

Fall 1982

Law and Lawlessness in a Socialist Society: The Potential Impact of Crime in East Germany

Stephen R. Bowers

Liberty University, srbowers2@liberty.edu

Follow this and additional works at: http://digitalcommons.liberty.edu/gov_fac_pubs

 Part of the [Other Social and Behavioral Sciences Commons](#), [Political Science Commons](#), and the [Public Affairs, Public Policy and Public Administration Commons](#)

Recommended Citation

Bowers, Stephen R., "Law and Lawlessness in a Socialist Society: The Potential Impact of Crime in East Germany" (1982). *Faculty Publications and Presentations*. Paper 84.

http://digitalcommons.liberty.edu/gov_fac_pubs/84

This Article is brought to you for free and open access by the Helms School of Government at DigitalCommons@Liberty University. It has been accepted for inclusion in Faculty Publications and Presentations by an authorized administrator of DigitalCommons@Liberty University. For more information, please contact scholarlycommunication@liberty.edu.

Law and Lawlessness in a Socialist Society: The Potential Impact of Crime in East Germany

STEPHEN R. BOWERS

Regime stability is a function of numerous factors: the extent to which citizen expectations are satisfied, popular identification with the system, and acceptance of governmental legitimacy are but a few of the most obvious. Compliance with laws is yet another component in the catalogue of indicators of regime stability. Since most facets of modern society are founded on some legal provision, compliance or noncompliance with the law as well as official reactions to lawlessness are important factors in evaluating the stability of a political order.

The significance of law violations is dependent on the nature of the laws being violated. Offenses relating directly to national security, for example, are different from those against public order. Western legal conceptions are based on the proposition that some offenses are political and of public relevance while others are distinctly private and nonpolitical. Therefore, Western democracies are able to tolerate much lawlessness without jeopardizing the stability of the system. This generally held distinction between political and nonpolitical matters insulates the political heart of the system, the government itself, from the effects of most crime. While no criminal act is acceptable, some are less unacceptable than others.

Stephen R. Bowers is a visiting professor at the School of International Studies, USAIMA, Fort Bragg, North Carolina, on leave from Berry College, Mount Berry, Georgia.

This convenient distinction between political and nonpolitical offenses is less apparent in Communist party states. In those systems, some offenses (most traffic violations, for example) are regarded as both nonpolitical and of no social significance, but because socialist theory eliminates so many distinctions between public and private behavior the scope of official concern is much greater than in the West and more offenses have political impact. Thus, a great many violations of law that do not carry the opprobrium of a high political crime, such as treason, are nevertheless of considerable political significance.

To examine the relationship between crime and regime stability, this paper will consider the incidence of crime in the German Democratic Republic (GDR) and official treatment of that issue. Selection of the GDR for such a study is useful because this nation is generally regarded as the most prosperous of the Communist party states, and the Socialist Unity Party's (SED) technologically adaptive policies seem to have produced a comfortable wedding of doctrinaire ideology and modern technical innovation.

It is a fundamental contention of this paper that while lawlessness does not necessarily constitute a threat to the stability of a non-Communist state, it does pose such a menace to the socialist regime. The current relevance of this topic need not be based on the proposition that crime has increased in East Germany, but on the simple fact of its persistence.

The persistence of crime has a special meaning for a socialist state, one not produced in capitalist society. Because of the party's contention that criminal conduct will disappear when socialist conditions prevail, law violations in socialist society raise an ideological problem. Marx wrote of the association of alienation with the appearance of private property and an antagonistic division of labor. The alienation of man from nature and from other men was, in Marx's terms, a product of a class environment and feature of capitalism. Its most common manifestations were asocial behavior and criminal conduct, both of which were to disappear with a social evolution toward communism. Yet, in spite of the GDR's steady evolution toward full socialism, asocial behavior and criminal conduct still abound. Not only is lawlessness a feature of the GDR's socialist society, but it even assumes forms seen in nonsocialist nations.

Forms of Crime in the GDR

Table 1 lists, in order of gravity, the socially unacceptable acts plaguing the GDR. Until recently the unavailability of data on crime made statistical analyses impossible. In 1978, however, officials published crime data in their statistical yearbook, the first such figures since 1970. Those figures were analyzed by Arnold Freiburg in an illuminating article in *Deutschland-Archiv*. Freiburg begins his examination by noting the SED's claims of a dramatic decline in crime, a decline documented by use of a persuasive "index figure" (1946 = 100). Today, according to the GDR's statisticians, crime is down to only 24.6 percent of what it was in the 1946-48 period. Bypassing official statistical surgery and discounting as questionable the use of figures from the 1940s (during which order was only loosely established), Freiburg concludes that while the number of crimes has declined since the immediate postwar years, that decline has been smaller than one would expect after the decriminalization of petty crimes in 1968 (see Table 2 for his presentation of trends). In the 1970s, the number of persons convicted actually increased significantly after a decline in the 1960s. That increase is all the more remarkable since it came during a period of virtually zero population growth. This increase, in spite of tremendous educational and socialization efforts of the regime, must be especially disappointing.

The locations of districts with greatest incidence of crime is another disquieting finding of these statistics. The places with the greatest problems, Berlin, Frankfurt/Oder, Neubrandenburg, and Schwerin, are all in the north, the region with the youngest population base in East Germany. According to Freiburg's study, the younger the population, the higher the number of criminal incidents. Looking at the figures by category of offense, Freiburg identifies theft, fraud, and embezzlement as most significant, together constituting 50 percent of all crimes. Murder has held constant since 1969 while economic crime has gone down. On the other hand, robbery and blackmail are up drastically as is rowdyism, an offense generally associated with the young.¹

Among crimes, the attitudinal problems cited in the GDR media are taken most seriously, although they may appear trivial to the outsider. A 1978 article in *Neue Justiz* reflected the tone of general

