



Silviana Galassi. *Kriminologie im Deutschen Kaiserreich: Geschichte einer gebrochenen Verwissenschaftlichung.* Stuttgart: Franz Steiner Verlag, 2004. 452 S. EUR 80.00 (cloth), ISBN 978-3-515-08352-2.



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The Incomplete Scientification of German Criminology

Silviana Galassi offers a fine contribution to the currently thriving study of criminology in late nineteenth and early twentieth-century Europe.[1] Her close examination of the development of German criminology and its relation to the penal reform movement provides a window into how European-wide debates about criminality developed in a specific national context, as individuals, institutions and social movements interacted in complex ways. Galassi analyzes the development of German thinking about criminality through the lens of Weberian sociology, specifically the study of the process of “scientification” (*Verwissenschaftlichung*). Following the literature on this topic, Galassi divides this process into two phases, primary scientification and the scientification of society. The first phase involves the scientific problematization of a phenomenon previously understood according to a non-scientific paradigm, such as theology or metaphysics. This phase is characterized by the creation and institutionalization of a new scientific discipline with its own specialized language and conceptualization of the problematized phenomenon. In the second phase of scientification, the explanatory perspective developed within the recently established scientific

community is diffused into the wider society, altering its framework for understanding the phenomenon and influencing social practices accordingly (pp. 17-18). This theoretical framework organizes Galassi’s study, which begins with an overview of German thinking about criminality from the early modern era to the late nineteenth century (the pre-scientification period), before proceeding to the birth of scientific criminology in the second decade of the *Kaiserreich* (the phase of primary scientification). Interestingly, Galassi argues that German criminology failed to progress all the way through this phase of scientification, for reasons she lays out in the rest of the book.

Galassi describes early modern thought about criminality as centered on the linked images of the criminal as sinner and enemy, defying both divine and earthly authority. Within this worldview, the origins of crime were a theological matter, unrelated to its appropriate punishment by the law. In the second half of the seventeenth century, according to Galassi, the first cracks in this conception of criminality developed, first in philosophical thought and later in juridical practice. Contract

theorists, who espoused an idea of natural law independent of religious foundations, regarded the criminal as a contract breaker, a view that dominated until the turn of the nineteenth century. According to this conception, because the contract constituted society itself, the criminal act injured not only the victim, but threatened society as a whole. This perspective introduced a new attitude toward punishment; it should not only mete out retribution in response to a crime, but should act effectively to deter crime.

As a result of this new goal of preventing crime, eighteenth-century Enlightenment thinkers, such as the enormously influential Cesare Beccaria, turned their attention to discovering crime's causes. In the process, attention to the specific criminal was replaced with attempts to understand the origins of criminal deeds such as "theft" and "murder" in the abstract. As an explanation for the causes of crime, Enlightenment thinkers substituted natural human impulses and passions for sin and the Devil. Everyone contained an innate potential for both good and evil, they argued; the individual's upbringing and environment were seen as crucial to whether his or her natural impulses were brought under control effectively, suggesting for the first time that society bore some responsibility for criminality. The law continued, however, to emphasize criminals' individual responsibility for the exercise of their free will and their failure to control their natural impulses.

In the first half of the nineteenth century, a new medical discourse of psychiatry that viewed the criminal as ill spread throughout the German lands. Galassi notes that the idea of psychological illness was rather poorly defined, leading to a variety of competing theories, some stressing somatic and others psychological origins of criminal abnormality. The budding discipline of psychiatry sought to explain the criminal without recourse to non-scientific religious and metaphysical perspectives. As these formerly dominant ways of explaining crime were brought into question, criminality became a problematized phenomenon, that is, one whose origins and nature were no longer understood through a self-evident framework but were in need of explanation. And thus, in the 1880s, German criminology, meant to provide a scientific basis for understanding crime, was born.

