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Helmut Kury
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(eds.):

CRIMINOLOGICAL RESEARCH
IN THE 80's AND BEYOND

KRIMINOLOGISCHE FORSCHUNGSBERICHTE AUS DEM
MAX-PLANCK-INSTITUT FÜR AUSLÄNDISCHES UND
INTERNATIONALES STRAFRECHT, FREIBURG I. BR.

Band 33

CRIMINOLOGICAL RESEARCH REPORTS BY THE
MAX PLANCK INSTITUTE FOR FOREIGN AND
INTERNATIONAL PENAL LAW, FREIBURG I. BR.

Volume 33

Herausgegeben von

edited by

Professor Dr. Günther Kaiser

Criminological Research in the 80's and Beyond

**Reports from the
Federal Republic of Germany
German Democratic Republic
Austria
Switzerland**

Edited by
Günther Kaiser
Helmut Kury
Hans-Jörg Albrecht

Freiburg 1988

CIP-Titelaufnahme der Deutschen Bibliothek

Criminological research in the 80's [eighties] and beyond:
reports from the Federal Republic of Germany, German
Democrat. Republic, Austria, Switzerland / ed. by
Günther Kaiser . . . - Freiburg i. Br. : Max-Planck-Inst.
für Ausländ. u. Internat. Strafrecht, 1988

(Criminological research reports by the Max Planck
Institute for Foreign and International Penal Law
Freiburg i. Br. ; Vol. 33)
ISBN 3-922498-36-1

NE: Kaiser, Günther [Hrsg.] ; Max-Planck-Institut für
Ausländisches und Internationales Strafrecht <Freiburg,
Breisgau >: Kriminologische Forschungsberichte aus
dem Max-Planck-Institut für Ausländisches und Inter-
nationales Strafrecht Freiburg i. Br.

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für ausländisches und internationales Strafrecht,
Günterstalstraße 73, 7800 Freiburg i. Br.

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Printed in Germany/Imprimé en Allemagne

Gesamtherstellung: C. F. Dreyspring GmbH, 7630 Lahr

ISBN 3-922498-36-1

Preface

The volumes at hand dealing with criminological research in German-speaking countries are primarily intended as a documentation of developments during the last five years. The publication aims at a description of empirical-criminological research since the 9th International Congress for Criminology, held in Vienna in 1983. Even if a comprehensive survey cannot be presented here, major developments are illustrated in an exemplary manner. We will concentrate on research in the Federal Republic of Germany; nevertheless other German-speaking countries (German Democratic Republic, Austria and Switzerland) will also be represented in studies giving a general account of the respective developments there.

Right from the start the editors put emphasis on a representative cross-section of recent (empirical) criminological research in German-speaking countries; i.e. on an illustration of major research trends. Nevertheless they provided appropriate space for representatives of critical criminology. In addition, they were anxious to include present criminological research problems. These recent developments and critical viewpoints had to be illustrated in particular in order to provide a wide spectrum of German-speaking criminology.

The volumes at hand follow the three-volume work "Deutsche Forschungen zu Kriminalitätsentstehung und Kriminalitätskontrolle" (Interdisziplinäre Beiträge zur Kriminologischen Forschung, Vol. 6/1-6/3, Cologne et al. 1983), ed. by H.-J. Kerner, H. Kury and K. Sessar, published on the occasion of the 9th International Congress for criminology.*

This multivolume work is subdivided into three principal parts:

1) General surveys on criminological research in the Federal Republic of Germany, the German Democratic Republic, Austria and Switzerland, 2) reports on institutional-related research issues and emphases or resources of research, 3) (empirical) project studies conducted by individual experts working in various scientific disciplines. These constitute the major part of this publication.

The presentation is an attempt to widen the spectrum of the survey by including a combination of various forms and viewpoints.

In order to address foreign scientists, also, the general survey showing trends in the development of research, identifying main aspects of theoretical and methodical issues, and revealing gaps within research, have been published in English as well (first volume).

* c.f. G. Kaiser and Th. Würtenberger (ed.): *Criminological Research Trends in Western Germany*. Berlin, Heidelberg, New York 1972, a collection published in conjunction with the 6th International Congress for Criminology in Madrid 1970.

Preface

The second volume presents the German texts of those four general surveys (Federal Republic of Germany, German Democratic Republic, Austria, Switzerland), and, in addition, studies related to individual research institutions which are primarily concerned with specific trends within a respective field, available resources for research and, above all, various research perspectives. In addition, the second volume contains articles that give a general survey of (German) scientific literature of recent years.

The individual project studies are to be found in the third volume. Due to its enormous size, this third volume had to be subdivided into two sections. We tried to classify the individual reports according to overriding subject matter, an undertaking which - owing to the complexity and extensive content of several studies - understandably had its limitations.

Nevertheless, this structure should help to facilitate an overall view of the topics dealt with. The reports provide a convincing and representative cross-section of present empirical and theoretical criminological research in the FRG.

Although we were restricted in terms of space, no particular selections have been made; all criminological research institutes and research units as well as university department chairpersons were asked to contribute at least one project study to the volume. The response was extremely positive.

In accordance with the work presented for the Vienna Congress by Kerner, Kury and Sessar, these four volumes illustrate that it is possible to organize such an extensive presentation of German-speaking criminology, additionally offering an almost comprehensive view of the spectrum of criminological research in the FRG, despite considerable differences in theory and methodology.

Finally we would like to thank all of the contributors whose enthusiastic work has made this publication possible. In addition, we are indebted to the two translators, Ms. C. Putnam (USA) and Ms. C. Neher, and also to the research assistants who did the proofreading, corrected discrepancies and prepared registers, Ms. E. Tov, Ms. U. Glörfeld and Ms. M. Michaelis. Finally, we would like to thank the typing business of G. Diesch for the preparation of the manuscript for printing.

Freiburg, in July 1988

G. Kaiser
H. Kury
H.-J. Albrecht

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Criminology in the Federal Republic of Germany in the 1980s

Günther Kaiser

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1. Point of Departure

Every era has its ideas, interests, points of emphasis, and fashions. In criminological thinking and research, too, there are characteristics specific to an epoch.¹ The changes in themes for the world congresses of criminology reflect the changes in contemporary ways of looking at things as well as the enduring questions.

In order to paint retroactively a picture of the criminological developments of the last half decade and to see what they really amount to, it is a good idea to begin with the extensive reports and position papers that appeared in the aftermath of the most recent World Congress in Vienna in 1983.² These publications, which summarize the situation

¹ Cf. Anttila: The Scope of Criminological Research and Its Organization: a Scandinavian View. In: EuroCriminology 1, 1987, p. 5-13 (10) with a general view of the favored research items during the course of the past decades after World War II.

² See Kerner, Kury, Sessar: Deutsche Forschungen zur Kriminalitätsentstehung und Kriminalitätskontrolle. 3 Volumes. Köln et al. 1983. Further indications may be delivered by the research analysis by Beste: Innere Sicherheit und Sozialforschung. Eine empirische Analyse der Entwicklung kriminologischer Forschung und staatlicher Kontrollpolitik. Münster 1983, as well as the Volume in honour of Lefferenz, which was published in the same year (Kerner, Göppinger, Streng (Eds.): Kriminologie - Psychiatrie - Strafrecht. Heidelberg 1983), furthermore the theoretical sociological analysis by Bock: Kriminologie als Wirklichkeitswissen-

in the early 1980s, cover a wide spectrum of research. Sanctions and criminal procedure as well as so-called government research appear as point of emphasis for papers and discussions during that period, that is, the first half of the 1980s. Given the brief elapsed time, it is no wonder that the research interests started during that period have merely continued to unfold meanwhile, so that wholly new ways of posing questions are hardly to be expected. Rather, dimensions of the research spectrum that had already been recognized have come into sharper relief. This is true for instance of such criminological problems as diversion, offender-victim compensation, crime prevention, family violence, and even for abolition and questions of historical criminology.

Since the nurture of scholarly interests depends to a considerable extent (though not always or solely) on the constraints and structures in the way research is organized, attention should be directed first to this aspect, in particular to possible changes.

2. Research and Teaching

Just as in the previous decade, the research support that came from the German Research Society (*DFG: Deutsche Forschungsgemeinschaft*) during the period covered by this report particularly proved inspiring and left its clear mark. Above all, the emphasis laid by the DFG on empirical research into sanctions, their remedial effects and their norms, made it possible to organize and combine research interests that were directed primarily at the ways criminal sanctions and their alternatives work.³ As against that, the norm genesis, although once highly favoured and hardly contended, rapidly lost in impulse and importance. This support was so broad that topics in victimology and perspectives on implementation research could also be brought into the picture. Furthermore, the research potential in the Federal Republic was noticeably strengthened. The temporary expansion of research capacity took place, however, not merely within the framework of the DFG's point of emphasis, but also as a result of the special research domain established in 1985 in Bielefeld on "Prevention and intervention in childhood and adolescence".⁴ It should be mentioned fur-

schaft. Berlin 1984, and the final report by *Göppinger: Der Täter in seinen sozialen Bezügen*. Berlin et al. 1983.

³ Compare to this item the Yearbooks of the Deutsche Forschungsgemeinschaft concerning its activities during the years 1984-1987.

⁴ See *Sonderforschungsbereich 227: Prävention und Intervention im Kindes- und Jugendalter. Arbeits- und Ergebnisbericht Januar 1986 · Juni 1988*. Bielefeld 1988, and to these the contributions by *G. Albrecht, P.-A. Albrecht and Karstedt-Henke* in these Volumes.

ther that at about the same time a focus was established in Konstanz for research on legal facts and for empirical criminology.⁵ Furthermore, the long-planned Central Office for Criminology of the Departments of Justice began its work in Wiesbaden.⁶ all these institutions have already come forward with a series of research activities. Meanwhile, the Criminological Research Institute in Lower Saxony has been able to hold its own institutionally - albeit with cutbacks⁷ - although the department for planning, research, and social services that was established at the end of the 1970s by the Ministry of Justice for Lower Saxony suspended its work. At any rate, under tightened constraints, criminological work is continuing.⁸

All told, therefore, the growth and the status of the research capacity show a positive balance at the end of the period in question. An up-to-date list shows almost 600 criminological research topics during the 1980s.⁹ Even if it is not yet possible to get a clear overview of whether there is an independent research project behind each of those titles, nonetheless, it seems clear that the research potential has at least not diminished in comparison with the 1970s.¹⁰ The same is true for criminological writing.¹¹ In view of the richness, not to say profusion of writing one may question himself whether it is still possible to read such number of criminological contributions, to assimilate and much less to evaluate them. More than ten criminological textbooks, five of them new publications or new editions issued during the period under review, and two criminological dictionaries endeavour to systematically summarize the relevant knowledge of the 1980s¹². It is true,

⁵ *Heinz*: Das Institut für Rechtstatsachenforschung der Universität Konstanz. Aufgaben und Zielsetzung, Organisation und Struktur. In: *Rechtstatsachenforschung heute*, ed. by *Heinz*. Konstanz 1986, p. 25-37.

⁶ *Jehle, Egg*: Anwendungsbezogene Kriminologie zwischen Grundlagenforschung und Praxis. Schriftenreihe der Kriminologischen Zentralstelle e.V. Vol. 1. Wiesbaden 1986.

⁷ See the articles by *Kury* and *Pfeiffer* in these Volumes.

⁸ Cf. *Berckhauer et al.*: Kriminologie in der Justizpraxis - 10 Jahre Referatsgruppe im Niedersächsischen Ministerium der Justiz, in these Volumes.

⁹ Cf. the documentation issued in cooperation by the Informationszentrum für Sozialwissenschaften and the Kriminologische Zentralstelle at the occasion of the World Congress in Hamburg concerning criminological research in the 1980s. Bonn 1988.

¹⁰ Cf. the references in *Jung* (Ed.): Fälle zum Wahlfach Kriminologie, Jugendstrafrecht, Strafvollzug mit einer Einführung in das Studium dieser Wahlfachgruppe. München 1988 2, p. 1 ff.

¹¹ See the relevant bibliography by *Kürzinger* in these Volumes.

¹² Cf. the bibliography and contributions by *Berckhauer* (FN. 8), and *Kürzinger* in these Volumes. See also *Lüderssen*: Kriminologie. Einführung in die Probleme. Baden-Baden 1984. *Eisenberg*: Kriminologie. Köln, Berlin, Bonn, München 1985. *Schneider*: Kriminologie. Berlin, New York 1987. *Schwind*: Kriminologie. Eine praxisorientierte Einführung mit Beispielen. Heidelberg 1986.

the rapid shift toward current issues and publications that take strong positions is striking. If one takes the "collective presentation of criminology in the Federal Republic of Germany in the 1980s" as a basis of comparison, then "of the works from the 1970s, only a bare two fifths hold up, and of the authors a few more than half."¹³ Numerous research colloquia within the discipline and meetings of the professional organizations as well criminological journals, moreover, reflect the spectrum and the shift in interests.¹⁴ Meanwhile, the efforts aimed at fusing the criminological organizations together have grown stronger, so that one can count on the creation of an umbrella organization.¹⁵

Since criminological research is done largely by the young talent coming along in the discipline, education and teaching take on strategic significance. In light of the regional prejudices and threats to the relevance of criminology tests in the state examination for law, one can see why this theme is discussed so repeatedly.¹⁶ For all that, supplementary education in criminology was able to get institutional recognition as an interdisciplinary concentration at the University of Hamburg.¹⁷

¹³ *Berckhauer*: Kriminologische Auswahlbibliographie. Kriminologisches Schrifttum aus Deutschland, Österreich und der Schweiz im Spiegel bundesdeutscher Gesamtdarstellungen der Kriminologie aus den achtziger Jahren, in these Volumes.

¹⁴ To the comparative analysis of the topics in the *MschKrim* and in the *KrimJ* see *Lamnek* : Kriminalität als Gegenstand wissenschaftlicher Medien. Zwei Fachzeitschriften im Vergleich. *MschKrim* 70, 1987, p. 224-245.

¹⁵ To the development and the problems *Schöch*: Die gesellschaftliche Organisation der deutschsprachigen Kriminologie - Rückblick und Ausblick. In: Volume in memory of Kaufmann. Berlin et al. 1986, p. 355-372.

¹⁶ To this item cf. evidences by *Kaiser*: Kriminologie. Ein Lehrbuch. Heidelberg 1988/2, p. 139 ff.

¹⁷ Cf. *Löschper, Manke, Sack* (Eds.): Kriminologie als selbständiges, interdisziplinäres Hochschulstudium. Pfaffenweiler 1986, as well as the contributions relating to the professional training of lawyers, criminologists and sociologists in the Volume in honor of Pongratz. München 1986, p. 137-227.

3. Empirical Investigations

References to empirical research activities can be extracted from this summary as well as from an analysis of the journals¹⁸ and the special information organ of the Council of Europe¹⁹ that is devoted to criminological research and its exchange. Just as one would expect, an analysis of what makes up the body of research indicates that there is an accumulation of empirical investigations in the domain of sanctions and treatment including detention on remand. The most important research reports of the last half decade, some of them theses,²⁰ come from these domains. Where crime is the object of inquiry, the projects concentrate on crimes of violence and drug- and drunkenness-related crimes as well as economic and environmental crimes²¹. Only a few studies have been published on the personality of the delinquent or - more cautiously - on some aspects of that personality.²² Among other topics, as before, are crime among foreigners, or - increasingly - women in crime, and the role that unemployment plays in liability to punish-

¹⁸ Cf. *Lamnek* (FN. 14), p. 224 ff.

¹⁹ See *Council of Europe: International Exchange of Information on Current Criminological Research Projects*. Vol. 23-25, Strasbourg 1984 ff.

²⁰ Cf. *Dölling*: Polizeiliche Ermittlungstätigkeit und Legalitätsprinzip. Wiesbaden 1987; *Frehsee*: Schadenswiedergutmachung als Instrument strafrechtlicher Sozialkontrolle. Berlin 1987; *Kury*: Die Behandlung Straffälliger. Ergebnisse einer empirischen Untersuchung zum Behandlungserfolg bei jugendlichen und heranwachsenden Untersuchungshäftlingen. Berlin 1987; *Lamnek*: Wider den Schulenzwang. Ein sekundäranalytischer Beitrag zur Delinquenz und Kriminalisierung Jugendlicher. München 1985; *Laubenthal*: Lebenslange Freiheitsstrafe. Vollzug und Aussetzung des Strafrestes zur Bewährung. Lübeck 1987; *Seebode*: Der Vollzug der Untersuchungshaft. Berlin et al. 1985; *Streng*: Strafzumessung und relative Gerechtigkeit. Heidelberg 1984.

²¹ See *Dünkel, Meyer*: Jugendstrafe und Jugendstrafvollzug. Stationäre Maßnahmen der Jugendkriminalrechtspflege im internationalen Vergleich. 3 Volumes. Freiburg 1985, 1986, 1988; *Jehle*: Untersuchungshaft zwischen Unschuldsvermutung und Wiedereingliederung. Ein empirischer Beitrag zur Ausgestaltung des Untersuchungshaftvollzugs unter besonderer Berücksichtigung kriminalpolitischer Reformvorstellungen. München 1985; *Meinberg*: Geringfügigkeitseinstellungen von Wirtschaftsstrafsachen. Eine empirische Untersuchung zur staatsanwaltlichen Verfahrenserledigung nach § 153a Abs. 1 StPO. Freiburg 1985; *Smaus*: Das Strafrecht und die Kriminalität in der Alltagssprache der deutschen Bevölkerung. Opladen 1985; *Gebauer*: Die Rechtswirklichkeit der Untersuchungshaft in der Bundesrepublik Deutschland. Eine empirische Untersuchung zur Praxis der Haftordnung und des Haftverfahrens. München 1987; *Schumann u.a.*: Jugendkriminalität und die Grenze der Generalprävention. Neuwied et al. 1987.

²² Cf. *Ortmann*: Resozialisierung im Strafvollzug. Freiburg 1987, as well as several approaches in the framework of longitudinal studies.

ment. In these instances, without exception, we are talking about secondary analyses.²³

4. Theoretical Development and Discussion

To be sure, during the period covered by this report, there have been arguments - occasionally quite lively - about the directions, contents, and emphases of research.²⁴ Abolitionism, critical criminology, changing values, and the significance of history for criminological analysis account primarily for these controversies. This is true both of the interest in and the orientation towards practical applications. Differences in opinion as to their value offered an excuse for exchanges of declarations about the "meaninglessness of criminological research"²⁵ or even for pulling up moral criteria of evaluation. The result has been a not altogether congenial quality of argument about the meaning of personal professional standards when it comes to practical issues. And finally, the controversy has concerned basic positions on empirical scholarship and on the logic of research, which have been expressed especially in a field that is as multi-disciplinary as the area of criminological research. Admittedly, all of this arises in part because of a background conflict about the distribution of research resources. Nevertheless, proposals that might lead further in theoretical discussion - like those in the 1970s related to the labeling approach, which took place in this country also - have remained few. Still, there are some outstanding individual monographs.²⁶ This is true also for the discus-

²³ Cf. for example the relevant contributions by *H.-J. Albrecht*: Foreign Minorities and the Criminal Justice System in the Federal Republic of Germany In: Howard Journal 6, 1987, p. 272-286; *Kreuzer*: Cherchez la femme? Beiträge aus Gießener Delinquenzbefragungen zur Diskussion um Frauenkriminalität. In: Volume in memory of Kaufmann. Berlin et al. 1986, p. 291-308; *Mansel*: Die Selektion innerhalb der Organe der Strafrechtspflege am Beispiel von jungen Deutschen, Türken und Italienern. Bern 1988.

²⁴ To this *Savelsberg*: Die Zukunft der Kriminologie - Neue Perspektiven der kriminologischen Forschung in der Bundesrepublik Deutschland in den neunziger Jahren. MschrKrim 70, 1987, p. 89-111.

²⁵ For example *Kreissl, Ludwig*: Rationalisierung des Strafrechts durch Kriminologen? In: Kriminologie im Spannungsfeld. Stuttgart 1986, p. 73-85, in which case of course the criticism strikes back against Kreissl if one looks at his work about "Soziologie und soziale Kontrolle. Die Verwissenschaftlichung des Kriminaljustizkonzepts". München 1986.

²⁶ See *Lamnek*: (FN 20); *Amelang*: Sozialabweichendes Verhalten. Berlin et al. 1986; *Ortmann* (FN. 22) and *Lösel et al.*: Meta-Evaluation der Sozialtherapie. Qualitative und quantitative Analysen und Vorschläge zur Behandlungsforschung in sozialtherapeutischen Anstalten des Justizvollzugs. Stuttgart 1987.

sion on changing values.²⁷ Through the all-too-early and tragic death of Haferkamp, and therewith the loss of one of the most engaged spokesmen on this subject, the topic has gone lame, even if it has not quite come to a premature end.²⁸ Otherwise, and in general, the issue has been and continues to be one of marking out positions, fighting for and safeguarding territory, and protecting possessions, rather than one of developing theories, even where the potential thereof actually exists or is required. Now and then some are even ready to do without theories of crime altogether because of the implications of criminological research for criminal policy.²⁹ Even in the recent vigorously conducted discussions over the relevance of historical criminology there comes into play as a fundamental point of controversy whether and to what extent it is possible to make a breakthrough for those interested in understanding in the area of criminology.³⁰ Even the controversy that periodically flares up about criminal-legal sociology as content for modern criminology³¹ serves more to guard and consolidate positions already taken than to establish new horizons or even allow a breakthrough to "integrative interdisciplinarity".³²

²⁷ Cf. Haferkamp (Ed.): Wohlfahrtsstaat und soziale Probleme. Opladen 1984; furthermore Savelsberg (FN. 24).

²⁸ Cf. Savelsberg (FN. 24), p. 92 f.

²⁹ See Quensel: Let's Abolish Theories of Crime: Zur latenten Tiefenstruktur unserer Kriminalitätstheorien. KrimJ 1986, 1st annex, p. 11-23.

³⁰ See on one hand Blasius: Kriminologie und Geschichtswissenschaft. In: Geschichte und Gesellschaft 14, 1988, p. 136-149, and Smaus: Geschichte und Kriminologie. In: Kriminologie und Geschichte. KrimJ 1987, 2nd annex, p. 3-15, on the other hand.

³¹ Cf. Sack: Kriminologische Forschungsperspektiven aus soziologischer Sicht. In: Entwicklungstendenzen kriminologischer Forschung: Interdisziplinäre Wissenschaft zwischen Politik und Praxis, ed. by Kury. Köln et al. 1986, p. 39-63; Schumann: Kriminologie als Wirklichkeitswissenschaft. MschrKrim 70, 1987, p. 81-88.

³² This is true in spite of the statements of Sack: Kriminalität, Gesellschaft und Geschichte: Berührungspunkte der deutschen Kriminologie. KrimJ 19, 1987, p. 247-268, note 7, also for the North American examination of the source: "Even in the USA, however, criminal law seems to have been strongly neglected by critical scholars ... The paucity of specifically critical studies in this area of law ..."; cf. Nelken: Critical Criminal Law. Journal of Law and Society 14, 1987, p. 105-117.

5. Criminal Policy as the Driving Force in Criminological Research

Even though there is little in the way of external control of criminological research that comes from the legislature, the administration, or the Ministry of Justice, there are problems nevertheless regarding practice and commissioned research, and powerful stimuli that take criminal policy discussions as their starting point cannot be ignored. This goes for criminal sanctions and their alternatives as well as for discussions of violent, economic, and environmental crimes, and organized crime. Specifically, the congresses of the United Nations in 1985 and of the International Criminal Law Union in Cairo in 1984 took up problems of diversion strategy, alternatives to incarceration, and victim protection.³³ Also, the analyses that have accumulated on the practice of detention on remand³⁴ as well as those on alternative measures³⁵ cannot be separated from discussions of criminal policy. A rather different account could be given about crime prevention, except that analyses there lack precision because they suffer from diffuse and exaggerated use.³⁶ Where once there was the need to criticize the lack of criminological interest in prevention in contrast to repression,³⁷ recently an inordinate amount of attention has been devoted to this problem.³⁸ But here, too, the debate on this theme hearkens back to the 1970s. It has finally only recently taken on a contemporary twist, whether as a result of theoretical discussions of punishment or through criticisms of the intentions of the prevailing powers. Even analyses of particular aspects of violent crime are hardly thinkable without a discussion of violence, whether it is violent demonstrations or family violence that is at issue. As a result of partial congruence between government and research institutions, a noticeable portion of the research has been supported financially by the bureaucracy of the Ministry or comparable institutions. Even so, it would be wrong to assume that external funding for commissioned research dominates the re-

³³ AJDP. Association Internationale de Droit Penal. Kongreß in Kairo. ZStW 97, 1985, p. 707-750.

³⁴ See *Schöch*: Wird in der Bundesrepublik zuviel verhaftet? - Versuch einer Standortbeschreibung anhand nationaler und internationaler Statistiken. In: Volume in honor of Lackner. Berlin et al. 1987, p. 991-1008.

³⁵ Cf. the references in *Kaiser* (FN. 16), p. 946 f.

³⁶ See the special issue of the Home Office Research Bulletin No. 24/1987 about Crime Prevention.

³⁷ See *Sack*: Prävention durch Repression. Aus der Sicht eines Kriminologen. In: Polizei und Prävention. Vortragsreihe des BKA, Vol. 22. Wiesbaden 1976, p. 129-136.

³⁸ For example, *P.-A. Albrecht*: Prävention als problematische Zielbestimmung im Kriminaljustizsystem. KritV 1, 1986, p. 55-82.

search scene. If this is not the case, it is thanks to the research support made available by the German Research Society.³⁹

6. Summary and Prospect

If one takes a look at all the developments in criminology in the last half decade, what one sees by and large are - expanded and partially completed - projects already started at the beginning of the 1980s: research on sanctions and treatment, modern forms of crime, and to a lesser extent on some aspects of offenders and victims. Among criminologically recognized objects of inquiry, criminal-legal social control - including its functional equivalents and alternatives - continues to dominate. In the context of control strategies, diversion - sometimes linked with offender-victim compensation - has absorbed research energies, partly under the rubric of prevention (which has become very faddish) even though originally the latter was of very little relevance for that topic. Abolitionist initiatives, derived from critical criminology and coupled into a movement that has to be reckoned with. It is still unclear, however, whether this is simply a trend in criminal policy or a theoretical perspective with real promise, or in the end merely a way of looking at things that organizes otherwise disaffected potential into a critical science of control ("control of the controllers")⁴⁰ and gives direction to that potential. The spreading interest in social-historical issues has furthermore enlivened the perspectives of historical criminology and given it new impetus. If, to be sure, it is true that "precisely those historical works with the greatest resonance among criminologists are characteristically those that historians feel involve impermissible generalizations,"⁴¹ then one suspects it is more likely the ideology that apparently underlies this than any theoretical orientation. It is therefore to be hoped that "genuine historical interests will become more strongly established."⁴² Otherwise, "what is historical about the past" could disappear from view altogether.

If therefore one asks what criminological thinking in the 1980s has brought forth by way of new ideas or stimuli or what it has provoked, one can report hardly any new insights, discoveries, or epochal

³⁹ With regard to the expenses of the Deutsche Forschungsgemeinschaft cf. *DFG: Programme und Projekte 1986*, p. 22 ff., p. 450 f., p. 680 (SFB); furthermore *Berckhauer: Institutionen der Kriminologie*. In: Kaiser, Kerner, Sack, Schellhoss (Eds.): *Kleines Kriminologisches Wörterbuch. Heidelberg 1985/2*, p. 152 ff.

⁴⁰ See *P.-A. Albrecht* in Löschper et al. (FN. 17), p. 187 f.

⁴¹ So *Smaus* (FN. 30), p. 4.

⁴² Cf. *Blasius* (FN. 30), p. 145 f. with reference to the foreign criticism of Foucault's interpretation.

breakthroughs. More often, research reports correct, refine, or corroborate hitherto unconfirmed but well-known assumptions. Even the research into so-called implementation that has become so common has - as far as that goes - a long history in criminology.⁴³ To be sure, this judgment is not meant to denigrate the contribution made by individual outstanding pieces of work, some of which have already been mentioned. Rather, this corresponds to general experience with scholarly progress in the humanities and social sciences. The social and political implications of analyses of crime as well as the rapid changes in the scholarly questions that are posed do not admit of any other evaluation, in contrast for instance to medicine or the natural sciences. Similarly, as a result of the institutionalisation and extensive acceptance of Anglo-American thinking, a series of changes has emerged, changes that promise to be fruitful and to lead to future successes.⁴⁴ If on the other hand one asks what in contemporary criminology is specifically "German", in comparison with other countries one can point to the posing of issues concerning environmental crime and to a focus on so-called integrative general prevention. These are themes that in West Germany can be counted on, both emotionally and traditionally, to find a special resonance.⁴⁵ Beyond that, the perfection of data protection, now also seen as a limit on criminological research, is surely also a typically German product.

