



# Journal of Community Positive Practices

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## JOURNAL OF COMMUNITY POSITIVE PRACTICES

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## PROBATION IN THE EUROPEAN LANDSCAPE OF CRIMINAL JUSTICE

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Mihaela TOMIȚĂ<sup>1</sup>

**Abstract:** *The context in which the Probation institution is implemented is extremely complex, with facets originating in criminal law, criminology, penology, psychology, social work, sociology etc.*

*Thus, to generate policies that lead to probation's efficiency, specialists continuously raise a number of questions about the reasons why people commit crimes, the most effective methods of intervention to prevent the repeat of criminal behavior, the impact of offered services on victims, on the community as a whole and, not least, the costs and benefits arising from these services.*

*Criminals, recognized as vulnerable persons, require specialized social services to overcome difficult situations, to prevent and combat the repeat of the criminal behavior, the risk of social exclusion, the increase of quality of life and to promote their social inclusion. These services must be a response adapted to the various social needs or vulnerable situations this group of persons is situated in.*

**Keywords:** *probation, criminal justice system, offenders, reintegration*

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### Introductory considerations

The strategic alliances and partnerships in the criminal justice sector in Europe are important elements in addressing criminal practice and include the penitentiary system, that of probation, the institutions and organizations for the protection of victims and restorative justice, the representatives of the judiciary system and other key actors.

Probation has a significant role in the criminal justice systems in Europe and its contribution leads to the protection of the wider public. The exchange of values, principles and working methods between organizations contributes to the successful implementation of the Council Framework Decision - 2008/947 / JHA of November 27<sup>th</sup> 2008 on the application of the principle of mutual recognition to judgments and probation decisions in order to oversee probation measures and alternative sanctions.

This Framework Decision provides an effective tool, as it is based on the principle of mutual recognition and implies the participation of all Member States, in which sense the supervision of suspended sentences, of conditional sentences, alternative sanctions

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and conditional release decisions are aimed at increasing the convicted person's chances of social reintegration, allowing him to preserve family, linguistic, cultural and other ties, but also at improving the monitoring of compliance with probation measures and alternative sanctions, in order to prevent relapse, thus paying due regard to the protection of victims and of the general public.

The emergence of the probation institution was determined, on the one hand, by the necessity of developing judicial systems adapted to the dynamics of criminality, and on the other, by the emergence of new trends in criminology, which plead for the control of criminality from outside the criminal justice system and reflects essential mutations at the level of the traditional philosophy of punishment and its functions.

Probation as an alternative measure promotes the social rehabilitation of offenders, for which reason, the correct, complete and professional evaluation done by probation counselors/officers supports the courts' activities in punishment individualization, in accordance with the risk presented by the offender and his realistic social reinsertion perspectives. These professionals must have communication and understanding abilities adapted to each particular case, and the language used by them must facilitate communication, both with other specialists, judges, prosecutors, attorneys, suppliers, as well as with the beneficiaries of probation services, namely offenders.

Under the legal nature, probation, as other community sanctions, is a criminal sanction. Through its scopes and objectives, it however distances itself from the traditional system focused on repression and isolation.

The wording used in the sphere of probation is most often that specific to social work, its concepts such as marginalization, labeling, discrimination, social inclusion and exclusion, rehabilitation, social reintegration etc. being operable.

An important discussion on the concepts used in the sphere of criminal justice is centered on employing the concept of rehabilitation. Pat Carlen shows that social reinsertion and reintegration are often used instead of rehabilitation. The prefix 're', used in the case of offenders, entails that previously they had a socially acceptable statute, to which they can be helped to return. However, the majority of offenders are part of the economically and socially disadvantaged categories and consequently, it is inappropriate to aim at their rehabilitation, in its strict sense. (Sim, J., 2014:17)

## **The national and European context for offender assistance**

The Probation Services implement efficient community sanctions and alternatives to detention, in accordance with the European Council values, also defined in the Probation regulation and in the documents enshrining the European Probation Confederation values.

The EPC aims at promoting the social inclusion of offenders, through community sanctions and measures, such as probation, community work, mediation and counseling. The EPC is engaged in consolidating the image of probation and improving professionalism in this field, at a national and European level.

As a European vocation mechanism, the EPC stimulates the exchange of ideas concerning probation, promotes pan-European cooperation by organizing conferences on current probation themes, by drafting reports on these events, by publishing its digital newsletter and by means of its website. ([www.cep-probation.org](http://www.cep-probation.org))

Its members are organizations working in the field of probation and interested natural persons, bringing together practitioners, managers, university bodies, interested parties and other persons activating in the field of probation and criminal justice throughout Europe. Thus, the EPC represents a unique expertise grid concerning the positive ways of working with offenders in the community and its key objective is to protect society without resorting to custodial sentences.

Probation works with offenders in the community, in order to protect the public and to reduce criminality and has its roots in volunteer and religious organizations working with offenders for over 200 years. Today it is an important force in the criminal justice system, which offers the courts a range of community options, with professional and qualified personnel. Probation services distinguish themselves through the accent placed on assistance, guidance and persuasion in the work with offenders. Starting from the fact that society must protect the vulnerable, including those who might be victims of offences, in some states, probation also offers services to victims of offences. Probation counselors/officers work with persons who are mainly part of the most socially disadvantaged and excluded groups, authors or victims of offences.

Probation is based on values nowadays recognized at an international level and targets the rehabilitation of offenders, by helping and encouraging them to lead a dignified life, by respecting the legal and conduct norms governing society. Thus, though the services offered, opportunities are created that will help offenders acquire the needed competencies and motivation.

Probation services play an essential role in contributing to the reduction of penitentiary population, in many cases the community's intervention being more equitable and effective.

Social inclusion is a requirement of social justice and, in principle, the key in the practice of probation. Persons who lack equitable and reasonable access to the services and institutions of civil society (social exclusion) are more susceptible to commit offences, probation thus being centered on social inclusion, it evidently contributes in reducing criminality. In this context, probation services work in close collaboration with the agencies and organizations of civil society and with volunteers, in order to bring the community resources needed for the social inclusion of offenders, inter-service complementary efforts being needed to satisfy the complex needs of offenders.

Starting from the fact that all persons are unique and they must be valued and respected as such, probation services respect the diversity of their beneficiaries, promote non-discrimination and take into account individual needs and circumstances. Probation practices must respect the interests and rights of victims of offences, and in the work and activity with offenders, seek that they become aware of the damage they have caused. This aspect is explicitly found in the practice of some probation services that implement restorative justice programs.

The European landscape of the probation institution is offered and supported through constant presence on the European Council agenda, through the undertaken recommendations and decisions, of which we mention the most relevant: Recommendation CM/Rec (2010)1 on the Council of Europe Probation Rules, Council Framework Decision on the application of the principle of mutual recognition to judgments and probation decisions (2008/947/JHA), Council Framework Decision on the mutual recognition of supervision as an alternative to preventive arrest (2009/829/JHA), Directive on the rights, support and protection of victims of crime (2012/29 / EU).

Their contents show that the goal of probation is to contribute to a fair criminal justice process, as well as to public safety by preventing and reducing the committing of crimes and probation agencies are one of the most important justice agencies and that their activity impacts reducing the prison population. Thus, being based on the European Council's declared scope of reaching higher unity among its members, through harmonizing legislation on matters of common interest, it is recommended that Member States use these documents as guidance in their legislation, policies and practices, to translate and disseminate them as widely as possible, especially to judicial authorities, probation agencies, penitentiary services, as well as to the mass media and the wide public.

What is significant in the context of the thematic of this volume is that all these documents bring together the experts' experiences on key knowledge, theories and competencies necessary, specific to the practice of professional social work.

This highlight refers to the fact that while the findings of behavioral sciences are important for the functioning of the criminal judicial system, this system must also be an appropriate motor for the administration of social services.

The probations services' work with offenders implies increasingly more methods based on scientific research, aiming at implementing those that have proved their efficiency.

The harmonization of policies and strategies aimed at the social rehabilitation of persons under the supervision of probation services, the diminishing of the risk of committing new offences, as well as increasing the degree of public safety, are materialized by transposing European recommendations, rules and decisions in national legislation. These are the major objectives underlying law 252/2013 on the organization and functioning of the probation service, approved through Government Ruling no. 1.079/2013 and are undertaken through and under the coordination of the National Probation Directorate, with the participation of public authorities and institutions, of non-governmental organizations of other legal persons participating in the execution of punishments and non-custodial measures.

Law 123 of May 4<sup>th</sup> 2006 on the statute of probation personnel, in art. 1 align. (2) shows that, in the act of justice, the work of the probation services personnel is a support for judges and prosecutors, the competency and correct fulfillment of tasks pertaining to this category of personnel playing an important part in the process of punishment individualization, non-custodial sanctions execution, assisting and counseling of victims of offences and in art. 6, the purpose of exercising this profession. Thus, the probation



counselor directly contributes in increasing the degree of public safety by informing and counseling the victims of offences, promoting alternatives to detention, preventing criminality, reducing the risk of relapse and the community reintegration of persons who have broken criminal law.

Probation currently holds a key role within the criminal justice system. The tasks and competencies bestowed upon probation services are defined and provided in the Criminal Code, the Criminal Procedure Code or in special laws. Traditionally, probation did not have a significant role in the criminal justice system, it being limited to offering support and assistance to offenders during the custodial sentence, supervision or conditional release. (A. M. van Kalmthout, Roberts.J., Vinding, S.,2003:14)

These attributes remain extremely important to this day, but a series of new ones is added, attributes that give effectiveness to community sanctions. In West European countries, this tendency is consistent, granting the probation institution a consistent role, both with regards to the supervision of offenders in the community, as well as for other sanctions or measures disposed by judicial bodies in the criminal process. It must be mentioned however that there are substantial differences between the criminal justice systems of different countries, both with regards to the phases of the criminal process where probation has a well determined role, as well as in the criminal trial per say.

Not least, according to the degree of community development and the array of services existing at the level of local communities, the inclusion of offences must be underlined, in detriment of their exclusion, in other words, the involvement and commitment of local communities, which is indispensable. Also crucial is the existence of the institution or service that can organize, strengthen, supervise and control these sanctions and community measures in close collaboration with public, private and public-private organizations and institutions, as is also important their task of promoting a public profile adequate to these types of community sanctions.

The role of probation services is on the one hand, to ensure the control of execution of the sanctions or measures imposed by the court of justice and, on the other hand, the assistance activities which are to allow the offender to remain within the community. The coexistence of the two parameters is a delicate issue at first sight, as they are, a priori, antagonistic. Still, the two notions are rather complementary than in real opposition, as they are two components inherent to any form of social assistance. (Tomiță, M., 2009:18)

In addition to the continuous perfecting of legal provisions concerning non-custodial punishments execution in the new Criminal Code, a series of other steps were taken, proving the adapting to new realities and to the requests of transference, where possible, of the sanctioning system, from a closed environment (penitentiary), to an open environment (society), by means of the "probation" institution, as a method of non-custodial punishing with a social-pedagogical foundation and characterized by a combination between supervision and assistance. In view of creating legal mechanisms that will allow the courts to opt for the most appropriate for of criminal liability, the new Criminal Code brings forth a new regulation in this matter, that as an individualization means is aimed at establishing the manner in which the convicted

person will take the coercion applied as a result of the offence committed, this also being a sensible aspect, as it can significantly and directly influence the offender's social rehabilitation process. The proportionality of the offence in report with the severity of the offence and the danger presented by the offender must not be reflected only in the nature, duration or their quantum, but also in the means of execution, if not, there existing the risk that the effort put in the offender's reintegration produce effects other than desired.

Probation appears as a sanction, but it is essentially a process of assisting the offender in view of his social reintegration. Thus arise numerous inconsistencies in the interpretation of the term: sometimes the punitive aspect prevails, in detriment of the assistance activity, at other times counseling almost entirely replaces punishment. In fact, the criminal philosophy of each state is basically reflected in the proportions in which these two aspects, punishment and assistance, are found in the manner of punishment of the offender. Probation is thus a revaluing of punishment.

From the perspective of internal regulations, the probation system promotes the orientation according to which the author of the offence participates in his reintegration in the community, the same community whose values he has jeopardized or harmed by committing the offence and that he is about to assimilate. (Tomîță, M., 2012)

In perfect accordance with the values of social assistance, the Deontological Code applicable to professionals in the probation system targets the principles on non-discrimination on grounds of nationality, citizenship, race, ethnic origin, language, religion, sex, political or any other opinion, political affiliation, wealth, social origin or any other such grounds. To these are added respecting the dignity, physical and moral integrity of beneficiaries/clients, as well as confidentiality regarding the documents they possess, according to law, for professional purposes.

The field of probation is an important topic on the European Union agenda, in view of relieving the courts of justice's roles and increasing the quality of the act of justice. Member States are under the obligation to implement special regulations that give rise to the possibility of alternative conflict resolution. Also, in the context of the European Space of Liberty, Justice and Security, the Member States are also under the obligation to develop and implement special normative regulations concerning the assistance and protection of victims of offences.

From an academic perspective, that of university training of specialists for the probation system, educational programs target the complementary valuing of all perspectives that work together in constructing the specializing in this complex problematic area as criminality and the social reaction towards the victim, offender and offence.

## **Probation, a dynamic presence in local communities**

We must underline the fact that probation as a discipline, institution and profession, is situated in the field of social-humanistic inter-disciplinarity in which social assistance has the role of correcting the individuals' socialization deficit with social needs in the perspective of ensuring the needed conditions for their integration in the social space.

Thus, probation, as a social science applied in the field of justice, entails the conjoined effort of psychology, sociology, social assistance, legal sciences and not least, of the local administration. This inter-disciplinarity convincingly pleads for probation's community nature. Justice, being through its genesis a social issue, thus communitarian, ensures a democratic management on all components of a pluralistic social space.

In the context of its continuous modernizing, almost 15 years after its coming to life, the Romanian probation system benefits from a tradition that confers it the markings of its own identity, as well as from special perspectives that stimulate professional preoccupations for the efficiency of needed renewals in the current national and international frame of regulation.

As shown before, recognizing probation as a part of modern social spaces has become a constant and articulating its own category system, both in theory and in practice at a national level has become a reality.

In the current socio-cultural context, where we wish to be governed by the principle "in democracy law is king", probation acquires a role of balance, in ensuring the equilibrium and rationalizing of social control to benefit the society it serves.

Thus, alongside the traditional actors of the criminal justice system, the probation institution brings forth the true reform, that which beyond the humanistic benefits also brings an important effectiveness of the system from a cost-benefit perspective. As a community based vehicle for the sanctioning of offenders, probation services offer a threefold wider array of benefits: to the offender, community in general and the justice system. Concerning the offender, the person remains in the community to repair the prejudice caused and can continue to have civic responsibilities, such as a work place, being a family member and part of the community. The person under supervision also has access to community resources for substance abuse, mental health, labor force and so forth – resources that should aid the individual in reacquiring his role as a citizen of his community.

Probation services are based on these community resources and can contribute in developing community based organizations that respond to the general needs of the community.

Governmental and non-profit organizations are important resources, both for the probation service and for the persons under supervision, as they aid in repairing the prejudice caused to society, for example through community work. Organizations can also offer support services to help persons under supervision avoid re-entering the justice system.

The dynamics of criminality in the social contemporary space brings with it promoting a qualitative civism, while correcting socializing deficits, a need that Probation can successfully respond to.

Approaching the end, we find that probation is and will continue to be a generous invitation to qualified dialogue, for social workers, to all professionals from the criminal justice system, authorities, civil society and the wider public. In light of the new criminal regulations, which expand the sphere of applicability of probation services in Romania,

needed are a series of evaluations that comprise the new conditionings for evaluating the needs of assistance of offenders and not least, the probation counselors' professional training needs and requirements. Concerning this last aspect, the academic environment's educational offer must be adapted to the new requirements, starting from diagnosing the needs and profile of the offender, tuned with the results of action-change type social researches results.

As a study discipline, probation belongs to those matters and fields that require a permanent change of ideas and experiences. The development of modern institutions must take place in accordance and in tight connection with the legislative construction in the matter (Tomită, M., 2009:11).

Transmitting to the professionals from the probation system an authentic teaching based on new concepts, expertise and research, will eliminate the risk of applying generally applicable models in a very diversified cultural and individual context. The ability to respond to challenges regarding the development of new sanctioning systems with psycho-social basis belongs to the specialists in the field and represents a challenge for the entire professional community forced to permanently adapt their social interventions to the criminal dynamics.

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# THE QUASI-COERCIVE TREATMENT OF YOUNG DRUG OFFENDERS IN SOUTH AFRICA: THE ROLE OF THE FAMILY

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**Abstract:** *The adoption of restorative justice principles in the treatment of youth offenders offers the opportunity and challenge of providing evidence-based guidelines for treatment programmes (as opposed to punitive measures). This paper aims to add to the body of growing literature to support treatment of youth offenders within the community. A link is made between drug abuse and criminal behaviour in young people and then placed within a legal context that enables the choice of quasi-coercive treatment. To highlight what this means for the family who will take responsibility for alternative sentencing of young offenders, the person-in-environment framework is used to show the dynamic working of environment systems and social roles, as well as attachment theory to show the effect of relationship quality of the parent-child dyad. The paper ends with a summary of aspects to consider when a focus on the family is taken when alternative sentencing is considered.*

**Keywords:** *Quasi-coercive treatment, youth offenders, drug abuse, criminal justice, person-in-environment*

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## Introduction

Since the early 1990s the involvement of communities has been seen as part of the solution to drug abuse in South Africa (SA). SA's strategic position as a transit country to surrounding less wealthy states increases the operation of drug syndicates (Swart, 1995). With the premise that prevention of substance abuse is better than cure, conditions for preventing the development of drug abuse have been identified early on as focusing on the stages before addiction; having the youth as a main target group; and having everyone involved as drug addiction affects the whole community (Swart, 1995: 2).

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This paper looks at the link between drug abuse and juvenile behaviour and the alternative treatment of young offenders, specifically in South Africa. Of interest is the impact of the alternative sentencing of quasi-coercive treatment on the family and this context will be provided through the application of the person-in-environment framework and attachment theory.

## **The link between drug abuse and other crimes**

There is much research on the link between drug abuse and crime (Bennett & Holloway, 2009; Goldstein, 1985; Gottfredson, Kearley & Bushway, 2008; White & Gorman, 2000). Within the literature, there is also much debate surrounding the dynamics of the drug-crime relationship (Gottfredson et al., 2008: 602; White & Gorman, 2000: 153). From this debate, three explanations of the relationship between drug use and crime have emerged, namely: a) drug use causes crime, b) crime causes drug use and c) the relationship between drug use and crime can be explained by a set of common variables. Importantly, these three explanations are not mutually exclusive (Gottfredson et al., 2008: 602).

### ***Drug use causes crime***

This particular causal model suggests that drug use leads to crime because of the psychopharmacological effects of drugs, the economic motivation to obtain drugs and the systemic violence which can be associated with the drug market and lifestyle (White & Gorman, 2000: 170). The psychopharmacological explanation posits that the actual effects of intoxication, such as disinhibition and bad judgement, directly cause crime (White & Gorman, 2000:170). The economic explanation of the causal drug-crime relationship suggests that crime is committed in order to obtain funds to purchase drugs and maintain a drug habit (White & Gorman, 2000: 174). Crimes such as robbery, burglary and prostitution all provide access to money to buy drugs, or to drugs directly to maintain a drug habit. While the psychopharmacological explanation provides some valuable arguments, it must be criticised on the basis that it only applies to certain socio-economic classes and certain drugs; it is mostly applied to violent crimes; the causal mechanisms between the drug-crime relationship are not explained and the disinhibition hypothesis is impossible to measure. Furthermore, the economic motivation explanation must be criticised for its assumption that the demand for drugs is inelastic; and empirical evidence suggests at best a correlation, not a causal relationship.

### ***Crime causes drug use***

This explanatory model argues that those who engage in crime are more likely than those who do not to be in social situations which facilitate drug use (Gottfredson et al., 2008: 602). As such, those situations provide the context for drug use and often condone and encourage the use of drugs (Gottfredson et al., 2008: 602; White & Gorman, 2000: 174). This Model takes into account certain lifestyle factors which may be common to both deviant individuals and drug use such as being unmarried and working periodically (White & Gorman, 2000: 174). Furthermore, it has been

postulated that individuals who engage in criminal behaviour may use drugs as self-medication or may excuse their criminal behaviour by blaming it on the drug abuse (White & Gorman, 2000:174).

### ***Common cause explanations***

The common cause explanation of the drug-crime relationship posits that neither crime causes drug use or vice versa, but rather the drug-crime nexus has a set of common factors or causes (Gottfredson et al., 2008: 602). Certain common causes such as anti-social personality disorder, genetic and temperamental traits, parental alcoholism and poor parental attachment have been highlighted as linked to crime (Gottfredson et al., 2008: 602). Furthermore, there are certain subculture norms which encourage both the use of drugs and deviant behaviour (Gottfredson et al., 2008: 602). There may also be certain common situational factors such as poor, densely populated neighbourhoods with transient populations (White & Gorman, 2000: 175).

It is possible that all three of these explanations offer insight into the drug-crime nexus. This relationship could be reinforcing and reciprocal in that drug use may cause more crime and more crime could cause an increase in drug abuse (White & Gorman, 2000: 175). In terms of common cause explanations, crime and drug use is more prevalent at certain times and within certain situations, for example, at a sports stadium over a weekend when alcohol is freely available.

## **Youth drug crime in South Africa**

It is critical to note that it is often difficult to fully reflect on certain youth crime trends because research on the extent of crime is based on official crime information sources and therefore does not account for youth that have not yet come into contact with the law (Booyens, Beukman & Bezuidenhout, 2013: 60). Self-report studies and these official statistics often form the basis for research on the nature of the offence category and thus findings on the nature of the crime may not be entirely reliable. Still researchers claim that criminals are getting younger. (Booyens, Beukman & Bezuidenhout, 2013: 59). Furthermore, it must be recognised that adolescence is a period of physical and emotional development, experimentation and maturation. This allows adolescents a certain leeway within their behaviour constraints because certain criminal behaviour, such as substance abuse, is often rationalised to simple experimentation. (Harris, 2009: 1). As such, the problem of youth substance abuse is a complex one to address.

### ***The incidence and prevalence of youth drug offending in South Africa***

It is difficult to estimate the drug use rates of young South Africans because no national survey measuring the incidence and prevalence of youth drug use exists (Booyens, Beukman & Bezuidenhout, 2008: 39; Brook, Pahl, Morojele & Brook, 2006: 27). A 2012 study conducted on alcohol and drug use amongst Western Cape adolescents indicated that 53.5% of the respondents from grade 8-12 agreed that drugs were easily

accessible, 30.7% of respondents knew friends who used drugs and 22.1% reported using drugs themselves, with marijuana being the most popular across all age groups (Youth Research Unit, 2012: 4). In Gauteng a study with grade 8-12 learners (with the majority in grade 12) showed that approximately seven in 10 learners (70.7%) confirmed that drugs are easily accessible, with almost half the learners (45.3%) being aware of friends who use drugs and three in 10 learners (26.7%) using drugs themselves (Youth Research Unit, 2012a: 4).

A further confounding variable when attempting to measure the incidence and prevalence of drug use among young people is that schools and parents often address the problem outside of the criminal justice system (Booyens et al., 2008: 39). Thus, youth drug offenders who do come into contact with the law may be under-represented. A further problem is that the South African Police Service (SAPS) does not disaggregate their statistics; therefore the statistics provided do not differentiate between adult and youth users. Furthermore, the SAPS only provide statistics on drug-related crime and not drug abuse as a crime. However, the 2012/2013 crime statistics report indicates that drug-related crime has increased by 192.8% across a period of nine years and 13.5% of that increase was recorded between 2012 and 2013 (SAPS, 2013). It can be assumed that part of the 192.8% increase can be attributed to youth drug users. Lastly, while it may be useful to analyse statistics, if they were available, these statistics could only show the youth which had been arrested, charged or convicted of being in possession of, using or distributing crime and could not provide concrete evidence surrounding the actual trends of youth drug abuse in South Africa.

### ***The nature of youth drug offending in South Africa***

Research on drug use amongst South African youth has clearly shown an increase (Brook et al., 2006: 26). The types of drugs which are used by South African youth fall into three categories: a) depressants, b) stimulants and c) hallucinogens (Koch, 2002: 52). The most used depressants amongst the youth population are alcohol, heroin, morphine, painkillers and sleeping pills. Domestic depressants such as glue, nail varnish removers and petrol are also used to obtain a high. Popular stimulants used by young people include amphetamines, meta-amphetamines (Ecstasy, Ice and crack), caffeine, ephedrine (speed), cocaine and nicotine. Lastly, hallucinogens most commonly used by South African youth include lysergic acid diethylamide (LSD), marijuana and ketamine. (Booyens et al., 2008: 39-40).

There are also new drugs available specifically to South African youth: Tik, cat (battery acid and cocaine), sugars (crack, cocaine and Rattex), and Nyaope. Tik is one of the amphetamine drugs which are potent and easy to make. The use of Tik has been steadily increasing and is most popular in the Cape Flats area of South Africa. (Booyens et al., 2008: 42). A large scale study in 2011 by the Alcohol and Drug Abuse Research Unit of the South African Medical Research Council did highlight the high prevalence of alcohol and tobacco use among learners in the Western Cape province, but also found a likely reduction in the use of methamphetamine (tik) and other hard drugs that have been of major concern in the province (Morojele, Myers, Townsend, Lombard, Plüddemann, Carney, Petersen Williams, Padayachee, Nel and Nkosi, 2013).



“Community and school-based health promotion programmes that address multiple risk behaviours and provide healthy alternatives for at-risk learners need to be implemented and scaled up throughout the Western Cape” (South African Medical Research Council, 2013, no pag). The drug nyaope is known as the drug of poverty and is known to be part of everyday culture in South African townships (Makhubu, 2014: 1). The effects of nyaope are evident in the statement “Children as young as 10 use and deal in nyaope” (Makhubu, 2014: 1).

The challenge to be faced through services to these youths is highlighted by the studies related above. It also reiterated the need to consider that addressing the challenge needs a multi-level consideration of treatment programmes.

### **Alternative sentencing for youth drug offenders**

Age is often seen as a mitigating factor when it comes to young offenders because they are in a transitory stage of development which may encompass certain experimental, reckless and irresponsible behaviour such as substance use or abuse (Gallinetti, 2009: 28; Yehia, 2007: 2). Age can therefore not be ignored when discussing youth drug offenders because young individuals cannot be held to the same standards as adults because they are deemed to be immature, reckless, easily influenced and lacking life experience (Du Toit, 2006:16; Gallinetti, 2009:18, Yehia, 2007:5). Alternative sentencing options which include certain restorative justice (RJ) principles such as restoration lend themselves to the appropriate way in which to deal with young people in trouble with the law (Tomita & Panzaru, 2010: 4167; Van Ness & Strong, 2002: 38). Young offenders have the capacity to learn from their mistakes and thus punishment options which include rehabilitation are vital in the treatment of young offenders (Swanzen & Harris, 2012:9).

Moreover, the South African Child Justice Act (75 of 2008) specifies that youth who come into contact with the law should not under any circumstances be subjected to the adverse effects of formal criminal justice proceedings. This Act further makes provision for young offenders to engage in mediations and/or diversion programmes which bring about healing and community reintegration (Swanzen & Harris, 2012:10). Moreover, the Act which is in line with the United Nations Convention on the Rights of the Child (UNCRC), which South Africa ratified and the South African Constitution accepted, expressly states that children should only be detained as a measure of last resort and if totally necessary for the shortest possible duration of time – this highlights the fact that South Africa is seeking “non-prison” solutions to youth crime.

Regardless of the relationship between drug use and crime, it is vital that the drug abusing behaviour is addressed in a non-punitive manner because of the South African legislation which guides the treatment of youth offenders. Over and above that, if the young offender is committing crime to finance a drug habit then dealing with the addiction will negate the need for the youth to engage in subsequent offending.

## Quasi-coercive treatment in South Africa

It is clear then that alternative sanctions are more effective in the treatment of youth offenders because these sanctions allow for resocialisation and rehabilitation (Tomita & Panzaru, 2010:4165). One of the reasons that these alternatives have also become popular when treating drug addicted offenders is that research has shown that community and residential treatment programmes are correlated to a significant decrease in illicit substance abuse (Best, Wood, Sweeting, Morgan & Day, 2010:371).

### *The legalities of quasi-coercive treatment in South Africa*

The Prevention of and Treatment for Substance Abuse Act (70 of 2008) makes provision for quasi-coercive treatment in South Africa in terms of youth offenders. Section 32(1)(c) stipulates that an application for admission to a treatment centre can be made in the prescribed manner and would be considered voluntary in terms of a minor if the parent or guardian of the child substance user made the application. In this circumstance, quasi-coercive treatment does not apply to youth offenders because the parent or guardian has taken responsibility of the minor because the minor is deemed not to have that capacity.