Before analyzing German criminology itself, Galassi devotes a chapter to explaining the social context in which the developing discipline was embedded. She argues that the German bourgeoisie in the late nineteenth century experienced growing anxiety about criminality

in response to profound changes in the social structure, including increased population displacement and urbanization, as well as greater social stratification and the growth of the lower classes. Crime statistics suggested to middle-class Germans that crime was on the rise, but, Galassi argues, the apparent increase in crime can be explained by the expansion of activities categorized as criminal, combined with an increase in police ranks, which resulted in more arrests and convictions (p. 94). For the bourgeoisie, fear of rising criminality led to the conviction that an ominous threat of illness lurked within the body politic. The apparent increase in crime also suggested that current juridical practices were ineffective. Bourgeois discourse about crime was dominated by metaphors of warfare and disease, both of which led to the belief that state intervention was required to protect social health.

This sense of urgency combined in the early 1880s with the confluence in concerns of the two disciplines of penology and psychiatry, which had previously been at odds with competing claims of professional expertise. Within the field of penology, the "modern criminal law school" of Franz von Liszt wished to place law on a scientific, empirical basis. Liszt and his followers believed that the practices enshrined in the *Kaiserreich's* criminal code were deficient, merely reacting to individual crimes in a retaliatory fashion rather than actively struggling to combat crime itself. To produce an effective criminal law, they believed it was necessary to understand crime's origins, both individual and social, and to develop punishments with a preventive goal in mind. In psychiatry, interest in investigating questions of criminality was fueled by the rise of somatic psychiatry, which traced psychological disorders entirely to biological factors, and theories of hereditary degeneration, along with the publication of Cesare Lombroso's seminal works of criminal anthropology.

The nascent field of criminology developed in large part in response to the enormous influence of Lombroso's theory of born criminals. Lombroso believed that much criminality could be explained as the result of atavism, the reappearance of primitive animalistic traits in modern humans. While most German criminologists rejected Lombroso's theory of atavism, they offered conflicting critiques. Some accepted that born criminals did indeed exist, but argued that hereditary degeneracy, not atavism, accounted for their criminality. Others rejected the idea of born criminals and the somatic explanation of crime it implied, propounding the view that crime could be explained by environmental factors. Eventu-

ally a “unification theory” appeared, pioneered by psychiatrist Gustav Aschaffenburg, which held that criminals were products of degeneration, but that it took environmental factors to trigger their criminal potentiality. The proponents of the unification theory thus explained crime as a confluence of endogenous and exogenous factors.

Galassi at this point asks whether this emerging criminological perspective actually represented a revolution in thinking about criminality, as would be expected as part of the process of primary scientification. She concludes that it did not. Instead, German criminology simply substituted for “traditional theological and moral philosophical valuations” new ones. What had once been condemned as sin or immorality was now labeled as danger to society (p. 243). Criminology thereby placed the bourgeois moral code on an apparently scientific basis, reifying the lower orders’ alleged differences as a menace. Though German criminology succeeded in “disenchanted,” in Max Weber’s words, “the mysterious powers” underlying crime, it was limited by its failure to challenge the normative concept of crime deeply rooted in bourgeois culture.

Having described the “theorization” stage of criminology’s scientification, Galassi next examines its institutionalization, exploring the question of whether it achieved, or even aspired to achieve, independent status as a scientific discipline. From the 1880s until the late 1890s, German criminology remained in a pre-institutional phase, in which there were no German-language criminological journals. Criminologists contributed articles to journals in various medical and criminal law disciplines, which did not allow them to develop a coherent discipline of criminology. In 1897, with the founding of the first of three German criminological journals, the institutional phase began. However, none of these journals saw itself as devoted exclusively to scientific criminological investigation; rather, they regarded the practical issues of criminal policy as equally important to their missions. They understood the science of criminology as playing a supporting role in the service of advancing legal theory and fostering policy reform. For this reason, criminologists also did not seek to establish criminology as a science with independent self-sustaining academic institutions such as criminological institutes and university chairs. As a result, criminology remained on the one hand a sub-discipline of psychiatry and on the other an integral but not distinct aspect of criminal law training. Since criminologists saw their work as having an impact on the reform of juridical prac-

tice, they never sought to establish an independent discipline or scientific community.

