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Combating Football Crowd Disorder at the European Level: An Ongoing Institutionalisation of the Control of Deviance

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ABSTRACT

This article aims to address the way that the fight against football crowd disorder has been regulated at the European level. The analysis of the key counter-hooliganism measures introduced by the Council of the EU since the late 1990s, in line with the provisions of the 1985 European Convention, uncovers the impact of the risk-based mindset and the growing politicisation of security issues on a regulatory process that has led to the institutionalisation of the control and punishment of deviant behaviour. It is argued that this institutionalisation is facilitated by the absence of a proper legal definition of football hooliganism, and that the growing importance of suspicion as one of the grounds of law enforcement action entails serious infringement of the civil rights and liberties of football supporters because it jeopardises and even negates certain legal principles that lie beneath these rights.

KEYWORDS

Football - Hooliganism - European Union - Security - Deviance - Civil Liberties

INTRODUCTION

Contrary to popular belief, football crowd disorder has been a regular feature of football 1 matches since the late 19th century, both in the UK and continental Europe (Dunning et al., 1988; Roversi, 1990, pp. 85-91; Brug, 1994, p. 175; Koulouri, 2000, p. 111; Dwertmann and Rigauer, 2002, pp. 78-9). While undergoing a series of profound changes from the late 1960s onwards, this form of collective violence rapidly spread from the UK to many other European countries, and led to the rise in more organised, serious and frequently occurring football-related incidents which, following the strengthening of control inside stadia, were gradually being dissociated from the fixtures. Thus more often than not, during the late 1980s and 1990s, football-related violence was taking place outside of stadia, well before or after the fixtures, with a more recent trend in continental Europe being the rise in pre-arranged fights that are scheduled on non-match days and take place at isolated sites.

Yet the emergence and subsequent development of these organised forms of collective 2 violence in many different European countries did not immediately attract the attention of domestic or supranational law makers. Until the mid-1980s, at the domestic level football-related offences were being punished under an array of general legal provisions; at the European level, apart from the UEFA's guidelines, there was no specific regulation of the issue. This legislative stance changed briskly in the aftermath of the Heysel stadium disaster, when, following the rapid ratification of the 1985 European Convention on spectator violence and misbehaviour at sports events (Council of Europe, 1985), European governments started introducing specific laws to counter what had come to be commonly known as 'football hooliganism'. From the late 1990s onwards, domestic lawmaking was in tandem with the rising involvement of EU bodies in the control of the phenomenon.

The growth in domestic counter-hooliganism law attracted in turn the interest of academia. 3 Short overviews thus started being inserted in books dealing with broader sport- or football-related issues (Greenfield and Osborn, 1998; Greenfield and Osborn, 2001, pp. 22-38; Simon 2008), while in-depth analyses were being published as books or articles in law journals

(Lamberti, 1988; Tsoukala, 1995a, 1995b, 2009; Pearson, 1999, 2002, 2005; Stott and Pearson, 2006; James and Pearson, 2006; Cortesi, 2007). This mounting interest in domestic counter-hooliganism law did not however entail the thorough study of the way counter-hooliganism policies were designed and implemented at the supranational level. Apart from two analyses of the 1985 European Convention (Sims and Tsitsoura, 1987; Taylor, 1987) and one of the regulatory activity of UEFA, the Council of Europe and the EU institutions (Tsoukala, 1995a, 2009), the issue has been usually addressed under the form of uncommented overviews of the EU's involvement in combating football hooliganism (TMC Asser Instituut, 2004; Miège, 2002; Mojet, 2005).