However, in terms of admission of an involuntary service user to a treatment centre, Section 34 of the Prevention of and Treatment for Substance Abuse Act (70 of 2008) deals specifically with the admission and transfer of children. This Section indicates that Section 152 of the Children's Act (38 of 2005) applies "with the changes required by the context in respect of the admission and transfer of a child to a treatment centre." Section 152 of the Children's Act (38 of 2005) refers explicitly to the removal of a child to temporary safe care without a court order (RSA, 2005). This can be done by a social worker or a police official. Furthermore, if it appears to the magistrate holding an enquiry that (a) the person concerned is the involuntary service user, (b) the person both requires and would benefit from treatment at a treatment centre and (c) it would be in the person's best interests, or the best interests of his dependants (if any) and/or the community for he/she to be admitted to a treatment centre, then the magistrate may order the person to be admitted to a treatment centre as designated by the Director-General for a period not exceeding 12 months (s35(7) Act 70 of 2008). Lastly, Section 36 of the Prevention of and Treatment for Substance Abuse (70 of 2008) makes provision for individuals to be committed to a treatment centre after being convicted of a crime (RSA, 2005):

**“36.** (1) A court convicting a person of any offence may in addition or in lieu of any sentence in respect of such offence order that such person be committed to a treatment centre if the court is satisfied that such person is a person contemplated in section 33(1) and such order, for the purposes of this Act, must be regarded as having been made in terms of section 35.

(2) An order in terms of subsection (1) may not be made in addition to any sentence of imprisonment, whether direct or as an alternative of a fine, unless the operation of the whole sentence is suspended.

(3) (a) Where a court has referred a person to a treatment centre under subsection (1) and such person is later found not to be fit for treatment in such treatment centre, he or she may be dealt with in accordance with section 276A(4) of the Criminal Procedure Act.”

Where the legislated option of alternative and restorative sentencing is not practiced, the rights of the young offender should be advocated for, but with a consideration of mitigating factors like the role the family that will be responsible for implementing such alternatives play.

## **Explaining the role of the family**

The fundamental principles adopted by the United Nations General Assembly resolution from the Riyadh Guidelines (45/112 of 14 December 1990) highlights the importance of the family in the prevention of criminal behaviour by youth. Principle 10 states (Riyadh Guidelines, 1990:722):

“Emphasis should be placed on preventive policies facilitating the successful socialization and integration of all children and young persons, in particular through the family, the community, peer groups, schools, vocational training and the world of work, as well as through voluntary organizations. Due respect should be given to the proper personal development of children and young persons, and they should be accepted as full and equal partners in socialization and integration processes.”

Principles 11-18 highlights the following in the consideration of the family (Riyadh, 1990): every society should place a high priority on the needs and well-being of the family; being primarily responsible for socialisation governmental and social efforts should preserve the integrity of the family; policies should be established that are conducive to the bringing up of children in stable and settled family environments; when community efforts to assist parents in this regard have failed and the extended family cannot fulfil this role, alternative placements should be considered to replicate a stable and settled family environment; and special attention should be given to children of families affected by problems brought on by changes that disrupt the social capacity of the family to secure the traditional rearing and nurturing of children.

Of specific interest for this paper is Principle 16 (Riyadh, 1990:722):

“Measures should be taken and programmes developed to provide families with the opportunity to learn about parental roles and obligations as regards [to] child development and child care, promoting positive parent-child relationships, sensitizing parents to the problems of children and young persons and encouraging their involvement in family and community-based activities.”

To be useful in practice, policies need to be operationalised in a way that allows for the implementation of programmes. Theory provides an evidence base from which to provide guidance and this is the aim of the next sections.

### ***Using a person-in-environment approach to describe transactional complexities***

In the late 1990s theories viewing issues in transactional terms were refined by social work theorists. To illustrate, ecological models focus on 'goodness of fit' between person and environment (e.g. Germain & Gitterman, 1996); family systems models view problems as lying in family dynamics rather than residing in the person; and eco-behavioural models are concerned with changes in patterns of events that are embedded indivisibly in the person and his world (e.g. Mattaini, 1997). The Person-in-Environment (PIE) system separates such problems into problems of Role Functioning and Environmental Problems. (Swanzen, 2006).

Kemp, Whittaker and Tracy (1997: 2-3) describe person-in-environment practice is:

“an emergent model of direct practice that makes strategic use of time to accomplish three things: (1) Improving a client’s sense of mastery in dealing with stressful life situations, meeting environmental challenges, and making full use of environmental resources; (2) Achieving this end through active assessment, engagement, and intervention in the environment, considered multi-dimensionally, with particular emphasis on mobilization of the personal social network; (3) Linking individual concerns in ways that promote social empowerment through collective action.”

Germain and Gitterman (1996 in Saleeby, 2004) use the word ‘environment’ to typically mean environmental resources and supports or environmental challenges or scarcities. Environmental resources include formal service networks such as public and private agencies and institutions and supports also include informal networks of relatives, friends, neighbours, workmates, and co-religionists. However, some formal and informal support systems may be unresponsive or cease to be supportive and the social and physical environments involved in coping must be assessed as well. (Saleeby, 2004). Germain and Gitterman also refer to habitat and niche, terms from ecology that amplify the idea of environment. ‘Habitat’ is the place where the individual organism and its group can be found, and ‘niche’ is the organisms' place in the local ecosystem. (Saleebey, 2004).

Early ecological models were based on systems theories and were most commonly used by social workers to explain the interactional processes between family members (Ungar, 2002). To translate ecological terms to concepts in practice, the Person-in-Environment (PIE) classification was designed after two decades of research. The PIE framework identifies the following environmental systems (‘habitat’) that can affect the functioning of the family according to Karls and Wandrei (1994:29-31): the economic or basic needs system (production, distribution, consumption of need for food, shelter, employment, and transportation); educational or training system (nurture intellect, develop individual skills, optimal development); judicial or legal system (social control and enforcement measures by police and courts); health, safety and social service system (presence of service delivery during natural disasters as well); voluntary association system (social support and interaction outside the family and work place, like participating in informal community and religious groups) and the affectional support system (under involved or over involved personal environments).

The 'niche' or place in the ecosystem can be explained as social roles. "A person's role can be defined in terms of fulfilling a recognized and regulated position in society. .... Although the major functions of these roles remain generally the same across cultures, the way the functions are accomplished may vary from culture to culture ..." (Karls & Wandrei (1994:24). The full classification system designed to operationalise the person-in-environment concepts for assessment is not covered in this paper. This system further offers indexes describing the type, severity and duration of problems within the fit between the person and their environment (Karls & Wandrei, 1994).

The role categories adapted from the original PIE classification system for adults to accommodate roles youth occupy are explained in Table 1.

**Table 1:** Social role category descriptors

Main role	Description	Sub-role	Description
Family roles	Roles that are played out in the context of a family setting in which people are linked by blood, the law, or formal or informal arrangements	Natural child role	His/her role as the son or daughter of his/her mother and father. This role is influenced by socialisation processes and is frequently assessed in terms of obedience and the need for discipline.
		Surrogate child role	A child in a family where all members are not biologically related, including stepchild, foster child, adopted child, and where donor eggs or sperms were used to conceive a child. The family meets all the requirements of a nuclear family, but the child is also related to others who are not part of the family he/she lives with.
		Sibling role	His/her role as brother or sister, influenced by family atmosphere and involvement of parents as role models. It can be affected by disability in a sibling, by differences in gender, and by values attributed to the child by other family members. Birth order influences the expectations held for each child and this affects the perception of fairness and experiences in sharing, trust, mutual activities, and assertiveness.
		Caregiver role	This alludes to cases where the child is forced to take up a caring role, either by dysfunction within the parental subsystem, such as substance abuse or mental illness, or by the absence of the parental subsystem in the case of abandonment and death (i.e. child-headed households).
		Relative role	This signifies the extended family relationships the child has, including that of grandchild, cousin, niece/nephew, and aunt/uncle. Grandparents often offer the first safe place outside the parental home.

Main role	Description	Sub-role	Description
			As children mature their systems become larger and they learn more about relating to others.
Other interpersonal roles	Roles that are also played out in interpersonal relationships between individuals, but these persons are not members of the same family. They interact with each other because of physical proximity or common interest	Playmate role	The first social relationship an older infant has with other children close in age. It applies to children under the age of four, since friendships only develop after the age of four. Before this children play alone or show parallel play.
		Friend role	Conveys the first social relationship with a peer where genuine interest in each other is evident, usually occurring after the age of four. Friendship is a dynamic, reciprocal relationship between two individuals. As children become friends, they negotiate boundaries and experience in conflict management and sharing.
		Partner role	Implies a romantic relationship with someone with the presence of sexual attraction. It coincides with sexual maturity during early adolescence and self-esteem, gender identity development, physical and emotional well-being, and relationship-building skills are all involved and affected by the romantic involvement. The quality of this role will be evaluated in terms of exclusivity, the amount of jealousy, presence of abusiveness, and the extent to which emotional security needs are met.
		Peer role	Represents the interactions of near same-age children with the absence of positive emotional involvement. These children are merely in close physical proximity on a regular basis and may share in some common activities, but with no mutual attraction or interest. These typically involve the child in his church, school, aftercare, sport and neighbourhood settings.
		Member role	Involving voluntary affiliation and participation with a group of individuals associated for a common purpose and adhering to mutually agreed-upon beliefs or regulations. The responsibilities and expectations of the role vary according to the purpose and structure of the group, which can be organised for political (youth protests), religious (including cult activity), social (community involvement or

Main role	Description	Sub-role	Description
			gangsterism), or recreational (sport and culture) reasons.
Occupational roles	Roles performed in the paid or unpaid economy or by students in the academic institutions. This category only applies to adolescents who are of legal age to be employed, including part-time work.	Pupil or student role	A pupil is a child who is required by law to be attending school in the required grade. A student is a young person who is enrolled at a formal institutional to acquire tertiary education. The primary function of this role is acquiring and assimilating knowledge and skills. The role expresses the relationship of the child to his tutors, be it in pre-school (day-mothers, playgroup, crèche, kindergarten, and nursery school), primary school, secondary school (high school), Sunday school, or boarding school. Activity level, attention span, cognitive ability, temperament traits, behaviour trends, problem-solving, motivation, achievement, and goal-directedness are all relevant aspects of performance in this role.
		Paid worker role	Includes the activities being performed to acquire economic resources. Laws govern child labour. For young people in the late adolescent phase one of the development tasks is to become independent. Getting employment can be part of getting funds to support studies or to start supporting themselves and their new lifestyle. Work provides the employee with material resources and status.
		Volunteer role	Unpaid activities performed in health care, community agencies, and educational and religious settings. A young person may want to give their time to the community but may not understand toll it will take from them. Keeping true to their motivation for getting involved will provide the young person with a sense of purpose.
Special life situation roles	Roles people may voluntary or involuntary assume throughout the course of their lives. They are time-limited, situation-specific roles people assume in addition to	Client role	Assumes all those instances where the child is receiving professional treatment. This could be through referral for statutory intervention in the case of child maltreatment, or private referral for therapeutic intervention in the case of developmental delay, adjustment problems, and medical treatment to restore chemical imbalances or improvement of functioning through physical therapy.
		Special care recipient	Encompasses the client role, except for the fact that the child is admitted to an

Main role	Description	Sub-role	Description
	or in place of their usual roles		institution to receive special care for a prescribed period of time. The specialised care role includes inpatient centres for drug rehabilitation, special schools for disabilities such as deafness, blindness, autism, mental retardation, severe behaviour difficulties and so on, as well as hospitals for long-term and chronic treatment of mental health problems, and terminal illnesses such as AIDS and cancer.
		Juvenile role	This indicates the time-frame situation a child finds himself in after being convicted of a crime and incarcerated in juvenile detention. This could only happen after the age of 10, when the child is seen by the justice system as having criminal responsibility.

Source: Swanzen, 2013:15-20

Each role occupied by the young offender implies a lieu of people involved, either from their own support system or professionals delivering a service. For alternative sentencing to work, the complexity of the involvement by the family and community needs to be understood. The systems that need to be empowered to support the family of the youth offender is set out as well as the number of relationships to consider through the various social roles occupied by the young offender. For the family relationships to exert an influence on the young offender the quality of the relationship is important and this brings us to the matter of bonding to be discussed in the next section.

### ***Understanding the strength of relationship through attachment theory***

Attachment can provide a measure of the quality of the connection within the family roles described thus far and specifically the effect the relationship can have on influencing the young person's choices and behaviour. Konrad Lorenz saw the first year of life as a critical period for the development of social relationships, with consequences for a life-time. He viewed infant-caregiver attachment as a FAP [fixed action pattern] that occurs over a time period when infants are particularly sensitive to parental attention and caring. (Rathus, 2011: 20). "Attachment is the enduring emotional closeness that binds families, to protect children and prepare them for independence and parenthood" (Rees, 2008: 209).

From the attachment theory designed by theorists like Bowlby and Harlow with subsequent studies in social research in the past 30 years, the following are influences on relationships to be considered (Lewis & Takahashi, 2005 and Pascuzzo, Cyr & Moss, 2013: 83-84):



- Attachments occur in a sequential order, first to the mother and then, through the mother’s influence, to others.
- There is a likely possibility of multiple attachment systems and that peers could be successful attachment figures which, in the absence of mothers, could positively affect each other’s subsequent parenting behaviour.
- The child’s attachment relationship with the primary caregiver fulfils a central role in the development of emotion regulation across the life span.
- Internal working models, developed through attachment experiences, guide individuals in their interpersonal relationships through the development of expectations and beliefs concerning self and others.
- As the child develops and becomes more autonomous, emotion regulation strategies developed within the parent–child dyad are internalized by the child and applied to other interpersonal contexts.
- The capacity for dealing with undesirable emotional states or stressful situations stem from the quality of the individual’s interactions with their primary attachment figure.

It is evident that the parent-child attachment relationship during childhood plays a direct role in the young person’s response to his social environment in later years. For the young offender the regulation of emotions and motivations behind their behaviours are especially critical. A summary of findings on emotional regulations from various studies summarised by Pascuzzo, et al (2013) is tabled below. Two distinct dimensions of emotion regulation strategies are underscored through empirical studies with adolescents and adults. The first strategy is *attention orientation* which includes task-oriented, avoidant, and emotion-oriented strategies, and *social support-seeking* which includes the tendency to express emotions and seek social support. Table 2 describes the evidence found in the behaviours of securely and insecurely attached young people (yp).

**Table 2:** Behaviours influenced by emotional regulation strategies

Attention orientation strategy		Social support seeking strategy	
<i>Secure attachment</i>	<i>Insecure attachment</i>	<i>Secure attachment</i>	<i>Avoidant attachment</i>
<ul style="list-style-type: none"> <li>• decrease in strategies centered on negative avoidance (e.g., drug and/or alcohol consumption)</li> <li>• yp more likely mobilize problem-solving strategies</li> </ul>	<ul style="list-style-type: none"> <li>• hyperactivation (maintaining the attachment system) may engender adoption of strategies centered on negative emotions, i.e. focusing on potential negative scenarios, making catastrophic</li> </ul>	<ul style="list-style-type: none"> <li>• stressful episodes led to an increase in parent–child communication</li> <li>• yp more likely to openly communicate distress &amp; seek out support</li> <li>• yp may seek help from close</li> </ul>	<ul style="list-style-type: none"> <li>• yp more likely to block emotional states that activate their attachment system by diverting their attention from emotion-eliciting information or stressful situations &amp; inhibiting verbal &amp; nonverbal communication of</li> </ul>

Attention orientation strategy		Social support seeking strategy	
<i>Secure attachment</i>	<i>Insecure attachment</i>	<i>Secure attachment</i>	<i>Avoidant attachment</i>
<ul style="list-style-type: none"> <li>with respect to protection and proximity-seeking needs, these individuals have learned to adopt constructive problem-solving or task-oriented strategies for dealing with distressing emotions or situations</li> <li>yp use cognitive strategies to reappraise the stressful situation in a less threatening manner and they may put into action effective problem-solving strategies</li> </ul>	<ul style="list-style-type: none"> <li>appraisals &amp; ruminating</li> <li>seeking advice may be used by yp to demonstrate helplessness &amp; dependence on the attachment figure</li> </ul>	<ul style="list-style-type: none"> <li>others to assist them in overcoming stressful situations, making them less likely to show symptoms of psychopathology</li> <li>yp protected against the experience of symptoms of dissociation when trauma is experienced</li> </ul>	<ul style="list-style-type: none"> <li>distress</li> <li>even with a great deal of distress on a physiological level, yp are less likely to express their emotions, and rarely seek-out others to help manage their internal emotional states</li> <li>anxious yp more likely to intensify &amp; exaggerate in order to attract &amp; maintain attention when distressed</li> <li>use of ineffective support-seeking strategies such as clinging, controlling, &amp; overly-dependent behaviours</li> </ul>

Source: Adapted from Pascuzzo, et al. (2013:85-86)

Determining the quality of the young offender's relationship with his family is critical to understand his approach to problem solving and attention-seeking.

## Application of theories to understand the role of the family

### *Quasi-coercive treatment and the role of the family*

If alternative sanctions are to allow for the re-socialisation and rehabilitation of the young offender, expectation would be placed with the family as the primary socialisation agent. The person-in-environment framework and attachment theory provide more operationalised evidence to guide what interventions and programmes should target. Not all roles are under the equal influence of family transactions.

The important areas for service delivery of family, the community, peer groups, schools, vocational training, and voluntary organizations identified in fundamental principle 10 are covered through the categories derived from the discussed classification system that is based on the person-in-environment framework.

Should a quasi-coercive treatment alternative be applied to young drug offenders, programmes should consider the following to successfully address the complex dynamics:

- determine which of the three explanations of the relationship between drug use and crime applies to be influenced and addressed through treatment
- acknowledge that international guidelines are advocating for families to receive the opportunity to learn about parental roles and obligations
- support the legislative drive that governmental and social efforts (interventions and programmes) should aim to preserve families and in support of traditional nurturing and child rearing practices
- explore the extent of the drug abuse problem specific to youth in South Africa
- look at the multiple roles the young offender functions in
- consider the roles and systems the family does not have control over to determine whether responsibility for treatment as alternative sentencing can be given to the family (see Table 1)
- focus on the strengthening of attached relationships to increase emotional regulation (see Table 2)
- in facilitating the environment to be more responsive to the family the economic, educational, legal, health, safety and social service, voluntary association- and the affectional support systems must all be considered.

For a fuller understanding of how to address the substance abuse problem leading to criminal behaviour by the young person, each of the above elements deserves consideration.

## Conclusions

Even though official statistics are not disaggregated, enough evidence has been produced through research to confirm that drug abuse among the youth remains a concern in South Africa, specifically for its link to youth crimes. Due to the development stage of exploration and risk taking towards achieving independence, some alternative options to punitive sentencing needs to be considered and one such alternative involves a quasi-coercive approach. When voluntary adherence to treatment as an alternative to harsh sentencing is considered, knowledge about the role of the family is needed.

The main impact on the family highlighted through this paper is the responsibility they will take on for the rehabilitation of the young offender and this implies that governmental and social interventions should consider the various environmental systems that must be strengthened to support the family. A larger part of the discussion in this paper focuses on the dynamics within the family that need to be understood for

programmes to effectively work with families in the rehabilitation of young drug offenders.

The family dynamics exert a large influence on how well a young offender can respond to the second chance provided through quasi-coercive treatment. It is important to identify which of the social roles he is engaged in are involved in the substance abuse problem and whether the strength of the family or peer relationships are positively or negatively influenced by the level of attachment present. The strength of the parent-child relationship can have a positive or negative influence on the young person's regulation of emotions and the use of family support. If the family takes responsibility for the young offender, programmes should focus on strengthening the family system and the relationships within the family to increase the chances of success for rehabilitating the juvenile.

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## PROACTIVE STRATEGIES FOR EFFICIENT DISCIPLINE POLICY

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**Abstract:** *The teachers and other professionals have the responsibility to attain two extremely important objectives for their students: the task of teaching (the transfer of knowledge, skills and attitudes) and the task of nurturing the development of student personality. In the school and remedial/therapeutic settings, teachers and professionals specialized in working with children and adolescents have to face different types of disruptive behaviour (externalized – acting out - or internalized – withdrawing), of broad range of intensity and severity. In actual context of integrated education, of focusing on educational offer for students with disabilities (including children with emotional and behavioural disorders), the challenge is to efficiently approach the educational and disciplinary problems. Disciplinary problems challenge schools and teachers to broad their set of strategies of behavioural management and conflict resolution and to design programs for student emotional and social skills development.*

*These objectives require an ordered, safe and prone to learning environment, so educational and remedial/therapeutic settings have developed their own discipline policy. In many cases, these handbooks of school discipline policy detail consequence sequences designed to “teach” these students that they have violated a school rule, and that their “choice” of behaviours will not be tolerated. In most cases, implementing reactive and punished-based measures proved to be effective only in the recrudescence in frequency and severity of antisocial behaviours but failed in solving the causes of these behaviours. The measure of efficiency of educational and remedial/therapeutic interventions should be based and sustained by scientific theory and empirical data. Empirical data suggest that pro-active (positive and preventive) measures are far more efficient in solving discipline problems, and, more important, in teaching life-lasting prosocial abilities and conflict management and solving problems skills. Positive psychology and positive education offer a valuable frame and principles that enable the educational organizations and specialized staff members with the necessary tools to attain these valuable goals. In this paper, we stress the importance of developing a positive behavioural support (PBIS) at institutional level and the importance of continuing professionalization of professionals working with children and adolescents by developing interventional skills, at all*

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*level: primary, secondary and tertiary intervention. The LSCI Method will be presented as an illustrative model.*

*Reducing the aggressiveness and developing a positive behavior represent in the authors' opinion, the most important way to prevent delinquent behavior.*

**Keywords:** *discipline policy, positive behavioural support, the LSCI Method, crime prevention*

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## Discipline – aim and methods

Before any assessment of an educational activity, strategy or curricula, one should answer first to the puzzling question: What is the aims of (re)education? And the answers are changing continuously in order to illustrate the actual perspective and apprehension on human nature and destiny, as a well-actualized person and as a valuable member of society. O'Connor (1968, apud. Ong, C.L., 2013) offers a broader aim of education as an "elaborate social mechanism designed to bring about in the persons submitted to it certain skills and attitudes that are judged to be useful and desirable in that society". In summary, the aims of education should be idiosyncratic and contextualized to the society of interest (Ong, C.L.:4).

In the process of education, we need to assure the optimum conditions for that learning to take place in programmed and orderly way, so we developed, also, a set of rules of appropriate conducts in educational settings and situations.

The ultimate scope and objectives of almost all discipline school/residential setting policy is (or it should be) to establish safe and positive learning communities which increase students responsibilities and students learning, in order to develop students self-discipline (ex., respect themselves and others, own and solve their problems, see problems as opportunities, make decisions and live with the consequences, acknowledge their feelings and those of others, continue to grow in theirs understanding of school virtues, etc.).

These objectives are very important and valuable in the pursuit of the final educational goal of an educational system: a coherent student plan of development, as a whole, as an independent, responsible and active person, with harmonious personality and helpful knowledge and skills for him and for society. The situation is similar for residential and therapeutic settings.

As important as they are, these objectives could be attained in satisfactory degrees only if the strategy involved, and its subsequent philosophy, are suitable for this project and are sustained by scientific theories and proofs of efficiency.

In the pursuit of school/classroom discipline, we have always remembered that our final goal is the child, the „educational ideal” institute and sustained by the society and its system of values.

There are different approaches of educating a child/student and most of them have generated structured systems of educating and disciplining.

## Positive psychology – positive education

Teachers have to accomplish responsibly two very important tasks for their students: the training task (transferring knowledge, skills and attitudes) and the personality developing task. Traditionally, the intervention strategies for aggressive behaviours in the educational and remedial settings tend to be mostly reactive, not proactive (Sugai&Horner, 2002; Dârjan, 2010).

An important body of scientific work provides evidence that strong and supportive relationships between teachers and students are fundamental to the healthy development of all students in schools (Ladd, G. W., & Burgess, K. B., 2001). Positive student–teacher relationships serve as a resource for students at risk of school failure, whereas conflict or disconnection between students and adults may compound that risk (Ladd, G. W., & Burgess, K. B., 2001).

The relationships between the specialist and the students will define the affective climate of the setting, and will have an important impact in student’s academic and, sometimes, personal/private life. The construction of this relationship represents a common effort and works as a double way communications (the children’s concepts are manifested in their emotional and behavioural reactions, which evoke specific adult reactions and vice versa, motivation born motivation, and, sadly, aggression rises aggression). Although this is a bidirectional construction, the teacher/staff member, as a socialization agent, should direct the path and control the interchanges in order to obtain desired outcomes.

Seligman (2005), taking into account the reality of present situation of children’s and youths’ mental health (the increase in incidence of depression and anxiety disorders with the age of the first onset decreasing from adulthood to adolescence), advocates for the importance of taking care in school for children’s well-being, as well as for their achievement (success, literacy, discipline). Seligman considers that school is the best place to teach well-being, and by doing so it will attain three important goals: offering an antidote for depression, creating a vehicle for increasing life satisfaction and facilitating better learning and more creative thinking (Seligman et.al., 2005). *More well-being is synergistic with better learning*. The system proposed by Seligman, deriving from Positive Psychology, is called Positive Education and aim for teaching in school both the skills of well-being and the skills of achievement.

Positive psychology considers that psychology should be as concerned with strength as with weakness, be as interested in building the best things in life as in repairing the worst, be as concerned with making the lives of normal people fulfilling as with healing pathology, and to develop Interventions to increase well-being, not just to decrease misery.

Seligman and Csikszentmihalyi (2000, apud. Ong, 2013) articulated that psychology has to move beyond a diseased model of remediating what is wrong, fixing what is broken, and repairing the worst.



Positive schools, which in addition to focusing on psychological distress of students, proposes, also, a proactive approach to build protective factors as a buffer system against adversity and pain (Terjesen, Jacofsky, Froh, & DiGiuseppe, 2004, apud. Ong, 2013). Positive education promotes increased emotional regulation and builds resilience, alleviates anxiety and stress, develops character strengths such as hope, kindness, social intelligence, self-control and perspective, leading to positive youth developmental outcomes (Park, 2004, apud. Ong, 2013).

### **School-wide Positive Behavioural Support**

Sugai and Horner (2002) noticed that most school conduct codes and discipline handbooks detail consequence sequences designed to “teach” these students that they have violated a school rule, and that their “choice” of behaviours will not be tolerated. When occurrences of rule-violating behaviour increase in frequency and intensity, the solutions found in these handbooks are increased measures of monitoring and control, and *progressively intensification of sanctions and punishment*. Ironically, these measures, frequently, generate an increase in the intensity and frequency of antisocial behaviours and alter the socio-affective climate of the institutions, deteriorate the adult-child relations. These adverse effects have all psychological explanations, in any psychological paradigm. In behavioural terms, repeated sanctions/abuses will determine an accommodation in child, the desired outcomes soliciting harsher actions. Also, aggressive behaviour in adult determine aggressive behaviour in child, so we learn to exert force on smaller and weaker opponent. Cognitive paradigm explain how adverse early experience will form negative core beliefs. And humanistic approach explain how a sane human relation, in order to promote communication, learning, and development should be based on respect, non-conditional acceptance, the teacher should be a facilitator, the learning should be centred on the child (Rogers), education is meant to help child to develop a positive self-image (Comb), and to offer satisfaction (Maslow). Predilection to use reactive measures as a reaction of the organization or of the teacher/specialized member staff to an inappropriate behaviour could be explain by their association with relatively rapid reduction in serious problem behaviour. But this reduction is for short-term and it is preventing the development of sustained positive school climate. As an effect it is hindering the reduction of antisocial behaviours occurrence.

The more promising solution is the adoption of more proactive (positive and preventive) approaches to shape individual and school-wide discipline responses (Sugai&Horner, 2002).

The result has been the evolution of school-wide “positive behaviour support” (PBS), a broad range of systemic and individualized strategies for achieving important social and learning outcomes while preventing problem behaviour.

Positive behaviour support is the combination of four key elements:

- a. outcomes (e.g., academic achievement, social competence, employment options),
- b. a behavioural and biomedical science of human behaviour that provides fundamental principles for the design of support,

- c. empirically validated practices for achieving identified outcomes in applied contexts,
- d. the implementation of validated practices in the context of the systems change needed for durable and generalized effects. (Sugai et al., 2000, apud. Sugai & Horner, 2002).

