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Education for succeeding generations in the Culture of Lawfulness

Prepared by Sławomir Redo

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Sławomir Redo[1]

Education for succeeding generations in the Culture of Lawfulness

ABSTRACT

This interdisciplinary article – a contribution to United Nations Studies – looks into rarely researched issues involving international criminal justice, especially into the unique crime prevention needs of women and children. It seeks to project into the world of academics and practitioners intergenerational and intercultural early crime prevention developments relevant to the future Culture of Lawfulness (primary and secondary prevention), and to education at all levels. Both are inextricably linked, and their overall quality depends on the level of economic and social investments. Against this background, this article summarizes and discusses evidence of the role of education for and in crime prevention. Wherever relevant, it focuses on education's one systemic ingredient, namely a sense of justice. In this connection, it focuses on individual and collective/institutional issues involved in the right to education, right to development and right to a city. They are all relevant to an intergenerational Culture of Lawfulness in the overriding context of urbanization of life and its cross cultural normative impact on a personal and global sense of justice. In this integrative way, the article's topic seeks to compliment the "Experiences and lessons learned in meeting the unique needs of women and children, in particular the treatment and social reintegration of offenders" – the topic at the Thirteenth United Nations Congress on Crime Prevention and Criminal Justice (Doha, Qatar, 2015) which focuses on tertiary prevention – after conflict with the law.

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Two weeks into his time in Iraq, he found himself staring through his scope into the face of an unconventional enemy. A woman with a child standing close by had pulled a grenade from beneath her clothes as several Marines approached. He hesitated… then shot.

[1] ***Sławomir Redo****, dr. hab. (Law/Criminology), Visiting Lecturer/Privatdozent at the University of Vienna (Austria); f. United Nations Senior Crime Prevention and Criminal Justice Expert and staff of the United Nations Office on Drugs and Crime (ret.); Specializes in UN intercultural and international crime prevention and criminal justice education. Senior Programme Adviser, Academic Council on the United Nations System; author of about 60 publications, mostly on the United Nations law/criminal justice education and training; Co-editor of 2 books on the latter subject ("For the Rule of Law: Criminal Justice Teaching and Training @cross the World" (2008), and "Blue Criminology. The Power of United Nations Ideas to Counter Crime Globally" (2012)); email: s@redo.net.*

"It was my duty to shoot, and I don't regret it," he wrote. "My shots saved several Americans, whose lives were clearly worth more than that woman's twisted soul."

Untouchable in Iraq, Ex-Sniper Dies in a Shooting Back Home, New York Times, 4 February 2013

Combating one ideology by another is not a military operation but rather a cultural affair.[2]

BACKGROUND

In 2011 the current 34 members of the Organization for Economic Cooperation and Development (OECD) made up 65% of global output, compared with a combined 24% for China and India (Johansson et al. 2013). Until now, the United Nations (UN) counteraction to various global challenges has been driven by the Powers of developed (OECD) world. But:

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(a) by 2020 there may be a major shift in the global balance of economic power compared to 2010. Emerging economies will rise in importance and China will have surpassed the USA on the list of world's top ten largest economies in GDP terms (Global Outlook 2013);
(b) by 2025 about 52% of the global output may be made by emerging and developing economies, and 48% by advanced economies[3], altogether 55 countries, while the number of youth living in developing countries will grow to ca. 90% of population (UN DESA 2011);
(c) by 2060, China and India may have a 46% share of world GDP, while the OECD countries 42% (Johansson et al. 2013);
(d) in the next generation, cities in some developing countries may look a lot like in the developed countries of the 1980s, save one major difference. Like everywhere else cyberservice economy and communication will dominate their landscape and urban mind set.

As succinctly concluded by the OECD Secretary-General: "The world our children and grandchildren inherit may be starkly different from ours" (OECD 2012). And so will be its international criminal justice education and its Culture of Lawfulness.

[2] A. Nikolopouolu, T. Abraham, F. Miragheri, *Education for Sustainable Development. Challenges, Strategies and Practices in a Globalizing World*, Sage 2010, p. xii.

[3] *Output* means here capital plus labour inputs plus a residual (salvage) value composed of a value of technological progress plus production efficiency remaining as an asset after it has been fully depreciated.

BASIC CONCEPTS

1. International criminal justice education

International criminal justice education is a learning process to apply the knowledge, skills and inspirations at any level of education to uphold peace and security for a progressive socio-economic and intercultural development. It combines both academic and practical aspects of criminal justice reform – a part of the United Nations Studies. It is a judgement science which through the reappraisals of crime prevention and criminal justice developments, aims at creating well governed global society for succeeding generations.[4]

Although in this article *justice* implies first of all international *criminal justice* education rather than *international criminal justice* education, it must be remembered there is even a broader international sense of justice. It includes the sense originally settled in commerce and corporate law (spearheading international criminal law), in the education sociology and economics, and the human rights field (which has many similar concepts).

Modern legal education is a challenging effort, and international criminal justice education is no exception. Educators in developed and developing countries explore various avenues to make it responsive to local needs, but also to regional and international developments. Today, by and large the difference in criminal justice education at the tertiary level between countries is in the emphasis on regulatory and developmental functions. In developed countries that education is more regulatory than developmental, in developing countries *vice versa*.

Notwithstanding the periodical changes in domestic policies towards children and women in conflict with the law that not necessarily may be progressive, but rather unwaveringly inspired by the fact that women and children both decide about the existence of humankind, the UN at the very beginning of its Charter has set its own agenda for their advancement through various measures, including education. The UN emphasizes their overriding importance in maintaining peace and security in the world.

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2. Justice

Generally, in the UN world, the concept of *justice* runs a life of its own and is regarded as an incrementally developed international public good (Redo & Platzer 2013). The UN Charter mentions *justice* in various places and ways but in none of them defines what it is. The Charter's commentaries stop short of explaining it, alluding only in its preamble and arts. 1(1) and 2(3) to achieving *justice* which "means something different from international law (…) and (…) refers to natural law." (Simma *et al.* 2002, Vol. II, p. 36) And this is already quite a risky comment. For if one takes, e.g., Aristotle's regard of slavery as a natural justice, any such inference to natural law invites the question whether

[4] Adapted from Pruekpongsawalee (1999, p. 118).

this or that may be meant by justice for the UN. Therefore, it would make little sense to analyze academically what exactly the framers of the UN Charter had in mind when they addressed this concept, and whether this or that theory of justice captures it.

