Policing German Cities in the Early Twenty-First Century

Abstract
The structure of organized urban social control has changed considerably over the course of the past thirty years, not only in the United States and Great Britain but also in Germany. This change is not only a result of the fundamental economic restructuring that contributed. It is also a consequence of the degree to which the ideas of security, control, and law and order have gained new and hitherto unknown dimensions. On the other hand, this is not in my opinion an epochal change in policing because a certain degree of continuity is undeniable and the developments can be seen as part of a long-term process of formalization of urban control in the form of a widespread private security industry, gated communities, and phenomena of post-panopticism such as closed-circuit television. So the traditional public/private dichotomy has become a great deal less distinct in policing and urban control. Against the background of commercialization and “festivalization” of the inner cities, socio-geographical division into various zones, and economic definition of functions for the city area, we can empirically identify a security and control strategy that can be summarized in a twelve point catalogue of new urban policing.

Keywords:
1. Introduction

In the following I would like to present some findings from two empirical projects that we ran at the University of Frankfurt am Main during the 1990s. As a sort of spin-off effect they outline the shape of changes in the forms of social control in a way applicable to conurbations both in Germany and elsewhere. The first project (funded by the German Research Foundation) focused on perceptions of control and surveillance functions exercised by commercial security firms in the public sphere; the second (funded by the Volkswagen Foundation) more generally examined changes in the structure of social control in the “global city” of Frankfurt am Main. The term “global city” was coined by S. Sassen (1991, 2000) and is very often misunderstood. Our use of it provoked some outspoken criticism, to which we responded with a critique of the ideological issues involved (Beste 2000a, 87-99). Additional findings come from a project on public violence in residential neighborhoods (also funded by the German Research Foundation), which has been running at the Institute for Interdisciplinary Research on Conflict and Violence of the University of Bielefeld since February 2003.

2. A Brief History of Postwar Policing

Looking at the development of social control in the big German cities during the past fifty years, i.e. the postwar period, we can roughly distinguish five different domains:

(a) the classic domain of the state’s monopoly on violence (police and armed forces);
(b) the domain of municipal administration and non-profit service providers (often publicly funded);
(c) the domain of what one might call the active citizenry, including registered associations and other citizens’ groups;
(d) the domain of private-sector security firms and commercial surveillance; and
the domain of control technologies, which are increasingly gaining ground as a
“technical fix” (currently in Germany primarily video surveillance and DNA analy-
thesis, but there is also a vast number of other even newer technologies).

In distinguishing the various phases of development we can initially identify a sequence of three or four phases. Until well into the 1960s, the police was the dominant force in a field it shared with the municipal administration and the citizenry. Commercial security firms have been extending their radius since the 1970s, and in the late 1980s the “technical fix” finally made its breakthrough. Detlef Nogala (2003) has aptly characterized the current situation as a “new mixed economy of policing.” What exactly does that mean?

One might say that the police, as the body that traditionally represents the state’s monopoly on violence, stands at the core of state sovereignty. In this sense, policing is always also an expression of state sovereignty and power (Haupt and Narr 1978; Loader and Walker 2001). If we take the view that this core activity of policing is subject to profound change, we would expect to find immediate effects on the exercise of state power as a whole. Though this process does not deprive the state of its monopoly on violence, new attitudes, emphases, and orientations emerge that may be expected to have a lasting influence on the way that coercive state power functions in society.

3. **Mixing the Economy of Policing Anew: Five Reasons**

Urban social control is now organized and enforced in a division of labor between the abovementioned five domains or instances of control. The five domains overlap in various ways, with diverse temporal, situational and spatial control complexes forming within them. Urban security policy therefore confronts us with a diffuse mixture of public, commercial, and private security bodies based on often doubtful legal premises and lacking a clear definition of their powers and responsibilities. The result is an increasing-ly influential but sub-penal particular law that, dressed up as the commercially motivated
right of property owners to undisturbed possession, is gradually assuming the role of a new private criminal law. In a parallel process, local authorities attempt to establish their own independent municipal security jurisdiction on the basis of existing by-laws. This is an ongoing process that has by no means reached its conclusion.