The focus of Positive Behavioural Support is to respond to school/institution's need to support student behaviour, and this task is organized from a coherent perspective of four system: school-wide, classroom, non-classroom and individual student. (Lewis & Sugai, 1999; Sugai & Horner, 1999; Sugai et al., 2000, apud. Sugai & Horner, 2002).

## Levels of intervention

The efficiency of an education/intervention system is evident in its outcomes: academic progress and the degree in which it develops desired behaviours, skills and attitudes. An important marker of the empirical value of an educational/remedial system is the decrease of inappropriate, antisocial behaviours, in frequency and severity, the reductions of conflictual events.

There are three phases in conflict prevention: early identification and resolution of basic causes of conflict, peace-making and interim action and post-conflict reconstruction. Traditionally, nations have concentrating on the last two phases, not in the first, the preventive (Kotite, 2012). But „the same species that invented war can invent peace” (UNESCO, 1989, Seville Statement on Violence, apud. Kotite, 2012).

Accordingly, in educational settings, there are three levels of interventions/preventions: primary, secondary and tertiary.

PBS relies on a continuum of behaviour support in which the intensity of behaviour support necessarily increases relative to increases in the behavioural needs and challenges of the student (Walker et al., 1996, apud. Sugai&Horner, 2002).

Primary universal intervention is preventive, aiming to prevent the conflict, the behavioural problems to appear. This prevention addresses to children and adolescent who do not present emotional and behavioural disorders, legal issues, and educates them how to develop appropriate, prosocial behaviours, and ways of avoiding antisocial behaviours. In PBS, the goal of primary prevention is to inhibit the development of problem behaviour by emphasizing the teaching and encouraging desired social behaviours, maximizing academic success, and removing the factors that promote and sustain problem behaviour.

Secondary intervention/prevention is the intervention designated for children and youth who do not manifest conduct disorders, but are prone/vulnerable to it, and are helped to developed prosocial skills in selected groups. In PBS, secondary prevention strategies focus on removing or reducing the impact of risk factors (e.g., poverty, unsafe neighbourhoods, lack of supervision) that students bring to school by bolstering the availability of protective factors (e.g., specialized community and/or school supports, remedial programming, family assistance).

Tertiary intervention/prevention is conducted after the crisis, and it aims to prevent complications (conflict escalation, for example) and to stop further development of the crisis. It takes place in case of installed disorders and troubles and has the objective of reducing the complications generated by the manifestations of the disorders (for example, legal issues, impact on youth functionality). Tertiary prevention is focused on reducing the complexity, intensity, severity of problem behaviours that become well-established in the behavioural repertoire of individual students.

## The LSCI Method and PBS

Life Space Crisis Intervention (LSCI) is a recognized, professional training developed by Long, Wood and Fecser (2001). It is also a certification program for professionals working with children and adolescents, sponsored by the Life Space Crisis Intervention Institute of Hagerstown, Maryland, USA.

LSCI is an advanced, interactive therapeutic strategy for turning crisis situations into learning opportunities for children and youth with chronic patterns of self-defeating behaviours. This non-physical intervention program uses a multi-theoretical approach to behaviour management and problem solving. LSCI provides staff a roadmap through conflict to desired outcomes using crisis as an opportunity to teach and create positive relationships with youth.

LSCI supports PBS and offers valuable tools in implementing this system in schools and other remedial or residential settings. LSCI method is resonant with PBS in different ways:

- Provides a systematic, comprehensive approach to addressing escalating behaviour that can be used for students across all three tiers of the PBIS/RTI model as well as in special education settings;
- Systematically integrates evidence-based practices related to crisis prevention and intervention, behaviour management, cognitive behaviour modification, and prosocial skills training
- Provides school staff with proactive, consistent strategies for de-escalating crisis situations that can lead to reductions in suspensions and expulsions, as well as the use of restraint and seclusion;
- Uses incidents of problem behaviours to understand the issues underlying the self-defeating patterns of behaviour and re-teaches appropriate replacement behaviours, while promoting the development of positive, supportive relationships with school staff;
- Designed to give school staff and students an increased understanding of the function and other intrapersonal factors related to an ongoing pattern of problem behaviour, improving the effectiveness of function-based behaviour support plans.

LSCI views problems or stressful incidents as opportunities for learning, growth, insight, and change.

LSCI teaches staff the therapeutic talking strategies they will need to help children during stressful moments, as well as the awareness and skills to understand and manage their own feelings and counter-aggressive tendencies when intervening with aggressive or out-of-control behaviours. LSCI believes that the process of helping involves having the ability to listen deeply to the personal stories of children and youth and to recognize that their message often is not in their words but in their underlying thoughts and feelings. The real strength of the LSCI program is its emphasis on teaching, and practicing specific interviewing techniques to help staff and students debrief a problem situation or critical event ([www.lsci.org](http://www.lsci.org)).

The LSCI counselling method consist in six well-structured stages of intervention (Long&al., 2005). The first three stages, also named diagnostic stages, are:

- Stage 1: Drain off** – the moment of de-escalation of the crisis, when the counsellor offers space, time, support and understanding for the troubled child, in order to calm down and decrease the intensity of the emotions. When the emotional outburst diminished, the child becomes capable to focus on the event and to verbalize it, being introduced into the next stage.
- Stage 2: Timeline** – represents the moment when student describes in rational words his/her unique perception of the event and its contingencies (antecedents and consequences).
- Stage 3: Central Issue** – is attained when the counsellor have sufficient understanding of the event and of the student's perceptions and feelings and could decide what is the main issue of the previous event and which Reclaiming Intervention should be used.

The last three stages, named Reclaiming Stages, are the following:

- Stage 4: Insight** – has as main objectives to obtain from the student a new insight over his/her repetitive patterns of self-defeating behaviours and to convey to the student the possibility of change.
- Stage 5: New Skills** – consists in developing a „plan for success” for and with the student, by teaching pro-social skills and solving problems strategies.
- Stage 6: Transfer of learning** – deals with student's transition back into the group and into the daily routines, where to practice the newly acquired pro-social skills.

The authors of LSCI method (Long, Wood, Fecser) consider that there are six disturbing patterns of self-defeating behaviours that generates the conflicts in educational settings (and not only) (Long&al., 2005). For each of these patterns of undesirable reactions/behaviours, there are six reclaiming strategies:

**The Reality Rub** – implemented for students with blocked, wrong or restricted perceptions of reality, for students with private reconstruction of reality due to their cognitive schemata and cognitive distortions, or for students who try to manipulate reality to test limits.

**The Red Flag** – used in case of displacement of a problem from a setting to another setting or to another place or toward other person (imported problems).

**The Symptom Estrangement** is a strategy used when working with children comfortable with their deviant behaviours, who receive gratification from their aggressive behaviours and justify these behaviours in a guilty-free way.

**The Massaging Numb Values** is a strategy designated for students burdened by guilt and sorrows, who search punishment as a way of redemption.

**The New Tools** are addressed to students with good intentions (seeking approval of adults or peers) who lack the appropriate social behaviours to accomplish these.

**The Manipulation of Body Boundaries** is used to assist students who are isolated, rejected and who seek destructive friendships or students that are unwittingly set-up by passive-aggressive peers to act-out.

LSCI Training is a method designated to help adults interested in turning crisis situations into learning opportunities for children and youth with chronic patterns of self-defeating behaviours.

Teachers, school personnel, social workers, counsellors, youth care workers, administrators, psychologists, and any professionals in direct contact with troubled youth could gain from the advanced intervention skills developed through this method ([www.lsci.org](http://www.lsci.org)).

## Conclusions

In conclusion, Positive Behaviour Support at school/organization level could and should be developed in order to implement an efficient and systematic policy of reducing disruptive behaviours and to nurture, at the same time, the further development of pupils. Life Space Crisis Intervention is an appropriate strategy in this kind of approach, but many other options are available.

There are three features of such PBS strategies: the orientation toward learning skills for conflict identification and resolution, the systematic and consistent implementation and assessment at school-wide level of the efficiency of positive behavioural support system, and the use of difficult situations as a context of learning.

From our experience, the use of LSCI at classroom level is effective, but the overall efficiency is increased by supporting and implementing it as a school policy.

Finally, implementing a wide-school positive behavioural support strategy is not only an educational option, a technical one, but an ethical statement of (re)educational institution, affirming its dedication in growing responsible adults. Such a statement is important for every school, but for re-education institution is even more important, because it shows that the institution overcome the obsolete model of educating by punishment.

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## ADDITIONAL TYPES OF ELDER ABUSE – EMPIRICAL EVIDENCE FROM ZAMBIA

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**Abstract:** *The purpose of this article is to bring out additional types of elder abuse to the existing scientific literature on elder abuse. On the basis of the qualitative research done in one of the rural districts [Kalulu District] of Zambia with community leaders and organizations dealing with the problem of elder abuse, it is evident that besides physical, financial/material, verbal and neglect abuses as widely shown in the available scientific literature on elder abuse, additional two types of elder abuse are also taking place in Zambia. These are spiritual abuse and political abuse. Since social workers are among the main frontline workers in addressing the problem of elder abuse, this article argues that these revelations have serious implications on social work education and practice as well as on future researches with regard to the global phenomenon of elder abuse. This is because the revelations suggest new ways of thinking about the problem of elder abuse. Thus the main field of application of this article is social work.*

**Keywords:** *Additional; types of elder abuse; Zambia*

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### Introduction

This article adds new knowledge to the existing literature on the types of elder abuse. The article is written on the basis of the existing scientific literature on elder abuse and on the empirical evidence based on the qualitative research on elder abuse which I did in Kalulu District of Zambia in 2014 for the period of seven months (June to December, 2014). In order to have a logical presentation, the article is written in the following order: first the concept of elder abuse is defined. The second part focuses on bringing out the different types/forms of elder abuse as shown in the existing scientific literature. The third shows the findings of my study on the basis of the qualitative

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<sup>2</sup> **NOTE:** There is no potential conflict of interest regarding this manuscript. However, for the sake of protecting the identity of the research informants, I have replaced the actual district where the study was done with an aliases/assumed district

research which I did in Kalulu District of Zambia. The fourth part draws some implications of the various issues raised in this article on social work education and practice. Finally, the fifth part is a conclusion.

## Definitions of elder abuse

To start the ball rolling, let me say that there is no universally agreed upon definition of elder abuse. This is because elder abuse is a very broad and complex phenomenon (World Report on Violence and Health, 2002). According to Wolf (2000) elder abuse is a term with broad meaning, including many forms and examples, always describing harm or loss to an older person. Payne (2005:2) argues that ‘the term elder abuse captures virtually any possible harm inflicted on an older person by society, care setting, or individual’. World Health Organization (WHO) has also defined the concept of elder abuse. This buzz organization defines elder abuse as a single or repeated act or lack of appropriate action occurring within any relationship where there is an expectation of trust which causes harm or stress to an older person (WHO 2012:1).

When I critically look at the above definitions, there are two important things which I am able to see. First, I can see that elder abuse takes many forms. Second, I can see that the common denominator of all these definitions is that elder abuse is an act that hurts or painfully disturb the life of an elder person. Although the meaning of the word ‘elder person’ is not provided in the above definitions, in this article, the term elder person is used to refer to any person who is aged 60 years and above. This is because the main part of this article is written on the basis of the empirical evidence on elder abuse in Zambia. In Zambia the yardstick of categorizing someone to be an elder person is 60 years and above (Zambia National Ageing Policy, 2012). This yardstick is also in line with the United Nations (UN) definition of elder people. The UN agreed cutoff is 60+ years to refer to the elder population (WHO, 2012). Thus, this article should be seen to center on bringing out the additional types of abuse suffered by people who are aged 60 years and above as evidenced in Kalulu District of Zambia. Furthermore, in this article the word elder abuse is defined as any intentional/deliberate act that involves hurting or painfully disturbing the life of any person aged 60 years and above. The act can be done either by an individual person, institution, community or larger society. This act may also be done either once or repeatedly and the harm may take several forms (Payne, 2005).

## Literature review on the types or forms of elder abuse

Available scientific literature classifies elder abuse into five main types or forms. These are physical abuse; verbal abuse; financial/material abuse and neglect (Wolf, 2000; Iborra 2009; World Report on Violence and Health, 2002; Mupila, 2008; McAlpine, 2008; HelpAge International, 2011 and WHO, 2012). Below are the detailed descriptions of what is involved in each of these types.

First, physical abuse: this refers to intentional acts that cause physical harm to the body of an elder person. Examples of this type of abuse may include beating, slapping,



hitting, burning, and pushing among others of an elder person (Wolf, 2000; Iborra, 2009; McAlpine, 2008; Mupila, 2008; HelpAge International, 2011 and WHO, 2012).

Second, verbal abuse: This refers to any intentional acts mainly in form of words, which may cause harm to an elder person. Examples of this type of abuse may include insulting or using filthy language, shouting, and unnecessary blaming an elder person (Wolf, 2000; Iborra, 2009; McAlpine, 2008; Mupila, 2008; HelpAge International, 2011 and WHO, 2012).

Third, financial/material abuse: this refers to any intentional act which involves illegal or non-authorized use of an elder person's financial and/or other material resources which result into causing harm to an elder person. Examples of this type of abuse may include deliberate misusing of the elder person's financial or other material things, falsifying their signature which makes it possible for the abuser to begin to use the elder person's resources; forcing them to sign documents which may make the elder person to lose their financial or material resources (Wolf, 2000; Iborra, 2009; McAlpine, 2008; Mupila, 2008; HelpAge International, 2011 and WHO, 2012).

Fourth, sexual abuse: this type of abuse refers to any intentional act which involves forcing sexual activity that may arouse the sexual feelings of an elder person without his/her own desires or for the perpetrator to gain sexual satisfaction. Examples here could include rape, molest or showing pornographic materials, forcing elder people to commit sexual activities amongst themselves or kissing an elder person (Wolf, 2000; Iborra, 2009; McAlpine, 2008; Mupila, 2008; HelpAge International, 2011 and WHO, 2012).

Fifth, neglect: this simply refers to intentional failure to meet one's own obligations in caring for the elder person. Examples here could include refusing to attend to the needs of the elder people even if the resources are available; leaving them to stay in soiled clothes or beddings; leaving them alone without anyone nearby to give them help when they need help among others (Wolf, 2000; Iborra, 2009; McAlpine, 2008; Mupila, 2008; HelpAge International, 2011 and WHO, 2012).

Besides the above types of elder abuse, some writers also bring out psychological or emotional abuse as another type or form of elder abuse (Wolf, 2000; Iborra, 2009). In as much as this may be true, I think that psychological or emotional abuse should not stand on its own as another type of elder abuse. This is because it cuts across all the above types of elder abuse. For example, if an elder person is physically, financially/materially, sexually, verbally abused or neglected, psychological abuse also takes place. Thus, in my own thinking psychological abuse should be seen as a negative effect or consequence that takes place whenever the elder person is abused. My argument is also supported by the findings of my study in Zambia where psychological abuse was not mentioned at all by any informant as the type of abuse which was recorded among the older people. Details of this will come later as I talk about elder abuse in Zambia.

All in all, from the above descriptions it can be seen that the term elder abuse is very broad. However, in addition to the above types of elder abuse, my research in Zambia

has revealed that there are other types of elder abuse which are worthy adding to the above list of elder abuse. I bring out these types below.

### **Additional types of elder abuse – Empirical evidence from Zambia**

Before I bring out the additional types of elder abuse as established from my study in Zambia, let me provide some background information on elder abuse in Zambia which includes the statement of the problem, main aim of my study and the methodology that I used in my research. This will include description of the district where my study was done.

#### **Background information on elder abuse in Zambia**

Elder abuse is one of the biggest social problems that Zambia like many other countries globally is experiencing. Although there is no national statistics on the prevalence of elder abuse in Zambia due to lack of national surveys on elder abuse, Senior Citizens Association of Zambia (2013:1) notes that despite the elder people (that is, people aged 60 years above) in Zambia only comprising 4 percent (around 521,860) of the total 13,046,508 Zambian population and all their valuable contributions to Zambia's national development, almost every elder person in Zambia is in danger of suffering abuse. It is a daily problem affecting the whole Zambia (Times of Zambia, 2013; Senior Citizens Association of Zambia, 2013; Kamwengo, 2004). This note by the Senior Citizens Association of Zambia seems to agree with the research findings established by HelpAge International. Although not focusing on elder abuse in Zambia, HelpAge International (2011) undertook the study on the living conditions of the elder people in urban Zambia. In this study 48 percent of the older people reported that they had suffered abuse. This is an indication that a significant number of elder people in Zambia are suffering abuse.

#### **Statement of the problem**

Notwithstanding the above, many gaps exist in the available literature on elder abuse in Zambia. To begin with, available literature on elder abuse in Zambia is too generalist in nature. For example, it is not clear about the type(s) of elder abuse that is commonly suffered and the circumstances under which it takes place. The use of international literature which is mainly based on researches undertaken in developed countries also do not provide any distinction between elder abuse in rural and urban areas (Pillemer and Wolf, 1986; Wolf, 2000). Perhaps one of the reasons for this is that there is no big difference in the way people live in rural and urban areas in developed countries. In Zambia, like many other African countries, there are big differences in the way people in rural and urban areas live. For example in rural Zambia there is a collective way of living and usually most of the people know each other on personal basis. On the other hand, in urban areas, people usually live in individualistic manner and usually most of them do not know each other very well (Fuller, 1972; Kamwengo, 2004).

In light of the above gaps, my thinking was that since the social problem of elder abuse in Zambia cannot be understood using the available literature, adequate understanding of elder abuse in Zambia required undertaking intensive elder abuse studies in communities where incidences of elder abuse have been recorded. In that way, the types of elder abuse in Zambia can be well established. In this article I focus on the findings of my study in rural Zambia – Kalulu District.

### **Aim of the study**

The main aim of the study was to explore elder abuse from the experiences of community leaders and organizations dealing with elder abuse issues in Kalulu District of Zambia. The community leaders and organizations referred to here include ward councilors, chief's representatives, village headmen, youths and women leaders, church (religious) leaders, the police, court judges, community neighborhood security watch, area development community members, nurses, clinical officers, doctors, and social workers among others.

### **Research Methodology**

This study utilized qualitative research methodology to allow for the voices of the community leaders and organizations dealing with elder abuse in Kalulu District to be heard. Because little is known about elder abuse in Zambia, and specifically from community leaders and organizations dealing with elder abuse, this grounded approach was preferable (Pope, Loeffler, and Ferrell, 2014). One of the distinguishing features of qualitative inquiry is that it allows for the generation of new insights about the particular issue under investigation. This comes about because the researcher studies the respective phenomenon in depth with the local people with lived experiences of that phenomenon. Thus, the researcher does not go to the people who have experienced the phenomenon with the already predetermined answers to the phenomenon. Rather, the researcher goes to the people with lived experiences open-minded because he/she wants to learn from the people who have experienced the phenomenon (Yin, 2003; Creswell, 2003; Kothari, 2004). This thinking can also be thought about with reference to the popular adage which states that 'experience is the best teacher' (Osei-Hwedie, Mwansa, and Mufune, 1990:95). Thus, the participants in qualitative research are seen as the researcher's teachers or sources of knowledge (Yin, 2003; Creswell, 2003; Kothari, 2004; Creswell, 2009). In this study, my teachers were community leaders and organisations in Kalulu District dealing with elder abuse issues.

### **Confidentiality**

Because the informants were assured that their names would not be revealed anywhere, I have replaced the real names of the district where the study took place with an aliases/assumed name and that is Kalulu District. The names of the informants are not also revealed. However, I have maintained the actual verbatim as they came out during the interviews.

## Description of the study site – Kalulu District

My study site was Kalulu District. Kalulu District is one of the rural districts of Zambia. Kalulu District is about 950 kilometres by road from Zambia's capital city Lusaka. As of 2010 National Population Census, Kalulu District had 11, 500 people (Zambia National Census Report, 2010). The main community leaders in this district include senior chief Kalulu, village headmen, ward councillors, religious leaders, area development committee members, youth and women groups and community neighbourhood security watch officers. Other renowned community leaders include headteachers, medical officers, police officers, social workers and other heads of government institutions (Ministry of Community and Social Services Report – Kalulu District, 2014).

In terms of socio-economic development, economically, with the exception of a few government workers who are in formal employment like teachers, health workers, court workers, social workers, and police officers among others, all the community members are in informal employment and mainly subsistence farming and petty trading (Zambia National Census Report, 2010). In terms of national social security, it is mainly the government workers who have guaranteed social security. The majority of the local people including the older people do not have any access to national social security except free primary health care. Because of this, almost all the local people rely on informal social security/protection mechanisms such as that provided by the extended family members, friends and the church (Kabelenga, 2012). Non Governmental Organisations (NGOs) are also absent in this community. Long distances to social services, unemployment, illiteracy, poverty, disease and morbidity are among other common characteristics of this district (Zambia National Census Report, 2010). Besides these social problems, it is also one of the rural districts in Zambia which has witnessed incidences of elder abuse. Ministry of Community and Social Services Report (2014) notes that incidences of elder abuse in Kalulu District are rampant. However, the actual number of incidences of elder abuse recorded so far is not well known because of lack of available statistics on the prevalence of elder abuse in Kalulu. Thus, I decided to undertake my study in this district because of the revelation that elder abuse was rampant in the district.

## Type of data collected

The study was mainly qualitative in nature. However, it also contained a few closed ended questions. Thus the large chunk of the data that I collected was qualitative data and a handful statistical/numerical data. Numerical data included the background information about the informants/participants and ranking of various types of elder abuse according to the informants' experiences.

## Data collection

Data collection was done following approval of my research plan at the University of Lapland in Finland where I am pursuing my doctorate degree in social sciences. Data collection took place for the period of 7 months - June to December, 2014. A semi-

structured questionnaire was used during data collection. Digital recorders were used to record the interviews. As back-up for the interviews, three digital recorders were used simultaneously whenever I conducted any interview. A notebook was also used to take down the notes during the interviews. Before any interview was conducted, the purpose of the study was explained to the potential participants and those who were willing to participate in the study signed the informed consents – two copies each. One copy remained with the informant, and I remained with another copy. Thus, no respondent was forced to participate in the study.

### **Number of interviews conducted**

I conducted 23 in-depth interviews. Of these, 18 were one to one in-depth interviews and 5 were focus group discussions. On average each interview lasted between one hour and three hours. I conducted all the interviews myself because I wanted to make sure that I collect all the information that I wanted to know about elder abuse in Kalulu District from each informant/participant.

### **Selection and characteristics of the informants/participants**

A total of 20 informants/participants were purposively selected to participate in the study. Of great interest among the characteristics of the participants was that all the participants had the first hand experiences with incidences of elder abuse. For example some had their own biological relatives who had been abused before and others had themselves been abused before besides experiencing and intervening in other elder abusive situations in their communities. This characteristic just confirms that elder abuse is a serious social problem in Kalulu District of Zambia. Thus, by allowing only informants/participants with elder abuse experiences, it enabled me to collect first hand information on elder abuse in Kalulu District. In terms of age, the informants/participants aged between 27 years of age and 67 years of age. Of these, 3 were women and the rest [17] were males. This gender imbalance should not be a surprise. In Zambia, like many other African countries, there are more male leaders than female leaders. In addition, all the participants had formal education with the majority having tertiary/college education and only one had primary education. Thus, the majority of the interviews were conducted in English and only 4 interviews were conducted in local language [kikonde] and later translated in English.

### **Data Analysis**

Data was analyzed manually after transcribing all the 23 interviews using the qualitative data transcribing software called Express Scribe Transcription. I first read each of the 23 transcripts several times to get a sense of the data in its entirety. During initial reading of the transcripts, open coding procedures were employed, where codes were created from what was present in the data (Pope et al., 2014). After identifying initial codes in the transcripts, I moved to focused coding. This involved making decisions about what codes were most relevant to the research objective, discarding codes that

were not relevant, and combining earlier codes that were similar. Constant comparison was used to look for similarities and differences in categories across the transcripts. Thus, the whole process was a back and forth process and as such it was very stressful (Creswell, 2003; Yin, 2003; Pope, et al., 2014).

## Findings

In an attempt to adequately focus my interviews, the first question which I asked all the informants was: How serious is the problem of elder abuse in Kalulu District? In response, of the 20 informants, the overwhelming majority 15(75%) revealed that elder abuse was a serious problem in Kalulu and the other 5(25%) revealed that it was not very serious. Please see the narratives below:

*„It is serious as in a such that us as the police sometimes we get it very difficult because this thing happens in homes in family setups. And you will find that the people who are energetic to come and report to the police they don't come and it is rare to for us to know exactly what has happened in the community. That is the challenge which we are facing as the police victim support unit.” (Male informant aged 49 years).*

*„It is a serious problem. It takes place. Daily would not be appropriate because sometimes, some days may be twice in a week.” (Focus Group Discussion 1).*

*“It's not daily but in a month you might have 2 cases. But in the recent past it was common, it was high I should say but of late the numbers have reduced because the police took an active role to educate the community and arrest whoever was found wanting.” (Focus Group Discussion 3).*

From the above finding, it can be deduced that from the experiences of the community leaders and organizations dealing with elder abuse in Kalulu, elder abuse is a problem in Kalulu. Thus this finding agrees with the position held by the Senior Citizens Association of Zambia (2013) and HelpAge International (2011) that elder abuse is a common problem in Zambia.

## Type (s) of elder abuse experienced

In light of the above revelations, the next question to the informants was: What types of elder abuse have you recorded/experienced in this district? The following types of elder abuse were mentioned – spiritual abuse, physical abuse, verbal abuse, financial/material abuse, political abuse and neglect. Sexual and psychological abuses were not mentioned at all.

## Ranking types of elder abuse according to the informants' experiences

Asked what type(s) of abuse was commonly experienced, all the 20 (100%) informants revealed that spiritual abuse where the elder people were accused of practicing witchcraft and defaming their spiritual beliefs was the main one. This was followed by neglect which was mentioned by 10(50%) of the informants. Verbal and physical abuses

came out third as they were mentioned by 8(40 %) of the informants. It should be reported here that even if neglect, verbal and physical abuses stand alone, these types of elder abuse were seen to be mainly connected to spiritual abuse. Political abuse was fourth as it was mentioned by 7(35%) of the participants. Financial/material abuse was the list and mentioned only by 2 (10%) informants.

Since I have already talked about what is involved in physical, verbal, financial/material abuses and neglect, let me also talk about what is involved in spiritual and political abuses in detail.

## Spiritual abuse

As already reported, in Kalulu District it was evident that from the experiences of the informants the most common type of abuse that elder people suffered was spiritual abuse. Spiritual abuse in this context refers to any intentional act to harm the elder person on the basis that he or she was a witch/wizard of the elder people. Examples here include accusations of elder people as witches/wizards. The narratives below underscore the existence of this type of elder abuse:

*„The common elder abuse are offences common in Kalulu are witchcraft practice where older people are suspected of being witches or wizards, and the other one is mainly verbal abuse like the you find young ones use some abusive language to elderly women or men in society because of being witches.” (Focus Group Discussion 1).*

*„Most of the elderly patients that we have received are related to being suspected of being witches or practicing witchcraft or where maybe one person dies in the family and then they suspect an older person who is then attacked and beaten. Some have been beaten to death, we have received some that have been brought in dead, and some come in badly injured so we take care of them. As a mission hospital, apart from giving them medical treatment we also give them spiritual care and if for sure they are practicing witchcraft usually they repent and become Christians or they confess their sins. We do receive such cases yes.” (Focus Group Discussion 5).*

*„The most prominent one is where these elderly people are being suspected of practicing witchcraft. You find that whenever we have a sudden death, the grieved family would rather use some magical juju. They will put it within the coffin what they call chikondo[coffin], popularly known as chikondo[coffin], so at the time for the burial, you find that people instead of heading to the grave yard, they would be forced by the coffin to search for the person who is responsible for the death. Due to that, people have been buried live, people have been killed mainly elderly people.” (Male informant aged 40).*

Important to deduce from the above finding is that neglect, verbal and physical abuses are part of spiritual abuse. It was actually learnt from the informants that neglect, verbal and physical abuses of many older people took place because many older people were seen as witches. The narrative below confirms the above deduction:

*„Verbal abuse, neglect and physical abuse come whenever they [elder people] are accused of practicing witchcraft.” (Male informant aged 40).*

Thus in a very critical sense, it can be said that from the experiences of the informants spiritual, verbal and physical abuses as well as neglect are inseparable.

