

Fears and forecasts

Notions about future trends in the early phases of the German debate on organised crime revisited

*Klaus von Lampe*¹

Introduction

The debate on 'organised crime' in general, and in Germany in particular, has been repeatedly criticised for its lack of conceptual clarity and empirical underpinning, and for leading to policies that appear to rest on essentially a vague and ambiguous construct of social reality (Albrecht, 1998; Busch, 1991; Van Duyne, 2004; von Lampe, 2001). Or, put more bluntly, on stereotypes that "*owe more to Hollywood and police hype than to serious research*" (Naylor, 2003: 99). However, the lack of research does not automatically mean that the assumptions on which the mainstream discourse has rested, are false. The question is, to what extent the debate on 'organised crime' has relied simply on constructing a threat image, and to what extent it has been driven by realistic concerns. With the privilege of hindsight, a cautious answer to this question seems possible, especially when one focuses on one particular facet of the debate: predictions of the future development of 'organised crime'. Retrospectively it is difficult if not impossible to ascertain the accuracy of statements about the nature and extent of 'organised crime' for a given historical point in time. But to some extent it appears possible to judge past predictions of the development of 'organised crime', at least as far as these predictions pertain to broad trends which should have materialised in the meantime.

The purpose of this paper is to systematically examine such predictions within the context of the first 30 years of the German debate on 'organised crime', which can roughly be dated back to the time period from the mid-1960s to the mid-1990s, and to discuss these predictions with respect to two aspects.

First, what predictions have been made about the future of 'organised crime' in Germany, and to what extent, based on today's knowledge, have these predictions been accurate. Drawing on published law enforcement data, this chapter will argue that the generally pessimistic undertone of the 'organised crime'-debate is

¹ Associate Professor, John Jay College of Criminal Justice (City University of New York).

contrasted with a development of the crime landscape that appears to be less dynamic and less dramatic than anticipated.

Second, the predictions are examined with a view to general ideas about the developmental dynamics of 'organised crime'. It will be argued that while these notions have been vague and ephemeral over the years, there is a persistent belief that Germany is under a manifest or latent threat of being taken over by foreign criminal organisations.

This point will be illustrated through a brief review of the reactions to three recent high-profile criminal cases: the serial murder of immigrant businessmen between 2000 and 2006 in various parts of Germany; the killing of seven Asians in a Chinese restaurant in a small town in North-West Germany in 2007; and the shooting dead of six Italians outside a pizzeria in the city of Duisburg in 2007.

Historical Background

The beginning of the German debate on 'organised crime' can be traced back to the 1960s when law enforcement officials began to notice a profound change in the crime landscape. The new crime landscape, it was alleged, was populated by offenders who were more intelligent and skilful than before, employing modern technologies and displaying strategic thinking (Hellmer, 1966; Niggemeyer, 1967). At the same time, crime appeared to be more and more an affair of internationally mobile offenders, or offenders that had relocated to Germany amidst the flow of labour migrants from Southern Europe (Bux, 1966; Ochs, 1964; Wehner, 1966; Westphal, 1969). It was in this climate that 'organised crime' first appeared as a theme in the West-German criminal policy debate.

Among the first voices that eventually would swell to a chorus was that of a police detective, Reinhard Steinke. He was the author of a paper about the Mafia in Italy and the U.S. which was published in a volume on international law enforcement in 1966 (Steinke, 1966). Steinke declared the Mafia the scourge of the future for Germany, arguing that the liberalised criminal procedure code, which had gone into effect in the previous year, would attract criminals from other countries and would make West-Germany their preferred domicile and area of operation. Steinke continued:

"It doesn't require any prophetic talent to dare to predict that in 1966 and 1967 a crime boom will come upon us that can but evoke a terrible shudder. The Mafia will deliver its first great blow perhaps in the Cologne area. Presumably, at first only roadblocks will be erected and the motorists will be relieved of their cash. This should be followed by assaults on farm estates and the extortion of

business people, and certainly cases of kidnapping will be the next measures to intimidate the population." (Steinke, 1966: 149).

The media eagerly picked up on the issue. The *General-Anzeiger* in Bonn, seat of the government of West-Germany, asked in a headline "How big is the Mafia in Germany?" only to add: "First big blow expected in the Cologne area". The *Schwäbische Donau-Zeitung* in Ulm told its readers that the "Mafia prepares for an assault on Germany" and that the German police is helpless.²

Of course, the Mafia never set up any roadblocks anywhere in the country, nor have mafiosi become notorious for assaulting farm estates or engaging in kidnappings in Germany, although cases of the extortion of business people have been reported, typically in the case of restaurateurs of Italian origin (see Flormann and Krevert, 2001). So, while offhand, most of Steinke's predictions can be quickly discounted as rather bizarre horror scenarios, they did (and still do) strike a familiar note. His line of reasoning is, first of all, a variant of what American scholars have branded the 'alien conspiracy theory', the notion that 'organised crime' in the U.S., and by extension in Western Europe, is an imported phenomenon, rather than an outgrowth and integral part of the society where it exists (Potter, 1994; Smith, 1976).

But there is also a specific understanding of the developmental dynamics of 'organised crime' encapsulated in Steinke's thinking that has been resurfacing on occasion since then: the notion of a revolutionary rather than evolutionary process. It is a belief that a criminal group can establish itself in a new territory with a show of force in the form of blatant acts of violence.

The question that will be addressed in the following section is to what extent this notion of an 'alien take-over' is representative of the German discourse on 'organised crime', and how close to this and other scenarios the reality of crime in Germany has come over the past decades.

Methods and data

At the centre of the following discussion will be a systematic content analysis of the two leading German law enforcement journals *Die Polizei* and *Kriminalistik* covering the period from 1965 until 1994.

These two journals have been a major outlet for treatises by high ranking police officials and mid-level practitioners while also including scholarly contributions.

