

**What does criminology offer to the study of crime in non-Western contexts? How can criminology help improve criminal justice policy in Kyrgyzstan?**

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A great deal of political science is focused on conflict and violence in non-Western countries but how do we approach the study of everyday crime and insecurity in such places? In this paper, I argue that theories and methodologies from criminology can be adapted to improve our understanding of crime outside of the West. Essentially, crime is a complicated phenomenon but many theorists and practitioners treat it overly simplistically. Using insights from criminology,<sup>1</sup> we can improve our understanding of the complexity of crime, which is a first step towards managing it. At the moment, most criminology focuses on crime in the West. Further research is required to improve our understanding of crime in non-Western contexts but, at the very least, criminology offers important theoretical insights. I shall conclude this paper by offering some suggestions as to how its theoretical insights may improve the process of crime management in Kyrgyzstan.

Criminology offers three main contributions. First, although it has probably not been developed enough, within criminology there is debate concerning how crime is defined. Rather than taking definitions of crime for granted, various criminologists highlight the power interests behind definitions, in particular, the state's role in defining crime. Second, criminology offers important insights into the causes of crime. Even with a very narrow definition of crime, the causes of crime are complex and specific to particular countries. Crime is caused by the complex interplay between structural, institutional and cultural factors. Third, and relatedly, developments within criminology suggest that if we are to manage crime successfully we need to move beyond a narrow look at reforming the criminal justice system. If crime is caused by factors such as inequality, perceptions of state illegitimacy or socialisation against other elements in society, it is obvious that efforts to reform the security sector will only have a limited impact on the type and level of crime.

Thus, if we want to reduce crime in Kyrgyzstan, we need to look beyond reform of the security sector. Such reforms may be useful in themselves (e.g. by helping to reduce crime committed *by* the security sector) but they may not alleviate the root causes of crime. I have not gathered enough empirical evidence to support any firm conclusions regarding the root causes of crime in Kyrgyzstan, but,

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<sup>1</sup> Criminology is a broad church and there are various competing theoretical approaches within the discipline. For the sake of conciseness, I refer to the discipline as a whole and, when discussing insights drawn from criminology, I am referring to lessons that can be drawn from debates within the criminology.

cross-culturally, theoretical criminology would suggest closer attention should be paid to factors such as inequality, state corruption and the existence of discourses in certain sections of the community which popularise violence.

There are, of course, significant limitations to the use of criminology outside of the West. Almost all theoretical and empirical criminology has been developed in relation to Western countries. Furthermore, a great deal of criminology, particularly that which has close links to policymakers, utilises overly simplistic definitions and causal explanations of crime. Unfortunately, it is not uncommon to find ethnocentric analyses of crime in developing countries based upon particular Western definitions and explanations. Nevertheless, by combining criminology with insights from disciplines, such as anthropology and comparative political science, which have more experience of studying non-Western contexts, these problems can be corrected and managed and our cross-cultural understanding of crime improved.

### **Defining crime**

The question, “What is a crime?” is very important, for academics and policymakers. If there is little agreement over *what* criminologists study, or what policymakers seek to address, then, logically, there can be little agreement over the causes of crime and how to counter/prevent it.

A large body of anthropological and historical evidence illustrates the socially constructed view of crime. Behaviours that are considered completely normal in one context can be censured strictly in another context. For example, ‘conspicuous’ religious symbols, including hijabs, are banned in state schools in France and women cannot legally drive in Saudi Arabia yet hijabs can be worn in Saudi schools and French women can drive. (BBC 2008; New York Times 2009; CNN 2009; BBC 2005) The British anthropologist, Edmund Leach wrote, “It is a crime to kill a neighbour, an act of heroism to kill an enemy, but who is an enemy and who is a neighbour is purely a matter of social definition.” (Leach 1968; Cited in: Nader 2003, 55) At the same time, as Austin Turk states, “There is apparently no pattern of human behaviour which has not been at least tolerated in some normative structure.” (Turk 1969, 10–11; Cited in: Newman 2008, 113) Even incest boundaries (i.e. degree of relation, etc.), often assumed to be universal, change from culture to culture, sometimes dramatically so, as illustrated by the following historical example, referring to Roman Egyptians.

“It is worth stressing that we are dealing here not with occasional premarital sex between siblings, abnormal but condoned, but with lawful, publicly celebrated marriage between full brother and sister, replete with wedding invitations, marriage contracts, dowries, children, and divorce.” (Hopkins 1980, 303–304; Cited in: Leavitt 2007, 400–402; See also: Scheidel 1996)

The range and variety of behaviour which is accepted and condemned by different individuals and groups indicates that, at an objective analytical level, as apposed to a normative one, it is difficult to get beyond defining crime cross-culturally as anything other than an act or behaviour, or their absence, that is

condemned by other people. (For an anthropological perspective on crime, see: Parnell 2003)

Although I am arguing that criminology can be useful for questioning definitions of crime, a significant portion of academic criminology has placed little emphasis on *asking* the question. For example, in the first two volumes of the Oxford Handbook on Criminology (1994 and 1997), there was no discussion of notions of crime. (Hillyard et al. 2004, 11) Students of criminology may be directed to note that criminological approaches range from relativist ones, which say that definitions depends on one's point of view, to absolutist positions that argue only certain definitions are valid. (Sheptycki 2005, 70)<sup>2</sup> But the discussion rarely goes much deeper than that and therefore does not tell us why particular behaviours are criminalised and others are not. Criminology can also be somewhat confused as there is significant disagreement regarding its focus. Criminologists have studied how behaviours as varied as homosexuality, white-collar crime and capitalism have been considered criminal.

