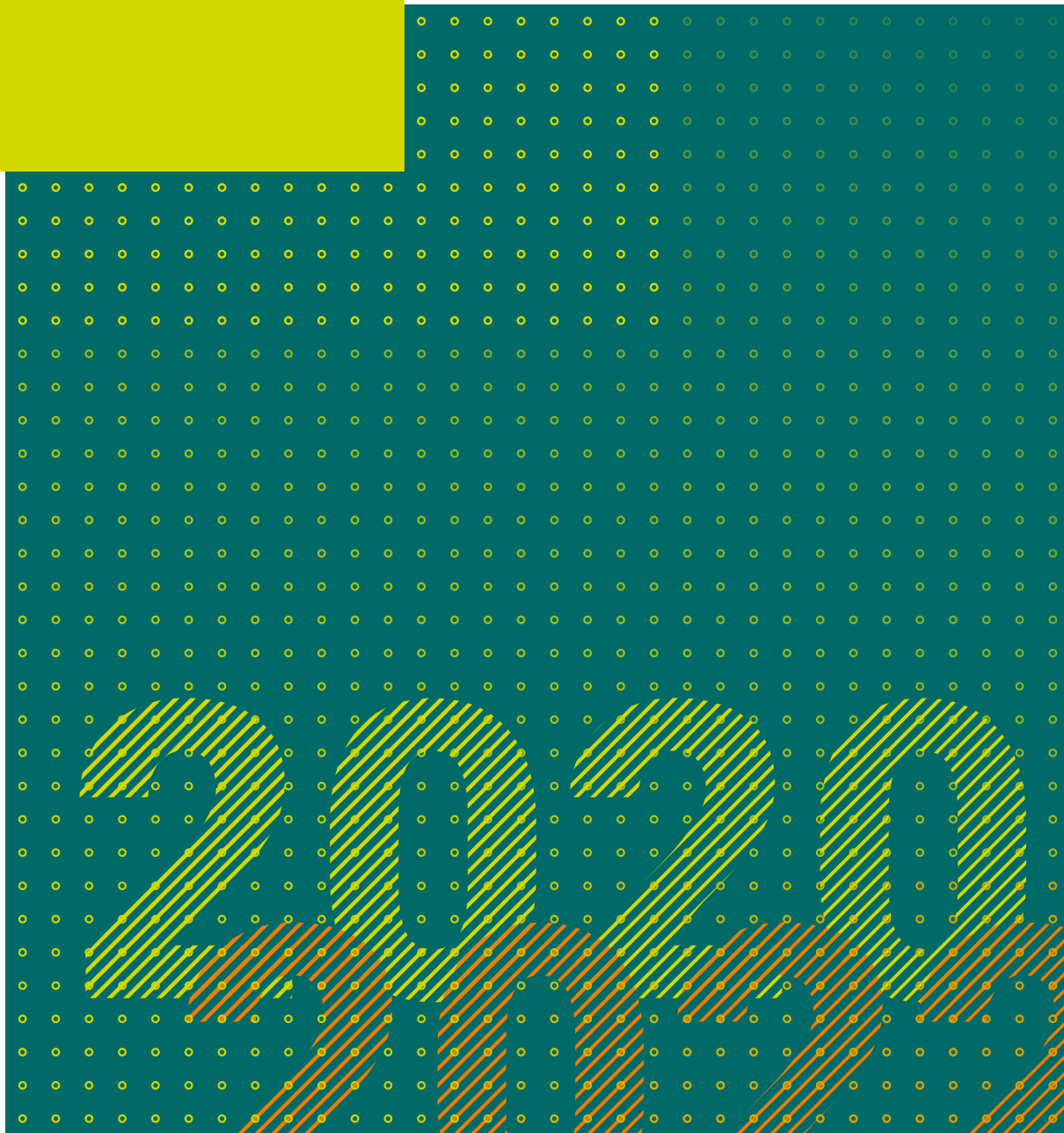
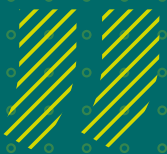




ACTIVITY REPORT
2020-2022





**DEM ANWENDEN MUSS
DAS ERKENNEN VORAUSGEHEN
INSIGHT MUST PRECEDE
APPLICATION**

MAX PLANCK

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Period covered by the report: January 1, 2020 – June 30, 2022;
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FOREWORD

In 2019, a new board of directors was appointed to lead the Max Planck Institute for the Study of Crime, Security and Law (MPI-CSL), succeeding Professor Ulrich Sieber and Professor Hans-Jörg Albrecht, both of whom retired. The simultaneous retirement of both previous directors provided a unique opportunity for the new directors to develop and implement their joint vision of a state-of-the-art, interdisciplinary research center in the fields of crime, security and law.

The Institute's new name already suggests the reorientation of its research program, moving away from the focus on specific regions and countries towards a more fundamental research approach. Our new name also reveals what is perhaps the most notable change: the addition of a third department to the existing two departments. The new Department of Public Law concentrates on fundamental questions of constitutional and administrative law, with an emphasis on public security law. It contributes a more comprehensive perspective on crime and security at the Institute, comprising not only the criminal law reaction to crime but also the legal instruments necessary for the prevention of dangers to our society – challenges posed by police law, the regulation of free speech and assembly, and the law of the secret services.

The Criminal Law Department and the Criminology Department have continued in name but have been redesigned to accommodate the mutual vision of their new directors. Research in the Criminal Law Department now focuses on criminal law theory, namely the foundations of criminal law and sanctions rather than positive criminal law or descriptions of foreign laws. The Criminology Department has shifted its focus towards theoretical innovation as well as longitudinal and experimental research applying novel research methods. In 2022, the department's new virtual reality

research lab – located in Freiburg's city center – opened its doors: the lab is the first of its kind in the world. In many ways, these changes have led to a recalibration of the Institute, which is in line with the spirit of innovation essential to the Max Planck Society and which contributes to its unique profile as a research organization.

Most of the period covered by the current report (January 1, 2020 – June 30, 2022) and much of the tenure period of the new directors coincided with the Covid-19 pandemic, which posed challenges such as keeping our staff safe and healthy, keeping the Institute open (remote work during lockdowns and work at the Institute whenever circumstances allowed), and keeping up the academic development of the new Institute. I am happy to report that we have succeeded in all our efforts and have been able to welcome new research talent from around the world.

I am excited to introduce the many new members of the Institute and share the numerous, new research projects in this report. In closing, I would like to thank all our employees for their tremendous efforts in contributing to the transition to the new Institute, for working during challenging times, for welcoming our many new staff members and PhD students from both Germany and abroad, and especially for making the Institute the vibrant and intellectually stimulating place that it is today.

Jean-Louis van Gelder
Managing Director



**I. MISSION AND PROFILE
OF THE MAX PLANCK INSTITUTE
FOR THE STUDY OF CRIME, SECURITY
AND LAW**

I. MISSION AND PROFILE

1. Legacy

The Max Planck Institute for the Study of Crime, Security and Law (MPI-CSL) has a well-known predecessor: the Max Planck Institute for Foreign and International Criminal Law, an institute with a long history. In 1938, Adolf Schönke had established a division for foreign and international criminal law (later an institute) at the University of Freiburg. At that time, the mission was to collect and store information about foreign and international criminal law as well as to understand and compare systems of criminal law. This institute was incorporated into the Max Planck Society in 1966. In 1978, under founding director Hans-Heinrich Jescheck, and with a newly added department of criminology, led by Günther Kaiser, the MPI for Foreign and International Criminal Law moved to our present premises in Freiburg. The MPI for Foreign and International Criminal Law attracted legal scholars and doctoral students from many countries. With its huge collection of journals, books, and other legal documents in many languages, the library became a unique institution not just in Germany but also worldwide. The directors who succeeded the founding directors (Albin Eser, Hans-Jörg Albrecht, and Ulrich Sieber) boosted academic exchange with legal scholars from many countries. They extended

the scope of research to include legal developments such as international criminal law (*Völkerstrafrecht*) and European criminal law, and to respond to new and interesting social developments, for instance in the fields of medical ethics, economic crime, and cybercrime.

If one recalls the pre-Internet possibilities for knowledge dissemination and academic research, it becomes evident that Germany needed an institution that provided access to books, print journals, and other printed sources of information on foreign criminal law. Times have changed. In the age of digitalization, obtaining legal publications and information about laws has become much easier. International organizations routinely publish legal documents on their websites, and many national departments of justice provide English translations of their laws. Most scientific journals and many books are accessible electronically, and large online legal-information databases facilitate research. For this reason, the storage of information on foreign criminal law has lost some of its initially very high relevance. However, the idea of maintaining a hub for international academic exchange remains a core concept for all Max Planck Law institutes.



photo: Bascht Bender © MPI-CSL

When deliberating about the future of the MPI, the Max Planck Society decided to take up a proposal made by outgoing directors Ulrich Sieber and Hans-Jörg Albrecht to add a third department to the Institute: the Department of Public Law. The proposal advocated addressing the legal rules for police and intelligence agencies, with the aim of protecting public security and preventing potential harm in accordance with the rule of law, goals that complement criminal prohibitions and criminal justice. Both

public security law and criminal law have shared roots in constitutional and human rights law. Another important structural change was to search internationally in the field of criminology in order to appoint a psychologist with a strong focus on basic empirical research as director of the Department of Criminology. For the first time in its history, the Institute now has a non-German director (Department of Criminology) and a woman as one of its directors (Department of Criminal Law).

2. Future Trajectory and Research Profile

The three incoming directors share fundamental assumptions about research. Our major goal is to strengthen basic or foundational research in the domain of crime, security, and law, following the motto of the Max Planck Society: "Insight must precede application". A focus on foundational or basic research by no means rules out drawing application-oriented conclusions from research outcomes. It is also our objective to design intervention strategies to modify human behavior and to put forth legal policy proposals.

Criminology in Germany has traditionally been based at, and hence been the domain of, university law faculties. This has by implication resulted in the strong legalistic

orientation of criminological research but at the same time also contributed to its underdevelopment as an empirical science and created a disconnection with the more international discourses that have strong foundations in the social and behavioral sciences. In many ways, empirical criminology is the prodigious child of a marriage between sociology and psychology, and it has made tremendous progress over the course of its relatively short disciplinary history. Less progress, however, has been made in advancing our theoretical understanding of how the correlates of crime belonging to these domains may be patterned and what the pathways are through which they operate in crime. Research in the Department of Criminology aims to connect the

dots in order to gain a better view of the larger picture of the causes and correlates of crime. In undertaking these efforts, innovative methods and technologies, such as virtual reality, show tremendous potential to address research questions in novel ways and advance the field as a whole. Consequently, theoretical innovation using pioneering methods, while maintaining societal relevance, forms the backbone of the department.

In the field of law, the concept of foundational research calls for some explanation. Most publications by law professors focus on the interpretation and application of positive law (national law, European law, or international law); that is, they could be categorized as application-oriented. The directors of the two legal departments agree that Max Planck Law institutes should take up topics and approaches that are less prevalent at German law faculties. The focus should be on exploring, understanding, and questioning the foundations of criminal and public law. This perspective need not be limited to the inside view of legal experts who deliberate about the application of substantive and procedural rules. A more detached and broader angle is helpful in identifying the strengths and deficiencies of existing laws and law reforms. Comparative exchange of information among international networks is an integral part of this enterprise. Foundational research in law explores the theoretical underpinnings, empirical assumptions, normative premises, and institutional structures that form the deeper layers beneath legal norms, legal institutions, and legal practices. It usually requires *intradisciplinary* or *interdisci-*

plinary elements. In giving emphasis to the importance of both intradisciplinary and interdisciplinary research, the Max Planck Institute for the Study of Crime, Security and Law follows recommendations passed by the German Council of Science and Humanities in 2012 to improve the quality of legal scholarship. Intradisciplinary research draws together topics that legal scholarship usually pigeonholes, such as legal theory, legal philosophy, legal sociology, criminology, constitutional law, criminal law, and police law. Interdisciplinary research utilizes empirical findings from the social sciences and analytical or normative insights from fields such as philosophy, with the goal of illuminating and/or criticizing the premises and assumptions of statutory laws, case law, and legal practice. The relationship with more applied aspects of legal research is dialectical. The foundational research we envision is fed by it and can in turn lead to doctrinal or legal policy proposals.

Another overarching goal of all three departments is to increase the visibility of the Institute in the English-speaking research communities and thus its international standing. The international relations fostered by German legal scholars and in part also by German criminologists have traditionally focused on clusters of countries (for instance, in Southern Europe and in East Asia) with a strong interest in German legal doctrine. The current directors have shifted focus and seek to join international academic debates and increase publications in leading international journals and books published by renowned international publishing houses. This reorientation aligns with the recommendations of the Institute's previous scientific advisory board.

3. Transformation Process

RENAMING

The incoming directors decided to rename the Institute. The expression "foreign law" to designate other national legal systems sounded outdated. "International criminal law" refers to a special system of positive law with statutes and case law, university chairs, and teaching programs, which is no longer the research focus of the

Institute. Furthermore, it was considered essential that criminology be visible in the Institute's name, and the addition of the third department also required incorporation into the new name. The incoming directors decided to focus on "crime", "security", and "law" to designate the three central subjects that are being studied from a basic research perspective.

RECRUITMENT

Recruiting the best researchers – those with excellent academic training, who are committed to independent and analytical thinking and have a genuine interest in research – is a key factor in being able to conduct high-quality research. The prior emphasis of the Institute on “foreign law” called for hiring lawyers who came from or were closely familiar with a particular system of national law as country reporters (*Länderreferenten*). For the legal departments at the new Institute, a different profile is needed: scholars who are interested in exploring the foundations of public security and criminal law, who are willing to engage in intradisciplinary or interdisciplinary research and who can contribute to increasing the Institute’s visibility in the English-speaking academic world. Ideal candidates are postdocs and doctoral candidates pursuing an academic position who have a strong focus on foundational questions and a well-planned career track. The Criminology Department, in particular, focuses on hiring both research talent from the top graduate programs in criminology all over the world and, to reinforce the highly multidisciplinary nature of the department, outstanding young researchers coming from other scientific disciplines.

One way to increase the number of suitable applications is to address young scholars from across the globe who have studied at the top universities in the English-speaking world. The challenge here is that graduates, particularly in the field of law (for instance, with a J.S.D. or LL.M.), usually do not know that Max Planck Institutes for law, humanities, and the social sciences exist. Despite the fact that financial and other support offered to both doctoral candidates and postdocs by the Max Planck Society is outstanding in international comparison, the law departments still do not receive a lot of applications from this target group. For this reason, the directors have created a new position: recruitment officer at the Max Planck Institute for the Study of Crime, Security and Law. Our immediate goal is to streamline and improve the quality of onboarding procedures for newly arrived researchers from abroad in order to increase the attractiveness of working at the Institute.

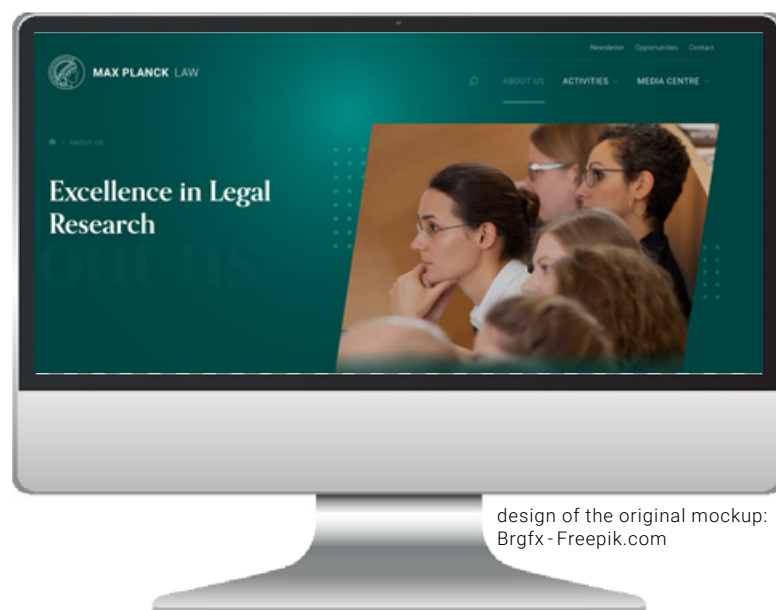
MAX PLANCK LAW

Structural challenges, such as attracting the most promising talent, are similar in all areas of legal research. The Institute therefore supported the establishment of the Max Planck Law network. Our vision of professionalizing recruitment has become a guiding principle, and the recruitment officer in Freiburg, Dr. Annika Hampel, takes up the shared interests of all Max Planck Law institutes. Beyond these organizational and structural issues, we are also committed to supporting exchange between individual researchers from different Max Planck Law institutes whose projects overlap in terms of research questions and interests.

DISTINGUISHING BETWEEN RESEARCH AND OUTREACH ACTIVITIES

One of the secondary functions of legal research institutions is to provide support for other states, institutions abroad, and the policy strategies of international organizations, for instance, by promoting rule of law and procedural fairness in regions that suffer from crises and conflicts. With regard to outreach activities, the new directors make some important distinctions. First, supportive outreach activities should not be confused with the often-held but problematic view

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The Directors

The reporting period 2020 to mid-2022 was marked by decisive scientific and organizational change. The Institute bade farewell to its previous directors Hans-Jörg Albrecht and Ulrich Sieber and welcomed its new directors Tatjana Hörnle, Ralf Poscher, and Jean-Louis van Gelder. The Institute was renamed, three Independent Research Groups have been established, and many senior and early career researchers have been recruited from Germany and abroad. The MAXLab Freiburg was set up.

We are very proud of what the whole Institute has achieved over this fairly brief and COVID-troubled period of time. We wish to sincerely thank all our employees for their relentless effort in creating a vibrant, stimulating, and can-do research environment.

PROF. DR. DR. JEAN-LOUIS VAN GELDER

Director, Department of Criminology

Professor van Gelder's research interests focus on the role of emotions and personality in criminal decision-making, the application of novel technologies (e.g., virtual reality) to the study of crime, and the relationship between short-term mindsets and criminal behavior.

Jean-Louis van Gelder studied Work & Organizational Psychology (graduation in 1999) and Law (graduation in 2002) at the University of Amsterdam, the Netherlands. After obtaining his first Ph.D. (in law) in 2009 at the University of Amsterdam, he earned his second Ph.D. (in psychology) in 2012. In 2009, he shifted his focus to criminology and took on a postdoc position at the Netherlands Institute for the Study of Crime and Law Enforcement (NSCR). He became a senior researcher (eq. associate professor) at NSCR in 2013. In 2018, he was appointed full professor at the University of Twente. In 2019, van Gelder accepted an appointment as director at the Max Planck Institute. He currently also holds a chair at the Institute of Education and Child Studies at the University of Leiden, the Netherlands.



photo: Elroy van Sloten



photo: Baschi Bender © MPI-CSL

PROF. DR. TATJANA HÖRNLE, M.A. (RUTGERS)

Director, Department of Criminal Law

Professor Hörnle works primarily in the areas of criminal law theory, law reform, and comparative criminal law. She is head of the Department of Criminal Law. Since November 2019, she has also been honorary professor at Humboldt-Universität zu Berlin.

From July 2009 to September 2019, she held the Chair of Criminal Law, Criminal Procedure, Legal Philosophy, and Comparative Law at Humboldt-Universität zu Berlin. Before that, from 2004 to 2009, she was a full professor for Criminal Law, Criminal Procedure Law and Philosophy of Law at Ruhr-Universität Bochum.

Tatjana Hörnle is a member of the Leopoldina (National Academy of Sciences), the Berlin-Brandenburg Academy of Sciences and Humanities, the Academy of Sciences and Literature/Mainz, and the Academia Europaea.

PROF. DR. RALF POSCHER

Director, Department of Public Law

Professor Poscher works in legal theory and public law with a focus on issues raised by public security challenges in these research areas. He has been head of the newly established Department of Public Law since August 2019. He is also an honorary professor at the Faculty of Law, University of Freiburg (since November 2019).

From October 2009 until July 2019, Ralf Poscher was a full professor at the Faculty of Law, University of Freiburg, Institute for Political Science & Philosophy of Law, Department 2 (Philosophy of Law) and from 2013 to 2018 managing director of the Centre for Security and Society, University of Freiburg. From 2004 to 2009, he was a professor of public law, sociology of law, and philosophy of law at Ruhr-Universität Bochum (RUB).

Poscher has held several guest professorships: in spring 2022 at the Faculty of Law, University Panthéon Assas, Paris 2, France; in spring 2018 at the Faculty of Law, University Jean Moulin, Lyon 3, France; and in spring 2007 at the Faculty of Law, Osaka University, Japan. From September 2007 to July 2008 he was member of the Institute for Advanced Study, Princeton, USA.



photo: Baschi Bender © MPI-CSL

that German law must be exported to other countries. Second, cross-border activities with the goal of gaining and publishing new scholarly insights are to be distinguished from activities that focus mainly or exclusively on improving the state of affairs in other countries. Despite these different starting points, outreach can ultimately lead to interesting research questions. At the Max Planck Institute for the Study of Crime, Security and Law, Jan Simon, a researcher with comprehensive expertise in Latin American foreign policy, is responsible for the coordination of the outreach activities of the Institute's researchers.

VISITING RESEARCHERS

At Max Planck Institutes with a traditional structure of country reporters as the backbone of the departments, guests played a significant role in updating information about foreign law, and it was important to cover as many countries as possible. At the MPI-CSL, it no longer matters which countries visiting scholars come from. The crucial point is that they contribute to making the Institute a hub for the exchange of ideas. The goal of the new directors is to increase the number of excellent, innovative visiting scholars with areas of interest and expertise that come close to the research agendas in the departments, in order to increase synergistic effects. The Institute also receives requests from large numbers of doctoral students and senior researchers who wish to read books and other materials that they cannot access in their home country but which can be found in the Institute's library. The new policy thus provides for two types of research stays: short visits to the library and longer stays for visiting scholars in the departments; the latter type of stay can be supported with fellowships.

PUBLISHING ACTIVITIES

We aim to publish our research results in top-tier journals and with the premier publishers in our respective fields, the flagship journal "Criminology" in the field of criminology, for instance, and, for the law departments, the leading publishing houses for legal scholarship (e.g., Oxford University Press or, for literature in German, Mohr Siebeck). In order to make preprints accessible to a wider audience, a new SSRN series has been established.

NEW LIBRARY POLICY

The huge collection of printed books, journals, and other materials is a tremendous asset to the Institute, which has traditionally attracted many visitors and will continue to do so in the future. Several decisions relating to the collection were taken by the new directors in order to update the library to meet current demands and trends towards digitalization and to maintain its global relevance as one of the most all-encompassing law libraries in the domains of criminal law, public law, and criminology. The library's new acquisition policy no longer pursues the ambition of collecting printed books and journals in a broad variety of languages. Instead, the focus will be on collecting printed materials in English and German, the working languages of both our researchers at the Institute and our visiting scholars and library visitors. With regard to content in English in particular, it is necessary to obtain access to all important databases and to make conducting research at the Institute as attractive as possible for future generations of scholars. The collection in some of the other main European languages will be more selective than in the past.

INFRASTRUCTURE

Besides the need to modernize the Institute's technical infrastructure and website, a lot of time needed to be devoted to finding office space for the third department, the new research groups, and the lab for the Department of Criminology. After several futile efforts on the difficult local real estate market, we were lucky to find suitable space for the lab in Freiburg's city center.

COOPERATION WITH UNIVERSITIES

At the new Max Planck Institute for the Study of Crime, Security and Law, we continue to maintain strong ties with the University of Freiburg: Ralf Poscher is an honorary professor and member of the law faculty, where he had been dean prior to joining the Institute. At the same time, the Institute has been able to extend its network of university cooperation: Jean-Louis van Gelder is a full professor at the Institute of Education and Child Studies at the University of Leiden, the Netherlands, and Tatjana Hörnle is an honorary professor at the law faculty of Humboldt-Universität zu Berlin.

II. DEPARTMENT OF CRIMINAL LAW

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A. RESEARCH PROGRAM

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B. PROJECTS

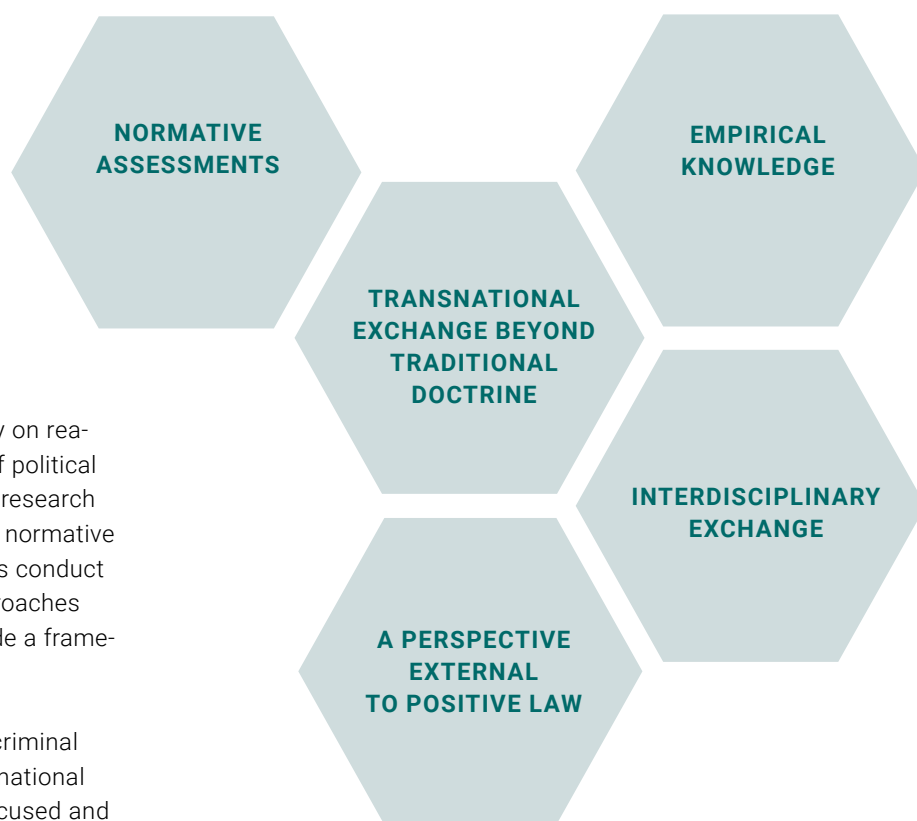
A. RESEARCH IN THE DEPARTMENT OF CRIMINAL LAW

1. Mission and Methods

The Department of Criminal Law at the Max Planck Institute for the Study of Crime, Security and Law focuses on approaches to the study of criminal law that transcend the core tasks of scholarship in law faculties at universities. One of the department's major goals is to promote and facilitate research in the field of **transnational criminal law theory**. The "theory" aspect of this field, its defining component, signifies that the perspective is external to positive law – in contrast to the internal perspective of lawyers, who interpret and apply legal rules, and of the majority of legal scholars, who develop general doctrines for the application of national and international law. Criminal law theorists analyze foundations and premises, and they evaluate positive law. The term "transnational" indicates that foundations of criminal law, sources of problems, and potential solutions can and should be discussed by scholars from different legal systems and backgrounds. While criminal law scholarship is still in large part a matter of national traditions and habits – understandably so, because the bulk of criminal law on the books and in action is (and will most likely continue to be) national law – in the field of criminal law theory, parochialism would be misguided. The Department of Criminal Law aims to bolster transnational exchange among scholars who

look beyond traditional doctrinal approaches. Transnational criminal law theory is distinct from international criminal law, European criminal law, and rules of mutual assistance for crimes with transnational dimensions. These sets of legal rules are part of positive law, and both international and European criminal law are by now well-established subjects of legal writing and teaching at most universities. Consequently, the department no longer specializes in international criminal law or European criminal law.

Transnational criminal law theory explores foundations of criminal law with the primary goal of either increasing knowledge or drafting criminal policy recommendations. The latter approach asks if, why, and how criminal law should respond to challenges that are typical for our contemporary social, economic, and other environments. Transnational criminal law theory requires **interdisciplinary** exchange. Understanding the foundations of criminal law entails paying close attention to a large variety of factors that shape the emergence of norms of conduct and the development of sanctioning practices. For the description and analysis of challenges facing contemporary societies, empirical knowledge is essential. Proposals for law reform or



other responses to these challenges must rely on reasoning and premises derived from the fields of political philosophy and moral philosophy. Most of the research in the Department of Criminal Law focuses on normative assessments, but occasionally our researchers conduct empirical projects. Also, **intradisciplinary** approaches can be useful. Constitutional theory can provide a framework for evaluating criminal law, for example.

Under certain conditions, the **comparison** of criminal laws can contribute valuable insights to transnational criminal law theory, namely, if it is problem-focused and genuinely analytical rather than a merely descriptive approach. Comparisons can be inspiring for switching from the internal, lawyers' perspective to the external, evaluative perspective of criminal law theorists. Understanding differences can heighten awareness of contingencies and deficiencies in positive laws and of the variety of possible alternative solutions and models.

One strategic goal of the department is to intensify the **exchange of ideas with the English-speaking academic world**. For many years, German scholars maintained international contacts with a limited set of countries, that is, mainly with countries whose researchers were willing to learn German in order to study German criminal law doctrine. The networks for transnational criminal law theory are still in need of expansion.¹ The department's new **publication policy** encourages researchers to publish in the highest-ranking journals and in books with the most renowned publishers in order to ensure international visibility. Languages of publication are chiefly English and German (the latter

is crucial for doctoral researchers and postdocs who are pursuing a career at a German university) and occasionally other languages, such as Italian, Spanish, and French. Participating in and organizing international conferences and workshops is another important avenue for increasing the international visibility of research outcomes. The department has also introduced a new feature of research infrastructure: a database of English-language publications about German criminal law.

In addition to the goals of creating stimulating networks of researchers in the field of transnational criminal law theory and producing excellent publications, our mission also encompasses providing input into **criminal policy decisions**. A detached perspective that enables researchers to look beyond the confines of positive law and to be mindful of the challenges facing contemporary societies naturally leads to policy recommendations. Researchers of the department regularly participate in legislative consulting processes on the national and international levels and contribute to criminal policy initiatives.

¹ See Tatjana Hörnle, Plädoyer für eine transnationale Strafrechtswissenschaft, in: Klaus Tiedemann et al. (eds.), *Die Verfassung moderner Strafrechtspflege. Erinnerung an Joachim Vogel*, Baden-Baden: Nomos, 2016, 289–306.

2. Key Areas of Interest

Transnational criminal law theory can be applied to both substantive and procedural law. So far, the main focus of the department has been on foundational and substantive issues. Some research projects concentrate on the foundations of criminal law – that is, on general theories of criminalization, on criteria for evaluating wrongdoing, and on sentencing criteria, see *Key Area of Interest I* below. Others take a different starting point: they focus on societal changes that can be observed and/or can be expected in the future. This type of research aims to describe newer developments and to answer the question of how criminal law can and should respond, including making recommendations for criminal policy and engaging in evaluations of recently implemented law reforms; see *Key Area of Interest II* and *III* below. The two types of projects are not isolated from one another; rather, they are mutually supportive: revisiting the foundations of criminal law may be essential if the goal is to calibrate an appropriate response to a contemporary challenge.

KEY AREA OF INTEREST I: FOUNDATIONS OF CRIMINAL LAW AND SANCTIONS

Key assumptions upon which criminal laws rest need to be spelled out, examined, and evaluated. Typical questions in this area of foundational research are: Under what conditions can it be legitimate to enact norms that prohibit behavior with the threat of criminal punishment? When is it legitimate to hold individuals criminally liable for acts and outcomes? What kinds of situational backgrounds justify conduct that is prima facie wrongful? What can be considered a just response to criminal wrongdoing? Several research projects in the Department of Criminal Law address selected aspects of these problems in more detail and thus contribute to a more fine-grained analysis of the “big questions.” Individual projects conducted in parallel by doctoral researchers and postdocs on related foundational topics adopt different perspectives and take different approaches. Some focus on normative



photo: Susanne Jutzeler, suju-foto/pexels

reasoning; others make use of empirical studies to critique criminal law. A number of projects are situated in the field of criminalization theory; another cluster address issues of personal responsibility (*mens rea*, culpability, guilt), examining these concepts empirically and/or normatively. Assessments of responsibility also extend into the field of sentencing, taking the form of inquiries about mitigation – with regard, for instance, to the social background of offenders. Insights from the fields of psychology and neuroscience can be the basis for criticizing legal assumptions about human decision making and behavior. Political philosophy and moral philosophy are relevant for the normative approach to human responsibility and the scope of criminal prohibitions. The mix of perspectives promotes stimulating discussions and has synergistic effects for the research topics described under *Key Area of Interest II* and *III* below.

Exemplary projects

A large number of projects in the Department of Criminal Law explore the foundations of criminal law, of which the following have been chosen as examples of different normative and empirical approaches. Claudia Wittl examines in her dissertation project on naturalism foundational questions in the field of legal theory: Can normative legal theory bridge the gap towards the social sciences? How can empirical findings be incorporated into legal doctrine and legal methodology? Other projects focus on theories and central concepts in criminal law doctrine that deserve scrutiny beyond the realm of national criminal laws. Dr. Ivó Coca Vila analyzed the notion of citizenship as a foundational category in criminal law theory. The new research group leader in criminal law, Dr. Dr. Philipp-Alexander Hirsch, explores basic concepts of *mens rea*, combining a problem-oriented approach to legal comparison with contemporary transnational discussions in philosophy and normative criminal law theory. Julia O'Rourke's dissertation thesis adds a new perspective to the question of how attempts should be punished by introducing the body of literature developed in English criminal law theory into the German discussion. Dr. Federica Coppola's projects utilize the outcomes of empirical studies (for instance, studies in neuroscience) in order to criticize current penal practices, mainly in the United States, and

to make policy recommendations. Dr. Nora Scheidegger will, in her recently developed habilitation project, examine the impact of new media on criminal trials. A central task will be how to reconsider the normative reasons that support the importance of public trials. Florian Slogsnat's dissertation project demonstrates the relevance of intradisciplinary research, that is, the usefulness of having criminal law and constitutional law under one roof. His analysis began with a question of criminal law doctrine, namely, whether trespass and other offenses can be justified if the accused engaged in activities normally performed by police officers or other state officials. For this dissertation, making progress requires moving beyond criminal law doctrine: constitutional theory provides arguments for why it can be problematic if citizens take on tasks traditionally associated with the police.

KEY AREA OF INTEREST II: REGULATING INTIMATE RELATIONS

During the second half of the 20th century, the idea that all individuals are entitled to decide freely about their personal intimate relations rapidly gained acceptance – a consequence of the groundbreaking move towards normative individualism in this time period. The right to decide autonomously in private matters and gender equality are now core values of modern societies. These two developments had opposing effects in the field of criminal law: abolitionist, on the one hand, expansionist, on the other. The fast-growing emphasis on autonomy led to criticism of norms that protected conventional morality. In the area of sexual offenses, the movement to repeal traditional, moralistic criminal laws has been successful. Current abolitionist movements address prohibitions that continue to protect traditional values and norms in the field of reproductive medicine. At the same time, the trend towards expanding sexual offenses and other offenses against the person is in full swing. Recent amendments and debates about new policies follow a different logic than that underpinning traditional sexual offenses. The idea is that new criminal laws and heightened sanctions can be necessary to better protect autonomy rights against all kinds of non-consensual interactions with sexual meaning and to respond to violence against vulnerable persons.



photo: Priscilla Du Preez/Unsplash

In the Department of Criminal Law, exploring the normative framework of autonomy and gender equality, scrutinizing laws against this background, and developing policy recommendations for the regulation of intimate relationships have played a relatively large role in the last three years. Since autonomy rights are taken much more seriously today than they were a few decades ago, it is clear that changes to the criminal law are inevitable, but the details are tricky. Answers to questions concerning what can be considered a reasonable balance between negative and positive sexual autonomy and how the notion of “non-consensual” can be expressed in legal definitions and presumptions are far from evident. Increased attention to human rights and gender issues also means that domestic violence and attacks against vulnerable victims are evaluated differently today than they were under older, more patriarchal structures. While the general normative assumptions are widely acknowledged, it is, again, not clear what the consequences for prohibitions and sentencing rules should be. Furthermore, the shift in normative values has also affected traditional ideas of motherhood. Prohibitions of “non-natural” reproductive techniques, such as the ban on surrogate motherhood, still exist, but they need to be re-evaluated once gender roles are de-essentialized and individual autonomy and thus reproductive freedom are afforded a central role.

Exemplary projects

Several projects in the Department of Criminal Law examine societal developments (such as the #MeToo movement)² and shifts in normative premises and evaluate the legal regulation of intimate relations. One of these projects, funded by the Fritz Thyssen Foundation, concentrated on new sexual assault laws recently introduced in several legal systems. These modern laws no longer focus on the offender’s use of force or coercion but on the victim’s lack of consent. There is, however, an ongoing debate as to how this should be done: what does consent mean and under what conditions can lack of consent be presumed? The project refined the framework for criminalization theory, traced the debates about the meaning of consent in moral and legal philosophy, and evaluated the strengths and weaknesses of the various solutions adopted in six countries: Canada, England, Germany, Spain, Sweden, and the United States. The manuscript of the resulting edited volume was finalized in May 2022 and will be published by Oxford University Press. The discussion of current efforts to reform the law of sexual offenses in Switzer-

² Tatjana Hörnle, Evaluating #MeToo: The Perspective of Criminal Law Theory, *German Law Journal (GLJ)* 22 (2021), 833–846 (<https://www.doi.org/10.1017/glj.2021.34>).

land is traced in a complementary project conducted by Dr. Nora Scheidegger. Numerous profound changes in the German law of sexual assault, sexual abuse, and pornography were the subjects of new editions of commentaries (Prof. Hörnle). In her dissertation project, Céline Feldmann addresses the lack of criminal liability for (grossly) negligent sexual assault in German law.

Another doctoral project, completed by Sophie Humbert in 2022, examined inconsistencies in the rules regarding surrogate motherhood and recommended changes to current law – this area might be the subject of reform in the not-too-distant future. A cluster of projects concentrate on the international movement against domestic violence and femicide. In this field, researchers in the department employ comparative analysis (Dr. Konstanze Jarvers). In 2023, an international workshop and an edited volume will scrutinize the anti-femicide movement from a comparative and interdisciplinary perspective. One of the goals is to consider whether criminal law should include offense descriptions and/or sentencing rules that specifically address femicide, in addition to existing norms against violence and homicide.

This is a “hot topic” in current policy debates, particularly for human rights organizations, and it deserves critical assessment.

KEY AREA OF INTEREST III: CRIMINAL LAW IN FRAGMENTED SOCIETIES

Questions as to how criminal law evolves in fragmented societies and how it should be reformed to adapt to such environments form the basis of an overarching topic for research projects that will continue in the Department of Criminal Law in the coming years. The starting point is the abundant literature on multiculturalism and plurality as social and cultural characteristics of contemporary societies. The notion of plural societies is a key area of interest at the Max Planck Institute for Social Anthropology in Halle. The Department of Criminal Law utilizes the broader and less benevolent notion of “fragmented societies,” which is not yet a common framework for criminal law theory. The term references macro theories about socio-economic, cultural, and social-psychological developments (see, for

silhouettes: melitas/Shutterstock.com, photo of the cracks: Nol Hennissen



instance, Andreas Reckwitz, *The End of Illusions: Politics, Economy, and Culture in Late Modernity*, 2021) and is used in political theory. Projects in the department explore current discourses in the social sciences and political philosophy and describe recent developments in criminal law against the background of increasingly fragmented societies, whose fragmentation is exacerbated by technological phenomena such as new forms of digitalized communication.

From the normative perspective, crucial questions concern which tasks the criminal law can and should fulfil in fragmented societies, particularly if the degree of fragmentation can be expected to increase in the coming years. One set of questions concerns norms of conduct: What role should criminal prohibitions play if pre-legal (moral and religious) norms of conduct and systems of informal control become increasingly contested? Can criminal law serve as a substitute for dwindling pre-legal expectations or would this role place excessive demands on the criminal justice system? Another topic relates to the potential consequences of increasing fragmentation on punishment and overall sentencing levels. Will the developments in European countries approach the situation in the United States, with harsh punishment, mass incarceration, and widespread social exclusion of persons? Will it be possible to uphold relatively mild sentencing practices under the pressure of fragmentation? Criticism of punitive practices combined with a simple demand for mild sanctions might not entirely grasp the complexity of the

issues at stake: the challenge lies in finding the balance between the need to maintain social control in fragmented societies and the goal of parsimony.

Exemplary projects

In the past year, a first round of empirical and normative studies in the department addressed a number of developments in multicultural and fragmented societies. One topic was the emergence of parallel justice, that is, the practice, engaged in by groups defined by family ties or ethnicity, of sanctioning group members and others for criminal behavior, thereby circumventing state criminal justice. Dr. Clara Rigoni, in cooperation with Dr. Hatem Elliesie from the Max Planck Institute for Social Anthropology, was commissioned by the state of North Rhine-Westphalia to undertake qualitative empirical research in this area. The goal was to explore sources of knowledge about the phenomenon within criminal justice agencies. Dr. Rigoni and Dr. Elliesie conducted interviews with judges, prosecutors, and law enforcement agents to find out what was known about the existence and practices of parallel justice. Prof. Hörnle sketched initial conceptual thoughts on how to map framework theories about fragmented societies and the possible implications for criminal law theory. These are explorative projects and work will continue in the coming years. Dr. Federica Coppola, with her critical approach to social exclusion, addresses these and related issues with regard to the situation in the United States.

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Rethinking the Social Environment in American Criminal Law Theory, Doctrine, and Practice

Dr. Federica Coppola

The relevance of socio-environmental influences on human behavior is (re)gaining momentum in American criminal law scholarship. Increasing acknowledgment of the traumatizing social conditions that too often affect people who come into contact with the criminal legal system has (re)sparked heated debate over whether (and how) such conditions should receive normative consideration in determinations of responsibility and punishment. This revived scholarly attention to the “social background” of individuals parallels emerging insights from modern social neuroscience about the ineradicable bond between socio-environmental factors and the brain. These insights indicate that socio-contextual factors constantly shape brain structure and function and that, as a consequence, they are among the major determinants of psychological states and social conduct. Collectively, these insights pose serious challenges to the criminal law’s view of the person as an individual whose behavior can be “sealed off” from their social context.

How could this body of empirical insights turn into normative claims? How could criminal law optimally deal with this ineradicable aspect of human behavior? Could conventional ideas of criminal responsibility be preserved if socio-contextual factors were given a normative weight in guilt assessments? What kind of implications would the normative consideration of the “social environment” carry for the idea and practice of punishment? Lastly, would a more substantial consideration of the individual’s social context in criminal law domains carry reverberations for the very meaning of “justice”?

This neurolaw project explores these issues in depth. In particular, it draws on knowledge from social neuroscience to reconsider the role of the social environment in mainstream American criminal law theory, doctrine,

and practice. To this end, the project is articulated in distinct lines of investigation that include the following topics/areas: 1. the development of a situational partial excuse doctrine; 2. the reform of sentencing policies and criteria; and 3. the rethinking of incarceration and solitary confinement. Each investigation examines the implications of a normative reconsideration of socio-environmental factors for such identified contexts.

Key publications

- Coppola, F., We Are More Than Our Executive Functions: On the Emotional and Situational Aspects of Criminal Responsibility and Punishment. (2021) *Criminal Law and Philosophy*, 1–14, doi: 10.1007/s11572-021-09594-5 (invited contribution)
- Coppola, F., Context Matters: The Need for A Socio-Contextual Model of Criminal Responsibility, in *The Routledge International Handbook of Criminal Responsibility* (Routledge 2023, forthcoming, invited contribution)

Main output

Publications:

- Coppola F., Social Vulnerability on Trial: The Role of the Neuroscience of Trauma at Sentencing, *Global Perspectives of Neuroscience and Vulnerable Defendants in the Criminal Justice System* (Routledge 2023, forthcoming, invited contribution)
- Coppola, F. Bringing the ‘Social Environment’ to the Fore of Criminal Law Doctrine: A Proposal for a Situational Generic Partial Excuse (article in preparation)

Academic events:

- Academic workshop: Rethinking the Social Environment in Criminal Law Theory and Doctrine: Interdisciplinary Perspectives, MPI-CSL (Freiburg), 23–24.09.2022
- Academic Seminar: Youth Justice and the Developing Brain: Ending Children Incarceration, Columbia University in the City of New York, 29.09.2022

Time frame

2021–2023

Social Rehabilitation and Criminal Justice

Dr. Federica Coppola

Time frame
2021–2022

The rehabilitative ideal of criminal justice is again at a critical crossroads. Over the course of the 20th century, various normative models of rehabilitation were theorized and implemented. From among these, recent trends in legal scholarship and jurisprudence have increasingly embraced “social” rehabilitation as a fundamental goal of justice that protects against potential violations of the rights of persons involved with the criminal justice system vis-à-vis punitive ideologies and incapacitating practices of punishment. Although social rehabilitation is gaining momentum on the international legal scene, its normative meaning and scope remain unclear and not fully explored. Moreover, criminal law experts and legal practitioners tend to have a fragmented understanding of the many ways in which social rehabilitation is (or could be) operationalized and substantiated within different criminal justice settings. Hence, the legal literature would benefit from a systematic overview of social rehabilitation in criminal justice, one that addresses and brings together under a unified framework current views in legal and judicial scholarship, national legislation, and international jurisprudence. Against this backdrop, this project aims to provide a comprehensive analysis of current directions in social rehabilitation scholarship and research by bringing together in a comparative, international, and interdisciplinary fashion the voices of legal scholars, criminal justice professionals, (social) scientists, and people directly impacted by criminal justice. In particular, the project seeks to offer a fairly comprehensive narrative of the legal meaning, normative scope, jurisprudential understandings, and interdisciplinary views about social rehabilitation in penal contexts through five main domains: 1. normative theory; 2. legal comparison; 3. human rights; 4. (social) science; and 5. policy. In pursuit of this aim, the project embraces a broad theoretical and comparative overview of key international trends within the legal domain. This overarching legal

approach is complemented by a selection of perspectives in social rehabilitation research emanating from social psychology, critical criminology, penology, and neuroscience. These perspectives are selected in light of their relevance to inform the legal and jurisprudential debates on the qualification of social rehabilitation as a fundamental goal of justice across domestic and international legal systems.

Collaborator

Dr. Adriano Martufi, Assistant Professor of Criminal Law, University of Leiden

Key publication

Coppola, F., Martufi, A. (eds.), *Social Rehabilitation and Criminal Justice* (Routledge, 2022, forthcoming)

Scientific outreach / public engagement

Academic conference based on the themes covered in the edited volume

Naturalism in Legal Theory

Claudia Wittl



The German discussion about the methodological foundations of the legal sciences often focuses on a supposedly essential autonomy of the legal sciences vis-à-vis empirical disciplines. To question this supposition is the main aim of a naturalistic legal theory.

Interdisciplinary cooperation is becoming more and more important for the legal sciences; nevertheless, legal methodology and doctrine have remained largely resistant to the influence of the empirical sciences. This is due, first, to the defensive attitude most German legal scholars take towards the empirical sciences. They argue that law is a normative science, and, thus, the descriptive findings of these disciplines can have no bearing on the law. Second, the legal sciences lack a theoretical foundation on the basis of which empirical findings could be incorporated into legal doctrine and legal methodology.

The aim of this project is to develop such a foundation and to question the basic tenets of normativism. The goal is to develop a naturalistic theory of law, which will provide legal scholars with a naturalistic method for legal methodology and doctrine that enables them to make use of the findings of the empirical sciences—the cognitive sciences, in particular—to analyze legal concepts and reasoning structures.

This naturalistic legal theory will differ substantially from existing naturalistic approaches in the legal sciences. Drawing from W.V.O. Quine's philosophical naturalism, the goal of the project is to sketch a means of establishing conceptual and methodological continuity between the disciplines instead of unreflectively replacing legal concepts and methods with those of the natural sciences.

First supervisor

Prof. Dr. Tatjana Hörnle, M.A. (Rutgers)

Time frame

2022–2023

Dissertation

“Schuld” (Guilt) and its Significance for German Criminal Law

Morten Boe

Time frame
2020–2023

Dissertation

“Schuld” (guilt) is the focal point of German criminal law. The meaning of the concept and its use in the criminal law context, however, is indeterminate and vague. Guilt is a priori not only a legal term but is broadly used in social, moral, and religious contexts so that it cannot be separated from its pre-legal, cultural significance in society. Furthermore, different normative meanings are connected to the legal term depending on the regulative context in which it is used. It seems that different understandings of the concept underlie guilt as an element of the definition of crime in sentencing law, in legal theory, and in constitutional law.

The results will be used to investigate whether the multiple normative contents and functions are consistently and necessarily connected to the concept of guilt as such and whether the traditional distinction between three functional concepts of guilt is justified, namely: (1) guilt as a set of prerequisites for criminal liability, such as a close connection between an individual’s actions and the wrongful outcome as well as the absence of excusing circumstances (Strafbegründungsschuld); (2) guilt as the benchmark and yardstick for appropriate punishment in the sentencing context (Strafzumessungsschuld); and (3) guilt as a normative idea legitimizing the practice of punishment and framing the punishment as being deserved and intrinsically just (Schuldidee). A likely outcome may be the finding that the conceptual field of guilt in criminal law needs to be restructured. This endeavor will be guided by the question which normative contents and functions currently associated with the concept of guilt are still needed and justifiable in a modern criminal law based on the rule of law. By offering an analytical overview of the concept of guilt in criminal law, the aim of the project is to contribute to this fundamental debate.

First supervisor

Prof. Dr. Tatjana Hörnle, M.A. (Rutgers)



The aim of the project is a thorough examination of the emergence of legal meaning from linguistic signs. The elusive nimbus of “guilt,” as a word and as a concept, must not remain an enigma for an enlightened science of criminal law.

Thus, guilt appears to be a concept that is not easily defined or definable; rather, it seems to be a catch-all term that encompasses various normative contents and functions. The aim of the project is to analyze the normative contexts in which the term is used and to understand the underlying assumptions and rules that shape its practical application in criminal law. The hypothesis is that in using the term in different normative contexts, shared characteristics of these cases are implicitly assumed by its users. These conditions of application in turn might offer normative guidelines on how to construe the content of the concept of guilt in criminal law.

Situationism and Criminal Responsibility

Manuel Cordes



Together with situationist insights, recent accounts of dispositions and dispositional abilities in analytic philosophy can help pinpoint the weak points of a theory of reasons-responsiveness, where further theoretical work needs to be done.

Mentally healthy adults unlawfully engaging in conduct that satisfies the definitional elements of a criminal offense are, with rare exceptions – e.g., in situations of “excusing necessity” (§ 35 German Criminal Code) or duress (§ 2.09 Model Penal Code) – widely regarded as prototypical subjects of individual criminal responsibility; we say they act culpably. This seemingly self-evident assessment could, however, be threatened by empirical findings that the behavior of even such mentally healthy adults is surprisingly susceptible to – in some instances only very minor – manipulations of the immediate environment in which they act. Social psychological studies show the significant influences exerted by, for example, the behavior of other people, especially in group and hierarchical constellations, as well as by temperature, ambient noise, smells, time pressure, and short-term affective states. Personality traits, in contrast, correlate at best only moderately with specific actions and therefore are poorly suited to explain or predict them.

The aim of this doctoral project is to investigate the question of whether, given this so-called situationist challenge, a concept of individual criminal responsibility can be upheld and, if so, with what modifications. In particular, the question is raised as to whether it would be legitimate to grant an excuse to the perpetrator in cases involving situational influences – such as group

effects – that have been shown to be especially strong. The project will draw on descriptive, analytical, and normative methodology: After first describing a wide range of social psychological research on the power of the situation, it will then analyze the implications of these findings for various theories of responsibility. In light of remaining deficiencies in the dispositional conception of abilities, the situationist challenge will prove particularly problematic for reasons-responsiveness theories of criminal responsibility. Building on this diagnosis, a refined and “situationally sensitized” version of reasons-responsiveness will be presented, thereby contributing to the theoretical development of this internationally influential and much-discussed concept.

First supervisor

Prof. Dr. Tatjana Hörnle, M.A. (Rutgers)

Time frame
2021–2024

Dissertation

Necessity and the State's Monopoly on the Use of Force: Reason for and Scope of the Primacy of State Procedures in the Context of Section 34 German Criminal Code

Florian Slogsnat



Like under a magnifying glass, the discussion poses various questions concerning law and justice, legality and legitimacy, state and citizen, individual and society, and will give rise to reflections that point beyond the problem of necessity and state procedures.

Time frame
2020–2023

Dissertation

What is the relationship between private and state conflict management? The aim of this project is to examine this relationship in the context of section 34 German Criminal Code (necessity as a justification, rechtfertigender Notstand). According to this provision, an act is justified if it is committed in order to defend a higher-ranking protected legal interest. To prevent undermining the state's monopoly on the use of force, this justification is not available if the state provides its own procedure for dealing with the conflict. In a modern state, however, such procedures are available for all conflicts. Thus, if taken seriously, the doctrine of the primacy of state procedures would always prevent justification pursuant to section 34. As this cannot be the case, the scope of this primacy of state procedures must be clarified.

The project will first address the legitimacy of necessity as a justification and the possible implications of this discussion for the question at hand. Secondly, the thesis will discuss why state action should be given

primacy over private action. To this end, the background of the state's monopoly on the use of force will be examined. In a last step, a systematic approach to the scope of the primacy of state action will be developed. Finally, the thesis will distinguish between cases in which the state alone bears responsibility and those in which private action is permitted.

First supervisor

Prof. Dr. Tatjana Hörnle, M.A. (Rutgers)

Mitigation for Failed Attempts

Dipl. Jur. Julia O'Rourke, M.A.



This research project aims to fill this void by systematically examining what the punishment of failed attempts should look like in relation to the punishment of their successful counterpart. In so doing, it touches on a variety of questions at the core of criminal law theory, such as the essence of wrongfulness and the limits of responsibility.

Joel Feinberg once noted, "Every bona fide philosopher of law tries his hand at least once at the ancient problem of punishing failed attempts" (37 Arizona Law Review 117 [1995]). While this is certainly true of Anglo-Americans, contemporary German jurists have remained surprisingly silent on the subject. In particular, the effects of failure on sentencing decisions have received little to no attention from a normative perspective. Given that the German Criminal Code stipulated mandatory mitigation until 1939 and given that it was a National Socialist law that made mitigation optional, this seems even more remarkable. The only notable challenge to date was advanced by extreme subjectivists in the 1970s, who even sought to introduce equal punishment for attempted and completed crimes. Although a few scholars have recently pointed out similarities to the moral luck debate in legal philosophy, the vast majority of relevant Anglo-American literature has yet to be explored in the German literature. This research project aims to fill this void by systematically examining what

the punishment of failed attempts should look like in relation to the punishment of their successful counterpart. In so doing, it touches on a variety of questions at the core of criminal law theory, such as the essence of wrongfulness and the limits of responsibility.

Time frame
2018–2022

Dissertation

First supervisor

Prof. Dr. Tatjana Hörnle, M.A. (Rutgers)

External funding

Friedrich Ebert Foundation

Taking Monetary Punishments Seriously

Dr. Ivó Coca-Vila

Time frame
2020–2023

Although theoretical work on the concept of punishment still focuses almost exclusively on custodial sentences, statistics show that the principal penalty employed by European criminal justice systems is the fine. In Germany, for example, approximately 80% of criminal penalties imposed on individuals are fines. These monetary punishments have significant advantages over imprisonment: They are less desocializing, relatively economical, and easy to administer. Moreover, they can be



Contrary to a widespread consensus among criminal law scholars, imprisonment is not always the best response to crimes against the person. Correctly measured and enforced, monetary fines can also convey the message of censure that is required to punish serious crimes.

adjusted to reflect the extent and severity of the defendant's culpability and—by means of variable daily rates—to accommodate his or her economic situation. Despite their many advantages, however, fines also exhibit a fundamental weakness. Since the enforcement of a fine does not involve a personal, non-transferable good (life, liberty, etc.) but a highly transferable one (money), there is, not uncommonly, a lack of identity between the sentenced person and the person(s) who, in the final analysis, will bear the cost. Take, for example, employers who pay the fines imposed on employees convicted of crimes committed for the benefit of the company or defendants who pay their fines themselves but pass the burden on to their families by cutting expenses, thereby negatively affecting their quality of life. In both of these cases the fine ceases to be a personal punishment, since the subject of the censure and the subject

of the pecuniary detriment do not coincide. On the one hand, transferring the burden of a fine is unfair to those who are made to suffer for a crime they did not commit. On the other hand, the trivialization of monetary punishment—namely, accepting transferral of its burdens to third parties—is an important barrier to the desirable progressive replacement of custodial punishments with fines. In response, the objectives of this project are twofold. The first is to analyze whether, as some authors suggest, the fine as a sanction is qualitatively different from imprisonment and, if it is, whether it should be governed by different principles. Does it really matter who pays the fine or is not the fine a rather impersonal sanction from the very beginning? The second objective—assuming that the fine must be viewed as a personal punishment so that the subject of the censure and the subject of the pecuniary detriment are one and the same—is to analyze the legal options for minimizing the risk that the burden associated with a fine will be transferred to third parties. The goal of this project is to publish four articles in peer-reviewed journals and a book chapter.

Key publications

- Coca-Vila, I., *What's Really Wrong with Fining Crimes? On the Hard Treatment of Criminal Monetary Fines* (2021) 16 *Criminal Law and Philosophy*, 395–415, doi:10.1007/s11572-021-09623
- Coca-Vila, I., & Pantaleón Díaz, M., *Lo intransferible y lo asegurable en el sistema de responsabilidad de los administradores societarios: un estudio sobre los límites de orden público a los seguros D&O* [The Non-transferable and the Insurable in the System of Corporate Directors' Liability: A Study of the Public-Policy Limits to D&O Liability Insurance] (2021), *Anuario de Derecho Civil*, LXXIV(1), 113–216

Sexual Assault Law: Law Reform in a Comparative Perspective

Prof. Dr. Tatjana Hörnle

The aims of the project are to examine the new generation of sexual assault laws that focus on lack of consent, to analyze the notion of consent, and to provide guidance for future law reform. While traditional approaches define rape and sexual assault as crimes that require violence or threats of violence, there has been a paradigm shift: as the right to sexual autonomy became more important, reforms began to focus on the lack of consent rather than on physical violence. There are, however, competing approaches regarding the best way to embody the general notion of consent in offense definitions.

A feature unique to the project is its integration of a number of divergent perspectives: the normative debates in criminal law theory concerning the scope of criminalization and the meaning of consent; the comparative perspective; and the legal reform perspective. Project participants, acclaimed scholars in the fields of criminal law theory and criminal law, met in workshops and contributed chapters to a volume that will be published by Oxford University Press.

The first part of the project was devoted to consent, the central concept of modern sexual assault law. An important foundational contribution (Michelle Dempsey) analyzes different discourses about sexual conduct (moral, political, legal); this distinction facilitates a clearer view of levels of argumentation that often get mixed up. To clarify foundational issues, three questions had to be addressed. The first, whether consent should be understood as attitudinal (a mental state) or whether criminal law should be based on a communicative or performative model of consent, was considered by Vera Bergelson. Second, if communicative features are considered necessary, a choice must be made between two models that have attracted a great deal of public attention (discussed by Stephen Schul-

hofer): Should criminal law require affirmative consent (“only yes means yes”) or may it rely on the assumption that potential victims will express their disapproval (“no means no”)? The third area of inquiry concentrates on conditions that allow for the presumption of a lack of valid consent, even if objective signs of approval can be observed. This may be the case if the victim lacks the capacity to give valid consent, for instance, due to mental disability or intoxication or if the victim was in a subordinate position relative to the offender. Stuart Green emphasizes that presumptions of nonconsensual sex involve potential conflicts between positive and negative sexual autonomy.

Time frame
2019–2022



Modern sexual assault laws should focus on lack of consent. Translating this idea into offense descriptions is not easy, however, because consent can be understood in different ways. A great deal can be learned from comparing recent reforms.

The second part describes and analyzes developments in six jurisdictions, concentrating on the strengths and weaknesses of the various definitions and offense descriptions adopted. In two national systems, the move to consent-based sexual assault law was made relatively early: Canada (1983) and England/Wales (2003). In Canada, the reform of the Canadian Criminal Code not only abolished the common-law model of rape but also took sexual assault out of the section on sexual offenses and placed it in a subcategory of the section on assault. The English Sexual Offences Act retains the offenses of rape and sexual assault but uses the term “non-consensual” to delineate the scope of

criminal liability. While Malcom Thorburn (Canada) and Jonathan Herring (England) report that these reforms did not arouse much public controversy, this cannot be said of the second wave of sexual assault laws, namely, those associated with reforms in Germany (2016), Sweden (2018), the United States (revision in the Model Penal Code, finalized in May 2022), and Spain (in progress). The chapter on Germany (Tatjana Hörnle) describes the events that led to the acceleration of law reform in that country, explains the choice of a “no means no” model, and presents the resulting consequences for offense descriptions. Claes Lernestedt and Marie Kagrell discuss the new sexual assault law in the Swedish Criminal Code, which (contrary to a common misperception) did not implement an “only yes means yes” model but rather relies – using the term “not participating voluntarily” – on the attitudinal model of consent. Erin Murphy explains the recent revisions to the American Law Institute’s Model Penal Code (MPC). She recalls the intense discussions held over the course of a decade and outlines the compromises made: not a clear-cut communicated consent model but a combination of attitudinal and expressive elements. Some new provisions in the MPC are innovative; for instance, one section introduces a new type of sexual assault if offenders abuse situations involving nonsexual professional services, and another one recognizes express prior permission to use force in BDSM contexts as an affirmative defense. Manuel Cancio Meliá describes the Manada (wolfpack) case, which provoked heated debate in Spain and led to the most recent proposal to amend the Spanish Criminal Code. He surprised all participants in the project by showing that Spanish law had already, a number of years ago, introduced an offense description that focuses on lack of consent, albeit under the controversial heading “sexual abuse.” The most interesting feature of the new proposal is that it would introduce the “only yes is yes” model in its pure form.

The third part of the book, written by Tatjana Hörnle, maps the differences and similarities in the six jurisdictions. Detailed comparison shows that the choice to implement consent-based sexual assault laws leaves considerable leeway for the definitions of prohibited conduct, including mens rea and defendants’ errors. The chapter considers future law reforms in countries that have not yet taken steps towards a modern law of

sexual assault but are considering doing so. It argues that it is necessary to pay more attention to the foundations when drafting new laws, and it proposes eight discrete steps by which to proceed. This final part of the project could be categorized as the applied part of what a scholar from Norway recently dubbed “legal reform research” (Joern Jacobsen, 2022), a new and important aspect of transnational criminal theory.

Collaborators

- Vera Bergelson, Distinguished Professor of Law, Robert E. Knowlton Scholar, Rutgers Law School
- Manuel Cancio Meliá, Full Professor of Criminal Law, Universidad Autónoma de Madrid
- Michelle Madden Dempsey, Professor of Law, Harold Reuschlein Scholar Chair, Charles Widger School of Law, Villanova University
- Stuart Green, Distinguished Professor of Law and Nathan L. Jacobs Scholar, Rutgers Law School
- Jonathan Herring, Professor of Law, Faculty of Law, University of Oxford; DM Wolfe-Clarendon Fellow in Law, Exeter College, Oxford
- Marie Kagrell, Doctoral Student, Department of Law, Stockholm University
- Claes Lernestedt, Professor of Law, Department of Law, Stockholm University
- Erin E. Murphy, Norman Dorsen Professor of Civil Liberties, New York University School of Law; Associate Reporter, American Law Institute Revision of Model Penal Code Article 213
- Stephen J. Schulhofer, Robert B. McKay Professor of Law, New York University School of Law; Reporter, American Law Institute Revision of Model Penal Code Article 213
- Malcolm Thorburn, Professor of Law and Chair, Legal, Ethical and Cultural Implications of Technological Innovation, Faculty of Law, University of Toronto

Key publication

- Hörnle, T. (ed.), *Sexual Assault: Law Reform in a Comparative Perspective* (Oxford University Press 2022 [in print])

External funding

Fritz Thyssen Stiftung [Fritz Thyssen Foundation]

Reforming Sexual Offenses in Germany: A Never-Ending Story

Prof. Dr. Tatjana Hörnle



While the law of sexual offenses in Germany is the subject of constant legislative attention, frequent reforms of the law do not necessarily lead to convincing results.

The section on sexual offenses in the German Criminal Code is shaped by history and by the many piecemeal reforms of the last fifty years. During this time, normative justifications changed radically: from the protection of morality, child purity, and family values to the protection of individual sexual autonomy. Unfortunately, legal reform has never taken a systematic approach; thus, no comprehensive evaluation of prohibitions with the goal of protecting sexual autonomy in a way that is compatible with parsimonious punishment has been undertaken. The preference for numerous small-scale modifications has led to incoherent norms, and the lack of systematic analysis has enabled punitive emotions to influence the scope of criminal liability and sentencing provisions (a result, for instance, of politicians campaigning for the better protection of children). The goal of the project is to analyze these developments and to examine their effects on the interpretation of substantive criminal law.

Major areas of interest are sexual assault, sexual abuse, and pornography. Sexual assault law underwent substantial changes in 2016. Thanks to subsequent court decisions, it is possible to study the degree to which courts are willing to dismiss established principles (in the past, the Federal Court of Justice was restrictive when confronted with new laws justified by modern ideas about sexual autonomy). In summer 2021, legal prohibitions against the sexual abuse of children were expanded and punishments substantially increased. This was done even

though (due to previous expansions) the Criminal Code already contained proportional sentences for a wide range of preparatory acts and aggravating circumstances. The amendments also extended into the field of pornography offenses, introducing a sharp increase in sentences for the depiction of children in sexual abuse images.

Another important reform in the law of pornography dates to 2020 when the legislature modernized media-related offenses. Until then, offense descriptions had required the distribution or possession of physical objects, a requirement incompatible with the digital age. Now, media offenses focus on content rather than on its embodiment. While this step was overdue, a critical analysis shows that the field of pornography offenses is still in bad shape. It includes ridiculously broad, rarely enforced prohibitions (simple pornography), excessively punitive practices (child pornography), and areas that are under-enforced in a way that is potentially problematic (violent pornography, ignored by the law in action).

Time frame
2019–2023

Key publications

- Hörnle, T. [Commentary on] §§ 183, 183a, 184, 184a, 184b, 184c, 184d, 184e, 184f, 184g, 184h, in Volker Erb, Jürgen Schäfer (eds.) *Münchener Kommentar zum Strafgesetzbuch*, vol. 3 (4th ed., Verlag C.H. Beck 2021)
- Hörnle, T., [Commentary on] §§ 174, 174a, 174b, 174c, 176, 176a, 176b, 176c, 176d, 176e, 177, 178, 180, 182, 184i, in Gabriele Cirener et al. (eds.) *Strafgesetzbuch: Leipziger Kommentar*, vol. 10 (13th ed., Walter de Gruyter Verlag 2022)

- Hörnle, T., "Das 'Reformpaket zur Bekämpfung sexualisierter Gewalt gegen Kinder'" ["The 'Reform Package to Combat Sexualized Violence against Children'"] (2020) 9 Zeitschrift für Internationale Strafrechtsdogmatik (ZIS) 400

Scientific outreach / public engagement

- Hörnle, T. Participation in the public hearing of the Committee on Legal Affairs and Consumer Protection of the German Bundestag on "Bekämpfung sexualisierter Gewalt gegen Kinder" ["Combating sexualized violence against children"], Berlin, 07.12.2020
- Hörnle, T. Lecture: "Sexualisierte Gewalt gegen Kinder" ["Sexualized violence against children"]. Virtual lecture series "Aktuelles Strafrecht im Fokus" ["Focus on current criminal law"], Law Faculty of the University of Augsburg, 10.12.2020
- Hörnle, T. Keynote speech: "Sexualstrafrecht früher und heute – Moralvorstellungen im Wandel" ["Sexual offense law in the past and today – Changing moral concepts"]. Lecture series "Einblicke in das Sexualstrafrecht" ["Insights into sexual offense law"], Deutscher Juristinnenbund (djb), 05.10.2021
- Hörnle, T. Lecture: "Experiences of sexual offences reform in Germany". Ljubljana Conference "Responding to Sexual Violence – Models, changes and social context", University of Ljubljana, 19.05.2021.
- Hörnle, T. Lecture: "Strafrecht in Zeiten von #MeToo" ["Criminal law in the era of #MeToo"]. Public panel discussion, Frankfurter Juristische Gesellschaft, Frankfurt, 05.02.2020
- Hörnle, T. Service as member of the Advisory Board Charité Berlin ("AnonymPrevent" project) [provided advice on questions concerning the application of German criminal law when patients report abuse committed abroad]
- Hörnle, T. "Nicht den Rahmen sprengen. Sexualdelikte gegenüber Kindern treten in unterschiedlichen Schweregraden auf" ["Sexual offenses against children occur in varying degrees of severity"], in: Frankfurter Allgemeine Zeitung (FAZ), Einspruch, 26.06.2020 <https://www.faz.net/einspruch/erhoehung-der-mindeststrafe-fuer-kindesmissbrauch-sinnlos-16834143.html>

From Coercion to Consent: Rape Law Reform in Switzerland

Dr. Nora Scheidegger

Due to the reconceptualization of rape and other sexual offenses as violations of the victim's sexual autonomy and in view of the obligations arising from international and regional human rights law, more and more European legal systems are revising their understanding of sexual offenses to reflect the victim's consent. The winds of change have reached Switzerland, too.

Like the criminal laws of many other countries, the Swiss Criminal Code still defines rape as "coerced sexual intercourse" involving either violence, threats, or psychological pressure. To this day, ignoring the victim's explicit "no" is not sufficient to fulfill the statutory requirements of the sexual offense of rape. After many years of advocacy by the scientific community and NGOs, revision of the sexual offenses law is now further advanced: The Swiss parliament is currently debating how a consent rule can be integrated into the Swiss Criminal Code. The project's main objective is to show that, on the basis of the right to sexual self-determination and due to obligations under international human rights law, each and every sexual contact requires the valid consent of all parties involved. The fact that the Swiss sexual offenses law does not provide for an offense that adequately punishes mere non-consensual sexual acts is unsatisfactory and raises the question of whether Switzerland fully complies with its obligations under international law. For this reason, it is proposed to introduce a new offense that adequately punishes non-consensual sexual acts.

The advocacy undertaken by the scientific community and NGOs over many years has led to progress in the reform efforts: How a consent rule can be integrated into the Swiss Criminal Code is currently under debate in the Swiss parliament. However, the political focus is currently being placed on the question of whether a "No means No" rule or a "Yes means Yes" rule should



According to the Istanbul Convention, rape and all other non-consensual sexual acts must be qualified as criminal offenses. Swiss law does not yet fully comply with this obligation. A reform of the criminal provisions is necessary to fully safeguard the right to sexual self-determination.

be implemented in rape law. Yet, since the change from coercion to consent as the focal point of rape law is intended to bring about a paradigm shift, it seems important to address additional issues surrounding the concept of consent. Therefore, one aim of the project is to bring into the discussion questions that will emerge after the revision, such as the problem of deceptive behavior in sexual relations.

