# Understanding Organized Crime in Germany

Paper presented at the Annual Meeting of the Acacemy of Criminal Justice Sciences, Boston, March 7-11, 1995 [extended and revised version]

> by Klaus von Lampe

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Germany is probably not the first country one would think of in terms of organized crime. Certainly it has no Mafia, Cosa Nostra or Yakuza of its own. Still, in recent years organized crime has come to be considered one of Germany's major problems. The purpose of this paper is to discuss the meaning of this assessment in the light of a varying conceptual history, and to make some cautious comments on its accuracy.

### **CONCEPTUAL HISTORY**

Organized crime is a fairly new criminal policy issue in Germany. It was first raised during the 1960s when the conceptualization was guided by the official American view of organized crime as a rationally-designed, violent, and powerful criminal organization. It was generally agreed that nothing of this sort existed in Germany. On these grounds it could only be argued that organized crime posed a potential threat for the future. One scenario saw foreign crime syndicates extending their spheres of influence into Germany (Beuys, 1967). Another scenario envisioned an independent development of crime similar to the evolution of organized crime in the United States (Mätzler, 1968).

In the 1970s a third solution to the conflict between concept and reality was suggested in the form of a uniquely German definition of organized crime distinct from the syndicate model (Kollmar, 1974). This view eventually prevailed, leading to a broad conceptualization of organized crime that encompasses almost all crimes that require the cooperation of several persons. On this basis the law enforcement community reached the conclusion that organized crime did exist and actually had existed for some time in Germany. But it was not until the 1990s that the general public began to regard organized crime as a real problem. By that time the attention had shifted from rather loosely structured domestic groups of criminals to alleged Italian, Yugoslavian, Chinese, and Eastern European "Mafias".

Through all these changes the organized crime concept retained its function of legitimizing the extension of police powers (Busch, 1992). Even insiders acknowledge that the first initiatives by law enforcement officials for a specifically German definition of organized crime were prompted by efforts to include all those forms of crime which could not effectively be dealt with by traditional means of law enforcement (Boettcher, 1975; Steinke, 1982).

## THE STUDY OF ORGANIZED CRIME IN GERMANY

Attempts to give the German organized crime concept a scientific foundation are rare. Since 1970 only four studies have been conducted which reflect for the most part the police perspective since they rely primarily or exclusively on interviews with police agents (Kerner, 1973<sup>2</sup>; Rebscher & Vahlenkamp, 1988; Weschke & Heine-Heiß, 1990; Sieber & Bögel, 1993). Unlike the pioneering American treatises by Thrasher (1927) and Landesco (1929) which

<sup>&</sup>lt;sup>1</sup> This article is based on a paper presented at the annual meeting of the Academy of Criminal Justice Sciences, Boston, March 1995. The author would like to thank James O. Finckenauer, David W. M. Sorensen, and Angela Taylor of Rutgers School of Criminal Justice for their comments and suggestions on earlier drafts.

<sup>&</sup>lt;sup>2</sup> Kerner's study was part of Mack's Council of Europe research project on professional and organized crime (Mack, 1975).

followed an established public debate on the issue of organized crime - at least in Chicago -, the initial question for organized crime research in Germany was whether there was a significant enough change to justify the abandonment of the traditional professional criminal concept in favor of a new concept of "organized crime". The categories that were used to identify these changes were primarily those referring to organizational structure. Despite a lack of universally accepted concepts - which seems to be a general problem of theorizing on organized crime - the leading questions may be summarized as follows: Are there any autonomous units of criminals within the underworld? And, is there an increase in complexity of the patterns of criminal cooperation in terms of hierarchy and division of labor?

The four above mentioned German studies, which were conducted in 1970, the mid 80s, and 1992, indicate an evolutionary process starting in the 1960s along two distinct lines: On the one hand, the underworld as a network of criminally exploitable contacts underwent a process of vertical and horizontal differentiation without developing lines of command or clearcut organizational units. On the other hand, groups of foreigners who operate from within Germany or from outside and have not been absorbed by the underworld network, emerged as apparently cohesive units with an authoritarian hierarchy. The change they allegedly brought about seems to have stemmed more from the extention of their spheres of influence in certain territories or markets than from the transformation of the existing crime network.

