

**Making the second step before the first
Assessing organized crime: the case of Germany**

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Abstract. The debate on organized crime has shifted from the question of “myth or reality?” to efforts to come to an assessment of the nature and extent of organized crime. This paper discusses the possibilities and limits of such an endeavor in the case of Germany. A meaningful assessment requires linking the concept of organized crime to clearly defined empirical referents, having a thorough understanding of their dynamics and interrelations, and obtaining valid and reliable data. It is argued that these requirements cannot be met given the present paucity in theory and data. From the available aggregate data contained in the official crime statistics and annual situation reports on organized crime drawn up by the federal police agency BKA no overall trends are discernible. Where trends are identifiable, they mostly pertain not to patterns of criminal cooperation but to contextual factors. In contrast, the analysis of individual cases may serve to shed some light on the situation of organized crime, provided they are put in perspective with a differentiated conceptualization. A fourfold typology of criminal networks based on differences in the social embeddedness of criminal actors suggests that the seriousness of the problem may depend on the likelihood of the manipulation of relevant decision-making processes. Germany is not characterized by alliances between underworld and upperworld, but the existence of criminal networks within the upperworld gives grounds for concern.

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Introduction

The landing of an alien spacecraft in front of the live cameras of CNN would in an instance settle a question that has moved humankind for the last half century: are there really UFOs? Almost immediately, however, the attention would shift to a new concern: how many are there, and how dangerous are they? In somewhat the same way, though not in the wink of an eye, the focus of the Western European debate on organized crime has shifted in recent years. Confronted with the mafia-centered imagery of organized crime in the United States, which came across the Atlantic in the 1960s and 1970s through the dual channels of Hollywood films and international law enforcement cooperation, government agencies and journalists in several countries of Western Europe, most notably Germany, began to look for similar manifestations of crime at their own doorstep (van Duyne, forthcoming; Eisenberg & Ohder 1990; Fijnaut 1990; von Lampe 2001a). What ensued was a fierce battle, aggravated by mutually reinforced misunderstandings, between alarmists and skeptics over the question of whether or not organized crime had taken root outside the presumed homelands of mafia-type crime, the United States and Italy. Today, policy makers, law enforcement officials and the general public consider this issue closed. The existence of organized crime in Germany and in the other Western European countries is beyond all doubt; not least because the concept has been broadened sufficiently to allow a wide range of patterns of criminal cooperation to be subsumed to this umbrella term. Simply structured gangs without an internal hierarchy, for example, which nowadays make up much of the workload of German organized-crime investigators (Weigand & Büchler 2002:662, 668), had in the 1970s been deemed well below the margins of organized crime (von Lampe 2001a). The 1990s have seen the implementation of a wide range of new investigative tools and the establishment of specialized units in the police and public prosecutor's offices to combat organized crime (Pütter 1998). One consequence of this institutionalization and bureaucratization has been a growing demand for an assessment of organized crime to underscore the seriousness of the problem and to provide a solid basis for devising and implementing counter-strategies, rationally allocating scarce resources and evaluating system effectiveness.

In Germany, the federal police agency Bundeskriminalamt (BKA) has been drawing up an annual report since 1992 that is meant to reflect on the situation of organized crime. Since 1999 the report incorporates an assessment of the "organized crime potential" of specific criminal groups (Bundeskriminalamt 2002a; Meywirth 1999). Elsewhere, national and supranational agencies are working on an explicitly threat-based assessment of crime groups, including the Queensland Crime Commission and the Queensland Police Service with their Project Krystal (Queensland 1999), the United Nations' Center for International Crime Prevention (CICP) with its Global Program on Transnational Organized Crime (United Nations 1999), and the Council of the European Union which pursues a plan to study organized crime on the European level (Council of the European Union 2002) based on a methodology devised by the Ghent University's Crime Research Group (Black et al. 2000; 2001).

Before the background of these efforts, this paper discusses the possibilities and limits of making a meaningful assessment of organized crime in Germany as one of the countries that has no traditional organized crime problem. In the first section, a methodology for a meaningful assessment of organized crime is outlined. It is argued that such a methodology currently lacks the necessary empirical and theoretical underpinning to form the basis for any reliable judgment on the nature, extent and social significance of organized crime. The second

section reflects on the available quantitative and qualitative data on organized crime and tentatively examines what inferences can be drawn.

Traditional organized crime

The assessment of organized crime encompasses a descriptive and an analytical component: We want to know how organized crime manifests itself and how bad the problem really is. If Germany had a traditional organized crime problem in the sense of clearly defined criminal organizations, one would be tempted to adopt a simple and straightforward approach, consisting mainly in a head count of members and an inventory of activities. Unfortunately from a methodological point of view, the crime picture in Germany does not lend itself to such simplistic conceptions.

This is not to say that Germany has no tradition of organized crime. On the contrary, at the beginning of the 20th century well-organized associations of professional criminals, so-called “Ringvereine,” functioned as mutual-aid societies and underworld governments in a number of cities in the northern and central regions of Germany, most notably in Berlin. *Ringvereine*-members engaged in predatory crimes and drug trafficking or ran brothels and illegal gambling dens that were frequented by lawyers, judges and other public dignitaries. The close ties to the social elites were reflected in honorary memberships awarded even to (and accepted by) police officers and politicians. The reign of the *Ringvereine* lasted until 1934 when they were officially disbanded and most members ended up in concentration camps (Feraru 1995; Landmann 1959; Langemann 1956).²

To stress that there is presently no “traditional organized crime problem” is likewise not meant as a denial of the presence of members of so-called traditional organized crime groups from other countries. In fact, Germany is believed to be, for example, an area of operation for Chinese Triads and Italian mafia-type organizations (Flormann & Krevert 2001). But it must be emphasized that these are only small facets of a much more complex landscape (Bundeskriminalamt 2002a) which requires a more sophisticated approach.

Empirical referents

Approaching the task of assessing organized crime is difficult because of the lack of an agreed-upon and established definition and because of the complexity of the issue which embraces different levels and quite diverse units of analysis. The assessment of organized crime, therefore, is premised on the answers to the following three questions:

1. What, in basic terms, is organized crime? Or, put in another way: What do we want organized crime to be?
2. What are the most relevant properties and dimensions of organized crime in terms of impacts and social consequences?
3. How can valid and reliable data be obtained?

The first question is answered by linking the elusive concept of organized crime to specific empirical referents. Whatever the choice may be, it profoundly influences the direction the assessment process is taking. When we equate organized crime with certain types of criminal activities, namely the provision of illegal goods and services, the assessment will focus on aspects such as the characteristics and properties of illegal markets (see Porteous 1998; Reuter & Petrie 1999). When, in contrast, criminal structures are considered the pivotal issue, then factors like the number, size and composition of criminal groups will be decisive. In this instance the nature and extent of illegal markets would be treated merely as contextual variables (see Albin et al. 1995; Amir 1999; Black et al. 2000; 2001; Galeotti 1998; Gastrow

1998). Other approaches might emphasize systemic conditions such as underworld power structures (Reuter 1987; 1994) or corrupt alliances between criminals and public officials (Block 1983:57; Chambliss 1978).

The most common approach to the assessment of organized crime seems to be one that centers around a diffuse concept of criminal groups which encompasses a wide variety of patterns of criminal cooperation regardless of their concrete function and structure. While such a broad scope is desirable in order to embrace all relevant phenomena, the concept of criminal groups sets potentially unclear and misleading parameters. The term criminal group carries with it a connotation of integrated, stable and durable structures that have an existence and behavior independent of the behavior of its members. This connotation is at odds with the notion that the category of criminal group also comprises more dynamic and fluid network structures (Black et al. 2001:23).

If network structures are to be considered, it appears logical, for the sake of clarity, to replace the concept of criminal groups by the more elementary and more concise concept of criminal networks. A criminal network is a set of dyadic ties that can be exploited for criminal purposes (von Lampe 2001b). The network concept is more comprehensive and inclusive than that of criminal groups because relations that can be used for the commission of criminal acts are inherent in any type of criminal cooperation, regardless of the organizational framework. In other words, criminal networks constitute “the least common denominator of organized crime” (McIllwain 1999:304; see also Potter 1994:116). Furthermore, the network concept is less bias prone than that of criminal groups. Since the existence of criminal groups as super-individual entities is linked to factors that are not immediately visible, the assessment becomes susceptible to misinterpretations and an overrating of groups that are defined by superficial characteristics such as ethnic make-up. In contrast, it is a comparatively simple task to ascertain the existence of networks because criminally exploitable ties are manifested in every collusive criminal act. At the same time it needs to be stressed that the network approach is not ignorant of group structures. They can be captured by the concepts of form and content of network relations (Knoke & Kuklinski 1982:15). For all of these reasons, the network approach seems to be the appropriate avenue to a better understanding of organized crime (Hobbs & Dunnighan 1998; Ianni 1975; Johansen 1996; von Lampe 2001b; Morselli 2001).