Time frame
2020–2023

Key publications

- Scheidegger, N., *Balancing Sexual Autonomy, Responsibility, and the Right to Privacy: Principles for Criminalizing Sex by Deception*, *German Law Journal*, vol. 22, 5, 2021
- Scheidegger, N., *Revision des Sexualstrafrechts: die Verankerung des Konsensprinzips im StGB*, in: *Juristinnen Schweiz* (eds.), *Recht und Geschlecht: Herausforderungen der Gleichstellung. Quelques réflexions 50 ans après le suffrage des femmes*, 2021 [Revision of the Sexual Offenses Act. Introducing the consent principle in the Swiss Criminal Code (StGB)]

Further output

Advisory services for policy-makers and NGOs, conference presentations for the scientific community and the public

Should Section 177 German Criminal Code (StGB) be Extended to Criminalize Negligent Sexual Assault?

Céline Feldmann

Time frame

2019–2023

Dissertation

Should a person be criminally liable for sexual acts that involve circumstances of mistaken consent? This dissertation discusses whether negligent sexual assault should be criminalized under s. 177 German Criminal Code (StGB) and if so, how this could be accomplished.

Under current German law, mistaken consent to a sexual act is treated as a mistake of fact. According to s. 16 (1) sentence 1 StGB, the effect of a mistake of fact is that the requisite mens rea component of criminal liability has not been fulfilled. This means that if someone is mistaken about another person's consent (or a deficit in either forming or expressing a will) to a sexual act—regardless of how avoidable or how severe the mistake was—, this person cannot be convicted of sexual assault under current German criminal law.

While a possible caveat that would allow for a person to be convicted of a negligent criminal act exists through s. 16 (1) sentence 2 StGB, this does not apply if the specific criminal offense requires intent by statutory order. As sexual offenses, such as those criminalized in s. 177 StGB, require intent (in contrast to common law jurisdictions), a negligent sexual assault cannot be criminally punished under current German criminal law.

The research project will demonstrate the inherent wrongfulness and harmfulness of negligent sexual acts and argue that these acts should therefore be criminalized. As the ultima ratio principle of criminalization and the proportionality test must be taken into consideration, these arguments will be weighed against arguments in favor of introducing an offense of (gross) negligent sexual assault/rape.

After outlining the current legal position in Germany, as well as the issues this position raises, the focus will turn to presenting a solution to how (grossly) negligent mistakes and behavior in a sexual context could be criminally punished.

Within a sexual context, it is particularly difficult to describe what constitutes a negligent act, as these are core elements of a person's private life. Especially as there is a high risk that this determination will be based upon certain stereotypes and myths about sexuality, because there is no common body of knowledge available.

After outlining the relevant aspects of sexual communication and sexuality, the project will examine the requisite circumstances for an act to amount to (gross) negligence. When determining negligence within these contexts, the analysis will consider how other legal systems determine negligence in the context of sexual conduct, e.g., the Swedish criminal law, where (grossly) negligent sexual assault or rape already constitute a criminal offense.

First supervisor

Prof. Dr. Tatjana Hörnle, M.A. (Rutgers)

External funding

Studienstiftung des Deutschen Volkes [German Academic Scholarship Foundation]

Scientific outreach / public engagement

- Presentation of the project at Stockholm University (research stay 1 April to 1 July 2022)
- Presentation of the project at University of Helsinki
- Published interview on Ph.D. project for Nordstedts Juridik

Domestic and Gender-Based Violence after the Istanbul Convention: A Comparative Study of Measures in Italy and Germany

Dr. Konstanze Jarvers

The phenomenon of domestic and gender-based violence against women is widespread and affects all social classes and countries. In 2014, for example, 33% of women in the EU between the ages of 18 and 74 had been victims of physical or sexual assault at some point in their lives. In addition to physical and sexual violence, women also experience psychological, verbal, and economic violence – issues that do not appear in the statistics. The fact that only a very small percentage of these offenses are reported to the authorities is also problematic. This research project therefore addresses a common problem that has long been the subject of public debate and one whose elimination is the goal of numerous international initiatives, above all the Istanbul Convention.

How can we best protect victims and encourage them to seek help from the authorities without inappropriately infringing on the rights of perpetrators? With this delicate balance in mind, the aim of the project is to examine the legal issues related to violence against women, using the provisions of the Istanbul Convention as a benchmark. In order to achieve a comprehensive evaluation of the current situation, the project encompasses not only criminal law, criminal procedure, and prison law but also the manifold measures of civil and public law that aim at protecting and supporting victims of domestic and gender-based violence. Comparative and comprehensive studies on these topics are scarce in Germany.

The project adopts a comparative legal approach, with a special focus on Italian law. The Italian penal code of 1930, which dates back to the Fascist period, contained

numerous sexist provisions whose piecemeal reform did not begin until the late 20th century. Since the turn of the millennium, the Italian legislature has focused specifically on the problem of domestic and gender-based violence – due in part to international obligations – and it has been active, enacting four major and a number of smaller legislative packages. In addition to Italy, other legal systems that exhibit special features or inter-

Time frame
2021–2025



Almost ten years after the entry into force of the Istanbul Convention, society is still struggling with the consequences of a centuries-long patriarchal image of family and women, in which violence against women was perceived as normal. What can states do to counteract the situation?

ting strategies will be included in the study. All of these developments will be analyzed to determine whether and to what extent they can serve as models for the German legal system and to indicate where implementation of the Istanbul Convention is still deficient.

Key publication

Jarvers, K., Der „Codice Rosso“: Neue Maßnahmen gegen geschlechtsbezogene und häusliche Gewalt in Italien (ZStW 3/2022) [“Code Red”: New Measures against Gender-Based and Domestic Violence in Italy]

Surrogacy: Interdisciplinary Analysis and International Perspective

Sophie-Marie Humbert

Time frame
2019–2022

Dissertation

Surrogacy is a controversial method of medically-assisted reproduction. Legislation in Germany proscribes both providing medical assistance in impregnating a surrogate and acting as an agent between would-be parents and surrogates. In contrast, several foreign legal systems permit surrogate motherhood, a state of affairs that has led a growing number of people to engage a surrogate abroad. This practice

procedure that is medically possible is also morally justifiable, ethics will be included in the assessment as one of the special fields besides law. Furthermore, surrogate motherhood challenges conventional perceptions of motherhood and family; for this reason, sociology is included as a second special field in order to reflect social reality.

Based on the findings of the first part, the second part examines whether alternative legislation on surrogacy could be a viable option. A number of legal scholars argue that surrogacy and living organ donation – which is permitted under certain conditions in Germany – are comparable. The dissertation will pursue this hypothesis and assess the transferability of the regulations on living organ donation to surrogate motherhood.

This research project aims to show that the reasons the German legislator gives to justify the current legal situation do not require the de facto prohibition of surrogacy. Instead, it is possible to legalize surrogacy without violating the fundamental rights of surrogates and children. The regulations on living organ donation are transferable in part to surrogacy and should be used as an orientation.

First supervisor

Prof. Dr. Tatjana Hörnle, M.A. (Rutgers)



The adequate legal treatment of surrogacy in Germany cannot be determined solely on legal grounds. To answer the fundamental questions that surrogacy raises, it is necessary also to explore philosophical considerations and analyze empirical data on surrogacy.

of circumventing the German legal system has been accepted since 2014, when the German Federal Court of Justice held that recognition of the intended parents' legal parenthood after transnational surrogacy was compatible with the *ordre public*. The consequence of this holding is a complicated and inconsistent legal situation and, correspondingly, debates in the scholarly literature, particularly with regard to the constitutionality of the prohibition and the legal treatment of cross-border surrogacy.

This dissertation consists of two parts. The first part encompasses a fundamental examination of surrogacy, followed by a comprehensive evaluation of the merits of the current legal situation. It includes an assessment of the most frequently discussed issues related to surrogacy from an interdisciplinary perspective. As surrogacy raises the question of whether a

Criminal Law in Fragmented Societies

Prof. Dr. Tatjana Hörnle

Sociologists, cultural sociologists, and political theorists describe how societies have become increasingly pluralistic, multicultural, and fragmented. Migration is one of the many factors that contribute to these phenomena, but the entire picture is more complicated. So far, research in criminal law has focused on religion and other cultural shifts, typically concentrating on a few fringe norms such as the prohibition of blasphemy or the justification of circumcision. But the diagnosis that a society is fragmented has much wider implications for criminal law theory. In such a society, basic assumptions of criminal law theory – expressed vaguely using terms such as *Bürgergesellschaft*, that is, the idea that criminal law is designed for a collective of persons with a sense of the shared common good and a general commitment to norms that are perceived as “our norms” – may be undermined.

The goal of the project is to describe and evaluate the influence of these developments on three levels of substantive criminal law that are of interest to criminal law theorists: prohibitions in criminal statutes and case law; assessments of criminal wrongdoing once a criminal offense has been committed; and sentencing outcomes. The primary research interest is normative: should the criminal law be modified to fit the conditions of fragmented societies? The project’s first part, which takes the perspective of the legislature and focuses on prohibitions in criminal statutes, begins with a general discussion of criminalization theory but does not end there. The main question concerns the role criminal prohibitions can and should play once pre-legal norms of conduct become more and more contested. The second part examines normative judgments about wrongdoing and culpability that underlie criminal law doctrine and court decisions. In fragmented societies, it is not unusual for offenders to make decisions and to

act in accordance with cultural and social norms that differ markedly from those underlying the criminal laws. Should courts take this into account by acknowledging defenses (justifications and excuses) or by mitigating punishments? The third part considers the question of how punishments and overall sentencing levels reflect the degree of fragmentation in society and what kinds of punishment are preferable.

Time frame
2020–2026

“Social fragmentation must be reflected in criminal law theory. It is no longer sufficient to rely solely on a normative, highly idealistic concept of civil society, where citizens share a commitment to common norms and to the common good.

This is an ongoing project. Some of the questions will be addressed in workshops and articles in the coming years; ultimately, a monograph is planned.

Key publications

- Hörnle, T., “Das Ideal des Bürgerstrafrechts vor dem Hintergrund gesellschaftlicher Fragmentierung” [“The ideal of citizens’ criminal law [Bürgerstrafrecht] against the background of social fragmentation”], in Jan Christoph Bublitz, Jochen Bung, Anette Grünewald, Dorothea Magnus, Holm Putzke, and Jörg Scheinfeld (eds.), *Recht – Philosophie – Literatur. Festschrift für Reinhard Merkel zum 70. Geburtstag* (Duncker & Humblot Verlag 2020)
- Hörnle, T., “Criminal Law in Multicultural Societies”, in Khalid Ghanayim and Yuval Shany (eds.), *The Quest for Core Values in the Application of Legal Norms. Essays in Honor of Mordechai Kremnitzer* (Springer International Publishing 2021)

Conflict Regulation in Germany's Plural Society: Parallel Justice and Criminal Procedure in North Rhine-Westphalia

Dr. Clara Rigoni



Parallel justice is practiced within certain milieus and social structures characterized by family relationships, national identity, or common interests. We need to deeply understand this phenomenon and the contexts in which it appears in order to safeguard both victims' rights and the rule of law.

Time frame
2019–2022

In the last few years, the informal resolution of disputes within minority groups in Germany has been increasingly criticized and referred to as *Paralleljustiz* (parallel justice), with this term intended to carry a clearly negative connotation. These kinds of alternative mechanisms are often accused of obstructing access to formal justice and of threatening the rule of law. Relying on the theories of normative plurality and the concept of semi-autonomous social fields, the “Conflict Regulation in Germany's Plural Society” project aims at investigating extrajudicial dispute resolution mechanisms among a number of minority groups (defined ethnically, culturally, and religiously) living in Germany. In the framework of this larger project, the present study, “Parallel Justice and Criminal Procedure in North Rhine-Westphalia” (“Paralleljustiz in Nordrhein-Westfalen aus strafrechtlicher Sicht”), examines the way in which German institutional actors (in particular, judges, prosecutors, and law enforcement agents) cope with the existence of these alternative mechanisms. Its main aim is to gather practitioners' knowledge and perceptions of the phenomenon of *Paralleljustiz*. The study looks at the difficulties encountered by institutional actors when they are faced with alternative mechanisms that overlap (or interfere) with a criminal trial, and it examines possible solutions at these actors' disposal. It focuses on the federal state of North Rhine-Westphalia

and is conducted in cooperation with its Ministry of Justice and with the support of its Ministry of the Interior. It employs qualitative research methods, including questionnaires, interviews, and focus groups designed to elicit the views of institutional actors; case analysis; and roundtables with experts. The main results are described in a report published in March 2022 and presented during a press conference by the authors (Dr. Hatem Elliesie and Dr. Clara Rigoni), together with Prof. Mathias Rohe and the Minister of Justice of North Rhine Westphalia Peter Biesenbach. The report contains policy recommendations aimed at helping practitioners to better recognize and cope with this phenomenon. The focus is on the social structures and the milieus in which *Paralleljustiz* usually manifests itself; the definition of this concept; the training of practitioners; and the instruments available within German criminal law, criminal procedure law, and police law. The results of the project are currently being disseminated at various international conferences and through international publications. A book containing contributions from all partners in the larger project “Conflict Regulation in Germany's Plural Society” will be published in 2023.

Collaborator

Dr. Hatem Elliesie, Group Leader, Max Planck Institute for Social Anthropology (PI)



photo: iStock.com/Radachynsky

Key publications

- Elliesie, H. & Rigoni, C., *Paralleljustiz in Nordrhein-Westfalen aus strafrechtlicher Sicht [Parallel Justice and Criminal Procedure in North Rhine-Westphalia]* (Nomos Verlag 2022)
- Guddas, F. & Rigoni, C., "Konfliktregulierung in Deutschlands pluraler Gesellschaft: Vorstellung eines Forschungsprojektes des Max-Planck-Institutes für ethnologische Forschung in Zusammenarbeit mit dem Max-Planck-Institut zur Erforschung von Kriminalität, Sicherheit und Recht" ["Conflict regulation in Germany's plural society: Presentation of a research project of the Max Planck Institute for Social Anthropology in cooperation with the Max Planck Institute for the Study of Crime, Security and Law"], in (2021) *TOA-Magazin*, (2), 52–55, https://www.toa-servicebuero.de/sites/default/files/magazin/toa_magazin_gesamt_2_21_web.pdf
- Rigoni, C., "La Clankriminalità e la Lotta al Crimine Organizzato in Germania" ["Clan-based crime and the fight against organized crime in Germany"], in (2021) *Rivista di Studi e Ricerche sulla Criminalità Organizzata*, 7(1), 6–42, <https://riviste.unimi.it/index.php/cross/article/view/16118>

Scientific Outreach / public engagement

- Goddar, J. "Im Schatten des Rechtsstaats", *Max Planck Forschung*, 2/2022, https://www.mpg.de/18900848/W004_Kultur-Gesellschaft_062-067.pdf
- Burger, R. "Paralleljustiz ist ein frontaler Angriff auf den Rechtsstaat", *Frankfurter Allgemeine Zeitung*, 31.03.2022, <https://www.faz.net/aktuell/politik/inland/nrw-legt-bundesweit-erstes-lagebild-zu-paralleljustiz-vor-17924921.html>
- Hauser, C. "Selbst ernannte Vollstrecker", *Rheinische Post*, 01.04.2022, https://rp-online.de/nrw/panorama/nrw-justiz-minister-peter-biesenbach-stellt-lagebild-paralleljustiz-vor_aid-67667175
- dpa.: "Forscher sehen Paralleljustiz als Milieuproblem", *Süddeutsche Zeitung / Die Zeit / Westdeutsche Zeitung*, 31.03.2022/01.04.2022, <https://www.sueddeutsche.de/panorama/justiz-duesseldorf-forscher-sehen-paralleljustiz-als-milieuproblem-dpa.urn-newsml-dpa-com-20090101-220330-99-734381>
- Rigoni, C. "Gibt es eine Paralleljustiz? Alternative Konfliktregulierung in Deutschlands Einwanderungsgemeinschaften", *Doing Time, Talking Crime* [Podcast of the MPI-CSL], 19.10.2021, <https://csl.mpg.de/podcasts>

The Real Pain of Punishment: Eradicating Social Exclusion from Criminal Justice

Dr. Federica Coppola

Time frame
2022–2023

The quest for alternative approaches to criminal conduct is one of the most pressing justice issues in the vast majority of criminal legal systems. There is increasing recognition that the number of people incarcerated reflects a societal failure to respond effectively to the challenges faced by the most vulnerable members of our societies. Furthermore, the recidivism rates of those returning to society from prison has called into question the reliance on incarceration for public safety. This recognition has generated calls for approaches that prioritize restoration and rehabilitation over deprivation and punishment.



This project addresses the adverse mechanisms of social exclusion that are innate to punishment and develops a paradigm of criminal justice that embraces social inclusion as its overarching value.

Against this backdrop, this project seeks to explore the role of “social exclusion” as the ultimate cause of the failure of criminal legal systems to adequately address crime and deliver justice to individuals and society. Admittedly, the links between crime and social exclusion are well-known and well-recognized. Abundant literature from a variety of disciplines has consistently emphasized the strong statistical relationship between crime involvement and exclusionary social factors such as socio-economic inequality, extreme poverty, and systemic racism – among others. Although such connections are notorious, criminal law and justice systems persevere in their reluctance to attribute normative relevance to adverse social factors within the assessment of and response to crime. Rather, the dogmatic

assumptions about human conduct and the depersonalizing mechanisms that feature in criminal law and justice systems appear to be among the factors that either precipitate or reinforce de-socializing mechanisms leading to social exclusion.

Through a comprehensive literature review, this project investigates the functions, dimensions, and corollaries of social exclusion in criminal justice across dominant theories and practices of punishment. It then uses empirical insights from psychology, critical criminology, and social neuroscience to highlight the variety of damages that social exclusion entails for single individuals and, as a consequence, for social cohesion. Subsequently, it combines this body of insights with normative arguments to explore avenues for turning criminal justice into an inclusionary system based on accountability, empowerment, and (re)acceptance rather than social deprivation.

Output

Coppola, F., *The Real Pain of Punishment* (Cambridge University Press, 2023, forthcoming)

Right-Wing Extremism and Criminal Law: So-Called National Socialist Underground

Prof. Dr. jur. habil. Jörg Arnold

Right-wing extremism is an acute threat to democratic civil society and must be taken seriously. The need for both preventive and repressive socio-political responses that comply with the rule of law is urgent. Criminal law, too, has an important role to play in this context. Using the trial of the so-called National Socialist Underground (NSU) as an example, this role will be examined, particularly with regard to the scope and limits of criminal law and the law of criminal procedure in landmark trials.

Issues that will be studied include the theory of the single perpetrator versus the theory of three co-perpetrators; the function of accessory prosecution (Nebenklage) and the appropriate and necessary consideration of the victims and their survivors at trial; the reasons given for the judgment and the explication of the social causes of the NSU; the proportionality and effectiveness of the punishment imposed; the conduct of the defense counsel; the amount of time allotted for the filing of an appeal as compared to the amount of time allowed for submission of the judgment; and the conclusions that have been – and remain to be – drawn from the trial. Acts of right-wing extremist violence committed since the NSU trial as well as responses to these acts will also be considered, including the attacks in Halle and Hanau and the assassination of Walter Lübcke, president of the regional council of Kassel in the state of Hesse.

The project is accompanied by a two-part seminar jointly organized with Prof. Michael Heghmanns at the University of Münster. The first part of the seminar took place in the winter semester of 2019/2020, the second part in the summer semester of 2021. The project also focuses on National Socialist criminal law in order to better determine, from a historical perspective, the for-

mation and development of democratic criminal law and its role in the prevention and punishment of right-wing extremist crime. In the course of the project, a number of individual publications have already been generated and published. More will follow. These considerations will be accompanied by further theoretical considerations, e.g., on Neo-Kantianism. An anthology with these publications is in planning, which will also include a detailed summary.

Time frame
2022–2023



Criminal law under the rule of law is not powerless as regards the prosecution of right-wing extremist crime. Nevertheless, criminal law has immanent limits; it is only one means of combating right-wing radicalism within the framework of civil society's tasks.

Key publications

- Arnold, J., Die „Systemimmanenz“ des Beschlusses des 3. Strafsenats des BGH im Revisionsverfahren des NSU-Komplexes zu Beate Zschäpe, *Strafverteidiger* 2/2022, pp. 108–118. [“Systemimmanent” Aspects of the Decision of the 3rd Criminal Division of the German Federal Court of Justice in the Appeal Proceedings regarding the NSU terror cell involving Beate Zschäpe, *Strafverteidiger* 2/2022]
- Arnold, J., Rechtsradikalismus und Strafrecht. Einige Betrachtungen aus Anlass des Buches von Kai Ambos „Nationalsozialistisches Strafrecht. Kontinuität und Radikalisierung“. In: Hilgen-dorf, E., Lerman, M. D., & Cordoba, F. J. (eds.), *Brücken bauen. Festschrift für Marcelo Sancinetti zum 70. Geburtstag* (Verlag Duncker & Humblot 2020), pp. 37–64. [Right-Wing Radicalism and Criminal Law. Some reflections on Kai Ambos' book “National Socialist Criminal Law. Continuity and Radicalization”]

Artificial Intelligence (AI) and Criminal Justice

Emily Silverman, J.D. (Berkeley Law), LL.M.

Time frame
2020–2022

AI is an integral part of contemporary life. Whether employed to pilot a car on public roads or to assist police officers or judges engaged in risk assessment, its use forces us to rethink basic issues of substantive and procedural criminal law. The following papers address a selection of issues raised by this ubiquitous technology.

Intelligent IT systems interact with and monitor the performance of human users. In so doing, they generate “evaluative data,” that is, they autonomously observe, assess, and record information concerning human conduct. This paper examines the question of whether such data could be used as evidence in a criminal case. If a vehicle’s drowsiness detection system alerts a human driver to signs of sleepiness and the driver ignores the warning and subsequently causes an accident, can data showing that these alerts were issued be used as evidence of the driver’s unfitness? Given that cars sold in the EU will soon have to be fitted with certain driver assistance systems, it may be just a matter of time until such alerts are routinely debated in criminal proceedings. Thus, the need to develop a taxonomy for this new category of evidence is self-evident.

A second paper is inspired by the situation in which a car bears witness against its human driver in court, a scenario that has become a reality thanks to technology embedded in modern vehicles that captures data just prior to a crash event. Since it is difficult for drivers to defend themselves against the testimony of cars, crowdsourcing data as a means to assess the trustworthiness of such evidence is proposed. The paper explores whether crowdsourced data could play a role in the fact-finding process and if they could provide a counterbalance to the tendency to fault human drivers of automated vehicles if an accident occurs rather than their vehicles or the manufactures of their vehicles. The

practical importance of this issue is highlighted, and legal actors and lawmakers are urged to remain open-minded regarding this new strategy.

For the AIDP’s 21st Congress, the national report United States for Section 3, “AI and Administration of Justice: Predictive Policing and Predictive Justice,” addresses the following questions: Do predictive policing instruments really help prevent crime? Are predictive instruments compatible with the protection of human rights? Is the outcome of such instruments neutral, objective, and unbiased? What is the impact of predictive methods on the administration of justice and the role of public authorities? Can AI replace criminal courts and juries?

Collaborators

- Prof. Dr. Sabine Gless, Faculty of Law, University of Basel
- Jörg Arnold, dipl. phys. ETHZ, Deputy Director, Forensisches Institut Zürich
- Ass. Prof. Dr. Xuan (Sharon) Di, Civil Engineering and Engineering Mechanics, Columbia University (New York)
- Prof. Dr. Juliette Lelieur, Faculty of Law, University of Strasbourg

Key publications

- Silverman, E., Arnold, J., Gless, & Robot, S., Testimony? A Taxonomy and Standardized Approach to Evaluative Data in Criminal Proceedings, in: Sabine Gless & Helena Whalen-Bridge (eds.), *Human-Robot Interaction in Law and Its Narratives: Legal Blame, Criminal Law, and Procedure* (Cambridge University Press, forthcoming)
- Gless, S., Di, X., & Silverman, E., *Ca(r)veat Emptor: Crowdsourcing Data to Challenge the Testimony of In-Car Technology* (Jurimetrics, forthcoming 2022)

Scientific outreach / public engagement

Silverman, E., “Artificial Intelligence in Criminal Law and Law Enforcement”. Court Administration of Latvia in cooperation with the Academy of European Law (ERA). Latvia (online), 06.04.2022 and 08.04.2022

Network Enforcement Act and Human Rights

Dr. Johanna Rinceanu, LL.M.

The past five years have posed new challenges for Europe and the entire world: A rapid spread of digital violence and online “hate speech”, including image-based harassment, fake news, disinformation, propaganda, racism, and xenophobia have become a steadily growing social problem fueled by migration crises, political upheavals, a fast rise in populism, the COVID-19 pandemic, and the war in Ukraine. The digital sphere is not, however, a lawless sphere. Unlawful online content must be countered resolutely but, at the same time, adequately.

The project “Network Enforcement Act and Human Rights” addresses the regulatory framework and the detrimental effects on human rights and fundamental freedoms of the Act to Improve Enforcement of the Law in Social Networks (Network Enforcement Act, NetzDG), which entered into force on 1 October 2017. It also analyzes recent amendments to it: the Act to Combat Right-Wing Extremism and Hate Crime (ReHaKrBG) and the Act Amending the Network Enforcement Act (NetzDG-ÄndG).

In addition to independent efforts undertaken by the providers of social networks to combat online hate crime and fake news by means of self-imposed communication rules, statutory regulations have been introduced in order to (according to the explanatory memorandum to the law) more effectively combat hate and incitement as well as right-wing extremism on the Internet. IT service providers with more than two million registered users in Germany (those on the scale, for example, of Google, Facebook, YouTube, Twitter, and Instagram) are required as private actors to each set up a transparent complaints management system for the efficient handling of complaints about illegal content as defined in Section 1 (3) NetzDG. The complaints procedure must ensure that IT service providers take note of inco-

ming complaints without delay and determine whether the reported content is illegal, whether it must be deleted – within a very short period of time –, or whether access to it must be blocked. Systematic violations of these obligations are punishable by significant fines. As a result of the first amendment to the NetzDG by the Act to Combat Right-Wing Extremism and Hate Crime, which entered into force on 3 April 2021, providers of social networks must, in addition, proactively report certain potentially criminal content to the Federal Criminal Police Office (Bundeskriminalamt, BKA). These obligations are supplemented by amendments to the Code of Criminal Procedure that, among other things, enable law enforcement authorities to collect usage data from telemedia service providers if certain facts give rise to the

Time frame
2020–2022

photo: Ravi Sharma/Unsplash





The project addresses the regulatory framework and the detrimental effects on human rights and fundamental freedoms of the Act to Improve Enforcement of the Law in Social Networks (NetzDG), which entered into force on 1 October 2017, including its amendments.

suspicion that someone has committed a crime of significant importance as a primary or secondary perpetrator (principal or accessory). The NetzDG has been further amended by the Act Amending the Network Enforcement Act, which came into force on 28 June 2021, thus strengthening the rights of users of social networks.

The NetzDG has remained controversial since its entry into force. In particular, the catalog in Section 1 (3) has lent explosive new force to a large number of criminal offenses that involve freedom of expression, arts and sciences, personal freedoms and human dignity, and freedom of faith and conscience. In effect, private providers of social networks have – against their will – been given the responsibility of balancing human rights and fundamental freedoms against each other and have been made gatekeepers at the threshold of fundamental and human rights. Whether the NetzDG is an adequate further means of combating hate and incitement on the Internet is highly questionable.

By means of statutory interpretation and doctrinal analysis, the project “Network Enforcement Act and Human Rights” aims to show alternative ways of combating right-wing extremism, “hate speech”, and hate crime on the Internet that conform with the principles of human rights and fundamental freedoms.

Key publication

Rinceanu, J., *The changing role of Internet Service Providers: Governing cyber violence and online ‘hate speech’ against women*. In Caletti G.M., Summerer K. (eds.), *Criminalising Intimate Image Abuse. A comparative perspective* (Oxford University Press, forthcoming 2023)

Scientific outreach / public engagement

Rinceanu, J. “Digitale Gewalt und online ‘Hate Speech’ gegen Frauen.” Lecture at the invitation of Amnesty International Freiburg (14.03.2022)

Constructing and Maintaining the Boundaries of Corruption

Matthew Fox, Ph.D.



While the major multilateral anti-corruption agreements rely on peer review for compliance accountability, this mechanism remains understudied. Does peer pressure alone as a reward and sanction promote shared legal frameworks?

This international criminal law project examines the relationship between transnational anti-corruption standards and domestic criminal law and procedure. During the past three decades, a number of multilateral anti-corruption agreements have been negotiated by international organizations, including the United Nations, the Organisation for Economic Co-operation and Development, and the Council of Europe, which have almost exclusively relied upon compliance enforcement by peer monitoring. Despite the anti-corruption movement's reliance on peer review, scholarship on this accountability mechanism is limited. Concentrating on the Council of Europe's Group of States against Corruption (GRECO), this project analyzes the role that peer review plays in constructing and maintaining transnational anti-corruption legal frameworks. Taking a multi-method approach that includes content analysis of GRECO Working Group documents, a survey of GRECO participants, and in-depth interviews to further explore survey findings, this

project addresses several research questions: First, what is the effect of peer pressure during peer review monitoring on agreement compliance and how can this be maximized? Second, how has peer review evolved as it has become institutionalized over its twenty-year history? Third, how do the perceptions of GRECO participants reflect the mechanism's objective successes and failures? This project's goal is to take insights about GRECO participants' perceptions and use these to craft recommendations for procedural change. For example, a major concern is what the perceptions of fair treatment are and how they will be evaluated against the consistency of working group recommendations to study points of disjuncture.

Time frame
2022–2023

Scientific outreach / public engagement

Policy recommendations

Examining Prospective Jurors: The Sensitivities of Probing for Racial Bias

Matthew Fox, Ph.D.



Criminal defendants are guaranteed the right to have their guilt decided by an impartial jury that does not discriminate based on their race. We ask how courts are able to assess prospective jurors' racial biases if these inquiries are taboo and avoided.

Time frame 2021–2022

The Sixth Amendment to the United States Constitution guarantees criminal defendants the right to have their guilt decided by an impartial jury. The complication to this right is that the information used to assess impartiality must be requested from prospective jurors themselves during voir dire. Criminal justice reform advocates spotlight racial disparities in court outcomes, yet prospective jurors are rarely asked questions about their own potential racism. In this project, we ask how courts are able to assess jurors' racial biases if such inquiries are taboo and avoided. Using the sociological methodology of conversation analysis, this paper analyzes a collection of questions about race asked by court officials to prospective jurors during four actual criminal trials. Our argument is that both court officials—judges and attorneys—and prospective jurors each have to navigate conflicting social norms and expectations. For officials, they must balance exercising due diligence with avoiding inquiries that would offend. For jurors, the tension is between the legal expectation to answer truthfully and providing a socially desirable response that racism does not affect their impartiality. We find that, while questions focusing on racial prejudice do not occur often, the topic does emerge as an indirect concern in questioning episodes. Our analysis

uses interactional theory to explain how the different courtroom actors navigate discussing a contentious topic. From this analysis, we craft recommendations for facilitating discussions of contentious topics during jury selection.

Collaborator

Steven E. Clayman, Ph.D., Professor of Sociology, University of California, Los Angeles

Doing Jury Work: Proving Impartiality in State of Minnesota v. Derek Chauvin

Matthew Fox, Ph.D.



Courts allow people with strong opinions relevant to the case at hand to be selected as jurors if they are capable of putting those opinions to the side and making judgments solely on the evidence at hand; but how can one separate the two?

The Sixth Amendment to the United States Constitution guarantees criminal defendants the right to have their guilt decided by an impartial jury. Yet, trials do not occur in a vacuum and prospective jurors bring with them to court various biases that cause them to be partial. To be selected as a juror, courts allow people to have strong opinions relevant to the case at hand if they are capable of putting those opinions to the side and making judgments solely on the evidence at hand; but how can one separate the two? This project analyzes the voir dire questioning of prospective jurors during the trial of Derek Chauvin, the former police officer convicted of killing George Floyd. Given the extensive media coverage of Floyd's death, several special steps were taken by the District Court of Minnesota to ensure that selected jurors would be impartial, most notably the completion of extensive questionnaires in which jurors detailed their knowledge of the case, their feelings about the police and racial politics, and a range of other pertinent topics. The adversarial American legal system tasks attorneys with influencing jury selection to be favorable to their client and this project analyzes the "jury work" that attorneys perform to rehabilitate, or alternatively demonize, prospective jurors. Using the sociological method of conversation analysis,

we examine the conversation practices through which attorneys substantiate and undermine previously disclosed biases as they seek to change the court's understanding of a prospective juror's impartiality. The significance of this project is that it will provide findings to facilitate an evaluation of the way conversational practices influence judicial determinations of impartiality and include recommendations about actions courts can take to ensure that interactional constraints are accounted for when removing prospective jurors for cause.

Collaborator

David R. Gibson, Ph.D., Associate Professor of Sociology,
University of Notre Dame

Time frame
2022–2023

Secret Evidence in Criminal Proceedings

Dr. Benjamin Vogel

Time frame
2018–2021

In view of the versatility of transnational organized crime and terrorism, authorities across Europe are relying more and more frequently on covert investigative measures. But the rise of such measures as a criminal policy tool and the enhanced role of intelligence agencies pose considerable challenges to the fairness of criminal proceedings. This is because covert methods and confidential sources of evidence often cannot be disclosed without compromising investigations and the safety of witnesses, thereby limiting courts' and defendants' ability to test incriminating evidence. In order to understand how legal orders across Europe accommodate secrecy needs at the criminal trial and when imposing coercive measures at the pre-trial stage, this comparative project inquired how legal orders introduce information from secret sources as evidence and how they define and justify resulting limitations to defense rights. Answering these questions seems urgent, given that both legislators and courts have, in most countries, not yet started to adequately address the growing tensions between secrecy and the right to a fair trial. This is also reflected in the academic literature on the topic, which to date has focused primarily on critiquing national laws in view of the jurisprudence of the European Court of Human Rights (ECtHR) but devoted little attention to the structural changes caused by the rise of secrecy in criminal justice. To remedy this lacuna, the project brought together fourteen experts from across Europe to analyze national criminal procedure frameworks as well as functionally similar procedures at the UN and EU levels. By comparing the various solutions found at the national and supranational levels and complementing these comparative insights with an analysis of the relevant ECtHR jurisprudence, the project identified primary deficiencies of current approaches to covertly obtained evidence and, on this basis, developed recommendations to safeguard fair trial guarantees while respecting the operational needs of investiga-

tive authorities and intelligence agencies. The findings were published in an edited volume in early 2022. They underline the need for greater legislative engagement with the topic, in particular in light of the finding that European legal orders increasingly accept that courts often consider, in their assessment of the reliability of incriminating evidence, information that is not disclosed to the defense at any point during the proceedings.

Collaborators

- PD Dr. Marc Engelhart, MPI-CSL
- Dr. Mehmet Arslan, Eskişehir Osmangazi Üniversitesi
- Prof. Dr. Sven Brinkhoff, Open Universiteit Nederland
- Dr. Liz Heffernan, Trinity College Dublin
- Paul Jarvis, Barrister, 6KBW College Hill, London
- Catherine Marchi-Uhel, Head of the International, Impartial and Independent Mechanism (Syria), United Nations
- Dr. Eva Nanopoulos, Queen Mary University of London
- Eoin O'Connor, Four Courts, Dublin
- Prof. Dr. Michele Panzavolta, KU Leuven
- Prof. Dr. Andrea Planchadell-Gargallo, Universitat Jaume I, Castellón
- Prof. Dr. Stefano Ruggeri, Università di Messina
- Dr. Marc Touillier, Université Paris Nanterre
- Ward Yperman, Ph.D. Researcher, KU Leuven

Key publication

Vogel, B (ed.), *Secret Evidence in Criminal Proceedings: Balancing Procedural Fairness and Covert Surveillance* (Duncker & Humblot 2022)

Public–Private Partnerships on Terrorism Financing: Confronting Crime in Global Financial Markets

Dr. Benjamin Vogel

Confronted with terrorism, transnational organized crime, and malign state actors, law enforcement authorities are increasingly turning to the private sector to tackle illicit financial flows. However, while banks and other financial institutions have been tasked, over three decades already, with extensive preventive duties as well as obligations to report criminal transactions, these efforts can hardly be described as very successful. Criminals can still easily use the global financial system to pursue their goals. Private efforts to detect criminal assets are all too often circumvented by complex corporate structures, by shell companies, and by reliance on anonymity-friendly jurisdictions. As a consequence, public and private institutions and policymakers in Europe and at the global level are increasingly calling for even closer cooperation between law enforcement and banks, with the aim of improving the fight against terrorism and other organized crime and of bolstering the enforcement of international financial sanctions.

Responding to the aforementioned developments, this multi-year EU-funded project undertook to identify normative limits of closer cooperation between authorities and banks and develop recommendations on how to ensure that existing practices of such cooperation – while recognizing operational necessities – respect fundamental rights. Proposals are aimed at the EU legislature and four Member States – namely, France, Germany, Italy, and Spain. The project thereby makes a key contribution to Anti-Money Laundering and Counter-Terrorism Financing law, a field that has so far scarcely been developed in Europe and beyond. The significance of the questions addressed by this research were further highlighted by recent Western responses to the war in Ukraine, in which the enforcement of financial sanctions through banks and the chase for hidden assets of corrupt foreign officials have risen to a new level. Due to the complexity of the research object,

the project had to follow a transdisciplinary approach, combining comparative research into national criminal procedure and financial regulation; research on data protection; examination of public international law, socio-legal research, including focus groups with competent authorities; and an analysis of the use of artificial intelligence in the detection of illicit financial flows. Seeking to contribute to the debates in numerous Member States surrounding the issue of public–private cooperation, findings and policy recommendations are published not only in an English-language collected volume but also in French, German, Italian, and Spanish.

Time frame
2019–2022



Financial services facilitate transnational crime, but, increasingly, they are also becoming a potent instrument for fighting criminals and even malign states. This dichotomy reshapes the relationship between governments and banks, requiring a profound rethinking of the role of the private sector in law enforcement.

The project's results have been eye opening in numerous regards. In particular, findings shed light on the extent to which governments and private companies are collaborating in the fight against transnational crime, showing that such collaboration is becoming more and more common. Western democracies have, of course, for many years expanded legal obligations aimed at preventing the commission of crime by businesses. In recent years, however, the law at the national and supranational levels is increasingly asking businesses to help enforce the law with regard to crimes committed outside their own sphere of influence. Insofar as businesses answer this call, the private sector is increasingly becoming an instrument of law

enforcement. Yet, to be effective, the outsourcing of investigative and enforcement functions requires extensive sharing of information between competent authorities and private actors. The project showed, however, that to date, legal orders across Europe are not prepared for the consequences that such rapprochement between authorities and the private sector will frequently entail; legal orders are ill equipped not only with regard to the fundamental rights of individuals targeted through such public–private collaboration but also with regard to the dangers – not least the risk of a loss of sensitive information – that such cooperation can pose to the authorities.

Through their analysis of several European jurisdictions, however, the project collaborators were also able to confirm that informal public–private interactions between criminal justice authorities and the private sector are a reality, even if such practices are neither widely publicized nor regulated by law. Reliance on informal interaction is perceived by many investigative authorities as a necessity in efforts against organized crime in particular, given that formal procedural frameworks are frequently too inflexible and authorities often lack the resources to respond to new technological challenges. But such informality is unacceptable in the long run, given that it threatens to undermine citizens’ procedural guarantees, make authorities overly dependent on the private sector, and ultimately even undermine the impartiality of law enforcement. The policy recommendations developed by the project therefore call for the creation of specific legal instruments to define the conditions of operational cooperation between law enforcement authorities and the private sector and to ensure accountability of public and private stakeholders through adequate oversight mechanisms.

Beyond its substantive findings, the project also produced important methodological insights for research on security law. It highlighted the importance of socio-legal research for advancing the scholarship on security law. Though the collaborators observed important differences across EU Member States as regards the willingness of security authorities to open up to researchers, they were also able to observe that engagement with competent authorities during the

pilot phase of new criminal policy initiatives can enable scholars to provide credible guidance before such initiatives have reached the stage of legislative drafting, thereby helping to prevent well-intentioned initiatives from ultimately being doomed by falling foul of legal requirements.

Collaborators

- Dr. Maxime Lassalle, MPI-CSL
- Dr. Ana Carolina Carlos de Oliveira, MPI-CSL
- Dr. Nandor Knust, University of Tromsø
- Prof. Dr. Eleni Kosta, Tilburg University
- Dr. Aaron Martin, Tilburg University
- Dr. Bart van der Sloot, Tilburg University
- Magdalena Brewczynska, Tilburg University
- Prof. Dr. Lorena Bachmaier Winter, Universidad Complutense Madrid
- Prof. Jonathan Fisher, London School of Economics
- Dr. Giulia Lasagni, University of Bologna

Key publications

- Vogel, B., Potentials and Limits of Public-Private Partnerships against Money Laundering and Terrorism Financing, *eucri* 1/2022, pp. 52–60
- Vogel, B., Zur Rolle der FIU in der Sicherheitsarchitektur [On the Function of the FIU in the State’s Security Architecture], *Geldwäsche & Recht* 2/2022, pp. 39–46

Scientific outreach / public engagement (amongst others)

- Vogel, B., Response to the public consultation of the European Commission on its 2020 Action Plan on Money Laundering & Terrorism Financing, 26.08.2020
- Vogel, B., Panel chair at the high-level conference on “Anti-Money Laundering and Countering Terrorist Financing – Closing the Door on Dirty Money”, hosted by the European Commission, Brussels, 30.09.2020
- Vogel, B., Response to the public consultation of the European Commission on EU rules on public-private partnerships for preventing money laundering and terrorist financing, 02.11.2021
- Vogel, B., Panel chair at the high-level conference “Protecting EU Citizens from Financial Crime and Terrorist Financing”, hosted by the French Presidency of the Council of the European Union, Paris, 19.01.2022
- Vogel, B., Panelist at the Financial Action Task Force (the global intergovernmental watchdog for Anti-Money Laundering and Counter Terrorism Financing) Conference on Digital Transformation, Berlin, 11.06.2022

The Ukraine War as a Reform Catalyst for Germany's Criminal Policy

Dr. Benjamin Vogel

The EU's decisive response to Russia's invasion of Ukraine is having a profound impact on the criminal and wider security policy of Member States, including Germany. This is particularly so in view of the now extensive use of restrictive measures – also known as “targeted sanctions” – against individuals and businesses connected to the Russian leadership. While similar supranational financial sanctions have already been used to counter other threats for over two decades, in particular to counter global terrorism following 9/11, their enforcement usually received rather limited attention. This changed radically after 24 February 2022. Restrictive measures have suddenly become a cornerstone of EU security policy, and their enforcement by Member States is now recognised as a political priority. In trying to comply with this new state of affairs, Germany and other Member States have learned the hard way that their domestic legal frameworks had so far lacked the instruments necessary to effectively enforce EU sanctions. In response, national legislators are now hastily adopting a plethora of implementing measures, but they often struggle to provide coherent solutions, given that sanctions enforcement involves complex interactions between criminal justice, preventive police action, and financial regulation. By creating hybrid mechanisms that blend these different areas of law, the new policies potentially undermine procedural safeguards and thereby threaten fundamental rights. These concerns are amplified by the increasing role of banks and other financial institutions, whose role as an instrument of transnational enforcement of criminal laws has been further expanded by the West's response to the war. This project therefore aims to uncover prerequisites for an effective national enforcement framework that is respectful of fundamental rights, focusing on the design of financial inves-

tigations and the prevention of sanctions-related business dealings by the private sector. For this purpose, EU sanctions regulations and relevant domestic laws in Germany are analyzed, and the findings are supplemented by comparative references to the laws of other Member States. At the same time, given that sanctions enforcement action is often performed by the private sector in coordination with the authorities, the project furthermore includes a participating role as an observer in various mechanisms at the EU and national levels that bring together authorities and global financial institutions, thereby collecting empirical findings necessary for understanding current enforcement practices.

Time frame
2022



The EU's response to the war in Ukraine is having profound repercussions on criminal policy. While hastily adopting a plethora of implementing measures to enforce sanctions, Member States struggle, however, to provide solutions that are both effective and respectful of fundamental rights.

Key publication

Vogel, B., *Jenseits der Oligarchen, Das Erste Sanktionsdurchsetzungsgesetz, VerfBlog, 2022/5/31. [Beyond the Oligarchs, The First Sanctions Enforcement Act]*

Scientific outreach / public engagement

- Vogel, B., *Wie die Russland-Sanktionen funktionieren – und wie nicht, FAZ-Einspruch, 14.03.2022*
- *Expert opinion for the Financial Affairs Committee of the Bundestag, 16.05.2022*

Transnational Public-Private Cooperation in a Repressive Context: Understanding the Legal Framework for EU-US Transfers of Financial Data

Maxime Lassalle

Time frame
2019–2023

The starting point of this project is that the development of national public-private partnerships (PPPs) will have consequences on the need to more clearly regulate transnational transfers of financial data. One can already witness the development of transnational PPPs, that is to say, partnerships between national authorities and transnational private entities. Such entities are already involved in national PPPs and even in transnational PPPs, which makes the practice of transnational exchanges of banking and financial data highly likely.



Transnational transfers of financial data are not based on a clear legal framework. This puts at risk the transnational financial institutions willing to transfer data, as they have to face a growing legal uncertainty. The legal framework and the role of blocking statutes should therefore be clarified.

The issue at hand is that transnational financial institutions can be used by national authorities to effortlessly access or transmit information across borders. In other words, transfers of personal data within a corporate group and therefore between private entities could be used as an alternative to the traditional system of mutual legal assistance and public-public cooperation in criminal matters. This means that financial institutions act on behalf of or in cooperation with state authorities, even though they cannot be directly perceived as state agents. It can be seen as a way to circumvent traditional ways to gather data abroad – especially mutual legal assistance treaties (MLAT) –, based on cooperation between national authorities. The research question that this project addresses is the following: Does the

transnational gathering of data, intelligence, or evidence by financial institutions on behalf of or in cooperation with national authorities raise legality issues? If so, how can these legality issues be addressed?

Three sets of rules were analyzed:

- 1) The existing international legal framework, which does not prohibit such transfers.
- 2) Domestic rules, namely blocking statutes, e.g., bank secrecy and data protection laws. They limit the ability of private entities to transfer data abroad. However, they have been neither harmonized nor coordinated and do not address the need to facilitate international transfers of financial data, especially within PPPs.
- 3) The rules the transnational financial institutions apply and make public through their privacy policies or statements. They show that these transfers are practiced.

In this context, transnational transfers of data exist, but they are neither organized nor based on a clear legal framework. They put the transnational financial institutions willing to transfer data at risk, as they have to face a growing legal uncertainty. The main objective of this project is to show that the legal framework, and especially blocking statutes, should be clarified. The aim is not to prohibit such transfers but to regulate them.

Collaborator

Dr. Benjamin Vogel, MPI-CSL

Key publication

[Transnational Transfers of Financial Data](#) (forthcoming, as part of the Project Public-Private Partnerships on Terrorism Financing)

Criminal Justice Corruption in Latin America: How to Tackle Corruption of Judges and Prosecutors

Jan-Michael Simon

This research project examines criminal justice corruption in Latin America, namely corruption originating from the criminal justice system. The prevalence of the perception of corruption in the overall justice system is higher in Latin America than in other world regions, and corruption scandals are frequent. Justice corruption, in turn, transforms judicial and law enforcement institutions into a source of corruption. This form of corruption is particularly serious when it stems from criminal judges and prosecutors. Their involvement represents the archetype of corruption, as their function is considered the model par excellence for the exercise of public authority.

Mr. Simon's research seeks to define the necessary elements that reformers of the judiciary and prosecution offices must take into account in order to tackle the corruption of judges and prosecutors in Latin America. The inspiration for the project came from the expert declaration that Simon presented in international corporate human rights litigation proceedings in the United States involving systemic corruption in the judiciary of Peru (for details, see *Acuña-Atalaya v. Newmont Mining Corp.*, 308 F. Supp. 3d 812, 815 (D. Del. 2018), vacated and remanded, 765 F. App'x 811 (3d Cir. 2019)).

Despite decades of justice sector reforms in Latin America, progress in tackling criminal justice corruption in the region has been slow. There is already a copious amount of substantive research relating to the most visible obstacle: corruption in the police. In contrast, rigorous scholarship addressing corruption originating from the judiciary and prosecution offices is limited.

The project aims to close this research gap with a number of articles by connecting conceptual aspects of corruption with empirical insights into what drives criminal justice corruption and what it looks like. It



Criminal justice corruption represents the archetype of corruption. The prevalence of the perception of justice corruption is higher in Latin America than in other world regions. This research seeks to define the elements needed to tackle the corruption of judges and prosecutors in the region.

addresses normative, legal, and contextual questions that reflect the Institute's research agenda, in combination with theorizing about the administration of justice, institutional analysis, statutory interpretation, and doctrinal inquiry. Based on an operational definition of criminal justice corruption, the research results will generate a systematic understanding of the determinants, modalities, and types of criminal justice corruption in Latin America, propose models that can explain the impact of reforms of the judiciary and prosecution offices in tackling the phenomenon of corruption, and make policy recommendations. At the same time, this research project aims to contribute to the efforts of reformers in other world regions experiencing similar challenges.

Time frame
2020–2024

Key publication

Simon, J.-M., *Tackling Judicial Corruption in Latin America: A Comprehensive, Long-Term Agenda*. In *Corruption: Sociological, Criminological and Legal Aspects* (Salvador: Juspodivm 2020), pp. 351–378.

Scientific outreach / public engagement

Simon, J.-M.: *Corruption in the justice sector in Latin America*. Federal Foreign Office. Berlin, 20.11.2020

#criminaljustice: New Media and Modern Criminal Proceedings

Dr. Nora Scheidegger

Time frame
2020–2023

Habilitation

What we know about our society, and therefore also about crime and how our society deals with crime, we learn primarily through mass media, although social media have recently also come to play an increasingly significant role. As a result of the fragmentation of modern society, communication through mass media has become more and more important in terms of ensuring social cohesion. Also, for the purpose of punishment, criminal justice depends to a great extent on publicity, which is mainly generated by the media: “Justice must not only be done, but must be seen to be done”, as Linda Mulcahy puts it. In addition, criminal court reporting fulfills an important social function, as it is often the starting point for political disputes in which the scope and limits of individual freedoms and the legitimacy of state intervention are discussed and, if necessary, renegotiated.

prosecuted in more or less secret types of proceedings (summary penalty order procedure and accelerated proceedings), which makes it more difficult for the media to fulfill their democratic and preventive functions. In modern criminal proceedings, the public court hearing – if there even is any such hearing – has been reduced to a mere ritual after the actual evidentiary proceedings have taken place. What is reported by the (new) media via live ticker from the courtroom has little to do with the actual and decisive steps of a criminal proceeding. This begs the question as to the extent to which the media can still play their role as watchdogs in modern criminal proceedings?

On the other hand, the media world has also been virtually revolutionized by technological developments. As a result of the digital transformation, it is not just traditional media that are using the possibilities offered by the “new media” but also amateur journalists, who can use social media to create publicity and supply society with information to a similar extent as traditional media used to. Because the audience is no longer merely a passive recipient, but is able to actively participate in the discourse, the boundaries between traditional media and the new media, on the one hand, and between media creators and audience, on the other, are becoming increasingly blurred. Not only the question of where and by whom information is communicated but also the question of how and what information should be reported must be answered differently. The diversification of the media landscape leads to both an unprecedented information overload and to increased competition for public attention. The resulting “attention economy” shapes the way criminal law is being reported; for the media, publicized coverage of criminal cases is part of ensuring their economic existence. Furthermore, in times of populist political movements, criminal law and criminal proceedings are becoming more and more medialized. These changes warrant a



The digital revolution has led to major transformations in every aspect of modern society. The fundamental principle of open justice must adapt to these developments.

The open court principle is an almost uncontested and fundamental principle of criminal procedure. The presence of the public is intended to serve as a control instrument over the workings of the courts and protects the individual from the dangers of “secret justice”. The media and court reporters play an important role as “watchdogs”, since public scrutiny can usually be guaranteed only through the mediating activities of the (mass) media.

In recent decades, drastic and far-reaching changes have taken place, not only in the area of criminal procedure but also in that of the media and media publicity. On the one hand, cases are increasingly being



image: TippiPatr/Shutterstock.com

reexamination of the relationship between modern criminal procedure and the (new) media and, if necessary, its redefinition.

The relationship between the criminal justice system and the media is one of mutual dependence and, although both systems are institutional guarantors of democracy and the rule of law, they pursue different goals and interests. It follows that the first step is to elaborate on the social roles and interests of the two “systems” involved. In a next step, this research project aims to analyze how the principle of public access to criminal proceedings can be justified historically, in terms of functional theory and in terms of the rule of law. Additionally, the analysis will include a discussion of whether it is possible to derive functional transparency requirements for criminal proceedings from the theories of criminalization and punishment. In this context, an examination must take place of the extent to which the public has a right to information about the criminal justice system and the extent to which this also holds true in the case of special proceedings and alternative ways of dealing with criminal cases (e.g., restorative justice)

Subsequently, the project will examine to what extent the reporting media are or should be given access to criminal proceedings. In doing so, the conflicting interests in conjunction with this question (protection of the injured and accused person vs. public interests; principles of the rule of law vs. economic interests of the media, etc.) will be taken into account. A particular focus will be placed on the digital reporting tools of the new media (e.g., live ticker during a court hearing via Twitter by a lay journalist) and the associated dangers for a fair and correct trial. The ban on radio and television coverage of trials will also be critically discussed (including by comparing different legal systems). The research objective is to outline basic principles that can be applied in practice to ensure an adequate and contemporary concept for dealing with the (media) public’s interest in information on the criminal justice system.

Supervisors

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III. DEPARTMENT OF CRIMINOLOGY

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A. RESEARCH PROGRAM

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B. PROJECTS

A. RESEARCH PROGRAM OF THE DEPARTMENT OF CRIMINOLOGY

1. Ambition

One of the strengths of criminology is its status as a field of study rather than a discipline. According to Edwin Sutherland, one of the founders of the field, criminologists are at liberty to draw ideas and methods from other disciplines as they pertain to the commission of, or response to, crime.¹ However, over the course of its history, criminology has had mixed success in achieving this. On the one hand, the field is populated with researchers from different scientific disciplines, including sociology, law, and psychology, and some of its most important paradigms, such as life-course perspectives and rational choice theory, are sourced from other social sciences. On the other hand, constructive engagement between the different disciplines operative within criminology is limited. As Dan Nagin observed in a recent article on the future of human behavior research: "Criminology has had a longstanding tradition of interdisciplinarity, but mostly in the form of an uneasy truce of research from different disciplines appearing side-by-side in leading journals — a scholarly form of parallel play. In the future, this must change because the big unsolved challenges in criminology will require cooperation among all of the social and behav-

ioral sciences."² This latter imperative is at the heart of the research program of the Department of Criminology, which also adds a technological component to it.

The research program of the department focuses on three specific areas of interest that it considers to have particular potential for the further development of the field. The **mission** of the department is to function as a source of novel ideas in criminology that help drive the field forward and to be a global hub for interdisciplinary research. The research program is structured along three different axes or **key areas of scientific interest**: 1) Theoretical Innovation, 2) Methodological Innovation & Technology, and 3) Putting Crime Science into Practice. Below, each key area is described in further detail and illustrated with examples of current research. Note that research projects may cover multiple areas — a given project might, for example, aim at theoretical innovation while also using novel technology and/or offering input for policy.

1 Sutherland, E. H. (1947). *Principles of Criminology* (4th ed.). J. B. Lippincott.

2 Box-Steffensmeier, J. M., Burgess, J., Corbetta, M., Crawford, K., Duflo, E., Fogarty, L., Gopnik, A., Hanafi, S., Herrero, M., Hong, Y.-y., Kameyama, Y., Lee, M. C. T., Leung, G. M., Nagin, D. S., Nobre, A. C., Nordentoft, M., Okbay, A., Perfors, A., Rival, L. M., ... Wagner, C. (2022). The future of human behaviour research. *Nature Human Behaviour*, 6, 15–24. <https://doi.org/10.1038/s41562-021-01275-6>



photo: iStock.com/stevecoleimages

2. Key Areas of Interest

KEY AREA OF SCIENTIFIC INTEREST I: THEORETICAL INNOVATION

Drawing from different disciplines, the field of criminology is empirically vibrant and theoretically rich. Yet its greatest strength, diversity, may also be its Achilles' heel, due to the risk of theoretical and empirical fragmentation. One of the main challenges confronting the field regards bridging one of its main divides – that between dispositional explanations, which attribute criminal behavior to stable individual differences, and sociogenic perspectives, which identify criminogenic environments and situational factors as the principal causes of crime. Cumulative evidence suggests that both are important; hence, scientific perspectives that can link these findings are crucial for arriving at a comprehensive picture that encompasses the causes, development, and persistence of criminal conduct.

This key area of interest is dedicated to developing theory from an integrative and interdisciplinary perspective – for example by examining the interrelation between contextual factors and individual-level factors

in the explanation of crime. Research in this area draws from rich empirical and theoretical traditions in criminology, yet extends them by drawing from other fields such as evolutionary and personality psychology, behavioral economics, and computer science, which, in spite of their potential, have seen only limited application in criminology to date. The short-term mindsets research program, which is partially funded by an ERC Consolidator Grant,³ is an example of an integrative perspective on criminal behavior that draws from multiple such disciplines.

Exemplary project: Short-term mindsets and crime

Why are some people more likely to commit crime than others? Answers to this question, which is at the heart of criminology, can be grouped into two broad views. On the one hand, dispositional perspectives argue that stable factors within the individual, such as lack of self-control, lie at the roots of criminal conduct. Sociogenic perspectives, on the other hand, put the locus of study

3 ERC Consolidator Grant 772911-CRIMETIME

outside the individual and point towards factors such as rough neighborhoods, parental unemployment, and deviant peers as the main causes of crime. In spite of ample empirical support for both views, there has been relatively little constructive engagement between the two schools of thought. Yet, it is precisely research at this intersection that is likely to yield the most dividends when it comes to improving our understanding of criminal conduct.

The short-term mindsets project aims to address this gap in the current knowledge base by outlining and testing a new perspective on criminal behavior that integrates the dispositional and sociogenic views, focusing on a well-established correlate of crime: the tendency to focus on immediate benefits at the expense of considering long-term costs (i.e., short-term mindsets). This perspective is premised on the idea that such mindsets encourage crime, and it specifies how both individual dispositions and sociogenic variables can encourage such mindsets. That is, rather than being stable, as is commonly assumed in criminology, short-term mindsets are malleable and change over time as a function of exposure to environmental factors such as victimization, parenting styles, sanctions, and delinquent peers – factors that have all separately been related to crime in important ways.

KEY AREA OF SCIENTIFIC INTEREST II: METHODOLOGICAL INNOVATION & TECHNOLOGY

Carefully constructed questionnaires, cleverly designed observation and interview schemes, and large-scale registration and longitudinal data have long been the commanding approaches to data collection in empirical criminology. The field has made tremendous progress in improving our understanding of criminal conduct through the use of such methods and has reached an impressive degree of both qualitative and quantitative sophistication. Each of these methods also has its justification, and the choice of method depends on the respective purpose and the research questions at hand. However, the traditional methods of data collection in criminology are particularly suited to study factors that relate to characteristics of delinquents that propel them into and out of crime, such as their dispositions, the families and neighborhoods they come from, their social networks, and their educational and criminal trajectories. But by design they offer little insight into *offender behavior* and the *decision-making* that underlies it.

Importantly, the field's emphasis on these largely retrospective methods has led to a fundamentally skewed knowledge base. We know a lot about offender

(p. 65) VR scenarios perceptually immerse the study participant in the situation of interest to enhance the validity of responses

The immersive video footage for the 360° Virtual Scenario Method was shot in a bar in Amsterdam in June 2021; photo: Peter Wozniak





still images from the behind the scenes video: Sjors Swierstra

characteristics, life events that contribute to criminal careers, what predicts the choice for crime, how criminals journey to their crimes, and what makes them desist, but we still know comparatively little about the offending process itself. Research in this key area of interest is premised on the assumption that advancing our understanding of crime and its prevention may require not more of the same but rather the exploration of novel approaches.

Novel technologies such as social media, virtual reality, intelligent machines, sensors, smartphones, and the Internet are quickly becoming an increasingly influential part of people's daily lives. The research potential of these technologies for the study of crime is impressive. Consider smartphones: with a penetration rate in Germany of almost 89% in 2020⁴ and with processing power that exceeds that of the average desktop computer from less than 10 years ago, today's broadband, sensor-rich, and GPS-equipped smartphones can collect

4 Deloitte. (2020, February). Smartphone-Konsum am Limit? Studie zur Smartphone-Nutzung: Der deutsche Mobile Consumer im Profil [Smartphone consumption at its limits? Study on smartphone use: A profile of the German mobile-consumer]. <https://www2.deloitte.com/de/de/pages/technology-media-and-telecommunications/articles/smartphone-nutzung-2020.html>.

vast amounts of ecologically valid data and can do so easily and quickly and from large samples. Furthermore, they can be employed as tools for delivering interventions. Despite often being highly accessible and relevant for research, technologies such as these are currently rarely utilized by criminologists. To fill the current hiatus in the field, this key area of interest is dedicated to the application of new technologies and innovative methods in crime research. One technology that is increasingly taking center stage in this area of interest is virtual reality (VR).

Exemplary projects: Virtual bar fights and break-ins

The **360° Virtual Scenario method** that is being developed by the department aims to remedy some of the defects of the traditional scenario or "vignette" method by employing immersive 360° video technology rather than presenting respondents written text and relying on them to use their imagination. The virtual scenario method is based on the assumption that written scenarios are unlikely to capture the more visceral and emotional aspects typically involved in real-world offending, which commonly occurs during "hot" and altered states of mind. Additionally, the short narrative of the standard scenario is unlikely to adequately reflect the complex reality of real-life situations or to realisti-



<https://youtu.be/HT05Apwi7yk>



In the Virtual Burglary Project, incarcerated burglars are invited to explore a virtual neighborhood for burglary opportunities or to commit a burglary in VR, just as they do in real life

cally incorporate important nuances of social experience. Rather than asking participants to imagine themselves in a specific situation on the basis of a short description, virtual scenarios perceptually immerse them in it to enhance the validity of responses.⁵ In our current research, we examine bystander responses to situations of aggression and sexual harassment in barroom settings using this method.

The **Virtual Burglary Project** uses virtual-reality versions of residential neighborhoods to study the behavior of burglars. Incarcerated burglars are invited to explore a virtual neighborhood for burglary opportunities or to commit a burglary in VR. In both cases, the participants are instructed to go about the activity just as they do

in real life. The VR system tracks their behavior – such as gaze and spatial patterns, which target they select, which entry points they use, and how they go about committing a burglary once inside the target – in real time. In combination with the experimental variation of relevant features of the environment, such as street lighting or the presence/absence of virtual humans, this approach provides an unprecedented level of insight into burglary behavior. This work also illustrates some of the potential of VR research to contribute to crime prevention and to inform policy. While the emphasis in this project is on burglary, the VR-based approaches we are exploring here can also be applied to other types of offenses.⁶

5 Van Gelder, J. L., De Vries, R. E., Van Sintemaartensdijk, I., & Donker, T. (2022). Personality pathways to aggression: Testing a trait-state model using immersive technology. *Criminology*. Advance online publication. <https://doi.org/10.1111/1745-9125.12305>.

6 Van Sintemaartensdijk, I., Van Gelder, J. L., Van Prooijen, J. W., Nee, C., Otte, M., & Van Lange, P. (2021). Mere presence of informal guardians deters burglars: a virtual reality study. *Journal of Experimental Criminology*, 17(4), 657–676.

KEY AREA OF SCIENTIFIC INTEREST III: PUTTING CRIME SCIENCE INTO PRACTICE

Crime research and theorizing regularly proceed without taking much notice of what happens “on the ground.” Criminal justice and rehabilitation practices on the ground, in turn, often pay little heed to evidence-based interventions or theory. Ultimately, criminology is an applied science seeking not only to understand the occurrence of crime but also to provide concrete input on how to prevent it from happening and how to minimize its harmful consequences. To fulfill the public-service role of the MPG, this key area focuses on applying scientific insights to inform practice. Strong experimental designs, such as randomized (field) experiments, will be the norm for research in this area, thus facilitating the drawing of clear cause/effect conclusions – often a prerequisite for the practical application of a research finding.

The ambition is for multidisciplinary groups of MPI researchers from diverse scientific backgrounds to join forces with external collaborators – researchers and other experts with domain-specific knowledge – as well as other relevant stakeholders to develop groundbreaking solutions to crime-related problems and bring about real-world impact.⁷ The department provides a supportive environment for this type of collaboration and actively approaches stakeholders in developing research that has real-world impact.

Exemplary Project: FutureU

FutureU is a novel and scalable behavioral intervention to increase future-orientation in offenders by connecting them to their future self. The research program, which was started with the (Dutch) Probation Service as a partner and stakeholder, is premised on the well-established notion that delinquents often live “like there is no tomorrow” because that tomorrow is not cognitively present in their mind. The intervention uses virtual reality and a smartphone application to present late adolescents / young adults with a virtual version of their future self and allows them to interact with this future self to make them more aware of the future and more

inclined to take the long-term consequences of their behavior into account. FutureU aligns with the short-term mindsets and crime project (see Key area of scientific interest I) in the sense that it likewise assumes that disregard for the future underlies the choice for crime and that future-orientation is a malleable characteristic rather than a stable disposition of people.

The FutureU project uses a smartphone app to present young adults with a virtual version of their future self; design of the original mockup – Freepik.com



⁷ Note that possibilities for interaction have been limited due to the COVID-19 pandemic.



photos: Kühne/S.K.U.B. Fotostudio



MAXLab FREIBURG: A CRIMINOLOGICAL VIRTUAL REALITY AND BEHAVIORAL SCIENCE RESEARCH LAB

In 2022, our virtual reality (VR) research lab opened its doors. The MAXLab Freiburg is the first, and thus far only, VR-based criminological research facility in the world. MAXLab Freiburg contains five multi-purpose rooms to allow multiple studies to be run at the same time. It also includes a large (over 85m²) area that allows for room-scale, multi-user VR. The lab is

equipped with state-of-the-art VR hardware. With our equipment, we can conduct full-body tracking, motion capture, face tracking, eye tracking, and biometric data collection. Although the primary focus of the lab is on VR, it is also designed to provide state-of-the-art research facilities for other types of human-subjects research.

VALUES

In order to fulfill its mission, the department has defined five central values that guide its research program and work ethic:

1) Scientific excellence. The department embraces the Max Planck Society's mission of promoting scientific excellence in the service of the general public, and it has adopted this mission as one of its own core values. Although scientific excellence cannot be measured unambiguously, one yardstick concerns publications in leading outlets. Members of the department contributed as lead or co-author to four publications in the field's flagship outlet, *Criminology*, in the past two years.

2) Innovation. Innovation is deemed so important to the department that two of the three key areas of interest are dedicated to it: Theoretical Innovation and Methodological Innovation & Technology. The department actively attempts to cultivate an innovation-oriented mindset among its researchers, who are continuously and proactively encouraged to think in creative ways about their subject matter and to come up with novel research ideas and solutions.

3) Relevance. As was already outlined above in the context of Key area of scientific interest III: Putting Crime Science into Practice, the department is committed to conducting research that has relevance – not only for practice but also for science more generally. It seeks to avoid an inward focus in which research is primarily directed at one's own peer group and the broader relevance of the work goes unquestioned.

4) Interdisciplinarity. Interdisciplinarity is achieved in multiple ways. First, the department has recruited new members who come from a variety of scientific disciplines. Second, the work undertaken in the department is also published in non-criminological outlets (e.g., psychology journals and generic interdisciplinary journals) and presented at interdisciplinary conferences. Third, the department organizes in-house workshops on interdisciplinary topics (e.g., machine learning) and with participants from various disciplines. Fourth, the department collaborates actively with researchers from other scientific backgrounds.

5) Transparency. Although the field of criminology has, comparatively speaking, been slow to join the movement towards greater transparency in science, there is an emerging trend in the field towards more transparent research practices that is currently being driven forward by a few researchers. Several criminological journals, including top-tier outlets, have also started to embrace such practices and encourage researchers to preregister their studies. The Department of Criminology fully endorses Open Science practices and encourages researchers to preregister their studies. Additionally, a novel data management system has been put in place. We are also in the initial stages of the process of making our datasets and VR software available to researchers from outside the Institute (e.g., for replication purposes).

IN CLOSING

Institutionally, to advance a challenging and broad intellectual agenda, the Department of Criminology attempts to foster an empowering scientific environment where driven, bright, and creative researchers at different stages in their academic careers and from a variety of scientific disciplines are provided with the opportunity and resources to develop and test their innovative ideas. Operating at the forefront of German, European, and international criminology, the Department of Criminology aims to be a hub for researchers visiting from all over the globe. Leading researchers spend time at the Institute to work on their ideas, give lectures, and collaborate with MPI staff. An active program of (international) workshops, seminars, master classes, movie nights, and conferences further contributes to a dynamic research culture. The explicit ambition of the department is to train the next generation of global researchers and to lay the foundation for a new era of crime research.

B. PROJECTS

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Environments and Experiences that Promote Short-Term Mindsets in Adolescence

Dr. Jessica Deitzer

Short-term mindsets, or a focus on the present rather than the future, are consistently linked to crime. In criminology, short-term mindsets are generally understood to be stable traits formed very early in childhood through parental monitoring. This project turns that narrative on its head by exploring features of adolescents' environments and experiences that can lead to more short-term mindsets and delinquency. We do so by analyzing two culturally and geographically diverse longitudinal survey datasets of public school students – one collected in Zurich starting at age 5 and one in rural Pennsylvania and Iowa starting at grade 6.

For the first subproject, we asked whether harsh and unpredictable environments lead to short-term mindsets and adolescent delinquency. Many environmental risk factors for crime can be categorized as “harsh,” i.e., where insufficient resources and exposure to violence may signal enhanced risk of death or injury, and/or “unpredictable,” i.e., where there are frequent changes in the home or immediate environment. In such environments, adolescents may develop a pervasive belief that people are undependable, that the world is chaotic, and that they are unable to control their future. They then opt to focus on the present (i.e., a short-term mindset), rather than invest in a future that is not stable or guaranteed. We found that many forms of harsh and unpredictable environments are linked with short-term mindsets, which partially explains their relationship with delinquency. This provides a common reason for why many different environmental risk factors are linked with crime. This subproject was presented at two academic conferences and has been submitted to “Criminology,” the field’s premier journal.

For the second subproject, we ask whether early and persistent police contact leads to short-term mindsets among adolescents. Police contacts can reduce ado-

lescent expectations for their future and lead them to focus on the present. Early-adolescent contact with the police has the greatest impact on later crime; it “entraps” adolescents in criminal identities, activities, and lifestyles. We investigate whether this is because police contacts have a greater impact on adolescent’s

Time frame
2020–2024



We investigate features of adolescents' environments and experiences that promote a focus on the present at the expense of the future, which is linked with adolescent delinquency. This includes factors such as harsh and unpredictable environments and early, enduring police contact.

short-term mindsets when it occurs early in life or when police contacts accumulate over time. The results will inform criminologists about the nature of the potential detrimental effects of police contacts in adolescence, providing a clearer view of necessary policy responses.

Collaborators

- Dr. Willem Frankenhuis, Utrecht University, MPI-CSL
- Prof. Dr. Dr. Jean-Louis van Gelder, MPI-CSL
- Prof. Dr. Manuel Eisner, University of Cambridge
- Dr. Denis Ribeaud, University of Zurich
- Prof. Dr. Wade Jacobsen, University of Maryland
- Prof. Dr. Mark Feinberg, Penn State University

External funding

European Research Council (ERC Consolidator Grant 772911; CRIMETIME); Principal Investigator: Prof. Dr. Dr. Jean-Louis van Gelder

Key area of interest

Theoretical innovation

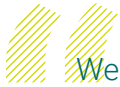
The Role of Victimization and Offending in the Development of Short-Term Mindsets

Sebastian L. Kübel, M.Sc.