Criminology does, however, offer useful insights by highlighting that the act of classifying a behaviour as criminal, or of accepting an existing definition, is one that involves an element of power. William Chambliss demonstrated this lucidly by contrasting the traditional question posed by criminologists, "Why is it that some people commit crime while others do not?" with a more sociological one, "Why are some acts defined by law as criminal while others are not?" (Chambliss 1982, 230; Cited in: Nader 2003, 55) Similar to Chambliss, in 1970, Herman and Julia Schwendinger asked,

"Is there wonder why we have raised questions about the legalistic definitions of crime when the magnitude of 'social injury' caused by imperialism, racism, sexism and poverty is compared to that wrought by individual acts which the State legally defines as crimes?" (H. Schwendinger and Schwendinger 2001, 88)

Critical approaches challenge the idea that criminal law represents a just form of social order, pointing out that actions which may cause 'social injury' committed by corporations and governments, i.e. those who hold economic power, are often unrecognised. This focus leads to a narrow focus on urban, working class crime and ignores the power structures responsible for criminalising the poor. (Sumner 1982; Cited in: Clegg and Whetton 1995, 30) At the very least, criminologists thus need to be aware that defining crime, or accepting existing definitions of crime, can, to varying degrees, have normative implications.

### *Cross-cultural studies of crime*

If crime is a social construction how then may we study it in foreign contexts without imposing our own conceptions of crime and justice? Furthermore, are there any universal crimes, that are condemned, cross-culturally? Whilst there is strong evidence to support the idea that crime is socially constructed uniquely, research which studies similarities in definitions of crime cross-culturally is

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<sup>2</sup> n.b. Sheptycki does not himself point to a spectrum between the two points but notes that it is a common discussion.

considerably weaker, both in quantity and, often, methodologically. It is difficult to compare official statistics because they only record reported crimes and different countries report different crimes in different ways. For example, in Ireland, where multiple offences of a similar sort have been committed by the same offender(s) during an incident, only the most serious offence is recorded. In Scotland, each separate offence may be recorded. (Young 2005, 52) The International Criminal Victims Survey (ICVS) is purported as an alternative to official statistics but it only compares certain crimes and its methodology is limited. It only asks respondents to comment on the seriousness of crimes of which they have been victims of. (e.g. van Dijk, van Kesteren, and Smit 2007, 205) (van Dijk 1999, 28) Respondents are not asked to consider the seriousness of crimes that they were not victims of.

Graeme Newman's 1976 study offers probably the most developed cross-cultural study of crime, within criminology. His work supports the suggestion that there exists a degree of consensus over certain types, but certainly not all, of crime. Newman's research team carried out a comparative study of perceptions of deviance amongst communities in India, Indonesia, Iran, Yugoslavia, Italy (Sardinia) and the USA (New York).<sup>3</sup> Nine acts were chosen for comparison; robbery, incest, not helping someone in a dangerous situation, abortion, factory pollution, homosexuality, non-violent public protest, appropriation of government funds, and drug taking. (Newman 2008, 317) Although the samples were small, the study was carefully formulated to enable objective comparison and used a methodology designed to minimise the problems which are inevitably encountered when conducting cross-cultural research. For example, each of the samples was stratified to ensure similar proportions of respondents were selected by living abode (urban/rural), age, sex, occupational position, etc. (Newman 2008, 109) Local interviewers administered the questionnaires, which were carefully translated to suit local conditions, and then 'back translated' them to ensure they corresponded the English version.

In terms of seriousness, the acts can be classified, approximately, into three main groups. First, the 'conventional' crimes, robbery, incest and appropriation, were rated very serious similarly and elicited the smallest variances by each of the sample groups. Second, taking drugs and environmental pollution were regarded as relatively serious, cross-culturally, with average degrees of variation in each country (not as small as the first set of crimes but with less variance than more controversial acts). Third, there were striking differences between perceptions of the seriousness of abortion, homosexuality, and non-violent protest between the countries and within the country samples. Not helping someone in a dangerous situation was generally regarded as slightly less serious than the second group but there was more variation amongst the country samples, similar to the acts of the third group.<sup>4</sup> Generally, there was a high degree of agreement regarding the *relative* seriousness of each act within samples, although there were significant variations across the countries studied.