And finally, if one asks what is missing in contemporary West German criminology, one must note that both criminal-economic perspective and initiatives in so-called feminist criminology are absent,⁴⁶ as is the nurturing of interest in bio-social research.⁴⁷ If there is here in Germany a "new etiology", like that diagnosed in recent criminological thinking in North America,⁴⁸ it has so far made only a few contributions. A genuine discussion of theory has developed only by fits and starts but - because it has been too asthmatic - it has never been able to unfold. Even the overdiscussion about basic positions on the part of critical criminologists not seldomly attempts the implantation to here of foreign controversies, such as the so-called selective incapacitation,

⁴³ Cf. *Heinz*: Implementation von Sanktionsentscheidungen der Strafjustiz. In: Blankenburg et al. (Eds.): Implementation von Gerichtsentscheidungen. Opladen 1987, p. 221-250.

⁴⁴ For details see the following analyses and research reports in these Volumes.

⁴⁵ See also *Smaus*: Technokratische Legitimierungen des Strafrechts - die Flucht nach vorn in die Generalprävention. Zeitschrift für Rechtssoziologie 6, 1985, p. 90-103.

⁴⁶ Cf. *Lammott, Andriessen*: Weiblichkeitsmythen zur Erklärung männlicher Delinquenz? MschrKrim 6, 1985, p. 311 f.

⁴⁷ For example *Göppinger, Vossen* (Eds.): Humangenetik und Kriminologie. Kinderdelinquenz und Frühkriminalität. In: KrimGegfr 16, 1984.

⁴⁸ See *Hagan et al.*: Crimes as Social Events in the Life Course: Reconceiving a Criminological Controversy. Criminology 26, 1988, p. 87-100.

instead of battling in the drift with knowledge relating to the West German research area, and to carry ahead the theoretical discussion. Furthermore, the accumulation of a considerable theoretical potential and the know-how in empirical research do not prevent from ending at the laboriously backed multiple-factor approach. However, even this kind of research might be profitable as is shown by one of the most evident studies of the last years.⁴⁹ Rather, the argument in West Germany tends to exhaust itself on the byways of the controversy over the direction of the discipline, a controversy that has been going on for a long time. Nothing makes this more obvious than the research colloquium held in Bremen on the future of criminology.⁵⁰ But if the weaknesses of criminological research in the Federal Republic can not be ignored, criticism is still excessive when it diagnoses in West German criminology "a virtually anachronistically demanding and literally breathtaking empiricism", or further a gasping hunger for application⁵¹ or downright "anxiety over relevance" in criminology.⁵² Rather should one see in the control of theoretical guiding knowledge an encouraging sign for the further development of criminology. As in other countries, here too there is a lack of consensus, unquestionably detrimental, on the reputation of criminologists. Significance and public currency would surely grow, if criminology were to speak with "one" voice, i.e. the criminologists' answers to the burning questions would largely coincide. After World War II, for example, it had come to a remarkable convergence in methods and statements, but this has not been possible at least since the early 1960s, and incidentally not only in the area of criminological scholarship. It is true also in other scholarly disciplines⁵³, indeed even in the natural sciences, as one sees in the controversial evaluations of atomic dangers and knowledge about nuclear waste disposal. In such instances, unquestionably, the dangers grow of political manipulability and corruptibility. But risks of those sorts need not force a retreat or a discrediting of interests in practical applications, as long as scholarly criticism remains firmly institutionalized and vital. Of that there is no doubt.

⁴⁹ *Schumann et al.* (FN. 21).

⁵⁰ To this item see the informative documentation and comments by *Savelsberg* (FN. 24), furthermore the contributions by *Lösel* and *Sack* in *Kury: Interdisziplinäre Wissenschaft zwischen Politik und Praxis*. Köln et al. 1986.

⁵¹ Cf. *Sack* (FN. 31), p. 39 ff., p. 50.

⁵² See *Steinert: Kriminologische Theorie und "Interdisziplinarität"*. In: *Löschper et al.* (FN. 17), p. 181 ff.

⁵³ Cf. *Borchardt: Warum geht wissenschaftlicher Rat ins Leere?* In: *Forschungsmittellungen der DFG 3, 1987, I-VIII*, for the area of national economy.

Criminology in the German Democratic Republic (GDR)

John Lekschas and Elfi Kosewähr

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1. The Development of Criminology in the GDR

About the middle of the 60ies criminology began to take shape as an independent branch of social science in the GDR. Previous criminological research had been pursued within the field of penal law science. The first professorship established for the sole purpose of criminological studies was held by Richard Hartmann, today an emeritus professor at Humboldt-University in Berlin.

Two symposia on juvenile delinquency and its deterrence held under the auspices of the Department of Penal Law at Berlin's Humboldt University in 1964 and 1967 proved to be significant steps in the development of criminology as an independent (non-judicial) branch of social science in the GDR.

Several extensive scientific publications resulted from the preparations for these symposia, together with the accumulation of findings from individual criminological research projects pursued in the penal law departments at the universities of Berlin, Leipzig, Halle and Jena and at the "Academy for Political Science and Jurisprudence" ("Akademie für Staats- und Rechtswissenschaft") in Potsdam-Babelsberg.

These individual research projects were closely connected with the penal reform then in progress which ultimately led to the enactment of the criminal code for the GDR in 1968.

Of special importance were the following publications: "Zur Theorie der Ursachen, Bedingungen und Anlässe der Kriminalität" ("On the Theory of Causes, Conditions and Reasons for Criminology") (Berlin 1964) by *Richard Hartmann and John Lekschas*; "Studien zur Jugendkriminalität" ("Studies on Juvenile Delinquency") (Berlin 1965) by *Richard Hartmann, John Lekschas and Horst Luther* addressing general problems of juvenile delinquency and the work "Sozialistische Kriminologie" ("Socialist Criminology") (Berlin 1966) by *Richard Hartmann, John Lekschas and Erich Buchholz*, a self-proclaimed "attempt at establishing a theoretical foundation" for the field of GDR criminology.

In the latter work the authors' intentions were:

1. to define the position of criminology within the general framework of scientific studies, placing particular emphasis on the social-scientific characteristics of criminology which distinguish it from all other legal disciplines;
2. to establish the main issues and tasks of criminology, initially within a very narrow framework;
3. to introduce a relatively close-knit theory on the determination of criminology within socialism that would do justice to the objective dialectics of social movement (a goal only partially achieved by the authors);
4. to more closely specify the role of the delinquent's personality within the complex process leading to criminality, although the term "personality" was viewed here from a primarily subjective standpoint, rather than as a system of social actions by the individual;
5. to present various results on the determination of individual criminal phenomena, whereby the deficiencies of the general theory did not allow more than superficial conclusions to be drawn;
6. to analyze the relation between socialist and capitalist criminology. Main emphasis was given to the aspects of their discontinuity and differentiation from an ideological perspective. However, problems of continuity with regard to the orientation and methodology of both sciences were hardly mentioned.

This work, as the first unified presentation of GDR criminology, was received with great interest, not only on a national, but also on an international level, resulting in a number of translations published in the USSR, England, the USA and Japan. Both national and international

reviews commended the work as an important achievement within socialist criminology. Due to differences in the ideological position of critics, there were both friendly and unfriendly reviews in capitalist countries.

The critical response in the GDR suggested that the subject matter was too limited and that, although the theory of causes had a solid basic approach from a theoretical viewpoint, it was handled too methodologically in general.

In addition, the failure to establish a comprehensive structure for the determination of criminality meant that although important points had been raised, further aspects remained to be developed in more specific criminological research. The same applied to the question of personality. There again the initial concepts were significant, but the subject had not been extensively considered. The major criticism was that, although the outlines of social crime prevention were convincingly pointed out, the system and the fundamental tasks of crime prevention in relation to both general society and the individual personality were not yet fully developed.

Despite such weaknesses which the authors themselves acknowledged "Sozialistische Kriminologie" ("Socialist Criminology") stimulated the pursuit and organization of individual criminological research in several respects. It emphasized the structural aspect of criminal determination and dealt the deathblow to mechanically linear causal theories by successfully employing the philosophically based stochastic characteristics of the influence of objective laws for the determination of actions. The authors also developed dialectically materialistic and historically materialistic causal theories within criminological theory and emphasized new aspects of personality theory.

This book came to serve as a basic theoretical, methodological and methodical manual both for the planning of research projects and in the training of law students and criminologists, especially after the publication of the second edition with an additional section on method by Gerhard Stiller.

It led to numerous research projects on individual categories of penal offence, on recidivism and antisocial criminal behaviour, on the prevention of criminality among endangered persons, on the general situation of a socialist legal consciousness or of a deformed legal consciousness as one determinant of criminality, on the attitudinal patterns of delinquents, on their personalities - both in general and with respect to criminal offences - on the significance of crime prevention in retail trade (department stores) and socialist companies, and on the influence of collectives within socialist companies as a means of rehabilitating delinquents to socially acceptable behaviour and an appropriate life-style. In addition, the existing legal system for the regulation of state crime prevention was examined.

A number of the cited studies were published as monographs by the GDR Staatsverlag (State Publishers) and by the "Verlag der Wissenschaften" (Scientific Publishers); the Akademieverlag (Academy Publishers) printed lectures by John Lekschas, an academy member, as well as material from meetings of the "Research Council for Political Science and Jurisprudence" at the AdW (Akademie der Wissenschaften = Academy of Science) of the GDR.

Further research results were published in periodicals such as "Staat und Recht" (State and Justice) and "Kriminalistik und forensische Wissenschaften" (Criminalistics and Forensic Sciences), and in a series of publications entitled "Medizinisch-juristische Grenzfragen" (Marginal Medical-Judicial Questions) by Gustav Fischer Publishers in Weimar, ed. Hans Szewczyk.

Some other studies were presented as dissertations or theses in judicial departments at the Universities of Berlin, Halle, Leipzig, Jena, and at the "Akademie für Staats- und Rechtswissenschaft" ("Academy for Political Science and Jurisprudence") of the GDR in Potsdam-Babelsberg.

Philosophical, psychological and pedagogical departments also produced dissertations and theses, in addition to the criminalistic section at Berlin's Humboldt University and the German People's Police Academy in Berlin. Moreover, within the framework of the GDR's central research planning, internal scientific studies on basic questions of juvenile delinquency - especially on the use and orientation of state judicial organs (Ministry of Justice, Ministry of the Interior, Department of Public Prosecution, Supreme Court of Justice) in dealing with juvenile delinquents with integration problems were presented and given a public forum.

The Informationcenter for Political Science and Jurisprudence of the GDR in Potsdam-Babelsberg maintains a central record of all relevant criminological publications.

2. The Development of GDR Criminology in the 70ies and 80ies

Upon closely observing the development of criminology in the GDR, it becomes obvious that it is closely related to the development of the socialist society in general.

The GDR's development is a further proof for the general Marxist belief that communist upheaval will proceed in two stages. The first stage is the establishment of a socialist society - which again entails a progression through several successive stages; the second step is the construction of the actual communist society which - being a task of a

historical nature - can only be tackled after the perfection of socialism. The first stage, in which the GDR still finds itself at present, involves the shaping and perfection of socialist society, whose economic basis consists in socialist (i.e. state owned and cooperative) property, albeit necessarily supplemented by a variety of individual craftsmen and retail shops. In the food production sector, one finds the "Association of Small Animal Breeders and Small Allotment Gardeners", as well as a number of small household economies. The political organization of the socialist society in the GDR is substantially influenced by the persistence of the state as an important instrument in helping to realize the rule of the working class, of the members of farming co-operatives and of other working classes within society, and in defending this position against attacks from within or without.

The parties and mass organizations of the GDR (trade unions, youth organizations, women's organizations, etc.) take an active part in the handling of this instrument.

Another important task of the state is to guarantee the energy and efficiency of the existing social organism within various social fields (economy, public health, adult education, university and college system, transport, culture, etc.) by efficient planning and administration of social processes. In this stage, socialism aims at achieving a mature state of communism and creates the conditions for solving the tasks described by Marx in the following quotation (in this statement *Marx* formulated the basic contradictions which still prevail in this phase of socialism and, for this very reason, are extremely important for criminological studies in a socialist country):

"On a higher developmental stage of communist society, after the tyranny of subordination under the division of labour, i.e. the contradiction between intellectual and physical labour has disappeared; when labour is no longer the means for life but an essential necessity; when parallel to the general development of the individuals their productive forces grow and all sources of cooperative wealth are flowing - only then can the narrow bourgeois legal horizon be crossed and society proclaim: Every man according to his own abilities; each according to his own needs!"
(*K. Marx*. In: K. Marx and F. Engels: Werke. Vol. 19, Berlin, 1958, p. 21).

Before a socialist society can succeed in establishing communism, it has to pass through various stages which are characterized by differences in the standard of productive power, conditions of production, the state's development and the development of socialist democracy within the entire network of social life. At present the GDR is in the stage of giving shape to a mature kind of socialism which began to arise independently on the basis of material technology.

The motor of this movement is the scientific-technical revolution, especially the revolutionary influence of electronic productive forces. Strictly speaking "Sozialistische Kriminologie" ("Socialist Criminolo-

gy") (first edition 1966) was a generalization of the criminality problem of previous developmental stages of GDR society, namely the anti-fascist democratic society and that of the transition period between capitalism and socialism. Published at a time when the work of this transitional society was capped by the victory of socialist production and life conditions, it could not yet foresee the problems mature socialism would encounter. The work on mature socialism in the GDR began near the end of the 60ies and the beginning of the 70ies.

Criminological research on general criminality showed that mature socialism - which can no longer be considered as a society characterized by the economic, political, intellectual, cultural and ethical features of the old society from which it arose - still produces criminality in spite of significant changes in the economic basis - namely in social productivity -, and despite the democratic development within the superstructure and the rapidly spreading socialist consciousness of the people. Consequently, we must talk of a regular production and reproduction of criminality even under the conditions forming mature socialism.

A comparatively stable structure of criminality has taken shape. The incidence of homicidal criminality, which depends on a great number of coincidental factors, has remained nearly stable for decades.

For every 100.000 criminally responsible citizens, this number has always been lower than 1. With about 1.000 incidents per year, the occurrence of rape, sexual intimidation and sexual abuse is still very low.

Naturally those offences create unrest in the area where they occur; nevertheless, they are rather exceptional in various parts of the country. They do not make social life unsafe. The incidence of such criminal offences has also been constant for decades, in contrast to that of bodily injuries, which is much higher. The numbers vary between 10.000 and 12.000 offences per year.

This high frequency has to be taken seriously. It is important to realize, however, that those aggressions - although they might considerably disturb social life - are still exceptions within the social behaviour of most members of society.

There are other acts of violence that are closely related to violent criminality, e.g. robbery (which is of minor importance, however), hooliganism (with numbers that vary between 1.700 and 2.000 offences per year), and resistance to state authorities (varying between 1.100 and 1.500).

If the groups of mainly juveniles and young adults cannot be successfully taken into custody, these offences - characterized by acts of violence in public - create unrest within the population of the affected area.

In some areas those groups have suddenly sprung up only to disappear for a lengthy period of time when legal authorities have been successful in calling the delinquents to account.

And yet the potential for the emergence of a new group of hooligans after some time cannot be ruled out. Within the history of GDR criminality, there were years when those groups appeared much more frequently, and others when the public noticed almost none.

The highest crime rate is to be found for offences against property, which include larceny, embezzlement, fraud, breach of trust and, in some respect, the receiving of stolen goods. These offences amount to nearly 50 % of all committed crimes. In this area, too, there have been varying numbers since 1970.

All in all it became obvious that criminality, as a feature of critically destructive social behaviour, did not automatically disappear when socialist conditions got a foothold within all parts of social life and the aims of socialism gained ground within the people's consciousness.

In previous criminological theories, objective and subjective relics and rudiments of the old society were made primarily responsible for the existence of criminality. Even if there was some doubt as to the validity of such a theoretical position for mature socialism, this theory nevertheless largely influenced the idea of a principal source for criminality within socialism. But while the shaping of mature socialism in the GDR continued to make steady advances the crime rate (in the form of "recorded offences" in criminal statistics) was subject to frequent vacillations.

There was an unexpected increase in crime near the end of the 70ies, followed by a continual decline since 1984. Thus the contradiction between social development and the occurrence of criminality became obvious. It could no longer be explained by the theory that rudiments within people's thoughts, actions and feelings or rudimental factors of their immediate work and living conditions were responsible for criminal outbreaks.

The whole complex of criminality - beginning with the social characteristics of criminality, touching on the question of determinants for criminality, and going as far as a consideration of strategies for efficient crime prevention - had to be newly analyzed and reconsidered in view of its theoretical and practical consequences.

Similarly the influence of penal law, of penal responsibility and punishment - especially compulsory punishment - had to be newly defined, taking both past and imminent social changes into account. First impulse for this new approach arose from a meeting in 1975 of the "Rat für staats- und rechtswissenschaftliche Forschung" ("Council for Political Science and Judicial Research") at the "Akademie der Wissenschaften" ("Academy of Sciences") of the GDR, at which *John Lekschas* presented a paper on the "Necessity, Possibility and Limits of

the Elimination of Reasons (and Conditions) for Criminality Within the Forming of Mature Socialist Society", after an introduction by *Richard Hartmann*. Both authors subsequently summarized the results of the discussion in an essay published in 1976 by the Academy Publishers in Berlin. The title was "Kriminalitätsursachen und Probleme der Kriminalitätsforschung" ("Reasons for Criminality and Problems of Criminalistic Research"). Lekschas and Hartmann demonstrated that further criminalistic research would have to work with social-scientific analyses according to quality criteria valid for social-scientific research, in order to produce more general material which would contribute to a stronger theoretical foundation for criminological research. They pointed out that such analyses must always take two (closely interwoven but still separate) aspects of methodology into account.

The first aspect they termed the "Außenaspekt" ("external aspect"), applying it to world-wide global contradictions, namely the effect of the contradiction between capitalism and socialism on both the existence and internal life of socialism.

Objectively, this contradiction is ubiquitous and therefore requires attention, especially with regard to its ramifications and long-range effects.

This does not mean, however, that one should regard it as the only reason for criminality in general. The authors attached great importance to what they called the "Innenaspekt" ("internal aspect").

With this term they meant that socialist society in its totality - especially in the dialectics of productive power and conditions of production - should be examined with regard to the contradictions dominating social structures and their effect on the situation and development of classes and strata within socialist society, and also with regard to those contradictions applying to the political organization of socialist society. The authors formulated this as a task rather than a result, since their own analysis of these internal contradictions was still deficient and must remain so until further philosophical and economic analyses of the contradictions dominating socialism could be obtained.

Analyses of that kind were presented only near the end of the 70ies - in the form of important publications. Nevertheless, in connection with considerations on socialist goods-money-correlation, Hartmann and Lekschas produced an important hypothesis which, although not meeting with approval at the time, was taken up later in Uwe Ewald's investigations of the relation between property, social structure and criminality. Hartmann and Lekschas emphasized that the legal position concerning property as a condition of production depends on the developmental level of productive forces. The same applies to the resulting goods-money-correlation within socialism. (At that time, the scientific-technological revolution in the GDR, namely the development of electronic productive forces, was still in its beginnings.) Since "these correlations are ultimately results of the conventional, traditional, still

very low standard of the productive forces, the materially determined factors of socially misguided behaviour increasingly shift to the area of the productive forces. In connection with this one should not overlook the fact that the mere development of productive forces does not automatically lead to a decreasing crime rate, as it is not causal-mechanically linked to the development of productive forces. Criminality within socialism cannot be understood as an echo of past antagonisms anchored in traditional patterns of behaviour alone. We should rather try to accept that the development of a socialist personality - which can only proceed by enforcing socialist interactions - becomes a decisive force in the prevention and deterrence of criminality" (*Hartmann, R. u. Lekschas, J. 1976, p. 17*).

It was necessary to restate a number of questions addressing various issues: for example, the objective social determination of general criminality within prevailing social structures (conditions of production, power and living); the resulting contradictions as a general motor for the interaction of members of society, who on their part are influenced by the productive forces (factual and human) within society; the influence of personality on criminal actions.

In previous criminological research the objective determination of human personality had been stressed; however, personality itself had been understood from a purely subjective standpoint as the sum of acquired opinions, psychological attitudes and characteristics, and its determination regarded from the sole vantage point of psychology.

This viewpoint, generally accepted in the fields of philosophy, psychology, criminology and penal law science, was shaken at the beginning of the 70ies by the publications of *L. Sève* (*Marxismus und Theorie der Persönlichkeit, Berlin 1973*; *Marxism and Theory of Personality*), *A.N. Leontjew* (*Tätigkeit, Bewußtsein, Persönlichkeit, Berlin 1982*; *Activity, consciousness, personality*), by GDR psychologists and philosophers, and then especially by the publication of "Kritische Psychologie" ("Critical Psychology") in the FRG.

The new ideas presented in these works set new tasks for the field of criminology. A new concept of human personality increasingly came into acceptance. It maintained that personality is not a manifestation of human consciousness or of psychological features, but rather, that it consists in human activity in or by means of given social conditions.

Personality, being a social quality (*Marx*), can be acquired by the individual only in active confrontation with nature and the given social system.

Personality, then, is the relation (and the quality of this relation) between the structural differences of human activities in respect to given conditions. The creative application of dialectic and historical materialism to questions on socialist development led to a more profound understanding of socialism, especially with regard to the realization

that the shaping of mature socialism is a particularly protracted phase in the development of socialism as the first stage of a communist society. Thus the understanding of the dialectics of individual and society within socialism increased, and thoughts on the nature of human personality - or rather what was called "socialist personality" - could be disseminated. Insights into the nature and determination of social behaviour and social actions were gained.

The new knowledge acquired from studies in history, philosophy, psychology, pedagogy and forensic sciences was all the more valuable, as it helped to overcome the last relics of dogmatic attitudes within the social sciences. For criminology, as well, the time had come to present a new face as a dialectical and historical-materialistically based system of scientific opinions on the problem of criminality - not exclusively, but primarily within the realm of socialism.

By employing the results of scientific research conducted by departments of criminology criminalistics, forensic-psychology and penal law within the university system and by the research section of the general prosecuting authority of the GDR, *Harri Harrland* (Deputy Attorney General), *Richard Hartmann* (Full Professor for Criminology at Humboldt University Berlin) and *Günter Lehmann* (Full Professor for Criminology at the Academy for Political Science and Jurisprudence in the GDR) published the work "Kriminologie. Theoretische Grundlagen und Analysen" ("Criminology. Theoretical Bases and Analysis"), Berlin 1983.

The leader of this project was *John Lekschas*. The subject and tasks of criminology were redefined and criminology's status - a basic foundation for all criminalistic studies - was established. Criminology was presented as a comprehensive theory on the prevention and deterrence of criminality, a theory which must claim validity even in respect to practical application, and therefore must prove its worth in practical state actions, as well as in the judicial machinery.

The argument on whether criminology may be regarded as a part of penal law science or jurisprudence in general was decided accordingly: In terms of subject and method criminology can be categorized as a social science *sui generis* that has to maintain mutually productive relations to all neighbouring sciences.

Critical thoughts on the genesis of criminality within the history of human society which corrected outdated analyses linking the development of criminality directly to conditions of exploitation were also presented. As a result of the internal discussions following the publication of "Kriminologie" ("Criminology"), *Lekschas* further specified his theories in "Staat und Recht" 7, 1985a, p. 578 ff., and 11, 1985b, p. 929 ff., and also before the "Vereinigung der Juristen der DDR" ("Association of Lawyers in the GDR") (cf. "Informationen und Berichte", Number 3 and 4. 1986, Berlin 1986).

In these publications, Lekschas responded above all to the theories presented by *E. Buchholz* in his work "zu den Ursachen der Kriminalität in der DDR" ("On the Reasons for Criminality in the GDR" NJ 1983, p. 199 f.), a more historical analysis which opposed the basic theses of "Kriminologie" ("Criminology") and which was again affirmed by *Buchholz* in "Staat und Recht" 1984, p. 874 ff. ("Dialektisch-materialistische Auffassung vom sozialistischen Strafrecht und sozialistische Demokratie").

Buchholz identified private property and exploitation - which as such exert their influence even on socialism - as the primary causes of criminality.

Now that *E. Buchholz* has moved away from his contrary position, *Lekschas'* theses have met with general approval within the GDR. Only *Kurt Manicke* and *Walter Oschekowski* have maintained their previous stances, arguing that the theories on the correlation of class or social structure and criminality within mature socialism which were published in "Kriminologie" ("Criminology") are no longer tenable. They see propelling powers for criminality in the contradiction between social and individual consciousness (cf. "Staat und Recht" 1987).

They fail to realize, however, that social and individual consciousness are results of social and individual activities and their structures; thus their analysis stops at mid-point, rather than going back to the roots of determining factors for social behaviour.

In following this track, we necessarily come back to class and social structure, to the respective forms of production and property conditions, to social division of labour within the process of production and appropriation, and from there to the political organization of society, etc.

Only then can we speak of a dialectically and historically materialistic position with respect to the determination of social, i.e. also criminal behaviour.

The theories developed in "Kriminologie" ("Criminology") and later substantiated and more precisely stated in scientific discussions were the following:

1. Criminality in general is an appearance of human social behaviour and closely related to the way of life within a certain form of society. The determination of criminality is none other than a special form of determination of human social behaviour in general - even if certain factors appear with significant frequency.

Therefore it is necessary to proceed always to the "ultimate" determining factor for the respective category of social behaviour, i.e. to proceed to the dynamic principle within the production method of the society whose criminality is the subject of research - and socialist society with its criminality may not be exempted from such examination.

From a methodological point of view, the determinants for criminality include a whole system of social (material and intellectual, as well as ideological, cultural and ethical) and personal (psychological, conscious and unconscious, and on occasion psychosomatic) factors.

Criminality, as a particular category of social behaviour, may be regarded as a form of confrontation between the individual and society which manifests itself in the general criminality of everyday human life.

It is situated within the complex dialectics of present-past-future and must always be examined in respect to the given social structure and its internal structural laws, as well as in respect to the given developmental level of economic, political, intellectual, cultural and ethical conditions and relations within a certain society.

This view was emphasized and supplemented by productive new ideas on the occasion of a criminal-science working conference of young criminologists, penal law scientists, law theoreticians and philosophers held May 25-27, 1987, in Wustrau/GDR.

2. From the viewpoint of human history, criminality is always connected to certain general contradictions within a given society of whatever kind in its appearances as a form of social behaviour which disregards basic norms of social interaction, is socially destructive and spontaneously anarchic.

Criminal behaviour occurs in connection with the development of contradictions in society, and can only become a thing of the past when, on a higher developmental stage of human society, such contradictions are abolished.

This hypothesis not only goes back to the general theory of Marxism-Leninism, but also finds support in more recent theories of historical science which have since gained acceptance and in new research results in the fields of psychology (especially work by A.N. Leontjew and his followers) and critical psychology (particularly Ute Holzkamp-Osterkamp). It may be accepted as a proven fact that criminality and penal law began to develop as primitive society disintegrated, passed through a stage with a gentle order, and was finally replaced by the first class societies or their basic prototypes.

Revolutionary changes within the productive forces of various social communities structured on the basis of gentility led to socially revolutionary new forms of the division of labour between the producing members of society due to the production of a social surplus. Thus new conditions of ownership, distribution and property developed over an extended period of time and ultimately had an influence on the private ownership of means of production. These new conditions formed the economic basis for new methods of production, whereby the acquisition of socially produced surplus by the owners of production resulted in systematic exploitation.

This situation served as a basis for the development of a class society, as the owners of production became not only the strongest economic class, but - by means of the evolving state order - the ruling political class as well.

During this centuries-long process the primitive community and its social organs evolved into the modern state, a separate instrument rooted in the interests of the ruling class.

