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ARTICLE



Cyrille Fijnaut: a pioneer from the low countries

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ABSTRACT

Inspired by American pioneers in the field of police research like Jerome Skolnick, Cyrille Fijnaut resigned in 1969 as a police lieutenant from the police force in the city of Tilburg, the Netherlands in order to create the opportunity to study criminology and philosophy at the KU Leuven in Belgium. At the same university, he wrote in the years 1974–1978 his Ph.D. dissertation on the political history of policing in Europe since the Napoleonic Era. This thesis became the starting point of a rich career as a professor of criminology and criminal law at the Erasmus University Rotterdam, the KU Leuven, Tilburg University and NYU Law School (Global Law School Programme). Over the years, he became an internationally renowned expert in the fields of police and judicial cooperation, organized crime and terrorism, and the transatlantic history of criminology and the criminal justice system. In these and other fields he wrote some 50 books and edited some 50 volumes, and published more than 400 articles in academic and professional journals. In addition, he was one of the founding fathers of the Belgian journal of criminology and criminal law *Panopticon* and the *European Journal of Crime, Criminal Law and Criminal Justice*. He also served as an expert in some of Dutch and Belgian committees of inquiry, e.g. the committee that investigated the safety and security problems of Pim Fortuyn, the Dutch politician who was killed in May 2002. The Dutch government rewarded him with a Knighthood in the Order of the Dutch Lion, and the Belgian government appointed him Commandeur in the Crown Order.

KEYWORDS

Criminology; Comparative criminal law; Police systems and police powers; Organized crime

I. Introduction

Roughly a quarter of a century ago, I obtained my Master's degrees in Law (1993) and in Criminology (1995) at the Catholic University of Leuven (KU Leuven) in Belgium. My original intention was to go on and study history as well. However, with a little prompting from my parents, but mainly as a result of a delightful conversation with Professor Cyrille Fijnaut – whose inspiring lectures on criminology and criminal justice, comparative criminal law, the organization of police and judicial systems and European criminal law were a revelation to me – I ultimately decided to get a real job. Under his guidance, in the period 1996–2000 I conducted doctoral research with a comparative study of the tasks, the powers, the organization and the functioning of the Public Prosecution Services in Belgium, Germany and the Netherlands. This research was part of a larger research project entitled *Een openbaar ministerie voor de 21^{ste} eeuw* [A public prosecution service for the 21st century], for which Professor Lieven Dupont was the principal supervisor. However, various circumstances dictated that Fijnaut bore most of the responsibility for carrying out the project.

Through this appointment, I gradually came to discover the role that Fijnaut had played up to then in the development of academic research in the broad field of policing, not only in the Netherlands and Belgium, but also at European level and in relation to the United States. As one of the most prominent criminologists in the Low Countries and far beyond, Professor Fijnaut was the ideal mentor. Based on his view that the practice of science is essentially historical in nature, whereby each new generation builds on the work of its predecessors, he not only gave me every opportunity as a young researcher, but also lit the flame for a life in science. *Wissenschaft als Lebensform*, as his beloved German philosopher Jürgen Mittelstraß had so pithily expressed it.

It was of course impossible to foresee at the outset of my career that I would one day be appointed as Fijnaut's successor in the Faculty of Law at KU Leuven. Fortunately, his departure from the university and move to the University of Tilburg in 2004 did not mark the end of our collaboration. In recent years, for example, we have worked together in numerous research projects on subjects such as European police and judicial cooperation in criminal matters and the administrative approach to serious and organized crime. I consider myself extremely fortunate to have had the pleasure of around 25 years of intense and stimulating collaboration with him. During that time, we have become true *compagnons de route* in a wide range of domains. From that perspective, what follows is a chronological and thematic review of Cyrille Fijnaut's career and the key role he has played in the development of police science and criminology.

II. The introduction to American and British pioneers (1965–1974)

After completing his schooling at the gymnasium in 1965, Cyrille Fijnaut went to the Netherlands Police Academy in Hilversum, a city near Amsterdam. His choice was dictated in part by the fact that his father was a highly-respected police sergeant in his home town of Heerlen, a mining city near Maastricht in the south of the Netherlands. In general, the course at the Academy, which at that time lasted three years, was fairly traditional. An exception was the classes taught by Huib Heijboer, the lecturer in criminology. Heijboer was a police commissioner in Heerlen, who had studied criminology at KU Leuven shortly after the end of the Second World War and had since then developed an intense interest in the methods employed to tackle crime in the United States. At the end of the 1960s, for example, in his capacity as editor of the journal *Het Tijdschrift voor de Politie*, Heijboer wrote a lengthy article on the reports produced by the celebrated Katzenbach Committee.

Heijboer was a friend of Harm Stuitje, the director of the *Studiecentrum voor Hogere Politieambtenaren* [Study Centre for Senior Police Officers], which was based in Arnhem in the centre of the Netherlands, and would regularly visit Stuitje on his way home from Hilversum to Heerlen. Consequently, on those occasions when Heijboer gave him a lift home, Fijnaut had an opportunity to explore the study centre's library. And it was in that library that he first became acquainted with the new American and English sociological studies relating to policing, in particular *Justice without Trial* by Jerome Skolnick, *The Policeman in the Community* by Michael Banton, *Varieties of Police Behaviour* by James Wilson, and *The Police: Six Sociological essays* by David Bordua. These studies were real eye-openers for him, showing as they did that it was possible to look at policing from a totally different angle than the traditional legal perspective.