Table 1.—Hierarchy of Asocial or Deviant Behavior Cited in Media

Category	Illustration
1. Attitudinal shortcomings	arrogance, self-satisfaction, lack of discipline, unwillingness to work
2. Minor misconduct or routine violations of social discipline	walking on lawns, violation of no-smoking rules, damage to public property
3. Rowdyism	beatings, defiance of FDJ patrols, public disturbances
4. Petty theft	fraud, embezzlement by store clerks
5. Serious 'white collar' crime	economic offenses
6. Robbery and blackmail	extortion, burglary
7. Serious violence	murder

Table 2.—Freiburg's Presentation of GDR Crime Trend

	1950-59	1960-69	1970-77
Crimes at annual average	157,466	132,741	124,206
1960-1969: 100	119	100	94
Offenders at annual average		98,509	94,254
1960-1969: 100		100	96
Convicted at annual average	76,953 ^a	55,319 ^b	62,030
1960-1969: 100	139	100	112
Placed before social courts at an annual average		21,816 ^c	23,351
1960-1969: 100		100	107
Convicted and placed before courts at an annual average	76,953	77,135	85,381
1960-1969: 100	100	100	111

^aUp to and including 1954 without East Berlin.

^b1969 not included.

^cFrom 1961 to 1968 inclusively.

discussion of these problems with its references to contradictions in the social processes. Expanding this theme, the authors, Professor Dr. Erich Buchholz and Dr. Irmgard Buchholz, both of

Humbolt University, declared that "imperialist influences" were evident in the exhibition by some young people of "manifestations of presumption and know-all, arrogance and intransigence."² Such people, suggested the authors, are not only unpleasant but, more importantly, likely future law offenders.

The fate of arrogant youth, lacking enthusiasm for work, is presented in excessively grim terms by East German authorities. Dr. Lothar Reuter, the GDR's public prosecutor, described a "typical case" several years ago involving a youthful offender employed on a job less than four weeks in his entire life. According to Reuter, because of his unwillingness to work the young man finally ended up in court and was sent to prison.³

The youth's attitudinal shortcomings eventually led to "violations of social discipline," a more serious category of deviant behavior. This category of behavior was described in a 1978 Polish account of juvenile delinquency in the GDR: damage to school furniture, ruining of seats on buses, and general destructiveness for the sake of amusement are illustrations.⁴

Still another example used by East German sociologists is the excessive use of stimulants and tranquilizers in the GDR. During the past decade, consumption of psychopharmacological remedies by East Germans has increased 900 percent, a development which many view as an indication of social instability.⁵

Closely related to routine violations of social discipline is a widely discussed type of offense referred to as rowdyism, something westerners describe as juvenile delinquency. A typical case was the much publicized incident in 1979, involving two teenagers, aged seventeen and eighteen, who "threatened members of FDJ groups for the maintenance of order and . . . knocked one of them down." For this misconduct, the elder of the two drew a six-month prison term and a 500-mark fine while the seventeen-year-old was sentenced to eight weeks in a juvenile prison.⁶

Still more serious during this time of economic difficulties in the GDR are the numerous cases of petty theft, which generally involve lone individuals driven by the desire to supplement their incomes by taking money or goods from the enterprises for which they work. Two well-publicized cases illustrate these activities: 1) a part-time store clerk who withheld sales slips from customers so she could take the money herself after falsifying inventory

reports; and, 2) an employee of a chemical company who acquired automotive tires, tubes, and "luxuries," such as hubcaps, by charging them to the enterprise.⁷

Sometimes thievery is on a grander, more systematic scale and consequently poses a threat to the national economy. The dimensions of East German "white collar" crime were demonstrated by the 1976 convictions in Leipzig of almost every member of the work force and management of a canning plant for systematically diverting entire shipments of canned goods from the factory into their own black market operation.⁸ Illegal building is another example of this category of lawlessness, one which has even received a specific public denunciation by SED General Secretary Honecker. In 1979 the Schwerin Bezirk court sentenced a Mecklenburg mayor and four others to prison terms and fines for illegally building a holiday village of thirty bungalows, social buildings, and paved roads. Workers were recruited for this illegal project by the offer of higher wages than those given for projects associated with the kreis economic plan. The severe sentences given to the architects of this scheme were hailed as warnings to all officials.⁹ Shortcomings in the GDR construction sector have also resulted in graft in some state housing administrations. In 1979 *Neues Deutschland* reported sentences given to five administrators who had been taking bribes for improperly assigning new apartments in Dessau. The five received prison sentences of up to five years and fines of as much as 50,000 marks.¹⁰

Perhaps even more disturbing to the SED is the frequency of robbery and violent crime. The harshest critics of Communist regimes have generally recognized the numerous security mechanisms of those states as sufficient to make the individual secure against robbery and physical violence. However, recent statistics and media attention attest to an increase in robberies and the persistence of homicide. An issue of *Junge Welt*, the Free German Youth (FDJ) daily, drew attention to the case of a seventeen-year-old boy, said to be the product of a "good" East German family, who robbed and beat a pregnant woman.¹¹ Publicity given to incidents of homicide, a "statistically imperceptible" matter in the tableau of East German crime, we are told, indicates official alarm even though such occurrences have not increased since 1969. One of the most discussed cases occurred in Magdeburg where a

twenty-year-old man was executed following his conviction for the murders of his teenage girlfriend, her roommate, and a young man visiting in their apartment. Reports of the crime were linked with demands for an exploration of organizational failure in dealing with the offender.¹²

Causes of Crime

Recognizing that crime does exist in the GDR and that it is of significant dimensions, it is important to ascertain the reasons for its existence. Our distant location and restrictions on research in East Germany will not permit the sort of examination demanded for research on Western problems, but it is useful to at least examine official views. East German authorities' explanations fit within two basic approaches; one, apparently intended for popular consumption, rests on the proposition that pernicious capitalist influences alone are the productive factor while the other considers sophisticated ideological and scientific factors. The popular approach was enunciated by Chief Judge Joachim Schlegel of the GDR Supreme Court, who suggested: "There is a small group of young people who, above all under the influence of ideological diversion by the adversary, commit criminal acts and acts impairing social life, such as hooliganism, aggression toward fellow citizens, disturbances of meetings, or disregard for public order and state authority."¹³ Numerous other commentators echo and broaden this theme by emphasizing "moral damage" resulting from contacts with westerners, listening to popular Western music, and watching television programs from the FRG.

