

Questioning preconceived notions about organized crime: an interview with Petrus C. van Duyne

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Abstract: This email interview with Petrus van Duyne was conducted during 2014. It discusses van Duyne's background, influences, career and current thinking and activities from his graduate and postgraduate years to his work with the Dutch Ministry of Justice and as a professor at the University of Tilburg. In 1999 he set up the Cross-border Crime Colloquium which has met annually since then. It brings together experts on international organised (economic) crime to discuss the latest developments in empirical research, legislation and law enforcement with a geographical focus of Western, Central and Eastern Europe.

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Michael Woodiwiss: Can you start by telling us a little about your educational background?

Petrus van Duyne: I first went to a Training College. So I am a certified schoolmaster, but I never practiced my educational skills but went to the University of Groningen instead. I chose psychology as my main discipline with the emphasis on psycholinguistics and philosophy of language and formal logic.

Experimental psychology was my route towards a method of thinking. In that regard I became a follower of Descartes' "discours de la méthode",¹ I got a scholarship for London University and studied and experimented there for 18 months.

Michael Woodiwiss: Can you discuss how you got interested in organized crime and its control? When and why did you first become interested in the problem? What authors/colleagues would you describe as particularly influential on the development of your thinking on organized crime?

Petrus van Duyne: After my Master's degree, and two irrelevant jobs, I began researching for the Ministry of Justice into decision making by Public Prosecutors and subsequently by judges in chamber (a "secret place"), all on real life cases. The aim of the ministry was to harmonise sentencing. As researcher I did not share that aim: I did not want to change the world but just look at it and describe what I saw. The so-called "impact factor" was and still is alien to me. I am still an old adherent of "value-free" research.

In 1983 I completed my PhD on decision making by prosecutors. The title of the dissertation was, "Simple decision making", and it argued that most human things are simple, although sometimes chaotic. When that happens it is called "complex", which is a lofty word to cover the chaos, which frightens people. Calling something "complex" gives an

¹ Descartes' "discours de la méthode" is a treatise published by René Descartes in 1637. His approach was to doubt everything, so that he could assess the world from a fresh perspective, clear of preconceived notions

association of something “deep”; chaos is brute, meaningless and aimless, an existential threat we can never solve.

Having completed my doctorate I became interested in fraud and economic crime: rational crime. Around the time of my first publications in the early 1980s, organized crime was being constructed as a ‘threat’ to the nation. I noticed that within all that fear there was no mention of the organization of fraud and economic crime and I decided to provide some counter balance. This made me unpopular with the ‘organized crime as threat’ propagandists, since the organisation of economic crime was outside their framework - based, as it was, on the “usual suspects”. It took about a decade before economic criminals were reluctantly accepted as worthy of study within the sphere of organized crime.

I should add that having learned so much about the law-in-action I also took a Master’s degree on law. So I am also a jurist.

Michael Woodiwiss: Your work is full of references to history and philosophy. Where does this come from?

Petrus van Duyne: To be frank, I am more interested in history than in criminology, which (in the way most criminologists present it) is one of the dullest branches of behavioural science: often pretentious, presenting the most banal things in difficult wording. History gives us the shadow of our past which manifests itself in our thinking and doing. Despite our futuristic thinking, the only thing we know more or less for certain is what lies behind us. So to understand a certain problem I try to find parallels and similarities with the past and how we got from the past to the present and beyond. And as far as “general wisdom” is concerned, one always finds some philosophical “pearls” which put things into perspective. My background in formal logic I preserve for analysing researchers’ and policy makers’ written output, revealing a lot of politically correct but fuzzy thinking.

Michael Woodiwiss: Up until recently the Dutch police shared with colleagues internationally the perception that organized crime was a reflection of their own organizations – consisting of stable and

hierarchical organizations. When and how did you realise that these were false perceptions?

