

***Parallel Justice –
Why Do We Need a Strengthening of the Victim in Society?***

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Parallel Justice – Why Do We Need a Strengthening of the Victim in Society?¹

Ladies and Gentlemen,

You are aware of the topic of my address. But before I get into that, I ask for your patience. It strikes me as sensible to first of all discuss the main topic of this Congress on Crime Prevention, which is **“More prevention – less victims.”** Based on very diverse victim experiences, I would like to begin by discussing where prevention apparently works and how this can be explained. An example of the opposite is intended to illustrate where we urgently need to expand prevention. An analysis of the very diverging victimological findings and prevention policy perspectives then provides the basis for the real topic of my address – Parallel Justice.

1. A Long Journey from the Religiously Motivated Beating of Children to the New Trend of More Love and Less Punishment

I would like to begin with the **prototype** of severe victimization: the beating of children. This method of upbringing follows an old tradition. **“Spare the rod, spoil the child”** is a saying that is attributed to a counselor of the King of Assyria in the seventh century B.C. And in the Bible (Proverbs 13, 24) it says: “He who spares his rod hates his son; but he who loves him disciplines him promptly.” This is based on the religious belief in the **innate depravity and original sin of human beings**². It was essential to counteract this with all severity, right from the start. For centuries, “beating the devil out of children” was more than a saying.

But then, **during the Age of Enlightenment**, independent thinkers gained entirely different insights. The French philosopher and humanist Michel de Montaigne stated: “My experience is that the use of the rod makes a child cowardly and more than ever maliciously obstinate.”³ In 1692, in his book “Some Thoughts Concerning Education”, the English philosopher John Locke spoke out against the concept of innate depravity that is to be fought with beatings. A quote: “Children are like white paper or wax that one can shape and form positively and negatively.”⁴ 70 years later Jean Jacques Rousseau countered the Christian concept of original sin with that of **child innocence**. Children were to have the opportunity to develop their creativity and learn step by step from their own experiences.⁵

¹ The version of the address that contains footnotes and literature references is published in the proceedings of the German Congress on Crime Prevention.

² See Pinker, 2011

³ De Montaigne, 1998 Edition

⁴ See Wattendorff, 1907

⁵ Rousseau, 1971

It took another 200 years, however, until the wonderful books by Astrid Lindgren lay the groundwork for a fundamental reform in **Sweden** and the Nordic countries.

First, during the fifties and sixties, the right to corporal punishment by teachers was abolished there, and then, between 1979 and 1983, the same thing happened to the corresponding right of parents. When Germany followed Sweden's example in the year 2000, advance empirical research regarding this topic had contributed to this legislation being passed. Among international criminologists, I would like to emphasize David Farrington⁶, Terence Thornberry⁷ and Dan Olweus⁸ and from Germany Friedrich Lösel⁹, Hans-Jürgen Kerner¹⁰ and Peter Wetzels¹¹. Today, Montaigne's thesis, which was mentioned above, has been empirically validated in many ways. One example is our representative survey of 45,000 ninth grade students, which was carried out in 2007/2008. According to this study, children who had been beaten massively by their parents were five times more likely to become multiple violent offenders than those who had been raised lovingly and without violence. They consumed cannabis five times more often and four times more often they skipped school at least ten times a year.¹²

In addition, our data reveals that **politically relevant effects** result from the corporal punishment of children. Parents who beat their children fail to exemplify positive behavioral alternatives for how to deal with conflict situations. Instead, they send them a false message: The stronger one may and should impose his will with force. It is therefore not surprising that children who have been severely beaten become youths with **extreme right-wing convictions** three times more often than children who have been raised non-violently.¹³ The political importance of the culture of upbringing is confirmed by three additional representative surveys of adults that we have conducted since 2004. The more often and the more violently the participants in the survey were beaten by their parents as children and thus repeatedly suffered from feelings of powerlessness, the more they later wished to own a **firearm**. A firearm gives one a feeling of power and fighting strength and stabilizes one's weakened self-esteem. Another thing that was revealed: Those who grew up in constant fear of being beaten by their parents, later often assume that there is a threat of violence from one's fellow humans. They are therefore in favor of **harsh deterrents** against evil, including capital punishment.¹⁴

⁶ Farrington 1992a, Farrington 1992b

⁷ Thornberry et al, 1991

⁸ Olweus, 1980

⁹ Bender & Lösel, 1997

¹⁰ Kerner, Stroezel & Wegel, 2003

¹¹ Wetzels, 1997

¹² Stadler, Bieneck & Pfeiffer, 2011

¹³ *ibid.*

¹⁴ Baier, Kemme, Hansmaier, Doering, Rehbein & Pfeiffer, 2011

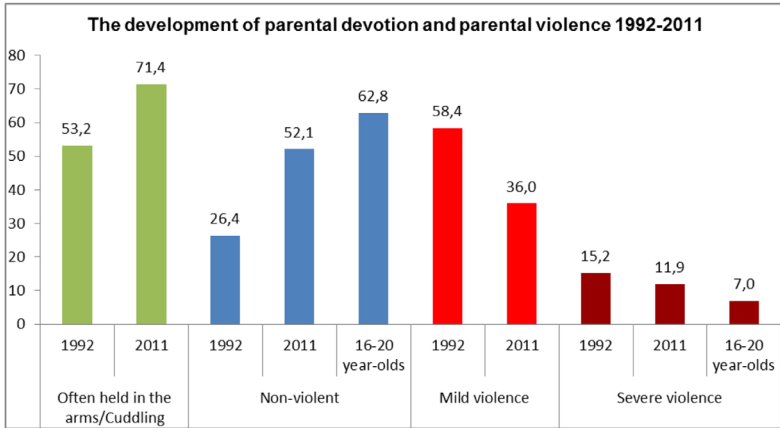
Another example of the political importance of a country's culture of raising children is provided by an OECD study from the year 2008. A representative study in 20 European countries measured the social skills of students. It turned out that especially youths from Sweden, Finland, Norway and Denmark had by far the highest values regarding **tolerance** and the **extent of their interpersonal trust**.¹⁵ This also seems to be a result of the fact that these four countries were the first worldwide to implement the ideal of raising children in a non-violent, loving way. There, one was convinced of two theses early on. First: raising children non-violently helps them stand tall. And second: raising children in a loving way promotes empathy.

