Achievement of the 2030 Agenda

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Foreword

At the Fourteenth United Nations Congress on Crime Prevention and Control (Kyoto, Japan 20-27 April 2020) Member States, non-governmental organizations and individual experts under an overarching theme "Advancing crime prevention, criminal justice and the rule of law: towards the achievement of the 2030 Agenda", will deal with the topic of "Multidimensional approaches by Governments to promoting the rule of law by, inter alia, providing access to justice for all; building effective, accountable, impartial and inclusive institutions; and considering social, educational and other relevant measures, including fostering a culture of lawfulness while respecting cultural identities, in line with the Doha Declaration".

The Declaration, adopted by the Thirteenth Congress (Qatar, 2015), brought culture of lawfulness to the United Nations 2030 Sustainable Development Agenda. Its Goal 16 is particularly relevant: "Promote peaceful and inclusive societies for sustainable development, provide access to justice for all and build effective, accountable and inclusive institutions at all levels".

This special issue of "Białostockie Studia Prawnicze" ("Białystok Legal Studies") cuts across this very complex area, originally prompted by the Doha Declaration. The issue's theme is "Advancing a Culture of Lawfulness: Towards the Achievement of the 2030 Agenda".

It is obvious that each Member State did not necessarily have the same idea of what they understood by the term "a culture of lawfulness" in agreeing upon the text of the Doha Declaration, or the agenda item of the Fourteenth Congress[1]. Hence this special issue of "Białostockie Studia Prawnicze", which seeks views from academics and practitioners from various countries on what a culture of lawfulness could or should mean for the United Nations.

In this special issue, the Academic Council on the United Nations System (ACUNS), a non-governmental organisation with a general consultative status with

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1   M. Joutsen, The Rule of Law as a Concept in Discussions at the United Nations, UNAFEI "Resource Material Series" 2018, vol. 105 (in print).

the Economic and Social Council, with its mix of expert members, will be pleased to disseminate their views on culture of lawfulness to the international readership.

ACUNS, as a global professional association of educational and research institutions, individual scholars and practitioners active in the work and study of the United Nations, multilateral relations, global governance, and international cooperation, is ready to follow-up on the outcomes of the Congress' discussion on a culture of lawfulness. As an organization which promotes teaching on these topics, as well as a forum provider for dialogue and mutual understanding across and between academics, practitioners, civil society and students, ACUNS may help in globalizing that discussion by supporting the relevant United Nations entities and initiatives in their quest to enable universities to train their staff and to teach their students about a global culture of lawfulness.

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Introduction

The agenda of the Fourteenth United Nations Congress on Crime Prevention and Criminal Justice (Kyoto, Japan, 20-27 April 2020) adresses 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[1]. 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"[2].

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[3].

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[4]. 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"[5].

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"[6].

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[7]. 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. Sołtan, 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[8]. This fact points to the transnational, transcendental and intergenerational merit of a culture of lawfulness[9].

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[10] 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[11]. 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

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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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The Fragility of a Culture of Lawfulness

Abstract: The concept of a culture of lawfulness is appealing for its aspirational and open-ended nature. However, the concept still has to prove itself as a concrete basis for action. The article argues that the practical value of that concept lies in its promise to create a fresh common narrative to support a broad range of human-rights inspired and democratically derived justice reforms. The authors reflect on what makes a culture of lawfulness possible, how it always remains fragile, and how one might recognize signs that it is under attack. A culture of lawfulness is based on the genuine willingness of government officials and members of society to hold themselves and one another accountable to the law, which requires a certain level of trust and confidence in justice institutions and their ability to protect everyone from injustice and insecurity. The article emphasizes the role of justice reforms in sustaining such a culture. Law reform initiatives and the strengthening of justice institutions play a central role in fostering and shouldering a culture of lawfulness, particularly when such reforms are not limited to capacity building measures but also address the more fundamental need for greater fairness, accountability, transparency, and inclusiveness. What is a grave concern in many societies is the political failure to defend the rule of law and to proceed with the necessary justice reforms to ensure fairness, transparency, and accountability. One of the most important tasks today is to consolidate the culture of lawfulness wherever it has taken root.
Keywords: trust and confidence, rule of law, justice reform, cooperation, culture of lawfulness

1. Introduction

In the Doha Declaration of the Thirteenth United Nations Congress on Crime Prevention and Criminal Justice (Qatar, 2015)[1], Member States made a commitment to promote a culture of lawfulness based on the principles of the rule of law and the protection of human rights. What is meant exactly by a "culture of lawfulness" is left open to various interpretations and misinterpretations. For some, it refers to a culture based on trust and respect for justice institutions, the law, and law enforcement. For others, it may be equated to obedience to the law, whether out of habit, fear, or self-interest. A definition of that concept, like that of the rule of law itself, remains elusive. The concept is appealing, in part because of its aspirational and open-ended nature, and perhaps also because of its indeterminacy. So far, it has proved itself more useful as an expression of a vision than as a basis for action. The concept may yet have to prove its usefulness, but the discussion continues and will most likely advance during the Fourteenth United Nations Congress on Crime Prevention and Criminal Justice (Kyoto, Japan, 2020)[2].

The practical value of that concept, to the extent that there is one, lies in its promise to create a fresh common narrative to support a broad range of human-rights inspired and democratically derived justice reforms. The concept rests on several equally vague but important notions, such as access to justice, accountability and transparency of criminal justice institutions, security, public safety, and fairness in the administration and delivery of justice. Each one of these notions may, in its own right, stand as a pillar of a culture of lawfulness.

For Professor Godson, a culture of lawfulness is a "culture sympathetic to or supportive of the rule of law":

"A culture of lawfulness means that the dominant or mainstream culture, ethos, and thought in a society are sympathetic to the rule of law. In a society governed by the rule of law, people have the ability to participate in the making and implementation of laws that bind all the people and institutions in society, including the government itself. It is not the same as rule by law in which the rulers – even if democratically elected – impose the law on others in society"[3].

A culture of respect for the rule of law must rest on an open and fair government, where the law is perceived to be both fair and fairly enforced, and those governed

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1 A/RES/70/174, annex, para 10(c), Doha Declaration on Integrating Crime Prevention and Criminal Justice into the Wider United Nations Agenda to Address Social and Economic Challenges and to Promote the Rule of Law at the National and International Levels, and Public Participation, 8.01.2016, https://undocs.org/A/RES/70/174 (15.06.2018).

2 See: E/CN.15/2018/CRP.1, Discussion Guide for the Fourteenth United Nations Congress on Crime Prevention and Criminal Justice.

3 R. Godson, Guide to Developing a Culture of Lawfulness, "Trends in Organized Crime" 2000, vol. 5, no. 3, p. 91.

have access to an impartial system of justice and to a check on government. People must somehow be persuaded to follow the rules for the greater good.

Not everyone needs to agree with the rule of law for a culture of lawfulness to subsist, but enough people must have adopted an internal narrative, or as H. L. A. Hart first suggested in *The Concept of Law*[4], an "internal point of view", that supports a belief that the law is legitimate and must be obeyed. People must believe that the law and its enforcement have legitimacy, whether this is because they believe in the divinity of the king, the need for a stable system, the values of parliamentary democracy, the importance of human rights, or the need to protect their self-interests. The fewer people there are who are willing to share such a narrative, the more probable lawlessness and conflict are and the more necessary the use of threat or force becomes in order to maintain the legal system.

The promotion of a culture of lawfulness is not just about a belief in a working legal system, but also a belief in a legal system that incorporates, at a basic level, such normative concepts as justice and access to justice, fairness, human rights, and judicial neutrality and independence. This sounds great and appears to be a big step up from tribal culture, the world of the strongman despot, or the chaos of many a third-world country, but as H. A. Bassford[5] observed, we are still dealing in popular beliefs and these can be easily thwarted or manipulated, particularly in the "post-truth" world.

A culture of lawfulness is a culture of confidence or trust in the law, the political order it reflects, and the social order it supports. As a result, observers have emphasized the role of political discourse, education, and the media in shaping the myths, attitudes, and beliefs that enable such a culture. This short article reflects on what makes a culture of lawfulness possible, how it always remains fragile, and how one might recognize signs that it is under attack. It also emphasizes the role of justice reforms in sustaining such a culture.

2. A foundation for cooperation

The idea of a culture of lawfulness, which to some of us is perhaps a little more than a feeble expression of a political aspiration, may in fact have a much greater heuristic value than anticipated. It may provide a conceptual window into the study of human cooperation and an understanding of successful societies, political organization, and effective governance. We should not lose sight of the fact that a culture of lawfulness is indeed a "culture of cooperation" based on beliefs that people hold, construals they share, and assumptions they are willing to make about the social order, authority, the rule of law, and their own relationship to self, others,

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4   H. L. A. Hart, The Concept of Law, Oxford University Press, Oxford 1961, p. 56.
5   H. Bassford, Advancing a Culture of Lawfulness, Unpublished 2017.

and the world. As Harari explains, beliefs and fictions are the essential foundations of social order. Myths are what gives humans the unprecedented ability to cooperate flexibly in large numbers[6].

To the extent that one can assume that "intersubjective myths"[7] (or shared narratives) provide the foundation of human society and undergird the social order, one can also assume that a culture of lawfulness is founded on shared narratives (or myths) about the usefulness, fairness, impartiality, and ultimate legitimacy of the law and the justice system. It is the expression of how we collectively conspire to build and maintain the social fabric, to legitimize our own and each other's action, and to make cooperation possible on a large scale.

A question that constantly confronts us, however, is whether these narratives are strong enough to tame the lawless pursuit of personal and tribal interests and resilient enough to resist the shock of events or the appeal of counter-narratives that undermine the legitimacy of the legal order? A culture of lawfulness always remains vulnerable precisely because it relies on shared narratives that maintain their compelling value for only as long as people believe in them. We may then ask: what are the main threats today to these key narratives?

3. Assaults on the rule of law

Much is being written these days about the renewed perils to which democracies are exposed, including autocracy's global ascendance and the rising support for authoritarian and xenophobic populist movements that are openly contemptuous of the rule of law[8]. It may not be an exaggeration to refer to some current trends around the world as an impending crisis of legitimacy and a serious threat to our institutions. A deconsolidation of the rule of law and a gradual suffocation of a culture of lawfulness is more than a theoretical possibility. In the kind of "illiberal democracies" described by Fareed Zakaria[9], the culture of lawfulness quickly runs out of oxygen as

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6   Y. N. Harari, Homo Sapiens, Signal Books, Toronto 2015, p. 25.
7   Y. N. Harari (supra note) explains that our modern institutions function on the basis of the "common myths" shared by most of us. The "common myths" are what makes cooperation on a large scale possible.
8   For example, S. Levitsky, D. Ziblatt, How Democracies Die, Crown, New York 2018; R. Inglehart, The Age of Insecurity: Can Democracy Save Itself?, "Foreign Affairs" 2018, vol. 97, no. 3, pp. 20-28; Y. Mounk, R. S. Foa, The End of the Democratic Century: Autocracy's Global Ascendance, Foreign Affairs, 2018, vol. 97, no. 3, pp. 29-38; Y. Mounk, The Undemocratic Dilemma, "Journal of Democracy" 2018, vol. 29, no. 2, pp. 98-112; R. S. Foa, Y. Mounk, The Democratic Disconnect, "Journal of Democracy" 2016, vol. 27, no. 3, pp. 5-17; D. Frum, Trumpocracy: The Corruption of the American Republic, Harper, New York 2018.
9   F. Zakaria, The Rise of Illiberal Democracies, "Foreign Affairs" 1997, vol. 76, no. 6, pp. 22-43.

the populist ruling factions display a contemptuous readiness to attack independent institutions, undermine the rule of law, and violate the rights of minorities[10].

People can have an abstract allegiance to the rule of law, while simultaneously rejecting many key norms and institutions that have traditionally been regarded as necessary elements of that principle of governance. People who once accepted the rule of law as an essential pillar of democratic governance can become more open to authoritarian alternatives. In many countries, a growing proportion of the population doubts that justice institutions governed by the rule of law and guided by a commitment to human rights can deliver on their most pressing needs and preferences. Norms and rules that were once binding on the political process are slowly losing their power to compel compliance. Therefore, if we are to understand any fluctuations in the relative strength of a culture of lawfulness, we must try to understand the ways in which people's conception of the rule of law and confidence in justice institutions are changing.

As former president Barack Obama wrote, we all have an interest in "intrusting our liberty to a justice system that remains true to our highest ideals"[11]. But, all of us need to be reassured about the trustworthiness of that system, particularly when it deviates from these ideals.

4. Credible and trustworthy justice institutions

A culture of lawfulness is based on the genuine willingness of government officials and members of society to hold themselves and one another accountable to the law. That obviously requires a certain level of trust and confidence in justice institutions and their ability to protect everyone from injustice and insecurity[12]. Public trust helps to lower the transaction costs in a society, for instance, by improving compliance with laws, rules, and regulations. Public confidence in institutions, including justice institutions, is a most important foundation upon which the legitimacy, credibility, and sustainability of governance is built. What happens when public trust is shaken, eroded, or otherwise lost?

Public trust is always hard earned, but it can be very quickly undermined (sometimes even by a single event). Many observers have become increasingly conscious of the fact that public trust in institutions is particularly at risk in a post-truth world in which objective facts are less influential in shaping public opinion than emotional appeals and personal beliefs. Some have argued that we are witnessing

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10   Y. Mounk, The Undemocratic Dilemma, "Journal of Democracy" 2018, vol. 29, no. 2, pp. 98-112.

11   B. Obama, The President's Role in Advancing Criminal Justice Reform, "Harvard Law Review" 2017, vol. 130, no. 3, p. 815.

12   See: L. McKay, Toward a Rule of Law Culture – Exploring Effective Responses to Justice and Security Challenges, U.S. Institute for Peace, Washington, D.C. 2015.

a transfer of public trust from institutions to other social entities that sprout rumours, untruth, and misinformation, and validate our fears instead of challenging them[13].

This is reflected, for instance, in Edelman's Trust Barometer[14], which monitors changes to what it refers to as the "ecosystem of trust". In its most recent report, Edelman Intelligence observed that the world is in a new phase of lost trust associated with people's unwillingness to believe information and propensity to live in their own self-curated information bubbles where they only pay attention to that with which they agree[15]. The Barometer identifies the media as the least trusted institution[16].

"The consequences of a loss of belief in reliable information are volatility, societal polarization, and an ebbing of faith in society's governing structures, slowing economic growth and tempting leaders to make short-sighted policy choices"[17].

The credibility of experts which essentially lies on a foundation of respect and trust is also in jeopardy. As Nichols reminds us, "when that foundation erodes, experts and laypeople become warring factions"[18] and democracy and the rule of law become casualties. This loss of trust is dangerously undermining the moorings of justice institutions and the rule of law.

In Canada, a recent public opinion survey highlighted the considerable value that most Canadians place on accuracy, reducing the chances of erroneous convictions, along with clear and transparent rules and guidelines, and the promotion of trust and confidence in the system[19]. A system that is timely and promotes respect for the law is also seen as important by about three out of four Canadians. The survey also identified factors that hamper trust in the system, including perceived targeting of vulnerable segments of the population, delays in the system, and inconsistent sentencing, among others.

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13   Y. N. Harari, Homo Deus, Signal Books, Toronto 2016.
14   R. Edelman, 2018 Edelman Trust Barometer – Annual Global Survey, 2018, http://cms.edelman.com/sites/default/files/2018-02/2018_Edelman_Trust_Barometer_Global_Report_FEB.pdf (1.05.2018).
15   In a similar sense, in The Closing of the American Mind, Allan Bloom (1987) referred to this as "facile relativism", meaning that everyone holds their own values— often based on where they derive a sense of belonging and worthiness— yet we often perceive it as socially unacceptable if/when others challenge our values.
16   *Ibidem*, p. 40. According to this report, globally, nearly seven in ten respondents of the global survey worry about fake news or false information being used as a weapon.
17   R. Edelman, The Battle for Truth, in Executive Summary – 2018 Edelman Trust Barometer, London 2018, http://cms.edelman.com/sites/default/files/2018-02/2018_Edelman_TrustBarometer_Executive_Summary_Jan.pdf (1.05.2018).
18   T. Nichols, How America Lost Faith in Expertise and Why That's a Giant Problem, Foreign Affairs, vol. 96, no. 2, March/April 2017, p. 71.
19   EKOS, National Justice Survey: Canada's Criminal Justice System, A Report Submitted to the Department of Justice Canada, EKOS Research Associates., Ottawa 2017.

Social science research has found that people's trust in the justice system and the law, including their willingness to be bound by the law, is related to their perception of the fairness of these institutions, in particular the police. Under this conception, it follows that perceptions of police fairness are associated with a citizen's willingness to report crimes, share details about criminal activity, and voluntarily comply with the law. But fostering confidence in the police and justice institutions is a complex matter. It involves taking steps to ensure that the police forces are committed to serving and protecting the community without discrimination, that they reflect the community they serve, and that they are transparent and effectively accountable for their actions.

Perceptions of police use of procedural justice are connected to processes of social identity and collective belonging, which coalesce around a sense of community that is implicated in the wider national context[20]. In general, studies have shown that expressive concerns of neighbourhood disorder, social cohesion, and instability are regarded as more influential in shaping public perceptions of the police, compared to instrumental judgements, such as police performance, fear of crime, and victimization[21]. Trust-building processes can be strengthened by fostering community ownership and engagement with local police, ensuring all voices are heard in decision-making processes, and developing partnerships with local agencies[22].

5. Challenges ahead

One of the most important tasks today is to consolidate the culture of lawfulness wherever it has taken root. Beliefs in the rule of law and in justice institutions wax and wane. But sometimes these fluctuations must be taken seriously as they reveal a crack in the very foundation of that culture. Political leadership and action are required but are not always forthcoming.

What is a grave concern in many societies is the political failure to defend the rule of law and to proceed with the necessary justice reforms to ensure fairness, transparency, and accountability. A second political failure consists of

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20 B. Bradford, Policing and Social Identity: Procedural Justice, Inclusion and Cooperation between Police and Public, "Policing and Society" 2014, vol. 24, no. 1, p. 4.

21 For example, B. Bradford, A. Myhill, Triggers of Change to Public Confidence in the Police and Criminal Justice System: Finding from the Crime Survey for England and Wales Panel Experiment, "Criminology and Criminal Justice" 2015, vol. 15, no. 1; J. Jackson, B. Bradford, M. Hough, P. Quinton, T. R. Tyler, Why Do People Comply with the Law?: Legitimacy and the Influence of Legal Institutions, "The British Journal of Criminology" 2012, vol. 52, no. 1; J. Jackson, B. Bradford, Crime, Policing and Social Order: On the Expressive Nature of Public Confidence in Policing, "British Journal of Sociology" 2009, vol. 60, no. 3.

22 K. Hohl, B. Bradford, E. Stanko, Influencing Trust and Confidence in the Metropolitan Police: Results from an Experiment in Testing the Effects of Leaflet-Drops on Public Opinion, "British Journal of Criminology" 2010, vol. 50, no. 3.

misrepresenting the nature of rule of law. As Brown and Quilter observed, a common mistake or misrepresentation "is to frame rule of law principles as individual interests, to be balanced against public and social interest"[23]. A third and all too common mistake is to ignore the growing public disenchantment with law enforcement and justice institutions and to allow it to degenerate into a full-blown institutional crisis of legitimacy.

We must also consider the relative failure of societies to deal with corruption, nepotism, conflicts of interests, and impunity. We must understand what a culture of lawfulness entails in terms of addressing these grave failures of governance. The 2030 Agenda for Sustainable Development presents the fight against corruption and the creation of effective, transparent, and accountable institutions as essential elements to achieve sustainable development. The agenda's authority is derived from the claim that it reflects a "world commitment". In the words of the Executive Director of the United Nations Office on Drugs and Crime: "We believe that the best way to achieve the peaceful, corruption-free and inclusive societies the world needs for sustainable development is to ultimately promote a culture of lawfulness"[24].

In post-conflict situations especially, a culture of lawfulness based on credible, fair, and effective justice institutions is a pre-requisite to peace-building. Similarly, access to justice helps to consolidate peace by creating the necessary conditions for people to resolve grievances which might otherwise lead to broader social conflicts. To break the cycles of insecurity, legitimate institutions are needed in order to provide a level of citizen security and access to justice, punish infractions fairly and capably, and offer a stake in society to groups that may otherwise receive more recognition from engaging in armed violence than in lawful activities[25]. In these and in other contexts, justice institutions are easily discredited by incidents of corruption, evidence of impunity, or the experience of failed reforms.

Finally, there is the political and institutional failure to address legitimate grievances and collective claims of victimhood. Effective responses to various grievances and often competing claims of victimhood play a role in maintaining social cohesion. Would anyone bother to affirm a grievance or ask for redress (even if only symbolically), if one did not subscribe at some level to the culture of lawfulness? The study of intergroup transgression and group claims to victimhood is interesting. Collective victimization is the infliction of harm on one group by another, a frequent enough social occurrence. Collective victimhood, the psychological experience and

23   D. Brown, J. Quilter, Speaking Too Soon: The Sabotage of Bail Reform in New South Wales, "International Journal of Crime, Justice and Social Democracy" 2014, vol. 3, no. 3, p. 85.

24   Y. Fedotov, If We're to Truly Beat Corruption, We Need to Instill a Culture of Lawfulness Today – Opinion Editorial by the Executive Director of the United Nations Office on Drugs and Crime, 9.12.2016, https://www.unodc.org/dohadeclaration/news/2016/12/if-were-to-truly-beat-corruption--we-need-to-instil-a-culture-of-lawfulness-today.html (1.05.2018).

25   World Bank, World Development Report 2011, Washington (D.C.) 2011, p. 8.

consequences of the experience of being targeted as members of a group, can have powerful effects on the group identity, cohesion, and acceptance of the prevailing social and legal order. The aggrieved group's need to have their victimization acknowledged. A social acknowledgment of the claim increases conciliatory attitudes, trust, and willingness to make concessions within that group[26].

6. Recognizing the signs

There are behavioural warnings that a culture of lawfulness is under threat or is about to run out of oxygen. The following list is not exhaustive, but it identifies signs that are both nearly infallible and easily recognizable.

