

Crime and Justice in Germany

An analysis of recent trends and research

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Abstract

The article reports trends in crime and criminal justice and reviews publications in key areas of criminology in Germany. Criminal statistics show divergent trends in recent years with rising drug and violent offences and stable or falling property offences. Statistics on sanction practices show a long-term trend towards informal and community sanctions despite a certain increase of prison sentences in recent years. German reunification and a subsequent increase in immigration have put some strain on the criminal justice system. On the whole, however, neither penal practice nor popular attitudes as measured by periodic surveys support the notion of a ‘punitive turn’ in Germany. Stability and a certain inertia prevail in German crime policies.

Criminology has not grown into an independent academic discipline but is an interdisciplinary research field to which law, psychology, sociology and other disciplines contribute. There is still a noticeable rift in German criminology between ‘mainstream’ and ‘critical’ approaches, contributing to a rather incoherent research landscape. Recent research has particularly focused on youth crime and violence, especially xenophobic violence, on ethnic minorities, and on organized crime. The review concludes with proposals for strengthening criminological research in Germany.

Keywords: Crime, delinquency, criminal justice, punitiveness, violence, criminology, Germany, time series, prison, reunification

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Introduction

Germany is not only a large country in the middle of Europe but also seems to cover a middle ground in many issues of crime and crime policies, shunning the extremes that had plagued the country in the past. This is true both for the extent and seriousness of problems associated with criminal behaviour, and for the way crime is perceived by the public and dealt with by the state. As in other policy areas, stability and a certain inertia prevail in crime policies in Germany. Since one of the distinct features of criminology is that much of its knowledge is enmeshed in political and ideological judgements, this calm assessment will be disputed by many criminologists. Looking from Great Britain to Germany, however, as both authors incidentally do at present, the contrast between a country for which the term 'high crime society' has been coined, and a country which certainly does not belong to this category, becomes even more pronounced.

The past fifteen years have seen dramatic political changes and socio-economic challenges which directly or indirectly affected Germany., The fall of the Berlin Wall and the subsequent absorption of a complete state, the former GDR, into the then reunified and enlarged Germany was the most important and consequential event. The early 1990s have seen an upsurge in migration associated with the crumbling of the communist states and the civil war in former Yugoslavia, as well as a terrifying wave of xenophobic violence and growing feelings of insecurity. The latter part of the 1990s is marked by a gradual improvement of public perceptions despite waves of concern about youth violence and sexual violence against children. It may be too early to assess the impact of the terror acts of September 11 but they seem to have diverted public concerns away from 'ordinary' crimes, at the same time weakening resistance – which had traditionally been very strong in Germany – to a wholesale extension of police and law enforcement powers infringing civil liberties.

A survey of German criminology inevitably is faced with a diverse and rather incoherent research landscape lacking the degree of institutionalization known in some other countries. Being a very large country with a great academic tradition, it is no surprise that Germany produces a fairly large amount of criminological research, even though only the smaller part may be visible internationally. Instead of focusing narrowly on few selected studies, we decided to give a rather broad overview of criminological research in Germany, reflecting its diversity and breadth.

We will follow the established pattern of country surveys in this journal and present an overview on crime and punishment in Germany in four parts: First, we will give

readers very concise background information on Germany and the legal and organizational framework of law enforcement; second, we will report on statistical trends in crime and punishment as far as these are measurable by official statistics; third, we will give a short overview of the research infrastructure; and fourth, we will review recent literature in key areas of criminological research.

Background Information

Germany is Europe's most populous nation and largest economy. It is also one of the wealthiest countries in the world, with an average per capita income at purchasing power parities of 16.200 € in 2005 (France and Great Britain: 16.700 €).¹ Germany is, broadly speaking, a middle-class society with a well-developed welfare system, and poverty-related social problems are consequently relatively limited. However, recent economic performance has not been dynamic, and Germany has become one of the slowest growing economies in the entire euro zone. Structural rigidities in the labour market have made unemployment a chronic problem. The unemployment rate reached 12.6 percent in February 2005, one of the highest the country has ever seen. High unemployment combined with an ageing population has brought the generous welfare system under pressure and has recently necessitated cuts in social services. Moreover, reunification and the modernization and integration of the East German economy continues to be a costly long-term process. Even though there has been great progress in raising the standard of living in East Germany, the complex process of integrating a former communist economy and society is taking much longer than originally expected and still requires enormous financial transfers from West to East.

Most inhabitants of Germany are ethnic German (91.1 percent). There are, however, more than seven million residents without German citizenship. The main ethnic minority groups are Turkish (2.4 percent), Italian (0.7 percent), people from the former Yugoslavia (0.6 percent), Greek (0.4 percent) and Polish (0.3 percent). In addition, more than three million so-called 'resettlers' of German origin (*Aussiedler*) have entered from Poland, Rumania and more recently from the former Soviet Union since the late 1980s. Even though they are German citizens by law, resettlers, especially those from the former Soviet Union, share most of the problems of immigrants, as they do not speak German and are perceived by many (and in fact partly perceive themselves) as 'Russians'. Despite substantial immigration Germany expects a

¹ Gesellschaft für Konsumforschung, press release of 03/05/2005 (www.gfk.de).

declining and ageing population. An extremely low fertility rate combined with rising life expectancy will affect economic growth and the welfare system.

Politically, Germany is a federal republic consisting of 16 states (*Länder*) endowed with their own powers. Within this federal structure criminal justice is divided between the federal and the state levels. Policing is in principle a matter for the states even though there are federal police forces. The states are responsible for legislation concerning public order and the administration of police forces. The policing responsibilities of the federal government are restricted essentially to border protection, cooperation between the federal government and states in criminal investigations and international crime fighting. Like policing, prison administration is run exclusively by the states, and similar rules apply for the administration of the judicial system. Each state is responsible for the staffing, payment and maintenance of the courts in its region; the federal state is responsible for the highest courts which act as final appeal courts for the state courts and therefore ensure the uniform interpretation and development of law. The major codes in criminal law—the criminal code, the code of criminal procedure, the criminal sentence enforcement act and the juvenile courts act—are all federal laws.

In criminal matters the German system relies on inquisitorial procedures, in contrast to the accusatory one used e.g. in the United Kingdom. Hence, all prosecutions are carried out by a separate prosecution service (*Staatsanwaltschaft*) independent from the police. It is the responsibility of the prosecution service to establish the facts where a person is suspected of a crime, and it can call on the police to assist in the investigation. In practice, in most cases it is the other way round: the police conducts the enquiry and the prosecutor gets involved once the investigation is complete. The public prosecutor's decision to indict the suspect or to discontinue proceedings is guided in principle by the rule of mandatory prosecution. In criminal proceedings the public prosecutor provides the counsel who acts for the prosecution. Germany has a separate juvenile justice system giving priority to education rather than retribution for adolescents aged 14 to 18 and – under special circumstances – to young adults aged 18 to 21.

Trends in crime and punishment

Trends in crime and punishment can only be described on the basis of official statistics, more specifically the statistics of police-recorded crime and criminal prosecutions, because Germany is still lacking a periodical crime survey. Keeping the well-known

limitations of official crime statistics in mind, figure 1 shows the long-term crime trend.²

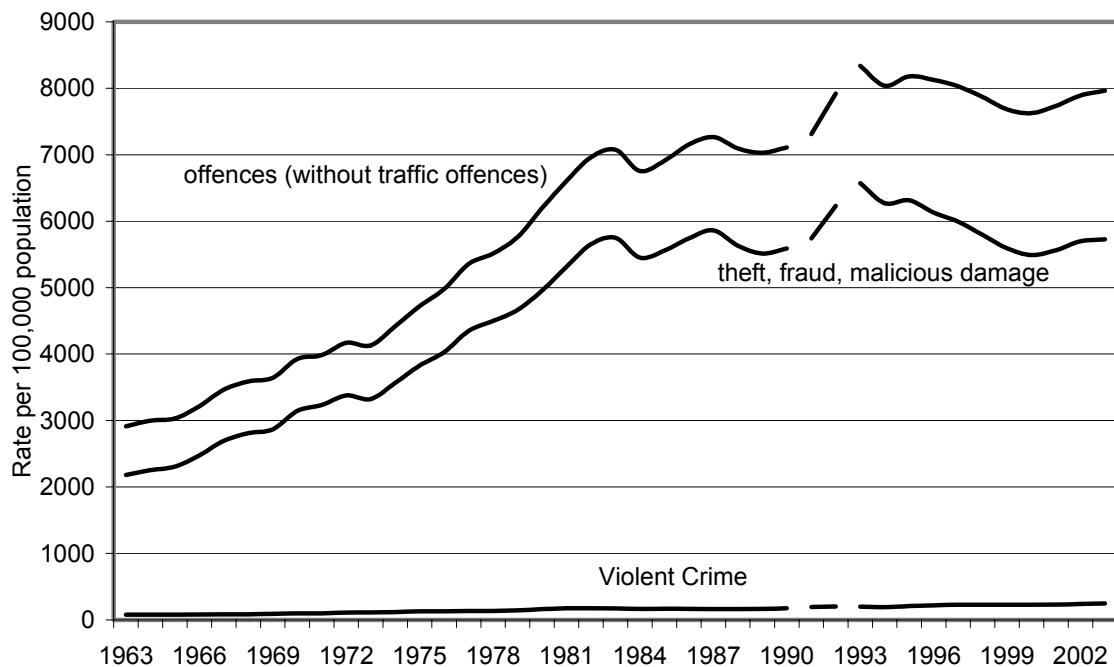


Figure 1 Police-recorded crime in Germany 1963-2003

Source: The Konstanz Inventory on Crime Trends in Germany <www.uni-konstanz.de/rtf/kik>

Note: 1992 inflated due to entry errors; from 1993 with East Germany

Crime recorded by the police has increased clearly since the mid-sixties with the sharpest rise in the seventies. Between 1996 and 2000 crime rates have decreased somewhat but have increased again in recent years. The crime rate varies geographically but regional differences are declining. Crime rates are higher in the eastern, former communist part than in the western part, and higher in northern than in southern regions. Little attention has been paid to these regional patterns, but it seems likely that they reflect socio-economic disparities (Entorf and Spengler 2000). The south and the west of Germany are generally wealthier than the north and the east.

The long-term increase in total crimes recorded by the police is largely driven by the increase of property crimes, in particular petty theft. On the positive side, both recorded domestic burglaries and thefts from cars have decreased by nearly 50 percent between 1993 and 2003. In comparison, violent crimes which harm the physical integrity of the individual are relatively rare. Nevertheless, violent offences – particularly bodily injury and robbery – have also increased especially during the last fifteen years (figure 2). However, the rate for the most serious violent crimes – murder and rape – is relatively stable over time or even declining.

