

REHABILITATION IN PRISON GERMAN EXPERIENCES AND WHAT CAN BE DONE BETTER

HELMUT KURY*

ABSTRACT

The last years, especially on the background of the high immigration rate of refugees from northern Africa and an increasing fear of crime and insecurity in society the punitiveness increased, not only in Germany. Against sexual and violent offenders more serious penal codes were adopted. The imprisonment rate in Germany is in a middle range of Western European countries. The number of registered crimes is relatively stable since mid-1990s. Only in the last years there is an increasing crime rate in some parts. Prison sentences are not only the most severe but also expensive penalties and are discussed in criminology very controversial. In Germany there are rehabilitation programs in prisons and special social therapeutic prisons; while the effects of the treatment are controversial, evaluations show a positive effect on crime prevention. The last years, from 2014 onwards, especially Germany showed a high immigration rate of refugees and asylum seekers, creating a problem of housing, education and integration in society of these people. There are fears of an increasing rate of terrorism in the country, and the question if Islam can be included in western Christian societies is more and more discussed. This very controversial discussion had effects also on the political structure, a right wing party was established and has meanwhile a position in the Parliament. There is the last year a continuing discussion about Alternatives to Imprisonment, like Restorative Justice and Mediation, used mostly in cases of juvenile offenders.

Keywords: *rehabilitation, social therapy, imprisonment, foreign prisoners, evaluation.*

INTRODUCTION

For many years crime and delinquency have been intensively discussed – their root causes and developments, as well as opportunities to combat them. In

* Director of the Criminological Research Institute of Lower Saxony/Germany (1980–1988), Member of the Research group of Max Planck Institute for Foreign and International Criminal Law (ret.). Waldstrasse 3, D-79194 Heuweiler/Germany. E-mail: helmut.kury@web.de

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numerous Western European countries, including Germany, punitiveness increased and along with it the demands for more severe punishment against criminal offenders especially for individual groups. For instance, the yellow press expresses clearly such demands with reference to sexual and/or violent offenders, while providing facts about dramatic individual cases (Hestermann, 2016). Just against sexual offenders and violent offenders, in Germany, more serious legal codes were adopted, which put special weight on security aspects for population and lead, for the most part, to more severe penalties and longer terms of imprisonment. Hassemer (2009, p. 285f.) points out in this context that penal law moves in the controversial discussion between more security on one side and freedom on the other side in the direction of more security. Some authors, such as Pratt et al. (2005), no longer speak simply of punitiveness but instead of a “new punitiveness”, based on increasing accounts from many countries about a new movement toward harsher criminal laws and more severe sanctions (see Kury, 2008; Kury and Ferdinand, 2008).

Over the last two years topics like increasing crime rates, fear of crime or sharper punishment were widely discussed in Germany on the background of media reports about a high immigration rate. From 2014 onwards, Germany like many other Western European countries was being “overrun” by many refugees and asylum seekers, especially those coming from Syria, Iraq, Iran, Palestine and Afghanistan (Kury et al. 2018). Despite Germany’s “welcome policy” this situation caused many politicians to warn against an excessive burden due to this foreign infiltration. Particularly, in 2015, there was a high number of migrants and refugees in need of protection recorded in Germany (Bundesamt für Migration und Flüchtlinge 2016, p. 2; Pew Research Center 2017). According to UNHCR, the United Nations High Commissioner for Refugees (2017, p. 3), Germany was “the world’s largest recipient of new individual applications”. The rapid rise of immigration in Germany resulted in a significant increased fear of not being able to “handle” the situation anymore, rising therefore concerns about a political and economic overload, especially against the background of partly sensationalist media reporting and its party-political single-sided use. A survey conducted on an annual basis among a representative sample of the adult population in Germany shows a significant increase of insecurity and fears in the public (Infocenter der R+V Versicherung 2017). In the 2016 survey, 73% (Women (W) = 72%; Men (M) = 69%) of the respondents said they are afraid of: terrorist attacks, 68% (W = 72%; M = 64%) – of political extremism, 67% (W = 69%; M = 66%) – of social tensions caused by immigration of foreigners, and 66% (W = 67%; M = 64%) – of an excessive demand on German authorities caused by the strong influx of these refugees. Compared to 2015, the fears increased significantly (Kury et al. 2018).

