

Chapter 1

Introduction to the Balkan Homicide Study



Abstract The *Balkan Homicide Study* (BHS) fills a considerable gap in current European homicide research. Its findings shed first light on the phenomenology of violence in this region of Europe. The BHS provides original empirical data from 2073 prosecution and court case files in six countries: Croatia, Hungary, Kosovo, North Macedonia, Romania, and Slovenia. By analyzing data on 2416 offenders and 2379 victims, the book at hand takes a close look at situational, criminogenic, victimogenic, and procedural characteristics of (lethal) violence in the Balkans. It thus investigates the highly heterogeneous types of different (*potentially*) *deadly situations*, thereby focusing on what might make them become deadly and what could be possible *protective traits* on the side of victims. Such an investigation of pathways into lethal violence becomes possible only if lethal violence (completed homicides) is studied together with non-lethal violence (attempted homicides). This approach however considerably broadens the subject and scope of homicide research, which commonly deals primarily with lethal violence. This chapter provides a brief overview of the pros and cons of such an approach and briefly sketches the study's background. It also discusses the relevance of the criminal justice's power to define violence, introduces the *Balkan-violence-paradox*, and presents the study's conceptual, as well as terminological framework.

Keywords Balkan homicide study · Violence research · Violence definition · Lethal violence · Homicide research

1.1 Background

Violence and the study of violence have been an inexhaustible source of my scientific and personal fascination over the past 20 years, and I am still deeply impressed by the writings of Wolfgang Sofsky (1996), Heinrich Popitz (1992), Trutz von Trotha (1997) and Trotha and Rösel (2011). Violence research has also been one of the main focuses of the Max Planck Partner Group for Balkan Criminology (BC) that I have been running from 2012 onwards. However, it was only in spring 2016,

and after BC had already been heavily engaged in numerous large non-violence projects, like the ISRD3 (International Self-Report Delinquency Study), when Prof. Dr. Dr. h.c. mult. Hans-Jörg Albrecht and I started working on the research design for a study into (lethal) violence in the Balkans. Like many of our grand ideas *on* and *in* the Balkans, it all started out over a casual cup of coffee and a contemplating smoke.

Our preliminary analysis showed that in fact no recent or larger empirical violence study had been conducted in the majority of BC partner countries, especially none with a regionally comparative approach. In addition to this empirical vacuum, we also detected a considerable theoretical vacuum when it comes to explaining violence in the Balkans outside the framework of simply copy-pasting theories developed in other parts of the world.¹ Both the empirical and the theoretical vacuum called for our criminological engagement.

Based on a questionnaire Prof. Dr. Albrecht had already developed and tested for the study of lethal violence in Uruguay, we started working on the research design and questionnaire for the BHS (Sect. 4.2). In a next step, we selected several partner countries from the Balkan Criminology Network (BCNet) based on their geographical location in the region. In March 2016, together with the BHS partners and based on prior analysis of all the relevant national homicide statistics, we considerably broadened the initial Uruguay questionnaire and thus adjusted it to our study's research questions and the regional context. We thus decided on data sourcing and sampling strategies. Equipped with highly contagious enthusiasm and ample team spirit, as well as 5000€ on average for the field work, total data collection and analysis for each of the six participating countries,² the BHS was officially launched.

Our idea for the BHS has been to focus on two main lines of research. First, we were interested in capturing *violence as a normative and social construct*, in order to investigate the *power to define violence* and how it is used throughout the criminal justice system (Sessar, 1981; Hess, 2010; Dölling, 2015). This is still an understudied topic in violence research, especially in the Balkans, though its comprehension has a crucial impact on many methodological decisions, for instance, including or excluding attempts or non-homicidal violent offenses. Basically, the question is how and why at police level violent incidents are defined, for example, as (attempted) homicide or grave bodily injury (with lethal consequences), and how and why such initial definitions are redefined by the prosecution and the courts. This is not only a strictly normative question about the power to define violence by

¹ Compared to the United States and several commonwealth countries, the study of trends, patterns, and explanations of homicide has no long tradition in Europe (Liem & Pridemore, 2014, p. 527). Same applies to the Balkans with even less empirical research into lethal violence.