Thus the primitive norms regulating social life changed into legal norms established and enforced by the state in order to secure social life on the basis of the new production methods and the new conditions of ownership, and to maintain the efficiency of the new social organism.

A new basic contradiction unknown to primitive societies arose in the first class societies (regardless of what historically concrete form they had) and has survived until the present day.

In-depth analyses of respective systems of ownership which determine methods of production expose this basic incongruity: the contradiction between the individual and the common (or social) struggle for subsistence; between the increasingly independent individual - who, due to an increasing privatization of even those relations most removed from the realm of production, had become relatively self-sufficient and been forced to develop separate interests and to apply them in his social behaviour - and the social organism as a whole, in particular the state and its established and practiced legal system.

The interests of the individual were no longer identical with those of the community, and the resulting contradiction of the two deepened and took on the form of social and individual antagonisms when the state developed into the advocate of the ruling class. Within the general social interest, the interest of the ruling class dominated the efficiency of the social organism; as private owners of the means of production, their main interest was the maintenance and enforcement of production methods based on private property and the resultingly crucial division of labour between social classes and strata in both economic and political respects. In "Kriminologie" ("Criminology") the attempt was made to identify the criminogenetic relevance of the contradictions resulting from a form of production and authority based on private ownership of the means of production, and to explain the importance of these contradictions for criminality in general (cf. p. 75 ff.).

An inevitable consequence resulting from the antagonistic nature of the contradiction between the individual and society, between the individual and social struggle for life, was the disintegration of the individual and his consciousness along with the emergence of extreme forms of life sustenance and actions representing, on the one hand, a breach of the conditions of existence for society as a whole - or even more important, of its various parts -, and on the other hand, the

further social isolation of precisely those individuals who had already been separated and sequestered by new production methods, catching them in fatal entanglement.

It remains to be mentioned that the criminality arising from such conditions - whether successful or unsuccessful - contained its own kind of causality, leading to an ever increasing perverseness and brutality, and that the respective society was forced to respond to the destruction of the conditions securing its existence and to the tendency towards individual disintegration with sanctions which, on their part, were characterized by brutality and only served to deepen the gap between the individual and society. Consequently, mankind "has not improved by punishment ever since Cain and Abel" (*Marx*).

Historically, the contradiction between the individual and the social struggle for life - which corresponds to an equally sharp contrast in interests, and necessarily acquires an antagonist character within all societies based on private ownership of the means of production - not only has a disintegrative and destructive influence on individuals and social life under the prevailing conditions, but also represents the most basic historical root of general criminality.

3. In "Kriminologie" ("Criminology"), the authors had tried to reveal the social roots that create criminality even in a socialist society. It was not their intention to deny the criminogenetic potency of egoistic, individualistic, anarchic or similar maxims of behaviour, patterns or strategies developed by man in his struggle to survive, but to reveal the objective social roots of the still very numerous determinants for criminal behaviour.

The authors found those roots in the contradictions developing from the social conditions within socialism and determining its movement. In accordance with "Dialektik des Sozialismus" ("Dialectic of Socialism") published by a collective of authors under the leadership of A. Kosing, Berlin 1981), they maintained that such contradictions can produce criminality when disproportional social development occurs or when the contradictions are not recognized and subsequently not countered by appropriate solutions.

The same applies to the destructive movements of contradictions within socialism, especially when social conditions and interactions do not leave enough room for the creative development of the social members. This issue is also relevant on the level of political organization and the social superstructure, including the degree of democratization within all spheres of life.

Thus a stable basic approach had been formulated that - together with a new method for the classification of criminality in general - stimulated mainly young criminologists and penal law scientists to a more profound consideration of the subject-matter.

As the conference in Wustrau held in 1987 showed, this soon resulted in the formulation of new theses and hypotheses that probed much deeper into the development of criminality within mature socialism.

U. Ewald, M. Brie and *R. Schaarschmidt* continued the analysis of socialism and its inherent contradictions and their forms of movement, arriving at the conclusion that criminality within socialism, especially in its relation to socialist conditions of ownership with their inherent forms of labour-division in production and appropriation, is not a coincidental phenomenon. Therefore the theory of criminality as a feature alien to socialism cannot be valid; on the contrary, even socially destructive features of contradictions are relevant (cf. the protocol of the Wustrau conference soon to be published by Adacem Publishers, Berlin).

The authors' criticism of the inconsistent positions on the determination of general criminality within socialism, i.e. on the fact that the basic approach presented had not been followed to a consistent conclusion, was echoed in other internal discussions.

Therefore *Lekschas*, as the author of the relevant chapters in "Kriminologie" ("Criminology"), was anxious to overcome the deficiencies of the general theoretical position and to extend the results of studies on the genesis of criminality in human society into the socialist present. In this connection one should make note of the fact that the Wustrau conference deepened and confirmed the theories set up in "Informationen und Berichte" (4, 1986, p. 19 ff.), a publication of the Association of Lawyers in the GDR, by means of analyzing socialist conditions of ownership and their internal contradictions (*U. Ewald*), the problem of democracy (*G. Quilitzsch*), the socialist theory (*M. Brie*), social-scientific considerations (*E. Kosewähr*) and methodical remarks (*R. Schaarschmidt*) - even if a number of participants were not familiar with all the details of these theories.

The result of the discussions in Wustrau can be summarized accordingly: General criminality will lose its social breeding ground (which has been present ever since the transition of human society into a class society), and, in its manifestation as spontaneously anarchic and socially destructive actions performed by individuals within society, can only then be finally overcome, when the antagonistic features of the contradiction between individual and society, between the individual and social struggle for survival, are abolished and this contradiction as such, - along the lines of *Marx's* above cited portrayal in "Kritik des Gothaer Programms" ("Critique of the Gotha Program") - has disappeared and been replaced by the basic contradiction of communism.

Socialism, being the first stage of communism, cannot succeed in this undertaking, due to the still very low level of the development of technical and human forces of production and the resulting necessity for the continuation of exceptional (although already socialist) conditions of production - which by nature, are still conditions of ownership

handed down from the principal of social acquisition -, and the necessary division of labour, which deters the full development of inherent human abilities. In terms of socio-economics, this contradiction mainly arises in the distribution principle of commonly produced surplus according to productivity (socialist output principle based on socialist property conditions), as well as in the still existing characteristics (despite legal equality) of social inequality between classes and strata within society, within a single social class or strata, or between single individuals due to their socially unequal status on a material, cultural, intellectual or ethical level.

It should be mentioned here that although the working class is the leading force within socialist society, it does not enjoy any social privileges, but rather carries the burden of society together with the co-operative farmers. They are the classes which support material production and can only get rid of their social burden by an increase in work productivity.

Thus the contradiction mentioned above still dominates a major part of human interaction within society, the position and the opportunities of the individual, including the developmental opportunities of the individual and the concrete development of personality, especially in respect to whether and to which extent an individual has the chance to acquire the wealth of social interactions or not, whether he succeeds in productive activities within those interactions or not. Basically this contradiction determines the niveau of personality as a social quality.

Consequently, even within socialism the general social possibility for spontaneously anarchic and socially destructive behaviour and therefore for criminality as the most extreme variant is still present - due to the developmental state of productive forces and production conditions as the objective basis.

It is obvious that this situation can become even more critical when external contradictions are intensified, or when deformations of socialism within economic or social policy occur or the political system of socialist society is destabilized. This might lead to a concrete increase in the crime rate within socialism (this does not refer to the rather incidental changes in crime rate recorded in criminal statistics, since their ups and downs are not necessarily significant for the situation of "factual" criminality).

Under socialist conditions, however, the contradiction between the individual and social struggle to survive loses its antagonistic character - a fact which clearly distinguishes socialism from all preceding societies based on a class structure of exploitation. The effects of this contradiction are reduced under socialism, owing to socialist conditions of ownership, particularly social appropriation (even if the individual only participates in this process indirectly through the mediation of the state or cooperative organizations). In addition, the potential effects of this contradiction are considerably restricted by the exi-

stence of social consumption funds (education system, public health system, low transport fares, no cost-induced rents, state sponsorship of cultural projects, etc.), thereby eliminating the isolated situation of the individual and the sharp contrast of individual and society, i.e. the antagonistic relation between individual and social interests. This not only applies to the economic sector, but to the political sector as well. At this point, one should note the influence and the constant development (which may very well contain contradictions) of socialist democracy, not only as the decisive feature of common participation in the exertion of power and the organization of social conditions, processes and affairs, but also as the basic social form which supports the development and efficiency of the creative potential of human personality. This is of critical importance for the daily process of shaping homogeneous individual and social interests, for the individual's identification with the aims of socialism, and for the progressive social integration of individuals into socialist society.

The continual development of democracy is a basic prerequisite for the perfection of socialism; its absence might lead to a critical development between individuals and society which could easily acquire criminal features.

The contradiction between the individual and social struggle to survive still inherent in socialism creates a contradictory relation between social, group-related and individual interests.

It serves as the propelling power for the development of socialism, and yet might also have destructive features, if no productive unity of interests can be found to serve both the individual and society.

Due to the continuation of social inequality resulting from the division of labour and different positions within the social process of reproduction and appropriation, not to mention unequal participation in the administration of society and social processes, the chances for success are very limited.

For communist society this contradiction is not eternal, however, as the struggle for a further reduction of criminality within mature socialism is by all means realistic. This will develop into the basic contradiction of communism in accordance with an increase in economic and human wealth, i.e. the wealth of social interactions in politics and culture, and with the increasing acquisition of the humanist legacy of mankind by individuals. The basic contradiction yet a part of socialist society will become, in mature communism, the new, constantly evolving "contradiction between previous historical developments and their limited consequences as preconditions for future development on the one hand, and the opportunities inherent within communist society for the unlimited, universal development of the individual on the other hand (A. Kosing: "Widersprüche in der sozialistischen Gesellschaft" ("Contradictions in Socialist Society"). Berlin 1975, Sitzungsberichte der AdW der DDR).

If the social and the individual struggle to survive coalesce, that is, if contrary interests, needs which society cannot fulfill, or the necessity for the renunciation of personal satisfaction (which, due to low labour productivity, is a contemporary problem in socialist societies) and the potential for aggression in the enforcement of separate interests are no longer generated, then the material reasons for socially destructive behaviour will be eliminated. Thus, criminality will lose its social basis.

In accordance with these considerations, an interesting discussion on the social characteristics of general criminality came about in the GDR after the publication of "Kriminologie" ("Criminology"), an attempt at, along with other concerns, overcoming outdated dogmatic positions. Criminality was defined as spontaneously anarchic, socially destructive, immoral or illegal, social behaviour disregarding the basic norms of social life.

Even within mature socialism, criminal behaviour is regularly generated in the process of interaction and confrontation between the individual and society.

Since the founding of the GDR, there has been a visible trend in the quantitative and qualitative reduction of the severity of criminal offences; but this does not rule out temporary vacillations in the number of recorded offences and delinquents. This social viewpoint must necessarily be supplemented by a second, in order to define the nature of criminality comprehensively.

General criminality always represents a social form of behaviour by which an individual isolates himself from society or reinforces the isolation in which he already exists. Such behaviour emphasizes special individual interests and needs in opposition to those of the socialist society and the prevailing (legal or ethical) regulations, or gives open expression to conflicts with the state, society, its social collectives or even individual social members in a manner which is unbearable to society and undermines the conditions required for its existence. From this standpoint, general criminality can generally be defined as an interference with the process of social integration and an erosion of creative social potential and individual human abilities, resulting in the loss of essential social acceptance.

This loss generally leads to severe disturbances within the personality and the demeanour of a delinquent, especially if it continues or increases due to new offences (recidivists).

Thus even in socialism criminality represents a form of "rebellion" on the part of the "isolated individual" against the "prevailing conditions of society and its methods of satisfying individual desires and needs"; it is also a form of destructive social behaviour that "is not based on revolutionary new productive forces" and represents an attempt "to deny the prevailing conditions and the respective methods

of satisfying needs within the given mode of production" (*Karl Marx u. Friedrich Engels. Werke. Bd. 3. Berlin 1958, p. 417*).

Due to its basis in the internal and external contradictions of socialism, general criminology is regularly brought in connection with the respective developmental stage of productive forces and the corresponding socialist conditions for production; with political, intellectual, cultural conditions and even with ethical development. As the Wustrau conference convincingly proved, criminality can no longer be characterized as a feature alien to socialism.

Even if it was not the intention of the authors of "Kriminologie" ("Criminology"), such a social characterization of criminality still tends to lead one to look for its causes within the subjective sphere, which would be disadvantageous to the concept of social prevention. Although a major step for grounding GDR criminology on a materialistic dialectic approach was achieved by identifying the roots of criminality in the socially destructive features (which cannot be influenced by state or society) of the basic contradiction between the individual and common struggle to survive, as well as in the internal and external contradictions of socialism rooted in existent social conditions, a further step proved to be necessary.

This was the materialistic-dialectic definition of "personality" worked out in the above mentioned operational approach, and paired with the "discovery" of man's individuality within philosophical and psychological theory and its application to criminality. This work was mainly done by *Elfi Kosewähr* in her theses for the academic degree of a Dr. sc., by *Hartmut Puffe*, in his dissertation, and by *Heike Ludwig, Günther Kräupl, Ingeborg Blaschke et al.* As a consequence of the operational approach, "personality" (even that of delinquents) was no longer understood as a purely individual matter, but also in connection with society, i.e. constituted by man's activity within prevailing social conditions and his resulting position within the social process of reproduction.

Thus it became important to know whether extraordinary strain was present in certain groups of society according to age, sex, and class or strata membership.

Walter Henning's research on juvenile delinquency (in the GDR this group is sociologically defined and includes even delinquents up to 25 years of age) showed that special strain is experienced by apprentices, young skilled workers, children of socially deprived families, and semi-skilled or unskilled workers.

It also showed that juveniles showing limited academic performance in school have a potential for criminality if this pattern is continued in their occupation. Similar research projects at Jena University brought forth corresponding results; the same applies to surveys by *Uwe*

Ewald, Christine Häßrich, Kersten Woweries and Knut Thiel of Humboldt University, Berlin.

Thus the development of strategies for social crime prevention that "Kriminologie" ("Criminology") had previously demanded in more abstract form could now be made concrete though some time will be required before these strategies can be presented in a socially perceptible form.

Equally fruitful was the consideration of the delinquent's individuality. This not only opens the way to the delinquents micro-relations, which are embedded in macro-conditions and influence the operational patterns of the delinquent as well as his subjective conflict and individual consciousness, but also paves the way for an examination of the influence of temperament, other genetic factors and factors which the delinquent is unconscious upon his behavioural decisions excluding speculative positions.

Since the publication of "Kriminologie" ("Criminology") in the GDR, an atmosphere of creative activity, especially among younger scientists, has developed. At present a number of empirical surveys are being set up according to scientifically based model concepts. They can also be subjected to computer analysis in order to find new ways for crime prevention and deterrence.

The creative struggle for new theoretical insights was a prerequisite for this. Thus we might expect first results of this scientific development in the years following 1990.

After criminology had been established as a discipline in its own right, in the process of more intense research work the necessity for interdisciplinary cooperation emerged, a cooperation which involved not only sociologists, psychologists, medical scientists, and educationalists, but also experts with practical experience in legal, penal and municipal institutions. Over the past few years, the number of cooperative research groups, work teams and scientific consultations has been increased in order to address overlapping and borderline issues which had arisen in the course of interdisciplinary research work.

Since the GDR does not have a central criminological institute, the various forms of academic cooperation were all the more important. Criminological research is directed by a council for political science and jurisprudence at the Academy of Sciences of the GDR.

Central governmental planning directs criminological research by structuring the different projects according to their aims and methods.

On the basis of this planning, the development of criminology as a science is carried out largely by representatives of the departments of criminology - or criminal sciences at the following universities and academies:

Humboldt University (Berlin), Friedrich-Schiller University (Jena), Karl-Marx University (Leipzig), the Academy for Political Science and Jurisprudence (Akademie für Staats- und Rechtswissenschaft) (Potsdam-Babelsberg) and, at present the Academy of Sciences of the GDR (Akademie der Wissenschaften der DDR). Lately the application of computer technology has improved the situation of criminology as a science - at least concerning standardization and evaluation of collected data. Publication, comparison, exchange of results and an academic disparity of views are a *sine qua non* for the development of a science.

Criminological literature in the GDR - while being far from difficult to survey - has grown considerably in the past several years; however, it generally reflects the level of the latest scientific findings in the area of criminological methodology and theory, giving less attention to empirical results.

Along with a number of criminological essays, studies, research papers, and analyses that were published in a variety of scientific journals and quarterlies (a special journal or series of publications for criminological research does not exist in the GDR), two monographs were published between the mid-sixties and mid-eighties which attempted to integrate and systematize individual research findings and basic theoretical ideas.

The basic statements of this time period concerning the definition of subject-matter, methodology, theoretical conceptions and assertions with regard to actual research projects are documented in this literature. The academic public's reception of the monographs showed that the state of knowledge at that time was considered and presented in its near entirety.

During the years following and up to the present day, such a synthesis has never again been achieved. There has even been a tendency to evolve theories from a point of view that pays little attention to the incorporation of empirically proven facts and results - this development, however, has already been pointed out and criticized (cf. *Protokollband Wustrau 1987*, published 1988).

As a consequence of this tendency, publications dealing with theoretical-methodological questions show a higher degree of coherence and are more clearly comprehensible in their line of development than statements concerning various concrete research projects which have come out in recent years. The definition of criminological subject-matter has outlined the borders of criminology in a way that leaves enough room for the necessary differentiation of individual fields of research - all of which are submitted to the task of finding ways and possibilities to further deter delinquency both qualitatively and quantitatively.

The analysis of registered criminality, therefore, constituted an important prerequisite as one of the essential issues for gaining criminological knowledge. Regularities in movement and structure of the phe-

nomenon of delinquency became accessible by using, among other methods, statistical records which refract but also mirror reality. During the last five years in this particular area of research a spacious field of work opened up which will - after an adequate period of time - allow scientific statements on two issues:

1. it will be possible to analyze the statistically recorded movement of criminality and its variations in structure;
2. the influence of judicial activity on the respective deviations will be elucidated.

Appertaining to analyses of the quantitative and structural representation of registered criminality, there is also a project dealing with the delinquent-centred examination of social structure - a project pursued especially at Humboldt University, Berlin, and at the Academy of Sciences of the GDR (Akademie der Wissenschaften der DDR).

A focus of research with a longer tradition exists in the area of juvenile criminology. Right from the start the prevention of juvenile criminality attracted great interest. This is on the one hand conditioned by the high degree of attention given to issues of youth welfare and youth assistance in a socialist society; on the other hand, this interest is due to the fact that the age groups of young persons (14 to 18) and juvenile adults (18 to 25) stand out with a particularly noticeable rate of criminality. For these reasons, juvenile delinquency has developed into a central social-demographic concern.

Criminology considers youth as a phase that begins with criminal discretion at the age of fourteen, and that is determined by education in school, professional training and instruction and by further social integration. By the conclusion of this phase, a mature human personality, characterized by social independence, has been formed.

In general, it is typical of this age group that it grows into relations of social responsibility. In order to learn how to handle these relations and to master them maturing youths must obtain the necessary ability and practice so that "(...) social requirements are not only satisfied in a way that merely fulfills them, but in a way that provides the act of fulfillment with human gratification" (cf. *J. Lekschas: Zur Vorbeugung der Kriminalität Minderjähriger - Forschungsprobleme (Preventing Criminality of Juveniles - Research Problems)*, Sitzungsberichte der Akademie der Wissenschaften der DDR 1984, 1 G, p. 7).

The indispensable precondition for this is the opportunity to identify with the value system which arises from compliance with basic norms of social demeanour (also norms regulated under penal law).

Therefore the main line of general criminological prevention of criminal offences by juvenile delinquents does not lead towards beha-

vioural adjustment, but towards integration into social and communal relations by means of individually shaped creative social activity. On the basis of this approach, studies and surveys concerning the conditions of adolescent occupational activity and its content played an important role; the manner in which occupational activity influences the development of personality and character was also taken into consideration. From this point of view, the connection between psychologically conspicuous behaviour of adolescents showing socially undesirable developments and defective education within the respective families was examined.

Besides faulty personal attitudes and imperfections sufficiently known already, particularities regarding the manner of regulating personal behaviour and conduct were found. These particularities manifested themselves in a "considerable insecurity concerning situation - controlled, self-active, and deliberately norm-oriented self-regulation of behaviour" (cf. *G. Kräupel* and *H. Ludwig*: Probleme und Ergebnisse kriminologischer Persönlichkeitsforschung (Problems and Results of Criminological Personality Research). Staat und Recht 1984, p. 464).

Bearing this aspect in mind, it was possible to overcome a certain one-sidedness which had resulted from a focussing on negative attitudes and characteristics as chief determinants of criminal behaviour - in criminological literature this one-sidedness has been criticized on the grounds of theoretical-methodological considerations.

From an occupational activity-oriented viewpoint it appeared that criminality of adolescents with social aberrations is apparently influenced by the fact that insecurity in interpersonal human relations has been built up - insecurity which arises from an inadequate subject position of the adolescent with regard to contacts within the family and towards society as a whole. The "main issues" of incorrect family education can thus be defined:

1. "insufficient challenge as a subject of family relations and in the area of age-appropriate personal responsibility for the regulation of behaviour;
2. disturbances which hinder the imitation of parental behaviour or of identifying with it;
3. lack of emotional attention and inadequate means of solving conflicts in family relations" (ibid.)

Supplementary studies affirmed the above statements. The emphasis of analysis in these studies was given to the particularities of behaviour regulations - particularities that were characterized by various shortcomings concerning:

- a) the stimulation of social activity and responsibility in individual performance, taking into account both appropriate timing of stimulation and aspects of individual personality
- b) social relations
- c) coming to terms with conflicts in compliance with existing norms and values (cf. *H. Puffe: Vergleichende Untersuchung über die Handlungsregulation straffälliger und nicht straffälliger Jugendlicher (Comparative Study on Activity Control of delinquent and non-delinquent Juveniles)*, Dissertation, Berlin 1986).

For specific preventive measures against aberrational juvenile development disposing adolescents to criminality, conclusions should be drawn which aim primarily at a far-reaching individualization of occupational demands and at the norms of social interaction (above all in the workplace) (cf. *G. Kräupl: Intensiv erweiterte Reproduktion und soziale Vorbeugung gegen Kriminalität (Intensively enlarged Reproduction and Social Prevention of Criminality)*. Staat und Recht 1986, p. 950).

With reference to psychosocial aberrations and their formation, social relations, and particular forms and expressions of aberrations, new approaches and studies dealing in a more concrete way with the problematic issues of juvenile delinquency and other tendencies detrimental to youth have been developed. With regard to the genesis and eradication of juvenile psychosocial aberration, conflict - the impeded resolution of contradictions - has been identified as the focal point of defective behavioural regulation.

The analysis of conflict potential within families proved that conflicts emerge from dialectical contradictions of social relations in the family, and that the resolution of contradictions is hindered by incompatible needs, attitudes, and interests.

Mutual attempts of parents and children to declare the other side responsible for the entire situation, as well as the children's and juveniles' restricted ability to resolve conflicts, may lead to a perpetuation of conflicts and to socially obstinate behaviour as a strategy of the juvenile personality to overcome these problems.

Among other things, the changing role of mother and wife within the framework of necessary social changes has been regarded as an important factor here. Without slowing down these changes, which can bring with them side-effects, the point is to "prepare the young generation for the contradictions of life, and to teach juveniles forms of behaviour which enable them to solve inevitable contradictions in a way which brings about individual and social advantages." (Cf. *O. Schütze: Determination und Verursachung psychosozialer Fehlentwicklung*. In: *Exogene und endogene Bedingungen psychosozialer Fehlentwicklung*).

(Determination and Provocation of Psycho-Social Misedevelopment. In: Exogenous and Endogenous Conditions of Psycho-Social Misedevelopment), Wissenschaftliche Beiträge der Friedrich-Schiller-Universität. Jena 1987, p. 6).

Hitherto unpublished studies dealing with the life patterns and living conditions of juveniles who had repeatedly incurred criminal liability or showed undesirable social development produced evidence for the strong influence of the family on shaping aberrational behaviour.

The question as to how the necessary opportunities for outside interference can be established without violating the private sphere of family life and the legal right of parents to rear their children has not yet been answered; that is, the problem has been identified but still awaits a social solution.

From a sociological point of view, features and conditions of tendencies morally and socially detrimental to youth have not yet been examined satisfactorily (cf. *W. Brück: Soziologische Bezüge der Jugendgefährdung. (Sociological References of Harmfulness to Juveniles). In: Exogene und endogene Bedingungen. 1987, p. 38-64.*

A survey on known factors detrimental to youth shows that misuse of alcohol exerts as determining influence on situational aberrations by single juveniles, as well as entire groups. Alcohol abuse can be traced back to the general acceptance of "social drinking", and also to the way in which "drinking occasions" are treated within a family. Juveniles who suffer under conflicts and problems are susceptible to consumption of alcohol on a habitual basis at a comparatively early stage. The frequenting of bars and pubs and recreational activities centred around this habit are additional symptoms of predelinquency.

Yet at the same time, alcohol abuse is, for the most part, not a consequence of the actual conflictive situation, but very often its precondition (*Brück 1987*).

Emotional burdens - separation of parents, parental miseducation, and institutionalization - were ascertained in a high percentage of juvenile habitual drinkers who had incurred punishment (cf. *H.-U. Jähnig: Verlaufsuntersuchungen von jugendlichen und heranwachsenden Alkoholstraftätern (Longitudinal Studies of Juvenile and Adolescent Alcohol Delinquents). In: M. Szewczyk: Der Alkoholiker. Alkoholmißbrauch und Alkoholriminalität (The Alcoholic. Alcohol Abuse and Alcohol related Criminality). 1986, p. 89.* In connection with the threats posed to juveniles, attention was given to the media and its portrayal of subjects; a closer examination of the problem led to the conclusion that violence in the media, which is being consumed increasingly, does not represent a factor of criminality in the sense that the continual reception of medial violence autonomously induces criminal or predelinquent behaviour. It can be assumed that medial violence has a concomitant effect which is, however, not dominant.

Predelinquent and criminal juveniles tend to consume more "medial violence" as a leisure-time activity than other juveniles. From the viewpoint of youth sociology, medial violence is interpreted as a "modified personal concomitant condition", like excessive smoking, alcohol abuse, and uncultured recreational activities which can be found among inconspicuous juveniles as well (cf. *W. Brück 1987*).

Disadvantageous influences which can lead to predelinquency arise under certain living conditions in residential districts; for example, in areas where older buildings dominate and where housing conditions are still partially insufficient, but also in districts with new buildings.

In new areas infringements of the law tend to increase during times of mobile fluctuation, and to decrease again after social relations have obtained some stability (*W. Brück 1987*). Quite recently the background of juvenile delinquency and preceding predelinquency was examined - a background that originates in disintegration from productive activity, i.e. work. The results of a related research project planned from a sociological point of view revealed that discontent with the occupation taken up as a career played an important role for 80 % of the population surveyed - often the present occupation did not fulfill the original wish or ambition. In addition, the project showed that endangered juveniles often had professional training in jobs with a concentration of apprentices who were poorly motivated to perform well on the job and who mutually influenced one another towards increased indifference and a latent lack of discipline. Constructive corrections of behaviour and conduct were not enforced by the apprentices themselves, but by the authority of instructors. It became evident again that changes in behaviour are only to be achieved if occupational conditions per se can be changed.

Due to the requirements stipulated by the modern division of labour, there are, for the time being, objectively perceivable limits concerning the possibilities of changes in behaviour, especially for juveniles who show little occupational efficiency or who are unwilling to work. For the individuals involved, these limits can only be overcome with the introduction of creative opportunities which stimulate personal activity on the one hand, and support educational authority on the other (cf. *G. Korfes: Zur soziologischen Analyse von krimineller Gefährdung und Asozialität. In: Informationen zur soziologischen Forschung in der DDR (Sociological Analysis of Criminal Threat and Anti-Socialization. In: Information on Sociological Research in the GDR). Berlin 1987*).

In criminological research another area of equal significance has emerged during the last years: the problem of recidivism and the related segregation of juvenile and adult delinquents which separates them from the normal setting and conditions of socialist society.