This revelation gave Fijnaut the idea of going to university after all, with a view to delving more deeply into the research relating to policing. With Heijboer's prompting that if he was going to university, he should attend KU Leuven, after completing his studies at the Police Academy he chose to go to work as a lieutenant with the municipal police in Tilburg, one of the larger cities in the province of Noord-Brabant and just a hundred kilometres from Leuven. Then, in September 1969, he enrolled at the university sooner than planned. His decision, just over a year after joining the force, to resign from Tilburg's municipal police and enrol in the criminology programme of the School of Criminology in KU Leuven's law faculty was entirely connected with his feeling that the Dutch police did not really know how to deal with several new phenomena.

These included problems in the public order domain, primarily the rioting by the Provo anarchist movement in Amsterdam, but also in the area of criminal investigation arising from the growth of drug trafficking and armed robberies. He believed that at university he would not only gain more insight into these trends, but also learn how best to respond to them.

As regards the latter aspect, he was to be disappointed. Most of the professors devoted no attention whatever to it. The two professors that did address the issue were Steven de Batselier, a psychologist, and Lode van Outrive, a sociologist. It was therefore with them that Fijnaut worked most closely, and it was no coincidence that it was under Van Outrive's supervision that he wrote the thesis with which he completed his course in criminology in July 1971. The title of the thesis was *De selectiviteit van het justitiële politieoptreden* [The selectivity of judicial police action]. This lengthy thesis contained a thorough analysis of the Anglo-Saxon literature on the subject of police discretion and a detailed description of the empirical research that he had conducted in the Criminal Investigation Department in Tilburg. In writing the thesis he made grateful use of the aforementioned books by Skolnick, Banton and Bordua, but also works written by William Westley, William Chambliss, Dennis Chapman, Paul Chevigny, Arthur Niederhoffer, Howard Becker and Aron Cicourel. He also cited heavily from articles written by Egon Bittner, Wayne Lafave, Albert Reiss Jr. and Herman Goldstein on the operations of police forces.¹

III. The development of his own research fields at the KU Leuven (1974–1982)

III.1. A challenging transition: from police to university

It was because of this combination of several years of practical experience in a police force and a thorough knowledge of the international literature that Van Outrive asked Cyrille Fijnaut, at the end of 1973, to return to KU Leuven to conduct research into the organization and operations of the Belgian police system which was to be funded by the National Foundation for Fundamental Scientific Research. This was naturally an enticing offer, especially because it represented an opportunity to write a doctoral dissertation on the subject of the police. After some deliberation, Fijnaut grasped the offer from Leuven with both hands.

Because Van Outrive was still working part-time at the Sociological Institute in the Faculty of Social Sciences, Fijnaut had an office at that institute until 1976. The transition from a police station in Tilburg to a research institute in Leuven was not easy. In the first place, it represented an enormous change socially, from a busy job with irregular hours as a police inspector to the solitary existence of a researcher who was just starting out. Secondly, he had to find his way around the complex police system that then existed in Belgium all on his own, since no one before him had ever researched the subject and there were therefore no earlier descriptions or analyses of the system on which he could rely.

The Belgian police system at that time consisted of a highly militarised Gendarmerie Nationale, which covered the entire territory of the country through a system of territorial brigades and had special units that played an important role in law enforcement and criminal investigations, as well as an extensive system of civil municipal police forces, ranging from relatively large forces in cities like Brussels, Liège and Antwerp to small forces with between ten and twenty officers or a few constables in the numerous small municipalities. The Public Prosecution Service also had its own special units of Judicial Police in the 27 judicial districts. The frequent disputes between these three echelons – in the absence of a clear division of functional or territorial jurisdiction – alone made it difficult to establish an open relationship with the various services, since talking to one service quickly created mistrust in the others.

In the interviews with police officers, the complexity and disunity of the Belgian police system were invariably attributed to events in the past. The problem was, however, that no history of the police had ever been written and it was therefore difficult to discover precisely what had happened on those occasions. In other words, the history of the Belgian police system was a total mystery at

that time. In 1975, this finding led to a reformulation of the focus of the research project from an empirical analysis of the functioning of the police system to an historical analysis of how it had come to assume its present form.

Despite this change of direction, however, the actual operations of the police services were not forgotten entirely. From 1976, Lode van Outrive and Cyrille Fijnaut organized a series of public seminars on the current state and the future of policing, the first such meetings in the country's history. These well-attended events undoubtedly prepared the way for the fundamental reorganization of policing that was carried out around 2000 in response to several police scandals, including the case of Marc Dutroux (the man who kidnapped a number of girls and murdered them in the basement of his home). The superstructure (staff, special units, infrastructure, etc.) of the now demilitarised Gendarmerie Nationale and of the Judicial Police was then largely absorbed into a new federal police force. The substructure (the brigades) and the municipal police forces, including the rural constables, were merged to form around 200 larger and smaller zonal police forces.

III.2. The history of the police system in Western Europe

To return to the historical research into the police system in the 1970s, Cyrille Fijnaut had naturally never previously conducted research of this nature. However, legal historians in the Faculty of Law – to which he had moved with Van Outrive in 1976 and where he had joined the staff of the School of Criminology – not only taught him the methods of historical research but also introduced him to the public records offices in Belgium. He then began a nationwide search in various public sources and archives to gather materials on the history of policing in the country. In just over a year he had collected enough material to fill several dozen shelves with copies of legislation, records of parliamentary debates, archival documents, books and articles in journals that would enable him to write the envisaged analysis.

The next problem was how such an analysis should or could be produced? The answer to that question was dictated by the paradigm concept developed by Thomas Kuhn in his theory of the structure of scientific revolutions. The idea was that if a sort of model of how the police systems in Western Europe in general had developed since the French Revolution could be created, the history of the Belgian police service could then be analysed on the basis of that paradigmatic model. This called for another massive search in libraries in Belgium and abroad, this time for the most important books that had been written on the history of policing, particularly in Germany, France, the United Kingdom and the Netherlands, in the preceding centuries.