² Due to a limited project budget, we were not able to include all BCNet countries, but had initially selected six of them: Albania, Bosnia and Herzegovina, Croatia, North Macedonia, Serbia, and Turkey. However, later on, it turned out that partners from Albania, Bosnia and Herzegovina, and Turkey were not able to conduct the fieldwork, so partners from Hungary, Kosovo, Romania, and Slovenia joined the BHS instead. Out of these seven participating countries, data from six of them has been available at the time of writing this book, whereas the field work in Serbia is still ongoing with no indication whether the data will be made available eventually.

different criminal justice actors but also a fundamental criminological question, for example, about understanding *homicide drop-outs*: why and how do (attempted) homicide cases get lost in criminal justice processing? It is thus an extremely intriguing question about the normative construction of violence vs. its criminological reality.³

This brings us to BHS's second line of research: the *empirical reality of violence*. There is an obvious paradox concerning lethal violence in the Balkans. On the one hand, there is solid evidence that, compared to other parts of Europe, the Balkans do not fit the profile of a high crime region and appear to be much safer in terms of street and urban crime (UNODC, 2008; Aebi et al., 2010, 2014). On the other hand, there is also solid evidence about a higher propensity toward lethal violence in the Balkans (UNODC, 2011, 2013). Available data indicates higher homicide rates than in other European regions, even though more recently a declining trend is noticeable (UNODC, 2019b). But what do these homicide rates actually reveal, beyond the obvious mere incidence of homicides? We were intrigued by this *Balkan-violence-paradox*. Finding out what (lethal) violence in the Balkans actually looks like, in terms of its criminological reality, might help understand, perhaps even explain the paradox. It might thus provide the empirical starting point for future theoretical reflections.⁴

1.2 Conceptual Framework

The question about what violence is and how it should be understood is much more than just a simple matter of terminology or methodology. It is, or at least should be, a conscious, transparent, and well-founded conceptual decision, as it pretty much determines how one ought to approach violence as a research subject. This in turn has a major impact on methodology and consequently on the research findings as such. One of the many challenges in violence research is the chronic lack of a commonly accepted definition of violence (Heitmeyer & Hagan, 2003; Imbusch, 2002). Violence, just as the scientific as well as the general perception, of what violence actually is, has clearly changed over time (Aebi & Linde, 2016). Although the undisputable core of violence is the intentional infliction of physical harm upon another person (Popitz, 1992; Nadelmann, 1997), the continuous adding of further dimensions, such as psychological, verbal, economic, structural, symbolic, cyber,

³Worth mentioning in this context is the *dark figure of homicide*, but since it relates to a different type of discussion, the issue will be picked up again and in more detail at a later point (Sect. 4.1).

⁴*Karstedt's* research, for instance, shows that bad governance in and of criminal justice, particularly when it comes to the rule of law, is related to higher homicide rates and thus makes citizens less safe from violence (Karstedt, 2018, p. 6). It investigates the potential of (political) institutions to account for comparative and cross-sectional differences in violence (Karstedt, 2015). Based on findings from our BHS case file analysis, this theoretical explanation could be further investigated in the region at hand.

and object-related, has blurred the picture and vastly broadened the subject scope of violence research. There is a clear trend toward indefinitely stretching the term violence, up to the point where currently almost everything is labeled as violence, and where eventually almost nothing presents itself as violence anymore (Meyer, 2002). It is at least questionable whether such a broadening of violence research's subject scope has actually contributed to a better understanding of violence.⁵ Yet, when it comes to homicide research, it is quite clear (at least to me) that the focus should be on the *infliction of physical harm upon another person*. That is also pretty much the only thing that appears to be quite clear.

Violence as a Social Construct Being in the business of criminological violence research almost inevitably requires one's daily confrontation with social and normative constructs of violence. Be it crime statistics or court file analysis, health statistics, or forensic reports, all of them are deeply rooted in their own perception of reality. So, for example, in (German) criminal law, lethal poisoning, even if causing no suffering to the victim, is commonly perceived as an aggravating circumstance to simply killing another person. It is an *insidious murder* (Ger. Mord), even if it is a woman poisoning her physically far superior husband against whom she would never stand a chance in a bare-knuckled life and death fight. Choking the life out of someone that could last for agonizing 5 minutes, however, might well be perceived as a *normal killing*, a manslaughter (Ger. Totschlag). But if the killer was provoked by the victim into a state of extreme rage, then even the most brutal massacre might be perceived as a *less severe case of manslaughter* (Ger. Minder schwerer Fall des Totschlags). And as if such teleological normative constructions of violence were not enough, all *cruelty killings* are considered, just as painless poisonings, simple cases of insidious murder (Ger. Mord), whereas *justified killings* or those lacking *criminal responsibility* or *culpability* are normatively not even perceived as violence (Getoš Kalac & Šprem, 2020; Cooney, 2009). Similar normative classifications of violence exist throughout Europe, as well as its southeastern part and the Balkans. Ultimately, none of these normative perceptions sufficiently consider the realities of violence and the victims' suffering, but they rather focus on everything else around it (e.g., supposed motive or potential justification).