While for the UN's internal use *justice* has been qualified as "an ideal of accountability and fairness in the protection and vindication of rights and the prevention and punishment of wrongs, [and] justice implies regard for the rights of the accused, for the interests of victims and for the well-being of society at large," (S/2004/616, § 7) as far as the external understanding of the concept is concerned, nobody can answer that question authoritatively. It may only be said that, nominally, "justice" in the UN Charter is explicitly projected into domestic legal systems through the provisions involving the International Court of Justice, and international peace and security. A further analysis of the text of the UN Charter shows that, like in the philosophy of law, *justice* may or not mean fairness, may appear in other legal instruments together with *fairness*, but also may be implied by *dignity*, *human rights*, *conditions of economic and social progress and development*, and *higher standards of living* (Spijkers 2011).

The follow-up UN Charter legal instruments infer from it the concepts of *social justice*, *criminal justice*, *juvenile justice*, *restorative justice* or justice involving children or women, etc., and evolve their meaning in the context of development. *Urban justice* may soon become another legitimized concept. Not only because of the *cities*, *prisons and crime* academic perspective (Siegel 2012, pp. 692-3), but also because of the foray made in this regard by the emerging policy role of cities in the prevention of reoffending, and in the alternative dispute resolution in form of restorative justice/mediation programmes. Further, Muslim arbitration tribunals operate in a few British cities. They use *Shari'a* law to deal with civil dispute resolutions and neighbourhood-nuisances.

Such mediation mechanisms seek to address the needs of the "1.5 generation": people who only partly identify themselves with their countries of origin. Their new identification depends on their initial experiences from the education in their native country, and subsequent experiences of growing up in the new country. That generation should symbolically be understood as any half-way-through population with maladaptation problems.

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3. Succeeding generations

The concept of generations was formulated in the beginning of the 20th century (Pierre 1991, p. 2992). The UN Charter's Preamble term *succeeding* was proposed by the US delegation (Redo 2012, p. 158). Combined, they mean parents, children, grandchildren succeed each other at more or less regular intervals (Suleiman 2002, p. 278).[5]

[5] It is this broader context in which the concept of "1.5 generation" originally emerged: of child survivors of the Holocaust "too young to have had an adult understanding of what was happening to them but old enough to have been there during the Nazi persecution of Jews." (Suleiman 2002, p. 277).

Statistically, the expected lifespan of the present generation is over 67 years (over 65 for males and 70 for females). In 1945, at the time of the creation of the UN, the expectancy was five years shorter (UN 2010).

Of course, between one and the other generation, there are overlapping generations and within one generation there are smaller decimal-point generations. They may be differently (sub)divided and named. However, certainly the division between *Generation-C – Digitally Native* generation (Palfrey et al. 2009; Matvyshyn 2012, p. 1979) and others is worth mentioning, because of the fundamentally different childhood than that of their parents, hence different attitudes to law and ensuing effects (violation and victimization).

Before this article comes to that criminological aspect of the Culture of Lawfulness, in the interest of fact and figures-based projection of what the *succeeding generation* consists of, the following explanations will be helpful.

4. Education

In this article, *education* is a broad term that "comprise[s] all deliberate and systematic activities designed to meet learning needs [and] involve[s] organized and sustained communication designed to bring about learning" (UNESCO 1997). It includes formal (pre-school, primary, secondary, tertiary) and non-formal, i.e. outside the formal education system[6] – both mutually complimentary and necessary for the implementation of the right to education and for a socio-economic development (Hausler et. al. 2012, p. 72–77).

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Most studies find evidence of higher GDP growth in countries where the population has, on average, completed more years of schooling or attains higher scores on tests of cognitive achievement. A country able to attain literacy scores 1% higher than the international average may achieve levels of labour productivity and GDP per capita that are 2.5% and 1.5% higher, respectively, than those of other countries (OECD 2006, p. 155).

One of the most quoted studies that compared 100 countries (1960–1995) estimated that if the average number of years of upper level schooling (men over 25 years of age) for this particular group increases by one year, then country's total GDP increases by 0.44% per year (Barro 2002). More recent and rigorous estimate for a lesser number of OECD countries suggests the long-term effect on output of one year of education in the adult population (25–64 years old) is between 3–6% (OECD 2006, p. 154).

The above suggests a positive investment for governments. But because of various insurmountable measurement errors, enlarged by the number of countries included in these immensely technical calculations (Freeman 1986, p. 359), that estimate must be treated with caution.

[6] Education provided through nursing, kindergarten care, human rights training sessions, workshops, seminars and webinars is a non-formal education. Informal education is acquired through other life and work experience.

What nevertheless seems to be clear is that:

(a) historical data from developed countries document that high levels of GDP per capita are associated with high levels of primary school enrolment some thirty years earlier (Stevens & Weale 2007);
(b) in developing countries those returns are higher than in developed countries, because these developed countries start from a higher point (Hanushek 2005).

Such evidence prompts econometrists to conclude that as countries become wealthier, their returns on education may decline in comparison with poorer countries. This may signal that the educational system in richer countries is not responsive enough by adapting to new wealth-creating skills and institutions that may be needed to sustain the growth, as per evolving quickly labour market demands (Fadel & Riley 2007). Those who receive in their study years higher scores in cognitive achievement tests mostly later prosper with their old type of skills in developed countries. Such countries may benefit from their productivity in terms of the GDP growth (Hanushek & Wößmann 2007, pp.10-11; Bishop 1989, pp. 178–197).

How much of that growth can be attributed to the most innovative people depends on the level and form of development of market economy. In market-societies able to facilitate the formation of distinct cognitive skills and habits, such people can prosper better than in other less advanced markets (Hanushek & Wößmann 2007, pp. 10–11). In other words, the labour market of developed countries is oversupplied with educated people with old-type regulatory skills, but short of people with new skills, especially those who may be engine of development in the new world economy. It follows that those from developed countries with the lower test scores may find better job opportunities in developing countries or no jobs in their home country.