Yet there is also an effort to explain criminality by considering more than "imperialist influences." These more recent endeavors have been encouraged by Humbolt University's criminal law authorities Walter Henning and John Lekschas. They maintain that while "imperialist influences" are a factor, criminality is also a product of "relics of an egoistic-individualistic, impulsive-anarchistic nature" in the social environment of socialist society. This, they admit, is an apparent contradiction of the widely held belief that "with the complete evolution of communist social relationships . . . and communist personalities, criminality will be overcome. Communism and criminality are not only incompatible with one another, they exclude one another."¹⁴

The key, we are assured, lies in the as-yet incomplete evolution of society. With the further development of socialist society, the relics of the old order will be identified and fully eliminated. Meanwhile, one may expect to see phenomena such as juvenile criminality even though the youth have never lived under capitalism and sometimes become criminals under conditions of a developed socialist society. Yet, it is important to note that criminality in socialist society is not a protest against prevailing conditions, as in capitalism, but merely the result of influences from imperialism and of relics from the old, exploitative society. It remains something that is foreign to the nature of socialism and will, with time and effort, be eradicated.¹⁵

A final interpretative element of lawlessness in socialist society is biological and psychological anomalies. The general conclusion regarding these factors is that they acquire special weight only in cases of insanity or near-insanity. Even then, their explanatory value applies only to individual cases and does not account for the overall phenomenon of crime. Biological and psychological factors, authorities believe, cannot produce a fatal predisposition to crime because the man-environment relationship is always the decisive element. Crime, even involving people suffering from biological or psychological anomalies, is socially determined.¹⁶

Official expositions on the causes of crime, though interesting, have much less explanatory value than alternative analyses offered by observers outside of party circles. Many of these views are founded on the proposition that crime is less a result of remnants of the old order than a product of socialist society itself. This contention is a fundamental attack on the nature of socialism—especially the economic performance of the system—and underscores the grave ideological problem raised by the persistence of crime in the GDR.

A Swedish journal advanced one such theme in a 1979 treatment of East German social problems. Considering the attitudes of the GDR's youth, author Richard Swartz suggested that large groups of young people have difficulty "finding their place" in East Germany's "overpedagogical and regulated society." Widespread apathy, he wrote, now exists among youth as a "reaction against the guardianship of society . . . and a political situation in which the opportunities of the individual citizen to participate and in-

fluence his society are often reduced to pure ritual."¹⁷ The failure of the economic system to offer sufficient compensations to offset limited political and social opportunities for young people undoubtedly underscores this sense of alienation.

Lawlessness might also be attributed, at least in some cases, to simple boredom, an almost certain by-product of any planned, thoroughly regulated society. Sometimes the recalcitrance of bored youth takes relatively innocuous forms but official expressions of concern have become more emphatic with reports of youthful prostitution and burglary. Incidents of this nature suggest that the youth population is affected by cynicism so often viewed as peculiar to Western young people only. While there is no evidence that boredom and cynicism have produced a revolutionary situation among the GDR's youth, it may be appropriate to speak of a "generation gap" of at least minor proportions.

In addition, East German lawlessness might be viewed as part of what some analysts see as a generally declining popular morale. Although the most frequently cited symptom of what a West German newspaper described as an "erosion of confidence" among the East German population¹⁸ has been the large number of East German requests for resettlement in the Federal Republic, it is not unreasonable to view crime as still further evidence of this problem. Morale problems may be particularly evident in crimes with some economic significance—robbery, for example—during a time when Western goods, offered at high prices, have become more common in East German shops. Many nonsocialist critics are convinced that popular greed and envy rather than general consumer satisfaction have been the products of Honecker's "goulash and jeans socialism."¹⁹ VW Rabbits and West German salad dressings have become not only the mark of success for the more fortunate East Germans but also, in the eyes of low-income citizens, evidence of the existence of a privileged "new class" in the GDR.

An additional contributing factor, as much of the preceding suggests, may be the GDR's worsening economic situation. For several years the economy has been suffering from the impact of higher market prices for industrial raw materials as well as such consumer goods as coffee and cocoa. Increases in prices for these and many other items have led to shortages of hard currency, offset only in part by higher road customs for Western visitors and

other ventures designed to bring in Western currencies. (In 1981, the minimum exchange amount for one-day visits to East Berlin was increased from 6.5 to 25 marks.) In the face of reduced supplies of valued consumer goods, Honecker expanded the intershop system as a means of distributing Western products while soaking up convertible currencies.²⁰ Meanwhile, state-sanctioned corruption has begun to spread as citizens join in an effort to acquire nonsocialist bank notes by any means possible. Consequently, the skilled worker who used to perform after-hours chores for West German cigarettes or coffee now demands payment in West German marks. In this atmosphere, it is not surprising that frustrated citizens lacking the required funds might turn to burglary. There are, of course, no data available to support or refute this conjecture.

The SED's Anticrime Program

The party's effort to combat crime is unique in its emphasis on attainment of the "proper ideological alignment." East German authorities have prefaced their summons to battle with an insistence that the undertaking be given highest priority. "Order, discipline, and security," authorities declare, "is the most important requirement for the further shaping of the developed socialist society." Development of "socialist democracy" requires that order and discipline be maintained not only in the early stages of societal evolution, but at every step of development. With this declaration, regime spokesmen remove the ideological basis for any eventual dismantling of the growing police apparatus.²¹

The socialist anticrime efforts, however, are not to be confused with those of capitalist nations. The latter, according to Professor Dr. Erich Buchholz, are confined to superficial measures and "at best include some preventive, welfare and social-educational provisions." Basic social conditions, unaffected by those endeavors, are the primary focus of the socialist crime prevention program. Under socialism the "unity of crime prevention and crime fighting represents a necessary element in the organization of the Communist system of society."²² Thus, it is argued, the social contradictions leading to crime are eliminated.

