

# **Criminal Behaviour as a Result of The Ethnic Origin - Comparison of Rates of “Recidivism” between Foreign and German Juvenile Offenders After Prison**

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## **Abstract**

**Purpose** – This paper deals with the recidivism of German, German born in foreign countries, Turkish, Yugoslav and Arab juvenile offenders after prison.

**Design/methodology/approach** – The study compares the rates of recidivism between Germans and different groups of immigrants - based on data of all male juvenile offenders of Rhineland-Palatinate from late 1996 to early 2000.

**Findings** – The results show that Turkish and Arabic juveniles have a lower rate of recidivism and the rate of Germans born in foreign countries is in the near of German juveniles at all. So, no increasing effect of foreign cultural background on recidivism can be seen.

**Research limitations/implications** – Limitations are the restricted time period and the observation of only one federal state, because the percentages of ethnic minorities and their compositions are quite different from region to region.

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**Practical implications** – The research shows that there is no homogeneous type of “foreigner”. The group of foreigners have to be differentiated according to their cultural background. Furthermore, their different legal status has to be considered.

**Originality/value** – Up to now in Germany there has been only little research on the comparison of recidivism rates of natives and foreigners and hardly ever of different groups of foreigners. But as the study shows, that you can get a statement about criminal behaviour increasing and avoiding factors only in the differentiated categories of foreigners.

**Keywords** Recidivism, Juvenile offenders, Immigrants, Juvenile delinquency and Cultural conflicts

**Paper type** Research paper

## 1. Introduction

It is easy to project the criminal behaviour to groups and individuals – perceived not as a part of the society as a whole. The projection to these groups bypasses the preoccupation with social causes of crime and the possibility for all to become a criminal. Especially groups with big differences to the dominant society and culture are suitable for this projection. These differences could be seen in their religion, their habits, their appearance etc.

According to Rumbaut (2007) “these stereotypes (in the USA) are propagated through movies and television series like *The Untouchables*, *The Godfather*, *Scarface*, *Miami Vice* and *The Sopranos*”. Saleth (2004) has asserted, that in Germany the crimes of Germans are more often published in media than of foreigners. In Germany it can be assumed that media scene has not so much interest in crime committed by foreigners, rather than crimes committed by Germans. Perhaps this difference to the USA in the media scene is a consequence of fascism, racism and the Second World War. Further on a missing discussion about immigration

and criminality of foreigners distinguished for a long time the German media scene.

Rather in some groups of immigrants and foreigners there is a higher frequency of special forms of crime in consequence of their social status, tradition or demographic characteristics.

Since the campaign of the conservative party in the 2008 election in the federal state Hesse youth crime is one of the most important political issues in Germany, although there is no increasing in the juvenile suspects or children as a whole since 2004 (BKA, 2008). According to the conservative party increasing of the punishment and the deportation should solve the problem of juvenile delinquency. However, Kury (2007) showed that increasing of punishment does not solve the problem of delinquency at all. Further on sending juvenile offenders back to their home-countries does not change the criminal behaviour and avoid the re-entering to the Federal Republic.

Political discourse tends to simplify the issue of juvenile delinquency and so the problem of juvenile delinquency is seen as equal to the problem of immigration – neglecting the possibility of home made criminality. So, G. Beckstein, Interior Minister of Bavaria, mentioned already 1999 that every fourth offender is a foreigner and sending them back to their home countries should be a solution (Beckstein, 1999).

Furthermore, very often these discourses stem from very different social and economic fears of every citizen concentrated in the fear of "strangers". Politicians have more and more great deficits in solving the real social and economic problems in times of globalisation. Pluralisation of their environment has destroyed the old milieus of political supporters: working class for the social-democracies and churchly bonded groups for the conservatives.

In the already mentioned political opinion the "foreign" culture and the conflict with the western culture are seen basically as the reason for crime. "Honour killing" and "Islamic terrorism" are only examples for this

opinion. At the macroscopic level Samuel P. Huntington (1993) speaks about the “clash of civilizations”.

Especially the Turkish culture – the greatest minority of foreigners in Germany - is considered as “foreign” and “different” to the German culture: religion, social relationships, gender relations, conception of the male identity etc.

The following article deals with the “recidivism” of imprisoned Germans, Germans born in foreign countries, mainly Volga Germans, Turkish, Yugoslav, and Arab juvenile offenders. The data base consists of all male juvenile offenders of Rhineland-Palatinate from late 1996 to early 2000.