- The rejection of, open contempt for, or weak commitment to the rule of law by the elite and political leaders;
- The public denial of the legitimacy and authority of justice institutions;
- An abdication by leaders of political responsibility for the weaknesses of justice institutions;
- Exceptions to the principles of the rule of law are normalized;
- Support is expressed publicly and in the media about repressive practices, abuses or authority, and discrimination;
- Evidence is fabricated to justify unlawful police intervention;
- Praise is commonly offered to law enforcement and justice officials who justify their disrespect for the law based on public security or expediency arguments;
- Political leaders refuse to publicly condemn incidents of abuse of power by law enforcement and other authorities;
- The media play on and reinforce public impatience with due process of law;
- Law enforcement and justice institutions disregard the need for public support;
- Evidence of diminishing public support for, and confidence in, justice institutions;
- Willingness to use the criminal justice system against political rivals;
- Abortion of major law reform initiatives or failure to implement them;
- Tolerance of corruption of public officials as something inevitable;
- Lack of transparency with respect to the functioning of justice institutions;
- Dubious or suspicious appointments (nepotism, corruption, traffic of influence, etc.) to key positions in the justice system;
- Widespread tolerance of impunity and use of amnesty and pardons in cases of abuses of power or obstruction of justice;

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26   M. Noor, J. R. Vollgardt, A. Mari, A. Nadler, The Social Psychology of Collective Victimhood, "European Journal of Social Psychology" 2017, vol. 47, pp. 121-134.

– Retaliations against whistleblowers;
– Prosecution or imprisonment of political opponents.

Any society that neglects to take seriously any combination of a few of these signs may have already given up on building a culture of lawfulness.

7. The promises of justice reform

How do we make sure that the law remains relevant to people, true to their aspirations, and aligns with their values? Law reform initiatives and the strengthening of justice institutions usually play a role in fostering and shouldering a culture of lawfulness, particularly when such reforms are not limited to capacity building measures but are also addressing the more fundamental need for greater fairness, accountability, transparency, and inclusiveness.

It is time for a reflection on the process and challenges of justice reform and its frequent failures, particularly in an age of disruption, rapid changes, and competing claims to legitimacy. Law reform most often serves to restore the authority and legitimacy of the justice system. The law reform process, however, by making the justice system appear responsive and procedurally fair, can side-line and distract from the need to redress systemic problems[27]. A wider vision for justice reform is required.

Public expectations of law enforcement and the criminal justice system are steadily increasing and not totally realistic. Public safety is a commodity in high demand and the criminal justice system is struggling to define its own responsibilities and its limits in that regard. In this context, justice reforms are always problematic, and their success often remains uncertain. Most people do not have direct experience with the justice system. The only information they have about that system comes from information media and, increasingly, social media. The media representations are obviously subject to various forms of manipulation, but they nonetheless shape public attitudes and beliefs about the justice system and the impact of justice reforms.

Reforms often become embroiled in what is too easily dismissed as "law and order politics", where the facts matter less than opinions, where opinions are shaped by sensationalized and often disingenuous accounts of flash-point events. In a post-truth society, where knowledge and understanding are generated by unaccountable sources and when pseudo-facts are repeated with little regard for their veracity, it is very difficult for law reformers to manage the debates that are so essential to effective reforms.

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27   T. Anthony, P. Crofts, Limits and Prospects of Criminal Law Reform, "International Journal for Crime, Justice and Social Democracy" 2017, vol. 6, no. 3, p. 4.

All in all, law reform is a fairly weak instrument of cultural change (either within the system or in society more generally). The law can never move too far ahead of social values, culture, and shared popular beliefs. Fundamental reforms that seek to redress social inequalities and promote greater fairness require broader social as well as legal change. Many reforms "fail because they are imposed on an unreceptive audience"[28]. Understanding public views and the nuances of public sentiment toward crime and justice makes it possible to develop and undertake communication strategies to clarify misunderstandings and potentially overcome resistance. It is difficult enough to achieve sufficient consensus to provide the impetus for reforms, but that consensus is not always strong enough to support the legal reforms through the long and complex process of implementation.

Indeed, justice reforms frequently fail as a result of a lack of attention to predictable implementation issues[29]. Pierce Parker and Upin summarized the problem as follows:

"Implementation is what makes or breaks reforms, and the challenges associated with implementation are many: the human, fiscal or technical resources may be inadequate for the task at hand; training and support may be lacking; the strategy or selected program's goal is not a good fit for the need that exists; or the strategy or program is not implemented as it was designed and fails to achieve the anticipated outcomes. If there is no way to monitor implementation progress and measure outcomes, there is no way to know if the implementation is effective"[30].

It is important to create feedback on the impact of reforms for all those involved in the implementation process, including those who may still be reluctant to accept the reforms. It is vital that reforms are monitored and evaluated[31]. All systems depend to varying extents on feedback among their various components. Good monitoring systems have the potential to create virtuous feedback loops, as opposed to resistance loops. Robust justice indicators are capable of generating a virtuous feedback loop to support organizational change and reforms in systems as complex as the criminal justice system[32]. Reliable and valid data are also important to determine whether the reforms are having an impact, including unintended and unforeseen impacts.

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28   B. Naylor, D. Tyson, Reforming Defences to Homicide in Victoria: Another Attempt to Address the Gender Question, "International Journal for Crime, Justice and Social Democracy" 2017, vol. 6, no. 3.

29   G. Berman, A. Fox, Trial and Error in Criminal Justice Reform: Learning from Failure (Revised Edition), Rowman & Littlefield Publishers, Lanham 2016.

30   B. Pierce Parker, T. Upin, So the Juvenile Justice Reform Legislation has Passed – Now What?, Corrections Today, 05-06.2016, pp. 15-18.

31   B. Naylor, D. Tyson, Reforming Defences to Homicide in Victoria: Another Attempt to Address the Gender Question, "International Journal for Crime, Justice and Social Democracy" 2017, vol. 6, no. 3, pp. 72-87.

32   Y. Dandurand, K. Kittayarak, A. MacPhail, Justice Indicators and Criminal Justice Reform, International Centre for Criminal Law Reform and Criminal Justice Policy & the Thailand

Most societies are in great need of better and more meaningful information about the justice system and how it operates. Transparent and widely accessible databases must be developed so that they may become the foundation for public discourse and policy development[33].

8. Conclusion

The building blocks of a culture of lawfulness rest on public trust and confidence in justice institutions, internal and shared narratives that support the belief that the law is legitimate, and access to an impartial system of justice to check on a government. By virtue of the fact that public beliefs constantly waver and are influenced by education, the media, and political discourse, a culture of lawfulness will always remain fragile. To identify the cues that signal such fragility, a non-exhaustive list of behavioural warnings has been proposed. For a culture of lawfulness to subsist, political will and courage, local ownership, and a steady momentum are required. In particular, societies must be transparent and accountable while dealing with corruption and impunity, ensure reforms are implemented successfully and involve good monitoring systems with reliable data, and foster a public perception of procedural and substantive fairness through positive engagement and partnerships.

9. Questions

To advance the discussion on different ways that a culture of lawfulness can be strengthened, the following are some short questions that may be considered:
- Where a culture of lawfulness has taken root, how can it be fostered?
- What are the main threats to the internal and shared narratives that support a culture of lawfulness?
- How and why are people's conceptions of the rule of law and confidence in justice institutions changing? What happens when public confidence is shaken, eroded, or otherwise lost?
- If one witnesses behavioural warnings that may signal that a culture of lawfulness is under threat or is about to run out of oxygen, what difference can be made towards strengthening such a culture?
- To ensure justice reforms are effectively implemented, what conditions ought to be met?

Institute of Justice, 2015 Vancouver & Bangkok.
33   G. Cowper, A Criminal Justice System for the 21st Century, Ministry of Justice of British Columbia, Victoria 2012, p. 85.

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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[1]. 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[2] by that document's legal virtue has become a supplement to the 2030 UN Sustainable Development Goals (SDGs) Agenda "Transforming our world"[3], 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[4]. 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[5]. 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" [6]. 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[7].

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[8]. 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"[9].

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 in1976 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[10]), "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[11]. 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?"[12].

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

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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/h5ebaeb47; 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-Geary 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[13].

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

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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[14].

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[15]. 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[16].

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)[17], 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 19th 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"[18].

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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[19]. And yet, if we look closer for such lessons, two emerge. The first lesson ensues from the ethno-linguistic 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")[20].

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 metanalysis 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[21].

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"[22].The study found that children of criminal parents appear to be at an increased risk of such behaviour

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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[23].

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[24]. (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[25].

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"[26].

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."[27]. 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[28], 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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Education for the Promotion of Culture of Lawfulness: The Role of Global Citizenship Education and Social and Emotional Skills

Abstract: The relationship between education and peace is a complex one. The article discusses how education can be the driver of peace and Culture of Lawfulness or, if used to propagate intolerance or prejudice, it can also fuel injustice. Throughout its content, the article looks at the issue of Culture of Lawfulness through the Sustainable Development Goals (SDG), particularly from the SDG 4 perspective. The article focuses on the role education can play in advancing the Culture of Lawfulness. In particular, the article discusses the development of Global Citizenship Education (GCE) as an important tool for Culture of Lawfulness. Furthermore, the article also highlights the role of students' social and emotional skills', also known as non-cognitive skills, and the development through GCE teaching and learning, in their lawful behaviour. Teachers are considered key actors of change and much attention should be given to their training needs, both on the initial training level, as well as through continuous professional development.

Keywords: Global Citizenship Education, Culture of Lawfulness, Sustainable Development Goals, social and emotional skills, non-cognitive skills, peace, education

1. Introduction

In December 2017, the United Nations General Assembly decided that the theme of the Fourteenth United Nations Congress on Crime Prevention and Criminal Justice shall be: "Advancing crime prevention, criminal justice and the rule of law: towards the achievement of the 2030 Agenda" (A/RES/72/192). Within this theme, "education and youth engagement as key to making societies resilient to crime" will be one of the areas covered during the Fourteenth Congress[1]. This article discusses

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1   E/CN.15/2018/CRP.1, Discussion guide for the Fourteenth United Nations Congress on Crime Prevention and Criminal Justice, Vienna, 9.02.2018.

the role that education can play in the creation, support and advancement of the culture of lawfulness. In particular, the author, from the perspective of the United Nations Scientific, Educational and Cultural Organization (UNESCO), looks at how its concept of Global Citizenship Education (GCE) and the development of social and emotional skills such as empathy, critical thinking and communication through GCE, can contribute to that goal.

The challenges of the globally interconnected and interdependent world, such as poverty, conflict, inequality; underpin the importance of a transformative education approach, such as GCE. With the United Nation's Sustainable Development Goal 4, GCE is mentioned in target 4.7, together with Education for Sustainable Development (ESD). Both types of education are seen as important educational goals to ensure the world moves forward in peace and sustainable prosperity.

2. The relationship between education, peace and lawfulness

The connection between lawfulness, or its opposite, crime, and peace has been notably made by Richard Quinney who drew on different peacemaking traditions, including humanist, feminist and critical, as a basis for criminology of peacemaking. In that context, crime is connected to suffering, and thus crime can be ended only when suffering ends, and there is peace[2]. Education that promotes peace and compassion can be a tool to promote lawfulness. In addition, providing education for those who lack it is, in itself, one way to minimise their suffering[3]. The relationship between education and peace can be complex. Education, when narrow in its scope, or when it excludes groups of society, can be a tool for exclusion and prejudice. For instance, inequality in terms of prolonged lack of education access or low education quality, can be associated with civic unrest. For example, in Sierra Leone, those who received no education were nine times more likely than those with post-primary education to join the Revolutionary United Front (RUF), a group whose cross-border invasion started the conflict in 2001[4]. In addition, there is a bi-directional relationship to conflict in education. Just as limited or inequitable access to education can drive conflict, conflict further reduces students' access to education. Girls' access to and attendance in schooling is particularly likely to suffer, even more so than that of boys[5].

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2   R. Quinney, The Way of Peace: On Crime, Suffering and Service, (in:) H. Pepinsky and R. Quinney (ed), Criminology as Peacemaking. Bloomington 1991, pp. 3-13.

3   *Ibidem.*

4   H. Macartan, J. M. Weinstein, Who Fights? The Determinants of Participation in Civil War. "American Journal of Political Science" 2008, vol. 52, no. 2, p. 436-55.

5   D. Burde, A. Kapit, R. L. Wahl, O. Guven, M. I. Skarpeteig, Education in Emergencies: A Review of Theory and Research, "Review of Educational Research" 2016, vol. 87, no. 3, p. 619-58.

Education is also likely to hinder cohesion and undermine the rule of law when curricula and learning materials offer stereotypical and prejudicial depictions of certain social groups and thus exacerbate social divisions[6]. For instance, in pre-genocide Rwanda Hutu-dominated governments channelled prejudice against Tutsis using school materials, among others. Textbooks spread the depiction of Tutsis as outsiders who had conquered the country and oppressed the Hutu tribe[7]. In Pakistan, research shows that textbooks tend to emphasise the war with India and underplay any peace initiatives. In addition, materials related to non-Islamic faiths and non-Muslims channelled mistrust and inferiority of other faiths. The portrayals predisposed students to think that non-Muslim populations of Pakistan were outsiders and unpatriotic[8].

On the other hand, education can transform lives and contribute to building peaceful and cohesive societies. For instance, those who are educated are also less likely to be in conflict with the law. In 2001, more than 75 per cent of convicted individuals in Italy had not completed high school[9]. Among Swedes born in 1943-1955, individuals with at least one conviction had on average 0.7 years less of schooling completed, than those without any convictions[10]. These positive educational effects can occur due to a number of factors. For instance, greater investment in education might serve as a deterrent to engagement in crime for fear of losing them[11]. Furthermore the content of education and the skills it teaches can make a difference, also in terms of reducing conflict[12].

The Global Education Monitoring Report (GEM Report)[13] devoted ample space to links between education and peace. On the topic of peace and education,

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6   UNESCO, Global Education Monitoring Report 2016. Education for People and Planet: Creatng Sustainable Futures for All, UNESCO, Paris 2016.

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12   D. Burde…, op.cit.

13   The Global Education Monitoring Report (or GEM Report), formerly known as the Education for All Global Monitoring Report (GMR), is an editorially independent, authoritative, and evidence-based annual report that monitors progress in education in the Sustainable Development Goals (SDGs), which have been adopted as part of the 2030 Agenda for Sustainable Development. The Report is funded by a group of governments, multilateral agencies and foundations and published annually by UNESCO to serve the international community. It is widely recognised as an indispensable advocacy and technical tool supporting the achievement of SDG 4, which aims to

the Report noted that governments needed to invest in quality civic education programmes and curricula, which contribute to a well-functioning justice system, including participation and access for marginalized communities. It also urged the expansion of, and emphasis on, global citizenship education in curricula[14].

3. The role of Global Citizenship Education in building the Culture of Lawfulness

Global Citizen Education (GCE) is a contested term that is often misunderstood, or is functioning under many different names. The first issue comes with the understanding of the term "global citizenship". It is important to emphasise that global citizenship does not refer to the legal status of citizenship. In the context of GCE, UNESCO has defined it as referring to a: "a sense of belonging to a broader community and common humanity, promoting a 'global gaze' that links the local to the global and the national to the international. It is also a way of understanding, acting and relating oneself to others and the environment in space and in time, based on universal values, through respect for diversity and pluralism. In this context, each individual's life has implications in day-to-day decisions that connect the global with the local, and vice versa"[15].

Analogically, GCE has been defined as education that: "highlights essential functions of education related to the formation of citizenship [in relation] with globalization. It is a concern with the relevance of knowledge, skills and values for the participation of citizens in, and their contribution to, dimensions of societal development which are linked at local and global levels. It is directly related to the civic, social and political socialization function of education, and ultimately to the contribution of education in preparing children and young people to deal with the challenges of today's increasingly interconnected and interdependent world"[16]. Its goal is to: "enrich the concepts and content of all subjects and fields of education by widening their dimensions. Through the process, learners and educators examine the roots and causes of events and developments at the local level, consider the connections with the global level, and identify possible solutions. This investigation of the relationship between micro- and macro-level issues and developments is a critical element in equipping learners to fulfil their potential in a fast-changing and

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ensure "inclusive and equitable quality education" and promote "lifelong learning for all" by 2030. With its renewed mandate, established in the Incheon Declaration of the World Education Forum in May 2015, the annual GEM Report series will identify effective education policies and analyse major education related themes.

14   UNESCO, 2016…, *op. cit.*

15   UNESCO, Global Citizenship Education: Preparing Learners for the Challenges of the 21st Century, UNESCO, Paris 2014, p. 14.

16   *Ibidem,* p. 15.

interdependent world"[17]. Thus, GCE advances a set of attitudes and motivations, as well as knowledge sharing in a global context. These are meant to inspire a critical thinking approach and behaviours cognisant of the cultural differences and the interconnections of the global world.

Recognising the importance of GCE and what it represents for the idea of culture of lawfulness, UNESCO and UNODC have launched an initiative combining the expertise on the two areas in the respective organisations. The partner agreement on the Initiative on Global Citizenship Education for establishing a culture of lawfulness was signed in December 2017. The first expert consultation meeting was held in March 2018. The initiative will span the following two years. It is supported by the State of Qatar and aims at: "equipping primary and secondary level educators with tools to uphold the principles of human rights and democracy, as well as to preserve and strengthen democratic institutions and the rule of law"[18].

It is important to note that, while GCE can be part of the curricula as a stand-alone subject, it can also be mainstreamed across different subjects. Namely, core GCE ideas of global interconnectedness can be incorporated in different classes throughout the whole curricula. This method involves taking the GCE approach in all subjects.

Countries increasingly include the themes of global citizenship education in their civic education programmes. A recent report on the state of civic education in Europe covered the models of how civic education is included in curricula and the extent to which global aspects are covered differs between countries. The report found that in some countries inclusion of global themes is part of a transition from old ways of thinking toward new curricula. For instance in Austria, the 2016 curriculum reform strengthened the themes of human rights and global and European citizenship[19].

In addition, GCE can be fostered with approaches outside of the classroom and within life-long learning. A review of extracurricular activities around the world found that well-designed approaches which are open and accessible to all individuals, can promote the ideas of global citizenship. These programmes can improve conflict resolution, social cohesion and increase awareness about legal frameworks and human rights and allow for communication and understanding across borders or cultures[20].

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17   *Ibidem,* p. 15 .

18   UNODC, Global Citizenship Education for a Culture of Lawfulness initiative begins its work, UNODC, Vienna 2018, https://www.unodc.org/dohadeclaration/en/news/2018/03/global-citizenship-education-for-a-culture-of-lawfulness-initiative-begins-its-work.html (17.05.2018).

19   European Commission/EACEA/Eurydice, Citizenship Education at School in Europe 2017, Eurydice Report, Luxembourg 2017.

20   B. Akar, Developing a Monitoring Instrument to Measure Extracurricular and Non-Formal Activities which Promote Global Citizenship Education (GCED) and Education for Sustainable

4. Global Citizenship Education builds key skills and attitudes for Culture of Lawfulness

There are a number of key social and emotional skills that are built and nurtured through GCE. Learning rests on the three domains of learning: cognitive, behavioural and socio-emotional[21]. Of particular relevance are the set of socio-emotional skills, also referred to in the literature as non-cognitive skills. Research has shown that these skills can be shaped through education, and they have long-reaching consequences, beyond schooling, on a number of important aspects of social progress including social cohesion[22] [23].

Among the cognitive components are the knowledge and thinking needed to better understand the global world, including its governance structure. Behavioural domain includes appropriate conduct, social and political engagement, and application of knowledge. Learners should be able to recognise and examine how beliefs and values can influence politics and political decision making, and have a critical view on social justice and civic engagement. Socio-emotional aspects are meant to help learners to develop affectively, psychosocially and physically so that they can live together with others respectfully and peacefully[24].

In order to foster learning in the classroom UNESCO[25] also distinguishes key attributes that GCE aims to develop in learners in line with the three domains mentioned above. Learners are to be informed and critically-socially connected, respectful of diversity, ethically responsible and engaged.

Complementing the above-mentioned work, the Global Citizenship Education Working Group, which was composed of representatives from different international organisations (including UNESCO) and research institutes, distinguished eight key global citizenship competencies[26]. Among them are:

Empathy;
- Critical thinking and problem solving;
- Ability to communicate and collaborate with others;
- Conflict resolution;

Development (ESD), Background paper prepared for the 2016 Global Education Monitoring Report, UNESCO, Paris 2016; UNESCO, 2016…, *op. cit.*

21   UNESCO, Global Citizenship Education: Topics and Learning Objectives, UNESCO, Paris 2015.

22   M. Almlund, A. L. Duckworth, J. J. Heckman, T. D. Kautz, Personality Psychology and Economics, (in:) E. Hanushek, S. Machin, L. Woessman (ed), Handbook of the Economics of Education. Amsterdam 2011, p. 1-181.

23   K. Miyamoto, M. C. Huerta, K. Kubacka, Fostering Social and Emotional Skills for Well-Being and Social Progress, "European Journal of Education" 2015, vol. 50, no. 2, p. 147-59.

24   UNESCO, 2015…, *op. cit.*

25   *Ibidem.*

26   Center for Universal Education, Measuring Global Citizenship Education. A Collection of Practices and Tools. New York 2017.

- Sense and security of identity;
- Shared universal values (human rights, peace, justice, etc.);
- Respect for diversity and intercultural understanding;
- Recognition of global issues and interconnectedness (including social, environmental and economic).

These competencies are clearly related to building a culture of peace and lawfulness, as evident in the explicit mention of respect for diversity, human rights or interconnectedness, to name just a few. At the core of the frameworks presented above is always the idea of teaching individuals how to be responsive citizens in the interconnected global world, learning from and respecting other people's cultures and experiences and engaged in the causes of peace and social justice.

Cross-country research, used to inform monitoring of target 4.7, looked at the inclusion of GCE and Education for Sustainable Development (ESD), around the world. It analyses the coverage of the GCE themes in education focused on the extent to which national curricula and student textbooks cover the most prevalent areas related to GCE[27]. In terms of the national curricula frameworks of the 78 countries monitored in 2005-2015, human rights was the most prevalent subject, including discussion of democracy, freedom and social justice[28]. Analyses of cross-national databases containing hundreds of history, civic education, social studies and geography textbooks covering different periods of time, have shown that, on average, the topics of human rights, global citizenship, gender equality, and multiculturalism and social diversity have been generally increasing since the mid-twentieth century[29].

5. Appropriate teacher training programmes are of vital importance to GCE

Teachers need to be adequately trained in order to be prepared to nurture global citizenship views in their students. Teacher training programmes can generally be divided into initial teacher education programmes, which take place prior to teachers taking on their professional duties; and ongoing professional development programmes, which take place while teachers are already working. The latter can be addressed to teachers at all levels of experience, and can vary in formats and in duration.

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27   UNESCO, 2016…, *op. cit.*

28   IBE, Global Monitoring of Target 4.7: Themes in National Curriculum Frameworks, Background paper for the 2016 Global Education Monitoring Report UNESCO, Paris, 2014.

29   P. Bromley, J. Lerch, J. Jimenez, Education for Global Citizenship Education & Sustainable Development: Content in Social Science Textbooks, Background paper for the 2016 Global Education Monitoring Report, UNESCO, Paris 2016.