² Cited in a book review in *Die Polizei*, 1966, p. 300.

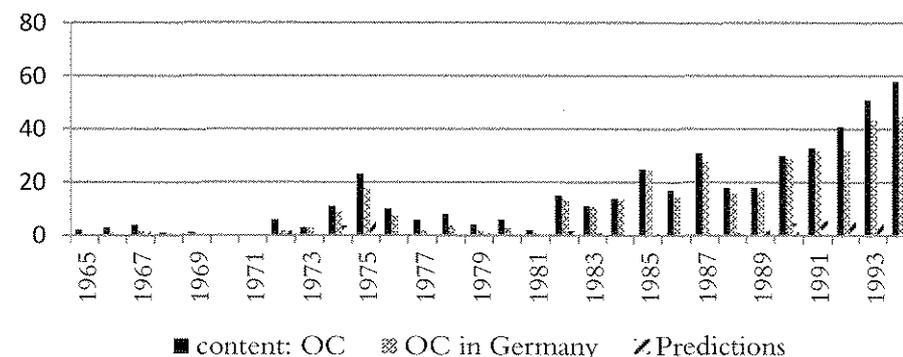
The journals arguably provided the main forum for the discussion of 'organised crime' in Germany, at least during the time period in question. There seems to be a broad agreement among scholars that the German debate has been dominated by police officials and prosecutors (Albrecht, 1998; Busch, 1991; Kinzig, 2003). In fact, as I have shown elsewhere, the German media closely followed and took cues from the 'organised crime' debate within the law enforcement community (von Lampe, 2001).

In the absence of digitalised versions, print versions of *Die Polizei* and *Kriminalistik* were manually searched for content containing variations of the term 'organised crime' ('organisierte Kriminalität', 'organisiertes Verbrechen', 'organisiertes Verbrechen'). This conceptual-history approach was chosen because it enables the scope of the material to be clearly and unambiguously defined for the purpose of the analysis. The importance of an article is determined strictly on a semantic level which leaves no room for interpretation. The downside is that articles that address, for example, mafia organisations or drug trafficking without using any synonyms of 'organised crime' are not included in the analysis; even though it could be argued that they are pertinent to the topic. However, such cases are fairly rare.

Overview of the organised crime debate in Germany 1965-1994

The initial analysis of the two law enforcement journals resulted in the identification of 452 articles and other items (book reviews, short reports, etc.) covering the period 1965 until 1994 that contained the term 'organised crime', 180 in *Die Polizei* and 272 in *Kriminalistik*. Figure 1 combines the data from both journals and shows the chronological distribution of the pertinent content (black columns). It also indicates for every year how often the discussion referred to the situation in Germany rather than only that in other countries (grey columns), and how often statements were made about the expected future development of 'organised crime' in Germany (striped columns), *i.e.* the kinds of statements which are the focal point of this chapter.

Figure 1

The 'organised crime' debate in *Die Polizei* and *Kriminalistik*, 1965-1994

The data show that the prominence the concept of 'organised crime' had reached by the 1990s was not the endpoint of a linear process. Early peaks in the usage of the term 'organised crime' in 1967 and 1975 were followed, respectively, by phases where the term fell out of favour, only to emerge as a more or less consistently used term in the 1980s, and as an even more frequently used term in the first half of the 1990s.

As I have discussed elsewhere (von Lampe, 2001), these changes in the popularity of the term 'organised crime' are not so much linked to particular events in the real world of crime, but to events and developments in other spheres of society. For example, in the early 1970s a handful of police officials initiated a series of seminars at the national police academy and successfully lobbied for 'organised crime' to be the theme of the 1974 annual conference of the Bundeskriminalamt (BKA), Germany's federal police agency. A number of the articles in *Die Polizei* and *Kriminalistik* directly reflect these internal discussions within the German police. Likewise, after the attempt had failed in 1975, to establish an official definition of 'organised crime' against the backdrop of a struggle over competencies between the Bavarian police and the BKA, the term 'organised crime' all but vanished from the law enforcement literature. It was not until the early 1980s that the term 'organised crime' resurfaced; following a change in leadership in the BKA and a change of mind on the part of the Bavarian police (von Lampe, 2001).

It is also important to point out that the geographical point of reference for the debate changed over the years. Initially, in the 1960s, 'organised crime' was primarily seen as a phenomenon affecting other countries, namely the United States and Italy. Only a small share (36 percent) of the pertinent items identified from the time period 1965 - 1969 discuss the current or future existence of 'organised crime' in Germany. For the 1970s, the share of items addressing 'organised crime' in Germany increases to 68 percent, and to 92 percent and 86 percent, respectively,

for the 1980s and 1990s. The slight relative decline in the focus on the situation in Germany during the 1990s can be explained by the emerging international debate on 'organised crime' and the changes in Eastern Europe which resulted in more articles in *Die Polizei* and *Kriminalistik* addressing phenomena in the former Soviet Bloc and at an international level.

Finally, the interesting pattern that is revealed by Figure 1 is that statements about the future development of 'organised crime' in Germany are fairly rare overall and for the most part are concentrated within two distinct phases of the debate. Of the 452 identified items in *Die Polizei* and *Kriminalistik* which address 'organised crime', only 51 contain some kind of prediction pertaining to Germany; most (38) of these statements either stem from the mid-1970s (1974 and 1975) or from the years 1990–1994. This suggests that during these periods, the crime situation was more commonly perceived as being dynamic compared to the period of the 1980s when 'organised crime' became recognised as an integral part of a rather static German crime landscape (see also von Lampe, 2001).

Predictions about the future development of 'organised crime' in Germany

Assumptions about the future development of 'organised crime' in Germany can be roughly grouped into three categories. According to one view, criminal organisations from countries such as Italy were expected to extend their areas of operation into Germany. Reinhard Steinke's 1966 paper (cited above), is one of the most elaborate examples in this category.