Time frame 2020–2024

Dissertation

Typically, crimes promise immediate rewards but involve the risk of delayed costs, which are often disregarded by delinquents. Such a focus on the immediate present rather than the future is called short-term mindsets. Previous research has shown that short-term mindsets predict offending and also criminal victimization. For a long time, short-term mindsets were assumed to reflect decision-making tendencies and individual dispositions that are stable over time. A growing body of research challenges this assumption, however, and indicates that short-term mindsets are more dynamic and malleable by one's environment and experience. For example, there is evidence that sanctions, harsh parenting, and tough neighborhoods are associated with increased short-term mindsets.



We aim to better understand the role of victimization and offending in the development of short-term mindsets, which has direct implications for the understanding of the victim-offender overlap and continuity in offending.

This Ph.D. project will extend the existing body of research by further investigating how short-term mindsets are affected by one's personal behavior and environmental factors, using longitudinal data from the Zurich project on the Social Development from Childhood to Adulthood (z-proso). One main focus lies on the impact of victimization and offending on the development of short-term mindsets. This is also of interest for research on the victim-offender overlap: victims are more likely to offend than non-victims, and offenders are more likely to be victimized compared to non-offenders. In this context, the project can shed light on how short-term mindsets affect this intertwined relationship. For instance, in the first subproject, we found that increased short-term mindsets after victimization partially explain why victimization may lead to subsequent delinquency. We already presented this sub-

project at various conferences, and the scholarly article will be submitted shortly. The current second subproject builds on the observation that offenders often affiliate with deviant peer groups and engage in risky activities. These contexts may promote short-term mindsets and, in turn, lead not only to further offending but also to victimization. This subproject is important because criminology has so far concentrated strongly on the effects short-term mindsets have on offending but has barely considered that offending may also affect the development of short-term mindsets. This work will be presented amongst others during a symposium at the German Psychological Society's (DGPs) conference in Hildesheim in 2022. Throughout the project, we adhere to good open scientific practice by preregistering the projects and making data and analysis codes publicly available to increase research transparency and reproducibility.

Collaborators

- Prof. Dr. Dr. Jean-Louis van Gelder, MPI-CSL, first supervisor
- Dr. Willem Frankenhuis, Utrecht University, MPI-CSL
- Dr. Jessica Deitzer, MPI-CSL
- Prof. Dr. Manuel Eisner, Researcher at the Jacobs Center for Productive Youth Development, University of Zurich, and at the Violence Research Centre, Institute of Criminology, University of Cambridge
- Dr. Denis Ribeaud, Jacobs Center for Productive Youth Development, University of Zurich

Scientific outreach / public engagement

- Kübel, S. L., Deitzer, J. R., Frankenhuis, W. E., Ribeaud, D., Eisner, M., & van Gelder, J.-L. (article submitted for peer review). The Shortsighted Victim: Testing a Novel Hypothesis on the Link Between Victimization and Offending
- MPI-CSL podcast Doing Time, Talking Crime. November 2021.
- Meet the Researchers, Episode 6, June 2022

External funding

European Research Council (ERC Consolidator Grant 772911; CRIMETIME); Principal Investigator: Prof. Dr. Dr. Jean-Louis van Gelder

Key area of interest

Theoretical innovation

Why is Violence High and Enduring in Deprived Neighborhoods? A Formal Model

Benoît de Courson

As a first project for his thesis, de Courson is developing a formal model proposing an explanation for why deprived and unequal neighborhoods tend to have high levels of interpersonal violence.

The frequency of violent events varies tremendously throughout time and space. Within a city, we typically see more violence in the poorest or most unequal neighborhoods. Violence also seems to be a locally persistent phenomenon: the level of violence of a neighborhood is strongly related to its level of violence several decades ago, a phenomenon often called “neighborhood effect.” Various theories have been put forward to explain each of these observations. Here, it is shown that a unique mechanism can simultaneously produce (i) higher violence in deprived or unequal communities, (ii) to a considerable degree, and (iii) a situation in which a community can be stuck in a “high violence trap.” Unlike in most existing theories, this proposition is formalized in a mathematical model. Using a formal language prevents any ambiguity in the proposed mechanism, thus compelling the researcher to present a fully explicit scenario. In particular, it is specified how the microfoundations of the model (individual behaviors) generate the macro-level patterns (neighborhood rates of violence), thus bridging the micro- and macro-levels.

At the individual level, it is assumed that agents try to keep their level of resources above a “desperation threshold.” This represents the simple—yet rarely explored—idea that individuals always attempt to keep their head above water. As shown in a previous paper (de Courson & Nettle, 2021), being below the threshold makes it appropriate to take risky actions such as committing property crime. In this project, populations with heterogeneous levels of resources are simulated. Deprivation and inequalities translate into a higher number of desperate individuals, thus into a higher risk of being a

victim of theft. In this case, violence (a costly strategy reducing one’s risk of being the target of thieves) becomes appropriate. For intermediate levels of poverty, the system is bistable and we can observe “hysteresis”: populations have a memory and can be violent for the sole reason that they were violent in the past.

Time frame
2021–2025

Dissertation



The objective of the project is to develop an agent-based model to explain why poverty and inequalities produce interpersonal violence.

A second step involves testing this model empirically, either through longitudinal data analysis or through fieldwork. It is also planned to continue exploring the consequences of the “desperation threshold” hypothesis in formal models, both on individual decisions and on group-level phenomena.

Collaborators

- Prof. Dr. Dr. Jean-Louis van Gelder, MPI-CSL, first supervisor
- Dr. Willem Frankenhuis, Utrecht University, MPI-CSL
- Prof. Dr. Daniel Nettle, Ecole Normale Supérieure-PSL, Paris, Newcastle University

Key area of interest

Theoretical innovation

A VR and Smartphone App Intervention for Stimulating a Future-Oriented Mindset

Aniek Siezenga, M.Sc.

Time frame

2020–2024

Dissertation

The goal of the FutureU research project is to measure the effectiveness of a Virtual Reality (VR) and smartphone application (app) intervention in order to develop a future-oriented mindset that can help reduce self-defeating behaviors (e.g., drug use, overspending, criminal behavior) in the here and now. Criminal behavior seems to be related to having a short-term mindset, e.g., the tendency to ignore the future in favor of immediate gratification and rewards. The VR and smartphone app intervention FutureU attempts to stimulate a future-oriented mindset by introducing users to a 10-year older version of themselves: the future self. In a specially designed virtual environment, users find themselves in a penthouse, sitting at a table with their future self. The user interacts with the future self through a guided conversation, asks questions, and travels through time to take on the perspective of the 10-year older self. The smartphone app is built on the similar idea that interaction with the future self will enhance a future-oriented mindset. In the smartphone app, users receive a daily message from their future selves in a chat. Over the course of three weeks they “unlock” three modules in which they learn about the concept of the future self, about methods by which to reach their goals, and how to solve obstacles by taking the perspective of their future self. It is anticipated that the FutureU intervention will increase identification with, and the vividness of, the future self, which will in turn lead to more future-orientated behavior and therefore less self-defeating behavior in the here and now. In order to investigate the effectiveness of FutureU, multiple data collections are being performed in a student population in the Netherlands. These entail pilot tests and two Randomized Controlled Trials (RCTs).

Even though technological interventions in general have been around for over a decade, research into their effectiveness is still in its infancy. Therefore, these interventions are like “black boxes”: we know that these inter-

ventions are able to change behavior, but we do not yet know exactly how. What features, components, or modules contribute to the effectiveness of VR and smartphone app interventions? Since interest in VR and smartphone app interventions is rising in practice, it is important to study this question. First, because methods for studying the effectiveness of VR and smartphone app interventions still need to be validated; these analyses will support intervention researchers who are looking for the right methods to study their VR or smartphone app intervention’s effectiveness. Second, because finding out what features, components, or modules contribute to such interventions’ effectiveness will support the future development of effective interventions.

Therefore, the focus of this Ph.D. research project is on how the effectiveness of VR and smartphone app interventions can be studied. Specifically, this study addresses how data collected by the technology itself, the FutureU VR and smartphone app, can be used to study its effectiveness. For instance: How much time does a user spend in the VR environment or on the smartphone app? What were the amounts of time that the smartphone app was opened during the day? These data are called “usage data” and they reflect how often users are exposed to the intervention. In addition, research gradually seems to reveal that these usage data reflect whether users like interacting with an intervention and thus how engaged users are. Since engagement is likely related to intervention outcomes, studying usage data could provide an insight into how users interact with the intervention and indicate whether certain conditions are necessary for the intervention to be effective (e.g., whether a dose-response relationship exists). Therefore, for the article currently under preparation, the author is analyzing how usage data collected by the FutureU smartphone app intervention relate to its effectiveness. For instance, how does time spent on



My research aims to “decode the black box” of a specially designed VR and smartphone app intervention (FutureU) to discover which specific elements and features contribute to its effectiveness – in order to be able to develop a more personalized, engaging, and effective intervention.

the FutureU smartphone app relate to the intervention’s effectiveness? And does a difference exist between users who interact with the smartphone app multiple times during the day and users who use the app only a few days a week?

Furthermore, in her current work, Siezenga is also interested in using different approaches to “decode the black box”. Usage data has an objective quality, which makes it hard to interpret. For example, if a person spends a long time on the FutureU smartphone app, this could mean that the user likes the app, but it could also mean that the user had trouble finding the right feature. Therefore, she also wishes to study whether the objective usage data (e.g., all data that the app collected) and the subjective experiences of users (e.g., how much users liked the app) are related to each other and whether both equally relate to the intervention’s effectiveness.

As part of her Ph.D., she will also study the relationship between the usage data collected in the VR environment, the subjective experiences of users, and the effectiveness of the FutureU VR. In the future, Siezenga might steer her focus towards the users of her interventions, in order to answer the question of how their characteristics (e.g., data collected regarding personality profile, gender, age) are related to the different usage patterns of a VR and smartphone app intervention. Insight into this relationship is not only of relevance for the development of app interventions for general popu-

lations but also for a criminal population. For example, this work could provide insight into what app features work for certain user profiles, which is relevant for both the personalization of VR and smartphone app interventions.

Collaborators

- Prof. Dr. Dr. Jean-Louis van Gelder, MPI-CSL, first supervisor
- Dr. Esther Mertens, Leiden University

External funding

European Research Council (ERC Consolidator Grant 772911; CRIMETIME); Principal Investigator: Prof. Dr. Dr. Jean-Louis van Gelder

Key area of interest

Methodological innovation and technology

Experiencing the Future Self: Implications for Mental Health and Behavior among High Risk Adolescents and Young Adults

Margaret Webb

Time frame

2021–2025

Dissertation

When people wish to end their life, or feel that their life is hopeless, they are necessarily engaging in future-oriented thought. These negatively valenced thoughts of the future self have long been accepted as symptoms of disorder. The quality of these thoughts – i.e., the vividness and clarity with which they are experienced –, however, has gone largely uninvestigated. When people wish to end their life, do they see their future self clearly? Or is it perhaps an inability to see and connect with oneself in the future that drives the perception that life is hopeless? Investigation into the symptomology of different disorders has found evidence of deficits in the vividness of both memories and prospection (thinking about the future) in depressed



This work asks whether the future self is a reliable predictor of clinical disorders – such as depression and suicidal ideation – for which conceptions of the self across time are core and, further, whether the future self is a malleable and effective mechanism for intervention in a clinical context.

and dysphoric individuals. While many studies on suicide in adults have considered prospection as a potential indicator of risk, these studies have largely limited their considerations to valence, content, and frequency of future thoughts. Research on the role of prospection in risky and self-destructive behaviors, such as crime and substance use, has found that the vividness of thoughts of the future self, specifically, predicts behavior above and beyond the content of these thoughts. This doctoral project aims to extend this line of inquiry to the clinical arena. Given that future-orientation – or a lack thereof – is a principal driver in risky behaviors, suicide, and depression alike, it stands to

reason that vividness of thought may also play a similar role in the onset and maintenance of clinical disorders like suicide and depression. Further, given the self-focused nature of cognitions in suicide and depression, thoughts of the future self are of particular relevance.

A growing body of research suggests that vividness of thought is a malleable cognitive mechanism and an effective point of intervention. Several studies – conducted by the research team of Prof. Dr. Dr. van Gelder, supervisor on this project – have assessed the efficacy of virtual-reality interventions aimed at enhancing the vividness of thoughts of the future self, and have seen promising behavioral outcomes, such as reduction in alcohol use and risky spending. If indeed vividness of thoughts of the future self plays a role in suicide and depression that is similar to the role it plays in risky behaviors, there is significant potential for the development of interventions that affect delinquency and symptoms of poor mental health concurrently. This project therefore seeks to address two overarching questions: (1) Can vividness of and connectedness to the future self predict self-destructive cognitions and behaviors? And (2) Can vividness of the future self act as a mechanism for clinical intervention?

Collaborators

- Prof. Dr. Dr. Jean-Louis van Gelder, MPI-CSL, first supervisor

External funding

- Webb, Margaret: Deutscher Akademischer Austauschdienst – Bi-nationally supervised Ph.D.
- Webb, Margaret: National Science Foundation Graduate Research Fellowship
- European Research Council (ERC Consolidator Grant 772911; CRIMETIME); Principal Investigator: Prof. Dr. Dr. Jean-Louis van Gelder

Key area of interest

Theoretical innovation

A Virtual Night Out at the Pub: Bar Fight Project

Dr. Timothy Barnum, Shaina Herman, M.A.

Emotions always have an impact on our decisions. Some emotions, like fear, can sharpen our senses and help us focus on what matters most. However, other emotional states, such as anger, can distort our judgment and cause us to behave in ways that are not in our self-interest. Emotions are also theorized to play an important role in crime, deviance, and aggressive behavior. Because crime cannot easily be examined in laboratory or real-world settings (for ethical and safety concerns), this research has been limited. In the current project, we use different Virtual Reality (VR) scenarios to immerse study participants in environments that more closely reflect “real-world” settings where crimes occur.

In our current and future research, we focus on two criminalizing emotions: anger and sexual arousal (among others). These emotions have been theorized and empirically demonstrated in the literature to be related to physical and sexual aggression among college-aged persons, especially in social settings where alcohol consumption is common. To investigate what effect these emotions or affective states have on the decision to commit a crime or intervene on behalf of a victim when witnessing a crime, we developed two virtual scenarios that take place in a familiar but nevertheless criminogenic setting, an Irish pub. The first scenario depicts an altercation between the study participant and an antagonistic bar patron to examine how emotions evoked from this interaction influence the participants’ willingness to engage in a bar fight. The second scenario depicts a man sexually harassing a woman in the bar who is attempting to mind her own business to assess how elicited emotions influence participants’ willingness to intervene on the woman’s behalf. With the help of these scenarios, we want to investigate whether certain emotions trigger reactions in our study participants and whether these emotions subsequently lead them towards violent motivations.

In addition to the situational provocations described above, there are several other manipulations embedded in the scenarios intended to differentially evoke emotions (e.g., the presence of an annoying barman at the bar versus an attractive female, the identity of these characters) and cognitive appraisals of risk (e.g., the presence of a security guard). We are currently finishing

Time frame
2021–2023



The bar fight project uses novel methodologies to examine how criminogenic emotional states shape decisions and behavioral intention within criminal opportunities. This allows us to test new theories of criminal decision-making and more closely examine the mechanisms underpinning aggressive behavior.

up our first round of data collection examining the validity of our scenarios and testing whether emotions vary across our manipulations. Future data collections, which we hope to begin in summer 2022, will include lab-based manipulations such as monitored alcohol use, viewing the scenarios in an actual Irish pub versus the lab, and stress-related tasks.

Collaborators

- Prof. Dr. Dr. Jean-Louis van Gelder, MPI-CSL
- Dr. Peter Wozniak, Postdoc, MPI-CSL

Scientific outreach / public engagement

MPI-CSL podcast Doing Time, Talking Crime

Key area of interest

- Theoretical innovation
- Methodological innovation and technology
- Putting crime science into practice

The Guardian Study: Sexual Harrasment and Intervention Tendencies

Dr. Timothy Barnum, Shaina Herman, M.A.

Time frame
2022–2023

Sexual harassment and assault is commonly experienced by young adult women. As many as 1 in 5 women report experiencing a sexual assault while enrolled in college, and over 5% of young adult women report experiencing attempted or completed rape each year. Many sexual assaults occur in the context of alcohol consumption and in convivial, social settings, such as a bar or social gathering where third parties are present.



The guardian study incorporates video vignettes into a longitudinal dataset to examine how both life course developmental processes and situational circumstances interact to shape interpretation of and decision-relevant perceptions regarding sexual assault, guardianship, and intervention.

The National Crime Victimization Survey reveals that bystanders or potential “guardians” are present for roughly one-third of sexual assaults, suggesting that such bystanders retain an opportunity to intervene and potentially assist in the prevention of sexual assault.

According to Latané and Darley (1970), in order to achieve intervention, potential bystanders must (1) notice the event, (2) interpret the event as an emergency or as dangerous, (3) determine they hold some personal responsibility for helping, (4) know how to help, and (5) implement the help. The current project intends to examine how both personality and situational characteristics shape perceptions of sexual assault and the subsequent decision to intervene.

This project embeds a video depicting ambiguous and progressing sexual harassment in a bar setting into a longitudinal data set, namely The Zurich Project on the Social Development from Childhood to Adulthood (z-proso). The goal is to assess situational interpretations of the act and the perceived cost and benefit of intervening on behalf of the victimized woman. Furthermore, the current project assesses varying levels of intervention from nonacting to physical aggression. The design of this project enables the researchers to examine how life course development and personality interact with these situational factors to initiate intervention and guardianship tendencies.

Collaborators

- Prof. Dr. Dr. Jean-Louis van Gelder, MPI-CSL
- Dr. Daniel Nagin, Carnegie Mellon University, Pittsburgh, Max Planck Fellow
- Dr. Manuel Eisner, University of Cambridge
- Dr. Denis Ribeaud, University of Zurich

Key areas of interest

- Theoretical innovation
- Methodological innovation and technology
- Putting crime science into practice

Deterrence through Dynamic Guardianship: A Virtual Burglary Study

Dr. Dominik Gerstner

Guardianship, or the actual or symbolic presence of individuals who can intentionally or unintentionally prevent a crime, is known to have a deterrent effect on criminals. This has been clearly established in criminological research. However, very little is known about how offenders immediately behave at the scene of crime and, for example, what discourages burglars from striking in a specific situation. The aim of this project is to deepen our understanding of how different forms of implicit guardianship can affect burglars' behavior. The project is part of the larger Virtual Burglary Project, which uses methodological innovations and novel technologies to advance criminological research.

In this subproject, virtual reality versions of residential neighborhoods are used to examine the effects of deterrence interventions on the intentions and behavior of a sample of burglars in Dutch prisons. In two trials, conducted within a single experimental session, participants are equipped with a head-mounted display (HMD) and navigate two immersive virtual neighborhoods in which they are instructed to scout the neighborhood to explore possibilities for burglary. Participants in the experimental groups are exposed to one or more types of implicit dynamic guardianship. "Implicit" means that the guardians are not physically present; "dynamic" refers to the fact that reactions from the environment are triggered by the proximity and movement of the study participants. The first virtual neighborhood is a replica of an actual residential area in a large city in the Netherlands. An increase in the intensity of street lighting and sounds that signal the presence of individuals are used as interventions to deter burglars. The second environment resembles a typical Dutch middle-class neighborhood and makes use of the so-called watching eyes phenomenon.

The project is designed to measure how these implicit forms of guardianship affect burglars' perceived surveillance or feelings of being watched, their risk of committing burglary, and their intentions to burglarize. In addition to measurements based on questionnaire data, other innovative methods are used: Using screen capture videos of the trials, a retrospective think-aloud interview is conducted. This allows us to gain a deeper understanding of the offender's decision-making process. Qualitative analyses of verbal explanations will contribute to the discussion of burglars' behavior in their real-life experiences. Eye-tracking data and spatial behavior, recorded during the experiments, will further contribute to assessing the extent to which the tested forms of guardianship have a disruptive effect on burglars.

Time frame
2022–2024

Collaborators

- Prof. Dr. Jean-Louis van Gelder, MPI-CSL
- Dr. Carmen Sergiou, Leiden University
- Dr. Peter Wozniak, MPI-CSL
- Dr. Job van der Schalk, Leiden University
- Marco Otto, VU University Amsterdam

Scientific outreach / public engagement

- Gerstner, D., Wozniak, P.: "The Virtual Burglary Project & Cyber-sickness", MPI-CSL Podcast Doing Time, Talking Crime, October 2021
- Gerstner, D.: "How can virtual reality experiments help us to better understand the behavior of burglars?", Meet the researchers Episode 2, April 2022

External funding

Dutch Ministry of Justice & Security (co-funding)

Key areas of interest

- Theoretical innovation
- Methodological innovation and technology
- Putting crime science into practice

How Do Automatic Perception Processes Influence Offender Decision-Making? A VR study

Dr. Gunda Wössner, Dr. Dominik Gerstner

Time frame
2020–2023

Previous criminological research, above all on burglary, has shown that some offenders accumulate a unique expertise over time. For these burglars, this results in a superior recognition and quicker assessment of burglary-related cues regarding situational aspects and the built environment. To a large extent, however, these processes take place unconsciously. While, for example, the eyes of people strolling a shopping mile might be automatically attracted to something they long for, the eyes of a burglar might be unconsciously attracted to signals indicating good targets. Traditional research methods reach their limits when collecting data on such processes. Therefore, we use innovative research methods to examine the given perception processes and decision-making aspects – not only in persons who have committed a burglary but also in additional and different groups of offenders.

The goal of this research project is to gain new insights into cognitions related to offenders' unconscious behavior as well as their strategies and decision-making processes and to further develop criminological knowledge. In addition, the project aims to serve as a further proof of concept for the application of immersive Virtual Reality (VR) techniques in empirical research.

The core of the research design is a virtual 3-D neighborhood with street segments, houses, front- and backyards, alleyways, a playground, and a primary school. The environment is equipped with cues that we expect to be of varying relevance to different groups of offenders. During the study, the participants wear a head-mounted display (VR goggles) with accelerometers allowing all directions to be viewed, thus replicating a natural viewing experience. Headphones provide immersive audio. The study participants walk through

the virtual neighborhood (using a game pad) and are asked to complete a routine task unrelated to any criminal activity. The VR system tracks what participants look at and how they navigate the neighborhood. To return to the example of burglars: By using eye-tracking technology and by tracking movement patterns, it is possible to get a firsthand view of how burglars explore the environment and how they react to burglary-related cues.

The study participants are incarcerated persons convicted of burglary and other offenses (e.g., a sex offense) as well as persons from a community sample. This opens up the possibility to answer numerous research questions and to explore VR as a viable tool for researching the unconscious behavior and decision-making processes of offenders. Ultimately, the results are to be analyzed with the aim of contributing to preventative strategies.

Collaborators

- Prof. Dr. Dr. Jean-Louis van Gelder
- Dr. Peter Wozniak, MPI-CSL
- Prof. Dr. Claire Nee, University of Portsmouth
- Dr. Zarah Vernham, University of Portsmouth
- Marco Otto, VU University Amsterdam, VR programming
- Nadine Kole, VU University Amsterdam, VR programming

Scientific outreach / public engagement

- MPI-CSL Podcast Doing Time, Talking Crime, October 2021
- Meet the researchers, Episode 2, April 2022
- Wössner, G.: "Der Nachbar schreckt Einbrecher am meisten vom Einbruch ab", MDR Radio, 15.12.2020

Key areas of interest

- Theoretical innovation
- Methodological innovation and technology

Virtual Burglary Project: Burglary Success

William Patrick McClanahan III, Ph.D.

The Burglary Success project has two main aims. The first aim is the proposition and testing of a new theory of criminal decision-making. Specifically, while modern tests of rational choice theory stipulate that decision-making is imperfect and subjective, they still severely neglect how the potential benefits of crime influence decision-making and behavior (e.g., monetary payout). Arguably nowhere are the potential benefits of crime more relevant than in an instrumental crime with financial benefits, namely burglary. Additionally, offenders can be injured or even killed by committing such a crime, a risk that is not traditionally assessed. We propose and test a new, higher-order construct that is comprised of risks, safety, and benefits—a construct we have labeled “success.” Put simply, when would-be offenders believe that the risks are low, that the likelihood of being harmed is minimal, and that there is some payout to be gained, they believe there is a high chance of success and will commit the crime.

The second aim is to bring researchers nearer to the moment when a crime occurs and inject the offender’s perspective back into criminological theory. Because researchers are unable to be present at the moment a crime takes place, knowledge of how decisions are made by an offender is limited and relies on traditionally less valid methodologies (e.g., retrospective interviews and vignettes). Additionally, such methodologies do not allow researchers to systematically vary environmental factors while simultaneously testing the underlying mechanisms driving decision-making and the evaluation process of costs and benefits. Surprisingly, this leads to several theories being tested without assessing the offender’s perspective. This ultimately results in conflicting theories and a contested, muddled literature. Therefore, in this project, we use novel virtual reality



The Burglary Success project uses novel virtual reality methodologies and a sample of incarcerated offenders to bring the researcher nearer to the moment of crime. This allows us to test new theories and inject the much-needed criminal offender perspective back into criminology.

methodology in a sample of incarcerated burglars. In doing so, we not only incorporate the offender’s perspective, but we also bring the research agenda nearer to the moment of criminal decision-making. Thus, through this project we will provide much-needed clarification and support to a contested portion of the literature. Additionally, by understanding the decision-making process of a would-be burglar, we can better prevent burglaries in the future.

Time frame
2021– 2024

Collaborators

- Prof. Dr. Dr. Jean-Louis van Gelder, MPI-CSL
- Dr. Peter Wozniak, MPI-CSL
- Prof. Dr. Daniel Nagin, Max Planck Fellow, Carnegie Mellon University, Pittsburgh
- Dr. Marco Otte, VU University Amsterdam

Key areas of interest

- Theoretical innovation
- Methodological innovation and technology
- Putting crime science into practice

Hidden Talents in Harsh Environments

Dr. Willem Frankenhuis



Growing up in adverse conditions can undermine development, learning, and health. However, people may also develop intact, or even enhanced, mental abilities that are adapted to stressful conditions. The research pursued by Frankenhuis focuses on these “hidden talents.”

Time frame 2020–2025

Dr. Frankenhuis’ project on development and cognition in harsh and unpredictable environments includes (a) basic research on hidden talents, abilities that are enhanced by adversity, and reasonable responses to adverse conditions, even if these responses entail costs; (b) formal mathematical modeling of theories used to understand developmental responses to adverse conditions; (c) interviews with adversity-exposed youth and social workers to inform and contextualize our research; and (d) co-creation of science communication with societal partners, such as the Jacobs Foundation and Young in Prison.

His research program is interdisciplinary, spanning developmental psychology, evolutionary biology, and cultural anthropology, and has focused on two major lines of inquiry. First, it proposes that people growing up in harsh environments may develop intact, or even enhanced, social and cognitive abilities for solving problems that they recurrently face in such environments. This pioneering work sheds light on the skills and abilities of youth who develop under disadvantaged conditions and on how to positively leverage these “hidden talents” to foster success in education, jobs, and civic life. Frankenhuis’ approach has substantially influenced how social scientists conceptualize resilience in the face of adversity. It affords a more well-rounded view of high-adversity youth that avoids stigma and communicates a distinctive and novel, strength-based message. His group’s most important finding is that tasks involving real-world content (e.g., pictures of money, an angry face, or a school bus) can, in some conditions, “level the playing field” for adversity-exposed youth. Specifically, as in previous research, the group’s studies

show that youth exposed to violence and poverty score lower on average than their peers on a working memory test involving abstract content (pictures of a triangle, square, or circle). However, with real-world content, their performance improves, nearly closing the performance gap.

A second focus of his research is on building conceptual and mathematical models of nested adaptive processes, i.e., evolution, development, and learning. This work has become influential in guiding theory and research on life-history development, sensitive periods in development, and individual differences in plasticity.

Both of these lines of research have produced scientific insight and knowledge that has been disseminated through high-profile channels (e.g., co-editing special issues, interdisciplinary papers, keynote talks). Dr. Frankenhuis’ work has also been featured in highly visible news outlets (such as “The Atlantic” and “APS Observer”) and high-profile public venues (such as MoMA in New York).

Collaborators

- Dr. Jessica Deitzer, MPI-CSL
- Benoit de Courson, MPI-CSL
- Sebastian Kübel, MPI-CSL
- Ethan Young, Ph.D., RU and Utrecht University
- Stefan Vermeent, Utrecht University
- Prof. Alison Gopnik, UC Berkeley
- Dr. Dorsa Amir, UC Berkeley
- Prof. Dr. Daniel Nettle, Ecole Normale Supérieure-PSL, Paris, Newcastle University, Newcastle upon Tyne
- Prof. Bruce Ellis, University of Utah
- Prof. Peter Todd, Indiana University, Bloomington



image: kurzgesagt



➤ <https://bold.expert/hidden-talents-in-harsh-conditions/>

Key publications

- Frankenhuis, W. E., & Amir, D. (2022). What is the expected human childhood? Insights from evolutionary anthropology. *Development and Psychopathology*, 34, 473–497
- Young, E. S., Frankenhuis, W. E., DelPriore, D. J., Ellis, B. J. (2022). Hidden talents in context: Can ecologically relevant stimuli improve cognitive performance among adversity-exposed youth? *Child Development*. Advance online: <https://doi.org/10.1111/cdev.13766>
- Fenneman, J., Frankenhuis, W. E., & Todd, P. M. (in press). In which environments is impulsive behavior adaptive? A cross-discipline review and integration of formal models. *Psychological Bulletin*

Scientific outreach / public engagement

- Frankenhuis, W.: The Wall Street Journal. What children lose when their brains develop too fast. Featured article on life history development. By Alison Gopnik. 12.2021
- Frankenhuis, W.: Teaching and learning under adverse conditions. Podcast on Teachers' Voices at BOLD – Blog on Learning and Development. Host: Jacobs Foundation. 07.2021
- Frankenhuis, W.: Video interview about personal life to inform and inspire students and to make researchers more accessible to students. Teaching and Public Understanding of Psychological Science (APS funded). By Allison Buskirk-Cohen. 01.2021
- Frankenhuis, W.: Aeon. Why childhood and old age are key to our human capacities. Featured special issue edited with Alison Gopnik and Michael Tomasello on "Life History and Learning". By Alison Gopnik (edited by Sally Davies). 11.2020
- Frankenhuis, W.: Podcast for Limbic Legacy. This organization trains professionals who focus on Neuroscience for Emotional Health. 11.2020

External Funding

Dutch Research Council, Vidi Grant & James S. McDonnell Foundation, Scholar Award in Understanding Human Cognition & Jacobs Foundation, Creating Impact Science Program

Key area of interest

Theoretical innovation

Criminal Sanctions and Recidivism

Dr. Carina Tetal

Time frame
2007–2024

The aim of this longitudinal study is to analyze the criminal behavior of convicted individuals. The project is based on the data from the project National Statistics of Recidivism. Reconviction by type of offense, sanction, and socio-demographic characteristics like age and gender are investigated. Reconviction is investigated for all persons judicially convicted in Germany. For example, it is possible to determine how often relapses occur in the case of violent or sexual offenses. Moreover, the results will allow frequently expressed criminal policy views on different recidivism rates for different types of sanctions to be better verified. Initially,



Recidivism rates can be used as a tool to measure the impact of criminal sanctions. The aim of this longitudinal study is to analyze the criminal behavior of convicted individuals. Does relapse occur within a certain follow-up period or not?

however, only the frequency of relapse can be determined; no causal relationships can be identified. Fines are generally imposed by the courts for less serious offenses and for offenders with more favorable “social forecasts”; those sentenced to prison are therefore more likely to represent a kind of “negative selection”, meaning that their more frequent reconviction is not surprising. What is surprising, however, is that, if one controls for this selection effect, then no difference in the relapse risk according to types of sanction can be determined.

The following are some of the results of the study so far:

- Slightly more than a third of those sentenced or released from prison were reconvicted within a three-year follow-up period.
- A reconviction frequently did not lead to reimprisonment but mostly to milder sanctions instead.

- Persons released from prison are more likely to relapse, but only a quarter of those initially sentenced to imprisonment return to prison within three years.
- Recidivism varies greatly, depending on age and gender. Adolescents have the highest relapse rate (40%), those over 60 years in age the lowest (15%). Women are much less likely to relapse than men.
- The more offenses in the past, the higher the risk of relapse.
- General recidivism – regardless of the offense – differs greatly for different offenses. The lowest recidivism rate (16%) is for offenders initially convicted of homicide. Of the offenders initially convicted of robbery or aggravated theft, about 50% relapsed.
- Offense-specific reconvictions (reconvictions for an act in the same offense group) are much less common than general relapses. About 2% of violent sexual offenders relapsed with another violent sexual offense within three years, about 3% within six years.

The results of the first four waves of data collection are already available and cover the reconviction of persons convicted or released from prison in 2004, 2007, 2010, and 2013. The observation period includes 3, 6, 9, and 12 years. The project is currently being supplemented by a fifth wave for the reference year 2016.

Collaborators

- Prof. em. Dr. Dr. h.c. mult. Hans-Jörg Albrecht, MPI-CSL
- Prof. em. Dr. Dr. h.c. Jörg-Martin Jehle, University of Göttingen
- Dr. Sabine Hohmann-Fricke, University of Göttingen

Key publication

Jehle, J.-M., Albrecht, H.-J., Hohmann-Fricke, S., & Tetal, C. (2020). Legalbewährung nach strafrechtlichen Sanktionen: eine bundesweite Rückfalluntersuchung 2013 bis 2016 und 2004 bis 2016. Mönchengladbach: Forum Verlag Godesberg

Key areas of interest

- Putting crime science into practice

Freiburg Cohort Study

Dr. Volker Grundies, Dr. Carina Tetal



The Freiburg Cohort Study is a longitudinal study that analyzes the emergence and development of crime and criminal careers. The study explicitly addresses both developments in the individual life course (age) and social changes (period).

The aim of this study is to investigate, via official data from the police, the emergence and development of crime and criminal careers. The Freiburg Cohort Study is a long-term project, which, due to its specific cohort design and its extensive period of evaluation, is unique in Germany.

The study explicitly addresses developments relating to both the individual life course (age) and social changes (period). Whereas questions concerning successive events in a life course could, in principle, be analyzed using conventional longitudinal data (e.g., the data of just one birth cohort), the design of this study also enables an estimation of the influence of changing times. This is possible because distinct age periods, for example adolescence, coincide with different time periods for each cohort. Accordingly, the influence of these different points in time can be estimated. Furthermore, it is possible to extract a fictional ideal age development that is not dependent on a specific period of time. Therefore, the effects of age and time (period) are able to be separated in this study. This enables questions regarding changes in criminal behavior to be answered far more precisely than in previous studies:

- Which age and which frequency are typical for different types of delinquency?
- How do crime rates change over time (period) for different types of delinquency?
- Is there a change in the types of crime conducted with age, e.g., a change in the seriousness of offences committed?

- When crime rates change over time, is this because there are more/less lifetime-persistent offenders or do they offend more/less frequently? Or are these changes caused primarily by the number of single or two-time offenders?

Time Frame
ongoing
since 1989

To carry the study out, data has been gathered annually from 1986 until 2003 and again from 2006 until 2022 from every person registered by the police of the German federal state of Baden-Württemberg. Between 2003 and 2006, the police changed their system of data collection. This meant that no data could be made available to the cohort study during this period. The data relates to the birth cohorts of 1970, 1973, 1975, 1978 and, since 1995, also to the birth cohorts of 1985 and, from 1988 upwards, every fourth year until the present year, 2020. The police records consist of a finely graded offence category, information about co-offenders, victims, and other circumstances. Given the study's longevity, a very broad database has since emerged, which covers a large range over a growing time period.

Key areas of interest

- Putting crime science into practice

Correctional Treatment and Reentry of Persons Convicted of Sex Offenses: Sex Offenders in the Social Therapeutic Institutions in the Free State of Saxony

Dr. Gunda Wössner

Time frame 2003–2022

During the past few decades, the debate on offender treatment – in particular on the treatment of offenders convicted of sex offenses – has experienced a lively discussion as to its effectiveness per se and in regards to different treatment approaches. In Germany, correctional treatment primarily takes place in social-therapeutic facilities that provide an integrative treatment approach. The law on the transfer of offenders to these treatment facilities has likewise seen a number of developments. Against these backgrounds, a prospective longitudinal research project was designed with the principal goal of analyzing recidivism among persons convicted of a sex offense, with a particular focus on the impact of correctional treatment on criminal reoffending. In so doing, this project evaluated offender treatment through an analysis of the causes and rates of criminal recidivism, including an assessment of offender-related factors (e.g., age, personality factors), therapeutic measures (e.g., participation in offender treatment), and crime-specific factors (e.g., type of offense). The project placed considerable emphasis on a broad examination and further development of the theoretical understanding of sexual delinquency. In this context, comparison with a group of violent offenders is a pivotal part of the project, in order to carve out offense-specific dynamics in contrast to non-offense-specific dynamics. Furthermore, the study sought to better understand what life is like for released sex offenders.

The study was quasi-experimental in design and conducted in mainstream prisons and social-therapeutic facilities in the Free State of Saxony, Germany, in order to compare treated vs. non-treated inmates (as well as treatment non-completers). Data of persons convicted of a sex offense or a violent offense were examined at four waves of data collection using a multi-methodological approach: at the beginning of the arrest (n=403), shortly before release from prison (n=276), on

average 1.5 years after prison release (n=144), and lastly according to official crime records regarding reoffending that were collected for the entire sample in 2016.

The results show that correctional treatment of persons convicted of a sex offense or violent offense does not have the hoped-for effect on criminal recidivism. The benefit of offender treatment largely depends on offense-specific and offender-specific factors. Hence, further research on the development of offender treatment is needed. At the same time, the opportunity offender treatment offers to reduce the risk of recidivism should be used for those individuals who have the prerequisites for successful treatment.

Key publications

- Wössner, G. (forthcoming). Dimensions of Recidivism Among Persons Convicted of Sex Offenses and Violent Offenses. Results of a Longitudinal Study. New York: Springer
- Wössner, G., & Hefner, F. (2020). Criminal recidivism after imprisonment among sex offenders and violent offenders: A comparison between self-reported and officially recorded reoffending behavior. *Criminology – The Online Journal*, 2 (2), 264–282

Scientific outreach / public engagement (selection)

- MPI-CSL podcast Doing Time, Talking Crime. September 2021
- "EXAKT – DIE STORY: TICKENDE ZEITBOMBE? Sexualstraftäter nach der Entlassung", TV broadcast on MDR (11.11.20; 20:45 Uhr) and in ARD Mediathek
- Wössner, G.: Participant in the TV discussion "Scobel – the sentencing principle" (Das Prinzip Strafe), ZDF/3Sat, 28 May 2020.
- Wössner, G.: Participant in the panel discussion "The future of cooperation between research and practice" on the occasion of the symposium on the 10th anniversary of the Criminological Service of the Bavarian Prison System. Erlangen, 2 March 2020

External funding

Sächsisches Staatsministerium der Justiz [Ministry of Justice of the Free State of Saxony, Germany] (up to 2012)

Geographical Behavior of Stranger-Offenders in Violent Sexual Crimes Analyzed Using ViCLAS DATA — GERMANY (2000–2019)

Dr. Gunda Wössner

In the vast majority of sex offenses, offender and victim know each other. However, violent sexual assaults perpetrated by strangers often incite strong feelings of fear in the community. Furthermore, rapes by strangers often pose considerable challenges and concern for law enforcement agencies. They are often faced with a multitude of complex and delicate tasks with regard to the handling of these cases. Cases of rape by a stranger are the most difficult for law enforcement to solve, especially in the absence of physical evidence, eyewitness identification, or a confession that would link the offender directly to the crime. For these reasons, investigative efforts in such cases place a strong focus on the offender's crime scene behavior, in the hopes of identifying how the offender committed the crime and, accordingly, how this information can be used to narrow the scope of the investigation and possibly identify the offender at large. Spatial patterns or geographic mobility patterns that pertain to the criminal event may be useful to investigators. In fact, knowledge of such patterns can also be used for preventive purposes and help further reveal the theoretical underpinnings of such crimes.

In spite of the instructive value to both researchers and practitioners, the empirical literature on this specific area of sexual violence remains relatively underdeveloped. Therefore, the aim of this research project is to provide empirical findings that may help investigators better understand these crimes and help advance the theoretical understanding of and preventive measures for such cases. In short, research efforts into the spatial or geographic dynamics that underlie violent sexual crimes involving offending strangers will help narrow gaps in theoretical and applied knowledge on this particular type of crime.

By using ViCLAS data from a German data set spanning 2000 to 2019, variables that capture sociodemographic, geographical, and lifestyle characteristics of victims and offenders prior to the crime are used to investigate target selection behavior and motivation as well as approach strategy. In so doing, different hypotheses are tested, e.g., that rape and sexual homicide are characterized by the regional orientation of the offender, that the distance between the offender's residence and the location of the crime are relatively close in proximity, and that the geographic mobility or distances traveled by the offender to commit the sexual assault vary across motivation classifications. As of mid-2022, data received from the German Federal Criminal Police Office (Bundeskriminalamt) in 2021 will be processed for further data analysis.

Time frame
2021–2023

Collaborators

- Carina Hasitzka, MPI-CSL
- Professor Eric Beauregard, Ph.D., The School of Criminology, Simon Fraser University
- Olivia Ha, Ph.D., The School of Criminology, Simon Fraser University
- Dr. Raymond Corrado, The School of Criminology, Simon Fraser University, The Simon Fraser University Institute on Terrorism, Violence & Security
- Jörg Bässmann, Operational Investigative Support Division, German Federal Criminal Police (Bundeskriminalamt BKA)
- Jörg Zell, Operational Investigative Support Division, German Federal Criminal Police (Bundeskriminalamt BKA)

Key areas of interest

- Theoretical innovation
- Putting crime science into practice

IV. DEPARTMENT OF PUBLIC LAW

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RESEARCH IN THE DEPARTMENT OF PUBLIC LAW

1. Aspiration and Approach

The Department of Public Law is a new addition to the Institute. It brings a specific public law perspective to its research. As was the case at the predecessor Institute, the MPI for Foreign and International Criminal Law, public security is often perceived predominantly through the lens of criminal law. Almost every country has a criminal code and a research tradition focusing on criminal law as a discrete area of the law. But only a few countries have well-established codes for the preventive aspects of the work of their security agencies, such as different police forces or secret services. Accordingly, public security law is much less developed as a specific area of legal research in most foreign legal systems. Even though preventive state powers and measures are much less systematically discussed in many countries, the issues they address—such as the regulation of assemblies, preventive anti-terrorism powers, measures to protect critical infrastructure, or general surveillance measures—are equally pertinent to their public security regimes. One of the department's aspirations is to raise international awareness about its field of research. Some incremental institutional progress has already been made: the department convinced the European anticorruption agency OLAF to expand the eucrim project to include questions of public security law and

the German Foundation for International Legal Cooperation to include public security law in its project guidelines.

In the research field of public security, the German rule-of-law tradition has much to offer. First, it offers a doctrinal framework for preventive security measures with widely discussed conceptual building blocks. Large parts of German administrative law evolved from the police law jurisdiction of the Prussian Administrative High Court at the turn of the 20th century. In the tradition of the High Court, doctrinal schemes for preventive security measures were developed. They provide considerable potential for systematizing many of the preventive legal powers for the protection of public and private interests against security threats. These doctrinal schemes form the backbone for much of German administrative law, ranging from the regulation of general police powers to emission standards to immigration law, and many more areas of public administration. In the course of the pandemic, one of the department's projects demonstrated that the powers of the infectious disease law and the measures taken to fight the pandemic are best understood if they are interpreted and systematized according to the general



painting: Ambrogio Lorenzetti (Allegory of Good Government)

doctrinal scheme of police powers. Second, under German Basic Law (Grundgesetz), public security laws have been enriched by a fundamental rights perspective that was often imposed on the legislature by the German Federal Constitutional Court. Especially after the dynamic development of public security law following 9/11, the Federal Constitutional Court engaged extensively with preventive security powers and developed a finely spun net of constitutional guidelines. Even though the decisions were contested, especially for their granularity, they aided the legislature in developing security measures in a more systematic and principled way. Both aspects resulted in a degree of doctrinal systematization of public security powers that leaves few contenders in other jurisdictions. All indications are that this development will continue along these lines and the department will contribute to the discussions by expanding their theoretical and doctrinal bases, especially to meet upcoming challenges.

Given this national background, it is tempting to seek to export the doctrinal schemes developed in German public security law to other parts of the world. Whenever opportunities arise, the department is contributing to the Institute's outreach by assisting other legal systems in evaluating some of the results of the German discussion. Thus, by way of example, the department has supported the translation of a model

code on the law of assembly, co-developed by its Director, into Korean and Turkish, in cooperation with colleagues in the respective countries. However, this outreach is not the department's main objective. Rather, the department seeks to engage in the internationalized debates on preventive security measures that are ongoing in many jurisdictions around the globe, irrespective of their recognition as part of a more coherent research field of public security law.

This approach is congenial to the interest taken in public security law. The interest is not only driven by the field as such but also by the fundamental questions raised in the field. Many of public law's most fundamental questions present themselves with specific pertinence when it comes to security powers and measures. Just to name a few: The principle of proportionality, which dominates many discussions about fundamental rights, was first developed in German police law and is guiding much of the jurisprudence on public security law at the European and international levels. There are many areas where the state relies on artificial intelligence, but its use in surveillance contexts is especially worrisome. The preventive regulation of hate speech in social media gives rise to a new discussion on the limits of free speech. Even some of the law's most fundamental questions, such as the nature of legal validity, are touched upon when fringe groups

such as the German “Reichsbürger” reject the legal order of the state in favor of one they consider themselves entrusted with.

This approach to public security law leads to a focus on more theoretical and structural perspectives in the field. Even projects focused on concrete doctrinal issues will often address issues of a more theoretical or fundamental nature. This heightened interest in basic research, however, is not contrary to applied projects. Collaborations involving more applied projects keep basic research grounded. Working within a consortium to build a less intrusive body scanner can turn out to be quite revealing in terms of the fundamental rights involved. While the department is open to such project collaborations—especially through its cooperation with the Centre for Security and Society at the University of Freiburg—they are not at the center of its own research. Rather, owing to its more theoretical focus, the department aims to contribute to the internationalized discussions.

Its emphasis on a theoretical and fundamental focus has two direct operational implications with respect to the department’s disciplinarity and its publication strategy. Basic research in the sense described above more often than not involves neighboring disciplines.

Thus, the department encourages its researchers to include an interdisciplinary perspective in their projects and also aims to diversify the spectrum of disciplines within its scientific staff by hiring researchers with either multidisciplinary qualifications or even a main qualification outside of the law. Since the theoretical and structural results of the department’s research projects are intended to contribute to the international English research discussion, the department encourages and supports researchers in publishing them in English in internationally highly ranked journals and with internationally renowned publishers, even if the hurdles for authors outside the Anglosphere can be higher. This publication strategy also has implications for our hiring strategy. The department welcomes researchers from all over the world but is actively looking for young talents who have acquired research experience in English, enabling them to publish their results in the English language.

With this conceptional and operative approach, the department aspires to become an international research hub with a uniquely diverse perspective on public security law and public law, more generally, that is not dominated by the perspective of a single legal culture. The Anglo-Saxon and the continental European traditions already provide for quite some perspectival diversity.

2. Research Axes

The development of the department’s research program reflects the internationally less developed structure of the research field. Unlike in other areas of the law, there is no internationally agreed-upon canon of topics associated with the research field. Thus, the research program attempts to structure it along three axes in a three-dimensional matrix. The general doctrinal structures and theoretical questions underlying public security law are located on the fundamental axis of the matrix. The second axis reflects the major trends in the field: internationalization, digitalization, and fragmentation. The third axis represents the normative challenges to public security law: fundamental rights, rule of law, and democratic values. The matrix has a dialectical function for the research agenda. On the one hand, the

matrix serves as a framework for departmental projects; on the other hand, the matrix will either be corroborated by these projects or will be adjusted and modified in accordance with their results. Some projects will focus on one dimension of the matrix; others will be located at the intersection of two or more dimensions. Consequently, due to the focus on basic research as described above, many projects engage the fundamental axis and one of the other two. For example, postdoctoral researcher Dr. James Angove explores on the basis of philosophical conceptions of free speech how the phenomenon of stochastic terrorism, which is closely connected to new informational technologies, can be addressed, thereby positioning his project at the intersection of the first and the second axes.

FUNDAMENTALS: THEORETICAL FOUNDATIONS AND DOCTRINAL STRUCTURES

Research projects at the fundamental level focus on the theoretical aspects of law and how they relate to the interpretation of public security regulations and to their basic doctrinal concepts and structures. Preventive measures aim at uncertain future events. Thus, probability judgments are one of the basic structural elements of public security law. How can probability theory help the law to rationally ground the judgments involved in preventive measures directed against uncertain future events? How can the police and judges avoid base rate fallacies when evaluating threats assigned to certain persons or groups? These theory-oriented projects lend themselves to integrating research results from analytical philosophy and constitutional and political theory. Theoretical insights from other disciplines can help to better understand the structure of the issues the law is faced with. These insights from neighboring disciplines, however, must be integrated into the law and its doctrinal structures and concepts. The in-depth analysis of doctrinal structures and concepts in public security law is guided by the more general question of whether it is possible to systematize preventive public security regulations at an abstract level in

order to provide a scheme that can be used to analyze public security powers in German law and beyond.

Sample Projects

The long-term project “An Analytical Reconstruction of Legal Hermeneutics” addresses the basic question of how to theoretically reconstruct what lawyers do when they apply the law. It relates different aspects of the application process to different discussions in analytical philosophy, from ontology to the theory of language to the theory of action. Despite its theoretical nature, its results are of direct import for doctrinal issues such as the correct allocation of administrative discretion, which is specifically relevant for preventive security measures, since, in Germany at least, police measures, unlike criminal prosecution, are generally based on discretionary powers.

The development of a general doctrinal structure for security measures guided the systematizing of the COVID-19 measures of the Protection Against Infection Act (IfSG) during the pandemic and is integrated into the “Periodic Surveillance Barometer,” where it serves to structure the surveillance powers in the surveillance maps integrated into the project. The doctrinal structure of public security law itself was addressed in the habil-



The project “Periodic Surveillance Barometer” seeks to measure the actual status of surveillance and related burdens from a citizenry’s perspective; image: devilmaya/Alamy Stock

itation project of Dr. Benjamin Rusteberg on “Personal Prevention.” The project explores whether security measures based on the expectancy of future illegal behavior of citizens can be properly understood based on doctrinal categories of traditional police law.

TRENDS: INTERNATIONALIZATION, DIGITALIZATION, FRAGMENTATION

So far, three main trends have emerged in the area of public security: internationalization, digitalization, and fragmentation. Each of these trends displays a double-faced quality in the sense that it is characteristic for the development of security threats as well as for efforts to counter them.

The first trend involves the internationalization of dangers to public security—e.g., terrorism and organized crime—as well as the internationalization of efforts to counter them. The preventive turn in criminal law has been promoted by no less a body than the United Nations Security Council, an entity which, due to its anti-terrorism resolutions, became the first in the history of humankind to act as a global legislature.

Cooperation at the supranational level of European Union law is even more intense. Both levels of internationalization put pressure on national public security regimes. Projects will aim at generating doctrinal frameworks and solutions for a multilevel public security law.

Digitalization is one of the driving trends behind the evolution of public security law towards a field of reference in public law. The growing digital interconnectedness of every aspect of contemporary life has heightened the vulnerability of modern societies through network- and cascading-effects to such a degree that security has become an ever more pervasive topic. The dialectics of public security and its law lie in the fact that efforts to counter the risks and dangers of digitalization themselves rely largely on digitalization and thus contribute to the very vulnerabilities they aim to counteract. Security agencies may keep zero-day software vulnerabilities secret to be able to make offensive use of them against their adversaries; however, the failure to disclose such vulnerabilities exposes millions of systems to attacks the agencies are supposed to prevent. How can public security law address and accommodate such dialectics?



Conspiracy theories are an example of an extreme form of fragmentation: “Stop panicking! Corona pandemic is a lie. Freedom, peace, love now” is written on this banner at a demonstration in Düsseldorf, North Rhine-Westphalia; photo: 51North /Alamy Stock (digitally processed by MPI-GSL)

The third trend affecting public security is the fragmentation of contemporary Western societies. This trend ties in to digitalization in that the tectonic shifts in our communication and media structures spurred by digitalization have led to a growing fragmentation of public discourse. Increasing inequality exacerbated by monetary policy, migration spurred by international crises, and religious and cultural pluralization raise the stress level in societies. The way in which social fragmentation is not only a security issue in itself but also hampers our collective effort in dealing with these issues was on full display in the fragmented perceptions of and reactions to the worst health threat in over a century during the pandemic. However, fragmentation can also be observed on the part of public security agents. Private security personnel in many countries already outnumber public police forces. Due to the privatization of many key infrastructures such as telecommunication, energy, and water supply, private enterprises have grown into a position of immense security-related responsibility. Public security law must also address the need for coordination and cooperation associated with the fragmentation of the supply side.

Sample Projects

A key component in the internationalization of security efforts is mutual trust. In her project on “Intelligence Information Sharing,” Dr. Sofiya Kartalova draws on dynamic trust models in international relations theory to analyze the regulatory framework of the European Union on the collaboration of intelligence agencies. As in many other areas of public administration, security agencies are starting to employ artificial intelligence to alert them to potential security threats. National and European law, as stressed by the European Court of Justice in its latest decision on PNR data, set limits to the employment of artificial intelligence, specifically in public security contexts. Doctoral researcher Christian Thönnies undertakes to reconstruct the philosophical foundations of the “Right to a Human Decision” to provide for a better-reflected, rational basis for these legal limits, which are bucking the technological tide. In his project on “Constitutional Requirements for the Treatment of Civil Disobedience,” doctoral researcher Max Poschmann deals with an already more extreme form of fragmentation, which acquired new prominence during the widespread protests against COVID-19 measures during the pandemic.

CHALLENGES: FUNDAMENTAL RIGHTS, RULE OF LAW, DEMOCRACY

On the one hand, public security law serves to protect the fundamental rights of individuals and the functioning of our legal institutions and democratic processes. The dangers posed by the aforementioned trends challenge this function of public security law. This is obvious with regard to the internationalization of terrorism and crime and the increase in vulnerability due to digitalization, but it is also true with regard to the fragmentation of Western societies, an especially challenging phenomenon for our democratic processes. Public security law must adapt to the dynamics of these trends to be able to protect the free exercise of fundamental rights and the functioning of democratic processes.

On the other hand, some of the newly developed instruments of public security law themselves challenge individual and collective autonomy and rule-of-law values. They often come with unintended consequences that infringe on the fundamental rights of those whom they aim to protect. They can undermine rule-of-law standards that are in danger of collapsing in the face of national security threats. Some instruments—especially those of the intelligence agencies—are notoriously difficult to submit to legal or democratic control due to their functionally inevitable secrecy.

Some answers to these challenges will also have to be dialectical. On occasion, instruments must be modified to comply with existing legal standards. The greater challenge, however, arises with developments that call for changes to the legal standards themselves. Is it possible to develop anti-discrimination doctrines that remain true to their aims but allow for the processing of incriminated information in large-scale data-based security technologies? How should the fundamental right to data protection be conceptualized and protected in public security law in a world where personal data is collected and marketed in ubiquitous ways, especially by multinational data monopolists? Challenges like these can only be met based on a thorough analysis of the factual and legal issues and require doctrinal ingenuity to develop new conceptions of existing rights and institutions that are up to the task.



image: Gorodenkoff/Shutterstock.com

Sample Projects

The development of a concept for a “Periodic Surveillance Barometer” is a new approach towards enhancing the democratic control of security agencies. Even in its conceptional stage, the Barometer already garnered significant public attention after it was presented at a hearing in the German parliament. Following the hearing, the current coalition government incorporated into its coalition treaty an obligation to establish a surveillance measurement. In his project on “Democracy and State Secrets,” postdoctoral researcher Dr. Randall Stephenson addresses tensions between the operationally necessary secrecy of intelligence agencies and the democratic values of transparency, drawing on accountability theories in the political sciences. In her

doctoral project, Maja Werner analyzes the legal framework for risk assessment tools developed by German security agencies for screening individuals considered at risk of engaging in terrorist attacks. Doctoral researcher Antonia Strecke aims at establishing mandatory statistics as a new instrument for preventing and uncovering discriminatory practices based on stop and search powers in German police codes.

So far, the matrix and the projects have reinforced each other. The matrix allows the department to associate the projects with more general characteristics of the research field and to see them in a larger, structured context; the projects corroborate the matrix, since each of its dimensions is addressed in the projects and all projects can be positioned in the matrix.

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1. FUNDAMENTALS: THEORETICAL FOUNDATIONS AND DOCTRINAL STRUCTURES

Doctrinal Structures of Public Security Law

Prof. Dr. Ralf Poscher

This long-term project investigates whether it is possible to develop a general doctrinal scheme for public security measures that is comparable to the general doctrinal schemes (Verbrechenssysteme) discussed in substantive criminal law, how such a scheme has to be conceptualized, and what functions it could serve in national and international contexts. Unlike most other legal systems, German law looks back on more than a century-old tradition of establishing a distinctive doctrinal scheme for preventive public security measures.

The development of these structures was a core element in the establishment of the German rule-of-law tradition, which helped to modernize German society until the Weimar Republic, despite the lack of democratic reform. Initially, almost all public security measures were evaluated according to this emerging general structure. The first general police code, which enshrined this model, came into force in Prussia in 1931. It became ideologized and stripped of its rule-of-law function during Germany's fascist rule. After the Second World War, it remained in force in some German states until the late 1980s. Even in the socialist German Democratic Republic, the Prussian Police Administrative Code remained in force until 1968.

 German police law rests on a general doctrinal scheme. Its elements are explored in greater depth and the scheme tested to serve as a general system for preventive security measures, not only in German law but also beyond Germany's borders.

The code underwent multiple adaptations and additions, but its core elements still form the backbone of all German contemporary police codes at the federal and state levels. They not only regulate the powers of uniformed police forces but also the general powers of administrative bodies to preserve public order. Over the course of its development, more and more specialized codes were implemented to address specific dangers in different domains of the law, such as infectious diseases, assemblies, emissions, and soil contamination. Often, however, these codes merely adapted the general doctrinal scheme for the respective domains. Thus, the doctrinal scheme of general German police law provides the basic doctrinal structure for large parts of German administrative law.

Time frame
2013–2030

The project aims to specify the individual doctrinal elements of this doctrinal scheme. It will then be used to systematize new regulations and regulations of more specific domains, which, on their surface, do not have the same structure as that of the traditional police powers. Since many of the newer regulations appear to be quite unsystematic and often even confusing, their systematization can bring more transparency to these newer regulations and help specify the legal issues that emerge. These efforts could also help future legislatures to develop more transparent regulations. The specified and developed doctrinal scheme shall also be inserted into the international discussion on public security powers, in order to test whether it reflects a basic structure of security measures that is not specific to the German legal tradition.

A consistent element in the project is the bi-annual edition of a doctrinal presentation of German police law covering the federal level and all its 16 states. The volume was entrusted to Thorsten Kingreen and Ralf Poscher in its eighth of now twelve editions by their academic teachers, Bodo Pieroth and Bernhard Schlink, who established it together with Michael Kniesel, the former chief police officer of Germany's former capital. The book is driven by the ambition to present every police power according to a common doctrinal scheme. Due to the ever-changing and increasingly complex nature of police regulation, this ambitious project is a work in progress in each of its new editions, even after having reorganized and updated large parts of the volume.

Next to this ongoing project, the main subproject was a comprehensive article reconstructing the infectious disease prevention powers of public administration, which was vastly expanded during the pandemic – according to the doctrinal scheme of general police law – for a new handbook on infectious disease law. Due to the high demand for clarification and the fast-shifting legal landscape, less than a year had passed before the article needed to be updated for a second edition.

A second subproject is embedded in the project to construct a general surveillance barometer for Germany (p. 132). The doctrinal scheme is used to give a system-

atic account of the surveillance powers underlying the surveillance maps that are created in that project.

A third subproject applied many results of the project on hermeneutics to the discussion on administrative discretion, which is central to police powers in German law since they are governed – unlike penal procedure – by the opportunity principle.

A fourth subproject consisted in updating a book-length handbook article on the law of assembly for the seventh edition of the German Handbook on Police Law.

Collaborators

- Prof. Dr. Thorsten Kingreen, Faculty of Law, University of Regensburg (book on police law)
- Dr. Michael Kniesel, ret. police chief and state secretary, (new edition of handbook article on the law of assembly)

Key publications

- Kingreen, T. & Poscher, R. (2020 and 2022). *Polizei- und Ordnungsrecht: mit Versammlungsrecht* (11th and 12th ed.). *Grundrisse des Rechts*. Munich: C.H. Beck. [Police law and regulatory law: incl. the law of assembly. An outline of the law]
- Poscher, R. (2021 and 2022). *Das Infektionsschutzgesetz als Gefahrenabwehrrecht*. In S. Huster & T. Kingreen (eds.), *Handbuch Infektionsschutzrecht* (1st and 2nd ed., pp. 117–170 and pp. 155–211). Munich: C.H. Beck. [The Infection Protection Act in the context of danger prevention law. In S. Huster & T. Kingreen (eds.), *Handbook on Infection Protection Law*]
- Poscher, R. (in print in 2022). *Beurteilungsspielraum*. In W. Kahl & M. Ludwigs (eds.), *Handbuch des Verwaltungsrechts, Vol. V: Maßstäbe und Handlungsformen, (§ 129)*, Munich: C.H. Beck. [Powers of discretion. In W. Kahl & M. Ludwigs (eds.), *Handbook of Administrative Law, Vol. V: Standards and Regulations*]
- Poscher, R. & Kniesel, M. (2021). *Versammlungsrecht*. In M. Bäcker, E. Denninger, K. Graulich & H. Lisken (eds.), *Handbuch des Polizeirechts* (7th, completely revised ed., pp. 1529–1656). Munich: C.H. Beck

Scientific outreach / public engagement

- Enders, C., Hoffmann-Riem, W., Kniesel, M., Poscher, R. & Schulze-Fielitz, H. (2020). *독일 집회법 모범초안* [Korean translation of: *Musterentwurf eines Versammlungsgesetzes (ME VersG) Gesetzestext mit Begründungen/Model draft of an assembly law: Statutory text with explanatory memoranda*]. (Seoul: Sechang Publishing House).
- Enders, C., Hoffmann-Riem, W., Kniesel, M., Poscher, R. & Schulze-Fielitz, H. (2020). *Alman Toplantı Kanununa İlişkin Model Tasarı* [Turkish translation of: *Musterentwurf eines Versammlungsgesetzes/Model draft of an assembly law*]. *Bahçeşehir Üniversitesi Hukuk Fakültesi dergisi* [Bahçeşehir University Law Review], 15 (191–192), 839–983.

An Analytical Reconstruction of Legal Hermeneutics

Prof. Dr. Ralf Poscher



Gadamer's legal hermeneutics attempts to describe the application of the law. The application of the law, however, is a complex process that involves multiple theoretical issues. Reverting to discussions in analytical philosophy allows us to gain a more precise understanding of these issues.

This long-term project, launched about a decade ago, aims to give a philosophically updated account of legal hermeneutics. Whereas legal hermeneutics has often been associated with continental philosophical approaches (e.g., Gadamer, Ricœur), the project addresses the questions discussed in this tradition by means of analytical philosophy. It thus bridges a gap between the two traditions. Methodologically, it breaks down the process of application of the law into different phenomena. The application of the law does not just consist of "interpretation" but also of rules, following legal construction and the exercise of discretion. It involves questions as to the nature of meaning and collective intentionality with respect to the legislature. Many of the theoretical issues raised by these phenomena are discussed in analytical philosophy. The discussions range from ontology to the philosophy of language and the theory of action. By reconstructing the different phenomena that the application of the law implies and by elucidating their relations, the project gives a more precise theoretical description of the basic activity all lawyers are engaged in. It thus contributes to a better self-understanding of the legal discipline. The project has not only a theoretical value, however, but also direct implications for a number of doctrinal questions, such as the scope of constitutional review or the doctrine of administrative discretion, both also central concerns for public security law. Thus far, it has

resulted in more than half a dozen contributions to peer-reviewed collective works. These publications have already been written as building blocks for a monography, for which they have to be revised, adjusted, and amended by one or two additional chapters. The completion of the monography will mark the final phase of the project.

Time frame
2012–2024

Key publications

- Poscher, R. (forthcoming in 2022), *The Hermeneutics of Legal Precedent*, In T. Endicott, H. D. Kristjánsson & S. Lewis, *Philosophical Foundations of Precedent*, Oxford: Oxford University Press
- Poscher, R. (in print in 2022). *Beurteilungsspielraum*. In W. Kahl & M. Ludwigs (eds.), *Handbuch des Verwaltungsrechts*, Vol. V: *Maßstäbe und Handlungsformen*, (§ 129), Munich: C.H. Beck. [Powers of discretion. In W. Kahl & M. Ludwigs (eds.), *Handbook of Administrative Law*, Vol. V: *Standards and Regulations*]
- Poscher, R. (2019). *Hermeneutics and Law*. In M. N. Forster & K. Gjesdal (eds.), *The Cambridge Companion to Hermeneutics* (pp. 326–353). Cambridge: Cambridge University Press

Philosophical and Public Security Law Implications of “Stochastic Terrorism”

Dr. James Angove

Time frame
2020–2022

There is an emerging concept found in recent discourse about security and counterterrorism, describing an apparently new form of political violence: stochastic terrorism. The concept has begun being discussed in criminological literature, anthropology, policy documentation, and by former national security personnel in media appearances. It has become increasingly rel-

limiting stochastic speech?; and What are the prospects for alternative public law solutions? Preliminary findings have indicated that present common definitions must be tighter to avoid classifying as terrorist merely any persistent demonization of a group or individual, even when truthful. Moreover, Angove argues, what makes stochastic terrorism possible is likely a large network of factors—a sensationalist and sometimes bigoted media ecology, a public policy sphere, conspiratorial trends in public discourse, and specialized online forums—with which we must engage to counter the threat, by way of making democracy itself more resilient. To make this argument, he revisits literature on the nature of democracy and the essential role of truth and deliberation within it. Methodologically, this project is a philosophical and jurisprudential investigation, incorporating empirical case studies. It makes important contributions to political philosophy debates on the nature of freedom, value of free speech, and perfectionist responses to liberal theory. Further, it offers insight to those interested in public law preventive concerns about making the security context more resilient.



With the rise of right-wing extremism across continents, we must focus on authoritarian trends in modern democracies. “Stochastic terrorism” summarizes well much of the violence that is part of this rising security threat, and we must seek to understand it in order to make democracy more resilient.

evant given recent geopolitical events, including the so-called storm on the US Capitol building in January 2020, and a number of mass shootings in different countries. Stochastic terrorism is standardly understood as the public demonization of targets by a speaker, often on social media platforms and mass media networks, which inspires outbursts of political violence against the selected targets. The violence is thought to be somewhat predictable, while the exact target and attacker are not. Since the discussions that employ this concept do not always define it or do so consistently, Dr. Angove seeks to clarify this concept and understand its application to extremist political violence. Further, this security risk raises philosophical questions about language, harm, responsibility, and freedom. Accordingly, he asks overlapping questions about this phenomenon, including: Is the concept of stochastic terrorism useful?; What are the moral and political problems of

Key publications

- ‘Stochastic Terrorism: Preliminary reflections on an emerging concept’ (submitted for peer review to *Security Dialogue* in May 2022)
- ‘Whose freedom is at stake when hateful speech is silenced?’ (draft article, planned for submission to either *Law and Philosophy* or *Philosophy and Public Affairs*)

Scientific outreach / public engagement

Panel talk: ‘Reflections on Self-Determination & Security in the Anglophone Conflict in Cameroon’, organized by David Forniès (CIEMEN), part of ‘Secessionist movements in Africa and human rights violations’ panel event, Barcelona (talk delivered online), 01.02.2022

Generalization in Law

Dr. Jakob Hohnerlein

Deciding cases by general rules serves the values of predictability, non-arbitrariness, and equality, yet it can undermine doing justice in individual cases. This problem is particularly relevant for modern law, which works with far-reaching generalizations but also includes rights guarantees that tend to require individualization. This habilitation project investigates the mechanisms of generalization and individualization in law as well as substantive and procedural standards for generalization. The results will be presented at conferences and published in a German-language book and English-language journal articles.

The first aim is to explore the means legal practice has found to accommodate both the need for generality and the need for individual justice. Legal norms may require adjudicators to look closely at the circumstances of individual cases, and often they grant discretion. Far from allowing arbitrary decisions, powers to exercise discretion require a sound evaluation of the case, guided by legal criteria. In addition, over-inclusive rules may be subject to exceptions.

As a next step, the project investigates constitutional problems concerned with generalizations: (1) when regulations that intervene with individual rights are justified in over-general terms, they can get into conflict with the proportionality principle, which may require an assessment of individual cases; and (2) generalizations by the executive raise a specific problem: it is questionable in what way executive generalizations have an equivalent to the rationale that underlies the legislature's use of generalization — that is, the legitimacy of a directly accountable institution to make judgments of likeness and difference in a process that includes various perspectives.

A particular focus will be on public security law. Many laws and ordinances, but also regulations enacted by the police based on its general power to combat dangers to public safety, prohibit behavior on the grounds of general assumptions of dangerousness. For example, the COVID-19 restrictions in Germany included a curfew under which even walking alone in public spaces was prohibited. The project explores substantive limits to and procedural requirements for generalized assessments of dangerousness as well as the question of exceptions in cases of evident harmlessness.

Time frame
2022–2027



Modern law is called upon to engage in rule-based decision-making but also to do justice to individual cases. The project investigates how law can accommodate both aims, analyzing structures of administrative law (particularly public security law) and constitutional requirements for generalizations.

As general norms are often based on shared beliefs of social majorities, they may entail burdens specific for minorities. Based on an approach that stresses the need for accommodating particularity, the project investigates under what circumstances minority rights require exceptions to rules when the rules are based on ethical values of the majority.

Personal Risk Prevention in Police Law

Dr. Benjamin Rusteberg, University of Freiburg

Time frame
2013–2022

External
researcher

Dr. Rusteberg's project deals with action-oriented measures of personal prevention in police law, which are linked to predictions that a particular person will behave unlawfully in the future. Such measures can be found in almost all areas of administrative law, from reliability under commercial law, to the traffic psychological assessment of the holder of a driver's license, and even to anti-terrorist measures.

The primary aim of his project is to develop personal prevention and corresponding measures as a coherent field of law with its own structural characteristics and problems. His enquiry will focus on the subject matter's doctrinal structure, the generation of knowledge in the application of personal prevention measures, and their constitutional justification. Principally engaging in the department's 'fundamentals' research axis, these foci will be achieved both by means of a thorough doctrinal analysis of administrative court practice and by carefully integrating several interdisciplinary sources. Thus, the project deals, among other things, with the significance of 'prediction' as probability judgement and the significance of 'free will' for the predictability of human behavior.