GCE tends to be associated with more learner-centred approaches, which aim to actively involve students as agents in the process of learning. However, in many countries teacher training still focuses on more traditional approaches that represent a transmissive, more passive mode of teaching and pedagogy. A review of initial teacher education programmes worldwide found that the coverage of GCE themes in ITE tends to be limited in scale and often originates from teacher trainers and as part of specific modules in teachers' universities. In terms of continuous professional development (CPD), the review found more evidence of GCE themes being covered in these programmes than in ITE. These initiatives are often not done systematically and are initiated because of interests of teachers or school leaders, dependent on the availability of GCE-related CPD[30].

However, incorporating these themes into teacher training, on any level, is not enough to make sure that the themes will be effectively taught to students. Building teacher motivation and positive teacher attitudes towards global citizenship is key. Teachers can be agents of change both in their classrooms and beyond, by building responsive and open learning environments[31]. However, a teachers' ability to effectively deliver the material to students can also be limited by the wider environment and lack of system support. Teachers cannot be held accountable for things beyond their control[32]. For instance, teaching effectiveness can be affected by lack of materials or textbooks, or inadequate teaching and learning materials. In addition, and despite official undertakings, in many countries there is a tension between meetings global commitments and preserving national identity and values[33]. Some countries even dismiss the global trans-national agenda as being too far idealistic and too removed from reality[34].

In Europe, many countries provide competency guides for teachers and school teachers as part of civic education frameworks and some of them can include global citizenship. For instance, in Switzerland the Guide Education *Citoyenneté Mondiale* provides a pedagogical guide for schools and teachers on citizenship and global citizenship relevant to all subjects: the guide also includes examples of appropriate pedagogical approaches[35].

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30   D. Bourn, F. Hunt, P. Bamber, A review of Education for Sustainable Development and Global Citizenship Education in Teacher Education, Background paper for the 2017/8 Global Education Monitoring Report, UNESCO, Paris 2018.

31   D. Bourn, Teachers as agents of social change, "International Journal of Development Education and Global Learning" 2015, vol. 7, no. 3, p. 63-77.

32   UNESCO, Global Education Monitoring Report 2017/8. Accountability in Education: Meeting our Commitments, UNESCO, Paris 2018.

33   UNESCO, 2016…, *op. cit.*

34   European Commission/EACEA/Eurydice…, *op. cit.*

35   *Ibidem.*

The UNESCO Guidelines on Global Citizenship Education[36] suggest nine topics corresponding to three learner attributes. The topics can guide teachers and school leaders to cover global citizenship themes. Regarding informed and critically learners: local, national and global systems and structures; issues affecting interaction and connectedness of communities at all levels; underlying assumptions and power dynamics. For teaching socially connected learners who are respectful of diversity, the selected topics cover discussions of: different levels of identity; different communities people belong to and their interconnectedness; respect for diversity. Topics relating to ethical responsibility and engagement include actions that can be taken individually and collectively; ethically responsible behaviour, getting engaged and taking action. These topics can all be applied in an age-appropriate fashion for all learners.

6. Conclusion

The relationship between education and culture of lawfulness is a complex and multifaceted one. Beyond the simple fact of obtaining an education, the content of education makes a difference. Global Citizenship Education and the skills it aims to promote offer a promising education programme which can promote culture of lawfulness around the world. However, practical research on best practice in terms of implementation of global citizenship learning programmes and their impact on culture of lawfulness is still largely missing. Future initiatives should address several gaps in the literature and evidence base. More evidence is needed to understand the current knowledge base of teacher trainers and their needs in terms of being able to best develop the potential of teachers. In addition, more evidence on effective teacher training programmes around the world, both on the pre-service and in-service level is essential for policy-makers and practitioners looking to design new programmes.

In addition, forthcoming research should address questions about the adaptability of global citizenship education into different cultural contexts, including in places where tensions with national identities might exist. More evidence is needed in terms of examples of effective global citizenship education pedagogies that can build key social and emotional skills in learners and their relationship with culture of lawfulness, particularly in terms of examples from different countries and effects over time. In this context, the Fourteenth United Nations Congress on Crime Prevention and Criminal Justice, with its coverage of education and youth engagement as a way to build societal resilience to crime, offers a promising opportunity for exchanges and political engagement which can spur more evidence.

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36   UNESCO, 2015…, *op. cit.*

7. Questions

– What can policy-makers, school leaders, teachers and other stakeholders do to promote and support learners' development of social and emotional skills for Culture of Lawfulness? How can these skills be developed in most appropriate ways at different stages of education, starting from early childhood education?

– How to best train teachers and teacher trainers in order to prepare them to uphold and build Culture of Lawfulness in schools? What are good examples of pre- and in-service teacher training programmes, which promote GCE and Culture of Lawfulness, around the world?

– What are the most effective GCE classroom pedagogies to promote Culture of Lawfulness? To what extent are they culture-specific?

– In countries with growing nationalistic sentiments, how can GCE be integrated in national curricula in order to strengthen respect for differences? How can education help resolve the tension between national citizenship and global citizenship approaches?

– How can the Fourteenth United Nations Congress on Crime Prevention and Criminal Justice help drive concrete policies and initiatives in countries willing to promote GCE for Culture of Lawfulness?

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Cultivating Ethical Conduct in the Personal, Private, and Public Sectors: Moving from Anti-Corruption Structural Reforms to Individual Accountability

Abstract: Finding an effective path toward greater ethical conduct, less corruption, and greater personal integrity has been elusive. This is not because of lack of attention. The last 25 years have seen dramatic growth in global consensus and action on reducing corrupt behavior and promoting ethical conduct. Major initiatives by the Organization for Economic Co-operation and Development, the United Nations, and the World Bank, led to major changes in global tolerance for corruption and corresponding emphasis on promoting ethical conduct. This article will discuss the global move toward structural reforms to reduce corruption, and demonstrate how a corresponding effort toward promoting ethical conduct through individual accountability is emerging and is necessary for these reforms to be effective.
Keywords: ethics, corruption, prevention, accountability

1. Introduction

Finding an effective path toward greater ethical conduct, less corruption, and more personal integrity has been elusive. But international efforts over the last 25 years have created a way forward that shows promise in reducing corrupt behavior and promoting ethical conduct.

Morals are equated with good conduct; they inform what constitutes acceptable behavior. The study and analysis of morality is ethics. Ethics was founded by Socrates and systematized by Aristotle in the western tradition. Aristotelian ethics (384-322 B.C.) continues to be influential 25 centuries later. Other major ethical perspectives, such as deontological ethics (18th century) and utilitarianism (19th century), also

remain at the center of ethical thinking, illustrating that the principles of ethic decision-making have not changed a great deal over the centuries[1].

In the Western tradition, ethical conduct is learned by example, through teaching, training and practice. Consequently, it is possible that corruption, centered on self-seeking and selfish behavior, must also be learned. To illustrate: a study of altruism was conducted to answer the question "Why did ordinary people risk their lives to protect Jews hiding from the Nazis during World War II?" The author found that "heroes evolve, they aren't born"[2] discovering that people took early steps toward altruistic behavior and then began to view themselves differently in a series of small steps.

This research suggests that ethical conduct probably ensues in the same way, from smaller acts to more consistent courses of conduct. In an analogous study, students who knew they were wearing counterfeit glasses were found to be more than twice as likely to cheat on a simple test, leading the researchers to conclude that a seemingly innocuous activity (like wearing fake clothing or sunglasses) has an impact on moral behavior[3]. Therefore, small steps can form the path toward ethical or unethical conduct.

Of course, exposure to, and studying of, ethics does not guarantee ethical conduct. Character education is not a panacea, and does not address structural problems, but "it can be an important part of efforts to invest in our children's development and well-being"[4]. In a similar manner, people who take language or math classes may or may not become avid readers or use their mathematical knowledge, but that doesn't make those courses any less worthwhile. Ethics provides the way to see that there is a greater purpose in life than self-interest. Familiarity with the principles of ethical conduct can "leave students with the understanding that they are moral agents, that they have moral responsibilities, that there are methods for evaluating and defending their own positions" on moral questions[5].

What has changed is the global application of ethics. Until recent times, ethical conduct was widely seen as the province of individuals and a domestic concern. For example, corporate bribery in business was seen as acceptable for many years as a "business expense". In many countries, bribes that were paid to buy

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1   J. S. Albanese, Professional Ethics in Criminal Justice: Being Ethical When No One is Looking, 4th ed. Prentice Hall, New Jersey 2016.

2   E. Staub, The Psychology of Good and Evil: Why Children, Adults, and Groups Help and Harm Others, Cambridge University Press, London 2003, p. 55.

3   F. Gino, M. I. Norton, and D. Ariely, The Counterfeit Self: The Deceptive Costs of Faking It. "Psychological Science" 2010, vol. 21, pp. 712–720.

4   E. Kiss, In Praise of Eccentricity, (in:) M. Josephson and W. Hanson (eds.), The Power of Character. Jossey-Bass, San Francisco 1998, p. 355.

5   G. Vartan, Our Moral DNA, (in:) M. Josephson and W. Hanson (eds.), The Power of Character. Jossey-Bass, San Francisco 1998, p. 115.

and sell merchandise were simply seen as a cost associated with doing business[6]. But international consensus began to change in the 1990s, leading to a series of unprecedented, binding international agreements.

2. World Bank

The World Bank was established in 1944 to reduce poverty by funding development projects around the world. This is done by promoting foreign investment in the developing world and by providing grants to promote development. Since then, the World Bank has funded 12,000 projects totaling nearly $46 billion USD[7]. The vast majority of nations are members of the World Bank (189 members).

It was during the 1990s that the new World Bank president, James Wolfensohn, called on the World Bank to intervene in the "cancer of corruption". This was an explicit recognition that corruption is as much an economic as a political issue, which was maintained by subsequent World Bank leadership. This entered the World Bank into a new era in which compliance and administrative sanctions became as important as the development work itself to ensure that funds were not misspent. Sanctions for corruption include debarment of individuals or corporations from future participation in World Bank loans or projects[8].

3. OECD Convention

With collapse of the Soviet Union, the rise of new emerging democracies, the growth in Internet communications and travel, it was logical that the 1990s ushered in a decade of change, which was closely related to the rise of globalization in both communication and trade. More countries than ever before were competing for goods, services, and economic and social stability.

It became clear that binding international agreements (conventions) would be needed to regulate the global marketplace. The Foreign Corrupt Practices Act was enacted in the US in 1977, prohibiting US business from paying bribes to obtain business overseas[9]. This was seen as putting American businesses at a competitive disadvantage; only in the 1990s did global agreements gain international consensus.

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6   F. Heimann, M. Pieth, Confronting Corruption: Past Concerns, Present Challenges, and Future Strategies, Oxford University Press, Oxford 2018.

7   World Bank. Our Mission, http://www.worldbank.org/en/who-we-are (access 30.05.2018).

8   L. Boisson de Chazournes, E. Fromageau, Balancing the Scales: The World Bank Sanctions Process and Access to Remedies, "European Journal of International Law" 2012, vol. 23, pp. 963-989.

9   J. S. Albanese, What Lockheed and La Cosa Nostra Have in Common: The Effect of Ideology on Criminal Justice Policy, "Crime & Delinquency" 1982, vol. 28, pp. 55-82; L.D. Thompson, Larry D. In-sourcing Corporate Responsibility for Enforcement of the Foreign Corrupt Practices Act, "American Criminal Law Review" 2014, vol. 51, pp. 199-225.

The Organization for Economic Co-operation and Development (OECD) is an intergovernmental organization founded in 1948 (as the OEEC), later becoming the OECD in 1961 with 18 European countries, plus Canada and the US, designed to promote economic development and stability. Today, there are 35 member countries of the OECD, representing much of the developed world as well as nearly two-thirds of global gross domestic product.

The OECD was concerned about the tax deductibility of bribes in many countries, and it went beyond that to develop a convention to criminalize foreign bribery entirely[10]. The OECD Anti-bribery Convention entered into force in 1999. It is a powerful agreement because annual progress reports are required (and conducted by a third party, Transparency International) to assess the status of enforcement of the Convention's provisions. Therefore, the OECD is the first binding international convention criminalizing foreign bribery across a significant number of nations.

4. United Nations Convention against Corruption

Soon after the OECD Convention, there was a move to expand the scope of prohibited conduct beyond the membership of the OECD. The UN Convention against Corruption (2349 UNTS 41) entered into force in 2005, specifying multiple forms of corruption beyond just bribery, and providing a legal framework for criminalizing and countering it. The Convention against Corruption is the only legally binding universal anti-corruption instrument[11]. As of 2018, there were 183 State parties to the Convention, representing 95% of the UN membership[12].

The UN Convention against Corruption approaches the problem from four different perspectives: prevention, criminalization, international cooperation and asset recovery[13]. The emphases are on prevention, law, enforcement, and seizure of any gains from corrupt conduct (asset recovery). The scope of the UN Convention is broader than that of the OECD Convention, both in scope and coverage of the world's nations. The UN Convention requires ratifying countries to:
– Criminalize bribery, embezzlement of public funds, trading in influence, and the concealment and laundering of the proceeds of corruption;
– Establish prevention efforts, including anti-corruption bodies, enhanced transparency in the public service and in financing of election campaigns and political parties;

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10   F. Heimann, M. Pieth, Confronting Corruption: Past Concerns, Present Challenges, and Future Strategies, Oxford University Press, Oxford 2018.

11   A. Argandona, The United Nations Convention Against Corruption and its Impact on International Companies, "Journal of Business Ethics" 2007, vol. 74, p. 481.

12   United Nations Office on Drugs and Crime, UN Convention against Corruption. Signature and Ratification Status, http://www.unodc.org/unodc/en/corruption/ratification-status.html, 2018b.

13   Ibidem.

- Provide for recovery of assets diverted to others countries;
- International cooperation in enforcement;
- A Conference of Parties among ratifying nations meets every other year to assess implementation, assistance, and sanctions.

The Convention against Corruption requires State parties to introduce criminal offences which include acts committed in support of corruption (obstruction of justice, trading in influence, and the concealment or laundering of the proceeds of corruption). The Convention also addresses corruption in the private sector and provides for the protection of those reporting (whistle-blowers), witnesses, victims and experts. The section on international cooperation contains provisions for mutual legal assistance, extradition, and confiscation and seizure.

Like the World Bank anti-corruption initiative and the OECD Convention, the purpose of the UN Convention is to enable countries to improve their capacity to counteract these crimes, and to enhance their prosecution and international cooperation mechanisms. Corruption requires, of course, unethical behaviour, which undermines the rule of law, creates economic harm, violates human rights, and illicitly protects facilitators and accomplices[14].

The work of the World Bank, the OECD, and the UN represents major global examples of focusing public, political, and economic efforts on corruption, which created a consensus between national laws, methods of cooperation in investigations and prosecutions, and confiscation of assets and repatriation of assets illicitly moved from one country to another. This level of international consensus was difficult to imagine 25 years ago[15].

5. Structural reforms versus individual accountability

The reforms of the World Bank, the OECD, and the UN all focus on structural reforms: laws, policies, procedures, and technical assistance to reduce the opportunities for corrupt conduct, and enforce anti-corruption provisions. Of course, there are limits to structural reforms: they can reduce opportunities for misconduct, but they do not preclude motivated actors from seeking unethical advantage. Without

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14   J. S. Albanese, Transnational Crime and the 21st Century: Criminal Enterprise, Corruption, and Opportunity, Oxford University Press, Oxford 2011; E. Buscaglia, Controlling Organized Crime and Corruption in the Public Sector, "Forum on Crime and Society" 2003, vol. 3, pp. 1-32; S. Rose-Ackerman, and B. J. Palifka, Corruption and Government: Causes, Consequences, and Reform (2nd ed.), Cambridge University Press, Cambridge 2016.

15   J. S. Albanese, Countering Transnational Crime and Corruption: The Urge to Action versus the Patience to Evaluate, "Justice Evaluation Journal" 2019, vol. 1, pp. 82-95.

changing the underlying conduct, law enforcement and judicial cooperation are, by themselves, not enough to contain unethical and corrupt behavior[16].

Public corruption and commercial corruption focus on different aspects of the same problem: corruption in the government and the public sector versus corruption in business. There is a double standard often applied to public officials in that conduct we often accept from private citizens somehow becomes objectionable when displayed by public officials. Public officials represent others and, therefore, should be trustworthy. The same can be said of corporate officials who are entrusted with shareholder assets, private attorneys entrusted with their clients' funds, and so on for teachers, cooks, construction workers, and virtually all other professions.

The 21st century may be recognized for the move from purely structural reforms (exemplified by the World Bank, the OECD and the UN) towards the need for a corresponding focus on individual accountability. A great deal of resources have been placed on structural reforms to make corruption and unethical decision-making more difficult, but the need remains to focus on individual ethical decisions that must be made, regardless of the structures or opportunities that exist.

Figure 1. The need for structural reforms and individual accountability for ethical decision-making

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16   J. S. Albanese, Report from the Rapporteur: International Law Enforcement Cooperation: Past Experience, Present Practices, and Future Directions, (in:) K. Aromaa and T. Viljanen (eds.) Enhancing International Law Enforcement Cooperation, including Extradition Measures. Helsinki: HEUNI European Institute for Crime Prevention and Control, Helsinki 2005; J. S. Albanese, Professional Ethics in Criminal Justice: Being Ethical When No One is Looking, 4th ed. Prentice Hall, Upper Saddle, NJ 2016; K. Aromaa, and T. Viljanen (eds.), Enhancing International Law Enforcement Cooperation, Including Extradition Measures, European Institute for Crime Prevention and Control (HEUNI), Helsinki 2005; C. Hartfield, The Organization of 'Organized Crime Policing' and Its International Context, "Criminology and Criminal Justice" 2008, vol. 8, pp. 483-507.

6. Discussion: an ethical approach

Figure 1, summarizes the need for both structural reforms and ethics training and education to achieve the desired outcome of more ethical decisions, which underlie all non-corrupt environments. A focus on individual accountability beyond structural reforms is already underway. Two examples illustrate the point: empirical research and the Education for Justice Initiative.

There is growing interest in civic and ethics education that promotes non-selfish views toward one's own profit, interest, or position in society. There have been a number of empirical studies that demonstrate the impacts of this kind of education at primary, secondary, and tertiary levels. Their results have been promising for promoting recognition of ethical dilemmas when they occur, and for approaching them in unselfish, principled ways[17].

The Education for Justice initiative (E4J) evolved from the 13th United Nations Congress on Crime Prevention and Criminal Justice in 2015 in Doha, Qatar. The Doha Declaration highlights the importance of education in preventing crime and corruption and promoting a culture that supports the rule of law. The E4J initiative was developed to create and disseminate education materials in UNODC mandated areas of crime prevention and criminal justice across primary, secondary and tertiary education levels. The modules seek to enhance students' ethical awareness and commitment to acting with integrity, and to equip them with the necessary skills to apply and incorporate these principles in their life and professional decision making[18].

One of the course subjects is integrity and ethics. Another is corruption. Course modules have been developed by experts from around the world to provide open access to instructors globally to teach courses on ethics, integrity and anti-corruption everywhere[19]. This work builds on the empirical research cited above regarding the effectiveness of creating principled, ethical decision makers from a young age.

Analysis of companies in Germany found that "an essential aspect is the need to demand that employees and managers at all levels know what the norms are and

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17   S. K. Forsha, Virtue and Moral Development: Changing Ethics Instruction in Business School Education, "College Student Journal" 2017, vol. 51, no. 3, pp. 429-443; C. Klugman, and B. Stump, The Effect of Ethics Training upon Individual Choice, "Journal of Further & Higher Eduaction" 2006, vol. 30, no. 2, pp. 181-192; S. Redo, On the Importance of Preschool Civic Education for the Global Culture of Lawfulness, (in:) H. Kury and S. Redo (eds.), Refugees and Migrants in Law and Policy, Springer, Heidelberg 2018, pp. 207-234.

18   Education for Justice, "Integrity and Ethics", http://www.unodc.org/e4j/en/tertiary/integrity-ethics.html 2018.

19   United Nations Office on Drugs and Crime. Education for Justice, https://www.unodc.org/dohadeclaration/en/topics/education-for-justice.html (2018a).

practice conformity with the rules and values that promote integrity"[20]. It was found that a company culture that promotes individual integrity directly impacts on the willingness to report wrongdoing, accept a company's anti-corruption efforts, and an effective compliance management system. Whether the misconduct is a business decision, a false testimony by the police, prosecutor's misconduct resulting in wrongful convictions, asset seizure, or commercial bribery, the essence of corruption lies at the feet of individuals who make these decisions[21].

7. Conclusion

The ethical bar will rise in the future because decisions will impact on more people. The reasons for this situation are advances in technology, increasing life span, and globalization, which allow decisions in one part of the world to affect others thousands of miles away. Therefore, consideration of ethical decisions will have greater consequences than ever before.

A concept sometimes lost in contemporary society is that ethical behavior is often in our own self-interest. There is happiness to be found in acts that benefit others, and respect is accorded to those who have high moral standards. Freedom can be found in not succumbing to our basest desires and in living openly and cooperatively with others rather than secretly and fraudulently. These are some of the many benefits of acting ethically. The benefits achieved by those who act unethically (e.g., taking unfair advantage, committing theft) are usually short-term gains that are either quickly exhausted, must remain secret, or are not easily shared, and they result in pain or penalty when the conduct becomes known[22].

The E4J initiative and the implementation of the UN Convention against Corruption, reflect several areas of the 2030 UN Agenda, including 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). In addition, many of the targets associated with different Goals address issues related to crime, justice and safety. Target 16.3 of the Goals, for example, calls for countries

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20 K. D. Bussman, A. Miemeczek, and M. Vockrodt, Company Culture and Prevention of Corruption in Germany, China and Russia, "European Journal of Criminology" 2018, vol. 15, pp. 255-277.

21 J. M. Doyle, Who's Really to Blame for Police 'Testilying'? Thecrimereport.org., 29.03.2018; C. May, Asset Seizure and Forfeiture: Ethical Issues, "FBI Law Enforcement Bulletin" 9.05.2016; The Crime Report Staff. Prosecutors and Wrongful Convictions: "Pay Now or Pay Later", Thecrimereport.org, 20.01.2018.

22 J. S. Albanese, Professional Ethics in Criminal Justice: Being Ethical When No One is Looking, 4th ed. Prentice Hall, Upper Saddle, NJ 2016.

to promote the rule of law at the national and international levels and ensure equal access to justice for all[23].

Research has shown that individuals often overestimate the ethicality of their own behavior, failing to recognize underlying, self-serving biases that promote misconduct. We often see ourselves as rational, ethical, competent and objective. But there is an ethical "blind spot" that often conceals conflicts of interest or unconscious biases in decision-making. The term "bounded ethicality" has been used to show that even otherwise ethical people can behave unethically[24]. This ethical blind spot further demonstrates the need for ethical training and updates to that training to remind individuals, using current examples, of the boundaries of ethical conduct and their importance in both everyday life and for the global community.