The starting point of this analysis is the fact that in view of the generally observable decline in criminality since the 70ies, the decrease in

the number of second offences has not kept up with the declining rate of first offences.

This research, which was primarily conducted at the "Akademie für Staats- und Rechtswissenschaft" ("Academy for Political Science and Jurisprudence"), found that second offences never - or only on exception - differ from first offences in terms of their substantive severity. Approximately seventy per cent of the criminal offences committed by previously convicted delinquents were directed at property; the rest included intentional bodily harm and unauthorized use of motor vehicles, or belonged to the category of criminal anti-sociality.

This depiction more or less reflects the state of affairs characterizing general criminality on the whole. A specialization of offenders in particular categories of delinquency has not been observed.

Only a minor percentage of delinquents show no willingness to behave in compliance with social norms for the vast majority of second and subsequent offenders, an unfavourable combination of occupational and recreational circumstances is characteristic of their situation - a combination that reinforces their personal instability and way, depending on the situation lead to new criminal offences (cf. *U. Dähn and H. Wolf: Einige strafrechtstheoretische Aspekte der Vorbeugung und Bekämpfung erneuter Straffälligkeit. (Some Penal-Theoretical Aspects of Preventing and Combatting renewed Delinquency). Staat und Recht 1987, p. 557).*

Criminologists are giving increasing attention to individuals who tend towards an anti-social lifestyle, and who also constitute a percentage of the recidivist group. These people call attention to themselves with criminal offences originating directly from an anti-social life style: violations of labour discipline, alcohol abuse and indebtedness.

For researchers, occupational integration into the broad social fabric remains a central aim - not only for the prevention of delinquency, but also for rehabilitation of offenders.

The task of placing individuals into a stable and functioning social community which receives and accepts them requires a series of measures. Of particular importance is the development of interpersonal relationships; these social ties have to be established not only in the productive sphere of the workplace, but also in the sphere of recreational activity. Therefore, governmental and social authorities responsible for this crucial issue have to acquire adequate knowledge and insight concerning socially aberrational behaviour and the way to deal with it. They must be capable of working against prejudices and indifference towards delinquents. In the process of rehabilitation, the preconditions affecting an individual's ability to meet the demands of life and labour must be taken into account. The postulates stated were the result of a number of studies and inquiries. They proved that a lasting, positive change in the living and working attitudes of people

susceptible to delinquency could be registered when the efforts of the respective labour collective and the individual were based on mutual social acknowledgment which refrained from immediately challenging renewed aberrational behaviour; when positive conduct and success on the part of the rehabilitant was reinforced and encouraged; when the willingness to spend time with that person beyond normal working hours, was present; and when a relationship between the rehabilitant and some responsible person living in the same residential district or a close friend or relative could be established (cf. *I. Blaschke: Die Integration in die kollektiven Bemühungen im Arbeitsbereich - wesentlicher Bestandteil der Vorbeugung gegen Straftaten integrationsgestörter Täter. (The Integration into Collective Efforts on the Work-Place-Essential Element of Crime Prevention of Misintegrated Delinquents). Staat und Recht 1986, p. 467).*

A characteristic feature of this problem is the abandonment of the view that a constellation of mutual attributes is a decisive factor; in contrast, terms which are more functionally oriented came to the foreground of discussion. Whenever the attempt is made to understand the phenomenon and consequences of segregation, the scientific line of reasoning focuses on the considerably disturbed relation between the individual, his microsocial environment, and the entire society. This relation manifests itself primarily in activity which does not meet normal standards of effectiveness and productivity, especially in the area of labour and employment, (cf. *H. Ludwig, Die persönlichkeitsgerechte Gestaltung des Arbeitsprozesses. (The Structure of the Labour Process which comes up to the Personality). In: Protokollband Wustrau 1987, published in 1988).*

For those citizens who are predisposed to criminality or in the process of rehabilitation and display psychologically conspicuous behaviour, special brigades in firms and other organizations have been formed. Under special care and supervision, these individuals can work in those brigades according to modified criteria of occupational efficiency in order to learn gradually how to meet the elementary demands of production and communal life. First results show that a labour collective can form a community in which mutual estimation by members of the brigade plays an important role, the more so as many of the people involved live isolated from their original families and suffer from difficulties in establishing personal contacts.

Although the whole project has been started only a short time ago, it gives rise to the hope that at least parts of the disintegrated citizens will be enabled to master their lives with the help of this project (cf. *W. Barth, S. Grunow and M. Hübner: Zu besonderen Brigaden. (For Special Brigades), 1988).*

A source of criminological knowledge can be gained from forensic psychology and psychiatry, to the extent that these disciplines consider and study the phenomenon of criminality from an aetiological and

phenomenological point of view. During the past five years, a number of publications have been issued, particularly by scientists of Humboldt University (Charité), among them a systematic topical survey in a textbook of judicial forensic psychology, critical essays concerning criminal psychology and criminal pathology, and a compilation of research material on alcohol abuse and related criminality:

An attempt to report on the contents of these publications would definitely go beyond the limits of this descriptive essay. Our main concern here was to give a brief outline of recent and present criminological research activity, with the aim of providing information, facilitating comprehension, and perhaps awakening new interest.

3. Appendix

3.1 Extract from "Statistisches Jahrbuch der DDR 1987" (Statistical Yearbook of the GDR 1987), pp. 387

Administration of Justice

Introductory Remarks

Until 1963 the registration of detected and recorded offences was carried out in accordance with § 157 StPO (older version; StPO-Strafprozeßordnung = Code of Criminal Procedures) after the organs of investigation had come to a final decision. Later decisions of public prosecution or law courts which dispelled suspicion were left out of account.

Since January 1st, 1964, offences are registered without exception on the date of the procedure's final closing.

This includes:

- conviction (§ 242 StPO, as applicable §§ 270 pp.; StPO)
- transference of a case to a social court of justice (§ 58 StPO)
- decision whether or not to abstain from taking measures of penal liability in accordance with § 25 StGB (StGB = Strafgesetzbuch = Penal Code)
- discontinuation of proceedings in accordance with §§ 75, 76 StPO
- preliminary discontinuation of proceedings due to
 - a) a failure to identify the delinquent (§§ 143 CIPHER 1; 150 CIPHER 1 StPO)
 - b) absence of suspect/charged person (§§ 143 CIPHER 2; 150 CIPHER 2; 189 Section 1; 247 CIPHER 1; 267 StPO) - since January 1st, 1977 only in the case of § 213 StGB.

- c) reference of a case or extradition of a suspect/charged person to another country (§§ 147 Cipher 7; 150 Cipher 4; 189 Section 1; 247 Cipher 3 StPO).

On the date of the procedure's final closing the registration of the delinquent will take place - carried out by the respective organ or institution responsible for the closing of the procedure.

Due to innovations in the handling of criminal statistics - i.e. the use of electronic data processing - some changes in the methods of registration and processing have occurred, particularly with regard to the assignment of delicts to certain select categories of criminal offences.

As a general rule, an attempted offence is classified under the respective category for committed offences even in cases of severe crime.

In the tabulation of offences "according to select groups of criminal offences", the following among others were not registered separately:

- involuntary manslaughter (§ 114 StGB), unintentional bodily injury (§ 118 StGB), and other offences against human life and health (§§ 119, 120 StGB)
- disturbance of domestic peace and security (§ 134 Section 2 and 3 StGB), insult and calumny (§§ 137-140 StGB) and other offences against human freedom and dignity (§§ 129-133, 135, 136 StGB)
- damage to property (§§ 183, 184 StGB) and other crimes against the general public welfare (§§ 187, 190, 191, 191a, 191b, StGB), related subsidiary bills and statutes under penal law (§ 30 Regulations Concerning Veterinary Organizations; § 24, 25 Pure-Food Law)
- criminal offences according to chapters 1, 2 and 9 StGB (special annex), other offences according to chapters 7 and 8 StGB (special annex) with related subsidiary bills and statutes under penal law (§ 13 Decree Concerning Legal Identity Cards of the GDR; §§ 12, 13 Regulations Concerning Toxicants and Poisonous Substances; §§ 53-57 Regulations Concerning Air Navigation and Aviation; § 7 of the Second Decree Concerning the DRK (DRK = Deutsches Rotes Kreuz; German Red Cross); § 14 Decree for the Protection of Prehistoric and Ancient Relics).

3.2 Tables

Criminal Offences According to Select Groups of Criminal Offences

Serial No.	Categories of Criminal Offences (\$§ of StGB (Criminal Code))	Total Criminal Offences	
		1982	1983
1	Wilful Homicide (§§ 112, 113)	143	139
2	Wilful Bodily Harm (§§ 115, 116, 117)	10,840	11,215
3	Rape (§ 121)	649	705
4	Indecent Assault and Sexual Abuse (§ 122)	465	466
5	Robbery and Extortion (§§ 126, 127, 128)	830	851
6	Non-Support (§ 141)	542	603
7	Negligence (§ 142)	507	511
8	Sexual Child Abuse (§ 148)	988	1,024
9	Sexual Abuse of Juveniles (§§ 149, 150, 151)	190	156
10	Theft of socialist Property (§§ 158, 161, 162)	21,629	22,134
11	Fraud/Breach of Trust to the Disadvantage of Socialist Property (§§ 159, 161, 161a, 162)	5,645	6,341
12	Criminal Offences Against the National Economy (§ 165 ff. including subsidiary laws)	677	741
13	Theft of Personal and Private Property (§§ 177, 180, 181)	28,902	29,012
14	Fraud/Breach of Trust to the Disadvantage of Personal and Private Property (§§ 178, 180, 181, 182)	894	1,032
15	Arson (§§ 185, 186)	408	396
16	Causing Fire by Negligence (§ 188)	570	555
17	Breach of Public Health and Industrial Safety Regulations (§ 193)	197	211
18	Initiation of Serious Accident (§ 196)	3,637	3,807
19	Drunken Driving (§ 200)	3,169	3,114
20	Unauthorized Use of Motor Vehicles (§ 201)	5,349	5,774
21	Unauthorized Possession of Fire-Arms and Explosives (§ 206)	393	425
22	Resistance to State Authority (§§ 212, 216)	1,299	1,378
23	Vandalism (§§ 215, 216)	2,026	2,056
24	Preferential Treatment and Receiving Stolen Goods (§§ 233, 234)	2,591	2,717
25	Forgery of Documents (§ 240)	947	1,096

Criminal Offences, Delinquents, Convicts and Deliveries to Public Courts

Annual Average	Criminal Offences		Delinquents		Total of Delinquents ¹	
	Total	per 100,000 of the population	Total	per 100,000 of the legalage population	Convicts	Deliveries to Public courts
Annual Average						
1946-1948	472.295	2.536				
1950-1959	157.466	878				
1960-1969	132.741	776				
1970-1979	124.802	739				
1980-1984	122.709	734				
Year						
1982	120.275	720	92.447	675	70.365	18.292
1983	122.656	735	94.482	689	68.733	21.904
1984	119.125	715	93.504	683	66.607	22.732
1985	113.363	681	85.292	624	59.574	21.773
1986	110.768	666	82.753	606	57.769	20.651

¹ The differences in this category result from delinquents who were not held criminally responsible according to §§ 14, 17(2), 18(2), 21(5), 22(4), 24(2), 25, 57, 63, 88(2), 99(4), 111(1), 152(2), 226(2), 232, 233(3), 237(2), 249(3) StGB (Criminal Code), and other closings - cf. introductory remarks.

Deliveries to Social Courts According to Select Groups of Criminal Offences

Select Groups of Criminal Offences (§§ of StGB (Criminal Code))	Percentage of Deliveries to Social Courts of Delinquents Held Criminally Responsible (Convicts and Deliveries to Public Courts)				
	1982	1983	1984	1985	1986
Percentage					
Total Number of Deliveries to Public Courts	20,6	24,2	25,4	26,8	26,3
According to Select Groups of Criminal Offences					
Wilful Bodily Harm (§§ 115, 116, 117)	34,9	40,3	42,0	45,2	44,5
Non-Support (§ 141)	8,8	3,8	2,9	3,4	3,9
Negligence (§ 142)	31,5	31,5	39,3	41,6	44,4
Theft of Socialist Property (§§ 158, 161, 162)	30,6	34,8	37,0	36,7	36,4
Fraud/Breach of Trust to the Disadvantage of Socialist Property (§§ 159, 161, 161a, 162)	25,1	28,9	27,7	27,5	27,0
Theft of Personal and Private Property (§§ 177, 180, 181)	34,1	37,1	37,7	36,7	36,0
Fraud/Breach of Trust to the Disadvantage of Personal and Private Property (§§ 178, 180, 181, 182)	13,2	16,2	18,9	14,9	13,7
Causing Fire by Negligence (§ 188)	27,0	32,6	33,6	31,3	27,0
Breach of Public Health and Industrial Safety Regulations (§ 193)	21,4	22,0	18,9	20,6	25,6
Drunken Driving (§ 200)	3,5	6,1	5,9	6,0	3,8
Unauthorized Use of Motor Vehicles (§ 201)	25,5	28,7	30,0	28,3	28,2
Preferential Treatment and Receiving Stolen Goods (§§ 233, 234)	21,1	29,6	34,6	38,9	34,9
Forgery of Documents (§ 240)	67,9	76,3	72,9	75,3	73,6

4. Summary

About the middle of the 1960s criminology began to take shape as an independent branch of social science in the GDR. The first publications concentrated on the subject matter and tasks of criminology and on the characteristics that distinguish it from all other social sciences. In addition, a theory on the determination of criminality within socialism and the relevance of personality within this theory was developed in respect to select groups of criminal offences.

The narrow spectrum of criminological issues, the concept of personality (which was still limited to subjective characteristics), and the prevailing distinction of (socialist) criminology in contrast to bourgeois criminology revealed the limited knowledge of that time.

The 70s and the 80s, a time in which socialist society in the GDR developed on an independent basis, also produced new insights for criminology. Despite economic and political progress regarding social conditions, we must accept the regular production and reproduction of criminality in a comparatively stable structure. The so-called "relics-theory" regarding rudiments and characteristics of the old capitalist conditions as the main source for criminality was overcome in scientific and often controverse discussions.

The views of the relevance of personality for the genesis of criminality were increasingly determined by the individual's concrete social activity. This directed attention to the individual's situation in terms of private property - which results from his form of activity - and to characteristic aspects of the social structure influencing criminal determination.

From a historical viewpoint, the direct connection between exploitation, private ownership of the means of production and criminality proved to be outdated.

General criminality within socialism is generated by actual contradictions between the individual and society which are not recognized, and/or for which no social solutions are provided to help the individual develop his needs and interests to the advantage of society. Thus these contradictions - at least a percentage of them - are given spontaneous and destructive expression by means of criminal offences.

The absence of exploitative social structures helps to improve the relationship between the individual and society and facilitates the gradual decline of general criminality.

Empirical research results predominantly exist on the issues of juvenile delinquency, recidivism and the social disintegration of delinquents.

Surveys on the correlation of sociological characteristics and individual relationships in the occupational activity of delinquents have recently attracted increasing attention.

5. Bibliography

- Barth, Vera*: Einige sozialpsychologische Ergebnisse aus besonderen Brigaden und Schlußfolgerungen für die weitere Arbeit mit diesen Brigaden. In: Ewald, Uwe (Ed.): "Gesellschaftstheorie und Sozialwissenschaft in Kriminologie und Strafrechtswissenschaft. Ideen und Probleme". Beiträge der Kriminalwissenschaftlichen Arbeitsberatung vom 25. bis 27. Mai in Wustrau. In: Konferenzmaterialien, Protokolle, Informationen des Instituts für Theorie des Staates und des Rechts der Akademie der Wissenschaften der DDR 9, 1988, p. 188-204.
- Blaschke, Ingeborg*: Die Integration in die kollektiven Beziehungen im Arbeitsbereich · wesentlicher Bestandteil der Vorbeugung gegen Straftaten integritätsgestörter Täter. Staat und Recht 6, 1986, p. 467-472.
- Brie, Michael*: Kriminalitätsforschung - eine Herausforderung an dialektisch-materialistisches Denken und Sozialismustheorie. In: Ewald, Uwe (Ed.): Gesellschaftstheorie und Sozialwissenschaft in Kriminologie und Strafrechtswissenschaft. Ideen und Probleme. Paper 9, Berlin 1988, p. 71-90.
- Brück, Wolfgang*: Soziologische Bezüge der Jugendgefährdung. In: Exogene und endogene Bedingungen psychosozialer Fehlentwicklung. Wissenschaftliche Beiträge der Friedrich-Schiller-Universität Jena 1987, p. 38-64.
- Buchholz, Erich*: Zu den Ursachen der Kriminalität in der DDR. Neue Justiz 5, 1983, p. 199-201.
- Buchholz, Erich*: Dialektisch-materialistische Auffassung vom sozialistischen Strafrecht und sozialistische Demokratie. Staat und Recht 11, 1984, p. 874-880.
- Dähn, Ulrich, Wolf, Heinz*: Einige strafrechtstheoretische Aspekte der Vorbeugung und Bekämpfung erneuter Straffälligkeit. Staat und Recht 7, 1987, p. 557-563.
- Ewald, Uwe*: Vergesellschaftung und materielle Determination der Kriminalität im Sozialismus. Staat und Recht 6, 1986, p. 481-486.
- Ewald, Uwe* (Ed.): Thesenhafte Überlegungen zur kriminalwissenschaftlichen Arbeitsberatung. In: Gesellschaftstheorie und Sozialwissenschaft in Kriminologie und Strafrechtswissenschaft. Ideen und Probleme. Paper 9, Berlin 1988a, p. 28-70.
- Ewald, Uwe* (Ed.): Gesellschaftstheorie und Sozialwissenschaft in Kriminologie und Strafrechtswissenschaft. Ideen und Probleme. Beiträge der kriminalwissenschaftlichen Arbeitsberatung vom 25. bis 27. Mai 1987 in Wustrau. In: Konferenzmaterialien, Protokolle, Informationen des Instituts für Theorie des Staates und des Rechts der Akademie der Wissenschaften der DDR. Paper 9, Berlin 1988b.
- Grunow, Sabine, Hübner, Marlies*: Anforderungen an die Meister und Brigadiere, die mit psychisch auffälligen und kriminell gefährdeten Bürgern arbeiten. In: Ewald, Uwe (Ed.): Gesellschaftstheorie und Sozialwissenschaft in Kri-

- minologie und Strafrechtswissenschaft. Ideen und Probleme. Paper 9, Berlin 1988, p. 211-219.
- Hartmann, Richard, Lekschas, John*: Zur Theorie der Ursachen, Bedingungen und Anlässe der Kriminalität. Berlin 1964.
- Hartmann, Richard, Lekschas, John*: Kriminalitätsursachen und Probleme der Kriminalitätsforschung. Berlin 1976.
- Holkamp-Osterkamp, Ute*: Grundlagen der psychologischen Motivationsforschung. Berlin 1981.
- Institut für Strafrecht an der Humboldt-Universität zu Berlin* (Ed.): Jugendkriminalität und ihre Bekämpfung in der sozialistischen Gesellschaft. Berlin 1965.
- Korfes, Gundhild*: Zur soziologischen Analyse von krimineller Gefährdung und Asozialität. Informationen zur soziologischen Forschung in der DDR 3, 1987, p. 80-83.
- Kosewähr, Elfi*: Studie zu den Grundlagen einer kriminologischen Theorie über die Persönlichkeit von Straftätern. (Unpublished) Thesis B. Berlin 1985.
- Kosewähr, Elfi*: Sozialwissenschaftliche Probleme der kriminalwissenschaftlichen Forschung. In: Ewald, Uwe (Ed.): Gesellschaftstheorie und Sozialwissenschaft in Kriminologie und Strafrechtswissenschaft. Ideen und Probleme. Paper 9, Berlin 1988, p. 159-167.
- Kosing, Alfred*: Widersprüche in der sozialistischen Gesellschaft. Sitzungsberichte der Akademie der Wissenschaften der DDR. Paper 1G, 1975.
- Kosing, Alfred* (Director of the Authors' Collec.): Dialektik des Sozialismus. Berlin 1981.
- Kräupl, Günther*: Intensiv erweiterte Reproduktion und soziale Vorbeugung gegen Kriminalität. Staat und Recht 12, 1986, p. 950-958.
- Kräupl, Günther, Ludwig, Heike*: Probleme und Ergebnisse kriminologischer Persönlichkeitsforschung. Staat und Recht 6, 1984, p. 464-470.
- Lekschas, John, Buchholz, Erich, Hartmann, Richard*: Sozialistische Kriminologie. 1st Edition, Berlin 1966.
- Lekschas, John, Buchholz, Erich, Hartmann, Richard, Stiller, Gerhard*: Sozialistische Kriminologie. Ihre theoretische und methodische Grundlegung. 2nd extended Edition, Berlin 1972.
- Lekschas, John, Dettenborn, Harry, Seidel, Dietmar*: Studien zur Schuld. Berlin 1975.
- Lekschas, John, Harriand, Harri, Hartmann, Richard, Lehmann, Günther* (Eds.): Kriminologie. Theoretische Grundlagen und Analysen. Berlin 1983.
- Lekschas, John*: Zur Vorbeugung Kriminalität Minderjähriger - Forschungsberichte. Sitzungsbericht der Akademie der Wissenschaften der DDR. Paper 1G, 1984.
- Lekschas, John*: Widerspruchs-dialektik und Kriminalitätsforschung. Staat und Recht 7, 1985a, p. 578-585.
- Lekschas, John*: Methodologische Überlegungen zur Erforschung der Ursachen der Kriminalität in der entwickelten sozialistischen Gesellschaft. Staat und Recht 11, 1985b, p. 929-935.
- Lekschas, John*: Zur Determination der allgemeinen Kriminalität in der entwickelten sozialistischen Gesellschaft. Informationen und Berichte der Vereinigung

demokratischer Juristen der DDR. Paper 3, 1986, p. 3-9; Paper 4, 1986, p. 19-26.

Leontjew, Alexej: Tätigkeit, Bewußtsein, Persönlichkeit. Berlin 1982.

Ludwig, Heike: Die persönlichkeitsgerechte Gestaltung des Arbeitsprozesses - ein erfolgversprechender Weg zur Zurückdrängung sozialer Desintegration. In: Ewald, Uwe (Ed.): Gesellschaftsprobleme und Sozialwissenschaft in Kriminologie und Strafrechtswissenschaft. Ideen und Probleme. Paper 9, 1988, p. 204-211.

Luther, Horst, Bein, Horst: Wege zur Erhöhung der erzieherischen Wirksamkeit des Jugendstrafverfahrens und zur Verhütung der Jugendkriminalität in der DDR. In: Studien zur Jugendkriminalität. Berlin 1965, p. 178-233.

Manicke, Kurt, Oschekowski, Walter: Aspekte der Determination und Vorbeugung der allgemeinen Kriminalität in der DDR. Staat und Recht 7, 1987, p. 540-547.

Marx, Karl: Kritik des Gothaer Programms. In: Marx, Engels: Werke. Vol. 19. Berlin 1958, p. 21.

Marx, Karl, Engels, Friedrich: Die deutsche Ideologie. In: Marx, Engels: Werke. Vol. 3. Berlin 1958, p. 417.

Puffe, Hartmut: Vergleichende Untersuchung über die Handlungsregulation straffälliger und nichtstraffälliger Jugendlicher. (Unpublished). Thesis A. Berlin 1986.

Quilitzsch, Gert: Thesenhafte Überlegungen zur Theorie der sozialistischen Demokratie. In: Ewald, Uwe (Ed.): Gesellschaftstheorie und Sozialwissenschaft in Kriminologie und Strafrechtswissenschaft. Ideen und Probleme. Paper 9, Berlin 1988, p. 90-97.

Schaarschmidt, Rolf: Methodische Anmerkungen zur Diskussion um die Kriminalitätsursachen im Sozialismus. In: Ewald, Uwe (Ed.): Gesellschaftstheorie und Sozialwissenschaft in Kriminologie und Strafrechtswissenschaft. Ideen und Probleme. Paper 9, 1988, p. 97-107.

Sève, Lucien: Marxismus und Theorie der Persönlichkeit. Berlin 1973.

Szewczyk, Hans: Der Alkoholiker. Alkoholmißbrauch und Alkohol kriminalität. Berlin 1986.

Developments in Criminology in Austria since the 1983 World Congress in Vienna

Arno Pilgram

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Criminology was conceived by its Austrian fathers as a branch of a "comprehensive science of criminal law", with the special task of creating a result-oriented criminal law based on scholarly data. The close tie to criminal law has meant that practical assistance (criminal statistics and the study of crime and punishment) rather than empirical investigation and the establishment of legal axioms has been criminology's role. As things stand, Austrian criminology continues formally to be part of the institutes for criminal law at the universities, to be sure, but for a long time a large fraction of the most important research has not been a product of this institutional relationship. That is true above all for critical research on social deviance and criminal law as a means of control, which goes on primarily in history and the social sciences.

The organization of the following report reflects the absence of a well-defined organizational structure for criminological research in Austria. Quite deliberately, criminology in Austria is not presented here by reference to centers, specialties, media, communication networks, etc. There is simply too little organizational concentration in criminological research to make that useful. Criminological work appears in the most diverse areas of scholarship and stems from authors who have no common understanding of themselves as criminologists and no organizational ties to each other. In order to describe criminology in Austria as a scholarly system with precise boundaries one would have to falsify the situation in either of two ways. One would be to overdetermine things in an inadmissible way by tacitly counting as part of criminology efforts that in fact have taken place outside of organized criminology as such. The other would be to give a negative picture, one that tends to be indiscriminate in the way it excludes every contribution to the advancement of knowledge that does not come from organized criminology in the narrow sense.

The mode of presentation chosen here is different. We will begin with the salient events since the last World Congress for Criminology, events that show clearly changes in criminologically relevant scholarly fields, the way problems are stated, effects on practice, etc. In light of these events - some of them of a judicial-administrative sort, some having to do with laws governing higher education, and some with the economics and politics of scholarly endeavors - an attempt will be made to clarify certain organizational characteristics of the Austrian criminological scene. This report is an update of an earlier one, which documented the situation of criminological research in Austria from 1980 to 1984 (*Pilgram 1984*). The characterization of trends as portrayed in this report are based not least on that earlier picture.

1. A Survey of Developments and What Has Prompted Them

The impetus for important developments in Austrian criminology since the last World Congress of the International Criminological Association in Vienna in 1983 has come from outside the discipline. It was not, for instance, the World Congress itself that had such a noticeable stimulating effect. Rather, it was mainly a challenge from the government, i.e., the Federal Ministry of Justice under (Justice) Minister Broda, to clarify a burning question: What explains the high number of prisoners here, incomprehensibly and shockingly high in comparison with other countries, when considered on a per capital basis? To this end, a group of experts was assembled in January 1982 to advise on the problem of Austria's large prison population. This group

consisted of judges, public prosecutors and lawyers, representatives from the universities (including almost all the teachers of criminal law), employees of the Federal Ministry of Justice, and staff from the Institute for Legal and Criminal Sociology in Vienna.

It was agreed that a "Custody Count" Working Group should be established at the Federal Ministry of Justice, which would meet regularly and would concern itself primarily with the practice of detention on remand, and which would gather empirical data as a basis for discussion. Colleagues from the Institute for Criminal Sociology were put in charge of collecting the data. The results were presented in batches to the Working Group, which then formulated further questions for research. In turn, these led to various secondary exploitations of the empirical material and some expanded studies done by others in the Working Group from institutions of higher learning. Over a period of several years, what developed was an unprecedented model of cooperative work among the government (above all the legislative section in the Federal Ministry of Justice), legal practice, and empirical scholarship that decisively altered the mutual relation of the participants in this process. Despite all the controversies through years of discussion, new emphases for research on the practice of criminal law emerged from the Custody Count Working Group as did new stimuli for custodial and penal practices (see § 2.1).

