

Urbanization and Crime

GERMANY 1871–1914

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Introduction

With recent headlines like TATORT GROSSSTADT (SCENE OF THE CRIME – THE BIG CITY), the German media, like the media in other western countries, frequently remind a fearful public that big cities cause crime.¹ Even though a considerable body of sociological theory has supported this near article of faith in the belief systems of contemporary Europeans and Americans and has been preached again and again in popular magazines, newspapers, and college textbooks in developed countries for more than a hundred years, its empirical foundations are less than secure. To be sure, crime and violence levels have increased significantly in the last decades of the twentieth century in major German cities such as Berlin, Cologne, and Frankfurt, just as they have in Amsterdam, Stockholm, Detroit, Washington, and many other large European and American cities.² But are these increases part of a consistent pattern of inexorably rising levels of urban violence and criminality, or are they likely to be of a temporary nature like other crime waves of the past? Is there something inherent in the nature of urban civilization that is particularly crime inducing? Have urban-crime levels always been higher than suburban and rural levels? To what extent are the cities themselves the causes of their own problems? What role has political bias against urban populations had in the genesis of urban crime? How different are contemporary Germans' fears of urban crime from those of people in other societies, and indeed from those of their own ancestors?

In the course of examining these questions in the context of four and a half decades of rapid urban growth and industrial expansion in Germany's

1 *Der Stern*, January 14, 1993.

2 For recent German homicide and other crime rates in large cities, see *ibid.* For recent Scandinavian and Dutch rates in a historical context, see Eva Österberg, "Criminality, Social Control, and the Early Modern State: Evidence and Interpretations in Scandinavian Historiography"; and Pieter Spierenburg, "Long-Term Trends in Homicide: Theoretical Reflections and Dutch Evidence, 15th–20th Centuries," in Eric A. Johnson and Eric H. Monkkonen, *Violent Crime in Town and Country since the Middle Ages* (University of Illinois Press, forthcoming).

first nation-state, this study contributes both to the sociological understanding of crime and urban development and to the historical understanding of modern German society and politics. Fundamentally arguing against “modernization”- and “urbanization”-based theories of crime causation, it systematically analyzes a mass of empirical quantitative and qualitative evidence that highlights the importance of societal attitudes and biases, political decision making, oppressed ethnic minorities, gender, demographic change, and raw economic hardship in the genesis of illegal behavior. In observing how the crime drama was acted out in Germany’s rise to world-power status in the late nineteenth and early twentieth centuries, this study also contributes to the debate about the issue of continuity in modern German history.³

Indeed, many parallels between Germany’s Second and Third Reich are noted. In both societies, urban-based populations, such as socialist and communist workers and Jews, were held in suspicion and subjected to often ruthless treatment by heavy-handed police and legal officials acting under the authority of specially created laws to control these populations. Bismarck’s Anti-Socialist Laws of the 1880s and other laws meant to contain the rise of socialism in the Wilhelminian years (which will be shown to have accounted for nearly the entire increase in official crime rates in the period of the Second Reich) made Hitler’s Reichstag Fire Decrees, which clamped down on any real or imaginary socialist and communist opposition, seem not all that extraordinary.⁴ Deeply engrained biases against Poles, Lithuanians, and other slavic minorities – especially visible in newspaper and literary accounts of criminality in the Second Reich – endured from the nineteenth century into the middle of the twentieth century; these repressed