To the surprise of many, in 1978 the research culminated in a two-part dissertation in Dutch (of roughly 1,200 pages) relating solely to the political history of policing in Western Europe (Fijnaut, 1979). The study did not cover the history of the Belgian police services because there was simply not enough time also to document that history in accordance with the chosen model within the period allotted to the research project. Fijnaut naturally intended to write that history after the defence of his dissertation, but for various reasons he never got around to it. The principal reason was that on completion of the project, in 1979 he was appointed as lector at KU Leuven's Faculty of Law, a position that involved quite a lot of teaching. Another factor was that in the same year he became closely involved in a major empirical study into the state of the municipal police forces in the Belgian province of Limburg (Fijnaut, 1985). And so it continued in the ensuing years and decades: new tasks and studies repeatedly interfered with the writing of the history of the Belgian police. The ironic consequence of this is that the library and archive on the history of the Belgian police service that he had accumulated in the 1970s still lies undisturbed in his home.

Fijnaut's key proposition will be that – in contrast to what David Bayley argues – wars, revolutions and coups have had the most decisive influence both on the development of the police systems of the various countries and on cross-border cooperation between national police services in Western Europe since the French Revolution. In that context, one has to think not only of the centralisation of police services, but also the establishment of special services, both political

intelligence services and services for law enforcement *manu militari*. In the second place, major public disturbances, terrorism and sensational crimes have led to some major reorganizations of police services. One example is the impact of the anarchist attacks in the second half of the nineteenth century on the way in which both the Criminal Investigation Departments of the police forces in large cities and international police cooperation were modernised.²

His close involvement in the discussions about the reorganization of the Belgian police system was also one of the reasons why, after completing his dissertation, Fijnaut retained his interest in the development of municipal police forces, and particularly their efforts to adapt their operations to new social developments through the use of methods such as team policing, community policing, problem-oriented policing, etc. This explains why, in 1980, he was invited by Maurice Punch to participate at one of the first international conferences devoted to research into important issues connected with the development of police forces in large cities, such as the management of those forces and the troublesome problem of police corruption. Following the research for his dissertation, in a way this conference constituted something of a new introduction to this field of research, not least because he was able, for the first time, to speak to a number of researchers whose work he had been reading since the end of the 1960s: David Bayley, Albert Reiss Jr., Lawrence Sherman, George Kelling and Peter Manning.³

III.3. Undercover policing and friendship with Gary Marx

After completing his dissertation, Cyrille Fijnaut also took up another topic that had attracted his interest during his time with the Criminal Investigation Department in Tilburg: undercover policing. His growing interest in this subject was greatly stimulated by rumours and reports of corruption scandals in both the Netherlands and Belgium. It appeared that the use of modern American methods of undercover policing had brought with it serious risks of corruption among police officers in both countries (Fijnaut, 1980). In Belgium, in any case, these practices led to an enormous scandal involving the Gendarmerie Nationale and the Judicial Police around 1980, when it was found that members of two special investigative units engaged mainly in the fight against illicit drug trafficking had been guilty of serious criminal offences. The scandal became known as the Francois case after the leader of one of the two units.

Wanting to know what had happened, in 1982 Fijnaut followed the hearing of the case in the district court in Brussels. After attending a number of sessions, he became increasingly convinced that the judges did not properly understand what had happened and that this partly explained why only the detectives concerned had been prosecuted, while heads of the relevant police services and the relevant procurators-general had got off scot-free. This prompted him to write a book about the affair that same year, in which he incorporated the existing literature on undercover policing (Fijnaut, 1983).⁴

The book was a best-seller in Flanders and in the Netherlands. For Fijnaut himself, the most important long-term result was the friendship he formed with Gary Marx. In writing the book he had come across a number of Marx's articles on undercover policing and had then sought contact with him – Marx was then still working at the Massachusetts Institute of Technology – with a view to deepening his literature study. The close friendship that arose from these contacts not only led to a number of visits by Gary Marx and his wife to Fijnaut's home in Leuven, and later in Tilburg, but around 1990 also to a transatlantic book project on the subject of undercover policing. A number of prominent researchers from North America and Western Europe took part in this project, which was completed in 1995 with the publication of an edited book that is still consulted by researchers around the world (Fijnaut & Marx, 1995).

IV. Again new research fields: his time at the scientific research and documentation centre in the Hague and the Erasmus University Rotterdam (1982–1990)

In 1982, Cyrille Fijnaut was invited to join the Ministry of Justice in The Hague as legal counsel in the field of police and immigration affairs. He enthusiastically accepted the invitation for a number

of reasons. One was his curiosity – after a number of years working with the police and years of scientific research – about how policy is formulated at the highest level. This career switch meant that he and his family moved back to Tilburg at the end of 1982. During the discussions on his move to The Hague, Fijnaut had insisted on being able to continue lecturing on police and the justice system at KU Leuven and so he travelled to Leuven once a week during the ensuing years.

There were two aspects to his job at the ministry. The first was to establish a research group for police and immigration affairs within the ministry's Scientific Research and Documentation Centre. The other was to advise the management of the Directorate-General Police and Aliens Affairs on the policy it should pursue. For the purposes of these two functions, he not only had to immerse himself more deeply in a number of topics with which he was already quite familiar, but also had to acquaint himself with various issues that were relatively new to him.