Despite these shortcomings, analysis of the counter-hooliganism policies in Europe has 4
uncovered, *inter alia*, two main legal problems. First, in resting upon a growing web of control and surveillance mechanisms, the social control apparatus established a broad control of deviant behaviour that entailed the increasing infringement of the civil rights and liberties of football supporters (Tsoukala, 1995a, 1999, 2001, 2002a, 2002b, 2003, 2008, 2009; Pearson, 1999, 2005; Stott and Pearson, 2006; James and Pearson, 2006). Second, the implementation of liberty-restricting measures has been greatly facilitated by the absence of a legal definition of the phenomenon. In fact, despite the increase in domestic and supranational regulatory texts, football crowd disorder still remains ill-defined. Supranational law makers clearly avoided defining the issue, while their domestic counterparts tended to adopt a descriptive, analytical approach that eventually circumscribed the phenomenon by breaking it down into a series of punishable acts but certainly did not define it properly. Schematically speaking, if we compare the way the issue has been framed in various domestic and supranational regulatory texts (the study encompasses Belgium, France, Greece, Italy, the Netherlands, Spain, Switzerland, Turkey and the UK) it becomes clear that football crowd disorder is a vaguely delineated behaviour that includes certain acts that are already punished under general provisions such as bodily harm and damage to property, certain acts that are punishable if they are committed at the occasion of football matches (for example, the possession or consumption of alcohol), and a loosely defined array of deviant behaviours (the use of abusive language, standing up in all-seater stadia) likely to draw the attention of the law enforcement agents.

While blurring the borders between legality and illegality, thus exposing people to the 5
arbitrariness of the executive, the absence of a legal definition of football crowd disorder renders domestic law making and policing particularly permeable to supranational influence – even if the latter does not always take the form of binding texts. Far from being linear, this supranational influence stems from three distinct but closely interrelated decision-making centres, that is, the Council of Europe, UEFA and the EU institutions. At the same time, this top-down influence is intermingled with a bottom-up one to the extent that such a vaguely defined punishable behaviour facilitates the introduction of domestic political and security-related interests in the supranational regulatory process (Tsoukala, 2009).

In seeking to address the way counter-hooliganism has been regulated at the European level, 6
this paper cannot possibly unpack the web of interactions that lie beneath this circular multi-level regulatory process. Nor can it focus on all European sources of relevant texts, be it binding or not. So, it will only centre on the texts adopted on this matter by the key regulatory EU institution, that is, the Council of the EU. This selective EU-focused approach will include the 1985 European Convention, as the background of the EU regulation, but will exclude the subsequent Reports and Recommendations of the Standing Committee of the European Convention, the UEFA's guidelines, the Resolutions, Reports and Recommendations adopted by the European Parliament, and the initiatives taken by the European Commission.

THE EMERGENCE OF A SUPRANATIONAL REGULATORY FRAME

Until the mid-1980s, football crowd disorder was not an issue of concern for the European 7
institutions. Apart from the European Parliament that had mentioned it in 1984 in a sport-related Resolution (European Parliament, 1984), only the Council of Europe sought to address the question on a more systematic basis. First expressed in 1983 in a Recommendation dealing with violence in society (Council of Europe, 1983), the concern of the Council of Europe at the growth of football-related violence led to the adoption in 1984 of the Recommendation N° R(84)8 (Council of Europe, 1984). In drafting the outline of a counter-hooliganism policy based on enhanced cooperation, coercion and prevention, the authors of

this Recommendation, which was actually the first counter-hooliganism text adopted at the European level, rested for the first time upon the idea that football crowd disorder was a serious public order problem the control of which required the introduction of specific measures.

Though non-binding, the provisions of the Recommendation N° R(84)8 played an important 8
role in the shaping of future counter-hooliganism policies because they were to a great extent reproduced in the 1985 European Convention that was adopted in the immediate aftermath of the Heysel stadium disaster. Therefore, while recommending the enhancement of coercive policies at the domestic level (Council of Europe, 1985, art. 3c), the drafters of the European Convention attached priority to the enhancement of domestic and international cooperation among all competent State and civilian actors and proposed the introduction of a situational prevention policy, centring on the segregation and surveillance of football spectators. This broad compliance with the provisions of the aforementioned Recommendation should not however shift our attention away from the fact that, from then onwards, this situational prevention policy was conceived in radically new terms. First, in seeking to respond to the ways football hooliganism manifested itself, the temporal and spatial limits of this policy were extended to cover, on the one hand, the periods before and after fixtures and, on the other, places outside of football stadia. Second, and most importantly, in defining its target population, this policy went well beyond the 'known troublemakers', which were the sole target of the Recommendation N° R(84)8, to cover 'potential troublemakers and people under the influence of alcohol or drugs' (Council of Europe, 1985, art. 3).