- 3 For a useful discussion of the continuity debate, see Richard J. Evans, *Rethinking German History: Nineteenth Century Germany and the Origins of the Third Reich* (London, 1987), esp. chaps. 1–3. The continuity debate overlaps with the recent, heated struggle among German historians (*Historikerstreit*) about the uniqueness of the German fascist experience. For intelligent English-language treatments of this struggle, see Charles S. Maier, *The Unmasterable Past: History, Holocaust, and German National Identity* (Cambridge, Mass., 1988); and Richard J. Evans, “The New Nationalism and the Old History: Perspectives on the West German *Historikerstreit*,” *Journal of Modern History* 59 (1987): 761–97.
- 4 Compare Klaus Saul, *Staat, Industrie, Arbeiterbewegung im Wilhelminischen Reich 1903 bis 1914* (Hamburg, 1974); Hans-Ulrich Wehler, *Das Deutsche Kaiserreich 1871–1918* (Göttingen, 1980); Alf Lüdtke, ed., “Sicherheit” und “Wohlfahrt”: *Polizei, Gesellschaft und Herrschaft im 19. und 20. Jahrhundert* (Frankfurt am Main, 1992); Ingo Müller, *Hitler’s Justice: The Courts of the Third Reich* (Cambridge, Mass., 1991); Ralph Angermund, *Deutsche Richterschaft 1919–1945: Krisenerfahrung, Illusion, politische Rechtsprechung 1919–1945* (Frankfurt am Main, 1990); Lothar Gruchmann, *Justiz im Dritten Reich 1933–1940: Anpassung und Unterwerfung in der Ära Gürtner* (Munich, 1988); Detlev J. K. Peukert, *Die KPD im Widerstand: Verfolgung und Untergrundarbeit an Rhein und Ruhr 1933 bis 1945* (Wuppertal, 1980); and Dirk Blasius, *Geschichte der politischen Kriminalität in Deutschland 1800–1980: Eine Studie zu Justiz und Staatsverbrechen* (Frankfurt am Main, 1983).

peoples were incarcerated far beyond what their numbers would warrant in both Imperial and Nazi Germany.⁵ Freedom for even the “normal” German citizenry was curtailed in both societies by militaristic and seemingly omnipresent police authorities,⁶ by heavy press censorship, and by extensive and widely interpreted libel laws.⁷ Despite this, most Germans in both societies accepted their plight and were usually willing to sacrifice liberty for order and prosperity – perhaps especially those from the middle and upper orders but also most men and women,⁸ and even most workers as well. This perhaps helps explain the comparatively low rates of crime in Imperial Germany and the lack of meaningful resistance in Nazi Germany.

In sum, Imperial Germany’s entrenched and threatened conservative elites, with their arch concerns for order and safety, oversaw the development of a technically advanced but overly positivistic legal and criminal justice system with highly trained judges, attorneys, and police who rather successfully contained crime. But, in so doing, they also promoted excessive fear of criminality and lawlessness, which they used to justify the repression of their working-class, socialist, and ethnic enemies (often resident in city settings) and to dampen demands for democracy and freedom. The proficient but authoritarian nature of German law and justice developed in the Second Reich launched Germany on a dangerous path that helped make it possible for German judges and police in the Third Reich to claim that they were acting only in the well-respected tradition of legal positivism of their ancestors when they used the full measure of their powers to destroy all

- 5 On the persecution of Poles in the Kaiserreich, see Hans-Ulrich Wehler, *Krisenherde des Kaiserreichs 1871–1918* (Göttingen, 1979), pp. 203–37; and C. Murphy, *A Polish Community in Wilhelmian Germany* (Boulder, Colo., 1983). On the persecution of eastern European, forced laborers in the Third Reich, see, for example, Ulrich Herbert, *Fremdarbeiter im Dritten Reich: Politik und Praxis des “Ausländer-Einsatzes” in der deutschen Kriegswirtschaft* (Berlin, 1985). For a discussion of the persecution of Poles in both periods, see C. Klessmann, *Polnische Bergarbeiter im Ruhrgebiet, 1870–1945: Soziale Integration und nationale Subkultur einer Minderheit in der deutschen Industriegesellschaft* (Göttingen, 1978).
- 6 Recent scholarship on the powerful Gestapo demonstrates, however, that the Gestapo was not as omnipotent, omnipresent, or as different from the police forces of Imperial and Weimar Germany as it was once thought. See Robert Gellately, *The Gestapo and German Society: Enforcing Racial Policy 1933–1945* (Oxford, 1990); and Klaus-Michael Mallmann and Gerhard Paul, “Allwissend, allmächtig, allgegenwärtig? Gestapo, Gesellschaft und Widerstand,” *Zeitschrift für Geschichtswissenschaft*, 41 (1993): 984–99.
- 7 For the extensive prosecution of libel under the notorious “Heimtückegesetz” in the Third Reich, see Pieter Hüttenberger, “Heimtückefälle vor dem Sondergericht München 1933–1939,” in Martin Broszat, et al., eds., *Bayern in der NS Zeit* (Munich, 1981), 4:435–526; and Angermund, *Deutsche Richterschaft*, pp. 133–57.
- 8 See, for example, Ute Frevert, *Women in German History: From Bourgeois Emancipation to Sexual Liberation* (Oxford, 1989); and Eric A. Johnson, “German Women and Nazi Terror: Their Role in the Process from Denunciation to Death,” paper presented to the International Association for the History of Crime and Criminal Justice Convention, Paris, June 5, 1993.