IV.1. Police experiments and the future of the Dutch police

With respect to the former category, in his view the following two projects were the most important in the short term, but more especially in the long term.

The first was an evaluation of a number of experiments that had been conducted to investigate the effects of certain forms of policing on crime that occurs more or less in the public domain ('street crime'): theft, assault, mugging, robberies, etc. These experiments, modelled on practices in the United States, commenced in 1979 and included the introduction of team policing in some neighbourhoods of a medium-sized city, a project-driven approach to burglaries, and the establishment of small proactive surveillance units in combination with a preventive public information campaign in two municipalities. These experiments were evaluated in light of the experience with the modernisation of crime prevention by the police in the United States. Given the general finding in that country that crime fighting by the police generally did little or nothing to reduce those forms of crime unless it was targeted at a particular area for a certain length of time and with the necessary intensity, it was no real surprise that this was also the general conclusion from these experiments (Fijnaut, Nuijten-Edelbroek, & Spickenheuer, 1985).

This finding generated a lot of discussion in the Netherlands. There were quite a lot of people in the criminal justice system who did not accept the conclusion because it publicly raised questions about the usefulness, and hence the legitimacy, of their work. Fijnaut's response to this criticism was that the conclusion was not as remarkable as it appeared at first glance. It was surely to be expected, he argued, that where the nature, scale and evolution of those forms of crime are structurally linked to general economic, social and demographic trends in society, the contribution of the law-enforcement authorities to managing crime problems was necessarily limited. He further defended the proposition that if they wanted to enhance their role in this context, they not only had to seek collaboration with schools, youth workers, social services and other organizations, but also had to persuade other public authorities of the need for structural intervention in social developments, for example in relation to the construction of new residential neighbourhoods, access to the labour market, etc.

The second project dovetailed to a certain extent with the subject matter of his dissertation: the future of the Dutch police. This project arose from discussions he had with the leadership of the Directorate-General Police and Aliens Affairs about the course to be taken by the Dutch police in the coming decades. Those discussions did not come out of the blue, but arose from two specific events. The first was the serious disruption of the coronation of Queen Beatrix in the Nieuwe Kerk in Amsterdam by violent groups of squatters in April 1980, disturbances that the police were only barely able to quell. The other was a report by the Netherlands Court of Audit in 1985 which found that the policy of containing various forms of professional crime, including bank robberies and arms trafficking, by building a national network of special detective units had more or less failed. The question posed to Fijnaut by the leadership of the directorate-general was an open one: give us your ideas for the future development of policing. There was therefore absolutely no certainty that

his response would be taken into account in the formulation of new police policy, and if so to what extent.

In searching for an answer to this question, Fijnaut naturally looked beyond the policies on policing in other European countries and the policy that was starting to emerge in the European Community, and focused in particular on the international scientific research by Clifford Shearing, Philip Stenning, and Richard Ericson into the growth of the private policing sector conducted in countries such as Canada. His research led to the finding that due to various economic, political and social developments, a large and non-transparent complex of regular, private and special police services was also taking shape in Dutch society. He concluded from this that in the interests of preserving the democratic rule of law it was very important for the existing municipal police forces and national Korps Rijkspolitie to be transformed into a national police force.

This advice was certainly not accepted unreservedly by politicians, police chiefs and mayors. On the contrary, they were generally strongly opposed to the idea of nationalising the Dutch police. This became very clear from the plans announced by the government in 1990. The Dutch police would be scaled up, but it would be accomplished by consolidating the existing forces into 25 regional forces. Nor did it remain at plans: the reorganization was carried out in 1993. Because in Fijnaut's opinion the reorganization did not provide an adequate response to the crime problems, particularly those created by serious crime, he continued to press for the creation of a national police force. Ultimate with success, because various studies made it increasingly clear that the reorganization in 1993 could only be an interim step in the further development of the Dutch police. In 2011, the government decided that the 25 regional forces should be integrated into a national police force (Fijnaut, 2012).

IV.2. Organized crime, the friendship with Jim Jacobs, and the admission of defence lawyers to police interrogations

There are also two projects that can be mentioned with respect to the second category mentioned above (issues with which he was more or less unfamiliar).

The first arose from the suggestion by the then Minister of Justice that a policy plan was needed for tackling crime, encompassing the problems arising from both so-called petty crime and organized crime. Professor Fijnaut was naturally involved in drafting this policy plan, which was nicely titled *Society and crime*. The conclusions from the evaluation of the police experiments played a fairly prominent role in the first part of this plan, in the sense that the police were no longer central to the envisaged policy for reducing the two forms of crime, but had become simply an important link in a policy that was based mainly on techno-prevention and socio-prevention of street crime. On the other hand, the law enforcement authorities were assigned an important role in the envisaged policy to improve control of the growing problems connected with organized crime. This part of the plan was derived mainly from a study of the international literature on the phenomenon of organised crime, since there had never been any scientific research into this type of crime in the Netherlands. It was partly because of this that there was still considerable controversy about whether the Netherlands was actually confronted with the phenomenon (Fijnaut, 1984, 1985a).⁵

It was against this background that around 1987 Fijnaut sought contact with Professor Jim Jacobs at New York University School of Law to learn more about what precisely it is: organized crime in a highly developed metropolis. He contacted Jim Jacobs because of his close involvement with the New York State Organized Crime Task Force and because he was the author of a brilliant analysis of the ways in which the Cosa Nostra families controlled and exploited the construction industry in the Big Apple. The discussions with Jim Jacobs, the director, Ron Goldstock, and the members of the Task Force not only provided more insight into the ways that organised crime is embedded in societies, but also showed that the containment of organized crime not only demands long-term proactive and innovative enforcement of criminal law but also administrative measures

to prevent organized criminals from gaining or maintaining control over legitimate markets, e.g. the introduction of screening procedures for applicants for permits or bidders in tenders.