In the above context, a historical study of 25 countries (Easterlin 1981) is informative. A tangible conclusion may be drawn from it, that the spread of technology in modern economic growth depended on the learning potential and motivations which were linked to the development of formal schooling or that the most likely link is from education to economic growth rather than the opposite. In determining what model of education (natural sciences vs. social sciences or engineering vs. law) contributes to that growth, technocratically-minded econometrists argue that development understood narrowly as industrialization is basically possible through education in engineering. In their estimate, countries with relatively more engineering college graduates grow faster, and countries with relatively more law graduates grow slower (Hanushek & Wößmann 2007).

The question of laying the foundation for socio-economic growth by a Culture of Lawfulness that accounts everywhere for a secure investment climate has only recently been taken on board by educational economists (Hanushek & Wößmann 2008, p. 49). Historically-minded economists admit that education may not have much impact on less developed countries that lack

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functioning institutions for markets and legal systems unless corruption ("a tax on productive activities") is effectively countered (Easterly 2002, p. 237). One recent econometric study covering 113 countries (1965-1995) found that for given per capita GDP and human capital, growth depends positively on the rule of law[7] and the investment ratio. Negatively it depends on the fertility rate, the ratio of government consumption to GDP, and inflation (Barro 2003). This is the admission that a Culture of Lawfulness in which a fair and just market safeguarding property rights operates, is the necessary precondition to economic growth through education, even if primarily targeted on engineering technologies.

Another econometric study found that particularly in developing countries, education is negatively associated with women's fertility rates – "a uniquely universal negative relation between female education and fertility" (Basu 2002, p. 1779) and positively with infants' health (Krueger & Lindhal 2001, p. 1107). In turn, girls born into smaller families are more likely to be sent to school and to complete more years of education (Basu 2002, p. 1788).

The degree of public expenditure increases with the level of education (Psacharopoulos & Patrinos 2004). But more recent (yet limited to OECD countries) data suggests that such expenditures on tertiary education tend to be regressive (OECD 2007, p. 20). Finally, a comparative study of 8 countries with different levels of that subsidization found that higher public expenditures on primary and secondary education are strongly linked with income equality (Wilkinson & Pickett 2007).

In sum, what matters for education is: giving a fair chance to everybody, its length and quality.

Econometric analysis of 83 countries (1959–1999) corroborated the world average of about 10% of person's annual income per one year of additional formal schooling (Mincer 1974)[8] – a widely internationally accepted coefficient (Psacharopoulos & Patrinos 2004, pp. 111–112).

Taking it as a benchmark, returns on education are highest in the Latin America and the Caribbean region and for the sub-Saharan Africa region. Returns from education for Asia are at about the world average. The returns are lower in the high-income countries of the OECD. There, the returns from human and physical capital tend to be equated at the margin. In other words, the Western world is at its lowest point of returns (ibidem, p. 118).

Regarding the quality of education, those who received private education tend to receive higher income than those who received public education (Ibidem,

[7] I. e., favourable environment through safeguarding the property rights, as measured by the GDP investments on defence and education.

[8] Irrespective whether the schooling was private or public, but also irrespective of various other major determinants of actual returns, such as the direct and indirect costs of schooling, taxes, length of working life, and uncertainty about future returns at the time schooling decisions are made which all may change the estimate (Heckman 2003, p. 1). The cefficient was originally developed by Jacob Mincer (1974), the pioneer of econometric studies in human capital. On this basis, econometrists calculate earnings as a function of years of education and years of potential labour market experience (age minus year of schooling minus six).

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pp. 112–113). However, in either case the introduction of school reforms that improve the test scores enable economic growth (Hanushek 2005), and make possible to reverse proportions of returns on public and private education (Krueger & Lindhal 2001, p. 1107). While this may involve the improvements of the quality of teaching (e.g., by introducing innovative methods), it may be resented by those pedagogues who fear the depreciation of their earlier investments in human capital.

Finally, econometrists argue that policies that assist low-income families in the child-rearing increase the quality of children's upbringing and raise their productivity later. The sooner such interventions start, the better are the chances to motivate the children in a productive social and economic life. The later the interventions start the less can be achieved by them (Heckman et al. 1999; Heckman 2008).

In this context, according to J.J. Heckman, Nobel Prize laureate in economics (2000), in the USA about 50% of the variance in inequality in later lifetime earnings of children can be determined by age 18 (Heckman 2008). In Western Europe that variance may be above 50%. This may be due to less flexible (more regulated) and thus a more equalized labour market. In other words, for a person before the age 18 the inflexibility of the Western European labour market decreases person's potential earnings later and to a higher degree than it is the case in the USA.

No doubt, however, that regardless of a smaller or bigger variance, in case of investing in disadvantaged young children, one universal recommendation should be implemented, not yet fully appreciated in current educational policies around the world: "Any programme [inculcating socioemotional skills – added] should respect the primacy of the family" (Heckman 2008, p. 56).

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5. Culture of Lawfulness

"A Culture of Lawfulness means that the population in general follows the law and has a desire to access the justice system to address their grievances. It does not require that every single individual in that society believe in the feasibility or even the desirability of the rule of law but that the average person believes that formal laws are a fundamental part of justice or can be used to attain justice and that the justice system can enhance his or her life and society in general. Without a Culture of Lawfulness, the population will have no desire to access the system and may resort to violence to resolve grievances. For the rule of law to be fully realized, the population needs to follow the law and support its application voluntarily rather than through coercion" (USIP 2009, § 7.9.1).

An *urban mind set* as a part of human and social capital works across national borders, and affects the Culture of Lawfulness in positive and negative ways. Positively, it is a driving force of modernization and globalization of the rule of law. Negatively, the Culture of Lawfulness may be a meaningless phrase in places where a significant proportion of the urban population growth occurs in the most unplanned and deprived areas. Urban residents live there

in overcrowded, unhygienic places characterized by unemployment, pollution, crime, a high cost of living, poor service coverage and competition over resources. They lack personal security and security of tenure. With no real sense of a property right, they have no developmental incentives that go with owning a property or a microcredit; hence they have no incentives to conform with the law. Exercising the property right is an essential part of the right to development. "The recognition of a universal right to development and the view of poverty as a human rights violation, as well as the emerging concept of human development to guide United Nations development programmes, are all further evidence of this trend" (Spijkers 2011, pp. 269–270).