potential opposition (again, especially from predominantly urban residents like communists, socialists, and Jews) and any measure of freedom.⁹

Having noted some of the continuities between nineteenth- and twentieth-century Germany in the arena of law, justice, and criminality, it is important to keep in mind that there were also significant disruptions over time, that there were also significant parallels between German society and other European societies, that the study of German history should not degenerate merely into a study of the roots of the twentieth-century fascist experience, and that this book is predominantly about crime in a rapidly urbanizing and industrializing Germany that had democratic as well as authoritarian strains. The British historians David Blackbourn and Geoff Eley have intelligently pointed out that the uniqueness of German society's development has often been overstated. Germans can hardly claim to have a monopoly on biases against city populations, foreigners, ethnic minorities, and Jews.¹⁰ Only half of Europe had developed into democratic societies by the mid-twentieth century. The victory over authoritarian tendencies in even the most successful democracies required a struggle. The problems Germany faced during its industrial revolution and its aftermath, posed by rapid urban growth, industrial expansion, worker unrest, changing gender roles, and not always beloved minority populations, were not unlike those encountered by most European and North American societies.

In several ways, Bismarckian and Wilhelmian Germany provides an ideal society for the study of urbanization and crime. Without significant external distractions caused by foreign warfare and with little energy drawn away from its own problems by the demands of imperialist expansionism for most of its history, the potentially distorting impact of many possible intervening variables was absent in Imperial Germany. The pace and extent of German urbanization in the last several decades of the nineteenth century and the first decade and a half of the twentieth century were second to none.¹¹ With large cities like Berlin, Cologne, Hamburg, Munich, and many others in the industrialized Ruhr area growing by several times in a matter of decades, with scores of significant, moderate-sized industrial and metropolitan centers popping up out of former villages and small towns, with masses of former farmhands fleeing the land for the city throughout the country, and

9 In addition to the works cited in notes 4–7 above, see Michael Burleigh and Wolfgang Ippermann, *The Racial State: Germany 1933–1945* (Cambridge, 1991).

10 David Blackbourn and Geoff Eley, *The Peculiarities of German History 1820–1940* (Manchester, 1985). *Cities Perceived: Urban Society in European and American Thought, 1820–1940* (Manchester, 1985).

11 Hans Jürgen Teuteberg, ed., *Urbanisierung im 19. und 20. Jahrhundert* (Cologne, 1983); Andrew Lees and Lynn Lees, eds., *The Urbanization of European Society in the Nineteenth Century* (Lexington, Mass., 1976).

with strong biases on the part of many of the country's leaders against cities and urban populations, if ever a society had massive urban problems to contend with, and if ever a society should have had a strong correlation between urbanization and crime, that society would be Imperial Germany.

But Germany did not witness soaring urban crime rates. One could speculate on many reasons this did not happen: German workers' wages were the highest in Europe, and the disparities between rich and poor were not as great as in many other societies;¹² Bismarck's comprehensive social welfare system and Germany's attention to worker health and public hygiene protected its workers from the kind of economic destitution that often leads to criminality;¹³ Germany was acknowledged as having the most advanced urban planning in the world;¹⁴ with its history of being separated into many individual states with their own regional capitals, Germany did not have one dominant metropolis as England or France did and its urban growth was more diffuse, and possibly more manageable.¹⁵ Whatever the reason, the demonstration, which follows in the body of this book, that neither urban growth nor the urban condition itself had a particularly powerful impact on most German crime rates is of real sociological and theoretical significance.