At least five developments, some of which are closely linked or overlap, contribute to an understanding of this mixed economy of control:

(i) Cities increasingly abandon the concept of positive citizenship and instead embrace the model of the city as an enterprise. The post-Fordist city is the competitive, safe, clean city where government is largely organized by market mechanisms. The supply and quality of urban space changes profoundly (Raco 2003; Belina and Helms 2003; Body-Gendrot 2001). Quasi artificial urban agglomerations are developing increasingly: “city of quartz” (Davis 1992) or “city of walls” (Caldeira 2000).

(ii) The duties and responsibilities of the police force expand steadily as new offences are defined and transnational policing (Shepptycki 2000; Walker 2003) gains in significance. Policing is no longer a set of practices integrated in the sovereign nation-state, but has become transnationalized and highly differentiated (Sheptycki 2002). Bayley and Shearing (2001, 40) talk about “multilateralization within countries and supranationalization among countries. In both cases, policing is no longer being constructed and provided exclusively by nation-states.”

(iii) New concepts of governance and regulation gain importance in security policy, especially at the community level (e.g. “community policing”, “problem-oriented policing”; Tilley 2003; Bayley and Shearing 2001; MacLeod, Raco, and Ward 2003).

(ix) The search for partners in domestic security intensifies in efforts to relieve pressure on the police and public budgets and at the same time delegate responsibi-
ties. New security networks emerge as a response to the growing loss of cohesion in urban society: “Policing now reflects the processes of pluralism, disaggregation and fragmentation which have been seen as the hallmark of the postmodern” (Reiner 1992, cit. Newburn 2001, 835; Byrne and Pease 2003).

The increase of risk entails growth in security markets. The terrorist attacks of 9/11 have drastically accelerated this process (Matassa and Newburn 2003; Crawford 2003).

To put it briefly, the sovereign state is no longer able to guarantee security, law and order, and effective crime control inside its territorial boundaries in any convincing way. The state is therefore forced to take recourse to complementary, evasive, or diversionary strategies that appear capable of disguising this elementary contradiction. It is interesting to note clear parallels to economic and social policy, where the Keynesian model appears to have been widely abandoned in favor of neo-liberal or Schumpeterian welfare regimes (Jessop 2002) in a development that is obviously far more advanced in Great Britain and the United States than in Germany.

These developments toward a new architecture of social control and new modes of surveillance, however, also produce dangers for the democratic state (e.g. Naucke 2000). An analysis based on a materialist control theory would have to focus on the link between profound structural changes affecting the social fabric in the neo-liberal phase, and a state law and order policy of deregulation and informalization that at the same time and most paradoxically relies on the citizens’ capacity for self-regulation (Nogala 2003; Rigakos 2002). For it is no coincidence that, as it defines ever-more activities as criminal offences, the state is turning into its own worst enemy. An obvious parallel is to be found in fiscal law and the state’s role as tax collector. Security is a value of such general, almost inherent acceptance that it can be used to justify grave interferences with civil liberties. Since 9/11, in particular, it seems that there are few remaining obsta-
cles to this process. Researchers will have to examine this “new policing”—defined as policing, surveillance, social control, securing the state, and making war (Steinert 2003)—as a consequence of the internationalization of the capitalist state (Hirsch 2003).

4. Structural Change in Urban Control since the 1970s

The structure of organized urban social control has changed considerably over the course of the past thirty years, not only in the United States and Great Britain but also in Germany. This change is not only a result of the fundamental economic restructuring that contributed, for example, to the dissolution of the working class “culture” and led to the creation of a new urban underclass. It is also a consequence of the degree to which the ideas of security, control, and law and order have gained new and hitherto unknown dimensions. The distinctions between the two principal policing models—community policing and broken windows policing—are becoming increasingly blurred (Herbert 2001). On the other hand, this is not in my opinion an epochal change in policing because a certain degree of continuity is undeniable and the developments can be seen as part of a long-term process of formalization of urban control in the form of a widespread private security industry, gated communities, and phenomena of post-panopticism such as closed-circuit television (Jones and Newburn 2002; De Waard 1999; Boyne 2000). So the traditional public/private dichotomy has become a great deal less distinct in policing and urban control (Kempa et al. 1999).

