

CHAPTER 4

THE CONCEPT OF ORGANISED CRIME RECONSIDERED

In this final section the basic assumptions of the mainstream understanding of organised crime are described and briefly critiqued. These arguments—when considered collectively—suggest that the term has lost worth as a serious criminological concept.

Assumption 1: Organised crime groups can be defined by their similar internal characteristics

One of the core aspects of the mainstream definition of organised crime is a belief that organised crime should be defined by its organisational characteristics. For some, this has meant defining organised crime as an entity that is highly structured, possesses a hierarchy or has a corporate structure, and so on. In addition, many definitions include traits that provide further information on the internal organisation of organised crime. For instance, many people point out that organised crime has secrecy among members, has a limited membership, that there is planning involved, that there is discipline and that there is a division of labour and tasks. The implied notion behind these descriptive definitions is that certain criminal organisations are more organised and sophisticated than others—organised crime is considered a term for groups that are ‘more virulent’ or show ‘greater rationality’.

In chapter 1, the synthesis of the four models—hierarchy, networks, markets and clans—suggested that different mechanisms of organising criminal activity will be effective in different contexts and for different reasons. The nature of the most sophisticated organised crime will therefore depend on the context in which it occurs as well as on the aims of the leading personalities involved. For example, the network model illustrates that in some situations it is far more beneficial to develop trusting relations than it is to operate in an aggressive fashion, whereas hierarchical formations may be particularly efficient in organising ongoing complex tasks and may also be effective at protecting high-ranking members of the group. Thus, there is no straightforward way in which

some crime is organised 'better' than other crime and no single list of traits can be applicable to all organised crime operations.

Perhaps at the root of this error in the definition of organised crime has been a flawed methodology. To develop a definition the approach has often been to research prominent groups to highlight the distinguishing features of organised crime. There is a circularity here—what one defines as organised crime will be chosen to be the subject of study to unearth the defining characteristics of organised crime. As argued above, this process is vulnerable to a self-fulfilling prophecy—a bureaucratic outlook will find bureaucratic organisations. The popular adage *I know it when I see it*, becomes *I will see it where I choose to look*.

A good example of this circular reasoning was offered by Irvin Kinnes in his attempt to define gangs in South Africa. Kinnes used his considerable knowledge of criminal organisations in the Western Cape to construct a general definition of gangs. However, he lamented that a satisfactory definition is probably not possible because of the continually shifting nature of the criminal entities being studied. Perhaps the difficulty noted by Kinnes stemmed from wanting to provide a typology of gangs rather than a definition. He may have been more successful if he had started with an abstract framework comprising the four primary models. Using this method, Kinnes may have explained that the groups in his study were co-ordinated on the basis of the clan model. Moreover, his analysis may have gone further if he had used all four models for he may have shown how the organisation of these groups vary over time. Indeed, a core hypothesis that can be extrapolated from Kinnes' work was that many of the larger gang structures have evolved away from clan-like entities and become hierarchically organised, hence the title of his publication, *From urban street gangs criminal empires*.

It may be worth pointing out here that the typology approach is precarious if used exclusively. The danger may lie in creating endless lists of crime groups based on arbitrary criteria. Within such lists it may be unclear where similarities and differences lie. Furthermore, it is possible that these lists will be in a constant state of flux as new types of crime emerge and new methods are used. In contrast, the strength of the four models outlined in chapter 1 lie in their ability to clearly highlight different *organising mechanisms*—each contrasts clearly with the other. Where typologies are designed to be applicable to real situations, they will help with further analysis by only providing analogies, i.e. analysis of a new crime group may note how it shares traits with typology X and typology Y. However, the models of hierarchy, networks, markets and clans

provide abstract tools that are not bound by time or place and are therefore more pliable and revealing.

Assumption 2: Organised crime is an external threat

The success of the mainstream paradigm of organised crime depends on the ability to isolate organised crime from other structures. One powerful way this is achieved is by presenting organised crime as a sinister entity that threatens the civilised world. Kofi Annan made this distinction resoundingly clear at the opening of the UN Convention at Palermo when he contrasted global organised crime to civil society and coined the phrase '*uncivil society*'. Of organised crime Annan stated:

They take advantage of the open borders, free markets and technological advances that bring so many benefits to the world's people. They thrive in countries with weak institutions. And they show no scruple about resorting to intimidation or violence. Their ruthlessness is the very antithesis of all we regard as civil.⁹³