A final reason for arguing that Imperial Germany offers an excellent test case for studying urbanization and crime is that its statistical records are excellent.¹⁶ The many quantitative analyses conducted in this book to determine the relationships between different types of crime rates and urbanization and other variables are made possible by the voluminous nature of German judicial statistics and census documents. Starting with the early 1880s, and following in each successive year (lasting until the mid-1930s, but the data for the period of Imperial Germany are much more extensive and trustworthy than those of the later periods), the justice ministry in Berlin painstakingly published a huge yearly volume of crime statistics, complete

12 Gerhard Bry, *Wages in Germany, 1871–1945* (Princeton, N.J., 1960).

13 In a review of two recent books on the German bourgeoisie, Noel Annan explains, for example, that whereas Germans in the nineteenth century were vaccinated against smallpox, 100,000 Frenchmen died of the disease because they were not. Noel Annan, "The Age of Aggression," *New York Review of Books*, January 13, 1994, p. 44. On the social and political ramifications of health issues in nineteenth-century Germany, see Richard J. Evans, *Death in Hamburg: Society and Politics during the Cholera Years, 1830–1910* (Oxford, 1987).

14 Anthony Sutcliffe, "Urban Planning in Europe and North America Before 1914: International Aspects of a Prophetic Movement," in Teuteberg, ed., *Urbanisierung*, pp. 441ff.

15 On the growth of German cities, see R. Hartog, *Städterweiterungen im 19. Jahrhundert* (Stuttgart, 1962); and Jürgen Reulecke, *Geschichte der Urbanisierung in Deutschland* (Frankfurt am Main, 1985).

16 See my discussion in "Counting 'How It Really Was': Quantitative History in West Germany," *Historical Methods* 21 (1988): 61–79. The best guide to German criminal statistics is Helmut Graff, *Die deutsche Kriminalstatistik: Geschichte und Gegenwart* (Stuttgart, 1975). See also Herbert Reinke, "Die 'Liason' Strafrechts mit der Statistik: Zu den Anfängen kriminalstatistischer Erzählungen im 19. und 20. Jahrhundert," *Zeitschrift für Neuere Rechtsgeschichte* 12 (1990), 169–79.

with important commentary on how the statistics were generated and what the ministry officials saw as the reasons for the trends indicated. Entitled “Kriminalstatistik für das Jahr” (Criminal Statistics for the Year), these volumes are part of the main German governmental statistical series entitled *Statistik des Deutschen Reichs* (Statistics of the German Empire). Other yearly volumes in this series contain important and equally massive information on population movements, economic trends, and so on, with a special population census volume (*Völkzählung*) appearing every five years and an occupational census volume (*Berufszählung*) appearing more irregularly. In addition to these sources, the Prussian government, also centered in Berlin, had its own major statistical series running through all of these years, entitled *Preussische Statistik* (Prussian Statistics). This is particularly useful for locating homicide statistics based on judicial investigations instead of the less reliable conviction statistics offered in the “Kriminalstatistik” volumes. Finally, there are many other published volumes of statistics for German communities, individual cities, and states in addition to Prussia that this study has often used to advantage.¹⁷

Besides the sheer volume of the statistical information available, the German statistics permit many analyses that are not possible for other countries during the same or even other periods. This is because Germany had a uniform criminal code and criminal procedure, and a uniform way of compiling statistical data for most of the period under study. It is also because the judicial statistics for the different types of communities (such as counties) usually coincide neatly with the necessary demographic statistics. This enables one to correlate the crime variables (for example, yearly murder rates) with reliable population-density or other types of figures over hundreds of communities at different points in time. This is not possible in most other societies, the United States and Britain serving as good examples. Hence criminal justice historians in those and many other societies have often had to limit themselves to considerations of individual counties or states.