Because it seemed to Fijnaut that this important insight should be widely disseminated in the Netherlands, in 1990 he organized a conference in The Hague at which the United States was represented by Jim Jacobs and a number of representatives from the New York State Organised Crime Task Force. Dutch participants included the Minister of Justice and officials from the ministry, and naturally also representatives of the law enforcement authorities and local government. In 1992, the conference led to radical changes in the policy on combating organized crime. Henceforth, this form of crime would be fought with an integrated strategy involving the use of both criminal law and instruments of administrative and fiscal law. In 1991, Jim Jacobs and Cyrille Fijnaut published the proceedings of this unique and influential conference, which still generates a lot of interest in the Netherlands and elsewhere (Fijnaut & Jacobs, 1991).

The second of these projects was initiated by the Dutch House of Representatives, which had adopted a motion in 1983 calling on the Minister of Justice to commission a study into the status of the debate in the Netherlands and abroad on a subject that was very controversial at the time: the admission of lawyers to police interrogation of suspects. Fijnaut was asked to conduct this study. He addressed this comparative law project very thoroughly and explored in depth the developments in this field in the United States (*Miranda v. Arizona*), but also in the United Kingdom and the Scandinavian countries. The conclusion of the study, which was published in 1987, was that there were actually no longer any valid arguments for denying suspects the right to have their lawyer present during interrogation. One reason given for this opinion was that there was no cause to fear any (shocking) negative consequences for the effectiveness and efficiency of the criminal justice system (Fijnaut, 1987). This conclusion was certainly not universally welcomed. Whereas lawyers naturally welcomed it for understandable reasons, the reactions of the law enforcement authorities were quite negative.

IV.3. The Chicago school in Rotterdam South and the regulation of gambling

In 1986, Cyrille Fijnaut accepted an invitation to succeed the celebrated Louk Hulsman as professor of criminology and criminal law in the Faculty of Law at Erasmus University Rotterdam. Consequently, for several years he had less time for scientific research. In his new position he had to devote most of his energy to a reorganization of the Criminal Law Department and, as vice-dean, to formulating the faculty's research policy. Giving lectures also took up a relatively large amount of his time. He spent most of the scarce time that was left working on two projects that expanded on studies he had carried out earlier.

The first of these was a study into the crime problems in and around the longest shopping street in the Netherlands, Boulevard Zuid in the district of Rotterdam-Zuid (Fijnaut, Moerland, & Uit Beijerse, 1991). In a follow-up to the evaluation of the effects of police action against street crime and the report *Society and crime*, this study was designed as far as possible in the spirit of the studies that had been performed in Chicago in the 1920s. In other words, it analysed the social (demographic, economic and institutional) development of the area, while at the same time attempting to form an accurate impression of the crime problems, not only from police figures but also by consulting newspaper reports and conducting interviews with local residents. The conclusion was that these problems were closely linked to social developments in this part of the city. To reduce the problems, the study found, it would not be enough to intensify social and technical control; an attempt would also be needed to bring about a social reconstruction in the coming decades.

A second project was launched in 1990 relating to the regulation of gambling. The idea of studying this issue was connected with the commotion in the Netherlands at the time about criminal influences in the gambling market and problems connected with gambling. Fijnaut's interest in the subject was also sparked by his attendance at the annual meeting of the American Society of Criminology in Reno, Nevada. The meeting was held in The Nugget, an enormous hotel-

casino, and reminded Fijnaut of the persistent efforts of Nevada and other American states to reduce the influence of organized crime in the gambling market by regulating the sector, as described by Jerome Skolnick in his book *House of Cards*. This project initially yielded a three-part report on the legal and illegal gambling market in the Netherlands, the nature and scale of participation in these types of gambling, and current and future regulation of the market (Fijnaut, van 't Veer, & Moerland, 1993).

It was certainly the intention to explore this subject in more depth, and in particular to conduct field research to investigate the actual extent of organized crime's infiltration of specific forms of gambling in the Netherlands. However, those plans could not be carried out because in 1990 Fijnaut returned again to KU Leuven. But he did take up the issue again in 2005, when Tilburg University appointed him as extraordinary professor with respect to the regulation of gambling, a position funded by the Dutch State Lottery. In this capacity, he conducted a number of research projects relating to the regulation of gambling at the European Union level (Fijnaut & Littler, 2006; Fijnaut, Littler, Hoekx, & Verbeke, 2011).

V. Return to KU Leuven, but not leaving The Netherlands (1990–2000)

In 1990, Cyrille Fijnaut rejoined the Faculty of Law at KU Leuven. The move came at the request of the university's then Rector, Roger Dillemans. He was asked to return mainly because of the serious problems in the domain of public order and security that Belgium faced in the 1980s: the series of extremely violent robberies and attacks carried out by the so-called Nijvel Gang ('*bende van Nijvel*') on jewellers and gun stores, but also on supermarkets; the fatal confrontation between the fans of the football clubs Juventus and Liverpool in the Heysel Stadium; and the terrorist attacks by the *Cellules Communistes Combattantes*. In retrospect, the Rector cannot be said to have made a misjudgement.

V.1. Committees of inquiry in Belgium and The Netherlands

In the period 1993–1994, Fijnaut was appointed as an expert to assist the parliamentary committee investigating the problems connected with the trafficking of women in the country. In 1996–1997, he advised the parliamentary committee investigating why the serious crimes of the 'Nijvel Gang' had still not been solved (Fijnaut & Verstraeten, 1997). In 1996, the parliamentary committee investigating the Dutroux affair – which involved the kidnapping and murder of a number of young girls – sought his help in reconstructing the actions of the law enforcement agencies following the disappearance of two of the girls.