It is not among the project's aims, however, to propagate a new type of security measure. Rather, the aim is to comprehensively examine an already long-standing legal practice. Importantly, the problems associated with this practice are currently recognized neither by the judiciary nor by legal academics. Therefore, this project fills an important scholarly gap by identifying and analyzing an already existing practice and reconciling it with constitutional requirements.

At the same time, the project undertakes a partial reassessment of police law. Its current constitution is no longer to be determined predominantly from the perspective of information gathering. Instead, it will be based principally on those measures aiming at the interruption of causal processes leading to the damage. These measures, in turn, must guide the collection and distribution of information.

Key publication

Rusteberg, B. (2019). Wissensgenerierung in der personenbezogenen Prävention. In: Laura Münkler (ed.), *Dimensionen des Wissens im Recht* (Mohr Siebeck Tübingen), pp. 233–264. [Knowledge generation in the context of personal prevention]

External funding

Deutsche Forschungsgemeinschaft [German Research Foundation] 2015–2017

Legal Hermeneutics and Metaethics: Metaethical Contributions for Explaining Hard Cases in the Law

Rafael Giorgio Dalla Barba, LL.M. (Unisinos University)



The project investigates to what extent the metaethical debate between moral skepticism and moral objectivism contributes to explaining why there are – and how the law copes with – the so-called “hard cases,” one of the greatest hermeneutic challenges for legal methodology since the 19th century.

The project examines the relevance and impact of metaethics on the hermeneutical debate about hard cases in the law. On the one hand, it introduces the widely accepted indeterminacy thesis according to which the law is indeterminate in such highly controversial cases, i.e., it admits more than one well-justified answer. On the other hand, it presents the right answer thesis, which argues that, even in hard cases, the law has single right answers, i.e., the combination of (i) the principle of bivalence with the soundness of (ii) true moral statements. As a necessary condition for the right answer thesis, true moral statements build the bridge of common interest between legal hermeneutics and metaethics as a discipline that investigates their truth-aptness. From a more general overview of the contemporary metaethical landscape, two comprehensive conflicting accounts on the truth-aptness of moral statements stand out. On the one hand, moral skepticism upholds that moral statements are not in the business of being true in any sense apart from merely individual or social beliefs, which would necessarily undermine the right answer thesis. On the other, moral objectivism argues that some moral statements are true independent of individual or social beliefs, which could theoretically corroborate the right answer thesis.

However, in contrast to both metaethical accounts, the project argues that even if moral objectivism is successful, it is no sufficient condition for ensuring the principle of bivalence for two main reasons: (a) moral inapplicability, since hard cases may fall into areas of moral optionality or indifference; and (b) moral indeterminacy, which comprehends both epistemic (underdetermination and overdetermination) and substantial (incomparability and incommensurability) shortcomings. If this argument holds, then even if moral objectivism is successful, it is not a sufficient condition for providing single right answers in hard cases.

Time frame
2018–2022

Dissertation

First supervisor

Prof. Dr. Ralf Poscher

External funding

Scholarship from the Stiftung der Deutschen Wirtschaft (SDW)

Reflections in Gun Laws: The Different Understandings of “State” in Germany and the United States

Ass. iur. Friedemann Groth, University of Freiburg

Time frame
2016–2022

Dissertation

External
researcher

This doctoral thesis aims to contextualize understandings of the “State” expressed within the gun laws of Germany and the United States. A cultural legal study, this project offers instructive observations on basic conceptions in legal science. Specifically, it provides a so-called thick description (C. Geertz) of the outer phenomenon “gun laws” to enhance comprehension of deeper phenomena and conceptions. The history of gun laws and social imaginaries (C. Taylor) formed around it differ in both countries. Whether speaking of property and self-defense, monopoly of force, and a state’s duty to protect or of individual liberties and rights to resistance, common translations of words and terms are only vague approximations in the context of intercultural understanding. That is, contextualized description optimizes our understanding of what Germans and Americans commonly mean by state and government.

Department of Public Law’s “Fundamentals” research axis, this project contributes to comparative law scholarship from a distinct interdisciplinary perspective rooted in cultural legal studies and the science of culturally conscious (or intercultural) communication.

While differences between the two legal cultures become sharper, this thesis also illuminates shared imaginary realms within which we confront similar dilemmas. Gun laws primarily respond to a common “dilemma of modernity” regarding the conflicting needs for order and liberty. Each cultural solution thus becomes more plausible considering contingent historic events and their modern-day interpretation. As we are always situated in culturally specific imaginary realms, only a contextualization of legal terms on both sides of the Atlantic makes intercultural communication in the legal world meaningful.



This doctoral thesis is a cultural legal study aiming to contextualize understandings of the “State” expressed within the gun laws of Germany and the United States.

Due to the potential of violence from guns, gun laws form an essential part of public security law. Their cultural roots are intertwined with those of many other aspects in the field. Predominantly engaging with the

First supervisor

Prof. Dr. Ralf Poscher

A Tale of Two Worlds: Juridical Perspectives between Islam and the West

Federico Lorenzo Ramaioli

This comparative philosophy of law dissertation aims at formulating a new analytical approach to the Islamic legal tradition based on “juridical categories”, a concept that facilitates comprehension and understanding of juridical phenomena. Building upon legal comparativism and legal pluralism, this doctoral project intends to avoid bias caused by universalizing Western categories when analyzing foreign juridical notions, which inevitably results in the miscomprehension of non-Western ideas and institutions. Unlike existing literature, this project will not focus on substantive comparisons between normative contents but instead on the “juridical perspectives” that helped shape the Islamic and Western legal orders, including the juridical dimension of Islamic fundamentalism.

Predominantly engaging the department’s “Fundamentals” research axis, Part One represents this project’s primary research outcomes, focusing on the most relevant juridical questions regarding Islamic and Western legal perspectives. Part Two undertakes a comparative constitutional analysis focused predominantly on Morocco, Egypt, and Saudi Arabia, in which theoretical questions will be examined dynamically. While contributing to legal philosophy, the project intends also to develop and define a new interdisciplinary approach, aiming to provide a starting point for novel analyses in research fields such as legal comparativism, legal pluralism, and constitutional law.



Building upon legal comparativism and legal pluralism, this doctoral project intends to avoid bias caused by universalizing Western categories when analyzing foreign juridical notions, providing a new understanding of Islamic legal notions in a comparative framework.

Finally, by formulating a new interdisciplinary approach, the project will provide a foundational discussion of a continuously evolving subject that will never be exhaustively explored. As such, it aims at broadening scholarly reflections on the relationship between the West and Islam, ultimately placing these concepts within a suitably comprehensive and contextualized framework.

First supervisor

Prof. Dr. Ralf Poscher

Time frame
2019–2022

Dissertation

External
researcher

Constitutional Requirements for the Treatment of Civil Disobedience

Max Poschmann



My finding is that civil disobedience is – in fact – protected under German constitutional law. In some cases, this protection rises to the level of a right to civil disobedience. In others, civil disobedience at least may not be punished.

Time frame

2017–2022

Dissertation

External
researcher

While civil disobedience is widely discussed in political theory, it remains mostly neglected in German legal scholarship. Bridging this gap, this dissertation examines under what conditions, and in what ways, civil disobedience may be constitutionally protected under German law. The primary research question is whether and how far civil disobedience undermines majority rule and the rule of law or whether both, in fact, might benefit from it. Using a methodological blend of doctrinal and theoretical analysis, this dissertation contends that civil disobedience actually protects fundamental constitutional values and serves the rule of law. By convincing the public instead of forcing its hand, civil disobedience does not undermine majority rule or upset the system but rather enhances democratic legitimacy.

This doctoral project contributes to constitutional law scholarship in at least three significant ways. First, its doctrinal merit includes connecting conceptions of majority rule and rule of law whilst making a case for civil disobedience, concepts usually thought of only as conflicting principles. Second, by examining their interaction with fundamental rights doctrine, the project illuminates the ambiguous relationship between subjective rights and objective constitutional provisions on

state structure. Third, this research project clarifies how doctrinal analysis and moral/political arguments are related, a question often answered too indistinguishably. Lastly, by examining trends involving social fragmentation and its effects on democracy and the rule of law, these matters are a clear reflection of the department's primary research priorities and agenda.

First supervisor

Prof. Dr. Ralf Poscher

External funding

Ph.D. scholarship from the Cusanuswerk

“Danger” and “General Life Risk”

Laura Wallenfels



This dissertation explores the scientifically unexamined term “general life risk” in the field of German public security law and its underlying significance for legal interpretation as an antonym to the term “danger.”

To limit the exercise of police powers, German public security law authorizes police to avert so-called dangers. In this context, a “danger” is a condition for legitimate use of police power. “Danger” thereby is a term of art. Not all risks are “dangers”, and in the common doctrine, there is only a “danger” in the case of a “sufficient probability of damage”. This means that probability judgments lie at the center of established legal doctrine. This doctoral project argues that probability judgments are insufficient to explain the current legal practice concerning risks. It finds that next to probability judgments, other acceptability criteria are already – but without scientific reflection – used to assess the legal acceptance of risks. One principal alternative is “general life risks”. The dissertation explores this scientifically unexamined term and its underlying significance for legal interpretation as an antonym to the term “danger”. Using a methodological blend of doctrinal analysis and statutory interpretation, the thesis makes the following specific contributions to German public security law: First, it describes “general life risks” in civil, criminal, and public law frameworks. Second, by structuring “general life risks” into semantic fields, the project shows that it functions as a synonym for “acceptable risk” and is associated with four ancil-

lary concepts: (1) “natural” risks; (2) “uncontrollable” risks; (3) “normal, socially accepted” risks; and (4) utility (cost-benefit analysis). Third, this project assesses the theoretical value of these meanings for legal interpretation. The project is positioned at the core of the general doctrinal structures of German public security law. In the end, by assessing “general life risks” as a criterion for interpreting public security law, this project hopes to enrich risk evaluation theories by providing a more realistic approach to risk evaluation.

First supervisor

Prof. Dr. Ralf Poscher

External funding

Studienstiftung der deutschen Volkes [German Academic Scholarship Foundation]

Time frame

2017–2022

Dissertation

Adjudication Contra Legem: Justification

Eduardo Vandr  Garcia, University of Freiburg

Time frame
2012–2023

Dissertation

External
researcher

The project aims to justify adjudication contra legem. It demonstrates the lack of congruence between common sense about how judges decide and the actual practice that there are decisions that deviate from the traditional or consensual conception about the way the norm should be understood when constrained by semantics. Decisions contra legem, therefore, if not inevitable, are a reality in all judicial systems.

The problem with a decision contra legem is that it opposes the main features of modern society: democratic principle, separation of powers, the State's duty to obey the law, etc.

When the decision contra legem is conceived as one that is willfully elaborated under traditional legal arguments, its cause is a dissatisfaction with the result of the traditional interpretation when applied to certain facts. Even so, this is not a necessary outcome; that is, it does not guarantee that all dissatisfaction will lead to a decision contra legem. Moreover, identifying the cause is also insufficient to justify the deviation that judges impose in their decisions.

The theories that directly or indirectly justify the decision contra legem are the same ones that deal with the problem of the validity of the legal norm. According to the concept of a valid norm that the theory may adopt,

there will be a specific anchor to justify the decision contra legem. The theories that have aimed to justify the decision contra legem are therefore classified into four branches: formal, which finds justification in the structure of the legal system (Kelsen); semantic, which gives weight to the defeasibility of legal norms and which would be characteristic of their semantic structure (Hart); sociological, which reduces the weight of normative objectivity and finds justification in the culture of judges (Ross); and moral, which finds in moral objectivity the ballast to decide against inconvenient semantic solutions (Dworkin).

The approach of this project differs from these four versions. By identifying in the structure of every legal norm presupposed characteristics of adequacy and determination (claim to adequacy and claim to determination), the theory describes a meta-normative conception of such claims without any link with morality or even with the semantic content of the norm, notwithstanding that it can be logically described. And it is this meta-normative framework that provides a normative site for justifying adjudication contra legem.

First supervisor
Prof. Ralf Poscher

Social Rights without Principles and Balancing: Exemplified by the Right to Social Insurance in Brazil

Pablo Castro Miozzo, University of Freiburg

This study critically examines the reception of Robert Alexy's theory of principles as a doctrinal model for fundamental social rights in Brazil. To this end, some basic features of his theory are presented in its context of origin, German law, in order to identify the problems and the possible solutions associated with it. In a second step, it is shown that, from the point of view of positive constitutional law, the contextual differences between Germany and Brazil are too great to consider Alexy's model a suitable one for addressing the Brazilian problem of fundamental social rights. Lastly, basic doctrinal principles shaping fundamental social rights in Brazil are presented against the background of German fundamental rights doctrine, in particular against the legal notion of constitutional rights.

First supervisor

Prof. Dr. Ralf Poscher

Key publication

Soziale Grundrechte ohne Prinzipien und Abwägungen – Entwickelt am Beispiel des Rechts auf Sozialversicherung in Brasilien [Social Rights without Principles and Balancing – Exemplified by the right to social insurance in Brazil], Duncker & Humblot, Berlin (in the series "Schriften zur Rechtstheorie", vol. 300), 320 pages, 01/2022

External funding

Deutscher Akademischer Austauschdienst (DAAD) [German Academic Exchange Service] 2016–2017

Time frame

2015–2021

Dissertation

External
researcher

Ambiguity in EU Law: A Linguistic and Legal Analysis

Dr. Sofiya Kartalova

Time frame
2020–2022

This research project provides a solid foundation for Dr. Kartalova's broad research interest in the area of law and language, which could potentially offer a fresh, interdisciplinary perspective on legal problems in the area of public security law.



Dr. Kartalova's book presents an innovative methodological approach based on in-depth linguistic and legal analysis of examples of ambiguity in EU law. Her analysis is potentially applicable to a wide array of legal problems, including but not limited to matters of public security law.

One important aspect of Dr. Kartalova's work is revising and preparing her doctoral dissertation ("The Strategic Value of Ambiguity for the Authority of EU Law in the Dialogue between the Court of Justice of the European Union and the National Courts") for publication. Dr. Kartalova's book (monograph) "Ambiguity in EU Law: A Linguistic and Legal Analysis" will be published by Routledge by the end of 2022.

Dr. Kartalova's dissertation and subsequent book comprise an investigation into the Court of Justice of the EU's strategic use of ambiguity, found in some of the key provisions of the EU Treaties and in the language of some of its leading preliminary rulings in the area of fundamental rights, freedom of movement, and EU citizenship. The linguistic phenomenon of ambiguity here is understood as an expression or utterance giving rise to at least two mutually exclusive interpretations. This study aims to challenge some of the existing theoretical assumptions about ambiguity in EU law and to put forward a more accurate and complete theory about the Court of Justice's strategic use of ambiguity. The results of this groundbreaking interdisciplinary work suggest that ambiguity is a desirable systemic feature of the EU legal order that is strategically valuable for the implementation of the authority of EU law.

Key publication

Sofiya Kartalova (2023). *Ambiguity in EU Law. A Linguistic and Legal Analysis*, Routledge

2. TRENDS: INTERNATIONALIZATION, DIGITALIZATION, FRAGMENTATION

ZuRecht: Die Polizei in der offenen Gesellschaft / The Police in an Open Society

Prof. Dr. Ralf Poscher, Dr. Sabrina Ellebrecht, University of Freiburg (Centre for Security and Society), Prof. Dr. Stefan Jarolimek, Deutsche Hochschule der Polizei, Münster, Prof. Dr. Stefan Kaufmann, University of Freiburg



The project “ZuRecht” is dedicated to the function, significance, and mandate of the police in a pluralized society. If a pluralized society is characterized as a society with stratified access to rights, how should the police be staffed and trained to live up to the ideal of equal treatment?

Our society is becoming more diverse. People with different lifestyles and norms, different religions and origins live in one society and should have equal opportunities to participate in it. Like access to the education system, equal treatment by public administration is central to this principle. The research project “ZuRecht – Die Polizei in der offenen Gesellschaft” therefore assesses the need, adequacy, and constraints of a representative police force. In seven

subprojects, an interdisciplinary research team examines how the police deals with diversity and difference in very different areas – from attracting and selecting new recruits, to education and training, and to patrol duty and public relations. For example, it addresses diversity in the police’s own ranks, the naming of categories of origin in police public relations work, and the question of how the police can guarantee equal justice for all in a pluralized society, including, for

Time frame
2019–2023



illustration: Hildegard Brinkel

instance, for those who have no command of the German language. The subprojects apply a wide range of research methods: ethnography, participant observation, expert interviews, focus groups, self-report studies using questionnaires, experiments, document and quantitative data analysis, and doctrinal analysis of the relevant laws. A nationwide data survey takes inventory and stimulates an exchange on challenges and changes between the authorities. In consultation with Germany's federal and state police forces, and by integrating the perspective of the police organization itself, the ZuRecht project aims to achieve broad institutional discussion of its results.

Collaborators

- Sarah Praunsmändel (Ph.D. student of Prof. Poscher), Centre for Security and Society, University of Freiburg, see p. 123
- Laura Wisser (Ph.D. student of Prof. Poscher), Centre for Security and Society, University of Freiburg, see p. 126
- David Czudnochowski (Ph.D. student), Centre for Security and Society, University of Freiburg
- Dr. Sabrina Ellebrecht (team leader ZuRecht), senior researcher, Centre for Security and Society, University of Freiburg
- Jurek Fischer (research assistant), Centre for Security and Society, University Freiburg
- Franziska Ludewig (sociologist), German Police University of Münster
- Maike Kreyenborg (Ph.D. Student), German Police University of Münster
- Daniela Gutschmidt (psychologist), German Police University of Münster
- Kristin Weber (criminologist, sociologist), German Police University of Münster

Key publications

- Ellebrecht, S. (in print): Organisierte (In-)Differenz? Zur Bedeutung von Diversität und Repräsentation für die Polizei. In: Hunold, D. & Singelstein, T. (eds.): Rassismus in der Polizei. Eine wissenschaftliche Bestandsaufnahme. Springer. [Organized (in)difference? Understanding diversity and representative power in the police force. In: Hunold, D. & Singelstein, T. (eds.): Racism in the Police. A Scientific Survey]
- Gutschmidt, D. (2020): Interkulturelle Kompetenz in der Polizei: Eine sozialpsychologische Betrachtung allgemeiner Faktoren und der spezifischen Rolle von Vorurteilen. In: Polizei & Wissenschaft, 2/2020, pp. 11–29. [Intercultural competence in the police force: A sociopsychological review of general factors and the specific role of prejudice]
- Praunsmändel, S. (2021). Zur ambivalenten Geschichte der deutschen Amtssprache. In: Huggins, B., Herrlein, M., Werpens, J. et al. (eds.), Zugang zu Recht, pp. 129–153. [A history of ambivalence: Germany's official language regulation]
- Praunsmändel, S. (in print). Gefahr für den Rechtsstaat: rechtsradikale Polizist:innen. In: Grundrechtreport. Frankfurt a. M.: Fischer. [The rule of law in danger: Right-wing extremist police officers]
- Wisser, L. (2020). Blockieren, Aufschieben, Ignorieren – Disziplinarmaßnahmen gegen rechtsextreme Polizist*innen. In: CILIP – Bürgerrechte und Polizei, 4/2020, pp. 31–39. [Blocking, postponing, ignoring – Disciplinary measures against right-wing extremist police officers. In: CILIP – Civil Rights and the Police]

External funding

Stiftung Mercator [Foundation Mercator]

Legal Safeguards of Truth: Theoretical Bases, Constitutional Limits, and Regulatory Instruments of Countering “Fake News”

Prof. Dr. Johannes Buchheim, LL.M. (Yale), University of Marburg

This (external) postdoc project (Habilitation) seeks to analyze and assess the constitutional and practical possibilities and limits of legal instruments countering the spreading of “fake news,” especially in the digital realm. In the past decade, the phenomenon of “fake news”—severely exacerbated by the digital media revolution—has raised persistent and heightened concerns throughout liberal democracies. These worries are understandable, given that what we take to be factually the case as well as sufficiently shared epistemic standards are the foundation upon which any human—and thus also political—decision-making builds. However, since the beginning of modern constitutionalism, policing “the truth” as such through state power has been considered a problematic undertaking, often conceived as opening up a slippery slope towards autocracy. Given this (apparent) tension between the need for sound epistemic bases of collective and individual decision-making, on the one hand, and liberal-democratic commitments, on the other, Prof. Buchheim’s research aims to analyze and clarify the constitutional grounds for, limits to, and red lines of policing “the truth.” On this basis, it will then seek to suggest new regulatory instruments that might counter the harms of digital misinformation without violating dearly held constitutional commitments.

Despite the largely accepted importance of the challenges posed by digital mis-/disinformation, constitutional law and theory have often shied away from the issue. Most reflections on the law’s treatment of factual falsehoods are apodictic in nature, thus necessitating more in-depth research. While new and specialized legal instruments, such as the German Network Enforcement Act or the EU Digital Services Act, are being vividly discussed, the fundamental constitutional questions regarding the freedom of expression and its relation to

factual falsehood remain largely unaddressed. This reticence seems to have two main causes: epistemological insecurities regarding the fact–value divide and, in light of historical precedents, political caution of the powers that be in trying to police the truth. Both will provide the cautionary background and test of any arguments made resulting from my research.



My project seeks to analyze the theoretical bases and constitutional limits of countering the spread of fake news, especially in the digital realm. It seeks to suggest regulatory instruments that might counter the harms of mis-/disinformation without violating fundamental constitutional commitments.

Buchheim’s research seeks to build on a firm philosophical and theoretical basis. He begins by employing social science and political theory methodology in order to establish the spread of “fake news” as a serious problem worthy of theoretical and doctrinal legal attention. Based on these findings, he will assess the contexts and ways in which legal systems currently react to factual falsehood, aiming to establish common themes, strategies, and possible blank spaces by way of legal-doctrinal analysis. This will involve taking stock of case law and scholarly literature on freedom of expression, in particular the issue of factual falsehood and the fact–value divide as well as its philosophical underpinnings. Consideration will be given to the legal systems and practices of several constitutional democracies, with a clear focus on German and US-American scholarship

Time frame
2021–2025

Habilitation

External
researcher

and doctrine. As a prerequisite to the regulatory suggestions to be developed in the second part of the project, the project will engage in a closer analysis of the fundamental rights positions and duties of digital intermediaries who are key actors when thinking about how to legally curtail the impacts of digital misinformation. In this way, the project also seeks to contribute to clarifying the constitutional backgrounds and limits of regulating the digital media sphere—going beyond the issue of dis-/misinformation.

Supervisors

- Prof. Ralf Poscher (co-supervisor)
- Prof. Johannes Masing, University of Freiburg (co-supervisor)

Key publications

- Buchheim, J. (2020). Rechtlicher Richtigkeitsschutz – Zugleich ein Beitrag zur Unterscheidung von Meinungen und Nachrichten im Rahmen des Art. 5 Abs. 1 GG [Legally safeguarding truth – along with a contribution to the distinction of opinions and factual statements under Art. 5 Sec. 1 of the Basic Law], DER STAAT, pp. 159–194
- Abiri, G. & Buchheim, J. Beyond True and False: Fake News and the Digital Epistemic Divide, Mich. Telecom. & Tech. L. Rev. (forthcoming Fall 2022)
- Buchheim, J. (2022). Der Kommissionsentwurf eines Digital Services Act – Regelungsinhalte, Regelungsansatz, Leerstellen und Konfliktpotential [The Commission's proposal of a Digital Services Act – regulatory content, regulatory approach, gaps, and potential for conflict], in: Spiecker gen. Döhmann, I., Westland, M. & Campos, R. (eds.), Demokratie und Öffentlichkeit im 21. Jahrhundert – zur Macht des Digitalen (Nomos), pp. 239–261

- Buchheim, J. (2022). Rechtfertigungszentrierte Grundrechtstheorien – Grundrechtsgeltung und Grundrechtswirkungen in der jüngeren Rechtsprechung des Bundesverfassungsgerichts [Justification-centered theories of fundamental rights – applicability and third-party effects of fundamental rights in the recent case law of the Federal Constitutional Court] In: Müller/Dittrich (ed.), Linien der Rechtsprechung des Bundesverfassungsgerichts, vol. 6 (De Gruyter), pp. 3–47

Scientific outreach / public engagement

- Paper presentation: 10th Freedom of Expression Scholars Conference, Yale Law School, 4/29-5/1/2022, <https://law.yale.edu/isp/initiatives/floyd-abrams-institute-freedom-expression/freedom-expression-scholars-conference/freedom-expression-scholars-conference-10-2022> (together with Gilad Abiri)
- Summer School German Academic Scholarship Foundation (Studienstiftung des deutschen Volkes): Fighting Fake News – Legal Safeguards of Truth? – Theoretical backgrounds, legal means, constitutional limits, Hattingen, 8/15–8/24/2022 (together with Gilad Abiri)
- Blogpost: The War in Ukraine, Fake News, and the Digital Epistemic Divide, VerfBlog, 5/12/2022, <https://verfassungsblog.de/the-war-in-ukraine-fake-news-and-the-digital-epistemic-divide/> (together with Gilad Abiri)

Comparative European Study on Restrictions and Disenfranchisement of Certain Civil and Political Rights after Conviction: Joint Cooperation Project with Aristotle University Thessaloniki

Dr. Dr. h.c. Michael Kilchling



Criminal penalties seldom come alone. A criminal record can have severe collateral consequences that are more impactful and powerful than a regular sanction. Various civil and political rights are at stake: voting, employment, business permits, academic and honorary degrees, leisure activities, free movement, social benefits. These and many more may be restricted after conviction.

This comparative study aims to identify and analyze the various rules related to the abrogation or (temporary) restriction of certain civil and political rights that can follow criminal conviction. Historically, they can be rooted back to honor-related forms of punishment which were common in the 18th, 19th, and early 20th century. With their expressive and stigmatizing nature, they had the purpose of outlawing deviant individuals and excluding them from (full) participation in society. Such sanctions are, in some form or another, still prevalent today. It seems that, in recent years, they even regained significance in the context of the growth of the preventative orientation of (criminal) law and (criminal) policy, now hidden in administrative dress or disguise.

In most European jurisdictions, such measures are available. Notwithstanding their close connection to criminally relevant behavior, they are rarely imposed by criminal courts. Instead, they have been “exported” into other areas of law such as, in particular, public/administrative law and also private law. Labelled as non-punitive in nature, they can have severe consequences for those affected and sometimes even for other parties, in particular the close family. These measures may include, for example, the restriction of

voting rights, the right to select and exercise certain occupations, graduation or conferral of a doctoral degree, leisure activities, and curtailment of the right of free movement. Even access to specific social benefits, including free legal aid, may be restricted in one jurisdiction or another, at least for certain groups of (ex-) criminals. Besides orders with a direct or indirect punitive orientation, measures often have a security-related purpose, for example in the context of probation and intensive supervision.

Preliminary results confirm many noteworthy differences on a variety of parameters, including the type and legal character of measures, the conditions for imposition, their scope and impact, procedures, enforcement, and judicial control. Their purpose can be either punitive or preventive, administrative or “sui generis”. Even soft law and informal ethical rules, which spread with the growing significance of corporate governance regimes, may have an impact. Relevant regulations outside the penal sphere include, e.g., electoral rules, family law, immigration law, and business and labor law. Not only public positions (the military, the police, the judiciary including lay judges, lawyers, notaries, etc.) may be barred for persons with criminal records (any or specific

Time frame
2018–2022

ones). Access to private businesses may also be denied or business permits may be revoked. In some countries, jobs in the private security business, banks, accounting and bookkeeping, medical services, and many more sectors cannot be exercised by former offenders or specified types of (ex-) offenders. In some jurisdictions, they cannot even get a license to run a bar or a restaurant or to work as a waiter or a taxi driver. Sometimes the courts or competent authorities have a power of discretion, sometimes they do not. Consequences can also apply as an automatic – collateral – side effect. Licenses to possess a gun, to hunt, or to hold animals can also depend on clean criminal records, not to mention the withdrawal of a driving license, which has the greatest practical impact in many countries to date.

None of these issues have so far been the subject of a systematic comparative analysis, whether normative or empirical. The study is an important move towards closing this gap. It engages two issues central to the Department of Public Law's research agenda. First, the normative shift from penal to public, private, and commercial contexts shows increasing fragmentation of security-related regulation. Second, the pertinent regulations touch on fundamental individual rights, proportionality being a key issue to resolve. Lastly, the project's main classificatory and comparative methods illustrate its two parts: the first part is a description of the regulatory framework, the second is a comparative sectoral analysis followed by general conclusions.

Collaborators

- Dr. Dr. h.c. Michael Kilchling, MPI-CSL
- Prof. Dr. Dr. h.c. mult. Hans-Jörg Albrecht, director emeritus MPI-CSL
- Prof. Dr. Momiana Guneva, Burgas Free University
- Ass. Prof. Dr. Lucija Sokanović, University of Split
- Prof. Dr. Tomáš Gřivna, Charles University, Prague
- Prof. em. Dr. Terttu Utriainen, Helsinki
- Prof. em. Dr. Aggeliki Pitsela, Aristotle University of Thessaloniki
- Dimitra Blitsa, LL.M., Aristotle University of Thessaloniki
- Dr. Sofia Giovanoglou, Aristotle University of Thessaloniki
- Christos Lambakis, LL.M., Aristotle University Thessaloniki
- Dr. Zoe Mihalopoulou Aristotle University of Thessaloniki
- Eleni Tsaousakou, LL.M., Aristotle University of Thessaloniki
- Dr. Cormac Behan, Technological University Dublin
- Prof. Dr. Elżbieta Hryniewicz-Lach, Adam Mickiewicz University, Poznań
- Prof. Dr. Dres. h.c. José Luis de la Cuesta, Basque Institute of Criminology, Bilbao
- Prof. Dr. Marianne Lehmkuhl, University of Bern

Key publication

Kilchling, M. (2021). Strafen über Strafen: Strafrechtliche und nichtstrafrechtliche Zusatzsanktionen in Deutschland [Punishment upon punishment: additional penal and non-penal sanctions following conviction in Germany]. In: R. Haverkamp et al. (eds.), *Unterwegs in Kriminologie und Strafrecht – Exploring the World of Crime and Criminology: Festschrift für Hans-Jörg Albrecht zum 70. Geburtstag*, Berlin: Duncker & Humblot, pp. 1075–1094

Public Law Implications of the Digital Attention Economy

Daniel Buchmann



The systematic and highly efficient capture of human attention by companies like Facebook, Google, or Twitter – with its problematic effects on both individual and societal levels – raises questions concerning to what extent the state is permitted or even obliged to intervene in this digital attention economy.

The business model of some of the world's largest, most valuable, and socially influential companies today, such as Google, Facebook, and Twitter, can be described as capturing human attention and selling the attention to advertisers. Using powerful AI and sophisticated behavioral science and psychology, their services are optimized to maximize the attention spent by users. Despite great positive potentials of these services, this systematic and highly effective capture of human attention has problematic effects, including – at the individual level – loss of personal autonomy, mental health impacts, challenges to the development of one's personality, and – at the societal level – polarization and reinforcement of hate speech, conspiracy theories, and fake news. This situation raises the question of the legal implications of the digital attention economy, which this project intends to explore, focusing on German constitutional law as well as European and international public law. There are two central questions to be addressed in this context. The first question is whether and to what extent the state is authorized to intervene in the digital attention economy. This raises more fundamental issues, such as the problem of the legitimacy of paternalism, the relationship between public and private spheres, and to what extent the state is obliged to maintain ethical neutrality. The second

question is whether the purposeful, systematic, and highly effective capture of users' attention concerns fundamental rights of German Basic Law and of international fundamental rights catalogs and, if so, whether this leads to third-party effects or a duty to protect on the part of the state. Essential issues to be addressed here are the autonomy concepts that the respective fundamental rights are based on, the relevance of empirical findings about the human condition in legal interpretation, as well as the notion of manipulation, its legal implications, and its relationship to related phenomena like persuasion. While certain problems have been discussed at length in the ongoing (legal) debate about social media – such as data protection, hate speech, and threats to freedom of expression and information –, the aspect of attention, its manipulation, and the effects of this manipulation have so far mostly been overlooked. Applying an interdisciplinary approach and drawing from legal as well as philosophical, psychological, and behavioral science literature, this project aims at initiating the discussion of this socially highly relevant issue in the German-language public law debate.

Time frame

2020–2023

Dissertation

First supervisor

Prof. Dr. Ralf Poscher, MPI-CSL

Deprivation of Nationality in the Fight against Terrorism

Samuel Hartwig, Dipl. iur.



The past few years have seen a disquieting trend emerge in the area of nationality law. States increasingly use the tool of deprivation of nationality to wash their hands of unwanted individuals. It is doubtful that these measures are fully compatible with international norms in this area.

Time frame
2019–2023

Dissertation

Aiming to address the threat posed by Islamist terrorists, several European countries have, in recent years, adopted legislation that provides for the deprivation of nationality in cases of terrorism. Following their example, Germany inserted a rule in its nationality law (Staatsangehörigkeitsgesetz) that provides for the automatic loss of German nationality in the event that someone participates in a terrorist organisation's combat activity abroad. This doctoral project aims to investigate the relevant legal framework on the national and the international plane regulating these types of deprivation and to examine the underlying concept of nationality. Employing a blend of comparative law and statutory and doctrinal analysis, the project intends to make at least two substantial contributions to scholarship in this area. First, it places German law in a broader international context by examining the deprivation of nationality in other Euro-

pean states and shedding some light on the historic roots of such measures. Second, the project offers a detailed analysis of the guarantees enshrined in Art. 16 of the German Basic Law. Germany's reformed nationality law can be most effectively scrutinized against this legal backdrop. Anticipated scholarly outcomes include enhanced knowledge of the legal context of Germany's reformed nationality law and a more comprehensive understanding of the concept of nationality as such. By examining evolving trends in the combatting of terrorism on the international plane and their socio-political implications, this doctoral project advances several key components of the department's research agenda.

First supervisor

Prof. Dr. Ralf Poscher

The Legal Assessment of Cyberattacks on the Federal Republic of Germany with Special Regard to “Hackbacks” as a Defense Measure

Philipp Johner, University of Freiburg



There is still no fully comprehensive concept for dealing with cyberattacks under security law. Hackbacks, as a defensive measure, pose considerable legal problems. The legal and factual imponderables must be examined and a coherent concept developed.

Cyberattacks on government institutions and information technology systems occur regularly, representing a substantial security threat to Germany and its economic and political interests. Besides passive defense measures, the so-called “hackback” can be considered an active defense measure. Here, the attacked party launches a cyber counter-attack to dissuade the attackers from their original aim. The primary objective of this doctoral project is to enhance our understanding of the legal implications of cyberattacks. These differ from conventional security threats in that they originate from locations different from their eventual areas of impact. National borders are often crossed. Also, attacks are not only perpetrated by private individuals; states may be involved to varying degrees. All of this has consequences for threat prevention, both in fact and in law.

It is therefore necessary to clarify the legal framework for threat prevention so that security authorities can act lawfully and effectively. Applying both doctrinal analysis and statutory interpretation, this dissertation aims to promote a modern understanding of our security law that is prepared for modern threats like cyberattacks. Key findings will include a broader and deeper understanding of regulating digital threats, particularly through active defense measures. By examining cyberattacks and their established threats to democratic rule, the project addresses an evolving digital and international public security law threat, engaging core facets of the Department of Public Law’s research agenda.

First supervisor

Prof. Dr. Ralf Poscher

Time frame
2018–2022

Dissertation

External
researcher

Multimodal Remote Detection of Hidden Threats in People Screening (HITD)

Philipp Johner, University of Freiburg, Centre for Security and Society

Time frame
2018–2022

Dissertation

External
researcher

In recent attacks in Paris and Brussels, terrorists used weapons and explosive vests to kill or injure as many people as possible. To effectively foil such attacks, one must identify perpetrators from a distance and stop them before they reach dense crowds. This is not possible using current means. Funded by the German Federal Ministry of Education and Research (BMBF), this project aims to develop an integrated and automated system for detecting potential dangers posed by objects/items hidden on a person's body. To achieve this, a combination of terahertz wave technology and optical sensors is used to detect perpetrators and weapons up to 50 meters away. This enables security personnel to intervene earlier – even before perpetrators realize they have been screened and their threat potential assessed.



Modern security technologies increasingly involve the collection and processing of personal data. This raises considerable concerns with regard to fundamental rights and data protection law. Such technologies also raise problems with regard to a legal basis for their use.

Since HITD's inception, its technical side has developed alongside legal research aiming to ensure regulatory compliance, identifying and answering relevant legal questions on the technology's use and results. More specifically, by using a combination of doctrinal analysis and statutory interpretation, this project examines

the relationship between modern technologies and the protection of personality and privacy rights. As such, it engages the second and third levels of the Department of Public Law's research agenda, focusing on the progressive digitization of public security and its potential threats to individual rights and democratic legitimacy.

The first part of the expert opinion prepared for the project deals with the fundamental and administrative law aspects of the deployment. One focus is on the assessment of the handling of personal data. The requirement of a sufficiently specific legal basis for the use of the HITD system is problematic. It must clearly regulate the parameters of use and may only permit use in a proportionate manner.

The second part of the report deals with questions of criminal procedure.

Collaborators and project partners

- Prof. Dr. Dr. h.c. Walter Perron, University of Freiburg, first supervisor
 - Prof. Dr. Ralf Poscher, second supervisor
 - Supracon AG (Jena)
 - Leibniz Institute of Photonic Technologie (Jena)
 - Centre for Security and Society at the University of Freiburg
 - Zentrum für Bild- und Signalverarbeitung e.V. (Ilmenau)
- Associated partners:
- German Federal Police Academy (Lübeck)
 - Rohde & Schwarz GmbH & Co. KG (Munich)

External funding

Bundesministerium für Bildung und Forschung (BMBF) [German Federal Ministry of Education and Research]

The Official Language Principle: History and Application in Security

Sarah Praunsmändel, University of Freiburg



In accordance with the German constitution and European law, the principle of German as the official language is to be interpreted as a discretionary provision.

The dissertation project examines the application of the official language regulation in the context of danger prevention and sheds light on translation obligations of the police towards persons who do not know German. The focus of the analysis is on § 23 (1) of the Administrative Procedure Act (VwVfG), which stipulates German as the official language. Language barriers are nevertheless an everyday experience for the police, as communication is still considered the most important means of police action. This not only complicates the performance of tasks but can also violate the rights of those involved in the proceedings. The project first examines the history of the origins of the official language regulation, noting that it was unilaterally intended to distribute the so-called language risk among the group of guest workers and thus contradicts the Enlightenment postulate of the greatest possible comprehensibility of the official language. With regard to the current interpretation of § 23 VwVfG, it can be said that its application in danger prevention is largely excluded. However, a comparison with constitutional and European law shows that an adapted interpretation of § 23 (1) VwVfG is necessary: its interpretation as a discretionary provision provides suffi-

cient protection for parties to the proceedings who are not familiar with German. The methodological core is a legal dogmatic analysis, which is flanked by legal historical perspectives.

First supervisor

Prof. Dr. Ralf Poscher

Collaborators

- Dr. Sabrina Ellebrecht, M.A. University of Freiburg
- Prof. Dr. Stefan Kaufmann, University of Freiburg
- Prof. Dr. Stefan Jarolimek, German Police University, Münster

External funding

Stiftung Mercator [Mercator Foundation]

Time frame

2019–2023

Dissertation
Part of project
on p. 113

External
researcher

Right to a Human Decision?

Christian Thönnnes

Time frame
2021–2024

Dissertation

Rapid technological advances in the field of artificial intelligence incentivize an increasing shift of legal decision-making powers from humans to machines. As a response to this process of legal automation, numerous national and EU legal statutes have been created (see, for example, Art. 22 GDPR and § 35a German Federal Administrative Procedures Act [VwVfG-Bund]). These statutes universally postulate human intervention in automated decision-making processes. In the jurisprudential literature, however, a doctrinally consistent explanation of exactly which legal interest these norms protect is still lacking. The unclear ratio legis of these norms leads to considerable legal uncertainty regarding both their scope of application (what exactly is a “decision based solely on automated processing” as per Art. 22 GDPR?) and the content of their legal consequences (how exactly are humans supposed to intervene in automated-decision processes?).

The project approaches these research questions by, in a first step, analyzing the legal practice of automated decision-making. The aim of this analysis is to substitute the currently dominating legal dichotomy between fully automated and partly human decisions (see, e.g., Art. 22 § 1 GDPR) with a criterial model of gradual automation. It will then investigate two possible doctrinal approaches to a right to a human decision – first, an argument based on ontological differences between human and machine cognition inspired by John Searle’s Chinese Room Argument and, second, an argument based on normative relations of mutual recognition inspired by Axel Honneth’s Recognition Theory. In making the case for one of the two doctrinal approaches, this project will not only yield a theoretically consistent interpretation for the above-mentioned statutes postulating human interventions but also contribute to a further development of the recognition theory of human dignity.



This project investigates whether existing constitutional and human rights protections entail a right to a human decision. It examines the basis, content, and limits of such a right through a thorough analysis of current legal discourse and deeper arguments from the philosophy of mind.

The principal research question of this project is therefore: Can a fundamental right to human intervention in automated decision-making processes (i.e., right to a human decision) be inferred from the German Basic Law (Grundgesetz) and/or the Charter of Fundamental Rights of the European Union? If so, what is its doctrinal basis, what content and what limits does it have?

First supervisor

• Prof. Dr. Ralf Poscher

Key publications

- Thönnnes, C. (23.06.2022) A Directive altered beyond recognition (Verfassungsblog). <<https://verfassungsblog.de/pnr-recognition/>>
- Thönnnes, C., Brockhaus, R., & Gerdemann, S. (2021) Die verfassungsrechtlichen Grenzen unionsrechtlich induzierter Ungleichbehandlungen am Beispiel der Whistleblowing-Richtlinie [The constitutional limits of EU-law-induced unequal treatment as exemplified by the Whistleblowing Directive] 40 Neue Zeitschrift für Verwaltungsrecht 204
- Thönnnes, C. (2021) “COVID-19 Contact Tracing Apps in the EU: Lessons from Germany” (Civil Liberties Union for Europe e.V.) <<https://www.liberties.eu/f/XKDH18>>
- Thönnnes, C. (28.01.2022) “A cautious green light for technology-driven mass surveillance” (Verfassungsblog). <<https://verfassungsblog.de/green-light/>>

Shifts in Interests in European Extradition Law: Comparing Extradition Models of the Council of Europe and the European Union

Thomas Wahl

Based on a hypothesis, the project examines the changing tension between security and protection of individual rights in the evolving European extradition law. Statements in legal literature allow the following hypothesis: Initially, there was only the requesting state's interest in effective surrender coming up against the requested state's interest in safeguarding its sovereignty; the requested person was an "object" of extradition proceedings without rights (two-dimensional perspective). Conventional extradition law established by the Council of Europe supplemented the above with equally important individual rights (three-dimensional perspective). The European Union's legal framework on the European Arrest Warrant (EAW) further changed the equilibrium, leading to a preponderance of effectivity; sovereignty interests vanished, while the requested person's interests diminished. The primary reason for this is that the EAW implements the principle of mutual recognition of judicial decisions, which many legal scholars regard as eroding the balance between security and individual rights established by modern extradition law.

Said hypothesis is tested in two ways: First, by analyzing the history of European extradition law. Second, by examining the legal extradition framework established by the Council of Europe and the EU. The project not only performs a normative analysis of "law in the books" but also considers extradition in practice ("law in action"). This requires consulting German and European case law and evaluating numerous empirical studies assessing European extradition law after World War II.

Preliminary results indicate our hypothesis is susceptible to criticism: Only a few European countries shared the historical assumption that the requested person was formerly just "an object." By contrast, England and Belgium protected pertinent individuals by means



The project tests a hypothesis on the change of interests in effective prosecution and protection of individuals in extradition law. It analyzes the history as well as the current extradition law of the Council of Europe and the EU in the form of the European Arrest Warrant, including the law in action.

of sophisticated extradition procedures. Examining today's legal framework revealed few relevant differences. Examples are the double criminality principle and the refusal ground for (potential) human rights violations in the requesting state. By contrast, the EAW scheme retains remnants of state sovereignty. Interestingly, formal amendments by the EAW have caused risks to the requested persons' rights. Mandatory forms providing limited information affects an individual's right to be informed. Also, the obligation to execute an EAW request within tight time limits prevents defense counsel from producing effective counterarguments.

Time frame
2016–2023

First supervisor

Prof. em. Dr. Dr. h.c. mult. Ulrich Sieber, MPI-CSL

Legitimation and Representation: Access to the German Police

Laura Wisser, University of Freiburg

Time frame
2019–2022

Dissertation
Part of project
on p. 113

External
researcher

This project examines in a three-step approach the legal situation of access to the police forces in Germany. In a first step, the constitutional requirements, specifically Art. 33 II Basic Law, are analyzed. Art. 33 II has its roots in the constitutions of the German states of the early 19th century, even before the “Reichsgründung” in 1871. The ideal of equal access to public offices was developed in a time when the power of nobility sank while the ideals of equality and democracy became powerful, and the state–subject relationship developed towards a state-citizen relationship. Art. 33 II has two safeguards that are to some extent the expression of this ideal: One is a special right to equality, granting all citizens equal access to civil service. The other guarantees the func-

In the second part, the constitutional safeguards are compared with the legal and actual situation of the application process for police officers and the criteria by which the applicants are measured. Although the legal situation differs in different German states, specific criteria cannot be found on a legal level in any of the states. Some of the more general criteria (size, physical fitness) apply within a federal working group consisting of employees of the ministries of internal affairs of all states. The administrative regulation made by this working group, the so-called p100, is considered classified information.

In the last part, the connection between concepts like participation and pluralism, in particular the question of what and who constitutes “good police work” in a plural society, are targeted. The hypothesis is that a representative personnel structure in the police would not only satisfy the equality ideals of Art. 33 II of the Basic Law but also serve the functional capability of the public administration.



Representation could be a valid criterion in the recruiting processes of German police forces.

tioning of public administration. The so-called principle of selection of the best, which is particularly based on the concept of “aptitude”, aims to ensure that only “the best” applicants are appointed to a public office. In other words, only rationally comprehensible criteria are allowed in the selection process. The equality dimension meanwhile enshrines that every differentiation of applicants, in order to be justified, must serve the requirement of selecting the best. Through its consideration of Art. 33 II’s safeguards, as well as its analysis of the structure and binding effects of Art. 33 II, the project will make an overdue contribution to the doctrine (*Dogmatik*) of fundamental rights.

First supervisor

Prof. Dr. Ralf Poscher

External funding

Stiftung Mercator [Mercator Foundation]

3. CHALLENGES: FUNDAMENTAL RIGHTS, RULE OF LAW, DEMOCRACY

Doctrine of Fundamental Rights in a Transnational Perspective

Prof. Dr. Ralf Poscher



Public security measures pose some of the core challenges to fundamental rights. The doctrinal structures of these rights are developed and adapted, also with the help of interdisciplinary theoretical analyses, in an effort to keep up with these challenges.

The project aims at a continuous doctrinal development of fundamental rights with a special focus on fundamental rights implied in public security measures including a transnational perspective. Fundamental rights are central to the legal evaluation of public security measures. The doctrinal development of individual fundamental rights, such as human dignity, freedom of speech, freedom of assembly, data protection, and privacy, to name but a few, and the proper understanding of general fundamental rights doctrinal elements, such as the principle of proportionality, are crucial in order to keep up with the ever-changing landscape of powers attributed to security agencies.

The longstanding backbone of the project is a comprehensive systematic account of fundamental rights doctrine in Germany in an established textbook, which

is published in yearly editions. The book has shaped the understanding of fundamental rights of generations of German lawyers. Poscher and his co-author, Thorsten Kingreen, have been entrusted with the book since the 29th of (in the meantime) 38 editions by their academic teachers, Bodo Pieroth and Bernhard Schlink. In the editions under their responsibility, they have so far been able to thoroughly update and internationalize the perspective on German fundamental rights in keeping with the focus on general fundamental rights structures, which has made the book so influential. The annual publication of the book allows for the distilled results of more specific fundamental rights subprojects to be disseminated to a large legal audience and, conversely, the subprojects serve to elaborate on new ideas developed in the context of the editions.

Time frame
2013–2030

The subprojects analyze some of the most pressing fundamental rights issues with respect to public security law in greater depth – doctrinally as well as theoretically. The theoretical perspective especially opens up the projects for a transnational discussion of fundamental rights. In the reporting period, they focused, amongst other matters, on the theoretical limits of constitutional balancing and an alternative explication of decisions that sail under the flag of proportionality review, the relationship between the right to life and human dignity, or an alternative conception of the right to data protection and its implication for evaluating artificial intelligence. Alongside a doctrinal analysis of the respective jurisprudence, the subprojects often branch out methodologically into neighboring disciplines. Drawing on analytical or political philosophy, ethics, or political theory often allows us to acquire a better understanding of the underlying structural and substantive issues, which can then provide novel doctrinal perspectives.

Next to the yearly editions of the fundamental rights book, the project aims at writing articles (with a theoretical focus). Where possible, the articles are also written in English in order to engage more fully in the international exchange on this subject matter. Furthermore, the project supports translations of the fundamental rights book. In this regard, the department has worked with

colleagues in Asia to provide a second Japanese and a first Korean translation; a Turkish translation is in progress. The same also applies to some of the articles on subprojects, which have been translated into several different languages.

Collaborators

- Prof. Dr. Thorsten Kingreen, Faculty of Law, University of Regensburg: book on fundamental rights
- Dr. Philip Lassahn, Federal Ministry of the Interior and Community: article on constitutional aspects of IT security

Key publications

- Kingreen, T. & Poscher, R. (2021). *Grundrechte. Staatsrecht II* (35th–38th ed.). Heidelberg: C.F. Müller. [Fundamental Rights. Constitutional Law II]
- Poscher, R. (2022). Human Dignity in the Mechanics of Claims. *Jus Cogens*, 4(2), 193–201
- Poscher, R. (2020). Resuscitation of a Phantom? On Robert Alexy's Latest Attempt to Save His Concept of Principle. *Ratio Juris*, 33(2), 134–149
- Poscher, R. (2021). Proportionality and the Bindingness of Fundamental Rights. In E. Billis, N. Knust, & J. P. Rui (eds.), *Proportionality in crime control and criminal justice* (pp. 49–68). Oxford: Hart Publishing
- Poscher, R. (forthcoming in 2022). Artificial Intelligence and the Right to Data Protection. In S. Voenekey et al. (eds.), *The Cambridge Handbook of Responsible Artificial Intelligence* (pp. 281–289). Cambridge: Cambridge University Press

Handbook of Constitutional Law: German Constitutional Law from a Transnational Perspective

Prof. Dr. Ralf Poscher, Prof. Dr. Dr. h.c. Matthias Herdegen,
University of Bonn, Prof. Dr. Johannes Masing, University of Freiburg,
Prof. Dr. Klaus Ferdinand Gärditz, University of Bonn



The Handbook of Constitutional Law presents German constitutional law in a transnational, comparative perspective that will enable foreign jurists to gain, in the space of a chapter, a solid understanding of both the bases and nuances as well as some of the complexities of German constitutional law.

The Handbook of Constitutional Law will be the first comprehensive academic presentation of German constitutional law by some of the country's leading constitutional scholars. Already published in German, the Handbook will also appear in an English version. It is intended for both German and foreign specialist audiences open to cross-border legal thinking.

The German version focusses on the international, supranational, and comparative influences on German constitutional law. The English version is currently undergoing an editing process. It will enable the foreign reader to gain, in the space of a chapter, a solid understanding of both the bases and nuances of German constitutional law as well as some of its complexities.

The Handbook incorporates several legal methods, particularly doctrinal analysis, the interdisciplinary integration of empirical findings from the social sciences, and various sub-methodologies of comparative law and theoretical analysis. Most importantly, the presentation of German constitutional law is integrated into an analysis of historical developments and experiences. Each chapter presents the positive law of the German constitution and its understanding in application and case law in a way that is enriched by the transnational perspective. The chapters

thus not only introduce the theoretical and doctrinal discussion in Germany but also deliver a unique contribution to the ongoing debate. It is the first handbook on German constitutional law, which also incorporates a chapter on

Time frame
2017–2023



photo: C.H. Beck

public security law in a cross-sectional analysis of the German constitution. Ultimately, the Handbook endeavors to show the interdependence of the national constitution, its doctrine, and transnational, legal, scholarly exchanges of an interdisciplinary nature.

Edited by Professors Herdegen, Masing, Poscher, and Gärditz, the Handbook is co-authored by 24 German professors, with support from 15 international academics from Europe, North America, Africa, and Asia.

Collaborators

- Raphaël Beaugregard-Lacroix, MPI-CSL
- Luc von Danwitz, MPI-CSL
- Niklas Burkart, MPI-CSL
- Dr. Jakob Hohnerlein, MPI-CSL
- Christian Thönnies, MPI-CSL
- Lucas Mies, University of Bonn
- Niklas Burkart, University of Freiburg
- Timur Cinar, University of Freiburg
- Philipp Dürr, University of Bonn
- Maryam Kamil Abdulsalam, University of Bonn
- Merle Kämpfer, University of Bonn
- Felicia Schliebs, University of Freiburg

Key publications

- M. Herdegen, J. Masing, R. Poscher, & K. F. Gärditz (eds.) (2021) *Handbuch des Verfassungsrechts – Darstellung in transnationaler Perspektive* [Handbook of Constitutional Law – Presented from a transnational perspective]. Munich: C.H. Beck
- *Handbook of Constitutional Law – German Constitutional Law from a Transnational Perspective* (to be published in 2023)

External funding

At different stages of the project:

- Deutsche Forschungsgemeinschaft e.V. (DAAD) [German Research Foundation]
- Deutsche Stiftung für Internationale Rechtliche Zusammenarbeit e.V. [German Foundation for International Legal Cooperation]
- Friedrich-Ebert-Stiftung e.V. [Friedrich Ebert Foundation]
- Konrad-Adenauer-Stiftung e.V. [Konrad Adenauer Foundation]
- Carl Friedrich von Siemens Stiftung [Carl Friedrich von Siemens Foundation]
- Fritz Thyssen Stiftung [Fritz Thyssen Foundation]

Pandemic Regulation: Virus in the Rule of Law?

Prof. Dr. Ralf Poscher

The overall project “Pandemic Regulation – Virus in the Rule of Law?”, coordinated by the University of Luxembourg, aims to examine the legal reactions to the COVID-19 pandemic from a comparative perspective. In addition to Germany, there are also country reports from France, Italy, Spain, and Singapore. During the course of the project it became evident that the states in question reacted to the pandemic in different ways, for example with regard to the area of law or the importance of data protection. Based on these and other differences, the contributions focus on the following topics: pandemic policy and its influences on the legal system, state emergencies during the pandemic, knowledge deficits and proportionality of the measures taken, and data protection.

In this project, Germany serves primarily as an example of a state that already had legal regulations on infection protection in place before the outbreak of the pandemic, which could be used as a legal basis for numerous measures. In addition, the country report demonstrates that Germany took an exceptional approach to dealing with the pandemic in several aspects, e.g., by using public law instead of criminal law, by refraining from declaring a state of emergency, and by implementing effective judicial review. The results are summarized in a book chapter, forthcoming in 2022.

The German country report (and its associated legal research) focuses on three main points. It starts by explaining the country’s constitutional framework. First, the research shows that the Basic Law does not contain any emergency provisions for a health emergency. Therefore the enactment of an emergency, unlike in other countries, was not possible during the COVID-19 pandemic. Moreover, specific basic rights are analyzed as limits for individual measures, for example the freedom of movement, religious freedom, and the general principle of equality.

Thereafter, attention is drawn to the unique situation that Germany already had a legal framework in place for dealing with infectious diseases before the pandemic, the Infection Protection Act (Infektionsschutzgesetz) at its heart. This law enables the country’s health authorities to adopt measures deemed necessary to effectively combat pandemics. Consequently, the authorizations outlined in this law have been used as a legal basis for the measures thus far taken during the pandemic. As the pandemic continued, the law was amended several times to broaden the scope of the measures authorities were allowed to take in response to the situation at hand. The report then analyzes the amended law and the concrete measures with regard to fundamental rights, and it further examines the limits of these measures.



In an international comparison, the Federal Republic of Germany was found to be well prepared for the pandemic due to the Infection Protection Act. The law is therefore a good starting point for new regulations in other countries.

Lastly, data protection law is considered. The German country report argues that the pandemic has shown once again that the right to informational self-determination in Germany is misconceived, taking the case of the so-called Corona Apps not working to their full extent as an example.

Collaborators

- Dr. Katrin Werner-Kappler, MPI-CSL
- Prof. Dr. Stefan Braum, University of Luxembourg

Key publication

Poscher, R./Werner-Kappler, K., “The Legal Framework of the Covid-19 Pandemic in Germany” (forthcoming 2023)

Time frame
2020–2023

Periodic Surveillance Barometer for Germany

Prof. Dr. Ralf Poscher, Dr. Dr. h.c. Michael Kilchling, Lukas Martin Landerer

Time frame 2021–ongoing

State surveillance measures and their impact on constitutional freedoms have long been the subject of legal and political discourse. A subject of quite notorious debate is the question of whether an “overall accounting” of surveillance must and might be realized, since the German Federal Constitutional Court (BVerfG) claimed that excessive surveillance activities by state agencies would not be in accordance with Germany’s liberal constitutional identity.

Existing research approaches concerning this very matter have been restricted to a doctrinal legal analysis. When dealing with the question of the situation of privacy in a society, however, one must also take into consideration the quantitative dimension of infringements upon it. Any such infringement must count. Therefore, a new approach is needed that combines the scope, frequency, and impact of the activities related to state surveillance.

This pioneering project aims to identify and quantify the cumulative impact of the various surveillance activities conducted by security and prosecution agencies. The results are intended to provide scientifically based evidence for academic discussion and to benefit legislatures and the judiciary.

Methodologically, the barometer is based on a six-step concept:

1. Examination of the relevant types of personal data.
2. Identification and analysis of all legal provisions allowing the seizure or transfer of such data.
3. Weighting of the intensity of any such measures according to a scoring system that reflects relevant parameters identified within the jurisdiction of the BVerfG.

4. Acquisition and analysis of statistical data on the number of surveillance measures carried out by the various agencies under the provisions identified in step 2.
5. Calculation of the final surveillance grade of the various measures. The statistical numbers collected in step 3 are to be correlated with the intensity scores generated in step 4.
6. Finalization. The final product will be a general grade of the state of surveillance in a given reference year. In addition, separate grades can be aggregated for a variety of specific scenarios.

Despite global attention and concern over state surveillance, such a transparency instrument has not yet been developed. In this respect, the German legislator seeks to act as a pioneer. Early last year, the internal affairs committee of the German parliament held a hearing on surveillance measurement, at which Professor Poscher outlined our novel approach. The newly formed government committed itself to establishing a respective transparency initiative by 2023 in its coalition treaty.

Our barometer should become operational, initially on a limited basis, in 2023. A website, where all the outcomes will be published, will go online; the domain (www.ueberwachungsbarometer.de) has already been acquired.

Key publications

- Poscher, R., Kilchling, M. (2022). Wie lässt sich die Überwachung der Bürgerinnen und Bürger messen? [How can the surveillance of citizens be measured?] *Deutsche Richterzeitung*, pp. 110–113
- Poscher, R., Kilchling, M., & Landerer, L. (2021). Ein Überwachungsbarometer für Deutschland. Entwicklung eines Konzeptes zur periodischen Erfassung staatlicher Überwachungsmaßnahmen [A surveillance barometer for Germany. Development of an approach



Concepts for an “overall accounting” of surveillance have been mainly theoretical in the past. The real exposure of citizens to state surveillance, however, can be assessed only on the basis of an empirical method that includes both the extent and the impact of all major surveillance activities.

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- Poscher, R., Kilchling, M., & Landerer, L. (2022). Überwachungsbarometer für Deutschland – Ein Modellkonzept [Surveillance barometer for Germany – A model method]. Potsdam-Babelsberg: Friedrich-Naumann-Stiftung für die Freiheit, <https://shop.freiheit.org/#/Publikation/1168>
- Poscher, R. & Kilchling, M. (2021). Entwicklung eines periodischen Überwachungsbarometers für Deutschland: Pilotprojekt – Max-Planck-Institut zur Erforschung von Kriminalität, Sicherheit und Recht, Abteilung Öffentliches Recht, Freiburg i.Br. [Surveillance barometer for Germany: Pilot project – Max Planck Institute for the Study of Crime, Security and Law, Department of Public Law, Freiburg] Potsdam-Babelsberg: Friedrich Naumann Foundation for Freedom

Scientific outreach / public engagement

- Poscher, R. (2021). Konzept für ein periodisches Überwachungsbarometer. Anhörung vor dem Deutschen Bundestag – Ausschuss für Inneres und Heimat, Ausschuss-Drucksache 19(4)732 E v. 18.2.2021, <https://www.bundestag.de/resource/blob/823314/668397b1a8c5ebf2a2a047f9604b974d/A-Drs-19-4-732-E-data.pdf>
- Poscher, R. (2021): Das Überwachungsbarometer für Deutschland. Liberal 3/2021, <https://liberal.freiheit.org/2021/03-2021/unter-ueberwachung>
- Poscher, R. (2021). How Can We Effectively Assess the Level of Surveillance in a Society? Latest Thinking video publication, 2.6.2021, <https://doi.org/10.21036/LTPUB10924>; <https://csl.mpg.de/201504/how-can-we-effectively-assess-the-level-of-surveillance-in-a-society?c=55560>
- Anger, H.: “Staatliche Überwachung: Kontoabfragen zuletzt ‘fast exponentiell’ gestiegen. Behördliche Abfragen bei der Hausbank, Überwachung durch smarte Haushaltsgeräte – bislang ist unklar, in welchem Maße der Staat Daten der Bürger abfragt. Das ändert sich nun.” Handelsblatt, 25.1.2022, https://www.handelsblatt.com/politik/deutschland/datenzugriffe-staatliche-ueberwachung-kontoabfragen-zuletzt-fast-exponentiell-gestiegen/28001926.html?utm_term=organisch&utm_campaign=standard&utm_medium=social&utm_content=ne&utm_source=Twitter&ticket=ST-640510-3X5TgkVIQjT99Jhef9n0-ap6#Echobox=1643094932

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- Poscher, R. & Kilchling, M. (2022): Zwei Jahrzehnte nach 9/11 – Höchste Zeit für ein empirisch basiertes Monitoring staatlicher Überwachungsmaßnahmen. Verfassungsblog – On Matters Constitutional. Project 9/11, zwei Jahrzehnte später: eine verfassungsrechtliche Spurensuche, 29.04.2022, <https://verfassungsblog.de/os6-monitoring/>
- Kilchling, M. & Poscher, R., Mehr Transparenz bei staatlicher Überwachung nötig [More Transparency Needed in State Surveillance], Tagesspiegel Background, 01.08.2022, <https://background.tagesspiegel.de/digitalisierung/mehr-transparenz-bei-staatlicher-ueberwachung-noetig>

External funding

Friedrich-Naumann-Stiftung für die Freiheit [Friedrich Naumann Foundation for Freedom]

State Responsibility for Terror Attacks against Its Citizens

Dr. Eran Fish

Time frame
2022–2023

The case law on terrorism is overwhelmingly dominated by examples of excessive use of security measures. This reflects both the importance of constraining the use of force and the regrettable pervasiveness of outstepping these constraints. But governments may and sometimes do fail to meet their duties not only by being too eager to combat terrorism but also by not doing enough. And when they do, the failure can be equally serious. First, as the ECtHR case of *Tagayeva v. Russia* has shown, doing too little to prevent a terror attack may amount to a violation of the victims' right to life. Second, protecting citizens from the particular threat of terrorism is among the minimal and most fundamental responsibilities of any state – arguably the basis for the state's claim to authority.



The obligation to prevent terror attacks may be too narrowly interpreted. In some cases, governments could be held responsible for failing to thwart an attack even when doing so is beyond their present capabilities.

Still, the class of cases which concern the positive duty to protect from terrorism is small, and the sub-class of cases in which a government has actually been found to have failed this duty is far smaller. One explanation for this scarcity may be that, on the whole, governments do enough. But there might be an additional explana-

tion, namely that the duty, as interpreted by the Court, is a rather modest one. According to the Court, the state is under a positive obligation to take protective measures only when it knows or ought to know of an imminent threat to identifiable people. Moreover, even when such concrete intelligence is available, states are only required to take measures that are “within their powers”, and which “could reasonably be expected to avoid, or at least mitigate, the risk,” rather than to actually avoid or mitigate the attack. In other words, the state only needs to do something if it can and to the extent that it can.

The purpose of this study is twofold. First, Dr. Fish will ask whether the law might demand more. There are reasons to believe that at least sometimes the state might be held responsible for failing its obligation even when its capabilities are compromised. Second, he will ask what it means for a state to be truly incapable of stopping terror attacks. In particular, Fish will examine the relation between the state's ability to defend and its sovereignty.

The study will engage case law, legal scholarship, and philosophical literature. It is expected to be of interest to both theorists and practitioners of anti-terrorism law.

Intelligence Information Sharing: The Relevance of Trust for the EU Rule of Law Crisis

Dr. Sofiya Kartalova

The primary focus of Dr. Kartalova's research profile is her postdoctoral project. Nowadays, increasing tension over migration, financial interests, and judicial reform in the European Union (EU) has led to a rule of law crisis. At the same time, the EU Member States are held together in a Union by trust based on their shared values, a history of partnership, and mutual economic and political interests. Trust, and not merely law, link the EU Member States to each other and to the Union's institutions. Rather than simply concentrating on issues of political legitimacy, recent scholarship claims that this crisis could be reframed as an absence of trust or as mistrust among EU Member States as well as between some of the EU Member States and EU institutions. In other words, it has been suggested that this is a crisis of trust based on a conflict of values.

EU law shapes the environment in which the dynamics of these trusting relationships unfold. This research project challenges basic concepts and critically examines existing and future legal solutions. To find effective legal solutions for counteracting the EU rule of law crisis, this study investigates the interplay between trust and mistrust as well as the factors and events that contribute to building the former and mitigating the latter phenomenon in EU relationships at interstate, interorganizational, and systemic levels. Ultimately, this project aims to produce a dynamic model of trust that incorporates theoretical contributions from international relations as well as lessons from business and management studies.



This multidisciplinary project examines the dynamic interplay between trust and mistrust in the relationships that bond the EU and its Member States. The results will help us counteract the EU rule of law crisis, improve EU intelligence information sharing, and further develop “mutual trust.”

Thus, this multidisciplinary investigation will improve upon the earlier, undertheorized notion of “mutual trust” in the Area of Freedom, Security and Justice, which has proven conceptually static as a mere aspirational standard for EU integration, and therefore inadequate. More importantly, the application of this dynamic model of trust to concrete case studies in the area of EU intelligence information sharing will provide deeper insights into a wide range of trusting relationships involving state and institutional actors at both international and supranational levels.

Since this research project examines the nature of the EU rule of law crisis and its consequences in case of further fragmentation, all three of the Department of Public Law's tripartite research axes are engaged, particularly axes one (Fundamentals: Theoretical Foundations) and three (Challenges: Rule of Law).

Time frame
2020–2024

Democracy and State Secrets: Calibrating Public Accountability in Modern Intelligence Gathering

Dr. Randall Stephenson, LL.M.

Time frame
2020–2024

This comparative law project examines the impact of the Internet and digital communications on networked accountability mechanisms in contemporary democracies, with the project looking specifically at Germany, France, USA, UK, and Canada. Concentrating on modern-day intelligence gathering trends, Dr. Stephenson's principal research question is whether mass



This interdisciplinary and comparative project examines the normative and doctrinal tensions resulting from regulatory efforts of modern liberal democracies (Germany, USA, UK, Canada, France) to maintain effective constitutional safeguards and oversight of their security intelligence agencies.

“full-take” information surveillance (and its legal authorization) is consistent with established principles of self-governance, principally theories of separation of powers, judicial review, and democratic accountability. The scholarship addressing these issues is scarce and exposes a necessity for more sophisticated methodologies. Given that public accountability theory itself has been slow to progress, new ideas and innovative scholarship are urgently required to prevent fast-paced technological developments from overcoming our global freedom of expression laws, conceptual models, and centuries-old accountability networks and constitutional

structures. Aimed at the intersections of digitalization, domestic intelligence gathering laws, and the efficacy of our public accountability networks, this project addresses a combination of contextual, legal, and normative questions reflecting the Department of Public Law's tripartite research agenda. To position scholarly debate within an appropriately sophisticated framework, the project incorporates a methodological blend of comparative study, interdisciplinarity, democratic theorizing, statutory interpretation, and doctrinal analysis. Substantive outcomes will include a revised, more rigorous understanding of accountability dynamics in contemporary intelligence gathering, an improved “systems-based” model for evaluating democratic accountability dysfunctions, and important public policy and law reform recommendations applicable to both common law and civil law jurisdictions. Above all, by identifying the constitutional elements vital to regulating public accountability, the aim is to better understand the components and design of sound constitutional orders, perhaps initiating a long-overdue “golden age” of accountability-based constitutional law scholarship.

Countering Extremism in Germany's Militant Democracy

Dr. Katrin Werner-Kappler

It is a central task of the law to combat extremism and populism and to ensure the protection of democracy and fundamental values of the constitution. In this context, the fact that the Federal Republic of Germany has been designed as a militant democracy is always recalled: due to the failure of the Weimar Republic, the constituent power decided, as a matter of principle, to devise a more value-based and "militant" democracy and Basic Law in order to combat anti-constitutional tendencies. In consequence, the law contains instruments for combating extremism. Based on this, research has covered almost exclusively the constitutional-theoretical classification of the principle, the content of the principle, or individual instruments, such as the prohibition of parties and associations. However, the free democratic basic order is also the object of protection of numerous administrative law provisions for combating extremism. These include, for example, norms in citizenship law, residence law, and non-profit law. In addition, the obligation of civil servants to be loyal to the constitution, the revocation of weapons possession cards, and regulations on democracy education in school law are administrative law instruments that seem to be linked to the idea of a militant democracy. These norms are only rarely associated with counter-extremism, and a comprehensive analysis of the principle is lacking. The aim of this project is to close these gaps and to take a fundamental look at combating anti-constitutionalism in order to draw a holistic picture of Germany's militant democracy. A need for research also arises from



Counter-extremism appears in a variety of legal areas. In order to be able to holistically capture the system, the individual instruments of counter-extremism can no longer be analyzed in isolation but must be considered as an overall system.

the high socio-political relevance of the topic. Despite its practical relevance, the planned project is basic research in law, which aims to develop a normative theory and conceptualization of militant democracy in German law. The theoretical understanding of the principle of militant democracy in law can be enriched by linking it with administrative law instruments, the international law dimension of democracy protection, and social science findings on extremism. An additional aim of the research is to establish a link back to the instruments of combating extremism and to ask about the extent to which the foundations of militant democracy can help hone the norms in administrative law.

Time frame
2022–2025

Lampposts for Dimly Lit Roads: Bringing “Legitimacy” Back to the Proportionality Principle

Martha Basazienw Kassa

Time frame
2019–2023

Dissertation

The proportionality principle is the crown jewel of German legal scholarship and its main contribution to the world. It has long served as an apt framework for human rights and fundamental freedoms adjudication in many jurisdictions. Despite overwhelming scholarship on its influence or shortcomings, very little is discussed and worried over regarding the first subtest, i.e., legitimacy. Robert Gordon describes legitimacy

and assumptions). The normative component then advances a set of recommendations as building blocks to construct a new legitimacy test. This is accomplished through a change of perspective that does not center the self-evident value and importance of social goods/interests, i.e., grounds for limitations of rights and freedoms, but rather threats to or opportunities to optimize them. Linking this newly gained perspective to the domain/function of the state makes it apparent that only threats or opportunities that are ripe for intervention i.e., aims that not only allow but oblige the state to intervene, can be considered legitimate. Even though some of these recommendations are by no means novel, the approach taken by the present project hopes to reinvigorate and push such discussions further to establish the centrality of legitimacy testing. While the bulk of the project is grounded in theoretical work influenced by the scholarship of Critical Terrorism Studies, it also assesses the European Convention of Human Rights and the counterterrorism caselaw of the European Court of Human Rights. The project concludes by demonstrating how the ‘new’ test results in a tighter consideration of subsequent tests of the proportionality analysis and leads to better outcomes.