But how has our own culture of raising children developed? Two representative surveys of victims, which we were able to conduct in 1992 and 2011 and which were funded by the Federal German Republic, provide an answer. A comparison of the data confirms a clear trend: **More love, less beatings**. The proportion of those who have grown up entirely without violence doubled from 26 percent to 52 percent during the 19 years between the surveys. Parallel with this, the proportion of those who as children were often held in the arms of their parents and experienced intense cuddling with them, increased from 53 percent to 71 percent. In contrast, the number of mild and severe acts of violence was significantly lower. Furthermore, among the 9,500 Germans who participated in the survey, we looked separately at those who were between 16 and 20 years old at the time of the survey. Among these, all four points provide even more positive findings. The proportion of this younger age group who were raised non-violently was 63 percent. The proportion who were beaten severely was only seven percent.¹⁶

¹⁵ Van Damme, 2012

¹⁶ Pfeiffer, 2012a, Pfeiffer, 2012b, Pfeiffer, 2012d

Figure 1: The development of parental devotion and parental violence 1992 - 2011



The new production of youth violence because of parents who beat them has thus decreased greatly. What we find in our statistics is therefore not surprising. An example is the data from the health insurance funds regarding the frequency of severe fighting injuries at schools, where the victims had to be admitted to hospital. Since the height of the violence in schools in the year 1997, the number of such cases per 10,000 students decreased from 16 to 7 (in 2010), i.e. by 60 percent.¹⁷ The reason why this data is so convincing is because there are virtually no unreported cases when the schools report to the state health insurance funds. Fittingly, the student surveys that the Criminological Research Institute of Lower Saxony [hereafter called by its German acronym KFN] has carried out in eight cities and administrative districts since 1998 show a stable **decrease in youth violence**.¹⁸ And finally, the police criminal statistics since 2007 also confirm this positive trend – and this, although the willingness of young victims of violence to report the violence has increased. Youth violence in this age group has decreased by 33,3 percent per 100,000.¹⁹

The result of all this data fits perfectly with the topic of the conference: More prevention – less victims. One could also formulate it as follows: **More resilience, more power of resistance – less victims**. With this, I would for the first time like to use a concept that fits naturally here. There is a proven insight in the psychology of development which states: Children, who are raised in a non-violent and loving way and who have developed a strong bond to their primary caregiver, thereby gain the power

¹⁷ Baier, Kemme, Hansmaier, Doering, Rehbein & Pfeiffer, 2012

¹⁸ Bundeskriminalamt, PKS 2013

¹⁹ Bundeskriminalamt, PKS 2013

to master their lives, even when things become difficult.²⁰ Today, the word resilience is used to describe this quality – i.e. the ability of a person to deal constructively with onerous life circumstances by accessing his/her own resources.²¹ It goes without saying that resilience generates preventive power.²² On the other hand, it is also important for how people process a victim experience. I will provide two concrete examples of this later. But first I would like to return to an aspect that played an important role in the beginning of my address: The importance of the Christian religion for the way parents raise their children.

2. Christian Religion and the Culture of Upbringing Today

It seems reasonable to include religion, because it was against the church's tradition of raising children that the Age of Enlightenment was focused. We therefore asked ourselves if Christian congregations still today hold these century-old convictions and if so, what the effects of this may be.

Our analysis was based on data from almost 23,500 native German youths from West Germany, who, according to their own statements, belonged to a Christian congregation. Almost half of them were Protestant. Among these, 431 stated that they belonged to an **Evangelical Free Church congregation**. We undertook a special evaluation of this group.²³ In an article on September 30, 2010, two editors of the *Süddeutsche Zeitung*, Florian Götz and Oliver Das Gupta²⁴ had attested that such congregations had an extremely repressive culture when it comes to the parental raising of children. As an example, they referred to an American parenting guide by the fundamentalist pastor Michael Pearl and his wife, which evidently is very popular among evangelical parents.

The following quote describes one of the central messages of the text:

“When the time comes to apply the rod, take a deep breath, relax, and pray, “Lord, make this a valuable learning session. Cleanse my child of illtemper and rebellion. May I properly represent your cause in this matter.” No jerking around. No raised voice. The child should be able to anticipate the coming rod by your utterly calm and controlled spirit. [...] If you have to sit on him to spank him then do not hesitate. And hold him there until he is surrendered.[...] Sometimes, with older children, usually when the licks are not forceful enough, the child may still be rebellious. If this occurs, take time to instruct and then continue the spanking. A general rule is to continue the disciplinary action until the child is surrendered.”

²⁰ Suess & Kießgen, 2005, Daigle, Beaver & Turner, 2010

²¹ Werner & Smith, 1992, Lösel & Bender, 2007, Pianta, Stuhlmann & Hamre, 2007, Greve, Hellmers & Kappes, 2012

²² Matt & Siewert, 2008, Wegel, Kerner & Stroezel, 2011

²³ Pfeiffer & Baier, 2013 (Manuscript in preparation)