If we were to rank the above examples by their criminological realities, the ranking would be exactly the other way around. Now, using such normative constructs and their classifications as the foundation for criminological research is surely very practical, even unavoidable if one sources data from criminal justice agencies that operate on the grounds of such normative constructs. It is however not at all meaningful, at least not if one aims to study the empirical realities of violence, rather than their normative (re)interpretation. Criminology has so far failed to provide its own authentic perception of violence and is still largely preoccupied with fitting its

⁵For a vivid example on the conceptual and terminological chaos caused by broadening the understanding of violence, see relevant definitions of *cyber violence* (Getoš Kalac, 2021).

research subject into purely normative constructs of violence.⁶ The BHS is no exception in this regard, but based on its findings, first ideas on developing an *authentic criminological violence classification system*, as well as a *universal measure of violence*, are discussed (Chap. 6).

Violence as an Empirical Reality Violence, understood as the infliction of physical harm upon another person, is a tangible and empirically capturable event. It exists in reality regardless of whether it has been reported or someone has been found guilty for having caused it. It also exists in reality regardless of its normative justifiability and excusability, or intent, negligence, and criminal responsibility. A wide range of highly valuable (criminological) conceptual and theoretical perspectives have been developed in an attempt to tackle the challenge of coherently framing violence.⁷ However, criminology has in general and independently from criminal law thus far not been able to fully conceptualize violence as an empirical reality, although examples from other disciplines show this is both possible and feasible.⁸ In criminology, we have even managed to successfully avoid such basic questions as who or what and why should be considered a victim of violence, by simply

⁶So, for example, the International Classification of Crime for Statistical Purposes (ICCS) defines homicide as “*unlawful* death inflicted upon a person with the *intent* to cause death or serious injury.” Besides the objective element (killing of one person by another person), this definition also contains a subjective element deeply rooted in criminal law constructs (the presumed *intent* of the perpetrator) and thus a purely normative element (the *unlawfulness* of the perpetrator’s action) (UNODC, 2019a, p. 7). Despite the sound justification of such a definitional approach, as well as its methodological and practical necessity, criminologically speaking, such conceptualization is predefined by normative constructs which have no empirical basis or justification. In fact, the very essence of the legal concept of intent is based on the “scientifically disproven metaphysical/philosophical notion of free will,” whereas the criterion of unlawfulness simply replicates “the baseless theological beliefs and the arbitrary moral values that guide and dominate criminal law” (cit. Fattah, 2008, p. 146–147).

⁷Karstedt and Eisner in a special issue of the *International Journal of Conflict and Violence* investigate the possibilities of a general theory of violence (Karstedt & Eisner, 2009). Leading authorities in the field present a broad range of theoretical approaches toward a general theory of violence, including interaction theory (Collins, 2009), evolutionary theory (Eisner, 2009), theories of deviance and aggression (Felson, 2009), or general theories of crime and Situational Action Theory (Tittle, 2009; Wikström & Treiber, 2009), whereas others reject the possibility of ahistorical general theories of violence (Shaw, 2009) (Karstedt & Eisner, 2009, p. 5–6).

⁸Gómez et al. for the purpose of their study of the phylogenetic roots of human lethal violence, for instance, define lethal violence as deaths due to conspecifics, regardless of unlawfulness or intent or comparable normative constructs. Lethal violence includes all of the following: infanticide, cannibalism, inter-group aggression, and any other type of intraspecific killings in non-human mammals; war, homicide, infanticide, execution, and any other kind of intentional conspecific killing in humans (Gómez et al., 2016, p. 233). One can assume that by “intentional,” the authors of the study do not imply the normative meaning of the word but rather refer to “deliberate,” since the study makes no reference to law or any normative concepts.

adopting the relevant normative constructs. These constructs are however all but scientific or empirically grounded and sometimes even highly inconsistent.⁹

Apparently different research areas in criminology, including homicide research, have managed to operationally define the subject of their interest, without necessarily embedding it into an overarching definitional or conceptual framework.¹⁰ Such operational definitions in homicide research commonly discuss various aspects of diverse normative concepts (e.g., premeditation, intent, negligence, unlawful abortion, assisted suicide, euthanasia, infanticide, assault leading to death, reckless driving, justified killings, attempt, or responsibility) and then operationally simply decide on including some and excluding others (Smit et al., 2012). With the BHS, we conceptually did not solve this issue, neither did we much discuss it, except for the issue of attempt. Since this is a far-reaching conceptual decision we made, it shall be briefly addressed.