## **2. Delinquency of German and foreign juveniles**

For many years, the Police Crime Statistic from the Federal Criminal Police Office has reported higher crime rates for foreigners than expected, given their proportions in the resident population. However, these figures are misleading for various reasons (Drewniak, 2004; Pfeiffer et al., 2005). For instance, the group of foreigners, to whom the official statistic refers, includes also tourists, transients, and other non-Germans who do not belong to the resident population. Furthermore, immigrants differ in their socio-demographic structure from the Germans: young males, who have an exceedingly higher risk of committing a crime, are overrepresented, and immigrants often have a lower social status and education. Moreover, the official crime statistic only includes offences, which are reported to police, but no unrecorded crime. So it could be biased from a different reporting behaviour in regard to German and foreign offenders.

In some areas of crime, special groups of immigrants (mainly juveniles from Turkey and southern Europe) actually are more often delinquent than Germans. Particularly in youth violence, immigrants are overrepresented, as various surveys on self reported delinquency demonstrate (Naplava, 2002; Oberwittler, 2003; Wetzels et al., 2001; Baier and

Pfeiffer, 2007). The results of a school survey conducted in 2005 among 15 year old juveniles show that 19% of the German respondents 37% of the Turks, 34% of the Poles, 31% of the juveniles from former Yugoslavia and 31% of the Russians committed bodily injury in the past 12 month. Migrants from other countries were below these rates, but higher than the Germans (Baier and Pfeiffer, 2007, p. 19).

These higher rates are mainly a consequence of the often lower social status and education of migrants. A juvenile without a graduation or only a low school education becomes more often a criminal than juveniles with a high school education. Considering the population in the youth custody, the social and economic differences between foreigners and Germans can be neglected. Only two percent in the youth custody of Rhineland-Palatinate have a high or middle school education (Giebel, 2007). Also in the group of immigrants or foreigners middle and high education is very rare. This does not basically result from the culture and its valuation of education, rather from the stressful transition period between two cultures. Furthermore, the children of immigrants and foreigners often have a German language disadvantage.

Baier and Pfeiffer (2007, p. 28) showed that only 14% of the German respondents in the school survey went to a "Hauptschule" (general school that focuses on practical matters and offers low career prospects), but 42% of the Turks and 46% of the respondents from former Yugoslavia did. 29% of the Russian and 12% of the Turkish youth came from a poor family, but only 8% of the Germans.

Furthermore, the transition from education to work is harder for immigrants than for Germans. While two thirds of the Germans directly find a job after training, only half of the Turkish immigrants do (Dame-lang and Haas, 2006). If immigrants are employed, they often work in sectors where employment is generally declining, and they often are less qualified. In general immigrants have a considerably higher unemployment rate than Germans.

In addition, different traditions and values can be taken into account. Surveys show that especially Turkish and Russian juveniles notably agree

with so-called “norms of masculine violence” (Enzmann et al., 2004; Baier and Pfeiffer, 2007). According to Nisbett and Cohen (1996), these norms have their cultural origins in historical, socio-geographic conditions in certain countries of origin of the migrants. Other studies assume that the codes of masculinity, which immigrant juveniles develop, are not the results of cultural traditions but responses to their subordinate position in society (Spindler, 2006; Tertilt, 1996). Potentially it is an interaction between both.

The norms claim that violence is an adequate and socially desirable instrument of self-defence (Enzmann et al., 2004, p. 268). In their education boys are encouraged to keep up their honour and to defend it without hesitation (even by use of violence). These standards are often taught forcibly, so that in families with strong masculinity norms, there often is a high degree of violence (Baier et al., 2006). Both (high acceptance of masculinity norms and parental violence) increase the risk of violent behaviour (Baier and Pfeiffer, 2007; Baier et al., 2006).

Killias (1989) observed that in most European countries crime rates of second-generation immigrant juveniles are higher than of natives and first-generation immigrants. According to the *strain theory* (Merton, 1938; Cohen, 1955) this is because second-generation immigrant youths have higher aspirations and demands than first-generation immigrants. The first compare their situation with the better situation of youths in their country of residence, while the latter contrast their position to the often lower status they had in their country of origin.

