Criminology post-Maastricht

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Abstract. My objectives in this paper are to try and identify the range of challenges that now confront critical criminologists who work in, and are attentive to, the “new Europe” whose construction was so clearly signalled by the Maastricht Treaty (the Treaty on European Union) of 1993. I want to concentrate here on two issues – firstly, the challenge of situating the work of criminology in relation to the process of political union (and enlargement) of the European Union, and, secondly, the articulation of an agenda of work for critical criminology, that derives, from an understanding of this broader context.

Situating critical criminology/critical social science vis-à-vis the new Europe

However ill-received the truth may be in certain European member-states, there is no question but that the signature of the Maastricht Treaty marked a real turning-point in the long post-war history of moves towards an enhanced European integration (Bainbridge and Teasdale, 1995; Urwin, 1996). Resulting from two extended “inter-governmental conferences” (IGCs) on economic and political union conducted between 1989 and 1992, organised under the personal tutelage of Jacques Delors, François Mitterand and Helmut Kohl, the Maastricht Treaty radically revises the agenda of the Treaty of Rome, with its emphasis on inter-governmental and inter-national cooperation, and confirms the establishment of a common European market inter alia with the abolition of all internal borders between the fifteen member-states. The new common market of the 15 member-states comprises a total population, on 1994 figures, of 370 million citizen-consumers (by contrast with the 360 million of the North American Free Trade area, established in 1991) (Milward, 1997). Maastricht also recognises the European Community itself, with all of its developed trans-national institutions, as the central “pillar” of the European Union, buttressed by two “inter-governmental pillars”, the Common Foreign and Security Policy (CFSP) and the Justice and Home Affairs pillar (JHA).

Propelled, no doubt, into action by a series of gloomy economic forecasts as to the future of unreformed and “illiberal” European economies,\(^1\) the passage of the Treaty on European Union opened the door for a series of quickly-unfolding economic initiatives – most notably, the movement towards the adoption of a common currency (the Euro), launched across eleven member-states on 1 January 1999,\(^2\) and the negotiation of a number of agreements with national governments of many of the middle-European countries, which would like to be given full membership of the enlarged European market place. On current information, there is formal agreement that the European Community will offer full membership of the union to the Visegrad Quartet (the Czech Republic, Hungary, Poland and Slovenia) within the next five to ten years.\(^3\) The rationale for these moves, above all, is the addition of a further 110 million citizen-consumers to the European market-place, with all the additional growth potential.

Running in close parallel with these movements towards the integration and “liberalisation” of the common European market has been a fast-running series of initiatives of a political and constitutional character, focused around the construction of what we may see as the architecture for the governance of “market Europe”. Some of these initiatives (for example, the decisions taken at European summits) receive a limited form of “publicity” across Europe – for example, in the broadsheet press or specialist journals of political or economic commentary, though the publicity received may depend on whether the importance of the decisions taken is understood by workaday journalists unfamiliar with European sub-texts. Public debate over the Amsterdam summit of 1996, for example – a meeting of considerable importance for interest groups committed to the idea of a trans-national European initiatives in matters of external and internal security – has been minimal in most member-states of Europe. Still less is understood, of course, across Europe about a series of lower-level decisions that have been taken and initiatives that have been made, in the aftermath of the Treaty on Political Union, to “progress” the creation of a trans-national European Community. Perhaps most controversial in this respect is the history of the Schengen “acquis”:\(^{27}\) first signed by France, Germany and the Benelux countries at a ministerial-level meeting in Luxembourg in 1985, this accord was concerned to frame the kind of practical consequences, especially in terms of police and customs co-operation in respect of surveillance and “strengthening of the external borders”, of the creation of “freedom of movement” of persons within a European Union. After many delays and disagreements, the Schengen agreement, which abolishes passport checks and other interventions at national borders with respect to citizens of signatory states, came into force in the original five member-state signatories in 1995, with Portugal, Spain, Austria,