Another development in Austrian criminology had its origin in the handling of statistical data concerning crime and the administration of law and in the improved accessibility of official statistics for uses and purposes other than primarily administrative ones. Since the early 1970s, Austria's Central Office of Statistics has been in charge of the register of punishments - put out in nondescript volumes - maintained by the Federal Ministry of the Interior (an annual register of the judgments that were issued by a criminal court of final appeal). Thanks to the databank of the Central Office of Statistics and the publications of "Legal Criminal Statistics" it is becoming increasingly possible for interested researchers to use statistics on those who have been sentenced and to evaluate them from previously neglected points of view. These have been used so far mainly by members of the University of Vienna's Institute for Criminal Law and Criminology in order to reveal regional differences in the practice of criminal law. Their research results, combined with those produced by the Custody Count Working Group, have contributed in an essential way to the empirical information used in discussions of criminal policy in Austria. Since the publication of some studies showing a tendency for the severity of Austrian penal justice to decline as one moves from east to west, the pressure for legitimation has risen - especially with respect to the punitive enthusiasm and "expensive" jurisdiction in the superior court for the district of Vienna (see § 2.2).

In this regard, contributions from legal practice that can serve above and beyond their administrative uses as documentation and evaluation of the application of law are significant. It is striking that such contributions have come primarily from those areas that are known for innovative criminal policy or that must be regarded as only moderately well established. Thus investigations of this sort on the judicial handling of crime have come either from the west of Austria (superior court for the district of Innsbruck), where in general the "most liberal" policy of conviction and punishment is practiced, or from juvenile authorities, or from the area of forensic medical and social services. Among Austria's security services, no independent research as such takes place, and in any case such research is a rarity among traditional institutions of penal justice and imprisonment. The private organization for probation assistance and social work (which provides most of the probation assistance in Austria), however, or also the non-punitive institutions are for example places where relatively systematic reflection on practice is undertaken according to scholarly criteria. Between these fields of professional endeavor and the world of scholarship personnel transfers also take place in both directions. Nonetheless, the problems cannot be ignored that have resulted from government economy measures and obstacles to the reform process in the aftermath of public resistance to treatment and nonincarcerative alternatives. Under these pressures the sometimes excessively high expectations for an increase in the scholarly approach to such nonpunitive institutions have not been fulfilled. In particular, forensic psychiatry must be regarded as a stagnating discipline in Austria today (see § 3).

Criminology in the narrower sense, at the universities, is something else again. Since 1978, under the influence of the new regulations for legal studies - which require elaborate final papers - and the results once that new curriculum went into effect in the early 1980s, there has been a growing tendency for students to engage in research. Yet the numerous papers leading to a diploma or dissertation are seldom jointly orchestrated with respect to their research policy. Nonetheless, the proliferation of papers of this sort has revived a certain type of traditional study, one that undertakes research into the criminal personality from the perspective of prevention. The situation of these students makes attractive such methodologically simpler - if also more problematic - investigations of the inmates of correctional institutions. This accounts for the rapidly lengthening list at present at the Federal Ministry of Justice, Imprisonment Section, of applications by law students to do scholarly papers on prisoners. (In 1987, the volume of applications from jurists was second only to that of applications from psychologists.) Thanks to this student research, the hitherto modest research capacity in the university criminological institutes will potentially increase, which is not to say that it is yet clear what the productive usefulness of this capacity will be (see § 4).

The list of applications just mentioned makes clear the multitude of the disciplines that have an interest in the subject matter and the effects of criminal justice. Next to the psychologists and lawyers, the others lined up at the Federal Ministry of Justice seeking access to penal institutions, their files, and their clients, include teachers, sociologists, linguists, theologians, historians, folklorists, students of art, architects, doctors, and students of sport. This is typical of the narrowness of the field - the study of prisons and prisoners; it has always been true in general that experts from the most diverse fields have been in a position to contribute more or less essentially to criminology, and this has continued in recent years. I will cite just three important examples: history (§ 5.1), above all with its annual interdisciplinary symposium "Justice and Contemporary History" (another of Christian Broda's initiatives); Women's studies (§ 5.2), which today includes 'victimology'; and Addiction Research (§ 5.3), which is the only "criminological discipline" in Austria today that practices epidemiology (research into the dark figure of crime, if you will) independent of the government. An excursion into the contributions from one or another of these other disciplines (for example, psychology) would have burst the bounds of the inquiries it was possible to include in this report.

The Ludwig Boltzmann Institute for Criminal Sociology was founded in Vienna in 1973 as a social science research institute in the fields of crime and criminal law. Since 1983, it has continued outside the Ludwig Boltzmann Society as the Institute for Legal and Criminal Sociology. This Institute, closely tied to the Ministry of Justice and a product of Austrian criminal law reform, has expanded its field of endeavor during recent years beyond the sociology of penal law without thereby lessening its emphasis on the institutions of criminal law. The broadening of the Institute's research program is based on the cumulative results of its prior work in criminal sociology. Out of that grew the desire to give more precise definition to an understanding of the value of criminal law as a resource in day-to-day conflict resolution along with other formal and informal resources. There was a further desire to investigate alternative ways of handling individuals involved in crime in diverse conflict situations and to investigate the essential characteristics of noncriminalizing ways of coping with everyday problems. The goal of research in this direction is to undertake such investigations without imputing either irrationality to decriminalization of the law or rationality to conflict resolution in general and criminalization in particular. What does the criminal law make out of social conflicts, to what extent are people aware of the facts, and how do they apply their knowledge? These became central questions. On the level of legal argument, criminal procedure needed to be compared with the ways disputes are settled in civil law. This needed to be done with an eye to the interests pursued by their respective sets of legal authorities, the relationship between effective strategies in criminal and private law, the role of appellate review and official government interven-

tion, legally available enforcement measures and their social limits, etc. It is now evident that a sociology of the legal system inspired by the sociology of criminal law takes on particular contours and thereby obtains - or maintains - more relevance for criminology (see § 6).

An essay of this sort on Austrian criminology over the past few years should not omit reference to what has been achieved in the way of increased self-consciousness as a discipline. Without doubt the recent past has been a time for exploring roots and branches not only in criminology but in politics and scholarship throughout the country. In a year (1988) that included the 70th anniversary of the founding of the Republic, the 50th anniversary of the *Anschluß* to Nazi Germany, the 20th anniversary of the student uprisings, etc., everyone is called upon to account for his or her own role in historical change or continuity, his or her own memories and memory lapses. In particular, Nazi rule in Austria, war crimes and other crimes against humanity, including some done under the color of law and with the help of its institutions, and the criminal law's inability to come to terms with this past combine today to destroy any self-satisfaction derived from criminological history. § 7 below is devoted to summarizing and making critical (and self-critical) comments on the history of the discipline.

2. Stimuli from the Political Sphere

2.1 The "Custody Count Working Group" in the Federal Ministry of Justice

The territory turned over to the Custody Count Working Group included a number of different areas of concern: arrest, review, and release, reasons for arrest, duration and extension of periods of custody, etc., as well as a comparison of the criminals and criminal proceedings that do and do not involve custody. In order to get information about all of those things, files from some 1.500 cases stemming from three district courts were evaluated; among these, major differences in custodial practices crystallized very quickly. This result, with its unexpected clarity, subsequently became a focus of discussion in the Working Group. It emerged that the specific regional patterns of imposing, justifying and terminating custody could be traced by and large neither to differences in how much crime there was in the various district courts nor to the differences in workload and number of personnel in the courts in question. Even when such factors are controlled for, something like a "regional legal climate" remains as the determining factor in the way custody is handled in the various courts. Within the rules of law, the autonomy of those in a position to decide on issues of custody appears considerable, albeit constrained simultaneously by

local standards as usually applied (*Morawetz and Stangl, 1984; 1985; 1986; Schwaighofer 1984; Krainz 1986a; 1986b*).

Such findings direct attention not only to the nonlegal bases for custodial decisions; when detention on remand is imposed, the social characteristics of the accused or the operative theories of the authorities naturally play a role. But also above all one becomes aware of the processes of socialization and tradition among different jurists and their courts. Where else do the diverse institutions of the criminal law in different jurisdictions gain their different practical significance if not through the variety of criminal problems and the issues that grow out of them? What are the criteria of the various regional practical interpretations of these institutions and which of these have proved themselves? In this regard new questions have been in fact created out of the colloquies within the Custody Count Working Group. They were pursued for instance by *Stangl (1987)* in connection with the 1986 symposium on Justice and Contemporary History, which had the history of judicial independence in Austria as its theme. The sociology of law section at the all-German "Sociology Day" in Zurich in 1988 is also devoted to the theme of legal cultures.

One of the things to be derived from the Custody Count Working Group discussions is the question of the relationship among arrest, duration of custody, and imposition of punishment (kind and amount). By using some statistical-methodological refinements, it was possible to establish that having been confined - independent of other factors - was disadvantageous to the offender when it came to meting out punishment. Both detention on remand itself and to a certain degree the fact and length of that detention are taken into consideration in the expected punishment (*Dearing 1986*).

In the course of these politically organized and informed, regular interdisciplinary conversations about the practice of arresting suspects, an experiment in criminal policy of a special sort was proposed, with the practical aim of reducing the number of those arrested. In fact this experiment proved unusually successful. From 1982 to 1986, the daily average of all those in detention on remand, in comparison with the number of inmates and of those under sentence, was disproportionately reduced, namely by 21 % compared to 4 % and 8 % respectively for the other two groups. How it actually came about that practical decisions resulted from the discussion would be a worthy and useful subject of investigation in its own right.

2.2 Initiatives in the Administrative Management of Statistics

The cooperative work between the Central Office of Statistics (Judicial Criminal Statistics) and the university, intensified by developments in the area of data processing, is thanks to two especially worthy investigations on differences in the regional practice of punishment in Austria (*Burgstaller and Csaszar 1985a; 1985b*). First, these two authors from the University of Vienna's Institute for Criminal Law and Criminology presented a secondary analysis of the statistics on those under sentence, which fully documented the regional differences in judicial behaviour in regard meting out punishments. They established that in the superior courts for the districts of Vienna and Graz adult first-offenders especially (and particularly thieves) received a punitive burden (for which these courts had developed their own formula) of far greater severity than that imposed in the superior courts in the western districts of Linz and Innsbruck. In this way, these offenders "pay" disproportionately for a situation with respect to crime that is only insignificantly worse in the Vienna area than elsewhere. Even when possible variables are controlled for, it remains clear that "the deciding factor for regional differences in punitive practice is a regional difference in the evaluation of the separate criminal justice reactions as such and of the differences as seen by the courts in how much punishment the various crimes perpetrated by the offenders were worth. The rationale for these judicial evaluations could be extracted from the analysis with the help of the techniques we had at our disposal" (*Burgstaller and Csaszar 1985b*, p. 427). Thus the conclusion of the two authors, which points once again to the problem of regional "legal cultures".

Burgstaller and Csaszar avoid making a final evaluation of the diverse practices in sanctions because statistics on recidivism (again, collected regionally) are incomplete. Meanwhile, not least because of the force of this argument, an effort has in fact been made since 1986, in the Central Office of Statistics and on the initiative of Dr. Harald Ofner (at that time Minister for Justice), to expand the judicial criminal statistics by adding statistics on recidivism. These data are supposed to be made public for the first time in 1988; this latest publication in criminal statistics will probably provoke a whole series of papers and discussions. Hopes for these statistics on recidivism should not be too high, however, because the data are based solely on those who have been sentenced - and even for them only a few characteristics have been identified and collected. An undetermined number - both qualitative and quantitative - of criminals (again there are regional variations) have been diverted from the criminal process. The selectivity in prosecution (with regard to both first offenders and repeat offenders) has a marked influence on any correlation between judgments and recidivism. This is, however, something that simply cannot be controlled for by using the statistics on recidivism that are available.

3. Stimuli from Legal Practice

3.1 Examples of Systematic Documentation by Legal Practitioners

Paradigmatic for studies by legal practitioners on legal practice is a very detailed paper from the Senior Prosecutor's Office in Innsbruck on recidivism rates in that district court (*Obendorf 1986*). Reacting to efforts to make practices more uniform among the four regional superior courts and senior prosecutors' offices in Austria, the author presents an account of the legal behaviour over a ten-year period of 1.000 of those individuals sentenced in the federal and district courts at Innsbruck in 1976. Recognizing the limited weight that can be attached to recidivism rates after certain punishments, Obendorf nonetheless joins those who favor the much-debated, lenient fines that are imposed in Innsbruck with unusual frequency, and he justifies their use in this way:

"When it is shown that for more than 80 % of those first-time offenders punished with a lenient fine this sanction of the court was sufficient to discourage further criminal behaviour for the following eight years, then the claim that such a fine is not a legitimate punishment for crime because it does not have a deterrent effect is disproved, or at least called into question" (*Obendorf 1986*, p. 77 f.). In the rest of his remarks the author remains neutral and descriptive, but in the process he puts at our disposal a wealth of material on probationary periods in cases of lenient punishment, extension and revocation of probation, the period during which punishment is completed, and punishments alternative to imprisonment; such material is normally never released. To this extent the study is far more than merely the official presentation of recidivism statistics. With such unusual items of documentation, other people in the senior prosecutor's office in Innsbruck have also gone on the offensive, apparently trying to work their way out of the defensive position they find themselves in with regard to the extreme practices in western Austria. As an example worth mention here are *Laich's* papers on the handling of minor misdemeanors (1984) and on the preventive effect of punishments (1985). The prosecutor's office in Innsbruck also produced a study on criminal justice as a "filter", using the crimes of murder and manslaughter (*Rainer 1986*). Interestingly enough, except for the Tyrol, none of the other district courts has developed a similar tradition of empirical self-presentation and attempted self-justification. The juvenile court in Vienna should be mentioned as an exception, however; there modest studies on arrests (*Jesionek 1987*) and on federal prosecutorial proceedings (*Kucera 1987*) have been made public.

3.2 Controversial Punitive Measures as Reflected in Research

Similarly lopsided is the empirical research on the way punishments are carried out. Just as the typical practices of the busiest courts have not been documented, what constitutes normal practice in punishment remains pretty unilluminated. With the exception of the special case of imprisonment for women (on which see the contemporary history study by *Baumgartner and Mayer 1987*) and occasional student papers on normal punishment practices, research on the completion of sentences has been concentrated on the various special institutions where preventive detention is carried out.

Prominent among such efforts is the thesis done by the director of the special prison at Mittersteig on the practice of confining mentally deficient offenders who have been judged legally sane (*Gratz 1986*). The author concerned himself with judicial practices in committing such people to nonpunitive measures according to § 21 par. 2 of the criminal code, the quality and role of psychiatric testimony used in their trials, their institutionalization and the judicial supervision of their detention, and their follow-up treatment and recidivism. The overall results of this study provide an appalling picture of preventive detention: extreme regional differences with respect to the standards for the way records are kept; the variety of psychiatric diagnoses; the recommendations for commitment based on testimony, and judicial evaluation of such testimony, a lengthening of the release process in recent years; the apparent inutility (measured by recidivism) of keeping people in custody beyond the term of the sentence; the way both prisoners and psychotherapeutic personnel have been made insecure through the impossibility of calculating how the release process is likely to go, etc. The expectations held out for these nonpunitive measures - protecting society by holding people until they have successfully completed therapy, "humanizing" such measures and making them more "scientific" by fostering forensic psychiatry - all these expectations have to be drastically revised in the face of *Gratz'* data (1987).

During the period covered by this report, forensic psychiatry has contributed only one piece of substantive work, a study on outcomes for offenders in sex crimes (*Berner and Karlick-Bolten 1986*). In this study, 326 perpetrators of sex crimes were studied for a period of five years after being granted amnesty. The result, in brief, was as follows: In contrast to what many assumed, the crimes themselves proved to be less indicative of possible recidivism than did the institutional careers. Furthermore, "Comparisons between persons whose therapy was mandated by a judge and another group who after sentencing decided on their own to undergo therapeutic treatment proved important. The results - precisely with respect to sex-crime recidivism - were so much better for those treated on a 'voluntary' basis that this ought to be

kept in mind whenever new treatment strategies are being considered" (p. 184).

Similarly negative is the evaluation of punitive measures according to § 23 StGB in a study by *Mayerhofer (1986)*, who criticizes excessive imprisonment of criminal repeaters (compared to the FRG). "Although their recidivism rate is very high, the criminal consequences which might be expected stand in no appropriate relation to the severity of punishment" (p. 494). Mayerhofer's criticism of preventive detention has in fact resulted in a reform in the punitive measures set in the StRÄG of 1987; his criticism of the living conditions of mentally abnormal criminals has led to a limited relaxation of disciplinary punishment.

3.3 Probation Assistance as an Institution Accessible for Study

The Association for Probation Assistance and Social Work maintains its own department for research and documentation, which supports scholarly work on probation assistance or helps to carry out such studies itself. One of the findings directly usable for the country as a whole is on how dependent those receiving probation assistance are on social assistance, and on the difficulties - given the way conditions vary from one part of the country to another - of establishing requirements for social assistance in emergency cases that arise through the victim's own fault. One thing that was pointed out is the way both those liable to punishment and those released after punishment tend to belong to that class of persons most likely to fall through the holes in the social net (*Machek and Stadler 1988*). At the present time the whole business of follow-up treatment for those who have been released is especially difficult to take care of, a fact reflected in studies by colleagues in the relevant institutions (Central Office for Released Prisoners in Linz: *Haselberger 1986*; the "Saftladen" in Salzburg, a recreational club: *Aichinger 1984*). In Aichinger's dissertation the work situation of social workers, whose field has been shaken by crisis, is the primary theme. (New insights into the sociology of work in other job areas in criminal justice are lacking, with the exception of a study on legal practitioners - *Pelikan 1987*).

Central to the research done in connection with probation assistance, however, was the evaluation of a new function of social work in the area of juvenile law - the management and support of extrajudicial compensation in lieu of prosecution. Since 1985, an extensive pilot program in conflict resolution, as part of probation assistance, has been running in several cities. In this program, practical experience is supposed to be gained with informal arrangements made between juvenile delinquents and their victims, under the watchful eye of social

workers; these experiences are also supposed to be evaluated for the yet-to-be-enacted new law governing juvenile courts. The accompanying research was carried out by the Institute for Legal and Criminal Sociology; it involved supervising the range and extent of application, the readiness to cooperate demonstrated by the parties in conflict, the transactions between them, and the kind of influence the agreements reached had on court decisions (*Pelikan and Pilgram 1988*). A constant process of feedback between the project participants from probation assistance and from the courts, between scholars and the legislature, assured that the pilot program would be viewed as ever more successful by the courts and by the politically conscious public, and that it would become firmly anchored in the law. The pilot program on conflict resolution is, for Austria, an unusual example of an experiment in justice in the first place, and even more unusual in being carried out with this kind of scholarly cooperation (see *Haidar et al. 1988*).

4. University Criminology, New Regulations for Legal Studies, and Criminological Research by Students

Criminological research as carried out at the universities has already been mentioned in connection with studies on regional practices in punishment (§ 2.2) where in fact it has made a bit of a stir. In addition to the papers on the regional administration of justice, many an observation on judicial criminal statistics has been made by Viennese penologists, for instance, on trends in practices of punishment since the criminal law reform of 1975 (*Burgstaller 1987*) or with respect to a particular group such as drug abusers (*Burgstaller 1986; Lachmann 1986; Sicka 1987*), regarding whose status the laws have frequently changed in drastic ways. Attitudes of public prosecutors and the punitive policies of the juvenile court in Vienna from 1976 to 1985 were the topic of a further secondary analysis of the official statistics, done by *Grafl (1988)*. The Viennese criminologist *Csaszar (1989)* goes beyond the rearrangement of official statistical data in a follow-up study to an earlier investigation of one year's group of juveniles indicted in Vienna's juvenile court, looking into the probation record of various subgroups within this population. According to this study, repeat convictions are concentrated very intensively within a small number of juveniles who already had prior convictions at the outset of the observation period or who subsequently had more than three additional convictions, a rate according to *Csaszar* that permits one to distinguish between episodic and habitual delinquency. The Linz penologist *Wegscheider (1987)* has done an analysis of the enforcement of environmental criminal law by the upper Austrian district courts, based on case records.

Most of the criminological research being done in the Austrian universities concerns questions that are posed by the statistics on crime, the administration of justice, and recidivism, but that - because of insufficient differentiation or material confined to too short a period - cannot always be answered at first glance.

These questions concern the extent, change, handling, and persistence of institutionally recorded crime. Mostly it is a matter of inquiries motivated by reports on these themes. The conclusions are generally presented descriptively; theoretical discussions and recommendations for criminal policy tend to be avoided.

Meanwhile, as a result of the new regulations for legal studies in force since 1978 (the federal law regarding legal studies), a certain dynamic in the discipline has emerged. That reform led to a proliferation of student research in various formats because of the requirement of a final paper; the effect of this has been noticeable since roughly 1982. This does not mean that this or that bit of independent criminological research shows up in a thesis leading to a diploma or a dissertation in criminal law at every institution of higher education at the present time. Nevertheless, there are examples of the conscious support of criminological themes and investigations. This has been true at the interdisciplinary research center (actually more a teaching concentration than a center) for legal psychology at the University of Salzburg, and at the University of Graz' Institute for Criminal Law, Criminal Procedure, and Criminology. There *Klaus Krainz (1986)* directed a group of twelve diploma students in a cooperative research project on how knowledge about criminals can be used to prevent property crimes. After appropriate preliminary work, the students interviewed prisoners, victims of breaking-and-entering, and police officials.

The partial results and the diploma theses are currently being collected into a summary report. One can expect this model of how to expand the personnel in institutes of criminal law and criminology with limited research capacities to be imitated. As a result, there will be at least a quantitative expansion of publications of the sort that gets documentation and information on police and court practices and gets support.

5. Contributions from Fields Outside Law

5.1 Historical and Cultural-Scholarly Works ("Justice and Contemporary History")

It would be straying too far to give here a complete review of research in Austria on the history of crime and criminal law (see on this topic the report by *Saurer* in 1988 for the IAHCJ). There is, above all, a series of recent studies on the history of local judicial authorities and the administration of criminal justice during various periods. These accounts are similar in some ways to the recent criminological accounts of the criminal law in action. But let us put these to one side. More important for the discipline of criminology as it is currently constituted are, I think, those pieces of historical research devoted to social deviance itself and that thus deal with a subject criminology and criminal sociology today - with their orientation to "crime control" - tend to neglect. Among historians it is quite common to see crime as an expression of normative conflicts, which appear at the edges of (sub)cultures or in the aftermath of social modernization. Crime - described in this way - is a phenomenon of resistance or insurrection, and the observer can then stand back at some distance from the object of research and view it with less moral bias. In doing this, historical research fulfills an essential function for criminology.

By way of example, I would like to mention a couple of works that deal with "ordinary crime" from a historical point of view (*Dietrich 1985; Mandl-Neumann 1985; Staudinger 1985*), and most especially a paper on the so-called "Schlurfs" - the disorganized and unpolitical resistance of the Viennese youth (through their nonconforming behaviour) to the Nazi effort to bring about conformity in the youth culture by frequently criminalizing that behaviour (*Gerbel et al. 1988*). Characteristically, treating such disobedience as resistance (rather than as crime) sets off controversies about the concept of resistance as well as that of crime, not only among those persecuted politically by the Nazis. *Gerhard Botz (1983; 1987)* has been directing his attention for a long time to the theme of assassinations, clashes, attempted insurrections, riots - in short, to violence in politics. He has investigated the forms, patterns, milieus, and dynamics of violent political conflicts in Austria since the First Republic.

Another topic that must not be forgotten is the controversy over witches and witchcraft and the persecution of witches, popularized by the great exhibition at Riegersburg in Steiermark (*Valentinitsch 1987*). When the topic is so remote, it is easier not to avoid questions concerning the arrogation of power and the expropriation of property by means of the criminal law. Nonetheless, work on political justice and the misuse of the criminal law and criminal procedure as well as law enforcement has been presented in recent years in the "Justice and

Contemporary History" symposia. This series of conferences goes back to an idea of Christian Broda's; its goal is to stimulate research on criminal justice and thereby to keep prodding the conscience of those who work in the system. In 1985 the conference theme was the history of the way sentences are carried out in Austria (*Weinzierl and Stadler 1986*); in 1986 the topic was the history of judicial independence in Austria (*Weinzierl and Stadler 1987*); in 1987 it was the history of the criminal trial system (*Weinzierl and Ardelt 1988*). Above all the last two volumes of conference papers contain material that indicts the criminal justice system under the First Republic, during Austrian Fascism, and under Nazism. Papers by *Wolfgang Neugebauer (1988)* and *Karl Marschall (1987)* are representative of several that used the occasion of the 50th anniversary of Austria's Anschluß to the German Reich as an excuse for examining the years 1938 to 1945 and the subsequent judicial housecleaning of the effects of that period. Marschall has written about popular justice and the prosecution of heinous Nazi crimes in Austria.

Historical processes of changes in penal norms, which revive or reform them, are of interest to criminologists who - today more than ever - are looking for a new definition of the object of their research. In investigations of this field, criminologists and historians meet each other face to face. Contributions to the history of Austrian criminal law reform have come from the criminal-sociological side (*Stangl 1985*) as well as from the scholarly historical side (*Lehner 1984; Malfer 1985*), and they are mutually reinforcing.

5.2 Women's Studies

Women's Studies today, considering its modest institutional status, is very productive, and the most diverse disciplines are indebted to this field for new insights into their own subject matter. For criminology, the significance of women's studies lies in the way forms of violence in domestic relations have been brought to the fore, in the social definition of private versus public concerns, and the relevance of this definition for power relationships among men, women, and the authorities. Using women as the example, Women's Studies has made the issue of what constitutes a legitimate relationship between relatively invisible private victimization and visible public disadvantage a theme. It has also contributed a good deal to the analysis of the way social repressions are related to each other. For Austria in the period covered by this report, several studies should be mentioned. One, on police and violence in the family, which was carried out at the Ludwig Boltzmann Research Center for Politics and Interpersonal Relations, evaluated police intervention in violent conflicts within families; these cases were then categorized and the police strategies for giving assistance were

investigated and evaluated (*Schlaffer and Benard 1986*). This study deserves mention also because, unlike any others, it was supported by security officials. A second study concentrated on conceptions of feminine sexuality and sexual violence against women (*Brantner 1987*); a third study concerned women's vulnerability to violence in prison (and the kind of dependence that women's reproductive capacities bring about), and then worked up the history of all this during the Second Republic (*Baumgartner and Mayer 1987*).

5.3 Addiction Research

The research at the Ludwig Boltzmann Institute for Addiction Research in Vienna is of interest because it has been undertaken from a social science point of view, and not exclusively from a medical one; it has concentrated essentially on the use of illegal drugs and on connections between patterns of their use and prohibition. Through the close ties between this Institute and the health and social services administration, other practical viewpoints have come into play like that of those branches of criminology that are close to criminal law authorities.

Worth mentioning in this context is a representative investigation of marijuana users among 15- to 40-year-old Austrians (*Springer et al. 1987*). The issue was the broadening of experience with marijuana throughout society in conjunction with general cultural positions and patterns of behaviour. Along with this, views on the legal control of drug traffic and consumption (which turned out to be dependent on experience) were investigated. Journalists, youth workers, and visitors to youth centers were the particular populations polled about their own experiences, knowledge of, and views on drugs generally (*Maritsch and Uhl 1985; Uhl and Maritsch 1984*). Apart from these very specialized studies, which continue a tradition of the Ludwig Boltzmann Institute for Addiction Research, there have been in Austria so far no self-reporting studies, and in that sense no analyses of the dark figure of crime. Further note should be taken of a research report on vocational rehabilitation of drug dependents and consumers (*Uhl et al. 1984*). In this study the relationships among crime, psychosocial as well as other peculiarities, job performance and drug use in the illegal drug scene were all examined. There is also an attempt in this study to avoid or correct errors in judgment about the (re)integration problems of drug addicts and to eliminate those hindrances to rehabilitation that are such a fixed feature of the control system. These errors come from having focussed research on conspicuous drug users. The study provides an exemplary description of what has gone wrong in the institutional management of a criminal legal problem.

6. The Institute for Legal and Criminal Sociology

For more than fifteen years, the Institute for Legal and Criminal Sociology (founded as the Ludwig Boltzmann Institute for Criminal Sociology) has operated as an extra-university institute for scholarship and research, under the direction of Heinz Steinert and supported by the Federal Ministry of Justice. The combined activities of the Institute at the present time can be found in volume 56/57 of the Institute's journal "Kriminalsoziologische Bibliographie" ("Criminal-sociological Bibliography"). The work of recent years was determined by the practical policy-relevant studies already mentioned, on the practice of detention on remand in Austria (*Morawetz and Stangl 1984*) and on the pilot program for conflict resolution in some juvenile courts (*Pelikan and Pilgram 1988*). In addition, there is a broad spectrum of papers from the Institute laying the groundwork for action-oriented research to accompany alternative ways of reacting to crime (conflict resolution, settlement of debts).