Contextuality

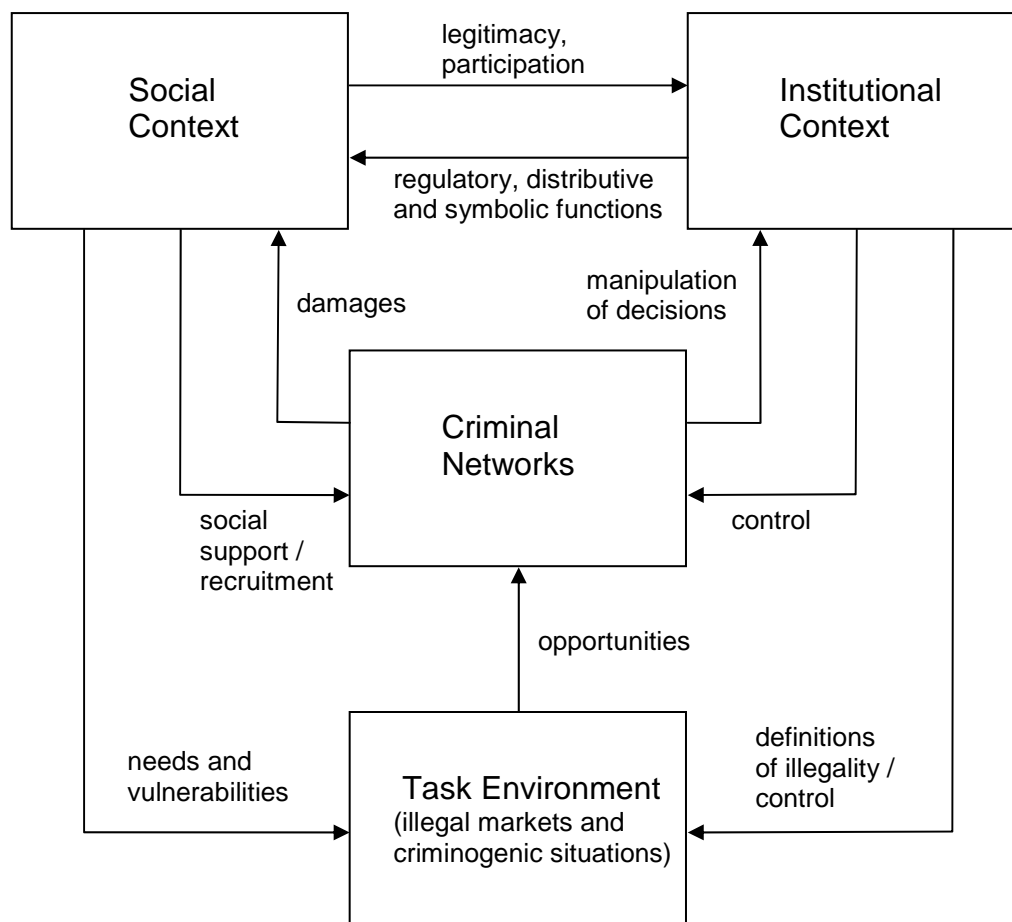
Having thus laid a conceptual foundation by selecting criminal networks as the key empirical referent, the next logical step would be to specify properties or dimensions as the basis for distinguishing among different types of criminal networks.

The number of network attributes is potentially limitless. As long as the assessment remains on a purely descriptive level, any characteristic that may vary from one criminal network to the other is suitable. In contrast, a more analytical approach that aims at assessing the social impact of criminal networks needs to focus on those attributes that are known to have some significance in this regard. This implies that the specification of properties and dimensions needs to be done with a view to the broader context within which criminal networks exist, and on the basis of a sufficiently detailed knowledge of the pertinent processes. It seems safe to say that at present this knowledge is not available. There is no empirically informed theoretical conception that spells out the correlations between different network attributes and the immediate and broader environment of criminal networks, for example the relations between structural properties and the capacity to inflict damages (Besozzi 1997; von Lampe 1999). One might add that the resources currently invested in a refinement of situation reports

would perhaps be better spent on empirical research and theory construction to avoid making the second step before the first.

What is feasible at the moment, I would like to argue, is educated guesswork based on the scattered empirical findings and fragments of theory that have been produced by serious research since the days of Donald Cressey. We can start with a tentative outline of the contextual aspects that seem to have some bearing on the emergence, shaping and continued existence of criminal networks. I suggest a model (figure 1) that represents three concepts and their relations with the concept of criminal networks: the task environment, the broader social context, and the institutional framework.³

Figure 1. A model of the contextuality of organized crime



Criminal networks, it is assumed, operate in a task environment consisting of differential opportunities for predatory and victimless crime. The task environment, it is further assumed, is shaped and influenced by social and institutional factors. Institutional factors include authoritative definitions of illegality by which certain kinds of conduct are criminalized, as well as efforts to control illegal behavior. Social factors influencing the task environment of criminal networks include the demand for illegal goods and services and the vulnerabilities to victimization that emanate, for example, from certain behavioral patterns or life styles (Hindelang et al. 1978; Cohen & Felson 1979).

The model further implies that criminal networks are directly influenced by the respective social and institutional context. While the institutional influence is understood to be primarily manifested in the type, direction and intensity of law enforcement intervention, the

significance attached to the social context relates, for example, to socio-cultural factors that facilitate the exploitation of social relations for criminal cooperation (Kleemans & van de Bunt 1999; Paoli 2002:84-6) and to economic factors that influence the incentives and opportunities for entering into criminal relations (Cloward & Ohlin 1960).

Criminal networks, in turn, are expected to impact upon their task environment, as well as on the broader social and institutional context. The effects of organized crime are commonly lumped together in an undifferentiated concept of harm that “covers economic, emotional, physical, intellectual, and political damage” (Black et al. 2000:36; Queensland 1999:31). The model, in contrast, suggests that at least a distinction needs to be made between the impact on society in terms of material and immaterial damages, and the specific effects of manipulating institutional decision-making processes. These processes, that in combination constitute the rules of the game for self-interest seeking, include, first of all, political decisions. But it seems justified to also consider decisions by non-governmental entities, such as business corporations or private media that are influenced in an effort to protect and promote criminal interests. Consider, for example, a company being prevented, by illegitimate means, from taking legal action against the criminal practices of a competitor, or a newspaper being prevented from coverage of certain illegal activities. It should be stressed that the two types of harm, the infliction of damages and the manipulation of institutional decisions, are not necessarily correlated. Instead of undermining the legitimate social order, predatory crime, for example, may well lead to its consolidation by strengthening public support for law enforcement.

Finally, the assessment has to take into account that organized crime might even have benefits, although this probably applies more to third world countries where organized criminal activities may provide capital for economic development (Besozzi 2001:146-51; Shelley 1999:2).

The model serves to underscore the importance of a holistic approach to organized crime. In view of the complex interrelations that need to be considered it would make no sense to examine crime networks isolated from their environment. The underlying working hypothesis is that contextual factors significantly influence how criminal relations are shaped and structured, what illegal activities in terms of type and volume emanate from these combinations, and how they impact on society. The model also suggests that processes and relationships may differ because they occur within differing contexts. Conventional conceptions assert that organized crime, despite its complexity, in the end is only a one dimensional phenomenon in the sense that all manifestations can be ordered on a scale from bad to worse. Attributes such as size, structural sophistication or the capacity to use violence tend to be treated as complementary indicators of the increasing dangerousness of criminal groups. In contrast, I would argue that group or network attributes as well as the factors describing the immediate and broader environment can take on different meanings in different constellations and under different circumstances. The use of violence, for example, may be a demonstration of strength and a challenge to the monopoly of power of the state in one instance and a sign of weakness in another where more sophisticated means to pursue goals are unavailable. In a similar fashion, complex structures with a hierarchy and a division of labor may be considered an efficient form of criminal organization under some conditions and as too inflexible and too vulnerable to law enforcement under others. As a consequence, the assessment cannot be based on an established set of cause-and-effect relationships from which inferences are drawn about the significance of specific manifestations of organized crime. Even if we knew, for example, of every hierarchically structured criminal group in Germany, we would not be able to determine the level of threat implied by this observation, given that these groups may differ with regard to the functions they perform, be it social, economic or quasi-governmental (von Lampe 2001b), with regard to the areas of crime they are involved in, or with regard to the social context in which they operate.

Whether the difficulties in modeling organized crime with any reasonable certainty may eventually be overcome is an open question. While the difficulties seem to result primarily from a lack of data and a paucity of theory, they may as well be due to the fact that organized crime has to be perceived of as an open system that is simply too complex and multifaceted to yield readily to a positivistic scheme based on a single holistic concept. The attempt to account for every concrete manifestation, then, would lead to an “evaporation by operationalization” of the concept of organized crime (van Duyne et al. 2001:55-7). In any case, when we analyze and interpret the available information on organized crime in Germany, we cannot expect to arrive at a meaningful judgment. What is possible, I would argue, is to put the snippets of data in perspective before the background of our provisional model and to discuss what cautious inferences might be drawn.

Data sources

The existing data that may be considered for being used to assess organized crime in Germany include, on an aggregate level, the official crime statistics and the statistics on organized crime cases that are included in the annual situation reports issued by the BKA. Also potentially relevant are social statistics and surveys on the consumption of and demand for illegal goods and services. On the micro level we find a fairly large number of individual cases that are more or less well documented in judicial records and in media accounts.

Official crime statistics

Official crime statistics have been used to assess the nature and extent of organized crime, especially prior to the introduction of organized-crime reports. The underlying notion is to assume that certain types of crime are commonly committed by collaborating criminals, for example drug trafficking, motor vehicle theft or container theft (Gehm & Link 1992:492; Gemmer 1974:530; Kerner 1973:166; Stümper 1985:10). Other types of crime are viewed as quintessential organized criminal activities, for instance extortion of protection payments (Fundermann 1985). A third category of offenses that could be seen as indicative of criminal networks are crimes which by definition require the cooperation of two or more criminals, for example gang theft under sec. 244 of the German Criminal Code. Finally, the German Criminal Code contains a provision (sec. 129) against the creation of, participation in and support for a criminal association. The provision goes back to the repression of the political opposition in Prussia and imperial Germany in the 19th century and requires a cohesive organizational entity more typical of political groups than of criminal groups (Fürst 1989). Accordingly, sec. 129 has only a limited scope with regard to organized crime (Weigand & Büchler 2002:665).