In the following paragraphs I would like to give a more detailed proof of my main thesis that this structural change in social control has not resulted in a retreat of the state and public institutions. Instead, we can observe a restructuring of the state’s monopoly on violence, one which points to a modified division of labor between public and private
institutions. One of the consequences is a noticeable change in the framework and structure of the entire architecture of control, which to an extent echoes the wider social restructuring. At the same time, however, the modified control scenarios display elements of cultural embeddedness. One example of this is the way a comparison of punishment in North America and western Europe shows differences in the quality and quantity in connection with different experiences of religion (i.e. Roman Catholic and Protestant; Melossi 2001).

5. What Is Policing about and Why Should Security and Control Be Increased?

The Anglo-American expression of “policing” (modern German: Polizieren) has a strong affinity to the paternalistic, absolutist, and welfare-creating eighteenth-century German concept of “Policey” with “ey”. Under the absolutism of the late seventeenth and eighteenth centuries the official role of the police concentrated on public welfare and public order. The police force quite simply embodied public action. So policing is not merely an issue of social control, control mechanisms, or strategies of social control, but rather a complex arrangement of differing techniques for putting social control into practice in a realistic and efficient way. This also involves ideological argumentation and justification to legitimize new surveillance and penalizing complexes, which in turn quite often promote a return of atavistic forms of punishment. In the advanced capitalist countries and the densely populated post-Fordist regions the following features appear to be typical for current developments:

- The creation of the control settings does not follow a specific uniform pattern; there are considerable differences in the timing of the appearance of specific forms of control.
- Local characteristics (can) substantially influence the control scenario.
There is no evidence of a uniform control structure specific to big European cities for example. However, when it comes to describing analytically the structures and strategies of policing in the western metropolis we can, nonetheless, discover eye-catching parallels, reasoning patterns which repeat themselves, and similar legitimating patterns.

The crucial development here is the urban security debate that has heavily influenced, if not ruled, the political agenda for the past ten to fifteen years. “Security” in this context has to be understood as a code referring to symptoms of crisis and major structural changes in the post-Fordist city. The term “security” serves as an ideological wild card and allows debate to be concentrated on the “control” of urban space, the construction of public enemies, and the exclusion of “dangerous” groups or classes. More than twenty years ago Stuart Hall and his colleagues (1978) defined those strategies from a functional point of view and created the expression of “Policing the Crisis” (controlling political crisis or guaranteeing of law and order by the police). What is the describing potential of the expression “policing the crisis”?

The first step in our search for an answer would be to look at the post-Fordist metropolis from an analytical point of view in order to shed light on the processes that have led to these substantial urban structural changes. According to David Harvey (1989, 1991, 1994) three aspects define the post-Fordist metropolis:

- Production of symbolic capital:
  This means the exploitation of increasingly differentiated markets by growing middle and high income groups, which in turn develop into luxury groups with an awareness of status. The consequences of this development are seen in the increasing spatial and social segregation both within prospering cities and in opposition to other cities that are
unable to follow suit. These groups also gain in political weight, because they can fur-
ther strengthen their privileged economic position through their consumer citizenship.

- The mobilization of the spectacle:
  With active support from the state, cities develop into huge shopping and leisure centers
  that separate the participants in the spectacle from those who cannot afford this pleas-
  ure. In addition, a political change of direction results in investment in production and
  social policy initiatives becoming less and less important.

- A clear increase in poverty and in informal economic activities in the shape of the
  creation of a shadow economy:
  This process is directly connected with the appearance of post-Fordist de-
  industrialization and the emergence of a deregulated economy. As a consequence we
  see the formation of a growing underclass of low-wage workers and other groups who
  are completely dependent on welfare benefits. Apart from social segregation, we also
  witness the development of a cultural divide that manifests itself in particular in the spa-
  tial formation of the city. Whilst cultural pluralism, consumer citizenship, and a new ur-
  ban aestheticism are demonstrated in the better quarters, the superfluous parts of the
  population, whose labor is no longer sought by the new service businesses, concentrate
  in the abandoned and segregated city areas (Amin 1994; Esser and Hirsch 1994).