First supervisor
Prof. Dr. Ralf Poscher

In its repudiation of “ends justifying means” the proportionality principle has somewhat overcorrected and relegated the importance of rigorous examination of the ends pursued, i.e., the rationale behind why measures are employed. This project aims to expand and establish the centrality of legitimacy.

testing, “as a dimly lit road toward the brighter lights of the proportionality motorway.” As an answer to Gordon and to highlight the importance of rigorous examination of ends pursued, the project offers ‘lampposts’ with which we can navigate and meaningfully connect conversations about ends and measures. Cognizant of the immense potential of examining the legitimacy, validity, and indeed necessity of aims pursued and the implications such inquiry has on rights and freedom protections, this project undertakes a revisionist account of legitimacy testing by expanding the limits of the conventional proportionality analysis. Such an endeavor aims to make descriptive, critical, and normative contributions. It starts off by pinpointing blind spots both in substance (critical appraisal of the widely agreed upon and best version of the four constitutive tests) and procedure (examining institutional traditions, preferences,

Mass Surveillance of Financial Data: Data Retention and Strategic Monitoring in Anti-Money Laundering (AML) Law

Lukas Martin Landerer

The project is a Ph.D. thesis on the issues surrounding the mass surveillance of financial data with regards to European fundamental rights.

In recent years, the Court of Justice of the European Union (CJEU) as well as the German Federal Constitutional Court (BVerfG) have critically analyzed various surveillance laws, especially those concerning mass data retention of telecommunication traffic data. The case law of these courts has held that retention of sensitive private data without cause principally constitutes a disproportionate infringement of the right to privacy, although exceptions are possible if strict conditions are met. This case law can be regarded as the benchmark for the lawfulness of any mass surveillance measures.

Such measures do not only exist for telecommunication data. Through the European Anti-Money Laundering Directive (AMLD), private entities (such as banks) are obliged to monitor the financial transactions of their customers and retain transaction receipts for five years. Every transaction is automatically examined for anomalies in the customer's behavior. If a transaction is found to be unusual with respect to a given customer's risk profile, it must be further examined whether the anomaly raises a suspicion that the funds have an illegal origin or are destined for the financing of terrorism. If a suspicion is confirmed, the entities must report the transaction to a competent state agency, the Financial Intelligence Unit (FIU), which can also actively access retained data even when no report of a suspicious action is filed. Thus, customer data are not only retained by competent authorities but actively processed to fight money laundering and financing of terrorism. The thesis argues that these measures constitute a measure of mass surveillance and must be in line with the case law, especially regarding data retention of telecommunication traffic data.



Mass surveillance of financial data in anti-money laundering law has been flying under the radar of jurisprudence for quite some time. Recently, scholars have started to invoke critical principles regarding communication surveillance as discussed in the case law of the CJEU. This approach must be further elaborated.

Not surprisingly, legal scholars have raised questions as to whether the legal AML scheme can be reconciled with fundamental rights. The idea that states delegate the fight against crime to private enterprises by obliging these entities to conduct customer surveillance and due diligence gives rise to further questions, as criminal procedure is generally deemed to fall under the purview of the state. Nowadays, legal frameworks like these have been widely accepted as lawful "criminal compliance." Yet, the courts have created various restrictions to protect privacy rights. Whether the AML scheme meets the conditions of the CJEU's case law is a controversial topic among legal scholars.

This discussion shall be analyzed extensively in order to assess whether and how the AML scheme can be reconciled with the fundamental right to privacy.

First supervisor
Prof. Dr. Ralf Poscher

Time frame
2021–2023

Dissertation

Classified Information (working title)

Laura Pick



The project deals with the legal nature and implications of classifying administrative information. It aims to suggest a more determinate legal framework in order to render classification decisions by German authorities more comprehensible and reviewable.

Time frame

2020–2023

Dissertation

The dissertation project concerns classified information lying with the German administrative authorities. Little is known about their classification practices and the legal basis remains fragmentary. The only bill thus far passed by the German parliament is the Security Clearance Act (Sicherheitsüberprüfungsgesetz), which contains merely a minimum set of requirements for classifying information. In accordance with the Security Clearance Act, the competence to specify provisions is devolved to the executive branch, by way of administrative regulations. However, the classified information orders (Verschlussachenanordnungen) remain equally indeterminate. The aim of the project is to unfold the effects classifying information has upon different areas of German law, to ascertain the legal nature of the act of classification is, and to assess whether it constitutes an encroachment on the freedom of information as guaranteed by Art. 5 Para. 1 Sentence 1 Alt. 2 of the German constitution. A comprehensive dogmatic analysis of the existing regulations has not yet been carried out. Even in the areas of law directly affected by the classification, there are no in-depth scholarly discussions. The outcome of the research will be a better understanding of the legal basis for classification decisions by German administrative authorities and their implications on the broader legal system. In addition, the thesis will address a constitutional right to administrative information and elaborate on the necessity of shifting the

responsibility of rendering such information available back from civil society to the state. Above all, recommendations de lege ferenda will be made, in an effort to achieve clearer and more determinate classification requirements and better reviewability of administrative decisions in this regard.

First supervisor

Prof. Dr. Ralf Poscher

Confronting Discrimination through Police Statistics: An Investigation Based on Police Identity Checks

Antonia Strecke



The thesis examines the question of whether the state is obliged to compile anti-discrimination statistics in order to ensure effective legal protection against discrimination. Using the example of police identity checks, the legal requirements for statistical proof as well as the risks of such data sets are examined.

The German Black Lives Matter protests, recurring reports concerning right-wing extremist police chat groups, and racial profiling have led to increased discussion of structural racism within the German police authorities. While police discrimination based on ‘race’ is prohibited under Article 3 para 3 of the Basic Law, legal protection against discrimination remains difficult to obtain. Only rarely will an officer admit to discriminating against a person on racial grounds. To facilitate proof, the concept of ‘indirect discrimination’ was introduced. Using this approach, it is possible to prove that People of Color are predominantly or typically disadvantaged. This makes statistics an important means of recording discrimination.

Still, affected persons often have neither the necessary resources nor access to the information to compile appropriate statistics. The dissertation therefore explores whether the state itself is obliged to compile such statistics to ensure effective legal protection against discrimination. It examines police stop and search powers, especially identity checks at dangerous places and in border areas, which have a particular potential for discrimination due to their departure from the common police-law intervention threshold of ‘concrete danger’.

Methodologically, this dissertation dogmatically examines the constitutional prohibition of discrimination and evaluates which forms of discrimination statistics

can be used. Based on police identity checks, it will be examined whether and how social science findings on discriminatory structures and unconscious prejudices ought to be legally considered. The dissertation then dogmatically explores which bases can be considered for a legal obligation to compile statistics and examines the opportunities and risks of using statistics to establish discrimination. For instance, the project evaluates how statistics would have to be designed to accommodate intersectionality and avoid perpetuating stereotypes, etc.

Positioned at the core of the Department of Public Law’s research priorities on the fundamental structure and challenges to fundamental rights, this doctoral project incorporates a blend of doctrinal analysis, statutory interpretation, and empirical and statistical research. Expected outcomes include sharpening our understanding of constitutional prohibitions on discrimination and justifying statistics as a reliably sound method to enhance fundamental rights protection against discrimination.

First supervisor
Prof. Dr. Ralf Poscher

Time frame
2019–2023

Dissertation

Police Risk Assessment: The Legal Framework of Security Agencies' Forecasting Based on the Use of Risk Assessment Instruments

Maja Werner

Time frame
2020–2023

Dissertation

The research project examines the legal framework for the use of risk assessment tools for police prevention of politically motivated crimes. While such tools have been used for recidivism prediction for several years, their use by police authorities for the prediction of crimes is a new development. Werner's research interest relates primarily to the framework provided by constitutional law and security law. The basis of the project consists of an introduction to psychological

the assessment of a concrete danger, the central threshold of German security law, or the identification of a concrete need for action is not permissible. In this context, it was also possible to identify requirements for the validity that arise from administrative procedural law and constitutional requirements. Furthermore, the project examines the relevance of police risk assessments to fundamental rights. In addition to identifying the limits resulting from constitutional law, one of the main focuses of the project is to analyze how the intensity of the interference resulting from police risk assessment is determined. It can be shown, for example, that the protection of fundamental rights is not only realized through the protection of data, but that the intensity of interference can already be mitigated through the construction of the risk assessment. Further questions relate to the risk factors against the background of the administrative procedural principle of investigation and the guarantee of effective protection against discrimination. The overarching goal of the project is to show how the problems associated with police crime prediction are overcome by already-established principles of security law and constitutional law, and what concrete recommendations result from this for the construction and application of police risk assessment.

First supervisor
Prof. Dr. Ralf Poscher



New police procedures and technologies do not always require new positive regulations. The associated legal issues and problems can also be dealt with by analyzing established principles of constitutional and administrative law.

risk assessment and to the crime prevention structures of person-related prevention by police authorities. In order to illustrate the subject matter, an overview of potential risk factors was also developed. Three scenarios of application of risk assessment tools within police decision-making were designed. Then it was examined to what extent the limitations of statistical prediction compared to human prediction result in legal limits for the respective scenarios. It was shown that only use by authorities to support prioritization decisions is permissible, whereas



V. CROSS-DEPARTMENTAL PROJECTS

CROSS-DEPARTMENTAL PROJECTS

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Triage in Pandemics: Legal and Ethical Perspectives

Prof. Dr. Tatjana Hörnle, M.A. (Rutgers), Prof. Dr. Ralf Poscher,
Prof. Dr. Jörg Arnold

During the COVID-19 pandemic, numerous countries experienced a scarcity of life-saving resources, including equipment (i.e., ventilators) and space in intensive care units. The project focuses on a dilemma situation: Who sets the rules for determining which patients receive scarce life-saving resources? Should the prospect of medical success play a role in such decisions and, if so, how should “success” be defined? Is it conceivable or even necessary for these scarce resources to be allocated by means of a lottery procedure? Who should define the positive and negative selection criteria – on-site physicians? Medical associations? The legislature? Can a person be charged with homicide if the patient who did not receive intensive care dies? Is the withdrawal of initiated intensive care in favor of a newly arrived patient (ex-post triage) a criminal offense? These questions are explored in a joint project by the Department of Criminal Law and the Department of Public Law.

The aim is to analyze highly controversial issues from the perspectives of constitutional law, criminal law, and ethics. The project does not investigate the historical and empirical question of how often necessary treatment has been denied during the COVID-19 pandemic. Ours is a forward-looking project with the aim of providing advice on how to deal with similar situations in the future and which ethical and legal principles should be applied. The development of solutions requires both inter- and intradisciplinary approaches. First, potential criteria must be examined from the perspective of philosophy, law, and medical ethics. Medical ethics are important: since the strain on doctors and nurses during pandemic conditions is extreme, rules must be compatible with their professional ethics. Second, constitutional and criminal law play a role. The initial plan was to discuss these questions in workshops with phi-

losophers, ethicists, and scholars of constitutional and criminal law, but as the pandemic progressed, the exchange was carried out online and in writing.

When several researchers at the MPI began thinking about how triage decisions in intensive care units should be made, there was no statute addressing this topic; however, medical associations quickly began to develop recommendations. These typically list criteria that may not be used (social status, age, disabilities, and, in a newer German version, vaccination status) and recommend relying on one single criterion, namely, the clinical chances of short-term successful treatment (surviving the life-threatening stages of the disease). During this first phase of discussion (when there were professional guidelines but no statute), the following questions arose for scholars of constitutional and criminal law: Must a formal law be enacted, at least under the German constitutional doctrine that important decisions must be taken by parliament? Under what conditions can decision makers be sure that they will not be charged with homicide by omission? To what degree is it possible to deduce from fundamental rights that certain criteria must never be taken into account? Initially, some constitutional lawyers and legal philosophers argued that the state must refrain from becoming involved in decision making. They considered the right to human dignity to be a barrier against the idea of state officials deciding which lives are worthy of continuation. In contrast, in his contribution to the edited volume “Triage in der Pandemie”, Ralf Poscher reasoned that the right to human dignity should not be overburdened. In the field of criminal law, there was heated debate about the justification of both ex-ante and ex-post triage because the general rules of justification in German law are partly unwritten and because it is far from evident which of these rules could be applied to triage.

Time frame
2020–2023



The COVID-19 pandemic demonstrated the necessity to think carefully about the distribution of resources if, due to a pandemic or other catastrophic events, intensive care units can no longer provide treatment for all patients in need. Thinking about criteria for such difficult choices should be based on insights from constitutional law, criminal law, and medical ethics.

In 2021, complainants before the Federal Constitutional Court argued that the rights of persons with disabilities would not be sufficiently protected if hospitals followed the recommendations of medical associations. The Court held that the fundamental right to protection against discrimination calls for regulation by statute. Consequently, the discussion in 2022 focused on the content of decision-making rules. Most of the possible criteria are still the subject of debate. Elisa Hoven organized an opinion poll whose findings showed that some of the criteria that are largely rejected in the legal discourse, such as the preferential treatment of children, are seen differently by the general public. With regard to the situation of persons with disabilities, it is still an open question as to how criteria and procedures can be designed to prevent this group from being disadvantaged. Jörg Arnold paid special attention to this perspective. Now that vaccination has become available, a new question to consider is whether a patient's vaccination status should be taken into account. For criminal law, a statute provides an opportunity to clarify the question of justification and to end the state of legal uncertainty for those who are forced to make difficult decisions when dilemma situations arise in hospitals. The key question is how parliament should proceed: the new law could either expressly permit the reevaluation of allocation decisions (which means permitting ex-post triage) or expressly prohibit it. The latter, prohibitory approach would mean that in a serious, future

pandemic, intensive care units would fill up quickly, with many patients receiving long-term treatment despite minimal individual chances of surviving the disease. If reevaluation is prohibited, other patients with very good prospects of survival (for instance, recovery from a heart attack) would not have access to life-saving intensive care.

Collaborators

- Prof. Dr. Elisa Hoven, Leipzig University
- Prof. Dr. Stefan Huster, Ruhr-Universität Bochum

Key publications

- Hörnle, T., Huster, S., and Poscher, R. (eds), *Triage in der Pandemie [Triage in the Pandemic]* (Mohr Siebeck 2021)
- Hörnle, T. "Ex-post-Triage: Strafbar als Tötungsdelikt?" ["Ex-post Triage: Punishable as Homicide?"] in Tatjana Hörnle, Stefan Huster, and Ralf Poscher (eds), *Triage in der Pandemie [Triage in the Pandemic]* (Mohr Siebeck 2021)
- Hörnle, T. "Priorisierung von Geimpften?" ["Prioritizing the vaccinated?"] (2022) *Ethik in der Medizin* <https://doi.org/10.1007/s00481-022-00716-8>
- Poscher, R. "Die Abwägung von Leben gegen Leben. Triage und Menschenwürdegarantie" ["Balancing life against life. Triage and human dignity guarantee"] in Tatjana Hörnle, Stefan Huster, and Ralf Poscher (eds), *Triage in der Pandemie [Triage in the Pandemic]* (Mohr Siebeck 2021)
- Arnold, J. "'Triage' und Verbot der Benachteiligung von Menschen mit Behinderung" ["'Triage' and Prohibition of Discrimination against People with Disabilities"] in E. Hilgendorf, E. Hoven, and F. Rostalski (eds), *Triage in der (Strafrechts-)Wissenschaft [Triage in (Criminal-Law) Science]* (Schriften zum Medizinstrafrecht, Nomos 2021) <https://doi.org/10.5771/9783748927389-33>



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Scientific outreach / public engagement

- Hörnle, T. "Triage in Pandemien" ["Triage in pandemic situations"]. "Recht im Kontext" at Humboldt-Universität, Berlin, 08.02.2021
- Hörnle, T. "Straf- und verfassungsrechtliche Aspekte" ["Criminal-law and constitutional-law aspects"]. Lecture at the Bioethics Forum of the German Ethics Council on the subject of "Triage – Priorisierung intensivmedizinischer Ressourcen unter Pandemiebedingungen" ["Triage – Prioritization of intensive-care resources under pandemic conditions"], 24.03.2021
- Hörnle, T. "Triage in Pandemien" ["Triage in pandemics"]. Introductory lecture to the panel discussion "Covid 19 – Ethische Herausforderungen einer Pandemie" ["Covid 19 – Ethical challenges of a pandemic"]. Akademie der Wissenschaften und der Literatur, Mainz, 23.04.2021
- Interview with Tatjana Hörnle: "Topjuristin empfiehlt Berücksichtigung des Impfstatus bei Triage-Entscheidungen" ["Top jurist recommends consideration of vaccination status in triage decisions"], in: DER SPIEGEL 52/2021, 23.12.2021
- Interview with Tatjana Hörnle: "Gesetzesentwurf zur Triage: Patienten, die dann neu kommen, würden in vielen Fällen sterben" ["Triage bill: patients who subsequently arrive would die in many cases"], in: Süddeutsche Zeitung (SZ), 23.06.2022 <https://www.sueddeutsche.de/politik/triage-gesetz-1.5606963>
- Hörnle, T., et al. Stellungnahme zum Referentenentwurf des Bundesministeriums für Gesundheit "Entwurf eines Gesetzes zur Änderung des Infektionsschutzgesetzes" [Statement on the ministerial draft bill of the Federal Ministry of Health "Draft of a law to amend the Protection Against Infection Act"], 20.07.2022.
- Hörnle, T., Hoven, E., Huster, S., and Weigend, T. "Wer darf weit-
erleben? Warum die Ex-post-Triage erlaubt und geregelt werden muss" ["Who is allowed to continue living? Why ex-post triage must be allowed and regulated"], in: Frankfurter Allgemeine Zeitung, Politik, 28.07.2022 <https://www.faz.net/aktuell/politik/staat-und-recht/ex-post-triage-wer-darf-weiterleben-18203024.html>
- Poscher, R. "Die Abwägung von Leben gegen Leben, Triage und Menschenwürdegarantie" ["Balancing Life vs. Life, Triage and the Human-Dignity Guarantee"]. Triage – Ein (digitaler) interdisziplinärer Austausch zu Fragen ärztlicher Entscheidungskonflikte [Triage - A (digital) interdisciplinary exchange on issues of medical decision conflicts], Faculty of Law of the Ruhr-Universität Bochum, 02.06.2022
- Poscher, R. "Die Abwägung von Leben gegen Leben, Triage und Menschenwürdegarantie" ["Balancing Life vs. Life, Triage and the Human-Dignity Guarantee"]. Triage-Workshop, Zentrum für Ethik und Philosophie in der Praxis (ZEPP), LMU München, Munich, 29.04.2022
- Arnold, J. "'Triage' in der Covid-19-Pandemie. Nur theoretische Debatte oder bereits Realität (insbesondere bei Menschen mit Behinderungen)?" ["'Triage' during the COVID-19 Pandemic. Only theoretical debate or already reality (especially for persons with disabilities)?"]. "Tacheles" lecture series, Humanist Union / University of Freiburg, Freiburg, 21.04.2021
- Arnold, J. "'Triage' und Strafrecht" ["'Triage' and criminal law"]. Lecture at the University of Marburg, Marburg, 18.09.2022
- Interview with Jörg Arnold: "Die Entscheidung des Bundesverfassungsgerichts zur Triage bei Menschen mit Behinderungen" ["The decision of the Federal Constitutional Court on the triage of persons with disabilities"]. Television report, evening program, Südwestrundfunk, 29.12.2021

The Dynamics of Recidivism: Questioning the Relationship between Child Pornography and Child Sexual Abuse

Prof. Dr. Tatjana Hörnle, M.A. (Rutgers), Dr. Carina Tetel,
Dr. Gunda Wössner



Is the use of child sexual exploitation material an indicator that users will sexually abuse children in the future, as is often assumed? Using data from the German Federal Register (Bundeszentralregister), our preliminary results show that persons convicted exclusively of child pornography only rarely incur subsequent convictions for sexual abuse.

Time frame 2021–2023

As digitalization has made it easier to produce, copy, and distribute images, the number of convictions for possession and distribution of child abuse images and videos (in legal terminology: child pornography offenses) has risen steeply. The increasing severity of criminal sanctions targeting child pornography (also referred to as child sexual exploitation material) is justified as necessary to prevent child sexual abuse. One of the arguments is that the consumption of child pornography needs to be suppressed because it leads to an increase in the likelihood of imitative behavior. But is this assumption true? Do persons who possess and distribute child pornography pose a particularly high risk of committing hands-on offenses? This question is relevant from the perspective of criminalization theory, and it is pressing if legal decisions are based on risk assessments of the individuals concerned. Not only criminal justice officials and criminal courts but also youth welfare offices and family courts have to assess the risk of hands-on offenses if individuals with no prior convictions for sexual offenses have been found to possess or distribute child pornography.

A number of studies have addressed the question of the likelihood that persons convicted of child pornography will subsequently commit hands-on offenses. Most of the research shows that child pornography offenders

have low rates of recidivism with hands-on offenses; the results, however, are not homogeneous. Given the diverse datasets used by the various studies and the small size of the samples on which most of them are based, this comes as no surprise.

The goal of this project is to contribute to a better understanding of the dynamics of recidivism. It starts from the assumption that persons who commit child pornography offenses are not a heterogeneous group but rather can be divided into a number of different subgroups. One subgroup consists of persons who act out of curiosity or against the background of common juvenile delinquent behavior. A second subgroup is composed of persons with pedophile or hebephile sexual orientation who use pornography as an outlet to achieve sexual gratification but who do not commit hands-on sexual offenses. While these two subgroups do not engage in sexual abuse, a third subgroup is the focus of concern: those whose deviant behavior encompasses the sexual abuse of children as well as the distribution and possession of abuse images. The connection between child pornography and sexual abuse in this subgroup could be correlative for some (offenders switching between hands-on offenses and the use of images, depending on opportunities, situations, etc.) and for others perhaps causal, as postulated by the imitation thesis.

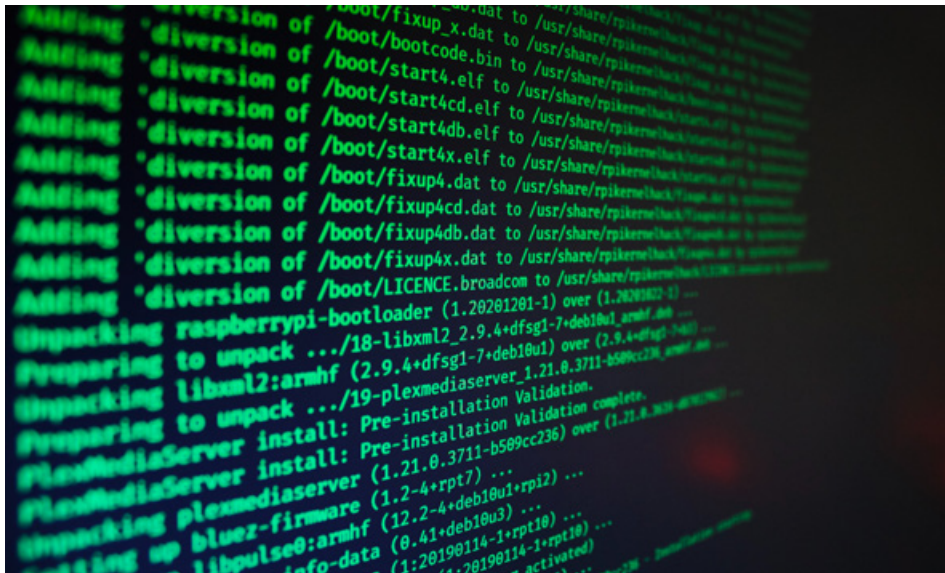


image: Jake Walker/Unsplash

For the project, the authors evaluate the current state of research with regard to the various subgroups of offenders, and they make use of a dataset available at the Max Planck Institute to gather more statistical information about the sequences and frequencies of offending and re-offending. Two major aims are to assess the size of the particularly problematic third subgroup and to better understand the characteristics of child pornography offenders. The data, supplied in pseudonymized form, come from the German Federal Register (*Bundeszentralregister*, BZR), which records all convictions handed down by German criminal courts (see also the project “Criminal Sanctions and Recidivism,” a longitudinal study in which the criminal behavior of all convicted individuals in Germany is analyzed over a long period of time).

Preliminary results show that, of the offenders in the first subgroup (persons convicted exclusively of child pornography offenses), only a tiny minority (1%) recidivated with child sexual abuse within a three-year and a six-year follow-up period. Of course, it must not be forgotten that the BZR, with its focus on convictions, provides only a limited dataset (the dark figure of unreported crime, for example, is left out of consideration entirely). Nevertheless, the data argue against the thesis that there is a strong correlation or even a frequent causal relationship between child pornography and sexual abuse offenses.

Key publications

- Wössner, G. “Sexueller Kindesmissbrauch durch Kinderpornografie-Konsumenten?” [Child sexual abuse by consumers of child pornography?], (2021) 94 DAS JUGENDAMT – Zeitschrift für Jugendhilfe und Familienrecht 12 [review of the state of research]
- One longer publication in a journal that includes the outcome of the statistical analysis is planned
- In addition, a journal article is envisaged that addresses, based on further data analyses, sentencing practices for child pornography offenses

Relevance and Conditions of Telephone Communication for Imprisoned Persons in Germany and Europe: Expert Opinion at the Request of the Federal Constitutional Court (*BVerfG*)

Dr. Dr. h.c. Michael Kilchling, Dr. Gunda Wössner

Time frame 2021–2022

With the federalism reform of 2006, the German states gained legislative power over penitentiary legislation. Since then, legal frameworks and administrative practices regarding the management of and treatment programs in prisons have taken different avenues. Access to telephone and other forms of electronic communication is one of the areas in which prison conditions now vary to a significant extent among penitentiaries in the 16 federal states; liberal practices in some regions collide with restrictive policies in others. Practices may even differ within a state jurisdiction. This situation raises several fundamental legal questions and basic rights concerns, such as equal treatment of inmates, the right to resocialization, and the right to family life—in general and especially also in the current pandemic. Currently, a complaint is pending at the Federal Constitutional Court (*BVerfG*), which commissioned the Max Planck Institute for the Study of Crime, Security and Law to write an expert opinion on a variety of issues. The subject matter of the case concerns constitutional appeals submitted by two prisoners serving their sentences in different facilities in Bavaria. They complain that, according to current Bavarian prison law, they are not allowed to make telephone calls with family members on a regular basis.

From a basic rights perspective, this case touches on fundamental issues, including, *inter alia*, the scope of the—still relatively new—autonomy of the state legislatures in concretizing the prisoners' right to resocialization, which has been defined by the *BVerfG* as an implicit basic right under the Federal Constitution (*Grundgesetz*; derived from articles 1 para 1, 2 para 1, and 20 para 1). From a criminological perspective, this

concerns the concept of and (pre-)conditions for effective resocialization. The Federal Constitutional Court requested in-depth information related to a variety of aspects; in particular, four basic issues should be addressed: (1) the current state of scientific evidence, theoretical and empirical, on the potential impact of telephone communication on resocialization; (2) the variety of legal regulations on prisoners' opportunities to make telephone calls as provided in the prison acts of the 16 states, and the practice of their application; (3) security problems arising from inmates' opportunities to maintain/exercise telephone contacts with individuals outside; and (4) possibilities and practices of surveillance of inmates' telephone communication.

The questions raised are of core scientific interest from the perspectives of both the Department of Public Law and the Department of Criminology. In order to collect and analyze all relevant information in a professional manner, a joint research project was set up in summer 2021. The expert opinion was prepared through several research steps, including a systematic review of relevant theoretical and empirical literature, a written survey soliciting pertinent information from the divisions in charge of prison administration at all ministries of justice of the federal states, and a comparative analysis of the relevant legal texts, including the related European guidelines which, according to established case law of the *BVerfG*, have an authoritative effect upon the interpretation of national laws and practices. In addition, all reports published by the European Committee for the Prevention of Torture and Inhuman or Degrading Treatment or Punishment (CPT) since 1990 were thoroughly analyzed to provide an overview of



Access of prison inmates to telephone communication varies significantly. Liberal rules and practices in some regions collide with extremely restrictive policies in others. This situation raises serious basic rights concerns, also in light of the scientific evidence on the impact of communication with the outside world on the rehabilitation of offenders.

prison-related telephone communication policies in the member states of the Council of Europe. This inquiry was undertaken in light of the fact that the regulations and practices of Bavaria, in particular, which are now under review by the *BVerfG*, repeatedly received a critical echo from the CPT after its visits.

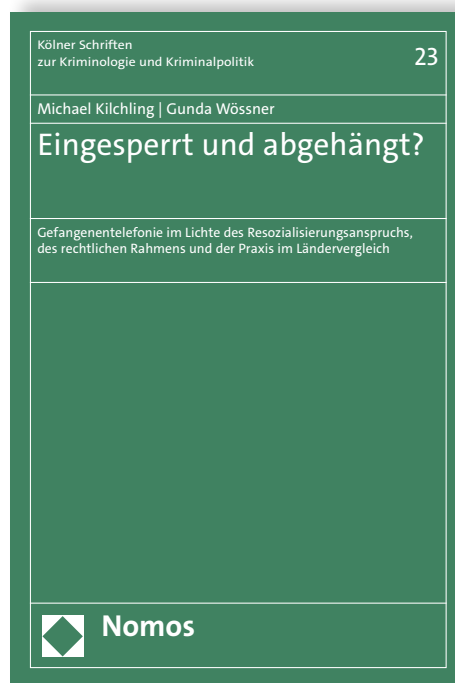
The expert opinion was delivered in writing on 30 January 2022. Upon approval by the *BVerfG*, the report was published online on the Institute's website. Our key findings suggest that telephone communication of inmates with the outside world is an essential building block in the canon of correctional reintegration measures. Against this background and in light of binding constitutional principles, it seems problematic that inmates of Bavarian prisons (at least those under regular prison regimes) have significantly fewer opportunities to make telephone calls than prisoners serving their sentences in facilities located in most other states – which is also true in comparison to the situation in other European jurisdictions.

Key publication

Kilchling, M. & Wössner, G.: *Eingesperrt und abgehängt? Gefangenentelefonie im Lichte des Resozialisierungsanspruchs, des rechtlichen Rahmens und der Praxis im Ländervergleich* [Locked Up and Disconnected? Access of Prison Inmates to Telephone Communication in Light of the Right to Resocialization, the Legal Framework, and in Practice – A Comparison of States' practices]. *Kölner Schriften zur Kriminologie* Band 23. Baden-Baden (Nomos) 2022

Scientific outreach / public engagement

Two interrelated presentations submitted and approved at ESC Eurocrim Symposium 2022 in Malaga, Spain: one with a legal focus, one with a criminological focus.



VI. INDEPENDENT RESEARCH GROUPS

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**A. RESEARCH GROUP
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**B. RESEARCH GROUP
SPACE, CONTEXT, AND CRIME**
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**C. RESEARCH GROUP
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**D. OTTO HAHN RESEARCH GROUP
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REGULATION**
PD Dr. Marc Engelhart

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**E. OTTO HAHN RESEARCH GROUP
ALTERNATIVE AND INFORMAL SYSTEMS
OF CRIME CONTROL AND CRIMINAL
JUSTICE**
Dr. Emmanouil Billis, LL.M.

VI. INDEPENDENT RESEARCH GROUPS

Independent Max Planck Research Groups, which are either institute-specific or open-topic, are the key for promoting (in particular junior) scientists in the Max Planck Society. These groups are entitled to utilize the services of the institute they are associated with while benefitting from their own budget for scientific personnel and resources. As a result, the group leaders are free to pursue their research independently and can advance their scientific career in a particularly efficient manner. Their appointment is subject to a rigorous, centrally managed selection procedure. For further information see www.mpg.de/max-planck-research-groups.

During the reporting period, three institute-specific Independent Max Planck Research Groups are affiliated with the Max Planck Institute for the Study of Crime, Security and Law. In addition, the Institute hosts two of the so-called Otto Hahn Research Groups. They are also part of the MPG's program for the promotion of especially successful junior scientists. These groups are headed by researchers the MPG honored not only with a medal but also with the Otto Hahn Award—a prize granted only to three candidates annually. For further information see www.mpg.de/prizes/otto-hahn-medal.

A. RESEARCH GROUP “PERSONALITY, IDENTITY, AND CRIME”

Dr. Isabel Thielmann

The research group “Personality, Identity, and Crime” targets various aspects related to individual differences in (un)ethical and prosocial vs. antisocial behavior. Prior research consistently shows that people differ in their moral characteristics and their actual moral behavior: Whereas some people are sincere and considerate towards others and willing to help and cooperate with them, other people do not shy away from lying and deceiving others and exploiting them for personal gain – an observation that is also reflected in criminal behavior. A systematic, theoretical understanding of these individual differences is, however, lacking. One of the key goals of the research group is to close this gap by investigating (a) which personality traits can best explain individual differences in moral vs. immoral behavior – in and of itself as well as in interaction with the respective situation – and (b) how personality shapes these types of behavior in terms of the underlying psychological processes. For example, one research objective that we pursue is to develop the first integrative framework of “moral character” (i.e., the dispositional tendency to act in moral ways) and to dissect its constitutive aspects and the contexts in which these aspects are expressed in behavior. Another line of research focuses on the concept of “assumed similarity” (i.e., the tendency to perceive others as somewhat similar to oneself), which can help individuals justify their own (im)moral behavior: Persons who believe that others are dishonest may use this conviction to justify being dishonest themselves. Assumed similarity may thus be one process through which personality influences behavior.

Another key goal of the research group is to illuminate the apparent discrepancy between individuals’ self-image of their own morality and their (im)moral behavior. Most people think of themselves as moral, even though they regularly engage in immoral acts. In fact, this tendency – termed “moral self-enhancement” – is even apparent among criminal offenders. As our prior research shows, moral self-enhancement critically hinders people from developing goals to change for the better in the moral domain. The research group thus aims to provide a better understanding of the interplay between individuals’ self-perception of moral characteristics, (the self-importance of) moral identity, and their actual moral behavior – with the aim of using this knowledge to help people become increasingly moral in the long run, thereby counteracting immoral, including criminal, conduct.

Overall, we combine various research methods, such as tailored experimental designs (e.g., economic games), intensive data collection in daily life (e.g., experience sampling), innovative technology (e.g., virtual reality), and approaches involving empirical and theoretical integration (e.g., meta-analysis) to advance our understanding of a consistently observed, yet insufficiently understood phenomenon: individual differences in (im)moral behavior. In doing so, we place great emphasis on open and transparent science. Ultimately, the goal of the research group is to foster theory development in psychology and criminology and to further connect these two research traditions to reap the rewarding benefits of an integrative, multidisciplinary science.



photo: iStock.com/Yana Tikhonova


The research group was installed in February 2022. It is headed by Dr. Isabel Thielmann and financed by the institute for five years, complemented by research grants awarded to Dr. Thielmann. Current team members are: Natalie Popov, M.Sc., who joined the research group as a Ph.D. student in June 2022 and is working on the project “The core tendencies underlying individual differences in prosocial behavior” funded by the German Research Foundation (project period 2022–2025); Busra Yelbuz, M.Sc., who joined the research group as a Ph.D. student in September 2022 and will be working on a project related to individual differences

in prosocial vs. antisocial behavior in intergroup contexts financed through the research group’s institutional budget; and Alicia Seidl, B.Sc., who joined the research group in April 2022 as a research assistant. In addition, a postdoctoral researcher and a Ph.D. student will be joining the group in November/December 2022 as part of the project “Increasing self-knowledge to promote moral behavior (KNOW-THYSELF)” funded by the European Research Council (ERC Starting Grant; project period 2022–2027). Another two Ph.D. students will join the team in the second and third years of the ERC project phase (i.e., 2023 and 2024, respectively).

The Core Tendencies Underlying Individual Differences in Prosocial Behavior

Dr. Isabel Thielmann

Prosocial behaviors such as helping, cooperating, and reciprocating are vital ingredients of social relationships and indispensable for the functioning of societies at large. Given this significance, understanding the underlying determinants of prosocial behaviors is of critical importance. Numerous studies consistently show substantial individual differences in prosocial behavior: Whereas some individuals are inherently prosocial, others are primarily self-interested. But how can these individual differences in prosocial behavior be

 This project will help identify the core dispositional tendencies underlying individual differences in prosocial behaviors in various social situations.

explained? Previous research in psychology and related fields has drawn on various personality traits to tackle this question. However, this research exclusively studied the nexus between single personality traits and certain prosocial behaviors. A more systematic understanding that assesses exactly which (classes of) personality traits account for prosocial behavior in which (classes of) social situations is lacking. Our project aims to close this gap by identifying the “core tendencies” (i.e., the shared, underlying dispositional factors at the core of conceptually related traits) that can account for individual variation in prosocial behavior across various situations. Specifically, the project builds on the concept of situational affordances and the idea that social situations provide four key affordances – (i) a possibility for exploitation, (ii) a possibility for reciprocity, (iii) temporal conflict, and (iv) dependence under uncertainty – all of which allow distinct (classes of) personality traits to become expressed in prosocial behavior (Thielmann et al., 2020). For example, exploitation is possible when-

ever individuals can increase their personal gain at the expense of others without fear of retaliation, and it specifically allows for the expression of one’s unconditional concern for others’ welfare in behavior. The project tests the hypothesis that four core tendencies account for individual differences in prosocial behavior in different classes of situations providing different affordances. To this end, we will employ diverse, innovative methods to measure and model prosocial tendencies. For example, we will use tailored experimental games that allow actual, consequential behavior to be measured and also rely on intensive data collection of prosocial behaviors in daily life. In sum, the project can provide a strong theoretical basis for future research on individual differences in prosocial behavior and advance our understanding of human prosociality in various ways.

Time frame
2022–2025

Research output

One dissertation, several scientific articles, and conference contributions.

Collaborators

- Natalie Popov, M.Sc., doctoral researcher, MPI-CSL
- Prof. Daniel Balliet, Vrije Universiteit Amsterdam
- Prof. Benjamin E. Hilbig, University of Koblenz-Landau
- Prof. Ingo Zettler, University of Copenhagen

Key publication:

- Thielmann, I., Spadaro, G., & Balliet, D. (2020). Personality and prosocial behavior: A theoretical framework and meta-analysis. *Psychological Bulletin*, 146(1), 30–90. <https://doi.org/10.1037/bul0000217>

External funding


German Research Foundation (Deutsche Forschungsgemeinschaft, DFG), Individual Research Grant (Grant no.: TH 2318/3-1)

Increasing Self-Knowledge to Promote Moral Behavior (KNOW-THYSELF)

Dr. Isabel Thielmann

Time frame
2022–2027

The functioning of societies and the quality of social relationships heavily depend on moral behaviors such as fairness, cooperation, and honesty, whereas immoral behaviors such as exploitation, dishonesty, and fraud come at tremendous societal cost. A long-standing puzzle the social sciences and the humanities face is how to promote moral behavior. The prevalent approach is to modify the situation, for example by implementing rewards for moral behavior and sanctions for immoral behavior or through so-called “nudging”. Community and organizational policies invariably resort to such situation-based interventions. However, situation-based approaches are distinctly limited: They inhibit more consistent behavior change that extends to situations where the intervention is absent, and they often fail or even backfire.

 KNOW-THYSELF will uniquely contribute to increasing individuals' self-knowledge about their moral character in order to promote moral behavior and facilitate long-term changes in the personality traits underlying moral action.

In KNOW-THYSELF, the team of Isabel Thielmann pursues a person-centered approach that can more widely and sustainably promote moral behavior. The project draws on an as yet unexploited resource for desirable behavior change: self-knowledge, defined as an accurate representation of what one is like. In the moral domain in particular, self-knowledge is restricted by self-enhancement – the pervasive bias to see oneself more favorably than reflected by one's actions (Thielmann & De Vries, 2021). Thielmann proposes that increasing self-knowledge about moral character can promote moral behavior across contexts and give rise to long-term change in personality traits that underlie moral action.

By adopting a multi-disciplinary perspective and combining rigorous experiments with cutting-edge field methods (e.g., experience sampling), the project addresses three key challenges:

- (1) How to advance self-knowledge most effectively;
- (2) How to increase self-knowledge to promote moral behavior;
- (3) How to increase self-knowledge to initiate long-term personality change.

Tackling these challenges offers groundbreaking insights of relevance for psychological theory, research, and practice by opening up new ways to improve moral behavior in sustainable ways, such as helping others, counteracting dishonesty, and reducing crime. In the long run, these insights can contribute to a “morality training” that can be made widely accessible and would be highly scalable to meet the needs of different target groups. While the relevance of this approach is clearly evident for high-risk groups such as young offenders, it also extends to anyone who wishes to contribute positively to others' welfare and the functioning of society at large.

Research output

Three dissertations, several scientific articles, and conference contributions, app (“morality training”)

Collaborators

- Nicole Casali, MPI-CSL (starting in November 2022)
- Prof. Reinout de Vries, VU University Amsterdam
- Prof. Christopher Hopwood, University of Zurich
- Prof. Luke Smillie, University of Melbourne

Key publication

Thielmann, I., & De Vries, R. E. (2021). Who wants to change and how? On the trait-specificity of personality change goals. *Journal of Personality and Social Psychology*, 121(5), 1112–1139. <https://doi.org/10.1037/pspp0000304>

External funding

European Research Council, ERC Starting Grant, No.: 101039433 (KNOW-THYSELF)

B. RESEARCH GROUP “SPACE, CONTEXTS, AND CRIME”

Prof. Dr. Dietrich Oberwittler

Despite the rise of cybercrime, large portions of crime – such as interpersonal violence or burglary – continue to be rooted in concrete geographic space and, consequently, continue to exert effects locally. Crime is more frequent in larger cities and heavily concentrated in certain micro-spaces within urban areas. Why do some cities, neighborhoods, and micro-spaces suffer from high crime loads and what are the effects of crime on the social fabric and future development of urban communities? Our research group pursues innovative approaches to study the causes and consequences of crime in geographic contexts and looks at the role of spatial contexts on different levels, from urban micro-spaces and neighborhoods to larger societal contexts.

CRIME AND THE SOCIAL DYNAMICS OF URBAN NEIGHBORHOODS

Crime and disorder differentially affect urban neighborhoods: a strong stream of criminological research analyzes the associations and feedback effects between socio-demographic structure, collective social processes, and crime on the level of small urban areas. Social inequalities and ethnic segregation are linked to levels of collective efficacy which may influence crime levels. Perceptions of disorder and insecurity, as well as community attachment, are important social mechanisms that influence the resilience and development of urban neighborhoods. We contribute to this research by pursuing a long-term study of 140 neighborhoods in Cologne and Essen, two large cities in North-Rhine Westphalia, based on a multi-wave community survey

(overall four waves between 2014 and 2021) and systematic social observation, matched to sociodemographic, crime, and mobility data.

We investigate the consequences of personal victimization on insecurity perceptions in different neighborhood contexts using individual panel data, as well as the broader effects of crime on local communities, using neighborhood-level panel data. When analyzing the social dynamics of neighborhoods, it is crucial to consider that crime and security perceptions are interwoven with other dimensions of neighborhood development, in particular social disadvantage and ethnic diversity, both of which have increased in many neighborhoods after the 2015 refugee crisis.

MACRO-SOCIETAL CONTEXTS OF FEAR OF CRIME

Insecurity perceptions are complex social cognitions, known to be shaped on many different levels, from individual personality and neighborhood conditions up to macro-societal contexts. Apart from concrete fears of becoming a victim of crime, the “expressive” functions of fear of crime relate to more general worries about personal security in a broader sense. Previous research has shown that national welfare policies can account for much of the cross-national variation of fear of crime in Europe. We expand this research by investigating the impact of macro-level socio-economic conditions on fear of crime not just cross-sectionally, but over time, against the backdrop of the Great Recession, and using data from the European Social Survey.



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METHODOLOGICAL INNOVATIONS: CRIME AT MICRO-PLACES AND THE USES OF MOBILITY DATA

The increasing availability of georeferenced digital data has pushed research that focusses on the spatial heterogeneity of crime on very small geographic levels i.e., below the neighborhood level. Among big data sources of potential interest for criminologists are calls for service data and social media/smartphone-based mobility data. The analysis of crime at micro-places poses challenges for both theory and modeling. Environmental criminology has tended to favor routine activity theory at the expense of more balanced approaches, while integrative analytical approaches are still rare.

So-called “egohoods” have emerged as an innovative approach to model spatial effects in micro-spaces, close to where crime happens, instead of using traditional neighborhood boundaries. We use community survey data to construct egohoods for individual respondents and to analyze the effects of nearby crime on perceptions of insecurity.

In a research project funded by the Federal Ministry of Education and Research, we investigate the development of crime in southwest Germany during the COVID-19 pandemic, using recorded crime data and

anonymized mobility data which measure the actual effects of lockdowns on people’s daily routine activities in small temporal and spatial granularities. Mobility data can help to understand how sudden and massive changes in opportunities affect the spatial and temporal pattern of crime during this natural experiment.

HANDBOOK OF CITIES AND CRIME

With Prof. Rebecca Wickes as co-editor, Dietrich Oberwittler is the editor of the Handbook of Cities and Crime (Edward Elgar Publishing) which will be published in 2023. The handbook will consist of 30 chapters providing an authoritative overview of the international research field of cities and crime and aims to deliver a state-of-the-art synthesis of research including theories, methods, and substantive knowledge.

Key publications

- Janssen, H. J., Oberwittler, D., & Koeber, G. (2020). Victimization and Its Consequences for Well-Being: A Between- and Within-Person Analysis. *Journal of Quantitative Criminology*. doi:10.1007/s10940-019-09445-6
- Janssen, H. J., Oberwittler, D., & Gerstner, D. (2019). Dissecting Disorder Perceptions: Neighborhood Structure and the Moderating Role of Interethnic Contact and Xenophobic Attitudes. *International Criminal Justice Review*. doi:10.1177/1057567719896020
- Köber, G., Oberwittler, D., & Wickes, R. (2020). Old age and fear of crime: cross-national evidence for a decreased impact of neighbourhood disadvantage in older age. *Ageing & Society*. doi:10.1017/S0144686X20001683

Crime, Insecurities, and Social Dynamics in Urban Neighborhoods

Prof. Dr. Dietrich Oberwittler

Many forms of crime are more frequent in large cities, and local concentrations of crime and disorder can have detrimental effects on the quality of life in urban neighborhoods. At the same time, security perceptions are known to be influenced by factors other than actual crime levels. This study contributes to research on urban communities and crime by investigating the interrelations between crime, socio-demographic structures, and collective social processes and perceptions in two German cities. Moving forward from a cross-sectional perspective that has dominated the research field for decades, the study asks how neighborhoods change over time in relation to crime and security perceptions, considering not only crime development but also sociodemographic dynamics such as the increase of ethnic diversity in recent years.



How do the social dynamics of crime, security perceptions, and social cohesion impact neighborhood change?

As a continuation of a previous study known as “SENSIKO”, the current study is based on a replication in 2020/21 (N = 4990) of a community survey conducted in Cologne and Essen in 2014/15 (N = 6565). The current study’s sample was drawn from the same 139 neighborhoods as the 2014/15 sample, allowing for neighborhood-level panel analyses. Both surveys also included two respondent-level waves around one year apart in order to investigate how victimization and other experiences impact fear of crime and related social cognitions. In 2015, a systematic social observation of incivilities was conducted in all neighborhoods. For the panel analyses, we employ random-effects within-between modeling. The survey data are supplemented by neighborhood-level data on crime, sociodemographic

structure, and, since 2019, mobility. This project cooperates with the Australian Community Capacity Study (PI: Prof. Rebecca Wickes, Griffith University, Brisbane, Australia) for comparative analyses.

Focusing on victimization effects and based on the respondent-level panel data of 2014/15, we showed that violent victimization has palpable detrimental effects on security perceptions, trust, and neighborhood satisfaction – but not on emotional well-being and life satisfaction – and that individuals largely recover from the victimization within 18 months. Comparing Australian and German neighborhoods, we found a weakening of neighborhood contextual effects on fear of crime with higher age in both countries. Constructing egohoods for individual respondents shows that crime close to home has stronger effects on fear and social cohesion than is visible in estimates from neighborhood-level analyses. The current research focus is on neighborhood changes in crime, fear, and collective efficacy between 2014 and 2020 (see Ph.D. project of L. Natter).

Time frame
2020–2024

Collaborators

- Dr. Heleen Janssen, MPI-CSL, until February 2022
- Florian Kaiser, MPI-CSL
- Lisa Natter, MPI-CSL
- Prof. Dr. Rebecca Wickes, Griffiths University, Brisbane

Key publications

- Janssen, H. J., Oberwittler, D., & Koeber, G. (2021). Victimization and Its Consequences for Well-Being: A Between- and Within-Person Analysis. *Journal of Quantitative Criminology* 37(1), 101–140.
- Gerstner, D., Wickes, R., & Oberwittler, D. (2019). Collective Efficacy in Australian and German Neighborhoods: Testing Cross-Cultural Measurement Equivalence and Structural Correlates in a Multi-level SEM Framework. *Social Indicators Research*, 144(3), 1151–1177.

Analyses of Crime-Related Perceptions in Social Contexts

Lisa Natter

Time frame
2019–2023

Dissertation

The dissertation focuses on contextual influences on perceptions of insecurity, with a particular focus on fear of crime. I use longitudinal survey data and examine the relevance of contexts on different spatial levels. Fear of crime in the local environment can not only have a negative impact on residents' quality of life, but also endangers collective social cohesion in urban neighborhoods. Prior research suggests that fear of crime is significantly influenced by factors other than crime rates, such as social disadvantage, and is closely intertwined with other social cognitions and attitudes. Therefore, not only socio-spatial factors in people's immediate environment (meso-level), but also broader societal contextual factors (macro-level) may play an important role in fear of crime. By using longitudinal data for the contextual analysis of fear of crime, the dissertation adopts an innovative approach that can considerably advance our knowledge of this important issue.



The goal is to gain a better understanding of the impacts of social contexts on crime-related perceptions, such as fear of crime, using (comparative) multilevel longitudinal data.

The cumulative dissertation will consist of three papers. The first paper addresses the question of how macro-level context factors affect fear of crime longitudinally, in particular against the backdrop of the 2008 financial crisis and its aftermath. For this purpose, data of the European Social Survey were merged with country-level socio-economic and social policy indicators. Using a modelling approach that allows for the simultaneous analysis of time variant and time invariant effects, it is possible to look not only at differences between coun-

tries but also to changes within these countries over time. The results suggest that the financial crisis had a limited negative effect on fear of crime and was cushioned by welfare state stabilizers (e.g., expenditure on social spending).

The second paper analyzes how increases in neighborhood ethnic heterogeneity connected with the refugee crisis 2015/16 affects fear of crime, thus focusing on meso-level contextual influences on fear of crime. Survey data from the MPI community survey 2014 and 2020 in residential areas in Cologne and Essen are used together with register-based data from local statistical offices. Again, using the same analytic approach as before, first analyses show that increases in ethnic heterogeneity have a weak exacerbating effect on fear of crime.

The third paper deals with survey methodology and looks at the effects of monetary incentives and push-to-web modes on the response behavior relating to fear of crime and associated questions. A survey experiment was included in the latest wave of the MPI community survey 2021 to isolate the effects of pre-paid incentives on sensitive survey responses such as fear of crime.

Collaborators

- Prof. Dr. phil. Dietrich Oberwittler, MPI-CSL (first supervisor);
- Dr. Heleen Johanna Janssen, MPI-CSL

The Consequences of the Covid-19 Pandemic for Crime in Southwest Germany (COVID-19-KRIM)

Prof. Dr. Dietrich Oberwittler, Dr. Gunda Wössner

The project investigates the short- and medium-term effects of the COVID-19 pandemic on crime in Baden-Württemberg (southwest Germany) during the period from 2019 to 2021. The investigation is based on recorded crime data, mobility data, and various socio-economic and geographic data, and it employs spatio-temporal modeling and crime mapping techniques. A special module focuses on domestic violence against partners and children and the hurdles facing these vulnerable victims when they seek adequate



The COVID-19 pandemic is a unique “natural experiment.” Using anonymous mobility data to track actual changes in daily routine activities, we investigate how sudden and massive changes in opportunities affect the spatial and temporal pattern of crime.

help and support during pandemic times (for more on this module, see the project entitled “Violence against Women in Times of the Covid 19 Pandemic,” Natalie Gehringer). One of the project’s objectives is to help improve the work of police and victim-support agencies by developing innovative analytical and visual tools and by drawing up recommendations for the work of support agencies. These tools and recommendations will be developed in consultation with the practitioners.

From a criminological perspective, the COVID-19 pandemic is a unique “natural experiment.” Very little is known about how sudden and massive changes in daily routine activities and opportunities affect the spatial and temporal pattern of crime. The current exceptional situation allows for stronger claims of causality regarding the impact of opportunity structures on

crime. A narrow perspective on opportunities, however, would ignore the persistent role of social problems, perpetrators’ motivations, as well as the interaction between social problems and opportunities – factors that all remain crucial for a deeper understanding of the geography of crime.

The project analyzes how lockdown-related restrictions affected crime on various spatial levels, from small, intra-urban areas to the regional level (i.e., the Baden-Württemberg wide level). Registered crime data is matched to detailed geographic data on infrastructures and socio-economic conditions as well as anonymous mobility data in different temporal granularities. This project is the first to explore the potential uses of mobility data for spatial crime analysis in Germany.

The statistical models contribute to the development of innovative GIS-based analytical and visual tools that can support police work. The ethical and political implications of these innovations will be discussed at a workshop together with experts and practitioners.

Collaborators and projects partners

- Carina Hasitzka, MPI-CSL
- Natalie Gehringer, MPI-CSL
- Landeskriminalamt Baden-Württemberg
- Landeskriminalamt Nordrhein-Westfalen
- Freiburger Fachstelle Intervention gegen Häusliche Gewalt (FRIG),
- Frauenhorizonte – gegen sexuelle Gewalt e.V.
- Landratsamt Breisgau-Hochschwarzwald, Dezernat 2 – Jugend und Soziales

External funding

German Federal Ministry of Education and Research (Bundesministerium für Bildung und Forschung), Forschung für die zivile Sicherheit [Research for civil security], Call for proposals: “Zivile Sicherheit – Gesellschaften im Wandel” [“Civil security – Societies in Transition”]

Time frame
2021–2025

Violence against Women in Times of the Covid-19 Pandemic

Possibilities and Limits of Institutional Assistance in the Light of Structural and Individual Risk and Protective Factors

Natalie Gehringer

Time frame
2021–2025

Dissertation

The dissertation is part of Module B of the project “The Consequences of the Covid-19 Pandemic for Crime in Southwest Germany”, which focuses on the work of (non)governmental victim support organizations in conjunction with intimate partner violence and violence against children during the unprecedented pandemic situation. Research has already shown that exceptional events such as natural disasters can lead to an increase in violence against women. In the current pandemic, traditional gender roles have once again been reinforced, e.g., by women having to bear an even more proportionally larger share of the care work than in normal life.

limits present a challenge to counseling professionals dealing with the pandemic situation, in particular, but also how to provide assistance, in general. Violence against women is a problem that must be addressed not only individually but also structurally. The Covid-19 pandemic will be used as an example of how to identify the blind spots that experts believe exist at the individual and institutional levels in the fight against violence against women and how they can and must be countered in order to strengthen societal resilience in the long term.



A pandemic is a major crisis that renders help for victims of sexualized and intimate partner violence even more difficult. How can the support for victims be improved in challenging times and societal resilience against violence towards women be strengthened?

While traditional gender roles do not automatically lead to violence against women, they can still be seen as a risk factor for a power imbalance to the disadvantage of women. Based on semi-structured interviews with professionals from support organizations for victims of violence, this dissertation explores the following questions: How did living conditions change for women who experienced sexualized and/or intimate partner violence during the Covid-19 pandemic, and which (possibly new) challenges and obstacles did they face in the help-seeking process? How does this violence manifest itself, and how does it differ from violence in normal life situations? In addition, one goal of the research sub-project is to work out which possibilities and which

Collaborators and project partners

- Prof. Dr. Dietrich Oberwittler, MPI-CSL, first supervisor
- Dr. Gunda Wössner, MPI-CSL
- Freiburger Fachstelle Intervention gegen Häusliche Gewalt
- Landratsamt Breisgau-Hochschwarzwald
- Frauenhorizonte

Key publications

Gehringer, N. & Wössner, G. (2022). Coronapandemie, Lockdown und Partnerschaftsgewalt: Kontroversen. In: T. Bartsch, Y. Krieg, I. Schuchmann, H. Schüttler, L. Steinl, M. Werner & B. Zietlow (eds.). *Gender & Crime. Geschlechteraspekte in Kriminologie und Strafrechtswissenschaft* (in print). Baden-Baden: Nomos. [Covid-19 pandemic, lockdown, and intimate partner violence: Controversies]

Scientific outreach / public engagement

Gehringer, N. & Wössner, G.: “Partnerschaftsgewalt in der Covid-19-Pandemie und Implikationen für die Praxis: Erste Erkenntnisse einer empirischen Untersuchung in Baden-Württemberg”. *Kriminologisches Forschungsinstitut Niedersachsen & Deutscher Juristinnenbund*. Hannover/Germany (online), 26.11.2021

External funding

German Federal Ministry of Education and Research

C. RESEARCH GROUP “THEORY OF CRIMINAL LAW”

Dr. iur. Dr. phil. Philipp-Alexander Hirsch

In his research, Philipp-Alexander Hirsch is particularly interested in the foundations of criminal law. The “Theory of Criminal Law” Research Group, which only started in May 2022 and is led by Philipp-Alexander Hirsch, therefore focuses on the analysis of substantive criminal law and criminal procedure and the doctrine in these areas; the analysis centers on the underlying normative structures and principles in order to assess their coherence, justifiability, and persuasiveness. The aim is to draw on the fruits of this analysis to engage in normative theory-building that proposes solutions to problems in criminal law that go beyond interpreting the positive law. This requires integrating the doctrine and practice of criminal law, on the one hand, with other sciences – practical philosophy in particular – on the other. The research group welcomes research projects on all “classical” questions of criminal law theory, such as the justification of punishment, the nature of criminal wrongdoing, criminalization and the limits of state punishment, or the definitional features of criminal responsibility. However, the research group’s work concentrates mainly on the three topics described below; these topics constitute the rough outline of the research group’s research program.

THEORY OF SUBJECTIVE IMPUTATION

What distinguishes a criminal offence from other norm violations in the first place is subjective imputation, because attributions of responsibility in criminal law

are based on certain inner attitudes and states of the offender. However, it is unclear how we are to conceptualize these. Not only is the traditional understanding of intent and negligence increasingly faltering in the German criminal law discussion but we are also finding alternative descriptive models of the subjective aspect of criminal offences outside of German criminal law doctrine. The research group investigates the factual and normative assumptions underlying subjective imputation, looking beyond national doctrines. To do so, the research group draws upon insights from other sciences – especially from practical philosophy. In addition, the research group seeks exchange with the discussion on *mens rea* in Anglo-American criminal law theory with a view to identifying discursive similarities and differences and developing approaches for a transnational theory of subjective imputation.

RELATIONALITY OF CRIME

Traditionally, criminal law theory views crime as a wrong that, in normative terms, takes place solely in the relationship between the offender and the state. Under this view, the state seeks, through criminal regulations, to protect certain legal goods (*Rechtsgüter*) from harm. In contrast, the research group will develop an alternative conceptual model according to which the conception of criminal wrongdoing as the harming of a state-protected legal good is incomplete and, instead, criminal wrongdoing must be conceptualized in a pri-



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marily *relational* way—that is, it must be understood first and foremost as the violation of intersubjective rights to the absence of such harms. One aim of this new theory of crime is to make it possible to describe crimes as violations of individual rights and, at the same time, violations against the legal community as a whole. Another aim is to foster the development of new criteria for the criminalization of behavior, for subjective imputation, and for victim participation in criminal proceedings.

CRIMINAL LAW IN THE AGE OF REASON

More than almost any other century, the period from 1730 to 1830 shaped our contemporary understanding of criminal law. In one of the many transformations of the Enlightenment, modern German criminal law and criminal jurisprudence developed as an independent academic discipline. Additionally, important “theoretical choices” were made that not only have a latent effect on today’s criminal law doctrine but also serve as reference points for the debates in criminal law theory to this day (ranging from questions of criminalization to questions surrounding the justification of punishment). The research group seeks to chart the “unchartered territories” on the map of eighteenth-century criminal law theory and critically investigates the potential that authors and ideas of this period can have for contemporary criminal law theory.

Rights in Criminal Law: Exploring the Role of Individual Entitlements in Criminal Law

Dr. iur. Dr. phil. Philipp-Alexander Hirsch

The aim of the international and interdisciplinary project is to address the issue of rights in criminal law: Who holds and who should hold a right not to be wronged by others? And is it the violation of rights – rather than the causing of harm – that grounds a prima facie reason for criminalization? According to the standard view in criminal law, compliance with criminal law duties is owed not to the people protected by criminal law but to the state enacting the law. Thus, criminal law theory views individuals not as holders of normative claims but rather as mere beneficiaries of state criminal law.

The reasons why this standard view does not endorse individual rights in criminal law seem to be twofold: First, there is widespread commitment to the harm principle or theoretical equivalents (like the German *Rechtsgutslehre*). Under these principles, the moral significance of harm does not stem from a conception of crime as a violation of an individual's normative *standing* as a person endowed with *intersubjective claims*. Second, the dominant theoretical understanding of rights is shaped in large part by a narrow interpretation of the Will Theory of rights that assumes that rights holders have to possess the legal power of claiming compensation for infringement of the duties corresponding to rights. According to this view, because victims of crimes lack this power, they should not be considered rights holders.

However, there seems to be argumentative and theoretical space to support the claim that individual rights play a vital role in criminal law: Descriptively, a rights based approach to criminal law could provide an explanatory framework for the legal power of discharging someone from his or her criminal law duty by valid consent. Furthermore, consent allows us not only to speak of individual rights in criminal law (within a Will-Theory framework) but also to attribute a central explanatory function in criminal law theory to each indi-

vidual's normative standing as a person. Normatively, a rights based approach offers an alternative normative principle for criminalization that traces the moral significance of crimes to the violation of individual autonomy. Thus, under this approach, the question of what makes a wrong a crime is still up for debate. Beyond that, the *volenti non fit iniuria* principle might be applicable to the prosecution of crimes and to reparation for crimes – all the more so given that new elements of prosecution (e.g., victims' procedural rights) and reparation (e.g., restorative justice approaches) seem to be at odds with the aforementioned standard picture of criminal law.



The project will stimulate a debate on the role of rights in criminal law, exploring and critically reflecting on various approaches to this topic. It will reveal and critically reflect on the theoretical potential of rights in criminal law, laying the foundation for further research in this area.

The project, which will involve an international conference and an edited volume, will stimulate a debate on the role of rights in criminal law, exploring and critically reflecting on various approaches to this topic. It will reveal and reflect on the theoretical potential of rights in criminal law, laying the foundation for further research in this area.

Collaborators

Dr. Elias Moser, Assistant Professor, Department of Philosophy, University of Graz

External Funding

- Land Steiermark [State of Styria, Austria]
- University of Graz

Time frame
2022–2024

D. OTTO HAHN RESEARCH GROUP “ARCHITECTURE OF PUBLIC SECURITY REGULATION (ARCHIS)”

PD Dr. Marc Engelhart

OBJECT OF RESEARCH

The Otto Hahn Group “Architecture of Public Security Regulation” (*Architektur des Sicherheitsrechts*) dealt with the architecture of modern security law, in particular the limits of criminal law vis-à-vis police and intelligence law. The traditional discussion runs along a dichotomous distinction between the repressive function of criminal law and preventive danger defense in police and intelligence law. This assumes a clear division of tasks and functions between both of these areas of law.

However, such a sharp division has never existed and any apparent distinction has become more and more blurred in recent years due to overlap between the two areas. Criminal law has always been strongly influenced by prevention. Classic examples are the preventive penal purposes of general prevention and special prevention or preventive detention regulated in the German Criminal Code (StGB) to protect society from the future acts of an offender. More recently, the preventive aspect has gained in importance. This can be seen in the offences of so-called preventive criminal law, which, for instance, make the visit to a foreign terror camp a preparatory offense (section 89a StGB), thus serving as pre-criminalization for the preventive protection of legal interests. As the recruitment of persons in Europe by ISIS has shown, however, criminal law quickly reaches its limits here and raises the question of alternative police and intelligence measures.

In addition, over the past two decades, the law of criminal procedure has increasingly provided for investigative measures that were originally reserved for the police or intelligence services. Also, in Germany’s police and intelligence service law, especially in the area of the federal police forces (Federal Criminal Police Office – BKA, Customs Investigation Bureau – ZKA) as well as within the Federal Office for the Protection of the Constitution (BfV), increasingly comprehensive responsibilities and powers of intervention have been created, which serve the prevention of but also the investigation of criminal offences. This is especially true in the area of secret surveillance measures. The traditional open investigation provided for in the German Code of Criminal Procedure (StPO) is often now supplemented by secret electronic surveillance measures and has frequently – in investigations of serious crimes such as terrorist crime or organized crime – even been replaced by such covert measures.

The division of tasks and powers between criminal law and preventive security law are therefore becoming less and less clear. The consequence is that criminal law agencies and security authorities have multiple responsibilities. The limits of the rule of law and the rights of those affected are often unclear. The extensive investigative breakdown in the National Socialist Underground (NSU) case revealed the problems created by multiple responsibilities and the involvement of intelligence services in criminal investigations. “Modern-day” investigations, such as the EncroChat or the ANOM operations,



which involved large data sets from foreign jurisdictions (by way of mutual criminal assistance) that were transmitted to German (as well as to other European and non-European) jurisdictions, show the tremendous impact of secret mass surveillance measures in criminal proceedings.

This Otto Hahn Research Group addressed the various developments of an expanding criminal law and its overlap with police and intelligence law by identifying relevant fields and analyzing the importance of repression and prevention in these fields. The main fields identified in the area of criminal law included the distinction between individual offenses (and the associated legislative responsibilities), the offense of attempt, the criminalization of preparatory acts, the institution of preventive detention, and asset forfeiture. In police and intelligence law, important fields concerned the tasks and objects of preventive protection (and the associated legislative responsibilities), the concept of danger and risk, and measures that are, above all, functional equivalents of preventive detention.

RESEARCH AIMS

The group's research aims to generate a systematic knowledge base about the continuing overlap between repressive and preventive developments in criminal law as well as in police and intelligence law in areas that influence or affect criminal law. For this purpose, existing research from a public law viewpoint was amended from a specific criminal law starting point. This included identifying and examining the organizational ideas and rationales behind the structural division in the law, separating it into police law and criminal law spheres. A major objective was therefore a historical analysis of the roots and events leading up to the present situation. Against the historical background, today's legal situation was closely examined in order to model the different approaches to regulating the various fields of security law, to evaluate them, and to develop measures for reform. The historical and doctrinal modelling also partly built on a functional legal comparison of the developments in specific jurisdictions. In this way, approaches were sought that examine

criminal law, and in part police and intelligence law, in terms of its resilience to the rule of law and in order to develop it further and integrate it into an overall legal conception of a security architecture – one that does justice both to guaranteeing legal certainty by means of criminal law and to limiting the exercise of sovereign power in the area of tension between repression and prevention.

This comprehensive approach of looking for guiding principles in the sphere of modern security law connects the dots between discussions on police/intelligence law and criminal law and facilitates a thorough understanding of regulation in modern risk societies. Such an understanding of the law provides legal scholars, practitioners, and policy makers not only with the necessary background knowledge but also with the necessary tools for designing and implementing a far-reaching, coherent, and human rights-based framework for security regulations.

RESEARCH METHODS AND SCIENTIFIC OUTPUT

The Otto Hahn Program is financed by the Max Planck Society. The group's seat was at the Max Planck Institute for the Study of Crime, Security and Law. Its research comprised several individual and collaborative projects, also conducted in cooperation with external experts. Major research methods included a historical and doctrinal as well as a comparative analysis. The comparative analysis, carried out on the basis of the method of functional comparison, included a review of foreign legal systems and the multi-level system of national, European, and international law.

The principal objectives of the group's output were, on the one hand, publications on the research topics of the group in journal and book formats. On the other hand, another objective was the organization of scientific events, participation in conferences, and teaching activities. These efforts were devoted to facilitating the development of comparative research and to strengthening an international research network in this field. The group also aimed at supporting and supervising early-career scholars.

The launch of the Otto Hahn Research Group on 1 February 2015 was preceded by a one-year research stay by

its research group leader, Marc Engelhart, at the universities of Cambridge and Oxford (United Kingdom). On 1 July 2015, Maja Serafin joined the group as a doctoral candidate. The research group completed its work on 31 January 2021.

Members of the research group included:

- Marc Engelhart (research group leader)
- Maja Serafin (doctoral student)
- Alexandra Schenk (junior researcher)
- Beatrice Florack (student assistant)
- Dela Herr (student assistant)
- Paul König (student assistant)
- Björn Baumann (student assistant)
- Slavica Markovic (student assistant)
- Mehmet Arslan (guest member)
- Sunčana Roksandić (guest member)

Major projects and publications of the research group included:

- Zwischen Prävention und Repression. Freiheit und Sicherheit im Spannungsfeld von Straf-, Polizei- und Nachrichtendienstrecht" ["Between Prevention and Repression. Freedom and Security in the Area of Conflict between Criminal, Police, and Intelligence Law] (habilitation thesis, 743 pages, in preparation for print at Mohr Siebeck; project leader: Marc Engelhart, time frame: 2015–2021, status: completed)
- Vermögensabschöpfung – Zwischen Effektivität und Rechtsstaatlichkeit. Ein deutsch-polnischer Vergleich" ["Asset Forfeiture – Between Effectiveness and the Rule of Law. A German-Polish Comparison]" (doctoral thesis, published by Duncker & Humblot, 2019; project leader: Maja Serafin, time frame: 2015–2019, status: completed)
- Dealing with terrorism. Empirical and Normative Challenges of Fighting the Islamic State" (international cooperation project, published by Duncker & Humblot; project leaders: Marc Engelhart & Sunčana Roksandić; time frame: 2016–2019, 2019; status: completed)

- Schutz von Staatsgeheimnissen im Strafverfahren. Eine Studie zur Europäischen Menschenrechtskonvention ["Protection of state secrets in criminal proceedings. A study of the European Convention on Human Rights"] (joint research project, published by Duncker & Humblot, 2020; project leaders: Marc Engelhart & Mehmet Arslan; time frame: 2018–2020; status: completed)
- In 2017, the research group started the open access publication series "Beiträge zum Sicherheitsrecht" ["Contributions to Security Law"], making the work of the research group and its members available online as well as in a print version:
 - Volume 1 (Arslan, Mehmet. Staatsgeheimnisse im türkischen Strafprozessrecht. 2017)
 - Volume 2 (Arslan, Mehmet. Haft im Strafprozess. Ein Vergleich zwischen EMRK und türkischem Recht. 2018). Volume 3 (Engelhart, Marc. The Nature and Basic Problems of Compliance Regimes. 2018)
 - Volume 4 (Arslan, Mehmet. Procedural Guarantees for Criminal and Administrative Criminal Sanctions. A Study of the European Convention on Human Rights. 2019)
 - Volume 5 (Engelhart, Marc. Strafrechtspflege. Das deutsche Strafprozesssystem einschließlich des Polizei- und Geheimdienstrechts. 2019)
 - Volume 6 (Serafin, Maja. Hate Crimes: Auf der Suche nach einer adäquaten Reaktion des Strafrechts. 2020)
 - Volume 7 (Engelhart, Marc/Arslan, Mehmet. Security Architecture in Germany. 2020)
 - Volume 8 (Serafin, Maja. Civil forfeiture Nicht-strafrechtliche Einziehung bei Dritten im US-amerikanischen Bundesrecht. 2020)
 - Volume 9 (Engelhart, Marc/Arslan, Mehmet [eds.]. Verbrechensbekämpfung durch Nachrichtendienste. Intelligence Services and Crime Control. 2021)

Major (co-)organized scientific events included:

- International Spring Course "Prosecuting environmental and serious economic crimes as international crimes" (2.–7.11.2020), Inter-University Center, Dubrovnik
- International Spring Course "Challenges for EU internal and external security" (7.–13.4.2019). Inter-University Center, Dubrovnik
- International Spring Course "Enhancement of victims' protection within the EU and the challenge of building mutual trust between the EU Member States" (23.–27.4.2018). Inter-University Center, Dubrovnik
- International Spring Course "Follow-up International Conference: Financing of Terrorism as a Threat and Legal Challenge" (1.–5.5.2017). Inter-University Center, Dubrovnik
- International Spring Course "ISIS as a threat and legal challenge and the prevention of recruitment" (25.–29.4.2016). Inter-University Center, Dubrovnik

E. OTTO HAHN RESEARCH GROUP “ALTERNATIVE AND INFORMAL SYSTEMS OF CRIME CONTROL AND CRIMINAL JUSTICE”

Dr. Emmanouil Billis, LL.M.