According to another view (see, e.g., Niggemeyer, 1967: 168), the dominance of criminal organisations is envisioned for the future, but occurring as the result of endogenous processes rather than the infiltration of criminal groups from abroad. In this scenario, social and economic forces along with deficiencies in the legal and institutional frameworks in Germany were seen as the driving forces behind a process that supposedly would lead to conditions similar to those perceived to exist in the U.S. and Italy.

A third view (see, e.g., Kollmar, 1974) saw forms of 'organised crime' specific to the German context developing with little influence from or similarities to the perceived situation in countries such as the United States and Italy.

Before going into more detail I need to stress that in most cases, predictions are contained only in brief statements that lack any elaboration of an underlying theory of the dynamics of 'organised crime'. Typically, future developments are simply extrapolated from a perceived status quo, or they are framed as approximations to

an anticipated state of affairs, without a discussion of the processes that would bring about these changes.

Mafia infiltration

The concerns that established criminal organisations might expand their areas of operation into Germany had in part to do with the labour migration from Southern Italy and other parts of the Mediterranean since the 1950s and 1960s. Later, the influx of migrants more generally, namely the large numbers of asylum seekers in the 1980s and early 1990s, gave rise to fears that foreign criminals might gain a position of power in Germany. The concentration of migrants in urban areas, it was argued, could lead to marginalised subcultures which in turn would be fertile grounds for the development of 'organised crime', potentially centred on existing cells of traditional mafia organisations (Werner, 1982: 136). The endpoint of such a development was described as a situation where a criminal organisation, under the leadership of a 'capo' or 'godfather', gains control over a broad range of criminal activities (Sielaff, 1983: 419–420).

These developments were not necessarily seen as imminent or likely scenarios. The 'American example', for the most part, appeared as an admonition of what could happen if things went terribly wrong. That is, if the socio-economic conditions in Germany deteriorated and the legal and institutional framework for combating 'organised crime' had not been reformed as desired (Beuys, 1967: 67; Steinke, 1982: 98).

In later years, particularly in the 1990s, considerations of the socio-economic and legal-institutional development within Germany moved into the background, giving way to scenarios that emphasised the perceived globalisation of crime. These scenarios saw transnational criminal groups appearing and gaining influence in Germany as an outgrowth of an increasingly borderless world. At the centre of attention were, as before, mafia organisations from Italy, but also phenomena such as Chinese triads and Japanese Yakuza, and the so-called 'drug cartels' from Latin America. One of the main proponents of the debate, Alfred Stümper, a leading police official from the state of Baden-Württemberg, warned in 1990 in *Kriminalistik* that "globally operating organised crime (has) reached a completely different dimension compared to earlier times". The "attempts by Colombian drug cartels", he added, "are just one part of the overall threat" (Stümper, 1990: 4; see also Stümper, 1991: 696; 1992: 163). Likewise, in an article in *Kriminalistik* in 1993, a police detective, after noting a "dramatic" increase in mafia related crimes in Germany, mainly as a result of "displacement effects", predicted that "the activities of the Mafia and other criminal organisations (will) further drastically increase" (Koriath, 1993: 368).

Predictions of ‘organised crime’ beyond the ‘alien conspiracy theory’

It is important to emphasise that scenarios of established foreign criminal groups gaining influence in Germany do not exhaustively characterise how future developments of ‘organised crime’ were envisaged during the mid-1960s through to the mid-1990s. In fact, numerically speaking, of the 51 articles in *Die Polizei* and *Kriminalistik* that include predictions, less than one-third (15) contain statements foreseeing the (increased) influx of foreign criminal groups in the near or distant future. A few other articles (8) contain predictions of an increasing “internationalization” of ‘organised crime’, but more in the sense of an increasing cross-border mobility and networking of criminals in different directions. By far the most common expectation, articulated in 46 of the 51 pertinent articles, is that ‘organised crime’ as a domestic problem will in some way or other get worse over time. Some of the reasons for this pessimistic outlook were assumptions that ‘organised criminals’ will become more sophisticated and will increasingly use modern technology and, as a result, will operate more profitably, will gain more importance relative to ‘non-organised’ criminals, and will gain more influence over the government, the economy and the media. The overarching concern in the law enforcement literature, however, has been that the police will not be able to effectively combat ‘organised crime’ (Schäfer, 1985: 582). Typical is the implicit or explicit juxtaposition of civil rights (of “*persons who obviously need to be considered a part of organised crime*”) and “*the threat from an increasing spread and consolidation of criminal power*” (Sielaff, 1992: 754).

Interestingly, not a single article in *Die Polizei* or *Kriminalistik* could be identified where a future is envisioned with either less, or less serious ‘organised crime’. In fact, one is hard pressed to find any voice in the German mainstream debate on organised crime with an optimistic undertone. In 1989 and 1990, the Bundeskriminalamt conducted a ‘delphi study’ on the threat of ‘organised crime’ with the participation of 26 experts from the fields of law enforcement, academia and the media (Dörmann, Koch, Risch and Vahlenkamp, 1990). When asked about the anticipated situation in the year 2000, all experts “*agreed that the share of OC of total crime will double*” (Dörmann *et al.*, 1990: 24). The authors add that it is “*remarkable that the representatives of the police assume lower shares for today as well as for the year 2000 compared to the other experts*” (Dörmann *et al.*, 1990: 24), and that according to only one expert the increase in ‘organised crime’ may slow to a halt by the mid-1990s and change into a downward trend as a result of the implementation of countermeasures (Dörmann *et al.*, 1990: 25).