Petrus van Duyn: I have never been a good “believer”: researchers should be professional non-believers. At first I hardly understood what the detectives were talking about: criminal organizations structured like firms, with divisions, captains, lieutenants etc. I did not recognise it in the way criminals behaved as far as I could deduce from written evidence. How to capture all that criminal disorder in one story? One day, on my way to the Hague open market for vegetables, cloths etc. the coin dropped: the whole crime industry is a big irregular market like the Hague market, with small stall holders, some bigger ones, making deals, getting more privileged access to goods, organising other stall holders, having setbacks, shrinking again, being replaced by more aggressive entrepreneurs etc. That made sense.

At that moment I was back again to “human size”, realising that one has to look figuratively at the “shoulders of the person who is assumed to carry a big organisation”. Consequently, do not put a too large hypothetical organisational burden on too small shoulders. From that angle I wrote about crime-entrepreneurs, rarely mentioning “organized crime”, demonstrating one does not need it to describe the organisation of crime. And if you do not need it, drop it according to the principle of “Occam’s razor”.²

Naturally, that was not to the liking of the policy makers and “embedded researchers” who thought that I was attacking their “organized crime = big” thinking and undermining their status and dignity within the “congregation of believers”.

Hence, I entered the field from a different angle: I did not ask “what is organized crime?”, but “what do people do while organising crime?” That is the approach of an experimental psychologist. Meanwhile, I noticed that the police projected their own organisational “map” onto what they conceived as Organized Crime: divisions, units, adjutants etc.

² Occam’s Razor is a problem-solving principle that holds that among competing hypotheses, the one with the fewest assumptions should be selected.

That did not make sense to me: I saw criminal organisers running enterprises.

Mainstream criminologists went along with the police thinking and started with their monkish medieval work of defining “the essence of”, a kind of scholastic sterile undertaking. Similar to their medieval colleagues most of the energy went in mutual quoting, while the analytical sharpness was lacking.

I still adhere to the adage: “the man is the measure of all things, of the being as it is and the non-being as it is not”,³ which also applies to organising criminals. This was an unpopular message. I was told that I wasn’t taking the issue seriously enough.

Michael Woodiwiss: You have repeatedly stressed the banality and dullness of crime entrepreneurs’ lives as a contrast to the notion that “organized crime” is something extraordinary. Does this mean you do not see anything special about them that would set them apart from “non-organized” criminals or law-abiding citizens?

Petrus van Duyne: Crime-entrepreneurs are not from the moon and they share all our human characteristics and very often our social values and tastes as well. As far as tastes are concerned: we inspected all the confiscated valuable objects from 1994-2006 looking for evidence of a connection between fine arts, antique and “organized crime”. Yes, there were many valuable objects, but invariably, they were watches and Swarovski crystal. The paintings and statues were the same as you can find in lower class dwellings: the gypsy girl with one naked breast, the fisherman-with-knife, the little boy with a tear in his eye, and some other popular pictures rarely worth more than €500. Statues (porcelain) were of similar taste level: girl on horse (again one naked breast) etc. Hence, there appeared to be no connection between the art sector and organized crime despite one or two quoted and over-quoted anecdotes, based on normal gossip and platitudes.

³ A statement credited to the Greek philosopher Protagoras, circa 480 B.C. – 410 B.C.

As far as their lifestyle was concerned, the materialistic dreams of criminals do not differ much from the average television-viewer looking at his/her favourite “who wins the million?” show or something like that. The only difference is the scale: where the common man dreams of ten grand, a criminal dreams of 10 million or more.

In one respect there is a difference. Organising criminals are much more sensation seeking. And this is often their undoing, because while the common man seeks his sensations in a guarded artificial context, like a fun-fair, with no real risk, the criminal entrepreneur seeks his sensations while doing business., making quarrels, evoking aggression and other exciting ways of dealing with others. Still banal, although sometimes with a lethal ending.

However, there are also other kinds of crime-entrepreneurs, usually those that have had an earlier licit business life and they differ. The files of these well organized criminals are boring to read. They paid their debts on time, they didn't cheat, they treated their staff in a fair way and equally important, they handled their business routines in a 'correct' even if criminal manner.