Despite the links between organized crime and certain offense categories, a number of reservations have to be made about using crime statistics for assessing organized crime. Organized-crime related offenses are typically included in much broader offense categories that cover a wide range of different and presumably more frequently occurring criminal activities. Cases of extortion of protection payments, for example, fall in the general category of extortion (Krevert 1997:95). Organized motor vehicle theft is included in the overall category of motor vehicle theft which also comprises cases of joyriding (Kerner 1973:166; Sehr 1995:13). Even where a relatively clear definitional distinction exists in the criminal code between individual and collective crimes, the latter are not always separately recorded for statistical purposes, namely involvement in a criminal association under sec. 129 and gang theft under sec. 244. Where gang crimes do form separate categories in the statistics, the number of cases is low. Receiving of stolen goods as a member of a gang under sec. 260 and

260a of the Criminal Code, for example, accounted for 556 cases out of a total of 22,220 cases of receiving in 2001 (Bundeskriminalamt 2002b). For the production and distribution of drugs as a member of a gang under sec. 30a of the Narcotics Act (BtmG), 396 cases were recorded out of a total of 246,518 narcotics violations and compared with 79,787 trafficking and smuggling offenses with no established gang dimension (Bundeskriminalamt 2002b). Where the absolute number of cases is low, this may have to be ascribed to underreporting, a problem that is inherent in all crime statistics based solely on police recorded offenses. Beyond that, the “dark figure” could be especially high for organized-crime related offenses given the absence of direct victims in most illegal markets and a potentially lower propensity to report offenses out of fear of retaliation. In turn, the greater the reliance on the active detection of crimes, the more susceptible the statistics become to differential priority setting and bias in tactical and strategic police work. One example for this mechanism may be provided by the enforcement of anti-gambling laws. In the period from 1987 until 2001 between 1,345 and 3,491 cases were recorded. Interestingly, there is a strong negative correlation between the number of cases per year and the share of foreigners among known suspects (Pearson’s $R=-0.9052$). This suggests a base level of ethnically biased gambling investigations.

Given these various caveats, only very broad-if any-trends in the nature and extent of organized crime can be expected to find expression in the official crime statistics. Among the items that might be considered are the number of recorded offenses, the number and nationality of known suspects, and the damages inflicted through the commission of certain types of crime. The number of known offenses may shed some light, for example, on the crime opportunities available to and the capacities of (collective) criminal actors. The category of known suspects in organized crime related offenses might be seen as indicative of the numbers of criminals integrated in criminal networks. The share of foreigners among known suspects may point to international ramifications. Finally, the recorded amounts of damage inflicted by the commission of crimes such as theft and fraud could potentially provide a crude impact measure.

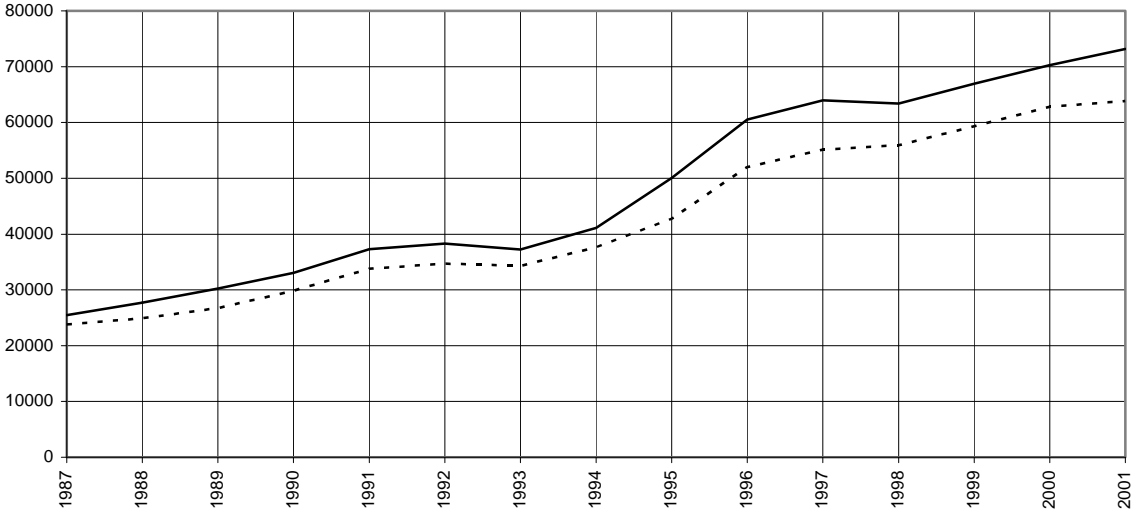
Theoretically, there are two approaches to the analysis of the data provided by the official crime statistics; one is to relate the figures to assumed maximum values. However, the maximum levels that could be defined with any certainty would be without practical relevance, for example the total number of motor vehicles in use in Germany as the maximum value for cases of motor vehicle theft. Below these levels it seems impossible, given the lack of a sound theoretical basis, to define critical values as reference points for the analysis. For example, there is no way of determining a value $n+1$ for the number of stolen motor vehicles or amounts of distributed drugs which would mark a new dimension of threat or severity. The other approach is a comparative one, either in time or in space. Data on a given offense are compared for two different points in time or for two geographically distinct locations. This requires the availability of compatible data sets, which is especially difficult in cross-national comparative research, even in the rather rare instances where similar offense categories do exist.⁴

When we focus on possible trends in the national context of Germany, under the assumption that organized crime constitutes a coherent phenomenon, one would expect a more or less uniform development of all crimes with an organized crime connotation. This would allow to compare two points in time and to give a crude judgment on whether or not the problem has become worse and more and different efforts need to be made in response. Assuming, on the other hand, that the concept of organized crime comprises a myriad of complex and multifaceted phenomena, a heterogeneous development would be more likely.

Looking at six selected types of crime in the 15-year-period between 1987 and 2001 and two more recently introduced offenses over an eight-year period from 1994 until 2001, we find that indeed the picture is mixed and no overall trend can be discerned. While the overall

number of reported crimes has been gradually decreasing after a rapid rise between 1991 and 1993 (Bundeskriminalamt 2002b), some crimes, such as drug smuggling and trafficking (figure 2) and alien smuggling,⁵ show a steady and substantial increase in the number of offenses and the number of known suspects especially since the early 1990s. Money laundering, an offense introduced by the Anti-Organized Crime Act of 1992, shows a similar trend.⁶ A less consistent upward trend, possibly due to the lower absolute number of cases, characterizes pimping.⁷

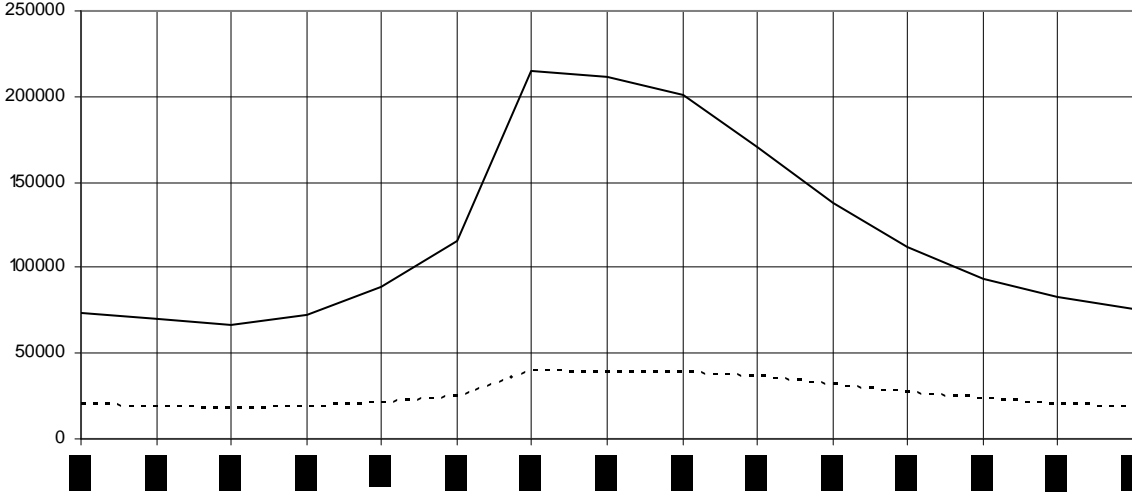
Figure 2. Drug smuggling/trafficking under sec. 29 Narcotics Act (BtmG)⁸



Number of cases (—) and known suspects (- - -); source: Bundeskriminalamt

Other crimes have seen a dramatic increase during the 1990s, but only to eventually fall back to earlier levels, such as theft of motor vehicles (figure 3) and receiving of stolen goods as the member of a gang,⁹ this latter category also being an innovation going back to the Anti-Organized Crime Act of 1992.