A series of graphical presentations will be used to depict these processes in order to focus the discussion on a few major themes which are worked out by a perhaps somewhat wilfull interpretation of the conceptually nonuniform literature. So far, graphic models that have been used in organized crime theory lack the complexity necessary to encompass these themes (Abadinsky, 1994; Rebscher & Vahlenkamp, 1988; Weschke & Heine-Heiß, 1990). But in some aspects the model suggested here of a fictitious detail of a crime network may be regarded as a further development of attempts undertaken by Rebscher & Vahlenkamp (1988). Each diagram consists of symbols representing three basic dimensions: the individual potential of actors, the ties between actors, and the stratification of actors within the crime network. Actors are resembled by circles, the ties between them by lines, and the stratification by the vertical order in which the circles are placed. These dimensions are differentiated according to the following typologies:

*Individual potential*. Actors may have different attributes that are relevant to their position in the crime network. The most important seem to be professional skills, financial strength, and leadership qualities (Rebscher & Vahlenkamp, 1988).

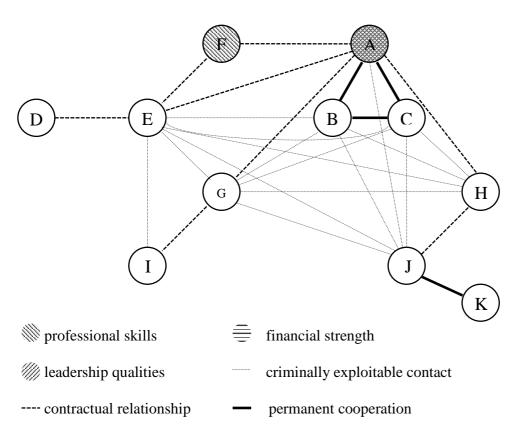
Ties. The nature of ties between criminal actors may vary in many respects. Here, three types of ties are distinguished along a continuum of intensity: 1.) Criminally exploitable contacts, i.e., mere acquaintances of two actors who know each other as members of the crime network, thus establishing a minimum of trust that is the precondition for criminal cooperation. 2.) Contractual relationships, i.e., those exchange patterns that are confined to specific projects or a specific set of activities with no obligation other than that of the fulfillment of the terms stipulated in a particular agreement that may be formal or informal. 3.) Cooperation on a permanent basis, i.e., a more complex and enduring pattern of interaction and a higher degree of commitment.

The concept of *stratification* as used here refers to the gradation in status among members of the underworld, that is, the position or standing accorded the individual by his fellow network members dependent on certain above mentioned properties.

The *power structure* that probably is to some degree inherent in every social structure is delineated only in one graph (figure 3) with arrows indicating the directive character of certain ties.

The classical image of underworld structure had been that of a loose network of small task forces and individuals who were ranked in an informal milieu-hierarchy based on professional reputation (Kerner, 1973), as shown in figure 1. In the fictitious example used here, 'A', 'B', and 'C' are car mechanics who work as a team in the stolen car business<sup>3</sup>. 'A' is something of a boss because he has leadership qualities apart from his technical skills. But in general he is not much more than a primus inter pares (first among equals). The 'A-B-C-'gang may steal cars themselves

Figure 1: loose network



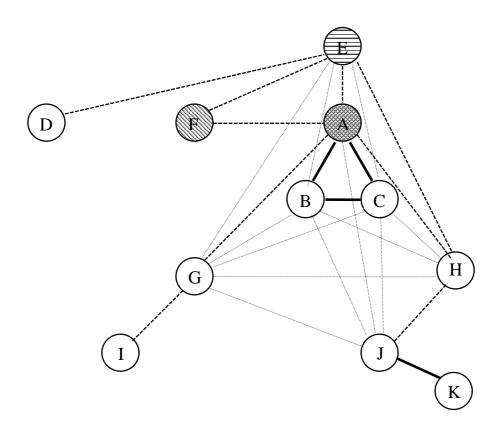
or procure them from thieves or fences like 'H' who in turn buys from car thieves like 'J' and his accomplice 'K'. At the same time, 'A', 'B', and 'C' may offer their services, such as repairing locks that have been destroyed in the act of stealing, on a contractual basis to other operators in the stolen car business. When the 'A-B-C-'gang needs false documents they go to 'F', who is a skilled

<sup>&</sup>lt;sup>3</sup> For other accounts of trafficking in stolen cars apart from the four cited studies see Baum (1962), Blaneck/Holzenbecher (1970), Gnad (1978), and Gorodecka (1994).

forger. Other actors operate on the distribution end. While 'E' maintains an exclusive and profitable business relationship with big-time fence 'D', 'G' specializes in exporting luxury cars and sometimes uses small-time criminals such as 'i' to drive the cars across the border. Most of the participants (A, B, C, E, G, H, and J) know each other, by, for example, frequenting the same bars.