When assessed about twenty-five years later, the impact of the European Convention on the 9
shaping of European counter-hooliganism policies is undoubtedly distinguishable beneath the many different domestic penalisations of football-related violent behaviour, and most obvious in the development of domestic and international police cooperation. Launched in 1985, counter-hooliganism police cooperation networks have been in constant rise ever since across Europe, their strengthening being besides all the more facilitated following both the turning of police cooperation into one of the key EU objectives in the JHA realm and the transnationalisation of policing from the late 1980s onwards (Bigo, 1996; Sheptycki, 2000, 2002; Anderson and Apap, 2002). Notwithstanding then the continuous impulse of the Council of Europe to more efficient police cooperation, the objective has been successfully attained because it was consistent both with the subject of one of the main fields of application of the Europeanisation process and the overall trends in the (inter)national security field.

A similar convergence, though of a different kind, lies beneath what arguably remains the 10
most influential provision of the European Convention, that is, the one related to the definition of the target population. In broadening it sufficiently to encompass both offenders and deviant persons, the drafters of the European Convention actually reveal the powerful influence exerted on them by the then rising risk-focused crime control model, which was shifting the target of the social control apparatus from the effective delinquent persons to the members of deviant, risk-producing groups (Feeley and Simon, 1992; Simon, 1997; Ericson and Haggerty, 1997; O'Malley, 2000; Shearing, 2001; Harcourt, 2001; Johnston and Shearing, 2003; Feeley, 2003; Hörnqvist, 2004). By the same token, however, the drafters of the European Convention institutionalised for the first time the control of deviant behaviour inside and outside of football stadia. This astonishing stance on the part of an institution that aims at protecting and developing human rights and the rule of law in Europe had a worrying impact on the further design of counter-hooliganism. The idea that counter-hooliganism measures should target 'potential troublemakers' too was rapidly included in the 1985 UEFA's guidelines that were drawn up in collaboration with an expert group from the Council of Europe (Taylor, 1987, p. 644). Once solidly established at the supranational level, the newly institutionalised control of deviance spread across Europe and influenced all the subsequent domestic pieces of legislation that were introduced in order to guarantee the efficient application of the European Convention. From then onwards, the domestic surveillance and control mechanisms, ranging from CCTV cameras to undercover policing and intelligence gathering and exchange (Armstrong 1994, 1998; Armstrong and Hobbs 1994; Tsoukala, 1995a, 2001; Greenfield and Osborn 1996; Armstrong and Young 1997; De Biasi, 1998; Armstrong and Giulianotti, 1998), expanded exponentially, thus routinising the underlying control of deviance in many different European countries.

THE COUNCIL OF THE EU

EU initiatives to counter football crowd disorder have long been restrained by the fact that sport was added to the list of Community competences only in the Treaty of Lisbon. Consequently, until the mid-1990s the involvement of the EU institutions in the control of football hooliganism was practically limited to the insertion of certain general policy recommendations in the Adonnino Report, adopted by the Milan European Council in the immediate aftermath of the Heysel stadium disaster (European Council, 1985), and the adoption of three Resolutions by the European Parliament (European Parliament, 1985, 1988, 1994). 11