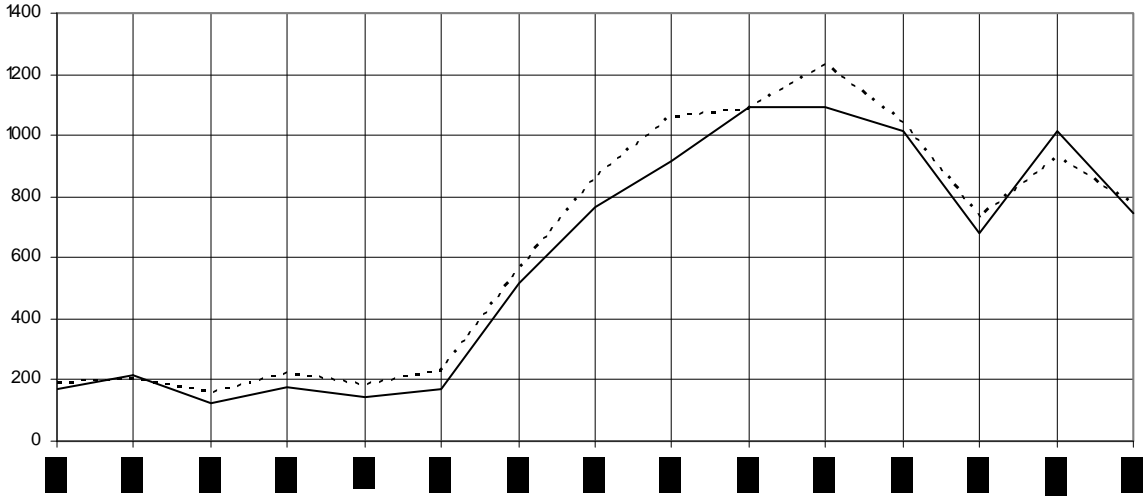
Figure 3. Motor vehicle theft (incl. unauthorized use)¹⁰



Number of cases (—) and known suspects (- - -); source: Bundeskriminalamt

In the case of trafficking in humans (figure 4), the numbers have remained on a high level without further upward trend since about 1996 after a sharp increase during the early 1990s.

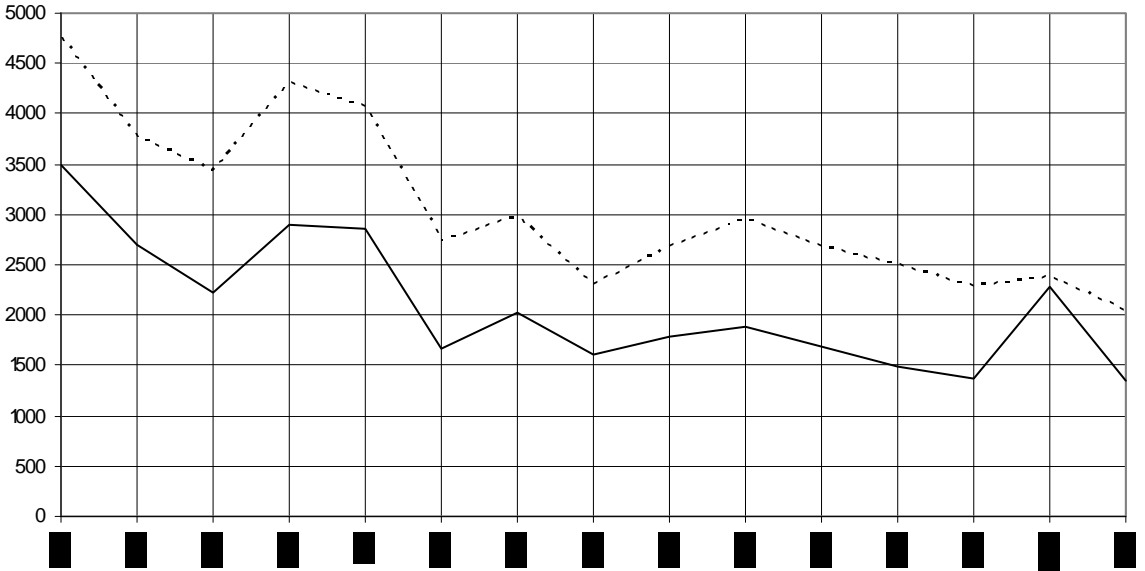
Figure 4. Trafficking in humans¹¹



Number of cases (—) and known suspects (- - -); source: Bundeskriminalamt

In contrast, illegal gambling, one of the classical areas of operation of criminal networks, has seen a more or less consistent decline over the past 15 years (figure 5).

Figure 5. Illegal gambling¹²



Number of cases (—) and known suspects (- - -); source: Bundeskriminalamt

In the absence of an overall trend, any conclusions that may be drawn from the official crime statistics will have to be limited to specific areas of crime. But even where, on this level, trends are discernible, they may refer more to contextual variables than to the nature and extent of criminal networks. The significant increase in drug trafficking offenses since 1993, for example, can to a substantial part be explained by the approximation of drug consumption patterns among juveniles and young adults in East and West Germany; a development that is consistently reflected across a wide range of indicators, including crime statistics on the state

level, records on first-time consumers, and self-report surveys (Bundeskriminalamt 2002c; DBDD 2001). This process is in line with the general approximation of lifestyles in East and West Germany. To take another example, the increase in motor vehicle theft in the early 1990s is commonly attributed to new demands and opportunities arising from the fall of the Iron Curtain, whereas the declining rates of motor vehicle theft in the second half of the 1990s are explained by the effectiveness of technical theft protection devices and improved international police cooperation (Ratzel & Lippert 2001). These observations are relevant for an assessment of organized crime since they point to changes in the immediate and broader environment of criminal networks, but, as has been stated before, they do not allow to draw any direct inferences regarding the activities, structure, size or extent of criminal networks.

The annual situation reports on organized crime

To overcome the shortcomings of the general crime statistics, the German police has begun, in 1992, to draw up annual situation reports on organized crime. These reports are intended to bring together the entire knowledge police agencies in Germany possess on organized crime (Gehm & Link 1992). The idea is to utilize the information generated in all criminal investigations in a given year that are classified as organized crime related in accordance with the official German definition of organized crime. Organized crime is defined as “the planned violation of the law for profit or to acquire power, which offenses are each, or together, of a major significance, and are carried out by more than two participants within a division of labor for a long or undetermined time span using a) commercial or commercial-like structures, or b) violence or other means of intimidation, or c) influence on politics, media, public administration, justice and the legitimate economy” (Levi 1998:335). The published versions contain information on the number of organized crime related investigations, the number and types of offenses committed by the suspects under investigation, the nationality of the suspects, the possession and use of firearms, and the amount of damages and (estimated) profits. The classified, extended versions of the situation reports contain descriptions of individual cases and additional analyses.¹³ The following discussion pertains only to the short, published versions.

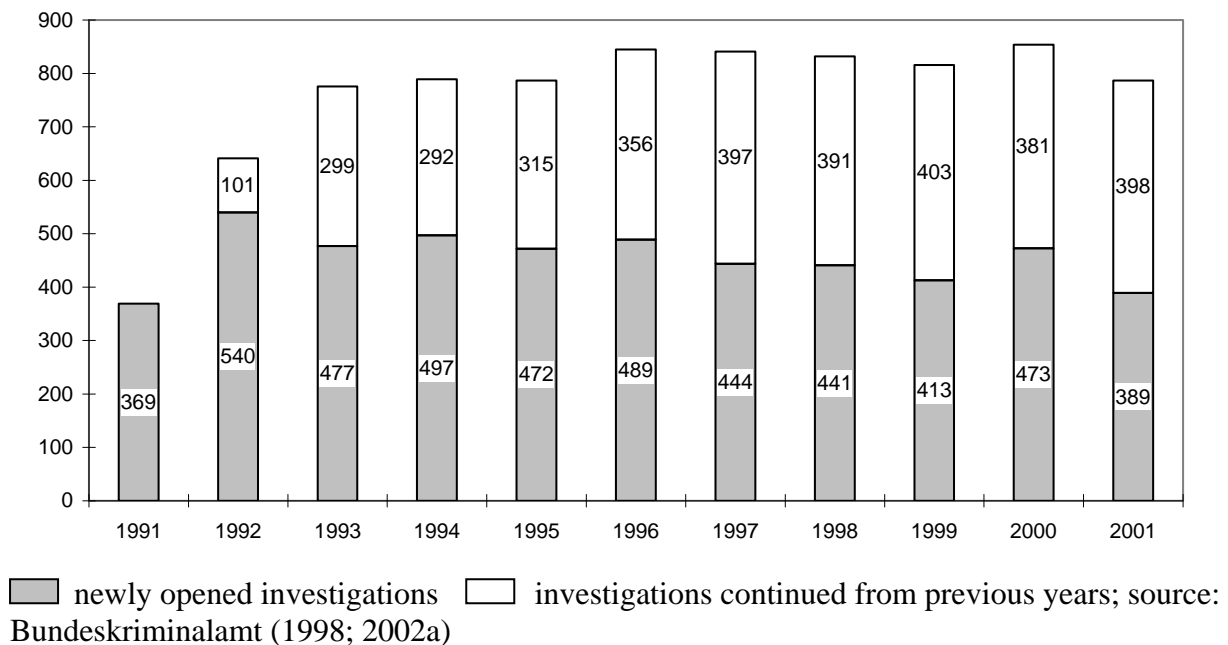
The statistical approach

Originally, the importance attached to the annual organized crime reports was similar to that ascribed to the official crime statistics with regard to the overall crime picture (Gehm & Link 1992). In the public debate the reports continue to be interpreted in this way: changes in the number of organized crime investigations from one year to the next are treated as equivalent to changes in the extent of organized crime.¹⁴ Among law enforcement officials and scholars, however, the view has gained acceptance that the reports reflect primarily on the investigative resources of the police (Falk 1997:19; Meywirth 1999:451; Pütter 1998:291).