Investigations in this vein have been done by Hanak on the circumstances surrounding reports to the police and on the make-up of those reports as well as on the marginal benefits of criminalization in resolving ordinary conflicts (*Hanak 1984*). Out of these preliminary studies on involving the police in problematic situations, a research project has been developed on the significance of formal and informal sanctions in ordinary conflict resolution. Under the direction of Heinz Steinert and with the support of the German Research Society (DFG: Deutsche Forschungsgemeinschaft), this project has kept colleagues at the Institute in Vienna and in the social sciences at the University of Frankfurt busy (*Hanak 1986a; 1986b; 1987*). Central to this broadly conceived project are criminal law and its institutions as a resource in various conflict situations and the practical effects of informal and formal (criminal-)legal sanctioning of agreements between parties. Attention is drawn to instances of criminalization on the very doorstep of the institution of criminal law and on the practical "wisdom" of decriminalization in ordinary cases. Studies in the sociology of civil law round out this project at present.

Another point of emphasis at the Institute was historical research, undertaken especially on the policy of criminalization in the Second Republic. This research had to do both with developments in the area of "symbolic politics" (media reports and political discourse, *Pilgram 1986a*) and with the way laws are applied (manifest in "developments in crime", *Pilgram 1987*). Using indicators from the media on the way things really were, and from the history of legal reforms and various statistics from the administration of justice, a complex reconstruction has been attempted of the phases through which the policy of criminalization has gone in Austria. These phases were in their turn related to concurrent economic and political strategies of assimilation or social

change. The same sort of thing was done as well in a project undertaken jointly by the Viennese and the Frankfurt teams, also supported by the German Research Society (DFG). The project was entitled "Economic, Political, and Criminalization Strategies: On the History of Improving and Using Criminal Norms" (Cremer-Schäfer et al. 1987). With the same macrosociological approach, developments in subtopics were also investigated, for example, special criminal laws for foreigners (Pilgram 1986b) or for juveniles (Pilgram 1988). At present a history of the criminal policies of the First Republic is being undertaken at the Institute.

This research program, which includes the micropolitics of criminalization as well as the macroconstraints of morality and law, is derived from the effort to use and develop a historical theory of (criminal-legal) social control in research work (Steinert 1985; Cremer-Schäfer and Steinert 1986).

7. Personal Reflections and Critique of Criminology as a Discipline

Given that the "Royal Imperial Criminal University Institute" established by Hans Gross (Probst et al. 1985) was the world's first institute of this sort, a history of criminal law and criminology at the University is especially interesting. Probst (1987) has now presented this history, an essential piece of Austrian criminological history. It is a story of the dismissal and obstruction of figures like Franz von Liszt or Julius Vargha (whose work can be read as an early version of the labelling theory, Stangl 1984) and of the establishment of an unusually strong scholarly basis for the practical business of fighting crime. After the Second World War the situation of criminalistics in Graz changed. The independent institute ceased to exist, and both the "Archiv für Kriminalanthropologie und Kriminalistik" ("Archives for Criminal Anthropology and Criminalistics") - today the "Archiv für Kriminologie" ("Archives for Criminology") - founded by Gross (1898) and the "Kriminalbiologische Gesellschaft" (the "Criminal Biological Society") - today the "Gesellschaft für die gesamte Kriminologie" ("Society for Comprehensive Criminology") - created by Gross' successor moved to West Germany.

In light of the historic prominence and widespread influence of criminology in Graz it is surely not chance that a "settling of accounts" with the "criminal scholarly fostering of evil" (the subtitle of the book on "lawbreakers") should come from someone else in Graz (Strasser 1984). As a philosopher of law, Strasser looks for the myths in the scholarly trappings of criminology, which in his opinion result from

the attempt to get at the essential nature of the criminal by looking only at the criminal and not at societal norms.

Numerous contributions by *Steinert (1984; 1985; 1987; Hess and Steinert 1986)* concern the "new criminology" of the 1970s, the scholarly-historical constraints on its development, and its manifestations in the 1980s. His argument runs like this: During a period when the government carried out a socially integrated politics of reform, it was possible for a "new" criminology to be successful, to emphasize the way crime stands to social organization, and to support "soft" methods of control for everyone - including also those from the lower classes who get out of line. Changes in government policy, according to *Steinert*, meant dashing the criminological hopes for government criminal policy; this led the "new criminology" down the path of "abolitionism". (On the economic effects for government punishments of the opposition movement - and not just the "abolitionism" of the present - there is also a new piece by *Stangl 1988*.) According to *Steinert's* explanations, through the "... research results of the labeling period, which had proved the negative consequences of criminalization and its sanctions", one came "to a general critique of the state's claims of a monopoly on conflict resolution and in particular to a critique of the criminal law system as an instrument of control. Abolitionism demands doing away with these phenomena; the events hitherto labeled as crime are to be redefined as conflicts, annoyances, catastrophic life events. They are to be reworked in an alternative manner that will lead away from the intensification of the situation so common today and toward more satisfactory solutions that will cause less distress (as has always been the case in those aspects of everyday life not colonized by the state and that is being practiced increasingly today in the world of alternative cultures at one remove from the government)" (*Steinert 1986*, p. 8.).

8. Summary

Austrian criminology is located at university institutes for penal law and lacks an independent and strong organizational structure. The progress of criminology in Austria since the last world congress in Vienna was mainly stimulated by external sources, especially by the political administration improving the statistical documentation of crime and penal reactions and attempting to direct scientific interest to the high prison population, by some professional groups within the judicial system articulating growing practical problems like those of psychiatric treatment and social rehabilitation of prisoners, by a reform of the university education of law students, and by many interesting contributions of non-legal studies (for instance historical, social,

female, and addiction research) to criminological knowledge and reasoning.

9. Bibliography

- Aichinger, A.*: Bewährungshilfe und Innovation unter besonderer Berücksichtigung freizeitpädagogischer Aspekte. Salzburg (Phil. Thesis) 1984.
- Baumgartner, G., Mayer, A.*: Frauenstrafvollzug in der Zweiten Republik. Entwicklungen im österreichischen Frauenstrafvollzug und deren Auswirkungen auf die Alltagssituation inhaftierter Frauen. Forschungsbericht i.A. des Bundesministeriums für Wissenschaft und Forschung. (Research Report by order of the Federal Ministry for Science and Research). Vienna 1987.
- Berner, W., Karlick-Bolten, E.*: Verlaufsformen der Sexualkriminalität. Stuttgart 1986.
- Botz, G.*: Gewalt in der Politik. Attentate, Zusammenstöße, Putschversuche, Unruhen in Österreich 1918-1938. München 1983.
- Botz, G.*: Krisenzonen einer Demokratie. Gewalt, Streik und Konfliktunterdrückung in Österreich seit 1918. Frankfurt 1987.
- Brantner, E.*: Die Organisierung des Geschlechterverhältnisses und seine Auswirkungen auf die Interpretation der weiblichen Sexualität und der Vergewaltigung. (Thesis) Vienna 1987.
- Burgstaller, M.*: Drogenstrafrecht in Österreich. Österreichische Juristenzeitung 41, 1986, p. 520-528.
- Burgstaller, M.*: Zur Entwicklung der Strafenpraxis nach der Strafrechtsreform. Österreichische Juristenzeitung 42, 1987, p. 417-428.
- Burgstaller, M., Csaszar, F.*: Zur regionalen Strafenpraxis in Österreich. Österreichische Juristenzeitung 40, 1985a, p. 1-47.
- Burgstaller, M., Csaszar, F.*: Ergänzungsuntersuchungen zur regionalen Strafenpraxis. Österreichische Juristenzeitung 40, 1985b, p. 417-427.
- Csaszar, F.*: Rückfall nach Jugendstraftaten. Referat beim 16. Fortbildungsseminar aus Strafrecht und Kriminologie der Vereinigung österreichischer Richter und Staatsanwälte. Ottenstein 1988. In: Müller, O.F., Melnitzky, W. (Eds.): Festschrift für Franz Pallin zum 80. Geburtstag. (Jubilee Volume for Franz Pallin's 80. Birthday) Vienna 1989 (in preparation).
- Cremer-Schäfer, H. et al.*: Ökonomische, politische und Kriminalisierungsstrategien. Zur Geschichte der Kriminalnormgenese und -anwendung. Forschungsbericht zum DFG-Projekt (Research Report of the DFG-Project). 2 Vols. Frankfurt 1987.
- Cremer-Schäfer, H., Steinert, H.*: Sozialstruktur und Kontrollpolitik. Einiges von dem, was wir glauben, seit Rusche & Kirchheimer dazugelernt zu haben. Kriminologisches Journal, additional number 1986, p. 77-118.
- Dearing, A.*: Das angemessene Verhältnis von Untersuchungshaft und erwarteten Strafen (§ 193 Abs. 2 StPO). Unterlage der "Arbeitsgruppe Haftzahlen". Bundesministerium für Justiz (Federal Ministry of Justice). Vienna 1986.

- Dietrich, E.*: Kriminalität in Tirol und Vorarlberg in der 2. Hälfte des 19. Jahrhunderts. Umfang, Struktur, Entwicklung, Hintergründe. (Phil. Thesis) Innsbruck 1985.
- Gerbel, C., Mejstrik, A., Sieder, R.*: Die "Schlurfs". Verweigerung und Opposition von Wiener Arbeiterjugendlichen im "Dritten Reich". In: Talos, E., Hanisch, E., Neugebauer, W. (Eds.): NS-Herrschaft in Österreich 1938-1945. Vienna 1988, p. 243-268.
- Grafl, Ch.*: Jugendliche Tatverdächtige und ihre Sanktionierung nach der Strafrechtsreform. Österreichische Juristenzeitung 43, 1988 (in print).
- Gratz, W.*: Die Praxis der Unterbringung zurechnungsfähiger geistig abnormer Rechtsbrecher. Vienna 1986.
- Gratz, W.*: Die Unterbringung geistig abnormer Rechtsbrecher - Anspruch und Wirklichkeit. Österreichische Juristenzeitung 42, 1987, p. 328-336.
- Haidar, A. et al.* (Eds.): Konflikte regeln statt Strafen! Über einen Modellversuch in der österreichischen Jugendgerichtsbarkeit. Vienna 1988 (in print).
- Hanak, G.*: Kriminelle Situationen. Zur Ethnographie der Anzeigerstattung. Kriminologisches Journal 16, 1984, p. 161-180.
- Hanak, G.*: Infrastruktur der Moral. Kontingenzen der Normgeltung und Normanwendung. Kriminologisches Journal, 1. additional number 1986a, p. 157-176.
- Hanak, G.*: Polizei und Konfliktverarbeitung im Alltag. Bürgerrecht und Polizei. Paper 25, 1986b, p. 26-39.
- Hanak, G.*: Ethnographie der Konfliktverarbeitung. Kriminalsoziologische Bibliografie 14, paper, 56/57, 1987, p. 9-34.
- Haselberger, A.*: Die Strafe geht weiter. Ergebnisse einer empirischen Untersuchung bei Häftlingen über Betreuungserwartungen und Vorstellungen bezüglich Leben nach der Haft. Linz 1986.
- Hess, H., Steinert, H.*: Kritische Kriminologie - zwölf Jahre danach. Kriminologisches Journal, additional number 1986, p. 2-8.
- Jesionek, U.*: Die Untersuchungshaft bei jugendlichen Straftätern. In: 75 Jahre Wiener Jugendgerichtshilfe. Schriftenreihe des Bundesministeriums für Justiz. Vol. 32, Vienna 1987, p. 111-147.
- Krainz, K.W.*: Nutzung des Täterwissens zur Prävention im Bereich der Eigentumskriminalität. Öffentliche Sicherheit 51, 1986, p. 2-3.
- Krainz, K.W.*: Zur Praxis der Haftprüfungsverhandlungen an den Landesgerichten Wien, Linz und Innsbruck. Unterlage der "Arbeitsgruppe Haftzahlen". Bundesministerium für Justiz. (Federal Ministry of Justice) Vienna 1986a.
- Krainz, K.W.*: Zur Praxis der Verlängerungen von Untersuchungshaft nach § 193 StPO. Unterlage der "Arbeitsgruppe Haftzahlen". Bundesministerium für Justiz. (Federal Ministry of Justice) Vienna 1986b.
- Kucera, B.*: Das Konfliktregelungsmodell beim Jugendgerichtshof Wien. Der österreichische Amtsvormund 19, 1987, p. 3-8.
- Lachmann, J.*: Empirische Daten zur Verfolgung von Suchtgifttätern seit 1975. Öffentliche Sicherheit 51, paper 11, 1986, p. 7-11.
- Laich, M.*: Die Behandlung der Bagatelkriminalität. Österreichische Juristenzeitung 39, 1984, p. 202-205.
- Laich, M.*: 10 Jahre Strafgesetzbuch - Präventivwirkung der Strafen. Österreichische Juristenzeitung 40, 1985, p. 551-553.

- Lehner, K.*: Reformbestrebungen der Sozialdemokratie zum § 144 StG in Österreich in der 1. Republik. In: Wiener Historikerinnen (Eds.): Die ungeschriebene Geschichte. Historische Frauenforschung. Vol. 3. Vienna 1984, p. 298-309.
- Machek, I., Stadler, S.*: Sozialhilfe und Bewährungshilfe. Zum gesellschaftlichen Ausschluß armer Personen am Beispiel von Schützlingen der Bewährungshilfe. In: Althaler, K., Stadler, S. (Eds.): Risse im Netz. Verwaltete Armut in Österreich. Vienna 1988, p. 152-167.
- Malfer, S.*: Die Abschaffung der Prügelstrafe in Österreich 1848-1867 (1872). Ein Beitrag zur österreichischen Strafrechtsgeschichte. In: Verband der Österreichischen Geschichtsvereine (Eds.): Bericht über den 16. Österreichischen Historikertag in Krems an der Donau. Vienna 1985, p. 347-354.
- Mandl-Neumann, H.*: Alltagskriminalität im mittelalterlichen Krems. Die Richterrechnungen der Jahre 1462 bis 1478. Mitteilungen des Kremser Stadtarchivs. Vol. 23-25, 1985, p. 1-144.
- Maritsch, F., Uhl, A.*: Eigene Erfahrungen, Wissen und Einstellungen von Jugendbetreuern zum Thema "Drogen". Wiener Zeitschrift für Suchtforschung 8, 1985, p. 29-38.
- Marschall, K.*: Volksgerichtsbarkeit und Verfolgung von nationalsozialistischen Gewaltverbrechen in Österreich. Bundesministerium für Justiz (Federal Ministry of Justice). Vienna 1987.
- Mayerhofer, Ch.*: Die Krise der Sicherungsverwahrung. Österreichische Juristenzeitung 41, 1986, p. 498-494.
- Morawetz, I., Stangl, W.*: Untersuchungshaft in Österreich. Dauer, Häufigkeit und Begründung der Untersuchungshaft an den Straflandesgerichten in Wien, Linz und Innsbruck im Jahr 1980. Forschungsbericht des Instituts für Rechts- und Kriminalsoziologie. (Research Report of the Institute for Legal and Criminal Sociology). Vienna 1984.
- Morawetz, I., Stangl, W.*: Untersuchungshaft als Feld richterlicher Kriminalpolitik. Österr. Juristenzeitung 40, 1985, p. 446-449.
- Morawetz, I., Stangl, W.*: Untersuchungshaft in Österreich. Ergebnisse einer empirischen Untersuchung. Monatsschrift für Kriminologie und Strafrechtsreform 69, 1986, p. 259-270.
- Neugebauer, W.*: Das NS-Terrorssystem. In: Talos, E., Hanisch, E., Neugebauer, W. (Eds.): NS-Herrschaft in Österreich 1938-1945. Vienna 1988, p. 163-183.
- Obendorf, R.*: Rückfallsquoten in Innsbruck. Österreichische Juristenzeitung 41, 1986, p. 74-88.
- Pelikan, C.*: Das Gerichtsjahr - eine Untersuchung zur Berufssozialisation der Juristen. Kriminalsoziologische Bibliografie 14, paper 54, 1987, p. 1-36.
- Pelikan, C., Pilgram, A.*: Die "Erfolgstatistik" des Modellversuchs. In: Haidar, A. et al. (Eds.): Konflikte regeln statt Strafen! Über einen Modellversuch in der österreichischen Jugendgerichtsbarkeit. Vienna 1988 (in print).
- Pilgram, A.*: Empirische Studien zu Kriminalität und Strafrechtspraxis in Österreich. Forschungsbericht zum Sicherheitsbereich 1983. Bundesministerium für Inneres. (Federal Ministry of the Interior). Vienna 1984.
- Pilgram, A.*: Der österreichische Strafvollzug in der Medienberichterstattung 1970-1983. In: Weinzierl, E., Stadler, K.S. (Eds.): Justiz und Zeitgeschichte. V. Symposium zur Geschichte des Strafvollzugs in Österreich am 10. und 11.5. 1985. Vienna, Salzburg, 1986a, p. 225-260.

- Pilgram, A.*: Ausländerbeschäftigung und Kriminalität. In: Wimmer, H. (Ed.): *Ausländische Arbeitskräfte in Österreich*. Frankfurt 1986b, p. 349-380.
- Pilgram, A.*: Phasen der Kriminalisierungspolitik in Österreich 1953-1983. Forschungsbericht aus dem Institut für Rechts- und Kriminalsoziologie. (Research Report of the Institute for Legal and Criminal Sociology). Vienna 1987.
- Pilgram, A.*: Jugendkriminalität in Österreich. Zur jüngeren Geschichte und Gegenwart strafrechtlicher Jugendkontrolle. In: Janig, H. et al. (Eds.): *Schöner Vogel Jugend. Analysen zur Lebenssituation Jugendlicher*. Linz 1988 (in print).
- Probst, K.*: Strafrecht - Strafprozeßrecht - Kriminologie. Geschichte der Rechtswissenschaftlichen Fakultät der Universität Graz. Part 3. Publikationen aus dem Archiv der Universität Graz. Vol. 9/3. Graz 1987.
- Probst, K., Schick, P.J., Suppanz, M.*: Hans Groß. In: Freisitzer, K. et al. (Eds.): *Tradition und Herausforderung. 400 Jahre Grazer Universität*. Graz 1985, p. 211-226.
- Rainer, E.*: Die Filter der Strafjustiz am Beispiel Mord und Totschlag. *Österreichische Juristenzeitung* 41, 1986, p. 302-306.
- Saurer, E.*: Report on Austrian Research. IAHCCJ-Newsletter, April 1988 (in preparation).
- Schlaffer, E., Benard, C.*: Die Polizei und Gewalt in der Familie. Forschungsbericht der Ludwig Boltzmann-Forschungsstelle für Politik und Zwischenmenschliche Beziehungen. (Research Report of the Ludwig Boltzmann-Research-Center for Politics and Interpersonal Relations) Vienna 1986; abridged version: *Öffentliche Sicherheit* 51, paper 2, 1986, p. 11-15.
- Schwaighofer, K.*: Verhaftungspraxis, Enthaltungspraxis und Haftdauer an den Landesgerichten Wien, Linz und Innsbruck. Unterlage der "Arbeitsgruppe Haftzahlen". Bundesministerium für Justiz (Federal Ministry of Justice), resp. *Österreichische Richterzeitung* 62, Vienna 1984, p. 271-275.
- Schwaighofer, K.*: Zur Praxis der Haftprüfung am LG Innsbruck - eine Analyse der Haftprüfungsakten des Jahrgangs 1981. Unterlage der "Arbeitsgruppe Haftzahlen". Bundesministerium für Justiz (Federal Ministry of Justice). Vienna 1986.
- Sicka, W.*: Erscheinungsformen und gerichtliche Kontrolle des Verbrechens nach § 12 SGG. (Thesis of Law). Vienna 1987.
- Springer, A. et al.*: Das Cannabisproblem in Österreich. *Wiener Zeitschrift für Suchtforschung* 10, 1987, p. 3-33.
- Stangl, W.*: Kriminologie als Apologie der Macht. Über Traditionen der Kriminologie am Beispiel Österreichs. *Kriminologisches Journal* 16, 1984, p. 287-300.
- Stangl, W.*: Die neue Gerechtigkeit. Strafrechtsreform in Österreich 1954-1975. Vienna 1985.
- Stangl, W.*: Regionale Rechtskulturen in Österreich. In: Weinzierl, E., Stadler, K.R. (Eds.): *Justiz und Zeitgeschichte. VI. Symposium zur Geschichte der richterlichen Unabhängigkeit in Österreich am 24. und 25.10.1986*. Vienna, Salzburg 1987, p. 331-358.
- Stangl, W.*: Wege in die gefängnislose Gesellschaft. Über Verstaatlichung und Entstaatlichung der Strafjustiz. Vienna 1988.
- Staudinger, A.*: Diebstahl, Selbstversorgung oder Unterstützung des behördlichen Approvisionierungswesens. Eine Wilderer Geschichte aus dem Jahr 1919 in Oberösterreich. In: Ardelt, R.G., Huber, W.J., Staudinger, A. (Eds.): *Unter-*

- drückung und Emanzipation. Festschrift für Erika Weinzierl. Vienna 1985, p. 167-193.
- Steinert, H.*: Was ist eigentlich aus der "Neuen Kriminologie" geworden? Einige Thesen, um die Suche zu orientieren. *Kriminologisches Journal* 16, 1984, p. 86-89.
- Steinert, H.*: Zur Aktualität der Etikettierungs-Theorie. *Kriminologisches Journal* 17, 1985, p. 29-43.
- Steinert, H.*: Marxsche Theorie und Abolitionismus. Aufforderung zu einer Diskussion. *Kriminalsoziologische Bibliografie* 14, paper 56/57, 1987, p. 133-157.
- Strasser, P.*: Verbrechermenschen. Zur kriminalwissenschaftlichen Erzeugung des Bösen. Frankfurt 1984.
- Uhl, A., Maritsch, F.*: Eigene Erfahrungen, Einstellungen und Wissen von Journalisten zum Drogenproblem. *Wiener Zeitschrift für Suchtforschung* 7, 1984, p. 33-46.
- Uhl, A. et al.*: Berufliche Rehabilitation von Drogenabhängigen und Drogenkonsumenten. Forschungsbericht des Ludwig Boltzmann-Instituts für Suchtforschung. (Research Report of the Ludwig Boltzmann-Institute for Addiction-Research). Vienna 1984.
- Valentinitsch, H.*(Ed.): Hexen und Zauberer. Die große Verfolgung - ein europäisches Phänomen in der Steiermark. (Katalog zur Steirischen Landesausstellung 1987 auf der Riegersburg). Graz 1987.
- Vogl, A.*: Kleinkriminalität im Wiener Vormärz. Eine Untersuchung über die Randbereiche der Kriminalität an Hand von Polizei- und Gerichtsakten der ehemaligen Stiftsherrschaft Klosterneuburg. (Phil. Thesis) Vienna 1985.
- Wegscheider, H.*: Gerichtliche Praxis des Umweltstrafrechts. *Österreichische Juristenzeitung* 42, 1987, p. 356-360.
- Weinzierl, E., Stadler, K.R.* (Eds.): Justiz und Zeitgeschichte. V. Symposium zur Geschichte des Strafvollzuges in Österreich am 10. und 11. Mai 1985. Vienna, Salzburg 1986.
- Weinzierl, E., Stadler, K.R.* (Eds.): Justiz und Zeitgeschichte. VI. Symposium zur Geschichte der richterlichen Unabhängigkeit in Österreich am 24. und 25. Oktober 1986. Vienna, Salzburg 1987.
- Weinzierl, E., Ardelt, R.* (Eds.): Justiz und Zeitgeschichte. VII. Symposium zur Geschichte der Strafprozeßordnung am 30. und 31. Oktober 1987. Vienna, Salzburg 1988 (in print).

Recent Trends in Swiss Criminology

Martin Killias

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Prefatory Remarks

This report is limited to a presentation of the development of Swiss criminology since 1983. (For the period prior to that time, see *Bauhofer 1980; Killias 1983a, and Kaiser 1984.*) The emphasis in what follows is on empirical investigations; in contrast, issues of policy and theory have been considered only in passing. The descriptions of what goes on in each Faculty and within each of the separate Institutes are based on a survey that was carried out in the fall of 1987 of the appropriate departmental representatives. The author would like to thank all of them here for sharing the information.

1. Societal Considerations

Scholarship does not develop in a vacuum. Rather, the condition and development of a discipline reflect a bit of the real world. As for the extent to which criminology in Switzerland has social influence, it has already been explained more fully elsewhere how those segments of Swiss society that are concerned with internal problems are less fully developed than those that are externally oriented (*Killias 1986a*). Research in the humanities and the social sciences has in such a context less chance of being advanced than does research in the natural sciences, which sooner or later promise to make some contribution to those portions of the Swiss economy having to do with exports. And even within the social sciences, criminology plays a rather subordinate role - which may well have to do with the crime rate, still (when compared internationally) quite modest, even today. Next to more pressing topics like protecting the environment, immigration policy and questions of economic policy, the issue of criminological research counts as relatively unimportant - even if criminologists and penologists do not like to hear that. Symptomatically, even during political campaigns of recent years, the issue of crime never played a role worth mentioning. (This was already shown fifteen years ago; see *Clinard 1978*, p. 12 ff.) It is also true that, in connection with a national survey of victims, of those asked - at the beginning of the interview, in an open-ended question - what they considered the three most important social questions in Switzerland today, only 16 % mentioned the crime rate or phenomena related to it (such as a feeling of insecurity or the drug problem). These considerations must be kept in mind whenever there is discussion in what follows about the development of Swiss criminology in recent years.

2. The Establishment of Criminology as an Autonomous Discipline

2.1 Criminology at Swiss Universities

Looked at historically, the social sciences in general and criminology in particular developed in the West before the East. The background of this peculiarity of the history of Swiss universities cannot be gone into more thoroughly here (but see *Killias 1986a*). Traditionally, both criminology and forensic science (*police scientifique*) had more favorable conditions for development in French Switzerland than in the eastern parts of the country. It is not mere chance, then, that the French-speaking University of Lausanne is the only Swiss institution of high-

er education that offers a course of study in criminology and forensic science (see *Killias 1986a*). Nevertheless, the German-speaking universities have caught up considerably in recent years, as can be seen from the following table, which gives information on what takes place at the various criminological teaching and research units.

Table 1: Criminology at Swiss Universities

	a)	b)	c)	d)	e)	f)	g)	h)
Professors								
Engaged primarily in criminology	-	1	-	-	-	-	-	-
Engaged part-time in criminology								
part-time lecturers	-	-	-	1	1	-	1	-
instructors in criminal law	2	-	-	-	2	1	1	1
lecturers from other departments	1	2	-	1	-	-	-	-
Assistants (only those occupied exclusively in criminology)	2	4	-	-	-	2	1	-
Lectures/Seminars (the number of hours per week)	2	5	-	2	1	2	2	1
Course of Study in Criminology (with Diploma)	-	+	-	-	-	-	-	-
Criminology as an Elective* as part of legal training	+*	+*	-	+*	+	+	+*	+
as part of other courses of study	+*	+*	-	+*	-	-	-	-

* with examination

a) = Geneva; b) = Lausanne; c) = Neuenburg; d) = Freiburg i.Ue.; e) = Basel; f) = Bern; g) = Zurich; h) = St. Gallen

Apart from the universities, some aspects of criminology are also taught to varying degrees in schools of social work. Worthy of special mention is the chair for social work at the dual-language University of Freiburg in Uechtland (Reinhard Fatke).