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<sup>3</sup> With the exception of Italy (N=200) and the USA (N=169), the average sample size was N=496

<sup>4</sup> There are several exceptions to these generalities. For example, there was strong disagreement amongst respondents from New York regarding the seriousness of incest.

For example, non-violent public protest was regarded as far more serious a deviant act in Iran than in the USA but in both countries it was regarded as the least serious deviant act. (Newman 2008, 117–120)

Empirical, cross-cultural studies of crime therefore indicate that there is some consensus regarding conventional crimes, but this evidence should be treated cautiously. Newman's case-studies were chosen for their diversity but they cannot be said to represent all cultures. Most notably, although the study surveyed a diversity of state-citizen relationships, the study is restricted to respondents living in *states* at a particular point in the 20<sup>th</sup> century. This has not stopped well-known criminologists from using Newman's evidence to point to considerable cross-cultural rankings of the seriousness of crime, on the whole, as opposed to just conventional crimes.<sup>5</sup> (Gottfredson and Hirschi 1990, 178)

For the rest of this paper, I shall focus on the conventional crimes discussed above, as they seem to elicit the most universal condemnation. Nevertheless, this approach needs to be qualified. More research needs to be conducted on cross-cultural perceptions of crime. Current research is based on too few studies and on too limited data. There is also anthropological evidence which suggests that levels of violence are dependent on the type of social organisation. (e.g. tribe, clan, state)<sup>6</sup> Newman's study is a cross-cultural, cross-*state* study of deviance rather than of all human cultures. Further research should be conducted to determine the nature of crime in various forms of social organisation, and certain combinations of social organisation.

### **What causes crime?**

In answering this question, Tierney notes that policymakers, academics and others have offered,

“a bewildering galaxy of causal explanations, taking in bad genes, chromosome deficiencies, deformed personalities, unemployment, deprivation, trendy parents, lone parents, trendy lone parents, simple greed, blocked opportunities, peer group pressure, status frustration, too much money, too little money and artificial colouring in fish fingers.” (Tierney 2006, 8)

At root, the study of crime is the study of behaviour. In order to systematically categorise various approaches to the study of the causes of crime in a logical and clear manner, I utilise Craig Parson's approach to mapping explanations of causal behaviour. There is not space to fully explain Parson's approach, but the basic point is that I group criminological theories according to their main causal logic (i.e. what they see as the root causes of crime). I argue that the causes of crime are complex, but are viewed simplistically. Much public policy is based on analyses which focus almost entirely on micro-institutional causes. There is,

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<sup>5</sup> Van Dijk and Wilson, on the other hand, cite Newman's work as evidence of similar cross-cultural ranking of conventional crimes. (van Dijk 1999, 30; J. Q. Wilson and Herrnstein 1998, 22)

<sup>6</sup> For example, see: (Hobhouse, Wheeler, and Ginsberg 1915; Erickson and Horton 1992; Cited in: Fry 2005, 110–113) This is discussed in more detail below.

however, a degree of evidence to suggest that macro- and micro- institutional factors have a substantial impact on crime.

More complex theories offer richer explanations of the causes of crime and how societies both define and try to control crime. Included in this group are theories adopt a more macro and long-term view at the impact of major social, economic and political *structural* changes, and their impact upon institutional and cultural practices. (E.g. Giddens 1990; Giddens 1999; Beck 2000; Cited in: Carrabine et al. 2009, 117; Also see: Tierney 2006, 308)<sup>7</sup> Typically, although there is widespread disagreement over the precise nature of these changes, these analyses study the impact that wider social processes in the 20<sup>th</sup> century have had upon crime and social order, and perceptions of these, such as:

- Globalisation
- Post-industrialism
- The dominance of neo-liberal laissez-faire capitalism and a stress on consumerism
- A restructuring of labour markets and class relations towards a flexible and rapidly changing workforce
- The expansion of mass communications technology and mass media
- A restructuring of family and community life (e.g. shifts in demography, urbanisation)
- Enhanced opportunities to construct identities freed from cultural constraints associated with class, ethnicity, gender and sexuality
- A heightened sense of uncertainty and ambiguity regarding social life (Tierney 2006, 308; Carrabine et al. 2009, 117–119; Garland 2001, 75–102)

The causal element behind these changes is, by and large, structural. Garland, for example, links levels of crime and crime control to changes in methods of production and exchange. From 1953-70, Britain and America experienced a remarkable growth in living standards and Keynesian management and welfarism succeeded in ameliorating the worst effects of economic slumps and guaranteed a degree of economical security. The oil crisis in the early 1970s, increased competition from abroad and the restructuring of the labour market. Consequently, labour markets became more stratified, with higher rates of inequalities, greater contrasts in living and working conditions and fewer ties of solidarity between socio-economic groups. (Hobsbawm 1994, 308; Cited in: Garland 2001, 78–82) At the same time, the structure of the family and households was altering. Women entered the workforce in substantial numbers, with many families becoming ‘two income’ families, people married later and birth rates declined. There was a shift in living arrangements with the growth of suburbs and housing estates, and vehicle ownership and mass transportation entailed people could travel further for work and pleasure. The television and