In contrast to this scenario, Kerner (1973) observed the emergence of a new kind of vertical differentiation that is structured around a division of labor and capital. Background organizers coordinate illegal operations and provide the necessary finances while professional criminals carry out the actual crimes. This businesslike system, which by 1970 already existed on an international scale (Kerner 1973), implies that those acting as background organizers have acquired their positions in the crime

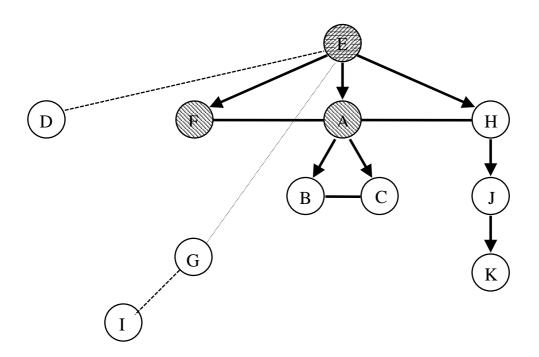
Figure 2: complex pattern of cooperation



network by accumulating and reinvesting capital instead of spending all proceeds from their activities in luxury consumption as most criminals apparently do. Cooperation between entrepreneurial and staff levels is maintained through voluntary subordination of the latter. This appears to provide benefits for both sides. For example, (figure 2), background organizer 'E' can effectively coordinate the activities of 'H' and 'A/B/C' by placing orders for a certain model with middleman and fence 'H' according to 'D''s customer demands and by advising 'A/B/C' on what spare parts, e.g. door locks, to order in advance. 'A/B/C' and 'H' are relieved from certain entrepreneurial tasks while 'E' is insulated from the actual handling of stolen goods provided he has the transport from 'A/B/C' to 'D' done by someone other than himself.

Kerner (1973) reports that at the time of his study such arrangements did not manifest themselves as permanent organizational structures. Instead, background organizers drew from a pool of various, often fluctuating groups and individuals who join for certain projects and then disband. However, he anticipated the evolution of formal organizations out of enduring patterns of cooperation.

Figure 3: autonomous group



Contrary to this prognosis the two studies that were conducted in the mid 1980s like Kerner basically characterized the German underworld as a loosely structured system of varying criminal alliances (Rebscher & Vahlenkamp, 1988; Weschke & Heine-Heiß, 1990). According to Weschke & Heine-Heiß (1990) the existing groups had not developed into larger units during the 70s and early 80s. However, the two studies pointed to the existence of other, more tightly structured organizations. Specifically, these criminal groups appeared to be dominated by one or several leading figures who run operations through a permanent staff, which in turn may hire network members at need or direct a permanent troupe of helpers. The cohesion tends to be based on firm leadership rather than on contractual or primus-inter-pares-arrangements, i.e. the ties between the participants are of a permanent nature and the activities on the staff level are prescribed by key figures rather than negotiated among the participants. In the example (figure 3) this would mean that the ties between 'E' and most of the other actors have a direction. The same applies to the relations 'A'-'B/C', 'H'-'J', and 'J'-'K'. 'E', being the head of a criminal organization, would decide on what projects to undertake, he would assign specific tasks to the participants, and he would select outside business partners. As a result, from all participants in this operation only 'E' appears as an independant actor in the illicit market.

In the overall underworld picture autonomous organizations apparently formed an exception in the 1970s and 1980s and were primarily confined to groups of foreigners (Rebscher & Vahlenkamp, 1988; Weschke & Heine-Heiß, 1990). In addition, Rebscher & Vahlenkamp (1988) note that the assumption of more cohesive groups may be a misconception. They found that police agents investigating specific cases tended to report the existence of criminal organizations while respondents from offender-oriented units monitoring the entire range of activities of certain criminals did not. But regardless of the existence or nonexistence of clearcut organizational units, from the law enforcement point of view the vertical and horizontal differentiation taking place in the patterns of cooperation among criminals, leading to greater complexity of criminal operations and insulation between participants, constituted a major problem.