## Political abuse

Surprisingly, the informants revealed also that political abuse was also being experienced in Kalulu district. As reported here, political abuse refers to any intentional act that hurts the political life of the elder person. Examples mentioned by the informants here included forcing, deceiving or threatening the elder person to vote for a certain political candidate/party or refusing them to go and vote in an election. Please see the narratives below captured during this study:

*„Yes, even political abuse. Not necessarily grabbing them but those are the children, they literally dictate to them that they would need to vote for this party otherwise they will be in problems. The same young people who take care of them are the ones who demand on them to support a particular candidate because these young people are the ones who are able to discuss, hold conversations with these political party leaders and they are the ones who are persuaded by the political parties leaders to support them and hence they are the ones the political parties leaders use to go and entice their grandparents to vote for them so that things would be better for them while in actual sense things may not be” (Focus Group Discussion 1).*

*„Political abuse happens there. There are sometime situations where by you are keeping this old person at home and then because they are unable to keep those documents [voters cards and national registration cards] and they will give you to say can you keep these things for me, then when the time to vote comes, you tell them you should vote for this one. If not you will be chased from here. Sometimes somebody even say no I will not give you the documents so that they don't go and vote.” (Male informant aged 34)*

*„It is true when you look at the political interference on our old men and women you find that at provincial level at urban setup there a very few aged people and if at all there are any, they are very well informed with what is happening in terms of governance. I'm saying so because they are exposed to TV, radio and so many other facilities but those in the villages that one [political abuse] is very common because you find that these politicians, you only see them going to rural setups when it is time to vote but in town they don't normally go there because they know the people are up to date. But in the rural setup it is very common and in most cases it is the youth's that go to these old people tell them something that's wrong for example maybe if they have a candidate of their choice so they go to them and feed them that wrong information just because this candidate has bought them beer and they can go and interact with these old people because they are conversant with the language that is spoken there. And normally you will find that in the rural setup these aged, most of them, they don't know how to write and if these people are busy campaigning or maybe it's time for voting, they are just told to say the head that you see on top or the one that is the last is the one you should vote for. So if they go there for sure and this person maybe just knows how to mark automatically he or she will go for the one who is on top according to the way he or she is told. I remember an incident somewhere where this candidate is fond of putting on a jacket so they even nicknamed him, jacket man. So an old woman comes and says, who is your preferred candidate, this woman just says the jacket man but when you look at the ballot paper, so many candidates there have jackets so that woman since she has mentioned of the jacket, even when I point at my preferred candidate as a youth [election presiding officer] who is very interested in that candidate, she will go for it. So you find that in the rural setup it is very common.” (Focus Group Discussion 4).*



From the above result it is clear that some elder people in Kalulu District are also abused politically. Thus, if there is anyone who thought that political abuse among the older people was not in existence, this finding marks the beginning of changing those thoughts about elder abuse.

To summarize the above all findings, it can be said that elder abuse does not only exist in five main forms as widely documented in many scientific literatures on elder abuse (see Wolf, 2000; Iborra, 2009; McAlpine, 2008; Mupila, 2008; 2009; HelpAge International, 2011 and World Health Organisation, 2012). Rather from what was unearthed in this study, it is evident that elder abuse exists in many forms. As can be seen from the above, besides physical, verbal, financial/material abuses and neglect, two more types of elder abuse came out and these are spiritual abuse and political abuse. These findings have significant implications on social work with older people. This is because social workers are among the frontline workers in addressing the problem of elder abuse (Pritchard, 1999). Thus, let me also talk about the implications of the above findings on social work education and practice.

### **Implications of the above findings on social work education and practice**

Critical reflections upon the above findings when narrowed down to social work education and practice with elder people raise the following implications among others:

To begin with, elder abuse should not be seen as a monolithic phenomenon. Instead, it should be seen as a multifaceted phenomenon which takes place in many forms. Thus, social workers dealing with elder abuse issues should learn to unpack the phenomenon of elder abuse. For example, they should be specific about the type or types of elder abuse they are talking about. This is because elder abuse is a very broad concept. For example, there is physical abuse, financial/material abuse; sexual abuse; spiritual abuse; political abuse and neglect among other types of elder abuse. Social workers should further learn to unpack each of these types of elder abuse to know exactly the form in which elder abuse is taking place. For example, if talking about physical abuse, it may take forms such as deliberate slapping, beating and burning of an elder person among others. If talking about spiritual abuse, it may take forms such as accusing elder people of being witches. When talking about political abuse, it may involve using political documents like voters cards of an elder person to support the win of a certain political candidate or party in an election without permission of elder people and so forth and so forth. In this way social workers can adequately think about the realistic ways of explaining and addressing that particular form or type of elder abuse.

In light of the above implication, it implies also that social workers dealing with elder abuse issues should be open-minded when thinking about ways of explaining and addressing elder abuse. Because elder abuse is a very diverse and complex phenomenon, understanding any form or type of elder abuse should involve the use of multiple perspectives and by drawing knowledge not just from academic knowledge, but also from knowledge of many people including people who are closer to the abused elder people and from the abused elder people themselves among others (Pritchard,

1999; Fook, 2002; Gray and Webb, 2013). This implies further that social workers should not approach any elder abuse situation with already preconceived or predetermined interventions. Rather, they have to look at any elder abuse situation as new and unique which requires new way of thinking if the situation is to be well addressed. This suggests further that 'one size fits all' explanations or interventions are not relevant when dealing with the social problem of elder abuse (Gough, 1999; Fook, 2002; Gray and Webb, 2013).

Lastly but not the least, it connotes that social workers should be constantly questioning and challenging the existing theoretical and empirical literature on elder abuse. In other words, it means that social workers should be very critical about what they learn in classroom or what they read in available literature on elder abuse. This requires social workers to be reflective of what is going on in different contexts, places, from their own experiences and experiences of other social workers or other professional and non professionals dealing with elder abuse (Fook, 2002; Mullaly, 2007; Gray and Webb, 2013). As has been seen elder abuse does not exist in only five main forms as shown in widely used literature on elder abuse in academic institutions. Rather it is happening in many forms. Doing so may encourage undertaking further researches on elder abuse and in so doing generate new knowledge which are essential to challenging and/ or expanding the literature on elder abuse. Policy and program directions on elder abuse can be shaped according to the types of elder abuse taking place in that particular society.

## **Limitations**

This article is written on the basis of the qualitative data collected from one rural district of Zambia. It should be noted here that one of the main central aims of any qualitative research inquiry is to provide in-depth descriptions of a phenomenon, using a small sample of information-rich cases (Creswell, 2009; Pope et al., 2014). Therefore, the revelations made in this article should be cautiously applied to other rural parts of this world. For example, although the findings presented in this article are from a rural setting, they should not be generalized to other rural parts of the world. This is because what may be true in one [rural] setting may not be true in other [rural] settings.

## **Conclusion**

This article has added new knowledge to the existing literature on elder abuse. On the basis of the qualitative research done in Kalulu District of Zambia, it is evident that besides physical, financial/material, verbal and neglect abuses which are widely shown in available literature on elder abuse, two more types of elder abuse should be added to the literature on elder abuse and these are spiritual abuse and political abuse. Thus this article can be useful to various stakeholders involved in elder abuse issues. This is because it has important implications of changing the way one thinks about elder abuse. Social work education and practice on elder abuse can particularly benefit from this article as it has brought out additional two big thoughts on elder abuse. However, because this article is based on qualitative research which makes it difficult to be generalized to other parts of the world, future researches should be encouraged to

investigate the prevalence of the above two types of elder abuse in other parts of the world. Undertaking separate studies in different regions of the world, for example in Africa, Asia, Europe, and Latin America among others can be a good approach. In this way, it will clear to know the types of elder abuse that are common in different parts of the world. This may help in informing social work education and practice as well as local and international policies on elder abuse.

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## MAPPING THE PRICE OF DEVELOPMENT INDUCED DISPLACEMENT: A STUDY ON DISPLACED OF SARISKA TIGER RESERVE IN RAJASTHAN, INDIA

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**Abstract:** *Development and Displacement is one of the major concern for social scientists, environmentalists and human right activist for the last three decades as it is considered as one of the major source in making vulnerable more vulnerable and a leading factor for marginalization. The spectrums of issues faced by the victims of displacement have been serious concerns for debates and worry. Every year a voluminous number of people have been displaced or forcibly being shifted from their domicile to another place without ensuring the basic aspects of resettlement and rehabilitation. Human right violations are very common in such cases and there are ample empirical evidences on the impoverishment and marginalization of the victims of displacement. Present paper is an attempt to enquire the positive and negative impacts of displacement in Alwar District of Rajasthan in India in the name of Sariska Tiger Reserve Project. Impoverishment model of Michael Cernea along with the social development indicators were assessed. A detailed comparison of pre and post displacement situation has done to examine the extent of impacts on the core areas of social development indicators. Thirty four households were surveyed along with eight case studies. The results indicate a mixture of positive and negative impacts of displacement and the negative factors are prominent as in a number of dimensions the community has impoverished. It is vivid from the present study that poor attempts have made to assess the probable impacts of displacement and people's dependency on the place and resources they were living. Further the study is a clear indicative of the pitiable rehabilitation, resettlement process and policies of India.*

**Keywords:** *Development, Displacement, Rajasthan, Marginalization, Vulnerability*

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## Introduction

India, since independence has witnessed large scale displacement of people in the name of developmental projects, construction of dams, roads, power, mining, giant industries, urban centers, and protecting animals and conservation of bio-diversity. Both development projects and biodiversity conservation projects have impacted the lives of millions of the people across the length and breadth of the country. People in the disguise of development have been involuntarily evicted from their original inhabitants due to large scale land acquisition. There has been a major debate on the development induced displacement particularly in last two decades. Many view 'development induced displacement' is inevitable and inescapable (MuzaffarAsadi, 2001). Most of the developmental projects are being implemented or imposed upon without the consideration of the voice of local people. Furthermore, the developmental projects are introduced without the consideration of cultural and social aspects of the people who attached with the particular domicile. One of the main lacunae of development projects is the poor or no rehabilitation policy. Displacement always leaves people with cries and woes and there is no matter whatever the reason for displacement. In India researchers found that the country's development programmes have caused an aggregate displacement of more than 20 million people during roughly four decades, but 75% of those people have not been rehabilitated (Fernandes, 1991) and their livelihood have not been restored (Mahapatra, 1999).

The increased sensitivity and empirical evidences on environmental aspects and biodiversity in the post modern era created a pressure government to protect such places of importance. Hundreds of national parks and reserves have established and declared as protected areas across the country to sustain the biodiversity. Historically, village displacement has been one of the priorities in management of Protected Areas in India. The aim of village displacement from wildlife sanctuaries and national parks has been to create strictly protected spaces for biodiversity conservation where minimal human use is allowed (Shahabuddin, 2005). There is no doubt that in some cases keeping human settlement away is necessary for the sustainability of both biodiversity and human being. But a large number of unwanted forced displacements has undertaken in many places in the name of protecting biodiversity. Most of such displacement has taken place in the absence of the information on the forest dependency, socio-cultural dimensions and need based rehabilitation packages of the habitants. Such displacement makes people much impoverished, vulnerable and marginalized. The vulnerability and impoverishment possibly will reflect in all dimensions of human life which include livelihood, income, accessibility services, utilization of common resources, quality of life, and traditional practices, social and cultural disarticulation.

Many dimensions that lost due to displacement are valuable and irreversible with any kind of rehabilitation and resettlement policies. Displacement forces them to start their life afresh in new socio-cultural resettlement areas, which is costly and laborious to the people who lost everything (Paranjpye, 1998). Displacement has farsighted impact upon the people in all dimensions of life. Development induced displacement is not just about the loss of households or land, its having varied dimensions. As the policy

makers often pay less attention to the community profile and related needs of the community life of the population, the uprooting and planting of the life again in new place often ends up with unforeseen losses (Ajeesh & Azeez, 2014). Forced displacement can cause impoverishment among victims by bringing about landlessness, joblessness, homelessness, marginalization, food insecurity, loss of access to common property resources, increased morbidity and mortality, and community disarticulation (Stanely. 2004). The changes in the structure and pattern of livelihood, occupation and access to resources directly linked to impoverishment, vulnerability and marginalization.

## **Background of the Study**

The forests of Sariska are an assemblage of ecological diversity, exemplified with varying composition. Sariska is nestled in the oldest mountain ranges of Aravalli, a repository of serene dense forests, wide valleys and sprawling plateaus. Sariska is natural grandeur housing over 401 plant species, 2011 bird species (Forest Survey of India, 2003). The Sariska was known as a hunting reserve during the British Raj and shooting was allowed till 1955 and in the same year it was declared as a Wilde Life Reserve by Government of Rajasthan. In the year 1978, Government of India included Sariska in the list of the Tiger Reserves and subsequently in 1982 it was declared a National Park by notifying an area of 400.14 sq. km. During the span of time authorities envisaged the expansion of Tiger Reserve to the surrounding areas which is moderately populated. A large area of land has been marked as the 'core' area and that necessitated the forest department to initiate the evacuation of people from the vicinity of the Reserve. The expansion plan was successful as the Park has expanded to 881 sq. km. in 2015 from 400.14 sq. km. in 1982. Hundreds of families have been evacuated from the Sariska forest during the last three decades and even from villages outside the reserve also displaced. Sariska has a long history of village relocations and Devri and Umri are such villages shifted to a new place recently during 2009-12.

More than 350 people from 82 families of Umri, a village which included in the core area of Sariska tiger reserve, were moved to a new location in the year 2009-10. A population of around 250 Gujjars consisting 84 families and twice that number of cattle from Devri village have moved to Mojpur Roondh, another village in Alwar District of Rajasthan. The entire villages of Urmi and Devri have moved voluntarily by accepting the compensation package offered by the Forest Department. Most of the Urmi villagers are belongs to Meena Tribe and Devri belongs to Gujjars and large majority of them are mainly engaged in livestock as their livelihood along with very limited agriculture. The offered compensation package includes the land, housing, money, better access to education, health care and other amenities. There are two types of package government offered, the first one consists of six bigha land and 2.5 lakh rupees to construct house. The second package consists of only ten lakh rupees. Very less number of people have opted the second package. This study investigates the positive and negative impacts of displacement on the villagers in the context of social development indicators.

## Methodos and materials

Sample of the present study constitutes 34 households in Mojpur Roondh village of Alwar district of Rajasthan where the people of Sariska Tiger Reserve Project have rehabilitated. Samples were selected through the principle of systematic sampling method. Data were collected only from those household where a person more than 30 years of age is available, because many people settled here before 3-4 years and the reliability of data is susceptible if a person do not able to express the previous situations. A detailed house hold survey was conducted among the systematically selected families. Questions were asked on the situations before the displacement and changes occurred after being shifted to the present domicile. Detailed information on different indicators of development has been collected from the respondents. Apart from the detailed interview, eight in-depth case studies were conducted to acquire the maximum information on the changing life style and the impacts of displacement.

## Results

The result of the study illustrates the pre and post displacement situations and the extent of changes in assets and wellbeing. The study used social development indicators along with the Micheal Cernia's impoverishment model. The Impoverishment Risk and Reconstruction (IRR) model of Michael Cernea and social developmental indicators are taken as the framework for analyzing the results of the study.

## Socio-Demographic Profile

Data were collected from both villagers displaced from Urmi and Devri. The composition of the respondents is 13 from those who displaced from Umri, who belongs to Meena Community which comes under Scheduled Tribes (ST) category and 21 respondents from Devri, they belongs to Gujjar community which falls under Other Backward Class (OBC) category (Table No. 1). The mean age of the respondents is 49.2, and majority of the respondents belongs to an age group of 40 and above. An equal portion of families are (47:53%) living in joint and nuclear families respectively. The mean number of family members in families is five, which vary in nuclear families. The study constitutes only male respondents as it is difficult to conduct a long interview with women due to the rigid tradition. The educational status of the respondents and their family members are very poor. More than 50 percent of them are illiterate and 21 percent are having primary education. Very few people from both the communities have completed their upper primary and secondary education.

Table no. 01

1	Caste	Frequency	Percent	2	Type of Family	Frequency	Percent
	Meena (ST)	13	38.2		Joint	16	47.1
	Gujjar (OBC)	21	61.8		Nuclear	18	52.9

Total No: 34

## Amenities

Considerable changes have been occurred in the amenities which are related to the day to day life of the people. Accessibility, availability and utilization of resources are witnessed for significant changes. Table No: 02 shows the impacts of displacement on different aspects of life. It is inferred from the table that availability and utilization of common properties were very common before displacement as people depended on well and ponds for the water resources. In contradiction to this more than 60 percent of people depended to government bore wells after displacement. It indicates the non-existence of common water resources in the community. One third of the people started owning a personal bore well as they felt it difficult to fetch water from the government bore well. As a reflection of this around 90 percent of the respondents opined that the accessibility to water became very poor. Electricity is one of the positive aspects that the displaced had after being displaced from the original residence. Even a single household didn't electrify their house before displacement and all of them now have the privilege of having electricity.

Around sixty percent of people haven't had agricultural land before being displaced and more than 95 percent availed agricultural land after the displacement. One of the impoverishment that happened after displacement is the usage of toilet. One third of the respondents had a functional toilet before displacement and as of now none of them have a toilet facility and defecating in the open. The compensation package of the government is well reflected in the housing style of the people. All of them have a Pucca (concrete) house, only fifty percent had it before displacement. All the respondents had bank account, ration card and voter id before displacement itself. More than 80 percent of the people were using wood as the source for cooking as their settlement was near to forest. Displacement inculcated the use of gas as medium for cooking. All the respondents opined that displacement badly affected on the availability of the wood for cooking.

**Table no. 02:** Changes in Amenities

Before Displacement				After Displacement		
1	Source of Water	Frequency	Percent	Source of Water	Frequency	Percent
	Well	16	47.1	Pond	1	2.9
	Personal bore well	2	5.9	Personal bore well	11	32.4
	Pond / Well	16	47.1	Government bore well	22	64.7
2	Electricity			Electricity		
	Yes	00	00	Yes	34	100.0
	No	34	100	No	0	00
3	Agricultural Land			Agricultural Land		
	Yes	15	44.1	Yes	32	94.1



Before Displacement			After Displacement		
No	19	55.9	No	2	5.9
<b>4</b>	<b>Toilet</b>		<b>Toilet</b>		
Open Defecation	23	67.6	Open Defecation	34	100
Toilet	11	32.4	Toilet	00	00
<b>5</b>	<b>Housing Style</b>		<b>Housing Style</b>		
Kaccha	17	50.0	Kaccha	00	00
Pucca	17	50.0	Pucca	34	100.0
<b>6</b>	<b>Cooking</b>		<b>Cooking</b>		
Wood	28	82.3	Wood	16	47.1
Wood + Gas	06	17.6	Wood + Gas	18	52.9

**Total No: 34**

Displacement has devastated and rejuvenated the access to certain public institutions. All the public institutions mentioned in the Table No: 03 have a direct linkage with the different developmental aspects of the community. The table indicates that certain dimensions of accessibility have enhanced and simultaneously a few of them has debase. Both the villagers had an Anganwadi/ICDS centre within one kilo meter distance before displacement and now it is five kilometer away from their location. This created the non-utilization of ICDS services and it may have farsighted health impacts. The distance of other public institutions became lesser which includes hospitals; it has reduced from 20 & 25 to 5 kilometers and post office from 30 & 15 to 5 kilometer. It is a positive indicator that people have enhanced their accessibility and subsequently the utilization too. As a reflection of this more than 90 percent of the respondents opined that the health facilities became good while comparing to the pre-displacement stage.

**Table no. 03:** Access to Public Institutions – Before & After Displacement

Institution	Before		After
	Umri	Devri	Umri & Devri
School	0	0	0
Anganwadi	0	0	5
Hospital	25	20	5
Post office	30	15	5
Rajeev Gandhi / Atal center	30	15	5
Dairy	0	0	0
PDS	30	15	5
Bank	25	20	9

Distance in Kilo Meters

## Changes in Life and Livelihood

Forms and pattern of occupation witnessed significant changes after being displaced to the new location (See Table-03). All the respondents actively were engaged in livestock and dairy works and among this around 60 percent engaged in few agricultural productions too in some seasons along with the livestock. After displacement livestock and dairy work is vanished from the scene and more than 95 percent of people purely depended on agriculture as their livelihood. The shifts in occupation reflected negatively on the income of people. A glaring difference is seen among the people on income level in pre and post displacement situations (See Table- 04). The economy of the community became feeble and it clogged the people to have standard life. The mean annual income of the respondents before displacement was 3.2 lakh and after displacement dwindled to 2.3 lakh. Many people considerably lost their income at significant level and more than 90 percent of the respondents opined that income is one of the major aspect that shown indicative diminishment.

**Table no. 04:** Occupation

1	Occupation Before Displacement	Frequency	Percent	Occupation After Displacement	Frequency	Percent
	Animal Husbandry	13	38.2	Agriculture	33	97.1
	A.H. + Agriculture	21	61.8	A.H. + Agriculture	1	2.9

**Table no. 05:** Income

Income	Before Displacement		After Displacement			
	Mean	SD	Mean	SD	t	P
	3.2353	1.11624	2.3882	.81269	10.556	.000

The glaring difference in income level after displacement is the result of aggravated diminution of the livestock. Both the villages, Devri and Umri were livestock based communities and the environment was also most suitable for cattle rearing. The changes in location affected the livestock as the newly located place doesn't have a pasture land and pond (water resources) which are essential for the cattle rearing. Most of the people sold out their livestock and kept very minimal with them. Table No: 06 indicate the obtrusive differences in the livestock in pre and post situations. Buffalo was the very common livestock people had before displacement, the mean number of buffalo respondents had was 29 and it has reduced to 5.5 after displacement. The case of goat and cow is also not different. People only have a mean number of .9 cows and .7 goats; earlier it was 5 and 11.5 respectively. The quantity of difference in pre and post displacement livestock is statistically significant (t-test).

**Table no. 06:** Status of Livestock

Livestock	Before Displacement		After Displacement			
	Mean	SD	Mean	SD	t	P
Cow	5.0588	4.86759	.9118	1.52490	5.018	.000
Buffalo	29.9118	21.79848	5.5000	2.67706	6.747	.000
Goat	11.5882	28.32936	.7353	1.52373	2.246	.031

All the respondents opined that they haven't faced any discrimination from the people of the new location and it is easy for them to access the common properties and resources as like them. All the respondents opined that life became tougher in the new location. Around eighty percent of the respondents got the same neighbors as they had before displacement and they maintain good relationship with them. But around 80 percent of the people felt drastic changes in their lifestyle and which they consider as the results of the increased exposure to towns, travelling facilities and modernity. Most of the respondents felt that there is no severe changes occurred in the practices of marriage, religious and cultural festivals but people lost their common place of worship.

## Discussion

It is evident from the present study that considerable changes occurred in all dimensions of people's life which includes many negative and few positive alterations. This has been the result of the conventional planning approaches that cause many to be displaced and allow only a few to be "rehabilitated" do not adequately protect against risks and loss of entitlements and rights (Micheal Cernea, 2010). The resettlement and rehabilitation policies are again being criticized here as it failed to provide what exactly the people needed. Lack of a need based rehabilitation policy always makes the people become vulnerable and impoverished. Most of the people were unaware about the displacement and rehabilitation package as a large portion among them was illiterate. This enabled the authorities to have a very easy displacement process. Any of the displaced never had been here in the present location to oversee the suitability for habitation and to confirm the facilities/amenities which are necessary to sustain as per the need/peculiar characteristics of the community. This is an indicative how people were unorganized to demand collaboratively for a considerable rehabilitation package. The political under representation and sensitivity of the community made it easy for the government authority to convince the people in the way they actually needed it.

Each and every dimensions of Michael Cernea's IRR model is analyzed in an in-depth manner. Landlessness is not became the problem in this settlement as all the victims were provided with six bigha land otherwise they can choose the other package, it includes financial support of ten lakh. A considerable number of people have even earned more land than they had before displacement. The quality of land is entirely different, the earlier one was suitable for cattle rearing and the later one suits for agriculture only. Sudden loss of employment is not seen in this displacement but an abrupt change has occurred to the pattern of occupation and income. All the residents of both the villages (Urmi and Devri) were purely depended on livestock as their main earning. The change in the place of living affected the livestock as the new location is

not suitable for the cattle rearing, lacks the pasture land and common water resources like ponds and wells. All most all the displaced sold their livestock and compelled to be agriculturist for the best of their livelihood. This has a direct effect on the income of people. The mean income of the respondents was reduced to 2.3 lakh from 3.2 lakh before displacement. The reduction in income is a significant sign of impoverishment. People are coerced to learn new agricultural skills and fought with the land to make it agriculturally suitable. The inherent skill and quality of cattle rearing is diminished from them and affected them on various dimensions of life as the new livelihood opportunities are challenging and less demanding as per their skills. The new occupation, agriculture doesn't yield an exclusive result as it also having a numerous challenges. Most of the people said that the land is not suitable for agriculture and the quality of the water is a significant challenge which diminishes the prospects of agriculture as a source of livelihood.

The quality of housing has improved as hundred percent of the respondents have a Pucca (concrete) house, earlier only fifty percent had it. No one became homeless as the rehabilitation package was included a special financial package for constructing a house. People have very less information on the people who have accepted the second rehabilitation package which includes compensation of ten lakh rupees only. Most of them migrated to some other places along with their cattles and purchased land in different parts of the district and even outside the districts.

The health care accessibility and utilization has increased considerably while comparing to the pre displacement situation. Umri and Devri villages were located in the core areas of Sariska National Park and it was attached to forest. Travelling facilities were very least and the nearby town is far from the villages. People of Umri and Devri had to travel 20 and 25 kilometers respectively to access the health care services. It was very tough for them to travel such a distance with limited travel facilities. People were depended on the traditional system of medicine and rarely use to access hospitals. The relocation has changed the health seeking behavior of the community as all most all people access the primary health care centre which is within a distance of five kilometers. People felt that health of the people have improved and morbidity has significantly reduced while comparing to the pre displacement situation. The quality of water is an emerging issue and it may leads to high morbidity in the coming years.

The food security of the community is not affected in a manner which has shown in many studies (i.e. Oxfam, 2000; Ochola, 2006, 2007, Leach, 1991). Both the villages were sustainable in regard with the food security as they used to cultivate the crops needed for them along with cattle rearing, their primary occupation. The same situation continues and the quantity of agricultural production improved as all have availed land. Some changes in the food intake are observed as many crops which were easily available in the forest are not in a position to access in the new location and many crops are not yielded in the new location. The forest dependency on source of cooking also witnessed for significant changes as people were not in a position to access woods/other materials as easily before displacement.

Access to common properties and community resources is a crucial element which made these communities vulnerable. The entire ecological and environmental situation

they had before displacement has witnessed a change in the new location. Large majority of the people have depended on the common water resources such as wells/ponds as sources of water. The availability of such sources was exclusively high and their livelihood, cattle rearing was also depended on these to large extents. Existence of pasture land was a peculiar characteristic of the community but in the new location it is not in the scene. This was a main reason that people compelled to left cattle rearing as means of occupation. Both the communities don't have burial grounds and place of worship in the location which they had in the previous location. Researchers observed that the spiritual needs of the people are unmet and which leading them to a lesser spiritual well being. The offer of government to construct a common place of worship/temple is not yet fulfilled even after the four years of displacement. The higher dependency of people on forest for the resources of cooking became a significant challenge for them to access the same in the new location.

The visible effects of social disarticulation are very minimal. Most of the people have given an opportunity to choose the prospective neighbors in the location even before displacement. This has resulted minimal effects on the social relationship and networks of the people. Majority of the respondents have got the same neighbors and are satisfied with the relationships as before the displacement. But the non-existence of common places of worship/recreation effected in the traditional practices/celebrations and impacted on the opportunities to come together. Adaptation of new cultures and leaving behind the old one is very visible in the post displacement place. Social disarticulation is mainly seen among the relationship networks of women as most of them had an opportunity to go together for collecting woods and other forest resources or cattle rearing.

Development and displacement literature replete with loss of four fold-human, social, natural and economic capitals of the ousted communities of the development projects in manifold ways (Norvy Paul, 2014). These are the indicatives of possible marginalization. Marginalization occurs when peoples moves towards downward mobility. There are many instances researchers found in the present study which sidelined people into the corners. Loss of income, structural changes in occupation, reduced access to common properties and social disarticulation made these communities vulnerable and impoverished. Upward mobility also visible in this study as health care and education facilities are improved. The gross enrollment of the children of both communities has increased compared to the pre displacement phase.

## Conclusion

In the era of environmental consciousness, higher industrial needs, globalization and privatization it is inescapable from the development induced displacement as land is the minimum requirement for any developmental initiatives. Ensuring a comprehensive rehabilitation package which guarantees to address the social and economic impacts is a necessity of the time. Those displacements which initiates without considering the dependency of people's socio-economic aspects to the particular place they live definitely leads to marginalization and vulnerability. Such people are always victims of

human right violations and continuous exploitation of the old age unsystematic module of development induced displacement.