Although Michel Foucault and others have managed to help move the study of crime and deviance away from the periphery and toward the center of social and historical investigation in France, Britain, the United States, Scandinavia, Holland, and several other societies, neither crime in particular nor social history in general has been afforded much attention in Germany

17 There is no comprehensive index for the *Statistik des deutschen Reichs* series, and it can be difficult to locate the other smaller series of national and local governmental statistics. For a guide to these sources, one should consult the index (*Quellennachweis*) included in the individual yearly volumes of the German statistical yearbook (*Statistisches Jahrbuch für das deutsche Reich*).

until very recently.¹⁸ This comparative lack of social-historical investigation in German history can perhaps be partially explained by the disruption caused by and the importance attached to Nazism, the two world wars, and the postwar division of Germany into two weakened, externally controlled states. It can also be attributed to Germany's strongly entrenched historicist tradition, which considers only the study of politics, war, and ideas to be proper subjects for the historian. Since the mid-1960s, however, the historicist straitjacket has been loosened, owing much to the pathbreaking efforts of the Hamburg historian Fritz Fischer, to the "Bielefeld school" of social historians surrounding Hans-Ulrich Wehler and Jürgen Kocka, and to several British and American historians such as David Blackbourn, Richard Evans, Konrad Jarausch, and Michael Kater.¹⁹ Because of their work, the study of the masses' role in politics and the masses' activities for their own sake have finally become more central in the German historical debate, just as in other countries.

With only few exceptions, however – most notably in the scholarship of the English historian Richard Evans and the German historian Dirk Blasius – have crime and justice issues been treated in any detail.²⁰ The only time they have received much attention is, in fact, where everything in modern German history receives attention – the Nazi period. And even in this period most of the attention has been of very recent vintage, and most has been on criminally prosecuted political dissent against the Nazi Regime and on the role of the police and the courts in propping up the Third Reich's leadership.²¹ Very little empirical work has been done on normal criminal

18 Foucault's most significant work on crime is *Discipline and Punish: The Birth of the Prison* (New York, 1979). For a discussion of social history in several national contexts, see Georg G. Iggers, *New Directions in European Historiography* (Middletown, Conn., 1984).

19 For useful discussions, see Jürgen Kocka, *Sozialgeschichte: Begriff, Entwicklung, Probleme* (Göttingen, 1986); Richard J. Evans, *Rethinking German History*; and Georg G. Iggers, *The German Conception of History: The National Tradition of Historical Thought from Herder to the Present* (Middletown, Conn., 1983).

20 Richard J. Evans, ed., *The German Underworld: Deviants and Outcasts in German History* (London, 1988); Evans, "In Pursuit of the *Untertanengeist*: Crime, Law and Social Order in German History," in his *Rethinking German History*, pp. 156–87; Evans, *Rituals of Retribution: Capital Punishment in Germany since 1600* (forthcoming); Dirk Blasius, *Bürgerliche Gesellschaft und Kriminalität: Zur Sozialgeschichte Preussens im Vormärz* (Göttingen, 1975); Blasius, *Kriminalität und Alltag: Zur Konfliktgeschichte des Alltagslebens im 19. Jahrhundert* (Göttingen, 1978); Blasius, "Kriminologie und Geschichtswissenschaft: Bilanz und Perspektiven interdisziplinärer Forschung," *Geschichte und Gesellschaft* 14 (1988): 136–49.

21 For an important discussion of some of the newest of this literature in addition to that cited in notes 4, 6, and 7 above, see Robert Gellately, "Situating the 'SS-State' in a Social-Historical Context: Recent Histories of the SS, the Police, and the Courts in the Third Reich," *Journal of Modern History* 64 (1992): 338–65.

and justice behavior in German history, whether in the Nazi or any other period.