Regarding the crime network as a whole both studies produced no evidence of a concentration of power on the upper level of the milieu in the form of a Cosa Nostra style protection monopoly (Gambetta 1993). The prevailing principle appears to be that of peaceful coexistence. In sum, the main difference between Kerner and his successors in the 1980s is probably one of terminology. While Weschke & Heine-Heiß and Rebscher & Vahlenkamp identified the network of criminally exploitable contacts within and between the urban underworlds as the specific form of organized crime in Germany, Kerner hesitated to use the organized crime label, finally only applying the label "professionally organized crime" to the network of some 100 top international operators (1973, p. 295).

The most recent study on organized crime by Sieber & Bögel (1993) is the first one conducted in the post Cold War era. With the borders open to the East it does not come as a surprise that they register an increase in importance of foreign criminal groups. Sieber & Bögel apply the concept of business logistics to the study of trafficking in persons and stolen motor vehicles, prostitution, and illegal gambling. They find that, with the exception of German-run prostitution, all of these areas are dominated by "strictly hierarchically structured organizations" (1993, p. 6). By this vague term they apparently refer to the structural similarities between legal and illegal businesses. The hierarchical distinction between managerial and staff level that can be found in any production firm does exists, for example, within a complex stolen car operation. But

it is not obvious why they chose to conceptualize illicit markets basically in terms of business entities instead of maintaining the frame of reference of the criminal network Kerner had used in describing operations of similar complexity (Kerner, 1973).

In another way, however, the character of the crime network may be undergoing more profound changes. Sieber & Bögel show indications that, with prostitution in certain cities, an overarching power structure has evolved that allows leading figures of the milieu not only to serve as arbiters - which Rebscher & Vahlenkamp (1988) had already observed - but also to control access to the market. This would go beyond the territorial agreements of local pimp groups that, according to Kerner (1973), have existed since at least the 1960s. But it would still fall short of a dominating organization that acts as an underworld government.

A different issue with regard to the character of the underworld is the alleged advance of tightly structured foreign organizations. In the description given by Rebscher & Vahlenkamp (1988) in the 1980s, organizations of foreigners had either adapted to the crime network or occupied niches of crime outside the network. According to the findings of Sieber & Bögel (1993) autonomous groups of foreigners today play an important role in many areas of crime, especially in the areas included in their study. These groups tend to be autonomous systems as they remain ethnically homogenous and are reluctant to cooperate with other criminals. According to the 1993 statistics on organized crime by the federal police agency BKA (Bundeskriminalamt) ethnically homogenous groups of non-Germans are responsible for 19.9 % of all reported cases compared to 67.5 % of cases which involve ethnically heterogenous groups. The suspects are citizens of 91 different countries. 45.5 % are German nationals, and another 29 % are divided among the three largest ethnic minorities, Turks (15 %), Yugoslavians/Ex-Yugoslavians (8.8 %), and Italians (5.2 %). The only group from the former Soviet Bloc that the BKA specifically mentions are nationals of neighbouring Poland (2.8 %) who also make up the fifth largest community among Germany's 6.5 million foreigners (Bundeskriminalamt, 1994a; Statistisches Bundesamt, 1994). Especially in the area of prostitution foreign organizations have apparently taken over local markets replacing the loose patterns of cooperation that existed among German pimps (Sieber & Bögel, 1993). Their success seems to be based primarily on the extensive use of violence. It can be argued that in the long run these organizations will have to find some kind of broader foundation just as many foreign criminal groups eventually became integrated into the crime network during the 70s and 80s (Rebscher & Vahlenkamp, 1988). Moreover, the police - and the general public for that matter - may overemphasize the impact of foreign groups because of a misinterpretation of the increased violence among them. It seems that spectacular acts of violence such as gangland style murders are in a rush to judgement taken as proof for the existence of mafia-like organizations while they could just as well be interpreted as a lack of organization or regulation within the underworld or be completely unrelated to underworld activities (Rebscher & Vahlenkamp, 1988; Strunk & Pütter, 1993). Also, the appearance of a tighter structure among foreign criminals may stem from the reluctance of at least certain foreigners to cooperate with German authorities, and from the smaller pool of potential co-offenders in minority communities compared to the German crime network.