2.2 Research Facilities Outside the Universities

Apart from a private "Swiss Criminological Institute" in Brugg, which has never launched research activities worth mentioning, Switzerland does not have research facilities outside the universities. All the same, the Administration of Justice section of the Federal Office of Statistics has been expanded in recent years to what amounts to a little research center. There, under the direction of a sociologist (Claudio Besozzi), several experienced researchers (among others, Erwin Zimmermann, Ph.D. and Stefan Bauhofer) are working. This team has in years past presented highly respected documents on current questions; these documents have appeared in an irregular series under the title "Criminal Statistics" (Kriminalstatistik"). So far "Drugs and the Administration of Criminal Law" ("Drogen und Strafrechtspflege"), "Prisons: Fully Booked" ("Gefängnisse: alles ausgebucht"), "Sexuality and Repression" ("Sexualität und Repression"), and "Women in Crime" ("Frauenkriminalität") have come out (*Bundesamt für Statistik 1984, 1985a, 1986, 1987*). In addition, in 1985 an extremely carefully put together bibliography of the crime statistics available in Switzerland (for the country as a whole, and canton by canton) appeared; this bibliography also takes into account the relevant literature since the beginning of the 19th century. A document summarizing various data, some of them not previously published, is being prepared. Publications are also planned on recidivism after the completion of a sentence (based on the central prisoner files) and on the practice of detention on remand in the Swiss cantons. It should also be mentioned in this connection that the Administration of Justice section has supported research at Swiss universities in commendable fashion, by making available a wide range of unpublished data and by furnishing additional analyses of those data on request.

2.3 Establishing Communication within Swiss Criminology

2.3.1 *The "Criminology Working Group" as a Criminological Society*

In light of the small number of professionally active criminologists in Switzerland who identify themselves with criminology and not with one of its related disciplines (criminal law, psychology, sociology, etc.) there is still no real need for a professional organization. Accordingly, the main activity of the Criminology Working Group - the only functioning society of this sort - has been to organize scholarly meetings. For years, these meetings have been taking place each spring in Interlaken. Founded by Walter R. Haesler, the society has been (since 1986) under the direction of Jörg Schuh - formerly a doctoral student in the

school of criminology at the University of Montreal - who also teaches criminology at the University of Freiburg i.Ue. (in both French and German). Whereas in the past the invited speakers were almost exclusively foreigners, the Working Group has been making an effort for years to introduce the research that is going on at Swiss universities to the large number of practitioners typically present. This change in emphasis has contributed substantially to the Working Group being generally recognized as an umbrella organization throughout the discipline in Switzerland. The tendency to form splinter groups, which used to mark German criminology (*Schöch 1986*) and which for a period of time was also apparent in Switzerland, may therefore be counted as a thing of the past.

2.3.2 Journals and Serials

Criminological contributions have always been accepted in the journals and serials of criminology's related disciplines. This is true above all for the *Schweizerische Zeitschrift für Strafrecht* (Swiss Journal for Criminal Law) (*Schultz 1988*) and the *Schweizerische Zeitschrift für Soziologie* (Swiss Journal of Sociology). Both of these journals appear in two languages, just as does the *Kriminologisches Bulletin* (Criminology Bulletin), which is published under the direction of Jörg Schuh from the Criminology Working Group and which appears twice a year. Aimed not just at Switzerland, but more generally at the French-speaking world, are the journals called *Déviance et société* (Deviance and Society) and *Revue internationale de criminologie et de police technique* (International Review of Criminology and Police Methods), which appear in Geneva. Various representatives of French-speaking Switzerland are involved in the editing of both these journals. The University of Geneva (in the persons of C.-N. Robert and R. Roth) until recently supervised the content of *Déviance et société*. It is worthy of note, in the case of both these journals, that roughly a third of the subscribers live in the western part of Switzerland. This proportion is difficult to explain, given the relative weight of French Switzerland vis à vis the rest of the Francophone world; it is also difficult to understand against the background of the geographic orientation of the content of these journals. Perhaps there is an above-average readiness among Swiss practitioners to subscribe to journals.

Apart from the journals just mentioned, there are also three serials, of which one - *Déviance et société* - is intended for the entire French-speaking world, every bit as much as is the related journal of the same name. The other serials are *Kriminologie - criminologie* (Criminology) from the Swiss Criminology Working Group (edited by Jörg Schuh) and the *Schweizerische* (formerly *Berner*) *kriminologische Untersu-*

chungen (Swiss - formerly Bern - Criminological Investigations) (edited by Hans Schultz and Karl-Ludwig Kunz).

2.3.3 International Contacts

Whereas formerly Switzerland was only sporadically represented at international criminology conferences, during recent years criminology in Switzerland has made its presence much more markedly felt on the international scene. This is true for the Council of Europe, whose Committee on Criminal Problems has been directed for many years by Pierre-Henri Bolle, the criminal law instructor from Neuenburg, and also for organizations like the Society for Criminology, the International Society for Victimology, and the Criminological Institute of the United Nations (UNSDRI) in Rome, where Nicolas Queloz - now employed at Freiburg i.Ue. - worked.

3. Criminological Research since 1983

3.1. Within Departments of Criminology and Penology

a) When it comes to empirical investigations, publications of society's reactions to crime have dominated for years. This is true for papers on particular forms of crime (like, for example, economic crime; see Robert 1985) as well as for work on juvenile delinquency (*Queloz 1986; Bolle and Queloz 1986*; see the overview in Kaiser 1986a) and for work on women in crime (*Bundesamt für Statistik 1987*; see international overview in Kaiser 1986b). A look at research projects currently under way reveals that little will change in the years immediately ahead, since in these cases, too, research on society's reaction to crime continues to dominate. Examples include investigation into the emergence of new norms for punishment in economic law (P. Lascoumes, R. Roth and R. Sansonetti, University of Geneva). Except for two doctoral theses in Lausanne (*Grandjean 1987; Riva 1988*) and two dissertation projects currently in process at the University of Zurich (under the direction of G. Kaiser on homicide and on the empirical verification of control theory), it appears that research on the causes of crime is being done at the present time primarily somewhere other than under the direction of the departments of criminology and penology (see below 3.2). When one considers the need for theoretical integration and the existing shortage of research, one can only regret this one-sidedness. A somewhat stronger theoretical penetration of the various manifestations of economic crime that are so rich in empirical details (*Schmid*

1985; Bernasconi 1984) is urgently to be desired (see in that connection Hirschi and Gottfredson 1987), since rational practice can scarcely result without theoretical knowledge of the conditions under which criminality comes into being. To this belong empirical investigations like, for example, those by Grandjean (1987) on bank robbery, which do not treat as a foregone conclusion - the way some authors do (thus Kunz 1987b, p. 38) - the predicted "effets pervers" of security measures (such as the escalation of violence and the removal of unprotected objects). It also turns out that the distribution of crime within a city does not necessarily correspond to the way functions (residential, commercial, industrial, etc.) are distributed in that city (Riva 1988; Faoro 1986).

b) The extent to which criminological research is concentrated on reaction to and dealing with crime becomes especially clear when one looks at the topics of empirical investigations done in recent years. Papers have appeared with such topics as, among others, detention on remand and/or the way it is carried out in particular cantons (Sutter 1984; Schmidhauser 1986), psycho-social effects of arrest on those arrested - a topic that has been worked on especially at the University of Geneva under the direction of J. Bernheim (see in that connection the contributions of Zimmermann 1985; Zimmermann and von Allmen 1985; von Allmen and Zimmermann 1985; Harding 1983), the practice of clemency (Robert et al. 1988), and other judicial decisions. In this connection a study done by the Berne psychiatrist Wyss (1984) on the verification of judges' or experts' predictions should be mentioned. According to that study, judges err in their intuitive judgment of the future lawful behavior of defendants no more often than do experts, but they tend to make optimistic judgments more often than the experts do; least reliable are prediction tables. Among current investigations there are some on detention on remand (University of Geneva, Federal Office of Statistics), on the imposition of various sanctions (conviction with determinate sentence to work and incarceration) as well as on criminal proceedings against children; these topics are being worked on at the present time at the University of Basel in dissertations (under the direction of G. Stratenwerth).

c) There has also been a special interest during recent years in the way sentences are carried out. Of most importance in this connection is the completion of a series of twelve doctoral theses, each on a single penal institution. In a thirteenth and final volume, Stratenwerth and Bernoulli (1983) summarized the wealth of data on the different prisons and their inmates that came out of those individual dissertations. The results of the complete series can thus be more easily assessed. The potency of everything that is said about the inmates, however, is limited by the fact that everything is based on a cross-sectional analysis, which means that prisoners with long sentences have a disproportionate effect on the statistics. This is in contrast to studies on entering and exiting prisoners, which are carried out by the Federal Office of Statistics. But, on the other hand, the data in Stratenwerth and

Bernoulli (1983) take into account a wealth of details that normally do not get considered along with matters of greater statistical import, and these details give this investigation its special value. Thus one learns for example (p. 26) that the lower-lower-class (not surprisingly) is vastly overrepresented among prisoners, if one considers only the class they belong to. If one considers the class their fathers belong to, however, then only slight deviations from the class divisions in the normal population can be seen. It appears, then, that prisoners frequently tend to slide down the social scale (p. 28). There are also interesting parallels here to research that has been done on the effects of intergenerational mobility and the resultant inconsistency of status (deviant or conforming behavior), such as has been carried out for years by Peter Heintz and his students at the Sociological Institute of the University of Zurich (*Buchmann 1983*; see also *Zwicky and Killias 1980* and below, 3.2).

d) The above-mentioned papers on how sentences are carried out are being expanded through such work as that done on psycho-social effects of incarceration (*Harding 1983*), particularly in establishments where sentences are carried out socio-therapeutically (*de Montmollin et al. 1986*), and on recidivism as well. Among the latter are to be found, once again, doctoral dissertations done in Basel (this time three of them) under the direction of G. Stratenwerth, namely on recidivism after sentences carried out in institutions for first offenders and in institutions for repeat offenders (*Mann 1984*; *Bürgin 1985*) and recidivism after being sentenced to a fine (*Voser 1985*; critical of all three studies is *Kunz 1986*, p. 203). Similar investigations can be expected in the near future within the framework of Swiss statistics on the way sentences are carried out. (On these statistics see *Riklin 1986* and the annual report in 1983 of the Commission for Swiss Statistics on the Execution of Sentences, put out by the Federal Office of Statistics.)

e) The question of doing away with punishments of short periods of confinement has been taken up in a series of papers (*Kunz 1986*; *1987a*; *Riklin 1985*; *Gisel-Bugnion 1984*), but more with an eye to political ramifications than under empirical-criminological aspects. At present a study is under way at the University of Berne on recidivism after being sentenced to a short period of confinement (see *Kunz 1986*, p. 202, and *1987a*). This question is of special interest in light of the overcrowding of prisons in Switzerland (*Bundesamt für Statistik 1985a*); various authors are convinced that the pressure on the prisons will be markedly reduced if sentences of short-term confinement are eliminated (thus *Kunz 1986*, p. 188). Expectations of that sort are unlikely to be fulfilled, however, since - as examples from other countries show - prison crowding is influenced much more by length and not just the number of prison sentences, and doing away with short prison sentences actually leads under some circumstances to an increase in the number of long-term sentences (*Killias 1987a*). In this connection, the example of the revision of the law on narcotics that went into effect on March

20, 1975, is instructive. The increase in the severity of punishments that was decided on at that time led to an increase (in the period 1974 to 1984) in the number of prisoners (that is, the total number of years served) that amounts to 40 %. Almost every fourth prisoner at present is still in prison simply because of that intensification of the "tariff" (Kuhn 1987). Nothing, furthermore, speaks in favor of the hypothesis occasionally put forward (*Bundesamt für Statistik 1985a*) that the increase in the number of prisoners can be traced back to the "inflation" of the law since 1972. As a study on the quantitative development of criminal law since 1948 has shown, the number of things subject to punishments has increased very little in absolute terms, and relatively - measured against the total number of laws - it has actually decreased significantly (Killias 1985a). Furthermore, respect for new laws is a good deal better than is often assumed, as for example the analysis of the "natural experiment" of the requirement to use seat belts impressively documents (Killias 1985b). As for the much-discussed dependence of the rate of prisoners on the job market, it appears that in the case of Switzerland (in the period between the two world wars) unemployment has had a much greater influence on the number of prisoners held in detention on remand and under administrative custody than on the number of individuals actually sentenced to prison (Killias and Grandjean 1986).

f) In light of full prisons and overworked police and justice personnel, the idea of abandoning sanctions and instituting restitution for the benefit of the injured party is gaining in importance, quite apart from cases of so-called petty misdemeanors. Kunz (1987b) has spoken out decisively in favor of this; corresponding suggestions can be found in the preliminary draft or the general part of the criminal code (Schultz 1987, p. 132 ff.) and also - even more far reaching - in the preliminary draft of a federal law on assistance for the victims of acts of violence. Empirical evidence on the readiness of the public and of victims to come to terms with this kind of solution is not yet in hand, except for isolated indications that came up in the survey of victims (on this point see h below). Generally speaking, victims are not more punitively inclined than nonvictims (Killias et al. 1987), but there are some noteworthy differences between the victims of crimes against the person on the one hand and victims of crimes against property on the other. In the latter cases, interest in damages clearly dominates, which leads one to guess that for such people financial compensation would be attractive. In contrast, victims of violent crimes clearly have a strong interest in some kind of official reaction; this has got to mean that what can be done by way of "comparable solutions" is rather limited. In addition, it appears that contacts between victim and perpetrator in the course of the trial does not necessarily reduce mutual animosity. Nonetheless, the public as a whole must not be judged to be all too punitive. Reforms in the way sentences are carried out may very well prove acceptable; at least the results of a survey in Zurich indicate

the possibility that something can be achieved in this area with appropriate information (Killias 1984).

g) With this we come to the question of public opinion and anxiety about crime. Questions of this sort have been investigated - during the time covered by this report - above all at the University of Geneva (Robert and Soubiran 1983; Robert et al. 1984; Robert 1987), and indeed primarily using qualitative methods (unstandardized interviews with thirty persons chosen for this purpose, analyses of the contents of newspapers). As a general result it was established that fear of crime seems to have less to do with direct experience of crime or what is learned about crime in the mass media than with general feelings of being under its threat.

h) Raising questions of this sort has been traditionally a point of emphasis in surveys of victims. After Clinard (1978) had already in 1973 carried out an investigation of this sort, two further regional surveys of victims (done through the mail) followed in 1985 and 1987 under the direction of G. Kaiser (University of Zurich) in the cantons of Uri (Stadler 1987) and Zurich. Alongside those, at the end of 1984 a survey of victims that was financed by the Swiss National Fund for the Advancement of Scientific Research was carried out in the French-speaking parts of the country; that was followed by another at the beginning of 1987 in the remaining parts of Switzerland. Both sets of polls were conceived as part of a national survey of victims, and they were set up in a way that would make a strict comparison of the results possible. Altogether 6505 persons were polled, with computer support for telephone interviews. It was thus possible to isolate more than 600 variables (on the methodology used see Killias 1987b; the first results are in Killias et al. 1987). Each of these surveys not only raised questions about the criminal offences (and their possible causes) suffered by the people being interviewed, but also attempted to get a sense of people's views on the arrest process, the degree of their satisfaction with the work of the police and the administration of justice, anxiety about crime, punitiveness, etc. As a result, it is possible to give answers based on empirical data to questions that have concerned criminology and criminal policy - and not just victimology, however that is defined - for a long time.

i) This presentation would not be complete without at least a brief reference to various publications on the history of crime and of social control as achieved by the criminal justice system. After decades in which work of this sort was available mostly thanks to dissertations done under K.S. Bader at the University of Zurich, the emphasis during recent years has shifted here, too, to French Switzerland. Deserving mention above all is a much respected piece of work by Robert Roth (1985/86) on the question - itself a crucial one - of the extent to which history can make a contribution to solving criminological problems with all their political ramifications. This grew out of a report by

Roth to a criminological meeting of the Council of Europe, and is related to earlier publications of his. Epistemological questions are dealt with in a volume edited by Killias and Rehbinder (1985). Of special interest in recent years have been the origins of criminal statistics, and in this connection above all the contributions of two Genevans, namely the botanist Alphonse de Candolle (*Bomio and Robert 1987; Roth 1982*) and the criminal and state's attorney Pellegrino Rossi, who in addition was one of the fathers of the drafts of the constitution in 1832 (and therefore indirectly also that of 1848) (see *Bundesamt für Statistik 1985b*, p. 7). In fact in some Swiss cantons criminal statistical data can be traced back into the early 19th century. Because of the unchanged cantonal borders (except for the founding of the canton Jura) since 1815, possibilities emerge for longitudinal studies of the sort that nowadays could hardly be conceived of in many European countries. But the truth of the matter is that little use was made of these possibilities until recently, except for the canton of Zurich (1855-1979, *Eisner 1984*) and the cantons of Zurich, Geneva and Waadt (1853-1980, *Killias and Riva 1984*). A further topic for historical studies has traditionally been the history of prisons. *Anselmier (1983)* has presented the social-historical development of the prison system in Waadt with painstaking attention to detail. Mention should also be made of the presentation by *Walter (1979)* on how the Dutch prison system was viewed by the Protestant republics of Zurich and Berne. (This study had already appeared before 1983, but as far as can be seen, it has yet to be discovered by criminologists.) Given that penitentiaries of a comparable sort were established there almost a hundred years before they were generally introduced, this fact (and therefore also this book) should arouse some interest among Swiss criminologists. Finally, it should be mentioned that at the present time C.-N. Robert is preparing an investigation on popular views of penal justice in Switzerland in the 16th century.

j) The reawakening interest in the 19th century applies also to the beginnings of criminological instruction at Swiss universities (as for example in Zurich, *Kaiser 1984*) and individually to criminology's pioneers (such as J.C. Lavater, *Schmid 1984*). It is to be wished that in the near future someone will rediscover Auguste Forel, the psychiatrist and criminal-policy-maker from Waadtland, who worked for many years in Zurich - and that his rediscovery will amount to more than putting his face on a new bank note.

k) Although basically all that is supposed to be reported here is empirical contributions, still a brief reference really must be made to a remarkable theoretical development, which may well have been initiated by C.-N. Robert (1986) in his book on the "sacrificial imperative". At issue is the figure of the scapegoat, introduced into discussions originally by psychoanalytically oriented criminologists (*Alexander and Staub 1929/71*, p. 383 ff.; and above all *Reiwald 1948/73*, who incidentally taught in Geneva for some years). But unlike those predecessors, Robert attempts to derive this "imperative" of criminal law to find a

scapegoat and to "make a sacrifice" from rich historical and above all ethnological-anthropological material. It remains to be seen to what extent empirical criminological research and criminal policy will adopt this new perspective.

3.2 Empirical Contributions Outside Departments of Criminology and Penology

During the period covered by this report, empirical criminological research outside criminology and penology departments has continued, even if its dominance is no longer so clear as it once was (on this point see *Killias 1983a*).

a) One important topic during this period, as one might expect, was the relationship between drug dependence and other forms of addiction on the one hand and crime on the other hand. Above all in this connection, the investigations - designed as longitudinal studies - done by the social-psychiatry service of the University of Zurich (A. Uchtenhagen) need to be mentioned. The results speak in favor of the hypothesis that crime (and not just drug-related crime) is the result rather than the cause of drug use (*Uchtenhagen 1984; 1988*). These investigations are noteworthy also because they rest in part on the method of self-reported delinquency - a rarity in Swiss criminological research. Several pieces of research done by the Research Institute of the Swiss Office for Alcohol Problems have also made use of this method, though in these cases the issue was of the relationship between delinquency and alcoholism (see for example *Klingemann 1987*).

b) *Marlies Buchmann (1983)* also used the method of self-reported delinquency in her National Fund study on the development, escalation, or cessation of delinquency in youth. Several things were revealed as especially powerful explanatory factors in this longitudinal study, in which the mothers of the youths being questioned were also brought in. Failure in school, when tied to a high level of expectation (especially on the part of the mother), and the threat of a decline in social status emerged as significant. The social class to which the parents belonged, as such, and the official labeling (that is, the prosecution) as a delinquent in the course of a juvenile criminal proceeding, in contrast, did not (pp. 185 ff., 212 ff., 278 ff.). Similarly, the aforementioned studies by *Eisner (1984)* and *Faoro (1986)*, done at the Sociological Institute at the University of Zurich, appeared. Within the framework of a National Fund project on the unequal distribution of income, *Zwicky (1984)* investigated the effect of this income distribution on the amounts of money given out in the cantons for use in the administration of justice and by the police; he determined that there is a positive correlation between these two variables. Based in part on data from that same

project was another study on the relationship between the concentration of power (among other things defined by social inequality) and the severity of the criminal law; there, too, positive correlations were clearly evident (*Killias 1986b*). In these studies, a macro-sociological tradition continues that goes back to the work of the Swiss sociologist Peter Heintz and that always took pride of place among the priorities of "his" institute (see *Buchmann and Held 1979; Zwicky and Killias 1980*).

c) Yet another topic of empirical research done in the period covered by this report is the effect on juveniles of stays in reform schools. *Marie Boehlen (1983)*, a former juvenile lawyer and respected author in the area of juvenile criminal law, investigated the legal and social probation of 82 former male inmates of reform schools (all the males incarcerated between 1961 and 1968 from the city of Berne) over a probation period of from 7 to 16 years. According to this study, there was a recidivism rate of 50 %. When the probation criteria were amplified to include 20 indicators of social integration, the following breakdown emerged: in all, 57 % made good; 16 % were moderately successful; and only 27 % failed (*Estermann 1984* criticized this study, but he argued on the basis of retrospective and therefore inadequate data files). Another study that has as its subject matter the effect of the reform school is a long-term study (1979-1989) done at the Pedagogical Institute of the University of Zurich (H. Tuggener). It concerns judging the development of those who have been in reform schools against a control group of juveniles of the same age; in this study, social probation as generally understood went hand in hand with legal probation (on the design of the investigation, see *Tanner 1987a*). This method restricts the control of numerous independent variables and demands the development of a Giessen-Test (see *Tanner 1987b*) adjusted to fit the situation in various parts of Switzerland. A less time-consuming and less ambitious procedure for evaluating the reform schools would have been to assume from the outset that the placement in the control group could be determined by chance (by a lottery). Primarily for legal and ethical reasons this simply was not considered. In future pilot studies, supported financially as they are supposed to be from now on by the federal government (federal law on the performance of the federal government in carrying out punishment and other measures, from 5 October 1984, SR 341), this is clearly the kind of investigative procedure that should be chosen, in the interest of efficient and timely research. This is more often legally and ethically acceptable than is frequently supposed, as it turns out on closer analysis (on this point see also *Kaiser, Kerner and Schöch 1982, § 20 Rn. 35*).

d) Finally, note should be made of the research done in institutes elsewhere and of the researchers who find themselves drawn again and again to the "special case" of Switzerland; for a strongly urbanized, widely industrialized country, Switzerland has a comparatively and notably low rate of crime and many peculiarities of social control. Af-

ter *Clinard (1978)*, whose "Cities with Little Crime: The Case of Switzerland" has become one of the classics of criminological literature, John Casparis (a Swiss national who teaches at SUNY/Binghamton) and - more recently - the Dane *Balvig (1987)* have become interested in this. Casparis did work on self-reporting studies designed on an international-comparative basis in Zurich (*Casparis and Vaz 1979*). Special benefits - not least from a Swiss point of view - have been provided by the Max Planck Institute in Freiburg im Breisgau (Germany). There, by laying out legal and empirical aspects of the Swiss administration of juvenile criminal law, a wealth of data has been unlocked for interested parties that would otherwise have been accessible only with difficulty (*Heine and Locher 1985*).

4. Critical Assessment

4.1 Data on Crime in Switzerland

In comparison with what is available in other countries, the data on crime and social control as achieved by the criminal law are of uneven quality. On the plus side, unquestionably, are the central data banks with statistics on the way sentences are carried out and those of the central register of convictions. The figures on those who have been sentenced, prepared by the Federal Office of Statistics in such exemplary fashion, are based on these data. In the near future, these statistics on the way sentences are carried out will make possible more complex studies on recidivism, taking into account numerous of the variables that are of interest (see the annual report for 1983 of the cantonal commission for Swiss statistics on the way sentences are carried out). The data stored in the register of convictions additionally make it possible to calculate data on the prevalence of first offenders within the population as a whole, where otherwise only a considerable effort would make it possible to do this with the same precision. Thus we know, for example, that 24 % of Swiss males by the time they have reached their 33rd birthday have a prior record (with one or more convictions), and that 6.5 % of them (up to the same age) have been in prison at least once (*Killias and Aeschbacher 1988*).

Also relatively good is the situation for data relevant to those areas covered by the surveys of victims (on that see above 3.1 h). With results already from two regional surveys and one survey was carried out nationally in two phases, Switzerland has at its disposal a wealth of data that should prove fruitful for empirical research for years to come. Furthermore, given the size of the sample and the number of variables isolated, the national survey of victims has to count as one of the larger European investigations of its sort, like those previously

conducted above all in Great Britain and in the Netherlands. The methodology used - telephone interviews that were supported by computers, which made it possible to isolate so many variables in the first place - has made this survey of interest, recently above all in connection with the preparatory work for a European crime survey.

In contrast, the statistics not handled by the Federal Office of Statistics leave something to be desired. This applies both to the examining magistrate's or federal prosecutors' level, where actual published data hardly exist (see the compilation of the sources in *Bundesamt für Statistik 1985b*, p. 36 ff.), and - above all - to police statistics. Because the police are a cantonal matter, the most contradictory practices continue to exist. Thus some cantons (such as Zurich and Aargau) have for years published statistics prepared in an exemplary fashion, while other cantons have satisfied themselves with mimeographed press releases; still others have treated data of the sort in question as if they were state secrets. Under these circumstances, the police criminal statistics officially released since 1982 by the federal attorney's office, despite noteworthy efforts, cannot be satisfactory. One can only hope that when these statistics are reorganized, as they need to be, we will see the kind of professionalism we have become accustomed to from the Federal Office of Statistics and recently in the police statistics (KRISTA) for the cantons of Zurich (since 1981) and Aargau (since 1985/86).

4.2 Provincialism in Swiss Criminology

When one takes into consideration how severely scientific communication in Europe is hindered by language barriers, one would think Swiss criminologists in particular - given the multilingual situation in their own country - might be able to help. Unfortunately, precisely in this regard the situation is not good. There are often relevant pieces of research that do not come to the attention of people in other parts of the country. The drifting apart of the various language-cultures is a general phenomenon in modern Switzerland and does not affect criminology alone; it also does not explain the fact that criminology at the German-Swiss universities in recent years has become almost exclusively a German matter. To be sure, this situation may mean that the one-sided orientation towards West-Germany that *Bauhofer* earlier decried (1980) will become more evident. In any case, it is clear that international literature (available not least thanks to the connection with the Max Planck Institute in Freiburg im Breisgau made so firm through G. Kaiser) gets a better reception than do contributions from within Switzerland that are in another language (see for example the international overviews by *Kaiser 1986c; 1987*).

Another sort of provincialism threatens Swiss criminology in light of its close ties to criminal law. The point here is not to revive the old argument about the role of criminology as the "auxiliary science" of criminal law. In any case, there are fundamental advantages to having close ties with this neighboring discipline (precisely when it comes to passing on knowledge of criminology to future jurists). But a too one-sided orientation towards formulating problems dear to the hearts of criminal lawyers (on this see *Schumann 1987*) and that do not require research methods they are not accustomed to has proved to be a disadvantage in recent years. That etiological questions have lately aroused rather less interest may well have more to do with these considerations than with the preference for using "reaction" as a point of departure in research (a preference often emphasized). Unfortunately this cramped perspective also has resulted in some important research in neighboring disciplines - like for example that done by *Marlies Buchmann (1983)*, see supra 3.2.b) - not having received the notice it deserves among criminologists oriented towards criminal law (but see *Kaiser 1986a* and *Queloz 1986*). Similar observations could be made about the comprehensive international overview of literature on the question of how early childhood social disruptions and delinquency are connected, done by *Ernst and Luckner (1985, esp. pp. 41-48)*.

4.3 On the Meaning of Criminology for Criminal Law and Criminal Policy

What follows is not intended as a content analysis of the extent to which criminological publications are used in the literature of criminal law and criminal policy. Rather, it is a discussion - in rather bold strokes, on the basis of some general impressions - of certain tendencies in the way criminological research is handled in the literature of criminal law and policy.

As *Schumann (1987, p. 87)* expresses it so well, criminologists and criminal lawyers are often would-be policy makers. This fact, coupled with certain characteristics of juridical argumentation, leads to a relatively free use of citations from criminological studies. Juridical argumentation, however, is not designed to clarify empirical content, but rather to influence and persuade. This is true for the lawyer in court and the judge facing the parties and his or her superiors just as it is for professors, insofar as they are aiming to influence either "prevailing" doctrine or lawmakers. An important tool in this battle for influence and persuasion is appropriately enough the citations, whose weight and importance do not come just from their accuracy but depend also on the authority of the author (or from the position within the hierarchy of the court in question). Insofar as criminal lawyers express themselves on issues of criminal policy, it is not surprising that they

choose their criminological citations primarily with an eye to their usefulness as tools for convincing people.