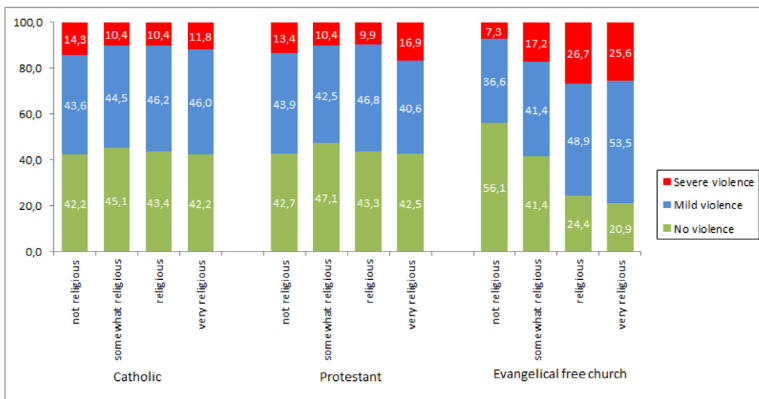
²⁴ Götz & Das Gupta, 2010

The German version of the book was published in 2008 and approx. 4,000 copies were sold. Then, in the autumn of 2010, it was banned by the Federal Review Board for Publications Harmful to Young Persons.²⁵ A similar message is provided by the book “Shepherding a Child’s Heart”.²⁶ The author is the American pastor Tedd Tripp. Here a quote: “The rod is a parent, in faith toward God and faithfulness toward his or her children, undertaking the responsibility of careful, timely, measured and controlled use of physical punishment to underscore the importance of obeying God, thus rescuing the child from continuing in his foolishness unto death. [...]The use of the rod is an act of faith. God has mandated its use.”

But last week the Federal Review Board made a decision concerning the prohibition of this book, too. The publisher has already been informed. The indexing will be published in the German Federal Gazette on April 30, 2013.²⁷

Figure 2 shows what can be learned about spanking children if one differentiates between whether the families of the surveyed youths belong to a Catholic, Protestant or Evangelical Free Church congregation. Furthermore, a distinction is made depending on the degree to which the youths classify their parents’ level of religiousness.

Figure 2: Parental violence in childhood depending on the religious group and religiousness; non-academic families, student survey 2007/2008²⁸



²⁵ Bundesprüfstelle für jugendgefährdende Medien, Entscheidung vom 06.08.2010, Entscheidung Nr. 9389 (V); BAnz 2010, Nr. 130.

²⁶ Tripp, 1995

²⁷ Bundesprüfstelle für jugendgefährdende Medien, Entscheidung vom 05.04.2013, Entscheidung Nr. 10919 (V); BAnz 2013 AT.

²⁸ Pfeiffer & Baier, 2013 (manuscript in preparation)

When it comes to Catholic families, children in parental homes that are not religious were beaten the most – 14 percent. In the religious or very religious families it was only 10 and 12 percent, respectively. The situation is similar in Protestant families. Here, however, most beating (17%) is done by the group of very religious parents. The findings regarding the **Evangelical Free Church families** do not fit the pattern at all. Here, **the stronger the parents are rooted in their beliefs, the more they spank**. The proportion of severely beaten children increases from 7 percent for non-religious parents to 26 percent for those highly religious. It should also be noted that, compared to the four groups, the proportion of children who are brought up non-violently here decreases from 56 percent (non-religious parents) to 21 percent (highly religious parents).²⁹

We used the opportunity we had in 2011 to survey 11,500 adults to carry out this study a second time. This again confirmed the results of the student survey. Those questioned who came from Evangelical Free Church congregations and whose parents were very religious, suffered from massive beatings twice as often as the comparison group whose parents were not or only somewhat religious.³⁰ Here, too, due to the small number belonging to this religious minority, it was not possible to differentiate between the different types of congregations.

These different patterns of upbringing of course leave their traces in the children concerned. Clear, consistent findings thus emerge for Catholic and Protestant respondents. The more religious they are, the more seldom do they resort to violence. 16 percent of non-religious youths are perpetrators of violence, but only 6 percent of those who are very religious. This connection is, however, much weaker for Evangelical Free Church youths (12% non-religious, 8% very religious). Furthermore, it turns out that the satisfaction with life, especially for Catholic, but also Protestant youths increases strongly, the stronger their belief is. This trend is especially clear for young Catholics (35 % of non-believers are very satisfied, 52 % of strong believers are very satisfied). No such connection could be found for the Evangelical Free Church youths. A further finding corresponds with these insights. Especially for Catholic youths, the following applies: the more religious they are, the fewer of them report having thoughts of suicide. For Evangelical Free Church youths, however, there is a slight trend in the opposite direction.³¹

3. The Repressive Culture of Upbringing in the United States

Only one percent of the youths surveyed by KFN belonged to Evangelical Free Church congregations. In the United States, however, the proportion of the population that are evangelical Christians is 26 percent; in the Southern states sometimes even more

²⁹ *ibid.*

³⁰ Pfeiffer, 2012a; Pfeiffer 2012b

³¹ Pfeiffer & Baier, 2013 (manuscript in preparation)

than 50 percent.³² This fits with the findings of a study by Human Rights Watch. In the United States, in the year 2009, more than 200,000 students, most of them in the Southern states, were beaten with a rod by their teachers. This is permitted in 21 states.³³ In addition, American parents nationwide have the right to use corporal punishment. Two overview studies that were undertaken in 2010 by Gershoff and Strauss showed that only 15 % of American children are raised non-violently by their parents³⁴ (as a reminder: this now applies to 63% of German children). Furthermore, 70 percent of American parents agreed with the statement: “It is sometimes necessary to discipline a child with a good hard spanking.”³⁵ The numbers document the extent to which there is still a repressive culture of upbringing in the United States, under the strong influence of fundamentalist Christian groups. It is obvious that this also has political consequences.

The domestic political division within the nation, the power of the Tea Party, the intolerance of the reactionary conservatives toward liberal groups, the substantial aggression potential of American society, coupled with people’s urge to arm themselves and their extreme desire to punish – all this is strongly promoted by the repressive culture of upbringing in families and schools. The United States is paying a high price for this: there are eight to ten times more people in prison per 100,000 citizens than in Germany and the Northern European countries.³⁶ Furthermore, 18 times more killings with firearms occur in the United States than in Germany.³⁷ In addition, the rate of other homicides in the United States is more than three times higher than in Germany.³⁸ Of course other factors play a role in this, such as the tough fight for survival by those experiencing poverty in the United States or the historically evolved tradition of owning guns. But the influence of the antiquated tradition of upbringing is obviously very strong.