Lethal Violence or Homicide Basically, the question is whether *homicide* is a unique phenomenon, something essentially different than *lethal violence* – the deadly outcome of *violence*. Depending on one's answer, research should either include or exclude the study of non-lethal violence (attempted homicides). With the BHS, we approached this question from two angles. First, in order to actually be able to deal with the "(lethal) violence-homicide dilemma" as such, one must include attempts (nonlethal violence) and then based on the findings determine if lethal violence is merely a subtype of violence, or whether it is a unique type of violence – homicide – which should be studied independently from attempts. Second, from a victimological perspective, it would be almost irresponsible not to search for potential protective traits on the side of victims and deescalating situational factors that might explain why some violence turns out deadly whereas other does not. While it is indeed plausible to exclude attempts from homicide statistics,

⁹A great example demonstrating the inconsistency of *normative victim constructs* and consequently their right to protection from violence is the prohibition of slaughtering pregnant mammals in the last third of their pregnancy in Germany. The official reasoning for the 2017 ban literary reads as follows: the *unborn animal* shall be protected from suffering and pain (Deutscher Bundestag, 2017). Now, if unborn mammals are normatively constructed as potential victims of violence, and as such protected from suffering and pain, then a consistent application of such a construct would imply its application to unborn human mammals as well. This is however not the case in Germany, where abortion is generally prohibited, but not in order to protect the unborn human from suffering and pain, but to protect the becoming life (Ger. Rechtsgut: das werdende Leben). Since the *unborn human* is normatively not constructed as a person (prior to the start of the birth process), it normatively cannot be considered a victim that would be entitled to protection from suffering and pain.

¹⁰Criminology's chronic lack of a perspective-defined grasp of its study subject, although problematic in the context discussed here, is not necessarily a disadvantage. Surely, criminology's lack of being perspective-defined might render it deficient in terms of disciplinary autonomy, but at the same time, its very nature of being problem-defined predestines it for transdisciplinarity, thereby providing it with a unique yet underutilized competitive advantage (Getoş Kalac, 2020).

particularly internationally comparable ones (UNODC, 2019a; Smit et al., 2012), homicide research that is based on case analysis should include attempts, just as it should include a wide range of various types of non-homicidal (lethal) violent events, in order to enable the interpretation of findings within their overall violent context.¹¹

1.3 Terminology

There are several central terms relevant for the BHS, which need to be defined early on. The aim of clarifying the terminology used is not to provide for generally acceptable definitions but to provide for a common understanding of the key terms used throughout the book.

(Lethal) Violence and (Attempted) Homicide For the purpose of the book at hand with the term violence, the human infliction of physical harm upon another person is meant. The adjective lethal denotes that as a consequence of such violence another person has died. The person inflicting the violence is the offender, whereas the person suffering the violence is the victim, while the violent event is the incident. Since the term homicide is widely used, especially in English language and in the field of violence research (Smit et al., 2012, p. 8), (lethal) violence and (attempted) homicide are used interchangeably, without implying any essential uniqueness of homicide as a phenomenon.

Balkan or Southeast Europe The terms Balkan, Western Balkans, and Southeastern Europe and their common inconsistent usage cause much confusion. Whereas the term Western Balkans is neither academically nor historically justifiable and can be attributed to everyday political affairs, from a historical-structural perspective, one can differentiate between a *broader* concept of Southeast Europe and the *narrower* concept of the Balkans (Sundhaussen, 2014). Southeast Europe ranges from the western part of the former Kingdom of Hungary, the present Slovakia, over Hungary and the Republic of Moldova to approximately Odessa on the Black Sea, and everything that lies below this line is Southeast Europe (Sundhaussen, 2014). The Balkan, according to *Sundhaussen*, includes Bosnia and Herzegovina, Serbia (not including Vojvodina), Kosovo, Montenegro, North Macedonia, Bulgaria, the European part of Turkey (Eastern Thrace), Greece, and Albania, as well as the corridor between the Lower Danube and the Black Sea

¹¹ Conceptually the BHS would also have included assaults leading to death, as well as lethal consequences of numerous other criminal events (e.g. rape, robbery, or reckless driving), but this was simply not within the budget of the study. The Violence Research Lab takes such a broader and more holistic approach in an attempt to capture the empirical realities of (lethal) violence in Croatia (www.violence-lab.eu)

(Dobruja, split between Romania and Bulgaria) (2014, p. 8). Since the BHS in terms of sample countries covers four Southeast European and three Balkan states, one could argue for renaming BHS to SEEHS (Southeast European Homicide Study). However, since the violent Balkan images and stereotypes also frequently apply to the broader concept of Southeast Europe, as will be demonstrated later on (Sect. 3.1), the usage of the term Balkans remains justified. Similarly, the (criminological) research setting in the Balkans is quite comparable to that in Southeast Europe, whereas it is in many regards rather different to that found in most other European regions (Sect. 3.2). With this in mind, this book uses the terms Balkan and Southeastern Europe.

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