

International Conference on:
GOVERNING SECURITY UNDER THE RULE OF LAW?

23RD APRIL 2010

HOTEL NEW YORK ROTTERDAM, THE NETHERLANDS

Keynotes:

ADAM CRAWFORD

(Professor of Criminology and Criminal Justice, University of Leeds)

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(Professor of Criminology, Keele University).

Registration: omv@frg.eur.nl

Conference Fee: 75 euros, OMV-Members free access (but need to register)

Due to the small scale of the conference participation is limited

organized by the Research School Safety & Justice (OMV) in the Netherlands

MIREILLE HILDEBRANDT (dean of education)

SEY LIN VAN MUNSTER (coordinator)

The central theme of this working conference is the role played by the (criminal) law in securing both safety and justice. Instead of attempting to produce a coherent argument that explains how we can reduce risk by introducing novel policy measures or novel legislation, participants are asked to confront three different approaches to the issue of governing security. Following Ulrich Beck's call for attention in his text on *Risk Society Revisited: Theory, Politics, Critiques and Research Programmes*, the idea will be to challenge overly general approaches to both risk and its remedies. Instead of developing grand theories or reductive quantitative models the conference aims to rethink the issue of security *in context* and to re-evaluate the role played by the criminal law.

BECCARIA'S DREAM OF AN EFFECTIVE AND LEGITIMATE CRIMINAL LAW

The first approach concerns one of the core texts on the Classical School of Criminal Law Philosophy: Beccaria's *On Crimes and Punishments*. The point will be to raise the question of whether a moderate penal climate that puts constraints on the operation of the State's *ius puniendi* is in fact an effective instrument to secure both safety and justice, as Beccaria claimed. In their *Governing Security*, Johnston and Shearing have argued that reality has proved Beccaria's dream of a criminal law that is both effective and just to be an illusion. Legal philosopher KLAAS ROZEMOND will introduce this approach with a paper on the rational reconstruction of Beccaria's argument.

SIDESTEPPING THE PUNITIVE SYSTEM

The second approach looks at the notion of restorative justice as an alternative procedure to deal with criminal offences, especially those that involve identifiable victims. Braithwaite and others have argued that specific harms can be addressed without punishing the offender, claiming this to be a more effective intervention than the use of the *ius puniendi*. This, however, raises the question of how this approach relates to the protective and instrumental aspects of the criminal law. Participants are invited to discuss to what extent restorative justice could be a viable alternative to secure both safety and justice, and/or to argue how restorative justice relates to Beccaria's dream.

Legal criminal law theorist JOHN BLAD will introduce this approach with a paper on restorative justice.

A CLOSE-UP OF 'GOVERNANCE OF SECURITY' PRACTICES

The third approach will take up Beck's appeal to contextualise risk by exploring how actual networks of things, people, policies etc. form 'assemblages' that are meant to reduce risks in particular contexts, depending on the interactions between stabilized patterns of behaviour (e.g. the criminal law, the police, retail shops) and all kinds of actants (e.g. consumers, surveillance cameras, architectures, service providers, lamp posts, dogs, coffee shops etc.). This should make visible how 'governance of security' practices often operate in function of a logic that is at odds with the official policy they are supposed to implement. Participants are invited to discuss how this counter-logic affects safety as well as justice, or to debate the question of how we could understand the protective and instrumental functions of the criminal law in the face of the illusion described by Johnston and Shearing, without falling prey to either a lame idealism or a cynical 'Realpolitik'.

Criminologist and philosopher PATRICK VAN CALSTER and lawyer and philosopher MARC SCHUILENBURG will introduce this approach with a paper on how Deleuze and Guatarri's and Tarde's notions of molecular and molar levels of interactions can provide for novel insights into the actual workings of 'governance-of-security' practices.

We aim for a small scale working conference and the publication of selected papers in a volume of the Research School of Safety and Justice (OMV).

An edited volume inspired by last year's OMV conference on 'Controlling Security in a Culture of Fear' has been published early 2010, with chapters written by o.a. BARBARA HUDSON, PETER RAMSAY and RENÉ VAN SWAANINGEN, prefaced by NICHOLAS DORN.

Please see next page for the programme

PROGRAMME 23RD APRIL 2010

- 09.15 - 09.30 Welcome by René van Swaaningen
Director of the Research School
- 09.30-10.15 Keynote Adam Crawford:
Regulating civility, governing security and policing (dis)order under
conditions of uncertainty
- 10.30-12.00 Panel on Beccaria's Dream:
Klaas Rozemond, Ard Schoep and Hendrik Kaptein
- 13.00-13.45 Keynote Philip Stenning:
Restorative Justice – A Critique
- 14.00- 15.30 Panel on Restorative Justice:
John Blad, Barbara van Caem and Abiola Makinwa
- 15.45-17.15 Panel on Assemblages of Governing Security:
Patrick van Calster & Marc Schuilenburg, Monica den Boer,
Rosamunde van Brakel and Tobias Arnoldussen
- 17.15 – 17.30 Closing remarks Mireille Hildebrandt
Dean of Education of the Research School