Yet the persistence of football crowd disorder at international matches and, above all, the rising politicisation of security-related issues in the post-bipolar era (Waever et al., 1993; Bigo, 1994, 2002, 2008; Lipshutz, 1995; Huysmans, 1995, 2004, 2006; Anderson, 1996; Buzan et al., 1998; Ceyhan and Tsoukala, 2002; Ericson, 2007), the widespread concern about risk-producing criminal and deviant behaviours, and the ensuing requirement to design social control policies likely to efficiently counter all sources of disorder in society led, *inter alia*, to the inclusion of football hooliganism in the list of the phenomena that were thought to pose a serious threat on the security of the EU countries. Consequently, from the late 1990s onwards, the Council of the EU addressed the issue through an array of both specific counter-hooliganism and broad-sweeping law and order texts, some of which are non-binding. As will be shown in the remainder of the paper, analysis of these documents reveals that while the former are fully consistent with one of the guiding principles of the 1985 European Convention, to the extent that they admit and further develop the institutionalisation of the control of deviance inside and outside of stadia, the latter keep on blurring the definition of the phenomenon by classifying it within several overlapping conceptual registers. 12

THE INSTITUTIONALISATION OF THE CONTROL AND PUNISHMENT OF DEVIANCE

Quite unsurprisingly, when the Council of the EU took its first initiatives with regard to football-related violence, its action was fully consistent with the rationale of the 1985 European Convention that, as mentioned before, was clearly relying on the risk-focused crime control model. Consequently, not only did it target both known and potential troublemakers but also it promoted risk-anticipating proactive policing, thus admitting widespread suspicion as one of the grounds of law enforcement action. 13

Emerging in the Council Recommendation of 22 April 1996, which recommended standardising the exchange of intelligence about known or suspected groups of troublemakers (Council of the EU, 1996, II.1), the influence of the risk-based mindset is also apparent in the Council Resolution of 9 June 1997 that recommended that football bans imposed on known and suspected troublemakers should also apply to football matches with an international dimension (Council of the EU, 1997b, §1). In the 2000s, the growing importance allowed to risk-based policing practices led to the EU-wide establishment of national football information points for coordinating and facilitating the exchange of intelligence between law enforcement agencies in connection with football matches with an international dimension (Council of the EU, 2002b). Though it was initially criticised by several EU members as frequently inefficient and loosely, if at all, related to domestic specificities, compulsory intelligence-led policing gradually became one of the key points of counter-hooliganism strategies in Europe. In February 2007, the exchange of information on football hooligans was further enhanced following the decision of the JHA Council to incorporate the main provisions of the Prüm Treaty into the EU's legal framework. 14

The establishment of this EU-wide network of intelligence agencies went rapidly together with the lowering of the risk tolerance threshold. In 2006, the Council thus empowered national football information points to collect and exchange personal data not only on high-risk supporters, as provided by Decision 2002/348/JHA, but also on those associated with lower risk (Council of the EU, 2006a, art. 1.1a). The Council's position was further clearly revealed by its vague definition of a 'risk supporter' as a person who 'can be regarded as posing a possible risk to public order or to antisocial behaviour' (Council of the EU, 2006c, app.1). 15

The rise in surveillance mechanisms as crime control tools, the flaws of actuarial risk assessment methods, the reasons lying beneath this incremental recourse to technology in the internal security realm, the way these developments are entwined with the professional routines and corporatist needs of intelligence agents, and the ensuing infringement of civil liberties have already been broadly discussed in academia (Lyon, 1994, 2001; Fijnaut and Marx, 1995; Norris et al, 1998; Gill, 2000; Jones, 2000; Silver and Miller, 2002; Graham and Wood, 2003; Bonditti, 2004; Webster, 2004; Bonelli, 2008; Hempel and Töpfer, 2009; Murakami Wood, 2009). What is noteworthy in the specific counter-hooliganism case is that personal data is often entered in police databases following the implementation of what I have called elsewhere 'football bans on suspicion' (Tsoukala, 2009, p. 111f). The latter encompass the various forms of administrative football banning orders that are in force in many continental European countries and the English football banning orders on complaint. Notwithstanding their differences (mainly with regard to the procedural guarantees, the place allocated to the judicial, the maximum length and the domestic or international scope) these football banning orders share one key point: in relying solely on the reports made by police and/or intelligence officers, they seek to circumvent or, in the English case, to alleviate the judicial control in order to impose liberty-restricting measures that are resting upon suspicion instead of evidence. In this respect, they may all be seen as formally introducing the direct punishment of deviant behaviour. 16