The image of an ominous external threat has often encouraged the metaphor of organised crime emerging like a cancerous growth or a mysterious virus.⁹⁴ As with many exotic diseases, the origin of this virus tends to be rather murky—traced frequently to an alien culture often residing in developing countries (see below). What makes this virus particularly threatening is its ability to cross national borders with impunity, as Ruggerio explains:

The terms 'transnational organised crime' and 'cross-border crime' generate indefinable fears... [they] are suggestive of a powerful and evasive menace, a looming peril whose lingering across countries adds to its destructive potential character.⁹⁵

However, an objection to this view is that rarely does organised crime operate as a predatory 'raiding' force. More often, organised crime is an internal problem created by contradictions in so-called civil society.

As described in chapter 2, the tendency to externalise the threat of organised crime in the USA was artificially constructed from the mid-1930s onwards. Before that, organised crime was generally perceived to involve local professionals, politicians, police and gangsters. This led to an official commission that explained the prevalence of organised crime as the result of fundamental flaws

in US society. As Walter Lippman pointed out, racketeering served a widespread public craving that American governments had decided to prohibit through federal legislation, albeit enforced by police who were easily corrupted. However, the revised definition of organised crime operating as a distinct criminal conspiracy—a *society outside the control of the American government and people*—encouraged a less critical analysis that saw the USA as the victim of an imported criminal organisation. This shift in the definition of organised crime has been interpreted as convenient for it steered blame away from public institutions and government policy.

Since the early 1990s, the same dubious isolation of organised crime has been expanded to a global level. This is achieved by explaining the growth of transnational organised crime as a result of *opportunities* globalisation has *inadvertently* provided—organised crime is thus depicted as an external, opportunistic force. The processes of globalisation as well as the policies of governments and international institutions are presented as innocent and it is through the nefarious agendas of self-seeking crime groups that transnational crime can be explained. For example, a keynote speaker at a US conference on intelligence reform said:

In recent years... criminal groups have dramatically increased the scope of their activities by taking advantage of many post-Cold War opportunities such as the lowering of economic and political barriers; the end of communist regimes and the founding of fragile new democracies; the increase in legitimate international trade; and the advances in technology that facilitate global communication and transport.⁹⁶

In South Africa, the same paradigm is often heard. Former Minister for Safety and Security, Steve Tshwete, invoked a cliché when he described the tentacles of transnational organised crime invading South Africa after 1994.⁹⁷ To explain why South Africa is such an enticing victim, commentators such as Tshwete have emphasised that South Africa has—*inadvertently*—developed into a conducive environment for *rogue elements* to thrive in. The characteristics of this environment are listed as good internal telecommunications, efficient infrastructure, porous borders and a developed banking system. In other words, transition to an open and democratic country has regrettably provided expanded criminal opportunities that organised crime groups gleefully exploited. Mark Shaw has done much to elucidate this perception, explaining:

Comparative evidence suggests that organized crime grows most rapidly in periods of political transition and violence, when state resources

are concentrated in certain areas only and gaps emerge in which organized criminal groups may operate.⁹⁸

Shaw thus created an image of organised crime taking advantage of weaknesses, hijacking transition and catching the police off guard. However, while the factors listed by most South African commentators on organised crime are no doubt relevant, this aetiology of organised crime in the country is, at best, incomplete. The architects of this mainstream story rarely go on to explore why South Africa has such high demand for the principal commodities and services associated with organised crime groups. For instance, why is there such a strong demand for illegal guns, drugs such as mandrax and marijuana, stolen goods and prostitution? Are we to believe that South Africa's demand for these services and commodities stems from the activities of rogue elements who have benefited from an environment conducive to business? Again, this seems a convenient explanation for those uncomfortable or unwilling to question the policies and principles of institutions of civil society.

Assumption 3: Organised crime tends to involve culturally homogenous groups, distinct from, and at odds with, the formal economy

The disposition to externalise organised crime is closely related to the widespread tendency of defining it as culturally homogenous. In doing so the mainstream model implies that there is a special type of person who engages in organised crime—an 'organised crime person'. Moreover, as described above, the vast majority of organised crime groups are labelled with the ethnicity of members of the group, i.e. the Italian Mafia, the Chinese Triads and so on. Thus, the mainstream model presents a picture of organised crime being a distinct phenomenon made up of persons from outside the mainstream culture.