All this is important also for us. It is simply a fact that the United States is a leading culture on this Earth. It is therefore important that the reaction to the latest killing spree is not limited to the attempt to reduce the private possession of firearms. What the United States above all needs is disarmament of the mind. But this requires a radical change in the culture of upbringing. We should therefore not only watch passively; instead, we should appeal to this strong, great nation and its President: abolish the right to corporal punishment for parents and teachers.

³² Pew Forum on Religion & Public Life, 2008

³³ Human Rights Watch & American Civil Liberties Union, 2008

³⁴ Gershoff, 2010

³⁵ Straus, 2010, p. 17.

³⁶ United Nations Office on Drugs and Crime (UNODC), 2011

³⁷ The numbers are based on the publications regarding homicides with firearms 2010 by the FBI and the U.S. Department of the Interior and the corresponding population figures. In the United States, there were 2.84 homicides with firearms per 100,000 residents; in Germany there were 0.19.

³⁸ *ibid.*

4. Sexual Child Abuse and Violence against Women – Two Examples of the Great Importance of Resilience

Ladies and Gentlemen, after this excursion into global politics, I would now like to continue with what I already mentioned: the two examples of the great importance of resilience. The first concerns **sexual child abuse**. In this regard, our two representative surveys from 1992 and 2011 show a similar trend as that concerning violence against children within the family. Among those under the age of 16, the risk of becoming a victim of abuse has also diminished greatly – from 7.1 to 4.4 % (abuse with physical contact).³⁹ When seeking an explanation for this, a finding from the survey data from 1992 gives us an important clue. According to this survey, children who are neglected and beaten by their parents have an especially high risk of abuse.⁴⁰ Those who have not received their fill of parental love radiate insecurity. Pedophiles have an antenna for this; they offer such children devotion and take possession of them. But those who were able to become self-confident and strong at home and who developed distinct powers of resilience are less in danger of being abused by their uncle, neighbor, priest or a stranger.

And if, in spite of this, it still happens, those victims who today are more self-confident and more active have much more power than before to put an end to the abuse, get help and report it. The survey of 2011 shows this especially clearly in comparison with the three age groups that we surveyed. Those who were between 31 and 40 years old at the time of the survey had reported the abuse only between 5 % and 13 % of the time, depending on the type of abuse, whereas those between 16 and 20 years of age reported it between 28 % and 41 % of the time. The percentage for those between the ages of 21 and 30 lies between these values. Whereas in the 1980's only about every twelfth perpetrator could count on criminal proceedings, today this applies to every third one.⁴¹ This obviously dampens the enthusiasm for taking action among potential abuse offenders.

But here, too, there is no mono-causality. There are obviously other factors that can explain the increase in the willingness to report abuse. The sense of shame has changed in the course of the last three decades. In addition, the committed work by a large number of organizations for the aid of victims has borne fruit and has encouraged those concerned to step out of their passivity.⁴² And finally, public attention and the sympathy for those concerned have increased markedly during the last three decades. All this has encouraged them to break their silence and get help.

³⁹ Stadler, Bieneck & Pfeiffer, 2012

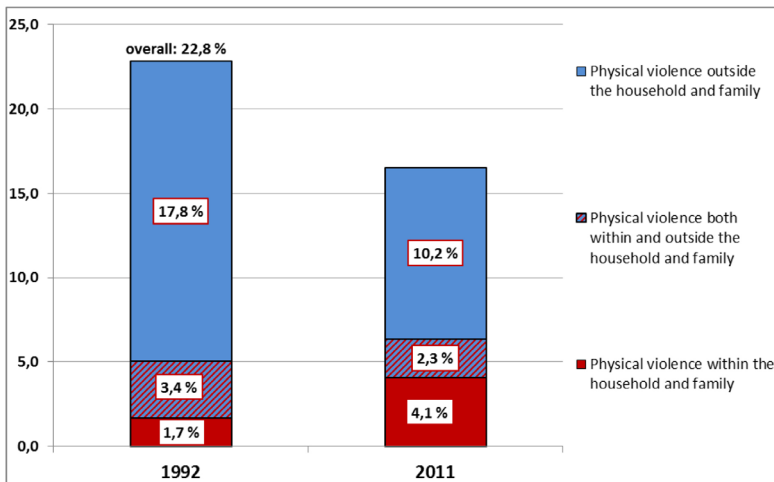
⁴⁰ Pfeiffer & Wetzels, 1997

⁴¹ Stadler, Bieneck & Pfeiffer, 2012

⁴² Stiftung Opferhilfe Niedersachsen, 2011

My second example concerns **physical violence against women** within and outside the household and family. Figure 3 below shows what proportion of women were victims of physical injury during the five years preceding the surveys and compares the results of the survey in 1992 with the one in 2011. Overall, we find a decrease from 22.8 % to 16.6 %. When comparing the places of injury, however, we find the opposite trend. The proportion of women, who became victims of physical injury exclusively at home, sank during the 19 years from almost 18 % to 10 %. Parallel to this, since 1992, women are increasingly exposed to the risk of experiencing violence outside the family and household. Here, the proportion of victims increased from 1.7 % to 4.1 %.⁴³

Figure 3: Physical violence against 16- to 40-year-old women within and outside the family



But why did the incidence of domestic violence fall so sharply? An initial explanation is obvious: The committed implementation by the police of the Protection against Violence Act. But a different aspect seems to be equally important: Girls have profited from the change described above much more than boys. When comparing the age groups in our survey in 2011 with that from the 1980s, the massive parental spanking of girls thus decreased from 17 to six percent – for boys it only decreased from 14 to eight percent.⁴⁴ On the other hand, in contrast to earlier years, the girls, as compared with the boys, received considerably more devotion and love not only from their