Predictions of the future of ‘organised crime’ summarised

In a nutshell, then, the first 30 years of the German debate on ‘organised crime’ were marked by a pessimistic undertone whenever future developments were discussed. The expectations generally were that ‘organised crime’ will become more problematic and will gain more importance relative to ‘non-organised’ crime and *vis-a-vis* the legitimate spheres of society. Contrary to what one might expect, however, the notion of foreign criminal groups infiltrating Germany and eventually dominating the German underworld, while being a recurring theme, was not ubiquitous.

The development of ‘organised crime’ in Germany since the 1960s through the eyes of law enforcement

To evaluate past predictions one needs to contrast the envisioned scenarios with the actual developments that have taken place in the meantime. This is a tall order in the case of ‘organised crime’. One would need to integrate and triangulate fragmented data spread across different kinds of sources, including law enforcement, the media, and empirical research. But even these sources combined would probably fall short of providing a clear and comprehensive picture. Within the scope of this chapter the focus will be on publically available law enforcement data to contrast past predictions in the law enforcement literature with how the reality of ‘organised crime’ has presented itself to law enforcement in the meantime.

Crime statistics

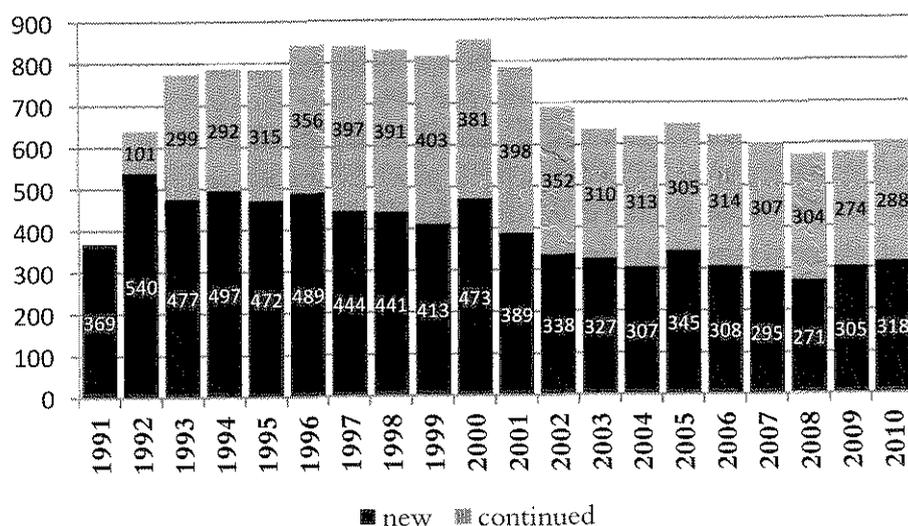
The conventional crime statistics, *Polizeiliche Kriminalstatistik* (PKS), just like the German Criminal Code, *Strafgesetzbuch* (StGB), do not contain a category or categories that would be indicative of the development of ‘organised crime’, irrespective of what specific conceptualisation of the term one chooses (von Lampe, 2005). ‘Organised crime’ is not a criminal offence under German law, and the “criminal association” offence contained in sec. 129 StGB is applicable only to a limited subset of criminal structures (Kinzig, 2004). Therefore, it appears impossible to pass a judgment on the relative importance of ‘organised’ and ‘non-organised’ crime. In fact, as far as can be seen from a cursory review of the more recent ‘organised crime’ debate, there is no perceived shift in terms of volume from ‘non-organised’ to ‘organised’ criminal activities over the past two decades.

The annual situation reports: quantitative changes

While the traditional crime statistics are inconclusive as regards the development of ‘organised crime’, what is available since 1991 are annual situation reports based on investigations that qualify as ‘organised crime’ cases according to Germany’s official definition. This definition conceptualises ‘organised crime’ as a particular form of criminal conduct:

“the planned commission of criminal offences determined by the pursuit of profit or power which, individually or as a whole, are of considerable importance if more than two persons, each with his/her own assigned tasks, collaborate for a prolonged or indefinite period of time, (a) by using commercial or business-like structures, (b) by using force or other suitable means of intimidation, or (c) by exerting influence on politics, the media, public administration, judicial authorities or the business sector”.³

Figure 2
‘Organised crime’ investigations per year, 1991–2010



Source: Bundeskriminalamt

The annual situation reports indicate the number of ‘organised crime’ investigations conducted by German law enforcement agencies at the state and national levels, and they provide some details on the offenders and offences examined in the course

³ Wording adopted from BKA (2011b: 9); however, one error in translation has been corrected.

of these investigations. Figure 2 shows that after an initial increase from 1991 until 1993, the number of reported ‘organised crime’ cases remained on a constant level until 2001. In the 2000s the number of ‘organised crime’ cases dropped back to levels seen during the early-1990s, even though the number of agencies contributing to the report had increased (von Lampe, 2005).

Of course, it is problematic to draw inferences from these figures about the actual extent of ‘organised crime’ and changes over time. As the drop in cases since 2001 suggests, the situation reports may simply reveal changes in the investigative resources invested in the area of ‘organised crime’ compared to other areas, namely the area of terrorism. Thus, it would be inappropriate to relate to the situation reports and to speak of a demise of ‘organised crime’ having taken place since 2001. At the same time, the situation reports, contrary to earlier expectations, cannot serve as evidence of an assumed quantitative increase in the importance of ‘organised crime’ in Germany either.

The annual situation reports: qualitative changes – influence-taking

Whereas quantitative trends are difficult to discern, the annual ‘organised crime’ reports may be better suited to capture certain qualitative changes, at least within the scope of what the German police is able to monitor. However, not all aspects that have been addressed in previous predictions of the future of ‘organised crime’ are incorporated in these situation reports. For example, it is not possible to deduce changes in the technological sophistication of criminal groups. But there are qualitative trends that may show up, namely with regard to the influence criminals exert on the legal spheres of society.