Michael Woodiwiss: After the end of the Cold War, during the 1990s, there was a lot of talk from Western politicians and in the media about the Russian Mafia and other threats from the East. What were your perceptions of the 'threat' from the East during this period?

Petrus van Duyn: Well, I thought these notions were silly: attempting to penetrate a country with little illegal commodity to offer and no social bridgehead seemed unlikely to lead to success. There were a lot of rumours, Russians buying brothels etc., but in the end the rumours died away. Still a whole police unit looking eastward at “organised crime from the east” was established: conveniently in the eastern provinces of the country, because it was thought that the Russians and other eastern European criminals would appear there first.

Equipped with this level of intelligence no police management could win a war, not even one on disorganized crime.

Michael Woodiwiss: So how serious would you say the problem of ‘organizing crime’, of criminal entrepreneurs is? What is the worst case scenario in your opinion?

Petrus van Duyne: There is no organized crime problem as a huge overarching menace. There is a weakness-of-state problem. The strength of criminal organisations derives from the nature of the state and society, but in an inverse relationship. Little more than that. So the fundamental threat is a weak and, in particular, corrupt state, and the worst-case scenario is the possibility of major criminal actors succeeding in obtaining an institutional bridgehead with influence on policy makers, who may themselves be criminal. Ukraine under Yanukovich⁴ is a recent telling example, but it just reflected the way the Russian Federation was being run, which is a very worst case scenario too: a world power ruled like a mafia family.

Wealthy drug barons and other successful underground entrepreneurs have a less prominent place in my worst case scenario: these form a nuisance which is reduced by occasionally “mutually weeding out”. Granted, a cynical observation, but with sufficient realism: I have not seen many “criminals on pension” or many leaving large inheritances; the most notable exception being that of Joseph Kennedy, the father of the 35th President of the United States, John F. Kennedy.

Michael Woodiwiss: In all the years that you have been interested in these phenomena, have you ever thought that things are turning to the worse in the Netherlands or in Western Europe more generally?

Petrus van Duyne: No, only with the exception of Italy because of the condoning of a completely corrupt Prime Minister and his closeness to the Mafia. Otherwise, all the economic and life expectancy parameters went up, till in 2008 a particular species of organized criminals turned many good prospects sour: our bankers, displaying the same amount of greed and sensation/risk seeking as crime-entrepreneurs. There is of course a difference: these were smart law breakers, manipulating things

⁴ Viktor Yanukovich is a Ukrainian politician who served as President of Ukraine from February 2010 until his removal in 2014.

so that the sensations and the risks were society's risks, while making it appear that only "their little toes" crossed the "thin blue line" of crime. They would say "but illegality was not intended" or that their acts were "illegal but not criminal". If I have one concern, it is about these "untouchables".

Michael Woodiwiss: In the 1990s the international community turned to the concept of Transnational Organized Crime (TOC) to develop a more coordinated response. Out of this came more centralised policing structures in many countries and closer co-operation between the police agencies of different countries. What do you think were the positives and negatives of these developments?

Petrus van Duyn: The TOC thing is a political US crowbar disguised in United Nations. Once adopted it could be used for anything that can qualify as TOC. On the ground most police cooperation developed without the TOC conceptualization, simply out of practical requirements. So the added value is mainly for the higher-up officials: the "brass" and "suits" you can observe in all airports, going to or coming from one of their redundant international meetings.

Michael Woodiwiss: What are your thoughts on the methodology of the assessment of organized crime policy in Europe after the 2008 Framework Decision⁵?

Petrus van Duyn: Hilarious, if it was not so intensely sad. I am doing the assessment of that framework decision for the Netherlands and I have never seen such a murky methodology: ill formulated questions, wrong scaling, no test runs of the questionnaire, no transparency in interviewer selection (we are not allowed to know each other's names), etc. If this is supposed to lead to "evidence based policy making" the whole phrase reflects no more than an empty pretention. Still, it is important because the Commission will use this crippled assessment as

⁵ The aim of the EU Framework Decision on the fight against organized crime was to harmonise Member States' definitions of crimes related to a criminal organization and to lay down corresponding penalties for these offenses. Available at http://europa.eu/legislation_summaries/justice_freedom_security/fight_against_organised_crime/jl0011_en.htm.

a basis for a new Framework Decision. And nobody is allowed to have a look at the underlying “data”. You may reckon that the SOCTA is run in a similar way!⁶

Michael Woodiwiss: If you were in charge, what kind of assessment would you implement?