8. Questions

– In what ways have international organizations contributed to reducing tolerance towards corruption?
– What is the difference between structural reforms and individual accountability in preventing corruption?
– How does ethical conduct move from smaller acts to more consistent courses of conduct?
– Unethical and corrupt behavior often involves selfish conduct, so how is ethical behavior often in our own self-interest?
– How are international moves against corruption reflective of the 2030 UN Agenda?

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Education for Justice (E4J): Promoting the Rule of Law through Integrity and Ethics Education[1]

Abstract: In this paper, we discuss an innovative approach to teaching integrity and ethics at university level. In particular, we discuss the University Modules on Integrity and Ethics, which the United Nations Office on Drugs and Crime (UNODC) developed under its Education for Justice (E4J) initiative. UNODC's involvement in developing educational materials stems from the recognition that education plays a crucial role in promoting the rule of law and crime prevention. The E4J University Modules encourage lecturers from different regions and disciplines to incorporate integrity and ethics education into their programmes and courses. The paper consists of three parts. The first part introduces the new approach to global ethics education that E4J offers. The second part discusses the development of integrity and ethics modules. The third part explores their implementation and the ways in which lecturers can use the materials to promote a culture of lawfulness.

Keywords: integrity, ethics, Education for Justice, United Nations Office on Drugs and Crime, university education.

1. Introduction

This paper discusses University Modules on Integrity and Ethics developed by the United Nations Office on Drugs and Crime (UNODC) under its Education for Justice (E4J) initiative[1]. E4J is an innovative and comprehensive educational initiative

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1   The paper was authored by UNODC staff member Ms. Sigall Horovitz and UNODC consultant Mr. Alex Petkov who work on the development of E4J University Modules on Integrity and Ethics.

that aims to promote a global culture of lawfulness by facilitating the integration of crime prevention and other rule of law aspects into all levels of education. At the university level, E4J pursues this aim through encouraging teaching on issues related to UNODC's mandate areas, including anti-corruption, organized crime, human trafficking and migrant smuggling, counter-terrorism, cybercrime, firearms trafficking, criminal justice and crime prevention, as well as integrity and ethics. In each of the above areas, E4J is developing and disseminating university modules as well as related educational materials and innovative teaching tools, which lecturers can adapt to their specific contexts and incorporate into their courses. In this context, on 13 June 2018, UNODC formally launched a series of 14 University Modules on Integrity and Ethics.

Before discussing the University Modules on Integrity and Ethics, it should be noted that the E4J initiative was launched as part of UNODC´s efforts to implement the Doha Declaration on Integrating Crime Prevention and Criminal Justice into the Wider United Nations Agenda to Address Social and Economic Challenges and to Promote the Rule of Law at the National and International Levels, and Public Participation, adopted by the Thirteenth United Nations Congress on Crime Prevention and Criminal Justice in 2015.[2] The Doha Declaration recognizes the fundamental role of universal education for children and youth as key to preventing crime, terrorism and corruption, as well as promoting a sustainable development. The E4J initiative is also closely linked with the 2030 Agenda for Sustainable Development, which emphasizes the importance of education for ending poverty, protecting the planet and ensuring prosperity for all[3].

2. Modules on Integrity and Ethics

As mentioned above, the university modules developed by E4J address various areas that fall under the mandate of UNODC, such as corruption, terrorism and organized crime, as well as the cross cutting area of integrity and ethics. While UNODC's mandate areas have a relatively clear scope and are dealt with through various UN instruments, the field of integrity and ethics is rather abstract and "decentralized", and is not regulated by a specific UN convention or protocol. This required the E4J initiative to define the conceptual framework within which to develop integrity and ethics educational materials that would be consistent with broader E4J aims and UNODC goals, and would, at the same time, add value to existing programmes and courses in universities around the world.

The views expressed herein are those of the authors and do not necessarily reflect the views of the United Nations. See more about E4J at: https://www.unodc.org/e4j/index.html (13.12.2018).

2   https://www.unodc.org/documents/congress/Declaration/V1504151_English.pdf (13.12.2018).

3   http://www.un.org/sustainabledevelopment/development-agenda/ (13.12.2018).

It is noted in this regard that many academic institutions throughout the world offer ethics courses, often within their philosophy departments or graduate programmes in business and public administration. Furthermore, faculties of law, medicine, science and journalism, to name a few, offer professional ethics courses in an effort to promote responsible conduct within certain professions. However, many of the courses are very specialized and hence lack a proper theoretical contextualization of complex topics such as integrity and ethics. In addition, ethics courses are more prevalent in some regions and less common in others.

Promoting a global culture of lawfulness requires a more pervasive and universal approach to ethics education, supported by fostering ethical learning environments and active engagement of students worldwide. Such an approach could and should be relevant to university students at all levels and disciplines, and across all regions and cultures. The E4J University Modules on Integrity and Ethics were designed to support such an approach. Moreover, in order to provide effective support in such a vast field, the Modules seek to strike a balance between a generic framework and more selective target areas that make provision for regional or functional contexts. Thus, for example, while some of the Modules focus on core integrity and ethics topics such as universal values, ethics and society, ethical leadership, diversity and pluralism, behavioural ethics, and gender dimensions of ethics, other Modules explore the application of integrity and ethics in certain areas of practice such as business, law, media, public service and the various professions. All of the Modules, however, can be taught to students of all levels and disciplines.

In addition to offering a new approach to global ethics education, the E4J initiative also aims to add value to existing university programmes by offering Modules that have been developed by the United Nations, validated by leading academics, reflect global data, benefit from the input of international experts, incorporate innovative teaching approaches, and are linked to other global issues, including the Sustainable Development Goals and UNODC mandate areas such as organized crime and anti-corruption. E4J also aims to generate increased impact through involving stakeholders in localizing and regionalizing the Modules rather than merely leaving them as static "paper" tools.

3. Developing the Modules

Ahead of developing the Modules, UNODC held meetings with academic ethics educators from various disciplines and regions, bringing them together to discuss and make recommendations on how to achieve the above aims. The first such consultation took place in March 2017 at the UNODC headquarters in Vienna,

and three regional meetings were held in April 2017 in various parts of the world[4]. Based on the discussions at these meetings, UNODC identified key principles and approaches that subsequently underpinned the development of the E4J University Module on Integrity and Ethics. The following discussion focuses on these principles and approaches.

One of the main principles that guided the development of the Modules was the need to ensure that university lecturers from various disciplines and sub-disciplines will be able to easily adapt and use the Modules in their teaching of undergraduate and graduate students. Accordingly, the Modules were designed as multidisciplinary and multi-level resources, and they use clear and non-technical language. They are also flexible in the sense that they provide a menu of options rather than prescribing a fixed way of teaching. This ensures that the Modules are easily adaptable to different regions and disciplines, and can serve a variety of uses. In addition, they were designed so that lecturers who do not teach ethics specifically would be able to teach the Modules as ethics components within non-ethics courses. Furthermore, in line with recommendations made in expert consultations, the Modules place an emphasis on common universal values, but leave room for diverse perspectives so that lecturers can easily adapt them to different local and cultural contexts.

Another recommendation made during the consultations, and which has guided the module development process, was the need to encourage critical thinking and prepare students for value-driven and effective action. Pursuant to this recommendation, the Modules have a strong emphasis on interactive and experiential exercises that require students to analyse cases, force them to engage with the issues, and help them internalize the Modules' messages. It was also suggested that E4J draws on good practices from ethics practitioners in the private sector, e.g. those developing and delivering training in the ethics and compliance field in companies. This has indeed been followed in the development of the Modules. The experts also recommended that the Modules adopt the following approaches in order to ensure their sustainable relevance and effectiveness:

– Emphasize the importance of integrity and ethics to everyday life;
– Connect theory and practice;
– Focus on global ethics and universal values, while leaving room for considering issues from diverse regional/cultural perspectives without succumbing to ethical relativism;
– Have an action orientation (not merely teach what is the right thing to do, but also teach how to get the right thing done, e.g. by drawing on the growing field of behavioural ethics and approaches such as the "Giving Voice to Values" post-decision making approach);

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4   Further information available at www.unodc.org/e4j. (13.12.2018).

– Use a wide variety of pedagogical techniques, for example, experiential learning and group based work;
– Use, where possible, open source materials that are publicly and easily accessible.
– Finally, it was suggested in the consultations that some Modules should address issues of general ethics and others should deal with applied areas of ethics. The generic ethics Modules would be relevant to some lecturers as a stand-alone, while for other lecturers they can provide a lens through which to view and teach the applied ethics Modules.

As a starting point, E4J developed 14 modules covering areas of particular relevance to E4J aims, ranging from general to applied topics. Each module detailed teaching plans with expected learning outcomes, discussion of relevant issues, reading lists containing core literature on the subject, student activities and assessments as well as additional teaching tools and resources such as websites, video demonstrations, case studies, simulations, publications and faculty development materials. Each Module is designed as a three-hour class but also provides guidelines on how to develop it into a full course. In 2017/18, UNODC held two expert meetings dedicated to validating the Modules. Both meetings were held at the premises of the European Public Law Organization (EPLO), and involved more than 45 academic experts from around the world. In these meetings, the experts discussed and fine tuned the Modules and, finally, approved them for publication[5]. All 14 Modules are available on the E4J website, with an accompanying Teaching Guide. Below is a list of the Modules' titles:

Module 1: Integrity and Ethics: Introduction and conceptual framework
Module 2: Ethics and universal values
Module 3: Ethics and society
Module 4: Ethical leadership
Module 5: Ethics, diversity and pluralism
Module 6: Ethical living
Module 7: Strategies for ethical action
Module 8: Behavioural ethics
Module 9: Gender dimensions of ethics
Module 10: Media integrity and ethics
Module 11: Business integrity and ethics
Module 12: Integrity, ethics and law
Module 13: Public integrity and ethics
Module 14: Professional ethics

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5   https://www.youtube.com/watch?v=o2GxuXxsVbE. Accessed on 13.12.2018.

4. The way forward

In addition to offering the University Modules on Integrity and Ethics, the E4J initiative also offers a Teaching Guide on Integrity and Ethics that accompanies the Modules and provides additional pedagogical guidance. The Teaching Guide was initially conceived as a brief manual containing background information and the Modules themselves. However, in the pre-module consultations, it was recommended that E4J develop a manual on good and innovative practices for teaching integrity and ethics and promoting ethical behaviour. Accordingly, the Teaching Guide delves deeper into theories of teaching and learning, and applies them to the Modules and to ethics education more generally. It also provides advice on how to adapt the Modules to different contexts, how to incorporate them in existing programmes, and how to combine certain Modules into thematic clusters. The Teaching Guide is available on the E4J website and forms the basis for the UNODC training workshops organised with the view of strengthening the capacity of lecturers from around the world to teach on the basis of the Modules. In this process of rolling out the Modules, UNODC seeks to engage as many universities and academics as possible in order to strengthen integrity and ethics education worldwide.

It is also noted that the expert consultations recommended that E4J should encourage the development of good practices in the teaching of integrity and ethics at university level, including by supporting the creation of ethical learning environments, encouraging teachers to become champions of integrity and ethical role models, and motivating academics to teach the modules as components in non-ethics courses at their school. E4J currently operationalizes these recommendations. As a first step, and pursuant to the experts' advice, E4J engaged participants who are committed to being role models of ethical behaviour within and beyond the classroom to ensure credibility and effectiveness of the courses.

The experts also considered that E4J should support the development of innovative tools to facilitate the teaching of integrity and ethics in universities, such as the following tools:
- Global student challenges (involving faculty globally while engaging students locally);
- Integrity and ethics competitions and prizes (e.g. competitions to develop innovative means of using smart phones and other mobile devices for ethics education, essay competitions, etc.);
- Case studies, particularly those emphasizing positive ethical behaviour and action oriented approaches;
- Scenarios, simulations, role-playing, and dilemma-based tools;
- Massive Open Online Courses (MOOCs), apps, videos, games, etc.;
- Involve students in creating e-learning tools/games/videos on ethical issues.

Some of these approaches are already included in the Modules. Others will be considered in the context of rolling out the Modules.

One of the main recommendations emerging from the consultations was that, in the process of implementing the Modules and associated materials, E4J should engage in a continuous feedback loop to enhance and keep the materials relevant. Feedback should be generated, where possible, through available survey methods (such as Survey Monkey) to ascertain what students and academics find useful. Furthermore, in developing and implementing the Modules, E4J should involve relevant stakeholders from different cultures/regions, including research-oriented academics, ethics centres, and education ministries where appropriate.

Indeed, the principle of inclusiveness has underpinned the module development process, in which E4J involved more than 70 academic experts from over 30 countries. As it rolls out the Modules, E4J continues to engage as many lecturers and other relevant stakeholders as possible in disseminating the Modules and strengthening the capacity of lecturers to teach on their basis. In addition, E4J also invites relevant stakeholders to:

– Organize E4J workshops/side events in networking meetings;
– Consider ways to encourage relevant research;
– Consider relevant methodologies;
– Consider possible links to the private sector/civil society;
– Strengthen the links between ethics education and other E4J subject areas;
– Develop and contribute relevant publications and open source materials to the E4J online database for easy access by teachers and professors;
– Use their own publications, social media, organizational e-lists, etc., to write about and disseminate notices for E4J;
– Promote the E4J initiative in other ways.

In June 2018, UNODC officially launched the University Modules on Ethics and Integrity during the Regional Conference on Higher Education in Latin America and the Caribbean, which was co-organized by the Venezuela-based UNESCO-IESALC institute and took place in Argentina on 11-15 June 2018. The conference brought together thousands of academics from Latin America and the Caribbean to discuss the future of higher education in the region. The Modules were launched at a side event, and were the focus of a lively discussion with the participants. Their interactive exercises especially sparked interest, as they were viewed as an innovative and effective approach to ethics education. In addition, implementation of the Modules in the region was discussed, including their translation into Spanish and regional training of lecturers in Bogota, Colombia.

5. Questions for further discussion

Lecturers who are reading this paper may wish to think about the following questions:
- – Are integrity and ethics foreign to the areas you teach?
- – Are your students able to identify an ethical dilemma?
- – Do they know how to make ethical choices and reach ethical decisions?
- – Do they know how to implement ethical decisions?
- – Are they committed to acting with integrity?

If the answer to any of these questions is 'no' or 'maybe', then the Modules could serve as useful ethical components in your own courses.

6. Conclusion

UNODC is committed to supporting academics in delivering high quality education in the areas of rule of law and crime prevention. It does this by providing relevant materials, facilitating exchanges of good practices and organizing training activities. This paper emphasized the importance of ethics education in the context of the UNODC's overall educational efforts.

The university modules on integrity and ethics, developed under the Education for Justice initiative, offer a flexible approach to delivering ethics education. Lecturers could easily adapt them to their context and integrate them into existing courses in a variety of disciplines, academic institutions, regions and cultures. All 14 modules are available online and can be easily accessed on the E4J website.

With this paper we aim to encourage more lecturers to use the Modules in their programmes as we realize that achieving the E4J goals, including fostering ethical learning environments and a culture of lawfulness among students, requires the active engagement of the academic community.

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Promoting the Culture of Lawfulness by Teaching about Transnational Organized Crime

Abstract: The mention of "culture of lawfulness" in the Doha Declaration of the Thirteenth United Nations Congress on Crime Prevention and Criminal Justice (Qatar, 2015)[1] prompted the United Nations Office on Drugs and Crime to develop the Education for Justice initiative, aiming to support the integration of crime prevention and the rule of law into all levels of education. This essay gives an example of how the culture of lawfulness can be promoted by teaching a tertiary-level course showing the links among the rule of law, corruption, transnational organized crime, and the need for appreciation of diverse cultures. The essay illustrates this by the case of countering of transnational organized crime, and presents the reasons for and ways to integrate discussion of the rule of law and corruption. Finally, this essay's author argues for the need to understand and appreciate diverse legal traditions.
Keywords: corruption, cross-national cooperation, education for justice, legal traditions, rule of law, transnational organized crime

1. Introduction

The Doha Declaration of the Thirteenth United Nations Congress on Crime Prevention and Criminal Justice (Qatar, 2015) emphasizes education as a fundamental tool in preventing crime and corruption and in promoting a culture that supports the rule of law and criminal justice. In that context, the Global Programme launched by the United Nations Office on Drugs and Crime (UNODC) aims to help achieve a positive and sustainable impact on crime prevention, criminal justice, corruption prevention, and the rule of law. One of the four components by which that goal is

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1   A/RES/70/174, Doha Declaration on Integrating Crime Prevention and Criminal Justice into the Wider United Nations Agenda to Address Social and Economic Challenges and to Promote the Rule of Law at the National and International Levels, and Public Participation, 17 December 2015.

to be achieved is identified as the Education for Justice (E4J) initiative, which intends to support the integration of crime prevention and the rule of law into all levels of education.[2] This essay provides an example of how the culture of lawfulness can be promoted by teaching at the tertiary and post-graduate education levels the importance of understanding links among the rule of law, corruption, transnational organized crime, and the need for appreciation of diverse cultures.

2. Background

The 2030 Agenda for Sustainable Development[3], particularly Sustainable Development Goals 4 and 16, call for quality education and building peace, justice and strong institutions. An academic course at the post-graduate-level can help accomplish this by providing students with information about links between transnational organized crime, the rule of law, and corruption. In this way, we can empower, motivate, and equip students to become ethically responsible agents of change. Importantly, this must be accomplished while remembering the caution by Ambassador Ali bin Jassim Al-Thani of the State of Qatar, who stresses that respect for the diversity of cultures must always be kept in mind[4]. To that end, proposed here are justification and implementation suggestions for a graduate-level academic course that uses transnational organized crime as a topic by which such key issues as the rule of law and corruption can be introduced to students. The information is presented with attention to the relevance of transnational organized crime as the vehicle for discussion, to the importance of the rule of law and corruption as key concepts to be explained and understood with attention to the diversity of cultures.

The course content being described has been taught by the author for three years at the University for Peace, a United Nations-mandated university, in Costa Rica. The course, *IPS 6058: Transnational Organized Crime*, mandatory for students in the International Peace Studies (IPS) program area but is often taken as an elective by students in such programs as International Law and Human Rights, Environment Development and Peace, and by IPS students choosing the specialization in Media, Peace and Conflict Studies. These are all Master's-level students from around the world and with a variety of undergraduate backgrounds. Many of them are planning careers as diplomats, working for NGOs, or seeking additional study to supplement

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2   About the Global Programme. The Doha Declaration: Promoting a Culture of Lawfulness. https://www.unodc.org/dohadeclaration/en/index.html (10.06.2018).

3   A/RES/70/1, Transforming our World: the 2030 Agenda for Sustainable Development, 25 September 2015.

4   Global Citizenship Education for a Culture of Lawfulness Initiative Begins its Work. https://www.unodc.org/dohadeclaration/en/news/2018/03/global-citizenship-education-for-a-culture-of-lawfulness-initiative-begins-its-work.html (10.06.2018).

current occupations. With appropriate adjustments for assignments, the course can easily be made appropriate for bachelors-level students.

3. Transnational organized crime as the topic for discussion and illustration

The subject of transnational organized crime (TOC) provides an interesting and appropriate topic by which such key issues as the rule of law, corruption, and cross-national cooperation can be taught. Beginning with the UN Convention Against Transnational Organized Crime (UNTOC), students are made aware of the need for international cooperation in criminal matters. Although UNTOC includes no precise definition of TOC, it is clear that "groups" and "more than one state" are key components to be considered, and the course begins with the implied definition that TOC encompasses all profit-motivated criminal activities with international implications[5].

Globalization's role in TOC is reviewed with attention to both benefits and problems resulting from the facilitation of international trade and communication and the difficulty of regulating both,[6] and that point leads nicely to a discussion of the direct and indirect impacts presented by TOC. But, the key topic to cover at this initial stage is the link between TOC and the Sustainable Development Goals (SDGs), particularly Goal 16 that is dedicated to the promotion of peaceful and inclusive societies for sustainable development, the provision of access to justice for all, and building effective, accountable institutions at all levels.

Many of the targets for Goal 16 are relevant to TOC, but 16.1 (reducing all forms of violence), 16.2 (ending abuse, exploitation, trafficking, and violence against children), 16.3 (promoting the rule of law), 16.4 (reducing illicit financial and arms flows and combatting all forms of organized crime), and 16.5 (substantially reduce corruption and bribery) should be highlighted and discussed[7]. In fact, these five

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5   Transnational Organized Crime - The Globalized Illegal Economy. https://www.unodc.org/documents/toc/factsheets/TOC12_fs_general_EN_HIRES.pdf (8.06.2018).

6   Draw on such readings as N. Gilman, J. Goldhammer, S. Weber, Deviant Globalization, (in:) M. Miklaucic, J. Brewer (eds.), Convergence: Illicit Networks and National Security in the Age of Globalization, Institute for National Strategic Studies, Washington 2013, pp. 3-13; D.C. Morrison, Transnational Crime: Globalization's Shadowy Stepchild, (in:) Foreign Policy Association (ed.), Great Decisions 2010, New York, pp. 31-42; UNODC, Executive Summary, (in:) UNODC, The Globalization of Crime: A Transnational Organized Crime Threat Assessment Vienna n.d., pp. 1-18.

7   As a pedagogical technique, all target indicators for Goal 16 can be shown then students asked which fit most closely with the topic of TOC - having them offer support and examples for their choices.

target indicators provide a reasonable topic outline for structuring the remainder of course material.

To appreciate the difficulties and possibilities of combatting TOC, it is necessary to review theories that have been developed for understanding TOC's structure and operation. Of those to consider, illegal enterprise theory, the social network approach, and the situational approach,[8] present thought-provoking material that can lead to discussion of implications for investigation, enforcement, and prosecution efforts and cross-national cooperation.

After introducing the concept of TOC, highlighting its link to globalization, showing its relevance to SDG 16, and offering some thoughts on how TOC is understood theoretically, the groundwork has been provided to consider the need for attention to the rule of law when addressing TOC, and the importance of corruption as the lubricant for TOC.

4. Integrating the rule of law and the role of corruption in relation to TOC

The rule of law develops from recognition of certain fundamental values that are reduced to written form and have both substantive and administrative procedures established to hold the nation's government to those fundamental principles[9]. Examples of fundamental values and their reduction to written form can be reviewed,[10] thereafter discussion should focus on the challenges of recognizing when violation of the rule of law has occurred and on enforcing the law relevant to that violation.

When students have grasped the intricacies of the rule of law concept, they should be asked to consider how it might relate to TOC. That discussion will eventually lead to, or be directed to, the topic of corruption. When corruption is understood to involve the abuse of power or position for personal gain students should be asked to identify some specific costs of corruption (e.g., subverts the rule of law, causes unequal provision of public services, undermines security), possibly returning to and reiterating, SDG 16.5 (substantially reduce corruption and bribery). Specifically, since corruption of government creates impunity for criminal acts by undermining

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8   See, for example, E. R. Kleemans, Theoretical Perspectives on Organized Crime, (in:) L. Paoli (ed.), Oxford Handbook of Organized Crime, Oxford University Press, Oxford, pp. 32-52.