The situation reports contain information about the number of cases per year that involve influence-taking on decision-making processes in the realms of government, politics, courts, the media and business in accordance with alternative (c) of the official organised crime definition (see above). Yet, no clear trends become discernible. Between 1992 and 2002, the share of ‘organised crime’ cases reported to the BKA that involved influence-taking in some form, which also includes influence-taking outside of Germany, ranged from 15% to 23% (Bundeskriminalamt, 2003: 33). This share has risen to between 25% and 30% since 2003. But this increase seems to be the result of a clarification the Bundeskriminalamt made in 2002 with regard to the reporting criteria that have to be complied with when a case is submitted for inclusion in the situation report. The BKA pointed out that “influence-taking” is not only meant to include corruption offences defined in the German Criminal Code but also activities below

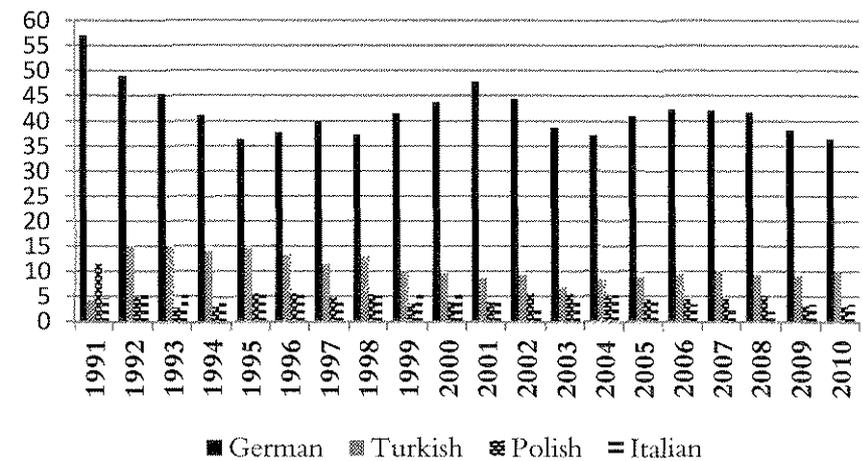
that level, such as the creation of dependencies of office holders (Bundeskriminalamt, 2003: 8; Bundeskriminalamt, 2004: 5). Actual incidents of corruption in the legal sense are reported in only a handful of 'organised crime' cases each year. A similar picture emerges from the annual situation reports on corruption which the BKA has been issuing since 1994. Only a small fraction, at times less than 1% of the cases reported each year have been tied to 'organised crime' (Bundeskriminalamt, 2003: 32; 2005: 50).

Accordingly, the Bundeskriminalamt has rejected the notion that a close link between corruption and 'organised crime' exists in Germany. Rather, the data collected and analysed by the BKA suggest that corrupt practices are much more typical for 'legitimate' businesses than for criminal groups, and also that German corrupters are much more prevalent than foreign corrupters (Bundeskriminalamt, 2001: 3; 2003: 33; 2011a: 15-16). In addition, an in-depth analysis conducted by the BKA revealed that criminal groups dominated by non-Germans exert influence primarily in their home countries whereas German criminal groups typically draw on existing familial and friendship ties to influence decision-making processes (Bundeskriminalamt, 2003: 34).

Foreign criminal groups

Apart from the overall development of 'organised crime', the annual situation reports are designed to provide information about the make-up of the population of 'organised criminals' and in particular the role of foreign criminals. This provides an opportunity to see whether the prevalence of foreign criminals in the area of 'organised crime' has changed. However, upon closer inspection no clear trend in one direction or the other becomes apparent.

Figure 3
Share of selected nationalities among 'organised crime' suspects per year, 1991-2010



Source: Bundeskriminalamt

In 2010, German nationals were by far the largest group (3,515 or 36,5%) among a total of 9,632 'organised crime' suspects from 113 different countries. Suspects of Turkish nationality constituted the second largest group of suspected offenders with a share of 10,3% (996), followed by Italians with a share of 3,5 % (340) (Bundeskriminalamt, 2011b). This pattern is not substantially different from previous years, as Figure 3 indicates. While in the first year for which data were collected, 1991, a large proportion of 57,1% of suspects held German citizenship, the share of German nationals among 'organised crime' suspects has periodically decreased and then increased in the subsequent years. Following a decline until 1994, the share of suspects holding German citizenship rose from 36,4 % in 1995 to a peak of 47,9% in 2001 and another less prominent peak of 42,3 % in 2006, only to gradually decrease again to 1995-levels by 2010. The share of Turkish nationals, the largest group of foreign 'organised crime' suspects, has decreased from peaks at 14,8% and 14,6% in 1992 respectively 1995 to a low of 8,4% in 2003 and rebounded to a level of 10,3% in 2010. In comparison, the share of Italian suspects shows a downward trend overall, with levels above 5% in most of the years until 2000 and a share of around 3% in recent years. Other nationalities, such as Poland, former Yugoslavia, Romania, the Lebanon, Nigeria and Vietnam, have held similar single-digit shares for some or most of the time period between 1991 and 2010.

A slightly different picture emerges when one looks at criminal groups instead of individual offenders. Since 2003, the situation reports differentiate investigations

by the nationality of the suspects who “dominate” a particular criminal group. This is different from the make-up of criminal groups because most of the ‘organised crime’ cases, 73,9 % in 2010, involve suspects from more than one country (Bundeskriminalamt, 2011b: 6).

According to these data, as well, Germans are the most prevalent actors in the German underworld, but to a lesser degree than the overall number of suspects suggests. On average, in 30,1% of ‘organised crime’ cases under investigation from 2003 until 2010, Germans were the main players, Turks were found to be in control in 12,1% of cases, compared to 4,2% Italian led groups and 5,1% Polish led groups.

Overall, the data from the annual ‘organised crime’ situation reports do not show a discernible trend towards an increasing importance of foreign criminals. Nor do the situation reports suggest that particular criminal groups from abroad, namely Italian mafia organisations, have established themselves as a dominant force. What the situation reports do suggest is that foreign criminals are part of an ethnically heterogeneous crime landscape with numerous links between criminals of different backgrounds.