Given the ways that criminology and criminal policy were intertwined in the *Kaiserreich*, Galassi considers the extent to which the program of the penal reform movement was actually influenced by the work of criminologists. She finds that the stage of scientification of society, in which the scientific discipline’s way of knowing is diffused to broader social institutions, never happened in Germany. Although criminological theory left some minor traces on criminal policy, the latter was certainly never transformed into an “applied science of criminology” (p. 411). Galassi argues that in its constant focus on practical effectiveness, the criminal law reform movement acted as a decisive force channeling the development of criminology, which sought always to provide scientific support for reforming legal practices.

Galassi’s final assessment of German criminology, conveyed by her book’s subtitle, “The History of a Broken Scientification,” is that it failed to achieve an independent scientific disciplinary status and complete “primary scientification” because of its early and ongoing connection to the criminal law reform movement. From the beginning, criminologists saw their work as vital to providing an empirical, scientific underpinning for reform of the legal code. They never took the time to test and criticize the basic assumptions of their field, and thus absorbed normative moral judgments about criminality and gave them the aura of scientific legitimacy, rather than establishing a truly scientific basis for criminology that could have revolutionized society’s understanding of crime. Though a process of scientification began in German criminology during the *Kaiserreich*, it remained unfinished due to the “unholy alliance” with criminal law reformers (p. 427).

Whether the reader is interested in sociological theories of scientification or not, Galassi’s book has much to offer. As an intellectual history of criminological thought in Germany, it stands as an impressive contribution, expanding the picture of early modern ideas about criminality offered by Peter Becker and nicely bridging the chronological emphases of Becker’s and Richard Wettzell’s works on German criminology. As a social history of German criminology in the *Kaiserreich*, the book is invaluable, providing a wonderfully detailed examination of the most influential criminologists, criminological journals, and debates about criminal policy during the *Kaiserreich*. What is especially rewarding in Galassi’s work is her alertness to the complex interplay among scientific thought and culture, intellectual pursuits and

social policies, ideas and institutions.

I have two minor criticisms, as well as one more substantive one, of this book. First, the book contains a good deal of repetition, which makes a fairly long book longer than it needs to be. Second, given Galassi's subject matter, it is bizarre that she neither draws on nor even cites in her bibliography Wetzell's *Inventing the Criminal* (2000), which devotes three full chapters to the same criminological thinkers and debates that she discusses at such length, coming to partly different conclusions. She does not reference Becker's book either, but explains in a footnote that it appeared too late for her to use.

My main criticism of this work, however, is that by employing an ideal sociological model of the scientificization process that went awry in the *Kaiserreich*, Galassi seems to suggest a kind of criminological version of the *Sonderweg* thesis. Though she says very little about the implications of the "broken scientification" she depicts, the book's last paragraph implies that this failure left German criminology open to the biological discourse of crime evident in the Weimar era and taken to an extreme by the Nazis. It was hardly only in Germany that biological views of crime thrived in the twentieth century with ugly results, but Galassi does not discuss the real continuities between the nineteenth-century medical discourse of criminality and Nazi policies—issues that

Wetzell's book deals with thoughtfully. One wonders, a la David Blackbourn and Geoff Eley, whether the peculiarities of German criminology would really look so peculiar when compared to other cases. Did any nation experience the ideal-type scientification of criminology against which Galassi holds Germany up to comparison? If so, it would be extremely useful to her argument to provide at least a rudimentary comparison, which would clarify the consequences of a "broken scientification" versus a "completed scientification" for how criminologists might interpret the nature of criminality. These concerns aside, Galassi's work combines abundant research, detailed analysis, and clear argumentation to make a valuable contribution to the literature of German criminology, scientific professionalization, and bourgeois culture in the *Kaiserreich*.

Note

[1]. See, for instance, Peter Becker, *Verderbnis und Entartung. Eine Geschichte der Kriminologie des 19. Jahrhunderts als Diskurs und Praxis* (Göttingen: Vandenhoeck & Ruprecht, 2002); Mary Gibson, *Born to Crime: Cesare Lombroso and the Origins of Biological Criminology* (Westport: Praeger, 2002); Richard Wetzell, *Inventing the Criminal: A History of German Criminology, 1880-1945* (Chapel Hill: University of North Carolina, 2000).

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