The case of ethnicity

There may be some truth to the assumption that ethnicity is important in organised crime. It seems plausible that immigrant ethnic minorities who live in a relatively closed community may be prone to developing strong Mafia-like structures. Such organisations may provide an alternative governance mechanism for a population who are unfamiliar with, or untrusting of, the local formal criminal justice system. Moreover, it also seems plausible that certain ethnic

minorities will play strategic roles in the import and export of specific illegal commodities that are either destined to, or originate from, their country of origin. For example, in Southern Africa, Chinese nationals are regularly implicated in the illegal export of the endangered shellfish, *abalone*, to China.

However, while ethnicity may be relevant in some instances, there are reasons to doubt that organised crime is overwhelmingly dominated by culturally distinct groups, especially ethnic minorities. Many of these reasons are key to what Jay Albanese dubbed as the “ethnicity trap”.⁹⁹

First and foremost there is evidence that when it comes to the main business activities associated with organised crime a diverse group of nationalities are involved. For example, Peter Gastrow’s study of organised crime in the SADC region highlighted that all countries have identified that citizens of almost all SADC countries are involved in organised crime throughout the region.¹⁰⁰ Moreover, although host nations seem to lay blame on a long list of foreigners, many criminal ventures involve members of the host nation itself. Put simply, there is no empirical evidence to validate the theory that certain ethnic minorities dominate organised crime.

Unfortunately, in South Africa many commentators have stumbled into an ethnicity bias. For example, in her study on organised crime Jenny Irish claimed that South Africa was a victim of “Russian organised crime”.¹⁰¹ Although there have been no major investigations into, or convictions of, Russians in South Africa, Irish compiled a long list of the criminal activities perpetrated by Russian organised crime in South Africa based on two interviews with law enforcement officials. These activities included drug smuggling, illegal arms dealing, theft of solar power technology, car theft, illegal gambling, providing transport for smuggling, supplying Russian women to South African brothels, immigration fraud, art smuggling and money laundering involving South African real estate.

Unfortunately, the evidence to support these claims is precariously weak. Indeed many of the conclusions Irish makes seem based merely on activities associated with Russian Mafia in other countries. For example, Russian art has certainly been looted in recent times and sold overseas, probably by Russians or art dealers who work with Russians. However, without citing any evidence, Irish suggested that South Africa is “both an end destination point and a transshipment point for some of these art works”. To support the accusation of Russian organised crime being involved in the drug trade Irish merely stated that one drug bust in 1997 in a port in Mozambique was linked to “Russian

networks". To support the accusation that Russian organised crime is involved in technology theft from South Africa, Irish merely stated that those involved in stealing solar power technology may have used Russian scientists to "adapt the technology".

On the basis of this evidence, it is hard to see how it can be deduced that there is such a thing called 'Russian organised crime' in South Africa, especially when we contemplate most mainstream definitions of organised crime (see chapter 2). A common misjudgement may involve being too hasty in making conclusions that may have been better stated as hypotheses requiring further investigations.

Similarly, Jean Redpath's study of organised crime in South Africa—also based on interviews with police—notes how she came across instances of foreign nationals being involved. Redpath provided a list of such nationalities with short descriptions of their main crimes. Apart from the usual suspects (Nigerians, Moroccans and Chinese), Redpath added, somewhat originally, Peruvians and Bulgarians. Of the latter, based on one instance of three Bulgarians being merely implicated in a fraud case, Redpath suggests these may be "part of a larger group consisting also of persons of Bulgarian nationality".¹⁰² However, the decision to devote a sub-section to Bulgarians in her final report seems strange, for Bulgarians are likely to be responsible for a negligible amount of South African organised crime.

What is disturbing about much mainstream research into organised crime is that at no point is the relevance of nationality considered, let alone justified. The end product is xenophobic and may exacerbate racist stereotypes. This is not to suggest that certain ethnic minorities do not play an important role in smuggling or selling prohibited goods. Nor is it to suggest that many authors are being purposely xenophobic. However, the analysis of this phenomena must make a concerted effort to dispel crude forms of racial determinism. Merely stating that not all Italians/Nigerians/Chinese/Russians are criminal does not go far enough.