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# THE CAPACITY OF YOUNG OFFENDERS TO DESIGN THEIR LIFE STRATEGIES

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**Abstract:** *This article is based on a research conducted in the summer of 2013 at the Juvenile Prison of Craiova, held under the auspices of the University of Craiova. Among the topics of the study we have tried to identify the characteristics of life strategies of young offenders. Factors that determine the future vision are indicators of the likelihood of recurrence and the measures that can be taken to reduce risks from incorrect design of the future. The main objective of our study was to identify what factors may contribute to recidivism and what is the impact of the rehabilitation programs on prisoners. One of the conclusions of the research is that there are secondary factors that can diminish the influence during detention of the rehabilitation program on future attitudes of the prisoners.*

**Keywords:** *young offenders; delinquency; life strategy; social integration*

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## 1. Introduction

The debates concerning the punishment of the delinquent acts can be classified into different categories, starting with the most indulgent and going to the most severe. The harshness of the sentences required for correction is an inexhaustible topic of discussion. Simple looks at the different ways in which the same facts are punished in different societies are all arguments of the complexity of such a debate. However, through a careful analysis of how those who have been convicted of criminal offenses can distinguish the differences in the value systems of these persons compared with the values generally accepted in a society can also provide an effective way to rebuild the

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value system that justify the law violations. The social reintegration efforts are limited by the existence of some individual beliefs and ways of the specific goal setting. Maintaining some antisocial attitudes resulting from an inconsistently priority setting will have as consequences the extension and development of antisocial behavior and antisocial groups. On the other perspective, it is accepted that for the different categories of convicted persons should correspond different categories of penitentiaries and as it follows, there may be special penitentiaries for women, minors or penitentiaries for recidivists (Iancu, M.A., 2009:21). As a general understanding, the program of working with delinquents it is defined as a structural approach in order to support them in gaining abilities and knowledge, having as result relapse risk reduction (Oancea, Faur, 2009:71).

## 2. Literature review

Also known as *juvenile offending*, juvenile delinquency represents “the participation in illegal behavior by minors (juveniles) (individuals younger than the statutory age of majority)” (Siegel, Welsh, 2011). In United States, at the beginning of the XXI-century, more than one fifth of individuals in state or federal prisons and jails are between the ages of 18 and 24 (Beck, Karberg, & Harrison, 2002). What is very important to note that „many of these individuals will have spent some portion of their adolescent years in incarceration and, despite its putatively rehabilitative aims, it is all too often the case that young offenders finish their time with the justice system and move into the adult world with just as many, if not more, problems than when they first entered” (Steinberg, Chung, Little, 2004:22-23)

What are the factors that are increasing the risk of becoming delinquent? In some papers we may find them if we want to analyze the portrait of a young offender: a person who is confronting with the following problems: poor school performance, especially low grades, mental health problems, “unstable and unsupportive family relationships, poverty- and crime-ridden communities, delinquent peer influences, and the absence of positive role models” (Hawkins et al., 1998:106-146). It is very important to identify these youths as persons who are more in a strong need of treatment (not only medical treatment, but also social one), than punishment (Sampson & Laub, 1997: 133-162).

Our opinion is that „social treatment” of young offenders can help them in the future and lead them not to recidivate, even if according to other specialists, “whether delinquency stems from a violation of legality or from an attempt on morals, in most of the cases, the future offenders are not from the lower social class of the society” (Leaute, 1972: 424). Other theoreticians are stating the same conclusion, that unfortunately, most often, imprisonment is not achieving its purpose: the young offender will not learn from this situation and most often they will get to learn more delinquent behavior. Recidivist offenders are not always specialized: “most of them are passing without transition from minor to major and serious theft, from vandalism to violence, from rape to drug sale” (Boudon, 1998: 449).

Otherwise, it will be not important to analyze their life strategies, because there will be a lack of these strategies. This is also the main hypothesis of our research: if you focus



more on prison as a punishment institution, and not an educational and correctional one, this will affect the life strategies of offenders and their possibility of social reentry.

For young offenders, prison seems to be a place of passage, which is not meaning less for the actor (young offender). Being a specific episode of the existence, the detention requires the actor to make himself to a "biographical work" (sociology of detention experience) in which the past, the present and the future are redesigned and redefined (Chantraine, 2005; 2004)

The effects of the prison treatment success or failure should be evaluated very carefully, because they can spread in the entourage of the youths who are just released from prison. The increased interest on the restorative justice for juveniles is based on two main reasons. First, the increased pressure exerted in changing penal treatment of young offenders, has created a new trend of international opinion, bringing criminal law systems in a critical point, in terms of future reactions relative to juvenile crime. From this point of view, research on restorative justice is very helpful to avoid a return to traditional criminal measures. Secondly, the responses to the juvenile crime are generally stiffer, more stereotyped than the reactions to crimes committed by adults, which, in most cases, has led to a larger research concerning juvenile delinquency, thus leading to the emergence of a multitude of new specific intervention programs that are different from traditional models of treatment for young offenders. On the other side, it would be useful to develop a critical analysis of the methods used to evaluate the risks of reoccurrence of victimization using the clinical sociology which will may lead to the elaboration of quality standards for the social support to the victims (Nicolaescu D., 2011:126).

In Romania, "the scale and complexity of juvenile delinquency during the transition period has imposed a specific intervention of all institutions involved in the sense of optimizing the legislative, juridical and social protection, the reevaluation of the organization and functionality of the specific agencies, the creation of new services and institutions, of operational needed structures, depending on modern principles and rules, in concordance with the international criminal policy guideline sand the current needs of Romanian society" (Banciu, Rădulescu, 2002: 212).

According to the Romanian sociological literature "the analysis of the evolution of sanction stake against young offenders reveals that, unlike other criminal systems, the European or the American one, where there are anon-custodial penalties taken and, thus a reduction in the custodia in Romania the situation is exactly reversed, observing a significant increase of imprisonment measures applied to young offenders. For example, in 1996, of the 10,377 young offenders that were definitively judged by the courts, 4,667 of them were sentenced to prison (Banciu, Grecu, 2003: 355).

The institutionalization of young offenders, serving a sentence in prison or the educational measure of admission into a rehabilitation center are raising both economic and social problems, in terms of re-socialization and reentry into society. Therefore, it was felt the need of a change in criminal and social policies for the prevention and treatment of young offenders in Romanian society. Also, there have been diversified the methods of prevention, intervention and post-intervention under taken by the social institutions with an important role in the adaptation and social control of youth.

The theoretical framework responsible for the identification of the generating factors of the delinquency it assigns heuristic value. This approach provides an opportunity to conceptualize and explain the complex interaction of the risk factors from a dynamic perspective (Day and Wanklin, 2012:4). Through the analysis of the risk factors increase the understanding of the relationships between factors and their consequences. This understanding enables early intervention through specific programs intended to change the criminal trajectory (Day and Wanklin, 2012:4).

Theories on deviant behavior research reveal the factors complexity determinants of the juvenile delinquency. Monitoring the evolution of the phenomenon in the United States, James Teele (2000: 1485) found that the rise of this phenomenon is not specific only of the continent across the ocean but also other countries: England, Spain, France, Italy, Germany and others. Most cases of delinquent behavior have been reported in the developed countries and heavily industrialized. For those responsible for social order it became problematic the distinction between the dynamic behavior owing to their age and the criminal actions.

The severity of criminal acts committed by the young has increased steadily in USA. Researches in the advanced societies have found an increase in crimes committed by the young against the background changes of the industrialized societies. Quoting researches from other countries, James Teele (2000:1487) mentions that in the UK between 1987 and 1993 youth violence increased by 34%, due to the inequalities and the family stress, in France the researchers found the same phenomenon severity acts growth committed by the youth against the background the family, morality decline. In Japan, the increase in juvenile delinquency was explained by the stress of competition for academic success (Teale, 2000: 1487).

The researches performed internationally and associations with the contemporary society's modernization are meant to report possible risks of the juvenile delinquency in the developing countries. Long-term exposure to the same socio-economic phenomena of some societies among which Romania is part allows by analogy the prediction of the danger represented by the juvenile delinquency growth.

The globalization has a unifying effect on the value systems of modern countries. In particular the attitude towards the social success is largely shared by people in all societies. For young people in these societies social status the differences between the families are those that place them at the beginning of opportunities at various levels, and the difficulty achieving the initial objectives is the main cause of the juvenile delinquency. More, the inability to achieve these goals is the catalyst factor of the other risk factors that may present in a latent state, but the willingness and the disappointment given by the lack of resources of any kind they may become manifest.

By knowing how the young offenders design their life strategies, we have tried to identify the future goals and how they build their strategy of action to achieve them. Through the correlation with the choices expressed at other questions and the social context I tried to determinate the risk of recidivism in direct proportion to the distance between resources, understanding and goals.

### 3. Methodological framework

The research method was a sociological inquiry and the research tool was a questionnaire. To achieve the research objectives there have been developed a number of 61 questions grouped into eight themes: 1. Criminal profile, 2. Causes of criminal behavior, 3. Prison experience, 4. Reintegration programs impact, 5. Projection of the future 6. Economic situation 7. Cultural and value system 8. Socio-demographic data.

The first chapter was intended to provide information regarding the crimes committed the relapse status, previously offences, punishment perception and regret for the offence. To identify the possible causes of the criminal behavior there have been developed a set of questions about how each respondents appreciate itself and the influence of the social environment have on the criminal behavior. The social environment is understood in terms of two factors: family and friends. Another important dimension of this study was the prison experience. The data collected were related to the deficiencies received, difficulties of adapting from the prison life, prison assessment conditions, friendly relations related to prison, duration of this friendships after the ending of the sentence and how the respondents believe that the knowledge acquired in prison will help them in the future. The chapter intended to the reintegration programs impact includes questions about the favorite activities, knowledge and attendance to the training courses, educational activities and desires regarding the qualification courses. Chapter five is the base of this article. We wanted to identify the capacity of the young people interviewed to establish a life plan and the understanding level of the conditions to society reintegration.

Identification of the economic status of the young research group is intended to understand the economic determinants they may encourage the delinquent behavior.

The study was conducted in 2013 on a group of 211 people aged 18 to 21, from a total of 500 inmates. All respondents were male the penitentiary institution is intended only for this category. All 211 had discernment, not being diagnosed with a psychiatric disease and they understood the meaning of the questions they have been asked. Participation in this study was pure voluntary, the respondents was not forced to participate in any kind. Rewards were offered by the penitentiary institution, offering 3 credits point for the inmates who have expressed the written consent to participate in this study.

### 4. Results of the study conducted on the young offenders in the Juvenile Prison Craiova

Given that for those aged less than 18 years we can talk about addiction to the family, in the case of these youths we are talking of people directly in charge of their own destinies. However, the target group of this research believes that this category is also the most vulnerable due to the reduced opportunities for social reintegration. The first feature of the group the declared optimism, resulted from a rate of 80.1% said they would get a second chance. The pessimists group was only 11.4%. A percentage of 6.6% could not give an answer to this question.

**Table no. 1**

<i>Do you think you get a second chance?(%)</i>		
1.	Yes	80.1
2.	No	11.4
3.	I do not know	6.6
4.	NR	1.9
	Total	100.0

The optimism was maintained to the next question, regarding their capacity for social reintegration. 80.6% said that they can smoothly reintegrate into society, 16.6% said they can integrate only if they are helped, 2.3% said they cannot integrate smoothly into society, and a percentage of 0.5% did not answer this question.

**Table no. 2**

<i>Do you can smoothly reintegrate into society? (%)</i>		
1.	Yes, no problems	80.6
2.	Yes, if they are helped	16.6
3.	No	2.3
4.	NR	0.5
	Total	100.0

The optimism expressed by the two questions reveals a trend of overconfidence in their own strength and permeability of the social environment. Most of them expect family support (91.9%), considering that in the future they will be with family. Only a small group of them (2.8%) mentioned that the future will be "one against all".

**Table no. 3**

<i>What will be your next position? (%)</i>		
1.	Along with family	91.9
2.	Alone against all	2.8
3.	Along with friends	1.9
4.	Along with girlfriend	1.9
5.	I cannot say	0.9
6.	NR	0.6
	Total	100.0

Between this question and the one referred to person or institution which it can help them in the future, a percentage of 84.8% believe that the family will support them, 3.3% mentioned that they will be helped by the mothers and 0.9% said they will be helped by the father. We find that the difference of 7.1% of those who will be with their family in the future and those who believe that family will help them in the future

represents a group of young people who believe that after release they will take care of their family.

**Table no. 4**

<i>After liberation, who do you think will you support? (%)</i>		
1.	Family	84.8
2.	Mother	3.3
3.	Girlfriend	1.4
4.	Father	0.9
5.	State	0.5
6.	Someone	3.3
7.	I cannot say	3.3
8.	NR	2.5
	Total	100.0

Only 15.6% of the respondents said they were aware of the public or nongovernmental institutions which could help them to reintegrate into society. An overwhelming percentage of 77.7% were not aware of the possibilities offered by the government for social reintegration.

**Table no. 5**

<i>Know any public institution or NGO that supports people coming out of prison to reintegrate in associative? (%)</i>		
1.	Yes	15.6
2.	No	77.7
3.	NR	6.6
	Total	100.0

A percentage of 63.0% of respondents said they do not need support for social reintegration. Only 23.2% believed that after release they need institutional support. This structure of responses shows a dose high optimism of the young and neglects the factors that can contribute to social success.

**Table no. 6**

<i>Do you think the release must be counselled by a specialized institution for social reintegration? (%)</i>		
1.	Yes	23.2
2.	No	63.0
3.	I cannot say	11.8
4.	NR	1.9
	Total	100.0

A reduction of the number of optimists came to the question of future security: a rate of only 59.2% said that their future is secure. Compared with the 80.1% optimists a percentage of 20.9% did not believe that they have a secure future, in other words I think things will get a positive spin for them at the time of the interview they don't have any life plan.

**Table no. 7**

<i>Q37. You think your future will be..... (%)</i>		
1.	Sure	59.2
2.	Uncertain	39.3
3.	NR	1.4
4.	Total	100.0

The factorial analysis revealed the existence of two factors that explain the opinions variation in a proportion of 95.2%. The first explains the optimism displayed in a proportion of 48.4% and refers to the knowledge of the training they receive in prison, and the second generating factor of optimism is work experience, which explains the declared optimism, in a rate of 46.8%. Trying to grasp the factors generating the optimism reveals the major influence of this on the way prisoners imagine the future. Acquired qualifications and training courses in the penitentiary are appreciated positively by the inmates and believe that they will provide a solid foundation for the future. Work experience is the second element that supports optimism. While many of those interviewed did not perform skilled professional activities, still, they can compare the additional possibilities of work in prison. We mention that those who have completed courses are or will graduate qualification courses and consider that this activity will help increase work experience. Also, those who have held jobs before the arrest and probably had a longer criminal activity they don't appreciate the opportunities that may occur after release, due to skills acquired in prison. Optimistic assessment on smooth reintegration is based on the following factors which explains this option in a rate of 90.41%: work experience (33.27%), the support that they will receive after release, (25, 24%), gaps in prison (19.02%) and attitudes towards severity of punishment (12.88%).

Previous factors fall into two categories: related to the external environment and resulted from the present condition. On the one hand we talk about experience even if reduced in labour, but thought out and understood as a future solution, complemented by the support that the loved ones (especially family) are willing to provide after release. On the other hand prison conditions are causes of personal dissatisfaction, and the punishment expiated (in most cases considered too rough) is a second factor that contributes to the idea of integration in society. The risks involved in the work experience requirements and susceptibility to getting a job will not be completed, due to family discord. Labelling, marginalization, insufficient family support may be risk factors in the development of the youth post-detention. Dissatisfaction with the prison conditions will fade in the future, and the poor living conditions and lack of alternatives can reconfigure the current view so that in some point the one at issue may commit

new crimes considering the risk taken is too small compared to the potential profits. Although the optimism displayed decreases as the questions relating to the future are more precise, we find that for those who keep this opinion, the determining factors multiply and diversify. The four factors that explain variation in a rate of 86.39% the opinions are: work experience (35.43%), gaps in prison (19.55%), religiosity (16.75%) and the perception of the prison. It is noted that the four factors fall into three major dimensions: first work experience defines the first factor that supports the respondents attitude, the second dimension refers to the prison experience that includes two factors (perceived gaps and perception of life in prison). The third dimension relates to religiosity, factor which first appears in explaining the optimistic vision of the future. We believe that religion is an important factor in projecting the future but free of concreteness in building the individual future.

## Conclusions

The element analysis underlying the future projection by young prisoners highlights an optimism that hides the lack of real life strategies. Attendance in the penitentiary or the education or the skill encourages young people to believe that they have already acquired skills to help them reintegrate into society. This attitude is evident in the case of prisoners who have work experience. New knowledge and previous experience support the initial optimism.

The effect of prison on youngsters have discouraging effects, many of those present feel the period of incarceration in a dramatic way. The desire to be free and not to relapse is observed negatively attitude towards the prison conditions. The unpleasant experience became a factor that determinates the decision not to return in prison, even if they have not clarified what they will do after release. We find that the future imagined by the young prisoners is based on the knowledge acquired in prison, completed by the faith in family support, the discomfort of life in prison and belief in divinity. Instead the institutional system of public or private assistance which can provide their personal development direction is unknown for them.

The elements, on which their optimism is based, bring in attention the same number of questions on the behavior of the prisoners while the determinant factors of the future projection will disappear or change. For example, lacking in family support or job you want delay to appear. Therefore, it's reducing the optimism, and the new temptation to compensate for lack of material evidence becomes increasingly likely. For those involved in the social reintegration of the young prisoners appears as necessary for the preparation of the future and their training on life strategy based on facts and successive steps. The purpose of such activity serves to diminish naive and unfounded attitudes that will bring some of them in a position to relapse. Understanding expectations and difficulties of daily life becomes in turn a determinant of successful social reintegration. As a future solutions for better approaches of life strategies of young offenders it will be create a participative process by focusing each reintegration organization on the process itself, not only on their own objectives and responsibilities (Nicolaiescu D., 2009: 6), thus the actions can be implemented in a way that maximizes their efficacy and efficiency for rehabilitation of youngsters.

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# THERAPEUTIC APPROACHES FOR THE DRUG ADDICTS FROM PENITENTIARIES

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**Abstract:** *The paper approaches the specific aspects of drug addiction treatment in detention facilities, surveying the treatment principles used worldwide. Since it is important to provide equal opportunities for the inmates to treat their drug addiction, the paper shows the progresses achieved in Romania by the establishment of therapeutic communities in penitentiaries for the drug addicted convicts. It also describes aspects regarding the evaluation and inclusion of the inmates in drug-addiction treatment supplied through the therapeutic communities within the detention facilities.*

**Keywords:** *drug addiction; convicts; principles; treatment; therapeutic communities*

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## Introduction

Drug consumers can be integrated in a treatment program both in liberty, and in detention facilities, which requires, both generally, and specifically, working principles with the drug addicts, in terms of the strict observance of the human rights.

Drug addiction treatment is done within axiological matrices which determine the predictability that the drug addicts leaves the “drug circle”.

The general working framework presents the principles for the efficient treatment of drug addicts, rules developed by the US National Institute on Drug Abuse in 1999 (NIDA, 1999).

The process which provides treatment for the convicts has many preconceived ideas. Among them, an outstanding one refers to the opinion according to which it is outright pointless and useless to provide services to people convicted due to criminal acts, hence the difficulty to accept treatment as instrument to control the crime.

Since the treatment is a humane service, being thus considered much “simpler” than most of the traditional services of penal law of incarceration or parole (for instance, electronic monitors, house arrest), its connection with the reduction of the crime rate is

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unclear. For instance, Duffee and Carlson (1996) revealed the premises for facilitating the access to treatment services for addiction, considering that four principles of determination can be applied: the individual deserves to benefit of treatment; the individual is amendable for treatment; the individual can cause large social damages if not treated; the organisations with the best reputation for an efficient management must be involved. The two authors consider that these premises serve limiting the access of convicts to services, even though the application of these principles would support a better focusing to provide services for the people on parole or on probation.

## **Principles of the treatment for drug addicts spending time in penitentiaries**

For the purpose of the comparative analysis of the advantages provided by the courts for drug addicts, the paper mentions the working principles for the treatment of convicted drug addicts, the operational framework being recommended in 2001 by the World Health Organization (Regional Bureau for Europe) and the Council of Europe (WHO, 2002).

These principles rely on the experience of the European countries which participated in the World Health Organization's projects in penitentiaries and to the activities of the Pompidou Group of the Council of Europe.

### ***General principles***

1. **The illicit consumption of drugs in penitentiaries reflects the illicit consumption of drugs within the whole society.** For instance, in penitentiaries, as well as in the community, there is an increasing trend towards the varied use of drugs, of a wide range of substances (cannabis, drugs used to other purposes than their actual purpose, alcohol, etc.), which shows that any penitentiary program should be complementary to the one used within the community.
2. **The clients commute between penitentiaries and community.** This movement of people shows that the infections transmitted within penitentiaries are most often acquired within the community and will eventually return to the community. Public health protection within the community depends on the provision of adequate healthcare services within the penitentiaries.
3. **Incarceration as punishment extends just to the deprivation of liberty.** The penitentiaries should not make reference to the punishment simply as deprivation of the human rights, but as provision of access to healthcare similar to that available within the community or as exposure to lower health risks, than those that would confront them within the community.
4. **The penitentiaries should be safe and decent places in which people live and work.** The health, safety and welfare of all inmates and penitentiary staff depend on the clarity of rules, procedures and sanctions if going beyond these limits.

5. **Usually, the convicts are socio-economically excluded and experience complex problems related to the welfare, health and relations with their families.** These factors are most times associated to the use of a wide range of psychoactive substances.
6. **The specialists working in detention facilities should enforce own legislation.** The penal law regarding the illicit substances varies from one country to another, there are periodical debates on legislative changes regarding the use of drugs, but the penitentiaries should enforce the law irrespective of their juridical position.
7. **The wide range of criminal behaviours can be associated to drug addiction.** Some convicts are in detention due to the unlawful possession, distribution or use of illicit substances. Other people have been incarcerated because they committed or are suspected of having committed a related offence, motivated by the need of money to buy drugs or by the wrong reasoning due to the pharmacological action of the drugs. Some people can be incarcerated due their involvement in crimes with violence associated to the illicit manner of using the drugs within the community. The support provided to the people using drugs illicitly is important not just for healthcare and social protection, but it also is a way of reducing the probability of involvement in future crimes (Abraham, P, Nicolaescu, D., 2007).
8. **The response of the law-enforcement system and of the law towards the drug addicts should take into consideration the circumstances in which they breached the law, so as to identify their healthcare and social protection needs.** A proper balance when deciding the punishment is much better than the excessive punishment, with role of example, or than the unlimited tolerance towards the people offending the law. Most often, the social and healthcare interventions for substances whose use is legal within the community (such as the alcohol, for instance) are similar to those for the illicit drugs.
9. **The medical staff cannot solve alone drug addiction within a penitentiary context.** A multidisciplinary approach is needed the people need to be assisted by counselling, information and education, as well as by assistance for their dwelling, employment, expenses and education at the moment of release from detention. The penitentiary administrators and officers must have the most adequate conditions in order to minimize the possibility of drugs entering the detention facilities.
10. **The harm reduction measures are necessary in order to reduce the incidence of the side effects on health due to the consumption of drugs.** Relevant examples include the transmission of HIV/AIDS or hepatitis (B or C), as well as violence or sexual abuse associated to the illicit modalities in which the drugs are distributed within penitentiaries.

The specific principles for the supply of counselling and treatment services to drug addicts confined in penitentiaries is form a fundamental area in orienting the services

provided within these residential structures with confined regime, the general guiding framework being described below.

**1. The medical-social services from the penitentiaries are largely equivalent to the healthcare and social services provided in the community.** This principle of equivalence suggests the provision of services which:

- *Rely on the evaluation of the need.* The individuals confined in penitentiaries have higher healthcare needs than most of the people from the community, because they are more likely deprived socially and economically.
- *Support the people to alleviate or treat drug addiction;*
- *Involve each inmate as partner in planning and assuming the responsibilities for assistance and treatment;*
- *Prevents the expansion of transmissible infections;*
- *Promotes healthy behaviours;*
- *Reduces the adverse effects of the particular environment and those resulting from risky behaviours.*

**2. Professional ethics in providing the services of medical-social assistance.** An important aspect refers to the principle of autonomy, which acknowledges the right of the patients to be fully informed and advised about the medical interventions (even on the possibility of refusing healthcare) and the importance of the fact that the healthcare staff should be independent of the penitentiary management and able to fulfil their duties in agreement with the ethics of their professional organisation. The staff with different specializations should evaluate efficiently how much properly is managed the tension regarding client confidentiality and the multidisciplinary activity. The multidisciplinary team should ask the client his/her consent to share the relevant information that comes from specific circumstances.

**3. Client healthcare involves monitoring the results determined both within the penitentiary and outside it.** Giving priority to the survey of services operation shows us how much important is the development of more efficient services. It is determinative to make sure that the addicts take part in the research after their informed consent and under conditions of confidentiality.

**4. The supply of services should be efficient and efficacious at the same time.** This requirement is achieved when the services are planned according to the needs, when the treatment and the support plans are documented, with clear objectives monitored and reviewed periodically. All results should be evaluated as part of the periodical review of the entire service.

**5. Continuity of the healthcare.** The people with problems of drug addiction and “commuting” between the penitentiary and the community may spend short periods of time within penitentiaries, different from the community programs of treatment and support. There should be a real cooperation between penitentiaries and the external

agencies so as to identify the problems which the individuals have when they are confined into the penitentiary, as well as when they leave those premises. This approach should be integrant part of the healthcare strategies for the drug addicts confined in penitentiaries.

**6. Information of the inmates and of the penitentiary staff** on the use of drugs and on the risk of infection with transmissible diseases. It is important to acknowledge that a proper medical-social service in the penitentiary can accomplish the whole policy of ensuring a proper state of health and preparation for social reintegration.

**7. The reduction of drug offer is a priority** within the penitentiaries, so as to minimize the opportunities which a drug addict has to use drugs, to encourage the inmates to decide for treatment and to reduce the negative aspects associated to the illicit offer of drugs (higher risks of infection by the repeated utilization of the syringes, disputes between illegal traffickers, etc.). The prescribed medication is sometimes wrong, so that the reduction of the drug offer should include efficient systems of controlling the availability of the prescribed medicines.

The effort of the penitentiary administration to curb the use of drugs requires proper actions which to reduce the demand for drugs within the penitentiaries, and this presumes the provision of comprehensive services of evaluation, treatment and post-treatment.

The importance of identifying the needs for treatment of every convict is achieved within the wider working context by identifying his/her criminal behaviour in order to reduce the risk of relapse and to encourage him/her to reduce own risks by adopting proper measures.

## **Therapeutic communities within the penitentiaries from Romania**

Four major strategies can be used within the process of planning the establishment of therapeutic communities within the penitentiaries for the specific use of drug addicts:

1. Integration of all the functional areas of the penitentiary community with the purpose of developing the common goal, the relations and the comprehensive approach for the rehabilitation of the convicts;
2. Development of a community advisory and decision-taking structure;
3. Providing comprehensive treatment programs for all inmates;
4. Development of a new common culture for the inmates, penitentiary staff and therapeutic staff.

The publication “**Principles in drug addiction treatment: guidebook based on research**” identified 13 principles of the efficient treatment (NIDA, 1999), which mainly require a systematic approach of the treatment services because this type of approach would fill in the gaps in the infrastructure which affect every step of the service supply chain. Thus, the evaluation and placement, problems related to the

process of treatment, the penal justice, the monitoring services and anti-drug testing, illustrate the integrated manner in which the overlapping between the penal justice and the treatment system require policies and procedures which to fir this “confluence”.

The review of the essential elements of the therapeutic communities resumes to the identification of the important, but not single, aspects for the implementation of these communities in Romania too.

Project RO-0034 “Establishment pf three therapeutic communities in the penitentiaries of Rahova, Jilava and Târgșor”, which run in 2012-2013, aimed to develop the national system of assistance for the persons deprived of liberty, drug addicts, by the establishment of three therapeutic communities in the penitentiaries of Rahova, Jilava and Târgșor, using the pattern of the therapeutic communities from Norway (Phoenix Haga, Samtun, and those from the penitentiaries from Oslo and Bastøy), pattern adapted to the conditions of the Romanian penitentiary system.

The three therapeutic communities have been established by Decision 534/2011 of the general director of the National Administration of Penitentiaries, in agreement with the acting norms and regulations both in terms of penal-executory legislation, with the programs of education and psychological assistance running within the penitentiaries, and with the programs developed for the drug addicts.

The target group which can access the therapeutic communities program consists of people deprived of liberty with final convictions, with a history of consumption of psychoactive substances who, after the psychological, social and educational evaluation, received recommendation for participation in the therapeutic community program according to the Individual plan of evaluation and educational and therapeutic intervention included in the file of Education and Psychosocial Assistance. The conditions of eligibility and maintenance within the therapeutic community program are properly determined and observed by all the staff members.