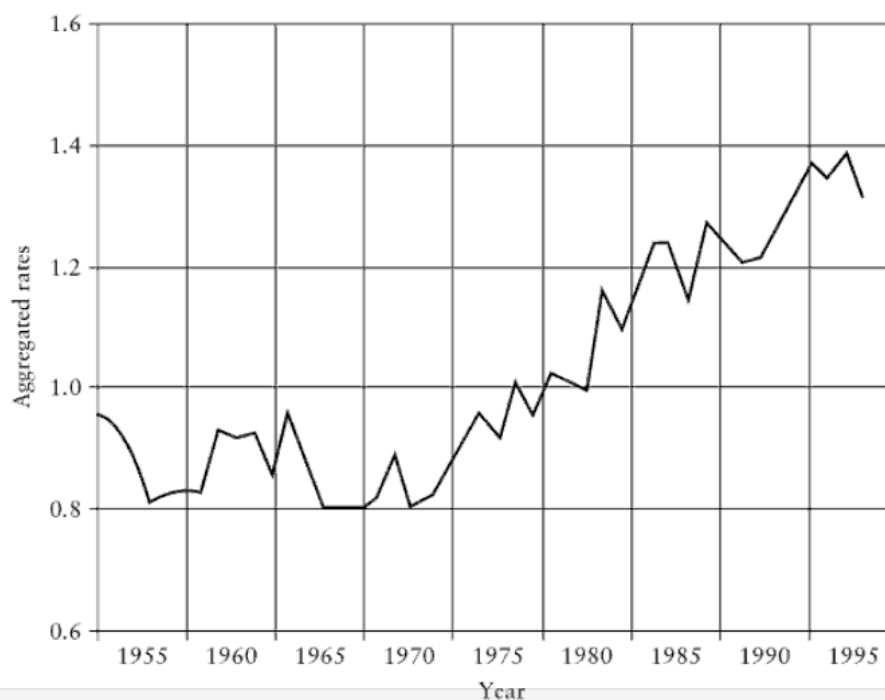
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<sup>7</sup> n.b. the word ‘structural’ here is my label.

mass media revolutions changed social and cultural relations and shaped group identities.<sup>8</sup>

Garland draws direct links between these macro-structural changes and rises in crime. Higher levels of consumerism and increased ownership of portable, high-value goods, such as cars, televisions, mobile phones, provided more opportunities for crime. As densely populated neighbourhoods were replaced by sprawling suburbs or tower blocs, which themselves were increasingly left empty during the day, situational opportunities for crime increased, eased by more mobile methods of transport. The baby boom generation coming of age in the 1960s were able to spend more time outside of the home and grew up with greater demands and expectations. As these trends were occurring, informal social controls were relaxed, in the family, schools, workplaces, and on the streets. (Garland 2001, 90-91)

There is substantial evidence to support an increase in crime in Western countries, generally, from the 1970s onwards. Although it is difficult to compare crime across states, murder is a variable that is more easily comparable because it is similarly defined and classified and states, at least in the West, record virtually all incidences of murder. Since the 1970s, the murder rate has risen across Western Europe:



**Figure 1 Homicide rates, 1950-1995, per 100,000 inhabitants in seven European countries. (Spierenburg 2008, 209)**

The measurable rise in the murder rate, combined with rises in rates of other recorded crimes, albeit those which it is more controversial to measure, lends

<sup>8</sup> (In 1950 9% of American and 10% of British homes had TVs. By 1963, the figure was over 90%. Meyrowitz 1985, 133; Cited in: Garland 2001, 85)

support to Garland's claim that, broadly, crime rates rose from the end of WWII into the 1980s.

A further problem facing any attempt to determine the universal structural causes of crime is that there has not been a coherent comparison between universal structural factors and levels of crime.<sup>9</sup> The evidence that does exist suggests that structural factors can be mitigated by other factors. For example, Japan, Korea and Switzerland, have undergone some similar processes to the US and UK but maintained a high and effective level of crime control by preserving informal social controls and community restraints. (Chp 7 Fukuyama 1999; Cited in: Garland 2001, 90, 91; See also: Bayley 2007) The interaction between structural and institutional factors therefore seems to play an important role in determining levels of crime.