A concentration on political and social factors as well as the purely criminal features of lawbreaking ensures attainment of the

proper ideological alignment. This, of course, is a departure from non-Communist police work but is a necessary concomitant of law enforcement in the SED's system. The Ministry of Interior began a full application of this concept in 1974 with an intensification of political-ideological training for detectives.²³

In addition to its ideological component, the SED program contains elements of permissiveness blended with the coercive characteristics normally associated with these undertakings. The permissive theme, evidently based on the assumption that at least some crime results from popular disaffection, includes, first, increased attention to the general well-being of the population. Thus, attention has been called to a number of immediate shortcomings, some of which were summarized in a 1978 issue of *Staat und Recht*. According to Dr. Heidrun Pohl and Professor Dr. Gerhard Schulze, both of the GDR Academy of Political Science and Jurisprudence, some of the principal deficiencies are the slow processing of citizen petitions by communal authorities, the fact that citizens are not given concrete answers to petitions, and that certain requests are not confirmed at all. These failures, the authors observe, undermine confidence in the state and thereby promote a situation more favorable to law violations.²⁴

A second feature of the permissive theme, greater sensitivity to public opinion, was detailed by Drs. Günter Schneider and Ewald Wächter, also associates of the Academy of Political Science and Jurisprudence. After citing state treatment of public opinion as the "weakest link" in the mastery of ideological processes and informational activity, Schneider and Wächter call for a more careful analysis of public opinion and an increased effort to ensure popular feedback regarding state programs. Success, in their view, will reduce popular discontent and help further establish the legitimacy of the SED's regime. According to their standard, "State public opinion work must . . . contribute to the shaping and further development of a public opinion which is characterized in its ideological content by a conviction of the lawfulness of our victory and the superiority in principle of our social order. . . ."²⁵

An illustration of the permissive trend in action, it appears on first examination, is the 1979 amnesty declared by the GDR State Council to commemorate the nation's thirtieth anniversary. This amnesty, the fourth in a series which began in 1951, will eventually

cover 20,000 prisoners, 84 of whom are West German citizens scheduled to be returned to the FRG. Under amnesty terms, local authorities must find jobs for amnestied GDR citizens and assist in their reintegration into society. Individuals with records of previous convictions, in line with official concern over the problem of recidivism, were not included in the amnesty.²⁶ The humanitarian nature of this action, however, has been challenged by critics who argue that a reduction in the number of prisoners was necessary simply to make room for new prisoners. A West German newspaper also suggested that this large amnesty, coming so recently after the 1972 amnesty, is proof of the severity of the East German penal system, because it indicates that the GDR's prison population is proportionately much larger than that of the Federal Republic.²⁷

Crime prevention through education is an important component of the SED's program. This undertaking enlists homes, schools, and factories and takes as its starting point providing young people with an education in the "joys of work" so they will realize that work is an honor and a social duty. Factories contribute to promotion of discipline by developing "socialist attitudes toward work."²⁸ Working on the assumption that a low educational level is a cause of youthful criminal behavior, in 1975 the GDR began to provide a ten-grade advanced education for inmates of juvenile prisons. The "educational value of socially useful labor" is also recognized by East German authorities and in 1974 they began extensive employment of convicts in factories throughout the nation. While some might see this as reminiscent of forced labor, authorities stress the educational value rather than the economic potential of the practice and emphasize that it is simply an element of "citizenship training" for prisoners.²⁹

A more formal element of this approach is the law indoctrination and education program. Law indoctrination, in the SED's view, "is always concerned with providing convictions and knowledge with respect to the pronouncements of Marxism-Leninism on the state, law and democracy, and on the realization of the teachings of Marxism-Leninism in real socialism, while simultaneously aggressively and valiantly carrying on the ideological dispute with imperialism in this field."³⁰ Specialists stress the requirement for a significant ideological impact in this

program and "law propagandists" are assigned the duty of "raising the ideological content . . . and efficacy" of law indoctrination. The ideological conflict with imperialism rather than the persistence of crime is offered as justification for an intensification of this effort.

As law indoctrination endeavors are advanced with renewed fervor, legal authorities remind party workers that previous educational programs have been inadequate. Drs. Erich and Irmgard Buchholz offered a very general view with their reference in 1978 to "various contradictions in the educational process" relating to young people who have "difficulties with discipline." In their view, educational shortcomings may lead to mistakes in evaluating the ability and willingness of juvenile criminals to "adopt a more appropriate social conduct in the future."³¹ Numerous leaders of the academic community have identified specific failures of the GDR's educational program. The ideological and political content of educational instruction is a constant worry. Misgivings about this aspect of the GDR's efforts were expressed by Professor Gerhart Neuner, president of the Academy of Pedagogic Sciences, who complained that students' knowledge about ideological and sociological interrelationships is superficial. Concepts, Neuner argues, are reduced to meaningless clichés in the minds of too many students.³² Another target of criticism is the liberalization trend apparent in some facets of the educational program of the GDR. Professor Dr. Adolf Kossakowski, director of the Institute for Pedagogic Psychology, has charged that "some of our students' behavioral problems which give us trouble in the schools, in the family, and in public life, must to a large extent be attributed to an uncertainty about norms on the part of the public, the parents and some of the teachers and educators, as well as to an unjustified liberalization in regard to educational standards."³³ Kossakowski's theme demonstrates the transition in policy from the permissive to the coercive, a transition in which he couples a call for consistency and uniformity in educational standards with demands for greater discipline among young people.