9   As a pedagogical technique, have students (individually or in groups) identify things they consider to be examples of fundamental values at national and international levels. Compare the results with examples found in the literature.

10   For example, Charter of Fundamental Rights of the European Union, https://eur-lex.europa.eu/legal-content/EN/TXT/?uri=CELEX:12012P/TXT (10 June 2018); What is the Rule of Law? https://worldjusticeproject.org/about-us/overview/what-rule-law (8.06.2018).

the legitimacy of the state and its institutions, SDG 16.5 cannot be achieved without addressing corruption related to organized crime[11].

Relevance of the concept can be highlighted by understanding its extent and distribution. An effective and interesting way to accomplish this is with reference to the most recent Corruption Perceptions Index (CPI) from Transparency International[12]. After briefly explaining the methodology, some interesting graphics linked to the CPI can be reviewed. The graphic showing perceived levels of public sector corruption in 180 countries (using the 2017 CPI) provides an opportunity to discuss how countries with lower index scores (higher perception of corruption) compared with higher scoring countries (lower perception of corruption) might relate to such discussion points as a nation's role as a country of origin, transition, or destination for various TOC.

At this point, it is possible to make links to specific crime types and to TOC more generally. One might begin with reference to Transparency International's three broad types of corruption (grand, petty, and political),[13] but should eventually identify specific crimes that reflect public officials or private business persons voluntarily engaging in for their own personal gain or involve a corrupt exchange between public officials and private businesses or citizens that mutually benefits both parties. From here, course material might include coverage of specific TOC (e.g., human trafficking, maritime piracy, cybercrime, wildlife crime) by lecture or student presentation[14].

5. Legal traditions as a reflection of the diversity of cultures

Cross-national cooperation to prevent and combat transnational organized crime requires police and prosecutors from different countries to interact effectively and efficiently with each other. There are key organizations that have been established to facilitate this process such as INTERPOL, Europol, and Eurojust,[15] and it is important to identify the role of each. However, this topic of cross-national cooperation also provides an opportunity to explain the importance of diverse cultures. Specifically, the variety of legal traditions must be appreciated and accounted

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11   Global Initiative against Transnational Organized Crime, Results-Based Approaches to Organized Crime and Development: Input into the Post-2015 Development Agenda, The Global Initiative against Transnational Organized Crime, Geneva 2015.

12   Find the most recent version at https://www.transparency.org/news/feature/corruption_perceptions_index_2017.

13   What is corruption? https://www.transparency.org/what-is-corruption (10.06.2018).

14   If student presentations (individual or group) are used, a presentation content requirement should be examples of how corruption operates in the context of the crime being discussed.

15   See https://www.interpol.int/ for INTERPOL, https://www.europol.europa.eu/ for Europol, and http://www.eurojust.europa.eu/Pages/home.aspx for Eurojust.

for when cooperative efforts among police and prosecutors are considered. This is accomplished by discussing legal traditions and by explaining how the variation might affect cooperation.

Students are familiar with the concept of legal systems, even if it's only in terms of the existence in each country of some mechanism for law enforcement, adjudication, and punishment. And they quickly understand that the number of different legal systems is likely the same as the number of different countries. They are encouraged instead to think in terms of legal traditions, which places legal systems in a cultural perspective. Whereas *legal system* refers to a country's legal institutions, procedures, and rules, *legal tradition* refers to deeply rooted and historically conditioned attitudes about things such as the nature of law, the role of law in society, how a legal system should be organized and operated, and the way law is or should be made, applied, or perfected[16]. From this perspective, it is possible to analyze the legal system of a considerable number of countries at one time. In doing so, however, we must not forget the variability of systems within the traditions. England, New Zealand, and the U.S. share a common legal tradition but do not have identical legal systems. Similarly, France, Germany, and Italy have their own legal systems but can be grouped in the same legal tradition along with the separate legal systems of Argentina and Brazil.

Legitimate arguments are made for any number of legal traditions having influence in contemporary society[17]. Four are identified for the purpose of this course: Common, Civil, Islamic, and Eastern Asia[18]. A full understanding of comparative legal traditions is beyond the scope of this course, but enough information can be provided over two or three class periods to show key differences. For example, nations more closely tied to the Civil legal tradition view law as resulting from written laws provided by a political authority. This codification process provides clear statements to citizens regarding their rights and obligations. The adjudication process tends to follow inquisitorial procedures wherein police, attorneys, and judges pool their efforts to determine what happened in a case. Trials provide professional and lay judges with an active courtroom role that includes the calling and questioning of witnesses and the ability to simultaneously consider the defendant's guilt and appropriate punishment.

For countries with legal systems more closely tied to the Common legal tradition, the customs of the people provide the primary source of law. Law should stem from

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16   J. H. Merryman, The Civil Law Tradition: An Introduction to The Legal Systems of Western Europe and Latin America (2nd ed.), Stanford University Press, Stanford, CA 1985.

17   See D. H. Bracey, Exploring Law and Culture. Waveland Press, Long Grove, IL 2006; H. P. Glenn, Legal Traditions of The World: Sustainable Diversity in Law (4th ed.). Oxford University Press, New York 2010; and R. Vogler, A World View of Criminal Justice, Ashgate Publishing Company, Burlington, VT 2005.

18   Following P. Reichel, Comparative Criminal Justice Systems: A Topical Approach (7th ed.), Pearson, New York 2018.

traditional, consistent, and reasonable ways of deciding disputes – that is, from custom. The adjudication process is based in the principle that truth in a case will unfold from a free and open competition over which side has the correct facts. These adversarial procedures position prosecution and defense as opponents in a contest with each side presenting evidence supporting their side and challenging evidence presented by the other side. The judge in such proceedings takes a more passive role and serves as a referee in the contest by assuring that the players abide by the rules.

The legal traditions identified as Islamic and Eastern Asian provide interesting contrasts to the Civil and Common legal traditions. Islamic law (the Shari'a), for example, is intrinsic to Islamic faith and life in Islamic countries and, as such, Islam recognizes no distinction between a legal system and other controls on a person's behavior. The primary sources of Shari'a are the Qur'an (the holy book of Islam) and the Sunna (the statements and deeds of the Prophet Muhammad). Adjudication under Shari'a makes use of both adversarial and inquisitorial procedures – with the latter predominant since historically there has been little division between the judge and the investigator. Further, the defense role is mostly one of presenting favorable evidence and safeguarding against improper incrimination. On the other hand, adversarial aspects are found in the right to confront accusers, to remain silent, and a modified presumption of innocence.

For countries identified as following an Eastern Asian[19] legal tradition, the ethical and philosophical teachings of Confucius – especially an emphasis on collectivism and a preference for legal informalism – provide the primary source of law[20]. As with the Islamic legal tradition, the Eastern Asia also reflects a mix of inquisitorial and adversarial aspects. Formal procedures in China are more inquisitorial, but the three stages of the process (investigation, charging, and adjudication) are separate and independent from each other – a feature more in association with adversarial proceedings. Other Eastern Asia tradition countries increasingly adapt adversarial aspects such as a quasi-jury system[21].

With even a brief review of key components in the four legal traditions, students are made aware of how the role of culture is indispensable to understanding a country's legal system. Codification in Civil law, custom in Common law, the

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19 Following the United Nations Statistics Division categorization, these countries are P. R. China (including the special administrative regions of Hong Kong and Macao), Japan, Mongolia, and both North and South Korea.

20 H. P. Glenn, Legal Traditions of The World: Sustainable Diversity in Law (5th ed.). Oxford University Press, New York 2014; J. Liu, G. B. Palermo, Restorative justice and Chinese traditional legal culture in the context of contemporary Chinese criminal justice reform, "Asia Pacific Journal of Police & Criminal Justice" 2009, vol. 7, no.1, pp. 49-68; P. Reichel, Comparative. . ., *op. cit.*

21 See Japan's quasi-jury and South Korea's as described in P. Reichel, Comparative. . ., *op. cit.*; P. Reichel, Y. Suzuki, Japan's Lay Judge System: A Summary of Its Development, Evaluation, And Current Status, "International Criminal Justice Review" 2015, vol. 25, no. 3, pp. 247-262.

integration of religion and criminal justice in Islam, and a preference in some Asian countries for persuasion over punishment, are examples of cultural elements that aid in the understanding and appreciation of legal systems. That appreciation of cultural diversity is necessary as we seek to arrange cross-national (i.e., cross-tradition) cooperative efforts to combat and prevent TOC. For example, determining whether certain investigation techniques (such as wiretaps) are acceptable in a partner country, or identifying who are the key players (roles) to contact in partner countries during the investigation process are not as simple as knowing the answers for one's own legal system. It behooves individual actors and agencies interested in cross-national cooperation to combat TOC to understand and appreciate the diversity of cultures as reflected in different legal traditions.

6. Summary and Conclusion

In the spirit of the Education for Justice initiative, a post-graduate-level course has been described that uses the topic of TOC to show the importance and relevance of the rule of law, corruption, and diverse cultures. This provides a step toward preparing students to be aware, informed, and active citizens, practitioners, and policy makers working to boost cross-national cooperation to combat TOC. These activities will help educators teach students to better understand and address problems that undermine the rule of law, endorse corruption, and promote TOC. All done with the goal of encouraging students to actively engage in their communities and future professions in a manner that supports a culture of lawfulness.

7. Questions

– Building a culture of lawfulness must involve both civic and school-based education. What lessons learned from school-based efforts are useful in establishing civic-based programs?
– Can, or should, a distinction be made between "rule with law" and "rule of law?"[22]
– How can gender issues best be mainstreamed into coverage and discussion of transnational organized crime topics?
– What topics and pedagogical approaches are appropriate when teaching about a culture of lawfulness at the primary education level?

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22 For example, see the distinction made by B. Bowling, J. Sheptycki, Global policing and transnational rule with law, "Transnational Legal Theory" 2015, vol. 6, no. 1, pp. 141-173.

– Which sources are of greatest importance for educators to access so they can identify and utilize appropriate information about the rule of law and a culture of lawfulness?

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The Pedagogy of Placements in Criminology Teaching: An Interactive Parallel Model of Criminological Learning

Abstract: Formalised placements in criminological programmes are not a widely used teaching strategy in England and Wales (United Kingdom). This article presents the findings of a small study which explored how placements reinforced and enhanced the criminological understanding of the student and whether there were benefits for mentors. The preliminary results indicated a positive correlation between what the student had learned in the classroom, and how this was applied in the "real world". Building on Wenger's[1] communities of practice and Dalrymple, Kemp and Smith's[2] triadic learning, there emerged a parallel model of interactive criminological learning for students and mentors; a model that could not be emulated through traditional pedagogical teaching alone, thus reinforcing the concept of experiential learning (Kolb, 2015)[3], in a journey framed by Burch[4] as that from unconscious knowledge and application to a conscious competent performance.

Keywords: pedagogy, criminology, mentoring, work-based learning, experiential learning, higher education

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1   E. Wenger, Communities of Practice, Cambridge University Press, New York 1999.
2   R. Dalrymple, C. Kemp, P. Smith, Characterising work-based learning as a triadic learning endeavour, "The Journal of Further and Higher Education" 2012, vol. 38, no. 1, pp. 75-89.
3   D. Kolb, Experiential Learning: Experience as the Source of Learning and Development, USA: Pearson Education, London 2015.
4   N. Burch, The Four Stages for Learning Any New Skill, http://www.gordontraining.com/free-workplace-articles/learning-a-new-skill-is-easier-said-than-done/ (12.07.2017).

1. Introduction

The first teaching of criminology in Britain can be found as far back as 1921 in Birmingham, taught as a postgraduate course for medical students, where criminality was viewed as an illness to be treated rather than a behaviour that could be modified[5]. Since that time, there has been a steady increase in course provisions, gaining popularity as a choice of undergraduate study particularly in the last 20 years as instant access to crime and media stories excites and intrigues audiences[6]. This rise of interest is exemplified in the four-fold increase of applications for criminology since it was introduced at the University of Worcester (UoW) in 2014, where personal statements often quote for example, *CSI* or *Police Camera Action*[7] as their inspiration to study criminal behaviour. Media sensationalising of sex, violence and organised crime depicts a skewed but somewhat sensationalised perspective of crime and criminality, and professional roles that bear little or no resemblance to the operational criminal justice sector. Amongst those applications received however, there is a clear group of individuals who understand the reality of crime and victimisation and whose interest has evolved through life experience or the desire to support those who pass through the criminal justice system.

At the time of writing there are 106 Higher Education (HE) providers on UCAS, including the University of Worcester, with the option of 234 criminology pathways, 31 of these describing a four-year course with placement ("sandwich") opportunity. These "sandwich" courses generally appear to be structured as a year out to work with an organisation in their field to gain employment experience. The BA (Hons) Applied Criminology course at UoW was designed and developed in response to the identified needs of the criminal justice sector; it was recognised that despite what might be considered a relevant degree, a number of newly appointed staff lacked the ability to apply criminological learning to their work with offenders.

UK Quality Code for HE, Part B section 2[8] of The Quality Assurance Agency for HE forms the basis for the following definition of Work Based Learning (WBL):

Work based learning is learning that is integral to a higher education programme, and which is based in the workplace and credited as part of the university programme. It is usually achieved and demonstrated through engagement with a workplace environment, the assessment of reflective practice and the designation of appropriate learning outcomes.

This definition is embedded in the UoW strategy that commits the WBL element of a subject pathway, to equipping students with the academic knowledge and

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5   E. Finch, S. Fafinski, Criminology Skills, Oxford University Press, Oxford 2016.

6   Y. Jewkes, Media and Crime, Sage, London 2012.

7   CSI and Police Camera Action are popular crime programmes in the UK.

8   The Quality Assurance Agency for Higher Education, http://www.qaa.ac.uk/assuring-standards-and-quality/the-quality-code/quality-code-part-b (31.05.2017).

professional values required for successful future employment. Thus, WBL and/or placements are recognised in HE programmes as legitimate resources that provide employment/sector experience and the opportunity to safely engage in evidence-based practice. The idea of the Applied Criminology programme, therefore, was to design a collaborative provision of knowledge and skills that are transferable into any organisation providing services for offenders as the Transforming Rehabilitation Strategy[9] took hold. This interactive programme was aligned to Dalrymple, Kemp and Smith's[10] notion of "the more interactive and stimulating the pedagogic conditions… the more realistic and relevant to participants the learning milieu is".

2. The Context

Facilitation is the educational skill of accessing the phenomenological world of the individual, textured in social and cultural variables and helping learners get in touch with their internal capacities to learn and to make sense of their experiences[11].

Jarvis's notion of bringing to life the individual learner's unique practical experience to enhance and embed learning is documented in his work of 2002, where he speaks about how a developmental environment is an integral part of building knowledge that becomes a characteristic of the student, rather than knowledge that is heard but then later forgotten; learning in the abstract.

The authoritative teaching model as outlined by Wetter Riechmann and Grasha[12], exemplifies abstract learning through traditional teaching methods, where lecturers deliver detailed information in lecture theatres, to large audiences without a point of reference for real-life application. The authors have experienced this type of teaching in their own learning. They have also encountered some European students who have highlighted the interactive approach within lectures, not previously experienced by them, as one of their reasons for studying criminology in UoW.

In very recent years, there has been a shift in the recruitment of practice-based staff in HE, to facilitate the sharing of knowledge and experience in specific vocational courses. It is recognised that in certain professions (Policing, Probation or Social Work for example) only those with operational knowledge can bring theory to life in a way that is effectively understood. However, despite this shift, Tennant et

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9   Transforming Rehabilitation Strategy, https://consult.justice.gov.uk/digital-communications/transforming-rehabilitation/results/transforming-rehabilitation-response.pdf (31.05.2017).

10 R. Dalrymple, C. Kemp, P. Smith, Characterising…, *op. cit.*

11 P. Jarvis, The Theory and Practice of Teaching, Routledge, London 2002, p. 80.

12 S. Wetter Riechmann, A.F. Grasha, A Rational Approach to Developing and Assessing the Construct Validity of a Student Learning Style Scales Instrument, "Journal of Psychology" vol. 87 Issue 2, pp. 213-223.

al.[13] identify how in construction education there is an increasing preference for the recruitment of career academics. They subsequently argue that this undermines the enhanced value of contextualised teaching the practitioner can offer in pedagogical study. The study of criminology as a single discipline has historically been taught by established academics, those who have studied and researched crime and justice. However, with the expansion of the discipline to incorporate different subject areas such as policing, criminal justice and security, there has been a need to recruit practitioners as teachers.

The change in funding regulations has rendered HE Institutes open to business models that regard students as customers and need increased numbers to maintain financial viability. Unfortunately, this may cause a conflict of quantity versus quality as the universities may not perceive the applied forum of work-based learning as a financially viable option, given the intensive workload produced through collaborative working. In exploring the relationship of students and staff in teaching and research, Dickerson et al.[14] argue that regarding students as consumers shifts the identity of the programme to a product that they purchase rather than the process of a journey of learning. Nevertheless, there is a political "push" for organisations to work more closely with HE Institutions to furnish certain professions, such as the police, with certificated validity[15]. Furthermore, there has been a "push" from the sector for courses that equip students with the appropriate employment knowledge and skills[16] and it is not just the sector that are pushing for this but also "a new discerning student population" (Tennant et al.)[17].

The ethos and style of delivery in teaching all criminology programmes at UoW is informed by, and aligned to, the interactive nature of practice and application of concepts to best develop the skills-base of students ready for the organisational setting. The authors, both from a practice background, draw from a range of professional knowledge[18], skills and experience of working in the criminal justice

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13   S. Tennant, M. Murray, A. Forster, M. Pilcher, Hunt the Shadow not the Substance: The Rise of the Career Academic in Construction Education, "Teaching in Higher Education" 2015, Online. http://www.tandfonline.com/doi/full/10.1080/13562517.2015.1070342

14   C. Dickerson. J. Jarvis, L. Stockwell, Staff-Student Collaboration: Student Learning from Working Together to Enhance Educational Practice in Higher Education, "Teaching in Higher Education" 2016, vol. 21, no 3., p. 250.

15   T. Green, A. Gates, Understanding the Process of Professionalization in the Police Organisation, "The Police Journal: Theory Practice and Principles" 2014, vol. 87, 2, pp. 75-91.

16   Future Criminal Justice Workers Start on New Degree at University of Worcester, http://www.worcester.ac.uk/discover/future-criminal-justice-workers-start-on-new-degree-at-university-of-worcester.html (31.05.2017).

17   S. Tennant, M. Murray, A. Forster, M. Pilcher, Hunt the Shadow not the Substance: The Rise of the Career Academic in Construction Education, "Teaching in Higher Education" 2015, Online, p.11.

18   The authors have a varied background in the criminal justice sector. For example Probation, Prisons and Substance Misuse. Their experience in working with offenders, victims and staff has

sector that corroborate the workplace as a community of practice and development, replicating Wenger's[19] notion of mutual engagement to ensure "practice does not exist in the abstract". A key component of the Applied Criminology course is a formalised placement provision in each year of study that incorporates practice-based teaching with work-based learning, where those learning outcomes are mapped against the National Occupational Standards for the Justice Sector[20]. It is based upon the idea of triadic learning that formulates the WBL experience as an endeavour that is academically aligned rather than based[21] and that proactively involves the 'academic' as the facilitator. Furthermore, Kolb's[22] model of experiential learning is embedded within the course and students are encouraged to consider how this model can be applied in practice to enhance their learning.

Over the past three years formative feedback[23] has indicated an intrinsic link between enhanced learning from classroom teaching with subsequent application in the placement setting. This is reinforced through anecdotal feedback from both students and mentors during placement reviews and in practice-based modules. In addition, feedback has been sought through formalised organisational reviews. All avenues of feedback have acknowledged the benefits of students being in placement, refreshing and developing criminological knowledge and reinvigorating practice. This inspired the authors to conduct a formal research study to further explore the correlation between university and work-based learning as environments of development.

3. The process for placement provision

At the UoW the process involved in the provision of a placement is bespoke to the Applied Criminology programme. All organisations providing placements are offered a two-day mentor training course, specific to the programme. This includes an overview of the course, the roles and responsibilities of all concerned and the process of mentoring the student to reach their full potential. The training uses a number of theoretical models (also taught to students) to structure the learning process, including Kolb's experiential learning model and Burch's four stages for learning any new skill. The former is used to develop and enhance reflective practice skills and the latter, a framework through which the learner and mentor travel from unconscious incompetence to unconscious competence, a state of evidential practice that does

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resulted in an accumulation of knowledge and skills which influence their teaching style.

19 E. Wenger, Communities …, *op cit*, p. 73.
20 Skills For Justice, https://www.sfjuk.com/ (6.06.2017).
21 R. Dalrymple, C. Kemp, P. Smith, Characterising…, *op cit.*
22 D. Kolb, Experiential…, *op. cit.*
23 Formative feedback was collated through student programme and module feedback.

not rely on consciously referring to criminological theory. The mentors develop their knowledge and skills to facilitate an effective learning experience for the student, one that will enhance learning in areas recognised as in need of development as well as embedding the evidence-base to the practical setting.

The students are assessed on an ongoing basis, in relation to their areas of interest, self-confidence and learning needs. They are then matched to the appropriate organisation as well as a mentor. Each student has a pre-placement, midway and endpoint review involving the mentor, student and WBL "academic". These serve to ensure that there is a clear understanding of the requirements of the placement and the learning outcomes that need to be met. This enables ongoing monitoring, assessment and review.

Initially, during the learning process within the workplace environment, the mentor becomes the facilitator; instructs and plans the learning activities, such as observations, shadowing or project work for the student. However, as the student progresses through the course and further WBL experience, it is observed that they transition from the pedagogical learning process to an andragogic one; the responsibility for learning moves from the facilitator to the student. The student begins to self-evaluate, actively identify their own learning needs and to seek out new learning opportunities.

4. Methodology

A pragmatic approach to the study was considered to be the most efficient and effective way of gaining preliminary knowledge on the impact of the lecturers' style of teaching, alongside the experience of practical application; ascribing "to the philosophy that the research question should drive the method"[24]. Using an online survey, a questionnaire was developed for both work-based learning mentors and applied criminology students that incorporated a mixed method of data collection. The idea was to collect some statistical data that would inform our understanding of the usefulness of the placement process and its contribution to learning and application of theory to practice. The questionnaire was also designed to encourage some qualitative data that would provide a rationale for certain responses.

The rationale for the questions asked of the students was to ascertain their perceptions of the placement and how or if it supported their learning and development. These questions were also reflected in the mentor survey as it was felt prudent that we should explore the mentor's opinion of the two-day training, as well

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[24]   A. Onwuegbuzie, N. Leech, On Becoming a Pragmatic Researcher: The Importance of Combining Quantitative and Qualitative Research Methodologies, "International Journal of Social Research Methodology" 2007, vol. 8, no. 5, p. 377.

as any benefits to both them as individuals and their organisation. This was with a view to inform a potential student placement and mentor recruitment strategy.