OBJECT OF RESEARCH

The Otto Hahn Research Group studies new and non-conventional methods and tools of crime prevention, crime repression, and conflict resolution in different legal systems. The typical reactive methods of crime control and the traditional trial-centered systems of criminal justice are approaching their functional and logistical limits. In modern societies crime has become technical, complex, and transnational, while legal orders have become ponderous and overloaded. This in turn has increased the practical significance of procedural mechanisms and legal institutions aimed at enhancing (national and transnational) law enforcement and improving justice administration, specifically in terms of prevention, procedural economy, and statistical results. The research conducted within the framework of the Otto Hahn Program focuses on modern administrative measures of prevention, novel sanction types and out-of-court penalties, less bureaucratic forms of discretionary prosecutions and case disposals, alternative and negotiated ways of conflict resolution, technologically sophisticated crime-fighting and justice administration tools, flexible soft-law and compliance schemes, as well as other procedural instruments designed for purposes of shortening, simplifying, and potentially avoiding conventional investigations and trials. As such, the group's

research addresses, in a model-based and/or comparative way, crucial questions of relevance today by emphasizing the issues and factors of social legitimacy and effective human rights protection associated with contemporary, constantly evolving mechanisms of crime control and criminal justice.

The ordinary response to criminal conduct through the well-defined channels of investigation, prosecution, and punishment within the formal framework of full-scale public trials may well be still enjoying the broadest legitimacy in societies and justice systems governed by the rule of law. However, the old narrative of the “myth of full enforcement in criminal justice” as well as a strong pragmatic tendency towards economic (cost-benefit) and security-oriented approaches to law are gradually taking hold again. Accordingly, more emphasis seems to be placed, at present, on pure prevention policies and on administrative and extra-judicial instruments than on the full application of substantive criminal law or the formal implementation of traditional procedural rules and guarantees. This has caused, on the one hand, justifiable concerns about a potential lowering of human rights standards and a major horizontal shift away from classic protective criminal law principles in various judicial and legal policy sectors. On the other hand, from the pragmatic point of view of judicial officials and legal



image: Davut, AdobeStock_142750449

practitioners, the prevention and enforcement regimes progressively gaining importance may appear to be a particularly attractive, even necessary, evolution.

It could be further argued that there are aspects where a “de-formalization” of criminal justice is already underway: the trend to make procedures less formal, particularly not to strictly abide by the formal rules and their public, “ceremonial” methods of application, both at the levels of substantive and of procedural law designed for traditional, full-scale trials. But this does not mean that we should be lightly drawing a parallel to the “fragmentation trend” analyzed in the context of public international law as a shift from institutions to regimes, from rules to regulation, from government to governance, from responsibility to compliance, from law to legitimacy, and from lawyers to relations experts.¹ Indeed, in contemporary rule-of-law systems characterizations such as “informal” (i.e., not in accordance with standard forms or procedures) and “alternative” types of crime control and criminal justice do not refer (yet) to enforcement models fully deprived of a formal architecture. Thus, the focus is on relative—not absolute—informality. At least for the time being, formality (i.e.,

using an agreed-upon, conventional, and often public, officially recognized, or traditional way of operating) is still a rule-of-law requirement of crime control, even if in some cases formal law is simply “reduced to a frame for negotiation and adjustment”.²

Furthermore, the informality concept will usually relate to the ideas underpinning what is called discretionary, “selective”,³ or “strategic”⁴ enforcement. This type of enforcement may even be considered a preventive and cost-effective way to achieve societal benefits, especially within the anti-formalism movement.

In line with these distinctions, the following subject matters and thematic categories are of particular interest and paradigmatic value for the group’s studies within the Otto Hahn Program:

- the termination or suspension of investigations before criminal charges are brought by applying discretionary prosecutorial means even if the predefined elements of crime have been met

¹ See Koskenniemi, (4/2007) No Foundations: journal of extreme legal positivism 11–17.

² *Ibid.* at 11.

³ See Allen, (1976–1977) 125 U. Pa. L. Rev. 62; Davis, (1097–1977) 125 U. Pa. L. Rev. 1167; Tieger, (1971) Duke Law Journal 717.

⁴ See Lemos/Stein, (2010) 95 Minnesota Law Review 8.

- negotiated and consensual case settlements after charges have been brought
- the differentiation between purely preventive measures, administrative sanctions, and criminal penalties, also with respect to modern alternative sanction models and international sanctioning procedures
- the strategies, policies, and procedures aimed at the prevention, investigation, prosecution, and disposal of economic, business, and corporate crime cases
- the active involvement of private actors in crime control and (the administration of) criminal justice
- the instruments facilitating direct, flexible, and less bureaucratic forms of national and transnational cooperation between enforcement authorities, public and private (e.g., financial) institutions, legal professionals, and natural and legal persons, especially in the field of (preventive) intelligence gathering and processing
- the benefits and challenges for crime control and criminal justice associated with modern surveillance and investigative methods, tools of artificial intelligence, the digitalization of evidence, and other types of technological advancements

The systematic analysis, evaluative comparison, and taxonomic classification of such crime control and criminal justice mechanisms both at national and international levels presuppose a deep understanding of their respective goals and general definitional characteristics. Not least because of the extremely technical relationships and complex interests characterizing contemporary societies, the various issues related to crime prevention and security law, the commencement or circumvention of criminal investigation and prosecution, the selection of cases to be brought to justice, and the effective dispute resolution before or outside the court are entangled in a Gordian Knot. This is even more so the case because modern rule-of-law systems are principally bound by the same—sometimes conflicting—obligations: to effectively prevent and suppress unlawful conduct, to aim at truthful and fair dispute resolutions, to preserve procedural economy and social peace, as well as to respect the basic values and principles of human dignity, proportionality, and leniency.

Fundamental and comparative research in these fields is therefore an essential prerequisite for effective problem-solving and policy reform.

AIMS

The group's research aims to generate knowledge about the operation of new and alternative instruments of crime control and criminal justice in modern risk societies. An overall purpose is to identify and examine the organizational ideas and rationales behind the basic structures of contemporary prevention, investigation, prosecution, and conflict resolution mechanisms and institutions. In light of this the objective is to develop, for purposes of analysis and classification, abstract models (theoretical extremes) delineating in simple but clear terms the dichotomies of "traditional vs. alternative" and "formal vs. informal" crime control and criminal justice. Addressing the above-highlighted themes by looking for underlying major ideas and principles referring to complex and often interconnected issues of modern security law and criminal justice will not only facilitate a sound definition of the key concepts and a comprehensive understanding of currently observed hard-law and soft-law trends. This research also aims to provide legal scholars, policy makers, and practitioners with the basic background knowledge and the proper tools for designing and implementing coherent, conclusive, non-arbitrary, and human rights-oriented reforms and legal transplantations in these most neuralgic fields of national and international crime prevention and crime repression.

The objective is also to draw valuable legal policy conclusions regarding the advantages and disadvantages of a "de-formalized" administration of criminal justice. Mandatory, discretionary, and alternative types of criminal enforcement and procedure are measured against the standard of social legitimacy, an essential quality which the numerous and diverse crime-prevention and conflict-resolution schemes ought to enjoy. In an era of technologically highly advanced societies that are characterized by growing inequalities and social frictions, mistrust of national and international enforcement authorities, extensive public health and financial crises, and violent conflict and post-conflict situations with international impact, there may be many different factors shaping the acceptability of the outcome of justice.

The group's studies not only deal with the norms governing the operation of the relevant mechanisms but also with significant legitimizing factors and underlying ideas, such as individual autonomy, broad social participation, and institutional trust-based cooperation. The focus is on contributing to the efforts towards a scientifically sound construction of a less complex, time-consuming, and bureaucratic and more flexible, lenient, and transparent justice administration.

METHODS AND SCIENTIFIC OUTPUT

In their individual and collaborative projects, the members of the Otto Hahn Research Group are pursuing doctrinal and comparative analyses concentrating on national, international, and supranational rules and regulations, policies, soft-law trends, and judicial practices. The analyses focusing on current strategies and complex practical issues of criminal enforcement and conflict resolution in different legal systems are mainly based on scientific data gained and discussed within the framework of international project collaborations, expert workshops, and collective, cross-jurisdictional, and interdisciplinary studies organized by the research group.

The group's studies identifying, analyzing, and evaluating the characteristics and particularities of traditional systems of law enforcement and criminal prosecution in contradistinction to modern types of alternative and informal crime control and criminal justice are normatively exploring pertinent national and international legal orders. Studies adopting a comparative approach are consistently organized according to the method of functional comparison.⁵ The endeavor to construct abstract classificatory models of formal and informal criminal justice will be based on the theory and methodology of ideal types.

The Otto Hahn Program is financed by the Max Planck Society and the group's seat is at the Max Planck Institute for the Study of Crime, Security and Law. Principal objectives of the group's output are publications on the aforementioned topics in journal and book formats.

The research program also incorporates international project collaborations, the organization of scientific events, the participation in conferences and teaching activities, the support and supervision of early-career scholars, as well as extensive research stays abroad.

CURRENT PROJECTS

- Informal Criminal Justice: Principles and Types (working title); scientific output: post-doc monography, paper publications, conference presentations; project leader: Dr. Emmanouil Billis; time frame: 2020–2023; status: ongoing
- Artificial Intelligence as Means of Evidence in Criminal Trials (working title); scientific output: doctoral dissertation, paper publications, conference presentations; project leader: Eftychia-Venetia Bampasika; time frame: 2020–2023; status: ongoing
- Artificial Intelligence as an Alternative Means to Enhance Criminal Justice; International project collaboration of the Otto Hahn Research Group with the Research Group on Crime Control and Security Law of the University of Tromsø; scientific output: organization of international workshops, paper and book publications; project leader: Dr. Emmanouil Billis; group and project members: Associate Professor Nandor Knust, Professor Jon Petter Rui, and Eftychia-Venetia Bampasika; time frame: 2022–2023; status: ongoing
- Proportionality in Crime Control and Criminal Justice; International project collaboration of the Otto Hahn Research Group with the Law Faculties of the universities of Bergen and Tromsø, the Research Council Norway, and the European & International Criminal Law Institute in Athens; scientific output: organization of international workshops, paper publications, and publication of edited volume; project leader: Dr. Emmanouil Billis; group and project members: Professor Jon Petter Rui, Associate Professor Nandor Knust, and Eftychia-Venetia Bampasika; time frame: 2019–2021; status: completed

⁵ See Sieber, in: Sieber/Albrecht (eds.), *Strafrecht und Kriminologie unter einem Dach* 2006, pp. 112–116; Billis, (2017) 24 *Maastricht Journal of European and Comparative Law* 864–881.

Artificial Intelligence as an Alternative Means to Enhance Criminal Justice

Dr. Emmanouil Billis, LL.M.

Time frame
2022–2023

Resorting to artificial intelligence (AI) technology with the goal of strengthening the efficiency and effectiveness of crime control and criminal justice systems is a current development in numerous legal orders. In an era of multiple novel challenges in the fight against crime, a plethora of AI applications has emerged in parallel to traditional enforcement and judicial practices, set



The knowledge exchange between legal scholars and computer scientists promotes a reciprocal understanding on how to “translate” central criminal law notions and principles into programming language.

to serve a variety of purposes: from predictive policing, crime prevention, and crime detection to risk and recidivism assessment, the processing of evidence, and the determination of criminal punishment. The design and implementation of effective and transparent policy plans and regulations in the field require, on the one hand, a better understanding of the inner workings of these applications on the part of legal theory and practice. On the other hand, AI developers must have a firm grasp of the main ideas behind key legal concepts and their potential differentiations in different legal traditions. Specifically in terms of the relationship between AI and the rule of law, the challenge is twofold: to proactively program AI tools in a way that excludes arbitrariness in decision-making processes involving such tools and to optimize the operation and learning processes of AI with the overall purpose of assisting traditional criminal justice actors in producing more accurate, objective, and fair results. Cross-jurisdictional and interdisciplinary research is crucial in this respect. This collaborative project of the Otto Hahn Group with the Research Group on Crime Control and Security Law and the Cyber Security Group of the University of Tromsø is aimed at analyzing not only the opportunities but also the challenges

of incorporating AI into criminal justice in a way that is congruent with core human rights standards and rule-of-law principles. The team members explore issues such as those of privacy, data protection, security, reliability, transparency and objectivity, discrimination and bias, as well as the explicability and accountability parameters of the AI applications. They also cogitate about whether algorithms can perceive and employ fundamental legal concepts for the delivery of criminal justice, such as fairness and proportionality. The knowledge exchange between legal scholars and computer scientists from the AI field will promote a reciprocal understanding on how to successfully “translate” central legal notions and protective principles into programming language.

Collaborators

- Eftychia-Venetia Bampasika, LL.M., doctoral researcher & member of the Otto Hahn Research Group
- Associate Professor Dr. Nandor Knust, Faculty of Law, University of Tromsø & external member of the Otto Hahn Research Group
- Professor Dr. Jon Petter Rui, Faculty of Law, University of Bergen & external member of the Otto Hahn Research Group

Scientific outreach / public engagement

- International conference “Crime Control, Security and New Technologies” and Ph.D. Workshop “AI in Criminal Justice: Legal and IT Perspectives” (in cooperation with the Tromsø Research Group on Crime Control and Security Law), University of Tromsø 29–30/08/2022
- Academic workshop “Artificial Intelligence as an Alternative Means to Enhance Criminal Justice” (in cooperation with the Tromsø Research Group on Crime Control and Security Law), University of Tromsø, 27–28/08/2022
- Academic workshop “AI and the Rule of Law” (within the framework of the AIDP International Colloquium on “AI and Administration of Justice: Predictive Policing and Predictive Justice”). University of Buenos Aires, 28-31/03/2023

External Funding

University of Tromsø

Artificial Intelligence as Means of Evidence in Criminal Trials

Eftychia-Venetia Bampasika, LL.M.

There is both growing interest and growing concern among legislators, legal practitioners, and legal scholars with regards to artificial intelligence (AI) applications in criminal justice. AI has entered the premises of criminal justice systems in hopes of enhancing their effectiveness, objectivity, fairness, and procedural economy. One of the most complex uses of AI technology in this context is as a novel and alternative means for producing and processing evidence in traditional criminal trials. The dissertation deals with the merits and challenges of admitting, reviewing, and assessing AI-based means of evidence in criminal proceedings. Main research goals are to address in a systematic manner the evidentiary and fair trial issues connected with the operation of AI applications in the various stages of a criminal trial, to classify AI-based means of evidence according to their evidentiary function, to facilitate a better understanding of the risks for the defendant's rights and the rule of law, and to provide legal research and policy with recommendations for further studies and reforms in this field. The research methods used are doctrinal and comparative analyses concentrating on national, international, and supranational legal texts, soft-law trends, and judicial practices. The study starts with the legal definition of AI and the exploration of the ways in which this new technology may challenge the well-established principles and values of formal criminal justice in rule-of-law systems. The analysis proceeds by exploring the function of conventional means of evidence, particularly witness testimonies, expert opinions, and documents. By examining characteristic examples of AI applications employed in different legal orders,



The dissertation deals with the merits and challenges of admitting, reviewing, and assessing AI-based means of evidence in criminal proceedings.

the next question addressed is whether AI-based evidence should be classified as one of the familiar means of evidence or as a new or hybrid form. Subsequently, the issues of admissibility and exclusion of AI-based means of evidence are analyzed as well as the theoretical and practical problems connected to their presentation, examination, and assessment. The focus then turns to the impact of AI on the defendant's rights and the potential need for their reconceptualization in this new criminal justice reality. The dissertation concludes with policy recommendations on how to incorporate AI in criminal justice systems in a way that best reflects and maintains their diachronic rule-of-law values and core protective principles.

Key publication

Bampasika, E.: Artificial Intelligence as Evidence in Criminal Trial [Künstliche Intelligenz als Beweismittel im Strafverfahren]. In: G. Giannakopoulos et al. (eds.): Workshops of the 11th EETN Conference on Artificial Intelligence 2020, CEUR Workshop Proceedings Vol-2844, 2020, pp. 133–138 (<http://ceur-ws.org/Vol-2844/>)

Time frame

2020–2023

Dissertation

Proportionality in Crime Control and Criminal Justice

Dr. Emmanouil Billis, LL.M.

Time frame

2019–2021

Balancing freedom and security in modern risk societies has turned into a highly complex task for legal policy and research. The proportionality of measures of crime prevention and repression is an issue of utmost importance for rule-of-law systems in this regard. The significance of the proportionality notion not only for the individual but also for the systemic integrity of law enforcement and criminal justice cannot be denied. In contemporary legal orders the competing interests may be balanced at three different levels: the legislative, the executive, and the judicial. In search of adequate weighing tools and factors, the application of so-called proportionality tests has been extensively investigated in the field of constitutional law, whereas in the fields of crime control and criminal justice the scope and limits of the proportionality concept have attracted less doctrinal analysis or empirical attention. The overall goal of this two-year study is to contribute to the theoretical examination and practical evolution of the proportionality concept in this context. The emphasis is on identifying and analyzing those aspects of proportionality that could serve as guidelines (in terms of effectiveness and efficiency) and/or as substantial limitations (in terms of human rights and humanitarian grounds) on the use of traditional as well as alternative instruments of crime control and criminal justice. The interdisciplinary and cross-jurisdictional explorations are focused on highly topical proportionality-related issues pertinent to modern criminalization policies, alternative sanctions and models of criminal procedure, novel security and antiterrorism strategies, technologically sophisticated methods of national and supranational enforcement, and international criminal and humanitarian law. The shared objective is to raise fundamental questions, to identify the colliding dynamics, pragmatic obstacles, and key challenges, and to comprehensively discuss the proposed solutions with respect to the application of proportionality criteria and guarantees in contemporary criminal and security matters.

Collaborators

- Eftychia-Venetia Bampasika, LL.M., doctoral researcher & member of the Otto Hahn Research Group, MPI-CSL
- Professor Dr. Jon Petter Rui, Faculty of Law, University of Bergen & external member of the Otto Hahn Research Group
- Associate Professor Dr. Nandor Knust, Faculty of Law, University of Tromsø & External Member of the Otto Hahn Research Group

External funding

- University of Bergen (Faculty of Law)
- Finance Market Fund (Research Council of Norway)

Key publications

- Billis, E. et al. (eds.): *Proportionality in Crime Control and Criminal Justice*. Oxford, Hart Publishing, 2021, 408 p.
- Billis, E./Knust, N./Rui, J.P.: *The Typology of Proportionality*. In: E. Billis et al. (eds.): *Proportionality in Crime Control and Criminal Justice*. Oxford, Hart Publishing, 2021, pp. 3–28
- Billis, E./Knust, N./Rui, J.P.: *Künstliche Intelligenz und der Grundsatz der Verhältnismäßigkeit*. In: H. Kudlich et al. (eds.): *Digitalisierung, Globalisierung und Risikoprävention*. Festschrift für Ulrich Sieber. Berlin, Duncker & Humblot, 2021, pp. 693–725
- Mitsilegas, V./Billis, E.: *Article 49*. In: S. Peers et al. (eds.): *The EU Charter of Fundamental Rights: A Commentary*. Oxford, Hart Publishing, 2021, pp. 1473–1507
- Billis, E./Knust, N.: *Proportionality (principle of)*. In: V. Mitsilegas et al. (eds.): *Elgar Encyclopedia of Crime and Criminal Justice*. Cheltenham, Edward Elgar Publishing, 2022 (peer-reviewed accepted)

Scientific outreach / public engagement

- International workshop on "Effectiveness and Proportionality". Otto Hahn Research Group & University of Bergen (Faculty of Law). Freiburg. 17.10.2019–18.10.2019
- Book launch and panel discussion on "Proportionality and Criminal Law in a State of Emergency". Otto Hahn Research Group & University of Tromsø (Faculty of Law). Tromsø, Freiburg, and webinar. 17.06.2021

VII. EMERITI

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A. PROJECTS OF
PROF. DR. DR. H.C. MULT. HANS-JÖRG
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CRIMINOLOGY

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B. PROJECTS OF
PROF. DR. DR. H.C. MULT. ULRICH SIEBER
DIRECTOR EMERITUS
CRIMINAL LAW

Criminal and Other Sanctions in the Protection of the Natural Environment

Prof. Dr. Dr. h.c. mult. Hans-Jörg Albrecht

Time frame
2021–2024

The project aims to answer the question whether and to what extent criminal sanctions (and other, for example, administrative sanctions) exert a deterrent effect and whether they can contribute towards containing environmental crime. Moreover, it examines whether reliance on criminal punishment – as suggested in a recent

The leading research question (deterrence through environmental criminal law) will be studied on the basis of:

- 1) A comprehensive review of criminological and economic deterrence research,
- 2) Analysis of crime, criminal justice, and administrative statistics, and
- 3) Interviews with actors in the field.

Collaborators

- Dr. Stephan Sina, Ecologic Institute Berlin
- Prof. Michael Faure, University of Maastricht

External Funding

Umweltbundesamt (German Environment Agency)

Area of research

Putting crime science into practice



This project seeks to answer whether and to what extent environmental criminal law serves as an effective deterrent.

proposal for a new European Union directive on environmental criminal law – is to be recommended. The deterrent potential of environmental criminal law has been a contested issue in Germany (and other countries) since the legislator upgraded environmental criminal law in the 1980s by moving environmental offence statutes from various administrative laws to the German Criminal Code (§§324). From a criminological perspective, however, the topic of deterrence through environmental criminal law has not attracted widespread criminological interest. Scattered criminological research has rather focused on the process of implementing environmental criminal law.

National Statistics of Recidivism

Prof. Dr. Dr. h.c. mult. Hans-Jörg Albrecht

A joint-project of the Criminological Institute of the University of Goettingen and the Max-Planck Institute Freiburg pertains to the compilation of National Statistics of Recidivism. The project is based on data drawn from the Federal Register of Criminal Convictions (Bundeszentralregister). Data collection combines a cross-sectional, periodic approach with a cohort design and includes observation periods of 3, 6, 9, and 12 years. The project until now computed and analyzed re-conviction rates after fully executed criminal sentences of the years 2004, 2007, 2010, and 2013. The reports covering the first four waves have been published.



The project seeks to establish a methodological and institutional basis for the sustained collection of national recidivism statistics.

The fifth wave of data collection, currently on the way, is funded by the Deutsche Forschungsgemeinschaft and aims at making compilation of national recidivism sta-

tistics permanent. This goal has been endorsed by the 90th Conference of the Ministers of Justice which has underlined the significant relevance of national recidivism statistics for criminal policy on the one hand and criminological research on the other hand. The project so far has generated data which in particular can be used in evaluating sanction and sentencing policies and criminal justice reforms.

Collaborators

- Dr. Carina Tetal, MPI-CSL
- Prof. Dr. Dr. h.c. Jörg-Martin Jehle (em.), University of Göttingen

Key publications

Jörg-Martin Jehle, Hans-Jörg Albrecht, Sabine Hohmann-Fricke und Carina Tetal, "Legalbewährung nach strafrechtlichen Sanktionen". Eine bundesweite Rückfalluntersuchung 2013 bis 2016 und 2004 bis 2016. Mönchengladbach: Forum Verlag 2020. ["Legal probation after criminal sanctions". A Nationwide Recidivism Survey 2013 to 2016 and 2004 to 2016.]

External Funding

Deutsche Forschungsgemeinschaft (German Research Foundation)

Area of research

Putting crime science into practice

Time frame
since 2003
ongoing

Implementation and Consequences of Legalization of Marijuana in Uruguay

Prof. Dr. Dr. h.c. mult. Hans-Jörg Albrecht



Did the legalization of marijuana in Uruguay result in what the legislator expected, in particular concerning the prevention of adverse effects?

Time frame 2015–2023

The project deals with normative, socio-legal, and criminological issues that have emerged alongside the legalization of marijuana in Uruguay. The decision of Uruguayan (but also North-American) legislators to legalize marijuana and to tolerate it as a recreational drug triggers the question of whether legalization can be accommodated within the framework of the 1961 Single Convention and the 2008 Vienna Convention. From this perspective, not only the analysis of legal problems is important but also the study of creating, amending, and implementing international policies and laws on drugs. The normative perspective includes a detailed analysis of the legal and administrative framework of access to and distribution of cannabis in Uruguay. The project then assesses how legalization has been implemented and what the possible adverse and positive effects of such legalization have been. On the basis of official data on crime, sentencing, and punishment in Uruguay, the question is addressed as to whether legalization – as was expected by the legislator – had an impact on the caseload of the criminal justice system and in particular the prison system and, furthermore,

on the course of violent crime. Not least the decision of the Uruguayan legislator was motivated by the assumption that illicit drug markets are driving violent crime rates and that legalization of marijuana would result in a significant decrease in violence. Thereafter, possible adverse effects in terms of increased consumption, in particular among young people, and a related increase in medical, psychiatric, and social problems are studied on the basis of official statistics and data as well as the analysis of longitudinal drug consumption data (available in particular through survey data of Latinobarometro). Finally, possible spillover effects (such as drug tourism) are analyzed on the basis of official statistics and interviews.

Collaborators

Prof. Pablo Galain, University of Santiago de Chile

Area of research

- Methodological innovation and technology
- Putting crime science into practice

Access to Telecommunication Data in Criminal Justice

Legal Assistance for Telecommunication Surveillance

Prof. Dr. Dr. h.c. mult. Ulrich Sieber

Prof. Sieber's research program on "The Limits of Criminal Law" analyzes the fundamental changes of the global risk and information society for crime and crime control: globalization, digitalization, and growing demands for risk prevention. This project examined these challenges in the field of international legal assistance for telecommunications surveillance.

Effective international telecommunications surveillance is of great importance in today's risk society, as criminals communicate internationally through many different digital media. However, the criminal laws on surveillance and the respective technical standards differ in the various nation states – even within the EU. As a result, international cooperation and mutual legal assistance in the area of telecommunication have long been complicated and little used.

The aim of this project was therefore to develop an effective European system for legal assistance in telecommunications interception while observing appropriate procedural guarantees for the citizens under surveillance. This system was to especially enable a secure "immediate transmission" of the intercepted data in real time to the foreign agency requesting legal assistance, without the data having to be recorded in advance and then transmitted abroad in files or even on physical data carriers with a time delay. This endeavour was particularly difficult because of the existing national legal differences in the collection and use of evidence; for instance, a transfer of intercepted data from Germany to France could violate the German *ordre public*, since it cannot exclude containing data that are legally unusable in Germany but usable in France (such as interceptions of a clergyman). The project therefore developed practical and innovative solutions to the problem on the basis of an extensive comparative law study as well as an analysis of constitutional law and extradition law, by which the relevant procedural rights can be safeguarded.

The project's objectives included not only the development of a theoretical legal concept but also the construction of a technical prototype, which was developed in a joint project with the Fraunhofer Institute for Cognitive Systems in Munich as a cooperation partner. It also received technical and financial support from the Central Office for Information Technology in the Security Sector of the Federal Government (ZITIS) and from many foreign police units and judges specialized in telecommunication surveillance and legal aid. The concept and the prototype were successfully completed in 2021 and are now already being used in a test phase in the EU.

The condensed project results were published in a German-language monograph in 2021. The underlying comparative law foundations of the analysis were printed in English in a two-volume book that now also serves further comparative law objectives. This second publication presents and compares the laws on telecommunications surveillance and access to all types of telecommunication data in 18 legal systems, with detailed country reports on the basis of a uniform meta-structure. Among other aspects, these studies illustrate how important a better international legal harmonization would be for internationally functioning law enforcement.

Collaborators

- Dr. Nicolas von zur Mühlen
- Dr. Tatjana Tropina, Leiden University
- Thomas Wahl, MPI-CSL
- 26 external collaborators from 18 countries

Key publications

- Sieber Ulrich, von zur Mühlen, Nicolas, Wahl, Thomas: *Rechtshilfe zur Telekommunikationsüberwachung*, Duncker & Humblot Berlin 2021, 222 pages.
- Sieber, Ulrich/von zur Mühlen, Nicolas/Tropina, Tatiana (eds): *Access to Telecommunication Data in Criminal Justice*, Duncker & Humblot Berlin, 2nd edition 2021, 1511 pages.

Time frame

2018–2023

Max Planck Information System for Comparative Criminal Law

Prof. Dr. Dr. h.c. mult. Ulrich Sieber

Time frame
2004–2023

Comparative criminal law not only represents one of the central research methods in Professor Sieber's research program on the limits of criminal law but is also a research subject itself. In this regard, the present project aimed primarily at basic research on *functional comparative criminal law* and international criminal law doctrine. With its comparison of the general parts of criminal law in a variety of legal systems, it also pursued practice-oriented goals in the field of *computer-based comparative criminal law*.

The first – fundamental – aim of the project was to answer the methodological question of whether the different, complex, and heterogenous general parts of criminal law can be traced back to a universally valid meta-structure of all its regulations in all legal orders. Such a meta-structure is not only a prerequisite for a *universally functional* comparative law but also for developing general principles of law, overarching international criminal law doctrine, and international model codes.

The second – more practice-oriented – aim of the project was to analyze the options of *computer-based* comparative law. For this purpose, in a first step, identically structured *country reports* on the general parts of criminal law were generated on the basis of the above meta-structure. In a second step, an electronic search system was developed in which the information from these country reports could be retrieved by means of an innovative *computer-based expert system*. This means that the user can specify the legal systems of interest as well as the relevant subject matter of interest (e.g., by means of any keywords, by using the hierarchical meta-structure, or by drawing on additional support functions of the system). After entering his search request, the user of the system will receive specifically tailored country reports on his topic; he can juxtapose

them on his screen and compare them; or he can add the reports of other legal systems on the same legal topic.

To achieve these goals, a pilot project was carried out to analyze, structure, and present the general parts of criminal law in twelve representative legal systems on the basis of the meta-structure described above. The respective results were published in five volumes from 2008 to 2010 (in German with an extent of approx. 3100 pages). After the successful completion of this pilot study, the project was continued in English and extended to 28 legal orders. The results of this second phase were inputted in the database system and successively published in English (in 8 volumes so far, comprising approx. 4700 pages).

The research project has proved that it is possible to develop a universal meta-structure for the entire general part of criminal law (which is probably the most complex topic of criminal law). In addition, it has significantly advanced the methodology of functional comparative criminal law. It has also demonstrated the impressive potential for computer-based comparative law. The self-explanatory experimental database system is accessible free of charge on the Internet at "infocrim.org".

Collaborators

- Dr. Konstanze Jarvers, MPI-CSL
- Emily Silverman, J.D. (Berkeley Law), LL.M., MPI-CSL
- and a multitude of internal and external researcher

Key publication

- Ulrich Sieber, Konstanze Jarvers, Emily Silverman (eds.), *National Criminal Law in a Comparative Legal Context*, Schriftenreihe des Max-Planck-Instituts für ausländisches und internationales Strafrecht – Strafrechtliche Forschungsberichte, Volume 128.4.2: *Special forms of criminal liability, France, Korea*, Duncker & Humblot. Berlin 2021. XVI, 165 S.



infocrim.org



VIII. EARLY CAREER RESEARCHERS

VIII. EARLY CAREER RESEARCHERS

1. WORKING FOR THE MAX PLANCK SOCIETY

The training and personal career development of early career researchers is one of the core tasks of the Max Planck Society. Doctoral students and post-docs at Max Planck Institutes benefit from excellent research conditions while enjoying fully-funded, competitive, and reliable positions; doctoral students are offered employment contracts of 3+1 years; the length of the employment contracts of postdocs are in line with their respective research projects and may range from two to five years. Like all other employees, they may choose from a plethora of target-group specific training courses on career development and soft and hard skills offered by the Planck Academy. A specific subset of programs aims at supporting early career female researchers in assuming leadership responsibilities, creating networks, and supporting them during their orientation towards a career in science (<https://www.mpg.de/8332885/gender-equal-career-development>).

There are three trajectories for conducting doctoral research at Max Planck Institutes: individual doctoral research, doctoral research within the context of a structured training program, called International Max Planck Research Schools (IMPRS), or research within scientific networks of Max Planck Graduate Centers, called Max Planck Schools. All trajectories have in common that the doctoral students receive their doctoral degree and title from a German or foreign university.

2. DOCTORAL STUDENTS AND POSTDOCS

At the Max Planck Institute for the Study of Crime, Security and Law, doctoral students carry out individual research on projects that tightly align with the research agenda of their department. They are also part of the Max Planck Law network (<https://law.mpg.de/>; see below), a Max Planck Society Graduate Center. Doctoral students in the Department of Criminal Law receive the title Dr. jur. from the Faculty of Law at Humboldt-Universität zu Berlin/Germany, where Tatjana Hörnle is an honorary professor. The majority of doctoral students in the Department of Criminology receive their doctoral degree and title (Ph.D.) from the Faculty of Social and Behavioural Sciences, Leiden University/The Netherlands, where Jean-Louis van Gelder holds a professorship (15%). Doctoral researchers in the Department of Public Law enroll at the University of Freiburg's Faculty of Law, where Ralf Poscher is an honorary professor. Supervision agreements regulate specific expectations and obligations and are in line with the respective rules for the conferral of doctoral degrees and titles of the university in question. The latter rules also stipulate whether doctoral students publish their research results in the form of a monography or as a collection of papers published in peer-reviewed journals. Doctoral students may work on individual research projects or focus on the subarea of a larger research project. They are individually supervised by their department head or a research group leader and are an integral part of the scientific and social life of their research department as well as the entire Institute.

The same holds true for postdoctoral researchers, who are also largely exempted from administrative tasks and teaching obligations and encouraged to enhance their profile on the trajectory of a career in academia and science. They develop their own research projects and are supported in generating third-party funding. The directors and senior researchers mentor the postdocs regularly and provide guidance on their journey towards scientific independence.

Postdocs trained at a German law school may write their second book, known as “Habilitation”, in order to qualify for a professorship at a German university. Dr. Jakob Hohnerlein, Department of Public Law, is currently “Habilitand” at the Institute; his book on generalization in law is entitled “Einheitliche Normgeltung oder Einzelfallgerechtigkeit? Typisierende Betrachtungen als Problem der Normsetzung- und Normanwendung” [Generalization in Law], see p. 103. A female researcher in the Department of Public Law, who had commenced a “Habilitation”, has left academia for the time being to embark on a second career path as a judge. She wishes to take up her “Habilitation” again after she has secured her position in the judiciary. Professor Ralf Poscher has also mentored Dr. Benjamin Rusteberg, researcher at the Institut für Staatswissenschaft und Rechtsphilosophie at the University of Freiburg. Rusteberg has already submitted his “Habilitation” entitled “Rechtstreuebezogene Maßnahmen im Polizei- und Ordnungsrecht – Ein Beitrag zur Dogmatik der personenbezogenen Prävention” [Law-abiding measures in police and regulatory law. A contribution to the dogmatics of person-related prevention]. Another mentee of Professor Poscher is Junior Professor Dr. Johannes Buchheim, LL.M. (Yale) at the University of Marburg. Buchheim’s habilitation project “Legal Safeguards of Truths – Theoretical bases, constitutional limits and regulatory instruments of countering ‘fake news’” is being carried out at the University of Freiburg, see p. 115.

Three postdocs in the field of criminal law are also pursuing a “Habilitation”. Dr. Nora Scheidegger’s habilitation project is on “#strafrecht – Neue Medien und moderner Strafprozess [= #criminal law – new media and modern criminal procedure] at the University of Bern (CH), see p. 58 f. Both Prof. Dr. Martino Mona (University of Bern) and Prof. Dr. Hörnle function as her mentors. Research group leader Dr. Dr. Philipp-Alexander Hirsch is completing his post-doctoral lecturing qualification at the University of Göttingen on “Rücksichtslosigkeit. Möglichkeit, Potenzial und Grenzen einer neuen Zentralkategorie zwischen Vorsatz und Fahrlässigkeit” [Rücksichtslosigkeit. Possibility, Potential, and Limits of a New Central Category between Intent and Negligence]. The third “Habilitand” in this department is Dr. Benjamin Vogel. Mentored by Prof. Dr. Dr. mult. h.c. Ulrich Sieber Vogel works on a book project entitled “Unternehmen als Ermittlungshelfer im Strafverfahren” [Businesses as facilitators of criminal investigations] to be submitted to the University of Freiburg.

Postdocs in the Department of Criminology and those who aim for academic careers abroad are supported in receiving the qualifications needed. This may, for instance, mean gaining teaching experience, e.g., at the University of Freiburg and its University College, which serves as a central and interfaculty platform for promoting and administering international, interdisciplinary teaching activities. It is in the core interest of the MPI-CSL that all researchers not only publish but also share their research results by giving talks or presenting posters at national and international conferences. There are generous funds available to financially support them in doing so. Moreover, both postdocs and doctoral students are given the opportunity to design, organize, and run workshops and conferences and receive support in publishing the papers presented there, see XI. Conferences, Symposia, Lecture Series below.

PH.D. REPRESENTATIVES

The Ph.D. representatives support and promote the interests of all doctoral students at the Institute. The representatives meet regularly with the managing director and are involved in internal discussions. A particular focus of their work is to provide opportunities for doctoral students to meet in an informal atmosphere at after-work gatherings. The representatives also act as contact persons for doctoral students who are new or will soon be starting at the Institute.

They are divided into one external representative and three internal representatives, each for one department. The external representative represents the doctoral students of the Institute in the nationwide Max Planck PhDnet. PhDnet offers cross-institutional networking opportunities for doctoral students as well as support and training opportunities, e.g., during Mental Health Awareness Week. The main role of the internal representatives is to deal with the working conditions of the doctoral students, to represent their concerns to the Institute's management, and to help doctoral researchers solve conflicts arising in their respective departments.

After the restructuring of the Institute, a particular focus of the representatives has been to rebuild an internal administrative and social structure for the doctoral students. The team of representatives has newly defined its tasks and introduced regular after-work meetings and further social events, in an effort to connect Ph.D. students across the departments and help integrate new researchers. Efforts have also been undertaken to promote the use of inclusive language at the Institute. The representatives are involved in the Corona AG, which meets regularly to discuss new measures pertaining to the COVID-19. In addition, to make up for the lacking social life at the Institute during the pandemic, the representatives were expressly involved in the integration of guest researchers working on their doctoral theses.



photo: Dominik Gerstner, MPI-CSL

Christian Thönnies (l.) was recently elected to the position of external Ph.D. representative and assumed his role in April 2022

Laura Pick (m.) has been the internal representative for the Department of Public Law since June 2021

Manuel Cordes (r.) has been representing the doctoral researchers of the Department of Criminal Law since November 2021

Lisa Natter (no photo) is the internal representative for the Department of Criminology and joined the team in September 2020

In coordination with PhDnet, a particular focus of the external Ph.D. representative will be to serve as an intermediary with regards to equitable contractual conditions for all doctoral students and to advocate for anti-discrimination measures.

Complementing the curriculum offered by the Planck Academy and Max Planck Law, tailor-made workshops and classes are offered by the individual research departments or by the Institute. The latter organizes, for example, workshops on good scientific practice, open science values, open access, reference management software, and grant writing in the context of the so-called “Current Development in Research Practice Seminar Series”. Moreover, the International Graduate Academy (https://www.frs.uni-freiburg.de/en/iga-en?set_language=en) offers a large spectrum of classes, especially for doctoral students enrolled at the University of Freiburg.

3. MAX PLANCK LAW

Despite the pandemic, some of our early career researchers had the opportunity to present their research and give classes and workshops – within the context of Max Planck Law, a Max Planck Graduate Center. For example, Katrin Werner-Kappler and Federica Coppola showcased their research projects during the Annual Conferences in 2020 and 2021. Tim Barnum, Jessica Deitzer, and Shaina Herman gave a workshop on “Deterrence, Crime, and the Criminal Justice System” in June 2022.

Our Institute is one of ten Max Planck Institutes belonging to Max Planck Law, which was founded in 2019 for an initial period of five years (<https://law.mpg.de/>). Max Planck Law, through its partnering institutes, operates the world’s largest program for doctoral studies and postdoctoral training in law. There are about 400 researchers affiliated with the participating Max Planck Institutes, including doctoral, postdoctoral, and senior researchers as well as Institute directors. Max Planck Fellows are closely affiliated with the network, and they mentor, teach, and train its junior scientists. One of the Max Planck Law Fellows tightly collaborating with our Institute and the Max Planck Institute for Research on Collective Goods (Bonn) is Dan Nagin. He is a full professor of public policy and statistics at Carnegie Mellon University’s Heinz College and one of the most eminent criminologists in the world. Through the Max Planck Law network, our doctoral students and postdocs have access to classes, facili-

ties, and resources of the other Institutes and to excellent universities across Germany. Max Planck Law itself designs and offers a range of classes, programs, and activities, including an Annual Conference and support for professional development (<https://law.mpg.de/curriculum/>). Most importantly, there is an exchange program with prestigious law faculties, currently with the law schools of the University of Cambridge and the University of Melbourne.

4. PH.D. AND POSTDOC REPRESENTATION

At the Institute, both doctoral students and postdocs elect representatives who aim to streamline their respective interests and needs and serve as the contact persons both for their peers and for Institute management.

POSTDOC REPRESENTATIVE

The postdoc representative promotes the interests of postdoctoral researchers at the Institute. One of the representative’s key tasks is to engage with the Max Planck PostdocNet. PostdocNet is a support network for postdocs within the Max Planck Society that aims to improve working conditions, scientific development, and career perspectives for postdocs. In the period between 2020 and 2022, the commitment of the postdoc representative was devoted especially to career development. As part of the PostdocNet Career Development Working Group, the representative contributed to increasing funding possibilities for workshops and seminars for postdocs (Grassroot Workshops) and to creating online events dedicated to career development (Career Lunches). In addition, the representative cooperated with the Max Planck Law Network to organize online events aimed at enhancing the professional development of researchers in the legal field, focusing on publication and job-seeking strategies (Max Planck Law Forward). Since 2020, Dr. Clara Rigoni has held the position of postdoc representative at the Max Planck Institute for the Study of Crime, Security and Law.

5. OVERVIEW OF DOCTORAL STUDENTS

DEPARTMENT OF CRIMINAL LAW – DOCTORAL STUDENTS SUPERVISED BY TATJANA HÖRNLE

DOCTORAL STUDENT	PROJECT	STATUS
Internal		
Boe, Morten	Der Begriff der Schuld in seiner Bedeutung für das Strafrecht [“Guilt” and its significance for (German) criminal law]	ongoing
Cordes, Manuel	Situationismus und Strafrecht [Situationism and criminal responsibility]	ongoing
Ensel, Linus	Die Erfassung von Schuld in automatisierten Prozessen [The recording of debt in automated processes]	ongoing
Feldmann, Céline	Sollte die fahrlässige Begehung von Handlungen nach § 177 StGB strafbar sein? [Should section 177 German Criminal Code (StGB) be extended to criminalize negligent sexual assault?]	ongoing
Humbert, Sophie	Plädoyer für die Legalisierung der Leihmutterschaft – Interdisziplinäre Analyse der Problemfelder und Regulierungsvorschlag am Vorbild der Lebendorganspende [Plea for the legalization of surrogacy: Interdisciplinary analysis of the problem areas and regulatory proposal based on the model of living organ donation]	ongoing
Slogsnat, Florian	Notstand im Rechtsstaat. Grund und Reichweite des Vorrangs staatlicher Verfahren beim rechtfertigenden Notstand [State of emergency in the rule of law: Reason and scope of the priority of state proceedings in the case of justifiable state of emergency]	ongoing
Valega Chipoco, Cristina	A reinterpretation of the Peruvian rape offence through the lens of the element of consent	ongoing
Wittl, Claudia	Naturalismus in der Rechtstheorie [Naturalism in legal theory]	ongoing
External		
Chung, Hung-Ping	Strafzumessungsrelevanz der Vorsatzformen [Relevance of the forms of intent to sentencing]	completed
O'Rourke, Julia	Zur relativen Höhe der Versuchsstrafbarkeit: „Mind the Gap“? Eine rechtstheoretische Untersuchung [On the relative size of the trial penalty: “Mind the gap“?]	ongoing
Pavlu, David	Grundsätze der Strafgesetzgebung [Principles of criminal legislation] (co-supervision with Prof. Dr. Wolfgang Wohlers, University of Basel/ Switzerland)	ongoing

DEPARTMENT OF CRIMINOLOGY – DOCTORAL STUDENTS SUPERVISED BY JEAN-LOUIS VAN GELDER

DOCTORAL STUDENT	PROJECT	STATUS
Internal		
De Courson, Benoît	Crime, short-term mindsets and deprivation	ongoing
Herman, Shaina	Morality, Deterrability, and Offender Decision Making	ongoing
Kübel, Sebastian	Analyzing the Relation between Short-Term Mindsets & Crime and Whether Short-Term Thinking explains the Relation Criminogenic Environments & Criminal Behavior	ongoing
Siezenga, Aniek	FutureU: The development of a Virtual Reality and Smartphone app intervention for young adult delinquents to reduce self-defeating behavior by enhancing long-term thinking	ongoing

DEPARTMENT OF PUBLIC LAW – DOCTORAL STUDENTS SUPERVISED BY RALF POSCHER

DOCTORAL STUDENT	PROJECT	STATUS
Internal		
Buchmann, Daniel	Public Law Implications of the Digital Attention Economy	ongoing
Dalla Barba, Rafael	Legal Hermeneutics and Metaethics: Metaethical contributions for explaining hard cases in the law	ongoing
Hartwig, Samuel Matthias	Deprivation of nationality in the fight against terrorism	ongoing
Kassa, Martha Basazienw	Lampposts for Dimly Lit Roads: Bringing 'Legitimacy' Back to the Proportionality Principle	ongoing
Landerer, Lukas	Mass surveillance of financial data: Data retention and strategic monitoring in AML law	ongoing
Pick, Laura	Classified Information	ongoing
Thönnies, Christian	Right to a Human Decision?	ongoing
Strecke, Antonia	The State Duty to Provide Statistical Proof of Discrimination: An investigation based on police identity checks	ongoing
Wallenfels, Laura Lorena	'Danger' and 'General Life Risk'	ongoing
Werner, Maya	Police Risk Assessment: The Legal Framework of Security Agencies Forecasting Based on the Use of Risk Assessment Instruments	ongoing
External		
Garcia, Eduardo Vandre	Adjudication contra legem: Justification	ongoing
Groth, Friedemann	Reflection in Gun Laws: The Different Understandings of 'State' in Germany and the United States	ongoing
Johner, Philipp	The Legal Assessment of Cyber Attacks on the Federal Republic of Germany with Special Regard to Hack-Back as a Defence Measure	ongoing
Miozzo, Pablo Castro	Soziale Grundrechte ohne Prinzipien und Abwägungen: Entwickelt am Beispiel des Rechts auf Sozialversicherung in Brasilien [Social Rights without Principles and Balancing: Exemplified by the Right to Social Insurance in Brazil]	published 2022
Poschmann, Max	Constitutional Requirements for the Treatment of Civil Disobedience	ongoing
Praunsmändel, Sarah	Der Amtssprachengrundsatz: Geschichte und Anwendung in der Gefahrenabwehr [The Official Language Principle: History and Application in Security]	ongoing
Ramaioli, Federico Lorenzo	A Tale of Two Worlds: Islam and Western Law in theoretical perspective and constitutional practice	completed; final oral examination and defense (Rigorosum) in January 2022
Wisser, Laura Sophie	Legitimation and Representation: Access to the German Police	ongoing

DOCTORAL STUDENTS SUPERVISED BY HANS-JÖRG ALBRECHT

DOCTORAL STUDENT	PROJECT	STATUS
Internal		
Ressler, Karlo	Human Trafficking in Southeast Europe: A Qualitative Study	completed 2022
Luyuan Bai	Foreign Terrorist Fighters: Phenomenon and Legal Countermeasures. A Comparative Study between Germany and China	completed 2022
Yuning, Ruiheng (Beijing)	The Incentive in Compliance Programs: A Legal Comparative Research on Compliance Programs Incentivizing and Whistleblowing Regulation between the USA and Germany	completed 2020
Gauder, Kira-Sophie	“Wieder in dieses normale zivile Leben reinkommen”. Zur Bedeutung von Normalität im Wiedereingliederungsprozess haftentlassener Sexualstraftäter [“Getting back into normal civilian life”. Towards an understanding of normality in the reintegration process of sex offenders following their release from prison]	completed 2020

DOCTORAL STUDENTS SUPERVISED BY JÖRG ARNOLD

DOCTORAL STUDENT	PROJECT	STATUS
External		
Rehmet, Marco	Sportwettbetrug (§ 265c StGB) und Manipulation berufssportlicher Wettbewerbe (§ 265d StGB): Eine strafanwendungsrechtliche Untersuchung [Sports betting fraud (§ 265c StGB) and manipulation of professional sports competitions (§ 265d StGB): A study in the application of criminal law]	submitted 2022

DOCTORAL STUDENTS SUPERVISED BY IVÓ COCA-VILA

DOCTORAL STUDENT	PROJECT	STATUS
External		
Freeland, Alejandro	El estado de necesidad agresivo justificante: Una propuesta liberal	completed 2021
Hinchliffe, Alexander	Deconstructing Mens Rea	ongoing

DOCTORAL STUDENTS SUPERVISED BY DIETRICH OBERWITTLER

DOCTORAL STUDENT	PROJECT	STATUS
Internal		
Gehring, Natalie	Violence against Women in Times of the Covid-19 Pandemic Possibilities and Limits of Institutional Assistance in the Light of Structural and Individual Risk and Protective Factors	ongoing
Gerstner, Dominik	Peers, Status, Situation & Delinquenz: Eine soziologische Untersuchung unter Verwendung von Netzwerkdaten [Peers, status, situation & delinquency: A sociological study using network data]	completed 2020, published 2022
Hasitzka, Carina	Crime and Geographical Structural Conditions during the Covid-19 Pandemic	ongoing
Natter, Lisa	Analyses of Crime-Related Perceptions in Social Contexts	ongoing

DOCTORAL STUDENTS SUPERVISED BY ISABEL THIELMANN

DOCTORAL STUDENT	PROJECT	STATUS
Internal		
Popov, Natalie	The core tendencies underlying individual differences in prosocial behavior	ongoing
Yelbuz, Büsra	Individual differences in selective prosociality	ongoing

DOCTORAL STUDENTS SUPERVISED BY ULRICH SIEBER

DOCTORAL STUDENT	PROJECT	STATUS
Internal		
Aguinaldo, Angela	East Meets West: The Development of Mutual Legal Assistance in Criminal Matters between and within the Association of Southeast Asian Nations ('ASEAN') and the European Union ('EU')	published 2020
Burke, Daniel	Der Schutz kartellrechtlicher Kronzeugen vor strafrechtlicher Sanktion: Eine Untersuchung zu Notwendigkeit und Gestaltung einer Kronzeugenregelung im deutschen Kartellstrafrecht [The protection of antitrust leniency applicants from criminal prosecution: An examination of the need for and design of a leniency rule in German criminal antitrust law]	published 2020
Caba, Jan	Obstruction of Justice at the International Criminal Court: A Comparison with the United States, Germany and the International Criminal Tribunal for the Former Yugoslavia	published 2020
Li, Yuanli	Strafrechtlicher Vorfeldschutz gegen Cybercrime im deutsch-chinesischen Vergleich: Tatbestände, Rechtsgüter und Deliktsstrukturen [A German-Chinese comparison of the use of criminal law in the run-up to cybercrime: Offense definitions, protected legal interests, and offense structures]	submitted 2021 in print 2022
Park, Sohyun	Der Schutz personenbezogener Daten im Strafverfahren: Eine rechtsvergleichende Untersuchung zum deutschen und US-amerikanischen Recht [The protection of personal data in criminal proceedings: A comparative study of German and U.S. law]	published 2021
Pingen, Anna	Motivationsdelikte: Ein deutsch-französischer Strafrechtsvergleich [Offenses of incitement: A German-French comparison of criminal law]	submitted 2022 in print 2022
Romero Sánchez, Angélica	Ermittlungen gegen Organisierte Kriminalität [Investigations against organized crime]	published 2021
Tsilimpari, Maria	Die Regelung des Notstands im deutschen und im englischen Recht [The regulation of necessity in German and English law]	published 2020

DOCTORAL STUDENTS IN THE OTTO-HAHN-GROUP ON ALTERNATIVE AND INFORMAL SYSTEMS OF CRIME CONTROL AND CRIMINAL JUSTICE

DOCTORAL STUDENT	PROJECT	STATUS
Internal		
Bampasika, Eftychia-Venetia	Artificial Intelligence as Means of Evidence in Criminal Trials	ongoing



**IX. CONFERENCES, SYMPOSIA,
LECTURE SERIES**

IX. CONFERENCES, SYMPOSIA, LECTURE SERIES

The pandemic had a major negative impact on conference activities worldwide; many symposia were cancelled, postponed, or took place in an online or at best hybrid format only. Nevertheless, during the reporting period, our researchers gave a total of approx. 280 talks, of which 75% were held in person and 25% delivered via video conferencing tools. About half of the presentations were given to audiences outside of Germany, especially in the USA, and to the respective scientific communities at universities and research institutions. About 115 talks were presented to an audience within Germany, of which 25 talks took place at the Institute. In approx. 20 lectures, our researchers presented and discussed their projects and research results or formulated policy recommendations to a non-academic audience made up of policy makers, lawyers, and officers at judicial authorities as well as to the general public. Furthermore, our researchers (co-)convened 33 conferences, seminars, and workshops at the Institute or elsewhere of which we wish to highlight the following (see complete list in the Annex).

From 23 to 24 September, 2022, Federica Coppola and Tatjana Hörnle invited leading scholars in law, justice, and psychology from the USA and Europe to Freiburg. At this workshop, "Rethinking the Social Environment in Criminal Law Theory and Doctrine: Interdisciplinary Perspectives", about 50 leading academics discussed the relevance of adverse socio-environmental factors for culpability assessments and sentencing determinations. The normative relevance of the social environment is a highly disputed topic in criminal law theory and criminal justice. The workshop made a significant contribution to ongoing scholarly discussions by responding to key normative issues in this matter from multidisciplinary

perspectives. The recordings of the event will be made available via open access on our website and social media channels. Another event that we wish to highlight is the conference organized by Philipp-Alexander Hirsch, together with Elias Moser, *Institute for Philosophy at the University of Graz*, on "Rights in Criminal Law – exploring the role of individual entitlements in criminal law" at the University of Graz from 7 to 9 July, 2022. During this international three-day conference, renowned experts in philosophy of law and criminal law theory from Europe and North America debated the meaning and scope of individual rights in criminal law. Existing and innovative approaches to this fundamental topic were addressed from the viewpoints of different disciplines, exploring and critically reflecting on their strengths and potential. The aim of the conference was to reveal the theoretical potential of rights in criminal law in order to lay the foundation for further research in this area. It was co-sponsored by the state of Styria; the manuscripts will be published in a collected volume in 2023/2024.

From 23 to 24 October, 2020, Jean-Louis van Gelder and Dan Nagin (Teresa and H. John Heinz III University Professor of Public Policy and Statistics at *Carnegie Mellon University*) held an international workshop "Crime, Choice, and Context: Advances in the Study of Criminal Decision Making" at the Institute. This 2-day workshop explored how developments in various scientific disciplines, including criminology, psychology, and behavioral economics, could make strides in the study of criminal choice. Specifically, this interdisciplinary group of scholars examined how insights from disciplines across the social sciences can help us better understand how context and circumstance impact on the decision-making process. The workshop papers

contribute to the theoretical and methodological toolkit for the study of criminal choice processes and set a new standard for the study of criminal decision-making; they will be published as a special issue in the *Journal of Research in Crime and Delinquency*, most likely in 2023. On 12 April, 2022, the “Resilience Meets Criminology Symposium” was held at *Leiden University*. Among other researchers, two of our doctoral students, Sebastian Kübel and Benoît de Courson, in addition to Willem Frankenhuis, one of our senior researchers, presented and discussed their current research results in this context. Jean-Louis van Gelder retains a professorship (15%) at Leiden University and pursues joint research projects there; his doctoral students receive their doctoral degrees and titles from Leiden.

At the end of the preparatory phase of the project “Periodic Surveillance Barometer”, Ralf Poscher and Michael Kilchling, in cooperation with the *Friedrich Naumann Foundation*, organized two digital workshops, with some 40 invited stakeholders representing the variety of professions involved or interested in issues of surveillance and surveillance control. These events were the first occasions when the concept and methodology of the Barometer were presented to a larger circle of external experts. The first meeting took place on 17 June, 2021 and brought together renowned experts in public law, constitutional law, and data protection from academia as well as representatives from federal and state ministries and further public agencies, including inter alia the Federal Commissioner for Data Protection and Freedom of Information (BfDI) and representatives from a number of state commissioners’ offices, the Federal Criminal Police Office (BKA), and several state police offices. The second meeting on 29 June, 2021, mainly

addressed representatives from politics (members of the German Federal Parliament and the European Parliament or members of their scientific staff) and the major NGOs active in the field. A paper summarizing the draft concept was distributed in advance to the participants upon their registration. Based on the discussions and feedback received during and after the two workshops, the concept was then reviewed and refined.

The 24th “Berlin Colloquium” sponsored and organized by the *Daimler and Benz Foundation* had to be rescheduled for 26 October, 2022, due to the pandemic. The title this year is “Living safely in the city of the future”. The Berlin Colloquium was established as a scientific event at which experts from academic research, economics, industry, and politics meet once a year. The topics are interdisciplinary, highlighting current issues that relate to the humanities, natural sciences, and technology. The scientific program of each of the annual events is commissioned to a renowned expert in the field, acting as scientific director, by the Daimler and Benz Foundation. Ralf Poscher is scientific director in 2022. He is supported by Michael Kilchling, who is responsible for the program, which reflects on urbanization as a key trend of our century. This is evidenced not only by the rapid growth of megacities in many regions of the world but also by the development of conurbations and entire metropolitan regions in Germany and worldwide. However, this development is also closely linked to matters of urban security. What will the security of the inhabitants of cities be like in the future? Crime is a significant fear factor in the public’s perception, and threat scenarios are affecting citizens’ quality of life. But what factors influence people’s actual and perceived security? What legal leeway exists, and what

DATE	LECTURER	TITLE OF LECTURE
In Person May 25, 2022	Prof. Dr. Renaud Colson Associate Professor at Law & Political Science Faculty of the University of Nantes	National Legal Traditions and European Criminal Justice
In Person May 11, 2022	Prof. Dr. Kevin Toh Professor of Philosophy of Law at Faculty of Law, University College London	Implicit Law and Adjudication in Hard Cases
In Person Mar. 16, 2022	Dr. Martin Kühn Presiding Judge at the Regional Social Court, North Rhine Westphalia	Sanktionen im Sozialrecht: Existenzminimum und Menschenwürde im Spannungsverhältnis zu Mitwir- kungspflichten und fiskalischen Interessen
In Person Nov. 17, 2021	Prof. Dr. Antje du Bois-Pedain Professor of Criminal Law and Philosophy, Faculty of Law, University of Cambridge	Why Outcomes Matter (And How They Do)
In Person Nov. 10, 2021	Prof. Dr. h.c.. Christoph Engel Director at MPI for Research on Collective Goods, Bonn	Lab Experiments: An Overlooked Tool in the Box of Criminology
In Person Oct. 20, 2021	Prof. emeritus Dr. Bernhard Schlink Professor emeritus at Faculty of Law of the Humboldt-Universität zu Berlin	Interpretationen als Hypothesen
In Person Sept. 29, 2021	Prof. Dr. Geert Keil Professor of Philosophy at Department of Philosophy at Humboldt-Universität zu Berlin	Evidentiary Standards, Human Fallibility, and Conviction Beyond Reasonable Doubt
Online June 30, 2021	Prof. Michael Light Professor of Sociology and Chicano / Latino Studies at University of Wisconsin-Madison	Noncitizen Justice: The Criminal Case Processing of non-U.S. Citizens in Texas and California
Online June 14, 2021	Prof. Daniel Nettle, Ph.D. Professor of Behavioural Science at Newcastle University	Inequality, Deprivation, Punishment and Crime: Theoretical and Experimental Investigations
Online Apr. 28, 2021	Prof. Brian Tamanaha John S. Lehmann University Professor, Washington University School of Law, St. Louis	Sociological Approaches to Legal Theory
Online Apr. 12, 2021	Prof. Paul Shalvi Professor of Behavioral Ethics at the Center for Research in Experimental Economics and political Decision making (CREED), Amsterdam School of Economics	Collaborative Dishonesty: A Meta-Study
Online Mar. 31, 2021	Dr. Linnea Wegerstad Senior Lecturer, Faculty of Law, Lund University	"Sex Must be Voluntary": Sexual Communication and the New Definition of Rape in Sweden
Online Jan. 27, 2021	Dr. Tom Langerhans Judge, Berlin	Das strafrechtliche Doppelverbot – § 172 StGB im Spannungsverhältnis von Kultur und Strafrecht
Online Nov. 25, 2020	Dr. Leonard Hoeft Research Fellow, MPI for Research on Collective Goods, Bonn	Experimental Jurisprudence? The Internal Point of View in the Laboratory
In Person Jan. 22, 2020	Prof. emeritus Dr. Klaus Röhl Professor emeritus at Faculty of Law, Ruhr University Bochum	Gegenbegriffe, Dichotomien und Alternativen in der Jurisprudenz

*Table 1: Lectures from the interdisciplinary MPI-CSL Guest Lecture Series
(in person and online)*



By offering numerous guest lectures online, a much broader audience was reached

financial aspects must be taken into account when it comes to security issues? These and other questions are to be addressed from a multidisciplinary perspective by national and international experts from various disciplines, including inter alia Katja Drinhausen (*Mercator Institute for China Studies, Berlin*), Holger Floeting (*Deutsches Institut für Urbanistik, Berlin*), Stefan Jarolimek (*Deutsche Hochschule der Polizei, Münster*), Valérie November (*Laboratoire Techniques, Territoires et Société CNRS, Université Gustave Eiffel, Paris*), and Dietrich Oberwittler (MPI-CSL).

B. MPI-CSL GUEST LECTURE SERIES

In 2020, the directors initiated a joint Guest Lecture Series to which we have invited acclaimed researchers from Germany and abroad to present their latest research and discuss its possible policy implications with us. We seek to feature lectures from the research areas represented by all three of the Institute's departments, with a spectrum of topics ranging from criminal law theory, constitutional law, and public security law to philosophy of law and criminology. The lecture series focuses primarily on topics that are closely related to

the Institute's projects – spanning both empirical and theoretical research. Wherever possible, lectures are recorded and made available in video podcast format on our website. The speakers are also invited to make their manuscripts available as open access preprints in our MPI-CSL SSRN Working Paper Series.

A subset of lectures, "Freiburger Vorträge zu Staatswissenschaft und Rechtsphilosophie", has been designed and organized together with the *Institute für Staatswissenschaft und Rechtsphilosophie* [Institute for Political Science and Philosophy of Law] at the University of Freiburg.

During the reporting period, many speakers had to cancel or postpone their talks due to the pandemic. Some could only present their lectures via video conferencing tools; the lectures listed in Table 1 could be given either in person or online.

In order to enable our doctoral researchers to gain experience in identifying, inviting, organizing, and moderating talks with high-profile speakers, they were entrusted with designing three guest lectures per year. This part of the Guest Lecture Series will commence in the fall of 2022.



<https://csl.mpg.de/guest-lectures>

DATE	SPEAKER	TOPIC
In Person June 24, 2022	Dr. David Pyrooz Associate Professor, University of Colorado Boulder	The American Prison Gang and Prisoner Reentry: Findings from the LoneStar Project
In Person June 13, 2022	Dr. Clemens Kroneberg Professor, University of Cologne	The long arm of the country of origin? Evaluating the cultural baggage hypothesis on inter-ethnic differences in youth violence
Online May 23, 2022	Dr. Justin Nix Associate Professor, University of Nebraska Omaha	Neighborhood level changes in crime and policing
In Person Mar. 31, 2022	Dr. Greg Pogarsky Professor, University at Albany, SUNY	Rational Choice, Deterrence and Advances in Offender Decision Making
Online Mar. 16, 2022	Dr. Joseph Schwartz Associate Professor, Florida State University	Under Pressure: The importance of stress response systems in decision making

Table 2: Department of Criminology Meetings: Guest Talks

DATE	SPEAKER	TOPIC
June 1, 2022	Sebastian Lewis, Ph.D., LL.M. Guest researcher, Lawyer, University of Oxford	Towards a General Practice of Precedent"
Dec. 15, 2020	Laura Wisser external Ph.D. student, Centre for Security and Society, University of Freiburg	Police Officer Case
May 17, 2022	Pawel Banas, Ph.D. Guest researcher, Postdoctoral Researcher, Faculty of Law and Administration, University of Warsaw	Legal accountability of non-human legal persons
April 20, 2022	Dr. Franziska Bantlin, LL.M. Research assistant at the Chair for Public Law and Information Law, Law School, University of Bielefeld	Die G 10-Kommission – Zur Kontrolle der Nachrichtendienste / [The G 10 Commission – On the Supervision of Intelligence Services]
Feb. 9, 2022	Miki Kadota Guest researcher, Doctoral student at Graduate School of Law, Keio University	The Right to 'Place' of Assembly
Dec. 15, 2021	Marie Linke Student Assistant	Federal decision: the present Corona situation
Feb. 8, 2021	Dr. Nahed Samour Post Doc researcher, Law and Society Institute (LSI), Faculty of Law, Humboldt Universität zu Berlin	The Dangerous Person and the Boundaries of the German Constitutional State
Jan. 12, 2021	Mauricio Garetto Boeri Guest researcher, Associate postgraduate researcher, Regulation and Competition Centre, Faculty of Law, Universidad de Chile	Lost in Translation? On the different meanings of constitutionalism and constitutionalisation without statehood and their implications

Table 3: Department of Public Law Meetings: Guest Talks

C. WERKSTATTGESPRÄCHE (LAB TALKS)

The directors are striving to foster a vibrant scientific environment at the Institute and have been eager also to foster cross-department dialogue. Researchers in all three research departments meet once a month for one hour to discuss issues of general scientific, administrative, or other Institute concern. Most importantly, in each of these so-called “Werkstattgespräche” (lab talks), one or two researchers briefly present their current research projects, which is followed by a lively round of Q&A and a discussion. During the reporting period, the bulk of talks were given by senior researchers, mostly in a hybrid or online format due to the pandemic.

D. DEPARTMENT MEETINGS & TALKS

In weekly, bi-weekly, or monthly department and lab meetings, researchers take turns presenting and discussing their own research, key publications, or judgments among their peers in the department. Guest researchers from the respective departments who are currently visiting the Institute are also invited to these meetings, and they provide a wealth of additional insight and feedback. Sometimes they also give talks to the department about their own research.

In the Department of Criminal Law, despite the difficult COVID-19 situation, several guest lectures were held during the reporting period. Of these, the following lectures are to be highlighted:

- 2020: **Maxime Lassalle**’s presentation “Is French criminal law archaic?”;
- 2021: Dr. **Mehmet Arslan**’s presentation “Strafbarkeit der Sterbehilfe in der Türkei” [Criminal Liability of Euthanasia in Turkey];

- 2022: Dr. **Shahzad Fouladvand**’s presentation “Organized Crime Groups and Human Trafficking”, Mr. **Santiago Mollis**’ presentation “Towards a Victim-Oriented Response to Crimes”, and Dr. **Beatriz Goena Vives**’ presentation “Strict Liability and its Role in a Culpability-Based Criminal Law”.

In the Department of Criminology, weekly lab meetings and monthly department meetings take place. Since 2022, external speakers are regularly invited to present and discuss their current research on topics that align with the research in the department, see Table 2.

The Department of Public Law holds its meetings on a regular basis, namely every fourteen days. In 2019, when the new department was still being set up, department head Ralf Poscher proposed the topics, which were researched by the student assistants until the next session and then presented in English. In 2020, the topics changed in that doctoral students presented their own dissertation subjects and senior researchers gave lectures on their research projects. Due to the pandemic situation, only a few presentations were held by guest researchers or invited guest lecturers, see Table 3.

E. DISCUSSION GROUP ON LEGAL THEORY

Since spring 2020, researchers from the two law departments have been organizing bi-weekly discussion rounds known as “Zirkeltraining” – a truly bottom-up initiative. Anywhere between 10 and 15 junior and senior researchers from the Institute, the University of Freiburg’s School of Law, and staff members from federal ministries in Berlin read, present, and discuss publications on the theory of law.

X. PUBLICATIONS

X. PUBLICATIONS

Apart from its editing and publishing activities in established journals, the Institute has been publishing its own monographs and anthologies, these being distributed in cooperation with the publishing house Duncker & Humblot. Currently, a new, interdepartmental series, with the preliminary title “Research Series of the Max Planck Institute for the Study of Crime, Security and

Law,” is in the planning stages. However, as already pointed out in Chapter I (Mission & Profile), our focus now is on placing articles in leading international journals and publishing books with internationally renowned scientific publishing houses. The complete list of publications can be found in the Annex. Moreover, the Institute set up a working paper series in 2021.

Book Series

During the reporting period, the Institute’s editorial team continued or completed a number of publication series that had already been launched prior to the reorientation of the Institute under the new board of directors. In addition, many of the older volumes were prepared for digital use and made accessible as free downloads.

The previous “Research Series of the Max Planck Institute for Foreign and International Criminal Law” comprised four subseries: the “Collection of Foreign Criminal Laws in Translation”, founded in 1884 by Franz von Liszt, “Reports on Research in Criminal Law”, “Reports on Research in Criminology”, and “Interdisciplinary Research in Criminal Law and Criminology”. In addition, the Institute published the “Series of the Max Planck Institute for Foreign and International Criminal Law and Bahçeşehir University Joint Research Group”, edited by Ulrich Sieber in cooperation with Feridun Yenisey (published in Istanbul) as well as the “Balkan Criminology

Series”, edited by Hans-Jörg Albrecht and Anna-Maria Getoš Kalac (also available through the Law Faculty of the University of Zagreb).