In short: the post-Fordist metropolis is primarily characterized by a consistent orientation
 toward market principles that can be seen throughout practically all spheres and levels.
 This applies not only to the classical areas of work, housing, and leisure, but also to a
 variety of public tasks and benefits, which are characterized—at least at the level of dis-
 cussion—by the withdrawal or abdication of the state. One particular result is a change
 in the system of coordinates of political power, within which local government takes on a
 modified role and function.
The uninterrupted reign of the market principle, which has now reached and ideologically infiltrated local government not only in the United States and United Kingdom but also in Germany, and is reflected in public debate as “interurban competition for the best location,” has raised security and public order to “soft location factors” (Taylor 1999). For the political side in particular, this control policy partnership of business and local government represents an ideal platform to demonstrate power, resolution, and strength, which seem—strange as it may sound—to slowly disappear from other fields of politics (youth policy, social integration of immigrants). Why is that? “Security” has to be seen as an ideal good, of which in principle there can never be enough. The demand for security knows no limits (Scheerer 1996). Therefore security becomes an end in itself, which from the system theory standpoint could be expressed (or perhaps overstated) as self-referentiality. At the same time, however, this means that the need for security can be instrumentalized for political campaigns (e.g. the “Violence—Witness—Help” campaign in Frankfurt), in order to clear the way for intensifying specific control measures and in order to create a favorable security policy climate.

6. The Twelve Point Catalogue of New Urban Policing (NUP)
Against this background of commercialization and “festivalization” of the inner cities, socio-geographical division into various zones, and economic definition of functions for the city area, we can empirically identify a security and control strategy that can be summarized in a twelve point catalogue (Beste 2000; 2000a):
(1) The transfer of sovereign responsibilities to private individuals (mostly to employees of security firms) by way of lending state power to these persons. This occurs primarily in the supervision of non-moving traffic.
(2) The growing regimentation of public space by local authorities through the enforcement of local public order decrees. Normally these “breaches of the law” are interpreted in such a way as to target behavior typical of specific marginal groups.

(3) The growth of “hybrid spaces.” These are semi-public spaces in and around schools, hospitals, universities, public transport facilities, etc. These places are subject to “hybrid policing,” because these institutions are given the right of a property owner to forbid certain persons to enter and to order certain persons to leave.

(4) The privatization and commercialization of public space through the construction of shopping centers, shopping malls, adventure parks etc. As a rule, the companies that run these centers also possess the right to control the buildings.

(5) The uncontrolled variety of security commercialization: private-sector security firms are employed by shop owners (for example) and act without any particular legal basis. They refer to the right of citizen’s arrest and interpret is as a general right of intervention.

(6) The return of the local authority to police responsibilities through the reintroduction of a local city police force. One such example is the uniformed security force employed by the local Office of Public Order in Frankfurt am Main. Their special purpose is to act as local police and to appear as city patrols together with the normal police force.

(7) The creation of a de facto federal police force as a consequence of the increase in the responsibilities of the Federal Border Police (*Bundesgrenzschutz*, or BGS). BGS officers are found not only at major transport facilities such as airports and main railroad
stations, but also working for projects like “Aktion Sicherheitsnetz” (Project Safety Net) or involved in various “security partnerships,” often in close cooperation with the local police in inner city areas. The right to conduct dragnet searches (Schleierfahndung) allows BGS officers to stop, search, and question private citizens at any time and in any place within Germany without the need for special permission.

(8) Cooperation between the police and profit-oriented security firms. This increasingly happens on a contractual basis and involves a multitude of individual contacts, both operation-related and day-to-day. There is no specific legal basis for such cooperation. The 3-S concept (service, security, spruceness) of Deutsche Bahn AG (German Railroads) can, for example, be seen as a special case of this phenomenon.

(9) “City security management,” where systematically integrating support for the police into the responsibilities of urban and municipal bodies is seen as a significant element of the security policy agenda.

(10) Involving citizens in security activities. Examples include the Bavarian security patrol (Bayerische Sicherheitswacht), and Arbeit vor Sozialhilfe, an employment initiative in Frankfurt where former welfare recipients patrol public spaces for a gross wage of seven or eight euros per hour as “crime prevention assistants”.

(11) Local prevention and security concepts that bring together all the relevant urban bodies. These initiatives aim to involve in the crime control efforts even those bodies whose responsibilities are not apparently linked to criminal issues (departments of education, youth, health). They also aim to include streetworkers and motivated local citizens in the activities. One example of this initiative is the crime prevention board, where
the board members are expected to involve all the levels of hierarchy of their vertical organizations (from neighborhood level to top political leadership).

