



Max-Planck-Institut
für ausländisches und
internationales Strafrecht

Criminology and Criminologists in Germany – A Discipline without Professional Fields

Hans-Joerg Albrecht

Max Planck Institute for Foreign and International Criminal Law

<http://www.mpicc.de>



What is criminology?



- An old question, essentially confined to continental Europe
 - Due to the historically strong links between criminal law and criminology in continental Europe
 - Northamerica and UK: criminology is part of social sciences (in particular: sociology)
- How should criminology be positioned in relation to criminal law
- In the last decade the question of „What is criminology“ has gained new momentum in Northamerica and the UK
- This is surprising
 - Criminology as a quantitative science explaining crime and criminal behavior and looking for solutions of problems of crime, Al Blumstein (what works and what doesn´ t?)
 - Criminology as a critical science: commenting and explaining the course of social control and the role of criminal law
- What is new? Will criminology provide for answers on how criminal law and criminal policies should develop in the future?

Old questions?



- What is a crime?
 - New criminal offences
- A criminology studying „social harm“ and acts causing „social harm“
 - The Schwendingers (1970) proposal of defining the subjects of research through criminology, not accepting crime predefined by criminal law (and criminal lawyers)
- Defenders of order or defenders of human rights?
- Social harm and the justification of criminal law



- „Criminology and Criminal Law under a common roof“
 - was coined by the late Hans-Heinrich Jescheck in a lecture given at a conference celebrating the move of the Freiburg Max-Planck-Institute to a new building in 1978
 - „Criminal law without criminology is blind“
 - „Criminology without criminal law has no borders“
- Back then also a bold move in the humanities section of the Max-Planck Society towards an interdisciplinary approach to the problem of crime and criminal justice, embracing normative theory, doctrine and empirical methods
- Based also on the idea of a „Gesamte Strafrechtswissenschaft“ (Comprehensive Criminal Law Sciences), interdisciplinarity and networking between core disciplines dealing with crime and social order
- Expressing the wish for a humane and rational crime policy



- Criminology: dominating criminal law
 - „What is left of criminal law by criminology?“
- Criminology does not display the central element of an independent science
 - Definition of the subject of scientific inquiry is provided from outside: criminal law and criminal policy define the subject:
 - who is a criminal and what establishes a crime?
 - Criminology borrows from social sciences (methods and theory)
- Criminology in the service of the state and social control
 - Criminology as Controllology
 - Criminology and narratives of justification of power
- Criminology and applied sciences/professional activities (social work, prison rehabilitation, forensic professions, expert knowledge)

German criminology has a history of



- Strong attachment to
 - Criminal law
 - Criminal policy
 - Treatment, criminal corrections



- A boom in the 1970s
 - Law schools, criminology and social sciences
 - Sociology of deviance, crime, social control
- A gradual decline since the 1990s
 - Law schools: criminology increasingly attached to criminal law
 - Sociology: crime and deviance disappear as sociological fields of teaching and research
- Master programmes in criminology
 - Hamburg, Bochum, Greifswald, (Tuebingen/Freiburg)
- Professional fields are not available (police, corrections, probation, forensics)

Criminology as part of professional education



- Police, policing and criminology
 - Police University (Muenster)
 - Police academies/colleges (state level)

- Probation, corrections, prisons
 - Social work colleges

- Forensics
 - Psychiatry
 - Psychology

Criminological research



- Universities
 - Law schools

- Research institutes

- Inhouse research (driven also by service orientation)
 - Federal Police Office
 - State police offices
 - State prison systems (criminological service)

- Forensic research
 - Prediction
 - Risk assessment
 - Treatment



Criminology deals with



- What works
 - In explaining crime
 - In containing crime
- Critical comments
 - Punishing the poor, Cultures of control, Gulags Western Style
- Dystopia prevails
- No plans developed for a reasonable and grounded criminal policy





Re-arrangements of research and policy fields



The emergence of security research



- A new (unified) concept of security
 - European security policies
- Security research developed within the framework of ministries of research and science
 - Budget security research Federal Ministry of Research: 237 million € (2007-2011)
- Covering (conventional fields of criminological research)
 - Victim surveys (crime measurement)
 - Fear of crime studies
 - Crime control, surveillance
 - Trust in security, enforcement and justice institutions



- Stiglitz-Report
 - Report by the Commission on the Measurement of Economic Performance and Social Progress (Stiglitz-Report). Paris 2009
 - GDP is not a well-suited indicator of social development
 - Subjective Quality of Life Indicators (and inequality related to quality of life) should be part of comprehensive concepts of social development
 - Feelings of (in)security adopt a prominent place



- Surveillance studies
- Privacy studies
- Technology and society (acceptance) studies

Extreme violence



- Street violence
- Political violence and terrorism
- Insurgencies and „small wars“

- State building and peace making
 - Retaliation
 - Restorative justice
 - Mediation
 - Prevention
 - International (criminal) Law



- Neurosciences deal with
 - Bonds and bonding
 - Empathy
 - Trust and confidence
 - Desire for punishment
 - ...



- New actors
 - Political sciences
 - Neurosciences
 - Economy
 - ...

- New funding arrangements



The Future



... where should criminology be located?



- Within sociology?
 - Not much interest
- Within psychology?
 - Not much interest
- Within law?
 - Model of continental Europe
- As a separate discipline?
 - Gaining ground (in particular as a consequence of the Bologna process and the spread of LLM studies in criminology)
 - However, no professional fields are open for criminologists

Dissatisfaction with dystopian views on crime control



- Should make it easier to think about strategic alliances between criminal law sciences and criminology
- The picture has become more complicated
- More disciplines deal today with questions once a monopoly of criminology
 - Economy and game theory: sanctions, compliance, deterrence, retaliation
 - Brain sciences: trust, control, anger, emotions
 - Psychology: retaliation, mediation, self control
- Security becomes a central issue in general policies: criminal policy is integrated into general security policies
- Social integration and social solidarity are again seen as presenting major challenges in European societies
 - Old models of integration, developed in the 19th century do not work anymore (the Republican Ideal, Federalism, Community Orientation)
- Problems of social integration and security orientation re-enforce each other
- New architectures of security, security sector reform (SSR), failed states and state building etc. point to new fields of research and policy making as well as re-arrangements of sciences vis-a-vis such new research fields

An integrated criminal law and criminology based approach



- Basic empirical information is urgently needed in many policy fields
- Development of functioning and comparative systems of information
- Determination of
 - the proprium of criminal law (in face of security policies)
 - an evidence based and human rights respecting programme of crime policy
 - the limits of criminal law
- How can trust in criminal justice institutions and criminal justice practices be (re)established
- Limits of criminological research
 - Risk and danger
 - Explanation and prediction
 - Dealing with uncertainty
- From interdisciplinary research to cross-sectional research fields
- The question of strictly separated disciplines (methods and theory) becomes less important
- Criminology has over the last century acquired a unique set of skills (methods and theory), which is the result of the particular relationship to criminal law