In fact, the control of deviance is set up when football supporters are turned into key targets of the social control apparatus because of their belonging to an allegedly risk group. Their initial vague designation as potentially threatening figures entails the recourse to equally vague criteria when gathering relevant intelligence since personal data may be entered in police files for an array of loosely defined reasons. Being structured around the subjective assessment of the dangerousness of a given behaviour in a given context, the latter often justify or follow the implementation of a 'football ban on suspicion', thus creating a legally definable bridge between the control and the punishment of deviance. In the UK, this usually concerns people who happen to be in the wrong place at the wrong time, that is, people who 'always seem to be in the vicinity of disorder' but have never been caught committing offences (Perryman, 2006, p. 210, quoting a senior intelligence officer). In France, Circular INT/D/07/00089/C on the implementation of administrative football banning orders specified in 2007 that these measures were not targeting criminal behaviour but any 'behaviour that [wa]s generally threatening to public order'. In Belgium, many young football supporters who admittedly had not committed any offence had their personal data being entered in police files because police officers preferred having recourse to short administrative football bans instead of *admonestations*. Several hundreds of football supporters across Europe thus have their freedom of movement restricted and their personal data entered in police files every year simply because they are behaving in a deviant way. Moreover, although the rules may vary from one country to another, the personal data that is collected in line with this proactive management of social life is usually stored for five years. While this discrepancy between the length of the initial penalty and the duration of the storage of intelligence may have little, if any, impact on the freedom of movement inside the territory, it has a considerable impact on the freedom of movement in the EU. Actually, given the obligation to transmit information on football bans to countries staging international football matches or tournaments (Council of the EU, 2003, art. 5), people hit with administrative football banning orders and wishing to attend an international fixture may have their freedom of movement restricted well after the period of duration of the initial penalty has come to an end. The real consequences of the virtual prolongation of an initial suspicion-based penalty have been well illustrated in 2006, when Belgian football supporters who had been hit with three-month administrative banning orders in the early 2000s were turned away at the German border at the time of the World Cup (interview with a Belgian senior police officer, November 2006). 17

When analysing the UK legislation on football banning orders, some scholars have already discussed the threat these measures pose on the rule of law, the presumption of innocence and the principle of proportionality. While sharing their concerns with regard to the principle of proportionality (Pearson, 2005; James and Pearson, 2006; Stott and Pearson, 2006), I believe that the impact of these measures on the civil rights and liberties of European football supporters goes well beyond the jeopardising of the other aforementioned principles. In fact, if we assume that the latter have been conceived in relation to a clearly defined array of offences, the imposition of penalties involving loss of liberty in the absence of an offence ends up negating these very principles. In other words, the presumption of innocence and the principle of legality cannot be possibly respected when a person is being punished in the 18

name of suspicion.

Yet, as discussed elsewhere (Tsoukala, 2009, p. 113f), the idea that such penalties might 19
contravene the legal order of the countries concerned has not been accepted by national
judges. For example, in Belgium, the Court of Arbitration, in its decision 175/2002 of 5
December 2002 in answer to an interlocutory question posed by the Court of First Instance in
Criminal Matters of Turnhout, ruled that, regardless of whether or not the administrative
proceedings in question were legally valid, an immediate three-month banning order did not
constitute a penalty but a preventive security measure. This Belgian court ruling is broadly
similar to one handed down in *Gough v Chief Constable of Derbyshire* (2001) QB 45 which
took the view that, even if they possessed a punitive element, football banning orders on
complaint did not seek to inflict punishment but to protect the public in a preventative way.
The ruling was upheld by the Court of Appeal ([2002] 2 All ER 985).

However, in practice, people who have been hit with 'football bans on suspicion' have their 20
freedom of movement inside the country or abroad restricted – a penalty which is imposed
with none of the procedural guarantees provided by the criminal justice system. Given the
fact that the European Court of Human Rights has constantly stipulated that, in order to
prevent the disciplinary from encroaching illegally on the criminal justice realm, punitive
measures should be defined in law according to their effect (Delmas-Marty, 2002, p. 448f), a
challenge to the claim that this type of measure is not a penalty could be brought before it.