The right to development is about enablement through education, empowerment through inculcating socioemotional skills and good governance. In its interest the following evidence suggests that:

(a) historically, youth bulges are associated with an increased risk of social unrest. However, governments can reduce this risk through improving life chances for young people, primarily by providing education, particularly in the period of economic decline (Goldstone 2001);
(b) specifically, secondary education appears to have a clearly positive effect on Culture of Lawfulness among youth in low and middle income countries, although this effect may dwindle with economic decline (Urdal 2012);
(c) while expanding opportunities for education generally increases Culture of Lawfulness, as opportunities for higher education grow, the lack of corresponding employment opportunities for highly educated youth may contribute to future unrest (Ibidem);
(d) as fertility and dependency ratios decline, in many countries youth can be a vehicle for economic development, rather than unrest, thus opening the potential for demographic dividends (Ibidem).

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Building a Culture of Lawfulness in the imminent "Urban World" does not imply that what is now written up, will suffice to respond to the needs of the succeeding generation. A different set of powerful countries, actors and factors will decide what a Culture of Lawfulness means, in terms of economic interests, perceptions of the role of children and women, in the context of evolving values shaped by urban life, culture, labour market and service economy.

Nonetheless, one value certainly should intergenerationally be further developed: that of educating to respect one another. In other words, it is important to increase the capacity for otherness/empathy which facilitates intercultural communication and understanding, thus increasing inclusion. This can motivate learning from and understanding one another what a Culture of Lawfulness will be in the future.

From that reformist perspective, the Culture of Lawfulness should be accordingly inscribed into ongoing global projects, like "Children-friendly

Cities" (UNICEF), "The Right to a City" for young and old generations (UNESCO), and "Safer Cities" for all (UN-Habitat). It should be pronounced there much more clearly and dynamically as a desire of the progressive development of UN social, juvenile and criminal justice objectives for the new *Urban World* with an *international culture of childhood* (Bolzman 2009).

Among those desires is that for urban justice, and countering exclusion through claiming a right to a city, originally pronounced about 80 years ago in US Chicago school multicultural urban sociology (Redo 2013, pp. 945–948). The recent pronunciation of this trend are, as mentioned before, Muslim arbitration tribunals set up in a number of British to deal with some civil law and nuisance-neighbours cases (Lepore 2012) – a strand of developments on a right to a city for "1.5 generation," and a form of mediation. But confronting new realities of the right to such a mediation begs the question what a secular State is for any faith group, and whether or not a so implemented right is indeed an avenue for that secular vision? Hopeful as such a form of implementation may be for the faith groups, the call of the future will be answered by a much more than now pronounced process of global urbanization.

As its part, a right to a city can be an avenue for the coming Knowledge Society. This is what the Chicago school theoreticians' originally envisioned some 80 years ago. Now economists and political scientists anticipate the future cities as a bedrock for a "shared codes of group behaviour," "diffusing and inculcating the organizational attributes of anonymous urban life mass-citizenship and the administrative state," "acceptance of strangers," and – last but not least – for "a common language" (Fadel & Riley 2007). With a UN layer then, that *language* may have more integrative intercultural ingredients than now, ecumenical in their own way.

However, whether or not there will be the UN's partaking in it, city life has a great potential of its own, overlooked in criminology. In my opinion, this was demonstrated by groundbreaking experiments very relevant to *city life* and involving the cross culturally urbanized sense of *fairness* (Redo 2014). To be brief, it should be emphasized that:

(a) in highly competitive urban marketplaces consumers' fairness reactions to across-vendor price differences are similar across cultures. Regardless of the cultural background, consumers know what is fair or unfair;
(b) urbanization triggers remarkably similar responses to fairness among Easterners and Westerners.

Consequently, it may be said that urbanization and a market economy spearhead a common perception of fairness across the world among young and educated people. Unlike in societies where money plays a lesser role, market-oriented societies afford not only a cognitive simplification allowing to aggregate disparate objects by a common measure, but also accustom people to the idea that interactions with strangers can be mutually beneficial (Heinrich et al. 2004, p. 46).

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This is a positive evidence of modernization, and confirmation of what Ezra Park said about the *urban mind set* that expresses the deepest attempts of changing the world according to our desires. On a general level, and hopefully, the more common urbanization and market economy are, the more uniform the sense of fairness is. But this shows the long way ahead. Since by 2050 some 70% of people may be living in the cities (and a higher percentage in Europe, Northern America and Oceania), this demographic forecast alone may matter here in a prognosis for more fairness globally.

It follows that:

(a) what is often regarded as fair in the UN crime prevention and criminal justice standards and norms is only nominally relevant to developing countries;
(b) in the UN law and practice a Culture of Lawfulness is not a cast in stone denominator but a dynamically perfectible reform process.

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As noted earlier, the labour market of highly developed countries is oversupplied with people educated in old-type of regulatory job skills, due to not enough new and innovative skill-forming educational programmes. This is not necessarily the case in developing countries. International criminal justice education in developed world that involves teaching how to reform legal systems in developing world should bridge one with another because the surplus of such a regulatory expertise in developed countries may be useful in developing countries.

In this regard academics alleged that the educational system of developed countries suffers from "the poverty of thought" (Nikolopouolu et al. 2010, p. xvi). They add that "many graduates, both legal professionals and others, also come to understand the limits of law as an agent of social change. In most societies, mere changes in the substance of law do not by themselves create a deeper connection between lives of citizens in their local communities and the overall community of the nation" (Gallant 1999, pp. 222–223). Nor they do in the community of nations. The problem is that we do not currently have enough credible macro-economic and educational knowledge about how best to use new resources (Hanushek 2005).

Last but not least, and in the light of the intergenerational shift in the balance of economic power in the world, it is important to emphasize the imminent shift in the cultural and social norms which in succeeding generations will impact on the understanding of *lawfulness*. A Culture of Lawfulness is really about *intercultural communication* of a crime prevention message *to* the 1.5 generation, next generation and *for* other generations. Their future is in their own skilful hands and also depends on an open mind that implements a right to the city through inclusion and regulates through it the capacity for otherness.