(12) The introduction of closed circuit television (CCTV), to control inner city areas classified as high crime districts. This method, which has been practiced in Great Britain for many years, aims to increase the effectiveness of prevention as well as helping to solve crimes.

As far as urban security policy is concerned, we are faced with an indistinct mix of public and private, profit-oriented control instances with unclear legal regulation and a confusion of competences and responsibilities. Increasingly we see attempts to establish a new private criminal law in the form of a commercially motivated sub-penal particular law dressed as right of a owner of a property to forbid entry or to order a person to leave. This process is supported by the local authorities, which try to establish an autonomous urban security jurisdiction by applying specific by-laws. The intention is to gain approval for an independent security policy, which would not only promise to be highly flexible but which would increasingly emancipate itself from supervision by higher authorities. As a consequence, however, this means a higher degree of self-ascription, in the case that the publicized promise of security cannot be kept. In this case the city council would be seen as being responsible for failing to achieve the promised political objective of security—however it had been defined. If we understand the city as an entrepreneurial community, it is not only the political leadership and the security forces who have failed to do a good job if crime grows and insecurity increases. In fact, the citizens would also have to ask themselves whether they had done everything in their power to effectively reduce risks and threats. They are being made responsible in form of a collective responsibility for crime, which of course relies equally on neighborhood
watch schemes and on a flexible anticrime strategy, depending on the situation. Protection against burglary, theft, and violence becomes a constitutive element of the way of life of the new urban “work force-entrepreneur”.

7. Contemporary Control Discussions

From the perspective of political reasoning, the current discussion about urban security and order stands under suspicion of being ideological, as it is dominated by strategic ideas and interests which correspond to the ideas of power and which take “security” at face value. Successful management of socio-political challenges is pushed into the background to make place for neo-liberal location strategies. Thus the city presents itself as an overdetermined field of social control that, at its center, not only expresses the underlying distribution of power within society, but also indicates deepening lines of conflict within urban society. In the populist security debate these appear as a social geography of fear. Whilst the feeling of security based on employment continues to diminish and makes place for a steadily growing demand for mobility and flexibility, we witness the emergence of a security strategy that favors location in the sense of a contested social sphere (Sennett 1998) and defines it in the sense of “fortified cells” (Christopherson 1994).

However, as well as punitive control strategies, Garland (1996, 2001) also sees the emergence of new forms of reaction which he interprets as an adaptation to the dilemma of current crime control, given that the punitive strategy would rather represent a symbolic negation of this dilemma. This double-sided, ambivalent, and sometimes contradictory political course of action is accompanied by an equally ambivalent criminological perception that expresses itself in a split between a “criminology of the self” and a “criminology of the other,” although this contradictory separation primarily reflects the
conflicts at the center of politics rather than providing a rational response to the different shapes and forms of crime. The dilemma and contradiction of crime control in post-Fordist societies and the reactions of the governing bodies to this "double bind situation" are therefore at the center of his observations. Garland concludes that the sovereign state is no longer capable of ensuring security, justice, and order in a convincing way, nor of maintaining a properly functioning crime control system within its borders. As a consequence the state would need to search for complementary, alternative, or diversionary strategies, which would seem to paper over this basic contradiction. Incidentally, there are also parallels here to the way the Keynesian model is increasingly losing ground to neo-liberal strategies in economic and social policy, a development that is obviously much more advanced in Great Britain and the United States than in Germany. We are therefore looking at a transfer of primary responsibilities from the state and its institutions to communities and individuals (Crawford 1997, 265).

8. Outlook

A dualistic control strategy can be found in practically all advanced capitalist high crime societies. It is characterized by punitive segregation and exclusion of the criminals and by rational preventive and situational risk management. The penal welfarism of the 1970s, whose goal was resocialization and which was supported mainly by a reform-oriented middle class, has definitely had its day (Garland 2001; critically: Matthews 2002). At the local level we find a dominance of loosely structured grassroots prevention and security strategies. Under these circumstances it is not surprising that the topic of "youth" is dealt with using terms like prevention, risk, and violence. Central questions relating, for example, to social security, educational chances, and perspectives for the future cannot be answered by control policy, which focuses entirely on law and order. In my opinion, the main task of local law and order strategies, given this difficult situation,
will be to insist on the necessity of shaping our future justly and responsibly, based on togetherness and integration and leaving behind small-minded ideas of security. Even at present the social power of creativity should be more important than community crime prevention. Nevertheless the consequences of 9/11 have also shown the weakness of permanently insisting on social and political principles.