In this context it is important, against the background of contemporary criminological findings, to reach as rationale as possible a thorough understanding of crime and delinquency. Prison sentences are the most expensive penalties and

also one of the most controversial. The practice of sentencing is highly different across countries; in some states there are already taken intensive efforts to avoid prison sentences without a negative influence on public security. A very important and significant example is the policy to fight against the use of illegal drugs in Portugal. From July 2001 the country concentrates more on treatment of drug users instead of punishment, without any negative effect; on the contrary the number of deaths after overdoses of illegal drugs and the number of HIV-infections decreased (Kury and Quintas 2010a; 2010b).

Criminological research findings from the background to the latest encourage approaches of *primary prevention*, as for example in family, school or peer group, but also measures of *secondary prevention* as the reduction of opportunities come to the fore. In the course of the intensive discussions on community crime prevention, which take place in numerous countries, an indeterminate number of programs with the most different approaches has been set up. Within the context of an increasing critical discussion about the costs of incarceration and negative effects of imprisonment, such as on the families of the offenders, the imprisonment rate in Germany decreased in the last decades. Aos (2003, p. 416ff.) “systematically reviewed over 400 research studies conducted in the United States and Canada” which used sound research methods. The result of this research shows that qualified treatment programs, like Multi-Systemic Therapy are very cost effective. More and more authors point out that the sums spend on imprisonment could be used more effectively for alternative measures that are more promising (see Shea et al. 2011). In this context in western industrial countries diversion initiatives were discussed and used more and more (Kury and Lerchenmüller 1981).

IMPRISONMENT RATES IN GERMANY AND OTHER COUNTRIES

Rates of imprisonment differed tremendously in Europe, in 2015, from 45–71 per 100.000 inhabitants in Scandinavia and more than 200 to 445 in East-European countries, especially in Russia (Dünkel et al. 2016). The last 25 years the development was different.

Since 1995 the number of registered crimes in Germany is relatively stable (6.668.717 in 1995 and 6.372.526 in 2016), while the number of suspects decreased (from 2.369.036 in 2015 to 2.360.806 one year later). The crime rate per 100.000 inhabitants was 7.755 in 2016 (Bundesministerium des Innern 2017; see also Heinz 2017). The number of prisoners in Germany decreased the last years, from 56.641 in 2013 to 50.858 in 2016. From all prisoners 47.733 (= 93,9%) were male and 3.125 (= 6,1%) were female in 2016 (Statistisches Bundesamt – Destatis 2017).

Table 1

Number of Prisoners in Germany, age, species of imprisonment, length of imprisonment

year	2013	2016
Prison population total	56.641	50.858
Sex: male	53.433	47.733
female	3.208	3.125
Age: 14 to 17 years (juveniles)	518	399
18 to 20 years	2.748	2.027
21 to 30 years	17.801	14.577
30 to 50 years	27.837	26.403
50 years and older	7.737	7.452
Species of imprisonment:		
Closed imprisonment	47.374	42.622
Open imprisonment	9.267	8.236
Punishment of adults	50.631	46.308
Punishment of juveniles	5.518	4.010
Length of imprisonment:		
Maximum 3 months	5.716	6.222
3 months to 1 year	18.835	16.799
More than 1 to 5 years	25.065	21.594
More than 5 to 15 years	4.539	3.840
Life long	2.486	2.403

Statistisches Bundesamt – Destatis 2017

https://www.bka.de/DE/AktuelleInformationen/StatistikenLagebilder/PolizeilicheKriminalstatistik/PKS2016/pks2016_node.html

The prison population rate (prisoners per 100.000 inhabitants) decreased from 96 in 2003 to 77 in 2017. The percentage of pre-trial detainees/remand prisoners (percentage of prison population) was 21.6% in 2017, 5.8% were female prisoners, and 6.9% – juveniles/young prisoners. In 2015, in Germany 31.3% of the prison population were foreign prisoners. There were 183 prisons in Germany in 2016 with an official capacity of 73.411 inmates. The occupancy level (based on official capacity) was 87.4 % in 2017 (Institute for Criminal Policy Research 2017).

