Summaries

Justitiële verkenningen (Judicial explorations) is published eight
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Juridische uitgevers. Each issue focuses on a central theme related
to judicial policy. The section Summaries contains abstracts of the
internationally most relevant articles of each issue. The central
theme of this issue (no. 8, 2011) is *Function creep and privacy*.

Function creep: on assessing risks and chances
J.E.J. Prins
This article focuses on a phenomenon often called 'function creep'.
This is the process whereby new functions are added to systems
that are basically intended for other purposes, or when systems or
data originally intended for function A are linked to other systems
or data having function B. New technical possibilities have defi-
nitely paved the way for function creep and a growing number of
ICT-applications appear no longer limited to the purpose for which
they were originally set up. Function creep is an inherent feature of
innovation. But at the same time it poses risks if considered from
a privacy perspective. After detailing many examples of function
creep, the article elaborates on a potential risk not often discussed:
loss of data quality. The analysis concludes in arguing that citizens
can act as a crucial countervailing power to limit the expansion of
function creep. This however requires that governments are more
open and accountable to allow for a transparent and verifiable com-
parison between the interests at stake.

How likely is function creep? A policy science analysis
M.S. de Vries
In this article it is argued that function creep is a structural phe-
nomenon which is inherent in policy development. The author
discusses several policy development theories which might be use-
ful in trying to explain the phenomenon that policy instruments
tend to be applied in reaching purposes never intended at the time
these instruments were developed.
Kingdon's streams model, the classic phase-oriented approach
(e.g. Hoogerwerf), Sabatier's advocacy coalition theory as well as

Walker's diffusion theory give various explanations for the phenomenon of function creep. But crucial is that policy makers are always looking for new innovating policy instruments to achieve their objects. According to the author it is almost impossible to prevent function creep. To some degree the abuse of function creep can be prevented by institutionalising these processes and to submit them to democratic control, checks and balances, procedures and other guarantees. But this will never be enough to escape from the 'voyeurist society'.

Counterterrorism and securitisation
B.A. de Graaf and Q. Eijkman
This article offers an analysis of the side effects caused by the increased counterterrorism measures adapted in Dutch law and public policy after 9/11. Taking clues from Foucault's thinking on securitisation and Beck's risk society, it is argued that focus, referent subject and object of security measures and deployment of counterterrorism laws have shifted from the concrete individual to society and risk prevention as a whole (1), that this shift induces function creep (2) and a much quicker deployment of measures, resulting in an increasing suspect population (3). Rather than arguing against the legality and legitimacy of these measures, the authors analyse the epistemological shift in reasoning and unpack the various probabilistic arguments (as opposed to evidence-based arguments) behind the wave of securitisation after 9/11 – resulting in a lack of knowledge about, transparency and accountability of the generated side effects.

'Behind the door' with urban intervention teams
M. Schuilenburg and C. Dijkstra
Intervention teams are among the most discussed tools in the current process of securitisation. Their integrated approach takes into account all underlying causes of insecurity and quality of life. For a more effective approach authorities and organisations have to cooperate and let go of their mutual boundaries. But can the participants put aside their differences in perspectives and policies? This article discusses the goal of 'ontkokering' ('decompartalisation'), this was done through a study of the practices of intervention team SIP in Amsterdam. On basis of thirteen interviews and observations the authors argue that there are three main mechanisms or

'molar barriers', which conserve the old structures in the integrated approach of the intervention team: 'methodical robustness', 'institutional robustness' and 'financial robustness'.