Law indoctrination and education also involve the focusing of public attention on trial proceedings, apparently on the assumption that publicity will have an educational effect. Official intentions became obvious in 1979 as local newspapers began to publish

more accounts of criminal proceedings, especially those involving young people. Local publications, of course, are not generally available in the West, so their use offered the prospect of a limited audience, the East German population, which was to be the beneficiary of the lessons projected in the official proceedings. Another variation in the effort to bring details of trials to the public's attention is the practice of bringing an "expanded public" into the court. Thus in a 1979 case in Cottbus, six young people employed at the Cottbus slaughterhouse, charged with acting in disregard of public safety, were brought to trial within a matter of days in what were termed "accelerated proceedings," which were conducted at their place of work in the presence of fellow workers.³⁴

Although not primarily an educational activity, punishment itself is also regarded as an educational tool. East German legal specialists emphasize the creation of situations in which the criminal is given the opportunity to prove himself and "thus meet his social responsibilities in the future." Certain types of punishment are much more conducive to this than others, so preference is given to suspended sentences rather than imprisonment where possible, especially for juvenile offenders. The educational possibilities of this option are realized by giving the offender social responsibility. In view of the serious problem of recidivism in the GDR, it is clear that authorities do take the educational function of punishment seriously. Their recognition of the limits of penal law as an educational device is reflected in pronouncements that the process of reeducation is an overall social task shared by many public and private institutions. Accordingly, numerous agencies without direct connections to the penal system—youth organizations, unions, schools, and the family—are called upon to aid in the rehabilitation of criminals.³⁵

An examination of these educational programs gives a good indication of the special concerns of the nation's leadership. The themes that most clearly emerge show that the SED is troubled by youth criminality, recidivism, and crimes against property. The latter especially demonstrates the crucial role of economic prosperity as a basis of legitimacy for the SED's regime, a fact about which there has been much comment by Western analysts.³⁶ Erosion of the economic basis for East German stability would have

dramatic consequences that would likely be reflected in crimes against property. The numerous expressions of alarm about the seriousness of this category of offense indicate that such an erosion may now be taking place.

Going beyond educational efforts, officials also detail a series of directly preventive measures to deter crime by both juveniles and adults. In December of 1978, the GDR Supreme Court outlined goals and tasks in the effort to combat crime, especially among young people. An improvement in criminal proceedings, relative to both legal instruments as well as social forces, is one of the first points cited. Equally important, in the court's view, is the "struggle" to keep young people from coming into contact with "hostile, demoralizing, and criminal influences."³⁷ The latter measure is particularly relevant to the effort to prevent rather than simply punish crime. Helmut Nedwig, chief of the Main Department for Criminal Police, echoed this theme in 1979 as he urged criminologists to direct their main efforts toward prevention of crimes, especially those against the economy and socialist and personal property. Nedwig, expressing official dissatisfaction about techniques being employed, demanded an improvement in the analytical work of the criminal police.³⁸

The preventive effort also centers on a call for reinforcement of public confidence. According to SED statements, public confidence would be strengthened by improvement of the political and economic bases of the socialist social and state system. Popular confidence in the law and maintenance of law, SED legal specialists argue, is possible only as citizens are assured that their socialist lifestyle will be protected. As with previous facets of the SED anticrime program, the protection of socialist property receives specific attention. The protection and augmentation of socialist property, we are told, represents the "vital basis for the improvement of the people's material and cultural standard of living."³⁹ The utility of this approach becomes obvious if one accepts the proposition that crimes against property cause the SED its greatest anxiety today.

Encouragement of popular participation in law enforcement activities is another facet of the GDR's preventive effort. The most evident expression of popular participation is the voluntary assistance force which supplements the People's Police. After

twenty-five years in operation, this organization boasts over 100,000 citizens who are regularly involved in supporting the work of the People's Police. The emphasis of their work is on the prevention of crimes and the elimination of the causes and conditions promoting crime outside the major cities.⁴⁰ The desire for popular participation manifests itself most often in discussions about juvenile crime. According to Drs. Roland Müller and Lothar Reuter, attorneys with the General Prosecuting Attorney's Office, "one of the most important considerations" in the prevention of juvenile delinquency is that juveniles themselves should actively cooperate in crime prevention. Young people who choose to do so generally work with the Youth Help organization, a party-sponsored group responsible for prevention of juvenile delinquency.⁴¹ Finally, citizens are reminded of their obligations to prevent conditions conducive to crime. One trial account, for example, concluded with a cautionary note against keeping large amounts of cash or expensive liquor at home. Yet, in spite of all that is being done to enlist popular participation, no official complacency is evident. The GDR's prosecutor general, Dr. Josef Streit, has demanded that "the working people's participation in crime fighting" must become "still more effective."⁴²

Where preventive efforts do not succeed, there is, of course, the alternative of punitive measures to be taken against offenders. Table 3 presents common punishments for specified crimes. The most common, in the case of juveniles, is the probationary sentence. The advantage of this sentence, with its broad opportunities for education of the offender, is that it gives the young person who has gotten into trouble the opportunity to prove himself in school or at his place of work. Probationary sentences and fines are also imposed as punishments for relatively minor offenses. Restitution is another common punitive device used most frequently when a criminal act has occurred in conjunction with a "negative attitude toward work." Work without pay enables the individual to compensate for the misdeed while also learning from his mistake.⁴³

In contrast with the leniency implied by these measures, authorities are willing to impose more severe penalties in an increasing number of cases. In 1979 the Supreme Court asked all lower courts to punish crimes against property, especially socialist

Table 3.—The Range of Punishments in the GDR

Category of Offense	Most Frequent Sanctions
Attitudinal shortcomings	public reprimand, organizational 'missionary' work, probation
Minor misconduct or routine violations of social discipline	public reprimand, organizational 'missionary' work, fines, restitution, probation
Rowdyism	public reprimand, organizational 'missionary' work, fines, restitution, limited personal restrictions, short prison terms
Petty theft	fines, short or medium prison terms, restitution
Serious 'white collar' crime	medium prison terms
Robbery and blackmail	medium prison terms
Serious violence	medium or long prison terms, execution

property, more severely. The court demanded that this apply with special force to more serious crimes as well as those committed by recidivists. Moreover, punishment is not to be made primarily dependent upon how much damage was caused but equally upon the attitude and motives of the offender. Crimes prompted by greed, wastefulness, the pursuit of luxury items, or the desire to lead an extravagant life-style must, according to the court, be punished most harshly.⁴⁴ The increasingly severe sentences being meted out for rowdyism is another reflection of the view that leniency is not always appropriate. After courts sentenced over a dozen young people to prison terms of up to fourteen months as punishment for damaging a train while celebrating the outcome of a soccer match in 1978, the SED paper *Märkische Volksstimme* warned that the "full harshness of our socialist laws" would be applied to such people in the future. "Velvet gloves," the paper editorialized, will not be used, because working people have the right to expect "decisive and unambiguous reactions from the organs of justice and security" when rowdies destroy public property and endanger public order and security.⁴⁵