² The annual criminal statistics, which are published by the Federal Criminal Police Office (*Bundeskriminalamt*) and also in an abridged English version, can be accessed at www.bka.de.

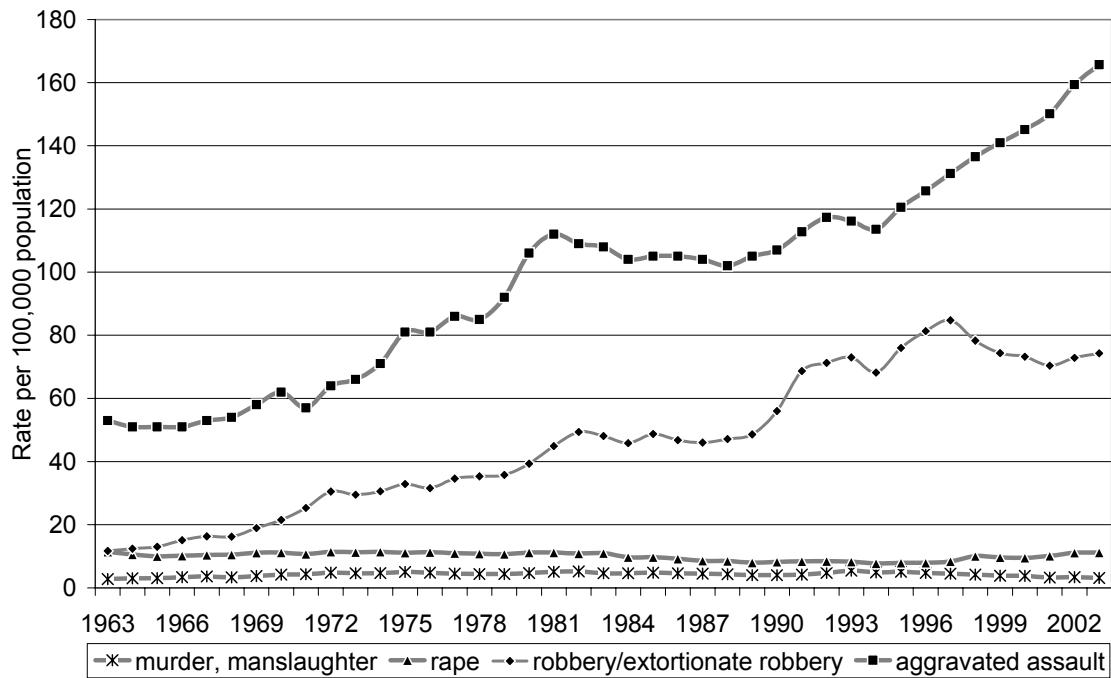


Figure 2 Violent crime in West Germany 1963-2003

Source: The Konstanz Inventory on Crime Trends in Germany www.uni-konstanz.de/rtf/kik

The increase in recorded violence has sparked lively discussions in Germany about possible causes such as poverty, media influences and immigration. A look across the borders shows that over the past fifteen years or so many European countries have experienced a similar increase in recorded violence, especially by young people, which calls for a common European explanation (Aebi 2004; Eisner and Killias 2004; Pfeiffer 1998). Xenophobic violence has grown into a serious problem since German reunification. An unparalleled spree of violence, especially arson attacks on residences of immigrants and asylum-seekers, notoriously rocked Germany in 1993 (figure 3) when twenty people died from attacks. Annual statistics of hate-related violence show that 1993 was indeed an exceptional year; however, the alarming number of around 10 to 15 homicides each year continues to cause grave concern.³ Although xenophobic violence is by no means restricted to East Germany, it is more prevalent there than in the West, and holiday guides like ‘Lonely Planet’ sadly contain safety warnings for tourists of other than European origin travelling to East Germany. Finally, reported drug offences doubled between 1993 and 2003, from around 125,000 to more than 250,000 cases. Cannabis-related cases actually tripled from 50,000 to 150,000 during the same time. As longitudinal population surveys do not suggest a considerable

³ Of course, the definition and measurement of hate crimes is a difficult task, and the recent increase surely in part reflects an increased awareness of this phenomenon. Yet, neither the explosion of violence in 1992/93 nor the subsequent abatement can be explained by changing recording practices.

increase in the consumption of illegal drugs (BZgA 2004), this upsurge is very likely to be caused by an expansion of pro-active policing.

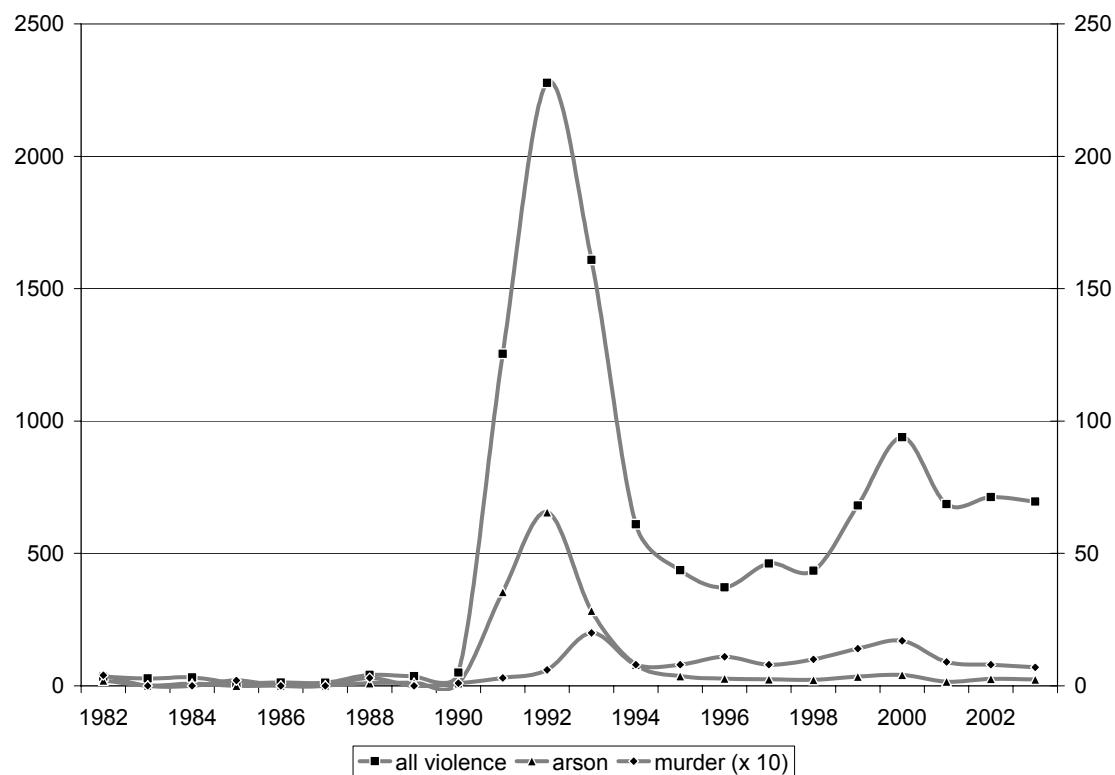


Figure 3 Incidents of xenophobic violence in Germany, 1982 to 2003

Source: Albrecht 2002; Bundesamt für Verfassungsschutz, Jahresberichte 2000 to 2003.
Note: 1983 change in counting rules

As the rate of police-recorded offences, also the rate of police-recorded suspects has increased, even though to a minor degree (figure 4). Among police-recorded suspects, juveniles and young adults have the highest rates and are also responsible for the recent increase of overall rates. (figure 5). The rates reported here are restricted to Germans: population-based rates for non-German suspects are difficult to compute since many of them are not resident in Germany. An aggravating factor is that 'resettlers'—who are German citizens—cannot be identified in most official statistics, which classify people according to citizenship. Taking these limitations and other statistical biases into account, the number of non-Germans and German resettlers recorded as suspects is greater than their share of population. This is particularly true for second-generation immigrant male youth and recently arrived young male resettlers (see below for research on this issues).

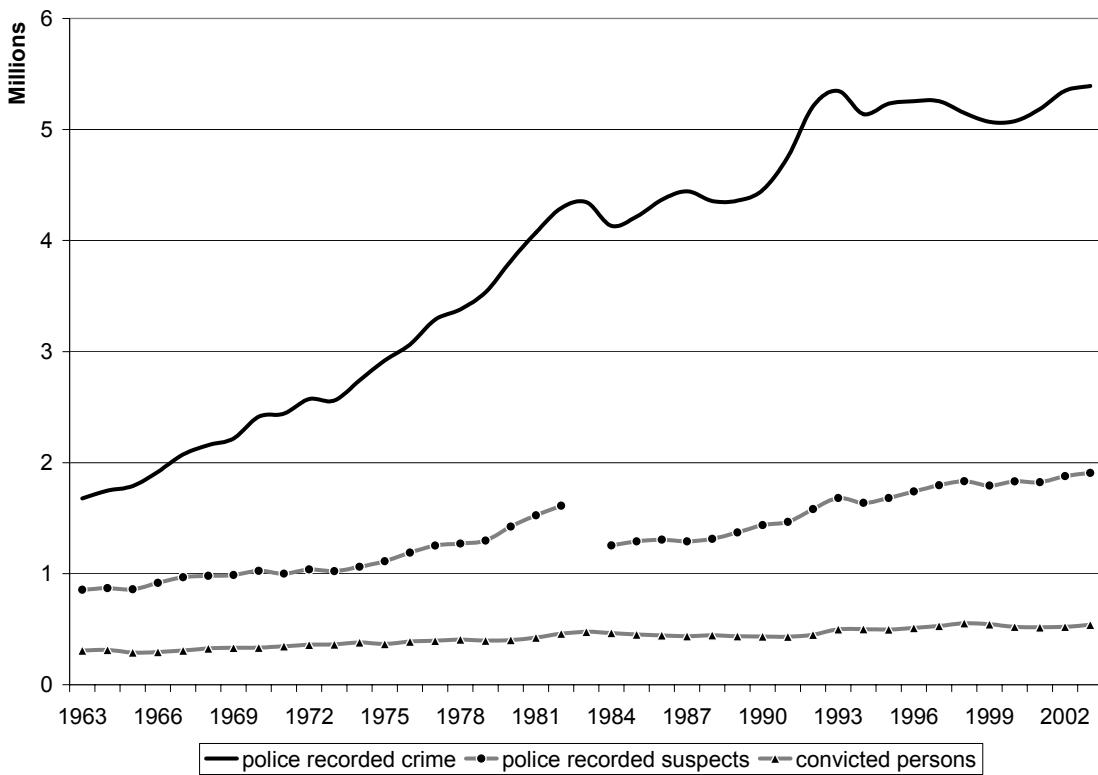


Figure 4 Police-recorded crimes, police-recorded suspects and convicted persons (West Germany) 1963-2003