Proceeding into somewhat uncharted territory, this book is one of the first in German history to employ both quantitative and qualitative empirical data and methodologies to treat criminal justice issues. As suggested previously, special emphasis is placed on sorting out the relationships among societal modernization, urbanization, and crime. Although the argument of this book is that these factors are less important in causing crime than other factors such as political repression, bias against ethnic minorities, and socio-economic hardship, which should be seen as the real culprits, there are many reasons one would expect cities and their growth to cause crime. As arguments positing that cities and the modernization process cause crime have a long history and have been argued by some of the greatest minds of the last two centuries, and because they continue to appear in textbook treatments and to influence government policy in many countries, they need to be confronted directly. To state them chronologically goes something like this:

1. *The Conservative Political Argument.* With the industrial revolution and the massive urban expansion of the nineteenth century came an economic and political battle for the control of society. Conservative leaders with a base of power in the countryside, like the Junkers of eastern Prussia, fought to protect their values of honor and status against an increasingly powerful bourgeoisie and working class, both interested in economic well-being and political enfranchisement and power. To convince the rest of society that it should continue to follow their lead, the conservatives, often in league with the heads of important institutions, like the churches, attempted to brand the rapidly growing cities – homes of their political enemies, such as workers, socialists, Jews, and liberals – as being dens of iniquity, full of crime and violence, and devoid of honor, virtue, and other qualities society needs in its leadership.²² If conservatives could get society to accept this view, not only would they keep their political power, they would also not have to pay to remedy the problems of the cities. They argued that it was the cities themselves, not the poverty of or the discrimination against the people in them, that caused the problems. In Germany and elsewhere, the conservatives' anti-urban bias was often adopted by business, financial, and other elites who found it convenient to accept an argument that would not oblige them to share their wealth and power to solve social problems.

22 See Lees, *Cities Perceived*; and the discussion on the conservative press in Chapter 2.

2. *The Marxist Argument.* The view that cities cause crime was strengthened in the nineteenth century by the most hostile enemy of the existing conservative and liberal elites – the Marxist-socialist movement. Although Marx himself and most of his followers, including the leaders of established social-democratic parties such as that of the SPD in Germany, were not as direct in their criticism of the cities as the conservatives, especially as they wanted to convince people that confirmed socialists were law-abiding citizens, the Marxists added their share to the negative view of cities by harping on their miserable conditions, which they argued were brought on inevitably by bourgeois capitalism.²³

3. *The Classical Sociological Argument.* Toward the end of the nineteenth century, the discipline of sociology was founded and crime was one of its central issues. Noting the massive growth of city populations and the huge changes and problems this implied, scholars like Durkheim and Tönnies gave intellectual and academic credence to the argument that cities cause crime.²⁴ Whereas Durkheim and Tönnies pointed to the change in society from rural to urban, from “community to society,” as causing anomie and normlessness that resulted in crime, suicide, and other social ills, others argued that it was more the state of city living that caused the problems. The congested metropolis provided an environment where people did not know or care about their neighbors, where thieves found much to steal and easy escape routes, where gangs festered, and where a general attitude of lawlessness prevailed.²⁵

4. *The American Sociological Argument.* Starting in the 1920s with the celebrated “Chicago School,” American sociologists turned to empiricism to test theories of social behavior such as criminality. Using the most advanced mathematical and methodological tools available to them, they graphed city populations on maps and eventually became adept at studying huge numbers of people with the aid of modern computers. What they usually found was that inner-city populations were more crime infested than suburban or rural populations. Sometimes with propagandistic zeal, they argued that this was because of the fact that cities are centers of social disorganization, which leads to crime. As explained by Gareth Stedman

23 See the discussion of the socialist press in Chapter 2.

24 Emile Durkheim, *Suicide: A Study in Sociology* (London, 1952); Durkheim, *The Division of Labor in Society* (New York, 1964); Ferdinand Tönnies, *Gemeinschaft und Gesellschaft* (Leipzig, 1887).

25 The leading work on crime in Germany prior to the First World War is Gustav Aschaffenburg's *Crime and Its Repression* (Montclair, N.J., 1968). First published in 1913, Aschaffenburg's work was influential outside of Germany as well. Many German sociologists are still sympathetic to the classical Durheimian perspective. See, for example, Helmut Thome, “Modernization and Crime: What Is the Explanation?” paper presented to the Social Science History Association Annual Convention, Baltimore, Maryland, November 4, 1993.