The authors (as practitioners and as criminology course leaders), being mindful of their potential bias given anecdotal feedback, paid particular attention to the framing of questions, so as not to lead either student or mentor participant to respond in a way that was supportive of the hypothesis. Bryman[25] discusses the need for objectivity in how survey questions are framed, avoiding questions that elicit an expected response. In doing so, the authors were confident that the data collected would be the participant's honest account.

The analysis of the data was undertaken using the framework of Braun and Clarke[26] that invites the researcher to follow six phases of analysis. This is a useful and recursive guide for small data sets of different data types, enabling the outcomes of statistical responses to be supported by textual rationales. In doing so, a thematic understanding emerged, not only through the learning for the student, but also through a developmental process for the mentor. The latter was not anticipated, but from it emerged a parallel process of learning involving the student, the mentor and the academic arena.

5. Findings

The cohort of participants consisted of 32 students (P) across two years (2014 and 2015 entry) and 37 mentors (M).

5.1. Students

Of the 32 students (27 female and 5 male) 34% (11) responded. Although seemingly a low response rate, this is in-line with Nulty's[27] findings (33%) of the average response rate for an online survey. An additional six students had consented but did not submit the questionnaire and interestingly, all those who did submit were female. Due to the small student cohorts, the year of study was not collated to maintain anonymity.

82% said the placement aspect of the course was an important part of their decision to undertake the BA Applied Criminology at the UoW. All 'strongly agreed' that the placement experience had enhanced their learning and supported the development of their employability skills in the criminal justice sector; 91% through observation of evidence-based practice, 82% development of reflective practice

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25   A. Bryman, Social Research Methods, Oxford University Press, Oxford 2016, pp. 254-255.
26   V. Clarke, V. Braun, Teaching Thematic Analysis: Overcoming Challenges and Developing Strategies for Effective Learning, "The Psychologist" 2013, vol. 26, no. 2, p. 121.
27   D. D. Nulty, The Adequacy of Response Rates to Online and Paper Surveys: What Can Be Done?, "Assessment and Evaluation in Higher Education" 2008, vol. 33, no. 3, p. 302.

skills, 55% development of communication skills, 64% enabled to better understand criminological theory, 91% to apply criminological theory to working with people in the criminal justice sector and 64% enabled to develop criminological thinking in academic writing. The collaboration of learning from academia and practice is clearly articulated in the following student comments:

"Identifying theory in practice and applying learning from lectures was a skill that came in my second year placements. This I don't think I could have achieved as well without the prior knowledge base from lectures" (P1)

"Placement has helped me understand the academic side a lot more" (P3)

"The placement experience has not only enhanced my academic learning but also improved my general life skills for example self-confidence etc" (P2)

Students identified the value of academic learning at the UoW and the approach to, and understanding of, the operational setting; "While I agree that practice based learning has been enhanced through placement experiences, the foundation of knowledge from lectures and further reading has been invaluable" (P2). The authors suggest this further evidences the importance of the collaborative approach to learning as a noted in Wenger's[28] notion of mutual engagement.

5.2. Mentors

The survey requested that mentors comment on the two-day training event. Of the ten that responded, eight felt it was very useful and two, useful, nine either agreed or strongly agreed that there were personal benefits in becoming a mentor with some suggesting it supported the development of their own practice (M8).

The results from the mentors have been split into two themes; benefits of placements to students and benefits of placements to mentors. The benefits identified for students were that it enabled them to develop reflective practice skills, with all ten either agreeing or strongly agreeing. It was also suggested that the opportunities they engaged with increased their employability in the sector by ensuring that "*when the student completed a piece of work we discussed how this would support future employment opportunities*" (M4). In terms of criminological learning, 8 either agreed or strongly agreed, that engaging in the placement enabled students to better understand and apply criminological theory; "*Students are able to reflect and demonstrate how theories fit into practise in line with an organisations policies and procedures*" (M10) providing opportunities to embed criminological concepts into real-life situations.

In exploring why mentors decided to undertake the mentoring role, all 10 agreed that they wanted to enhance their career prospects, it was an opportunity for self-development and a new challenge. All wanted the opportunity to develop others,

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28   E. Wenger, Communities..., *op cit.*

which is reflective of the type of work they are engaged in; the empowerment of others.

In terms of the benefits for the mentors, mentoring was perceived as a way of developing their own practice. 3 strongly agreed and 6 agreed that the way in which the placements were structured, with the expectations clearly defined, was an important factor; *"the training was well organised and highlighted what a mentors role is but also what was expected from us as a mentor"* (M1). What was surprising and unexpected, was the way in which the mentoring role not only enlightened the mentor with new theoretical understandings, but also reinvigorated previous learning from their own programmes of work; learning they had perhaps forgotten or was over-shadowed from the day to day pressures of criminal justice work. What was expressed was the value this process of re-learning had provided through the opportunity *"to challenge my own working processes"* (M5) making them think about the 'what' and 'why' of working in a particular way and enhancing self-confidence; [I] *"learnt more about myself and that I am more knowledgeable than gave self-credit for"* (M6). Both indicate that the mentoring experience was a learning process in itself, whether re-visiting previous learning or the opportunity for new learning.

6. Discussion

The analysed responses strongly demonstrate a consensus from both mentors and students that engaging in a placement within the sector does enhance the students' understanding and application of criminological theory. It provides a safe working environment in which the student can observe and try out theoretical ideas and encourages reflection on how evidence-based practice works in an operational environment as well as improving communication skills. Interestingly, this research has also highlighted that the benefits of placements far outreach that of the learning and development of the student but rather they can, and do, reinforce and reinvigorate the criminological understandings of the mentors. In doing so, this process of empowerment improves practice and the value of "self" through the sharing of knowledge; creating a learning environment referred to by Wenger[29] as collaborative and interconnected between knowledge and "real world" events. So, whilst reinforcing the effectiveness of the triadic model, it also recognises the value for mentors. In doing so, it is suggested by the authors that the challenges, complexities and problems identified by Dalrymple Kemp and Smith[30] can be managed by the effective engagement of *trained* mentors in a model of parallel learning.

For those mentors who have not engaged in previous *formal* criminological learning, the mentoring experience has provided, for many, an opportunity for

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29   E. Wenger, Communities…, *op cit.,* p. 73.
30   R. Dalrymple, C. Kemp, P. Smith, Characterising…, *op cit.*

informal learning of the criminological theory and models that underpin their practice. They too appear to progress through the four-stage model as they begin to reflect on and understand the "why" and the "how" they work in a particular way. It is a journey mirroring that of the students; a parallel journey where the difference of working experience (professional knowledge) versus academic study (theoretical knowledge) leads to a mutual engagement in pedagogical learning.

Those mentors with previous criminological learning appear to have drawn upon knowledge that has become an abstract memory, unconscious competence; "doing things right without having to think about it"[31]. This criminological understanding is fragmented in the memory of the mentor and has lost its conceptual meaning but continues to underpin their practice. The impact of the mentoring experience progressively recreates the piece of theory as a "live" concept, one that is then consciously applied and understood in its fullest form again. This state of conscious competence has a positive impact on both mentor and student where they can discuss and reflect on theory, how it applies to certain situations and/or offenders or victims, giving meaning and understanding to the interventions they are providing. Kolb's[32] model can also be considered at this point as both mentor and student travel through the learning cycle together, contributing to the student moving from a state of unconscious incompetence to the ideal position of conscious competence. For the aforementioned category of mentor, they move from unconscious competence, arguably a state of complacency[33] that can result in poor practice, back into conscious competence, thereby creating for both mentor and student what could arguably be described as a utopian position for learning.

7. Conclusion

Given the findings of the research, which the authors acknowledge has its limitations and is course specific, it is believed that the identified significance of the provision of mentor training and subsequent mentor experience resolves the challenges found in the triadic model and assumes instead, a model of parallel learning where the student, mentor and academic engage in a journey of interaction, sharing knowledge, skills and experience. Each learner has the opportunity to embed their learning or re-learning into a contemporary criminal justice scenario, one which values the complexities, and often inflexible manner of practice. This enables the piecing together of how evidence supports that practice in the perpetually changing and therefore, challenging criminal justice environment of England and Wales.

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31   N. Burch, The Four Stages for Learning Any New Skill, http://www.gordontraining.com/free-workplace-articles/learning-a-new-skill-is-easier-said-than-done/ (12.07.2017).

32   D. Kolb, Experiential…, *op. cit.*

33   B. Bates, Learning Theories Simplified, Sage, London 2016, pp. 102-103.

In view of these findings, it is the authors' recommendation that 1) placements should form a central component to more criminology courses, or, at least an opportunity to engage with the sector that reflects the interactive parallel learning model, 2) students on placements should have WBL mentors and 3) identified mentors should receive mentor training specific to the course. And finally, the WBL model should incorporate reviews that explore the application of theory to practice. In doing so, these recommendations align to the proposed interactive parallel model of learning.

8. Questions

– How can universities manage the tension between the benefit of placements with the business model of increasing student numbers?
– How might collaborative relationships be developed with relevant organisations to facilitate student placements?
– How can universities ensure the alignment of both academic and professional knowledge in teaching provisions?
– What benefits would a placement bring to your course/organisation?
– Would you consider incorporating that placement based on the interactive parallel model of learning?

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A Socratic Contribution to Culture of Lawfulness for Teaching Criminology[1]

Abstract: This article presents and discusses the thesis that the Socratic method for teaching Criminology advances students' capacity for self-reflection and enables progressive transformative criminal justice outcomes. In contemporary pedagogics the Socratic method is one of many interactive ways of acquiring legal knowledge. The method's outstanding feature involves global and systemic understanding of human attitudes and values, including the most current and comprehensive 2030 United Nations

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1   The original idea for this article comes from Emil Pływaczewski and Izabella Kraśnicka, two academic researchers from the Faculty of Law of the University of Białystok (Białystok, Poland). They referred to the Socratic method in their 2016 article on legal education in transition (see: E. Pływaczewski, I. Kraśnicka, Legal Education in Transition: Is the Bologna Process Responding to Europe's Place in the World?, (in:) H. Kury, S. Redo & E. Shea. (eds.), Women and Children as Victims and Offenders: Background, Prevention, Reintegration, Springer International Publishing, Switzerland 2016, p. 342), which prompted the first author of the present text to propose that the Faculty conduct a Socratic Seminar on Criminology. The proposal was accepted, hence the text below.

Sustainable Development Goals Agenda "Transforming our world"[2], in essence a new global ethical code underway with a spearheading concept of a global Culture of Lawfulness. Against the background of the pros and cons of this method this article presents the objectives, essentials, and results of the Socratic method for teaching Criminology at the Faculty of Law of the University of Białystok (Białystok, Poland, 2016-2018). It assesses, discusses and draws conclusions from these results in the context central to criminology Sustainable Development Goal 16 of the Agenda: "Promote peaceful and inclusive societies for sustainable development, provide access to justice for all and build effective, accountable and inclusive institutions at all levels".

Keywords: Culture of Lawfulness, criminology, critical thinking, justice, Socratic method, United Nations, sustainable development

1. Introduction

Socrates (c. 470-399 B.C.E.) was the first classical Greek moral philosopher. In 399 B.C.E. in Athens he stood trial accused of two ideologically motivated offences: morally corrupting youth and blasphemy. Sentenced to death, he chose to die by taking his own life. Since then Socrates is regarded as the first Western criminal justice educator[3] who developed the logic and a method of teaching that communicates progressive social ideas relevant to criminology and law.

By virtue of the United Nations Charter, especially its art. 13.1(a) on the progressive development of public international law and art. 55(a). on social progress and development, the Socratic method is as partisan as is this UN core instrument with regard to the direction of criminal and social justice. Following the 2015 recommendation of the Thirteenth United Nations Congress on Crime Prevention and Criminal Justice to start working on a global Culture of Lawfulness[4] (CoL), this article outlines, reviews and draws conclusions on one of its possible didactic tertiary-level tools: the Socratic method. Since the adoption of the 2030 United Nations Sustainable Development Agenda in 2016, the relevance of CoL in countering crime and pursuing criminal and social justice issues has grown. The Agenda's Goal 16 to "Promote peaceful and inclusive societies for sustainable development, provide access to justice for all and build effective, accountable and inclusive institutions at all levels" offers an opportunity to consider in which tertiary-level education fields the Socratic method would be especially appropriate.

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2   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 (15.04.2018).

3   K. M. Holland, Socrates – The First Criminal Justice Educator, "Criminal Justice Review" 1980, vol. 5, no. 1, pp. 1-4.

4   Para. 7, A/RES/70/174, Annex, Doha Declaration on Integrating Crime Prevention and Criminal Justice into the Wider United Nations Agenda to Address Social and Economic Challenges and to Promote the Rule of Law at the National and International Levels, and Public Participation, 17 December 2015, http://www.un.org/en/sections/documents/general-assembly-resolutions/index.html (15.04.2018).

The Socratic method is especially popular in criminal justice teaching across the United States. What is quite common there is not only its modification, whether by modern audio-visual methods or by size, ranging from class-room to lecture-hall[5], but also a discussion on the method's effectiveness. Using the method's evaluation criteria of effectiveness developed by US-Chinese educators[6], the present article limits itself to a systemic review of just one Socratic teaching project in Białystok (Poland) at the Faculty of Law of the University of Białystok. The article's aim is to document that this criminological teaching method advances students' capacity for self-reflection and enables progressive transformative criminal justice outcomes.

2. Objective

Unlike the Socratic method and despite its long history, throughout the ages lecturing has probably been the most time-honoured if not also the most frequent method of tertiary-level teaching and learning. Sadly, common wisdom and scientific evidence go hand-in-hand when it comes to assessing its low effectiveness. One US educator in the 1920s, Harry Lloyd Miller, reminded us that "Learning is that mysterious process by means of which the contents of the note-book of the professor are transferred through the instrument of the fountain pen to the note-book of the student without passing through the mind of either"[7]. Indeed, research findings confirm that students' mental involvement when attending a lecture class or watching TV is just at the same minimal level, flat and at the bottom of the scale in comparison with their involvement in laboratory work, study and exams[8].

3. Essentials

For Criminology, the Socratic method is a case-based "laboratory" work method. Its goal is students' own intellectually satisfactory arrival at humanely-motivated and effective steps and solutions. These case-based solutions should have the potential to be introduced into the realm of criminal and social justice, domestically and/or internationally.

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5   M. Schaefer Morabito, R. R. Bennett, Socrates in the Modern Classroom: How are Large Classes in Criminal Justice Being Taught, "Criminal Justice Education" 2006 vol. 17, no. 1, pp. 103-120.

6   E. Ryan E, S. Xin, Y. Yuan, R. You, H. Li When Socrates Meets Confucius: Teaching, Creative and Critical Thinking Across Cultures Trough a Multilevel Socratic Method, "Nebraska Law Review" 2013, no. 2, pp. 290-331.

7   H. L. Miller, Creative Learning and Teaching, Scribner Inc. New York 1927, p. 120.

8   M-Z. Poh, N. C. Swenson, R. W. Picard, A. Wearable, Sensor for Unobtrusive, Long-term Assessment of Electrodermal Activity, "IEEE Transactions on Biomedical Engineering" 2010, vol. 57, no. 5, pp. 1243-1252.

In a nutshell, this classical case-based interactive method only allows the instructor to ask students scripted questions that prompt them to reflect on possible answers. The answers received are not validated by the instructor. S/he only asks new scripted questions, as the case consideration moves on and students arrive at an immediate, but not necessarily consensual, solution.

The prearranged case must be partly or fully relevant to domestic or international issues of criminal and penal policy and *de lege ferenda* corresponding to these issues. After students have come to grips with the facts of the case, as verified by the instructor through the "what" questions, the instructor sequentially moves with other questions toward the ultimate solution, but they themselves do not offer any answers to the questions put to students.

In the entire process the instructor may only ask questions through which he/she verifies students' critical thinking. The instructor asks:
– First, "what" type of questions about the facts of the case, next "whether" types of questions about its moral and ethical assessment ("right or wrong?");
– Then, "why" type of questions, e.g. why the defendant behaved in such and such way and not in another;
– Finally, "how" type of questions in terms of the conduct of the offender, victim, of other court or community actors, and how actions and solutions could follow in an alternative scenario.

This scripted "what-why-how" interrogative sequence employs inferential/inductive logic from the "particular" through the "general" to *de lege ferenda* "generic" result. This incremental process starts by ascertaining whether the facts of the case at least partly fit some general solution for a particular type of crime, and whether this solution is at least partly relevant to the type of crime in question. A case-specific question "A" entails a less them a minor question "B" (and *vice versa*[9]). Both lead to a generalizable question "C" which implies a self-evident answer. In other words, one does not have to answer a question in order to apply a rule[10]. Thus only the questions play the role of "premises" and results. Without making any use of the answers to the first and the following questions, the learner, by force of own thought, ends up with

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[9] These questions follow from one another, in the sense that they mutually infer from themselves a logically compatible conclusion: either both are true or false (O. Ngwenyama, Logical Foundations of Social Science Research, (in:) K-M. Osei-Bryson, O. Ngwenyama (eds.), Advances in Research Methods for Information Systems Research: Data Mining, Data Envelopment Analysis, Value Focused Thinking, Springer Berlin-Dodrecht-Heidelberg-New York 2014, p. 9). See also: P. Kreeft, Socratic Logic, Saint Augustine's Press, South Bend, IN. 2014.

[10] Inferential induction derives a rule from the case and result, deduction infers the result from a rule and the case (*Ibidem*, p. 9).

a question of a progressive and reformist character in substance – a genuine answer in itself[11].

In sum, this – ideally three – premise –reasoning inductive process, starts with "what" type question on details of a specific criminal case, goes through the "why"-type questions, and may eventually end up with one "how" – type questions on making crime prevention work. In practice, the process may have more premises.

The following example presents the logic of the case inquiry: "A. John Doe, a destitute unemployed worker, committed homicide for which he will be punished; B. A State must be responsible for people's welfare and employment; C. People should have better employment opportunities to meet their welfare needs to stay out of crime".

Figure 1 below graphically shows the circular process described below.

Figure 1. Socratic logic as a transformative process.
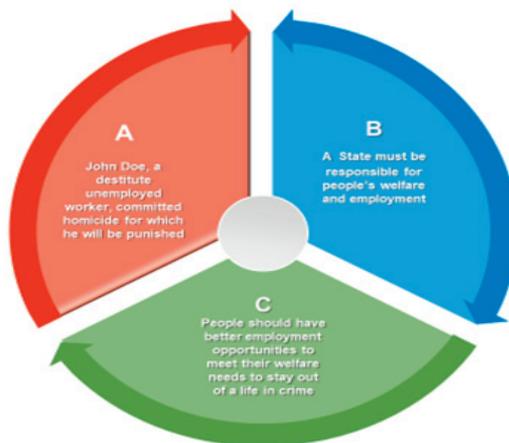
Based on the above explanations, Figure 2 shows how a Socratic inquiry works in discussing and concluding a criminal case in five steps[12].

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11   S. Redo, The transformative power of the United Nations post-2015 sustainable development goals and crime prevention education for a new culture of lawfulness, (in:) J. Winterdyk, Crime Prevention. International Perspectives, Issues, and Trends, CRC Press. Taylor & Francis Group, Boca Raton-London-New York 2017, p. 17; D. Leszczyńska-Jasion, M. Urbański, A. Wiśniewski, Socratic Trees, "Studia Logica" 2013, no. 101, pp. 959–986.

12   Adapted from: F. Lam, The Socratic Method as an Approach to Learning and its Benefits (M.A. thesis, Carnegie Mellon University, USA 2011, p. 16), http://repository.cmu.edu/hsshonors/134/ (04.03.2018).

Figure 2. Socratic inquiry into a criminal case and conclusion
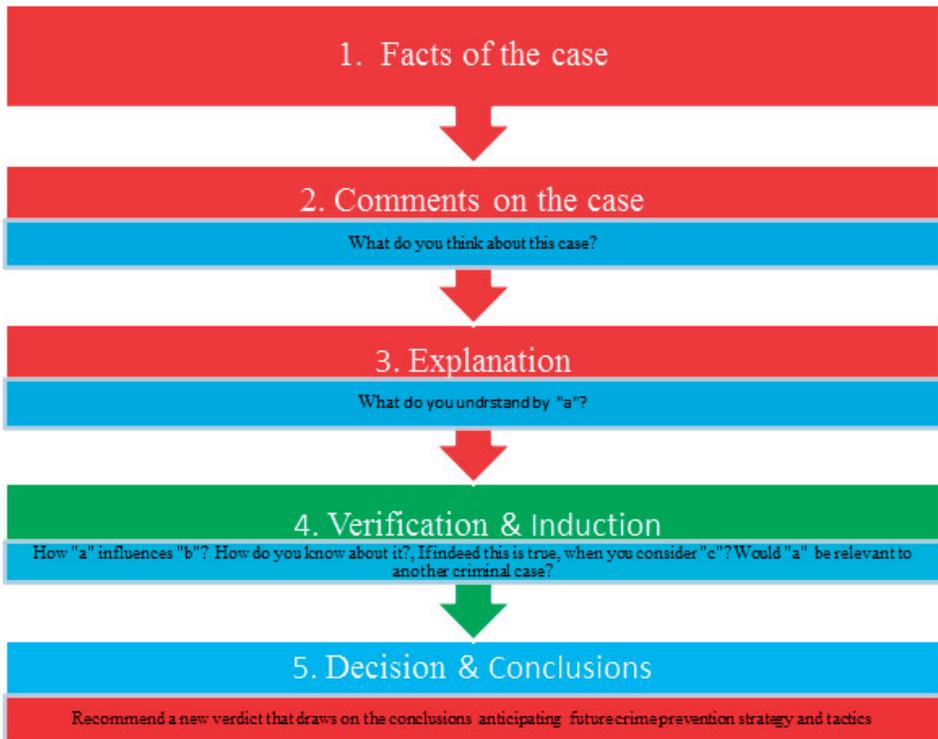
4. Pros and cons of the Socratic method

In contemporary pedagogics the Socratic method is one of many interactive ways of acquiring legal knowledge. It requires a very well-read and perspicacious instructor who, paradoxically, requires to play the role of one lacking the knowledge possessed by the students, while at the same time leading them toward a correct idea or answer without their realizing it. The position demands a great deal of intellectual subtlety to be exercised. The instructor requires to maintain an unbiased and even disposition at all times and in discussions, should never show a willingness to accord with or contest students' views. Indeed, when a situation arises that calls for agreement or disagreement to be expressed, that is the time to introduce a new question which serves to further widen the scope of the discussion and thus adds to the knowledge being accrued. And this illustrates the main difficulty with the classic Socratic method – how to handle the diversity of ideas and answers that can arise from almost any question. A well-versed instructor, up-to-date with the latest crime and justice developments, may have an easier time here than on who is opinionated.