Source: The Konstanz Inventory on Crime Trends in Germany <www.uni-konstanz.de/rtf/kik>

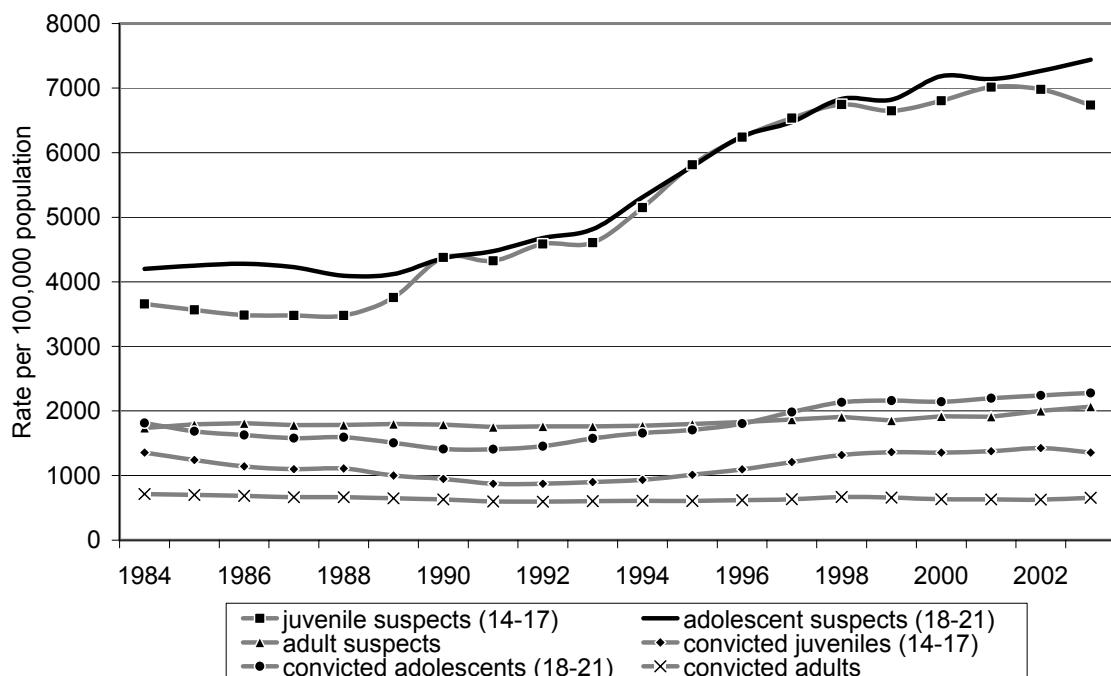


Figure 5 German police-recorded suspects and convicted persons (West Germany) 1984-2003

Source: The Konstanz Inventory on Crime Trends in Germany www.uni-konstanz.de/rtf/kik

The increase in police-recorded suspects is only partly reflected in the numbers of convicted persons (figures 4 and 5). There is a gap between the two categories and most

importantly, this gap is increasing. This trend originates from a changing selection process at the level of the prosecutor. A growing share of cases is not passed on to the courts by the prosecutors. More than half of all preliminary investigation proceedings against known suspects are currently dropped. One reason is the lack of sufficient evidence; another and increasingly important reason is discretionary prosecution which gives the prosecutor the possibility of dropping cases with or without conditions despite sufficient evidence. Using this tool the public prosecutors have cushioned the effect of an increasing crime rate by nearly doubling the rate of discretionary non-prosecution (figure 6). As a consequence the basic principle of mandatory prosecution is no longer the rule; a trial has become the exception.

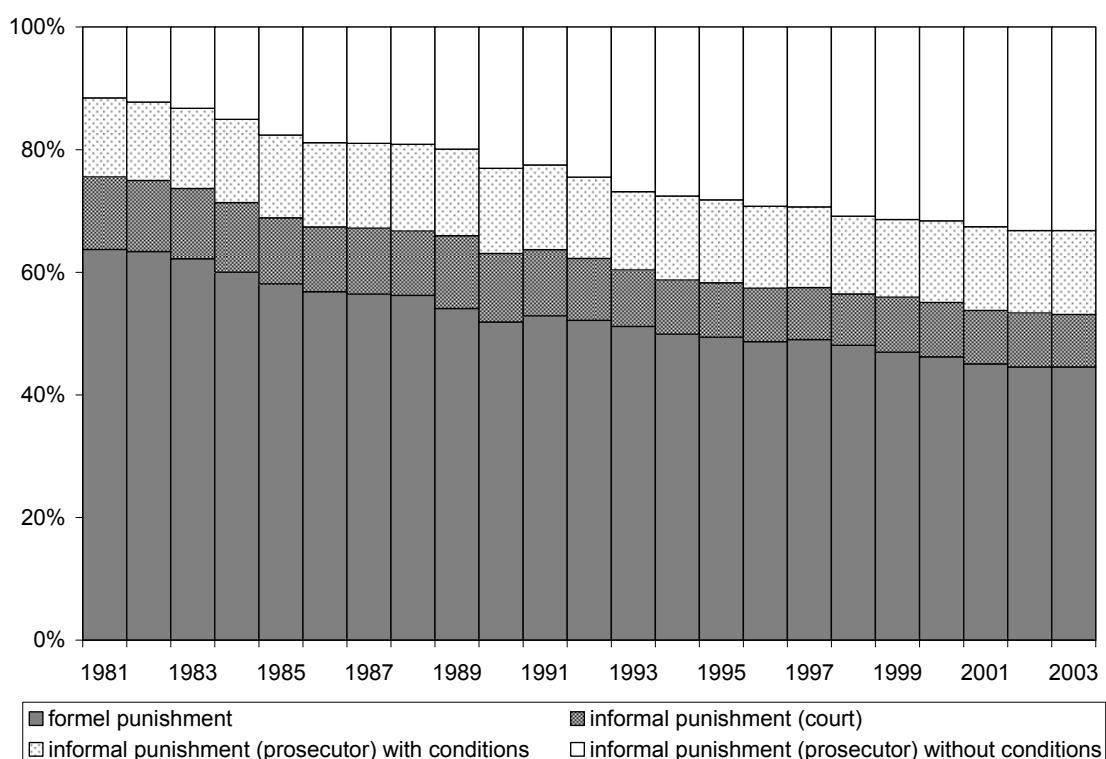


Figure 6 Proportion of formal and informal sanctions 1981-2003

Source: The Konstanz Inventory on Research in Sanctioning www.uni-konstanz.de/rtf/kis

This change at the level of the prosecutor has to be kept in mind when looking at formal sanctions (figure 7). Over the past 120 years, sanctioning practice in Germany has increasingly been characterized by the application of non-custodial sanctions. Today fines are the most frequent form of punishment. In 2003 only 8.9 percent of convicted persons were sentenced to unconditional imprisonment, 13.4 percent were given probation and 68.9 percent received a fine. Taking into account that nowadays, of all persons sanctioned, 50 percent are sanctioned informally by dropping the case with or without conditions (figure 6), the trend towards non-custodial sanctions becomes

even clearer. Thus it appears that in the long run Germany has seen decreasing and then stable levels of punitiveness albeit a certain rise in recent years.

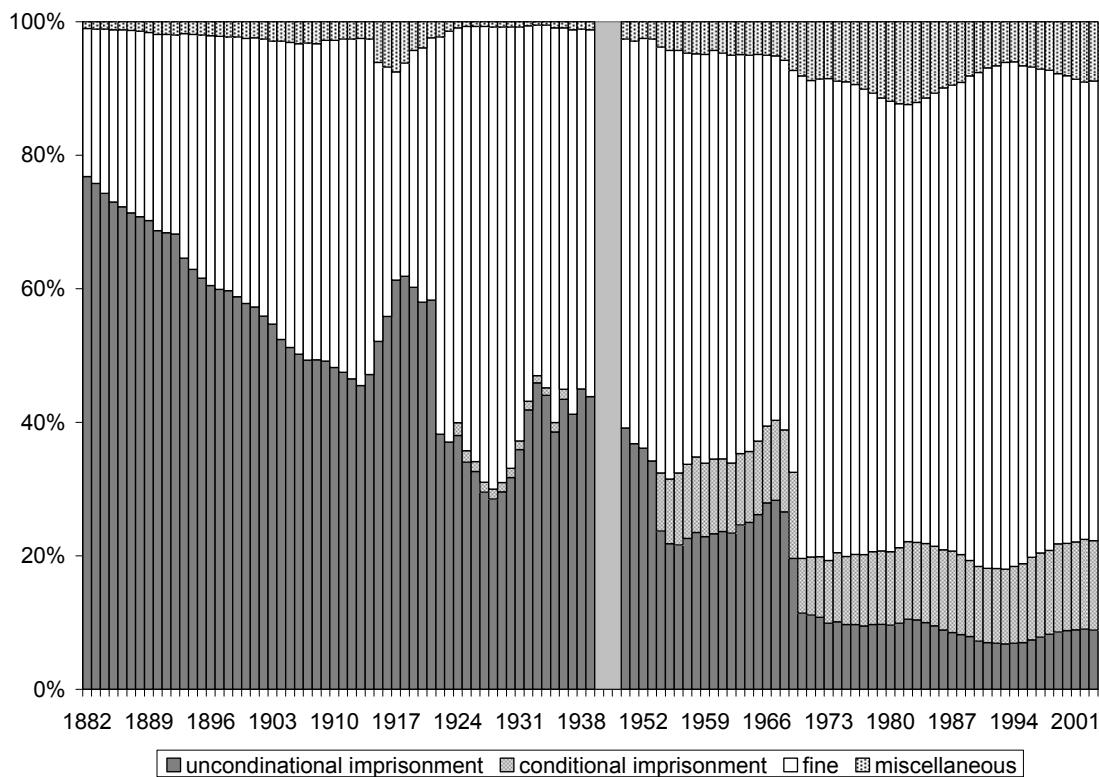


Figure 7 Formal sanctions 1882-2003

Source: The Konstanz Inventory on Research in Sanctioning <www.uni-konstanz.de/rtf/kis>
Note: capital punishment not diagrammed (0.01..0.03%)

This relative stability is also reflected in the rate of imprisonment (figure 8). In comparison with other European countries the trend shows moderate fluctuations on a rather high level. The rate of imprisonment decreased in the 1980s in consequence of broadening conditional prison sentences and a shift towards non-custodial sanctions in juvenile cases. The increase in the 1990s was due to rising violent crime (figure 2) and particularly to higher average prison sentences combined with a more restrictive release practice. A trend not shown in the overall prison rate is the changing ethnic composition of the prison population. In recent years the portion of non-Germans and also of resettlers has dramatically increased, causing substantial problems in treatment and prison security. Recent regional figures show that resettlers account for as much as 10 to 20 percent of prisoners in young offender institutions, compared to an estimated population share of only 6 percent (Pfeiffer et al. 2005).