In the rare instances where mainstream commentators offer an in-depth explanation of the importance of ethnicity, a common ploy is to describe the 'ethnic succession thesis'. One of the first scholars to favour this line of reasoning was Daniel Bell in his book, *End of ideology*.¹⁰³ To describe the function of organised crime in the USA, Bell coined the phrase "the queer ladder of social mobility". He argued that successive immigrant communities who found themselves on the bottom rung of American society turned to organised crime to

ascend the social and economic hierarchy. When they had succeeded in climbing off the bottom tier, they gradually set about integrating with the rest of America, only to be replaced by the next wave of immigrants who would also turn to organised crime to get a foothold in society.

While the ethnic succession thesis flirts with criticising an unequal society, it essentially gives credence to the notion that the cause of organised crime can be found in the lower classes or in the communities at the fringe of the host nation. Bell, and many others after him, failed to note that organised crime was perpetrated by all levels of the ladder and on numerous occasions those occupying the top rung were far more successful at organising crime than those at the bottom. He also failed to notice that many immigrant communities are easy *victims* of organised crime, especially criminal exploitation in the labour market. Moreover, criminological analysis has regularly shown that criminal justice systems are heavily skewed against those on the fringes of society. This should raise alarm bells for criminologists who rely on official data to create pictures of organised crime.

On a global level, the tendency to blame a 'lower class' for organised crime can be seen by the popular image of transnational organised crime originating from the 'third world' and threatening the 'developed world'. Dick Ward, executive director for the Office of International Justice, wrote that the "western world has become the primary target of organized crime but many of the activities originate in underdeveloped regions".¹⁰⁴ Similarly Professor Louise Shelly, recognised to be an expert in transnational crime, writes:

While legitimate multinational corporations are based almost exclusively in the developed countries, the majority of transnational criminal organizations are based in third world countries. Multinational corporations market their products in industrialized countries and also have significant market share in many developing countries. Many transnational criminal organizations make enormous profits by marketing their illicit products such as drugs and trafficked human beings in developed countries. They represent large and successful examples of entrepreneurship in many parts of the world where third world entrepreneurs are not able to compete in the legitimate international economy.¹⁰⁵

Shelly's bold thesis is typical of the Americanised mainstream discourse in as much as it relies heavily on a notion of *Them* versus *Us*. In retort to this simple polemic, it could be argued that Shelly fails to consider that the West has long

since exported illegitimate goods to developing countries (arms, synthetic drugs, pornography, etc.). Furthermore, Shelly may want to consider that for hundreds of years certain legal multinationals originating from the West have grown rich and powerful by criminal business practice in developing countries—as some may say, a process that has done much to create the unequal global economy. Shelly should perhaps also contemplate that the rampant and condoned consumerism of the West drives much demand for illegal commodities originating in the developing world. This demand can destabilise both politics and the economy in developing countries, which become precariously dependent on the proceeds of exporting illegal goods. Such countries may suffer further as they gain an international stigma of being run by criminal elements, which in turn may hinder foreign direct investment from the West. Moreover, Shelly may question to what extent the “enormous profit” from transnational crime actually ends up in Third World countries. Much may be invested in more profitable economies elsewhere or a high proportion may fall to final retailers who live in chief consumer countries. For example, the profit for heroin farmers in countries such as Afghanistan is minuscule when compared to the profits enjoyed by people selling the refined drug in rich Western countries. It is unlikely that this “enormous profit” will find its way back to Afghanistan.

The organised crime person

Returning to the local level, be it in the West or in some ‘dangerous’ Third World country, a further potential problem to the mainstream model involves the notion that organised crime is perpetrated by a special group of criminals. As Dorr and Simpson made clear in the Wickersham Commission, during their era a combination of officials, elites, politicians and gangsters perpetrated what was known as racketeering. A public relations drive reinvented this sordid image so that racketeering was considered the sole activity of distinct criminal groups made up of ‘organised crime people’.

It is possible that the 1920s and 1930s in America was unique in the respect that there was a high level of corruption in racketeering. However, evidence since then tells us that ongoing illegal business activities associated with organised crime involve active participation from a wide range of people, including the types noted by Dorr and Simpson. Indeed, it is revealing that the US FBN, which had been a major supporter of the national conspiracy theory of organised crime, had to be closed down in 1968 following the revelation of gross corruption and drug dealing. Woodiwiss recalled this well:

Almost every agent in the New York office of the FBN was fired, forced to resign, transferred, or convicted, and this constituted about one third of the agency's total manpower. The chief investigator of the affair...testified that FBN agents had taken bribes 'from all levels of traffickers', had sold 'confiscated drugs and firearms', had 'looted searched apartments', had provided tip-offs 'to suspects and defendants', and had threatened 'the lives of fellow agents who dared to expose them'. Effectively, federal drug enforcement in New York during these years was a form of organized crime.¹⁰⁶