The assignment of sentences, it should be noted, reflects an emphasis upon ideological considerations. Dr. Erich Buchholz, writing of the needs of a "scientific doctrine on sentencing," suggests that a proper understanding of the social development of the nation results in sentences which take into account the social effects of the crime.⁴⁶ If those sentences become more severe, it is a response to the seriousness with which the criminal actions are viewed and a recognition of their total societal impact.

The trend toward more stringent repression of violations of "social discipline" has even spread to the GDR's universities. The new disciplinary rules, effective with the 1977/78 academic year, revealed the breadth of official efforts. The new rules, while expanding certain student rights, tightened disciplinary procedures considerably. The objectives of the new regulations are to strengthen the legal consciousness and politico-moral behavior of students; to promote a greater consciousness of responsibility among students; and to remove the politico-ideological causes of "erroneous" behavior. Responsibilities of the FDJ for accomplishment of these objectives were greatly expanded and students also assumed greater "material responsibility" for any damage to property in the course of their student lives.⁴⁷

The most extensive moves in this direction came in 1979 with passage by the Volkskammer of the so-called "third criminal amendment" and other new legal provisions. As a result of the Volkskammer's actions, the GDR's authorities have "more opportunities to prevent criminal actions," "attacks" on the SED's system will be "more effectively prevented," public order is generally strengthened, police have "wider possibilities" for securing evidence, and customs and foreign exchange regulations are expanded. In announcing introduction of this legislation, the SED daily *Neues Deutschland* asserted that the GDR is "one of the safest countries on earth." Justification for the tighter laws is based not on an increase in crime, but on the need to respond to "increased sabotage and agitation against the GDR and its citizens." The source of this threat is presumably the capitalist West, for, as *Neues Deutschland* observes, "it must naturally be taken into consideration that the GDR is situated at the juncture of the two large social systems."⁴⁸

A blurring of the distinctions between political and nonpolitical

offenses becomes even more obvious after examination of the security provisions of this legislation. These measures reformulate the concept of espionage and broaden the definition of a criminal act in such a way as to label oppositional forces as common criminals. This is not a new approach but simply a recent manifestation of an official East German tendency to find political implications in ordinary cases, something which Otto Kirchheimer noted in his *Political Justice* two decades ago.⁴⁹ Meanwhile, the minimum penalty for criticizing the GDR's political system or authorities in public has been increased from two to three years' imprisonment. "Antistate incitement," more serious but closely related to public criticism, is made punishable by a prison term of at least eight years, up from five years.⁵⁰

An enlargement of military-security-criminal functions is another manifestation of the tendency to merge criminal and political law enforcement. The expansion of the jurisdiction of military courts in 1979 signaled a move to give the military authorities new responsibilities in law enforcement. Effective August 1, 1979, pursuant to a regulation passed by the National Defense Council, civilian employees of the National People's Army, the GDR Border Troops, civil defense and alternative military service organizations may be tried in military instead of civilian courts.⁵¹ Shortly afterward, the Council of Ministers issued a decree extending the military obligations of citizens and enterprises. According to the decree, which took effect on October 1, 1979, in time of peace enterprises and cooperatives can be required to provide vehicles, machines, and spare parts for the military, and civilians are obligated to "render services" requested by the military.⁵² As the East German national defense law was being amended, the National Defense Council gave SED General Secretary Honecker much broader, sweeping authority in the military sphere. Honecker's military role was further bolstered by the appointment of his close confidant, Lt. Gen. Fritz Streletz, as Chief of the Main Staff of the National People's Army.⁵³

Conclusion

An examination of the SED's approach to crime over the past few years supports several observations. The most obvious

presented by available data is that official expectations have been scaled down from that earlier time when Marxist prophets saw an almost total elimination of criminality with the development of an advanced socialist society. A more realistic assessment prevails today as East German authorities simply speak of a "constant decrease of crime in the socialist states."⁵⁴ Yet, the persistence of criminal behavior has not resulted in application of the Draconian measures of which a state such as the GDR is capable. Granted, coercive measures have been intensified in some cases, but there has also been an increased emphasis on more positive educational programs and on improving responsiveness to public opinion. In short, there has been a comfortable blending of somewhat permissive or "liberal" elements with coercive force.

Retention of a strong ideological emphasis has been part of the "liberal" aspect of the SED's program. The ideological concentration appears first in the party's examination of the causes of crime. Lack of adequate ideological emphasis is repeatedly cited as a primary contributing factor in the persistence of crime. Official concern for the class basis of the fight against crime is reflected in party pronouncements on the necessity of viewing lawlessness as a social phenomenon rather than an individual manifestation of deviance. This has not prevented extensive efforts to battle individual acts, but it does demonstrate the SED's continuing desire to maintain the proper ideological alignment. This orientation is also developed by the popular legal-educational programs as well as the ideological training required for East German detectives.

While the range of criminal activities in the GDR covers the spectrum of what one might expect in the West, official attention is drawn to several key difficulties. The primary concerns, in the SED's view, are the rising number of property crimes, the increase in juvenile delinquency, and the high rate of recidivism. The problem of offenses against property is demonstrated by the numerous public statements demanding greater respect for property. With mounting economic woes facing the GDR in the late 1970s and early 1980s, crimes against property clearly occupied first place in official consciousness. Lack of respect for socialist property raises a special question, since it reveals a fundamental lack of appreciation for the concept of socialist order. The preoccupation with juvenile crime fell close behind in the SED's efforts while

recidivism has received somewhat less attention. But, as restrictions on the most recent amnesty indicate, the latter is viewed as a serious shortcoming. Stress on the educational function of punishment is yet another reflection of this perception.