Table 2

Prison Population Rate for selected Countries in 2016

Ranking	Country	Prison Population Rate
1	Seychelles	738
2	United States of America	666
15	Russian Federation	421
30	Belarus	314
37	Iran	287
48	Georgia	254
64	Czech Republic	212
70	Kazakhstan	202

73	Poland	194
76	Slovakia	188
77	Hungary	184
87	Ukraine	167
108	United Kingdom: England/Wales	146
111	Serbia	142
115	Romania	135
118	Portugal	133
123	Spain	128
127	Bulgaria	125
134	China	118
140	Canada	114
148	France	103
152	Italy	95
153	Austria	94
161	Switzerland	82
165	Germany	77
170	Norway	74
172	Bosnia and Herzegovina	73
180	Slovenia	64
187	Netherlands	59
191	Sweden	57
191	Finland	57
203	Japan	45

Source: Institute for Criminal Policy Research 2017: World Prison Brief.

http://www.prisonstudies.org/highestlowest/prison_population_rate?field_region_taxonomy_tid=All

The imprisonment rates differ very much between countries, with the highest rate in the United States (beside Seychelles) to a very low rate in Japan. The imprisonment rate in USA is 14.8 times higher than in Japan, the same time Japan has a lower crime rate than the United States. Canada as neighbouring country of USA has an imprisonment rate of 114, which is 17.1 % of the rate of USA (N= 666), so significantly lower. Canada doesn't have the death penalty, while in the USA, 31 of the 50 States have it in the penal law (Amnesty International 2017). Winterdyk and King (2011, p. 104) compared the crime rates between both countries and have found that "the United States violent crime rate is over double that found in Canada". "Although somewhat influenced by its' higher rates of violent offences, the use of incarceration in the United States has long been used an example of its more punitive approach to crime" (p. 107; see also Roberts and Spratt 2008).

THE SITUATION OF FOREIGN PRISONERS

In recent years, from 2014 onwards, the Western European countries and especially Germany were being "overrun" by many refugees and asylum seekers, especially those coming from Syria, Iraq, Iran, Palestine and Afghanistan. Despite

Germany's usual "welcome policy" this situation caused many politicians – especially from the right wing – to warn against an excessive burden due to this foreign infiltration. In 2015, there was an especially high number of migrants and refugees in need of protection recorded in Germany. According to data released by the Federal Office for Migration and Refugees (Bundesamt für Migration und Flüchtlinge 2016, p. 2), 202,834 applications for asylum were lodged in 2014, whereby in 2015, 476,649, were lodged, an increase of 135 %. According to the United Nations High Commissioner for Refugees – UNHCR (2017, p. 3), Germany was "the world's largest recipient of new individual applications, followed by the United States of America (172,700), Sweden (156, 400), and the Russian Federation (152,500)".

In 2015, 2.14 million migrants were registered in Germany, among them many people in need of protection; there were also numerous citizens from the European Union. This not only corresponded to an increase of 46% compared to 2014, but also represented the highest number of immigrants since the beginning of record-taking in 1950; among these immigrants, there were 2.02 million foreign nationals. Approximately 1.1 million people in need of protection were recorded to have entered Germany; however, the actual number of foreigners who had entered the country after adjustment was around 890,000 people. After the number of migrants reached its low point in 2016, a continuous renewed increase of people entered the country. Among Germany's recent refugees, the main country of origin has been from Syria. At the same time, the number of emigrants compared to the previous year increased by 9% to 998,000, which represents the highest registered number so far. The result shows a total increase of 1,139,000 people migrating in 2015, which is above half a million more than 2014 (Bundesamt für Migration und Flüchtlinge 2016, p. 2).

Given this data as a background, a European comparison shows "that Germany is still and continues to be the common destination country of refugees, and has gained even more additional attractiveness compared to other European states over the last years" (Bundesamt für Migration und Flüchtlinge 2016, p. 10; see also Kury et al. 2018). According to Gäbel et al. (2006) and Ruf et al. (2010; see also Kury et al. 2018), the refugees living in Germany and their children still in their home country of traveling on their way to Germany experienced many traumatic situations. On this background numerous refugees in Germany demonstrated Post-Traumatic Stress Disorder (PTSD) symptoms. The large number of refugees in Germany often must deal with extremely limited housing conditions for months or even years. Additionally, they must cope with attacks by opponents of the refugee policy and public rejection. Especially Muslim refugees are seen as a danger for liberal democracy and cultural values of Germany relating to them as a "threat" of the "Islamic State – IS" (Schneider 2016; Frossard 2016, p. 1). Muslims have been often classified as not integrable into Western industrial society (Çetin 2015, p. 124). Besides a lot of support these refugees often deal with aggressive xenophobic rejection (Johansson 2016, p. 8).