Petrus van Duyne: My first action would be to establish a proper database. That database does not contain the phrase “organized crime”, because that is a conclusion and databases should not contain conclusions. The counting unit of that database must be (a) the perpetrator, (b) the deed/law breaking, (c) the responsible agency, for obvious reasons. The result would be a big excel file to be converted into SPSS⁷ for more extensive analysis. And then, at the very end of the analysis, coding, recoding and cross-tabling, one can start to single out subsets of crime and one of them could be “the organization of crime”. Then it becomes time for qualitative investigation, file analysis, interviewing etc. And at this stage the word “assessment” can creep into the picture.

Michael Woodiwiss: In your chapter on “Plato’s Cave” in the *Routledge Handbook of Transnational Organized Crime* you note the importance of a massive definitional shift by the United Nations between the 1970s and 1990s. Can you elaborate?

Petrus van Duyne: There was not a real *definitional* shift but a change to a different quarter on the compass of political attention. And that change was of historical importance. For the first time, in the 1970s, the law breaking of the powerful, transnational, the international corporations “beyond the reach of the law” was named as a criminal category at a world forum. This time a real moral issue of transnational (in)justice by the strong against the weak has been put on the

⁶ The European Union (EU) Serious and Organised Crime Threat Assessment (SOCTA) is described on Europol’s website as the ‘product of systematic analysis of law enforcement information on criminal activities and groups affecting the EU. The SOCTA is designed to assist decision-makers in the prioritization of organized crime threats. Available at <https://www.europol.europa.eu/content/eu-serious-and-organised-crime-threat-assessment-socta>.

⁷ SPSS is a software package used for statistical analysis.

international agenda. And it was not done in the shrill, moral panicked tones that have since rung out in the organized crime debate that was orchestrated by the US.

That development has been thwarted cunningly by the US. Step by step the needle of the compass was pushed back again to the traditional crime quarter of drugs and other crimes-for-profit committed by the “usual suspects”. There was little resistance to this change: the industrialised UN member states were pleased when the 1970s resolutions and motions were swept “under the carpet” and the new required changes were slipped in. So, as soon as the wolf cry “fight organized crime” is sounded, who dares to stand up and say: “I doubt what you say and want more evidence”? At the end of this change came the real bonus for the “congregation of believers” : the anti-money laundering regime. Policy makers, politicians and – oh shame – most of my co-researchers, they stepped in line like a row of geese.

Michael Woodiwiss: Can you elaborate on the relationship between the International Monetary Fund, and other US-dominated institutions, and fellow researchers in the economic field?

Petrus van Duyne: Only very partial as I have had no direct contact with these institutions. The connected researchers are mainly economists and interact only with “safe” researchers: that is those who do not question the basic tenets of these institutions. Of course it is not a kind of overt suppressive regime and nobody is browbeaten, but there are simpler measures like allocated grants to keep the flock of trusted believers together. For example, one is not invited as an expert at money-laundering conferences funded by the ECOLEF*(EU)⁸ such as the November 2012 conference. The organiser of the conference explained to me that “of course I could not be a speaker with all the guys of ECOLEF present”.

⁸ ECOLEF stands for the Economic and Legal Effectiveness of Anti Money Laundering and Combatting Terrorist Financing Policy.

All this is not an evil conspiracy but the consequence of a general bias towards a “cordon sanitaire” everybody (unconsciously) tends to: keep disturbing minds out and nice pliant people in.

Open debate is *not* a natural state of the intellectual world: it is something one has to fight for anew at every opportunity. And the more powerful and rich the institutions, such as the US-dominated ones, the more tenaciously one has to fight.