It is a must for students to attend each class fully prepared and having read the material required. For the opening class, knowledge of the overall facts of a given criminal case is sufficient to start a group discussion. However, before each subsequent class students may need to study more material and accordingly the intervals between classes may have to be adjusted to suit. This needs to be borne in mind when planning a timetable.

As a counter to preconception, the instructor, given the initial questions which the students are familiar with and understand the answers, helps them to ascertain whether their own line of thought fits with the case at hand. This encourages an atmosphere of mutual understanding. It helps students to reflect positively and autonomously on their personal intellectual capacity to address the case "the way I think it should be addressed". Ultimately, this subtle intellectual interplay in a learning group fosters the replacement of students' pre-conceptions with scientifically sound questions, ideas and recommendations for action.

5. Methodology

"A Seminar in Criminology taught by the Socratic method" was launched by the Faculty of Law of the University of Bialystok on three occasions (in the academic years 2015/16[13], 2016/17, 2017/18). As the model for the concept of the course, an adaptation of the Socratic method at Ocean University in the City of Qingdao in the Peoples Republic of China was used[14]. Teaching guidelines implemented by this institution were modified for the needs of the Polish model of study and teaching classes. Above all, it needs to be emphasized that both the teacher and the participants of the seminar in Bialystok spoke Polish. Thus, the language barrier encountered by an American Professor in China did not occur in Poland. Therefore, it was not necessary to divide students into groups wherein one person acted as an interpreter. Consequently, the teacher could directly turn to the listener, ask questions and get answers. The final exam also looked differently. The American lecturer applied the method of open books, while in Poland the test corresponded to the form of exams currently used by universities, based on checking the knowledge memorized.

As part of the aims of the course, its organizers were to present new learning methods and provide knowledge. The following elements were used during the workshops: the Socratic dialogue, critical analysis, preparation for the classes by

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13   A more detailed description of the seminar that took place in that academic year is in the publication: E. W. Pływaczewski, Bezpieczeństwo obywateli – prawa człowieka – zrównoważony rozwój. Polskie kierunki interdyscyplinarnych badań kryminologicznych nad bezpieczeństwem obywateli oraz w zakresie przeciwdziałania wykluczeniu społecznemu, Białystok 2017, pp. 407-409.

14   E. Ryan, et al., *op. cit*.

students, limiting the role of the teacher from the position of authority to one of being a partner.

In the first edition of the seminar there were 11 participants. At this juncture it should be noted that the initial meeting had been attended by a larger group of students but during the course two of them resigned. Among those who completed the course, the largest percentage were PhD students in legal sciences – 55%. The classes were also attended by the following: a student of criminology, a law student, a doctor of legal sciences and two persons not connected with the University – a high school graduate and a student from the Police Academy. The group consisted of seven women and four men.

In 2017, 18 people participated in the second edition of the seminar. One of them, due to a conflict with their duties at the Faculty of Law, missed the seminar's summary activities. Two students took part in the seminar in 2016 and decided to repeat the experiment. The profile of participants was slightly more varied compared to the previous year. Again, PhD candidates of legal sciences formed a significant group – 39%. There were five students of criminology and one law student, as well as two Police Officers, a PhD in legal sciences, a PhD in humanities, and a student of the first form at high school. Therefore, four people not associated with the Faculty of Law attended the seminar. The group consisted of 13 women and five men.

In the third edition of the workshop nine people took part and all were women. One was a PhD student in legal sciences and the remeinder were students. Three of them studied law and five studied criminology.

At the beginning of the seminar the participants introduced themselves and talked about their expectations of the classes. Before applying, they had each received a short description of the workshops and expected that the method of conducting the seminar would be different from previously known teaching methods. Students could express their feelings and impressions at the end of the workshop in an anonymous survey, the results of which are presented below.

The questionnaire which formed the survey consisted of 13 questions, with six closed and 7 open. Closed questions included an assessment of the degree of acquisition of individual skills on a scale of 1 to 5. Open questions concerned opinions about the seminar and a comparison of various elements of its methodology with the methods of conducting classes at the Faculty of Law of the University of Bialystok.

Importantly, the same questionnaire was completed by participants of classes conducted according to the Socratic method at Ocean University in the City of Qingdao. Thus, it was possible to compare teaching results achieved among Chinese students with teaching results achieved among Polish participants. In 2016, the questionnaire was completed by 11 participants of the seminar, in 2017 by 15 and in 2018 by 9. Thus, 35 respondents took part in the research. Not all persons answered each question. This was understandable due to the fact that some of the participants

came from outside the university, so they could not relate the experience of seminar classes to classes typical for the Faculty.

At the beginning students answered closed questions concerning the skills they had acquired. In the first question, they evaluated, on a scale from 1 to 5, how the seminar helped them develop their critical thinking ability. In 2016 the rating was 4.545. In the following year, the result was slightly weaker, but still at a high level: 4.333, and in 2018 the result was 4.556. The average rating for all years was 4.457. It follows that the aim of the seminar in the form of teaching students to look critically at a presented issue was achieved with a very good result. Another question that the participants answered was the impact of the classes on their ability to think creatively. This aspect of the workshop was also highly rated by each of the workshop groups. The average rating for all years being 4.343.

Next, the participants of the seminar assessed to what extent the classes allowed them to develop the ability to express their views verbally. Undoubtedly, this was an important aspect of the workshops due to the teaching method. In fact, their main point was discussion. Students were not only obliged to give their opinions, but they also had to justify them and possibly defend their arguments when their view was questioned by other people. Answering the question about the contribution of the workshop to developing the ability to express ideas verbally, in 2016 this aspect of the seminar scored 4.364, in 2017 – 4.067 and in 2018 – 4.111. This gave the average result of 4.171. Of significant importance here is that, only eight out of 35 respondents rated it below 4, which means that for 77% of students the course provided on for raising the level of their oratory and/or negotiating skills.

The participants then assessed whether the workshops had helped them develop their skills for group and individual work. With regards to group work, the best results were achieved in 2017. Although most of the students raised their level of the abilities discussed, the assessments were not so clear-cut. In this case, the respondents chose scores between 2 and 5, while for previous questions the scale was "narrowed" to between 3 and 5. The average rating for all years was 4.118. Assessment of developing the ability to work individually was similar to that of group work. It should be mentioned that own work required, in particular, becoming familiar with training materials, reflecting on them and sharing the opinion with the group. Therefore, most of the tasks should be classified as individual. In 2016, the average rating of this aspect of the seminar was 4.091 and in 2017 it was 4.214. The results were the same for improving the ability to work as part of a group. On the other hand, in 2018 this aspect of the seminar was rated lower in comparison to the development of the ability to work in a group, however, in the end, the average rating was 4.059, which was good.

The last of the closed questions concerned the impact of the seminar on the ability to develop quick pragmatic thinking in stressful situations. In this aspect, the biggest discrepancies between the ratings of each edition of the workshops were to

be found. In 2016, the average score was 4.273, in 2017 it was 3.500, and in 2018 it was 3.889. Thus, the total result was 3.853. This is the least satisfactory of all results, which merits attention. It may be surmised that more "hands-on" involvement in formulating the verdict on the criminal case in question would have helped to improve the rating.

In conclusion, it should be noted that the difference between end assessments of the workshops in each year was not significant. In 2016 the average of scores calculated, based on responses to closed questions, was 4.303, in the next year the seminar was rated at 4.110, and in 2018 it was 4.093. The cumulative score for all years amounted to 4.169. The results are presented in Table 1.

Table 1.

	Quindango Ocean University (P.R. China)	Białystok University of Białystok (Poland)			
		2016	2017	2018	**SUMMARY**
1. The course helped develop my ability to think critically.	4.168	4.545	4.333	4.556	**4.457**
2. The course helped develop my ability to think creatively.	4.022	4.455	4.333	4.222	**4.343**
3. The course helped develop my ability to verbally express ideas.	4.108	4.364	4.067	4.111	**4.171**
4. The course helped develop my ability to work in groups.	4.233	4.091	4.214	4.000	**4.118**
5. The course helped develop my ability to work individually.	3.799	4.091	4.214	3.778	**4.059**
6. The course helped develop my quick pragmatic thinking in stressful situations.	4.129	4.273	3.500	3.889	**3.853**
TOTAL	4.077	4.303	4.110	4.093	**4.169**

In 2018, general opinion of the classes was slightly lower; however, the discrepancies were small, and did not signify lower quality of the presented method of education. Again, as a conjecture only, it could be that more punitive attitudes prevailed in the last seminar over earlier liberal attitudes for handling criminal cases involving immigrants.

Except for this conjecture, it should be emphasized that the goals of the seminar, in terms of developing particular skills, have been achieved. The mean assessment of each aspect of the seminar – at participants' group level – ranged from 3.500 (question 6, 2017) to 4.556 (question 1, 2018). In total, however, the rating was between 3.853 and 4.457. Thus, each of the dimensions of the seminar was rated "above average".

It should be noted that the results achieved at the University of Białystok were better than the outcomes achieved by the U.S. teacher in China. The difference between them was 0.092, which seems to be significant given the small number of respondents. Bearing in mind all answers received to the closed questions, is worth noting that the median was 4 and the dominant was 5. This shows that the vast majority of participants of the seminar significantly broadened their horizons and strenghtend their skills.

Moreover, the course at the University of Białystok allowed to determine that the Socratic method works well for teaching different groups of people. In contrast to China, almost everybody could take part in the seminar in Poland. The participants' education and life experiences varied: there were people involved in academia and those who were just entering the world of academia. Despite these differences, none of the students rated the whole workshop below 3.000. This means that each person participating in the classes developed at least one skill. The results of the survey indicate that these were abilities to think critically and creatively in particular.

However, the effectiveness of the Socratic method was substantiated by the answers to open-ended questions. It was in the second part of the questionnaire that students could express their opinion on the course. In the first question, the participants had to answer "what was the most difficult aspect of this seminar". They pointed to such issues as: overcoming barriers to delivering a presentation in front of a group, working out joint conclusions, learning new ways of thinking and making a critical analysis of one's point of view. Next, students described what for them was the most interesting aspect of this seminar. There were such answers as: the subject and the form of the course, searching for answers and showing one's own weaknesses, no clear-cut good or bad answer, the possibility of exchanging comments with other participants. According to the students, the most valuable aspects of this seminar were: the way of transferring knowledge, the variety of opinions, stimulating reaction and interaction, learning through activity, learning the Socratic way of reaching for the truth, multidimensionality of thinking and problems.

Next, the respondents evaluated the teaching method presented, comparing it to other classes conducted at the Faculty of Law. They indicated that, due to their active participation in the course and active analysis of information, they could memorize more material. Some people claimed that they could recall about 80% of the information. Basically, they agreed on the effectiveness of this method in comparison to lectures delivered ex-cathedra.

In addition to acquiring knowledge, students developed skills such as working in a group or the ability to win other participants of the dialogue over to their arguments. Also, they got to know a new way of analyzing problems, expanded their horizons and discovered other points of view. For the vast majority of participants, taking part in the seminar was a positive experience.

6. Discussion

Socrates was undoubtedly the dominant speaker, and the method essentially assumed such a dominance: to ask a series of questions leading to some conclusion, it was necessary to have a general outline of inference and to be aware of the structure of the problem being analyzed. Otherwise, the right question could not be put. The interviewees were usually limited to acquiescence to what was included in the questions; they had no influence on the content of the questions, because this general structure of the problem was not known to them. Often, the argument led to negative conclusions – the analyzed sentence was rejected as giving rise to a contradiction – or a paradox appeared .

The philosopher controlled the course of the argument perfectly, and the ordering of questions and answers provided by him excluded the thesis of randomness and spontaneity. The question and answer method assumes the dominance of the asking person, in this case Socrates.

Socrates conducted a continuous examination of knowledge according to a relatively constant method. It involved a meticulous analysis of the presented view, so that by asking for a person who was able to express this view, it was possible to check whether it contained a contradiction. This contradiction was the main signal to conclude that there was a mistake in thinking.

Socrates' method involved altogether 5 interlocutors who separately or in groups of maximum 3 people answered his questions. All his interlocutors had come from one legal (Hellenic) culture. In contemporary education, with a high number of students, occasionally representing different legal cultures, with teachers as their senior partners, the classical method faces a number of pedagogical challenges. Speaking of the mere number in the class, workshop or lecture, the Socratic method must involve as many students as possible tasked with formulating hopefully one answer with a teacher who does not dominate the group. Speaking of legal cultures, the Socratic method using inference, induction and analogy is complimentary to the dominant in Western social and natural science Aristotelian legal culture of deductive syllogism and bivalent thinking[15]. The latter is a progressive method, thanks to which natural sciences and information technology yielded so many advancements in the world, whether for good or bad. The original Socratic method is likewise progressive, but only advances good universal values, same for all humankind. In either case, i.e. whether it is pursued with Chinese or Polish students, the Socratic method makes them think ahead of the current situation, with a view to a wholesome improvement in the future.

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15   S. Redo, United Nations Rule of Law, "Common language of justice" and the Post-2015 Educational Agenda: Some Academic and Policy Aspects, "Comparative Law Review" 2013, vol. 16, pp. 223-225.

7. Conclusions

Students valued the opportunity for discussion, a greater freedom of speech than during other types of classes and memorizing information without having to learn it by rote. One of the students described the course as follows: "the subject of the seminar and the way of presenting problematic issues was more interesting and closer to the student than other classes at the Faculty". In the opinion of the respondents, the workshops were distinguished by an interdisciplinary character, a smaller role of the teacher, covering practical subjects and an open dialogue.

Due to the limited scope of this study, only some of the answers to open-ended questions are provided. However, the participants' assessments lead to the conclusion that the goals of the seminar had been achieved and the Socratic method proved to be fairly effective. Its effectiveness is proved, above all, by the fact that almost all people said that they got more out of this course than from ex-cathedra lectures.

As demonstrated, the Socratic method is used to acquire knowledge. Nevertheless, it also applies in practice, in particular in the field of legislation. This means that this method can be used not just in criminology but also in other fields. To confirm this thesis several examples should be recalled.

The Socratic method, in the simplest terms, comes down to the inference "from the detailed to the generic" understood as a universalizing progressive process. Conspicuously or not, this type of reasoning is often used in legislative processes, especially to justify proposed amendments to the law. For example, through the Act of the 10 September 2015, amending the Penal Code, the Construction Law Act and the Executive Penal Code[16], Article 191 § 1aw as introduced to the Polish Penal Code. According to this provision, the penalty of a custodial sentence of up to 3 years applies to anyone who, in order to compel another person to a specific action, uses violence that persistently or significantly impedes the use of an occupied dwelling.

This "generic" amendment was the result of actions taken by the Polish Ombudsman related to specific practices by tenement house owners, who aimed at forcing tenants to abandon their homes. "House cleaners" used such methods as switching off the power or heating, cutting off access to water, picking up keys to the car, removing windows, bricking up the apartment, closing the rooms with padlocks, flooding the apartments, wrecking the building, polluting and destroying its common areas, which hitherto had not been considered unlawful[17]. The new law was intended to guarantee victims protection of their rights. Nevertheless, it is not free from defects, because – on the other hand – it deprives the owners of the possibility of facilitating a quick eviction of tenants who do not fulfil their obligations under the

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16 Dz. U. z 2015 r., poz. 1549.

17 Justification of the Senate's draft act amending the act – Penal Code, Print no. 2682, http://www.sejm.gov.pl/sejm7.nsf/druk.xsp?nr=2682.

rental agreement. Yet, this specific conflict of interests creates a new starting point (detail) from which the Socratic logic could be applied to argue for better living conditions (sustainable livelihood) to be pursued by a socially just housing policy.

It needs to be emphasized that the Socratic method can be used not only in legal education, but also in other social sciences, as emphasized in pedagogical textbooks[18]. However, in order to assess its applicability and suitability for a particular pedagogical purpose, especially in different legal cultures, some background research may be helpful. Only then could Occidental and Oriental learners both benefit from each other's intellectual tradition[19], whether in Białystok or Qingdao.

Last but not least, Peter Kreeft, the author of the book on "Socratic Logic", emphasizes that "[l]ogic has power: the power of persuasion. [But] any power can be either rightly used or abused"[20]. While the course at Białystok University promoted the United Nations social justice, the Socratic method itself may, in contrast, be used to opposite ends. Hence the provocative Socratic question: "Is this kind of justice superior to any other?", and the following final questions.

8. Questions for further discussion

With reference to all the above (including Figure 1), the following questions may be put:

- – Why did John Doe commit a crime? What influenced it?
   (economic factor)
- – Was it possible to avoid committing a crime? What could have influenced John Doe not to commit a crime?
   (having a job)
- – How did the fact that John Doe was unemployed influenced his behaviour?
   (the fact of unemployment meant that he did not have the means to live, which forced him to commit a crime)
- – Who and how should solve problems related to people's welfare and employment?
   (the State)
   (the State should ensure a better welfare system and incisive employment for people)
- – How can ensuring a better welfare system by the State affect people and their behaviour?

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18   See: Cz. Kupisiewicz, Podstawy dydaktyki, Warszawa 2005, pp. 90-91, 98-99; L. Zarzecki, Wybrane problemy dydaktyki ogólnej, Jelenia Góra 2008, pp. 82-83.

19   J. Li, The Core of Confucian Learning, American Psychologist, February 2003, pp. 146-147.

20   P. Kreeft, Socratic…, *op. cit.*, p. XI.

(through alleviating poverty and improvements in living standards people may have less motivation to commit economic crime)

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Commentary
on the Judgment of the International Criminal Tribunal for the Former Yugoslavia (ICTY) of 29 November 2017
(Case No. IT-04-74-T)[1]

I. This criminological commentary has been rendered on the grounds of the following facts.

In case of *Prosecutor v. Jadranko Prlić, Bruno Stojić, Slobodan Praljak, Milivoj Petković, Valentin Ćorić and Berislav Pusić*, the six Croat alleged war criminals before the Tribunal were charged with crimes that met its Statute's disposition concerning the alleged acting of participating in a Joint Criminal Enterprise (JCE). According to the bill of indictment, its goal was to permanently remove the Muslim population from Herceg-Bosna.

All six defendants entered a 'not guilty' to each of the 26 offences brought against them. In particular, all the defendants denied the displacement and/or confinement of civilians, murder and destruction of property during attacks, ill-treatment and criminal damage during eviction operations, ill-treatment and harsh conditions in detention, the wide-spread and almost systematic use of detainees to carry out work on the frontline and even to serve as human shields at times, as well as murder and ill-treatment associated with this work and with the use of human shields and, finally, the displacement of detainees and their families from the territory of Herceg-Bosna following their release.

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1   Judgment of the International Criminal Tribunal for the Former Yugoslavia Prosecution of Persons Responsible for Serious Violations of International, Humanitarian Law Committed in the Territory of the Former Yugoslavia since 1991.

The Tribunal found them guilty and sentenced them to various individual terms of imprisonment, ranging from ten to 25 years. Upon hearing the guilty verdict carrying a 20 years custodial sentence one of the defendants, Slobodan Praljak stated: "Judges, Slobodan Praljak is not a war criminal. I reject your verdict with contempt!" Thereupon, in the courtroom, he committed suicide by taking poison[2].

II. The Tribunal's verdict discussed here raises several questions. The first is whether the act carried out by Slobodan Praljak was Socratic[3]? The second is whether, given the absence of any stated purpose to the custodial sentence handed out by the ICTY, (e.g. incapacitation, retribution, redress for a victim, rehabilitation, as a general deterrent[4]) it is possible to learn how the suicide of Slobodan Preljak and the ongoing imprisonment of the other members of the JCE might have generally impacted on, or resonated in, the post-war societies of Croatia, Bosnia & Hercegovina and other Balkan countries? And especially, whether the suicide committed by one of the convicted – presumably to demonstrate that the atrocious ethnic cleansing of the 1990s was not criminal – has frustrated the intended preventive effect of his 20 year custodial sentence, yet the other custodial sentences have constructively affected the war-torn Balkan societies as the result?

Following the answers, this commentary considers the educational recommendations ensuing *de lege ferenda* for a global Culture of Lawfulness (CoL) – a concept known outside of the United Nations, and now readapted by the United Nations Office on Drugs and Crime, under the recommendations of the Thirteenth

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2   "On 29 November 2017, Mr. Praljak committed suicide in Courtroom 1, ICTY. During the public pronouncement of the appeal judgement, the Appeals Chamber confirmed his conviction and affirmed his sentence of 20 years of imprisonment… Soon thereafter, Mr. Praljak passed away" (Statement on the independent review regarding the passing of Slobodan Praljak, ICTY, 31 December 2017, http://www.icty.org/en/press/statement-on-the-independent-review-regarding-the-passing-of-slobodan-praljak (29.11.2018)).

3   R. A. Duff, Socratic Suicide?, "Proceedings of the Aristotelian Society", New Series, vol. 83 (1982 – 1983), pp. 35-47; E. Durkheim, The Rules of the Sociological Method, The Free Press, London-New York-Toronto-Sydney 1982, p. 102; S. Redo, E. W. Pływaczewski, A. Langowska, P. Alkowski, A Socratic Contribution to Culture of Lawfulness for Teaching Criminology, "Białostockie Studia Prawnicze", *idem*.

4   There is no fixed list of purposes of international criminal sentencing. By and large, major human rights instruments do not address them. It is not possible to assess how the sentencing objectives guide the determination of a particular sentence. In the majority of cases it seems that the purposes are only *pro forma* listed at the beginning of the sentencing part of the judgment, with no explanation what they entail and no clear link to the rest of the sentencing argumentation (see further: L. Kurki, International Standards for Sentencing and Punishment, (in:) M. Tonry and R. S. Frase (eds.), Sentencing and Sanctions in Western Countries. Oxford University Press, Oxford 2001, pp. 331-378; B. Hola, Sentencing of International Crimes at the ICTY and ICTR. Consistency of Sentencing Case Law, "Amsterdam Law Review Forum" 2012, vol. 4, no. 4, p. 6).

United Nations Congress on Crime Prevention and Criminal Justice[5].There in para. 7 this concept was mentioned *en passant* as a contribution to the UN 2030 Sustainable Development Goals (SDG) Agenda[6] – a rallying mandate for all UN entities, with its pivotal SDG 16.

It promotes "peaceful and inclusive societies for sustainable development, […] access to justice for all and […] effective, accountable and inclusive institutions at all levels". Finally, this commentary seeks to respond to the question, whether there is any constructive legacy which ensues from the ICTY verdict for a global CoL as a part of the 2030 Agenda?

III. The question whether or not the suicide had a Socratic character seems justified because Socrates' self-inflicted death by poisoning was a genuinely progressive, altruistic act, committed for promoting universal values. Ever since these values have been stipulated by United Nations law, the suicide of the Convicted is not of the same ilk. However, since he rejected the ICTY verdict with contempt, the canon of *nemo iudex in sua causa* alone corroborates a non-Socratic character of his act.