In the same years – 1995–1996 – he was closely involved in the work of the parliamentary committee chaired by Maarten van Traa, which was conducting an investigation into the regulation and practice with respect to various forms of undercover policing in the Netherlands. The committee was appointed following a scandal linked to the infiltration by the police into Dutch criminal networks that had acquired a powerful position in international drug trafficking since the 1980s. Van Traa asked Fijnaut to assemble a research group to investigate the nature, scale and development of organized crime in the Netherlands. The findings of this study, which was published in 1997, first in Dutch and shortly afterwards also in English, were not only decisive for the policy on tackling organized crime that was initiated in the wake of the study, it also provided an enormous stimulus for later research into organised crime in the Netherlands (Fijnaut, Bovenkerk, Bruinsma, & van de Bunt, 1998).

The findings from the study were in fact one of the reasons why, several years later, Fijnaut joined Hans-Jörg Albrecht and Letizia Paoli of the *Max Plank Institut für ausländisches und internationales Strafrecht* in Freiburg – and thirty colleagues from various European countries – to produce a book devoted to the problem of organized crime in Europe. This project was completed in 2004 with the publication of a substantial volume that – for the first time in Europe – provided a clear picture of the extent of the problem of organized crime in a large number

of countries and of the policies adopted by those countries, as well as the European Union and the Council of Europe, to tackle those problems (Fijnaut & Paoli, 2004).

V.2. Classes in criminology, police and judicial cooperation, and comparative criminal law

But Professor Fijnaut's work during these years was naturally not confined to providing expert advice for parliamentary committees of inquiry in Belgium and the Netherlands. He was also teaching a number of major courses.

The first was *General introduction to criminology*, an important course that he took over from his predecessor Steven De Batselier immediately on his return to KU Leuven in 1990. Cyrille Fijnaut modernised the course in various ways, most importantly by devoting more attention to the transatlantic history of criminology and with deeper examination of the influence of criminology on the organization and operation of the criminal justice system from the 19th century. It was always his intention to publish the lectures for this course, but for various reasons the Dutch edition of his *Criminologie en strafrechtsbedeling* only appeared in 2014, and it was 2017 before an abridged translation appeared in English (Fijnaut, 2017).

To a certain extent, the same thing happened with the second course, a new course in *European Criminal Law* that Fijnaut compiled with Professor Frank Verbruggen at the beginning of the 1990s to bring students up to date with the advances made in police and judicial cooperation in Europe by virtue of the Treaty of Maastricht. This new course naturally expanded on the interest he had acquired in the subject while writing his dissertation. The publications that he co-wrote on the subject opened many people's eyes to the wide range of agencies, services and forms of cooperation (Europol, Schengen, Eurojust, etc.) that were being established at European Union level. In particular, for many years he and others made strenuous efforts to promote closer police and judicial cross-border cooperation in the border area between the Netherlands, Germany and Belgium, particularly in the Meuse–Rhine Euroregion (the area around Maastricht, Liège and Aachen) (Fijnaut & Spapens, 2010). In 2017–2018, he wrote a major study of the development of police and judicial cooperation in the European Union based on all the research he had carried out since 1993. The conclusion of the book – which does not immediately accord with what many people believe – is that, especially compared with developments prior to the Treaty of Maastricht, a democratic revolution, without precedent anywhere in the world, had occurred in the past 25 years. That conclusion was reflected in the book's title: *A Peaceful Revolution*.⁶

Thirdly, in 1990 he was charged with developing a course in comparative criminal law. He seized this opportunity not only to inform students – by extension to the study on allowing lawyers to be present during police interrogation of suspects – of the methods and purposes of comparative law, but also to teach them about how comparative law can be used to address certain issues. In 1996, his interest in comparative law research led to him being asked, together with the author of this article, to perform a large comparative study of the organization and operations of the Public Prosecution Services in Belgium, the Netherlands, Germany and France. This study was completed in 1999 and formed the basis of the author's dissertation on the Public Prosecution Service in Belgium, which he defended at KU Leuven in 2001 (Fijnaut, van Daele, & Parmentier, 2000).

V.3. NYU school of law, the Max Planck Institute in Freiburg, and the Goldstone Commission in South Africa

In addition to this survey of the courses he gave at KU Leuven, it is also important to mention here that in 1996 Cyrille Fijnaut was invited to take part in the Global Law School Program at NYU School of Law. He was invited three times to spend a semester or half a semester giving seminars on issues that he and Jim Jacobs considered relevant for the students. Cyrille Fijnaut retains very warm memories of these seminars and the time he spent at the NYU School of Law in general, without question thanks in part to the tremendous hospitality shown to him by Jim Jacobs and his wife Jan.

Particularly pleasing was the opportunity the programme afforded him to give a seminar on policing in democratic states with Jerome Skolnick. It had never occurred to him that he would one day have a chance to give a course together with one of the scholars who, at the end of the 1960s, had taught him to examine policing from a sociological perspective. It goes without saying that *Justice without trial* was repeatedly referred to during the seminar.

Even as he was carrying out the studies for the parliamentary committees, giving the various courses at KU Leuven and spending periods at NYU School of Law, together with Professor Hans-Jörg Albrecht, the director of the Max Planck Institute in Freiburg im Breisgau, in 1993 Fijnaut still found time to launch a European journal designed – in the spirit of integrated criminal science as practised by the German professor Franz von Liszt at the end of the 19th century – to promote scientific debate on the development of criminal law and the criminal justice system in the European Union. The journal, entitled *European Journal of Crime, Criminal Law and Criminal Justice*, is published by Brill/Martinus Nijhoff in Leiden. In 2013, Fijnaut handed over the position of chief editor of this flourishing journal to Professor André Klip of Maastricht University (Albrecht & Klip, 2013).