⁴³ Pfeiffer & Thoben, 2013

⁴⁴ Pfeiffer, 2012a, Pfeiffer, 2012b

fathers, but also from their mothers.⁴⁵ All this strengthened their self-confidence and contributed to increased success rates in their education and profession. They thereby became more independent and no longer let themselves be dominated as much as previously. Today, they have a greater amount of resistance against any claims to dominance by their partner and more often set limits when necessary. All this considerably reduces their risk of becoming a victim of intra-family violence.⁴⁶ More resilience means more prevention.⁴⁷

But why did the proportion of women who became victims of physical injury in public areas increase so much? Here, too, the increased self-confidence of women seems to have been an important factor. The more they freed themselves from their earlier role as housewives, the more their leisure time behavior also changed. Today, they go outside much more than before. This goes hand in hand with taking higher risks. The result is that the public life of women has become more exciting, but also a bit more dangerous.

5. A Counter-example to the Positive Trend: Domestic Burglaries

Ladies and Gentlemen, at the beginning of my lecture I announced that I would provide a counter-example to all these positive stories of prevention. This concerns domestic burglaries. Police crime statistics registered an increase of 25 percent in the number of domestic burglaries between 2006 and 2011. Parallel to this, the clear-up rate sank from 20 to 16 percent.⁴⁸ The data from so far eleven federal states available from the year 2012 indicate that the situation has continued to worsen. As compared with 2011, an increase can be expected of 10 percent in the number of cases and a further decrease in the clear-up rate. In addition, the data from the police sugarcoats the situation a lot. The reason for this is that only in every fifth case that the police declares to be cleared up do the attorneys general have enough evidence to charge the suspect. The result is that, based on the cases that were reported in 2011, there is only a two percent risk of being convicted for a burglary.⁴⁹ This is a clear message to the burglars. In Germany, with a certainty of 98 percent, they can count on going unpunished for their criminal work. That is a true invitation for organized gangs of criminals to act – no matter if they live in Germany or in our neighboring Eastern European countries.

We at KFN used the opportunity of the large representative survey from 2011 to survey the 11,500 persons also regarding domestic burglaries. The findings match the bleak picture of the official statistical figures. There were many problematic messages from the five percent who stated that they had once been victim of a domestic

⁴⁵ Pfeiffer, 2012d

⁴⁶ Pfeiffer & Thoben, 2013

⁴⁷ Walklate, 2011

⁴⁸ Bundesministerium des Innern, 2012

⁴⁹ *ibid.*

burglary. The average amount of damages was approx. 3,200 Euros. 38 percent were not insured and therefore had to cover the costs for the damages themselves. Many, however, stated that something else distressed them much more: **this burglary into the intimate sphere and security of their apartment**. Every second person suffered emotionally from it for a long time. Especially women tell of persistent, strong feelings of anxiety (37 %) and complain about massive sleep disorders (27%). Overall, every fifth person moved out of their apartment due to the burglary. Furthermore, three quarters of the victims (77 %) described the fact that the perpetrator could not be identified by the police as very unsatisfactory and disappointing.⁵⁰

Faced with this shocking data regarding domestic burglaries, one of course asks oneself if such findings describe an exception or if there are any other negative examples from a victimological point of view. Here are a few key facts concerning this:

1. Human trafficking has increased considerably.
2. Many girls and possibly also boys become victims of pedophile men who aggressively try to come on to them while chatting in children's forums.
3. The subculture of motorcycle gangs such as Hells Angels, Bandidos or Mongols is obviously growing rapidly.

6. Parallel Justice – Justice for all Victims

These highlights are a part of the overall picture. But they can only in a limited way supplement what Wiebke Steffen has presented within the framework of her extremely differentiated report regarding the **state of victims of crime in Germany**.⁵¹ She justifiably points out that the overall situation has improved in many ways. Beginning with the Victims Compensation Act of 1976 and the Protection of Victims Act of 1986, the State has little by little strengthened the legal position of victims of crime. Regarding **criminal law proceedings** alone, there have been nine victim-related reforms since 1986 – from the injured party's right to inspect the records, via victims' attorneys at the State's expense, to the improvement of the adhesive procedure.⁵² A final example deals with the recently adopted law regarding the strengthening of the rights of victims of sexual abuse, through which, for example, the injured party is granted extended rights of declaration and avenues for appeal.

We also have 13 changes in the **substantive criminal law** – from different regulations regarding victim-offender mediation, via the tightening of criminal law in the area of the penal code for sexual offences, to new regulations for the protection against human trafficking or the punishability of stalking.

⁵⁰ Pfeiffer, 2012c, see also Görden, 2012

⁵¹ Steffen, 2013

⁵² Böttcher, 2012, Schöch, 2012

Many of these legal regulations are justifiably welcomed by Wiebke Steffen, because they have contributed to preventing a re-victimization of the victim during the criminal proceedings and to supporting him/her against inappropriate attacks by the offender and his/her lawyer during these proceedings. I also agree with her in her criticism that these reforms only affect the 12 % of the victims whose cases have led to prosecution. Steffen also justifiably criticizes the fact that these laws for the protection of victims are not based on a clear, systematic concept. They often originated as a result of current events, sometimes had a populist orientation and should be seen as the result of lobbying by the associations for the protection of victims. But what can especially be criticized is a gross lack of empirical research regarding the experiences and true needs of the victims.