The Japanese case demonstrates the importance of institutional factors. David Bayley notes similarities between the US and Japan. Both countries have experienced similar structural changes, such as urbanisation, industrialisation and in the use of technology, since WWII neither country has been politically repressive and per capita income is approximately the same. There are also significant differences. Japan is more egalitarian, has less poverty and is more ethnically homogeneous. It also spends less on police, court and corrections than the US. Whilst acknowledging that it is impossible to determine exactly how differences in socialisation and individuality can account for disparities in levels of crime, Bayley argues that the manner of these processes in Japan goes some way to explain the orderliness of the country. Japanese are surrounded by rules in everything they do, from the serious to the trivial, so that etiquette, civility, morality and law blend together. Moreover, at an early age, Japanese learn that someone is paying attention to everything they do, and departures will be met with visible expressions of disapproval. (Bayley 2007, 259–262) Nobuo Komiya makes a similar point. He attributes Japan's low crime rate to the pervasive influence of the *uchi* world (inner circle) which dominates Japanese daily life. The relationships within these inner circles are strongly regulated by *giri* (Japanese traditional duty) and aspects of morality, decorum and civility. The *uchi* world, localised around the family, school and company, provides Japanese with a set of obligations but also a sense of security. Crime is emotionally and materially risky because, "those who commit crime, risk not only being exiled from the *uchi*-type group for breaking the law, but also risk ruining their whole life." (Komiya 1999, 378–389. Quote from 384) Research on social order in Japan thus suggests that informal social controls amongst in-group relations develops individuals with a strong sense of self-discipline. Meanwhile the pervasiveness of in-group behaviour in every daily life, and the high cost of severing links with the in-group, acts as a restraint on criminal behaviour in relation to those from out-groups.

Saudi Arabia also provides an example of a very different society with low-crime rates that are partially attributable to institutional factors. Ali Wardak argues that,

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<sup>9</sup> n.b. Garland's work focuses on the US and UK and is not a cross-cultural, structural comparison.



“The Saudi family, the mosque/*Ulama*, the school, and *Motawwa'in* [semi-formal religious police] ensure conformity to core social values and norms at micro and meso (group) levels. In so doing, each contributes to the maintenance of social order at the macro (societal) level.” (Wardak 2005, 109)

Although it is difficult to find comparable economic data, in contrast to Japan, Wilson notes substantial economic inequalities reflected in poor social mobility, widespread poor nutritional status, high illiteracy rates and disparities in the quality of housing. (R. Wilson 2004, 15–17) Wardack, Bayley and Komiya’s accounts may seem similar to those of the criminologists who focus on micro-level causes (e.g. poor socialisation within the family), and there are cross-overs, but an important difference is that the former clearly refer to macro-level institutions, such as the company, religious police and wider, homogenous social norms.

It is sometimes difficult to delineate between institutional and cultural causal elements. As Parsons acknowledges, even within the same group some people may perform a certain act, because they take it for granted and never conceive of an alternative (institutional) or they may do so because of social expectations and the transaction costs of moving to another convention. It can therefore be very difficult to trace varied relationships to objective or subjective interpretation of practices or norms, but that does exempt us from doing so. (Parsons 2007, 100–101) In the Japanese and Saudi cases, cultural elements play a role but, if we are looking for the primary causal factor behind their low crime rates, it is the institutions themselves, rather than the interpretation of the institutions.

The cross-cultural evidence regarding the causes of crime is therefore somewhat inconclusive. In the first place, our comparative data is quite weak. Second, the evidence we do have does not point to any one set of causes. We have examples of low crime rates in Japan (rich, relatively equal) and Saudi Arabia (rich, relatively unequal) and a number of small societies where material wealth is not high (e.g. the Hutterites, in the US). We cannot attribute the causes of crime, universally, to the macro-structural changes that Garland notes, with regard to the US and UK. There are a number of tendencies which do seem to have an impact upon levels of crime. I am not able to find an example of a society with high crime rates and strong institutional links, at micro- and macro- levels. Levels of crime also seem to be lower in less unequal societies. The evidence to support these claims is tentative because there are so few quality cross-cultural empirical comparisons of crime with non-Western countries. The evidence that does exist suggests, at the very least, that cross-cultural criminology should study closely micro- and macro- institutions, and the complex interplay amongst these, and between them and structural and ideational factors.

### **Implications for policy in Kyrgyzstan**

An explanation of the causes of crime in a foreign polity of five million is invariably complex and controversial. In this section, I do not propose to offer conclusive explanations, rather, I offer possible causes, which emerge from a

reading of criminology and the existing English-language social science literature on Kyrgyzstan. Broadly speaking, we can determine three areas worthy of further analysis, when searching for the root causes of crime in Kyrgyzstan. First, the fractured nature of the state creates opportunities for corruption and fails to provide adequate service to the citizenry. Without a unified state and observation of the rule of law by political elites, it is difficult to imagine observation of the rule of law at other levels of society. Second, Kyrgyzstan is a patriarchal society and value is placed on traditional masculine values. This area needs to be explored more fully, but a number of authors have commented on how such values may result in social and political disputes being dealt with in an aggressive fashion. Finally, Kyrgyzstan is a highly unequal society, with huge disparities of wealth. To my knowledge, no research has been undertaken to join up the potential macro-structural, macro-institutional and micro-institutional causes of crime in the country. The factors identified are unlikely to be the exclusive root causes of crime but further analysis would improve our understanding of the interaction between the three and conventional crime.