# THE IMPACT OF ORGANIZED CRIME ON SOCIETY

While the discussion of the structural design of underworld cooperation addresses the question of a delimitable organized crime phenomenon, the second major claim of the organized crime concept is the alleged threat to society. Unfortunately, the database on which an assessment

of the social impact of organized crime may be reached is very limited. If one refrains from speculation, only bits and pieces of information can be presented.

There are basically two ways of conceptualizing the threat of organized crime. Viewed as a hostile, parasitic phenomenon the focus is on quantity: How many organized criminals are there and what is the amount of damage they inflict on society? An idea of the extent of organized crime is given by the BKA organized crime statistics. In 1993 the police actively investigated criminal groups in 596 proceedings involving 9,884 offenders. The damage done amounted to more than 1.8 billion Deutsche Marks and additional profits of 766 million Deutsche Marks not defined as damage (Bundeskriminalamt, 1994a). Viewed as a social problem the focus is on quality: To what degree is organized crime integrated into society. There are basically two dimensions of integration that can be distinguished. With regard to the general public organized crime may be considered as integrated to the extent that it functions as a provider of illicit goods and services that the public demands. With regard to the legitimate institutions of power - government, political parties, economic corporations, etc. - organized crime may be considered as integrated to the extent that it is incorporated into the specific mechanisms of maintaining and exercising power.

The existence of organized crime in Germany can not be explained with the demand for illicit goods and services alone. While the crime network and autonomous criminal groups do provide illicit goods and services they are also intensely engaged in the commission of predatory crimes. In the list of crimes that have been given by authors in recent years to describe the range of activities of organized crime in Germany predatory and demand satisfying crimes are equally represented. The relevant areas of demand satisfying crimes (avoiding the inaccurate term "victimless crimes") are: Trafficking in narcotics and illegal arms, prostitution, illegal (casino) gambling, illegal employment agencies, trafficking in persons, alien smuggling, and illegal waste disposal. The relevant areas of predatory crimes are: extortion, trafficking in stolen cars, container theft, trafficking in stolen art objects, various forms of fraud and economic crimes, production and distribution of counterfeit money, checks and creditcards, receiving of stolen goods, burglary and other forms of property crimes.

This classification may appear arbitrary since a number of crimes listed as predatory, for example trafficking in stolen cars, aim at satisfying a demand. But the distinction made here refers to whether the marketing aspect is the main characteristic of a criminal activity or only instrumental in securing the proceeds from a socially harmful act. It is difficult to determine the ratio of both categories with regard to organized crime. According to the BKA organized crime statistics the share of predatory offenses by far outweighs that of the demand satisfying offenses: In the 1993 organized crime proceedings 53.3 % of the offenses involved assets and 13.7 % property in contrast to only 4.4 % narcotics offenses (Bundeskriminalamt, 1994a). But these figures are misleading because they do not represent the number of customers in demand satisfying crimes to the same extent they reflect the number of victims of the predatory crimes. On the basis of profit estimates the demand satisfying crimes appear to be far more important. Sieber & Bögel (1993) estimate the annual profits of all operations in the trafficking of stolen cars in Germany at close to 100 million Deutsche Marks while illegal casino gambling is estimated to produce annual profits of ten times as much: 1 billion Deutsche Marks. These figures are

<sup>&</sup>lt;sup>4</sup> The figure of 1.8 billion in losses includes 1.032 billion out of one large scale investigation in connection with the privatization of East German companies and the introduction of the Deutsche Mark into East Germany in 1990.

exceeded by profits of 2 billion Deutsche Marks in the drugmarket according to BKA estimates (Kerner, 1993).

In sum, the available statistical data indicate a significant volume of organized crime activities to provide illicit goods and services. But it can be argued that the integration of organized crime into society has not really gone as far as these figures imply. Instead, the markets organized crime caters to tend to be rather isolated from the general public. For example, the estimated 150,000 - 200,000 regular hard drug users (heroin, cocaine) form a relatively small subculture. The ratio is approximately one hard drug user to every 400 persons, while this ratio in the United States is approximately 1:100. Furthermore, illegal gambling is considered to be popular primarily among certain ethnic minorities. According to the 1993 Police Crime Statistics, while 26.7 % of that years overall number of offenders were non-German, 68.4 % of all gambling offenders were of similar non-German status. The general public's demand for gambling is apparently met by a wide variety of public lotteries and legal slotmachine and casino gambling, totaling an annual gross volume of approximately 28 billion Deutsche Marks (Albers, 1993).