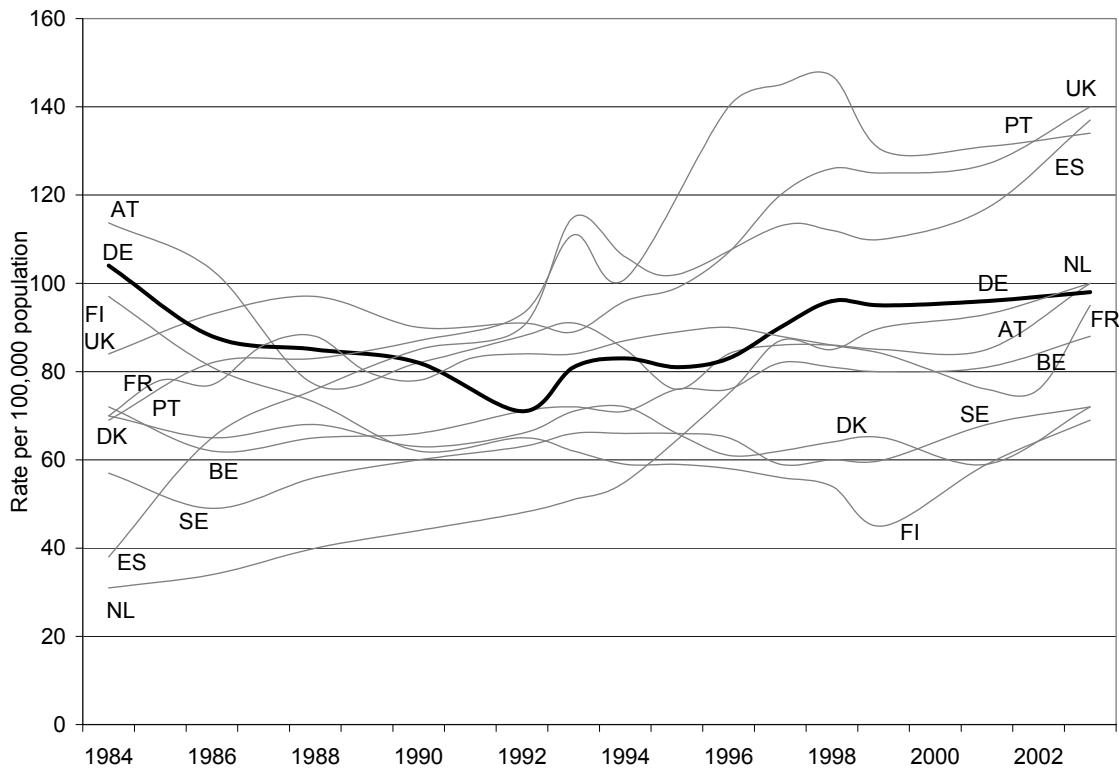


Figure 8 Rate of imprisonment in Germany compared with nine other countries, 1984-2003

Source: Greifswalder Inventar zum Strafvollzug <www.uni-greifswald.de/~ls3/GIS/GIS.htm>

Note: UK = England and Wales only

Public Perceptions and Attitudes

Based on regular public opinion polls, it is possible to make out a general trend in public concerns about crime in Germany. Public concerns intensified after reunification in 1989, peaking in 1993, and have continuously eased since then. This holds true for two widely used indicators of public perceptions: general satisfaction with public safety and crime control; and fear of crime as measured by the so-called 'standard item' ('alone after dark').

The trend in satisfaction with public safety (on a scale from 0 to 10) between 1984 and 2001 is displayed in figure 9 for East and West Germany separately. It is now well established that the end of communism in East Europe, German reunification and the subsequent influx of a huge number of immigrants (in 1992, the peak year, 1.5 million people migrated to Germany, with additionally hundreds of thousands of East Germans migrating to West Germany) fuelled diffuse feelings of insecurity and 'angst' about rapid political and social changes which help to explain heightened levels of crime concern. This is particularly true for East Germans who were plunged into an unknown political and social environment, and who accordingly were much more concerned about crime than West Germans. Given the fact that many categories of recorded crime,

especially violent crimes, have been on the rise between the late 1980s and today, and considering also the worsening of economic and social conditions in Germany in recent years, it seems remarkable that satisfaction with public safety and crime control is continuously improving, and that East Germans have caught up with the West, nearly closing the previous gap. In fact, within the last two decades satisfaction with public safety has never been higher in Germany than today. These results are confirmed by other long-term opinion polls on anxiety about crime (R+V Versicherung 2004) and on fear of crime (European Opinion Research Group 2003). In a series of annual community surveys in Frankfurt/Main, the share of respondents who reported fear of crime dropped from 55 percent in 1995 to 39 percent in 2004. Whereas 57 percent of inhabitants regarded crime as a major problem in Frankfurt/Main in 1994, only 15 percent did so in 2004 (Stadt Frankfurt am Main 2005). Reports from other cities broadly confirm this trend (Reuband 2001).

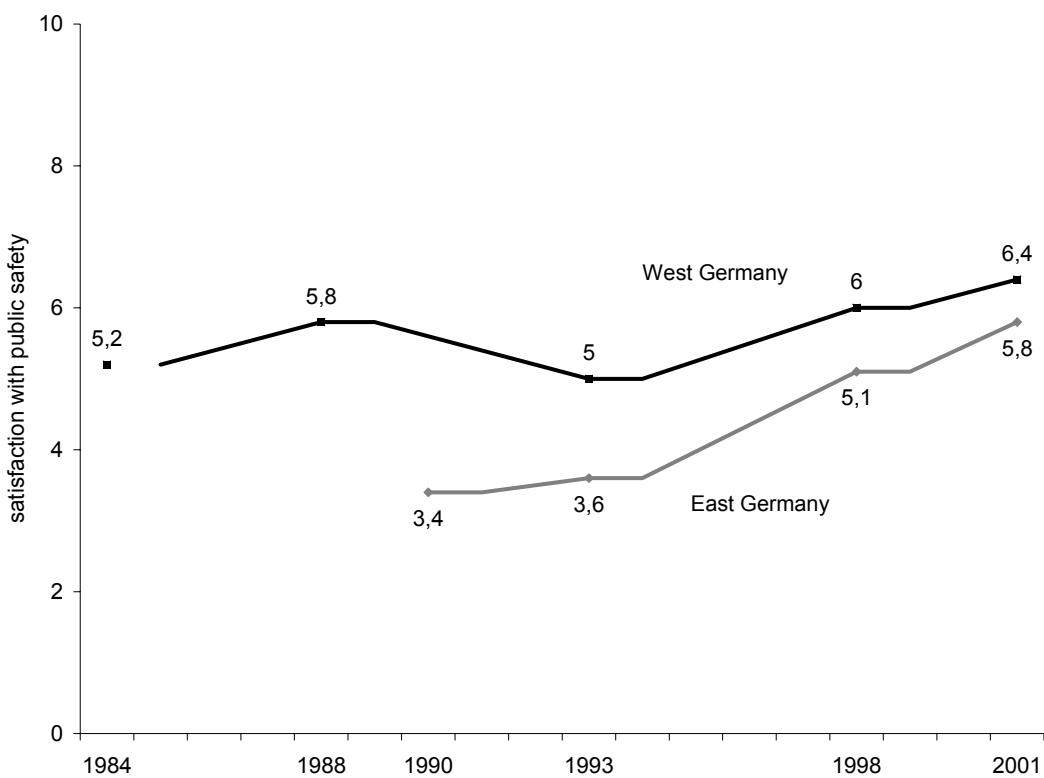


Figure 9 Trend in satisfaction with public safety, 1984 to 2001

Source: Zentrum für Umfragen, Methoden und Analysen (ZUMA), System der Sozialen Indikatoren, öffentliche Sicherheit und Kriminalität (K017)

Survey question: 'How satisfied are you on the whole with public order and crime control?' On a scale ranging from 0 ('not at all satisfied') to 10 ('completely satisfied')

Compared to other European countries, public concerns about crime in Germany appear to be average. Looking to recent results from a Eurobarometer poll, Germany is located between a cluster of mainly Scandinavian countries which display very low

levels of concern and central/south European countries together with Great Britain and Ireland where fear of crime and also punitive attitudes are more widespread (figure 10). These results fit with earlier findings that German public opinion is much less in favour of harsh prison sentences than in English-speaking countries (Reuband 2003).

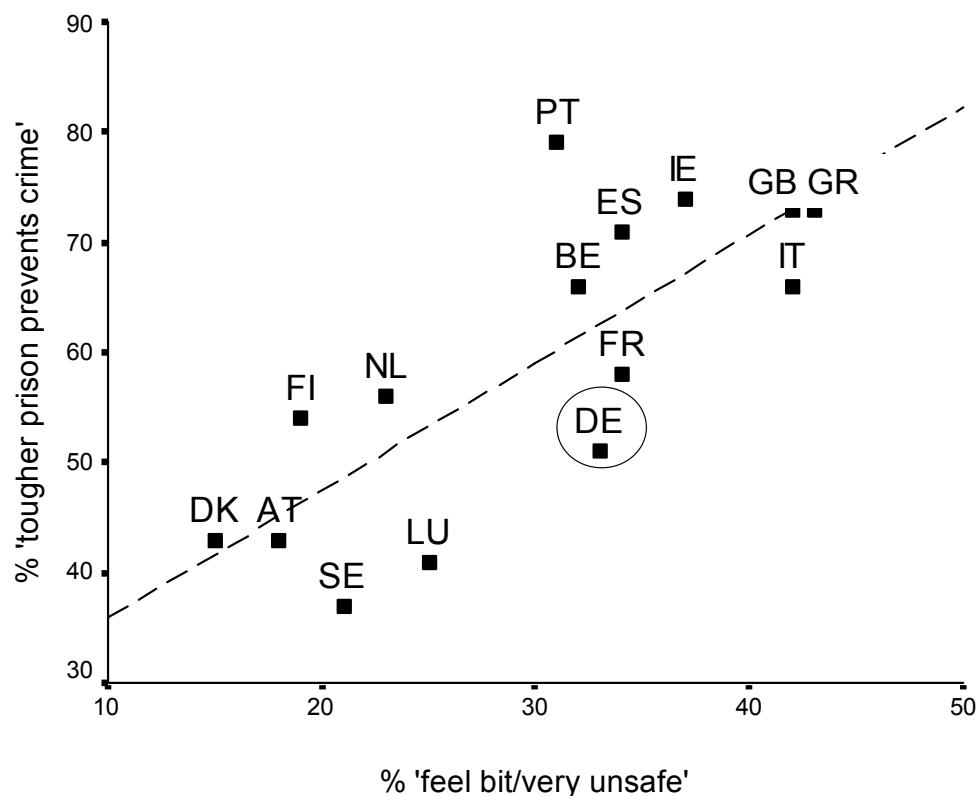


Figure 10 Fear of crime and punitive attitudes in European countries

Source: European Opinion Research Group 2003

Survey questions: X-axis: 'How safe do you feel walking alone in the area where you live after dark?' (% of respondents 'a bit unsafe'/'very unsafe'). Y-axis: 'Young people would commit less crime if jail sentences were tougher' (% agree).