It remains to be seen whether the extreme expansion of American penal policy will set an example for Western Europe (Wacquant 2001, 2002). The difference between bite and bark is still very clearly noticeable in continental Europe (Steinert 2002). Nevertheless, Germany now leads the prison statistics in western Europe. The number of prisoners aged fourteen to eighteen tripled between 1994 and 1999. The number of prisoners aged eighteen to twenty-five has more than doubled in the same period. No other country in western Europe has set up such a program nor dedicated similar amounts of budget funds for building new prisons (Klingst 2002). This means, that the real policy of penalizing is the direct opposite of the propaganda of prevention.

Although the situation in Germany is still a long way from the militant policies of exclusion and (social) elimination prevalent in the United States, the face of domestic security has changed profoundly over the past thirty years. The present paper can only describe the general outlines of the process that has led to the emergence of a “Verpolizeilichung der Gesellschaft” (“overpoliced society,” a term coined by civil rights activists; German Komitee für Grundrechte und Demokratie 2002). We are facing an avalanche of new criminalizations in particular in the areas of politically motivated violence and terrorism, economic crime, environmental crime, narcotics, organized crime, and immigration. The legislative seems to have taken the principle of *nullum crimen sine lege* all too literally.
The process of upgrading the machinery of control has been completed, for the mo-
ment. Its outcomes are:

- the militarization of society, increasingly blurred boundaries between domestic and national security, and the spread of a populist imagery of war;
- the transformation of the German Federal Border Police into a national police force equipped with wide-ranging powers in a process not covered by the German constitution; plans are already in place to increase its activities in connection with the current EU expansion;
- the development of a new parapolice in the shape of private-sector security firms that often operate in close collaboration with the police, but outside any legal framework (Rigakos 2002; Beste 2000);
- the creation of a large number of databases suitable for police investigations and theoretically able to store data on any and all of a country’s citizens;
- the accelerating spread of new methods of investigation and surveillance, such as DNA analysis and CCTV;
- the thorough informalization and flexibilization of criminal prosecution, erosion of civil rights, and spread of plea bargaining;
- the introduction of victim/offender mediation and diversion from prosecution as tendencies toward “privatizing” prosecution;
- the redefinition of control policy as active social policy, especially at the local level, as a rhetorical marketing ploy and additional legitimation of this security concept (crime prevention councils, community policing, community crime prevention).

Criminal justice, in short, has mutated into a universal and pervasive instrument of so-
cial regulation that has already significantly transgressed its democratic safeguards in a development leading from criminal justice by and for the citizen to criminal justice for the
public enemy. These tendencies toward a new (transnational) architecture of social control and a new culture of surveillance correspond to deregulated and informalized state law and order policies that paradoxically rely increasingly on the citizens' capabilities of self-regulation (Newburn 2003a). The challenge for future research into control structures will be to analyze these phenomena in even greater detail.

Bibliography


Beste, Hubert 2000a: Morphologie der Macht. Urbane “Sicherheit” und die Profitorientierung sozialer Kontrolle, Opladen (Leske und Budrich).


Hall, Stuart, Critcher, Chas, Jefferson, Tony, Clarke, John and Roberts, Brian 1978: Policing the Crisis: Mugging, the State, and Law and Order, London (Macmillan).

Harvey, David 1989: The Condition of Postmodernity, Oxford (Blackwell).


Komitee für Grundrechte und Demokratie (Hg.) 2002: Verpolizeilichung der Bundesrepublik Deutschland – Polizei und Bürgerrechte in den Städten, Köln (Aquinostr. 7-11, 50670 Köln)


Steinert, Heinz 2002: Administrative resistance and other limits to “Americanization”: some reasons why American-style security policies will fail to sweep Europe, in: Prittwitz, Cornelius et al. (Hg.): Festschrift für Klaus Lüderssen, Baden-Baden, S. 359-371.


Wacquant, Loic 2002: From slavery to mass incarceration. Rethinking the ‘race question’ in the US, in: New Left Review 13 (Jan/Feb), 41-60.