Finally, it must not be forgotten that in 1992, through the intercession of Dirk van Zyl Smit, who was a professor at Cape Town University at the time, Fijnaut became involved in the work of the Goldstone Committee in South Africa. This body had been appointed by President Mandela to avert or resolve large-scale violent conflicts in the run-up to the elections. In that year he sat on two of the committee's expert panels, together with Clifford Shearing among others. One panel, which met in Cape Town, was specifically asked to make recommendations for the policy that administrative and police authorities should pursue to ensure that demonstrations passed off peacefully. The other panel met in Durban and was concerned mainly with the possibilities for a restructuring of the South African police (Heymann, et al., 1992). Among other things, the work of these panels yielded important building blocks for a new Police Act in South Africa.

VI. Return to The Netherlands (2000–2011)

For various personal and professional reasons, Cyrille Fijnaut began working only half-time at KU Leuven in 2000 and left the university entirely in 2004, to become a professor at the University of Tilburg, the city he had been living in with his family since 1982. Apart from his aforementioned efforts to promote the creation of a national police force and strengthen cross-border police and judicial cooperation, in the first decade of this century he concentrated mainly on three projects.

VI.1. The history of the police in the kingdom of The Netherlands, its former colonies included

The first project concerned the history of the police in the Kingdom of the Netherlands. The project was initiated in 2000 by Jan Wiarda, who was then police commissioner in The Hague. There were two phases to the project. The first part concerned the history of the police in the Netherlands since the French Revolution. To write this history, Fijnaut sought the help of three historians – Guus Meershoek, Jos Smeets and Ronald van de Wal – who had earned their PhDs with research into issues closely connected with the development of policing in the Netherlands. Together they wrote a four-part history of the Dutch police which was published in 2007. To make this standard work widely accessible among police officers and the general public, Fijnaut published a summary, which was translated into English shortly afterwards (Fijnaut, 2008).

Meanwhile, together with Elsbeth Locher, an historian at the University of Utrecht, he had commenced a study into the history of the police in the Dutch East Indies, which would form the basis of the second part of the historical project: a history of policing in the former Dutch colonies. This part of the project ensued from discussions in The Hague in the 1980s between Fijnaut and Soebroto Brotodiredjo, the former commander of the police in Jakarta, on the modernisation of

policing in Indonesia. In 1993, those contacts led to an invitation for Fijnaut to give lectures in Indonesia on developments in the policing system in Western Europe. Because practically nothing had been published on the subject at that time, he saw the invitation as an ideal opportunity to study the history of policing in the Dutch East Indies in depth. Several years later, in 1998, he published his findings in an article in *De Tijdschrift voor de Politie*. Years later, Elsbeth Locher discovered the article and in 2004 it triggered the start of a major study into policing in the Dutch East Indies by the historian Marieke Bloembergen.

Long before the results of that study were published in 2009, plans were made with Jan Wiarda and Professor Gert Oostindie, the director of the Royal Netherlands Institute of Southeast Asian and Caribbean Studies at Leiden University, to expand the project with research into the history of policing in Surinam and the Dutch Antilles and so produce a comprehensive history of the police in the Kingdom of the Netherlands. In 2008, they secured financial support from the Ministries of Justice and the Interior and from the major police forces for the envisaged expansion of the project. In 2009, two researchers – Ellen Klinkers and Aart Broek – were able to start writing the history of the police in the two former colonies. Their studies were published in 2011. By then, the three studies of policing in the Dutch colonies had already been presented with great success at European colloquia on colonial policing in the nineteenth and twentieth centuries.

VI.2. Islamist terrorism and the restructuring of the system of special forces

The second project involved the reorganization of the system of special police and military units in the Netherlands. At the end of 2003, the Minister of Justice asked Cyrille Fijnaut to write an advisory report on the matter because the various ministries and services were unable to reach agreement on how the organization, management and operations of the existing, fairly loose, network of special police and military units should adapt to the ‘new’ phenomenon of Islamist terrorism.

Fijnaut was asked precisely because of the steadily deeper research he had been conducting into this form of terrorism since 1995, when he had visited NYU School of Law and talked to Jim Jacobs at length about Al Qaeda’s failed attack on the Twin Towers in 1993. He understood immediately that the attacks of 9/11 would have major repercussions and, together with Professor Jan Wouters and Professor Paul Lemmens of KU Leuven and colleagues from the Chicago University School of Law, he organised a transatlantic symposium on the legal instruments available to combat international terrorism (Fijnaut, Wouters, & Naert, 2004). He also devoted his valedictory lecture at KU Leuven in 2003 to the subject of the cooperation (or lack of it) between the member states of the European Union in combating Islamist terrorism.⁷

The report that he wrote for the Dutch government in 2004, parts of which remain a state secret to this day, had significant consequences. In 2005, it led to the establishment of a separate Special Interventions Division within the national police force. This quite radical break with the past naturally prompted a lot of discussion in police and military circles. However, the government pressed ahead with the reforms because – after consultation with its own advisors – it largely endorsed Fijnaut’s analysis of the present and future situation.