Italian criminal groups in Germany

The picture that emerges from the situation reports of the role of foreign ‘organised’ criminals is in line with previous research sponsored by the Bundeskriminalamt. In the early 1970s, Hans Jürgen Kerner interviewed German investigators to determine the state of ‘organised crime’ in the country (Kerner, 1973). A similar study was again conducted in the mid-1980s, this time by Erich Rebscher and Werner Vahlenkamp (Rebscher and Vahlenkamp, 1988). Both studies described the German underworld essentially as a loose system of varying criminal alliances between criminals of different ethnic backgrounds without a permanent centralisation of power in the hands of any particular group. While the existence of ethnically homogeneous groups with hierarchical structures was acknowledged, these groups did not seem to play a central role. Given the recurring theme of an infiltration by foreign criminal groups, this aspect is particularly noteworthy and deserves closer inspection, especially with regard to Italian mafia organisations.

According to Kerner’s analysis, Germany had been an area of operation for internationally mobile Italian offenders since at least the 1960s, while Italian migrant workers, in the eyes of the German police, did not constitute any particular crime problem (Kerner, 1973: 223). Italian professional criminals were prominently involved in crimes such as currency counterfeiting, the trafficking in stolen motor vehicles, serial burglary and robbery, often in cooperation with

criminals from other countries, including Germany, France and Belgium. Italian professional criminals, thus, appeared to be part of a European crime network. In contrast, there was no indication of mafia organisations encroaching on Germany. In 1965, the Bundeskriminalamt had drawn up a list of 86 “Mafia-Bosses” who might attempt to infiltrate the German underworld. None of these individuals, however, appeared on the scene in the following years (Kerner, 1973: 223). “*The traditional Sicilian Mafia*,” Kerner concluded, “has so far not spread to other countries” (Kerner, 1973: 235).

Rebscher and Vahlenkamp likewise found a significant presence of Italian criminals in Germany, particularly in the Southern and central parts of the country. They also noted that some investigators saw Italians as a special breed of criminals with regard to the cohesiveness of their networks, rivalled perhaps only by Yugoslavian offender groups and outlaw motorcycle gangs (Rebscher and Vahlenkamp, 1988: 26, 45). Italian criminals allegedly had a strong sense of belonging to a particular criminal group or ‘family’, with group leaders enjoying a degree of authority largely unknown among German criminals (Rebscher and Vahlenkamp, 1988: 26). Yet this higher degree of cohesion apparently did not translate into a greater influence or position of power within the underworld and in the broader societal context. “*It is not appropriate to speak of an importation of foreign OC-conditions into the Federal Republic of Germany*,” Rebscher and Vahlenkamp concluded, even though “*foreign offender groups have had their part in shaping OC in the Federal Republic*” (Rebscher and Vahlenkamp, 1988: 140).

In connection with the drafting of the first organised crime situation report, analysts of the Bundeskriminalamt revisited the question of a mafia infiltration into Germany based on a review of pertinent investigations from the years 1989 until 1991. During this time span, 62 cases involving members of the Sicilian Mafia, Camorra, ‘Ndrangheta and Sacra Corona Unita, the four main Italian mafia organisations, had been under investigation by German law enforcement agencies. The cases pertained primarily to drug dealing, the trafficking in stolen motor vehicles, violations of Germany’s gun laws, and extortion. The analysis confirmed the presence of Italian mafiosi, particularly from the lower ranks, in Germany. However, it remained unclear to what extent Italian mafia organisations had established bases of operation on German soil (Gehm and Link, 1992: 494).

A decade later, another analysis of the state of ‘organised crime’ in Germany based on police intelligence suggested that such bases did indeed exist (Flormann and Krevert, 2001). Five examples for the presence of Italian mafia organisations were presented to underscore this claim.

The most detailed case involved a ‘Ndrangheta cell with branches in several mostly southern German towns. Members had to obtain permission to commit

crimes such as extortion, theft, robbery, fencing and drugs, and they had to share their crime proceeds with the group hierarchy. Interestingly the group was dismantled by the police with the help of several informants, and the investigation had been triggered by an Italian restaurateur who had turned to the police for help against three Italians who had demanded protection payments (Flormann and Krevert, 2001: 66).

By the late 2000s, following the 'Duisburg massacre' of 2007, which I will discuss further below, the 'Ndrangheta moved to the centre of attention. In the previous years, among the Italian mafia organisations the Camorra had been perceived to constitute the main threat to Germany (Förster, 2007).

In an internal report from 2008 that has been leaked to the press, the Bundeskriminalamt listed the names of more than 750 individuals with assumed 'Ndrangheta links residing in Germany. The report also notes that leading members of certain 'Ndrangheta clans have relocated to Germany in the past (Ohnewald, 2010). Yet from the content that has been disclosed in the press it is not clear what should constitute the "*qualitative leap*" in the 'Ndrangheta presence that the report claims has occurred in recent years (Ohnewald, 2010).