The role that organized crime currently plays at the level of social institutions of power is generally regarded as marginal. There is no symbiotic relationship between illicit enterprises and party organizations and no labor racketeering. But an increasing influence on these institutions is anticipated as a "second stage of organized crime" (Sieber & Bögel, 1993, p. 363). Three phenomena are frequently dicussed as the first signs of a potential integration process: the position of some leading organized crime figures in local power elites, the infiltration of legitimate business, and the problem of corruption.

An often cited example of local influence on politics involves a pair of brothers who made their career in the redlight district of Frankfurt/Main as organizers of gambling and prostitution. They allegedly conspired with city officials in a number of real estate deals that produced profits in the amount of several million Deutsche Marks before they were arrested in 1989 (Sieber & Bögel, 1993; Leyendecker, Rickelmann & Bönisch, 1992).

The "infiltration" of legitimate business exists at least in so far as many leading network members use a legal front for their illegal activities (Rebscher & Vahlenkamp, 1988). But there are also claims that large scale investments have been made by drug dealers and Italian Mafiaclans especially in East Germany though it is not clear as to what extent these investments have actually led to the exertion of influence (Freiberg & Thamm, 1992; Sterling, 1994).

Finally, the issue of corruption is most frequently raised to support concerns of a growing organized crime influence despite the fact that most of the cited corruption cases are unrelated to organized crime activities. Nonetheless, they are referred to as indicators of a deterioration of ethical standards which is viewed as a necessary precondition for the emergence of organized crime. Corruption seems to be widespread in connection with construction permits and public

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<sup>&</sup>lt;sup>5</sup> Based on figures from the Deutsche Hauptstelle gegen die Suchtgefahren (see Aktuell '95..., 1994) and the National Household Survey on Drug Abuse: Population Estimates 1991 (see Bureau of Justice Statistics, 1992).

<sup>&</sup>lt;sup>6</sup> 26.7 % refers to the total number of reported offenders excluding those suspected of violating provisions against illegal immigration (Bundeskriminalamt, 1994b). The share of foreigners in the illegal gambling statistics could be influenced by variations in the intensity of law enforcement efforts since there is a remarkable negative correlation (Pearson's r=-.74) between the annual number of cases and the share of non-German offenders during the period 1978-1993. From this figure one could speculate that the police tends to target primarily foreign gamblers and only when there is a general crackdown on illegal gambling Germans get caught in greater numbers.

contracts (Leyendecker, Rickelmann & Bönisch 1992; Schaupensteiner, 1994). As far as organized crime is concerned, according to the 1993 BKA statistics almost every tenth reported organized crime case involved the exertion of influence on public administration in Germany.

In an overall picture, some organized crime figures have managed to establish political influence on the local level. In contrast, it seems that organizations of foreigners despite their extensive criminal and money laundering activities lack even this degree of integration. This, of course, does not mean that there are not others who come to far more dramatic assessments (Raith, 1994; Roth & Frey, 1992; Sterling, 1994).

### **CONCLUSION**

The understanding of organized crime differs from one country to another. In Germany a broad concept of organized crime emerged in the 70s from the combination of two originally independent notions: 1.) the concern that the organized crime problem of countries like the United States and Italy could eventually effect Germany and 2.) the perception of significant changes of crime in an increasingly complex society.

The frame of reference of the German organized crime concept includes not only cohesive groups of mostly foreign membership, but also the loose crime network that stretches across the urban underworlds within which groups of various structural characteristics operate on the basis of a division of labor and a division of labor and capital. While Mafia imagery still accounts for much of the success of organized crime as a criminal policy issue the redefinition that was necessary to take the specific nature of crime in Germany into account widened the scope of the organized crime concept and diminished the importance of the Mafia paradigm. The German study of organized crime has to some extent taken advantage of this situation. However, a number of factors have so far stood in the way of more prolific research: the lack of funds, the reluctance of police agencies to cooperate with independent researchers, and the still prevailing tendency among German criminologists and social scientists in general to avoid the topic of organized crime altogether.

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