### *Political order*

Politics in Kyrgyzstan can be described in terms of elite coalitions formed around regional, clan but also political, business and criminal interests. (Engvall 2007, 42) In this respect, social order is highly fluid as it is dependent upon the balance between political coalitions, none of which have consolidated a monopoly of power and is capable of centralising power over taxation, coercion, or legality within the territorially defined area subject to its jurisdiction. (Engvall 2007, 35) The framework of the state is therefore an arena and apparatus for competing groups to extract limited resources.

Violence and political instability in Kyrgyzstan has occurred because the country lacks the formal and informal institutional mechanisms by which to regulate political and social conflict. Societies emerging from authoritarian or traditional forms of governance must develop institutions, which can absorb and channel popular participation and challenges from new elite groups. (Huskey 1995, 6) The Soviet system created a political arena in which conflicts were fought and provided an external authority which could regulate and decide disputes before they got out of hand, albeit inconsistently and arbitrarily. Soviet power was still very prominent in Central Asia as late as the end of the 1980s. In the independence period, Soviet oversight disappeared but the competitive nature of the system remained. Although it may be too simple to describe Kyrgyz politics as clannish or regionalist, there is little unity between political groups, which mobilise along diverse family, regional, state and criminal networks in an extra-legal, power political competition. In a country where the rule of law has not been firmly established and does not necessarily apply to clan, regional and political elites, it is unsurprising that criminal gangs represent another powerful type of grouping.

### *Social order*

The behaviour of these factions is determined not only by self-interest but is also regulated by cultural and normative frameworks. Unfortunately, this aspect of research has been neglected in Kyrgyzstan but, from that which has been carried out, we can trace an idea of some cultural factors which impact upon social order and are in need of further research.

Kyrgyzstani society is largely patriarchal, particularly among the Kyrgyz. This is clearly illustrated by the high incidence of *ala kachuu* (Kyrgyz) or bride kidnapping. From a survey of 1322 marriages, carried out in 2001, as many as 50% of ethnic Kyrgyz women were married by the process of *ala kachuu*, with two-thirds of these being non-consensual. (Kleinbach 2003; Cited in: Kleinbach and Salimjanova 2007, 218) A more detailed 2004 study of a Kyrgyz village found that 80 per cent of the 543 respondents reported to have been kidnapped and only 34 per cent with consent. (Kleinbach, Ablezova, and Medina 2005, 195) Bride kidnapping has been alleged to be an ancient Kyrgyz tradition and has been on the increase in the last 40-50 years, particularly in the post-independence period. (Kleinbach, Ablezova, and Medina 2005, 198) For Lori Handrahan, it is more than a 'renewed tradition' and has become an act defining cultural identity and manhood. She argues that for Kyrgyz men it represents a means, 'to recapture their post-Soviet identity in a confused, desperate and often violent, but definitive act.' (Handrahan 2004, 208) Kleinbach and Salimjanova have also noted a long history of violence and coercion used against women (Kleinbach and Salimjanova 2007) and the practice and tolerance of such practices is noted elsewhere. In interviews with 383 men from across Kyrgyzstan, Handrahan recorded 176 who had either kidnapped or participated in a kidnapping. 42 per cent said they were generally afraid, ashamed or upset about kidnapping a woman, and of 176 women kidnapped, 61 per cent appeared to the men to be 'upset, angry or scared.' Yet, in response to the question, "If the woman seemed upset, did this bother you?" 73 per cent were not bothered, no matter how she felt. (Handrahan 2004, 217-221) At the same time, the response of legal professionals is to generally view sexual assaults or rapes not as crimes of violence but as crimes of passion and it is a common belief that raped women, 'asked for it' or fabricated their claims. (Alkon 2007, 42, 105)<sup>10</sup> Another example of the extent of patrimony in Kyrgyzstan is the degree to which polygamy has found support in elite circles. Polygamy is illegal in Kyrgyzstan but in 2007, as part of an ongoing debate on the issue, the Kyrgyz Minister of Justice, Marat Kaypov, and the Kyrgyz government ombudsman, Tursunbai Bakir uulu, argued that its legalisation was urgent. (Marat 2008b; Radio Free Europe 2007; Eurasianet 2007)

A number of factors suggest that traditional masculine values<sup>11</sup> are highly

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<sup>10</sup> Alkon records a woman Kyrgyz lawyer, discussing reconciliation of rape cases at a 2004 conference on reform of the Criminal Code and Criminal Procedure Code in Kyrgyzstan, claiming, "We have had great success with mediation. We have even had several women marry these men." At conference later in 2004, a defence attorney from Kazakhstan, a former police officer, said, "women bring it on" when raped.