Jones, the twentieth-century urban sociologists found that cities are marked by

the substitution of primary contacts for secondary ones, the weakening of bonds of kinship, the decline of the social significance of the family, the undermining of the traditional basis of social solidarity and the erosion of traditional methods of social control. . . . Class divisions become geographical divisions. Social contrasts become more dramatic and abrupt. The neighborhood loses its significance; people can live in close physical proximity but at great social distance; the place of the church is taken by the press.²⁶

With this type of argument, but with more advanced techniques, the American “Chicago School” of urban sociologists basically tested and modified the theories of the classical sociologists by using American empirical data. But that was the problem. American society had its own special historical development, in which cities frequently became swollen magnets for poor, oppressed African Americans and impoverished immigrant groups that might have turned to crime in any setting. What was true for the development of American cities was not necessarily true for other societies that they did not study but that they assumed followed the American model.²⁷

5. *The Recent European Historical-Cultural Argument.* In the 1970s, several European and American scholars, influenced by the Annales tradition of studying mass behavior over the long term and aware of the advantages offered by modern computer technology for the analysis of large amounts of social data, began to test empirically the relationships between crime rates and various socioeconomic indicators in several urbanizing and modernizing societies.²⁸ Their statistical studies often found that neither Durkheimian notions of anomie, caused supposedly by rapid urban growth, nor simplistic urban–rural dichotomies explained patterns in European crime rates in the nineteenth century. Nevertheless, they were still hesitant to drop

26 Gareth Stedman Jones, “The Threat of Outcast London,” in Mike Fitzgerald, Gregor McLennan, and Jennie Pawson, eds., *Crime and Society: Readings in History and Theory* (London, 1990), p. 174.

27 The leaders of this school were Robert Park, E. W. Burgess, and Clifford Shaw. Of their most important works on the subject are Park and Burgess, *The City* (Chicago, 1925); Park and Burgess, *The Urban Community* (1927); Shaw, *Delinquency Areas* (Chicago, 1929); and Shaw and H. D. McKay, *Juvenile Delinquency in Urban Areas* (Chicago, 1942).

28 Ted Robert Gurr, Peter N. Grabowsky, and Robert C. Hula, *The Politics of Crime and Conflict: A Comparative Study of Four Cities* (London, 1977); Eric H. Monkkonen, *The Dangerous Class: Crime and Poverty in Columbus, Ohio, 1860–1885* (Cambridge, Mass., 1975); Abdul Q. Lodhi and Charles Tilly, “Urbanization, Crime, and Collective Violence in 19th-Century France,” *American Sociological Review* 79 (1973): 296–318; Howard Zehr, *Crime and the Development of Modern Society: Patterns of Criminality in Nineteenth-Century France and Germany* (London, 1976); Vincent E. McHale and Eric A. Johnson, “Urbanization, Industrialization and Crime in Imperial Germany, Parts I and II,” *Social Science History* 1 (1976 and 1977): 45–78 and 210–47.

all modernization notions. Some, like Howard Zehr, who studied crime trends in nineteenth-century France and Germany, helped develop a new kind of modernization theory that resembled a popular French argument called “de la violence au vol” (from violence to theft). This posits that any declines in observable rates of violence following the growth of urban settlement are simply replaced by (and in effect caused by) increases in theft and other property crimes that generally occur with the growth of cities.²⁹ Whereas it is not entirely clear, to me at least, who first developed this explanation for the progression of crime trends over time, its currency was certainly increased by the endorsement it got from the French social philosopher Michel Foucault’s studies of imprisonment and incarceration, which had become enormously popular by the late 1970s and early 1980s.³⁰