VI.3. The containment of organized crime in Amsterdam’s inner city

The third project was in a sense a by-product of Cyrille Fijnaut’s research into organized crime in the Netherlands for the Van Traa Committee in 1995–1996. It considered the possibilities of containing the problems with organized crime in the centre of Amsterdam. Hence the Latin name of the project, *Emergo*. The project started in 2007 – with the support of the Ministries of Justice, the Interior and Finance – and was completed in 2011 with a final report written by Fijnaut in association with officials from the municipality of Amsterdam.

The report not only set out in detail how the research team had endeavoured to identify the crime problems in the inner city of Amsterdam (human trafficking, money laundering, drug trafficking), but also described some of the projects that had been carried out in an attempt to contain those problems (Fijnaut, 2011). It naturally received a lot of attention in Amsterdam itself, but also generated a lot of interest elsewhere. Numerous municipalities used the report to modernise their own policies for combating organized crime in consultation with the police, the public prosecution service and the Tax and Customs Administration. Even today the report still serves as an important reference point in policy discussions on this problem, which is not really surprising given the colossal illegal drugs industry that has ensconced itself in the Netherlands.

VI.4. Two more committees of inquiry: the security of Fortuyn and safety in Tilburg

In addition to these three projects, Cyrille Fijnaut also devoted considerable time to two committees of inquiry during this period. In May 2002, for example, he was asked to serve as the rapporteur of a state committee appointed to investigate the safety and security of the politician Pim Fortuyn up until the day of his murder on 6 May 2002. This political assassination caused considerable uproar in the country and raised a lot of questions, notably about the existing system of protection of individuals. The committee proposed a number of radical changes designed to adapt the system to the risks that politicians, judges, police officers and others are exposed to in this day and age. Many of the proposals were almost immediately adopted by the government and have led to significant improvements in the system.

Fortuyn's murder also raised many questions about the safety problems in the country and prompted many municipalities to analyse their safety policy. One of them was the municipality of Tilburg, where Fijnaut has lived since 1982. At the end of 2002, the mayor asked him to form a committee to analyse the safety problems in the city and make proposals for tackling them. The committee – composed of representatives from various institutions and services – conducted a thorough analysis of the existing situation and published a report recommending numerous measures in November 2003. One of the key recommendations was to establish a so-called 'safety house'. This body – also literally a physical building – would be a centre where the police, the Public Prosecution Service and the municipality, as well as social services and schools, would meet to discuss the cases of young people who have committed criminal offences and deliberate on measures that should be taken to prevent them from sliding further into a delinquent career.

To a certain extent, this recommendation was the operational translation of the general conclusion of the study that Fijnaut and others had carried out for the Ministry of Justice's Scientific Research and Documentation Centre into the effectiveness of police action: that the police alone could not achieve much in terms of crime prevention; to accomplish anything in that regard they had to join forces with other organizations. In any case, the establishment of a safety house in Tilburg in 2004 was a great success and many other municipalities quickly followed Tilburg's example. In 2007, a national network of urban and regional safety houses was then established with financial assistance from the Ministry of Justice. Today, the safety houses play an important role in coordinating the management of numerous aspects of public safety, including domestic violence, serious theft, robberies and political radicalisation.

VII. Emeritus, but still alive and kicking (2011–2019)

Cyrille Fijnaut retired from Tilburg University in 2011. But, as he himself says with self-deprecating humour, that was not the death of him. And that has become all too evident in recent years. Apart from two fairly substantial research projects – one relating to the legalisation of cannabis and the other concerning strategies for tackling hold-up's, robberies, and burglaries – he has also served in a variety of important positions since then.

The first function that should be mentioned here is that of the University of Tilburg's first confidential advisor on scientific integrity (2011–2016). The university created the position following the discovery that many of the studies conducted by the well-known psychologist Diederik Stapel were fraudulent. The university's executive board urged Fijnaut to accept the position because of his wealth of experience with committees of inquiry.

Another position that he filled for a number of years was that of chairman of the Criminal Cases Review Commission (2009–2014) for the Procurator-General of the Supreme Court. The commission was established after it was found that there had been four miscarriages of justice in 2004 and subsequent years. Once again, it was because of his experience with committees of inquiry that Fijnaut was asked to chair the commission.

That was also the case with the third function, that of chairman of the International Expert Panel on Interstate Use of Force and Humanitarian Intervention, a committee established by the Minister of Foreign Affairs in June 2019. The committee was established to consider the question of what position the Netherlands should adopt in relation to armed interventions by third countries in the territory of another third country. The creation of this committee was triggered by the attack carried out by the United States, the United Kingdom and France – in response to the poison gas attack that the Syrian regime had carried out in Douma on 7 April 2018 – on the Syrian regime's infrastructure for the development and use of chemical weapons on 14 April 2018.

As mentioned above, he also devoted himself to rounding off the lines of research that he had pursued in the previous half century with a major study. In that context, there are still a few book projects in the pipeline, not least the editing of a history of the police in Belgium, which he had actually intended writing in the 1970s

And in a final grand gesture, Professor Fijnaut has donated the bulk of his scientific library – around 6,500 books – to the Police Academy and will be adding a further 1,000 books to that collection in the coming years.

Notes

1. In 1973, he wrote his first academic article on the basis of this thesis (C. Fijnaut, 1973).
2. An abridged version of this conclusion is included in (Fijnaut, 2016).
3. For the report of this conference, see (Punch, 1983).
4. Some extracts from this book have been translated and are included in (Fijnaut, 2016, p. 83–110).
5. A few years later an updated version of (Fijnaut, 1985a) was published in the *British Journal of Criminology* (Fijnaut, 1990).
6. Fijnaut (2019) is an abridged version of this book in English.
7. For an English-language translation of this valedictory lecture, see (Fijnaut, 2016, p. 663–678).

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