



**Immanuel Baumann.** *Dem Verbrechen auf der Spur: Eine Geschichte der Kriminologie und Kriminalpolitik in Deutschland, 1880 bis 1980.* Göttingen: Wallstein Verlag, 2006. 430 S. EUR 46.00 (cloth), ISBN 978-3-8353-0008-8.



**Reviewed by** Greg Eghigian (Department of History and Science, Technology, and Society Program, Penn State University)

**Published on** H-German (January, 2008)

## Crime and Punishment in (Most of) Twentieth-Century Germany

Since September 11, 2001, crime, criminal policy, criminal investigation, detention, and punishment have all taken on a new importance in public debate. If it appears that since then, the focus on terrorism has led to greater state surveillance, lengthier periods of pre-trial detention, and the abandonment of any semblance of prisoner rehabilitation, still it should not be forgotten that these trends were already apparent in the decades before the attack on the World Trade Center. Admittedly, these developments have been more marked in the United States and Great Britain, but continental Europe has not been immune to what some have called “the new punitiveness.”[1]

Perhaps in response to these changes, the history of criminality has been undergoing something of a renaissance, and historians of Germany are coming to play a prominent role in this venture. Most historians of modern Germany in the United States are likely familiar with the monographs of Ben Hett, Richard Wetzell, and Nikolaus Wachsmann.[2] They may be less familiar, however, with the recent conferences held on the topic of the his-

tory of crime[3] as well as the works of a new cohort of scholars studying the history of criminality, criminal science, and penology.[4]

Immanuel Baumann’s monograph represents one of the more ambitious contributions to this new wave of scholarship. In it, he attempts to outline the major intellectual and policy developments in the history of twentieth-century German criminal justice and science. He begins his story with the rise of criminal anthropology in the late nineteenth century and ends with developments in the 1990s. Much of this territory—in particular the *Kaiserreich*, Weimar Republic, and National Socialist years—has already been covered by others. Baumann’s unique contribution, however, lies in his archival research on developments in West Germany, a subject matter largely neglected by historians until now.

The thrust of Baumann’s main argument is that 1945 does not represent a turning point in the German understanding and treatment of criminals. In his view, since the turn of the twentieth century, German criminology and criminal policy were dominated by a biolog-

ical paradigm that explained the actions of criminals in terms of *Anlage* and *Umwelt* (nature and nurture). While some criminologists recognized both endogenous and exogenous factors in the etiology of criminal behavior, Baumann emphasizes that well into the 1960s, German criminological circles held the consensus that crime was primarily determined by heredity. This opinion had a direct impact on criminal justice and penology, both of which tended to be pessimistic about convicts' potential for rehabilitation and dealt with prisoners accordingly: that is, harshly. Not until a new cohort and generation of scholars inspired by American sociology—the most notable and influential being Thomas Wartenberger—appeared on the scene in the sixties was criminal biology's hold on West German criminology and criminal policy finally broken.

It is not difficult to see that Baumann sympathizes with the West German reformers and “critical criminologists” of the 1960s and 1970s. And, after all, how could one not sympathize, given the brutal and lethal track record of German criminal biology under the National Socialists? Some of Baumann's most compelling and disturbing findings highlight how criminal biological outlooks along with professionals who had enjoyed successful careers during the “Third Reich” both managed to flourish in the Federal Republic during the period 1945-59.

But this sympathy also represents one of the book's shortcomings. Baumann's title not only describes the project of those he is studying, but also his own. The author is interested in naming names—and that he does, citing scholars who either aided or undermined Nazi criminology and criminal policy. Without question, this is an eminently appropriate subject matter for this style of prosecutorial history. But it should also be recognized that this approach invariably narrows the focus of the study in a peculiar way. It positions the “Third Reich” as the center of gravity in the history of German criminal science and policy. This stance may make sense from an ethical standpoint. From the perspective of intellectual history or the history of public policy, however, it grants the period 1933-45 more importance than it likely deserves. The conceptual work done during the fin de siècle, for instance, was clearly of fundamental importance, providing the very language by which modern institutions have framed criminality. At the same time, the Weimar Republic witnessed the realization of forms of rehabilitative incarceration that directly inspired postwar developments.

But the most glaring shortcoming is Baumann's omission of the German Democratic Republic. For some inexplicable reason, East Germany warrants no serious discussion. (In fact, in going back over the book, I found only a single reference to the GDR's existence, on p. 368. Perhaps I overlooked a few more). For a monograph whose subtitle is “Eine Geschichte der Kriminologie und Kriminalpolitik in Deutschland 1880 bis 1980,” this is more than just odd: it requires an explanation. Does the author consider East Germany simply irrelevant to modern German history? Did criminal policy and criminology there somehow proceed outside the stream of German history? Does the author mean to imply that East German developments have had no lasting impact and therefore should be deemed inconsequential? Or, more mundanely, did Baumann cast the GDR aside to just finish his book? The reader is left wondering.