The increasing fear of further immigration in public was connected to terrorist attacks in several European countries, including Germany, which were often attributed to the Islamist movement: “the percentage of European citizens linking refugees with terrorism and crime was high in 2016, particularly in eastern and southern European countries” (Institute for Economics and Peace 2017, p. 98). Moreover, 35% of surveyed Germans believe that “refugees are more to blame for crime than other groups” and 61% stated that “refugees will increase the likelihood of terrorism” (ibid. p. 98). Present data generally cannot confirm those concerns (see Males 2017). Therefore, Heinz (2017) considers the statement, whether non-Germans can be regarded as “more criminal” than Germans based on the represented reliable data demonstrating the crime development in 2015, as one that has already been claimed by others before (see Jäger 2016; Feltes 2016). Heinz (2017) concludes that a reputable statement cannot be made due to the lack of reliable data. “The foreign and domestic population differ significantly regarding age and gender structure; especially the rate of young men being over-proportionately criminal – at all times and in each population – is higher regarding foreigners than Germans. This effect even increased due to migration flows of the last two years. Persons without German citizenship ... live in large cities, often belong to a lower income and education class and are more likely to be unemployed. This causes a higher risk of refugees becoming delinquent and being accused of an offence” (Heinz 2017, p. 30; see also Feltes et al. 2018).

As Schaffer and Obergfell-Fuchs (2018) write in Germany, in 2016, the prison sentence for non-German detainees was 35,9% and the youth custody of non-German detainees was 41,2% (Schaffer and Obergfell-Fuchs 2018). Taking a look at the offences non-German detainees committed, the data show “that among the offenders who face a prison sentence, theft offences are dominating with 46.7%. A similar high value can be observed for drug offences with 44.1%. ... In sum, one can notice that compared to the German prisoner population, the non-German detainees with a prison sentence have less offences endangering the public or traffic and fraud offences. In the juvenile non-German population traffic offences are irrelevant as well as fraud offences are rarer than in the German population in juvenile prison” (Schaffer and Obergfell-Fuchs, 2018, p. 7).

The prison system is confronted with different problems dealing with foreign offenders. “First of all the penal system and the staff have to come to terms with different languages” (Schaffer and Obergfell-Fuchs 2018, p. 9). The inmates come from about 100 different nations. So treatment in prisons is difficult. “The other side of the coin is the perspective of the inmates. Without speaking and understanding the language, the daily life in prison is difficult. ... Furthermore, refugees are more likely to be traumatized than other inmates, based on experiences they made while fleeing their homelands and/or experiences of war, loss of family members and torture (Gavranidou et al.. 2008; Knipscheer et al., 2015)” (Schaffer and Obergfell-Fuchs 2018, p. 10).

TREATMENT IN PRISONS – SOCIAL THERAPY

The German Prison Law¹ from 1977 defines in article § 2 the aim of imprisonment as follows: “During the execution of a prison term the prisoner shall be enabled to lead in future a life without crime. The time in prison also serves to protect the public from further offences”. It seems that under the pressure of the media these priorities have recently been reversed: the safety of the public comes first and rehabilitation is a poor second (Kury and Shea 2011b, p. 11).

In Germany intensive psychological treatment of prisoners is realized in special social therapeutic institutions (Sozialtherapeutische Anstalten) or in separate departments for treatment in regular prisons. Meanwhile there are 8 independent social therapeutic prisons and 53 departments in regular prisons. All together there are round about 2.200 places for treatment in these specialized institutions. Nearly 54% of the inmates in these institutions are sex offenders and 19% – homicide delinquents (Etzler 2016). There are also social therapeutic prisons or departments for women and for juvenile prisoners. The relationship between inmates and treatment personal is much better in social therapeutic prisons than in regular institutions, so a more intensive treatment can be realized.