After an initial period of growth between 1991 and 1993 the total number of organized crime related investigations has remained on about the same level (figure 6). A trend is discernible only insofar as the share of newly opened investigations has more or less steadily decreased while the share of investigations that are continued from previous years has increased. This implies in broad terms that new cases could be initiated only to the extent old cases were closed. Noteworthy changes that have occurred in 1992, 1996, 2000 and 2001 coincided with changes in the number of officers assigned to organized crime cases. The comparatively low number of investigations in 1991 has to be attributed to initial difficulties and to the fact that only 13 out of 16 federal states (*Länder*) participated in the reporting system (Gehm & Link 1992:492). The increase in 1996 is linked to the first inclusion of customs service investigations in the situation report. The customs service reported 74 cases in 1996 and 102 in 1997 (Bundeskriminalamt 1998:3). In 2000, the total number of investigations rose by 38

cases after it had slowly declined over the previous years, only to fall back to the 1995 level of 787 investigations in the following year, 2001. This development corresponds with changes in the overall number of police officers assigned to the reported organized crime investigations from 2,743 in 1999 to 3,021 in 2000 and 2,887 in 2001 (Bundeskriminalamt 2002a:4).¹⁵ Of course, from these figures it is not clear if the increase in personnel caused an increase in organized crime investigations or, reversely, if an increased workload led to an increase in officers investigating organized crime cases.

Figure 6. Organized crime related investigations in Germany 1991-2001



Other data contained in the situation report may also be influenced by organizational factors. Since most reported investigations (66.1 percent in 2001) are conducted by specialized units which typically focus on specific types of offenses or, most notably, specific ethnically defined groups of offenders (Pütter 1998:172-8, 296), the types of offenses and the nationality of the suspects that appear in the organized crime reports are likely to reflect these specializations more than actual variations. By far the most organized crime investigations have consistently been in the area of drug trafficking with a share of 35.2 percent in 2001,¹⁶ followed by property crimes (including theft, burglary and receiving of stolen goods) with a share of 13.6 percent,¹⁷ vice offenses (including pimping, trafficking in humans and illegal gambling) with a share of 11.3 percent,¹⁸ business related crimes (including various types of fraud) with a share of 11.2 percent,¹⁹ and customs and tax offenses (including smuggling and VAT fraud) with a share of 9.5 percent²⁰ (Bundeskriminalamt 2002a:10).

Another consistent feature of the organized crime reports is that a majority of the recorded suspects for each year (52.1 percent in 2001)²¹ are foreign nationals. What comes as a surprise, given the commonly held belief about ethnic homogeneity among organized criminals, is that most cases (80.7 percent in 2001) involve multi-national crime networks (Bundeskriminalamt 2002a:7-8); although it is not clear on what level the cooperation across ethnic boundaries actually occurred. Among the foreign suspects the three largest minority communities in Germany also hold the largest shares in the organized crime reports: Turks with 8.7 percent, citizens from current and former Yugoslav states with 5.6 percent, and Italians with 4.0 percent in 2001, respectively. Other significant minority communities that appear in the organized crime reports include Poles (3.9 percent), Russians (2.6 percent), Ukrainians (2.0 percent) and Iranians (1.3 percent) (Bundeskriminalamt 2002a:7). The only

nationality that has been strongly represented in recent organized crime reports without the existence of a significant minority community in Germany are Lithuanians with a share of 3.6 percent of all organized crime suspects in 2001 (2000: 2.3 percent). This will have to be attributed to the prominent role Lithuania plays as a port of transshipment for stolen motor vehicles and contraband cigarettes (Bundeskriminalamt 2002a:28; Holyst 1999:76; von Lampe 2002a:156).

In certain categories of the organized crime reports, such as the number of offenses and the amount of damages, the distribution is skewed by a few extreme values. The number of offenses per organized-crime related investigation, for example, varies greatly without a discernible pattern over time. The overall numbers have ranged between some 31,000 offenses (in 1998) and about 104,000 offenses (in 1991). The high relative and absolute number for the year 1991 emanates from two investigations with a combined total of 82,000 offenses, including one complex fraud scheme involving some 50,000 victims (Pütter 1998:294, 410). The recent increase from 42,693 offenses in 2000 to 69,574 in 2001 is largely due to one investment-fraud investigation involving 21,000 victims.²² Fraud cases have a similar effect on the amount of damages in terms of material losses. In 2000, for example, an elaborate business fraud operation carried out by the management of the FlowText corporation²³ with damages estimated at 4.6 billion DM (about 2.3 billion Euro) led to a damage figure of 7.3 billion DM, compared with 1.4 billion DM in the previous year, 1999, and 2.3 billion DM in 2001 (Bundeskriminalamt 2002a:12).²⁴

The structural analysis and the “organized crime potential”

In recognition of the various reservations that have to be made regarding the meaningfulness of the statistical approach of the organized crime reports, efforts have been undertaken to add a more qualitative dimension (Falk 1997:20; Meywirth 1999). These efforts have led to the introduction of a “structural analysis” which centers around the description and ranking of group structures according to what is called their “organized crime potential” (Bundeskriminalamt 1999:2; Meywirth 1999:449). The “organized crime potential” is essentially an index that is devised to capture the level of organizational and operational sophistication and “professionalism” of criminal groups. The index comprises 50 indicators that were originally formulated to assist investigators in detecting organized criminal structures. These indicators have been weighted on the basis of a survey among officers of central organized-crime units who were asked to rank the importance of each indicator according to individual evaluations using an ideal typical professionally operating criminal group as a yardstick.²⁵ The values assigned to the indicators as a result of the survey add up to a sum total of 100 points. The more indicators correspond with the characteristics of a given criminal group and the higher the individual values of the corresponding indicators, the higher the scores on the scale from 0 to 100 and the higher the assumed “organized crime potential” (Meywirth 1999:449-50). The highest ranked indicator is “hierarchical structure” with a value of 4.35, followed by “international” (3.49), “an at first glance inexplicable relation of dependence or authority between several suspects” (3.36), and “payment of bribes (...)” (3.03). The lowest ranked indicators are “assumed names” (1.17), “re-admittance after release from prison” (1.17), “work on demand” (1.23), and “disappearance of formerly available witnesses” (1.28).²⁶

The “organized crime potential” of criminal groups is measured with reference to areas of crime and ethnicity. In 2001, the groups with the highest average “organized crime potential” were found in the area of environmental crimes, followed by tax and customs violations, business crimes and violent crimes, and among those groups with Yugoslavian, German, Turkish or Italian membership (Bundeskriminalamt 2002a:14, 25). In 75.5 percent of the cases the score was below 50 points (Bundeskriminalamt 2002a:13). The highest score in

2001, 90.9 points, was reached by a criminal network involved in the trafficking of contraband cigarettes.²⁷

Apparently, there is a strong correlation between the average duration of investigations and the score on the “organized crime potential”-scale (see Bundeskriminalamt 2002a:14, 25). This may be seen as a confirmation of the assumption that cases involving criminal groups with a high “organized crime potential” are especially complex and difficult to handle. But it may just as well imply the opposite: the longer an investigation lasts, the higher the chance that details become known that correspond to “organized crime potential”-indicators. In a way, the “structural analysis”, which in the unpublished extended version of the situation reports is supplemented by expert interviews and other data, combines the shortcomings of an analytical approach that lacks the necessary theoretical underpinning with those of a statistical approach that promotes the collection of data not because they are meaningful but because they are available. To begin with, neither the list of indicators nor the relative weighting of the indicators are derived from a comprehensible analysis of the functioning and dynamics of criminal groups. The methodology of the “organized crime potential”-index implies that the relevance of every indicator is known, that the occurrence of an indicator, such as for instance “hierarchical structure”, has the same significance under any circumstance; and that any combination of indicators has similar implications as long as the individual values amount to the same score. It seems safe to say that this is not the case. Therefore, the “organized crime potential”-index can at best be taken as a meaningful measure in extreme cases with either very high or very low scores, provided the low scores are not the result of limited information. But even with this reservation in mind it is doubtful if any relevant inferences can be drawn from measuring the “organized crime potential” with regard to a particular area of crime or certain ethnic groups, given the diversification and multi-ethnic character of many of the criminal networks included in the organized crime reports. In 2001, about one third of the groups were active in more than one area of crime and on average scored higher on the “organized crime potential”-scale (44 points) than groups that were only engaged in one type of crime (37 points) (Bundeskriminalamt 2002a:10). In sum, the situation reports may contain valuable information, but a number of flaws regarding the collection and presentation of the data—at least in the short, published version—diminish the validity for an assessment of the state of organized crime in Germany.