This EU-wide control and punishment of deviant behaviour becomes all the more worrisome 21
when we take into account the fact that, more often than not, police files tend either to be
interconnected or to be used for multiple reasons. For example, the Greek police files on
known and potential football hooligans are believed to be also useful for any police officer
investigating on the far left and/or anarchist milieu. At the EU level, the first voices in favour
of such interconnections were raised in the early 2000s. During a special meeting of EU
prosecutors held in June 2001, that is, in the aftermath of the riots that took place during the
Gothenburg EU summit, it was suggested that the names of potential hooligans exchanged
for Euro 2000 should be compared with the list of protestors gathered in Gothenburg
(Statewatch, 2001). A few months later, the Council stated that national football information
points could, should the need arise, exchange information regarding other matters besides
sporting events (Council of the EU, 2002a, annexe: ch.1, s.2). Reiterated in 2006 (Council of
the EU, 2006b, 2006c, annexe: ch.1, s.2), this broad use of intelligence was criticised by the
European parliamentarians (European Parliament, 2007). However, this had no effect on the
position of the Council which still does not wish to impose any limitations on the exchange of
information (Council of the EU, 2007).

Lastly, it should be stressed that the effects produced by the turning of suspicion into a key 22
factor of the counter-hooliganism regulatory process go beyond the intelligence realm to
influence ordinary social life. In France, for example, the law 2006-784 of 5 July 2006 on the
prevention of sport-related violence provides that information on football supporters hit with
administrative football banning orders may be transmitted to sports authorities. In wishing to
enhance the dissuasive effect of these bans, the latter have decided to revoke the licences of
amateur football players and/or the membership cards of football supporters hit with
administrative football bans.

BLURRING THE BORDERS

Far from being surprising, this insistence on the abovementioned multi-functional potential of 23
police files is consistent with the rationale behind the regulation of football hooliganism
through broad-sweeping texts from 1997 onwards. As will be shown below, in the absence of
a legal definition of the phenomenon, the *de facto* splintering of its conceptual perimeter
further blurred the borders between legality and illegality, thus facilitating and even
normalising the aforementioned control and punishment of deviant behaviour.

The turning point was arguably the adoption in 1997 of the Joint Action with regard to 24
cooperation on law and order and security (Council of the EU, 1997a). In extending the
provisions of the aforementioned Council Recommendation of 22 April 1996 so that they
applied to public order issues in general, the Joint Action provided (1§1) for the collection,

analysis and exchange of information on all sizeable groups that may pose a threat to law, order and security when travelling to another Member State to participate in a meeting attended by large numbers of persons from more than one Member State. To make this possible, it enhanced the cooperation between law enforcement agencies through the creation of an EU-wide pool of liaison officers (2§1). The operational details of this cooperation were specified in the Council Resolution of 21 June 1999 (Council of the EU, 1999). That Council Resolution was later updated and expanded by the Council Resolution of 6 December 2001 (Council of the EU, 2002a).

Most interestingly, to frame the behaviours it referred to the Joint Action introduced the word 'meeting': this term encompasses a whole array of events, ranging from rock concerts and sporting events to demonstrations and road-blocking protest campaigns. The inclusion of football hooliganism in this list of events entailed a significant turn in the way the phenomenon was being perceived. From then on, while football-related violence kept on being seen as a standard criminal phenomenon, it also became part of a subgroup of threats in which, in line with the principles of the risk-focused mindset, it was linked to ordinary but potentially threatening collective behaviours. As analysed elsewhere (Tsoukala, 2009, p. 106f), 'this classification of the phenomenon within two different conceptual registers indicates a profound change in its definitional process. The core components of such behaviour are still clearly circumscribed within the criminal justice sphere but its outer boundaries have become increasingly vague, precisely because of its location within two distinct frames of reference'. According to this new perception, the behaviour to be put under control was no longer situated on the borderline between delinquency and deviance but on that between deviance and ordinary behaviour. It did not draw the attention of the social control apparatus because of its potential or effective transgression of legal or social norms but because of its mere propensity to create disorder, even if, strictly speaking, it did not breach any norm. 25