In regular prisons there are also treatment programs to intensify resocialisation, but the problem is the overload of the experts (psychologists, social workers). So there are often used standardised group treatment programs for special groups like sexual offenders or violent offenders. Very often an evaluation of the results of the programs on recidivism is not done. If the prisoners don't speak German there are additional obstacles for treatments.

THE EFFECTS OF REHABILITATION PROGRAMS IN PRISONS

In the last decades there is a never ending controversial discussion about the effects of social therapeutic treatment of offenders, especially prisoners. Several simultaneous paradigm shifts led to new orientations in the theoretical discussion and changes in penal practice, beginning with the 1960s. Goodey (2005, p. 102) discusses different main reasons for this shift and the emerging discussion of victims of crime, initially in the United States and Great Britain. These discussions also had strong influences on the development in Germany. The emergence of intense criticisms of the prevalent offender treatment concepts on the background of missing empirical proof of their effectiveness led to a worldwide formula of

¹ Before this law, no specific law was in Germany, only administrative regulations (Gesetzüber den Vollzug der Freiheitsstrafe und der freiheitsentziehenden Massregeln der Besserung und Sicherung mitergänzenden Bestimmungen).

“nothing works” (Martinson 1974; Lipton et al. 1975; Kury 1986; Austin and Irwin 2001; Schneider 2009, p. 703; Kury and Kuhlmann 2016).

There is a lot of evidence that good treatment programs work, have a crime-reducing and cost reducing effect, especially programs including different aspects of the background of criminal behaviour (Aos 2003). Holcomb and Lab (2003) criticize: “All too often evaluations of crime prevention initiatives are instituted in a theoretical vacuum. In many evaluations there is no real attention paid to the assumptions underlying the prevention program” (p. 444). Hope and Karstedt (2003, p. 479) emphasize: “Without doubt, crime prevention is an increasingly important arena where criminological knowledge is produced. Crime prevention projects are the sites where the expertise of different practitioners in the field, government experts, criminologists and, ultimately, citizens, is brought together to provide solutions to crime problems in neighbourhoods, communities and on the national level”.

In Germany treatment programs in prisons mostly are not systematically evaluated by scientific research. Ortmann (2002) did a broad research project about the effects of social therapy programs in prisons. He found that there is only a small positive effect of treatment programs on the background of criminogenic effects of imprisonment. Wössner (2016) did a research project about resocialisation/treatment programs with sex offenders, a group of offenders broadly discussed in the media (Hestermann 2016). She summarizes: “[...] it has to be emphasized that sex offender treatment is an important means of crime prevention even though research regularly yields finite results. Too little is known as to the question how programs actually work. There is a tremendous need to increase this knowledge since offender treatment is an important fundamental aspect of a humane society – and incarceration increases the likelihood of reoffending (see Soyer 2014, p. 91). The expectations of bringing about changes to individuals in a total institution (prison) should not be too high. The base rate of sex offender recidivism is comparatively small – even though this statement should not hide the fact that the implications sexual victimization have can be devastating. However, long-term imprisonment or lifelong detention can only present an alternative for the most dangerous offenders. We have to make sure those mistakes with regard to the identification of high-risk offenders and with regard to the treatment and management of sex offenders are constantly reduced. In order to do so, it helps to take a differentiated look at sex offending, sex offenders, and treatment and incarceration effects to improve offender reintegration prospects and at the same time victim protection” (Wössner 2016, p. 548).

Sherman et al. (1998) presented in the report to the United States Congress a broad evaluation of different measures to reduce crime and deviant behaviour. The authors concluded in their report “that some prevention programs work, some do not, some are promising, and some have not been tested adequately. ... A much larger part of the national crime prevention portfolio must be invested in rigorous

testing of innovative programs, in order to identify the active ingredients of locally successful programs that can be recommended for adoption in similar high-crime urban settings nation-wide” (p. 10–2). Sherman (1998, p. 10–1) also emphasized: “The effectiveness of most crime prevention strategies will remain unknown until the nation invests more in evaluating them. That is the central conclusion of this report”. The author points out (p. 10–15): “There is ... reasonable scientific certainty that the following programs are ineffective in preventing crime: correctional boot camps using military basic training models, other ‘harshness’ programs like ‘Scared Straight’ and shock probation, and community-based alternative sanctions lacking treatment programs and services” (Sherman 1998, p. 10–15).