EARLY COGNITION OF SOCIAL NORMS AND CULTURE OF LAWFULNESS

Understanding what otherness may be starts very early on with the cognition of social norms on which Culture of Lawfulness is gradually built. Their gradual development was confirmed by several experiments on toddlers. In one experiment the researcher showed a mismatched emotion by being sad when presented with a desired toy. In another, the researcher expressed an emotion that went with the experience by reacting in pain when pretending to hurt her finger. While the toddlers of 15 months of age did not show much empathy through their facial expressions to all sad faces, at 18 months, they clearly did. They spent more time looking at the researcher's face and checked back more frequently with the caregiver in the room to gauge the reaction of that trusted person. The toddlers also indiscriminately showed empathy toward the researcher when her sad face was justified. That is, this happened only then when the researcher was sad or in pain at the moment she was supposed to be. While it remains unknown if toddlers can detect at that moment whether the projected emotions are reasonable (reliable), they already had an understanding of the link between someone's facial expression following an emotional experience (Chiarella & Poulin-Dubois 2013).

Various other experiments tested this on toddlers and other older children who were given or taken an object. In one experiment comparing the respective reaction of toddlers (1–2 years old) and pre-schoolers (3–4 years old), toddlers apparently recognized possession as a basis for asserting control rights but not respecting the same rights of others (Gintis 2009, p. 207). In another experiment among toddlers, children (2–3 years old) and pre-schoolers (3–4 years old), the latter protested much more often than others when the object was taken from them (Rossano et al. 2011). Still another experiment with children between the age 3–6.5 years showed that their ability to deal with insincerity emerges gradually during the preschool years with an increasing trend of difficulty, from fantasy to politeness situations, and a notable amount of variability not equally distributed among the tasks (Arienti & Angeleri 2011).

The above suggests that before toddlers become acquainted with bargaining, trade, money and markets, they first start developing a sense of the property rights of others on the basis of their own possession. At the age of 3 children begin to understand the normative dimensions of property rights of others, hence what components of otherness there may be.

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EVIDENCE-BASED CRIME PREVENTION IN COUNTERING DEPRIVATIONS IN PARENTING AND EDUCATION

Studies document that failing to meet the unique needs of children and women already starts at the prenatal, when *justice* – the first imperative of prevention (S/2004/616, § 4) is not served. A clinical theologian claims that "there is evidence to show that violence done to the mother, of whatever kind and

degree, will distress her. Her distress is shared by the fetus (…). It affects most powerfully what can be believed, at heart and in the *guts*, about justice in the universe, about God and man, as well as about institutions (…). Non-violence then, ensured by a priority given to the love and care of pregnant women, to providing understanding, expressive, genuine, and respectful relationships, would (…) be the best preventive we know of" (Lake 1981 after Ridgway 2006:123).

While the above formulated claim may lack, in fact, evidence, the violated sense of justice has several other provable criminological connotations. First, pregnant mothers with mental health problems and victimized in socioeconomically disadvantaged families by intimate partner violence may deliver babies with a birth weight deficit (Rosen et al. 2007). Second, because of a mother-to-baby inheritance of an alcohol or drug syndrome, a baby may suffer various other health deficits and developmental problems, including impulsiveness, lack of normal self-discipline and poor judgement (Kellerman 2003). Third, and with such a potentially correlative background accounted for, criminologists proved through birth cohort studies a correlation between criminal violence and birth complications followed by parental deprivation. The resulting likelihood of criminal violence by the ages of 18 (Raine et al. 1994) and 34 of serious physical violence (robbery, rape and murder) was found to be *highly significant* (Raine et al. 1997, p. 1268), in either case with about 18% chance. Consequently, authors emphasize that in violence reduction biosocial interventions through, *inter alia*, obstetrician-assisted reductions in birth complications and nursing that can reduce maternal rejection are important.

That latter study summed up other control group and experimental studies. They found that home visits during pregnancy and the child's first few years are effective, with interventions supplying information on nutrition, drug use, general health issues, early infant care and development, and parenting skills. These interventions resulted in higher birth weight and fewer preterm deliveries, less child neglect and abuse, fewer injuries in the first year of life, more affectionate, less critical mothering of the child at age 3 and a positive emotional atmosphere in the family when the child was aged 10, higher intelligence and fewer behaviour problems at 2–3 years, less aggression at 10 and 11 years, and less delinquency at the age of 15.

Finally, thanks to this and similar care-taking criminological studies, it was found that in terms of cost-benefits ratio, expressed in percentages converted from national monetary units (national currencies), the returns on early crime prevention interventions ranged from 0.38% to 7.16%, between pre-natal and later (3–4 years) cognitive development stage (Welsh 2003).

While in each and every case these values differed, the lowest return (on pre-natal and birth planning phase) should not be overlooked. It points to the very start of the development of a normative cognition process which is criminologically relevant because of the afore noted recognition of deceit (cheating) and property rights. Parents who cheat children may facilitate children's cheating.

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Separately, several criminological studies brought fresh evidence on the intergenerational links for the transmission of criminal traditions, and on the relationship between the length of education and delinquency. A criminological meta-analysis of them in terms of parent-child attachment, parental monitoring and supervision, parenting competence and parental discipline styles is very telling (Ellis & Walsh 2005, pp. 182–186).

Regarding the first link, loving relationships between parents and children are associated with lower probabilities of delinquency and crime in the child. Regarding the second link, carefully monitored and supervised children are less involved in delinquent activities than are children who receive little parental attention and guidance. Regarding the third link, children with the lowest probabilities of getting in trouble with the law were reared by parents who set firm limits to their children's behaviour, but used *loving* and *warm* discipline when the limits were exceeded.

Still other types of intergenerational studies focused on the parent-child link, but without matching the relevant records of parents with those of their kids. Some such studies tested the strength of the so called *parental intergenerational closure* in terms of the educational performance of a child, that is where a child's friends at a secondary school have parents who are also friends linked to the family.

The results of those studies are mixed. In generic terms, they may suggest that such a collective monitoring of school discipline does not outweigh some of the costs of parental closure. In specific cases where it does, other factors seem to come to parents' efforts, namely the choice of a secondary school (public vs. private or secular vs. faith-based), provided that the latter have appropriable norms (Morgan & Todd 2009).