All these series made dissertations and conference papers as well as the findings of such major projects as “Access to Telecommunication Data in Criminal Justice” (S 156, 157), “National Criminal Law in a Comparative Legal Context” (13 English and five German volumes), and “Barometer Sicherheit Deutschland – BaSiD” accessible to the public.

From 2017 to 2021, the “Contributions to Security Law” of the Otto Hahn Group “Architecture of Security Law” (see VI. Independent Research Groups above, p. 168) have also been published by the Institute. The papers are available online on the websites of the Institute (<https://csl.mpg.de/>) and the research group (<https://criminallaw.science>) as well as in print.

**STRAFRECHTLICHE FORSCHUNGSBERICHTE / REPORTS ON RESEARCH IN CRIMINAL LAW
EDITED BY ULRICH SIEBER**

S 128.4.2	Ulrich Sieber / Konstanze Jarvers / Emily Silverman (eds.), National Criminal Law in a Comparative Legal Context. Volume 4.2: Special forms of criminal liability 2021 • XVI, 165 pages
S 173	Benjamin Vogel (eds.) Secret Evidence in Criminal Proceedings Balancing Procedural Fairness and Covert Surveillance 2021 • VII, 351 pages
S 172	Jan Caba Obstruction of Justice at the International Criminal Court A Comparison with the United States, Germany and the International Criminal Tribunal for the Former Yugoslavia 2021 • XXXIII, 796 pages
S 171	Angélica Romero Sánchez Ermittlungen gegen Organisierte Kriminalität Ein Vergleich des deutschen und kolumbianischen Rechts 2021 • XLVI, 698 pages
S 170	Daniel Burke Schutz kartellrechtlicher Kronzeugen vor strafrechtlicher Sanktion Eine Untersuchung zu Notwendigkeit und Gestaltung einer Kronzeugenregelung im deutschen Kartellstrafrecht 2020 • 320 pages
S 169	Marc Engelhart / Mehmet Arslan Schutz von Staatsgeheimnissen im Strafverfahren Eine Studie zur Europäischen Menschenrechtskonvention 2020 • 200 pages



photo: Kühne/S.K.U.B. Fotostudio, © MPI+CSL

-
- S 157 **Ulrich Sieber / Nicolas von zur Mühlen / Thomas Wahl**
Rechtshilfe zur Telekommunikationsüberwachung
2021 • XII, 211 pages
-
- S 156 **Ulrich Sieber, Nicolas von zur Mühlen, Tatiana Tropina** (eds.)
Access to Telecommunication Data in Criminal Justice
A Comparative Legal Analysis. 2nd revised and expanded edition
2021 • Vol. 1: VIII, 769 pages; Vol. 2: VIII 742 pages

KRIMINOLOGISCHE FORSCHUNGSBERICHTE / REPORTS ON RESEARCH IN CRIMINOLOGY
EDITED BY HANS-JÖRG ALBRECHT AND GÜNTHER KAISER (†)

- K 192 **Cléssio Moura de Souza**
Youth and Violence in Brazil
An Ethnographical Study on Youth Street Violence Related to Drugs and Social Order
in Brazil's Violent City of Maceió
2022 • XXIII, 228 pages
-
- K 191 **Kira-Sophie Gauder**
»Wieder in dieses normale zivile Leben reinkommen«. Zur Bedeutung von
Normalität im Wiedereingliederungsprozess haftentlassener Sexualstraftäter
Teilstudie 1 der Langzeitstudie „Sexualstraftäter in den sozialtherapeutischen
Abteilungen des Freistaates Sachsen“
2021 • XVII, 294 pages
-
- K 190 **Maryam Abachi**
Criminal Law Governing Juvenile Delinquency in Iran, Germany, and the United Nations
With an Empirical Survey on Attitudes of Elites to Juvenile Criminal Law Conducted in Iran
2021 • XX, 300 pages
-
- K 188 **Jia Kui**
Strafrechtlicher Schutz bei häuslicher Gewalt
Eine vergleichende Untersuchung zum deutschen und chinesischen Recht
2020. • XX, 207 pages
-
- K 187 **Elisa Wallwaey / Esther Bollhöfer / Susanne Knickmeier** (eds.)
Wirtschaftsspionage und Konkurrenzausspähung
Phänomenologie, Strafverfolgung und Prävention in ausgewählten europäischen Ländern
2020 • XI, 170 pages
-
- K 186 **Meng-Chi Lien**
Mediation in Strafsachen – Deutschland, Taiwan und China im Vergleich
2021 • XXI, 304 pages
-
- K 185 **Anina Schwarzenbach**
Youth–Police Relations in Multi-Ethnic Cities
A study of police encounters and attitudes toward the police in Germany and France
2020 • XIX, 340 pages
-
- K 184 **Elke Wienhausen-Knezevic**
Lebensverlaufsdynamiken junger Haftentlassener
Entwicklung eines empirischen Interaktionsmodells (ZARIA-Schema) zur Analyse
von Haftentlassungsverläufen. Teilstudie 2 der Langzeitstudie „Sexualstraftäter
in den sozialtherapeutischen Abteilungen des Freistaates Sachsen“
2020 • XIV, 264 pages
-

**INTERDISZIPLINÄRE FORSCHUNGEN AUS STRAFRECHT UND KRIMINOLOGIE /
INTERDISCIPLINARY RESEARCH IN CRIMINAL LAW AND CRIMINOLOGY
EDITED BY ULRICH SIEBER AND HANS-JÖRG ALBRECHT**

I 28 **Wenbo Pan**
Schuld und Prävention bei der Strafzumessung
Eine vergleichende Untersuchung zur deutschen und chinesischen
Strafzumessungsdogmatik
2021 • XVIII, 182 pages

I 27 **Zishi Zhou**
Das Sexualstrafrecht in Deutschland und China
Eine vergleichende Darstellung von Geschichte, Stand und Entwicklungen
Schriftenreihe des Max-Planck-Instituts für ausländisches und internationales Strafrecht
2020 • XXVIII, 270 pages

**SAMMLUNG AUSLÄNDISCHER STRAFGESETZBÜCHER IN ÜBERSETZUNG / COLLECTION
OF FOREIGN CRIMINAL LAWS IN TRANSLATION
EDITED BY ULRICH SIEBER AND HANS-JÖRG ALBRECHT**

G 128 Das norwegische Strafgesetz / Lov om straff (straffeloven)
Deutsche Übersetzung und Einführung von Karin Cornils und Erling Johannes Husabø
Zweisprachige Ausgabe
2021 • 2. Aufl. • X, 306 pages

G 127 Das türkische Strafgesetzbuch / Türk Ceza Kanunu
Gesetz Nr. 5237 vom 26.9.2004. Deutsche Übersetzung und Einführung von Silvia Tellenbach
Zweisprachige Ausgabe
2021 • 2. Aufl. • X, 240 pages

**BALKAN CRIMINOLOGY SERIES,
EDITED BY HANS-JÖRG ALBRECHT AND ANNA-MARIA GETOŠ KALAC**

BC 6 **Reana Bezić**
Juvenile Delinquency in the Balkans
A Regional Comparative Analysis Based on the ISRD3 Study Findings
2020 • XVII, 200 pages

BC 5 **Filip Vojta**
Imprisonment for International Crimes
An Interdisciplinary Analysis of the ICTY Sentence Enforcement Practice
2020 • XVI, 375 pages

BC 4 **Gorazd Meško / Eszter Sárík / Anna-Maria Getoš Kalac (eds.)**
Mapping the Victimological Landscape of the Balkans
A Regional Study of Victimology and Victim Protection with a Critical Analysis
of Current Victim Policies
2020 • X, 581 pages

BEITRÄGE ZUM SICHERHEITSRECHT / CONTRIBUTIONS TO SECURITY LAW PUBLISHED BY THE RESEARCH GROUP ARCHITECTURE OF SECURITY LAW (ARCHIS)

Vol. 9	Marc Engelhart / Mehmet Arslan (eds.) Verbrechensbekämpfung durch Nachrichtendienste / Intelligence Services and Crime Control 2021 • 316 pages
Vol. 8	Maja Serafin Civil Forfeiture / Nicht-strafrechtliche Einziehung im US-amerikanischen Bundesrecht 2021 • 53 pages
Vol. 7	Marc Engelhart / Mehmet Arslan Security Architecture in Germany 2020

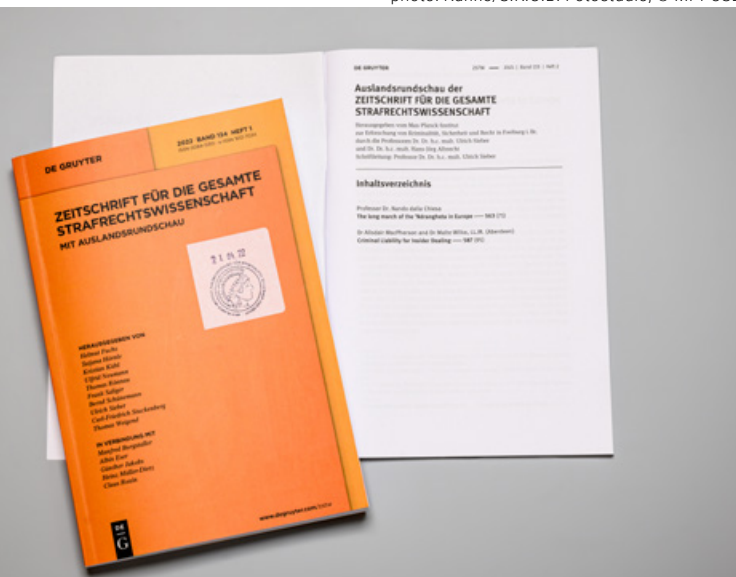
Journals

Some of the journals launched and/or edited by the former Max Planck Institute for Foreign and International Criminal Law were partly continued after the Institute was newly formed; others were handed over to other institutions.

AUSLANDSRUNDSCHAU DER ZEITSCHRIFT FÜR DIE GESAMTE STRAFRECHTSWISSENSCHAFT

The “Zeitschrift für die gesamte Strafrechtswissenschaft” (ZStW, Journal for the Entire Science of Criminal Law) informs the research community about legal developments in national, international, and supra-national criminal law in the broad sense; analyzes legislation, application of law, and reforms; and informs readers about important conferences and their results. German and foreign criminal law scholars and practitioners have their say. The Institute is in charge of the “Auslandsrundschau” (Foreign Reports) of the journal. Since 2006, the editorial office has been in the hands of the Institute’s Board of Directors, with Prof. Ulrich Sieber currently in charge. Dr. Benjamin Vogel and Dr. Marc Engelhart are responsible as editors, assisted by Ines Hofmann. The languages of publication are German and English.

photo: Kühne/S.K.U.B. Fotostudio, © MPI-CSL



EUCRIM

eucrim is an online platform for European criminal law, encouraging discussion among practitioners and academics alike. In recent years, the journal has increasingly focused on Europe's changing security architecture and the blurring between criminal and administrative sanctions law. Regular readers of *eucrim* include, not least, representatives of EU institutions and the Associations for European Criminal Law and for the Protection of the EU's Financial Interests. Appearing in print four times a year, with each print issue focusing on a specific topic, the open-access journal contains both short reports on current developments in European criminal and administrative law as well as scholarly articles. It is published by the Max Planck Institute for the Study of Crime, Security and Law through Ulrich Sieber and Ralf Poscher and co-financed by the European Commission's Anti-Fraud Office (OLAF). The Managing Editor is Thomas Wahl. The journal's history at the Institute goes back to 2006, when the Max Planck Institute for Foreign and International Criminal Law began to publish it.

EUROPEAN JOURNAL FOR SECURITY RESEARCH

With its highly interdisciplinary emphasis, the European Journal for Security Research provides a discussion platform for a wide range of security research topics, such as the inability of new security technologies to deliver definitive solutions, the phenomena of increased securitization, the epistemological, political, legal, and media framing of "safety production," and the disruptive potential of new technologies. Publishing original, peer-reviewed articles, the Journal for Security Research offers a European-based forum to debate security developments and analyze how they are transforming our world. Founded in 2017 and published by Springer, the Journal was originally managed by Dr. Christopher Murphy, with Prof. Hans-Jörg Albrecht serving as the editor-in-chief. After three successful years, management of the Journal was passed to the Centre for Security and Society at the University of Freiburg. This transition was planned from the outset and the journal has since been successfully continued under the stewardship of Prof. Stefan Kaufmann as the new editor-in-chief. Prof. Ralf Poscher has been a member of the editorial board since the journal's inception.



<https://eucrim.eu/>

photo: Kühne/S.K.U.B. Fotostudio, © MPI-CSL



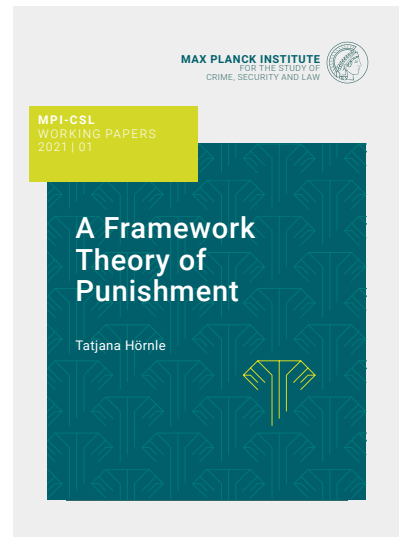
MONATSSCHRIFT FÜR KRIMINOLOGIE UND STRAFRECHTSREFORM

The Monatsschrift für Kriminologie und Strafrechtsreform (Journal of Criminology and Penal Reform) is a forum for research and criminal policy in the fields of crime and crime control within German-speaking countries. It covers the entire spectrum of disciplines that contribute to criminological research: psychology, sociology, psychiatry, law, politics, economics, education, history, medicine, and forensic sciences. The pub-

lication intends to keep its readers informed of current criminological findings and policy developments. In general, the articles are published in German, though some articles and special issues from abroad are in English. Throughout much of his time as director of the Department of Criminology, Prof. Hans-Jörg Albrecht was a member of the journal's editorial board: a position that he retains to this day. Editorial management was handed over to the Criminological Research Institute of Niedersachsen in 2020.

Max Planck Institute for the Study of Crime, Security & Law Working Paper Series

In early 2021, the Institute established a paper series on SSRN – an online research-sharing platform used widely by legal scholars, particularly in the United States.¹ The Max Planck Institute for the Study of Crime, Security & Law Working Paper Series gives the Institute's researchers, guest researchers, and collaborators access to a powerful amplifier that can help their research – whether soon-to-be published or already published – resonate across greater distances.² The Working Paper Series covers the entire spectrum of research conducted at the Institute, with a particular focus on legal studies and legal philosophy. It comprises a growing collection of articles and book chapters. All of the contributions in the series are freely available to the public; by bringing these together in one place, the series helps to facilitate open access to the research conducted by Institute researchers and their partners.



➔ <https://www.ssrn.com/index.cfm/en/maxplancklawrps/max-planck-study-crime-security-law-res/>

1 See, e.g., Rob Willey and Melanie Knapp, "SSRN's Impact on Citations to Legal Scholarship and How to Maximize It" (2022 [preprint]) 45 University of Arkansas at Little Rock Law Review (forthcoming [2023]) <<https://ssrn.com/abstract=4037744>> accessed 27 July 2022; Barry Friedman, "Fixing Law Reviews" (2018) 67 Duke Law Journal 1297, 1327.

2 See, e.g., Willey and Knapp (n 1).

As of summer 2022, the Working Paper Series consisted of 10 scholarly texts, representing the work of six different authors. Taken together, these texts were downloaded from SSRN over 1000 times, and their abstracts visited over 5000 times. Eight of the texts made their SSRN debut as part of the MPI-CSL series, while two had been on SSRN before being added to the series.



**XI. COLLABORATIONS WITH
UNIVERSITIES AND OTHER
RESEARCH INSTITUTIONS**

**XII. GUEST RESEARCHER
PROGRAM**

XI. COLLABORATIONS WITH UNIVERSITIES AND OTHER RESEARCH INSTITUTIONS

The Institute entertains more than 40 active, project-related collaborations with prestigious universities and research institutions such as the Max Planck Institute for Research on Collective Goods and the Max Planck Institute for Social Anthropology. We also cooperate on projects with international, European, and German public agencies, especially investigative police agencies. Geographically speaking, our researchers work mainly with colleagues affiliated with universities located in Europe and the USA (for details, refer to the respective project descriptions).

The project AnonymPrevent headed by Institute director Tatjana Hörnle serves as one example. In this multidisciplinary project, she engages with researchers at the university hospital Charité in Berlin. This project is funded by the Volkswagen Foundation and aims at developing new methodologies on how to provide anonymous and online counselling services to men who strive to avoid committing sexual abuse. Hörnle offers expert advice on and beyond criminal law within the framework of the project.

Another example is the collaboration of the Department of Criminology (Herman, Barnum, and van Gelder) with the Jacobs Center for Productive Youth Development at the University of Zurich. Part of the collaboration involves the Zurich-based longitudinal panel on juvenile development and crime, the Zurich Project on the Social Development from Childhood to Adulthood (z-proso). The project includes a virtual scenario developed by the Institute's Department of Criminology for a guardianship experiment in the upcoming

new wave of data collection on study participants (see p. 78), thus making it possible to study the effect of guardianship on a sample that has been tracked since childhood and that yields extensive longitudinal measurements. This provides a unique opportunity to put theoretical claims about the interaction between individual development and guardianship to the experimental test.

As a third example, we wish to highlight Institute director Ralf Poscher's collaboration with the University of Freiburg. He is engaged in two so-called cluster initiatives of the university for the next "Excellence Initiative"; after external review, the rectorate has now requested that both proposals be submitted to the German Research Foundation (DFG). In addition, Poscher is working on several research projects with the interdisciplinary Centre for Security and Society (<https://www.css.uni-freiburg.de/>), where he was director before joining our Institute.

There is also a select number of interinstitutional collaborations, however, such as those with Max Planck Law and with the universities at which our directors and senior researchers hold professorships and teach.

MAX PLANCK LAW

The Institute is an active and founding member of Max Planck Law, a network of ten Max Planck Institutes engaging in legal research. Max Planck Law's approach is to transcend boundaries within and between disci-

plines, maintaining a strong focus on comparative and transnational research questions. The network covers a broad range of legal research, from the anthropology of law to tax law and, of course, spanning criminal law, criminology, and public security law. The institutes are located in eight different cities across Germany and Luxembourg. Each institute is a center of excellence for legal research in its respective area. Collectively, with 20 directors and over 400 doctoral and postdoctoral researchers, the institutes make Max Planck Law one of the world's largest networks for legal research. The purpose of the network is to intensify cooperation between the participating institutes, raise their international visibility, and strengthen the cross-institute support for early career researchers. Its key activities include a curriculum of research seminars and workshops, a career development program, exchanges with leading international law faculties, support for research initiatives launched by doctoral and post-doctoral researchers, a fellowship scheme drawing high-profile international scholars to the program, and an annual research conference. Max Planck Law's work unfolds in two dimensions: Internally, it seeks to promote interdisciplinary collaboration and a sense of community across all institutes forming part of the network. Externally, Max Planck Law promotes cooperation with stakeholders and raises awareness of their work.

In July 2021, Professor Dan Nagin was appointed Max Planck Law Fellow by the President of the Max Planck Society. Dan Nagin supervises a number of doctoral students in the Department of Criminology at the Institute, supports and advises them on their academic trajectories, and provides input for the research portfolio of the Max Planck Law network. Nagin collaborates specifically with our Institute's Department of Criminology and the Max Planck Institute for Research on Collective Goods in Bonn. This group of researchers investigates the interaction between individual development and the deterrent effect of criminal sanctions. Some of the key questions addressed in this collaboration are: Is deterrence required, as some experiences early in life induce individuals to remain impervious to the call of normativity? Or does the salient threat of criminal sanctions prevent individuals from being derailed from the path of normativity? Are there developmental markers for the effectiveness of deterrence by means of criminal law? Dan Nagin is one of the most frequently cited criminolo-

gists in the world. He is a full professor of public policy and statistics at Carnegie Mellon University's Heinz College and an elected Fellow of the American Society of Criminology, the American Association for the Advancement of Science, and the American Academy of Political and Social Science. He is also the recipient of the American Society of Criminology's Edwin H. Sutherland Award (2006), the Stockholm Prize in Criminology (2014), Carnegie Mellon University's Alumni Distinguished Achievement Award (2015), and the National Academy of Science Award for Scientific Reviewing (2017). Although his research interests are broad, spanning diverse fields such as statistics, deterrence, and decision making, it is Nagin's groundbreaking work on the latter that is most relevant for the Department of Criminology.

INSTITUTIONAL COLLABORATIONS WITH UNIVERSITIES

The Department of Criminal Law has two institutional ties to German universities: Prior to becoming director at the Institute, Tatjana Hörnle was a full professor at the faculty of law at Humboldt-Universität zu Berlin, which has been one of eleven German so-called "Universities of Excellence" since 2012. She now holds an honorary professorship there and continues to teach criminal law and philosophy of law each semester; the doctoral students she supervises receive their doctoral degrees and titles from Humboldt-Universität zu Berlin. Senior researcher Jörg Arnold is an honorary professor at the faculty of law at the University of Münster, where he teaches and supervises doctoral students. Since November 2021, Senior Researcher Ivó Coca-Vila holds a tenure track professorship at Pompeu Fabra University in Barcelona; his doctoral students receive their doctoral degrees and titles from this university.

The Department of Criminology has strong ties with Leiden University, the first and therefore the oldest university in the Netherlands. Leiden University consistently ranks among the top 100 best universities according to the Times Higher Education Ranking. The university has one of the largest criminology departments in the Netherlands and an outstanding social sciences faculty, which makes it an excellent fit with the research interests of Institute director Jean-Louis van

Gelder. Van Gelder is a part-time professor of criminology at the Institute of Education and Child Studies at Leiden University. His doctoral students receive their doctoral degrees and titles from there. At Leiden University, van Gelder manages a small group of researchers. Three of these researchers, two PhD students and a postdoc, are involved in the FutureU project. Large-scale RCTs (randomised controlled trials) are being conducted on the university's premises and smaller-scale studies among delinquent samples are also occasionally carried out by this team. Furthermore, data collection for the Inbraakvrije Wijk project, which is a part of the Virtual Burglary Project (see p. 79) and co-financed by the Netherlands Ministry of Justice, is scheduled for 2022 and 2023 and to be executed by a postdoc.

The Department of Public Law collaborates with the University of Freiburg on multiple levels. The University of Freiburg is one of Germany's oldest and leading universities. Ralf Poscher was a full professor at the faculty of law prior to being appointed a director at the Institute. He now holds an honorary professorship there. Poscher and several senior researchers and post-

docs in his department and the Department of Criminal Law teach and supervise students. The postdocs also teach at the University College Freiburg.

Research Group Leader Dietrich Oberwittler is also tightly affiliated with the University of Freiburg. He is an extra-curricular professor of sociology there, where he teaches at the faculty of philosophy; the doctoral students he supervises receive their doctoral degrees and titles from the University of Freiburg. The same holds true for the doctoral students supervised by Research Group Leader Isabel Thielmann. The Department of Psychology of the University of Freiburg recently granted her the right to formally supervise doctoral students who will receive their degrees and titles from there. Lastly, Prof. Dr. Jörg Arnold, senior researcher in the Department of Criminal Law, teaches at the University of Münster, where he has a teaching appointment during summer terms. The doctoral students he supervises receive their doctoral degrees and titles from this university.

For a complete list of teaching activities by our researchers, see Annex.

XII. GUEST RESEARCHER PROGRAM

The Max Planck Institute for the Study of Crime, Security and Law welcomed a number of visiting scholars to the Institute during the reporting period 2020–2022, despite the pandemic. Visiting scholars came to the Institute for a temporary research stay, partly from English-speaking countries, such as Canada, England, and the USA, but also from countries such as Austria, Belgium, Brazil, Chile, Croatia, France, Iran, Israel, Italy, Japan, the Netherlands, Peru, Poland, Serbia, Spain, Slovenia, Sweden, and Turkey. Since the global pandemic and resulting lockdown in spring 2020, the Institute has also granted remote access to the library and its databases to a number of external scholars, supporting them in their research.

The individual criminal law research projects of the guests concerned – in addition to fundamental questions of legitimacy, meaning, and purpose of punishment, commission and participation, criminal liability for attempt as well as self-defense and necessity – questions on the special part of criminal law, in particular on offences against sexual self-determination from a comparative law perspective as well as on organized crime. In the area of criminal procedural law, the focus was, among other things, on questions related to the role of the victim in different criminal law systems.

In the area of public law, the main topics concerned police and law in Canada, police violence and racism in Andean countries, cybercrime and cybersecurity, judicial cooperation in criminal matters in the area of freedom, security, and justice, legal and practical barriers concerning the free movement of crime victims in Europe, freedom of assembly, legal accountability of non-human legal persons, data protection, freedom of expression and security law, nature of implicit law and adjudication in hard cases, conceptual analysis and the nature of law, civil disobedience, and legal responses to emerging national security threats in the modern-day democratic context.

Guests from the field of criminology addressed topics like experiencing the future self, implications for mental health and behavior among justice-involved adolescents and young adults, developmental and life-course theory, policing, deterrence, virtual burglary, machine learning, and gendered violence and restorative justice.

Research projects were funded by the German Academic Exchange Service (DAAD), the Alexander von Humboldt Foundation (AvH), and other international and foreign scholarship providers. Several guests received research fellowships from the Max Planck Society.

XIII. KNOWLEDGE TRANSFER INTO THE JUSTICE SYSTEM, POLITICS AND SOCIETY

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**D. SCIENCE COMMUNICATION AND
PUBLIC RELATIONS**

A. EXPERT OPINIONS FOR COURTS AND PUBLIC PROSECUTORS

The preparation of expert opinions and information for courts, public prosecutors, and, in exceptional cases, for lawyers is one of the traditional tasks of the Institute. Information is also provided to private persons (e.g., former employees and guest researchers), the media, and non-profit institutions in the spirit of scientific reciprocity.

This activity has continued following the reorganization of the Institute, albeit to a lesser extent given the Institute's reduced coverage of foreign criminal law. In addition, there was a decrease in demand throughout the reporting period 2020 to 2022, due in all likelihood to COVID-19. The table illustrates the diversity of inquiries, ordered by country.

Most of the expert opinions that dealt with foreign criminal law involved determining the law that applied at the (foreign) locus of commission at the time the offense was committed, including the text of the relevant laws. In some cases, questions of interpretation were also addressed. As far as the law governing the extraterritorial application of German criminal law is concerned, there was, for example, an inquiry for which the legal nature of Swiss criminal offense definitions that provide for a *Busse* (fine) as a legal consequence had to be determined. Questions of (criminal) procedure also had to be clarified from time to time, such as the formal requirements for a *demande de décision préjudicielle* (request for a preliminary ruling) from the Constitutional Council under French law. Many of the inquiries involved preliminary issues of criminal law that arise in the context of asylum proceedings; inquiries also posed

questions regarding mutual legal assistance and extradition.

These activities are coordinated by the Expert Opinion Section (Hans-Georg Koch, Konstanze Jarvers). In addition to current Institute staff members with knowledge of foreign criminal law, former staff members and guest researchers also provide valuable assistance. However, the reduced number of Institute colleagues who are familiar with the criminal law of other countries is increasingly forcing the Institute to turn down inquiries.

In the context of two legal proceedings, staff members of the Institute have prepared expert opinions for the German Federal Constitutional Court: First, Gunda Wössner and Michael Kilchling prepared a detailed statement (approx. 150 pages) pursuant to Section 27a of the Act on the Federal Constitutional Court (BVerfGG) on issues concerning the relevance and conditions of telephone communication for imprisoned persons. The statement consists of an analysis of the penal legislation of the individual German states, a summary of the legal situation and legal practice in other European countries, and a discussion from a criminological perspective of the significance of telephone contacts with the outside world for the resocialization of imprisoned persons (see project description at p. 151).

Second, Dietrich Oberwittler has written an expert statement for a complaint procedure before the Federal Constitutional Court concerning the seizure by a district's chief public prosecutor of an interview with an imprisoned person conducted and recorded by a researcher

COUNTRY	NUMBER OF EXPERT OPINIONS*	TOPIC	PERSON IN CHARGE
Afghanistan	1	asylum seeking, homicide	Tellenbach
Algeria	1	sexual offenses	Tellenbach
Australia	1	extradition, etc.	Vogel
Austria	2	riot, doping	Endres, Koch, Kronmüller
Brazil	1	computer fraud	Simon
Cuba	1	prostitution of minors	Simon
Czech Republic	1	detention for detoxification	Koch
Dubai	1	sexual offenses	Tellenbach
Egypt	2	bankruptcy offenses, prosecution of Hamas members	Tellenbach
France	2	human trafficking, requirements for a referral to the Constitutional Council	Jarvers, Koch, Poscher
Gambia	1	homicide, incitement	Koch
Greece	1	customs and tax criminal law	Billis, Jarvers
Iran	3	security measures, sexual abuse, child abduction	Tellenbach
Iraq	2	terrorist association, attempted murder	Tellenbach
Italy	4	doping, public incitement, detention for detoxification, possession of weapons, sexual offenses	Jarvers
Kazakhstan	1	sexual offenses	Jarvers, Koch
Lebanon	2	homicide, etc., possession of weapons of war	Tellenbach
Netherlands	1	criminal association	Koch
Norway	1	criminal assault	Koch
Portugal	1	reckless money laundering	Koch
Russian Federation	1	legislation on terrorism	Koch
Serbia	2	law on sanctions, sexual offenses	Jarvers, Koch
Slovenia	1	defamation, criminal assault	Koch
Sri Lanka	1	homicide, criminal association	Vogel
Switzerland	1	contravention, drug possession	Koch, Scheidegger
Syria	5	terrorist association, sexual offense (2), homicide and torture, prosecution of Hamas members	Tellenbach
Tunisia	1	money laundering	Tellenbach
Turkey	6	extradition, statute of limitations, prison law, sexual abuse, asylum case, forgery of documents	Tellenbach
USA	1	doping	Silverman
Venezuela	1	criminal assault, international criminal law	Simon
International Criminal Law	2	translation (Arabic)	Simon, Tellenbach

* 2020/2021 covered completely, 2022 until April 30

as part of a project on radicalization. In this particular case, the interests of law enforcement authorities compete with the right to freedom of research and the laws of data protection. In his statement, he calls for an extension to researchers of exemptions from seizures

or subpoenas in criminal cases that other professions such as medical doctors and clergymen enjoy. Otherwise, criminological research on sensitive topics based on interviews and fieldwork will become increasingly difficult because confidentiality cannot be guaranteed.

B. CONTRIBUTIONS TO EXTERNAL COMMISSIONS AND BODIES

Some of our researchers have been elected or appointed by governmental as well as non-governmental national or international organizations to contribute their expertise to various commissions and bodies. The following three cases serve as examples; a complete list of such contributory work can be found in the Annex.

Since 2021, senior researcher Gunda Wössner has been member of the European Committee for the Prevention of Torture and Inhuman or Degrading Treatment or Punishment (CPT). The CPT is a body of the Council of Europe. In 1989, the European Convention for the Prevention of Torture and Inhuman or Degrading Treatment or Punishment came into force – it has been ratified by all 46 member states of the Council of Europe. The CPT visits places of detention in all member states in order to assess how persons deprived of their liberty are treated, including prisons, police stations, immigration detention centers, (forensic) psychiatric hospitals, and social care homes. Based on Article 3 of the European Convention on Human Rights stating that no one shall be subjected to torture or to inhuman or degrading treatment and punishment, the CPT provides a non-judicial preventive mechanism by which to protect persons deprived of their liberty against torture and other forms of ill-treatment (see <https://www.coe.int/en/web/cpt/about-the-cpt>). Like every member of the CPT, Gunda Wössner was elected by the Council of Europe's Committee of Ministers. She serves as an independent expert, i.e., does not represent Germany and is not involved in visits to Germany. She contributes to visits to places of detention in all other member states.

Senior researcher Jan-Michael Simon has been appointed as Chair of the Group of Human Rights Experts on Nicaragua by the President of the UN Human Rights Council. With reference to Human Rights Council resolution 49/3 entitled "Promotion and protection of human rights in Nicaragua", he was appointed to the three-person group with the mandate to conduct thorough and independent investigations into all alleged human rights violations and abuses committed in Nicaragua since April 2018. In addition to Jan-Michael Simon, Ángela María Buitrago (Colombia), and Alejandro Álvarez (Chile) have also been appointed as experts. The experts, who serve in their personal capacities, have been requested to submit a report to the Human Rights Council during an interactive dialogue at its 52nd session in February-March 2023.

Emeritus director Hans-Jörg Albrecht was appointed as member of a commission of experts mandated to conceptualize comprehensive reforms of the police that are aimed at effective recognition and prevention of police misconduct. The commission was established by the Minister of the Interior of the State of Hesse in August 2020 following a series of allegations of serious police misconduct, including extremist and racist comments in social media; the discovery of rightwing, extremist chat groups; the discrimination of citizens; and the spread of rightwing networks within the police force. The commission concluded its work with the presentation of its final report "Responsibility of the police in a pluralistic society. Strengthening the good work of police officers, identifying and punishing misconduct at an early stage" on June 7, 2021. (https://innen.hessen.de/sites/innen.hessen.de/files/2021-10/20210712_abschlussbericht_experten-kommission.pdf).

C. INTERNATIONAL SCIENTIFIC OUTREACH

This cross-departmental scientific area builds its work on research, international exchange, cooperation, and collaboration. It aims to create innovative ideas and concepts that address developments in crime, public safety, security, and justice. In this way, the area seeks to provide state-of-the-art knowledge to answer contemporary societal and political demands and trends that challenge research in the fields of public law, criminal law, and criminology. This work, led by Senior Researcher Jan-Michael Simon, seeks to apply scientific insights to inform practice, thereby contributing to the identification of policy choices and options for practical answers.

With a focus on answers of an applied nature, the cross-departmental area provides an interface between science, politics, public administration, and civil society initiatives. This is aimed at generating real-world impact of research by bringing scientific knowledge to action through the combination of social problems, theory, method, and practice. Its objective is twofold: (a) scientific exchange on crime and crime control, criminal law, and public security law in and on specific world regions, including cooperation and collaboration with universities, research entities, and researchers and/or participation in networks; and (b) combine research with practical work. It also encompasses knowledge sharing and collaboration with international organizations, government agencies, and governmental and non-governmental organizations.

This work is driven by the general understanding that international exchange, cooperation, and collaboration with research activities around the world as well as between research and practice are fundamental for innovation in research on crime, security, and law, in the service of contributing solutions to contemporary social

problems. The guiding policies for this work are sustainability and local ownership, based on human rights, justice, democracy, and the rule of law as well as the Max Planck Societies' procedures and regulations.

HYBRID RULE OF LAW MECHANISMS

A hybrid rule of law mechanism is an international body that supports in-country the rule of law. It is created by an international agreement with the receiving State that agrees to partially delegate prerogatives of the domestic justice and law enforcement sector to the international body. In international relations, this is theorized as "shared sovereignty." These kind of agreements are settled in contexts of fragile national law enforcement, where powerful actors create a state-crime relation by operating profit- and power-driven, self-reinforcing relationships, in which the line between the state and criminal organizations becomes blurred. Lessons learned from precedents in El Salvador, Guatemala, and Honduras, also reflected in an expert workshop in May 2019 in Freiburg, serve as pillars for the following projects.

1. "Proposal of an international agreement for the establishment of an International Commission against Corruption and Impunity in Honduras" (together with Citizens' Voice for Transparency and Justice in Honduras). Following the announcement of the new government of Honduras in January 2022 to create, together with the United Nations, an International Commission against Corruption and Impunity in the country, the aim of the project is to support a group of Honduran NGOs involved in the advocacy for the creation of a genuine hybrid rule of law mechanism. Activities include drafting a proposal

of an international agreement for the establishment of the Commission and providing support in planning and advocacy activities. This also includes dialogues with relevant state officials, including senior officials of the Honduran administration, representatives of donor States, the United Nations, and civil society organizations.

2. “Model Regional Commission against Corruption and Impunity in Northern Central America” (together with UC Berkeley School of Law, George Mason University). The aim was to draft a model for the creation of a hybrid rule of law mechanism against illicit networks at a regional scale. This was due to regional challenges placed by illicit networks, which are interconnected and share commonalities throughout Northern Central America. Activities consisted in designing the elements of the model hybrid mechanism as a regional force multiplier of unilateral actions and bilateral, multilateral, and international arrangements backing the rule of law in Northern Central America, and drafting an international agreement for the creation of the mechanism. This also included sharing project results with senior officials of the US administration, representatives of donor States, multilateral agencies, and civil society organizations.

3. “Feasibility of the creation of an international mechanism against impunity in NN” (together with Open Society Foundations – Open Society Justice Initiative). The aim was to evaluate the feasibility of creating, under the auspices of an international organization, a hybrid rule of law mechanism against impunity and corruption in country NN. This is due to the context of corruption, organized crime, and serious violations of international human rights law in the country, and the challenges of law enforcement authorities to investigate and prosecute the crimes. Activities consisted in leading five international experts, with the goal of assessing the political, legal, and technical feasibility for the creation of a hybrid mechanism. This included meeting with relevant state officials, including senior officials of the country, on issues relating to organized crime, criminal investigation, prosecution, and adjudication, as well as witness protection and support, *inter alia*.

CORRUPTION AND KLEPTOCRACY

“Combatting corruption and impunity in NN” (together with Due Process of Law Foundation). The aim is to

understand and identify corruption rings originating in country NN, and to support accountability efforts outside the country. Activities consist of analyzing cases and jurisdictions, with special consideration on human rights of groups of society in conditions of risk and vulnerability. This includes analysis of case materials, legal and institutional frameworks, the building of alliances, and advocacy activities. At a more conceptual level, activities point at a human rights-based approach to corruption, including a victim-oriented and civil society perspective, and furthering a strategic multijurisdictional approach to contain kleptocratic government.

JUDICIAL CORRUPTION

“Expert declaration on judicial corruption and justice sector reforms in Peru” (together with EarthRights International, *i.a.*). Simons’ declaration was submitted in an international corporate human rights litigation (*Acuña-Atalaya v. Newmont Mining Corp.*, 308 F. Supp. 3d 812, 815 (D. Del. 2018), vacated and remanded, 765 F. App’x 811 (3d Cir. 2019)). The case was brought as a tort claim in a US federal court against an American parent corporation for wrongful acts of its subsidiary in Peru. Simon declared in support of the Peruvian plaintiffs against the defendants’ motion to dismiss the case on the grounds of *forum non conveniens*. Jan-Michael Simon’s argument was that the forum in Peru was inadequate due to rampant corruption in its courts, and that despite many years of reform measures, achieving real and sustainable change in the country’s justice sector was a long-term task that was far from complete. Follow-up activities included providing advice in the submission of an *Amicus Curiae* Brief to the US Supreme Court, *inter alia*.

HUMAN RIGHTS DEFENDERS

Another activity (together with the Center for Justice and International Law) was to provide advice in the drafting process of the “Esperanza Protocol,” the first international tool establishing guidelines for public policies and diligent criminal investigations of threats against human rights defenders. The Protocol was drafted after the killing on Honduran human rights defender Berta Cáceres.

D. SCIENCE COMMUNICATION AND PUBLIC RELATIONS

Communication is exceedingly important to us. We constantly strive to communicate and present our research results to the public. It is also essential to explain how scientific research works. We believe this creates transparency and trust. Our approach is targeted: Depending on the user group, we use texts, press releases, images, videos, podcasts, and social media for science communication. Moreover, our researchers deliver talks and participate in panel discussions addressed to the general public (see XVII. Knowledge Transfer to the General Public in the Annex).

PODCAST SERIES

In the highly anticipated podcast series “Doing Time, Talking Crime,” researchers from the Institute sit down to discuss their projects in a relaxed and informal atmosphere. The podcast series is open to researchers from all three departments and in all stages of their career, from doctoral candidates through to senior researchers.

Each episode provides the Institute’s researchers with a platform to talk about their topics, the challenges they have encountered, and the scientific findings they have made. Special emphasis is given to how these findings affect the society in which we live.

“Doing Time, Talking Crime” was launched in September 2021. The podcast is hosted by the Institute’s press officer, Anna Schaich (German episodes), and scientific translator, Dr. Christopher Murphy (English episodes). Each episode runs to around 30 minutes in length and, once finalized, is presented on the Institute’s website as well as on a range of additional streaming and podcasting platforms (i.e., Spotify, Apple Podcasts, Google Podcasts). The external perception has thus far been extremely positive, with several hundred followers and thousands of listeners tuning in to the various episodes.

VIDEO SERIES

Professionally made videos are a quintessential part of modern-day public relations and science communication. In autumn 2021, the Institute decided to “introduce itself” in a film in order to give the public and scientific community an understanding of the research focus and working atmosphere at the Institute, placing particular emphasis on the career development opportunities for young researchers and the enviable location of Freiburg and its surroundings. The film was made by Dutch director Sjors Swierstra and was jointly organized and supervised by the Press Office and the Recruitment Office.

Our podcast hosts Anna Schaich and Dr. Christopher Murphy; photo: Bob Nickelsberg



➔ <https://csl.mpg.de/podcasts>





➤ <https://csl.mpg.de/videos>

A video series showcases the Institute's wide range of research topics

The decision was made early on to not make just one video but rather an entire video series to show the wide range of research currently being conducted at the Institute. Under the hashtag #MeetTheResearchers, the video campaign featured the directors (Episode 1) as well as a number of researchers from all three research departments in different stages of their career (Episodes 2–8). On a fortnightly basis, the films were published on the Institute's newly established YouTube channel and shared via its homepage, Twitter, LinkedIn, and informal channels such as legal studies-related mailing lists. The videos are an important public relations and recruitment tool.

SOCIAL MEDIA

A key focus of public relations in the past two years has been on building up our social media activities

(Twitter, LinkedIn). The Institute's Twitter account was interconnected with the accounts of the Max Planck Society, other Max Planck Institutes, universities, associations, journalists, and the accounts of our (current and former) scientists. Social media is used to share news, events, job offers, outstanding publications, and entertaining stories about life and work at the Institute. Through this push, the number of followers has significantly increased over the last two years. Twitter is maintained by the Institute's Press Office.

The Institute's LinkedIn account was created in summer 2020. Here, too, the Institute shares outstanding publications and reports on important milestones in our scientific projects. LinkedIn has established itself as an important channel in the search for young scientists. LinkedIn is maintained jointly by the Press Office and the Recruitment Office.

HOMEPAGE

In 2020, the Institute redesigned the homepage and relaunched it on the basis of the content management system (CMS) "Fiona." Thus, the Institute joined the corporate layout of the Max Planck Society and numerous other Max Planck Institutes. This makes the Institute more visible as part of Germany's largest research organization. We are convinced that a joint (web) presence strengthens the Max Planck brand.

When relaunching the website, great importance was attached to a clear presentation of all content. Care was also taken to ensure that the content could be also easily viewed on mobile devices such as mobile phones and iPads. Importantly, the new website emphasizes the use of photos and graphics to liven up the experience; conversely, large "indigestible" text structures are avoided.

INTRANET

The Institute is in the process of shutting down the old Intranet and migrating to the Max Planck Intranet "MAX". This provided an opportunity to reorganize and

update older content. With MAX, the Institute's staff can now find all the Institute's internal information, forms, and news as well as current information from the Max Planck Society, bundled together on one platform. MAX also offers the possibility to work together online in so-called team rooms, even with other institutes.

OP-EDS/INTERVIEWS

The Institute maintains contacts with the editorial offices of regional and national newspapers. Most of the Institute's scientists are willing to provide background information to journalists, if it is possible for them in terms of content. In special cases, the Press Office also pro-actively approaches journalists to encourage them to share important research findings.

Over the past two years, scientists at the Institute have been sought-after press contacts. Especially in the period marked by COVID-19, numerous press enquiries were received on ethical and legal issues surrounding the implemented measures. Some of the topics in which our scientists were (and still are) repeatedly asked by the press to act as experts include: ethical



News

➔ <https://csl.mpg.de/news>



and legal questions of triage, vaccine mandate, pandemic law/disaster control law, police training/police powers, law of sexual offences, digital surveillance and data protection, homicide offences and femicide, money laundering, "honor killings" (honor-based violence), fear of crime, sex offenders, correctional treatment of offenders, etc. The requests resulted in a large number of Op-Eds, press articles, radio features, and discussion panels. We compile this information in our press review <https://csl.mpg.de/press-review>.

JOURNALIST IN RESIDENCE

The Institute is offering the "Journalist in Residence Fellowship Program" for the first time this year, as a pilot project. This competitive program is geared towards established freelance and staff journalists from all media (print, online, radio, television) who report and write regularly on legal and constitutional topics, on crime and justice, or on topics of politics, the economy, and research-related issues. Fellowship holders receive

a stipend, are provided with office space, and benefit both from the excellent on-site library and online services for up to three months. They will have the opportunity to engage in dialogue with the researchers at the Institute who share the same research interests, and they will be welcome at all our seminars, workshops, and other scientific and social events. The fellowship will allow the selected journalist to work – free from the pressure of daily deadline – on a project of his/her choice. The aim of this program is to allow journalists to back up their investigations and reporting in the broader media with scientific knowledge and to spotlight topics of academic interest.

In the summer of 2022, our Institute joined forces with the Max Planck Institute for Comparative Public Law and International Law/Heidelberg in welcoming and hosting Mr. Jacob Kushner, a freelance journalist who reports internationally for major US and UK news outlets on human rights, immigration policy, refugee and asylum law, and the protection of immigrants and minorities. Mr. Kushner spent two months at each Institute.

PRESS REVIEW JANUARY 2020 – JUNE 2022

PUBLICATION DATE	TITEL	QUELLE
Jan. 8, 2020	Die Angst weggleuchten – Hilft mehr Licht gegen Kriminalität?	Badische Zeitung
Feb. 20, 2020	Assange Ist ein wenig glaubwürdiges Opfer	Neue Zürcher Zeitung
Mar. 8, 2020	Chinas Spione und Deutschlands Denker	Welt am Sonntag
Mar. 8, 2020	Un requisito general de que siempre haya consentimiento explícito no es una buena solución en derecho penal	El País
Mar. 30, 2020	Neue Köpfe, neue Themen: Das Max-Planck-Institut für Strafrecht ändert den Kurs – und heißt ab sofort auch anders	Badische Zeitung
Mar. 30, 2020	Es fehlen historische Parallelen – Interview mit dem Kriminologen Hans-Jörg Albrecht über ein mögliches Anwachsen häuslicher Gewalt in der Corona-Krise	Badische Zeitung
May 28, 2020	Scobel – Das Prinzip Strafe	Wissenschaftstalk auf ZDF/3Sat
June 10, 2021	Interview zum Gesetz zur Erweiterung der Rechte des Verfassungsschutzes und der Bundespolizei bei der Telekommunikationsüberwachung	Bayern 2-radioWelt
June 23, 2020	Confronting Shameful Legacy Is Essential Part of Police Training	New York Times
June 26, 2020	Nicht den Rahmen sprengen	Frankfurter Allgemeine Zeitung Einspruch

July 9, 2020	Braucht die Polizei mehr Beamte mit Migrationshintergrund?	Sächsische Zeitung
July 15, 2020	So will Baden-Württemberg mehr Polizisten mit Migrationshintergrund gewinnen	SWR Aktuell Baden-Württemberg (TV)
July 24, 2020	Triage: Zwischen Recht und Ethik	Ärzte Zeitung
July 25, 2020	City Light	Der Spiegel
Aug. 4, 2020	In Berlin wurde seit zwölf Jahren kein Antrag auf Überwachung von Telefon oder Internet abgelehnt	netzpolitik.org
Aug. 4, 2020	„Der Sachverstand fällt unter den Tisch“ – Bundesjustizministerin Lambrecht will sexuellen Missbrauch von Kindern härter bestrafen. Die Strafrechtsprofessorin Tatjana Hörnle hält dies für „fachlich nicht nachvollziehbar“	taz
Aug. 11, 2020	Großes Vertrauen in Polizei trotz Rassismus-Vorwürfen	Badische Zeitung
Sep. 16, 2020	Neue Ideen für den Kampf gegen Geldwäsche	Frankfurter Allgemeine Zeitung
Nov. 24, 2020	Mitgefangen – Finanzielle Not, Ausgrenzung, Anfeindung: Wenn Männer zu Straftätern werden	Badische Zeitung
Dec. 8, 2020	Das Gegenteil einer durchdachten Reform	Legal Tribune Online
Feb. 5, 2021	Kriminalitätsfurcht ist diffus	Badische Zeitung
Mar. 2, 2021	Wie der Staat Bürger überwacht	Frankfurter Allgemeine Zeitung
Mar. 7, 2021	Das Ausmaß der Überwachung ist belegt	netzpolitik.org
Mar. 8, 2021	Frauen werden getötet, weil sie Frauen sind	ntv
Mar. 24, 2021	Droht Ärzten eine Anklage wegen Totschlags?	Der Spiegel
Mar. 26, 2021	Gefährliche Abwägung. Ethikrat diskutiert über Regeln für Priorisierung	Frankfurter Allgemeine Zeitung
Apr. 22, 2021	Corona-Pandemie: Rechtswissenschaftler fordert gesetzliche Regeln bei Triage	SWR Aktuell
May 17, 2021	Warum Deutschland bei der Geldwäsche-Bekämpfung hinterherhinkt	Deutschlandfunk
June 7, 2021	In besonderer Weise verwundbar	Süddeutsche Zeitung
June 11, 2021	Bundestag verzichtet auf Überwachungsbilanz	Badische Zeitung
June 19, 2021	Staatstrojaner jetzt auch für Geheimdienste	Deutschlandfunk Kultur
June 26, 2021	Das passiert nicht nur in Spionagefilmen	ZEIT ONLINE
Aug. 7, 2021	Entsetzen über Mordfall	Berliner Morgenpost
Aug. 10, 2021	Ehrenmord? Afghanische Brüder im Tatverdacht	Deutsche Welle
Aug. 11, 2021	Sie hat den Menschen ja nun kein Gift gespritzt	ZEIT ONLINE
Aug. 12, 2021	Mann soll Frau erstochen haben: Ein Prozess von vielen	Abendzeitung München
Aug. 15, 2021	Wenn die Familie tötet	Frankfurter Allgemeine Sonntagszeitung
Nov. 11, 2021	Tickende Zeitbomben? – Sexualstraftäter nach der Entlassung	MDR Fernsehen
Nov. 30, 2021	Triage als Bankrotterklärung	Allgemeine Zeitung der Lüneburger Heide
Dec. 2, 2021	Was wirklich spaltet	Frankfurter Allgemeine Zeitung
Dec. 23, 2021	Topjuristin empfiehlt Berücksichtigung des Impfstatus bei Triage-Entscheidungen	Der Spiegel
Dec. 26, 2021	Juristin für Würdigung des COVID-Impfstatus bei Triage	Ärzte Zeitung Online
Dec. 28, 2021	Sollten Geimpfte gegenüber Ungeimpften bei der Triage bevorzugt werden?	Augsburger Allgemeine
Jan. 3, 2022	Die Würde des Menschen	Westdeutsche Allgemeine

Jan. 21, 2022	Sexualdelikte in der Kunst	SWR2 Radio
Jan. 25, 2022	Staatliche Überwachung: Kontoabfragen zuletzt „fast exponentiell“ gestiegen	Handelsblatt
Feb. 3, 2022	Kriminal-Forschungslabor zieht in die C&A-Passage	Badische Zeitung
Feb. 7, 2022	Kriminal-Labor forscht bald mithilfe von Virtual-Reality	Schwarzwälder Bote
Mar. 2022	Wie lässt sich die Überwachung der Bürgerinnen und Bürger messen?	Deutsche Richterzeitung
Mar. 14, 2022	Wie die Russland-Sanktionen funktionieren – und wie nicht	Frankfurter Allgemeine Zeitung Einspruch
Mar. 23, 2022	Die Covid-Pandemie ist eine tickende Bombe für Grund- und Freiheitsrechte	Der Standard Wien
Mar. 25, 2022	In der Knasthierarchie ganz unten	Badische Zeitung
Mar. 31, 2022	Paralleljustiz Ist ein frontaler Angriff auf den Rechtsstaat	Frankfurter Allgemeine Zeitung Einspruch
Apr. 1, 2022	Weit mehr als Einzelfälle – NRW legt erstes Lagebild zur Paralleljustiz vor	Frankfurter Allgemeine Zeitung
Apr. 19, 2022	Licht im Dunkelfeld	bild der wissenschaft
May 18, 2022	Der Mythos der erlogenen Vergewaltigung	Aargauer Zeitung
June 23, 2022	Gesetzentwurf zur Triage: "Patienten, die dann neu kommen, würden in vielen Fällen sterben"	Süddeutsche Zeitung

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A. SERVICES AND ADMINISTRATION

1. Library

The library of the Max Planck Institute for the Study of Crime, Security and Law continues to be one of the most important and largest special libraries for criminal law and criminological literature in the world. It now houses more than 500,000 printed books and an extensive range of electronic resources. The collection underwent significant expansion in the course of the establishment of the Department of Public Law (Professor Poscher) in 2019.

In the reporting period, the COVID-19 pandemic confronted the library with a number of challenges, especially with regard to user services. New services and smart hygiene concepts, however, were able to offset the effects of the pandemic to a large extent. In fact, the pandemic served as a catalyst for the ongoing transformation of the library from a provider of analog publications to a fully digital information service provider.

COLLECTION DEVELOPMENT

With the appointment of the new board of directors, the strategic focus of the library's collection policy was carried out in two directions:

- Upon establishment of the Department of Public Law, the expansion of the portfolio of literature on

security, constitutional law, and administrative law as well as on philosophy of law and legal theory was pursued particularly intensively.

- The library's acquisition profile was sharpened. Tailoring to the needs of the researchers at the Institute, English- and German-language literature continues to be acquired comprehensively and prospectively. The acquisition of literature on criminal law, criminology, and public law in other European languages now concentrates on core publications. Literature from non-European countries is mainly acquired if it is available in a language accessible to our researchers. The library gratefully acknowledges the input of several senior researchers, Dr. Konstanze Jarvers, Dr. Ivó Coca-Vila, and Dr. h.c. Jan-Michael Simon, in selecting the relevant Italian, Spanish, and Latin American literature for the library.

From 1 January 2020 to 30 June 2022, the library collection increased by 17,482 printed volumes (12,975 volumes of monographs and 4507 periodical volumes). During the same period, 3281 digital publications, including 2690 e-books, were acquired by the library. Thus, as of 30 June 2022, the library possesses a total of 524,400 media units, of which 16,950 are digital publications provided by the Institute. The library has additionally expanded its access to licensed databases to



A three-dimensional model of the building was included in the library's information system. It shows the exact location of printed books and also facilitates general orientation in the Institute building

67 databases or modules. This selection, which is specifically geared to the needs of our researchers, is supplemented by the electronic resources that the Max Planck Society makes available on a consortial basis.

USER SERVICES

At first, use of the library appeared to be severely impacted by the restrictions in conjunction with the COVID-19 pandemic during the reporting period. Through various measures, however, the impairments were largely absorbed:

- Guest researchers who were unable to visit the Institute were able to access the library's e-books and databases as so-called "virtual guests of the Institute". They were supported by the library's staff via email or video conferencing tools. In this situation, the recently intensified acquisition of e-book packages from German legal publishers and major English-language publishers, which can also be accessed remotely, also paid off.
- Since the beginning of the first lockdown, Institute employees and a handful of guest researchers already in Freiburg were allowed to take books to their home offices without any bureaucratic hurdles.

- Literature only available in print was scanned and sent as needed by library staff.
- The library remained closed to day guests until mid-June 2022. In lieu of on-site borrowing, over 1900 books were lent off-site "contactless" for this user group, always under the condition that a book needed at the Institute be returned within two working days. This so-called "Corona loan for day guests" was gratefully appreciated.
- In mid-2020, the library team created an e-tutorial for the zero-contact introduction of new researchers to the use of the library during the COVID-19 pandemic. This e-tutorial will continue to be useful in the future, e.g., when guest researchers arrive outside of the library's service hours.

These measures, related directly to the pandemic, were flanked by two tools to increase the digital use of library resources:

- Since 2020, the library's BrowZine web application has made it possible to conveniently search the library's e-journals and access current tables of contents online. In BrowZine, researchers can also compile e-journals of interest to them in a personalized library and save journal articles for later offline reading.

- The “hybrid bookshelf” was launched in 2021. A QR code was placed on the shelves at the beginning of each classification group in the country section “Germany”. When this QR code is scanned, the library’s e-books in the desired classification group are displayed in the online catalog. This project, which is currently in the pilot phase, aims to provide library users with a better orientation to the library’s holdings by increasing the visibility of the electronic holdings and at the same time mirroring the systematic order on the shelves.

Lastly, in 2022, the library developed a three-dimensional digital plan of the Institute building, which shows the locations of the print collection. When books are searched, they are depicted in the digital plan in the exact shelf they are physically located. The plan also facilitates general orientation in the Institute building.

ADDITIONAL ACTIVITIES

The library manages the English-language database “Literature on German Criminal Law” (LGCL), initiated by Professor Hörnle and technically set up by the IT department. The library staff continuously updates it with new publications on German criminal law, as far as they are available in English. In the meantime, the LGCL database contains more than 950 titles with links to the full texts. LGCL will improve the worldwide access of English-speaking scholars to the research fields of German criminal law and criminology or even make it possible in the first place.

A selection of books on criminology published in European countries is regularly listed by the library in the bibliography “New Criminological Literature in Europe”, which is published in the “European Journal of Crime, Criminal Law and Criminal Justice”. The bibliography “New Literature in European Criminal Law”, which is also published, is also compiled by the library.

Furthermore, the library manages the submission of the data of publications published by the Institute’s researchers to the repository of the Max Planck Society (MPG.PuRe). In the reporting period, a total of 1628 titles were added to MPG.PuRe. From MPG.PuRe, the publication references are then automatically generated to appear on the researcher’s Institute homepages and the Institute’s “Publications” website. In this way, the research output of the Institute becomes readily visible to the public.

In addition, the library advises researchers on all questions regarding the Open Access publication process and on all administration matters involving the MPG’s article processing charges.

OUTLOOK: RESOURCE DISCOVERY SYSTEM

Together with nine other libraries of the Max Planck Society, the Institute’s library will introduce a Resource Discovery System (RDS) in 2023/2024, which will replace the current online catalog. Using a single and user-friendly electronic form, the system will enable simultaneous searches, not only of the onsite library holdings but also in a search space with access options and references to resources and full texts that are particularly relevant for the MPI. The Resource Discovery System is superior to a classic library catalog, particularly in terms of topic-related searches, and it offers more comprehensive access to available literature, for example by sorting search results according to relevance.

The worldwide visibility of our internationally outstanding collection and the optimal support provided to researchers using the library at the high service level achieved so far will remain the focus of the library. As a central research tool, it will continue to attract researchers from Germany and abroad.

2. IT Services

The principle role of the IT department is to provide modern information technology support to all scientific and non-scientific staff members as well as to guest researchers. In addition to maintaining client, network, and server infrastructure, ensuring the smooth operation of the Institute's WiFi network and providing IT security are among the service group's chief tasks. The department is also responsible for video conferencing systems, the telephone network, multimedia applications, in-house software development, and building management systems.

PERSONNEL

One of the most far-reaching personnel decisions made by the directors with regard to IT was the creation of an IT security officer position. This new position, filled by Christian Greiner, means that the IT service group now has six fulltime positions.

The training of junior staff continued uninterrupted during the COVID-19 pandemic. Two new IT trainees were recruited in the fall of 2021. In an age hallmarked by a shortage of skilled workers, traineeships remain a reliable way to source qualified junior staff.

The IT helpdesk was reorganized into first-level and second-level support; this change has resulted in improved workplace efficiency and client satisfaction. At the same time, the outdated ticket system was replaced and a new remote maintenance software program was introduced. This remote tool proved to be particularly useful during the pandemic.

WEBSITE

With the renaming of the Institute, new Internet domains and a new layout for the website were required. All email accounts were also changed from mpicc.de to csl.mpg.de. The setup and conversion to the new Windows domain is continuing during the current reporting period.

The website csl.mpg.de was migrated to the MPG's internal "Fiona" system. To maximize efficiency, as many entries for the new website as possible were generated internally from the staff database.



photo: Baschi Bender

The LGCL (Literature on German Criminal Law) database and associated web app were developed and launched in collaboration with the library according to requirements and specifications set out by the researchers.

A similar website was created for the third-party funded project eucrim.eu.

CONTINUOUS RENEWAL

Of course, standing still is not an option in a continuously evolving digital world. Thus, all IT equipment and software must constantly be renewed to ensure the provision of an optimal research environment. A clear example of this occurred with one of the most important workplace applications: Microsoft Office. In recent years, the Institute has moved from Office 2016 to Office 2019 and now to Office 2021.

To support the Institute's administration, the IT Department assisted in the introduction of the "Virtual Workplace" in 2020. This novel approach has made it possible for administrative staff to now work remotely.

The Institute's Internet connection was retendered and the fiber optic connection was made failsafe. The internal network infrastructure was also converted to 10 GB/s and is now faster by a factor of 10. The same speed will also apply to the external connection by the time this report is published.

In addition, we renewed the virtualization hardware – consisting of server and storage – during the reporting period. This new hardware allows for the creation of virtual avatars for the "FutureU" project.

We exchanged the central network printers for newer machines; this gave us the opportunity to update the print server and corresponding software.

SOFTWARE DEVELOPMENT AND DIGITIZATION

Further progress was made in the areas of software development and digitization. The personnel database

was further expanded and integrated. This enables us to support staff and guests more efficiently.

The in-house development of the Device Lifecycle Database allows for the smooth management and inventory of the Institute's many devices.

Through the self-developed tool for the generation of web forms, applications of any kind can now quickly move from the website to the responsible persons.

Lastly, we developed tools for research data management, and a DOI resolver and a landing page generator for scientific project management were established.

CHALLENGES

At the beginning of the pandemic, the rapid transition to remote work and the corresponding deployment of efficient VPN access with multi-factor authentication was successfully achieved.

In the wake of Russia's invasion of Ukraine, the decision was taken to switch from Kaspersky antivirus software to Windows Defender. This was accomplished without any difficulties.

NEW

We supported the construction of the VR LAB with the appropriate IT infrastructure (connection, firewall, LAN, WiFi).

The aging security network for research with particularly sensitive data has also been redesigned and implemented; it has been running now without any problems for some time.

A new meeting- and video-conference room was set up and put into operation at the beginning of the pandemic. For obvious reasons, this room proved to be exceptionally valuable.

3. Editing & Press

The Editing and Press department, headed by the Institute's research coordinator, was established in mid-2019 by concentrating scientific support services in one service department. These services had previously been allocated either specifically to the Criminal Law or to the Criminology departments. In so doing, resources and synergies have been strengthened, and we are now able to offer the services of a larger and more flexible team of translators/editors and press/media staff to all three scientific departments: Criminal Law, Criminology, and Public Law.

Currently, nine staff members work in the Editing and Press Department, most of them on a part-time basis. Four native English speakers with a background in or longstanding professional experience in the fields of law and/or criminology support our researchers in the editing and publication of their research findings in academic journals, edited volumes, and monographs. The demand for such services in the English language has increased considerably over the past two years, which is in keeping with the objective of the Institute to participate in and significantly contribute to the ongoing, international, scientific discourse. Two editors provide similar support in the German language: they edited numerous research series published by the Institute in the past (see X. Publications); they also sign responsible for all matters of graphic design. Known as "Team English" and "Team German", the language support staff offers researchers guidance and advice on academic writing, e.g., by providing feedback on the manuscripts submitted to them – not only "on paper" but also in face-to-face meetings. In addition, they coach early career researchers in useful referencing techniques and compliance rules on good scientific practice.



photo: Andrey_Popov/Shutterstock.com

The Editing and Press Department is complemented by two colleagues who are in charge of public relations and online editing. Public relations and online editing employees have traditionally worked for the entire Institute, and it was a logical move to include them in this newly formed team. During the reporting period, the PR team successfully ensured the transition to a new webpage and a new Intranet, bringing us in line with the MPG's corporate design. Besides carrying out pro-active press work, the team members also successfully tested and implemented new venues for sharing our research results, e.g., using social media, creating podcasts, and developing a video series (see XIII. Knowledge Transfer into Politics and Society).

4. Administration

CONSTRUCTION PROJECTS

The scientific reorientation and expansion of the Institute, including the creation of a third research department, resulted in the need for additional office space and the establishment of a new VR laboratory. After a long and intensive search process, an excellent location for the laboratory was secured in the city center of Freiburg. Design and construction work were closely monitored and supported by the administration during all phases of the refit: from the signing of the lease right through to the official opening.

To accommodate the growing number of staff members, additional office space was created in the Fürstenbergstraße building. This was achieved by converting library archives into offices.

REDISTRIBUTING THE WORKLOAD

Due to the aforementioned expansion of the Institute to three departments and the addition of several corresponding research groups, the volume of work in the

core areas of the administration (personnel, travel, purchasing, finance) has increased considerably. Since it was not possible to increase the number of administrative positions with the new appointment of the directors, it was decided to compensate for the increased workload, at least to some extent, by reducing the opening hours of the reception. Throughout the pandemic, this move made obvious sense. However, if longer opening hours once again become necessary, then these additional service times will need to be covered by an external company.

FINANCIAL POSITION AND PLANNED EXPENSES

For the reorientation phase of the Institute, which will last until mid-2023, sufficient personnel and material resources are available. Additional funds have been invested in a targeted manner to optimize IT infrastructure and equip the library with more e-books. This approach will enable us to continue financing increasing personnel costs (due to pay bracket increases) in the years after 2024. The administration is aware that the financial resources of the MPG are finite and is thus contributing to further cost savings. At present, a clear focus is being placed on greater energy efficiency.

FIVE-STAR SERVICE

The administration is closely aligned with the needs of the directors, researchers, and guests. By further optimizing workflows (with the help of the software program "UDB-Curry") and working methods, this service goal is being successfully achieved. For instance, in close cooperation with human resources, a professional onboarding program has been implemented to welcome new employees from across the world to the Institute.

photo: Kühne/S.K.U.B. Fotostudio



5. Research Grants

Generating third-party funding is a fundamental part of our research strategy. By obtaining research grants we seek to enlarge and diversify our research portfolio, especially through the inclusion of collaborative research projects. Applying for and winning competitive research grants is also a matter of prestige, particularly for early career researchers as it helps them advance their careers. The Max Planck Regional Grants Office Baden-Württemberg, the Institute's research coordinator, and the finance department provide advice and support in securing and managing external grants.

During 2020–2022, our researchers generated a significant sum of third-party funding, totaling more than EUR 3.6 million (see table below).

In 2022, Research Group Leader Isabel Thielmann was awarded the prestigious Starting Grant by the European Research Council (ERC). She received EUR 1.5 million for her project “Increasing Self-Knowledge to Promote Moral Behavior (KNOW-THEYSELF)” (project number: 101039433; see project description p. 158). This project will run over a period of five years; the ERC grant provides for several postdoctoral and doctoral student positions. Also in 2022, the EU, through its Anti-Fraud Program managed by the European Anti-Fraud Office (OLAF), provided another EUR 240,000 (following on from EUR 150,000 in 2020) for the continuation of the *eucrim* project: “The European Criminal Law Associations’ Forum – publication of a periodical on the protection of the EU’s financial interests” (project number: 101059715, see p. 209). The journal *eucrim* is published by the Max Planck Institute through Ulrich Sieber and Ralf Poscher in cooperation with the Association for European Criminal Law. The journal was established in 2005 and has received financial support from the EU ever since. Isabel Thielmann was also successful in generating around EUR 300,000 from the DFG for her

project “Die zugrundeliegenden Basistendenzen individueller Unterschiede in prosozialem Verhalten” [The core tendencies underlying individual differences in prosocial behavior] (project number: 466142385; see project description p. 157). She received the DFG grant in late 2021 and started the project while at the Institute in 2022.

In 2021, the Federal Ministry of Education and Research, through the VDI Technologiezentrum, granted Research Group Leader Dietrich Oberwittler around EUR 816,000 for his three-year project “Die Auswirkungen der COVID-19-Pandemie auf die Entwicklung der Kriminalität am Beispiel Baden-Württembergs (COVID-19-KRIM)” [The Consequences of the COVID-19 Pandemic for Crime in Southwest Germany (COVID-19-KRIM, project number: 13N15739; see project description p. 163)]. Also in 2021, the DFG provided Hans-Jörg Albrecht (emeritus director at MPI-CSL) and Jörg-Martin Jehle, emeritus at University of Göttingen, ca. EUR 172,000 for the three-year project “Strafzumessung und Rückfallrisiko bei strafrechtlich Sanktionierten – Eine bundesweite Untersuchung auf der Basis von Bundeszentralregisterdaten” [Sentencing and Recidivism Risk among Criminal Offenders – A Nationwide Study Based on Federal Central Registry Data; project number: AL 376/21-1; see project description at p. 181].

In 2020, when Jean-Louis van Gelder took over his directorship, he relocated his EUR 1.8 million ERC Consolidator Grant “Crime and Time: How short-term mindsets encourage crime and how the future self can prevent it” (action number: 772911; see project descriptions at pp. 71, 72, 75) to the MPI-CSL (about EUR 374,000) and to Leiden University (about EUR 878,000), where van Gelder retains a professorship position (15%). This project will run over a period of six years; the ERC grant provides for several positions: a senior researcher, postdocs, and doctoral students.

GRANT PROVIDER	2020	2021	2022
Federal Government		EUR 815,522.00	
DFG		EUR 172,370.00	EUR 294,537.00
EU	EUR 524,318.72		EUR 1,738,266.44
Other foreign grant provider	EUR 5,996.00		
Other German grant provider	EUR 112,438.00	EUR 6,500.00	EUR 8,500.00
	EUR 642,752.72	EUR 994,392.00	EUR 2,041,303.44
Revenues for expert opinions	EUR 10,409.32	EUR 8,545.66	EUR 1,527.00

Also in 2020, the Friedrich Naumann Foundation for Freedom commissioned an expert report from Ralf Poscher that was closely connected to his research project "Periodic Surveillance Barometer for Germany" (see project description at p. 132), providing financial support of about EUR 80,000.

During the reporting period, the Institute also generated revenues of about EUR 20,500 for expert opinions requested by German courts and public prosecutors, about EUR 22,000 from the Alexander von Humboldt Stiftung (AvH) for hosting outstandingly qualified researchers at the Institute, and about EUR 22,000 for convening symposia (especially for Tatjana Hörnle from the Fritz-Thyssen Foundation and for Ralf Poscher from the Daimler and Benz Foundation).