Nearly all studies are considering about differences in criminal behaviour between foreigners, Germans and Germans with an immigration background at all (e.g. Naplava, 2002; Oberwittler, 2003; Wetzels et al., 2001; Baier and Pfeiffer, 2007). But criminal behaviour has to be differentiated from continuing the criminal career or relapse. The risk factor for becoming a criminal and for continuing a criminal career are not the same.

Data from the Federal Central Criminal Register show lower recidivism rates for foreign imprisoned offenders than for German (Jehle et

al., 2003, pp. 49-50). This applies both to delinquency in general and to violent crimes in particular (Harrendorf, 2007). A probably decisive factor for this is that familial bonds of immigrants in Germany are often stronger than family ties of the Germans. Baier and Pfeiffer (2007) mentioned that 15% of the Turkish respondents of the school survey experienced a divorce or separation between their parents, on the other hand 30% of the Germans did. Furthermore, Simonson et al. (2008) displayed the stronger familial cohesion of Volga Germans after release from prison compared with released Germans. This result is consistent with the typical strong familial bonds for this group found by Dietz (2003). According to the *social control theory* (Hirschi, 1969) and to the results of various studies, which highlight the link between social ties and delinquency (Farrington and West, 1995; Laub and Sampson, 2003; Sampson and Laub, 1993), it is assumed that these family bonds have a stabilizing and crime preventive effect.

The differences between foreigners and Germans in continuing their criminal career after prison in Rhineland-Palatinate have to be considered. Especially juveniles in prison had very often a long criminal career and for the future a high rate of recidivism.

### **3. The survey**

Since 1996 a survey in all juvenile prisons is realised by the order of the ministry of justice of Rhineland-Palatinate. Momentarily the survey is unique in the Federal Republic of Germany. The survey consists on all male juvenile offenders in prison from the end of 1996 to early 2000. Reason was the request of the parliament in the course of the new building in Schifferstadt. The ministry of justice decided to end the evaluation at 2000 for reorganizing the evaluation. It is subdivided in four stages:

1. Information about the social and economical situation before prison
2. Planned activities, contacts, etc. at the first education conference in prison

3. Implemented activities, contacts, etc. at the last education conference

4. Delinquency based on data of the federal register after 4 years

By the end of 2000, 400 male juvenile offenders were in the sample with information from the federal central register. They are in average 20 years old. The range is between 14 and 25. It should be remarked, that the younger juvenile offender is, the higher the rate of recidivism. In the average they have a prison sentence of 20 months. The range is between six months and six years. So the sample is not homogeneous in terms of the age at all, but it shows the whole population in the juvenile prisons in Rhineland-Palatinate.

Additionally there are also five female juvenile offenders with information from the federal central register. All of them have the German nationality and there is no background of immigration. That's why they are not interesting in a comparison between German and foreign offenders.

In a research of juvenile offenders all in all female offenders will become more and more interesting, because after 2007 there are four times more of female juvenile offenders in prison in Rhineland-Palatinate. It is assumed that the risk of drug-addiction of female offenders is higher than of male offenders and that female offenders are quite violent (Neumann, 2008). Probably the percentage of the risk that female offenders with background of immigration will increase in consequence of loosing their traditional family bonds.

In the sample of male juvenile offenders transfers from the juvenile to the adult prison - the "youth exceptions" - are not included in the data base. A juvenile offender can be transferred to adult prison in consequence of being not suitable for juvenile prison and the treatment there.

#### **4. Recidivism of juvenile offenders**

The rate of “recidivism” in the terms of prison sentence or police search is 62%. Using this definition of recidivism the focus of research is on crime with high social costs and a high seriousness or suspect. In this point of view only 4% are searched by police as a whole. Rate of “recidivism” in terms of a re-entry in the federal registration is 78%.

For the German juvenile offenders the rate of “recidivism” in terms of a prison sentence or police search is 68% (190 of 280) and for all foreign youths 48% (57 of 120) [1].

For the subgroups “Germans born in foreign countries” the rate of “recidivism” in terms of prison sentence or police search is 58% (21 of 36). 22 of them come from Commonwealth of Independent States, 5 from Tadzhikistan, 4 from Poland, 2 from Romania, 1 from the former Yugoslavia, 1 from Africa and 1 from Arabia. This subgroup is not homogeneous. They are very different in their habits, their tradition and in their religion. So juveniles coming from Tadzhikistan are also Muslims.