Michael Woodiwiss: What is your opinion of media representations of organized crime today? Are there any representations that go some way to represent intelligently the difficulties involved in understanding organized crime?

Petrus van Duyne: In the media the “screaming” attention to Organized Crime has lessened a bit. Sensational cases are broadcast, but not under the shrieking headlines of “Organized crime on the march”. Nowadays these are more inside page stories.

In the official documents (national as well as EU) I find the phrase “criminal association”, “criminal co-operative”, “Organized Crime Group”, alongside Organized and Serious Crime, as kinds of general headings. All are used interchangeably with little conceptual analysis. Also the new methodology to assess organized crime (with the core meaning of Organized Crime Group) and criminal markets (my suggestion of the 1990s) has become now so refined, that I wonder how simple cops will ever master it. So I expect a new hilarious assessment!

Michael Woodiwiss: One might get the impression that your relationship with the police was problematic. Yet you were one of the first researchers in Europe to make extensive use of law-enforcement data to study illegal entrepreneurs. Can you tell us a little bit about how difficult or easy it was for you to access the data you collected in the Netherlands, Belgium, Germany and the UK and the data that you used in your article “The phantom and threat of organized crime”, published in 1996.

Petrus van Duyne: My relationship with the police was not problematic, that is: with the police on the work floor. I have always got the information I asked for. I shared their rooms, ploughed through their files, discussed their opinions and my opinion and as a rule we agreed on the evaluation of the human sides of the criminal actors. So, as soon as detectives shake off their official phraseology they demonstrate a pretty sober view on ‘their’ criminals and are not so defensive. This applied to other countries as well as the Netherlands.

The problem with the police is a higher-up thing: as soon as they have to cast their down-to-earth ideas in policy making papers, some kind of linguistic re-casting takes place: the worn-out higher policy making language distorts their meaning. Higher-up management endorses and demands this language. Those at the top have little sense of humour and little understanding of the mundane realities of “human size”.

Therefore, attempting to bring these lofty and high-flown policy making papers back to “human size” is not taken well. As a matter of fact in 1995 I was literally banished from the Dutch Ministry of Justice (although I was allowed to keep my salary) and quietly banished from the cosy congregation of “embedded criminologists” to the university. Then I followed my own research path and established a different researchers’ network: the Cross-border Crime Colloquium.

If there were clashes about my research in the police, I only learned about that later and from other people. For example there was a row between Europol and CEPOL⁹ in 2008 about my invitation to one of their conferences as a key-note speaker.

Michael Woodiwiss: What happened?

Petrus van Duyne: One of the leading organisers from Europol threatened to withdraw all funds from CEPOL if they kept me on the list of key-note speakers. Thereupon Janos Fehervary¹⁰ begged me to step

⁹ CEPOL is the name of the European Police College Network. It incorporates representation from all the police colleges and academies within the EU member states.

¹⁰ Janos Fehervary is Head of Unit for International Affairs at the Ministry of the Interior, Austria.

aside and be satisfied with attending a minor workshop. However, I had to chair another conference the next day and withdrew altogether.

This was a bit heavy, but quite usual for the sneaky way office holders and higher policy makers try to remain clear of potential critical thinking. In 1992 I established the European Documentation and Research Network on economic crime. I got a handsome budget from the European Parliament, much to the disgust of the European Commission which wanted anything but an independent research group doing research on EU-fraud. So higher civil servants started to wreck the enterprise by not releasing the budget. The chairman of our foundation was Ernesto Savona. He told me that he got a telephone call from "Brussels" that the budget would only be released if he would fire me and our secretary. Savona refused but the foundation was slowly strangled in petty bureaucratic countermeasures and obstructions.

Three years later he succeeded in smuggling me into a EU subsidised conference on corruption *after* he had already received the grant. Otherwise he would have been barred.

Independent research is possible as long as one is prepared to accept such costs.

The back yard of science is banal and flat or with a good sense of black humor hilarious: stuff happens.

Michael Woodiwiss: Most of your research draws on law enforcement and other official data of some sort. Have you ever been able to talk to criminal entrepreneurs?