<sup>11</sup> Such as: Dominance, aggression, fearlessness, bravery, authoritarianism, stoicism, reserved or restricted emotions and aloofness, sexism, autonomy, strength, bravado and honour.

valued in Kyrgyzstan. It would be erroneous to conclude that a culture of violence exists in Kyrgyzstan on the basis of scant evidence. There are many different masculinities and machismo is complex and multifaceted. (Torres, Solberg, and Carlstrom 2002, 164–165) Yet Marat notes that traditional culture in Central Asia welcomes machismo and the approval of violence, which, in turn, facilitates the establishment of control by organised criminal groups. (Marat 2006, 6) This can be seen in the phenomena of *palvan* (Kyrgyz: wrestler) who have an 'honour code', are frequently involved in illegal commerce, smuggling, etc., and are active in mobilising, usually men, for political demonstrations'. (Marat says most parliamentarians are able to gather the instant support of 100 to 400 to organise mass demonstrations). (Marat 2007) According to Temirkulov, 'To be in the same ranks with *palvan* and take part in their operations made teenagers feel more mature and brave.' (Temirkulov 2008, 324; Marat 2008a) Volkov traces the historic links between sports clubs and organised crime, maintaining that as state sponsorship of sports declined along with state institutions, many young men trained in the use of violence were left without a legitimate income and turned to illicit activities. (Volkov 2002, 8–10; Kupatadze 2008, 282) In Kyrgyzstan, as the widespread social practice of bride kidnapping and the links between aggressive sports/criminal groups and politicians both show, the structures of power between individuals are formed on an aggressive form of masculinity. As a result, social and political disputes are frequently dealt with in an aggressive manner.

### *Economic order*

Various economic conditions have a negative impact upon social order which can result in social harm. Kyrgyzstan is subject to a high degree of poverty, economic inequality, corruption and high unemployment. This section provides a brief economic history of the country and analyses how each of these conditions impacts upon social order.

Over the last one hundred years, the most important economic processes in Kyrgyzstan have been rapid industrialisation/urbanisation, the collapse of the Soviet economy and marketisation and economic migration. Although still predominantly an agricultural economy, Kyrgyzstan experienced significant industrialisation under Soviet rule and significant industrial collapse in the early years following independence. In 1917, only approximately 1500 people were working in industry in the area now known as Kyrgyzstan. (Anderson 1999, 66) Industrialisation began at pace after World War II, particularly in the north, and was accompanied by urbanisation and russification. (Huskey 1995) Between 1926 and 1959, the number of Russians in Kyrgyzstan increased from 116,810 to 623,500 and the share of the titular population decreased from 66.7% (1926) to 40.5% (1959). (Schmidt and Sagynbekova 2008, 113) Whilst industrialisation and urbanisation are clearly destabilising processes, in Kyrgyzstan, as with throughout the USSR, order was retained through the state's apparatuses of repression, especially in the early years, and genuine economic improvements. Kyrgyzstan's economy was intricately linked and dependent upon its integration with the Soviet economy. Its industrial sector was based on specialised plants of agricultural machinery and military equipment, light industry, mining and

metallurgy, and it was completely uncompetitive in the world market. Agriculture was dominated by *kolkhoz* (Russian: collective farms) orientated towards Russian markets and frequently unprofitable. Moreover, Kyrgyzstan did not have its own currency or financial system. (Abazov 1999, 198; Pomfret 2007, 326)

The collapse of the Soviet Union resulted in the decimation of much of the country's economic base and a rapid increase in poverty. A programme of mass privatisation and liberalisation failed to revitalise the economy, which underwent a severe recession lasting six years, and in 1996 the country's GDP was only 53.5 per cent of its 1990 level. Industry and agriculture shrank as links with Soviet Union were torn. For example, four-fifths of the country's ten million sheep died, partly as demand dropped with the ending of meat subsidies and partly due to the general disorganisation of the collective farms. (Aslund 2005, 470) By 1996, the economy recovered and it averaged between 4.7 and 5.5 per cent annual growth from 1996 to 2005, although Aslund says it should have been between 8 and 10 per cent (see below). (International Labour Office 2008, 9; Aslund 2005, 470) Moreover, growth has not done much to alleviate poverty. Although the growth can partly be attributed to expansion of the service sector, a large portion of it has come from the agricultural sector, which has low productivity, in turn, meaning lower wages and underemployment. (International Labour Office 2008, 10) Poverty, whilst having fallen from 62.5 per cent in 2000 to 43.1 per cent by 2005, remains a serious problem, and unemployment is high, measured at 9 per cent by the ILO in 2004. Both of these are greater in rural areas.<sup>12</sup> Primarily because of these poor economic conditions, Kyrgyzstan has witnessed a massive emigration of its European and Russian populations, causing a 'brain drain' as these groups were overrepresented in industry and government. According to official figures, nearly one sixth of the population left Kyrgyzstan between 1989-99. Additionally, although it is difficult to measure, around half a million people from Kyrgyzstan live and work in Russia, many illegally. (Sarygulov 2005; Toralieva 2006; Cited in: Schmidt and Sagynbekova 2008, 116-117)