Case studies

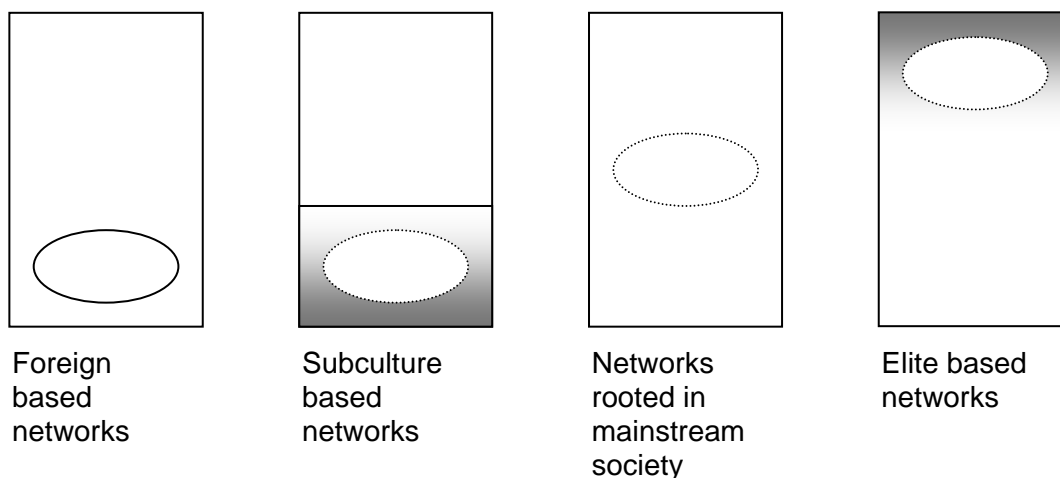
The conclusion that has to be drawn from the analysis of the official crime statistics and the annual situation reports is that on the aggregate level only broad—if any—trends are discernible and that these refer more to contextual factors than to the nature and extent of criminal networks. That does not mean, however, that the knowledge about particular crime networks from which these aggregate data are derived, were completely worthless. In fact, individual cases have proven to be quite informative. For example, the arrest of a gambling kingpin and several accomplices in the year 1989 shed some light on the general structure and dimension of illegal gambling in Germany by showing the possibility of creating and maintaining over an extended period of time a rather complex nationwide system of some 40 illegal casinos with little law enforcement interference (Sieber & Bögel 1993).²⁸

A typology of criminal networks

The problem with analyzing individual cases lies in temptations to generalize and to jump to conclusions. A common pattern is to take reports on crime networks or sophisticated criminal schemes as confirmations for a diffuse and myth-laden conception of organized crime. The abovementioned gambling investigation, for instance, prompted comments that “a piece of Mafia” had become visible and that the arrested gambling kingpin had “spread fear and terror

like a Mafia godfather”.²⁹ In contrast, a careful analysis of individual cases that is intended to be meaningful beyond the specific phenomena under consideration, needs to be put in perspective with a more differentiated understanding of organized crime in mind. What is required is a classificatory scheme that highlights some properties and characteristics that may be considered relevant for the assessment of criminal networks from a general point of view. I propose a typology of criminal networks (figure 7) based on differences in the social embeddedness of criminal actors (von Lampe 2001b:469-70). The typology takes up the notion of the contextuality of organized crime and is premised on two tentative assumptions, firstly, that the social position of criminal actors is relevant in that it influences the quality and range of opportunities for criminal conduct, and secondly, that criminal networks tend to be confined to a particular social stratum or milieu.

Figure 7. A typology of criminal networks



The typology distinguishes four basic constellations of the social embeddedness of criminal networks in Germany. The first type comprises criminal networks with no social support structure within the country. The actors are not embedded in social networks beyond the limits of their criminal collectives. This type applies primarily to foreign based criminal networks. The second category refers to criminal networks that are embedded in distinct subcultures. In these cases criminal actors can rely on a social support structure which is larger than that provided by their immediate criminal network, but one more or less set apart from mainstream society and its institutions. The third constellation includes criminal networks rooted in mainstream society. These networks comprise actors who outwardly conform to the legitimate social order and who are not restricted by any practical, cultural or legal obstacles in taking advantage of the legitimate social infrastructures. The fourth type involves criminal networks that are entrenched in the power elites. These networks differ from those falling into the third category in that they have direct access to socially relevant decision-making processes in politics, business and the media. For each of these categories, examples can be easily found in media reports and criminological accounts on crime in Germany.³⁰

Networks without social support. A prime example for foreign based crime networks with no social support structure in Germany are burglary gangs that operate from home bases for example in Poland or Romania and engage in a sort of “crime tourism”. They enter Germany for the exclusive purpose of committing crimes, such as looting ATMs and burglarizing private residences and stores, and leave the country once they have accomplished their mission (Bundeskriminalamt 2001b:37). The problem is not unique to Germany. As an

apparent outgrowth of the social and economic asymmetries between Eastern and Western Europe the phenomenon of transnational burglary gangs affects other countries as well.³¹ But because of its geographical location, i.e. its proximity to the former Soviet Bloc countries, Germany appears to be a preferred target. Transnational burglary gangs may show fairly complex organizational structures, including a military like hierarchy and a clearly defined division of labor between sub-units.³² This suggests that these gangs are formed and trained in their home countries under little or no threat of law enforcement intervention. The lack of social support in Germany, in turn, corresponds to the predatory nature of the crimes these gangs commit, and to their seemingly unrestrained willingness to use violence against persons and property.

Subculture based networks. Examples for the second category, subculture based crime networks, can be found in ethnic minority communities and in deviant subcultures such as those situated in the metropolitan red-light districts. An illustrative example of criminal networks embedded in distinct ethnic subcultures is provided by Turkish and Kurdish drug smuggling and distribution rings (see also van Duyne 1996:351). Germany has a foreign population of about 7.3 million, which amounts to 8.9 percent of the overall population. Turkish citizens form the largest ethnic minority community numbering about 2 million (Statistisches Bundesamt 2001), including about 500,000 Kurds.³³ Germany has failed to integrate these large minority communities. In a survey conducted among Turkish migrants in the year 2000, for example, less than 50 percent felt that they could speak German well. More than 20 percent rated their speaking abilities as “poor” or “very poor”.³⁴ As a result, migrants, especially Turks and Kurds, have come to create parallel universes in which a system of ethnic businesses and cultural institutions allow to a considerable extent to live in seclusion from the German host culture. Only one out of five Turks speaks more German than Turkish in every-day life.³⁵ It seems safe to say that his seclusion facilitates the emergence of criminal networks (Bovenkerk 1998). In the drug business, large networks based on familial and friendship ties within the Turkish community and with similarly close ties to Turkey and other European countries are believed to play a major role, especially as importers and whole-sale distributors of heroin (Bundeskriminalamt 2002a:26; Flormann & Krevert 2001:61-85). About 40 percent of the heroin seized in Germany in the year 2001 could be traced back to Turkey (Bundeskriminalamt 2002c:125). In one documented case, members of an extended family residing in Turkey, Germany and the Netherlands cooperated in the smuggling and distribution of heroin shipments in the 30 to 180 kilo range. In Germany, the drugs were handled by a 51 year old woman, her son and her three daughters, two sons-in-law, and a number of friends (Flormann & Krevert 2001:79-85).

While the members of these criminal networks take advantage of the relative safety of their ethnic communities, they are at the same time familiar enough with the host society to make some use of its infrastructure. In the mentioned drug smuggling case, for instance, a telephone line with an unlisted number was obtained within a short period of time in an effort to impede further police surveillance (Flormann & Krevert 2001:82).

Networks embedded in mainstream society. Criminal networks rooted in mainstream society are typically involved in white-collar crimes such as investment fraud or health insurance fraud. They tend to blend into webs of legitimate business relations and social contacts. One characteristic of these networks seems to be that they consist of circles of decreasing awareness of illegality. While a core group of actors is fully aware of the criminal implications, other participants may either accept the possibility of wrong doing or be unwitting accomplices. In comparison with crime networks rooted in subcultures, the embeddedness in mainstream society provides a number of strategic advantages, including “natural” interaction with office holders, that may translate into crime opportunities or

reduced risks of law enforcement interference. Even in the absence of outright corruptive relations, ties to public officials can prove a valuable shield against police action (van Duyne 1997:212). The biggest fraud case in German history since World War II, the FlowTex scandal, is illustrative of this point. FlowTex, a drilling equipment maker based in the South-Western state of Baden Wuerttemberg, bilked banks and leasing companies over a period of some ten years by securing loans worth more than two billion Euros for non-existent drilling systems. The two directors of the company, who allegedly orchestrated the scam with the help of a network of co-conspirators that included family, friends and employees, were arrested in February 2000 on suspicion of fraud and tax evasion, four years after authorities were first tipped off about the fraudulent business practices (Grill 2001). The apparent lack of determination to follow up on these leads appears to have emanated in part from concerns that such investigations would jeopardize jobs and compromise leading state politicians who had courted the FlowTex directors as model businessmen. The fact that the tax inspector assigned to FlowTex was a tennis partner of one of the FlowTex directors may also have played a role. As of now there are no indications, however, that the FlowTex management or favorably inclined politicians tried to directly influence the proceedings (Kurz 2001a; 2001b).