<b>Criteria for residents' inclusion within TC</b>	<b>Criteria for residents' exclusion from TC</b>
<ul style="list-style-type: none"> <li>• Drug 0;</li> <li>• Must have common history of psychoactive substances;</li> <li>• Must be assigned for semi-open or open jail;</li> <li>• Must not be under investigation or to have 6 to 12 months of jail before he/she becomes eligible for the Commission of proposal for parole;</li> <li>• Must have recommendation from the case manager from CPECA;</li> <li>• Must have recommendation for inclusion in TC within the Individual</li> </ul>	<ul style="list-style-type: none"> <li>• Unlawful possession of psychoactive substances;</li> <li>• Consumption of psychoactive substances discovered by fast detection;</li> <li>• Refusal of participation or repeated unmotivated absences from the recommended activities;</li> <li>• Committed serious or very serious infractions of discipline;</li> <li>• Repeated moderate infractions of discipline stipulated by Law 275/4 July 2006, concerning the execution of</li> </ul>

Criteria for residents' inclusion within TC	Criteria for residents' exclusion from TC
<p>plan for evaluation and educative and therapeutic intervention;</p> <ul style="list-style-type: none"> <li>• Must not have major psychic interventions or major cognitive deficit, because otherwise these people would not be able to comply with the structured environment of the TC and might not understand the treatment method;</li> <li>• Must not be convicted for crimes against the sexual freedom (rape, incest, paedophilia) and for arson. In order to maintain TC integrity and safety, the residents must be able to control own behaviour within the structured therapeutic environment. Therefore, the residents who might endanger the life or security of the other members will not be eligible;</li> <li>• Must be over 21;</li> <li>• Must be speaker of Romanian language;</li> <li>• People convicted for the first time have priority (with/without previous criminal record), as well as the inmates with no disciplinary punishment.</li> </ul>	<p>punishments and the measures decided by the judicial bodies during the penal process, with subsequent completions, and repeated in compliance with the usual TC rules;</p> <ul style="list-style-type: none"> <li>• Doesn't comply with the basic rules;</li> <li>• Repeated breach of major rules or breach of the duties assumed through the agreement for therapy;</li> <li>• Refusal to undergo specific treatment for a disorder which endangers the public and personal health.</li> <li>•</li> </ul>

*Note: CPECA – Centre for the Anti-drug Prevention, Evaluation and Counselling; TC – therapeutic community*

The following departments have been organised within each therapeutic community established within the penitentiary: maintenance, kitchen, reception and creation. With the view of accomplishing the specific objectives, the residents perform different activities within all these departments, according to clearly established criteria. The assignment of the residents to the different departments is done after an interview during which they are informed about the specific tasks of each department. The residents from the therapeutic communities from penitentiaries can take the following positions within these departments: member with executive function; deputy department leader; leader of the community residents.

Typical interventions for any therapeutic community are taking place within the therapeutic community established within the penitentiary, but also programs and activities specific to the penitentiary environment, which are compulsory.

Minimal interventions provided within the therapeutic communities from penitentiaries

- Common custody, in the specially arranged area, during the period of treatment;
- Integrated, multidisciplinary evaluation for admission within the TC;
- Therapeutic interventions specific to the therapeutic community as method;
- Psychological interventions (counselling in situations of crisis, for personal optimization etc.);
- Interventions of social work (vocational counselling, advices for the development of social, parental, decision-making, etc. abilities);
- Educational assistance (literacy, school education, professional qualification etc.)
- Medical assistance and periodical testing of the residents to detect drug consumption.

The rules applied with the therapeutic communities from Romania are not in contradiction with the rules stipulated by the legislation regulating the execution of liberty-depriving punishments, their role being that of educating and preparing the residents for the life in society after their release.

With each stage of evolution, the system of sanctioning during detention and the services of treatment of the addicts must define their roles, areas of expertise, as well as the integration of the components of rehabilitation and resocialization of the convicts. It is known that the sanctions and rights of the beneficiaries of therapeutic community services rely on the interrelated management of this residential treatment structure in closed environment (Nicolăescu, D., 2007:46).

### **Discussions regarding the evaluation and inclusion of residents within the treatment of the therapeutic communities from penitentiaries**

Most researches conducted on the abuse of substances and on the required corrections start with a discussion on the selection of the inmates eligible for the proper treatment services. The selection of clients, their evaluation and placement have been studied as critical components of a process of treatment (Taxman, 1998). The process of evaluation unfolds on several stages, mainly focused on the utilization of clinical and psychosocial information to guide the placement within the proper services. The selection of beneficiaries improves the results. The challenge is to determine the evaluation protocol, the protocol determining the level of need and risk, and the protocol selecting the client for the treatment programs.



Since the instruments of risk analysis are known to be valid, it is necessary to focus on the development and implementation of the penal environment instruments which prove to be efficient.

From the systemic perspective, the researchers discuss about the need of multidimensional processes of evaluation, which take into consideration the combination of risk and needs. Adequate answers are also required to some relevant questions related to the development of a scientific approach which integrates the information from evaluation with a treatment plan for the drug addicts: what set of instruments will provide an image as close to reality as possible of the convict's psychosocial behaviour; what organism is responsible for the application of instruments; where are the instruments to be applied: in the penal justice and/or within the process of treatment; how can the different law-enforcement and convict rehabilitation structures can use the information acquired using various instruments; what protocols are valid for the correct utilization of information; what process will be used to gather the results of the different evaluations and to use the final information for the development of the treatment plan and/or treatment contract with a convict. The answers to these questions are essential for the information of the judicial and treatment systems about the history of substance utilization, nature of crime and other functional problems (disorders, interpersonal deficits) which affect the motivation and performance of the individual treatment program.

As it can be noticed worldwide, the integrated process of evaluation contributes to the improvement of the treatment plans that meet the requirements of public safety and health.

## Conclusions

Drug addiction treatment in penitentiaries is a process which facilitates the changes of behaviour, attitudes, values and cognition of the convicts sentenced to jail. The processes of drug addiction treatment involve many components, such as arrangement, recovery and creation of an environment which provides support for change; the treatment should be administrated carefully by the suppliers of services in agreement with the set objectives (Iancu, A.M., 2010:15). To this purpose, it is necessary to have an approach in several stages which contributes to the evaluation of the changes of behaviour as a long-term process, unlike the conception according to which a short-term intervention (under 90 days) may induce long-term behavioural changes (Nicolaescu, V., Nicolaescu, D., 2007: 53).

There are many studies regarding the therapeutic communities from the penitentiaries which show significant improvements such as reduction of relapse and of the abandonment rates for the inmates engaged both in penitentiary and post-penitentiary programs. The large number of post-treatment studies conducted both in jail, and within the community, might contribute to the adoption of the hierarchical therapeutic community as main method of drug addiction treatment worldwide and in Romania. There also is a trend to compare the results noticed for groups of convicts with different terms of jail, which constantly identifies the fact that the longer time the inmates spend within the programs, the less chances are to relapse.

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## TOWARDS A NEW EUROPEAN POLITY? SOCIAL DEMOCRATS AND THE 2014 EP ELECTIONS

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**Abstract:** *The article highlights key issues and trends for the performance of PES and allies in the 2014 European Elections. Hence a historical background analysis is provided to observe the evolving balance of representation in the EU Parliament across three decades. Moreover, the paper aims at identifying the key member states for an improved result for the S&D group in terms of seats. To this extent, major obstacles are found both in the declining electoral support for the Left at a national level and in the possible prevalence of a second order model boosting the hard-euroscptical populist protest against the current EU institutions. Particularly, the latter is the case in France, Italy and the United Kingdom. For this reason the Europeanisation of the EP election is taken as a crucial factor for the electoral campaigning, along with the nomination of the candidate for President of the European Commission as an aftermath of the Lisbon Treaty.*

**Keywords:** *European Elections, transnational parties, progressivism, populism, Europeanisation, European Parliament, European Union*

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## Introduction

The next elections to the European Parliament will take place in May 2014, less than a few months away. For EU citizens, this will be a unique opportunity to vote and express their views on key decisions that affect the lives of hundreds of millions across the continent. Perhaps the most important chance for raising the profile of this election for citizens and media could come from the rival candidates for EU Commission President. Moreover, these candidates are openly supported by competing European political parties. Thus, there is an expectation that by determining the balance of power in the future Parliament, EU citizens will have a real and concrete role in deciding who will lead the EU Commission.

This paper provides an overview of the upcoming 2014 European elections with a focus on some of the relevant features, issues and trends that are likely to influence the electoral performance of the Party of European Socialists (PES). First, we study past European elections to identify the member states with strategic importance in the outcome of the upcoming elections. We then discuss three key issues and trends important for the entire EU and particularly in our selection of member states. We begin with the Europeanisation of the 2014 election. Second is how strong is the populist challenge and how to deal with it. Last but not least is the question whether the Left's electoral base has been shrinking and how to respond to this phenomenon<sup>1</sup>.

## European elections cycles: looking back to look forward

The period of more than three decades since introduction of direct elections to the European Parliament saw profound political changes. The powers of the Parliament increased over time. In part, it was a consequence of successive treaty changes, but also of the Parliament asserting itself by claiming and exercising more power. Through the enlargement process, the number of states taking part in European elections increased from nine in 1979 elections to 28 in 2014. During this interval, the strength of the socialist group in the European Parliament followed an interesting pattern. For the first four election cycles, it was the single largest group, with an ever increasing share of total MEPs, followed by a gradual decline in the successive three election cycles.

Looking forward towards the 2014 elections, an analysis of the past election cycles becomes highly relevant. To achieve a better understanding of the reasons behind the gains and losses of MEP seats across member states, one practical approach entails the use of regional clusters. The expected result is to identify those member states in which the electoral outcome holds a critical importance over the balance of power in the European Parliament.

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## Explaining the outcome of European elections

Analysis of past European election cycles led to the development of two explanatory models. Taken together, the second-order and Europe matters models provide a more nuanced base for assessing the 2014 elections.

The second-order model follows a classical approach based on identifying the “general laws” governing a social phenomenon. After the first EP election in 1979, Reif and Schmitt put forward three propositions on the difference between European and national elections: (1) turnout will be lower in European elections than in general elections; (2) parties in Government at national level will suffer losses in European elections; (3) larger parties will do worse and smaller parties will do better in European elections. Since parliamentary systems dominate in Europe, elections for the national parliament are regarded as first-order elections. Other elections – such as local, regional or state elections in federal states, and for the non-executive head of state – fall into the second-order category, called so because for most voters “*there is less at stake as compared to first-order elections*” (Reif and Schmitt, 1980, p. 8). For Reif and Schmidt, this does not mean that first and second-order elections are two separated phenomenon, but rather that key issues and trends from the first order political arena influence both electorate and parties in second-order elections.

The model was tested after subsequent European elections (Reif, 1984, Reif, 1985), with a special focus on the anti-government swing and the overall viability of the model through successive waves of enlargement. On the latter topic, according to research by Koepke and Ringe (2006), the anti-government swing was lower in Central and Eastern Europe than in Western Europe at the 2004 elections. Further research by Bellucci et al. (2010) on the same issue based on the 2009 election data pointed to a decrease in structural differences between Western and Eastern Europe in terms of aggregate patterns of electoral behaviour.

The model’s influence over time was summed up by Michael Marsh: “*The dominant paradigm for understanding elections to the European Parliament is that they are ‘second-order national elections’*” (Marsh, 1998). The main findings of Marsh’s analysis were that there was indeed a pattern of anti-government swing. Secondary, there was a shift from larger to smaller parties, with most obvious gains for the smallest parties that poll less than 4 percent and the largest losses to large parties that poll over 30 percent. The performance for government and opposition parties varied according to the moment in the national election cycle that the European election takes place. A third finding was that results in European elections tend to point to the results in subsequent general elections.

With the creation of the European Union and the enlargement process, further analysis on the anti-government swing and potential axes of conflict brought into attention Europe as an issue. In the early 2000s, van der Eijk and Franklin (2004) noted that the pro-anti EU orientation evoked the image of a “sleeping giant”. The emergence of Euroscepticism was a another area of emerging research (Taggart and Szczerbiak, 2002). Looking at the protest vote against large parties, Hix and Marsh (2007) concluded that European elections should not be seen as solely second-order national

elections because policy in general and EU policy particular could be significant, even if the European dimension is, at best, a minor element.

The importance of the European Union for issue voting and as an axis of conflict is the main focus of the “Europe matters” model, which argues that there is an emerging European salience, seen in a number of ways, such as parties’ positioning on Europe and its related issues (enlargement, common market, environment, asylum, immigration). For instance, this model would explain why parties toward the extreme right and left, and especially the more Eurosceptic parties receive a larger share of the vote in European elections compared to national or local elections (Hooghe et al., 2002). In short, European elections might be second-order in terms of turnout, but they are, at least in part, about Europe. While parties may run the European campaign on national policy issues in order to mobilize habitual voters and show their strength in the national stage, Europe does matter in the sense that ambivalence, ambiguity, and lack of cohesion on European issues are sources of significant losses in European elections (Ferrara and Weishaupt, 2004). In addition, there is an infiltration of European issues in the national parties’ European election manifestos. A cross-national longitudinal analysis for the 1979-2004 European elections showed that national and European politics are increasingly interrelated in the election platform (Spoon, 2012).

A methodology for prediction of European elections results based on the above mentioned models was developed for the 2009 election cycle at the request of Burson-Masteller, a global public relations and consultancy firm. Starting with opinion polls at national level in the period up to the election, modifications were added to account for the latest election results at national level, whether a party is in government, whether the party is anti-European and whether the European election takes place within a year of a previous election (Hix et al., 2009). Released in April 2009, the model predicted that the Socialist group would gain two percentage points in seats, with the overall result of a more evenly balanced Parliament between the centre-right and the centre-left. However, the election resulted in a loss of two percentage seats for the centre-left and an increased gap between centre-right and centre-left. In a post-election analysis, Hix and Marsh (2011, p.12) identified a pattern of “*significant poor performance by socialist parties (...) over and above what might have been expected given the large party and government status of these parties*”. The two authors suggest that a theoretical explanation and further empirical investigation would be required for the poor performance of socialist parties.

Despite the inherent issues regarding opinion polls, modelling based on the anti-government swing or incumbency effect is prone to faults. In the end, it was the main source of error for the 2009 prediction made for Burson-Masteller, especially concerning Germany and France. Given the relative importance of both countries in terms of MEPs seats, an error of this sort had wide repercussions on the overall results. There is also the innate problem of not fully capturing the dynamic of political developments, especially when it comes to anti-system and/or new parties. The expat vote is another issue, particularly in large countries in Western Europe, such as the Polish community in Britain.

We believe that 2014 will more likely than not be a hybrid election, in-between and retaining some features of both a first and second-order election. The drive towards a first order election comes from the important developments brought by the Lisbon Treaty, especially regarding the role of European transnational parties (Skrzypek, 2013c) and the campaign itself (Poguntke, 2013). Let us remember that the second order model was developed in 1980 in a very different political world in terms of European integration and when Europarties did not even exist. Therefore, we believe that Europeanisation is a factor that could change European elections as a transnational political phenomenon (Ladrech, 2010). On the other hand, turnout continues to point towards a second-order election. Despite successive treaty changes, voter participation in European elections declined from 62% in 1979 to a record-low of 43% in 2009 (see Annex 2, table 1).

The interplay between the anti-government or anti-system vote and the Europe as an issue could be of particular importance. The rise of contemporary Eurosceptic, populist and anti-system parties is a world apart from the context of the first European elections. This changes the meaning of anti-government or anti-large parties swing, as compared with the late 1970s or 1980s era of clear government and opposition, and relatively irrelevant anti-system parties. New lines of division imply more nuanced possible axes of division, such as hard and soft Euroscepticism and the positioning on the EU or the distinction between anti-government and anti-system vote (see Populism section).

## **Socialists and European elections**

Like all representative assemblies, the European Parliament is a place of both competition and consensus. The former is most visible in the highly intense, but brief campaign period. On this matter, the elections for the European Parliament represent a unique electoral event. Results in terms of the positioning of European parties and the balance of power in the European Parliament between the political groups are not independent of broad political or economic context at national level and party system developments. In recent decades, most European party systems featured more fragmentation and no clear parliamentary majorities, leading to coalitions, a development shared in the European Parliament as well. Once an election is over and the new parliament is formed, consensus between parliamentary groups is needed in the actual running of the institution and getting things done. In the case of the European Parliament, this has meant an informal grand coalition between the two largest groups – the Socialists and the Conservatives (Kreppel, 2000).

Socialist and social-democratic parties founded one of the first groups in the European Parliament's predecessor, the Common Assembly of the European Coal and Steel Community, in 1953. The socialist group continued through in the European Parliament, from its establishment as an appointed body in 1958 and as a directly elected one since 1979. In parallel, the national parties organized themselves at the European level outside Parliament in the Confederation of Socialist Parties of the European Community (CSPEC). In 1992, following the seminal Maastricht Treaty, CSPEC evolved in a political party at European level - the Party of European Socialists

(Skrzypek, 2013b). It is important to distinguish between the group and the party, which are separate entities. Following the 2009 European elections, the group changed its name to the Progressive Alliance of Socialist and Democrats in the European Parliament (S&D). It comprises mainly PES-affiliated parties, but also non-affiliated parties, as was the case with the Italian Partito Democratico until its official affiliation at the PES Congress in early 2014.

Over 7 elections spanning 30 years, the socialist group in the European Parliament has experienced a period of regular increase in terms of seats and share of total MEPs from 1979 until 1994, mirrored afterwards by a period of steady decline starting with 1999 (see Annex 1). By grouping member states into regional clusters – Northern, Western, Southern, and Central and Eastern Europe<sup>1</sup> – key trends emerge that make an overall picture of the election results become more clear and also point to the member states where the electoral performance of PES-affiliated party must improve for a significant gain in seats.

In the first four election cycles (1979-1994), the Socialist group managed to secure relative majority (or single largest group) status by a combination of three main factors:

1. a balanced result compared with its main rival, the European People's Party (EPP), in Western Europe, the single largest region in terms of seats during the period, including a net positive result in Germany and France taken together up to and including 1989 (see Annex 2, table 4);
2. taking advantage of conservative disunity and failed coalition building : with conservative parties forming their own distinctive group (European Democrats), this resulted in a competitive advantage over the EPP (see table Annex 2, table 2);
3. a net gain of seats from Northern Europe, especially in Britain<sup>2</sup> (Cracknell and Morgan, 1999), which compensated for the poor elsewhere and made possible a decisive gap to be opened compared with the EPP.

### ***The importance of coalition building***

The balance of power in the Parliament is influenced by the capacity of forming coalitions, seen in the dynamic structuring of the political groups. In the end, it is the proportion between groups that decides over the power to nominate the EP president,

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<sup>1</sup> For the purpose of this analysis, the make-up of these regions is as follows: (1) Northern: UK, Denmark, Ireland, Finland, Sweden; (2) Western: Germany, France, Netherlands, Belgium, Luxembourg, Austria; (3) Southern: Italy, Greece, Spain, Portugal, Cyprus, Malta; (4) Central and Eastern: Poland, Czech Republic, Hungary, Estonia, Lithuania, Latvia, Slovakia, Slovenia, Bulgaria, Romania

<sup>2</sup> Perhaps counterintuitive, given current trends, the performance of the British Labour Party, which won its first European election in 1989, was a key element in PES success. In 1994 it achieved a landslide similar to its later 1997 national election victory. Moreover, the first past the post system returned a high number of MEPs to the socialist group: 46 out of 81 British MEPs in 1989 and 63 out of 87 in 1994. With these results, the British share in the Socialist group reached 25% in 1989 and 31% in 1994.



committee chairs and so on. On this issue, it is relevant to see how the coalition building of the two main groups has evolved over time.

Reflecting Europe's different strands of conservatism, as well as their historical and cultural background, right of centre parties were assembled in at least two and up to four groups at the same time. The largest of these groups at any given time, now known as the European People's Party (EPP), is a group founded by Christian Democrats, comprising the German Christian Democrat Union and the Italian Christian Democracy, as well as Christian Democrat parties from other Western European countries with a Catholic cultural background. The second largest is a conservative only group, formed in 1979 around the British Conservative Party. The group's existence during 1979-1994 as the European Democrats and its revival in 2009 as European Conservatives and Reformists revolved around decisions taken at different moments in time by the Conservative Party leadership to join or not the larger, more continental and more Europhile group. A third group assembled national conservatives unwilling to join the EPP. Its leading parties were the Gaullist Rally for the Republic led by Jacques Chirac and the Irish centrist Fianna Fail party. With the unification of the French right into the UMP and its joining of the EPP, the group was eventually disbanded after the 2009 election due to lack of members. A fourth conservative group had a one term existence after the 1994 election, being founded by Silvio Berlusconi's Forza Italia as an interim solution before it joined the EPP.

The existence of at least two right-of-centre groups at the same time had important consequences in terms of balance of power in the European Parliament. In the 1979 and 1984 elections, the Socialist Group secured a plurality of seats only because of this division. Had one of the lesser conservative groups in terms of seats, the conservatives or the national conservatives, agree to merge with the EPP, than the Socialist group would have lost its relative majority status. With the exception of the 1989 and the 1994 elections, the combined share in terms of seats of the combined conservative groups exceeded 40 percent, well and above the share of the MEPs of the Socialist group (see Annex 2, table 3). With this in mind, a narrative of a socialist pre-eminence for the first 20 years of direct elections to the European Parliament is misleading. A balance between the Socialist group and the combined conservative groups was achieved only in the 1989 and 1994 elections. Since 1999, the Socialists have faced a resurgent and more united right, with the great majority of the right of centre parties grouped in the EPP.

In comparison to its conservative counterpart(s), the Socialist group was traditionally based on the institutional relationship between the Socialist International, the Party of European Socialists and the political group in the European Parliament. In the aftermath of the 2009 election, this relationship was broken, as seen in the fact that the group and the party no longer shared the same name. In terms of coalition building, it meant the inclusion in the group of parties that are not affiliated with the PES and the Socialist International. The largest and best known of these parties is the Italian Partito Democratico. With this new member, the group's share of members in the Italian delegation increased markedly and it allowed a better bargaining power in the relationships with other groups. The share of the Socialist group members in the Italian delegation was a modest 15% up to the ideological repositioning of the former

Communists in the early 1990s, climbing to around 20% afterwards. With the Partito Democratico, it further increased to almost 30%. The Italian case is not unique. The Democratic Party (DIKO) in Cyprus and parts of the Polish delegation share the same feature of being affiliated with the group, but not the PES. For the group, this entails to a more nuanced vision of itself in terms of a broader coalition and understanding of progressiveness, similar to the future direction for the left suggested by Immanuel Wallerstein (2000, p. 153).

### ***A Core Problem***

1999 marks a turning point for the balance of power in the European Parliament. The two main pillars of the Socialist group's relative majority – conservative disunity and the ability to offset poor results in one region of Europe with very good results from another – were no longer standing. The changes from this period onward took part in a wider context of partisan system decline, which particularly affected mainstream parties (Dalton and Wattenberg, 2002, Krouwel, 2012). Although there was an overall decrease of the socialist vote in all major regions across Europe, reflected in the share of seats, one could pinpoint a significant change in several countries that would set an enduring trend in subsequent elections. For instance, the 1999 election saw a rally under the EPP flag of Christian Democrats, European Democrats and the new main force of the Italian right, Silvio Berlusconi's Forza Italia.

However, this regrouping of conservative forces by itself would not have been enough without a substantial decrease of the socialist vote in the “core” or key countries in terms of population, economic development and political clout: Germany, UK, Italy, and later France as well. Back in 1999, the combined share of these core countries in the total number of MEPs amounted to 58%. Even with successive revisions of the number of MEPs per member state based on the principle of degressive proportionality and its gradual decline to 45% in 2004, 43% in 2009, and 42% for 2014, the core retains its strategic importance. For the S&D group to ever change the balance of power in the European Parliament in its favour, it needs to effectively contest the Core and achieve at least parity with its main rival (see Annex 2, table 5).

Perhaps the most dramatic reversal of fortunes for the PES in the Core occurred in Britain. Following the triumphant 1997 landslide, voters seemed increasingly set to “*punish and protest*” - to use Hix and Marsh's (2005) words - against the New Labour Government. The impact of this loss of seats is more evident when looking at a comparison of the 1999 results with the PES total in the 12 member states that took part in the 1994 elections. Baring the loss of 33 British seats, the PES actually lost only one additional seat in the other 11 countries combined. In Britain, another important change was the electoral system, from the first past the post to PR, although this actually saved Labour from a wipe out later on in 2004 and 2009. From 1994 to 2009, the number of British Socialist group members declined from a high of 63 to a dismal 13.

A second trend that began with the 1999 election is a decline in votes and seats for the German SPD. In 1999, the party continued its steady decline in European election results to a new low of just 30%, before reaching just 21.5% in 2004 and an all-time low

of 20.8% in 2009. Following the Hartz reforms, the SPD saw a strong competitor emerged on its left - Die Linke.

In Italy the decline is not in terms of seats of the group affiliated party, rather than an overall decline of the left compared with a surge of the right. Up until 1989, the broad left, including the Communist Party and the two Socialist parties, received some 45% of both votes and seats. In 1989, the broad left still managed a very respectable 36% of seats. However, starting with 1999 the left's share of seats was below 30%. The side that gained most from this situation was Silvio Berlusconi's EPP-affiliated party, which secured 48% of seats in 2009.

In France, the PS managed to improve upon its bleak 1994 performance, even achieving its best ever European election result in 2004, which played a key role in the increase of the PES share of seats in Western Europe in that year. However, this was followed in 2009 by the worst ever result in terms of seats and the second worst, after 1994, in terms of share of French MEPs.

### ***A Central and Eastern European Problem***

The second major source of the continuing decline of the PES in the 2004 and 2009 elections comes from the results in Central and Eastern Europe. The 2004-07 enlargement wave marked the accession of twelve countries, including ten from the former Eastern Bloc and the former Yugoslavia. The overall results from these countries add up to a deficit of 36 seats compared to the EPP in 2004 and 37 in 2009. Considering the strong PES support in favour of enlargement, such an outcome might seem odd. Perhaps another way at looking at the PES position comes from a political angle. With socialist parties in Central and Eastern Europe in a strong position during the period when accession negotiations concluded, there was a basis for positive expectations regarding the 2004 European elections. For instance, on May 6, 2003, when observer MEPs from the Central and Eastern European accession countries joined the EP, PES-affiliated parties were in government in 5 out of 8, including the two largest, Poland and Hungary, and the overall balance of observers between the PES and the EPP-ED was a 10 seat advantage for the latter (EP).

There are two main sources for this deficit. The first is a structural one: PES-affiliated parties in some Central and Eastern European countries are minor or at best medium-sized. In Poland, the Democratic Left Alliance lost its status as a major party during 2001-2005. Since then, the two main parties in Polish politics are right of centre parties, the EPP affiliated Civic Platform, and the European Conservatives affiliated Law and Justice. In addition, the junior party in the government coalition led by Donald Tusk's Civic Platform is another EPP affiliated party, the Polish Peasants' Party. Given that Poland accounts for more than one quarter of all seats from Central and Eastern Europe, it would be very difficult for the PES to ever completely close the gap with the EPP over the entire region.

The second source of the deficit lays with the unfavourable political pendulum during the 2004 and 2009 European elections for the PES-affiliated parties that hold major party status. Voters turned against unpopular centre-left led governments at that time,

like in Hungary or Bulgaria, or European elections occurred at a favourable moment in the national election cycle for the centre right, as was the case in Romania, the Czech Republic and Slovakia. The economies of the region feature a high dependency on Western European financing and credit, which made them particularly vulnerable to financial contagion in the aftermath of the 2009 crash (Bostan and Grosu, 2010, p. 19). During the tough austerity years of 2010-2011, the only social democratic party in government in the region was in Slovenia. The backlash against austerity, which included street protests in Romania (Gubernat and Rammelt, 2012) and Bulgaria, provided varying election success for PES-affiliated parties, but also an overall weakening of the partisan system. In 2012-2013, PES-affiliated parties returned to government. This was either through a convincing wins in Slovakia and Romania or by forming and leading governing coalitions following modest or below expectations results in Lithuania, Bulgaria and the Czech Republic.

## Key issues and trends for the 2014 campaign

The overall strategic outlook for Central and Eastern Europe limits the PES' geographical options for gaining seats to Southern, Western and Northern Europe. Southern Europe was hit particularly hard by the Eurozone crisis with Socialists in government in Spain, Portugal and Greece. Subsequently, all these governing parties lost heavily in national elections during 2011-2012. This further limits the geographical options to Western and Northern Europe – especially the core: Great Britain, Germany, France, and Italy. In this section we will look at how the issues of Europeanisation, the populist challenge, and the Left's electoral base are shaping up in these four “core” countries.