Although several scholars of an empirical bent are beginning to question some of Foucault’s arguments,³¹ his theoretical work has had enormous influence on criminal justice studies in the past decade. Above all, he should be credited for helping to set a scholarly agenda for crime studies that is historically and culturally sensitive. Critical of modern, western society, Foucault attributes any long-term changes in crime patterns to changes in enforcement and punishment practices attributable to fundamental changes in mentality that accompanied the rise of the bourgeois, capitalist-dominated state in modern urban society. In his view, society’s changing response to crime and criminals is far more significant than, and indeed accounts for, changing crime trends. With the change from preindustrial rural society to industrial urban society, an ever more jealous and powerful state, dominated by an acquisitive, materialist, bourgeois elite, develops a monopoly over the means of violence, places ever more emphasis on punishing property offenders, and hides its vengeful nature by substituting the (Foucault thinks) far crueler punishment of the mind for the punishment of the body, through mass incarceration. Neither crime in general nor violent crime in particular really declines over time. Any perceptible reductions in the rates of violent offenses stem from modern capitalist society’s greater

29 Zehr’s work is discussed in considerable detail in Chapter 3. See also the discussions of his and others’ work on this issue in Eric H. Monkkonen, “The Quantitative Historical Study of Crime and Criminal Justice,” in David Inciardi and Charles Faupel, eds., *History and Crime: Implications for Criminal Justice Policy* (Beverly Hills, Calif., 1980), pp. 53–73; and in Louise I. Shelley, *Crime and Modernization: The Impact of Urbanization and Industrialization on Crime* (Carbondale, Ill., 1981).

30 Foucault, *Discipline and Punish*, and *Madness and Civilization: A History of Insanity in the Age of Reason* (New York, 1965).

31 Pieter Spierenburg, *The Spectacle of Suffering: Executions and the Evolution of Repression from a Preindustrial Metropolis to the European Experience* (Cambridge, 1984); Spierenburg, *The Prison Experience: Disciplinary Institutions and Their Inmates in Early Modern Europe* (New Brunswick, N.J., 1991); and Evans, *Rituals of Retribution*.

concern for prosecuting property offenders (which leads to perceived increases in theft rates) and from the state's depriving individual citizens of the potential for carrying out violence. Finally, the true level of violence in modern western society has often increased, according to Foucault, with the murderous barbarity of the state-sponsored, hidden-away-from-the-public, mass violence of Hitler's concentration camps providing the ultimate example.

The importance of mentality and of historically and culturally sensitive treatments of crime trends over time has also been underscored of late by the revival of the emigré German sociologist Norbert Elias's thinking on societal modernization. Like Foucault more of a theorist than an empiricist, but far more optimistic, Elias has also been associated with the "from violence to theft" argument for explaining crime trends. Although Elias hardly mentioned crime directly in his famous two-volume study "Over the Process of Civilization," his reasoning has become extremely influential in European criminal justice history circles.³² Unlike Foucault, however, Elias saw the state's rise and the change in mentality associated with the passage from preindustrial rural to industrial urban society as leading to a more civilized society with lower rates of violent crime and a question mark about rates of property crime. Using Elias as a guide, several scholars have recently argued that the rise of the modern state helped reduce levels of violence over time.³³ Increasingly rational inhabitants of urban society turned to a benevolent state that offered a rational means of settling disputes. Replacing the atavistic, eye-for-an-eye and tooth-for-a-tooth means of seeking retribution that engendered soaring rates of violent crime in medieval and early-modern society, the sober laws and courtrooms provided by the modern state enabled the citizenry to lay down their arms. Finally, the old preoccupation with preserving one's honor in feudal society that helped inflate levels of violence was eventually replaced by a new preoccupation with material acquisition that some argue led logically to higher levels of theft and property crimes in capitalist society.

In the past couple of decades, then, the long-held view that urban growth and change and the city itself cause crime has begun to give way in scholarly circles, if not in the general public. Although important differences of opin-

32 Norbert Elias, *Über den Prozess der Zivilisation*, 2 vols. (Munich, 1969; orig. published 1939). For a recent discussion of the importance of his work for the history of crime and criminal justice, see Pieter Spierenburg, "Elias and the History of Crime and Criminal Justice," paper presented to the Social Science History Association Annual Convention, Baltimore, Maryland, November 4, 1993.

33 See the essays on England, Holland, and Sweden by J. A. Sharpe, Pieter Spierenburg, Eva Österberg, and Jan Sundin, in Johnson and Monkkonen, eds., *Violent Crime in Town and Country*.