What appears to be established knowledge is that 'Ndrangheta members have been involved in criminal and legal economic activities in Germany for decades. Legal investments pertain particularly to restaurants, construction and the real estate sector with which, it is alleged, large sums of illegal proceeds are being laundered (Reski, 2009). It also seems that the cells existing in Germany are in a structural sense integral parts of 'Ndrangheta clans in Calabria (Forgione, 2011). Yet there is no clear evidence that the influence of the 'Ndrangheta in the German underworld and upperworld has grown in absolute terms, or relative to the influence of other criminal groups. In particular, there is no indication that 'Ndrangheta cells in Germany have been able, or even have tried to establish the kind of territorial control and the selling of protection which constitutes the core business of mafia organisations in Italy (see Campana, 2011; Varese, 2011) and which has been envisioned in the German 'organised crime' debate since the 1960s as a possible development. Even those who blame the German public and the German police for ignoring the threat posed by the 'Ndrangheta implicitly support this assessment. Francesco Forgione, for example, in his book *Mafia Export*, argues that the true reason why the 'Ndrangheta has established bases of operation in Germany is the cocaine trade and the need to have a logistical infrastructure for receiving and transporting drug shipments arriving at north-western European ports such as Antwerp and Rotterdam (Forgione, 2011: 131-132). And the economic and political influence of the 'Ndrangheta in Germany is still measured primarily in terms of the number of restaurants owned and operated by 'ndranghetisti and by

the ties they establish to politicians who frequent these restaurants (Forgione, 2011: 143; Ohnewald, 2010).

The current picture of 'organised crime' in Germany

It is important to re-emphasise at this point that this chapter does not intend to present an exhaustive assessment of the situation of 'organised crime' in Germany. Further the possibility cannot be excluded that under the surface other and much graver developments have taken place. My purpose, though, is not to speculate but to contrast past predictions with what is known about the state of 'organised crime' today through the lens of the law enforcement community.

I would argue that there is no sufficient basis for claims that truly fundamental changes have taken place since the 1970s, either quantitatively or qualitatively, that would correspond to the pessimistic outlook from 20 to 50 years ago on the future development of 'organised crime' in Germany. There have been forms of crime decades ago, some might even claim centuries ago (Weschke, 1986: 317), that involve fairly sophisticated offenders who cooperate on a more or less continuous basis and who pose a challenge for the police and the criminal justice system. When speaking of an absence of fundamental changes, therefore, I assume that the situation has remained at a rather high level of severity over the past few decades.

Rebscher and Vahlenkamp, in their analysis of the situation in the mid-1980s spoke of local offender networks without a distinguishable overall organisation which constituted the typical form of criminal structures in the urban areas in Germany. These local 'scenes' or 'milieus' were populated by individuals who knew each other and cooperated as the need and opportunity arose according to the logic of a particular criminal activity on a short or more long term basis (Rebscher and Vahlenkamp, 1988: 24, 31-35). Connections between the local 'milieus' existed through influential individuals who occupied the higher rungs in an informal status hierarchy (Rebscher and Vahlenkamp, 1988: 38).

Some foreign criminals, Rebscher and Vahlenkamp (1988: 66) report, kept a distance to local crime 'milieus' for various reasons, such as a lack of acceptance and language difficulties. Others had gone through a process of adjustment or even absorption into the criminal 'milieus' in Germany (Rebscher and Vahlenkamp, 1988: 139). Overall, peaceful coexistence rather than violent competition characterised the relationship between 'organised' criminals, irrespective of their ethnic background. Cases of violent conflict were rare and were typically linked to the intrusion by foreign criminals into an area or market without the consent of the existing, ethnically mixed local crime network (Rebscher and Vahlenkamp, 1988: 103-104).

Attempts to gain influence over public officials were made through sponsoring activities and by targeting the individual weaknesses of office holders, however, without the use or threat of violence, even when recruitment efforts failed (Rebscher and Vahlenkamp, 1988: 131–132).

When one looks at the annual ‘organised crime’ reports and other assessments by German law enforcement agencies, but also at the scarce academic research in this area (Kinzig, 2004; Sieber and Bögel, 1993; van Duyne, 1996; von Lampe, 2003; 2007), it seems that this description has remained valid and that from the perspective of the law enforcement community this is the way ‘organised crime’ in Germany continues to present itself today.

Three high profile murder cases

In contrast to the picture of a rather static or only gradually changing crime landscape, there appears to be a latent notion persisting in the public conscience and in the minds of at least some law enforcement officials that the crime situation can change drastically within a fairly short time span. This notion is linked, it seems, to stereotypical imagery of foreign mafia organisations ruthlessly using violence in pursuit of their interests in gross defiance of state authority and civil society: the very imagery one can find at the beginning of the German ‘organised crime’ debate half a century ago with speculations about impending mafia roadblocks.

To illustrate this point, it is interesting to consider three notorious crime cases that have captivated the imagination of law enforcement authorities and the media. The three cases that are briefly discussed here are arguably among the most publicised cases of multiple murders in recent German history. They all have in common not only an unusually high number of victims: between six and nine. They are also similar in that they have evoked images of sinister mafia organisations behind the killings: in one case Turkish or Kurdish criminal groups, in one case Chinese triads, and in one case the ‘Ndrangheta. Only in the latter case, it turned out, was there an element of truth to these speculations.

The so-called Ceska killings

Between 2000 and 2006, eight men of Turkish origin and one man of Greek origin between the ages of 21 and 50 were shot dead in different German cities: two in Munich, one in Hamburg, one in Rostock, one in Dortmund, one in Kassel, and three in Nuremberg. All victims were killed inside or nearby businesses

of the kind that are typically run by migrants. The only concrete link between the crimes was the use of the same gun, a Ceska 83, cal. 7,65 (Przybilla, 2010).

The German police invested vast resources in an effort to identify and apprehend the perpetrator or perpetrators. Up to 160 officers were assigned to the case in the state of Bavaria alone where five of the nine murders had been committed. The main thrust of the investigation was directed at an assumed ‘organised crime’ background, even though leads in this direction, if at all, existed only with regard to three of the nine victims. The very “*criminal inconspicuousness of the victims*,” one investigator surmised, could indicate that they had links to an “OC group” (Leyendecker, Goetz and Richter, 2012).

It was not until 2011 that the truth came to light. The killings had been committed by neo-Nazis with an apparent xenophobic motivation (Heise, Röbel and Stark, 2012).