## Europeanisation of 2014 elections

The economic crisis and the policy response by EU institutions have weakened citizen support for the integration process and public trust in these institutions. In September 2012, the Eurobarometer found for the first time that more European citizens considered the EU to be more undemocratic than democratic and 60% of Europeans “tended not to trust the EU”. Citizen support of the European project has decreased especially in the South of the continent (Spain, Greece, Portugal and Cyprus), among leftist voters and among young workers. Most European voters reject the ideological battle between supporters of austerity and growth policies (Cramme, 2013). They tend to mistrust the influence of policymakers in the European arena when formulating economic policy, thus denying the basic cleavage between left and right in the European Parliament, as they are not perceived as alternative to one another. In addition, the legislative process at the European level and the consequent debate rarely generate popular interest and usually do not occupy a prominent place in the media with large audiences. Moreover, transnational European political parties still are an *Objet Politique Non Identifié* and European citizens usually perceive European politics as complex and technocratic. Indeed, on the one hand citizens feel they have no democratic control whatsoever in the decisions made by “Brussels' bureaucrats”. On

the other hand, this is coupled with the lack of a truly European political debate, of a European political dimension and a common public sphere.

Since the first direct elections in 1979, average turnout has declined by 20 points, reaching a mere 46 percent in 2009 (see Annex 2, table 1). Four years ago there were cases as embarrassing as 19.6% turnout in Slovakia and 20.4% in Lithuania. Most worrisome is the high abstention among young Europeans. Thus 50% of those over 50 voted in 2009 while only 29% of 18 to 24 year olds voted (18% in the UK). As we have explained in the previous section, the European Parliament elections remain second-order ones, so the electorate is very reluctant to participate and engage to the same extent as in legislative elections nationwide, because they don't feel like they have a real say in the course of European policy-making. Even newcomers to the Union do not appear to show great interest in European Parliament elections. Only 20.8% of the Croats voted in the elections held on 14th April 2013 to select 12 MEPs to represent the Croatian electorate in the European Parliament as the country entered the EU on July 1<sup>st</sup>, 2013. If this trend continues over time, the very legitimacy of the European project will be undermined. Therefore, European institutions and political actors are trying to raise public awareness of the importance of elections. The goal is to increase citizen participation but also the Europeanisation of the electoral debate.

On the one side, the persisting economic and financial crisis has been dealt with by EU leaders by putting most of the blame on public spending and on "big spender countries", seen as free-riders. Simultaneously, influence have been substantially transferred to the Council, reducing the role of the Commission and the Parliament and resulting in an increase in intergovernmentalism (Benczes, 2013, pp. 16-19), which could be seen as a success of the conservative agenda and an ideological victory. This caused a continuing erosion of solidarity between Europeans and sublimation of national identity. Similarly, mistrust between European partners themselves is growing, Europeanism is in crisis and every day the gap between North and South, core and periphery is enlarged. This suggests that the outcome of the next European elections might result in a fragmented hemicycle of the European Parliament due to the rise of Eurosceptic parties, ultra-nationalists and populists. Paradoxically, these divisions could facilitate a more prominent role of the pan-European themes in the electoral campaign, setting aside domestic issues.

### ***European debate matters!***

The current context is more conducive to the "Europeanisation of the European elections". According to Robert Ladrech the definition of the concept Europeanisation would be "*an incremental process reorienting the direction and shape of politics to the degree that EC political and economic dynamics become part of the organizational logic of national politics and policy-making*" (Ladrech, 1994, p. 69). In this way if we analyse past Eurobarometers we can find that in 2004 the majority of the European population thought that the EU institutions were not important for their ordinary life. Today that is not the case. The uncertain future of the European integration process, the deep dissatisfaction of Europeans with the handling of the Eurozone crisis - 51% of Europeans believe austerity policies aren't working, from 28% in Bulgaria to 80% in Greece (Gallup, 2013)

- and the growing economic interdependence ultimately made Europeans become aware that policy decisions at European level are relevant.

Due to the entry into force of the Treaty of Lisbon and the emerging role of this institution in the economic governance of the Union, the future majority in the eighth European Parliament will exert a decisive influence on the policy agenda of the EU over the next five years, consolidating its role as co-legislator. This includes topics such as free movement of persons, bailouts, the Financial Transaction Tax (FTT), negotiations of Free Trade agreements (including the Trans-Atlantic Trade and Investment Partnership -TTIP- with the United States), the Common Agricultural Policy, fisheries, environmental policies and the monitoring of the activity of the European Central Bank. Even today the European Parliament passes more legislation regarding finance than Westminster. Those are hot issues in national campaigns so there is great potential for a true Europeanisation of the debate for the first time ever. Even so, “*there is a danger that it will mean nationalising European debate rather than Europeanising national one*” (Skrzypek, 2013a, p. 18). In spite of this risk, the 2014 elections may be different from any previously held.

### ***Could this time be different?***

The exceptionality of these elections will be reinforced by the novelty of the “presidentialisation” of the campaign. The Article 17.7 of the Treaty on European Union as amended by the Lisbon reform gives an additional responsibility to the Parliament: that is, the one to elect the President of the Commission following a proposal by the European Council that should take into account the results of the elections. This will apply for the first time for the next European elections. Along the same lines, in March 2013 the European Commission issued a Communication and Recommendation through which European political parties are requested to nominate a “top candidate” or “*Spitzenkandidaten*” for European Commission President and domestic parties should display their European political party affiliation. Additionally, the Commission asked member states to agree on greater “harmonisation” of electoral rules emphasizing the importance of a common election date. However, it seems difficult today to achieve improved alignment among national systems beyond that set out in the 1979 Act (as amended in 2002), Directive 93/109/EC and Directive 2013/1/EU. The Communication affirms that the Commission is committed “to fully exploiting the existing Lisbon provisions to further enhance transparency and the European dimension of the European Elections.”

A direct link between the results of the European elections and the presidency of the Commission will be a game-changer, encouraging a Europe-wide political debate and increasing the European content of the electoral campaign. Putting faces to the runners of the European electoral race will dramatise the elections. The voters will have to select a “top candidate” basing their choice on competing ideologies and personalities, that is to say, the project of Europe that they embody, linking more clearly the vote with real policy consequences. Thus, the candidates for the Commission Presidency will have to prepare a trans-European campaign, organizing rallies in almost all EU member countries. Furthermore, it is highly likely that a televised debate will be organized

between the nominated candidates that will be translated into all the languages of the Union. This will attract the attention of voters: the latest Eurobarometer found that 62% of Europeans think that having common party candidates for Commission President would help bolster turnout. Additionally, the Constitutional Affairs Committee of the European Parliament (AFCO) urged member states and national political parties through the Duff report to include the names of the European ones and their emblems on the ballot paper.

Undoubtedly these innovations come to alleviate the democratic deficit of the EU and could increase the accountability of the Commission and enhance the legitimacy of the Parliament. In any case, there is still a long way to go to develop a dynamic government-opposition similar to the national level. The same applies to distinction between majority and minority in the Parliament. It is too early to speak of a genuine European public space. Some authors (Bardi et al., 2010) argue that it is possible to conceive the emergence of transnational parties in order to control a deeper integrated Europe but it's more problematic to construct a European party system in the electoral arena. A number of proposals to promote transnational convergent party-building are under discussion such as transnational campaigning, a transnational constituency and preferential voting in the European Parliament elections, a change of the EU system of party financing, an implementation of the system of shadow commissioners, a common electoral system to elect MEPs, etc. The principal obstacle to develop this transnational political party system is the lack of competition between the parties for control of executive office at the European level. Although the results of the European elections will influence the election of the President of the Commission (it is not yet clear to what extent), the appointment of the College of Commissioners lies with states (each national government propose one Commissioner). Furthermore, it is necessary to consider that the ideological basis behind European political platforms is weak. Paradoxically, there is a new understanding of inter-party competition with an intensified competition between parties at the European level while the agreements at the national level are more common. The drafting and approval of common manifestos to be defended by the top candidates will be a great challenge for European parties in the period leading to the elections.

All European political families are impacted by the cleavages that divide the Union: Federalists vs. intergovernmentalists, North vs. South, core vs. periphery, old member states vs. new member states, large vs. small, members of the eurozone vs. pro-own currencies, protectionists vs. free traders, agrarian vs. industrialists, contributors vs. receivers, pro-enlargement vs. *status quo* etc. In a context of domestic policy imperatives, historical traditions, cultural factors and ideological differences between national parties it is a Sisyphean task to approve joint manifestos other than merely a lowest common denominator without concrete policy proposals. Regarding this task, the PES is a step ahead of other Europarties, as in June 2013 the party council already adopted its Fundamental Programme defining its priorities for the next decade after a consultation process that involved activists, member parties, trade unions, think tanks, NGOs and academia. The joint manifesto is in confluence with the principles and spirit of this document that highlights five core social democrat values: freedom, democracy, equality, solidarity and justice. However, PES members should be supportive by

renouncing to their right to nationally vetoing sensitive issues in the campaign such as the reform of the CAP, minimum wage, financial regulation, tax harmonisation, debt mutualisation, etc. Especially tricky is the intention of going for a social dimension of Europe which currently does not exceed the national level. The potential progressive voters would not understand that the social-democrats do not include in their proposal in the European sphere in line with its own narrative. Otherwise the 2014 proposals will not be a global response to the crisis and will be qualified as "too little, too late".

The Europeanisation of 2014 elections will be such provided that the parties are able to concoct sound strategies with clear and concrete proposals that attempt to solve the crisis ravaging Europe. This time the campaign should not spin on why Europe is necessary, but what sort of Europe each political family wants to build. Otherwise there is a risk that the Europeanisation of electoral debate will only come from the tsunami of discontent and protest that Eurosceptic and populist parties embody.

## The Populist Challenge

### *Populism: a controversial matter*

As a matter of fact, another relevant key issue to be considered in order to analyse possible scenarios for 2014 EP elections is the so called "populist challenge" (Mény and Surel, 2002). Our general research query about the possibility for Progressives to obtain the majority in the European Parliament has certainly to be framed also with regard to one of the main themes of the nowadays European political debate, which is populism. Indeed, many commentators go to the point of arguing the possibility of an electoral landslide for the "populist" parties, referring in general to the competition across the whole EU area. As we shall see later on, a proper victory of populist forces is not likely at all, but they can still assume the role of dangerous challengers for the social democrats, especially in the "core" states.

After several decades of theoretical discussion, there is actually still no consensus among scholars about the nature of the "so called" populism. Experts are aware that this is a controversial issue, defined by an umbrella term that encompasses various political phenomena (Ionescu and Gellner, 1969, Taguieff, 1997, Mény and Surel, 2000, Giusto et al., 2013). It is beyond the scope of this paper, of course, to solve the matter once and for all. In any case, we here consider populism as a descriptive tool used by observers and analysts, rather than a normative principle followed by political players. In its nature of theoretical construct, similar to a Weberian "ideal type", the notion of populism can be referred to a "dimension" of political action and discourse (Worsley, 1969, Laclau, 2005, Taguieff, 1997) shared by a multiplicity of different phenomena.

But what is the heart of this populist dimension in contemporary politics? If we try to isolate it we probably can highlight the following features: the appeal to a mythicized people by a charismatic leader; the disparagement of the representative institutions of democracy as they have developed historically (political parties and parliament); an a-classist vision of society; a criticism of the elites, as a uniform entity; the propensity



towards nationalism (Canovan, 1981, Hermet, 2001, Betz and Immerfall, 1998, Mény and Surel, 2000).

Particularly, in our framework we aim at considering a “protest” populism (1996, pp. 118-125), whose tendency is to develop an anti-élite discourse rather than just a national-identity-based one (von Beyme, 1985). Furthermore, Lane and Ersson (1999) separate “discontent (populist)” from “ultraright” parties. In some of the cases we will refer to (e.g. the Front national and the Lega Nord) there’s certainly a coexistence of a “demos” platform against political power and a right-wing “ethnos” polemics against immigrants and minorities. Nevertheless, for our research goal we consider it more significant to focus on the protest side of their message which has got the EU institutional set as a main target. This, by the way, leads us to see an overlap between Peter Mair’s notion of “*populist protest*” “*a substantive if not always coherent programme which seeks to mobilise popular support against established elites and institutions*” (Mair, 2002, p. 88) and the propensity Taggart and Szczerbiak (2002, p. 7) defined “*hard euroscepticism*”, i.e. “*a principled opposition to the EU and European integration*” and “*the whole project of European integration as it is currently conceived*”.

To sum up, we choose to pay special attention on protest populist movements for two main reasons. Firstly, if we assume political parties as possible key factors of a stronger paneuropean integration, protest populists are one the main obstacles to face in this path, because they criticize the legitimacy of political parties as mediators between citizens and their representatives.

Secondly, it’s quite likely that the success of anti-system movements in next elections for the European Parliament would make it harder for PES to reach their goal. Indeed, the framing of European elections as “second order elections” can lead to low voter turnout rates and to good results for populist parties. If EU won’t be the main theme of the campaign and competition is framed as “second order” it is more likely that voters will use their poll as a means of mere complaint against “the system”. At the same time, the electorate of traditional parties could prefer not to vote at all if they conceive the election just as an opportunity to “punish and protest”.

Furthermore, investigating the role of populist parties and their evolving relationship with socialist and progressive parties can be significant, since sometimes both kinds of political aggregates compete, in part, for the same electorate. This can be assumed as a key point in many European countries, since the possibility for Progressives of obtaining the majority within the European Parliament depends often on the capability of “talking to the people”, in order to avoid a loss of votes to the populists and to defeat conservative parties at the polls. In fact, the ongoing economic crisis can intensify the recent tendency of blue and white collar workers to back more radical parties, among which populist are nowadays the most likely to collect a “proletarian vote” (Evans, 2005, Mayer, 1999).

In our framework, this is particularly noteworthy for the states constituting the “core” of the electoral competition. While the German party system is not characterized by the lasting presence of an electorally relevant populist movement, in the other three ones

(France, Italy and United Kingdom) we can identify some political actors which are fit to be included in a “protest populist” inventory.

## Populists in the “core”: a brief inventory

The process of recognizing populist phenomena needs a preliminary clarification. It’s appropriate to remember that one of the main criticisms directed against populism as a label regards the derogatory undertones associated with the word (Canovan, 1999). Unlike liberalism and socialism, the term populism would suffer from the lack of a “nominalist” status (Kobi and Papadopoulos, 1997), because political movements and leaders tend to shirk from using it to define themselves, which would demonstrate the negative bias associated with the word. Nevertheless, we basically consider here as populist those parties and movements who share the main features previously outlined, i.e. appeal to “the” people as a whole, charismatic leader; anti-establishment and anti-representative democracy criticism; nationalism and/or hard euro-scepticism. In order to optimize our research effort with regard to the main topic, populist phenomena with a well-developed “demos vs élites” protest discourse are taken into account rather than those ones focused only on ethnic-based stances. So, protest populist movements of the “core” countries achieved a good result in 2004 and 2009 EP elections and/or in the latest national general elections will be covered.

### ***Germany: no country for populists***

As already pointed out, Germany does not have any relevant populist party at present nor has it actually had in the recent past. The case of the right wing *Die Republikaner* has been historically ephemeral, with the party led by Franz Schönhuber managing to enter the European Parliament (6 seats) only after the 7% cast in 1989 elections. This party, as well as other movements like *Deutsche Volksunion* and *Nationaldemokratische Partei Deutschlands* (who merged in 2011) never had a major role in national politics. The same can be said about smaller movements like *Bürgerbewegung pro Deutschland* or *Deutsche Soziale Union*. Instead, it is still early to understand the durability of the recently founded anti-euro-currency movement *Alternative für Deutschland*, which in any case obtained a positive score (4.7%) in the 2013 federal elections, not getting any seats in the Bundestag because of the electoral system but getting really close to the liberal-democrats of the *Freie Demokratische Partei* (4.8%). Eventually, the point of a left-wing populism (Decker, 2008) is far too controversial to be profoundly considered here.

### ***France: Front national***

In the French public discussion, Jean-Marie and Marine Le Pen’s Front National enshrines an explicit form of populism: initially recognized by external observers, then claimed by the party itself. The populist labelling of the FN dates back to the mid-Eighties, when the definition “national-populisme” superseded the word “fascisme”, which had been used until then by scholars, journalists and politicians (Taguieff, 1984, Milza, 1992). Even Piero Ignazi, stressing the “extreme-right” nature of the Front National, speaks of a “*political alternative (...) veiled with populism and anti-establishment attitudes*” (Ignazi, 1996, pp. 63-80). In addition, the use of the term “national-populist”

gives the members of the Front National, and its leader, a respectable image compared to that associated with the words “Fascist” and “extremist” (Le Pen, 1984). As a consequence, the populist hallmark has been accepted as a positive, distinguishing feature. The FN emerged into the limelight of French national politics on the wave of its success at the European polls of 1984, when it gained about 11% of the vote and 10 seats. This party kept a stable electoral weight, which allowed their past leader Jean-Marie Le Pen to get to the second round of presidential elections in 2002 with about 16,8%. Even though the EP elections results climbed down the threshold of 10% in 1999 (5.7% with 5 seats), 2004 (9.8% with 7 seats) and 2009 (6.3% with 3 seats), it’s appropriate to mention the outstanding national performance of 2012, when FN obtained a striking 17.9% in the presidential and 13.9% in the first round of general elections. A surprising electoral success came last October 13th in the cantonal by-election in Brignoles, in the south of France. There, the FN candidate won with 53.9% of the vote against 46.1% for the centre-right Union for a Popular Movement party (UMP) candidate, after eliminating in the first round the communist challenger backed by the socialists who didn’t manage to field their own candidate.

Having become the head of the party in 2011, Marine Le Pen launched a process of ideological revision aimed at “normalizing” the party, with particular regard to the acceptance of republican laity values as opposed to the challenge of an impending communitarian model, implied by the presence of a considerable Islamic minority. Challenging the main French parties UMP and PS, the alleged “new” FN aspires to extend its electoral support in order to get fit to rule the government. At the moment this strategy seems to be somehow effective, since in a recent opinion poll the Front national is given 23% of the vote, which would make it the first party in the country (Prissette, Delwit, 2012, Dézé, 2012). Currently, the Front national is a member of The European Alliance for Freedom (EAF), a transnational eurosceptic organization founded in 2010 and joined by, among others, the Freedom Party of Austria and the Vlaams Belang.

### ***Italy: Lega Nord and MoVimento 5 Stelle***

With regard to Italy we can identify two main actors as populists: Northern League (Lega Nord) and Five Star Movement (MoVimento 5 Stelle). The Northern League has been considered for a long time the most typical embodiment of Italian right-wing populism (Tarchi, 2002). Its “*identity populism*” (Tarchi, 2008, p. 89) is based on the “*exaltation of the virtuous, hard-working small entrepreneur and its defense of craftsmen and small tradesmen*”, its main targets are banks and partitocracy, and in particular the Italian state and supra-national institutions such as the European Union (EU), high finance and big business. Lega’s message is focused on “*man in the street*”, with Manichean appeals made “*to local identity as the basis for the reconstruction of a homogeneous community, solid and secure, where class discrimination does not exist (...)*” (Tarchi, 2008, pp. 90-91). Umberto Bossi’s Lega entered the Italian parliament in 1987 (as *Lega lombarda*) but had the first electoral exploit in ‘92 general elections with an 8.7% score. Whereas the best outcome in a general election was achieved in 1996 (10.1%), the most positive performance in a European election was in 2009 (10.2%), with 9 seats won. At present the party leader is Matteo Salvini, who is trying to establish links with other euro-sceptical movements,

such as Marine Le Pen's Front national, and engaging his party in a battle against the Euro as the single currency of the EU.

The other Italian populist actor here detected as relevant is the Five Star Movement, the professed "non-association" founded in 2009 by the comedian Beppe Grillo and the businessman Gianroberto Casaleggio. The movement obtained the first relevant results in 2012, at first winning the city council election in Parma in May, then getting 14.9% of the vote and becoming the single largest party in the Sicily regional elections held in October. But at the 2013 Italian general election they reached the peak of their brief story, with an astonishing 25.5%, corresponding to almost 9 million votes, which made the M5S the most voted party in the country (not taking into account Italian voters living abroad). With this outcome Grillo's movement obtained on the whole 163 MPs (109 in the Chamber of Deputies, 54 in the Senate). We are dealing here with a new phenomenon, whose populist labelling is still controversial in the experts' debate (Corbetta and Gualmini, 2013, Biorcio and Natale, 2013). The populist view of M5S fits with the definition made by Mudde of "*an ideology that considers society to be ultimately separated into two homogeneous and antagonistic groups, 'the pure people' versus 'the corrupt elite', and which argues that politics should be an expression of the volonté générale (general will) of the people*" (Mudde, 2004, p. 543). This "*people*" gathers many features of the different "*populist people*" described by Meny and Surel (2000), with a stronger accent on the anti-élite discourse already defined by "*protest populism*". Along with these elements appealing to the "*ordinary people*", there is also a minor ethnic-identity side, with a reference to the cohesion of the inner community and the refusal of inclusive policies such as *ius soli* (Taguieff, 2002, Canovan, 1981). To be clear, M5S are certainly not "right-wing" populists for both supply and demand side features. As a recent contribution show explicitly (Corbetta and Gualmini, 2013), since 2010 Grillo's movement has been intercepting voters who previously supported Lega Nord and Italia dei Valori (Antonio Di Pietro's party), other two movements having a more or less marked populist profile. Furthermore, looking at the electoral-flows-of-vote in 2013 Italian general elections one can see how M5S took remarkable portions of votes away from centre-left parties, with a range going from the 24.9% in Catania (Sicily) to the 65% in Bologna. In the three main cities of the so called "Red zone" (Bologna, Firenze, Ancona) in which the Partito Democratico obtains traditionally its best results, M5S got a quota of votes ranging from 47% to 58% from former PD voters (Colloca et al., 2013).

### ***United Kingdom: UKIP***

In the United Kingdom, no real populist movement with a significant and lasting impact on party system has emerged. That is probably also due to the majoritarian first-past-the-post electoral system, which heavily affects new and small political forces. Not accidentally, the introduction of a proportional system for EP elections since 1999 shaped the opportunity for the UK Independence Party (UKIP) to enjoy a fine success (Fella, 2008). Nigel Farage's party is here considered as a relevant case of British populism, while British National Party (BNP), which anyway fits more in the description of radical right-wing populism, is not analysed because of its poor electoral performances, with the sole and partial exception of the 6% gathered in EP elections in 2009.

Founded in 1993 by some members of the Anti-Federalist League, a political force created with the aim of opposing to the Maastricht Treaty, the UKIP advocates an exit from the EU and a moratorium on immigration. The UKIP emerged in 1999 EP elections with a 7% score and 3 seats won. Then in 2004 the result improved neatly up to 16.1% (12 seats), with further progress in 2009: 16.5% and 13 seats.

Coming back to the leadership in 2010, Farage started a policy review whose aim is to develop the party into “*broadly standing for traditional conservative and libertarian values*”. In its 2010 general election manifesto, UKIP linked the adoption of exit forms from the EU to the possibility for Britain to regain three kind of “*essential freedoms*” (of action, of resources, of the people) and formulated the notion of civic nationalism, a vision which “*is open and inclusive to anyone who wishes to identify with Britain, regardless of ethnic or religious background*” (UKIP, 2009). Meaningfully, an interesting interview to Nigel Farage about these topics has been posted on M5S Grillo’s blog last August (2013).

At present, the party also has 3 seats in the House of Lords, and while it never won a seat in the House of Commons, in 2013 local elections it obtained the best result for a “not big-three party” in Britain since the 1940s. In the last years the Conservative Party has seen defections to UKIP over European Union and immigration issues, as well as the Tory’s positive stance on same-sex marriage. According to some recent opinion polls UKIP could be nowadays Britain’s third party, with 14% of the popular support (Populus).

A very last hint can be given about the political party called *New Deal*, recently founded by the former UKIP member Alan Sked and considered as a sort of “*left wing version of the UKIP*” (Malik). Even if this party is not likely to get part in the next EP elections, it will be important to observe its evolutions in the mid-long term, since it could potentially be a competitor for the Labour Party.

## **European progressive parties and their social base: a tumultuous relationship**

An important issue to take into consideration when assessing the probabilities of success for socialist parties at the next European elections is the relation with the social base they intend to represent. Indeed, just as every other traditional party (Whiteley, 2011), the left has undergone a long-term decline in its electoral support in major European countries in the last decade (Cramme et al., 2013). Precisely when it was expected to regain power in the aftermaths of the crisis that is still hitting Europe, the left failed to embody a way out of it at the national level. This phenomenon applies to all the four Core countries considered, although with some obvious differences (and some less obvious similarities). The doubt that emerges is that one of the causes of such decline lies in the fact that progressive parties seem not to have grasped the extent of the social transformations that have occurred in European societies (Tocci, 2013) and consequently fail to formulate a proper political offer in response to these changes. Moreover, progressive parties seem not to be able or willing to detach themselves from the neoliberal approach that is still dominant in the EU, and that influenced them as well. An approach that led to perceive the crisis as only debt-generated, thus keeping the response to it basically focused on spending cuts and debt-reducing.

Back in the Nineties, the Third Way was conceived in the UK and put forward in some major Western European countries also in response to the long-term shrinking trend of the typical class base of the European progressive parties. Indeed, the working population has been generally shrinking across Europe (due to low employment rates, population ageing, etc.), although, of course, at different speeds. Nevertheless, and quite paradoxically, the reforms undertaken in the Nineties in these countries were precisely one of the causes of the current incapability of the socialist parties to present themselves as a valid and credible alternative to conservative policies. The Core countries considered in this paper partly share this problem, despite the obvious differences.

In Italy, Partito Democratico only partially won the 2013 elections (whereas a landslide was expected) also because it never fully acknowledged the mistakes of the past, when its components were in power, while on the other hand it never clearly rejected the neoliberal paradigm and austerity policies. A closer look to the social composition of the February vote proves the detachment from its constituency: -12% among middle-class employees and civil servants compared to 2008, -14.1% among unskilled workers, only 20.1% of unemployed (whose majority voted for the M5S). Overall, the social category from which PD got the largest support was that of retired persons (39.5% of them voted for it), leading to deduce that it failed completely to speak to the active population (Diamanti, Demos, 2013). After a few months of a grand coalition government with parts of the centre-right<sup>1</sup>, led by the moderate Democrat Enrico Letta, the newly elected party leader Matteo Renzi accelerated towards a shift in the government, advocating the post for himself. The majority will stay the same (that is, PD plus smaller moderate liberal and centre-right forces). This leaves very little political margin for major shifts towards a firm rejection of austerity policies, and towards greater focus on the demand side, on labour creation and on reducing inequalities. After all, Renzi was elected on the basis of an approach that winks a lot at the Third Way. Furthermore, Renzi was as “Lib-Lab” by several commentators (Cocconi). Therefore, it is unlikely for the foreseeable future to witness a renewed ability of the Democrats to speak to their traditional constituencies, although a few positive changes with respect to Monti’s and Letta’s governments are already visible (even just for Renzi’s stronger will to quickly approve and enact reforms and measures positively affecting common people). This does not mean, however, that Renzi won’t catch more voters if his government action brings concrete results. Yet, these will probably come from new categories (for instance, more from businesses than from precarious workers). After all, Renzi became Party Leader with the vote from 3 million citizens, a fraction of which were party members. Indeed, he won his call for “open primaries”, made precisely to attract new categories of voters (included traditional right-wing voters) which drew him criticism from the left wing of the party.

In Germany, the SPD has not won a federal election after 1998 and, despite the role it holds in the current Grand coalition, its performance at the 2013 elections was quite

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<sup>1</sup> Berlusconi’s PDL at first, Alfano’s Nuovo Centrodestra later, which is a smaller fraction of the PDL formed after the internal crisis generated in October 2013 by Berlusconi’s dismissal from the Senate in accordance to the final sentence of his tax-fraud trial.

disappointing, though improved in comparison to the disaster of 2009. Back then, it lost the vote of the very bulk of its reference base, working class and particularly white collars, and failed to mobilize youth (Spiegel). As for the last elections, many commentators argued that Merkel won mainly because of the relatively good performance of the country despite the Euro crisis and that the personal success she got was a sign of approval of her leadership during these harsh times (De Giovannangeli). Yet, more careful observation of the evolution of German society and its labour market reveals a more complex picture, which also has implications on the performance of the German Social Democratic Party (. It is recognized how the German economic doctrine of *Ordoliberalismus* has largely shaped the European construction, from the Maastricht Treaty up to the austerity measures and safeguard mechanisms implemented to overcome the Eurozone crisis (Germanicus, 2013). Yet, the doctrine, which stands as a major theoretic base for German neoliberal parties such as Angela Merkel's CDU/CSU, also deeply influenced the SPD (Cohen-Setton, 16/09/2013, Dullien and Guérot, 2012). Such influence can be seen in particular in the Agenda 2010 reforms undertaken during the Schröder's era, which on the one hand had positive effects for the economic re-launch of Germany and its imposition as a "model" for Europe after the reunification (Bolaffi, 2013), but, on the other hand, resulted in a retrenching of the German welfare state, which inevitably broke some ties between the SPD and its constituency (Dostal). During the 2013 electoral campaign, as in 2009, the SPD paid the price of such legacy towards its more disadvantaged constituencies, as it did not look credible enough on denouncing the rising inequalities (Kundnani, 2013) and, what is more, it failed to speak to youth.