If one looks to the attitude towards the death penalty – one of the few available indicators of trends over time in punitiveness – public support for this sanction rose during the 1990s but has been on the decline again in recent years (Obergfell-Fuchs/Kury 2004). Comparing two surveys from 1989 and 2002, Reuband (2003) reports a moderate increase in punitiveness (with regard to prison sentences) which interestingly is limited to the youngest age groups.

Development of crime policies and political debates

Painting a balanced overall picture of the recent development of crime policies in Germany is a complex and still outstanding task. On the basis of the limited evidence on sanction practices as well as on popular attitudes just presented, we conclude that

Germany is certainly not a prime example of a ‘high crime society’ forcefully steering towards a more punitive state as has been claimed by many critical observers. The moderate and declining levels of fear and anxiety suggest that crime and public order are not very ‘hot topics’ which can be easily exploited for populist purposes. In fact, the mainstream parties have so far refrained from playing the crime card in general election campaigns. A regional election in Hamburg in 2001 where a newly founded populist party gleaned 20 percent of the votes solely on law and order issues is still an exception (Reuband 2002, *in press*). The evidence on sanction practices, too, suggests that the long-term trend towards non-custodial sanctions has not been reversed despite an increase of prison populations and some indications of more or longer prison sentences in recent years (von Hofer 2004; Weigend 2001).

It is not surprising that this interpretation is particularly favoured by observers from Britain and the US who contrast developments in their own countries with those in Germany, France or Scandinavia (Savelsberg, *in press*; Tonry 2004a, 2004b; Whitman 2003). According to these commentators, one of the key features of German penal culture is that crime policies still remain in the realm of experts and bureaucrats. For example, despite a wave of public concerns about youth crime, and despite demands by conservative parties to ‘get tough’ on young offenders, the great majority of experts still propagate welfare-oriented principles of juvenile justice—a situation that is unlikely to change substantially in the foreseeable future (Albrecht 2004).

Although the general principles underlying policy have remained stable, recent years have also seen moves towards harsher punishments and a tightening of some aspects of the legal framework. Following public outrage about some cases of sexual child homicides, longer prison sentences for sexual child abuse have been introduced into the penal code and also implemented by the courts (Obergfell-Fuchs et al. 2004). There is also a clear tendency towards an expansion of police powers, as new methods of criminal investigation like covert surveillance of telecommunications and private premises (*“großer Lauschangriff”*) and the expanding collection and use of DNA samples show. A question for the future is how significantly these changes will affect the existing balance between civil liberties and law enforcement interests.

Community policing, on the other hand, reflects the general trend of ‘responsibilizing’ (Garland 2001) people who are affected by crime and disorder so that they participate in local policies of crime control. ‘Crime prevention’ has grown into a kind of panacea propagated by public organizations and by quangos such as the ‘German Forum for Crime Prevention’ (*Deutsches Forum für Kriminalprävention*) and the local crime

prevention councils that have been founded in most German cities. It seems rather unlikely however that community policing and crime prevention initiatives have significantly changed the practice of policing in Germany, partly because of the general inertia of legal and administrative structures in Germany, and partly because an awareness of the need for clear targets and standards of evaluation is lacking. More often, some local initiatives are selected as examples of ‘best practice’ in an impressionistic manner without attempting to evaluate their actual effectiveness in reducing crime or other social problems.

Criminology as an interdisciplinary research field – past and present

It is no exaggeration to claim that Germany offers both some of the best and the worst traditions in criminology, including an imposing take-off in late nineteenth and early twentieth centuries, a catastrophic decline during the Nazi era, and – in line with many other European countries – a more unspectacular and modest development since about 1970. Much of this history still remains unwritten, and we will only briefly highlight some historical landmarks.

For most of its early history until the mid-twentieth century, lawyers and psychiatrists dominated the development of the field (Wetzell 2000). Despite a strong tradition of *Moralstatistik* represented by Alexander von Öttingen (1882) and Georg von Mayr (1917), the sociological influence on criminology remained very feeble until the 1960s. However, the mainstream of early criminology, dominated by lawyer Franz von Lizst and psychiatrist Gustav Aschaffenburg, aimed at an integration of social and biological explanations of crime while repudiating Lombroso’s ideas. Von Lizst, as many lawyers after him, was less involved in empirical research himself but was highly influential as the ‘commander-in-chief’ (Radzinowicz 1991) of the *Internationale Kriminalistische Vereinigung* (International Association of Criminal Law) which campaigned for penal reform in many European countries. Aschaffenburg’s (1903) seminal textbook *Das Verbrechen und seine Bekämpfung* (Crime and its Repression) was translated into English and widely used and emulated especially in the United States well into the mid-twentieth century (Schneider 2004).

The fragile balance between sociological and anthropological approaches shifted more towards the latter during the Weimar years, and *Kriminalbiologie* with its belief in hereditary causes of deviance (combined with a complete absence of scientific rigour) was promoted to become the official basis of penal policy during the Nazi

period, with support from a considerable part of the academic community, and with murderous consequences for tens of thousands of victims who were sterilized, sent to concentration camps, killed in a secret euthanasia programme or judicially executed for trivial offences. Paradoxically, the only positive contribution of German criminology during this black period was the ‘export’ of talented scholars who fled political and ethnic persecution in Nazi Germany. Hermann Mannheim and Max Grünhut eventually acquired academic positions in London and Oxford respectively and contributed much to the establishment of criminology in Britain (Hood 2004). Others, such as Gustav Aschaffenburg and Hans von Hentig, a pioneer in victimology, emigrated to the United States.

After the Second Word War, German criminologists kept a low profile, trying to tie in with the discipline’s less radical traditions and to give more prominence to the societal dimensions of crime while avoiding a wholesale change of direction. This changed dramatically during the late 1960s when many sociologists became interested in crime and punishment from a more critical perspective, absorbing the US tradition of sociological criminology for the first time (Karstedt 2000; Karstedt and Oberwittler 2004). This paradigm shift from person-oriented, etiological to sociological and labelling approaches was spearheaded by Fritz Sack, the leading figure of ‘critical criminology’ in Germany (Sack and König 1968; Sack 1998), and resulted in a long-term rift in German criminology still noticeable today. There are presently two academic associations – the *Neue Kriminologische Gesellschaft* (New Criminological Society) on the ‘conservative’ side and the *Gesellschaft für Interdisziplinäre Wissenschaftliche Kriminologie* (Society for Interdisciplinary Scientific Criminology) on the ‘critical’ side, each with its own annual meetings and its own journals – the *Monatsschrift für Kriminologie und Strafrechtsreform* (founded 1904) and the *Kriminologisches Journal* (founded 1969). While the German passion for *Weltanschauung* may help to explain the width and persistence of this rift, there have been noticeable movements towards a centre ground in recent years, as for example the acknowledgement by prominent ‘critical’ criminologists that the radical labelling approach has lost much of its critical vigour and is in danger of impeding innovative research (Bussmann and Kreissl 1996; Hess and Scheerer 1997). The development of German criminology in twentieth century is nicely reflected by the table of contents of its leading journal, the *Monatsschrift*. Until the mid-70s, the great majority of articles were ones written by psychiatrists and lawyers, with only 12 percent written by psychologists and 1 percent by sociologists (Lamnek and Köteles 2004). After that

period, the share of psychological papers rose to 30 percent and of sociological papers to 10 percent. Until the 1950s, 60 percent of articles focussed on the etiology of offending, whereas the thematic breadth increased considerably from the 1960s onwards.

Looking to the research infrastructure in Germany today, criminology has failed to grow into an independent academic discipline (Karstedt 2000). There is no university degree in criminology, with the notable exception of a postgraduate diploma offered at the University of Hamburg (*Aufbaustudiengang Kriminologie*). What is called *Kriminologie* within the system of university departments is still a sub-discipline of criminal law, and university positions are hence mainly reserved for lawyers. Among the most prolific university institutes are those in Hamburg, Heidelberg, Köln, Konstanz, Münster and Tübingen⁴. However, important criminological research emerges from departments of psychology, sociology, education, and political science. Thus, many contributions to the field – more than in countries where criminology is an independent discipline – are not labelled as criminological research but are instead published in journals belonging to other disciplines. Only very few sociology departments provide positions designated for research on crime and deviance (as in Frankfurt and Bielefeld), and some of these have been or are in danger of being discontinued after the retirement of their present holders (as in Wuppertal, Hamburg, Bremen and Oldenburg). Reflecting limited career opportunities, there is a tradition especially among German sociologists who have worked on crime and punishment that they either find positions outside Germany (for example, Erhard Blankenburg, Joachim Savelsberg or Susanne Karstedt) or abandon research on crime and punishment in favour of more sought-after subjects.

Compared to other European countries, there seems to be a stronger reluctance in Government circles to acknowledge the need for an adequate continuous empirical foundation of criminological research, and to provide the necessary means for this. As a result there is, for example, no national crime victimization survey in Germany; this gap closes off many opportunities for research on key aspects of changes in the extent and nature of crime. The Federal government has however begun to commission a ‘Periodical Report on Crime and Crime Control in Germany’ (*Periodischer Sicherheitsbericht*) the first of which was written by a group of leading criminologists

⁴ The website of the Institute of Criminology in Tübingen (www.ifk.jura.uni-tuebingen.de) provides the most comprehensive link collection in Germany.

(Bundesministerium des Innern 2001).⁵ This report of more than 600 pages summarizes German – and international – criminological research on many key areas, especially on youth crime, and can be judged as a major scholarly achievement. Yet, the report once more highlighted the rift within German criminology, as it was condemned by critical criminologists for focusing too narrowly on individual causes of crime, and ignoring the question of how and why perceptions of crime and penal policies are changing in contemporary society (Peters and Sack 2003).