Elite based networks. Examples for the fourth category, which comprises crimes of the powerful, are provided by a long series of political scandals on the local, state and national level. These scandals typically center around public contracts and permits, illegal party financing and personal enrichment of politicians, public officials and lobbyists. The problem is that in this realm, more than in other social spheres, a lot remains in the dark so that in many cases there is not much more than speculation and guesswork. This is true, for example, for the so-called Leuna affair that pertains to millions in bribes allegedly paid by the French Elf Aquitaine corporation to German politicians in connection with the acquisition of a chemical plant in Leuna, East Germany, in the early 1990s (Dreher 2002:133-152; Kleine-Brockhoff & Schirra 2001a). Another example is the dubious 2.5 million Euro donation to the then governing Christian-Democratic Party in 1998 by a business tycoon who upon the intervention of Christian-Democratic Chancellor Helmut Kohl was able to close a deal to purchase a complex of 112,600 state owned apartments at a price half a billion Euros below the highest bid (Kleine-Brockhoff & Schirra 2001b). The donation was deposited in a covert bank account that Kohl had been using over several years to secretly finance political activities in violation of party finance laws (Förster 2000). A comparatively well-documented case began to unfold in 2002 in the city of Cologne where Social Democratic politicians on the state and local level, businessmen and the director of a public utility company, also a former leading Social Democrat, have been charged with belonging to a close-knit graft system that conspired to carry through the construction of an oversized incinerating plant. More than 10 million Euro in graft payments are said to have been paid that ended up in the coffers of the Social Democrats and possibly also in the pockets of co-conspirators (Bönisch 2002; Bönisch et al. 2002).

The given examples appear to be consistent with the assumptions on which the typology is based. There is some support for the hypothesis that actors of higher social position, because of better material and social resources, can be expected to be more successful in more profitable criminal activities and to be less likely to be targeted by law enforcement than actors of lower social status.³⁶ The examples also correspond with the notion that criminal networks have a tendency not to extend across social and cultural cleavages. To the degree these assumptions are true, the typology can serve as a crude measure of the dangerousness of specific criminal networks in terms of the *abstract* likelihood that they inflict significant damages and manipulate relevant decision-making processes. Along these lines one would also arrive at an assessment of the seriousness of the overall organized-crime problem,

provided adequate data were available, by looking at the relative and absolute number and strength of crime networks that fall in the third and fourth category: The more numerous and larger the crime networks rooted in mainstream society and in the political and business elites, the greater the threat to the legitimate social order. Given the general lack of valid quantitative data and the orientation of law enforcement towards stereotypical, i.e. more marginalized networks (Weigand & Büchler 2002:662), such an inventory is not feasible at the moment.

Deviant cases as litmus tests: alliances between underworld and upperworld

Finally, one might come to meaningful observations by looking at the prevalence of deviant cases that do not correspond to the ideal typical constellations set out in the typology. Criminal networks that extend across social and cultural boundaries and above all networks that are embedded in relatively marginalized social settings but nonetheless succeed in exerting influence on institutional decision-making processes may be seen as indicative of far reaching deviant value systems and the deterioration of institutional integrity. Case studies, then, could serve as litmus tests for the existence of systemic conditions that are likely to contribute to the emergence and strengthening of criminal networks with considerable capacities to cause harm both in terms of inflicting damages and in terms of undermining the legitimate social order.

Ties between vice entrepreneurs and public officials. Perhaps the most common type of alliance between underworld and upperworld are the close relations between vice entrepreneurs and public officials that have been found to exist in a number of cities throughout Germany. The case which probably has received the most attention in the media is that of Frankfurt am Main. The city has a striving red-light district which in the 1980s was allegedly dominated by a pair of brothers who since the early 1960s had climbed the career ladder of gambling and prostitution organizers. They managed to establish and maintain close ties to city officials through gifts of various kinds, election-campaign contributions and by hiring retired city employees. These relations translated into benefits such as unlawful licenses for gambling casinos and favorable real estate deals. For example, when the city government decided to move the red-light district out of the downtown area, the two brothers were able to sell property to a city-owned foundation for a price 12.5 million DM (6.25 million Euro) above market value (Leyendecker et al. 1992:41-3; Sieber & Bögel 1993:289).³⁷

In this and other instances, the cultural gap between red-light milieu and politics has apparently been bridged by the aura of respectability vice entrepreneurs are cultivating by posing as legitimate businessmen. Another factor that certainly needs to be taken into consideration is the obvious attraction the vice business holds not only for milieu members but also for persons of high social status (Sieber & Bögel 1993).

In the early 1990s, several members of the state government of Saarland, including the governor (*Ministerpräsident*), came under suspicion of granting favors to a red-light kingpin they had befriended years earlier when they frequented the same bars.³⁸ In Berlin, a scandal that shook the city in the mid 1980s involving corruption, illegal party financing and criminal activities in connection with the construction business unveiled a network of politicians, shady businessmen, brothel owners and ordinary criminals (Ciupka & Schmidt 1991). One of the central figures in the scandal, a corrupt city official, accepted bribes from one brothel owner for a restaurant concession and also employed him to collect bribe payments from a building contractor.³⁹ A lawyer who likewise had made payments to the city official in exchange for a building permit, (and who had a framed picture of Al Capone in his bedroom,) came under suspicion of ordering the killing of a former business partner. Allegedly, the two hitmen were hired by a close friend of the lawyer, a night-club owner.⁴⁰ According to unsubstantiated but quite plausible allegations the ties between politicians, politically

connected businessmen and lawyers on the one side and underworld figures on the other went back to refugee-aid operations that helped citizens of East Germany to come to the West. What had originally begun as an idealistic endeavor after the building of the Berlin Wall later turned into a commercial business that attracted criminal elements (Mülder 1986; Werner 1986).⁴¹

Overall, the examples suggest that while alliances between underworld figures and politics exist, they tend to be embedded in long lasting social relationships that have evolved in situations without distinct differences in social status. It is also noteworthy that alliances between underworld and upperworld seem to be most common in the area of gambling and prostitution and not, for example, in the drug business or in connection with property crimes where no similar alliances have become apparent.

Police corruption. Another facet of the legal-illegal nexus that deserves attention even though it is located on a lower institutional level, is police corruption. Statistically, corruption offenses and especially cases of police corruption are relatively rare in Germany. According to the official crime statistics, 1,336 bribery offenses⁴² have come to the attention of the police in 2001, compared to 1,029 in 2000 (Bundeskriminalamt 2002b:41). A separately drawn up report on corruption which is issued by the BKA shows a number of 1,278 investigations into corruption for the year 2001 (2000:1,243) (Bundeskriminalamt 2001a:7; 2002d:9). Only 8 percent (2000:8.8) pertain to corrupt police officers (Bundeskriminalamt 2001a:21; 2002d:26). Most cases are not organized crime related: only five investigations (0.4 percent) have had such a connotation in the years 2000 and 2001, respectively (Bundeskriminalamt 2001a:17; 2002d:22). The situation reports on organized crime convey a similar picture. In 2001, only 23 out of 787 organized-crime related investigations produced evidence of corruption (Bundeskriminalamt 2002a:30), compared to 24 out of 854 investigations in 2000 (Bundeskriminalamt 2001b:35). Interestingly, the situation reports found corruption and other types of influence taking most common in investigations of German crime networks (Bundeskriminalamt 2001b:34).

A review of 25 cases of police corruption that have been documented in the press between 1997 and 2001⁴³ supports the notion that criminal alliances between underworld and upperworld are unlikely to be established on an ad-hoc basis (Table 1). In the area of prostitution and drug trafficking, corrupt police officers are most commonly participants in the illegal activities and not merely passive recipients of bribes in return for non-enforcement of the law. Police officers are either consumers of illegal goods and services, for example child prostitution, or act as illegal entrepreneurs themselves. In one case, four police officers allegedly ran a brothel in cooperation with an ordinary pimp one of them had met and befriended while on holiday. In another three cases of prostitution and drug trafficking the corrupt police officers were motivated by personal allegiance to criminals. Only in three out of 15 cases in the areas of prostitution and drug trafficking were direct financial or other material benefits the only discernible motive for corrupt behavior.

In other areas of crime only three cases of police corruption were documented in the analyzed publications, one of which involved a female police officer who furnished information taken from confidential data bases to a friend who was the member of a car-theft gang. The other two cases pertain to border-police officers who apparently tolerated smuggling activities, and to a police officer furnishing gun licenses to criminals, respectively.

The only category where no closer relationships are apparent between corrupter and corruptee is that of public contracts, which also includes contracts mediated by the police such as those with vehicle recovery services and funeral homes. This finding is in line with the underlying working hypothesis about the relative social exclusiveness of criminal networks since in these instances corrupters have a social status that is at least equal to that of the corrupt police officers.

Table 1. A review of cases of police corruption (press reports 1997-2001)

Activities Promoted by Corruption	Motivational Basis of Corrupt Relations				
	<i>Personal Ties</i>	<i>Consumer/ Co-Offender</i>	<i>Financial Interests</i>	<i>Other/No Data</i>	<i>Total</i>
<i>Vices</i>	3	6	3	1	13
<i>Drugs</i>	<i>.1.</i>	2	<i>.1.</i>	<i>.1.</i>	2
<i>other Crimes</i>	1	<i>.1.</i>	2	<i>.1.</i>	3
<i>Public Contracts</i>	<i>.1.</i>	<i>.1.</i>	5	1	6
<i>No Criminal Background</i>	<i>.1.</i>	<i>.1.</i>	1	<i>.1.</i>	1
<i>Total</i>	4	8	11	2	25

While this review of police corruption cases cannot claim to be representative, it does point in the same direction as the review of cases of criminal-political alliances. It seems that corrupt relations between criminals and public officials tend to require a foundation in social ties that can neither be established at will, nor for the benefit of any type of crime. The bridging ties across status boundaries seem to be most common in those crime areas where individual office holders function as consumers and providers of illegal goods and services, namely drugs and prostitution. Where criminals and office holders collaborate, the impression which is conveyed by the documented cases is that they do so on a partnership basis or with the criminal element reduced to a subordinate position, such as that of hitman or arsonist. In sum, as far as criminals of lower social status are concerned, the conclusion the BKA draws in its situation report cannot be disputed that there are currently no indications of a symbiosis between organized crime and the legitimate institutions of society. A more cautious conclusion has to be drawn, however, with regard to criminal networks that exist within these institutions.