The massacre in Sittensen

The second case involved a Chinese restaurant in the small town of Sittensen, located between Hamburg and Bremen. Seven Asians between the ages of 28 and 57 were shot and killed inside this restaurant one night in February 2007. The victims included the couple who owned the restaurant and five employees.

The media were quick to speculate that the killings were the act of a Chinese triad which had attempted to collect protection payments (von Lucius, 2007). The police, unlike in the case of the Ceska murders, avoided a fixation on an ‘organised crime’ angle in initial statements and were fortunate that a coincidence helped to solve the case within hours. At a road block two Vietnamese were apprehended without the necessary papers and a subsequent search of their vehicle produced a hand-drawn map of the restaurant in Sittensen. Eventually two pairs of brothers and a former employee at the Chinese restaurant, all of Vietnamese origin, were convicted for what turned out to be a robbery that had got out of hand (*stem.de*, 2009).

The Duisburg massacre

The third case I want to briefly discuss is the now infamous Duisburg massacre. On 15 August 2007, at about 2 a.m., six Calabrians between the ages of 16 and 38 were shot dead outside an Italian restaurant in Duisburg, a town in the Ruhr region. Once again, the media, without hesitation, took the killings as a sign that “*The Mafia is on its way to Germany*”, as one newspaper headline announced (*Berliner Morgenpost*, 17 August 2007).

There was little time for speculation, however. With the help of the Italian authorities it quickly became known that the six men in Duisburg had fallen victim to a family feud that had pitted two 'Ndrangheta clans from the Calabrian town of San Luca against each other since 1991. Some members of the two clans had relocated to Germany over the years and, as it seems, had formed 'Ndrangheta cells in fairly close proximity to each other here (Piller, 2008; Reski, 2009).

The Duisburg killings have been interpreted in different ways by the German law enforcement community. Some feared that mafia wars could spread to Germany (Förster, 2007). For the most part, however, the Duisburg massacre has been viewed as evidence of what had already been known before, an established, and perhaps growing 'Ndrangheta presence in the country, while the murder itself, the blatant use of violence, is considered atypical for that presence (*Zeit Online*, 2007).

Conclusions

A lot more could be said about the three cases, and a lot still remains in the dark. At the time of writing, the exact motives behind the Duisburg killings are still somewhat in doubt, and the Ceska killings are the subject of parliamentary inquiries to determine why the German authorities failed to recognise the right-wing extremist background of these crimes. Yet for the purpose of this chapter the short descriptions of these events and the imagery they have evoked should suffice to establish a point: In the German debate on 'organised crime' there is a fundamental uncertainty about the developmental dynamics of illegal markets, criminal networks and illegal power structures. I would argue that this uncertainty has opened the door to stereotypical imagery taking hold of the perceptions of law enforcement and the public.

In the case of the Ceska killings, the problem has become most obvious. It seems that a few hints, such as the nationality of the victims and the mode of killing, because they fit a particular stereotypical imagery, led investigators to focus on an 'organised crime' angle and to discount the possibility of right-wing extremist offenders. At the same time, comparing the evidence against a more coherent model of 'organised' criminal behaviour might have exposed sufficient inconsistencies in the 'organised crime' hypothesis so that it would have been given less weight in the investigation.

To avoid any misunderstanding, the point being made here is not, with the benefit of hindsight, to show the blindness of investigators. I am also not arguing that an 'organised crime' angle should have been dismissed outright. The point is

that while mafiosi of some sort might have been behind the Ceska killings as well as the Sittensen killings, it would have been an unlikely scenario because the *modus operandi* in these cases, as in the case of the Duisburg massacre, did not represent a recipe for success for 'organised' criminals in the social context in which they occurred. Rather, in all three cases the crimes suggested a high degree of irrationality on the part of the perpetrators (see *e.g.* BZ, 2007).

The ease with which mafia imagery surfaces may also be explained in part by a certain uneasiness and even disbelief that one can sense in the debate on 'organised crime' regarding the tools that are being employed to assess the crime picture in Germany, namely the annual situation reports and ad hoc analyses prepared by the BKA. As argued in the first part of this chapter, there are no real fundamental differences discernible between the situation of 'organised crime' described by the police officers interviewed by Kerner (1973) and by Rebscher and Vahlenkamp (1988), and the situation of 'organised crime' reflected in the annual situation reports and internal analyses prepared by the BKA since the early 1990s, at least to the extent the content of these analyses has been publicised. This means that, as I have also pointed out, the pessimistic predictions made between the mid-1960s and mid-1990s, namely those of a mafia take-over, have not materialised in a measurable way. The available assessments are either inconclusive, for example with regard to the relative shares of 'organised' and 'non-organised' crime, or they show no clear trend in one direction or the other, for example with regard to the share of foreign nationals amongst 'organised crime' suspects.

Of course, one may wonder how it is possible that no fundamental changes in the crime picture have taken place over the past few decades despite fundamental changes in the geopolitical landscape. And an argument can indeed be made that the analytical instruments currently employed by the German police are not suitable for measuring important changes. The situation reports, for one, are supposed to contain only reliable information generated in the course of a criminal investigation. This means that soft data are not included. For example, if a businessman of Italian origin invests more money than can be explained by his legal business activities, but only a suspicion exists that this person is laundering illicit funds for an Italian mafia organisation (see Reski, 2009), this will not show up in the annual BKA situation reports. Yet, the existence of this kind of 'soft information' does not answer the question of how conclusive it really is. After all, if 'soft information' points at a drastically worsening situation, why does it not lead to the 'hard information' of criminal investigations?

Therefore, from the perspective of an empirical researcher, suspicions of mafia infiltration remain just that: suspicions, until solid data have been put on the table. For the time being, the discrepancies between past predictions and the current

situation of 'organised crime' remain and provide support for the sceptic stance empirical researchers have taken *vis-a-vis* official and journalistic claims relating to 'organised crime'.

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Human dimensions in organised crime, money laundering and corruption

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