Much of the important empirical research, especially where it is on a large scale, is carried out at two extra-university research institutes, namely the Max Planck Institute for Foreign and International Criminal Law in Freiburg and the Criminological Research Institute of Lower Saxony in Hanover. The Department of Criminology at the Max Planck Institute Freiburg, which was founded in 1970, was directed by Günther Kaiser until 1997, and since then by Hans-Jörg Albrecht. It boasts the most extensive library collection⁶ in Europe and draws visiting scholars from many countries, in recent years increasingly from Central and Eastern Europe. The Criminological Research Institute of Lower Saxony (KFN) was founded in 1979 and has been directed by Christian Pfeiffer since 1985. Whereas these institutes are scientifically independent, the *Kriminologische Zentralstelle* (Centre for Criminology) in Wiesbaden is more closely tied to the ministries of justice. Apart from the two main academic journals mentioned above, criminological research is regularly published in sociological journals, mainly *Kölner Zeitschrift für Soziologie und Sozialpsychologie* and *Soziale Probleme*. The *Kölner Zeitschrift* has just devoted its annual ‘special issue’ to the sociology of crime, giving an overview on current research in Germany (Oberwittler and Karstedt 2004). There are also journals targeting practitioner groups yet publishing many original research results, such as *Kriminalistik*, *Neue Kriminalpolitik* and *Zeitschrift für Jugendkriminalrecht und Jugendhilfe*. The freely accessible database *KrimDok*⁷ which is provided by the Institute of Criminology in Tübingen covers most publications in the German language (as well as international publications).

Most introductions to and textbooks on Criminology are written by lawyers and – of course – in German. Among these, Günther Kaiser’s 1,250-page *Lehrbuch* (1996) stands out for its encyclopaedical mastery and exhaustive treatment of almost all relevant aspects of crime and punishment. As with other non-English speaking

⁵ The report in a concise English version can be downloaded: (www.uni-konstanz.de/rtf/ki/Download_Abridged_Version.pdf).

⁶ Its online catalogue is available at www.mpicc.de (library → web-OPAC).

⁷ krimdok.ifk.jura.uni-tuebingen.de.

countries large enough to sustain a research tradition in their native language, the downside of publishing in German is a limited impact of German criminology internationally. Inspired by Eisner's and Killias' (2004) report on Swiss criminology, we have compiled some statistics from 'Criminal Justice Abstracts' which is the most exhaustive international database on criminological research but which has a strong bias favouring publications in English. Table 1 compares the number of criminological publications on topics related to four European countries for the periods 1979-1990 and 1990 to 2003. Even allowing for the bias towards papers in English, it is clear that although there was a considerable increase for all four countries, neither Germany, France nor Italy can match the giant leap made by British criminology. Looking at the number of publications per year per one million inhabitants⁸, the quantity of publications on Germany (as well as on France and Italy) was much lower compared not only to Britain, but also compared to smaller European countries such as Sweden or the Netherlands, as reported by Eisner and Killias. How much of this is due to a lower visibility of German research from the viewpoint of a predominantly English-speaking international scientific community, or how much it reflects a substantive shortfall of German research remains open to interpretation. The obvious solution to this problem is to intensify European and transatlantic cooperation. A recent example of such collaboration is 'The Handbook of Violence Research' published simultaneously in German and English (Heitmeyer and Hagan 2002, 2003).

Table 1: Publications in *Criminal Justice Abstracts* on topics relating to four European countries, 1970 to 2003

	All publications		Articles in peer-reviewed journals			
	1970-1989	1990-2003	1970-1989	1990-2003	No.	Rate
	No.	Rate	No.	Rate	No.	Rate
Gr. Britain	584	0.50	2243	2.67	85	0.07
Germany	334	0.27	699	0.61	50	0.04
France	256	0.24	425	0.52	25	0.02
Italy	157	0.14	271	0.33	14	0.01
					638	0.76
					146	0.13
					62	0.08
					65	0.08

Rate: per year and million population

Search was performed on the fields 'abstract' and 'keywords' of the electronic database *Criminal Justice Abstracts* with the respective country names as expressions

⁸ Comparing the results for the two time periods, one has to consider an additional 'disadvantage' of Germany: whereas the population rose by about 16 million with reunification, the former GDR did not add significant criminological publications.

Key areas of research

History of Crime and Punishment

European criminology has been immensely influenced by studies on the historical development of crime and punishment, such as Michel Foucault's 'Discipline and Punish' or David Garland's 'Punishment and Welfare', and reconstructions of pre-modern forms of law enforcement or long-term trends in homicide have added considerable insights into the variations in deviant behaviour and societal reactions to it over historical time. Research on the history of crime and punishment has remained underdeveloped in Germany, despite Dirk Blasius' (1976) pioneering research on the early nineteenth century. In fact, much of the important work on Germany continues to be done by English-speaking scholars, like Richard J. Evans' studies on the death penalty (1996) and on the German underworld (1988), Eric A. Johnson's study on 'urbanization and crime' during the Kaiserreich (1995), and Richard F. Wetzel's (2000) study on the development of German criminology before 1945. Research by German scholars has thrived most in the field of the cultural history of early modern crime and punishment, shedding light on social relations, conflict and power in a pre-modern society, but only loosely tied to social theories (Blauert and Schwerhoff 2000, Finzsch and Jütte 1996 Schwerhoff 2004; van Dülmen 1990a 1990b). Using the excellent criminal statistics of the German Kaiserreich (1882 to 1914), Helmut Thome (2001, 2002) found empirical support for the Durkheimian assumption that violence was more widespread in 'collectivistic', traditional regions of Germany, and less common in 'individualistic', modernized regions, which is in line with recent analyses of long-term trends in homicide rates in Europe, including Germany (Eisner 2003).

After a long phase of ignoring the Nazi past, many studies have focused on the catastrophic turn of penal policies during the Third Reich (Justizministerium NRW 1995, Kebbedies 2000; Müller 1991, Wagner 2002, Wachsmann 2004; Wolff et al. 1992), and other studies on the nineteenth and early twentieth centuries have grappled with the crucial question of what has made these events possible. Peter Becker and Richard Wetzell (Becker 2002, Becker and Wetzell 2005, Wetzell 2000) both have scrutinized the inhuman and racist roots of biological explanations of crime in nineteenth century German criminology, while Edward Dickinson (2002) and Dietrich Oberwittler (1999, 2000) have shown how an outdated and repressive system of

reformatories contributed to the widespread belief among German experts that many juvenile delinquents were 'morally defective' and 'incorrigible'.

Juvenile delinquency, (school) violence and xenophobia

Starting in the 1970s and expanding rapidly during the last decade, self-report studies on juvenile delinquency and violence in and out of school constitute a major branch of criminological research in Germany. Five studies published in 2001 alone produced datasets of more than 28,000 respondents, all collected in classroom surveys. An experimental study on the advantages and disadvantages of this survey method found that school-based surveys using self-administered questionnaires produced on the whole more valid data than those from face-to-face interviews gathered in the respondent's homes (Naplava and Oberwittler 2002; Köllisch and Oberwittler 2004b).

A number of studies mainly by educational scientists focused on school violence and bullying, their correlates, and preventive measures (Holtappels et al. 1997; Forschungsgruppe Schulevaluation 1998; Tillmann et al. 1999). Much recent research on juvenile delinquency in Germany is marked by certain peculiarities: it has focused mainly on violence, and more specifically either xenophobic violence directed against immigrants (often comparing samples from West and East Germany) or violence by immigrant youths; the main theoretical approach is some version of anomie theory; and the explanations of violence are often linked to typologies of 'lifestyles' or 'social milieus', replacing traditional concepts of social class.

Using very large samples (more than 10,000 respondents each) of ninth grade students (typically aged 15), a research team at the Criminological Research Institute of Lower Saxony pursued two self-report surveys in 1998 and 2000, focusing especially on the link between social exclusion, ethnicity and violence (Wetzels et al. 2001; Wilmers et al. 2002). One of the major findings concerned an association between experiences of parental violence in childhood (as measured by the retrospective reports of the young people) and adolescents' violence in a recent reference period, as measured by self-reports. This association went some way towards explaining the elevated rate of violence among young people of Turkish origin, who also reported an elevated rate of parental violence in childhood. In addition to parenting styles and low socio-economic and educational status, Enzmann et al. (2004) propose a cultural explanation of violence which stresses the role of 'violence-legitimizing norms of

masculinity' which are most pronounced among youths from Turkish and former Yugoslavian origins, but not restricted to them.

For obvious reasons, xenophobia and violence against ethnic minorities (which is largely committed by adolescents) has been a 'hot topic' in Germany particularly since reunification and has triggered a multitude of studies. In general, it turned out that these phenomena are more widespread among boys, among adolescents of lower educational status (but not closely linked to unemployment or relative deprivation), outside the large cities and in East Germany. In a widely quoted study, Wilhelm Heitmeyer et al. (1995) proposed a 'theory of disintegration' which is rooted in Durkheim's anomie theory. The theory of disintegration claims that social changes in recent decades have weakened the cohesion of society and promoted social norms that favour individualism and 'macchiavelistic' competition, fostering feelings of status insecurity among many people. The theory assumes that certain 'social milieus' within German society are more vulnerable to these changes, and respond by turning violently on foreigners. However, the advantage of this ambitious concept – that it integrates macro-level dimensions of societal change with the explanation of individual behaviour – turns out to be also its weakness because the empirical models fall short of measuring the assumed processes of disintegration, and other scholars have questioned whether German society actually has become more disintegrated (Eisner 2001; Jungbauer-Gans 2002; Seipel und Rippl 2003). Following and further elaborating the concept of disintegration, research groups at Heitmeyer's 'Institute for Interdisciplinary Research on Conflict and Violence' at the University of Bielefeld have been pursuing a number of large-scale and longitudinal studies on conflicts in urban contexts (Heitmeyer and Anhut 2000) and on violence among adolescents of German and immigrant origin (Babka von Gostomski 2003; Brüss 2005).

Blending anomie theory with David Matza's idea of 'subterranean values' within mainstream society, Klaus Boehnke et al. in collaboration with John Hagan have proposed a similar explanation of extremist violence among German adolescents and particularly among those living in East Germany based on 'anomie aspirations' and 'hierarchic self-interest' (Hagan et al. 1995, 1998). Also drawing on the concept of 'social milieus', Dieter Herrmann (2003) has elaborated and empirically tested an integrated theory of crime as rule-breaking arising from a system of values connected with a 'hedonistic' orientation.

Due to the popularity of anomie theory, other approaches have only slowly found their way into German research on juvenile delinquency (cf. Albrecht 2003 for an

extensive overview). This is true, for example, for classic control theory as well for Gottfredson's and Hirschi's self-control theory (but see below for rational choice approaches). There are, however, examples to the contrary. Some studies employing typologies of youth 'lifestyles' (often using cluster analysis) contribute – if not explicitly – to the understanding of the role of routine activities and risk orientation for adolescents' crime involvement (Boers et al. 2002a; Raithel 2004). In research rooted in the psychological tradition of the 'risk factor' approach, Friedrich Lösel et al. (Lösel and Bliesener 2003; Lösel et al., in press) have recently focused on the role of personality traits and cognitive processes in the etiology of aggression, bringing together self-report and experimental data from role plays and computer games. Dietrich Oberwittler (2004a, 2004b) in a self-report study of about 5,000 adolescents in 61 urban and rural neighbourhoods, using multilevel analysis, found evidence for contextual effects of neighbourhood poverty on serious juvenile offending. The results hint at the role of friendship networks as important social mechanisms translating structural disadvantage into delinquent behaviour.