The rate for Germans born in Germany is 69% (169 of 244). The difference in the rate of “recidivism” to Germans not born in Germany is not significant [2]. The move to Germany distinguishes the subgroup of “Germans born in foreign countries”. It is a break in their lives – also mentioned by themselves. Also a great difficulty is their drug and alcohol consumption: 40 juveniles mentioned that they use heroin (10%), but 14 juveniles not born in Germany – oriented to the “Germans not born in Germany” 39%. 110 juveniles have a regular alcohol consumption (28%), but 13 juveniles not born in Germany. Also oriented to “Germans not born in Germany” it is 36%. 16 juveniles are labelled as “addicted” by the juvenile prison. Taefi (2006, pp. 31-32) also mentioned the high drug consumption of the subgroup of Volga Germans in the project “Developmental Consequences of Incarceration” of the Criminological Research Institute of Lower Saxony.

The rate of recidivism for the Turkish juvenile offenders 37% (16 of 43), for the Arabic juveniles 43% (9 of 21) and for the Yugoslavian

juveniles 57% (25 of 44). Compared to the German juvenile offenders the foreigners have the possibility of deportation or remove. For all juvenile offenders there is the possibility of the committing to psychiatry. Deportation and a committing to the psychiatry reduces the probability of "recidivism".

Table 1: Overview of Ethnic Groups and the Rates of Recidivism

Group of juvenile offenders	Rate of recidivism
Germans born in Germany	69%
Germans born in foreign countries	58%
Turks	37%
Arabs	43%
Yugoslavs	57%

That is why juvenile offenders with deportation or a stay in psychiatry have to be taken out for the determining of the rate of "recidivism". There are no German juvenile offenders with a stay in psychiatry after dismissal. In the study of Jehle et al. (2003) Juvenile offenders with deportation were not taken out.

Taking out six juvenile offenders with deportation or a stay in the psychiatry, the rate for Turkish juvenile offenders is 43% (16 of 37) [3]. Five of the Turkish youth are deported and one is committed to psychiatry. The chance of recidivism is for German 7 to 3, however for the Turkish 4 to 6. The reasons for the lower recidivism Turkish youths can be seen in:

- Lower divorce rate of parents of the Turkish teenagers: For the Turkish juveniles who have been born in Germany, the divorce rate of parents is just 12% (4 out of 34). There are no divorces in the group of nine in Turkey-born Turks. The divorce rate in the overall survey is 40% (161 of 400).
- Less change from one children's home to another home in the group of Turks: Only in 4 cases of the 43 Turks, there is a change between children's home (9%). In the overall survey

however there are 74 cases in 400 (19%) who have a change from one home to another.

- A higher assumed family cohesion during the arrest of juveniles
- A non-measured possible departure of young people

The possible departure of young people is also a possibility for German juveniles. In the context of free movement within the European Union, leaving Germany, taking up residence and getting a job in Austria, France, Spain, Denmark, etc. is a possibility – in spite of still existing cultural and linguistic barriers. About the “recidivism” in another European country there is either no information or in adequate information.

The family cohesion of Arabian juvenile offenders is similar to Turks. Four Arabian juvenile offenders are deported. So the rate of “recidivism” is 53% (9 of 17) [4]. Especially the contact to brothers and sisters in Germany is assumed as very important for reintegration. Very often the parents remain in their home countries.

The difference in the rate of “recidivism” between Yugoslav and German juvenile offenders is worthless, because Yugoslavs deported to Yugoslavia come back to Germany and continue their criminal careers.

For example, in the subgroup of the 36 Yugoslav juvenile offenders born in Yugoslavia, 20 have been deported. Thus, only 16 could have an “entry in the federal register” however 23 are registered with an entry.

## **5. Deportation on the basis of the Yugoslav juvenile offenders**

One of the causes of delinquency is their former culture in their home countries. The situation for Yugoslav juveniles is dominated by the ethnic conflict, particularly between Albanians and Serbs. They have learned to solve conflicts only by using physical violence.

The example of the Yugoslav juveniles born in the area of former Yugoslavia shows, that deportation was not successful. The removal of young people from the Yugoslav region at that time does not solve the problem of the criminal behaviour and reduce the rate of "recidivism". Removed juvenile offenders can not be ignored. Most of them come back to Germany. Only the re-entry after deportation is already an offence.