Similarly, William Chambliss conducted primary research into a small city in Pennsylvania and contrasted official perceptions of organised crime with the reality of a network involving of powerful elites.¹⁰⁷ He argued that researchers relying on government agencies for information had inadvertently created a misleading impression that organised crime was populated by members of a criminal society. While Chambliss may be criticised for rushing to his own extreme conclusions, namely that all racketeering is controlled by a cabal of business and political elites, his research does strengthen the hypothesis that organised crime is populated by various persons, some of whom take advantage of their official status and formal occupations in society.

Similarly, in South Africa there are regular accounts of police corruption and collusion with members of gangs. Indeed, a strong case has been put forward that members of the former apartheid regime forged links with various types of criminal entrepreneurs during the late 1980s. For example, to aid sanctions-busting operations security officials colluded with foreign entrepreneurs who had expertise in smuggling. After 1994 when the security state was dismantled, some of these corrupt links continued and many of the country's most powerful criminal entrepreneurs seem to have close links to former and present members of the security forces. These links keep many notorious individuals virtually immune from prosecution. Stephen Ellis, who has done much to uncover these relationships wrote:

...some explicitly criminal gangs have developed close relations with the security forces. This has produced in some sections of the security forces a highly ambiguous attitude towards certain types of crime. During the last phase of the guerrilla war some police and army officers even developed criminal enterprises of their own, such as in weapons, gems, ivory and marijuana trades, partly for their own profit and partly as a covert means of providing arms and funds for informal militias opposed to the ANC and the SACP. The range of state-sanctioned

law-breaking included sophisticated smuggling operations and currency frauds which brought the government's own secret services into business relationships with major smuggling syndicates, Italian Mafia money launderers and other operators in the international criminal underworld.¹⁰⁸

In developing the notion that there is no simple criminal society that exists outside civil society, Vincenzo Ruggiero provides an insight into the blurring of traditional organised crime and the formal economy via an analysis of 'dirty economies'—commodity economies where the "licit and the illicit overlap". Prominent examples are the illegal trade in weapons, cigarettes and people. Ruggiero argues that legal businesses are deeply entrenched in prominent illicit markets, and in many cases can be seen as the principal beneficiaries and architects of illicit trade. At the same time, members of criminal groups can merely play the role of service provider to the corrupt legitimate firms. What is more, according to Ruggiero, in certain instances (i.e. the arms trade) the functioning of informal criminal groups is under threat as the licit sector realises that "illegal trade is too lucrative to be left in the hands of conventional criminals".¹⁰⁹

Rather than the term 'dirty economy', it may be preferable to consider *criminal economies*, i.e. economies in prohibited goods and services such as drugs and prostitution, and *criminalised economies*, i.e. economies in legal goods and services that rely on criminal business practices. Again, a spectrum of enterprises seem to be involved in both types of economies and it is misleading to imagine that organised crime groups are the sole enterprises in criminal economies or that white-collar criminals are the sole culprits in criminalised economies.

A good example of a criminalised economy operating in Southern Africa seems to be the fishing industry. It has been noted regularly that firms involved in local fishing and export rely on criminal exploitation, corruption and the selling of poached stock. For example, recently investigations into the lucrative shellfish industry has revealed that a large multinational company has been systematically bribing officials tasked with enforcing quotas. In addition, investigators discovered that the company had been regularly buying poached lobster and *abalone* from local independent fisherman for a lower cost than legally caught stock. The so-called legal organisation had therefore been actively encouraging a massive illegal trade, which has been both devastating to the local marine environment and enormously profitable to the management of the company.

Assumption 4: Organised crime is different from other types of serious economic crimes

As alluded to in section 2, the mainstream definition of organised crime depends on the compartmentalisation of various economic crimes, organised crime being an activity worthy of its own compartment. This separation is justified because organised crime represents a unique criminal group made up of 'organised crime people' who pose a unique threat to society.