Life-Course Perspectives and Desistance

Only very few empirical studies in Germany have endeavoured to follow the development of individual criminal behaviour over the life course. One long-running study at the University of Tübingen which was launched in the 1960s by Hans Göppinger and has been continued by Elmar Weitekamp, Hans-Jürgen Kerner, Wolfgang Stelly and Jürgen Thomas managed to follow a small sample of male respondents over more than three decades (from age 15 to about age 50) and to analyse processes of re-offending, sanction escalation and desistance (Stelly and Thomas 2001; Thomas et al. 1998). On the basis of these empirical findings, the authors support the main tenets of Sampson and Laub's (1993) age-graded control theory in which cumulative disadvantage and 'turning points' play a crucial role (Weitekamp et al. 2000). Weitekamp's and Kerner's edited volume *Cross-National Longitudinal Research on Human Development and Criminal Behavior* (1994) which brings together contributions from German and international scholars can be considered as a classic in this field.

A second, recently finished longitudinal study directed by Karl F. Schumann (2003a, 2003b) focused on a cohort of school leavers in Bremen who were followed until the age of 27 using a combination of standardized and in-depth interviews, and

official registration of offences. Among the most interesting results of this study are that short spells of unemployment or deprivation hardly affect delinquent behaviour, but that persistent delinquency is likely to harm long term job prospects, and that judicial sanctions increase the risk of re-offending (for an German-US comparison of these data see Huizinga et al. 2003). Like the Tübingen study, their findings largely support the sociological idea of 'state dependence' in the development of criminal behaviour. An additional focus of this study has been on gender differences in offending (Seus and Prein 2004).

A third longitudinal study collects and analyses police and judicial registration data of complete birth cohorts (earliest 1970, latest 1988) in the state of Baden-Württemberg. The ongoing 'Freiburg Cohort Study' at the Max Planck Institute comprises 635,000 records of about 191,000 individuals and has recently analysed age-crime curves, recidivism and sanction escalation (Grundies et al 2002, Höfer 2003).

Ethnic minorities and immigration

The involvement in crime of ethnic minorities, or 'foreigners', as they are usually called in public debates, has been a hot topic in Germany for many years. Criminologists have until recently tended to rebut popular assumptions and prejudices about elevated rates of crime among ethnic minorities – supported mainly by police statistics – and have turned their attention instead to possible selective and unfair treatment of minority suspects by victims and the criminal justice system. Excellent overviews on this complex issue including the development of public discourses and crime policies have been published by Hans-Jörg Albrecht (1997, 2002). He stresses the need to distinguish between earlier waves of migrants (mainly 'guestworkers') who were relatively easily integrated at least into the labour market, and more recent waves dominated by asylum seekers and refugees who as a consequence of the economic slump constitute a new kind of 'lumpenproletariat' concentrated in the large cities; and also between the resident minority population and a non-resident, transient, partly illegal population, often from East European countries, which contributes disproportionately to the current rise in the prison population. Finally, and importantly, there is the peculiarly German phenomenon of mass 'resettlement' by ethnic Germans from East Europe and from the former Soviet Union.

There is empirical evidence from a number of studies that non-German offenders are more likely to be reported to the police by their victims than German offenders

(Köllisch in press; Mansel 2001; Mansel and Albrecht 2003a 2003b; Pfeiffer et al. 1998). Köllisch (in press) in a multivariate analysis of self-reports found that the risk of adolescent shoplifters of being reported to the police increases by 35 percent if they belong to an ethnic minority. However, in the case of serious violent offences such as robbery, ethnicity was not a significant factor associated with the likelihood that victims would report the offence to the police. Other studies hint at the conclusion that the resulting over-representation of ethnic minorities among police suspects is in part compensated for by a higher proportion of cases being dropped by the public prosecutor afterwards (Geissler and Marissen 1990, Mansel and Raithel 2003), (but according to Pfeiffer et al. (2005) this tendency has largely abated). Findings about discriminatory sentencing practices are rather sparse and inconclusive. Wolfgang Ludwig-Mayerhofer und Heike Niemann (1997) in one of only few empirical studies found some evidence that juvenile defendants of Turkish origin received harsher sentences. Pfeiffer et al (2005) found new evidence of harsher prison sentences meted out to ethnic minority defendants. Hans-Jörg Albrecht (2002) points at a sentencing practice which favours prison sentences for defendants who are non-residents, illegal immigrants, or asylum seekers because these groups do not meet the criteria for non-custodial sentences.

The fact that there are some signs of discriminatory treatment of ethnic minorities by the criminal justice system does not rule out the possibility that some ethnic minorities also display higher levels of criminal involvement in the first place, even controlling for differences in social backgrounds. The recent wave of large-scale self-report surveys allows this sensitive question to be addressed for the first time. A number of school surveys produced consistent evidence that adolescents of Turkish and former Yugoslavian origin use violence more often than other adolescents (Nap lava 2003, see also above). For many other types of offences, these studies show little or no differences between ethnic groups. Some surveys have especially focused on the group of 'resettler' adolescents from the former Soviet Union but found inconclusive evidence despite their marginal and often strained position in German society (Brüss 2004, Strobl and Kühnel 2000; Reich 2005; Weitekamp et al. 2005). Yet studies based on various official crime data (which are difficult to analyse because resettlers do not form an official ethnic or legal category) strongly hint at a higher involvement in serious crimes and higher rates of hard drug consumption of those resettlers who came to Germany after 1993 and whose integration process has become very problematic (Grundies 2000, Pfeiffer et al. 2005). These contradictory findings raise the question of differential validity of self-reports which has hardly been addressed by German scholars. Köllisch

and Oberwittler (2004b)⁹ in an external validation of self-reported police contacts found evidence of higher rates of underreporting among non-German respondents, confirming earlier studies from other European countries (Junger 1989; Smith 2005). However, a small sample size precluded them from focusing on particular ethnic groups.

Self control, rational choice and economic approaches

With the important exception of sociologist Karl-Dieter Opp (1973, 1989), German criminologists have not until recently seriously considered rational choice as a viable explanation of deviant behaviour (Karstedt and Greve 1996). This seems to be changing slowly in recent years. Stefanie Eifler and Christian Seipel have explored the role of rational choice in different situational contexts relative to the impact of self control (Seipel 2000; Seipel and Eifler 2004). Focusing on the interaction between rational decision making and self control, they were able to show that self control is an important predictor of rule-breaking in 'low cost situations' (when the likelihood of detection and punishment is low), but is suppressed by rational choice variables if the opportunity for crime is unfavourable ('high cost situations'). In line with other current research these findings question the basic assumption of Gottfredson and Hirschi's (1990) General Theory of Crime that individuals with low self control lack the ability to consider the longer-term negative consequences of imprudent behaviour. The concept of self-control has also been critically evaluated by Bernd Marcus (2003, 2004) who by confronting it with the existing body of psychological research on personality traits (which has virtually been ignored by Gottfredson and Hirschi) questions its theoretical coherence and empirical unidimensionality.

As in many other countries, there has been little research on 'middle class' crimes despite its huge financial costs (Frehsee 1991). In a large self-report survey comparing East and West Germany to Great Britain, Susanne Karstedt, Kai-Dieter Bussmann and Stephen Farrall have asked respondents about their consumer experiences as victims and perpetrators of fraud and 'unfair practices'. According to first results a large majority of consumers especially in Germany admit cheating when buying goods or claiming on insurance policies (Bussmann et al. 2004, Karstedt and Farrall 2004, see also Fetchenhauer 1998, Lamnek et al. 2000 for similar studies). The authors discuss the extent of 'shady' consumer practices as a dimension of the morality of neo-liberal

⁹ This study used data from face-to-face interviews in the adolescents' homes. Some questions remain how exactly the response behaviour in class-room surveys differs from that in face-to-face interviews.

market economies and attitudes toward the institutional framework of society in general, referring to explanatory concepts like 'self interest' and 'legal cynicism'. The scales on illegal and unethical market behaviour developed for this study are currently included as a module in the European Social Survey (ESS), a large-scale international survey conducted in 23 European countries which will produce more opportunities for analyses in the near future.

Economists Horst Entorf and Hannes Spengler (2000, 2002) have recently pursued a large-scale analysis of crime trends in Europe based on regional data of police-registered crimes. Although many criminologists would question the validity of this data source, the application of fixed-effects panel regression which checks for national and regional level differences and focuses on dynamic changes leads to intriguing results about the reciprocal effects of crime and socio-economic development. For example, they found some evidence that regions with high levels of crime are faced with higher unemployment rates in the future. This assumption is supported by a recent business survey which showed that crime, especially highly publicized incidents of xenophobic violence, may negatively affect industry location decisions (Bussmann and Werle 2004). These and other recent collaborations of economists, lawyers, and sociologists promise to give criminological research some fresh impulses (Albecht and Entorf 2003).

Organized, occupational and corporate crimes

While occupational and corporate crimes remain under-researched topics in Germany, this is certainly not true for so-called 'organized crime' which seems to be generally attributed to a criminal 'underworld'. It reflects the less than clear-cut nature of these phenomena that considerable efforts have been directed towards the questions of how these crimes are perceived, defined and controlled rather than towards an analysis of their prevalence and causes. This is particularly true for organized crime. Whereas public opinion and political debates seem to increasingly perceive organized crime as a major threat to society, criminologists have remained rather unimpressed. Letizia Paoli (2002, 2004) demonstrated in a number of connected studies on drug markets in European countries that organised crime is in fact rather disorganized and not dominated by 'big players'. She has recently edited together with Cyrille Fijnaut a comprehensive volume of reports on organized crime in many European countries (Fijnaut and Paoli 2004). Another attempt to paint a realistic picture of organized crime

is Klaus von Lampe's (2003) case study on cigarette smuggling in Germany. Jörg Kinzig (2004) in an empirical analysis of a sample of organized crime cases adjudicated by German criminal courts came to a similar conclusion. He found almost no evidence for the existence of stable or hierarchical networks of criminals and concluded that police and prosecution services use the label of 'organized crime' to legitimize a new types of investigative instruments that are hard to reconcile with traditional concepts of procedural law. Norbert Pütter (1998) too criticized what he considered a tendency to use organized crime as a bogeyman to extend proactive police powers of investigation, thus weakening the rights of suspects and civil liberties.