Petrus van Duyne: Yes, and you cannot believe how boring they are. And in addition, unreliable. I always have the routine of doing interviews when I can predict 90% of the answers in order to check lies. And if the criminals were not lying, they were either evasive or glorified their actions.

Michael Woodiwiss: You are the man behind the annual Cross-border Crime Colloquium. How did this get started?

Petrus van Duyne: I realised when my appointment as professor in 1995 was greeted with icy silence in the Netherlands that it did not make sense to put my energy into this provincial world. I therefore decided to look further afield and focused on Central and Eastern European countries, just to probe their intellectual potential and to see new faces. Also, it was a new territory: all criminologists look west, at the US, so I look east.

As cross-border crime was still under-researched I organised the first Colloquium in Prague and from then on it got the “wind in the sails” and has continued till the present. Every year new (young) researchers present their work.

We get no subsidy, each participant pays his/her own travel and the organisers pay for the stay and the publishing costs of the annual volume. This formula has worked till the present: no money, no authority or hierarchy, but just a real “free thinking” group of people.

Michael Woodiwiss: Much of your recent research deals with crime and corruption in Eastern Europe. Can you tell us about the insights you have gained into the developments since the end of the Cold War?

Petrus van Duyne: My research path to corruption in the Eastern region, particularly the Balkans, went first through the subject of money laundering, from where the pass-over to corruption was natural. My insight into the corruption issue in this region is that no anti-corruption reform will succeed or last if it is felt as a threat to the power relations of the political and business elite. Naturally, these countries are under heavy pressure from the EU “to do something”. Well, they do “something”: they adopt all the international conventions, laws and regulations, as well as establishing Anti-Corruption Agencies (ACA), but when it comes to implementation, the vigour evaporates and in 6-12 months much has returned to “normal”. What remains are legislative and institutional Potemkin Villages¹¹.

¹¹ According to legend in 1787 Count Grigory Potemkin wanted to show Empress Catherine the Great that the newly conquered territory now known as Ukraine was prosperous during her visit. For that aim he erected villages consisting only of house

Then with a lot of money the EU or the Council of Europe (CoE) organises a new series of conferences, and a new wasteful cycle starts again. For example, there was a project to develop a system of corruption statistics: a basic and simple task. I participated in two of such events. With a UK colleague I wrote a report for Serbia and one for Kosovo making easy and feasible proposals. But we were left stranded by inertia and indolence, and the passive attitude of EU and CoE officials, idly standing by while opportunities slipped like dry sand through the fingers.

Michael Woodiwiss: Do you see any differences in developments from country to country?

Petrus van Duyne: One should rather differentiate between economic-socio and cultural regions. There are not many striking differences between the countries of the (western) industrialised world with the exception of tolerance for corruption and economic crime in countries like Italy and Spain. I think the underground markets of prohibited substances do not vary enough to anticipate different developments. Authoritarian governed countries may develop differently, because of the closer connections between wealthy crime-entrepreneurs operating in the licit markets and key figures within the governments. With their role in non-transparent party funding they have a considerable leverage.

Selected Publications of Petrus C. van Duyne:

'Organized Crime, corruption and power', **Crime, Law and Social Change**, Vol. 26, (1997) 201-238.

'Criminal Financial Investigations: A Strategic and Tactical Approach at a European Level', (with Michael Levi), **Transnational Organized Crime**, Vol. 5, Issue 1 (Spring 1999) 37-66.

fronts as décor. New Potemkin villages can be defined as impressive facades or shows designed to hide undesirable facts or conditions.

Drugs and Money: Managing the drug trade and crime-money in Europe (with Michael Levi) Routledge, 2005).

Upperworld and Underworld in Cross-Border Crime (co-edited with Klaus von Lampe and Nikos Passas) (Wolf Legal Publishers, 2002)

“Transnational organized crime: thinking in and out of Plato’s Cave’, in Felia Allum and Stan Gilmour (eds.), **Routledge Handbook of Transnational Organized Crime**, (Routledge, 2012) 36-52.