It is all the more mysterious given the fact existence of a significant body of research on this topic.[5] Engaging this literature would have pointed to some striking developments that would have partly reinforced and partly challenged Baumann's main points—in particular, his contention that 1945 did not represent a radical break in criminological thought and practice. For example, studies on the East German perception and treatment of “asocials” reveal that the notion persisted in policy and research persisted in policy and research well into the 1970s and 1980s, while retaining many of its earlier racial valorizations. At the same time, however, East Germany radically distanced itself from biological determinism and earlier penological precedents. In fact, the GDR went so far as to ban both preventive detention (*Sicherungsverwahrung*) and castration of repeat sex offenders—institutions retained in West Germany, as Baumann highlights—while also eliminating the field of criminology itself, at least until the early 1960s, when it and other social sciences were resurrected. A picture that incorporates the GDR thus shows that German criminology and policy did not follow a neat, linear path from the biological to the sociological.

Overall, the book makes some important contributions to the historiography of criminology, criminal justice, and penology in modern Germany. Chief among them is its penetrating analysis of the Federal Republic. Its misleading subtitle and lack of interest in East Germany, however, are distracting and disconcerting.

#### Notes

[1]. John Pratt, David Brown, Mark Brown, Simon Hallsworth, and Wayne Morrison, eds., *The New Puni-*

tiveness (Cullompton: Willan, 2005).

[2]. Benjamin Hett, *Death in the Tiergarten: Murder and Criminal Justice in the Kaiser's Berlin* (Cambridge: Harvard University Press, 2004); Nikolaus Wachsmann, *Hitler's Prisons: Legal Terror in Nazi Germany* (New Haven: Yale University Press, 2004); and Richard Wetzell, *Inventing the Criminal: A History of German Criminology, 1880-1945* (Chapel Hill: University of North Carolina Press, 2000).

[3]. For instance, "Strafvollzug im Nationalsozialismus," organized by the Stiftung Brandenburgische Gedenkstätten, Gedenkstätte Deutscher Widerstand, Koordinationsstelle des Projektverbunds Zeitgeschichte Berlin-Brandenburg, Strafvollzug im Nationalsozialismus (20-21 September 2007); and "Kriminalitätsgeschichte im Wandel: Interdisziplinäre Perspektiven von der Frühneuzeit zur Moderne," organized by Rebekka Habermas and Gerd Schwerhoff, Universität Göttingen (2-4 November 2006).

[4]. Desiree Schaub and Sabine Freitag, eds., *Verbrecher im Visier der Experten. Kriminalpolitik zwischen Wissenschaft und Praxis im 19. und frühen 20. Jahrhundert* (Stuttgart: Franz Steiner, 2007); Peter Becker and Richard Wetzell, eds., *Criminals and their Scientists: The History of Criminology in International Perspective* (New York: Cambridge University Press, 2006); Ylva Greve,

*Verbrechen und Krankheit. Die Entdeckung der Kriminalpsychologie im 19. Jahrhundert* (Cologne: Böhlau, 2004); Christian Mülller, *Verbrechensbekämpfung im Anstaltsstaat. Psychiatrie, Kriminologie und Strafrechtsreform in Deutschland, 1871-1933* (Göttingen: Vandenhoeck & Ruprecht, 2004); Peter Becker, *Verderbnis und Entartung. Eine Geschichte der Kriminologie des 19. Jahrhunderts als Diskurs und Praxis* (Göttingen: Vandenhoeck & Ruprecht, 2002); Jürgen Simon, *Kriminalbiologie und Zwangssterilisation. Eugenischer Rassismus, 1920-1945* (Münster: Waxmann, 2001); and Andreas Fleitner, *Straf- und Gefängnisreformen in Deutschland und den USA. Preußen und Maryland, 1870-1935* (PhD diss., Ruhr-Universität-Bochum, forthcoming).

[5]. One can usefully start with Leonore Ansgor, *Politische Häftlinge im Strafvollzug der DDR. Die Strafvollzugsanstalt Brandenburg* (Berlin: Metropol, 2005); Sven Korzilius, "Asoziale" und "Parasiten" im Recht der SBZ/DDR. Randgruppen im Sozialismus zwischen Repression und Ausgrenzung (Cologne: Böhlau, 2005); Greg Eghigian, "The Psychologization of the Socialist Self: East German Forensic Psychology and Its Deviants," *German History* 22 (2004): 181-205; Thomas Lindenberger, *Volkspolizei. Herrschaftspraxis und öffentliche Ordnung im SED-Staat 1952-1968* (Cologne: Böhlau, 2003); and Christian Rode, *Kriminologie in der DDR. Kriminalitätsursachenforschung zwischen Empire und Ideologie* (Freiburg i. Br.: Edition Iuscrim, 1996).

If there is additional discussion of this review, you may access it through the network, at:

<https://networks.h-net.org/h-german>

**Citation:** Greg Eghigian. Review of Baumann, Imanuel, *Dem Verbrechen auf der Spur: Eine Geschichte der Kriminologie und Kriminalpolitik in Deutschland, 1880 bis 1980*. H-German, H-Net Reviews. January, 2008.

**URL:** <http://www.h-net.org/reviews/showrev.php?id=14095>

Copyright © 2008 by H-Net, all rights reserved. H-Net permits the redistribution and reprinting of this work for nonprofit, educational purposes, with full and accurate attribution to the author, web location, date of publication, originating list, and H-Net: Humanities & Social Sciences Online. For any other proposed use, contact the Reviews editorial staff at [hbooks@mail.h-net.org](mailto:hbooks@mail.h-net.org).