Criminology and Criminologists in Germany – A Discipline without Professional Fields

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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
A Short Introduction

- „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
Conflicting views: Discourses in the 1970s and 1980s

- 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
Criminology and university education

- **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
- Covering (conventional fields of criminological research)
  - Victim surveys (crime measurement)
  - Fear of crime studies
  - Crime control, surveillance
  - Trust in security, enforcement and justice institutions
Security and the measurement of social progress

- **Stiglitz-Report**

  - 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, technology and privacy

- 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, deviance and control

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

- 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