A final observation is in order regarding the economic impact of crime. The expansion of the customs and foreign exchange regulations in 1979 and 1981 underscores the effort to provide greater protection of economic assets. Taken together with more extensive measures to prevent crimes against property, this action provides a convincing picture of an East Germany very much concerned about its economic well-being. The close relationship between prosperity and political stability in most societies has long been recognized generally and there is no reason why the SED's leadership should not share this perception. It must also realize that the popular perspectives of the 1980s are very different from those of the 1950s and 1960s. Expectations of this decade will be based on a much more demanding frame of reference than during earlier periods. As a result, the regime's economic output must satisfy an increasingly demanding and, by East European standards, very sophisticated buying public. Therefore, the economic dimension of crime may be the most significant aspect of this phenomenon and could have by far the most dramatic impact on the stability of the regime. In this respect, the case of the GDR is not unique in Eastern Europe. As both Juviler and Shelley note in their studies, it is economic crimes that occur with greatest frequency throughout the USSR and the other Communist party states of the region. In fact, as Shelley states, the proportion of crimes against property as compared with those against the person rises steadily as the nation becomes more industrialized.⁵⁵ East Germany, of course, is among the most advanced states of Eastern Europe in terms of its industrialization.

The extent to which crime affects regime stability in the GDR is further conditioned by official perceptions of the significance of crime. In the West, criminal behavior is generally regarded as aberrant and not representative of a threat to the legitimacy of social norms. The aberrant individual merely attempts to "beat the system"; he does not formally reject the values of the system. His actions, of course, are seen as an individual problem. Given the all-embracing, totalist nature of the GDR's social and political

system, no such view can gain official acceptance. The SED's ideologically colored outlook mandates a conception under which crime signifies, ultimately, rejection of regime-sanctioned values. This is the essence of the belief that all lawlessness has social roots. The suggestion that imperialist influences trigger criminality only partially obscures this conclusion. If nothing else, authorities must come to grips with the fact of socialist society's receptivity to hostile influences.

At the core of this problem is the party's inability to make explicit distinctions between public and private behavior, a weakness inherent in almost all Communist party states. The broad socialist definition of society makes this weakness unavoidable. The legal provisions introduced in 1979, the "third criminal amendment" and others, accelerated the process of abolishing legal distinctions between public and private behavior and, concomitantly, between political and nonpolitical offenses. Official ability and inclination to distinguish between what constitutes an offense against private interest as opposed to public interest has been diminished by adoption of the new regulations. In light of the ideological foundations of the SED's order, these developments should not surprise observers. If surprise is expressed, it should be at the delay in imposing formal legal conceptions of this nature.

Nonetheless, lawlessness in the GDR remains essentially nonrevolutionary. Objectively, one should not depict it as shaking the foundation stones of the regime. Yet, this nonrevolutionary behavior may have a revolutionary impact. The SED strives to restrict this impact and, in some respects, seems to have accomplished much through its efforts. This is most obvious where direct repression is applied through police measures and wider use of military authority. In these cases party control is strictly maintained so there is no likelihood that the police/security apparatus will overshadow the SED. This was clearly demonstrated by enlargement of Honecker's military role and the requirement that police officers intensify the ideological basis of their work, thereby sharpening party direction of their work.

Adoption of the "permissive" approach, however, raises questions about the SED's ability to retain control over all consequences of its programs. The emphasis on greater responsiveness to public opinion and the effort to achieve more popular feedback

regarding state programs illustrate the drift toward liberalization of the system. The record of East European regimes experiencing the liberalization process is uninspiring. Some, Poland for example, have adapted themselves and maintained stability for a time. Polish developments of 1980-82, however, demonstrated the limits of the Polish experiment. Others, such as Hungary in 1956 and Czechoslovakia in 1968, have fared even less well. Eventually, in all of these nations, the process simply could not be controlled and generated demands exceeding the capacity of the system. In the East German case, it is not unreasonable to suggest that liberalization, taking place in what has so recently been a rigid and repressive society, might result in a severe shock to the stability of the SED's order, at least in the short run. On the other hand, it is possible that a relaxation of this nature might enhance the GDR's long-range prospects for endurance if it gets beyond the initial shock stage.

Even in the absence of such an opening-up of the East German system, the conclusion that crime will have a direct impact on the regime's stability is inescapable. The foregoing examination of crime has been made within the framework of a Marxist perspective, one which the SED consistently applies in its own analyses. Unfortunately, as the author of a recent study on deviance in Eastern Europe observed, "Marxist theory makes deviance seem much more perilous for regime stability." Whereas Western theories allow that "deviance may be functional" to a society, the Marxist world view does not. The GDR must, nonetheless, be judged by the demanding principles it has embraced. The resultant lesson may be most instructive because, as the scholar above has concluded, "regimes which are failures according to their own ideological principles seldom retain either legitimacy or power in the long run."⁵⁶

Notes

1. *Deutschland-Archiv*, vol. 12, no. 1 (January 1979), pp. 68-71.
2. *Neue Justiz*, vol. 32, no. 3 (February 1978), p. 102.
3. *Junge Welt*, 23 September 1974, p. 4.
4. *Sztandar Młodych* (Poland), 10 November 1978, p. 5.
5. *Der Spiegel* (FRG), 27 December 1976, p. 14.