The blurring of the definitional borders of football hooliganism was further enhanced following the JHA Council meeting of 13 July 2001 on security at meetings of the European Council and other comparable events. In calling for the broader use of 'spotters' (Council of the EU, 2001b, 1c) which, prior to that, had been used solely for football hooligans, the Council's conclusions confirmed the broad-sweeping trend of the aforementioned Joint Action but, at the same time, they adopted a more flexible stance. On the one hand, they limited their scope as they mainly brought together political and sports events. On the other hand, they expanded their scope as, in considering extending the powers of Europol to cover violent disturbances, offences and groups (1e), they linked football hooliganism to a subgroup of threats related to urban security, ranging from urban riots and petty crime to juvenile delinquency and demonstrations. 26

The broadening of Europol's mandate was included again in the EU political agenda in 2006 following the presentation of a draft proposal by the European Commission, calling for the gathering and analysis of information to be allowed in order to ensure public order during, among other events, international football matches (European Commission, 2006, art. 5.1-f). Though in 2007 the European Commission reaffirmed its backing to the potential involvement of Europol in the fight against football hooliganism (Frattini, 2007), the Council of the EU has not adopted any relevant decision yet. 27

CONCLUSION

In focusing on the counter-hooliganism measures introduced by the Council of the EU since the late 1990s, in line with the provisions of the 1985 European Convention, this analysis of the way the fight against football-related violence has been regulated at the European level sought to shed light on a regulatory process that has led to the institutionalisation of the control and punishment of deviant behaviour. It argued that, in the absence of a proper legal definition of football hooliganism, the more the issue was vaguely defined, and located in multiple overlapping conceptual registers, the easier it was to control its outskirts, that is, the grey zones of in-between behaviours, and eventually to punish in an anticipatory way those who happen to act within these zones. It further argued that the growing importance of suspicion as one of the grounds of law enforcement action entailed serious infringement of the civil rights and liberties of football supporters because it jeopardised and even negated 28

many of the legal principles these rights stem from.

In concluding, it should be stressed that, notwithstanding the influence of the risk-based 29 mindset on the design and implementation of the proactive counter-hooliganism measures, the turning of football hooliganism into a fluid concept revolving around a solid core of punishable behaviours, and the ensuing enhancing of the possibilities and modes of intervention of the social control apparatus, have been greatly facilitated by a profound change that has gradually occurred in the internal security realm, that is, the replacement of the legal term 'offence' by the political term 'conflict' (Council of the EU, 1998, 3.1) as one of the grounds justifying mobilisation of the social control apparatus. As shown elsewhere (Tsoukala, 2009, p. 107f), from the late 1990s onwards, and in full compliance with the growing politicisation of security issues in Europe, the Council of the EU has regularly affirmed that the social control agents should aim to counter both crime and disorder, and that crime prevention should intend to reduce or otherwise contribute to reducing crime and citizens' feelings of insecurity (Council of the EU, 2001a, art. 1.3).

Since the feeling of insecurity is entangled in several social, political and economic factors, 30 which in turn are closely associated with many different political stakes, social control agents are henceforth expected to attain a twofold objective, that is, the protection of both public and political order. While this new perception of order and disorder in society enhances exponentially the grounds for which social control agents may be mobilised, it also entails the reframing of the behaviours to be controlled around a core of legal and political concepts, thus leading forcibly to the blurring of the boundaries between delinquent, deviant and ordinary behaviour. In this respect, the aforementioned institutionalisation of the control and punishment of deviant football supporters stems both from the risk-based mindset and the growing politicisation of security-related issues in post-bipolar Europe. Consequently, it is not a transient but an inherent feature of the current security policies. As such, it is most likely to be further strengthened in the future.

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