Over the last years more and more discussed are themes like: a better preparation of inmates on a life outside prison in the treatment programs, a step by step reintegration in society, and especially a more effective after care, for example by probation officers. The problem here is the overload of probation officers of round about 80 offenders per social worker in Germany (Statistisches Bundesamt 2011). Despite a cost reducing effect of an effective after care following release from prison politicians don’t engage in these topics on the background of a high punitiveness in the public which asks for more severe punishment regularly.

WHAT SHOULD BE DONE – ALTERNATIVES TO IMPRISONMENT?

In our society we automatically associate crime with sanctions, and serious crime with harsh sanctions. Imprisonment is the most expensive punishment. In Germany, one day in a regular prison costs the German taxpayer per prisoner about 120 Euros, the costs for treatment institutions, like social-therapeutic institutions are about double (Entorf 2010). Additionally imprisonment has also negative effects on prisoners, Sykes (1958) speaks about “pains of imprisonment” (see the research about prisonization: Ortmann 2002, p. 198ff.; Clemmer 1958; Cloward et al. 1975; Goffman 1977) and especially on families of the offenders and communities (see Kury and Kern 2003a; 2003b; Clear 2008; McKay et al. 2016; Mowen and Visher 2016). Additionally it is not clear if harsh punishment like imprisonment really has a crime reducing effect in a society e.g. how far deterrence works (MacKenzie 1998; Kury and Quintas 2010a; 2010b; Kury and Shea 2011a; Dölling et al. 2011). If rehabilitative measures and aftercare are neglected, and if imprisonment is primarily or exclusively used as a punitive sanction, the negative side effects increase rather than reduce the risk of recidivism (Kury and Shea 2011b, p. 10f.).

Recent studies on the effects of punishment in the United States and Europe confirm the limited effectiveness of harsh measures to prevent offending behaviour. The majority of US States still have the death penalty as the most severe form of punishment, and some States make frequent use of it. On the background

of empirical research and a critical international discussion the number of executions reduced in the last decades. The evidence that it effectively deters potential dangerous offenders is scarce, not to mention the human rights aspect (see Kuhlmann 2011; Winterdyk and King 2011). Lappi-Seppälä (2011) from Finland and Dölling et al. (2011) from Germany equally underline the dubious benefit of harsh sanctions in reducing crime rates. For instance, Lappi-Seppälä (2011, p. 281) emphasizes: “The 30 year period of decarceration ... would not have been possible without political consensus and agreements on principles. This was reached and upheld partly thanks to an active and influential group of penal reformers, working actively both in political life, civil service, judiciary, universities and research institutes. The political system, in general, showed little interest in crime policy. Also the media retained a fairly reasonable attitude on these issues, at least in comparison to many other countries”.

In a historical retrospective of the evolution of punishment in Germany, Kaiser (1996, p. 985) shows that in 1882 on the territory of the German Empire 76.8% of all sanctions were prison sentences, all of them unconditionally enforced. By the end of the last century this rate had declined to approximately 5%. This means that there has been an overall marked reduction of custodial sentences, particularly in favour of fines: with little effect on violent crime rates (see the analysis of Heinz 2011). Countries with high prison rates do not have necessarily lower crime rates than those that use prison only as a last resort (see Harrendorf and Smit 2010; Harrendorf 2011; Walmsley 2010).

FINAL DISCUSSION

The international empirical criminological research in the last decades shows clearly that harsh punishment like imprisonment or the death penalty is not the best measure to reduce crime. Western countries abolished the death penalty, Germany - in 1949 after the terrible experience of the Second World War; in the USA more and more states also stopped death executions. Research clearly demonstrates that states with death penalty don't have lower rates of severe crime than states without it. Dölling et al. (2011) conducted a large research project about the deterrent effect of different reactions on crime. “The investigation is based on 700 studies with 7822 effect estimates. The aim of the investigation is a total review, i.e. a consideration of all published deterrence effects in each study” (Dölling et al. 2011, p. 320). The authors come to the final result (p. 374): “Overall the findings of the meta-analysis contradict a universal validity of the deterrence hypothesis, but the statement that deterrence has no effect has also been refuted. This conforms to the notion that human behaviour is influenced by several causal factors. Aside from instrumental rational actions, Weber (1980) already mentions value-rational, affective and traditional actions – and the latter are difficult to influence with a

change of costs and benefits. There are cases where deterrence can influence behaviour – the death penalty, however, does not seem to belong to these measures. Consequently, the theory of negative general prevention is unsuitable as a basis of legitimising all sanctions – but appears suitable with regard to the usefulness of increased probability of punishment” (Dölling et al. 2011, p. 374).