This leads to a sometimes downright peculiar method of citing things. Thus, frequently, citations that might have been possible are omitted if they do not necessarily support the view of the author or might be seen to compromise the position being taken. Also, when several citations are used, they are only occasionally weighted according to their methodological quality; also notable is how often citations of empirical studies are given second- and third-hand - with all the consequent loss of information one would expect from such an approach. Now and then of course this uncritical treatment of criminological publications leads to actual breakdowns. Thus the investigation by *Knaus (1973)* on recidivism after completion of a short period of incarceration (compared to other punishments) despite being afflicted with clear shortcomings (on this point, see *Kunz 1986*, p. 202), was used in countless publications without the least bit of reservation. This despite the fact that the rates of recidivism - 90 to 95 percent after first-time sentencing to an indeterminate short period of imprisonment (*Knaus 1973*, p. 73) - were so fantastic in and of themselves that they warranted a certain amount of skepticism. Never mind other inconsistencies that are certainly recognizable to lawyers. That this piece of investigation (measured by the number of citations) could nevertheless actually be a contender in the field of Swiss criminology can surely be explained only by the fact that it appeared to lend itself particularly well to being used as a weapon in the battle against short prison sentences.

With omens of this sort, criminology is in danger of becoming nothing but a delivery service of quotable proofs for predetermined criminal policy points of view, just another way of sustaining criminal policy. If criminology is going to be able to fulfill its actual task in society, namely testing for their empirical accuracy assumptions that lie at the basis of society's dealings with the phenomenon of crime, then criminal law, criminal policy and criminology must learn to keep a healthier distance from one another. This is not to defend either setting up battle lines against criminal law or depoliticizing criminology. Rather it is to insist that criminology ought to keep somewhat more distance between itself and the needs criminal law and criminal policy have to justify themselves. Criminal lawyers and criminal policy makers also need to develop a greater readiness not to look in the criminological literature only for those things that substantiate positions they have already taken but also to look for points of departure for and against the accuracy of those positions. Only in this way will a fruitful meeting be achieved, of the sort that marks the relationship between economics and economic law and policy. For what economics means to trade and economic law is what criminology could or might well be to criminal law.

If one takes the analogy with economics and economic policy as a measuring stick, then one must judge the influence of criminology on criminal policy, all told, as modest. Most clearly documented was the influence of domestic and foreign research on the preparation of the preliminary draft for a federal law on help for the victims of violent crimes, that is, in an area in which criminal lawyers have traditionally had very little interest. In contrast to that has been the failure during the last ten years, when various revisions of the criminal law were under way, to make use of criminological formulations of problems that already lay at hand or to look into the investigations that had already been done (see *Killias 1983b*).

4.4 Balance Sheet

In comparison to the situation in the 1970s, when *Clinard (1978)* established that there was still no actual criminological research in Switzerland, and also in comparison to the early 1980s, Swiss criminology has made clear progress along the path towards achieving a certain standing in its own right. In some areas it has been possible to connect with international research. Nonetheless, the influence on criminal-legal thinking and on criminal policy is relatively modest. We may leave open the question of whether this is a peculiarity of the Swiss situation or a general phenomenon within continental European criminology.

5. Summary

In the 1970's, *Clinard (1978)* concluded that Swiss criminology had not yet attained the status of an autonomous discipline. This was still true in 1980 (*Bauhofer 1980; Killias 1983a*). Since that time, criminology has become a regularly taught subject at Law and other Faculties of most Swiss Universities. But only the University of Lausanne offers a curriculum of criminology and forensic science (*Killias 1986a*).

Given these institutional improvements, research in criminology has made definite progress over the last few years. Particularly noteworthy are the data files compiled by the Federal Office of Statistics at Berne, the publications of the criminal law department of the University of Geneva (C.N. Robert, R. Roth) and the regional (G. Kaiser) as well as the national (M. Killias) crime surveys.

6. Bibliography

- Alexander, F., Staub, H.*: Der Verbrecher und seine Richter. In: Moser Tilmann (Ed.): Psychoanalyse und Justiz (First Edition 1929), Frankfurt a.M. 1971, p. 204-395.
- Allmen, M. von, Zimmermann, E.*: Médecins et patients-détenus. Aspects sociologiques de la médecine pénitentiaire à la prison genevoise de Champ-Dollon. Rev. Méd. Suisse romande 105, 1985, p. 73-83.
- Anselmier, H.*: Les prisons vaudoises (1798-1871). Thèse de doctorat. Lausanne 1983.
- Balvig, F.*: Hvid som sne. Kriminalitet og kontrol i Danmark og Schweiz. Holte (Dk.): SOCPOL 1987.
- Bauhofer, S.*: Kriminologie in der Schweiz. Stand und Entwicklung. Schweiz, ZStrR 97, 1980, p. 145-174.
- Bernasconi, P.*: Diritto penale e società moderna. 2nd Ed., Lugano: San Giorgio 1984.
- Boechlen, M.*: Das Jugenderziehungsheim als Faktor der sozialen Integration. Bern, Stuttgart 1983.
- Bolle, P.-H.*: Action-oriented Research on Youth Crime: Regional Perspectives. UNSDRI-Publications No. 27, Rome 1986.
- Bolle, P.-H., Queloz, N.*: Western Europe. In: Zvekic, U. (Ed.): Action-oriented Research on Youth Crime: An International Perspective. Rome: UNSDRI 1986, p. 147-156.
- Bomio, G., Robert, C.N.*: Alphonse de Candolle ou pourquoi lire un botaniste égaré dans la statistique judiciaire au début du 19ème siècle. Déviance et société 11, 1987, p. 337-351.
- Buchmann, M.*: Konformität und Abweichung im Jugendalter. Diessenhofen (Schweizerland) 1983.
- Buchmann, M., Held, T.*: Zur Strukturblindheit der heutigen Devianzsoziologie. Schweiz. Z. f. Soziologie 5, 1979, p. 5-19.
- Bürgin, C.*: Zur Frage der Rückfälligkeit nach Strafvollzug in Rückfälligenanstalten (Thesis of Law) Basel 1985.
- Bundesamt für Statistik*: Drogen und Strafrechtspflege. Kriminalstatistik No. 2, Bern 1984.
- Bundesamt für Statistik*: Gefängnisse: alles ausgebucht! Kriminalstatistik No. 3, Bern 1985 a.
- Bundesamt für Statistik*: Bibliographie zur schweizerischen Kriminalstatistik. Bern 1985 b.
- Bundesamt für Statistik*: Sexualität und Repression. Kriminalstatistik No. 4, Bern 1986.
- Bundesamt für Statistik*: Frauenkriminalität. Kriminalstatistik No. 5, Bern 1987.
- Casparis, J., Vaz, E.W.*: Swiss Family, Society and Youth Culture. Leiden (NL): E.J. Brill 1979.
- Clinard, M.B.*: Cities with little Crime: The Case of Switzerland. Cambridge (Mass.), London: Cambridge University Press 1978.

- Eisner, M.*: Wirtschaftliche Wachstumsschwankungen. Spannungen in Sozialsystem und abweichendes Verhalten im Kanton Zürich von 1855 bis 1979. Lizentiatsarbeit am Soziologischen Institut der Universität Zürich (vervielf.) (Thesis at the Institute for Sociology at Zurich University (duplicated)) 1984.
- Ernst, E., Luckner, N. von.*: Stellt die Frühkindheit die Weichen? Stuttgart 1985.
- Estermann, J.*: Die Bedeutung von Erziehungsheim- und Erziehungsanstaaltsaufenthalt für kriminelle Karrieren. Kriminologisches Bulletin 10, 1984, p. 27-40.
- Faoro, C.*: Vandalismus in der Stadt Zürich. Ausmaß, Schwerpunkte und Erklärungsansätze. Lizentiatsarbeit am Soziologischen Institut der Universität Zürich (vervielf.) (Thesis at the Institute for Sociology at Zurich University (duplicated)) 1986.
- Gisel-Bugnion, M.*: Punir sans prison. Quelques suggestions. Geneva: Editions Labor et Fides 1984.
- Grandjean, C.*: Les effets des mesures de sécurité: l'exemple des attaques à main armée contre les établissements bancaires en Suisse. Thèse de doctorat (Lausanne). Grösch (Schweiz) 1987.
- Harding, T.W.*: L'aptitude à subir la détention: conduite médicale dans un environnement à haut risque. Bulletin de Criminologie 9, 1983, p. 41-46.
- Heine, G., Locher, J.*: Jugendstrafrechtspflege in der Schweiz. Eine Untersuchung des Sanktionensystems mit Dokumentation. Freiburg i.Br. 1985.
- Hirschi, T., Gottfredson, M.*: Causes of White-collar Crime. Criminology 25, 1987, p. 949-974.
- Kaiser, G.*: Kriminologie in Zürich. Schweiz. ZStrR 101, 1984, p. 367-390.
- Kaiser, G.*: Jugendstrafrecht und Jugendkriminalität in der Schweiz. In: Riemer, H.M. (Ed.): Festschrift für Cyrill Hegnauer. (Jubilee Volume for Cyrill Hegnauer) Bern 1986 a, p. 197-213.
- Kaiser, G.*: Das Bild der Frau im neueren kriminologischen Schrifttum. ZStW 98, 1986 b, p. 658-68.
- Kaiser, G.*: Aktuelle Ergebnisse internationaler kriminologischer Forschung. Schweiz. ZStrR 103, 1986 c, p. 1-23.
- Kaiser, G.*: Strafvollzug aus internationaler Sicht. In: Schuh, J. (Ed.): Aktuelle Probleme des Straf- und Massnahmenvollzugs. Grösch (Schweiz) 1987, p. 379-402.
- Kaiser, G., Kerner, H.J., Schöch, H.*: Strafvollzug. Ein Lehrbuch. Heidelberg 1982.
- Killias, M.*: Criminology in Switzerland. In: Elmer H. Johnson (Ed.): International Handbook of Contemporary Developments in Criminology. Westport (Conn.): Greenwood Press 1983 a, p. 571-589.
- Killias, M.*: Conflits politiques et législation pénale. Déviance et société 7, 1983 b, p. 219-236.
- Killias, M.*: Strafvollzug und Punitivität. Notizen zu den politischen Grenzen eines auf Resozialisierung abzielenden Strafvollzugs. Kriminologisches Bulletin 10, 1984, p. 5-25.
- Killias, M.*: Dévalorisation de la peine par l'inflation des lois pénales? In: J. Gauthier, J. (Ed.): Le rôle sanctionnateur du droit pénal. Fribourg 1985 a, p. 193-203.

- Killias, M.*: Zur Bedeutung von Rechtsgefühl und Sanktionen für die Konformität des Verhaltens gegenüber neuen Normen. In: Lampe, E.-J. (Ed.): Jahrbuch für Rechtssoziologie und Rechtstheorie. Vol. 10, Opladen 1985 b, p. 257-276.
- Killias, M.*: Zur Institutionalisierung der Kriminologie in der Suisse romande (unter besonderer Berücksichtigung des Nachdiplom-Studiums an der Universität Lausanne. In: Pongratz, L. et al. (Eds.): Kriminologie als selbständiges, interdisziplinäres Hochschulstudium. Pfaffenweiler 1986 a, p. 147-158.
- Killias, M.*: Power Concentration, Legitimation Crisis and Penal Severity: A comparative Perspective. In: Groves, W.B., Newman, G. (Eds.): Punishment and Privilege. Albany (N.Y.): Harrow and Heston 1986 b, p. 95-119.
- Killias, M.*: Überfüllte Gefängnisse - Was nun? In: Schuh, J. (Ed.): Aktuelle Probleme des Straf- und Maßnahmenvollzugs. Grösch. 1987 a, p. 83-114.
- Killias, M.*: Nouvelles perspectives méthodologiques en matière de sondages de victimisation. L'expérience des enquêtes suisses. *Déviance et société* 11, 1987 b, p. 311-330.
- Killias, M., Riva, G.*: Crime et insécurité: un phénomène urbain? *RICPT* 37, 1984, p. 165-180.
- Killias, M., Rehbinder, M.* (Eds.): Rechtsgeschichte und Rechtssoziologie. Zum Verhältnis von Recht, Kriminalität und Gesellschaft in historischer Perspektive. Berlin 1985.
- Killias, M., Grandjean, C.*: Chômage et taux d'incarcération: L'exemple de la Suisse de 1890 à 1941. *Déviance et société* 10, 1986, p. 309-323.
- Killias, M., Aeschbacher, R.*: Combien y a-t-il de Suisses qui ont connu la prison? *Kriminologisches Bulletin* 14, 1988, No. 1, p. 3-14.
- Killias, M., Chevalier, C., Grandjean, C., Virnot, O.*: Les attentes des victimes vis-à-vis de la police et de la justice. *Schweiz. ZStrR* 104, 1987, p. 91-109.
- Klingemann, H.*: Alltagskonzepte sozialer Probleme: Populäre Ätiologie- und Präventivvorstellungen zu Abhängigkeitsproblemen und Kriminalität. (Schweiz. Fachstelle für Alkoholprobleme) (Swiss Special Department for Alcohol-Problems). Lausanne 1987.
- Knaus, J.*: Das Problem der kurzfristigen Freiheitsstrafe. Zürich 1973.
- Kuhn, A.*: Les origines du surpeuplement carcéral en Suisse. *Déviance et société* 11, 1987, p. 365-379.
- Kunz, K.L.*: Die kurze Freiheitsstrafe und die Möglichkeit ihres Ersatzes. Eine kriminalpolitische Bilanz. *Schweiz. ZStrR* 103, 1986, p. 182-214.
- Kunz, K.L.*: Der kurzfristige Freiheitsentzug in der Schweiz: Intention und Anwendung. In: Schuh, J. (Ed.): Aktuelle Probleme des Straf- und Maßnahmenvollzugs. Grösch 1987 a, p. 49-60.
- Kunz, K.L.*: Vorbeugen statt verfolgen. Polizeiliche Prävention von Kriminalität - ein Konzept mit Zukunft? Bern 1987 b.
- Mann, G.*: Zur Frage der Rückfälligkeit nach Strafvollzug in Erstmaligenanstalten. (Thesis of Law) Basel 1984.
- Montmollin, M.J., de, Zimmermann, E., Bernheim, J., Harding, T.W.*: Sociotherapeutic Treatment of Delinquents in Prison. *International Journal of Offender Therapy and Comparative Criminology* 30, 1986, p. 25-34.
- Queloz, N.*: La réaction institutionnelle à la délinquance juvénile. Neuchâtel 1986.
- Reiwald, P.*: Die Gesellschaft und ihre Verbrecher. Newly edited by Jäger, H., Moser, T. Frankfurt a.M. 1973 (First published in 1948).

- Riklin, F.*: Zur Diskussion über die kurzen Freiheitsstrafen und die Alternativen im europäischen Ausland. Der Strafvollzug in der Schweiz 1985, p. 122-130.
- Riklin, F.*: Bemerkungen zu den Rückfalls- und Bewährungskriterien in Strafrecht und Kriminologie. In: Rückfallkriminalität/Führerscheinentzug. Kriminologische Gegenwartsfragen Vol. 17, Stuttgart 1986, p. 89-102.
- Riva, G.*: Morphologie de l'espace urbain et délits contre le patrimoine à Lausanne en 1980. Thèse de doctorat (Université de Lausanne). Will be published in 1988.
- Robert, C.-N.*: Délinquance d'affaires: L'illusion d'une politique criminelle. ZSR 104 II, 1985, p. 1-133.
- Robert, C.-N.*: Justice pénale: l'Impératif sacrificiel. Lausanne: Editions d'En-Bas 1986.
- Robert, C.-N.*: Insécurité, métaphore et parabole du crime. In: Gottraux, M. et al.: Prisons, droit pénal: Le Tournant. Lausanne: Editions d'En-Bas 1987, p. 72-84.
- Robert, C.-N., Soubiran, F.*: Ces signes qui font la délinquance. Déviance et société 7, 1983, p. 299-316.
- Robert, C.-N., Michel, B., Soubiran, F.*: Voyage à travers l'insécurité: des discours aux représentations. Faculté de droit. (Duplicated) Geneva 1984.
- Robert, C.-N., Languin, N., Lucco-Denéréaz, C., Roth, R.*: La Grâce: Institution entre tradition et changement. Geneva: Collection juridique romande 1988.
- Roth, R.*: Aux origines de la criminologie: Statistiques, enquêtes sociales et médecine pénitentiaire. Kriminologisches Bulletin 8, 1982, p. 23-38.
- Roth, R.*: Evaluation de l'apport des résultats de la recherche historique à la politique criminelle et à la prévision de son évolution, compte tenu des changements du contexte social et économique. In: La recherche historique sur la criminalité et la justice pénale. Strasbourg. Conseil de l'Europe 1985, p. 109 ff. (also in Revue interdisciplinaire d'études juridiques 16, Brussels 1986, p. 123-185.
- Schmid, N.*: Der Einfluß von J.C. Lavaters Physiognomik auf die Anfänge der Kriminologie im 19. Jahrhundert. ZSR NF 103, 1. Halfvol. 1984, p. 465-488.
- Schmid, N.*: Wirtschaftskriminalität in der Schweiz. ZSR NF 104, 2. Halfvol. 1985, p. 135-293.
- Schmidhauser, H.*: Die Praxis der Untersuchungshaft in den Landbezirken des Kantons St. Gallen. (Thesis of Law) Basel 1986.
- Schöch, H.*: Die gesellschaftliche Organisation der deutschsprachigen Kriminologie. In: Hirsch, H.J. et al. (Eds.): Gedächtnisschrift für Hilde Kaufmann. (Memorial Volume for Hilde Kaufmann). Berlin 1986.
- Schultz, H.*: Bericht und Vorentwurf zu einem Allgemeinen Teil (...) des schweizerischen Strafgesetzbuches. Bern 1987.
- Schultz, H.*: 1888-1988: Hundert Jahre "Zeitschrift für Schweizer Strafrecht" - "Schweizerische Zeitschrift für Strafrecht". Schweiz. ZStrR 105, 1988, p. 5-34.
- Schumann, K.F.*: Kriminologie als Wissenschaft vom Strafrecht und seinen Alternativen. MschrKrim 70, 1987, p. 81-88.
- Stadler, H.*: Kriminalität im Kanton Uri. Eine Opferbefragung. (Thesis of Law) Zürich: Entlebuch 1987.
- Stratenwerth, G., Bernoulli, A.*: Der schweizerische Strafvollzug - Ergebnisse einer empirischen Untersuchung. Aarau 1983.
- Sutter, P.*: Die Praxis der Untersuchungshaft im Kanton St. Gallen (Stadtbezirke). (Thesis of Law) Basel 1984.

- Tanner, H.*: Konzept der Untersuchungen über Wirkungen des Massnahmenvollzugs bei besonders erziehungsschwierigen Jugendlichen der Schweiz. Vierteljahresschrift für Heilpädagogik und ihre Nachbargebiete 56, 1987 a, p. 29-46.
- Tanner, H.*: Persönlichkeitsmerkmale von besonders erziehungsschwierigen Jugendlichen bei ihrem Eintritt in den Massnahmenvollzug. Vierteljahresschrift für Heilpädagogik und ihre Nachbargebiete 56, 1987 b, p. 559-579.
- Uchtenhagen, A.*: Formen der Delinquenz bei Heroinsüchtigen und bei erwachsenen Toxikomanen. In: Haesler, W.T. (Ed.): Psychisch abnorme und drogenabhängige Rechtsbrecher. Diessenhofen (Schweiz) 1984, p. 153-160.
- Uchtenhagen, A.*: Delinquenzverlauf bei Heroinabhängigen und dessen Stellenwert in der Biographie. In: Schuh, J. (Ed.): Jugend und Delinquenz. (Will be published in 1988).
- Voser, B.*: Die Buße im schweizerischen Strafrecht. (Thesis of Law) Basel 1985.
- Walter, F.*: Niederländische Einflüsse auf das eidgenössische Staatsdenken im späten 16. und frühen 17. Jahrhundert. Zürich 1979.
- Wyss, R.*: Vergleich zwischen Gutachter- und Richterprognose bei vermindert zurechnungsfähigen Straftätern. In: Haesler, W.T. (Ed.): Psychisch abnorme und drogenabhängige Rechtsbrecher. Diessenhofen (Schweiz) 1984, p. 331-339.
- Zimmermann, E., Allmen, M. von*: Consultations médicales et consommations médicamenteuses en cours de détention préventive à la prison de Champ-Dolon. Médecine sociale et préventive 30, 1985, p. 312-321.
- Zimmermann, E.*: Les rapports de vérité entre médecins et patients-détenus. Les cahiers médico-sociaux 29, 1985, p. 237-244.
- Zwicky, H.*: L'inégalité des revenus et les ressources du contrôle social. Un test de la thèse de menace: l'exemple des cantons suisses. Déviance et société 8, 1984, p. 357-375.
- Zwicky, H., Killias, M.*: Peter Heintz und die Kriminalsoziologie: Zum Verhältnis der Devianzforschung zur allgemeinen Soziologie. In: Hirschier, G. et al. (Eds.): Weltgesellschaft und Sozialstruktur. Festschrift für Peter Heintz. (Jubilee Volume for Peter Heintz). Diessenhofen 1980, p. 533-554.

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- Gesellschaft, Jugend und Recht (1977) (Society, juveniles, law. 1977).
- Kriminologie - Ein Lehrbuch (2. Aufl. 1988) (Criminology - a textbook. ²1988).
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- Rechtsgeschichte und Rechtssoziologie. Zum Verhältnis von Recht, Kriminalität und Gesellschaft in historischer Perspektive. (Hrsg. zusammen mit Manfred Rehbinder), Berlin 1985 (The history of law and legal sociology: The relation between law, criminality and society from a historical perspective (ed. with Manfred Rehbinder), Berlin 1985).
- La ceinture de sécurité: une étude sur l'effet des lois et des sanctions. In: *Déviance et Société* 9 (1985), S. 31-46.
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- Untersuchungen zum Freizeitverhalten straffälliger Jugendlicher. In: Szewczyk, H.: Der fehlentwickelte Jugendliche und seine Kriminalität. Medizinisch-juristische Grenzfragen 15 (1982), S. 301-307 (Surveys on leisure time activity of juvenile delinquents. In: Szewczyk, H.: The undesirable development of juveniles and their criminality. Medizinisch-juristische Grenzfragen 15 (1982), pp. 301-307).
- Aspekte der Persönlichkeit und Individualität des Straftäters und ihr Stellenwert im Komplex der Ursachen der Kriminalität. In: Lekschas, J. (Hrsg.): Kriminologie. Theoretische Grundlagen und Analysen. Berlin 1983, S. 364-368 (Aspects of personality and individuality of delinquents and their relevance within the complex of reasons for criminality. In: Lekschas, J. (ed.): Criminology: Theoretical foundation and analysis, Berlin 1983, pp. 364-368).
- Zu den Grundlagen einer kriminologischen Persönlichkeitstheorie und einigen Folgerungen. Staat und Recht, Heft 10, 1986, S. 775-783 (On the underlying principle of a criminological theory of personality and some conclusions. Staat und Recht, no. 10, 1986, pp. 775-783).

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Presently full professor for criminology and penal law at Humboldt University, Berlin, corresponding member of the Academy of Sciences of the GDR.

Research on material penal law, especially on problems of causality, the theory of guilt, the history of attitudes in penal law, criminology, its theoretical foundation and methodological structure, and the dynamics of criminal development.

Major publications:

- Sozialistische Kriminologie, Berlin 1966 (Socialist criminology, Berlin 1966).
- Kriminologie. Theoretische Grundlagen und Analysen, Berlin 1983 (Criminology: Theoretical foundations and analyses, Berlin 1983).
- Strafrecht. Allgemeiner Teil. Lehrbuch, Berlin 1976 (Penal law. General part. Textbook, Berlin 1976).
- Studien zur Schuld, Berlin 1975 (Studies on guilt, Berlin 1975).
- Zur Staatslehre Wilhelm von Humboldts: Reflexionen über seine Schrift "Ideen zu einem Versuche, die Grenzen der Wirksamkeit des Staats zu bestimmen", Berlin 1981 (Wilhelm von Humboldt's political theory: Reflections on his publication "Ideas on an attempt at defining the boundaries of state influence", Berlin 1981).

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Research studies on probation and parole, imprisonment, criminality and social structure, criminal policy and drug policy.

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Major publications:

- Kriminalität in Österreich. Studien zur Soziologie der Kriminalitätsentwicklung. Wien 1980 (Criminality in Austria: Studies on the sociology of criminal development, Vienna 1980).
- Vom Umgang mit dem Strafrecht. 10 Jahre Kriminalsoziologie in Österreich. Wien 1982 (gemeinsam herausgegeben mit Leirer, H. u.a.) (Dealing with penal law: 10 years of criminal sociology in Austria. Vienna 1982; ed. with Leirer, H., et al.).
- Konflikte regeln statt strafen! Über einen Modellversuch in der österreichischen Jugendgerichtsbarkeit. Wien 1988 (gemeinsam herausgegeben mit Haidar, A. u.a.) (Control of conflicts instead of punishment! A model experiment within austrian juvenile courts, Vienna 1988; ed. with Haidar, A., et al.).

Co-editor of the *Kriminalsoziologische Bibliographie* (Criminal-Sociological Bibliography).

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Abbreviations

Abs.	Absatz (paragraph)
AdW	Akademie der Wissenschaften (Academy of Sciences)
cf.	confer (compare)
Conn.	Connecticut
DDR	Deutsche Demokratische Republik (German Democratic Republic)
DFG	Deutsche Forschungsgemeinschaft (German Research Society)
Dk	Dänemark (Denmark)
Dr.	Doctor
DRK	Deutsches Rotes Kreuz (German Red Cross)
Dr. sc.	Doctor scientiae
Ed(s).	Editor(s)
e.g.	exempli gratia (for example)
esp.	especially
et al.	et alia (and others)
etc.	et cetera
e.V.	eingetragener Verein (registered society)
f.	folgende (following page)
ff.	fortfolgende (following pages)
FN.	Fußnote (Footnote)
FRG	Federal Republic of Germany
Freiburg i. Ue.	Freiburg im Uechtland
GDR	German Democratic Republic
Halfvol.	Halfvolume
I.A.	im Auftrag (by order)
ibid.	ibidem (in the same place)
i. Br.	im Breisgau
i.e.	id est
krim Gegfr.	Kriminologische Gegenwartsfragen
KrimJ	Kriminologisches Journal
KRISTA	Kriminalstatistik (Criminal statistic)
Krit V	Kritische Vierteljahres Zeitschrift für Gesetzgebung und Rechtswissenschaft
LG	Landgericht
loc. cit.	loco citato (in the place cited)

Mass.	Massachusetts
M SchrKrim	Monatszeitschrift für Kriminologie und Strafrechtsreform
NJ	New Jersey
NL	Niederlande (The Netherlands)
No.	Number
NS	Nationalsozialismus (National Socialism)
N.Y.	New York
Österr.	Österreichisch (austrian)
p.	page
par.	paragraph
PH.D.	Philosophical Doctor
Phil. Thesis	Philosophical Thesis
pp.	pages
resp.	respective(ly)
Rev. Med.	Revue Médicale
Rn.	Randnummer
Schweiz.	schweizerisch (swiss)
Schweiz.ZStrR	schweizerische Zeitschrift für Strafrecht
SFB	Sonderforschungsbereich (der Deutschen Forschungsgemeinschaft)
StGB	Strafgesetzbuch (Penal Code)
StPO	Strafprozeßordnung (Code of Criminal Procedure)
SUNY	State University of New York
UNSDRI	United Nations Social Defense Research Institute (in Rome)
USA	United States of America
USSR	Union of Socialist Soviet Republics
vervielf.	vervielfältigt (duplicated)
Vol(s).	Volume(s)
ZSR NF	Zeitschrift für schweizerisches Recht. Neue Folge
ZStW	Zeitschrift für die gesamte Strafrechtswissenschaft

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