Legislators always claim to act in the interest of the victim, but they have almost never taken the trouble to carefully determine if their assumptions are correct. In addition, they are not very interested in if the intended strengthening of the rights of victims has had the desired effect and what experiences the different parties to the proceedings have made with the practical application of the new legal regulations. There are certainly good reasons to undertake an encompassing evaluation in this regard. This applies to the concern, expressed by many critics of the legislation concerning the protection of victims, that it would impede an effective criminal defense of sexual offenses. Another example is the prosecution of sexual offenses. The statement by many victims that they, in retrospect and in view of the experiences they gathered during the legal proceedings, would never again press criminal charges, should cause lawmakers to empirically investigate the assumptions that underlie the legislation.⁵³

I will return to these research deficits later. But they can only be correctly assessed if we first expand our perspective. At this point in my lecture, I would finally like to introduce the concept of the protection of victims into the analysis, a concept which has been discussed for a few years under the term **“Parallel Justice.”** With her book with the same name, Susan Herman, Professor of Criminal Justice at Pace University in New York City, has triggered a fundamental criminal policy discussion that goes far beyond the boundaries of the United States.⁵⁴ Her theses are on the one hand based on a wealth of empirical, victimological studies. On the other hand they are founded on her broad range of experience from over 30 years of helping victims in a practical way. She thus headed up the National Center for Victims of Crime in Washington for seven years and before that she was the head of the Aid to Victims of Domestic Abuse in New York.

Her theses can be summarized in four points.⁵⁵

⁵³ See Krahé, 2012, Volbert, 2012

⁵⁴ Herman, 2010

⁵⁵ *ibid.*

1. Criminal law and criminal procedural law are primarily focused on the offender. If he/she has received his/her rightful punishment and, if needed, has received help to reintegrate into society, we assume that justice has been done.
2. There is no comparable forum for the victims of crimes, in which justice can be organized for them by the State. It is true that the State, by introducing legislation regarding the protection of victims, has tried to take the needs of the victims into consideration within the framework of criminal proceedings. But it thereby limits itself to a small minority of victims, i.e. those whose offenders are taken to court. The vast majority of the victims come away empty-handed. And for the others, too, in spite of the legislative efforts, the role of the witness often entails very unsatisfactory and negative experiences.
3. In view of this blatant disregard of the interests of victims, we should decouple the effort to ensure justice for offenders from that of ensuring justice for victims. **Justice for victims** is thereby afforded an **importance of its own**. As a separate procedure, a plan of action consisting of three elements should be implemented – the determination that the victim has been wronged; effective protection of the victim against re-victimization; and finally support of the victim when it comes to dealing with the consequences of the victimization and regaining control over his/her life.
4. There should be no hierarchy of victim claims that grants special rights to **certain** victims as opposed to others. That would contradict our basic concept of justice. There is thus no sufficient reason to grant the victims of violence more rights than, for example, victims of burglary, stalking or fraud. Moreover, it should not matter if an offence occurred on the street, in a prison, a nursing facility or a psychiatric ward. Finally, the implementation of the concept of Parallel Justice should not depend on if the offender has ever been investigated or convicted.

In respect to the topic of our Congress on Crime Prevention, Susan Herman's book contains two clear messages, which she can substantiate through various empirical studies. First: Anyone who has been a victim has a significantly higher risk of becoming a victim again. Second: Parallel to this, there are also clear indications that victims often become perpetrators. Among youths, the strongest predictor for future criminality is thus that one has oneself been a victim of an attack.

From this, Susan Herman draws several conclusions for the work for the aid to victims. She thus demands that people who have been victims of crime receive fast and concrete support so as to actively prevent a repetition of their victim experience. I would like to illustrate this based on an example concerning our Protection against Violence Act. A policeman, who has been called by the neighbours, prohibits the husband, who has been beating his wife, from using his apartment for 14 days. He also informs the woman that the family court that has jurisdiction has the possibility to extend this expulsion for up to half a year. That would be an effective strategy for

preventing re-victimization. But Susan Herman also justifiably points out that aid to victims should bear in mind the wishes of many of those concerned to hit back and to overcome the deep-seated frustration regarding the humiliating victim experience through aggression⁵⁶. Such needs should then be addressed openly, so that together a way can be found to solve the problem constructively. That, too, would constitute highly effective prevention.

Finally, a further point is of key importance to Susan Herman. The help to victims should provide their support measures as soon as possible after the offence, also because the victim then has the opportunity to overcome the consequences of the offence quickly and can again look ahead. Staying with the example of inner family violence mentioned above, it is important that the woman concerned soon receives urgently needed psychotherapy and not years later, once a time-consuming expert opinion process based on the Victims Compensation Act finally has given the green light for it. The aid to victims should thus not tie those concerned to the role of weak, needy people, thereby contributing to them seeing themselves and behaving as such. On the other hand, Susan Herman also points out that it is up to those concerned to determine how long a time period they see and define themselves as victims. She consciously avoids the use of the term “learned helplessness,” which to some extent has been used in this connection. On the one hand she feels that the term is often used to make the victims responsible for not “getting back on their feet” faster. On the other hand, she justifiably points out that the term awakens the false impression that there is a predictable period of time specifying how long someone suffers from the consequences of a criminal offence. “Some people transcend the crime quickly, others more slowly, and others not at all”.⁵⁷

But who are the actors involved in Parallel Justice? The answer is: Everyone! First of all, it is everyone who, within the context of schools, youth welfare, aid to victims or social work, is confronted with the fact that someone has become the victim of a crime. Second, it also concerns everyone who in everyday life is confronted with such a situation – for example, a neighbor who has heard that someone has become the victim of a burglary or a fight. All of them and all of us can and should contribute to the stabilization of the victim, in terms of the action strategies mentioned above.

I would like to explain this using **the police as an example**. For them, Parallel Justice means that they no longer may limit themselves to fulfilling their customary role. In the context of a criminal prosecution that is characterized by Parallel Justice, they have two functions of equal importance. On the one hand, they continue to be

⁵⁶ See Dutton & Greene, 2010; Barton, 2012

⁵⁷ See Herman, 2013 in a mail to C. Pfeiffer, in which she presents convincing arguments to protest against an ambiguous use of the term “acquired helplessness”, which was used in the first version of the lecture manuscript.

responsible for indentifying the perpetrator of a crime that they have become aware of. In addition, however, and entirely independent of if they succeed in this, they also have the task of turning to the victim to first of all deliver a clear message: “You are not the victim of an accident. No, you have suffered injustice at the hands of an offender. We do not accept that.” The police should thereby show respect, sensibility and empathy toward every victim. And they should, on principle, consider every victim to be credible. It is only if there is concrete evidence that gives rise to doubt that this rule does not apply.