In line with this generic observation is another one, suggesting that the quality of education depends on the universalization of assistance programmes through the public education system that help low-income families (usually disadvantaged in this case) to benefit from programmes that change values and motivations of the child. Although some of these changes may run counter to the values of parents, developing culturally diverse programmes will help avoid such values in society (Ibidem).

Separately, the results of other cross-national studies (Europe, North America, Africa) on the relationship between years of education and completion of secondary education inform about a significant tendency for those who have completed the fewest number of years of education, and those who have dropped out before finishing the secondary education, to be more involved in criminal/antisocial behaviour than their more educated counterparts (Ellis & Walsh 2005, p. 194). It follows that, generally, the investments made through education to the human capital pay off.

But there are also plenty of well-educated criminals, so there are no returns on crime prevention education. Regrettably, to some extent this may be the fault of the tertiary education programmes, as succinctly observed by one educator: "Something has to be done to make professors as interested in teaching as they are in their own scholarly advancements" (Smith 1991, p. 63).

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A key policy implication is that it is important to take steps to reduce the intergenerational transmission of values that may eventually lead to offending. In line with the UN Riyadh Guidelines for the Prevention of Juvenile Delinquency (A/RES/45/112), the cited research suggests important intervention targets such as poor parental supervision and disrupted families, but also dedicated and institutionally comprehensive social caretaking. By reducing family and other risk factors (individual and socio-economic), intergenerational transmission of offending can be reduced.

RETURNS ON CRIME PREVENTION INVESTMENTS FOR CULTURE OF LAWFULNESS

In light of the above implication, the following picture may facilitate taking a panoramic view of the returns of investments to human capital, in crime prevention terms:

The below figure summarizes the US econometric findings on various programmes' crime prevention returns to human capital investment (Heckman 2008). This is a simplified and abstracted representation, indicating all ages which a person lives in general, and all types of formal schooling (primary through tertiary). The main point in that figure is that the *early* investment is economically more efficient than *later* ones without specificity about *how early* versus *how late*.

Examined programmes on the basis of which that figure was drawn, involved pre-natal and post-natal maternal and nurse care (up to 3 years). They were especially formative. Pre-natal and post-natal formative phase were the most important in programming children's behaviour. The study found that the highest crime prevention returns yielded interventions in the pre-school upbringing/programmes. The children with a deficit of care are more likely to commit crime, have out-of-wedlock births and drop out of school. Early interventions that partially remediate the effects of adverse environments can reverse some of the harm of disadvantage and have a high economic return. They benefit not only the children themselves, but also their children, as well as society at large. Investing in disadvantaged young children is a rare public policy with no equity efficiency trade-off. It reduces the inequality at birth and at the same time raises the productivity of society at large (*Ibidem*).

Because of other labour market conditions and supportive family-care investment policies elsewhere, such findings may look there somewhat different (indeed, as earlier noted, in Western Europe the returns to investment in human capital may be lower). Notwithstanding the differences, and as envisioned by the UN Charter from the global perspective there is no doubt that the level and quality of investment into the future of succeeding generations with their own Culture of Lawfulness cannot be underestimated. If follows that it makes sense to invest in young children from disadvantaged environments (poor parental

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supervision, disrupted families, etc.) – to invest in their skill formation from the time of pregnancy.

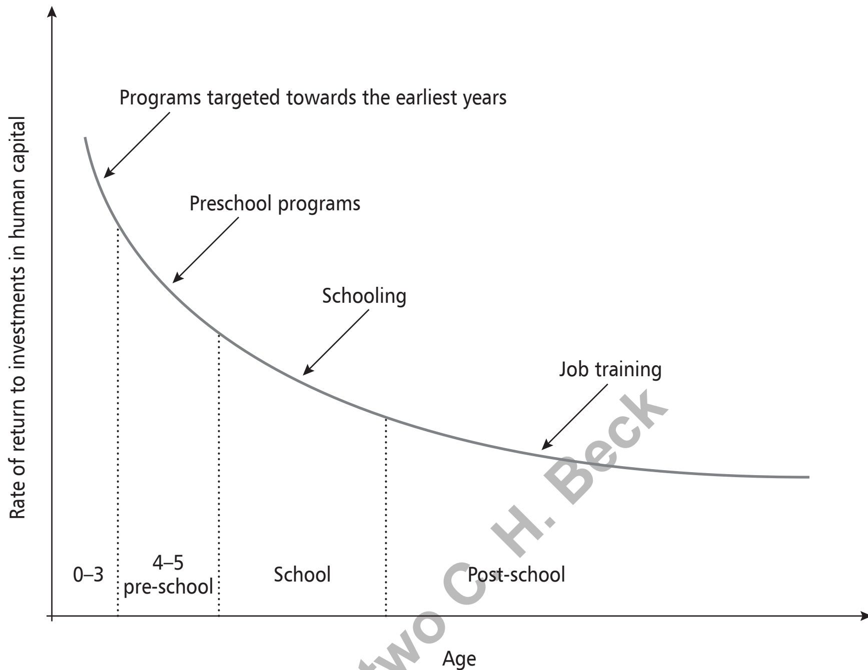

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Figure 1.
Return on USD1 invested at different ages from the perspective of the beginning of life, assuming USD1 initially invested at each age

Source: J.J. Heckman (2008, p. 52).

Against the above socioeconomic background at least two important findings must be taken into account: First the role of parents in shaping the abilities of their offspring through education, and second, the role of normal families in inculcating children's rules of conduct.

Regarding the first issue, the UN guide generally notes that "it is clear from research that competent parenting is a powerful protective factor" (UNODC 2009, p. 5). In particular, children of well-to-do full families that value education with parents involved in it, perform better at school (Wilkinson & Pickett 2010, p. 105) This is parents' contribution to "intergenerational closure" (Coleman 1988, p. 106) that seems to work. However, children's positive performance is even more strengthened in countries which do not have excessive levels of income inequalities. The math and literacy scores of 15-years olds were comparatively higher there than in more unequal countries (Wilkinson & Pickett 2006, p. 1127).