This does not mean, however, that imprisonment has no role to play in crime prevention. A small proportion of very dangerous offenders need to be locked up for the safety of the population, even for long periods, but for other inmates long prison sentences do little for the rehabilitation and may even be counterproductive. The harmful effects of prisonization, which are known and documented, are more likely to lead to the exclusion of offenders from society than to their reintegration (see above; Galli 2016; 2017). Time in prison should be used to motivate inmates to change by giving them access to treatment programmes and purposeful activities. Early access to parole, when warranted by the active participation and cooperation of the inmates, is equally important to insure a period of supervised and assisted reintegration. It seems that in western European countries like Germany, under the pressure of the media (Hestermann 2016) and the critical discussion of immigrants, especially from Islamic countries, and increasing fear of crime on this background, the priority of resocialisation and reintegration of offenders have the last years reversed: the safety of the public comes first and rehabilitation second. In this discussion it is overseen that rehabilitation of offenders significantly helps to make a society safer.

Crime politics as rehabilitation of offenders is not an important topic of politics. The simple answer of politicians what can be done to reduce crime is what most citizens wish: sharper punishment and if it does not help, even sharper punishment. Popular attitudes are important because of their influence on political decisions, particularly when they are interpreted as a demand for tougher criminal legislation. Even the judiciary is not always immune to public pressure. With the extension of empirical sociological research to various fields in the first half of the last century, opinion polls became more frequent and acquired a growing influence on electoral decisions, to the extent that we speak today of a “media democracy”. When fear of crime became a major research topic, it was “measured” and the results published, politicians soon discovered its political potential for gaining votes by promising to be tough on crime. Crime in the sense of “governing through crime” became a useful political tool (Simon 2007; Sack 2004).

Polls directed at finding out how the public wants the state to deal with serious offenders indicate that most respondents ask for tougher sentences but are little informed about crime and sanctions. The little they know they have learnt from the media which, for commercial reasons, tend to present a distorted picture of crime by reporting only on those that are “sellable”, i.e. mainly violent and sex crimes (Kerner and Feltes 1980; Herstermann 2010; 2106). Given the general ignorance on crime-related matter, the demand for harsher sentences means that

people ask for tougher punishment than they believe the courts are meeting out. Several studies have shown that when the public is better informed about a particular crime and the circumstances that have led to its commission, the demands for sanctions are milder and closer to the actual sentences given by the courts (see Doob and Roberts 1983; Roberts 1992; Roberts and Stalans 1997). So to change penal punishment and to find out better and more rational reactions on crime especially the public has to be informed.

Allen (2005, p. 230) points out that “whatever the factors that lie behind criminality, every society needs a system for holding offender to account ... and how as a society we should do that. Is punishment through imprisonment the only way? Or are there other paradigms which have fewer financial, social and moral costs which cause less in the way of ‘collateral damage’ and to more to build offenders’ stake in conformity, rather than take away what little many of them often have ... In terms of reducing crime and rehabilitating offenders, it is clear that the measures needed to steer many of the most chronic and persistent offenders away from crime lie well beyond the reach of sentencing. What is needed is a new emphasis on problem solving justice.

Rather than seeking to bring about changes in offenders behaviour by punishment, such an approach would involve diverting offenders into the kind of health, educational and social programmes which can help them to turn their lives around”. He suggests (Allen 2005, p. 239) that a more rational crime policy and to bring forward a restriction of prison numbers “should involve three levels of intervention: a) Adjustment to the legal and legislative framework of sentencing so as to bring down custody rates and sentence lengths, b) Softening the climate of political and public opinion, c) Improving understanding of the range of non-custodial penalties”.

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