It is subsequently the task of the police to determine in detail how great the resulting damages are. Later, this is important, especially if it does not succeed in identifying the perpetrator. In addition, during this first contact with the police, it is crucially important that the victim receives detailed information regarding two points. First, he/she should be informed of what it can expect during the criminal proceedings. Second, the police should provide comprehensive and very concrete information regarding what support offers are available – from the “Weisse Ring” [German for “White Ring,” an independent non-profit organization in support of victims of crime and their families] to any State victim aid and specific offers of support, such as those available for victims of sexual violence, intra-family violence or stalking.

Police officers who are present could now turn to their neighbors and say: “But we are doing this already.” “Really?” I answer. Does that apply without any restrictions, i.e. also to immigrants who have become victim of a crime, convicts, the homeless, drunk victims and those who are strongly agitated emotionally and seem to be difficult to communicate with? In such difficult communication situations, is the information that is necessary for the victim to have really provided later? There are not yet any satisfactory answers to these questions. The questions point toward initial research deficits that I would like to discuss in closing.

Here, I do not have time to go through, in detail, all that Parallel Justice means to all parties to the proceedings. For this I simply recommend reading Susan Herman’s truly inspiring book and then asking yourself what her recommendations mean in detail if we translate them into our system of criminal prosecution. But I would like to mention a special issue.

Under point 3 in the Parallel Justice concept, I stated that Susan Herman recommends a **special procedure to determine the victim status**. In my opinion, if this recommendation were to be implemented, new perspectives would open up that would clarify many issues that exist between associations of victims and other groups. This applies, for example, to the problem of the statute of limitations.⁵⁸

⁵⁸ See Albrecht, 2011, Barton, 2012

Representatives of the victims are requesting that the statute of limitations for sexual abuse in part be repealed completely. Legal scholars and representatives of defence lawyers are against such requests, arguing that the resulting criminal proceedings that occur a long time after the abuse cannot lead to reasonable results. Here, the concept of Parallel Justice offers more flexibility. The system could remain the way it is regarding criminal proceedings against the offender. Entirely independent of this, there would be a procedure to determine that somebody has become the victim of such a crime. Here one could consider setting a statute of limitations of 30 years or even eliminating it entirely. This could, for example, contribute to intra-family witnesses to an abuse no longer remaining silent because they are freed from the burden of putting a family member in jail with their testimony.

7. Evaluation and Research – the Driving Force for a Gradual Implementation of Parallel Justice in Practice and Legislation

Two points appear to be important for the gradual implementation of Parallel Justice into our legal culture: First, we need a strict orientation toward the real needs of the victims, and second, we must take these needs into consideration in practice and in the legislation regarding victim compensation. For the **practical implementation of the concept**, this results in the need to constantly review its quality. I wish to explain this again using the example of police work.

Mr. Müller, who is slightly drunk, is beaten up and robbed by two fellow drinkers on his way home from his pub. He therefore immediately files charges at the nearest police station. Three days later he is called up by an evaluation agency that is cooperating with the police. It is explained to him that he is one of 50 victims who have been selected randomly in order to evaluate the work of this police station. He can now grade how satisfied he is with the style of communication of the police officer and how he assesses the investigation of the harm he has suffered. He can also grade the advice he received regarding aid for victims and any claims he might have to crime victim compensation. The police station and the police directorate, in turn, get differentiated feedback in the form of the complete results of the 50 responses from the victims.⁵⁹ Such an **evaluation** should be carried out regularly and nationwide. This would be an important contribution to the gradual implementation of Parallel Justice.

But **victimological research** is here also of key importance. It thus appears essential to regularly carry out representative surveys in order to raise public awareness about the victimization risks that people have in the various areas of crime. It is only through such **research on unreported cases**, together with the crime statistics of the police, that it becomes possible to evaluate the security situation of the population. Only then will we be able to systematically review the viability of various prevention approaches. We then finally have the chance to review the victim risks of the various

⁵⁹ See Herman, 2010

population groups. We should therefore welcome the fact that the German Federal Office of Criminal Investigation and the Max Planck Institute in Freiburg together succeeded in surveying almost 35,000 people regarding their victim experiences.⁶⁰ It is only by surveying such a great number of people that we can expect to get reliable findings regarding rare victim risks. One can only hope that this will become a continuous, ongoing project.

We also need a **second victimological approach: the immediate survey of victims**, i.e. of persons who one knows have become victims of a certain crime. Only then is it possible to formulate questions regarding the consequences of the victimization in such a differentiated way that sufficiently well-founded evaluations of victim justice are possible on the basis of such a survey. In the following I would like to explain this, using the **Victim Compensation Law** as an example.

Since the introduction of the Victim Compensation Law (German acronym: OEG), which took effect in 1976, it has helped thousands of victims of violent crime receive considerable compensation payments.⁶¹ In spite of this, there are critical questions regarding two aspects. On the one hand, they concern **access justice**, i.e. point number 4 in the concept of Parallel Justice described above. Why are the victims of a physical assault privileged? Which groups of victims appear to be equally severely affected as the current benefit recipients and should therefore also be eligible to apply? But clarifying the issue of access justice also involves asking questions of victims who, in principle, are eligible to apply but have not used the chance to receive compensation as provided by the OEG. Were they falsely advised or not advised at all? Are there peculiarities regarding their social status or certain types of offenses (for example intra-family violence)? How can the very large regional differences in the frequency of applications be explained that the White Ring is referring to?