When it comes to single parents and offspring's scores, there are no comparable international data. While there is quite a vast body of

criminological and related studies in various countries that confirm usually significant correlations between lone parent upbringing and children's socially problematic conduct (Schroeder & Osgood 2010),[9] there is also a strong supposition, corroborated by a few single-country studies, that most of the adverse effects of being brought up by lone parents can be offset by a well-working welfare system (Wilson & Pickett 2010, pp. 187–188).

Second, one of the US studies (which reviewed several other local studies), may be regarded as more informative regarding the economically poor parents and the eventual educational level of their offspring. Already at the age of 2, the study informs that intergenerational effect takes hold. Then negative associations emerge between family poverty and children's cognitive outcomes (reading skills, mathematics) that may further increase throughout early childhood and continue throughout adolescence (Barajas et al. 2008).

In the UK, a nationwide study found that in terms of vocabulary scores, by the age of 3 children of graduate parents were by 12 months ahead of those of least-educated parents. Furthermore, Bangladeshi children's school readiness scores were about a year behind those of Caucasian youngsters and Pakistani children did only slightly better (Center 2007).

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These two (US and UK) studies may initially seem to be criminologically irrelevant. But this is not the case when they are reassessed the context of the 1995 educational economics participatory study of 42 US normal families. It measured the volume of children's (10 months old to 3 years of age) English-language vocabulary. While the study found that regardless of the socioeconomic parental conditions all children typically developed language skills around the same age, children brought up in poor families (no occupation) gained vocabulary slower and less than their peers from well-to-do ("professional") families in which they are talked to more. By the age of 3, children in the professional families had a vocabulary score of about 1,100 words, children from working class and welfare-recipient families had a vocabulary of, respectively, 750 and just above 500 words (*Ibidem*, pp. 198–199).

Extrapolated, in 1 year, children in professional families heard an average of 11 million words. In comparison, the other children heard, respectively, 54% and 27% of these words. In 4 years of such experience, an average child in a professional family would have accumulated experience with almost 45 million words, an average child in a working-class family would have accumulated experience with 57% of these words, and an average child in a welfare family would have accumulated experience with 29%. By the age of 4, the average child in a welfare family might have about 50% fewer words of cumulative experience than the average child in a working-class family, or only 29% of a child from a professional family (Hart & Risley 1995, pp. 200–201).

It is crucial to note from a criminological perspective that in the course of this participatory research it was also found the average child in a professional family was accumulating 32 affirmatives and five prohibitions per hour, a ratio of 6 encouragements to 1 discouragement. The average child in a working-class

[9] See also the literature quoted therein.

family was accumulating 12 affirmatives and 7 prohibitions per hour (2:1). The average child in a welfare family, though, was accumulating 5 affirmatives and 11 prohibitions per hour (1:2). In a 5,200-hour year, that would be, roughly, 166,000 encouragements to 26,000 discouragements in a professional family (6:1), 62,000 encouragements to 36,000 discouragements in a working-class family (2:1), and 26,000 encouragements to 57,000 discouragements in a welfare family (1:2).

Extrapolated to the first four years of life, the average child in a professional family would have accumulated 560,000 more instances of encouraging feedback than discouraging feedback, and an average child in a working-class family would have accumulated 100,000 more encouragements (almost 6 times less) than discouragements. But the average child in a welfare family would have accumulated 125,000 more instances of prohibitions than encouragements. By the age of 4, in comparison with the average child in a working-class family, the average child in a welfare family might have had 144,000 fewer encouragements (58%) and 84,000 more discouragements (63%) of his or her behaviour, or only 26% of encouragements and almost 220% more discouragements than heard in the average professional family.

The study's authors conclude that even if the above estimates of children's feedback experience are exaggerated, the differences between children by the age of 4 in amounts of cumulative experience are so great that even the best of intervention programs could only hope to keep the children in families on welfare from falling still further behind the children in the working-class families.

And, indeed, a follow-up meta-analysis of 67 such studies confirmed the original finding and the conclusion that closing the educational gap through various training interventions for disadvantaged children was institutionally impossible, even in the preschool and kindergarten years (Marulis & Neuman 2010). Consequently, and even if all the above findings focus only on the US socioeconomic, political, cultural and language specifics, they should call global attention to the issue of excessive socioeconomic inequality that may have an essential practical impact on Culture of Lawfulness.[10]

That Culture may be more or less prohibitive, more or less exclusive, thus less or more tolerant for otherness. A progressive humane approach to inculcating Culture of Lawfulness should build up on the premise that by countering excessive socioeconomic inequality through system wide support for schools, parents and children, one may motivate them to invest with others in a better future by closing the educational gap to an interculturally desirable point. And a better-quality education for disadvantaged youth is then the key to more justice for succeeding generations.

Individually and socially, the most crucial point is to unlock the cycle of self-sustained poverty and over-dependency on social welfare. It is that

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[10] This is pointed out not only by the major results of those studies, but also hinted by the UK study regarding comparatively lower score performance of immigrant Bangladeshi and Pakistani children.

culture of dependency that facilitates *learned helplessness* (Martin Seligman) or a *captive mind* (Czesław Miłosz, Nobel Prize Laureate in Literature, 1980). But, as the World Bank's expertise on "Poland's New Golden Age: Shifting from Europe's Periphery to Its Center" (Piątkowski 2013) demonstrates, this is easier said than done. There is no dollar value to benchmark what is *excessive* in the world. In each and every situation "disadvantaged" environments, *excessive* inequality mean different things. And Poland is no exception. It would be worth a Nobel Prize to arrive at a *glocal* formula for combined inequality and welfare investment measures that yield optimal educational outcomes, hence satisfactory *justice* and *crime prevention*.

UNITED NATIONS CULTURES AND UNIQUE CRIME PREVENTION NEEDS OF WOMEN AND CHILDREN

There is no crime prevention project good for all seasons. From democratic through other societies, the sense of justice is different in each country.

This has serious operational consequences for project managers developing technical cooperation projects addressing women and children across various cultures in which often there is an elusive assumption that what is *fair* or/and *just* for its provider is the same for its receiver.