On a technical level there is no clear reason why organised crime is not a catch-all term that could be applied to all businesses that break the law or government departments that commit ongoing crimes. Most official definitions of organised crime work well for these other types of serious crimes. For example, a group of senior government officials in Malawi, including the former Minister for Agriculture, were accused in 2002 of selling 166 000 tonnes of maize held in reserve for famine situations.¹¹⁰ Few would have anything but contempt for these criminals, but would their actions be considered as being organised crime? There were more than three people involved and there was probably a structure to their operation, with the Minister at the top. However, as mentioned above, if such a group was dubbed 'organised crime' it would more than likely be as an insulting analogy. Thus, it should come as no surprise that mainstream analysts and international crime fighting bodies have yet to develop a category in their lists of organised crime threats that is entitled *government syndicates* or *corporate syndicates*. A good indication of this is the fact that official statistics of organised crime—where they exist in places such as South Africa—do not pretend to include legal corporations prosecuted for serious crimes, nor revelations of ongoing corruption involving the police or public officials.

An objection to this mainstream interpretation of the definition is that serious crimes that fall under the category of white-collar crime are no different from the types of crime that are associated with the concept of organised crime. What divides the two may simply be popular stereotypes about the two types of criminals. As Smith pointed out, the Wickersham's approach to criminal business activities was replaced by a new approach that focussed not on activities but on the nature of the offenders. The result is the popular belief that *gangsters do organised crime* and *businessmen do white-collar crime*—the two can not be compared because one originates from the dangerous underworld and the other from respectable business.

The mainstream retort to this criticism lies in a quantitative differentiation. Organised crime groups, it is argued, are organisations that are conceived purely to commit crime. Corporations studied under the banner of white-collar crime are organisations that are set up for legal business but that transgress the law. For one crime is central, for the other, peripheral.

Here, Edwin Sutherland's research may come back to rescue the Wickersham definition. Sutherland's research suggested that crime was systemic for many large corporations and public utilities. It was not peripheral but rather critical. Indeed, since his ground breaking study numerous deviant corporations have shown how important crime was in making the difference between business success and failure. This is not to suggest that all corporations require crime to survive; it is to say that those who do turn to crime often rely on the competitive advantage breaking the law brings.

One may also argue that crime is not always central to what has been dubbed 'organised crime'. Most in-depth case studies of 'traditional crime formations' have revealed that members have a diverse portfolio containing many legal business interests as well as illegal ones. Mainstream analysts interpret these interests as evidence that organised crime is trying to *infiltrate the legitimate sector*, often to help launder the proceeds of crime. This sinister image plays to the metaphor of the virus for it suggests that organised crime may contaminate civil society if the two are allowed to mix. Donald Cressey wrote:

...criminal organizations dealing only in illicit goods and services are no great threat to the nation. The danger of organized crime arises because the vast profits acquired from the sale of illicit goods and services are being invested in licit enterprise, in both the business sphere and the government sphere. It is when criminal syndicates start to undermine basic economic and political traditions that the real trouble begins.¹¹¹

This sort of rhetoric becomes fairly noxious when combined with the view that organised crime primarily originates from a non-mainstream culture. A more palatable perspective may be that a great number of those who earn money from illegal activities are shrewd businessmen who can succeed in both informal and formal markets. The distinction between legal and illegal activities for many businessmen is probably less important than it is to the criminologist.

The separation of organised crime (as well as corporate crime) from other types of crime is also achieved by the notion that organised crime is non-ideological.

This belief suggests that there are other groups of criminals that may conduct crime for political ends, who should therefore be analysed separately. An objection to this distinction may lie in pointing out that many of the crimes perpetrated under the banner of ideology are nothing more than activities designed to enrich the perpetrators. Moreover, a philosophical debate into the nature of politics may raise doubts over the ability to distinguish all ideological intentions from concerns of personal enrichment.

One may also doubt the notion that organised crime is simply non-ideological. Infamous organised crime groups such as the Colombian Cartels amass considerable wealth and influence in their large constituencies. Not only do these criminal formations contain active members of political parties, but they have also been guilty of intimidating and murdering members of opposing political parties as well as offering large sums for party political fund raising. The same can be said for legal corporations who have a poor track record of supporting political regimes offering favourable business conditions.

Again, by way of retort to these arguments, one may adopt the popular position espoused by scholars such as Phil Williams, who explains that where organised crime seeks to influence a political situation, such efforts are designed to protect or promote business interests rather than an actual ideological concern.¹¹² However, the idea of creating a favourable climate for business has been prominent in political ideology. One may speculate that making the distinction between political and non-political crimes may be influenced by one's own ideological leaning—traditional organised crime may simply be rather conservative in its outlook. This must be a peculiar conclusion for the majority of commentators who depict organised crime as a serious threat to our global democratic civil society.