On the other hand, the **application justice** of the OEG is increasingly being discussed. The question arises if the criticism is justified that the White Ring and different media have expressed, i.e. that many victims come away empty-handed in spite of applying and fulfilling the legal prerequisites.⁶² Here, a broad-based **analysis of the records** could determine where possible problems arise when applying the OEG and how they can be solved in the interest of the victim justice that is being sought. It should also be investigated why the OEG procedure in part takes a very long time and why applications for preferred, quick aid obviously seldom have any chances of success.

It will not be easy to convince the responsible ministries and authorities of the necessity of such research approaches. But guarded optimism seems to be warranted,

⁶⁰ Module 4 of the project "Barometer Sicherheit in Deutschland" (BaSiD), which is being carried out by the Max Planck Institute in cooperation with the German Federal Office of Criminal Investigation.

⁶¹ Stiftung Opferhilfe Niedersachsen, 2011

⁶² Weißer Ring e. V., 2012

especially concerning one group of victims. The **roundtable regarding sexual child abuse** has been dealing with the problems mentioned here concerning the application of the OEG in a critical and constructive way.⁶³ In addition, at the final session of the roundtable, a clear signal was sent by policymakers. Dr. Niederfranke, the undersecretary of the Federal Ministry of Labor and Social Order, expressed the wish to clarify the remaining open questions regarding the application of OEG with the help of a scientific investigation.

Ladies and Gentlemen, what I have presented here as an example of the right to victim compensation leads to two conclusions. On the one hand, there is a need to answer Susan Herman's appeal to us, both for an improvement in the practical application of the law and for legislation reform. On the other hand, however, it is clear that we need broad-based scientific studies in order to deal with both issues.

8. Research on Victims of Abuse by Priests – Does the Church Want to Back Out?

But what has been mentioned above certainly does not sufficiently describe the **purpose of victimological research**. For the victim such research has an immediate value of its very own. Dealing scientifically with the suffering that victims have been subjected to brings both acknowledgment and appreciation to those concerned. The victims are taken seriously. They are listened to. What they have experienced is thoroughly registered, analyzed and finally published. It can no longer be swept under the rug.

I emphasize this point also because there are currently a large group of victims that could miss out in this regard. I mean the people who were sexually abused as children by priests, members of orders or deacons of the Catholic Church. In this regard, the **German Bishops' Conference** initially agreed contractually with us on a research concept that would have provided the victims with truly significant opportunities to play a constructive role. But then the project failed, because the Church suddenly wanted to push through broad-based control and censorship wishes through contractual changes that we could not accept.⁶⁴ It is now an open question what **importance the victims will have in any follow-on project**. In this regard, in a press release of Feb. 21, 2013, the Bishops' Conference writes: "One of the main objectives continues to be the collecting of reliable data and a review of the personnel files. The intent is to gain insights into the number and actions of the perpetrators and a deeper understanding of the behavior of those responsible in the Church during past decades."

Here, the victims are not mentioned with a single word. I ask myself if that has anything to do with the fact that many documents have obviously been destroyed.

⁶³ Final report of the roundtable "Sexueller Kindesmissbrauch in Abhängigkeits- und Machtverhältnissen in privaten und öffentlichen Einrichtungen und im familiären Bereich" ["Sexual Child Abuse in Relationships of Dependence and Power in Private and Public Facilities and within the Family Sphere."]

⁶⁴ Pfeiffer, Möhle, Baier, 2013 (manuscript in preparation)

It is true that the Church has stated that in case of the destruction of documents, the operative provisions of the judgment and a summary of the facts of the case are to be saved. These facts, which continue to be available in an offender's personnel file, were to make it possible to realize the research project. But in my mind that is highly doubtful. When documents are destroyed, it is specifically the information regarding the suffering of the victims that is lost. From a victimological point of view, such personnel files no longer have anything to offer. Should the project truly be re-started, then in my opinion, the Church should reveal in advance how many documents have been destroyed in each individual diocese. Only then can it be assessed if the research still makes any sense from the point of view of the victims. It would therefore be helpful if the victims' associations would demand three things: First, the future project may not contain any censorship regulations, whether in the contract or in additional, hidden agreements. Second, the suffering of the victims must remain a main focus of the project. And third: The Church should not try to wait out the affair and do without a research project entirely.

9. Outlook – a Special Research Project on the Victim-Perpetrator Constellation in Child Abuse

But I do not wish to end my lecture with this appeal. The end should consist of something entirely different: a brief look at a really interesting **research project** by the University of Stuttgart **regarding the topic of sexual abuse**. Based on 490 prisoners' personnel files, and using a methodologically excellent method of data analysis, Dieter Urban and Joachim Fiebig⁶⁵ were able to determine something that of itself is not very surprising. Men, who during childhood were abused by a pedophile offender, later in life have a significantly increased risk of themselves becoming abuse offenders. Their second insight, however, is very exciting. If such abused boys during the rest of their childhood attracted attention through especially aggressive behavior, then the probability that they later would become pedophile offenders was substantially lower. The authors offer a plausible explanation for this finding. The aggressive behavior of such a boy can be seen as a strategy to overcome the trauma of the abuse he experienced. By proving himself as an aggressive fighter, he compensates for the loss of self-worth and self-efficacy that was triggered by the abuse.

What does this teach us? In parting, I will give you two thoughts to reflect on: First, we should be very careful how we treat aggressive children. There can be many reasons for their behavior. One of them could be an early abuse experience.

Second: Simply punishing and preventing wrongdoing by children is the wrong way to go. We should not let up in our attempts to show especially such children ways how they can gain self-worth and self-efficacy. The corresponding program title is called awakening a passion for life through a broad range of challenges in the areas

⁶⁵ Urban & Fiebig, 2011

of sports, music, playing theater, circus and similar activities. If the children then develop a true passion for such an activity, then this experience of self-efficacy gives rise to what I mentioned earlier: the power of resistance and resilience. That would then constitute both effective prevention and an increased ability to cope well with victim experiences.

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