Conclusion

Assessing the state of organized crime is no easy undertaking. Nowhere else becomes the lack of empirical data and the paucity in theory that characterizes the public and scientific debate on organized crime more apparent. To assess organized crime one needs to have a clear understanding of organized crime and the complex processes that link the empirical referents of this vague concept to the social environment. Without further research and theory

construction these efforts are bound to remain entangled in a web of mythical imagery and stereotypes. What is feasible at the moment is the formulation of more concise medium range concepts than those currently used in the analysis of organized crime and the rough sketching of a framework for the assessment in anticipation of a point in time when a sufficient empirical and theoretical basis for such an endeavor is available.

The framework proposed in this paper follows a holistic approach which places criminal networks as the key empirical referent of the organized-crime concept in context with the social and institutional environment and the immediate task environment of criminal actors. While the framework as such is devised to be comprehensive, current knowledge suggests that differential conclusions have to be drawn for different manifestations of organized crime. From the available quantitative data, drawn from the official crime statistics and annual situation reports on organized crime, no overall trends are discernible regarding the nature and extent of organized crime. Where trends are identifiable, they mostly pertain not to patterns of criminal cooperation themselves but to contextual factors, such as the emergence of a drug consumption culture in East Germany similar to that long since existing in West Germany. On the level of individual cases, examples for the embeddedness of criminal networks can be found in every social sphere, however with varying degrees of empirical corroboration in light of the fact that organized-crime investigations tend to focus more on networks in marginalized subcultures than those embedded in mainstream society and among the social elites. A review of scandals involving corrupt relations between vice entrepreneurs and city officials and a review of cases of police corruption suggests that alliances between underworld and upperworld are at present not characteristic of the situation in Germany. But given the potential threat posed by criminal networks existing within the upperworld, the problem of organized crime cannot simply be dismissed.

That these findings are meager and obtained on very shaky grounds should not be used as an argument against any scientific treatment of the subject. It lies in the very nature of the social sciences that at the beginning of an inquiry the path is blocked by ill defined concepts and a lack of data. On the other hand it should not be ignored either that we are indeed only at the beginning of a lengthy and complex research process which may eventually bring us in a position to assess organized crime in a meaningful way (von Lampe 2002b). In this sense, current efforts to devise and revise methodologies to assess organized crime tend to take the second step before the first.

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(<http://www.le.ac.uk/po/sf55//SGOC/german.html>). The author would like to thank Kriminalhauptkommissar Detlef Klöhn of the BKA for his cooperation and valuable comments on an earlier draft of this paper.

² On earlier forms of collectivities of criminals in Germany, see Radbruch & Gwinner (1991, 333-361).

³ For a more complex analytical model, see von Lampe (1999:315-31).

⁴ An instructive treatise on the limited comparability of cross-national crime statistics is provided by von Hofer (2000).

⁵ Number of cases: 1987:172, 1988:219, 1989:127, 1990:174, 1991:143, 1992:171, 1993:517, 1994:767, 1995:919, 1996:1094, 1997:1091, 1998:1011, 1999:678, 2000:1016, 2001:746; source: Bundeskriminalamt.

⁶ Number of cases: 1994:198, 1995:321, 1996:349, 1997:543, 1998:403, 1999:481, 2000:730, 2001:877; source: Bundeskriminalamt.

⁷ Number of cases: 1987:673, 1988:540, 1989:567, 1990:583, 1991:571, 1992:388, 1993:597, 1994:561, 1995:634, 1996:778, 1997:784, 1998:685, 1999:791, 2000:1104, 2001:1010; source: Bundeskriminalamt.

⁸ The 1987-1990 data are for West Germany only, the 1991 and 1992 data include East-Berlin, since 1993 data for all parts of former East Germany are included (Bundeskriminalamt 2002b:249).

⁹ The category of receiving stolen goods as the member of a gang that is used in this analysis is actually a combination of four gang offenses that are separately listed in the official crime statistics: receiving of stolen motor vehicles (sec. 260 I 2), receiving of stolen motor vehicles on a commercial basis (sec. 260a), receiving of other stolen goods (sec. 260 I 2), and receiving of other stolen goods on a commercial basis (sec. 260a). The combined number of cases is as follows: 1994:379, 1995:1062, 1996:1282, 1997:643, 1998:1631, 1999:1276, 2000:832, 2001:556; source: Bundeskriminalamt.

¹⁰ The 1987-1990 data are for West Germany only, the 1991 and 1992 data include East-Berlin, since 1993 data for all parts of former East Germany are included (Bundeskriminalamt 2002b:249).

¹¹ The 1987-1990 data are for West Germany only, the 1991 and 1992 data include East-Berlin, since 1993 data for all parts of former East Germany are included (Bundeskriminalamt 2002b:249).

¹² The 1987-1990 data are for West Germany only, the 1991 and 1992 data include East-Berlin, since 1993 data for all parts of former East Germany are included (Bundeskriminalamt 2002b:249).

¹³ Pütter (1997); Detlef Klöhn, Bundeskriminalamt, personal communication.

¹⁴ See e.g. *Frankfurter Allgemeine Zeitung*, "Weniger organisierte Kriminalität" (Less organized crime), 4 July 2000; *Der Tagesspiegel*, "Schäden von 7 Milliarden Mark: Organisierte Kriminalität nimmt zu" (Damages of 7 billion marks: organized crime increases), 11 August 2001.

¹⁵ The numbers of police officers during the preceding years were as follows: 1991 not available, 1992:2014, 1993:2285, 1994:2344, 1995:2372, 1996:2579, 1997:2596, 1998:2605 (Bundeskriminalamt 2002a:4).

¹⁶ 1999:33.3 percent, 2000:33.4 percent.

¹⁷ 1999:11.6 percent, 2000:10.9 percent.

¹⁸ 1999:10.9 percent, 2000:10.1 percent.

¹⁹ 1999:12.0 percent, 2000:12.1 percent.

²⁰ No separate numbers are available on organized customs and tax offenses prior to 2001. But according to previous reports, the "other" category contained mostly cases of money laundering and smuggling (Bundeskriminalamt 2000:18; 2001:35).

²¹ The share of foreign suspects in the preceding years was as follows: 1991=50.6, 1992=51, 1993=54.5, 1994=58.7, 1995=63.6, 1996=62.6, 1997=60.1, 1998=62.7, 1999=58.4, 2000=56.2, 2001=52.1 (Pütter, 1998, 294; Bundeskriminalamt, 1999; 2000; 2001; 2002a).

²² This information was kindly furnished to the author by the Bundeskriminalamt in August 2002.

²³ See more details on the FlowTex scandal below.

²⁴ The estimated damages in the preceding years were as follows (in billion DM): 1991=3.5, 1992=1.0, 1993=1.9, 1994=3.5, 1995=0.7, 1996=2.7, 1997=1.6, 1998=1.8 (Pütter, 1998, 294; Bundeskriminalamt, 1999).

²⁵ Detlef Klöhn, Bundeskriminalamt, personal communication.

²⁶ The unpublished list of indicators was kindly furnished by the Bundeskriminalamt in August 2002.

²⁷ This information was kindly furnished by the Bundeskriminalamt in August 2002.

²⁸ See also *Der Spiegel*, "Der Papst, das bin ich," 39/1989, 58-74; *Der Spiegel*, "Ein paar Bomben zünden," 2/1992, 60-63.

²⁹ *Der Spiegel*, "Der Papst, das bin ich," 39/1989, p. 58, 61.

³⁰ Most cases were selected from documentation contained in the author's press archive which comprises the crime coverage in two daily and two weekly German papers (*Der Tagesspiegel*, *die tageszeitung*, *Der Spiegel*, *Die Zeit*) since at least 1993, supplemented by some items taken from not systematically analyzed publications.

³¹ For example Switzerland, see Benninger (1999).

³² *Der Spiegel*, "Drei Monate besoffen," 47/1995, 112-4.

³³ Government estimate (BT-Drs. 14/2676; <http://www.bundestag.de/aktuell/bp/2000/bp0002/0002057a.html>).

³⁴ *Der Spiegel*, "Die Rückseite der Republik," 10/2002, 44.

³⁵ *Der Spiegel*, "Die Rückseite der Republik," 10/2002, 46.

³⁶ A similar argument was presented by Ruggiero (1996) in his discussion of organized and corporate crime in Europe.

³⁷ See also *Der Spiegel*, "Die großen Unbekannten," 4/1990, 90-1; *Der Spiegel*, "Reiz der Illegalität," 8/1990, 112-4.

³⁸ *Der Spiegel*, "Die Geschichten des O.," 3/1993, 33-36.

³⁹ *Der Spiegel*, "Die Schnaps-Idee," 10/1986, 123-125.

⁴⁰ *Der Spiegel*, "Eens uff'n Kopp," 18/1986, 59-63.

⁴¹ See also *Der Spiegel*, "Die Schnaps-Idee," 10/1986, 123-125.

⁴² Active bribery under sec. 108e, 333, 334 German Criminal Code.

⁴³ The review is based on the author's press archive. The archive systematically covers two daily and two weekly newspapers, *Der Tagesspiegel*, *die tageszeitung*, *Der Spiegel* and *Die Zeit*, and other not systematically analyzed publications.