The case of wildlife trade

An example of the application of the incoherent term 'organised crime' can be seen in the illegal wildlife trade. During the 1990s there was a widespread increase in the concern that organised crime was becoming involved in the illegal trade in rare animals. In 1994 an article published in *Time* claimed that sophisticated organised crime had "muscled in on the illegal wildlife trade".¹¹³ At the 10th UN Congress on the Prevention of Crime and the Treatment of Offenders a call was made for a "study on the extent to which organised crime groups are getting more involved in the trade [in]...endangered species". Later the G-8 leaders announced their "concern about ever-growing evidence of

violations of international environmental agreements, and particularly the involvement of international organised crime". Thus, a study was conducted by the United Nations Interregional Crime Institute (UNICRI) to discover the extent of organised crime's involvement in environmental crimes.¹¹⁴

Using the European definition, which the UNICRI study did and the UN Congress does, it makes little sense to talk of organised crime muscling in on the trade, for the entire supply industry of illegal wildlife is, by definition, organised crime—most tasks in the supply industry are carried out by people working together to make money and escape the law. Typically the people involved are local peasants, who aid in poaching the wildlife; a relatively small skilled workforce, who can carve or process the products (i.e. ivory, rhino horn); middlemen, who buy the products off the processors and arrange to have them delivered to the final retailers; and public officials, who either accept money to aid transshipment or act as major investors in the operation. Supply may require smuggling across national borders, an activity for which there are countless volunteers, some of whom may be experienced while many may simply need some cash to help immigrate into the destination country. The illegal wildlife trade has been organised crime ever since laws were passed making the activities illegal.

We may speculate that what commentators meant when they warned of organised crime was that the supply industries were changing in structure. Perhaps there was evidence that the groups involved in aspects of the trade were different from those that had previously been involved? These new groups may have been larger, more bureaucratic and sophisticated, perhaps foreign. Indeed, there was widespread worry that the new players were experienced in other well-organised illegal trades, such as drugs. However, not only is the evidence to suggest this transformation rather poor, but the logic of the concern seems rather weak.

As has been argued above, the notion that greater organisation equates to greater criminal efficiency is predicated on a faulty model of criminal co-ordination. The networks that some people may describe as disorganised, unsophisticated etc. are increasingly seen as dynamic and efficient. Moreover, it is not absolutely clear why drug dealers are any more threatening to wildlife than non-drug dealers. Indeed, given that drugs command the uppermost concern by police and customs, it would seem plausible that smuggled wildlife will become more vulnerable to detection if coupled with drugs and smuggled by drug smugglers.

This clamour to locate organised crime in the wildlife trade was quite possibly an attempt to get wildlife trade *on the agenda*. As Tom Farer noted, “to get (organised crime) attached to some person, institution or transaction, one has normally succeeded in eliminating compromise and accommodation, or simply neglect, from the agenda of public-policy responses”.¹¹⁵ It is revealing that the concern over organised crime turning to the wildlife trade made no reference to an increase in the actual trade itself. The danger of organised crime was implicit, or perhaps too obvious for qualification?

Conclusion

This chapter has so far described and critiqued the core assumptions behind the mainstream definition of organised crime.

First, it was argued that the mainstream approach relies on a simplistic understanding of how crime can be co-ordinated. The synthesis of the four models described in chapter 1 shows how no single list of traits can describe all types of organised crime, and that there is no one way in which crime can be organised effectively. Different co-ordinating mechanisms will be preferred in different contexts.

Second, it was argued that the mainstream perspective relies on a misleading view of organised crime as an *external threat* to civil society. This mindset depicts organised crime as a predatory force that capitalises on opportunities inadvertently provided by nation states. An alternative view should note that organised crime is an *internal problem* created by contradictions in so-called civil society.

Third, it was argued that evidence and theoretical justification does not support the taken-for-granted view that organised crime involves culturally distinct homogeneous groups, made up of ‘organised crime persons’. Mainstream scholars, including in South Africa, have fallen into an ethnicity trap that may stem partly from relying on selective law enforcement data. Instead, it seems that organised crime involves a wide range of nationalities and people, some of whom may take advantage of their high-ranking status in civil society.

Finally, it was argued that the distinction between organised crime and other types of crime was incoherent and was based on popular stereotypes rather than persuasive arguments as to why conventional organised crime is qualitatively different from white-collar crime, government crimes and terrorist activities.