Inadequate treatment during imprisonment could not improve the situation after the dismissal in their home countries: the workplace, housing, family contact, etc. The treatments such as "elementary school course", "drug therapy", etc. are not given in consequence of their residence permit status. The situation after prison is the same as before. Their criminal behaviour is not treated in the juvenile prison.

## 6. Conclusion

The comparison of recidivism in terms of further prison sentences and police search between Germans, Germans born in foreign countries, Turkish and Arabian youths shows that Turkish and Arabian young juveniles have a lower rate of "recidivism" and the rate of "German born in foreign countries" is in the near of German juveniles at all.

There is no effect of foreign cultural background in increasing the rate of "recidivism". If there is any influence of foreign cultural background in this direction, the rate of "recidivism" increases as the distance to the German culture increases.

In this respect Germans born in foreign countries should have a higher rate of "recidivism" than Germans and the highest rate should be seen in the subgroup of Turkish or Yugoslav juveniles.

In the case of Turkish juveniles, the difference to German is significant in another direction. The reason for the lower recidivism of Turkish juveniles in comparison to German is seen in relation to their families situation – where there is lower divorce rate and less change from one

children's home to another - and in the greater potential for strong family ties and thus informal social control.

Cultural conflict as motivation of crime is only a pretextual argument. The cultural conflict of Turkish youth in Germany does not lead to an increase of "recidivism". It is assumed, that by and by there is a break with the traditional family structure and so an rate of "recidivism" becomes similar to the of German juveniles.

For Arabic juveniles, it is assumed that the family cohesion is one reason for the lower rate of recidivism. Also for this group, it can be said that cultural conflict does not lead to the further entries in the federal register. In the category of Arabic juveniles, you have to consider that this category is not as homogeneous as the category of Turkish juveniles. In this category, Lebanese and Moroccan are put together.

That the different cultural background is not a factor for an increasing rate of recidivism, could be also the result of the kind of delinquency. The majority of delinquency is motivated not by culture, but rather by the economical and social status of the juvenile offenders: 60% (241) of all juvenile offenders have committed an economical motivated crime (rape, burglary and extortion). This is not amazing in the face of the fact, that more than the half has no school education and for less than the half a job.

The result of probable return of Yugoslav juveniles is that the rate of "recidivism" can not be determined. According to their re-entry to Germany, it can be assumed that the rate is very high. The reason for the high "recidivism" of Yugoslav juveniles is the civil war situation in the former Yugoslavia. Compared to the German juvenile offenders, the juvenile prison has no possibility to improve prepare the situation in the former Yugoslavia after dismissal and deportation. If deportation should reduce the criminality in the Federal Republic, it must make sure that they have no possibility or at the best no motivation to come back because of having a job and earning money there.

Limitations of the results are the time period and the region: In this time period, Germany has a lot of asylum seekers from the Yugoslavian area in consequence of the civil war. The percentages of ethnic minorities in Germany are quite different from region to region.

Further on this current research on comparison of foreign juvenile offenders to German juvenile offenders shows that there is no homogeneous type of "foreigner". The group of foreigners have to be differentiated according their cultural background. Furthermore, their different legal status has to be considered: asylum seekers, alien employees etc. Only in the differentiated categories of "foreigners", you can get a statement about criminal behaviour producing and avoiding factors in their culture etc.

In further research, the perceived "foreigner" has to become more and more interesting. If one person is perceived as a "foreigner", he will behave like a "foreigner" or an outsider, socialised and valued as a foreigner. As an example: An Austrian is not so much perceived as a "foreigner" like a German with black African parentage. A Turkish woman without headscarf is not so much seen as a "foreigner" like a German Muslim woman with a headscarf.

According to the categories of perception as a "foreigner", the rate of recidivism has to be evaluated. If there is any kind of difference to the German rate of "recidivism", it is the result of the interaction between "perceiving" and "perceived".

[1] Fisher Exact Test 2-Tail:  $p < 0.05$  compared with German juveniles

[2] Fisher Exact Test 2-Tail:  $p > 0.05$  compared with German juveniles born in Germany

[3] Fisher Exact Test 2-Tail:  $p < 0.05$  compared with German juveniles

[4] Fisher Exact Test 2 Tail:  $p > 0.05$  compared with German juveniles

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