Yet, despite this apparent finding, the comments on his self-inflicted death lend themselves to a dispassionate scientific classification as either "*un acte positif*" ("altruistic") or "*un acte négatif*" ("fatalistic")[7]. Accordingly, the following comments are reported below[8].

"[T]he Croatian government offered condolences to Praljak's family and said the ICTY misrepresented its officials in the 1990s. Prime Minister Andrej Plenković stated that Praljak's suicide illustrated the 'deep moral injustice towards the six Croats from Bosnia and Herzegovina and the Croatian people'. All party caucuses of the Croatian Parliament except the SDP [Social-Democratic Party – added] and GLAS [Civil-Liberal Alliance – added] issued a joint statement declaring that ICTY's verdict did not respect the 'historical truths, facts and evidence', and that it was 'unjust and unacceptable', adding that through his suicide Praljak symbolically rejected the total injustice of the verdict. They expressed their condolences to the families of victims of crimes committed during the Bosnian War. Croatian president Kolinda Grabar-Kitarović expressed her condolences to Praljak's family, calling him 'a man who

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5   A/RES/70/174, Annex, Doha Declaration on Integrating Crime Prevention and Criminal Justice into the Wider United Nations Agenda to Address Social and Economic Challenges and to Promote the Rule of Law at the National and International Levels, and Public Participation, 17.12.2015, http://www.un.org/en/sections/documents/general-assembly-resolutions/index.html (04.03.2018).

6   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 (04.03.2018).

7   Introduced by E. Durkheim in his landmark "Suicide" study (1895).

8   https://en.wikipedia.org/wiki/Slobodan_Praljak (29.11.2018).

preferred to die rather than live as a convict for crimes he did not commit'. Miroslav Tuđjman stated it was a 'consequence of [Prajak's] moral position not to accept the verdict that has nothing to do with justice or reality'…'while Croat Chairman Dragan Čović stated that Praljak had sacrificed his life to prove his innocence'. The Serbian politician Vojislav Šešelj commented that, although he was an enemy, it was a 'heroic move worthy of respect' and there should have been more such strong blows to the Tribunal".

On the other hand, "Serbian President Aleksandar Vučić said he would not mock Praljak's suicide but has criticized the reaction of Croatian officials, stating that it would have been unacceptable for him to praise a convicted war criminal as a hero or to denounce an ICTY verdict"…"[T]he Bosnian member of the Presidency of Bosnia and Herzegovina, Bakir Izetbegović, said that Praljak was led to suicide by the joint criminal enterprise". "Former ICTY judges Wolfgang Schomburg and Richard Goldstone commented that 'it is a tragedy that someone in such a situation has taken their own life'. Goldstone added: 'In a way, the victims are deprived of this deed. They did not get full justice.' Martin Bell described Praljak as a 'theatrical character' who 'died in a theatrical way'. Andrey Shary for *Radio Free Europe/Radio Liberty* noted that 'Praljak's samurai final act might evoke respect or sympathy', but 'individual perceptions of honor don't always coincide with correctness'". "*The Daily Telegraph…* journalist Harry de Quetteville opined that the defiant suicide was 'the most dramatic proof possible of a very uncomfortable reality: many in the Balkans refuse to accept that the horrific ethnic cleansing of the 1990s was wrong'…Finally, "[f]ormer US Ambassador for War Crimes Issues Stephen Rapp compared Praljak's suicide by poisoning to that of another war crimes convict, Hermann Göring, noting that in both cases the verdict nevertheless stands for all history[9] in establishing the facts and in showing that the perpetrators of atrocities will be held to account"[10].

IV. Answering this question in the negative may preclude the response to the second question, in so far as it involves the policy on the purpose(s) of the sentence handed down to Slobodan Praljak. However, this answer can neither obviate the impact of his suicide on general deterrence, nor of that deterrence's intended effect, possibly communicated through the imprisonment of others who, like him, had pleaded 'not guilty'.

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9   This may be apparent reference that, indeed, not only Hermann Göring, but also Field Marshal Hajime Sugiyama (the Japanese General Staff and War Minister), and Prince Fumimaro Konoye, a former Prime Minister, committed suicide before appearing before the International Military Tribunal for the Far East ("The Tokyo War Trials", 1946-1948) and General Hideki Tōjō, the former Prime Minister considered to be the most important of the defendants, attempted suicide by a self-inflicted gunshot.

10   https://en.wikipedia.org/wiki/Slobodan_Praljak (29.11.2018).

In the absence of the explicitly stated purpose(s) of their imprisonment for the international humanitarian law violations in the verdict, one may only infer *a maius ad minori* that, indeed, general deterrence was one of them. Namely, that purpose was implicit in the creation of the ICTY by the United Nations Security Council. It explicitly stipulated that the tribunal shall "contribute to ensuring that such violations are halted"[11].

Additionally, this inference can be confirmed by statistical analysis. The analysis covered verdicts handed down by the ICTY (81 valid convictions), the International Criminal Tribunal for Rwanda (43 valid convictions), and the Special Court for Sierra Leone (8 valid convictions) handed down to 132 defendants altogether. The analysis (covering an unspecified period of time), showed that the three tribunals sentenced those most culpable[12] to longer prison terms, thus "giving effect to [the tribunals'] deterrent function"[13].

V. The question on the deterrent effect of other imprisonment sentences handed down in the same ICTY case cannot be answered even in that way. This is due to lack of statistical analysis which would have investigated whether or not the suicide by the Convicted or the imprisonment of the other Convicted offenders had any effect on the rates of other suicides and homicide across the Balkans[14], let alone of the impact that particular act on violent crime victimization, or on the perceptions of "right" or "wrong" through public opinion polls there. In their lieu, Balkan governmental officials, party politicians, lawyers and journalists opined the verdict of the ICTY, as reviewed above.

The review also suggests that an immediate general deterrent effect of the 20-year imprisonment sentence may have been confounded, if not extinguished, because of the choice made by the Balkan officials quoted above. They all expressed national sentiments, as well as doubts if not resentment, towards universal values. This *ex promptu* "rational choice" is, for most of them, the result of a cost-benefits assessment. In the immediate context of the suicide of the Convicted and effective imprisonment of the other tried JCE perpetrators ("national heroes"), the ensuing benefits may be tangible, but in the longer term they may also involve prospective costs.

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11   S/RES/827, 25 May 1993, PP 7.
12   In terms of the severity of the crime, the number of counts on which they were found guilty, and the number of aggravating factors.
13   J. Meernik, Sentencing Rationales and Judicial Decision Making at the International Criminal Ttribunals, "Social Science Quarterly" 2011, vol. 92, no. 3, p. 605.
14   Cf. for a fragmentary statistical analysis 1989-2003 of suicide rates in the Balkans in pre- and post-war time (in:) S. Selakovic-Bursic, E. Haramic, and A. A. Leenaars, The Balkan Piedmont: Male Suicide Rates Pre-war, Wartime, and Post-war in Serbia and Montenegro, "Archives of Suicide Research" 2006, no. 10, pp. 225–238.

VI. This then raises the question: Is there any constructive legacy of the ICTY verdict for education in a global Culture of Lawfulness as part of the United Nations Sustainable Development Agenda which ensues from Slobodan Praljak's self-inflicted death and from the other JCE offenders' effective imprisonment? In other words, is there any difference between the post-Second World War period and now in institutionally or – at least – conceptually, answering this question?

For the time being, in the United Nations, CoL is very skeletal. It cannot provide any answers that would satisfy governments and academics. Culturally-sanctioned suicides are the order of the day across the world. Their roots lie in legal cultures of the UN Member States, to which the Organization has very limited access. For instance, suicide as an act of murder and terrorism in some Islamic States is currently practiced by local militants who regard it as martyrdom in the context of war. "*Seppuku*", the ancient samurai ritual of suicide by self-disembowelment is still honourable in Japan, but formally outlawed since 1873. In the past century, *samurai* ideals, and the idea of *seppuku* along with them, have been revived during periods of patriotic nationalism, most prominently during World War II. During that era Japanese soldiers, equipped with both modern firearms and mass-produced swords, committed seppuku rather than surrender to enemy forces. The spirit of *seppuku*, if not the technical practice, was likewise epitomized by the so called *kamikaze* pilots who, with Japan facing defeat at the end of the war, deliberately piloted their explosives laden aircraft into allied naval vessels. In 1945, both soldiers and civilians alike committed *seppuku* in droves as an apology for having lost the war[15].

Praljak committed suicide immediately after hearing the ICTY guilty verdict. For the tribunal, this act was a protest against the judgment of facts and the law[16]. Be that as it may, in the opinion of some commentators, the fact that the ICTY judges did not explicitly mention for what criminal policy purpose(s) the sentence was handed down is indisputable (this author only opined that general deterrence, i.e. "halting" the violations might be one of them, but there could also have been specific deterrence or retribution). This lacunae begs the penultimate question, whether other international criminal courts, primarily the International Criminal Court should through their sentencing guidelines pursue a much more incisive, constructive and informed criminal policy for the world, backed by their own Research & Development capacity, as well as by academic findings.

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15   J. M. Pierre, Culturally Sanctioned Suicide: Euthanasia, Seppuku, and Terrorist Martyrdom, "World Journal of Psychiatry" 2015 vol. 5 no. 1, p. 4.

16   "[A] brilliant mind, a man who has been comprehensively educated, achieved [success] in many areas, a true 'homo universalis'" (A. Vladisavljevic, Praljak's Courtroom Suicide Anniversary Marked in Croatia, "Balkan Transitional Justice. Balkan Insight", http://www.balkaninsight.com/en/article/anniversary-of-praljak-s-courtroom-suicide-marked-in-croatia-11-28-2018 9 (29.11. 2018)).

Such guidelines should be informed by the sustainable development goals of the 2030 Agenda and analysed for their relation with particular criminal policy purposes, relevant to the verdicts by international criminal courts. For instance, the Agenda's crosscutting SDG 16 includes the promotion and enforcement of non-discriminatory laws and policies for sustainable development (16.b). The international criminal judgments, where appropriate substantiated *ratione materiae* with that goal, may add a new perceptive rationale to the Agenda. Even on the strength of that particular aim alone, there is a huge difference between the post-Second World War period and now, both institutionally and conceptually. Consequently, the legacy of the last ICTY verdict should encourage the International Criminal Court and other international criminal courts to draw on the Agenda's SDG 16 to form their sentencing guidelines *in spe*.

VII. Finally, one more question needs to be answered: Whether this author should have written this commentary focusing not on a single case of the ICTY-related suicide, but on genocide trials? After all, suicides are culturally sanctioned and in the entire 1993-2017 ICTY period only three such suicides happened[17]. In other words, should therefore the genocide and not the suicides, be *toute proportion gardée* more relevant to a global Culture of Lawfulness?

Exactly because genocide is unreservedly condemned worldwide and, over the years, has become such a relevant issue for a global CoL, culturally-sanctioned suicides, which are so idiosyncratic (especially the one discussed here), prompted this author to express his opinion. Interculturally, preventing such suicides from happening in international criminal justice cases should motivate governments and societies to do away with idiosyncratic regressive features of nationalistic cultures which sanction such self-destructive non-Socratic acts. They are detrimental to the restoration and maintenance of peace and to social progress, which has been mandated since 1945 by the United Nations Charter.

Now the implementation of the Charter can be assisted by advancing goal 16 of the 2030 UN Sustainable Development Agenda. May the last ICTY verdict, delivered a year ago amidst the dramatic circumstances of a courtroom suicide, be a call to incorporate the ICTY's legacy in international the criminal justice and crime prevention in a progressive manner, i.e. in a Socratic spirit worldwide.

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17   Including two prison suicides: Slavko Dokmanović (Case no. IT-95-13a, http://www.icty.org/case/dokmanovic/4); Milan Babić (Case no. IT-03-72, http://www.icty.org/case/babic/4), (29.11.2018).

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Witold Klaus, Katarzyna Laskowska, Irena Rzeplińska (eds.)

Przestępczość cudzoziemców. Aspekty prawne, kryminologiczne i praktyczne

[Criminality of Foreigners. Legal, Criminological and Practical Aspects]
Wydawnictwo Naukowe SCHOLAR, Warszawa 2017, pp. 639

The anthology with the above title was written by 19 Polish authors under the editorship of Witold Klaus, Katarzyna Laskowska and Irena Rzeplińska, as a joint project of the Polish Academy of Sciences and the University of Białystok.

Altogether the reviewed monograph consists of 27 chapters, divided into six parts. They deal with the criminality of foreigners in Poland (I); transborder criminality of foreigners (II), organized crime with the involvement of foreigners (III); human trafficking and smuggling (IV); preventing crime by foreigners based on experiences from selected countries (V); and good law enforcement practices concerning crime of foreigners (VI).

This review's English-language readership, inspired by the United Nations call for safe, orderly and responsible migration, may be interested in finding out what the Polish authors have to say in each of the book's relevant parts. The miniscule number of foreigners that are suspects of crime in Poland (less than 1%), mostly involved in road traffic offences and smuggling of, and trade in, counterfeit goods (pp. 36-37), which initially says little about the relevance of the UN call in a book of over 600 pages. But, clearly, its voluminous size and versatile content are commensurate to the intensity of the moral panic caused by the 2015/2016 influx of refugees and migrants from the Global South into the Global North, including social unrest in some of the European Union countries which accepted them. Although Poland did not accept migrants, in one of the chapters in part I of the anthology, Dagmara Woźniakowska-

Fajst (p. 51, ftn. 36), notes remarkably similar levels of strongly negative perceptions of Polish and Western European respondents to various surveys asking about their opinion on honour crimes perpetrated by Muslim male immigrants on Muslim women. The respondents unanimously – and in my opinion quite rightly – felt that these crimes objectify women. However, the author falls short of noting that the problem of sexual domestic violence is by far not limited to Islam but is global and involves likewise drastic sexual assaults by native men on native girls, for example those by British men in the group of Pakistani perpetrators of organized crime[1]. This is not a minor oversight, because this fact reminds that such assaults are not an intercultural but a sex/gender related matter. Finally, she concludes with the following statement: "Persons who decide to emigrate, generally have higher social capital, are more open to innovation, are more courageous and determined than persons who do not take such decisions. Even among foreigners who committed serious crime, there is an over-average percentage of persons declaring secondary and tertiary education. Most of them also worked at the time of crime commission. If Poland decides to accept a bigger number of immigrants awaiting now in the Southern Europe a new safe life, their involvement in crime will grow. There will also be the growth of persons willing to take a job, settle, having children which will be taught in the Polish schools, and if we do not discourage them, they will stay in Poland permanently, so as to work legally, pay dues from which Poles will obtain their pensions" (p. 85).

In four articles in part II Magdalena Perkowska (pp. 117-240) discusses various facets of transborder crime of EU 'aliens' visiting Poland, both along its external Schengen border (Belarus, Russia, Ukraine) and within the EU's Schengen area of participating countries. In keeping with this review's goal, in one of her texts she anticipates that the Global South-North migration "through the territory of Poland to the EU" (p. 164) will only be a transit area to Germany and the Scandinavian countries, because Poland is not an attractive destination in terms of social welfare. This quote must either be a Freudian slip that unwittingly overwhelmed the author confronted with the populist "polexit" thinking, or is just misedited. Be that as it may, the author very correctly emphasizes that the dynamics and patterns of transborder crime are strongly influenced by the implementation of various local and EU – (non) Schengen transborder agreements on the movement of people. Against the background of these agreements, the author anticipates that illegal border crossings and/or the use of falsified travel documentation may become a real problem for Poland as an entry State to better off EU countries, including those mentioned above.

In part III Katarzyna Laskowska in four out of the five chapters deals with organized crime involvement of foreigners' in Poland, mostly people trafficking, the smuggling of migrant and the smuggling of and the alcohol and cigarettes. She

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1   H. Kury, S. Redo, Refugees and Migrants in Law and Policy – Challenges and Opportunities for Global Civic Education, Springer Heidelberg 2018, p. 872.

arrives at the conclusion of that the transit location of the country encourages the latter kind of operations, especially because of high profit margins, and the leniency of punishment. But even more appealing to various foreign organized crime actors in Poland – as the book informs – is that on their way to Western Europe Poland is reportedly the one country in which they feel safe, in the sense that they are fought humanely, i.e. as per democratic law enforcement rules. Hence, the author surmises, when the economic growth of Poland continues, Poland will eventually become a country that is a final destination for immigrants (pp. 292-3).

The view about the eventual final destination status is not shared by another of the book's contributors, Monika Szulecka (pp. 450-1) who does not think that Poland will ever become such an attractive destination as the more developed countries of the European Union. In part IV, along with three other authors, she offers a criminological analysis of the phenomenon of people trafficking and irregular migration affecting Poland. Szulecka argues that orderly, safe and responsible migration will increase the likelihood of the engagement of migrants in crime, because undocumented immigrants must stay out of conflict with the law, or – at least – reduce its likelihood. She argues that non-documented immigrant status: "paradoxically…causes that they avoid contacts with the inspection authorities and law enforcement agencies, indeed they feel forced to obey the law". Immigrants "who want to remain unnoticed, do not cross the street on red traffic light or take part in events that potentially may be of interest to law enforcement services (e.g. brawls or speeding). It is probable, but also more difficult to uncover, that foreigners operating beyond registration, supported by other immigrants, are involved in crime (as for example, in illegal cigarette production or in falsifying trade marks in an unregistered manufacturing plant" (p. 451).

In the same part IV we may note two further points from the two chapters by Barbara Namysłowska-Gabrysiak on, respectively, the perpetrators and victims of trafficking. First, regarding the perpetrators, there are controversies concerning general leniency of court verdicts handed down to traffickers in Poland. The author discusses a very controversial judgement in this context, relating to the case of a Bulgarian trafficker of Turkish descent and Muslim religion who received such a lenient sentence because in the court's view "in his culture such behaviour is not considered blameworthy", and his mother "accepted his conduct" (p. 322). It may be recalled here that after a remarkably similar opinion of a German judge in the case of domestic violence by a Moroccan perpetrator on a German spouse[2], the judge was removed from the bench. There should not be any respect for such conduct, whether by kin or by a court of law in any country for that kind of legal culture. It is therefore self-explanatory what should happen in the Polish judiciary to rectify its own mistaken attitude. Second, regarding the victims, the author pursues arguments

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2   *Ibidem.*

for the strengthening of legal and social welfare assistance for the trafficked women, including first of all the adjudication of compensation for them (p. 360).

In part V six the authors analyze crime prevention issues concerning foreigners in the light of the experiences of some European States (the Czech Republic, France, Italy, Ireland, and Russia), the European Union and the United Nations law. Given this review's focus on safe, orderly and responsible migration we should emphasize the importance of this part for its Polish readers keen on learning about the integration experiences of foreigners in the above host countries. Across this spectrum of countries, Italian integration experiences are very well analyzed by Katarzyna Gracz who separates in this regard, documented from non-documented immigrants. The latter, in conflict with the law, undergo a very successful resocialization and integration experience through various acculturation programmes, reportedly putting them on the same footing as their Italian peers (p. 496). She quite rightly concludes that "Regardless of the frontier EU country status, Poland and Italy share also the status of a bridge between the two worlds, hence - because of the geopolitical location of these countries – it is easier to shape and regulate the massive movement of people than to fight it" (p. 497).

Given this final lofty reflection on the precarious interstate and intercultural status, it could also have been the metaphoric accord of the book alerting to the inevitability of enhancing international cooperation for orderly, safe and responsible Global South-North and South-South migration. However, this call is a prelude to the book's part VI that contains four more contributions on good law enforcement practices concerning crime committed by foreigners. Piotr Chlebowicz and Wojciech Filipkowski point to various modes of strategic criminalistics analysis in investigating trafficking, Małgorzata Makarska writes about the preparatory proceedings by Border Guards, Katarzyna Płończyk writes about operational-investigative actions in the preparation of procedural material in criminal cases involving foreigners, Paweł Golonka writes on operational-investigative actions and the preparation of procedural material in cases against perpetrators of human trafficking. So striking is the content contrast between the penultimate and the ultimate part of the book that one wonders whether these four articles could be fully appreciated despite their extremely useful thematic. As "down-to earth" texts, they bring into the book technical "tools of trade" in border and internal law enforcement for countering crime by foreign perpetrators. Quite rightly therefore the book's subtitle mentions "legal, criminological and practical aspects" (emphasis added) of crime by foreigners, whereby the latter four articles well fit the last aspect.

This subtitled qualification of the book leads me to two questions on the book's crime prevention merits, especially where enhancing international cooperation for creating one culture of lawfulness is concerned. Its topicality has been signaled in this book by part V on the crime prevention questions, and part IV in which the afore-noted verdict of the Polish court is discussed. Both prompt the two questions

mentioned: First, how in any legal culture one may now respect a cultural identity tolerating human trafficking? Second, what should be done to incorporate the migrants, whose social capital is appreciated by the contributors to the reviewed book, successfully in a host society's fabric, despite the documented migrant crime paradox?

In asking the first question, we should be aware of the Fourteenth United Nations Congress on Crime Prevention and Criminal Justice (Kyoto, Japan, 2020) topic "Multidimensional approaches by Governments to promoting the rule of law by, inter alia, providing access to justice for all; building effective, accountable, impartial and inclusive institutions; and considering social, educational and other relevant measures, including fostering a culture of lawfulness while respecting cultural identities(emphasis added), in line with the Doha Declaration[3]".

This question is motivated by the prototype definition of culture of lawfulness (CoL), now under discussion by Member States of the United Nations. It emphasizes that "Culture of lawfulness means that the dominant or mainstream culture, ethos, and mindset (emphasis added) within a society supports the application of laws to societal activities and interactions, and believes that those laws should be applied without regard to an individual's family, ethnicity, race, gender and political or other status within the society"[4].

There is no answer to this question in the reviewed book which otherwise very well caters to the topic of the Fourteenth United Nations Congress. Perhaps the Fourteenth United Nations Congress can find it?

Hence, also understandable is posting to the same addressee the second question on the documented migrant crime paradox. To answer this question, the Fourteenth Congress has not only the aforementioned Doha Declaration of its predecessor, but also the United Nations Sustainable Development Agenda 2016-2030[5] and the 2018 "Global Compact for Safe, Orderly and Regular Migration" – both pivotal for managing the orderly, safe and responsible Global North-South movement of people.

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3   A/RES/70/174, Doha Declaration on Integrating Crime Prevention and Criminal Justice into the Wider United Nations Agenda to Address Social and Economic Challenges and to Promote the Rule of Law at the National and International Levels, and Public Participation, 17 December 2015, http://www.un.org/en/sections/documents/general-assembly-resolutions/index.html (01.05.2018).

4   Adapted from R. Godson, A Guide to Developing a Culture of Lawfulness, "Trends in Organized Crime" 2000, vol. 5 no. 3, pp. 92-93.

5   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 (01.05.2018).

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