As a resource poor, mountainous, landlocked country with a Soviet economic legacy, Kyrgyzstan was never going to integrate easily into the world economy. But limited market access is only partly to blame and, if this accounted for, it is evident that poor governance/corruption have significantly contributed to poor economic performance and the social harm which this entails. (Aslund 2005, 470, 478) Corruption is practiced widely at all levels of society. For McMann, the process of market reform increased corruption in countries with a legacy of state intervention, when it took place without the development of market-enhancing institutions, such as antimonopoly policies and credit registries. Reform terminated the state's role as provider and without such market-enhancing institutions non-state resources continue to be scarce. Thus, citizens use informal means, bribes, personal connections, and promises of political

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<sup>12</sup> Poverty as measured by consumption. (International Labour Office 2008, 10, 31)

support, to try to obtain scant resources. (McMann 2009, 972–973)<sup>13</sup> Kyrgyzstan pursued a 'shock therapy,' neo-liberal model of rapid reform which lacked such mechanisms. Thus, rather than protecting against the formation of monopolies, as Abazov notes, the privatisation process was marred by corruption at every stage and a sizeable proportion of state property was appropriated by state managers and employees. (Abazov 1999, 209–211) Aslund argues more vigorously than Abazov that the political leadership played an active role in the creation of these monopolies, either in the direct interests of the Akaev family or in order to play off other political interests. (Abazov 1999, 474–478) In combination, a contracting economy, a high degree of elite competition, coupled with a political culture of commanding rather than serving, poorly operating regulatory and judicial systems, and a patriarchal, clientalistic social system, all contribute to making Kyrgyzstan one of the most corrupt countries in the world. (Cokgezen 2004, 80, 81)<sup>14</sup> This has a massive impact on social harm, as it slows economic growth, directly limiting economic opportunities and reducing funds available for services, such as education and health, increases the cost of investment and discourages foreign investment, contributes to rising inequality and lowers the cost of crime. (Cokgezen 2004, 86–88)

## Conclusion

Criminology could help to improve criminal justice policy in Kyrgyzstan by helping to provide more detailed analyses of the complex nature and causes of crime in the country.<sup>15</sup> One of the problems associated with the legacy of Soviet analyses of crime is that they tended to avoid engagement with broader structural problems within the Soviet Union (e.g. the relationship between the structure of the state and crime). There was a tendency, which continues to this day, to focus rhetoric and resources against the perceived micro-level causes of crime (e.g. in Soviet parlance, hooligans, parasites, etc.) The Soviet approach thus simplified the causes of crime and created the impression that it could be managed and controlled by the criminal justice system. Indeed, until the end of the Soviet era, the militsia were expected to clear up 92–95 per cent of recorded crime, an impossible target for any police force. (Shelley 1996, 159) Soviet-style approaches to criminal justice are still evident in Kyrgyzstan. For example, the militsia still operate according to Soviet-era management techniques of fulfilling plans and they are assessed on their ability to close crimes. This is problematic because, as a criminological approach suggests, levels of crime are beyond the

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<sup>13</sup> McMann uses the term, 'particularistic demands' rather than 'corruption.' This, she argues, is more inclusive than corruption, clientelism, and patronage, each of which captures only one or two of the practices - bribery, use of personal connections, and promises of political support - observed. For the sake of simplicity, I have stuck with corruption.

<sup>14</sup> Ranked 166th out of 180 countries in Transparency International's 2008 Corruption Perceptions Index, with 180th being the most corrupt. See: [http://www.transparency.org/news\\_room/in\\_focus/2008/cpi2008/cpi\\_2008\\_table](http://www.transparency.org/news_room/in_focus/2008/cpi2008/cpi_2008_table)

<sup>15</sup> I should add an important caveat to this point. I am not very familiar with specific contemporary criminology in Kyrgyzstan but, rather, with approaches towards crime, in general, in the former Soviet Union (both academic and otherwise), and, in relation to Kyrgyzstan, I have gained some understanding on the basis of interviews with police, politicians, NGOs and so on

control of the militia. Instead of reducing insecurity, the pressure to fulfil plans contributes to corruption and brutality and actually increases the insecurity of the citizenry.

Criminology may not provide specific answers on how to address crime, but it can provide a starting point that can help to improve our understanding of the forms crime takes and the causes of this behaviour. I have indicated a number of factors which could be considered when designing criminal justice policy in Kyrgyzstan. Of course, some of these are beyond the management capacity of Kyrgyz policy makers. For example, Kyrgyzstan's dire economic situation will not be addressed quickly and is dependent, to an extent, on the future path of the global economy. Nevertheless, a greater appreciation of the complexity of crime is likely to engender criminal justice policy that is more closely attuned to the reality of the phenomena which it seeks to tackle. Furthermore, such an appreciation may encourage policy makers to acknowledge the limitations of their power and develop a more humble approach to tackling crime. Of course, humbleness is not a characteristic of politicians the world over (certainly not in Kyrgyzstan) and ignorance or a lack of engagement with the complexity of crime is not confined to policy makers in Kyrgyzstan. There is also, generally, a lack of research on how approaches such as criminology *actually* influence policy in Western countries (if they do). However, at the very least, the introduction of criminological approaches to the study of crime in Kyrgyzstan may have the positive effect of widening debates over the future of criminal justice policy.

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