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Examples of cultural disrespect are many, including those from Afghanistan: US marines urinating on Taliban corpses or the burning of Quran by American soldiers. However, US sniper's admission (upfront this article) is something else.

Educating women and children in Culture of Lawfulness everywhere requires very existential, fundamental and empowering efforts addressing the core of what is a *Culture of Peace*. The UN General Assembly defined it as: "values, attitudes and behaviours that reflect and inspire social interaction and sharing based on the principles of freedom, justice and democracy, all human rights, tolerance and solidarity, that reject violence and endeavour to prevent conflicts by tackling their root causes to solve problems through dialogue and negotiation, and that guarantee the full exercise of all rights and the means to participate fully in the development process of their society" (A/RES/52/13).

In each and every instance of inculcating justice in succeeding generations there is an intricate combination of *Culture of Peace* with *Culture of Lawfulness* that requires overcoming specific educational challenges. And yet, in this warfare context exactly, it would be very unfair to disregard the fact that countering a conduct of a *twisted soul* by killing, may now have become the last-resort measure in an array of actions taken by the US forces to prevent such and similar cases (e.g. suicidal bomb attacks). Its "Human Terrain System" (HTS) programme in Afghanistan deploys as army field personnel experts from the social science disciplines, such as anthropology, sociology, political science, regional studies and linguistics who earlier academically researched the areas now under combat to win the *hearts and minds* of the local population.

Thanks to the involvement of those staff, one pilot HTS project successfully reduced the number of suicidal bomb attacks. It provided vocational support for widows who lost their husbands in the war and were originally inclined to carry out those attacks (Ferguson 2011, p. 114). Because of intelligence gathering activity and concomitant cultural *cunning*[11] HTS is controversial academically (Ferguson 2011, p. 106). However, notwithstanding academic objections, HTS is gaining more understanding and influence on local populations in the combat areas, and also is foreseen application in future military conflicts (Holmes-Eber et al. 2009, pp. 9, 244 & 255).

Controversies aside, from the perspective of the United Nations Studies and the doctrine of public international law, using such operational culture tools may be regarded as a combination of needs/rights-based humanitarian assistance which meets the idea that "it is unfair and unjust for the poor to be poor while others are rich. For that reason alone, the misery of the poor must be remedied."[12] This is a social justice idea, and so are its operational tools. Expressed in a combative language by the UN Millennium Declaration[13] and a series of other General Assembly resolutions on UN developmental decades (Spijkers 2011, p. 229), this idea has now its place in the UN peace-keeping missions.

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CONCLUSIONS

In addressing the roots of injustice and conflicts there still is a divide between *peace* and *security*, against the hopeful vision of the UN Charter proclaiming both in the interest of welfare of succeeding generations, welfare into which decades of systemic developmental investment is needed and a better intercultural understanding. And yet, it seems that some democratic military interveners are receptive to the view that combating one ideology by another is not a military operation but rather a cultural affair (Nikolopouolu et al. 2010: xii), even if its outcome obtained through *cultural cunning* does not meet the UN Charter's requirement to fulfil in good faith the obligations assumed under it, including those to promote and respect human rights.

Realistically speaking, in such a deadly serious issue like warfare *making love not war* cannot be achieved by a military operation. In warfare good faith conflicts with the life instinct or the right to self-preservation – a public international law canon, emphasized by Hugo Grotius (Tuck 2002). Consequently, not through an HTS anthropological weapon that involves cunning, but through emphatic good faith cooperation one can achieve the

[11] A subtle deceit. In military parlance *cultural cunning* is "an astute use of knowledge (…) to integrate information gained into understanding the cultural factors. This fusion of information and military requirements will support mission success" (Holmes-Eber et al., op. cit., p. 141).

[12] In line with Thomas Pogge's theory of a minimally just global institutional order (Pogge 2002, p. 23).

[13] "The fight for development for all the peoples of the world (…) against poverty (…) injustice (…) violence, terror and crime" (A/GA/RES 55/2, sec. VIII, § 29).

balance of peace and security objective. Here more suited is the UN "Dialogue among Civilizations" and other diplomatic and technical instruments. It is really the proper soft weapon for progress in peace and social justice.

The role of women and children in Culture of Lawfulness for succeeding generations is fundamental. Probably no better this can be evidenced than by recalling the fact that, particularly in developing countries, education is negatively associated with women's fertility rates and positively with infants' health. Symptomatic as this finding is for developing world, and symbolic for the whole world, this finding captures the essence of the uniquely bound women and children as a succeeding generation and its joint education needs in crime prevention.

In this context, the UN Secretary-General's call for "Education First"[14] does not only address what justice means for women and children, but also the *instructional institutions* (Hausler et al. 2012, p. 4), i.e. the power holders like education, finance, defence and justice ministers, other decision-makers and academics to develop a holistic vision of education. They should be in a position to rein the system wide and institutional support for operationalizing such a vision.

An effective way of inviting succeeding generations to reflect throughout their education on the global importance of Culture of Lawfulness for a better UN world may be to recommend[15] posting on first page of every social science textbook the following quote from the Constitution of UNESCO: "If wars begin in the minds of men, then in their minds defences of peace must be constructed."

In conclusion, educating and training of succeeding generation for *fairness* and *justice* from the womb through to the cradle to university and after is important for the improvement of Culture of Lawfulness everywhere. As rightly noted, "Not only is education a pillar of democracy, but democracy is also a pillar of education."[16] From the UN Charter and other crime prevention and criminal justice standards and norms it follows that justice and democracy starts at home and this strengthens peace and security for succeeding generations in the world.

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[14] A five-year initiative sponsored by Ban Ki-moon, Secretary-General of the United Nations. This is a global advocacy platform at the highest policy intergovernmental and civic community level which aims to generate a renewed efforts to achieve the internationally-agreed education goals set for 2015 and recommit the governments to meeting its education commitments, by putting every child into school, improving the quality of learning, and fostering global citizenship.

[15] Such an idea was first launched by Nikolopolou et. al., p. xxii.

[16] Sheikha Moza Bint Nasser, UNESCO Special Envoy for Basic and Higher Education, http://www.unesco.org/new/en/unesco/about-us/who-we-are/goodwill-ambassadors/special-envoys/her-highness-sheikha-moza-bint-nasser/.

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