In the United Kingdom, cradle of the Third Way, the situation is partially different. In this country, there has been a revival of the emphasis on social classes, and their transformations in the last years (Biressi and Nunn, 2013). Indeed, the social structure of the country is increasingly fragmented and unequal (Toynbee and Walker, 2008). How is the Labour Party responding to such a striking evolution – yet not totally unexpected – of its society? Interestingly, a major political shift is indeed currently going on within the party. After the negative trend of the New Labour, which ultimately resulted in the severe electoral loss of 2010, Ed Miliband's vision showed from the beginning a new-found attention towards fighting inequalities and restoring strong linkages with the working classes as well as attracting the middle classes, in particular its lower *strata*, struggling in times of crisis. These elements of his leadership can be considered as a tentative in readapting the party's political offer to a changed society (Miliband, 2010). While it is still soon to see if this turn will be able to restore the party's links with the working class and mobilize more categories of voters, it surely seems to be enjoying a favourable trend in the polls. In mid February 2014 it peaked at 40% in the polls, close to 2001 levels (source: YouGov-Sun poll, available on [yougov.co.uk](http://yougov.co.uk)).

In 2012, the French Parti Socialiste won their first presidential election on almost a quarter of a century and returned to government after 10 years. This makes the French case a different one from Italy, Germany and the UK, especially with respect to the Third Way and its legacy. If the electoral victory can be considered as a good case of mobilization and communication (Diletti and Giansante, 2013), current polls indicate a

record low of François Hollande's popularity and predict a performance at the upcoming European elections which risks to equal the disastrous one of 2009 (the PSF currently polled around 17% in early Spring 2014, as compared to 16.5% in 2009, source: electionista.com), and well below the populist *Front National*. As the first socialist gaining power in decades, the expectations on his election were high, in a country which was experiencing the harsh effects of the crisis on its society. Moreover, as the first socialist to regain power in a major European country, especially seen the role he as a French could have played in establishing a renewed dialectic with the powerful Germany, Hollande was hoped by European progressives to provide a true, first authoritative counter-voice against Merkel's austerity approach on the Eurozone crisis.

Yet, no major change has occurred in this regard as compared to his predecessor, Nicolas Sarkozy. Moreover, no later than May 2013, Hollande publicly praised Schröder's labour market reforms at the SPD celebrations in Leipzig. Then, in his famous press conference of January 14th, 2014, he presented his new economic agenda, his drastic cure for a France in crisis. Such cure should consist, according to Hollande, in major cuts in public spending, welfare spending and lowering labour costs for businesses. The underpinning message of his speech is that "France's competitiveness problem could only be tackled through a revival of manufacturing and an improvement of the public framework for the supply side of the economy. Focusing on the revival of demand, the recipe traditionally advocated as the only socially fair economic medicine by the hardcore French left, no longer figures in the new presidential messaging" (Klau, 2014). Thus, interestingly, this is a case of a late turn towards Third Way policies.

If he will succeed in implementing such reforms by the end of his term, it is unclear. However, this shift will have an impact on the socialist constituency: if it will probably lose support among the most radical elements, it might succeed in attracting those citizens who are increasingly worried that their economic status will worsen over time if things don't change in the country. But it shouldn't be forgotten that such policies were first pursued in a completely different epoch, and in times of relatively good economic performances compared to today's levels. This is why Hollande risks a lot: in particular, his response risks to prove anachronistic and to further break the ties of the Parti Socialiste with its constituency.

To sum up, despite some major differences, progressive parties in the four countries considered share a socio-political problem that they should carefully take into consideration, if they want to regain contact with their societies and mobilize their constituencies and new voters in the upcoming European elections and beyond. Of course, in some countries they will be more free (or more willing) to do it than in others, especially if they are not in government. In particular, they need to come to terms with their contradictions of the past, namely in their conception of the relationship (/conflict) between labour and capital, which, in turn, relates to the re-establishing of a true confrontation between left and right. As for the European elections, European socialists must present themselves as a credible, true alternative to the neoliberal paradigm that has dominated European politics so far. Otherwise, they will be perceived as "establishment" and populist movements will gain more consensus in demonizing and delegitimizing both wings. Of course, it is an issue which would also



require a more in-depth and long-term reflection on what these parties stand for, what part of the society they seek to represent. It has been argued that we live in a post-ideological era. This is not true (what is the neoliberal paradigm if not an ideology, after all?) and there is more room now than in the past decades for political conflict.

## **Towards a progressive campaign for a renewed Europe**

The starting point of this paper was the intent to assess relevant features, issues and trends for the performance of PES and allies in the next European Elections. Particularly, we aimed at identifying the key member states for an improved electoral result for the S&D group in terms of seats. Hence a historical background analysis was required to provide an overview of the evolving balance of representation in the EU Parliament across three decades of election cycles. In the diachronic dimension, we found a major obstacle in the predominance, so far, of a second order model arguably boosting the populist claim against an alleged “Brussels Consensus”. Nowadays, this kind of protest threat is well visible in most of the countries we defined as component of the “core”, given their relevance in term of seats. Within this group, this is the case in France, Italy and the United Kingdom, but not in Germany. For this reason we focused on the Europeanisation of the EP election as “the” factor, trying to analyse how it is likely to shape the campaign in a way progressives can face the challenge embodied by protest and hard-euro-sceptical populist players. At the same time, we underlined some possible causes for the decline over time in the electoral support for the Left.

In a crisis context in which the idea of Europe generates increasingly rejection across the continent it is very difficult to launch a suggestive and common message to Europeans. However, it is necessary to emphasize the value of empathy among Europeans to renew the shared civic project of making Europe a representative agent of the interests of the majority of Europeans. We are heading towards a more insecure world in social terms. The electoral majority in Europe perceives itself as a loser of a socioeconomic system that promotes inequality. Social democracy should not be perceived as a representative of the *status quo*, but must be able to channel the demand for change of this new majority. The Social Democratic family cannot settle for “more Europe”, but must claim a “critical Europeanism”.

We should note that in the current situation the capacity of citizens to influence economic issues through voting is very limited. No process that brings us closer to a better coordination of economic policies will lead to the old sovereignty of national states. If we really want to achieve greater economic governance it is essential to change the paradigm and assume that we are in a post-national situation, which can hardly provide democratic legitimacy as in the past. With the political trilemma of the world economy, Dani Rodrik (2011) tells us that we can only choose two out of the three items of national sovereignty, democracy and economic integration. Greater economic governance would lead to a more efficient international order, but not to an empowerment of citizens. Today it is no longer possible to implement an economic progressive policy from the national level.

European progressives face this dichotomy between democracy and efficiency relying on a greater legitimacy. It would not be difficult to find a European institutional system to ensure minimally citizen representation in institutions capable of acting at a significant level. Or what is the same, the progressive way out of the crisis building the “good society” must be European. The only way towards a more egalitarian economy and a fairer future is to erect a progressive alternative at the European level.

The election outcome is more likely than not to be quite close. Our own projections, based on opinion poll data and general election results from all 28 member states<sup>1</sup> (full estimates for S&D and EPP seats per each member state are available in Annex 3, tables 1 and 2), show that the PES and its allies could win around 202 seats, with a minimum of 183 and a maximum of 221. Its main rival, the EPP, could get about 211 seats, with a minimum of 193 and a maximum of 223. Other projections put the progressive group slightly ahead of the conservatives. In comparison, the 2014 prediction based on the Hix-Marsh model puts the S&D group at 221 and the EPP group at 202 (Neuger and pollwatch.eu, March 19, 2014). Considering this small margin, the campaign will, in all probability, play a decisive role. Under these circumstances, a small movement of percentage points of the vote in the Core – Germany, France, UK and Italy – could tip the balance either way. While maybe at first counterintuitive, the United Kingdom provides the single largest opportunity of seats to be gained for the S&D group. Another view on the dynamic around this election cycle is that compared to the 2009 results the S&D group appears set to increase its share of MEPs, while the EPP group to lose seats. The big question is if the swing will be large enough to put the progressives ahead.

In terms of coalition building, the most likely outcome is a continuation of the (informal) grand coalition between the two main political groups in the European Parliament, in manner similar to recent post-election coalitions formed in Italy, Germany or Austria. The novelty in the next Parliament, again similar to recent elections throughout Europe, is the relative decline of the combined share of the mainstream European parties. The two main groups are likely to add up to roughly 55-56% of seats, a situation not seen in the European Parliament since the 1970s and 1980s. The share of non-attached members from parties non-affiliated to any European party or political group is set to markedly increase, resulting in a more fragmented assembly.

The nomination of the candidate for President of the European Commission by the European heads of state or government will be moment of truth in how much EU citizens will really have a say in deciding who will lead the EU Commission. On this topic, German Chancellor Angela Merkel’s stated in late October 2013: “I don’t see any automaticity between top candidates and the filling of posts. The treaty says that it should be taken into account. Otherwise the commission president will be voted by the parliament based on a proposal by the [EU leaders]” (Mahony). This will be even more

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<sup>1</sup> The projection used opinion poll data for most countries and recent general election data where polling is not available (Malta, Luxembourg and Cyprus). To account for poll variation and overall accuracy, a 3 percentage point margin was used to estimate lower and upper intervals.

the case should the progressive group achieve a plurality of seats and its top candidate face a European Council dominated by conservative heads of state or government.

In analysing the long-term trend of declining electoral performance of progressive parties in the four countries considered we found that most of them share a problem of adherence of their political offer to the societal transformations induced by the crisis, which is one of the causes of the increasingly weakening links to the constituency they intend to represent.

As the EP election approaches, socialists and social-democrats across Europe are faced with a crucial challenge: on the one hand, the attempt to revive the European project during what probably is the most severe political crisis since its creation, and to restore hope to citizens, who are increasingly struggling with unemployment and a worsening of their standard of living. On the other hand, dealing with such a task also entails reconsidering the socialist identity and set of values. When faced with the task of being in government, socialists in the recent past sometimes seemed more worried about reassuring banks and the EU than their citizens.

The upcoming European elections will be a first chance to show a renewed political will to resume socialist values and ideals. Nevertheless, some major contradictions remain which are likely to hinder a socialist landslide, despite the unsuccessful neoliberal approach that still prevents Europe to unleash its potential. In countries like Italy, France and Germany, socialists and social-democrats are in power, yet either they do not prove different or better than their predecessors, or are forced in grand coalitions which limit their potential for reform and make them appear to the citizens as “all the same”.

But there is another point which overarches the political approach and electoral performance of socialists and social-democrats in the last couple of decades. Over time, perhaps also in response to the so-called “end of ideologies”, the trend has been to think more in terms of short-term electoral victories rather than pursuing a political vision of society to implement in the long term. Electoral tactics, marketing and communication have often won over political strategy, ideas and reflection on society and its evolution. This ultimately led to an increasing detachment of these parties from society itself. The May 2014 elections will provide a unique chance in restoring the link with citizens and hope the European project. Yet, these should be seen as first steps towards a renewed political approach.

Going beyond the second-order model in an already Europeanised context entails a two step approach: leadership and a personalized election in the short term; in the long term, building a common, comprehensive progressive strategy. In other words, restore connection with society, rebuild trust and credibility, and develop a persuasive narrative.

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## Annex 1: Elections to the European Parliament 1979 – 2009

Number of seats of each political group in the European Parliament 1979-2009

	GUE	PES	EPP	CCD	EC	ALDE	NC	ARE	GE	CDI	NI	ES	FRN	Total
1979	44	113	107		64	40	22			11	9			410
1984	41	130	110		50	31	29	20			7		16	434
1989	42	180	121		34	49	20	13	30		12		17	518
1994	28	198	157	27	0	62	26		23		27	19		567
1999	42	180	233			50	31		48		26	16		626
2004	41	200	268			88	27		42		29	37		732
2009	35	184	266		53	84			55		27	32		736

Source: [europe-politique.eu/elections-europeennes.htm](http://europe-politique.eu/elections-europeennes.htm)

Share of seats of each political group in the European Parliament 1979-2009

	GUE	PES	EPP	CCD	EC	ALDE	NC	ARE	GE	CDI	NI	ES	FRN
1979	10.7	27.6	26.1		15.6	9.8	5.4			2.7	2.2		
1984	9.4	30.0	25.3		11.5	7.1	6.7	4.6			1.6		3.7
1989	8.1	34.7	23.4		6.6	9.5	3.9	2.5	5.8		2.3		3.3
1994	4.9	34.9	27.7	4.8		10.9	4.6		4.1		4.8	3.4	
1999	6.7	28.8	37.2			8.0	5.0		7.7		4.2	2.6	
2004	5.6	27.3	36.6			12.0	3.7		5.7		4.0	5.1	
2009	4.8	25.0	36.1		7.2	11.4			7.5		3.7	4.3	

Source: [europe-politique.eu/elections-europeennes.htm](http://europe-politique.eu/elections-europeennes.htm)

### Legend

GUE – communists and left wing

EPP – conservatives, Christian democrats and allies

EC – eurosceptical conservatives

NC – national conservatives

GE – greens

NI – non-inscrits

FRN – far right

PSE – socialists, social-democrats and allies

CCD – conservatives and Christian democrats

ALDE – liberals and centrists

ARE – regionalists and ecologists

CDI - heterogenous

ES – eurosceptics



## Annex 2: In-text tables

**Table 1:** Number of member states and turnout in European elections

Election	No. of member states	Total turnout	Highest	Lowest
1979	9	61.9	91.4 (Belgium)	32.4 (UK)
1984	10	58.9	92.1 (Belgium)	32.6 (UK)
1989	12	58.4	90.7 (Belgium)	36.4 (UK)
1994	12	55.7	90.6 (Belgium)	36.4 (UK)
1999	15	49.5	91.1 (Belgium)	24.0 (UK)
2004	25	45.5	90.8 (Belgium)	16.9 (Slovakia)
2009	27	43.0	90.4 (Belgium)	19.6 (Slovakia)

Source: <http://europarl.europa.eu/aboutparliament/en/000cdcd9d4/Turnout-%281979-2009%29.html>

**Table 2:** Share of total MEPs of different conservative groups in the European Parliament

Election	Conservative / christian democrat	Christian democratic	Conservative only	National conservatives	Total conservatives
1979	26.1		15.6	5.4	47.1
1984	25.3		11.5	6.7	43.5
1989	23.4		6.6	3.9	33.8
1994	27.7	4.8		4.6	37.0
1999	37.2			5.0	42.2
2004	36.6			3.7	40.3
2009	36.1		7.2		43.3

Source: [europe-politique.eu/elections-europeennes.htm](http://europe-politique.eu/elections-europeennes.htm)

**Table 3:** Percentage point difference between Socialist and Conservative groups (total share of MEPs)

Election	Socialist group	Difference compared to main conservative group	Difference compared to all conservatives
1979	27.6	1.5	-19.5
1984	30.0	4.6	-13.6
1989	34.7	11.4	1.0
1994	34.9	7.2	-2.1
1999	28.8	-8.5	-13.4
2004	27.3	-9.3	-13.0
2009	25.0	-11.1	-18.3

Source: [europe-politique.eu/elections-europeennes.htm](http://europe-politique.eu/elections-europeennes.htm)

**Table 4:** Total MEPs of the three main political groups in the European Parliament

European region	1979	1984	1989	1994	1999	2004	2009
Northern							
PES	26	37	51	67	43	33	27
EPP	4	7	7	26	55	43	14
PES lead	22	30	44	41	-12	-10	13
Western							
PES	74	71	71	71	75	76	50
EPP	73	67	58	79	98	88	90
PES lead	1	4	13	-8	-23	-12	-40
Southern							
PES	13	22	58	60	62	63	62
EPP	30	36	56	52	80	73	80
PES lead	-17	-14	2	8	-18	-10	-18
Central & Eastern							
PES						28	45
EPP						64	82
PES lead						-36	-37

Northern: UK, Denmark, Ireland, Finland, Sweden;

Western: Germany, France, Netherlands, Belgium, Luxembourg, Austria;

Southern: Italy, Greece, Spain, Portugal, Cyprus, Malta;

Central and Eastern: Poland, Czech Republic, Hungary, Estonia, Lithuania, Latvia, Slovakia, Slovenia, Bulgaria, Romania.

Source: [europe-politique.eu/elections-europeennes.htm](http://europe-politique.eu/elections-europeennes.htm)

**Table 5:** A Core Problem: decline in number of seats in Europe's largest member states

	1994		1999		2004		2009	
	PES	EPP	PES	EPP	PES	EPP	PES	EPP
Germany	40	47	33	53	23	49	23	42
France	15	13	22	21	31	17	14	29
UK	63	19	30	37	19	28	13	0
Italy	18	12	17	34	16	24	21	35
total	136	91	102	145	89	118	71	106
PES lead		45		- 43		- 29		- 35

Source: [europe-politique.eu/elections-europeennes.htm](http://europe-politique.eu/elections-europeennes.htm)

## Annex 3: 2014 European Election estimates

Table 1: estimates for MEPs of S&amp;D group

No.	2014 seats	Member State	Min	Mean	2009 with 2014 seats	2014/2009 difference	Max
1	18	Austria	3	4	4	0	4
2	21	Belgium	4	4	5	-1	5
3	17	Bulgaria	4	4	4	0	5
4	6	Cyprus	2	2	2	0	2
5	21	Czech Rep.	5	5	7	-2	6
6	96	Germany	25	28	22	6	30
7	13	Denmark	3	4	4	0	4
8	6	Estonia	1	2	1	1	2
9	13	Finland	2	2	2	0	2
10	74	France	12	14	14	0	16
11	73	UK	23	25	13	12	27
12	21	Greece	1	1	8	-7	2
13	21	Hungary	6	7	4	3	7
14	11	Ireland	2	2	3	-1	3
15	73	Italy	22	24	21	3	26
16	11	Lithuania	3	3	3	0	4
17	6	Luxembourg	1	1	1	0	1
18	8	Latvia	0	0	0	0	0
19	6	Malta	3	3	3	0	3
20	26	Netherlands	2	3	3	0	3
21	51	Poland	6	8	7	1	9
22	21	Portugal	8	9	7	2	9
23	32	Romania	12	13	11	2	14
24	54	Spain	14	15	21	-6	16
25	13	Slovakia	6	6	5	1	6
26	8	Slovenia	2	2	2	0	3
27	20	Sweden	6	6	5	1	7
28	11	Croatia	5	5	5	0	5
Total	751		184	202	187	16	221

Sources: opinion polls from electionista.com, mettapolls.net, General election data from Inter-Parliamentary Union ipu.org

**Table 2:** Estimates for MEPs of EPP group

No	2014 seats	Member State	Min	Mean	2009 with 2014 seats	2014/2009 difference	Max
1	18	Austria	4	4	6	-2	4
2	21	Belgium	4	4	6	-2	5
3	17	Bulgaria	5	5	7	-2	5
4	6	Cyprus	2	2	2	0	2
5	21	Czech Rep.	3	4	2	2	4
6	96	Germany	40	42	41	1	44
7	13	Denmark	0	0	1	-1	0
8	6	Estonia	1	2	1	1	2
9	13	Finland	3	3	4	-1	3
10	74	France	22	24	29	-5	26
11	73	UK	0	0	0	0	1
12	21	Greece	6	7	8	-1	7
13	21	Hungary	10	11	13	-2	11
14	11	Ireland	3	4	4	0	4
15	73	Italy	21	23	35	-12	25
16	11	Lithuania	1	2	4	-2	2
17	6	Luxembourg	3	3	3	0	3
18	8	Latvia	1	1	3	-2	2
19	6	Malta	2	2	2	0	2
20	26	Netherlands	2	3	5	-2	3
21	51	Poland	16	17	28	-11	18
22	21	Portugal	8	9	10	-1	9
23	32	Romania	5	6	13	-7	6
24	54	Spain	15	17	23	-6	18
25	13	Slovakia	4	4	6	-2	4
26	8	Slovenia	2	2	3	-1	2
27	20	Sweden	5	5	5	0	6
28	11	Croatia	5	5	6	-1	5
Total	751		193	211	270	-59	223

Sources: opinion polls from electionista.com, mettapolls.net, General election data from Inter-Parliamentary Union ipu.org



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## Book review

# **MIHAELA TOMIȚĂ – PROBATION AS A FIELD OF STUDY. INSTITUTION AND PROFESSION 2012, BUCHAREST: UNIVERSUL JURIDIC PUBLISHING HOUSE**

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Simona Maria STĂNESCU<sup>1</sup>

Transition from planned to market economy shaped the configuration of Romanian social policy. Vulnerable groups not properly approached by suitable social protection measures during early post-communist period were exposed to vicious circle of poverty. Among them, some groups received a better attention and even later adopted social policy programs managed to ameliorate their condition and reduce their exposure to social exclusion. It is specially the case of children, orphans from institutionalized foster cares, people with disabilities, or victims of domestic violence (Ilie, Vonica, 2004: 4-6). International media played an important role during early '1990. A second external factor was represented by the negotiation to EU procedures represented especially by the harmonization of the *acquis communautaire*.

The analysis of Romanian Governmental programs adopted after 1990 (1992, 1998, 2000, 2005, 2009, 2012), the Social Assistance Laws (2001, 2005, 2011) and the draft Law of social economy (2012) concluded that 62 different categories of vulnerabilities were mentioned by 134 different references (Stănescu, 2013a, 226-263; Stănescu, 2013b: 146). Only few mentions are made with reference to beneficiaries directly or indirectly linked with probation services: people deprived of liberty (Social Assistance Law 2011), people sanctioned with educative measure or measure outside prison under the surveillance of probation services (2011), people free from detention (2012), people which finalized the in prison period according with the law (2013) (Stănescu, 2013a, 247-263).

As Professor Stefan Buzarnescu argues within the forward of the book, the interdisciplinary probation as “a social science applied to the justice field” was practically ignored in Romania till 1998 despite its three development stages: the

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philological one, the epistemic one, and the stage of semantic and methodological reconstruction (Tomiță, 2012: 9).

The volume includes an argument for the second edition, the foreword, and 12 chapters followed by references and annex.

The first chapter Introduction briefly raises awareness to the interested reader on the potential of probation field research. Chapter II Anomy, deviance, delinquency, socialization, socialization deficit, resocialization overviewed main scientific concepts used in international and national relevant literature.

Chapter III Criminality as a social phenomenon and possible answers for the public policies of the probation institution and Chapter IV The judiciary system as a decision factor for penal policies and social practice argue that constantly increased costs of criminality as social phenomena shaped the attention paid by public stakeholders. The link between penal justice and moral connotations allows a better understanding of the role and purpose of the law (Tomiță, 2012: 53).

The following three chapters (Chapter V Custodial versus community sanctions; Chapter VI European regulations and institutions on Probation, and Chapter VII Prison between traditional and modern management of the criminality phenomenon) valuable contribute to an in-depth analyse of current paradigms and trends at international level. The transfer of best practices at national level highly depends on assesment of supporting domestic factors.

Chapter VIII Probation – a form of social work for Justice proposes and Chapter IX Probation, social space and community safety propose alternative perspectives on the provision of probation services challenged by the current socio-economic context.

Chapter X Probation institutions and the new criminal reglementations overviews recent developments among which we mention „the renunciation of applying the penalty (...) and the postponement of punciishment aplicaton, and the suspension of sentence execution under supervision was redesigned” (Tomiță, 2012: 173).

Detailed analyse of the institutional design related to probation in Romania is examined in Chapter XI. Legislative and institutional construction of the probation institution.

As conclusion of the book, Chapter XII Factors that influence the effectiveness of probation identified weak and strong points supporting the development of probation in Romania.

The book represents the English revised and added edition of the Romanian “Probațiunea ca disciplină de studiu. Instituție și profesie” published in 2009 at Solness Publishing House, Timișoara.

Taking into account the innovatory and original scientific contribution of the book strongly supported by theoretic and methodological frameworks, we consider it is as an asset for the Romanian stakeholders involved especially the academia community and last, but not least the Direction of Probation and its local structures, the probation services. The research outputs as arguments for the maturity and legitimacy of the

probation institution in Romania sustainable fundament the policy decisions related to justice process towards achieving nationally assumed goals as member state of the European Union and international respect for human rights.

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## **Book review**

# **THANASIS APOSTOLOU (EDS.) – DRUG POLICY AND DRUG LEGISLATION IN SOUTH EAST EUROPE 2013, ATHENS: NOMIKI BIBLIOTHIKI GROUP**

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Victor NICOLĂESCU<sup>1</sup>

Within the context in which drugs are a pest which deeply affects the contemporary societies, various public policies are developed, adopted and implemented at different levels, with the purpose to restrain the demand and offer of drugs. Worldwide, and in Europe too, the general frameworks intended to deter the illicit trafficking and drug consumption are worked out, but the regional disparities in implementing efficient interventions are high, which is why the specific legislation is undergoing adaptation, while the drug policies are reconfigured according to the new circumstances.

The book “Drug Policy and Drug Legislation in South East Europe”, published at Athenes (Nomiki Bibliothiki Group, 2013, 341 p.) is authored by Thanasis Apostolou, acting manager of Giogenis Association. Thanasis Apostolou has relevant expertise, at the European and regional level, in drug policies, with outstanding achievements in South-Eastern Europe countries, Romania included. The book makes an analysis of the current situation of anti-drug legislation in 10 South-Eastern Europe countries: relevant national strategies, national penal legislation, anti-drug institutions and legislative framework, law enforcement, penalties for breaching drug legislation, situation in the detention facilities. The countries surveyed by the book, Albania, Bulgaria, Bosnia and Herzegovina, Croatia, former Yugoslav Republic Macedonia, Greece, Romania, Serbia, Slovenia and Montenegro, are at the confluence of the European Union and by their vicinity policies can radiate and expand the positive practices in preventing and controlling the illicit drug trafficking and consumption.

The analysis of the institutional and legal framework regarding the drugs is an integrating approach at the national and international level (Hurdubaie, I., Nicolaescu, V., 2008) which presumes the identification of the basic coordinates of the regulatory

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and law enforcement process regarding drugs. Within this context, the relevant national works (Drăgan J., 1994; Abraham, P., 2005; Nicolăescu V., Gordan S., 2007; Iancu, A.M., 2010), are attempts to cover a field which is undergoing permanent changes, with legislative improvements and institutional progress in all the regions worldwide.

The book “Drug Policy and Drug Legislation in South East Europe” is particular due to its systematic way of synthesizing the complex aspects of anti-drug activities within a large European area. The book makes a thorough analysis of the following topics of interest for the countries covered by the survey: 1. National anti-drug strategies; 2. Acting penal legislations; 3. National anti-drug legislations and institutions. 4. Law enforcement regarding the drugs; 5. Sanctions and situation in the penitentiaries – social reintegration, decriminalization of drug possession for own use, drug addicts and penitentiaries.

This analytical structure depicts, for the specialists and for the public at large, current aspects of drug policies and control in South-Eastern Europe, achieving a specific profile for Albania, Bulgaria, Bosnia and Herzegovina, Croatia, former Yugoslav Republic Macedonia, Greece, Romania, Serbia, Slovenia and Montenegro.

The main conclusions of this study are: there is discrepancy between the adopted strategies and the actual practice in this field; there are juridical traditions in the form of common practices in favour of tough sanctions, no clear distinction between the ‘soft’ and ‘hard’ drugs and sanctioning of drug possession for own consumption; the production and use of cannabis is dominant in all regional countries; the number of people sent to jail increased, as well as drug consumption in penitentiaries, while the medical care is inadequate in the penitentiaries; the programs of social reintegration are almost absent; there is a limited support for alternative measures to jail, and there is reticence for decriminalization; the financial resources are not balanced in terms of demand and offer of drugs, the allocations from the budget being rather low for the structures of the civil society.

The book is the result of the cooperation between Diogenis Association, non-governmental association participating in the Drug Policy Network in South East Europe and researchers from various research institutes and universities from South-Eastern Europe. By its abundant wealth of information regarding the investigated area of reference, the book is the outcome of an effort of collection, aggregation and synthesizing of the main dimensions of drug policy and drug legislation in South East Europe.

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