6. *Berliner Zeitung*, 31 July 1979, p. 2.
7. *Volkswacht*, 19 September 1974, p. 8; 29 August 1974, p. 8. Two comments are in order at this point. The first relates to the general problem of clerks cheating customers. According to Peter H. Juwiler in *Revolutionary Law and Order* (New York: The Free Press, 1976), p. 151, in the Soviet Union, convictions for this offense have doubled in recent years. Second, while this is one activity that primarily involves women, throughout Eastern Europe criminality is still a predominantly male activity. For a discussion of this, see Louise I. Shelley's *Crime and Modernization* (Carbondale: Southern Illinois University Press, 1981), p. 127.
8. *Die Welt* (FRG), 13 July 1976, p. 3.
9. *Schweriner Volkszeitung*, 14 May 1979, p. 1.
10. *Neues Deutschland*, 16 May 1979, p. 2.
11. *Junge Welt*, 7 January 1974, p. 4.
12. *Volksstunde*, 7 February 1974, p. 8.
13. *Foreign Broadcast Information Service: Eastern Europe* (USA), no. 50, 13 March 1979, p. E7. (Hereafter noted as *FBIS*.)
14. *Staat und Recht*, vol. 26, no. 11 (November 1977), pp. 1149-50.
15. *Ibid.*, pp. 1147-56.
16. *Ibid.*, vol. 26, no. 4 (April 1977), pp. 385-92.
17. *Svenska Dagbladet* (Sweden), 19 March 1979, p. 3.
18. *Süddeutsche Zeitung* (FRG), 3 May 1977, p. 4.
19. *Die Zeit* (FRG), no. 8 (17 February 1978), p. 4.
20. *Der Spiegel* (FRG), no. 43 (17 October 1977), pp. 46-65.
21. *Staat und Recht*, vol. 26, no. 12 (December 1977), pp. 1229-39.
22. *Neue Justiz*, vol. 31, no. 11 (June 1977), pp. 321-25.
23. *IWE-Tagesdienst* (West Berlin), 21 October 1974, pp. 1-2.
24. *Staat und Recht*, vol. 27, no. 7 (July 1978), pp. 588-97.
25. *Ibid.*, vol. 27, no. 1 (January 1978), pp. 19-27.
26. *FBIS* (USA), no. 231 (29 November 1979), p. E3.
27. *Frankfurter Allgemeine* (FRG), 7 November 1979, p. 12.
28. *Junge Welt*, 23 September 1974, p. 4.
29. *IWE-Tagesdienst* (West Berlin), 28 January 1974, pp. 1-2.
30. *Neue Justiz*, vol. 31, no. 13 (July 1977), p. 398.
31. *Ibid.*, vol. 32, no. 4 (April 1978), pp. 154-56.
32. *IWE-Tagesdienst* (West Berlin), 31 January 1978, p. 2.
33. *Pädagogik*, vol. 33, no. 2 (February 1978), pp. 28-29.
34. *Informationen* (FRG), no. 7 (April 1979), pp. 26-28.
35. *Neue Justiz* vol. 32, no. 4 (April 1978), pp. 154-56.
36. See the late Peter C. Ludz' *The GDR from the Sixties to the Seventies* (Harvard University Center for International Affairs, 1970), pp. 11-30.
37. *Neue Justiz*, vol. 33, no. 2 (February 1979), p. 53.
38. *IWE-Tagesdienst* (West Berlin), 6 April 1979, p. 1.
39. *Staat und Recht*, vol. 27, no. 8 (August 1979), pp. 683-91.
40. *Presse-Informationen*, no. 108, 13 September 1977, p. 3.
41. *Neue Justiz*, vol. 31, no. 3 (February 1977), pp. 71-74.
42. *Ibid.*, vol. 31, no. 17 (November 1977), p. 574.
43. *Ibid.*, vol. 33, no. 2 (February 1979), pp. 52-55.
44. *Ibid.*, vol. 33, no. 7 (July 1979), pp. 297-300.
45. *Märkische Volksstunde*, 30 November 1978, p. 3.

46. *Staat und Recht*, vol. 25, no. 2 (February 1977), pp. 126-35.
 47. *Informationen* (FRG), no. 1 (January 1978), p. 9.
 48. *Neues Deutschland*, 2 July 1979, p. 2.
 49. Otto Kirchheimer, *Political Justice* (Princeton: Princeton University Press, 1961), p. 276.
 50. *FBIS* (USA), no. 129, 3 July 1979, p. E4.
 51. *Ibid.*, no. 145, 26 July 1979, p. E7.
 52. *Ibid.*, no. 187, 25 September 1979, p. E10.
 53. *Ibid.*, no. 7, 10 January 1979, p. E1.
 54. *Neue Justiz*, vol. 31, no. 17 (November 1977), p. 574.
 55. Peter H. Juviler, *Revolutionary Law and Order*, p. 138, and Louise I. Shelley, *Crime and Modernization*, p. 111 and p. 133.
 56. Paul A. Shapiro, "Social Deviance in Eastern Europe: On Understanding the Problem," in *Social Deviance in Eastern Europe*, ed. by Ivan Volgyes (Boulder, Colo.: Westview Press, 1978), pp. 16-17.

Guyana: Changes in Ideology and Foreign Policy

RALPH R. PREMDAS

Until recently, the People's National Congress (PNC) government in Guyana, led by President Forbes Burnham, projected an image asserting socialism as its ideological guide. In the early 1970s, the Jose Marti award, Cuba's highest honor, was conferred on Burnham, and during Mao Zedong's regime the Guyanese president was welcomed in the People's Republic of China as a fellow comrade. Progressive-to-radical leaders of the third world, including Castro, Mrs. Bandarnaike, Sekou Toure, Julius Nyerere, and Mrs. Gandhi were invited to Guyana to witness the socialist transformation transpiring there. The main foreign companies were nationalized, bringing 80 percent of the country's economy under government control.

This radical image was carefully cultivated for nearly a decade, from 1969 to 1978, and it reflects Burnham's earlier position during the first phase of Guyana's independence movement. Burnham had allied himself with socialism from 1950 to 1964, as the country sought independence from British control.

When Burnham first acceded to the leadership of Guyana in 1964, however, he headed a regime that was pro-Western and capitalist in orientation. Burnham had ousted his former coalition

Ralph R. Premdas is visiting professor of political science at the University of Ife, Nigeria. He has taught previously at the University of Guyana and the University of California, Berkeley. His Ph.D. is from the University of Illinois, Urbana-Champaign. He is the author of Racial Politics in Guyana (Denver, 1972) and several periodical articles on Guyanese politics.