Crimes committed by the 'upperworld' – companies or managers within companies – seem to be even more covert than organized crimes, partly because victimized companies often prefer to deal with cases informally in order to avoid bad publicity, and partly because state prosecution agencies hardly pursue a proactive strategy in this field. Criminological knowledge therefore largely relies on rare cases that have been disclosed. This is true, for example, for a series of fraud cases that arose during the hasty privatization process of former East German state-owned companies, and which have been analysed by Klaus Boers, Ursula Nelles et al. (Boers et al. 2002b, 2004). The authors claim that the criminal law is not apt to intervene directly and regulate efficiently corporate behaviour which they consider as an autonomous social subsystem, borrowing central assumptions from Niklas Luhmann's system theory. In a similar vain, Kai Bussmann (2003) concludes that a prevention of corporate crimes can not be based on state sanctions alone, but must be backed by 'business ethics', a set of rules and norms within corporations.

Corruption, an important sub-dimension of corporate crimes mostly involving state officials, has recently received more attention. One of the main information sources about corruption world-wide, Transparency International with its Corruption Perception Index, which ranks countries according to their extent of corruption, was launched by German banker Peter Eigen and is based in Berlin. Susanne Karstedt (2004) used this index to show that macro-sociological indicators of poverty, inequality and hierarchical power relations can explain about three-quarters of variance in corruption between countries.

Victimization and popular attitudes

Mirroring the development of criminology internationally, victimization and public attitudes towards crime and punishment became major research foci during the late 1980s and 1990s. Results of this earlier phase of research have been summarized in a massive three-volume collection of papers in English edited by Günter Kaiser et al. (1991). The events of 1989 offered the unique and quite unexpected opportunity to observe how popular perceptions and anxieties of crime react to the dramatic political and social change in East Germany. German criminologists were quick to take advantage of this quasi-experimental setting, launching at least three major comparative East/West German victimization surveys (Bilsky et al. 1993; Boers et al. 1994, 1997; Kury et al. 1992, 2000). The consistent evidence of skyrocketing fear of crime in East Germany (far in excess of actual crime) after the opening of the borders demonstrated quite clearly that crime concerns reflect much broader macro-social anxieties especially in times of rapid social change. Further analyses aimed at differentiating between emotional and cognitive components of fear, explaining the ‘victimization/fear paradox’ especially among older respondents by introducing the concept of vulnerability (Greve 1998, Greve and Gabriel 2003), looking to the impact of media reporting and media consumption (Reuband 1998, 2001), and relating fear of crime to ecological contexts of disorder and building more complex multi-level models (Boers 2003, Oberwittler 2003).

Unfortunately, Germany did not take part in later sweeps of the International Crime Victim Survey (but participates again in the most recent sweep) nor did German criminologists succeed in establishing a regular national crime survey, which severely impedes the opportunities to analyse changes in victimization over time. This gap is only in part filled by repeated surveys in smaller geographical areas. Hans-Dieter Schwind et al. (1978, 2001) accumulated three sweeps of a victimization survey in the city of Bochum in 1975, 1986, and 1998. One of the remarkable results of this study is that violent victimizations remained relatively stable over these three decades, whereas police-recorded violence more than doubled, lending support to the claim that the reporting and recording behaviour has contributed a lot to the increase of violence in crime statistics (for a similar result regarding youth violence see Köllisch and Oberwittler 2004a).

Punitive attitudes have become a renewed research focus recently, following the discussion about a ‘punitive turn’ in Western societies (see below). A lot of this recent research is summarized in a collected volume edited by Lautmann et al. (2004). Apart from the broad picture gleaned from public opinion polls that there is no clear trend

towards more punitiveness in the German population (Obergfell-Fuchs and Kury 2004; Reuband 2004), and that East Germans tend to prefer harsher sentences than West Germans (Kury et al. 2002), a main interest of criminologists is focused on the role of media, especially tabloid press and private TV channels, in fuelling fear of crime and punitive attitudes (Kury and Ferdinand 1999; Pfeiffer et al. 2004, Reuband 1998, 2004; Walter et al. 2004).

Criminal justice system

The functioning and development of criminal justice agencies is without doubt the research area which is most contested between ‘moderate’ and ‘critical’ criminologists. The former group defines its own role rather narrowly as that of monitoring and evaluating the effectiveness of specific aspects of the criminal justice system but has largely failed to establish proper standards of evaluation. The latter group, on the other hand, adopts a much more radical perspective on what it regards as increasingly repressive penal policies. As in many other countries, recent developments are discussed in terms of an alleged turn from the welfare to the punitive state in ‘late modernity’. In terms of methods, research by ‘moderate’ criminologists tends to be based on empirical samples and quantitative analyses, often funded by government agencies thus raising the question of (intellectual) independence (Savelsberg and Sampson 2002), whereas critical criminologists pursue a kind of distant ‘arm-chair’ research firmly rooted in ideas and grand theories yet often lacking empirical evidence. The notion that criminal justice policies – and also mainstream criminology itself, viewed as a servant of government – are turning in a more punitive direction has been very strongly voiced by Helga Cremer-Schäfer and Heinz Steinert (1998), and more recently by Fritz Sack (2004). However, the kind of ambitious synthesis offered by David Garland (2001) for the Anglo-American world is still lacking in Germany. This is the more deplorable as it would be a grave mistake to regard Germany a ‘high crime society’. Yet, much of recent work by critical criminologists (some of which we will mention below) suffers from this tendency to paint a grossly exaggerated picture of a punitive and oppressive criminal justice system severely undermining civil liberties. In contrast, German sociologist Joachim Savelsberg (who lives in the US) (1994, 2004) has proposed a socio-historical approach which stresses the roles of both the state and religious traditions in explaining why the German penal system is *not* as open to

populist and punitive influences as the US penal system. In Germany, there is currently a dearth of such research which avoids the dangers of over-simplification.

Turning to specific areas, critical criminologists have looked to recent developments in policing (Hitzler and Peters 1998; Lange 2003). Detlef Nogala (2004) has focused on technological developments in policing, especially new forms of surveillance, and Hubert Beste (1999) has analysed the consequences of new forms of semi-public and private policing in urban spaces like railway stations and shopping malls. There has been a considerable wave of research on community policing mainly by 'moderate' criminologists (summarized in Kury 1997). Although community policing became a very popular concept during the 1990s and was implemented to some extent by many police forces, no empirical study can claim to have measured its effectiveness, either in terms of crime reduction or in terms of improvements in residents' fear of crime or satisfaction with the police. Although critical criminologists feared that community policing would nurture populist and exclusionary crime policies (Frehsee 2000) it seems that its actual impact has in fact been very limited.

In addition to studies dealing with responses to organized crime (see above), a large empirical study has analysed the application of new police powers of covert surveillance of telecommunication (Albrecht et al. 2003). Telephone surveillance has grown into a 'mass business' and proved effective especially in combating drug dealing, yet questioning of these practices by reference to the rule of law arises mainly from investigating magistrates who are struggling from a weak position to exert effective control over police operations.

Research on sentencing practices has largely abated since the late 1980s (Albrecht 1994; Pfeiffer and Oswald 1989). However, a research consortium at the University of Bielefeld has produced several studies analysing the shift in juvenile justice towards diversion and other informal practices (Albrecht and Ludwig-Mayerhofer 1995, Ludwig-Mayerhofer 1998). Heinz (2004) conducted research on juvenile justice sanctions based on large-scale official data sets. The key finding is that harsher sanctions do not reduce recidivism, and conversely, that 'mildness pays off' in dealing with young delinquents. These findings are supported by a more extensive analysis of 2.6 million records of 900,000 individual defendants of all ages (Jehle et al. 2003). The majority of these defendants did not re-offend after their first sanction, and most recidivists did not commit serious offences.

Two long-term panel studies have recently focused on the effects of prison on convicted offenders. In one of the very rare studies in Germany that have used an

experimental design, Rüdiger Ortmann (2000, 2002) evaluated the effectiveness of social therapy in prison and found only marginally lower rates of recidivism in the treatment group, with an effect size of .05. Werner Greve and others (2001; Greve and Enzmann 2003) are currently conducting a longitudinal study that follows a sample of more than 2,000 young prisoners during their period of imprisonment and afterwards, and examines the social and psychological consequences of imprisonment.

Systematic evaluations of sanctions and crime prevention policies in general are a very weak point in German criminology. Government and criminal justice agencies rarely consider the necessity of proper empirical research including experimental designs and pre- and post-treatment measurements. Most existing evaluation research is poorly funded and badly designed, and meta-analyses are rare. One of the pioneers in this field is Friedrich Lösel who has conducted an evaluation study of intervention programmes that tackle behavioural problems in pre-school children (Lösel et al. 2005) as well as an international meta-analysis of such programs (Lösel and Beelmann 2003).

Conclusion

Our survey painted an unexceptional picture of crime and criminal justice in Germany, fairly in line with her European neighbours. Criminal statistics show divergent trends of increasing drug and violent offences (except the most serious forms) and decreasing serious property offences. The early 1990s appear in retrospect as years of crisis linked to the aftermath of reunification and a peak in immigration. The issues of migration and ethnic minorities have become and will continue to be increasingly important for the whole criminal justice system, from policing to prison services, and, not least, with respect to xenophobic violence. Recent developments have put some strain on the criminal justice system. It does not appear, though, that penal policies or public opinion in Germany are moving towards a ‘punitive turn’.

Research on crime and justice has produced a substantial quantity of interesting publications despite constraints in the research infrastructure. The fact that criminology does not have its own academic niche in Germany must limit its potential. In many instances, research in Germany simply does not reach a ‘critical mass’. On the other hand, strong ties with its parent disciplines could also be seen as an advantage, as Joachim Savelsberg and Robert Sampson (2002) have pointed out. According to them, criminology ‘does not have an intellectual core’, and should continue to draw on the theoretical and methodological traditions and intellectual ideas of these parent

disciplines, particularly psychology and sociology. Unfortunately, these disciplines have recently shown only a limited interest in the topics of deviance, crime and social control.

We would like to conclude with a 'wish list' of points which could, in our opinion, help to bring German criminology forward. There are without doubt many research topics which would be worth pursuing in the future. In some areas, the lack of research is particularly pressing. Among these are longitudinal studies of child and adolescent development embedded in social contexts of schools, neighbourhoods, and the virtual realities of electronic media, and approaches bridging classical theories with recent advancements of cognitive and behavioural sciences. Also, research on middle-class, occupational and corporate crimes is especially rare. Finally, there is a need for research that will enhance our reflexive knowledge by putting penal policies in the broader perspective of recent developments of society and government. On these issues, 'critical' and 'moderate' criminologists will probably never come to concordant positions, but German criminology as a whole would profit if they would overcome ideological barriers.

From the viewpoint of academic research *and* of an informed public discourse about crime it seems indispensable that a periodic national crime survey should be established in Germany. The state should also accept responsibility for monitoring the effects of its policies, and should therefore establish evaluation research of a more rigorous and critical nature than currently undertaken. Yet, even for a country like Germany with relatively large population and resources and a great intellectual tradition, European and transatlantic cooperation will be more and more crucial to keep criminological research lively, interesting and competitive.

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