SUPPORT FOR GRANT APPLICATION: MAX PLANCK REGIONAL GRANTS OFFICE BADEN-WÜRTTEMBERG

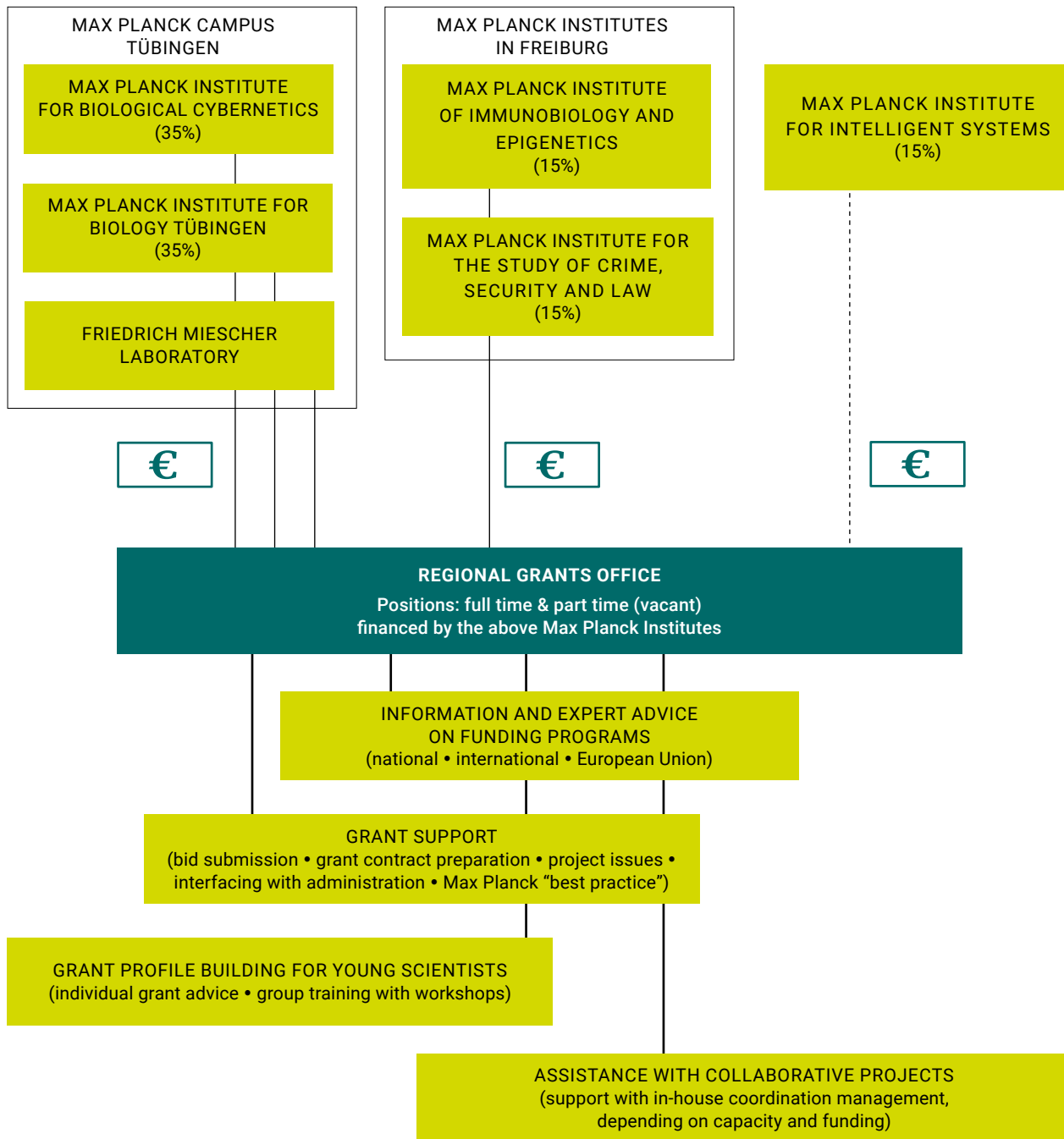
The Max Planck Regional Grants Office Baden-Württemberg was established in 2007 to support the participation of Max Planck scientists in national, international, and European Union funded research and related activities. The office provides information and expert advice on funding programs and offers assistance with bid preparations as well as backup during third-party funded contract preparations and project management. It interfaces with funders, cooperation partners, Max Planck researchers, and administrations at both the local Institute and the Max Planck Society Headquarter's level,

e.g., in order to help address diverse funding-related issues or to promulgate project "best practice".

The Max Planck Society places special emphasis on early-stage scientists. To this end, the office supplies junior researchers with advice and continuous coaching about the variety of programmes (stipends and small grants, independent research group funding) that can foster their active career development and build their profiles.

The Regional Office's counsel portfolio comprises, among others, the funding programs of the European Union, the German Federal Ministry of Education and Research (BmBF), the German Research Foundation (DFG), and selected prestigious foundations (e.g., Humboldt, Volkswagen, Fritz-Thyssen) as well as the German "Begabtenförderungswerke" (network of funding organisations promoting young talent). The office also maintains close and regular contact with these funders, which additionally benefits the in-house acquisition and management of third-party funding.

The Max Planck Regional Grants Office Baden-Württemberg is headed by Patrice Wegener and supports the MPI for the Study of Crime, Security and Law (CSL) and the MPI of Immunobiology and Epigenetics (IBE), both located in Freiburg, as well as the MPI for Biological Cybernetics (CYB), the MPI for Biology Tübingen (BIOT), and the Friedrich Miescher Laboratory (FML), all based in Tübingen. We offer regular on-site consultation hours in Freiburg and Tübingen and are available remotely for all enquiries during office hours.



Work and organisational structure of the Regional Grants Office

6. Recruiting

Proactive recruitment has become a vital strategic tool to attract the best international talents and minds, especially for research institutions facing strong international competition. Therefore, in 2019 the position of a Recruitment Officer was established at the Institute.

In general, the work of the Recruitment Officer is at the interface between human resources, public relations, and research management. At this point, the position of Recruitment Officer is unique within the Max Planck Society. It entails close coordination with the Max Planck Law institutes, the General Administration of the Max Planck Society in Munich, and recruitment experts from a host of different scientific institutions.

The Recruitment Officer has developed and implemented effective recruitment strategies and concrete recruitment measures, which proved successful as outstanding doctoral students, postdocs, and senior researchers from Germany and abroad have been attracted to the Institute. The geographical recruitment

focus is squarely aimed at countries or regions where English is the native language or widely spoken (e.g., Australia, Benelux countries, Great Britain, New Zealand, Scandinavia, and the USA).

The overall recruitment strategy has been professionalized by designing toolkits and by creating solid networks with top law schools from Germany, Europe, and (especially) common law countries. In April 2022, we invited post-graduate law students from excellent law schools to an Open House event organized by Max Planck Law and the Institute.

Further measures for proactive and innovative recruitment will be taken in the near term to continue to attract top-class scientists in law and related research fields to the Institute.

The Institute recruited 44 researchers from 2020 to June 2022.



As part of the Open-House program, our Recruitment Officer Dr. Annika Hampel (right), interviewed researchers from Max Planck Law: Martin Steinberg (Bonn), Clara Rigoni (Freiburg), and Habiba Abubaker (Luxembourg)

<https://law.mpg.de/academic-opportunities/>



B. OPEN SCIENCE & RESEARCH ETHICS

1. Towards Open Science: RDM, Pre-registration, Data Protection, and Open Access

The MPI-CSL has introduced new rules of research data management (RDM) and is moving towards open science, in line with the FAIR principles (findable, accessible, interoperable, reusable) which are increasingly guiding the pursuit of empirical research in Europe. The RDM rules include a number of mandatory steps during the life cycle of research projects collecting empirical data.

At the start of a research project, its metadata (PIs, title, short description of principle aims, and methods) are stored in the internal RDM database and published on datacite.org under a stable Digital Object Identifier (DOI). Thus, new and ongoing research is made visible from the start. Within a year after completion of data collection, information on the data is added to the RDM database, and the data generation process (i.e. lab experiment, survey, interview, agent-based modeling or other modes of data collection or generation) is documented in sufficient detail in order to achieve scientific transparency.

Some principal investigators have started to pre-register their projects on platforms as Open Science Framework (osf.io). The preregistration is the public documentation of planned hypotheses, research design, and analyses before beginning the research, and is seen as important element in the move towards open, transparent, and ultimately better science.

“Open science has the potential to increase the quality, impact and benefits of science and to accelerate advancement of knowledge by making it more reliable, more efficient and accurate, better understandable by society and responsive to societal challenges.”

EUROPEAN UNION, COUNCIL, Conclusions on the transition towards an Open Science system, adopted by the Council at its 3470th meeting held on 27 May 2016, No. prev. doc.: 8791/16 RECH 133 Telecom 74 Subject: Document No. 9526/16

The data protection rules have been updated in 2021 reflecting developments in German and European data protection law. The collection and storage of personal data follows the general principles of data protection, i.e., pseudonymization of personal data at the earliest possible stage and the separate and safe storage of sensitive personal information. If informed consent by study participants is necessary, broad consent should be sought from participants by default. Broad consent not only covers the use of data in the current project by the scientists involved in this project, but also the permanent storage of research data in a repository and its potential future re-use by other scientists for secondary analyses. Sensitive data are protected by adequate technical and organizational provisions in accordance with the A new secure LAN for sensitive criminological data has been installed in 2021 which is strictly separated from the internet and offers a high level of protection against the misuse of data.

After the completion of a project, a final version of the dataset(s) collected during the project together with metadata must be stored in the internal data archive. The pseudonymized or anonymized version of the data is kept permanently at the internal data archive, and the archiving at an external data repository is encouraged unless the high sensitivity of the data prohibits this. The PI decides on the embargo period and the rules for access to the data for future research purposes, in line with the FAIR principles and the specific rules applying for the project (i.e., by funding agencies).

Ultimately, the Max Planck Society and our Institute are committed to the open access paradigm. We encourage our researchers to make their research find-

ings freely available to the scientific community and to the public at large – regardless of whether a research project generates data or not –, which is in keeping with the Rules on Good Scientific Practice. We ask that our researchers consult the Directory of Open Access Journals, which lists high-quality, open access, peer-reviewed journals, in order to determine which journal would be suitable for publication of their research results. The library gives further advice in this regard. The Max Planck Digital Library (MPDL) has entered into centrally managed “Open Access Gold” agreements with a number of publishers; the MPDL covers the cost of publishing in these open access-only journals. Based on cost-benefit considerations, the Institute itself may pay the often-high publishing costs if no agreement exists between the Max Planck Society and the publishing house. In addition, the Max Planck Society also provides an open access publication platform of its own: the Max Planck Publication Repository – MPG.PuRe. We ask our authors to reserve the right to publish their work in parallel or a second time, e.g., on MPG.PuRE [<https://pure.mpg.de/>], when negotiating their contracts (for example, by means of an author addendum). Lastly, in spring 2020, we launched a working paper series on SSRN [<https://www.ssrn.com/index.cfm/en/maxplancklawrps/max-planck-study-crime-security-law-res/>]. With this series, the Institute strives to make its research results freely available to the public by facilitating open access, in the form of working papers, pre-prints, post-prints (see p. 210). For a full account on open access publications by our researchers during the reporting period, please refer to the list of publications (p. 294).

Our current Research Data Management and Data Protection Coordinator is Prof. Dr. Dietrich Oberwittler.



PuRe

➤ <https://pure.mpg.de/>

2. Ethics Officer

The Ethics Officer advises the Institute's researchers on how to implement ethical standards when conducting empirical research. The primary task is to assist the researchers in applying for ethics approval from ethics councils for their research endeavors. In the reporting period, the Ethics Officer's activities included the design of templates that can be used by the researchers of the Department of Criminology when applying for ethics approval. An integral element of the role is the constant development of procured material. In addition, the Ethics Officer serves as the contact person for all questions of an ethical nature that may arise in research projects, ranging from questions about basic requirements to those about the drafting of applications for ethics approval from an ethics council (in most cases, the Ethics Council of the Max Planck Society). Finally, the Ethics Officer liaises with the MPS ethics council beyond the mere application process with the aim of assisting researchers of the Institute to conduct their research in accordance with the highest ethical standards. The Ethics Officer works closely with the Institute's Data Protection Coordinator, as ethical research standards are intertwined with data protection issues.

In 2020, Dr. Gunda Wössner from the Department of Criminology was entrusted with the position. To further assist the Institute's researchers, the Ethics

Officer's work now includes the counseling of colleagues from all departments when questions arise concerning how to uphold the highest ethical standards while realizing research projects.

“The Max Planck Society undertakes to carry out research which extends the boundaries of knowledge and enhances the welfare of mankind and the protection of the environment. Scientists must therefore prevent or minimize direct or indirect harm to humans and the environment as far as possible. Researchers must not satisfy themselves with adhering to legal regulations when making applicable decisions, but must also take account of ethical principles. They must essentially be aware of the danger of misuse of research. In critical cases, they must make a personal decision on the area of responsibility in their research.”

Guidelines and Rules of the Max Planck Society on a Responsible Approach to Freedom of Research and Research Risks, sec. 2c para. 1 updated version of March 17, 2022, <https://www.mpg.de/197392/researchFreedomRisks.pdf>

C. GOOD GOVERNANCE

1. Works Council

The Works Council represents the interests of employees vis-à-vis the employer, both collectively and individually. The council is an elected body, ideally comprised of members of all ages, genders, and departments in order to ensure a broad representation of interests. The term of office for all members is four years. Their duties and rights are governed by the Works Constitution Act.

The council ensures that things are fair at work (in questions, e.g., of payscale grouping, vocational training / further education, and recruitment/transfers/dismissal) and takes employee concerns to management whenever necessary. It has a say in work-time issues, such as flextime and overtime, and helps

organize remote work. But its members also care about employee health and sustainability and are active in matters of occupational safety, work processes, and workplace design. The Works Council often serves as the first (confidential) point of contact when difficulties arise at the workplace, as its members are familiar with the problems of their colleagues.

The Institute's Works Council meets on a weekly basis. It is assisted by a secretary in administrative matters. The council reports on its activities at regular staff meetings held once every quarter, and it also meets with the board of directors on a quarterly basis. In addition, it regularly liaises with other functionaries at the



illustration: SHIROKUMA DESIGN/Shutterstock.com

Institute (e.g., gender equality officers, representative for disabled employees, doctoral representatives, etc.). With the onset of the COVID-19 pandemic in 2020, the Works Council helped develop recommendations for handling the new coronavirus at the Institute. Practical solutions needed to be found quickly – teleworking/telecommuting soon became the order of the day. Another practical issue involved cross-checking plans for the reorganization of office space in both buildings to reflect the Institute’s new structure. The council was also faced with having to reorganize its own operation and communication. In lieu of face-to-face staff meetings, newsletters reporting on the council’s work were sent to employees at regular intervals.

2021 continued to be marked by major challenges for the Works Council: COVID-19 (hygiene & protection concept, remote work, testing, vaccination), construction (plans for the expansion of the Institute), and digitalization. The year also saw a number of important council-led improvements for employees at the Insti-

tute, among them the conclusion of a works agreement on performance-based payment incentives (LOB) and a supplementary agreement on flextime (work time on business trips). The council also concluded a works agreement on COVID-19 rapid tests for self-testing and contributed to the gender equality plan at the Institute.

We recently introduced rules of procedure for our own work, making it possible to hold council meetings online. To help improve the onboarding process for new employees at the Institute, particularly for researchers joining us from abroad, the Works Council decided to hold bilingual staff meetings.

The members of the Works Council during the reporting period included representatives from both the service and research departments: Dr. Dominik Gerstner, Ines Hofmann, Dr. Konstanze Jarvers, Lukas Landerer, Julius Nordfeld, Antonia Strecke, Dr. Carina Tetel, Indira Tie, Jasmin Vitt.

2. Gender Equality Officers

The Institute’s team of Gender Equality Officers (GEOs; currently Maja Werner, Dr. Carolin Hillemanns, Jelena Schulz) works closely with the directors to support the compatibility of family life and careers as well as the recruitment and promotion of excellent female researchers and/or other underrepresented staff. The aim is to ensure a working and research environment conducive to equal opportunities for people from all gender backgrounds.

Hence, the GEOs screen all applications and hiring processes to ensure fairness and the provision of equal opportunities. One concrete measure in this regard has been to ensure that photos are no longer uploaded as part of the application material in order to reduce bias in the hiring process. A further focus of the GEOs work

has been to identify and dismantle structures that have negatively impacted researchers, staff, or guests on the grounds of their gender. Examples include participation in the Institute’s Corona Crisis Group, the development of guidelines for the use of gender-sensitive language, the introduction of annual staff appraisals to support employees in their individual career trajectory, and continuous efforts to ensure gender-equitable representation at events. In addition, the GEOs successfully organized a lecture event to raise awareness about gender stereotypes in legal sciences and legal education. In 2021, the GEOs helped revise and update the Institute’s gender equality plan: a requirement of the Max Planck Society and an important eligibility criterion for many third-party funding sources.

3. Ombudsperson

The ombudsperson acts as a confidential contact point in matters of scientific misconduct and helps scientific staff members if they experience unfair behavior and conflict situations arising from it. He/she is elected by his/her peers – the scientific staff itself. The incumbent ombudsperson at the Institute is Professor Dr. Dietrich Oberwittler (since 2015).

The role of the ombudsperson is defined in the “Rules of Good Scientific Practice” adopted by the Senate of the Max Planck Society. The ombudsperson can be consulted confidentially and acts in an advisory capacity in the event of suspected violations of the principles

of good scientific practice. He/she may not disclose any confidential information to the Institute’s management. In conflict situations, the ombudsperson may encourage discussions with the parties involved or with Institute management or even take the ombudsperson at the next level (section level) into his/her confidence. The ombudsperson must also protect whistleblowers. Past experience in the Max Planck Society – as well as in the scientific community as a whole – has shown that conflicts over authorship and the supervisory relationship between supervisors and junior scientists constitute the most frequent occasions for the involvement of ombudspersons.

4. Conflict Manager

Conflicts are a natural part of living and working together. While conflicts are often perceived as uncomfortable and combative situations, when properly addressed, they usually result in productive solutions. The Institute’s Conflict Manager (currently Dr. Christopher Murphy) offers an independent and impartial ear for those experiencing conflicts and difficulties of

any kind. It is often a significant relief for the affected person to describe and discuss their situation in a calm, peaceful, and safe environment. Furthermore, the Conflict Manager can suggest resources and, if necessary, refer those affected to other counseling and conflict management services. The overall goal is to create a positive conflict culture at the Institute.

5. Support for Work and Family Life

The Institute is keenly aware that a family-friendly workplace is a decisive factor when it comes to hiring and keeping talented researchers and employees. Accordingly, a range of demand-oriented family-friendly measures have been adopted in recent years to attract highly qualified personnel to the Institute and to better balance the demands of work and family life. These measures include the flexible organization of working

hours, the provision of child care spots, and the establishment of support mechanisms for employees who need to provide care for their relatives.

When it comes to working hours, flexibility is key. Flexible working hours not only help employees juggle multiple commitments but also enable the Institute to reduce unforeseen absenteeism. The Institute has oper-

ated on a flextime work model for many years now. In addition, the ability to work remotely has created further opportunities for employees to better organize their working hours around their familial responsibilities. Major progress in the area of digitalization and data security has enabled the Institute's administrative staff to work remotely for the first time. For short-term or unexpected care situations, the option of emergency teleworking continues to exist.

With regard to child care, the Institute maintains six child care spots (three for 0–3 year-olds and three for 3–6 year-olds) at a nearby daycare center run by Jugendhilfswerk Freiburg. Since its inception, this offer has remained extremely popular among the Institute's employees. The daycare center was recently accredited as a "Nature Park Daycare Center" by Naturpark Südschwarzwald. In addition to regular activities, daycare centers with this accreditation provide learning experiences for children on topics such as the environment and natural landscape, regional culture and handicrafts, and agriculture and forestry. These topics not only form part of the center's day-to-day educational activities but also play a role during excursions and special project days. In this way, the children get to learn more about their region and the world in which they live.

To offer even greater flexibility to parents, if child care is unavailable or cancelled at short notice, children can be brought to work. To help keep the little ones busy, two "KidsBoxes" have been purchased: each box contains a variety of toys and drawing material, a small cot, a changing mat, disinfection and first aid equipment, hygiene articles, books, etc. Each box is mounted on wheels and can be easily maneuvered about the Institute, meaning that any room can now be turned into a parent-child room.

The Institute is conscious that business trips and workshops can result in significant short-term challenges when it comes to the provision of child care or support for other family members. To ensure that any such gaps in care are covered, the Institute is able to provide a payment of up to EUR 600 under certain circumstances.

Finally, all employees are able to make use of the external family service provider "pme Familienservice." The provider can assist employees when it comes to arranging care for children and elderly relatives as well as securing emergency care. Services for employees include free advice and referrals to care providers as well as daycare and vacation-care options beyond what the Institute already offers.



illustration: iStock/simplehappyart

6. Occupational Health Management

Since 2018, the Max Planck Society – in cooperation with the Techniker Krankenkasse – has used a holistic approach to occupational health management (BGM). The idea behind this approach is to not only maintain but also strengthen the physical and mental well-being of all employees. Examples include the introduction of preventive and supportive measures in the areas of occupational safety, ergonomics, the reintegration of employees after longer periods of sick leave, the strengthening of social engagement, and the cultivation of a healthy leadership ethos. BGM standards must be adapted and implemented in line with regulatory requirements at each and every institute. Kathleen Straka is in charge of BGM at MPI-CSL.

During the reporting period, the Institute promoted the health of its employees in the following ways:

- Annual flu vaccination (Oct. 22, 2020, and Dec. 2, 2021)
- Occupational health screening for computer monitor work: hearing and vision tests (Oct. 28, 2021, and June 1, 2022)
- Quarterly workplace inspections by the company physician and safety specialists from “ias Health & Safety GmbH”; implementation of recommendations (e.g., replacement of office chairs, changes to the height of desks, redesign of working environment)
- One-on-one appointments with the company physician (July 27, 2020; emphasis on COVID-19)
- Mental Health Awareness Week (MHAW); due to COVID-19, not hosted by the Institute itself, but rather offered as a range of Max Planck Society-wide webinars (Oct. 10–14, 2022)
- Webinars on the services provided by “pme Familien-service”

- Workshops on various topics (stress management, time management, work-life balance, mindfulness, resilience, sleep, ergonomics)

As of spring 2022, table tennis can be played on the rooftop terrace during breaks. This helps to relieve the strain on the back caused by sedentary work and to promote comradery amongst employees.

The Max Planck Society also offers employees individual support in coping with professional or personal problems that affect their work and wellbeing. Through the Employee and Manager Assistance Program (EMAP), employees and their family members can receive free, uncomplicated, and timely psychological counselling in various languages. The Max Planck Society contracts with an independent service provider to offer this service.

Due to the COVID-19 pandemic, some of the usual offerings had to be canceled, e.g., the weekly lunchtime yoga classes, meditative “forest bathing” in the neighboring Sternwald forest, autogenic training, and the annual health day with its various coaching and teambuilding events. Originally scheduled to take place in June 2020, the Freiburg company fun run “b2run” was also canceled by the organizer.

The pandemic was the greatest challenge for occupational health management in the reporting period. In order to cope with the associated problems, a working group was formed, which, in addition to the BGM officer, included representatives from the works council, department heads, the equal opportunity officers, representatives of the scientific staff and doctoral students, and the research coordinator. This working group was responsible for the development of the Institute’s own hygiene plan and its adaptation to the various stages of the pandemic. An important measure to decrease infection rates was working from home: It was possible to keep levels of physical presence at the Institute so low

that the infection figures at the Institute were substantially lower compared to the general pandemic development. In 2021 and 2022, employees of the Institute had the opportunity to be vaccinated against SARS-CoV-2

by the company physician. After the end of lockdown, various coaching sessions and workshops were organized to help employees reacclimate to work at the Institute.

7. Career Development

It is exceedingly important to us to support and encourage our researchers and service staff in the development of their individual careers. To this end, we offer targeted, in-house workshops and classes ranging from personal skill development to hard skills. For instance, all employees are offered a range of business English courses (level B1 and level C1), which have been attended by both scientific and non-scientific staff members. Moreover, since mid-2021, the Institute has also offered German courses all employees who seek to learn the German language or improve their German language skills. To avoid interruptions to the learning process, the language courses shifted to an online format during the COVID-19 pandemic.

We also encourage our employees to benefit from the Max Planck Society's extensive slate of continuing education programs, which cover a plethora of topics of relevance to early-career and established researchers as well as members of the service departments. These

classes are bundled under the umbrella of the Planck Academy and include targeted opportunities for further training and personal career development. Moreover, the Institute provides financial support for our employees to attend specialized third-party courses.



illustration: iStock/
sorbetto

XV. EXTERNAL SCIENTIFIC MEMBERS

XVI. SCIENTIFIC ADVISORY BOARD

XVII. BOARD OF TRUSTEES

XV. EXTERNAL SCIENTIFIC MEMBERS

In order to strengthen the scientific network as well as national and international collaboration, three leading scholars were nominated as External Scientific Members by the Institute and appointed by the Max Planck Society after a rigorous selection process. All three are eminent researchers in their respective disciplines who have close and long-standing ties to the Institute and share its research focus. They are essential for bolstering scientific cooperation.

PROF. EM. DR. DR. H.C. MULT. WOLFGANG FRISCH

Institute for Criminal Law and Criminal Procedure,
Department for Criminal law, Criminal Procedure and
Philosophy of Criminal Law, University of Freiburg

PROF. DR. DR. H.C. WALTER PERRON

Institute for Criminal Law and Criminal Procedure,
Department for German and Foreign Criminal Law
and German Procedure Law, University of Freiburg

PROF. EM. MICHAEL TONRY, PH.D. (H.C.)

McKnight Presidential Professor of Criminal Law
and Policy Emeritus at the School of Law, University
of Minnesota

XVI. SCIENTIFIC ADVISORY BOARD

A Scientific Advisory Board composed of internationally recognized researchers is constituted for each Institute of the Max Planck Society. Its main responsibility is to engage in periodic evaluations of the Institute's scientific performance and to submit reports based on these findings to the president of the Society. In these reports, it may recommend changes for the organization and allocation of resources among the Institute's departments and signal whether changes in the Institute's activities are called for. Hence, the Board both advises and evaluates with the aim of ensuring that, within the Max Planck Society, only research areas of current validity are addressed at the highest international level. In this way, the Scientific Advisory Board makes a major contribution to discussions of future prospects and strategy at the Max Planck Society. This evaluation procedure forms the backbone of the Society's system of self-monitoring. It is also a means of demonstrating accountability to the public with respect to the appropriate and effective use of public funding. [cf. Evaluation – The procedures of the Max Planck Society, Max Planck Society for the Advancement of Science, September 2019].

Regular evaluations are conducted every three years, extended evaluations every six years. The chairperson and members of the Scientific Advisory Board are appointed by the president of the Max Planck Society on the basis of suggestions from the Institute's directors. As a rule, the term of office for an advisory board

member is six years; under certain circumstances, this period in office may be extended for one additional three-year period.

The members of the Scientific Advisory Board at the Max Planck Institute for the Study of Crime, Security and Law are internationally recognized researchers with positions at universities and research facilities in Germany, Europe, and abroad. They represent the criminal law sciences, public law, and criminology.

PROF. DR. LUCIA ZEDNER (CHAIRPERSON)

All Souls College, University of Oxford

PROF. I.R. DR. DIETER DÖLLING

Managing Director of the Institute of Criminology, Heidelberg University

PROF. DR. TIMOTHY ENDICOTT

All Souls College, University of Oxford

PROF. DR. ARMIN ENGLÄNDER

Chair of Criminal Law and Procedure, Legal Philosophy, and Sociology of Law, Ludwig-Maximilians-Universität München (LMU Munich)

PROF. DR. CHRISTOPHER GUSY

Chair of Public Law, Political Science, and Constitutional History, Bielefeld University

PROF. DR. TILO HARTMANN

Faculty of Social Sciences, Vrije Universiteit
Amsterdam

PROF. DR. SHANE JOHNSON

Jill Dando Institute, University College London

PROF. DR. SUSANNE KARSTEDT

School of Criminology and Criminal Justice,
Griffith University, Brisbane

PROF. DR. GREG POGARSKY

School of Criminal Justice, State University
of New York, Albany

PROF. DR. KIM LANE SCHEPPELE

Laurance S. Rockefeller Professor of Sociology and
International Affairs in the Princeton School of Public
and International Affairs and the University Center for
Human Values, Princeton University

PROF. DR. FRANCESCO VIGANÓ

"Angelo Sraffa" Department of Legal Studies, Bocconi
University, Milan

PROF. DR. BETTINA WEISSER

Director of the Institute for Foreign and International
Criminal Law, Faculty of Law, University of Cologne

XVII. BOARD OF TRUSTEES

The primary responsibility of the Board of Trustees is to promote ties between the Institute and the public – especially those individuals and institutions with a particular interest in the research undertaken at the MPI-CSL. The Board thereby assumes a key role as ambassador for institute affairs and fosters interaction in the institutes' scientific and social environments. It is responsible for fostering the trust of the general public in the work conducted at our Institute, which is independent and autonomous in the selection and execution of its research pursuits. It also functions as an intermediary for issues of Institute concern. Another key task of the Board is to highlight the scientific achievements of our researchers. Conversely, the Board also conveys external concerns to us; it establishes contacts and advises Institute and Max Planck Society management when major social and science-policy developments are imminent.

The Board is comprised of high-ranking representatives of the judiciary and the fields of politics, science, and the media and of other individuals who are in a position to provide significant support to the MPI-CSL. The term of office on the Board is six years. Trustees are appointed by the president of the Max Planck Society based on recommendations from the Institute's directors.

At the end of 2021, the terms of a significant number of board members came to an end. Until then the Board of Trustees had been composed of:

DR. WOLFGANG HECKENBERGER (CHAIRPERSON)

Senior Competition Advisor, Siemens AG, Munich

PROF. DR. DR. H.C. ANGELIKA NUSSBERGER (VICE CHAIRPERSON)

Director, Institute of Eastern European Law, University of Cologne

DR. KATARINA BARLEY

Vice President, European Parliament, Strasbourg

PROF. DR. BARON SERGE BRAMMERTZ

Chief Prosecutor, International Residual Mechanism for Criminal Tribunals, The Hague

ACHIM BRAUNEISEN

Chief Public Prosecutor, Stuttgart

PROF. DR. DR. H.C. THOMAS VON DANWITZ

President, Court of Justice of the European Union, Luxembourg City

DR. PETER FRANK

Chief Federal Prosecutor, Federal Court of Justice, Karlsruhe

PETER HÄBERLE

Chief Public Prosecutor, Karlsruhe

DR. CHRISTIAN H. HODEIGE

Publisher, Badische Zeitung Group, Freiburg i.Br.

DR. CHRISTINE HOHMANN-DENNHARDT

Former Member of the Board, Volkswagen AG, Kehlheim

MARTIN HORN

Chief Mayor of the City of Freiburg i.Br.

PROF. DR. CHRISTINE LANGENFELD

Justice, Federal Constitutional Court, Karlsruhe

BETTINA LIMPERG

President, Federal Court of Justice, Karlsruhe

HOLGER MÜNCH

President, Federal Criminal Police Office, Wiesbaden

PROF. DR. HERIBERT PRANTL

Columnist and author, Süddeutsche Zeitung, Munich

As of mid-2022, the Board of Trustees consists of the following members:

ACHIM BRAUNEISEN

Chief Public Prosecutor, Stuttgart

PROF. DR. DR. H.C. THOMAS VON DANWITZ

President, Court of Justice of the European Union, Luxembourg

DR. PETER FRANK

Chief Federal Prosecutor, Federal Court of Justice, Karlsruhe

MARION GENTGES

Minister of Justice and Migration of the State of Baden-Württemberg, Stuttgart

PETER HÄBERLE

Chief Public Prosecutor, Karlsruhe

MARTIN HORN

Chief Mayor of the City of Freiburg i.Br.

PROF. DR. CHRISTINE LANGENFELD

Justice, Federal Constitutional Court, Karlsruhe

BETTINA LIMPERG

President, Federal Court of Justice, Karlsruhe

HOLGER MÜNCH

President, Federal Criminal Police Office, Wiesbaden

PROF. DR. ANJA SEIBERT-FOHR, LL.M. (GWU)

Hengstberger Professor of Public Law, International Law and Human Rights, Director of the Institute for Constitutional Law and Philosophy of Law, Heidelberg University; Judge at the European Court of Human Rights, Strasbourg

FRANZ SEMLING

Chief of Police, Police Headquarters, Freiburg i. Br.

DR. RONEN STEINKE

Legal Affairs Editor, Süddeutsche Zeitung, Berlin

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A. PERSONAL PROFILES

PROF. DR. DR. H.C. MULT. HANS-JÖRG ALBRECHT

Director emeritus, Criminology

Prof. Dr. Dr. h.c. mult. Hans-Jörg Albrecht is a director emeritus at the Institute and an honorary professor and faculty member at the law faculty and the Faculty of Philosophy of the University of Freiburg. He is a guest professor at the Center for Criminal Law and Criminal Justice at the China University of Political Science and Law and at the law faculties of Hainan University, Renmin University, Wuhan University, Beijing Normal University, and Dalian Ocean University.

His research interests range from sentencing theory, juvenile crime and justice, drug policy, and environmental and organized crime to evaluative research on the role of criminal justice in transitional legal systems. He has authored, co-authored, and edited numerous works, including volumes on sentencing, day-fines, recidivism, child abuse and neglect, drug policies, and victimization.



Photo: Markus Herb © MPI-CSL



photo: Baschi Bender © MPI-CSL

JAMES MICHAEL ANGOVE, PH.D.

Senior Researcher, Public Law

James Angove's research focuses on security, terrorism, stochastic terrorism, philosophy, freedom, language, right-wing extremism, and democracy.

James Angove is a senior researcher in the Public Law Department. Before joining the Institute he was a post-doctoral researcher at the Faculty of Law, University of Oxford, in the Cameroon Conflict Research Group. He investigated human rights abuses, self-determination claims, and concepts of political liberty. From September 2017 until July 2020 he was a lecturer in moral and political philosophy in the same faculty and gave lectures on the topic of liberty and tutored students. From October 2012 until July 2017, Angove undertook a Ph.D. in philosophy at the University of Kent. His thesis, "Rethinking Analyticity: A defence of philosophy as a conceptual discipline", concerning topics in metaphilosophy, philosophy of language, and normativity, was passed with no corrections. From September 2011 until August 2012, he took the master's in philosophy at The St Andrews/Stirling Graduate Programme (distinction awarded).

PROF. DR. JÖRG ARNOLD

Research Group Leader, Criminal Law

Dr. Jörg Arnold's current research interests lie in the development of criminal defense, European criminal defense, right-wing radicalism and criminal law as well as triage during the pandemic. In 2005, he accepted an appointment as honorary professor at the University of Münster. He has been a research group leader at the Institute since 1995. In 1994 and 1995, Professor Arnold carried out a substitute professorship at the University of Frankfurt a. M. In 1994, he was appointed senior lecturer (Privatdozent) at the Humboldt-Universität zu Berlin (HU).

Arnold joined the Institute as a researcher in 1991. In 1990 and 1991, he was a senior research assistant at the HU, after having earned his postdoctoral lecturing qualification at the HU (Habilitation) in 1989. In 1986, he received his doctorate from the HU. From 1982 to 1989, Arnold served as a judge in the GDR. Prior to this appointment, he received his master's-level law degree (Diplom-Jurist) in 1981, after having studied law at the HU from 1977 to 1981. He had worked as a trainee in the Dresden judiciary until taking up his studies in 1977, having completed his baccalaureate and university entrance qualification in 1975.



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EFTYCHIA-VENETIA BAMPASIKA, LL.M.

Doctoral Researcher, Otto Hahn Research Group "Alternative and Informal Systems of Crime Control and Criminal Justice"

Eftychia-Venetia Bampasika has been a doctoral researcher at the Max Planck Institute for the Study of Crime, Security and Law since 2020. She is a doctoral candidate at the University of Würzburg. She completed the LL.M. program at the law faculty of the University of Munich in 2020.

Eftychia Bampasika obtained her law degree at the law faculty of the University of Athens and completed her internship at the Hellenic Data Protection Authority in 2017. Since 2019 she has been a member of the Athens Bar Association.

TIMOTHY BARNUM, PH.D.

Senior Researcher, Criminology

Tim Barnum is currently a senior researcher at the Institute in the Department of Criminology. He works in the CRIMELab, heading the virtual reality project "A Virtual Night Out at the Pub." Tim's research examines offender decision-making, individual and situational determinants of criminal perceptions and attitudes and incorporates novel methodologies for testing criminological theory. His current research examines how emotional states interact with situational characteristics of criminal opportunities to shape crime decisions.

In 2018, Tim Barnum received his Ph.D. in Criminology and Criminal Justice from the School of Criminology and Criminal Justice at the University of Nebraska, Omaha.



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RAPHAËL BEAUREGARD-LACROIX, LL.M.

Researcher, Public Law

Raphaël Beauregard-Lacroix is an S.J.D. candidate at the University of Michigan Law School. He earned his first degree in law from Sciences Po Paris Law School and completed his LL.M. at the University of Michigan Law School in 2019. Beauregard-Lacroix's dissertation project analyzes the historical development of European data protection law, from the 1970s to today, in an attempt to understand the constitutionalization process it is currently undergoing.

Raphaël Beauregard-Lacroix is currently working as a researcher in the Department of Public Law. His current focus is the revision of an English-language edited volume on German constitutional law in a transnational perspective.

DR. EMMANOUIL BILLIS, LL.M.

*Research Group Leader, Otto Hahn Research Group
“Alternative and Informal Systems of Crime Control
and Criminal Justice”*

Dr. Emmanouil Billis has been Otto Hahn Research Group Leader at the Max Planck Institute for the Study of Crime, Security and Law since 2020. He has been working as a researcher and senior researcher at the Institute since 2010. From 2012 to 2014, he was a doctoral candidate at the law faculty of the University of Freiburg. For his doctoral thesis, he was distinguished with the Max Planck Society’s Otto Hahn Medal and Otto Hahn Award in 2016.

He completed the LL.M. program of the law faculty of the University of Bonn in 2009 and the Master of Criminal Law program of the law faculty of the University of Athens in 2008. Emmanouil Billis studied law at the Law Faculty of the University of Thrace from 2001 to 2005 and has been a member of the Athens Bar Association since 2007.



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MORTEN BOE, LL.M.

Doctoral Researcher, Criminal Law

Morten Boe’s research focuses on the foundations and core concepts of criminal law. His curiosity extends further to the dynamic field of international criminal law and more specifically the relationship between the presumption of innocence and judicial impartiality.

Since October 2020, Boe has been a doctoral researcher in the Criminal Law Department, supervised by Prof. Dr. Tatjana Hörnle, M.A. (Rutgers). After graduating in law at the Humboldt-Universität zu Berlin in 2019, he completed a Master of Laws (LL.M.) in International Criminal and Transnational Criminal Law at the University of Amsterdam. During his undergraduate studies, he benefitted from a one-year Erasmus Exchange at the Queen Mary University of London.

DANIEL BUCHMANN

Doctoral Researcher, Public Law

Daniel Buchmann's research interests include constitutional law, fundamental rights, philosophy of law, digitalization, law and psychology, and legal theory.

After studying law at Humboldt-Universität zu Berlin from 2014 to 2019 – receiving a scholarship from Studienstiftung des deutschen Volkes from 2015 to 2019 – he took the first state examination in law in 2019. In November 2020, he began working as a doctoral researcher at the Public Law Department of the Institute, where he has since been pursuing his dissertation thesis under the supervision of Prof. Ralf Poscher.



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DR. IVÓ COCA-VILA

Senior Researcher, Criminal Law

Ivó Coca-Vila joined the Max Planck Institute for the Study of Crime, Security and Law in 2020 as senior researcher, having previously worked as research assistant at the University of Freiburg. After receiving his Ph.D. (Extraordinary Award) from Pompeu Fabra University (UPF), he was appointed a postdoc fellow by the Alexander von Humboldt Foundation in 2017. Since 2022 he has held a tenure-track position (Ramón y Cajal Fellowship) at the law department of the UPF.

He is the author of two books and his articles have been published in some of the most prestigious German (Goltdammer's Archiv; Zeitschrift für die gesamte Strafrechtswissenschaft), Anglo-American (Criminal Law & Philosophy; Journal of Applied Philosophy), and Spanish (InDret) journals dedicated to criminal law theory and philosophy.

Ivó Coca-Vila's research focuses mainly on philosophical foundations of criminal law, transnational criminal law theory, and ethics and criminal law.

DR. FEDERICA COPPOLA

Senior Researcher, Criminal Law

Federica Coppola is a senior researcher in the Department of Criminal Law at the Max Planck Institute for the Study of Crime, Security and Law, having joined the Institute in April 2021. From 2017 to 2020, she was the Robert A. Burt Presidential Scholar in Society and Neuroscience at the Center for Science and Society at Columbia University. In conjunction with this position, she lectured in law at Columbia Law School and researched as a postdoc in the Social Relations Lab & the Center for Justice at the Department of Psychology at Columbia University.

Dr. Coppola holds a Ph.D. in law (2017) and an LL.M in Comparative, European and International Laws (2014) from the European University Institute, and a summa cum laude Juris Doctor degree from University of Bologna Law School (2010). Dr. Coppola is an expert in criminal law theory, theory of punishment, neurolaw, criminal justice, restorative justice, incarceration, and human/constitutional rights.



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MANUEL CORDES

Doctoral Researcher, Criminal Law

Manuel Cordes' research focuses on theories of moral and criminal responsibility – especially concepts of reasons-responsiveness – and their relationship to empirical findings in social psychology.

In August 2021, Manuel Cordes joined the Criminal Law Department at the Institute in order to write a doctoral dissertation about "Situationism and Criminal Responsibility" under the supervision of Prof. Tatjana Hörnle.

He studied law from 2015 to 2021 at the University of Bonn, specializing in criminal law and criminology. He was awarded a scholarship by the German Academic Scholarship Foundation (Studienstiftung des deutschen Volkes). During his time at university, he worked as a student assistant at the Institute for Criminal Law headed by Prof. Urs Kindhäuser and as a research assistant in a law firm specializing in administrative and constitutional law.

RAFAEL GIORGIO DALLA BARBA, LL.M. (UNISINOS)

Doctoral Researcher, Public Law

Rafael Giorgio Dalla Barba's research interests revolve around the area of legal philosophy, more particularly on the interdisciplinary relationship between legal hermeneutics and moral philosophy as disciplines sharing the common question: the adjudication of the so-called "hard cases".

He is research assistant in the Public Law Department, scholarship holder of the Foundation of German Business (Stiftung der Deutschen Wirtschaft – SDW), and doctoral student at the University of Freiburg. He also has a Master of Law (LL.M.) with a scholarship from the Academic Excellence Program (CAPES/Proex) and a Bachelor of Laws (LL.B.) from Unisinos University. In addition, he is a member of the Brazilian Bar Association (OAB/RS n°. 102.395).



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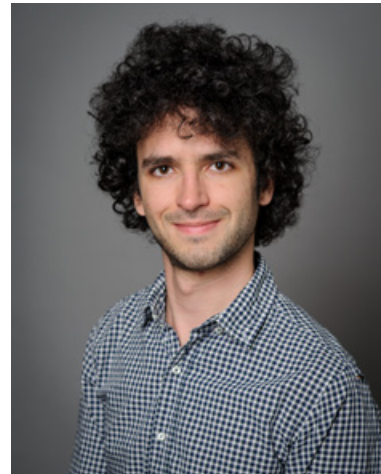


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BENOÎT DE COURSON

Doctoral Researcher, Criminology

Benoît de Courson is currently a doctoral student in social science at the Institute. His research employs agent-based modelling to explore why poverty generates violent crime at the neighborhood level.

Prior to joining the Institute, Benoît de Courson studied in Paris at the École Normale Supérieure and completed a master in mathematics at Sorbonne University.

JESSICA DEITZER, PH.D.

Postdoc, Criminology

Jessica Deitzer received her Ph.D. in criminology from the University of Maryland in 2020 before coming to the Institute as a postdoc. She was a Visiting Scholar at the University of Cambridge's Institute of Criminology.

Deitzer's research focuses on how the interaction between environment and decision-making impacts crime and delinquency. That is, she studies how people's environment, peers, and situational context change the ways people make decisions and, conversely, how the ways people make decisions change their environment, peers, and situational context. Examples of this include studying how harsh and unpredictable environments lead adolescents to focus on the present, which is linked with later delinquency, how the number of peers present changes whether a person opts in or out of an offense, and how gender alters how women navigate drug markets.



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PD DR. MARC ENGELHART

*Research Group Leader, Otto Hahn Research Group
"Architecture of Security Law"*

Marc Engelhart holds a deputy professorship of criminal law at the University of Freiburg. He is an international expert in economic crime, security studies, and comparative criminal law.

He was Research Group Leader of the Otto Hahn Group focused on "the architecture of public security legislation" at the Max Planck Institute in Freiburg from 2015 to 2021. From 2019 to 2022 he held deputy professorships at the Ludwig Maximilians University Munich and the Goethe University Frankfurt a. M. In 2014/2015 he was a visiting scholar at the University of Cambridge and at the University of Oxford. He has been a practicing lawyer since 2006.

Marc Engelhart studied law at the University of Freiburg and at the University of Edinburgh. His doctoral thesis on "Corporate Criminal Liability and Compliance Measures" was distinguished with the Otto Hahn Medal and the Otto Hahn Award by the Max Planck Society in 2011. In 2021, he completed his Habilitation thesis on "Criminal Law between Prevention and Repression" and he has been awarded the postdoctoral lecturing qualification for German, European, and international criminal law and criminal procedure law, economic criminal law, and comparative criminal law.

PROF. DR. DR. H.C. MULT. ALBIN ESER, M.C.J. (NYU)

Director emeritus, Criminal Law

Professor Eser has been Director emeritus at the Institute since 2003 and is also professor emeritus at the law faculty of the University of Freiburg.

Professor Eser joined the Institute and the law faculty in 1982, after having held professorships for German and comparative criminal law and procedure at the University of Tübingen (from 1974) and at Bielefeld University (from 1970). Alongside his university career, he served as judge at the International Criminal Tribunal for the former Yugoslavia in The Hague (2004–2006) and as part-time judge at the Regional Appeals Courts of Hamm/Westphalia (1971–1974) and Stuttgart (1974–1988). Before he was awarded the degree of Dr. iur. utr. from the University of Würzburg in 1962; he had earned the Master of Comparative Jurisprudence (M.C.J.) from New York University (1960/61).

His main research focus in 2020–2022 was on international criminal justice, and killing in war, and peace as the ultimate goal of criminal justice.

For further details, see Albin Eser, Stationen und Tätigkeiten, available at www.freidok.uni-freiburg.de/data/151202.



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CÉLINE CATHÉRINE FELDMANN

Doctoral Researcher, Criminal Law

Céline Feldmann's research focuses on sexual assault/rape law, negligence, empirical findings concerning sexual communication and sexual conduct, criminal law, and feminism.

In May 2021, Feldmann joined the Criminal Law Department at the Max Planck Institute for the Study of Crime, Security and Law to pursue her Ph.D., which she started at Humboldt-Universität zu Berlin in 2019 under the supervision of Prof. Dr. Tatjana Hörnle. Feldmann explores the following question: "Should sec. 177 German Criminal Code be extended to include negligent acts?". She was awarded a scholarship for her Ph.D. studies by the German Academic Scholarship Foundation (Studienstiftung des Deutschen Volkes) in April 2020.

From 2014 to 2019, Céline Feldmann studied law at Humboldt-Universität zu Berlin, specializing in human rights, antidiscrimination law, criminology, law and philosophy, and in law and social theory at King's College in London. She was awarded a scholarship for her legal studies by the Friedrich Ebert Foundation.

ERAN FISH, PH.D.

Senior Researcher, Public Law

Eran Fish has a Ph.D. in philosophy from the Hebrew University of Jerusalem, an LL.M. from NYU Law School, and B.A. and LL.B. degrees from the honors program and Faculty of Law at the University of Haifa. Fish clerked at the Haifa District Court and was admitted to the Israeli Bar. Before joining the Institute, Eran Fish was a postdoc fellow in philosophy at LMU in Munich. He has taught courses in both law and philosophy at the Hebrew University, the University of Bern, and the University of Lucerne.

Eran Fish conducts research primarily in the areas of anti-terrorism law, human rights, and moral and political philosophy.



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MATTHEW P. FOX, PH.D. (UCLA)

Postdoc, Criminal Law

Matthew Fox is a postdoc in the Department of Criminal Law at the Max Planck Institute for the Study of Crime, Security and Law. He is a sociologist of criminal law whose research also addresses comparative and international criminal law, corruption, jury procedure and lay participation in courts, legal diffusion, and the sociology of knowledge.

Fox holds a Master of Arts in criminology from the University of Pennsylvania and a Doctor of Philosophy in sociology from the University of California, Los Angeles (UCLA). He has taught at UCLA, the State University of New York at Brockport, and at National Taipei University's Graduate School of Criminology.

DR. WILLEM FRANKENHUIS

Senior Researcher, Criminology

Dr. Willem Frankenhuis is an associate professor of psychology at Utrecht University in the Netherlands and has been a senior researcher at the Institute since September 2020.

In December 2012, he joined the Department of Developmental Psychology of the Behavioural Science Institute at Radboud University in the Netherlands as an assistant professor, where he became associate professor in January 2018. In 2012, he was awarded a Ph.D. in biological anthropology by the University of California, Los Angeles, before becoming a postdoctoral researcher in the Cognitive Development Center of the Central European University in Budapest, Hungary. Willem Frankenhuis obtained a Psychology B.Sc. (2005), Psychology M.Sc. (2006), and Philosophy M.A. (2006) from the University of Amsterdam.



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NATALIE GEHRINGER, M.A.

*Doctoral Researcher, Independent Research Group
“Space, Contexts, and Crime”*

Natalie Gehringer has been a doctoral researcher at the Institute in the Independent Research Group “Space, Contexts, and Crime” since August 2021. Her research focuses on intimate partner violence and gender-based violence. She received her master’s degree in sociology from the University of Freiburg in 2021.

From 2014 to 2018, she studied social sciences at the University of Augsburg, where she earned a bachelor’s degree.

DR. DOMINIK GERSTNER

Postdoc, Criminology

Dr. Gerstner is a postdoc and leads the Virtual Burglary Project. His current focus is on the analysis of eye-tracking data and spatial data from virtual reality experiments conducted with incarcerated burglars. He received his doctoral degree in sociology from the University of Freiburg. His dissertation used social network analysis to examine juvenile delinquency in the context of friendship networks, using data from the MPI School Survey 2011.

At the Institute, Gerstner also headed a project evaluating applied predictive policing technology in the federal state of Baden-Württemberg. As a researcher, he has also contributed to projects on spatial crime patterns and security and on life satisfaction in neighborhood settings. He holds a master's degree in sociology and cultural anthropology.



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DIPL. IUR. SAMUEL HARTWIG

Doctoral Researcher, Public Law

Samuel Hartwig has been working at the Institute as a doctoral researcher since October 2019. His dissertation project deals with the deprivation of nationality in the fight against terrorism. His main research focus is, therefore, nationality law, public international law, and German constitutional law. In addition, he is also interested in matters of EU law, specifically the European Border and Coast Guard Agency (Frontex).

Before joining the Institute, Hartwig studied law at the University of Göttingen from April 2013 to June 2019. After finishing school in 2011, he spent 14 months as a volunteer in the German Navy.

CARINA HASITZKA

*Doctoral Researcher, Independent Research Group
“Space, Contexts, and Crime”*

Carina Hasitzka has been a Ph.D. student in the Independent Research Group “Space, Contexts, and Crime,” since July 2022 having joined the Institute in September 2021 as a research assistant. Her research focuses on spatial crime analysis and advanced crime mapping using geographic information systems (GIS).

Prior to joining the Institute, Hasitzka received her Master of Science in cartography and geographic information science from the University of Vienna in October 2021.



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SHAINA HERMAN

Researcher, Criminology

Shaina Herman is currently a researcher in the Department of Criminology. She is finalizing her Ph.D. in Criminal Justice from the University at Albany, SUNY. Herman works in the MAXLab, heading the virtual reality project “A Virtual Night Out at the Pub” (otherwise referred to as the “Virtual Bar Fight Project”). She is a recipient of the Eliot H. Lumbard Award for Academic Excellence (2020).

Herman’s research focuses broadly on understanding how situational factors and individual differences interact to inform immediate perceptions of criminal opportunities and subsequent offending behavior. Her main focus is understanding the deterrent power of situational moral evaluations and how to leverage such appraisals for policy. Shaina serves as the Managing Editor of *Criminology*, the field’s flagship journal.

DR. IUR. DR. PHIL. PHILIPP-ALEXANDER HIRSCH

*Research Group Leader, Independent Research Group
“Theory of Criminal Law”*

In his research, Philipp-Alexander Hirsch is particularly interested in the foundations of criminal law. One focus is criminal law theory, understood as an analysis of criminal law and its doctrine that centers on the underlying normative structures and principles in order to assess their coherence, justifiability, and persuasiveness. In addition, his research is concerned with doctrinal and methodological questions as well as the intellectual history and philosophical aspects of criminal law. He has been leader of the Independent Research Group on criminal law theory since May 1, 2022. Before that (2018–2022), he was an assistant professor of criminal law at the Institute of Criminal Law and Justice at the University of Göttingen (Chair of Prof. Dr. Uwe Murmann) and a lecturer in the Department of Philosophy at the University of Göttingen.

From 2015 to 2018, he completed his legal preparatory service (Referendariat) at the Braunschweig Higher Regional Court (Oberlandesgericht). He earned a doctorate in law (Doktor der Rechte) in 2020 and a doctorate in philosophy in 2016, both from the University of Göttingen. Prior to his doctoral studies, he studied law and philosophy at the University of Göttingen, the University of Vienna, and the University of Toronto.



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DR. JAKOB HOHNERLEIN

Senior Researcher, Public Law

Before joining the Institute in 2022, Dr. Hohnerlein worked as an assistant for a lawyer in Berlin and completed his legal preparatory service (Referendariat) from 2018 to 2020 at the Berlin Higher Regional Court (Kammergericht), with internships at the German Federal Ministry for Economic Cooperation and Development (BMZ), the Gesellschaft für Freiheitsrechte, and the European Court of Human Rights. In 2019 he obtained a doctorate in law at the University of Freiburg with a thesis entitled “Recht und demokratische Reversibilität” (“Law and Democratic Reversibility”).

From 2014 to 2019, Dr. Hohnerlein worked as a research assistant to Prof. Ralf Poscher at the University of Freiburg. From 2008 to 2015 he studied law and earned a B.A. in Political Science/History, attending the University of Konstanz, the University of Freiburg, and the Universidad Autónoma de Madrid. His research interests include constitutional and international human rights law, general structures of administrative law, public security law, and legal and political theory.

SOPHIE-MARIE HUMBERT

Doctoral Researcher, Criminal Law

Sophie-Marie Humbert is a doctoral researcher in the Criminal Law Department at the Institute, where she has been working on her dissertation on surrogacy since September 2019. Her research interests include criminal law, medical law/reproductive medicine, and interdisciplinary research (law, ethics, empirics). Before and partially during her employment at the Institute (February 2019–August 2020), she worked as a research assistant at Gansel Rechtsanwälte, a law firm in Berlin specialized in consumer and insurance law.

Humbert received her law degree (first state examination) in September 2018 after having studied law at Humboldt-Universität zu Berlin (2013–2018). During this time, she also worked as a student assistant at the above-mentioned law firm (October 2016–October 2017).



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DR. KONSTANZE JARVERS

Senior Researcher, Criminal Law

Dr. Jarvers is senior researcher at the Institute and has been the deputy head of the expert opinions unit since 2014. Her research focuses on Italian criminal law, criminal procedure, and prison law as well as on comparative law, alternative dispute resolution in criminal law, incest, femicide and, more generally, on domestic and gender-based violence. She was head of the section "Italy and Greece" at the Institute from 1999 to 2019.

In 2013, Dr. Jarvers was bestowed with a badge for the order of merit of the Italian Republic (Order of the Star of Italy). In 2007, she was awarded a doctorate from the University of Freiburg for her dissertation on widespread and petty crime as dealt with by Italian justices of the peace. Before joining the Institute, Dr. Jarvers worked in the legal department of a private bank. She began studying law in 1983 and took her first and second state examinations in 1990 and 1994, respectively.

FLORIAN KAISER, M.A.

*Senior Researcher, Independent Research Group
“Space, Contexts, and Crime”*

Florian Kaiser started as a senior researcher at the Institute in the Independent Research Group “Space, Contexts, and Crime” in March 2022. Shortly before joining the Institute, he submitted his dissertation to the Department of Sociology at Bielefeld University. During his dissertation period, he worked as a research associate at the Institute of Criminology of the University of Münster.

Kaiser’s research interests include criminological theories, research on criminal sanctioning effects, social indicators research (e.g., research on fear of crime, social trust, and psychological well-being), and quantitative data analysis.



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DR. SOFIYA KARTALOVA

Postdoc, Public Law

Sofiya Kartalova has been employed in the Department of Public Law since December 2020 (currently as a postdoc). In December 2021, Kartalova was awarded a doctoral title (Dr. Iur.) by the Faculty of Law at the University of Tübingen (Germany). She worked as a research assistant (Wissenschaftliche Mitarbeiterin) in the Research Training Group 1808: “Ambiguity – Production and Perception” at the University of Tübingen (2016–2020).

Kartalova completed an LL.M. in Professional Legal Practice (Flex) in 2015 and the Bar Professional Training Course in 2014 at BPP University (UK) as well as an LL.B. European Law in 2012 at Aberystwyth University (UK). In July 2014, she was called to the Bar of England and Wales. In 2010/2011, she participated in the Erasmus exchange program at Utrecht University.

Kartalova’s main research interests include EU law, rule of law, the EU rule of law crisis, intelligence information sharing, trust, and interdisciplinarity.

MARTHA BASAZIENW KASSA, LL.M. (HARVARD)

Doctoral Researcher, Public Law

Ms. Kassa is currently writing her Ph.D. dissertation under the supervision of Prof. Ralf Poscher. Her research interests include legitimacy of aims, the proportionality principle, counterterrorism, critical terrorism studies, and the European Court of Human Rights. She has extensive experience in legal and policy research and advocacy pertaining to a wide range of issues at the nexus of displacement, peace and security, and humanitarian assistance.

Kassa previously worked at the International Institute for Democracy and Electoral Assistance, the Norwegian Refugee Council African Union Liaison Office, and MERLIN International. She has also had the privilege to lecture at Addis Ababa University, School of Law and Governance. Kassa received a Master of Laws (LL.M.) from Harvard Law School in 2015. In her undergraduate studies, she specialized in public international law and international and African human rights law, graduating from Addis Ababa University School of Law "With Great Distinction" in 2012.



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DR. DR. H.C. MICHAEL KILCHLING

Senior Researcher, Public Law

Michael Kilchling is a senior researcher in the Institute's Department of Public Law and a lecturer at the University of Freiburg. Previously, he held the same position in the Department of Criminology of the former Institute (MPICC). His main research interests include security-related research, penal sanctions and correctional systems, victimology, restorative justice, confiscation and asset recovery, surveillance, and further procedural measures of investigation; the main focus of his current research activities is on state surveillance and the measurement of its impact.

Kilchling has contributed to a variety of international research projects and expert groups (national, European Union, Council of Europe, US). Past international teaching activities include lectures at the Catholic University of Leuven, where he also spent a term as a visiting professor in 2008, the Inter-University Centre in Dubrovnik, the University of Macau, and the University of Pécs, where he was awarded his doctor honoris causa in 2021.

SEBASTIAN L. KÜBEL, M.SC.

Doctoral Researcher, Criminology

Sebastian Kübel's main research interests are criminal decision making, short-term mindsets, the victim-offender overlap, time perception, time perspectives, and criminological theory. He joined the Department of Criminology in May 2020 as a Ph.D. student and works in the "CRIMETIME" project (project head: Prof. Dr. Dr. Jean-Louis van Gelder).

In his Ph.D. project, he examines the role of short-term mindsets in the victim-offender overlap and which (personal and environmental) factors condition short-term mindsets. For this purpose, Kübel uses longitudinal data from the Zurich Project on the Social Development from Childhood to Adulthood (z-proso). Prior to embarking on this project, Kübel investigated human time perception and time perspectives in Marc Wittmann's lab at the Institute for Frontier Areas of Psychology and Mental Health in Freiburg. In 2019, he obtained his master's degree in Clinical Psychology, Neurosciences and Rehabilitation Sciences from the University of Freiburg.



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LUKAS MARTIN LANDERER, LL.M. (DURHAM)

Doctoral Researcher, Public Law

Lukas Landerer is a doctoral researcher in the Department of Public Law. His thesis analyzes whether the European Anti-Money-Laundering (AML) framework violates fundamental privacy rights. To carry this out, he compares the AML framework with the rules regarding the retention of telecommunication data and strategic telecommunication surveillance and discusses the case law of constitutional courts on these issues.

Before he started his doctoral theses in November 2020, Landerer conducted his two-year legal preparatory service (Referendariat) at the Freiburg Regional Court (Landgericht) and subsequently passed the second state examination in law.

He studied at the University of Durham (UK) from 2017 to 2018, specializing in European Trade Law. Prior to this, he studied law at the University of Freiburg from 2012 to 2017, where he passed the first state examination.

DR. MAXIME LASSALLE

Guest Researcher, Criminal Law

Maxime Lassalle is an associate professor of private law and criminal law at the University of Burgundy (France). He was previously a postdoc at the Institute. He defended his Ph.D. in 2019 (University of Luxembourg, University Paris Nanterre). Lassalle was honored for his doctoral thesis with the Pierre Pescatore Award (University of Luxembourg), the Award from "Les entretiens d'Aguesseau", and the Award from the Association internationale de droit économique.

Dr. Lassalle's main research interests are white collar crime, comparative and European criminal procedure, data protection, and banking law.



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WILLIAM PATRICK MCCLANAHAN, PH.D.

Postdoc, Criminology

William (Patrick) McClanahan III is a postdoctoral researcher at the Institute, whose research harnesses the power of virtual reality and a sample of incarcerated offenders to assess criminal decision-making. His current project tests a new theory of criminal decision-making and provides a much-needed offender perspective for many traditional theories.

Before joining the Institute in 2021, Patrick completed his Ph.D. and M.Phil. in psychology at the University of Cambridge as a member of Clare Hall. During his M.Phil., his research focused on the interactions between friends, family, and on individual differences in juvenile offending. For his Ph.D., he used novel virtual reality methodologies to better understand criminal decision-making by combining individual differences with situational factors.

McClanahan's main research interests lie in the areas of decision-making, rational choice theory, offender research, virtual reality, perceptual deterrence, and offenders' perspectives.

LISA NATTER

*Doctoral Researcher, Independent Research Group
“Space, Contexts, and Crime”*

Lisa Natter has been a doctoral researcher in the Independent Research Group “Space, Contexts, and Crime” since December 2019 and is involved in the project “Crime, Insecurities, and Social Dynamics in Urban Neighborhoods”. Her work focuses on contextual influences on perceptions of insecurity at both local and larger societal levels, using (comparative) longitudinal survey data and applying random effects within-between model analysis. Her main research interests are spatial crime analysis, quantitative methods (especially multilevel analysis), and criminological theory.

Lisa Natter graduated from the University of Freiburg in 2019 with a master’s degree in sociology and from the University of Mannheim in 2016 with a bachelor’s degree in sociology.



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PROF. DR. DIETRICH OBERWITTLER

*Research Group Leader, Independent Research Group
“Space, Contexts, and Crime”*

Dietrich Oberwittler’s current research focuses on crime and communities, spatial crime analysis, victimization, and policing, and has in previous years included research on juvenile delinquency, homicide, and quantitative methods.

Dr. Oberwittler has been leader of the Independent Research Group “Space, Contexts, and Crime” since 2019. Since 2015, he has been an adjunct professor of sociology at the University of Freiburg and, in 2008, he was promoted to a W2 position (Research Group Leader) at the Max Planck Institute for Foreign and International Criminal Law. In 2006, he acquired his Habilitation (*venia legendi*) for sociology at the University of Bielefeld. From 2004 to 2006, he was a Marie Curie fellow at the Institute of Criminology of the University of Cambridge as a member of the PADS+ team led by Professor Per-Olof Wikström.

In 1998, Dietrich Oberwittler was awarded a doctoral degree (Dr. phil.) from the University of Trier. In 1997, he started as a senior researcher at the Max Planck Institute for Foreign and International Criminal Law. From 1984 to 1990, he studied social sciences and history at the University of Münster, the University of Bonn, and University College London.

LAURA PICK

Doctoral Researcher, Public Law

Laura Pick conducts research on classified information and how it affects other areas of the law. Her research interests include constitutional law, administrative law, democratic theory, and fundamental rights and freedom of information.

Before joining the Department of Public Law as a doctoral researcher, Laura Pick studied law in Heidelberg, Rome, and Münster.



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NATALIE POPOV

*Doctoral Researcher, Independent Research Group
“Personality, Identity, and Crime”*

Natalie Popov joined the Independent Research Group “Personality, Identity, and Crime” at the Institute in June 2022 as a Ph.D. student to work on the project “The core tendencies underlying individual differences in pro-social behavior”. Her research interests include pro-social behavior, latent factor modelling, and variables influencing individual decision-making.

She completed her master’s degree in psychology at the University of Ulm in 2022. During her master’s degree studies, she focused on statistical modelling in psychology. Popov earned her bachelor’s degree at the University of Konstanz. She also gained experience in various other research fields, including motor cognition and behavioral economics, as a student research assistant.

DR. CLARA RIGONI

Postdoc, Criminal Law

Clara Rigoni's main research interests are in the areas of criminal law in fragmented societies, honor-based violence, forced marriages, restorative justice, alternative dispute resolution, and organized crime.

Clara Rigoni has been a postdoc/senior researcher at the Institute since January 2020. Since 2019, she has been a regular visiting professor at the University of Trento. She previously worked as a postdoc at the Max Planck Institute for Social Anthropology (2019) and lectured at the University of Freiburg (2017–2020). Between 2013 and 2018, Clara Rigoni was a doctoral candidate at the Max Planck Institute for Foreign and International Criminal Law, conducting her doctoral work as part of the International Max Planck Research School on Retaliation, Mediation and Punishment. She holds a European Master in Human Rights and Democratisation from the European Inter-University Centre for Human Rights and Democratisation and Utrecht University (2013) and a master's in law from the University of Bologna (2011).



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DR. JOHANNA RINCEANU, LL.M. (WASHINGTON, D.C.)

Senior Researcher, Criminal Law

Dr. Rinceanu is a senior researcher at the Institute and responsible for international relations. Her research focuses are criminal procedure, comparative law, and human rights law. She studied law at the University of Freiburg (1993–1998) and at the George Washington University Law School in Washington, D.C. (1998–1999). She was awarded a Fulbright Scholarship for the latter. After obtaining her LL.M. in international law, she worked as a consultant in the legal department of The World Bank, Washington, D.C., USA (1999–2000).

Following her second state examination in 2002, Dr. Rinceanu earned her doctorate in 2007 at the Humboldt-Universität zu Berlin. She has been a lecturer at the University of Freiburg since the 2007/2008 winter semester. Dr. Rinceanu has published more than 50 papers in English, German, Italian, Portuguese, Romanian, and Turkish.

DR. NORA SCHEIDEGGER

Postdoc, Criminal Law

Dr. Nora Scheidegger is a postdoc at the Institute. In addition to her work at the Institute, Scheidegger is also a lecturer at the University of Lucerne, and is active in several associations (e.g., Swiss Restorative Justice Forum).

Prior to her current position, she was a senior assistant at the University of Bern and a researcher in the Inter-faculty Research Cooperation “Religious Conflicts and Coping Strategies” project (until 2020), investigating the role of the law as a potential coping strategy for religious conflicts. Before that, Scheidegger was a research assistant at the University of Bern (under Professor Martino Mona, Chair for Criminal Law) and received her doctorate from the University of Bern in 2018. Her doctoral thesis “Das Sexualstrafrecht der Schweiz. Grundlagen und Reformbedarf” was awarded the Walther Hug Prize in 2019. She received her Master of Law from the University of Bern in 2013.

Dr. Scheidegger’s research focus is the law of sexual offences (also from a comparative perspective) and the role of criminal law as a coping strategy for religious conflicts in times of sociocultural change. Other important subjects are the role of the victim in the criminal justice system and the possibilities and limits of restorative justice.



photo: Jan Holger Engberg



photo: private

PROF. DR. DR. H.C. MULT. ULRICH SIEBER

Director emeritus, Criminal Law

Prof. Dr. Dr. h.c. mult. Ulrich Sieber is director emeritus at the MPI-CSL and honorary professor at the universities of Freiburg and Munich. His research program was developed at the universities of Freiburg, Bayreuth, Würzburg, and Munich; it was further advanced under his directorship at the MPI for Foreign and International Criminal Law (2003–2019) and within the framework of the International Max Planck Research School that he launched in 2007. His program analyzes the fundamental changes in crime and crime control in the 21st century: globalization, digitalization, and new forms of risk prevention.

Internationally, Ulrich Sieber is active inter alia as vice president of each of the three major international associations for comparative (criminal) law: the AIDP, the IACL, and the SiDS. He was appointed guest professor at the University of Tokyo and the universities of Beijing, Beijing Normal, Renmin, and Wuhan. Ulrich Sieber has received nine honorary doctorates (most recently from Waseda University/Tokyo in 2019). In 2021, he was awarded the Beccaria Medal of the SiDS.

From 2019–2021, he worked as chair of a commission established by the MPG president to investigate misconduct within the MPG. In 2018, the Max Planck Society awarded him the *Communitas* Prize for his work on the ethical boundaries of security-related research.

ANIEK SIEZENGA

Doctoral Researcher, Criminology

Aniek Siezenga is a doctoral researcher at the Institute and affiliated with Leiden University in the Netherlands. Under the supervision of Prof. Dr. Dr. Jean-Louis van Gelder, her research is devoted to the ERC research program CRIMETIME. Her project focuses on the development and study of a virtual reality and smartphone app intervention in order to stimulate future-oriented mindsets.

Siezenga embarked on her Ph.D. at Leiden University in October 2020 and transferred to Freiburg in January 2022. Prior to working at the Institute, she worked as a teacher at Erasmus University in Rotterdam, as a therapist in a social team until 2020, and as a therapist in a center for outpatient forensic psychiatry (de Waag) until 2018. She completed her master's degree in clinical pedagogical sciences at the Erasmus University in Rotterdam in 2017.



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EMILY SILVERMAN, J.D. (BERKELEY LAW), LL.M.

Senior Researcher, Criminal Law

Emily Silverman is a senior researcher at the Institute. Her research focuses are artificial intelligence, U.S. criminal law and procedure, comparative criminal law, and legal translation. Until 2019, she was head of the Institute's sections USA and Canada (from 1999), German-English Translation (from 2000), and Israel (from 2011).

From 2011 to 2020, Emily Silverman was a coordinator of the International Max Planck Information System for Comparative Criminal Law (infocrim.org). She was on the works council from 2002 to 2006. In 1995, she was awarded an LL.M. (magna cum laude) for a comparative study of the rights of crime victims in Germany and the United States. Her J.D. is from the UC Berkeley School of Law (1991), and her B.A. (1986, biology/German, with honors) is from Washington University (St. Louis/USA).

JAN-MICHAEL SIMON

*International Scientific Outreach, Senior Researcher,
Criminal Law*

Mr. Simon's main research interest is on criminality of the powerful, with an emphasis on Latin America. His current research focuses on the concept of and discourse on corruption and impunity and its impact on the political system and the justice sector. It also looks at the impact on human rights and at the role of the international community in supporting societies in their fight against corruption and impunity.

A lawyer by training, Simon has been a researcher at the Institute since 2001. He regularly combines research with fieldwork, having a track record of over 25 years of continued and progressively more responsible roles in missions and cooperation programs led by, inter alia, the UN, the Organization of American States, the European Commission, and GIZ. He also regularly contributes to civil society initiatives.



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FLORIAN SLOGSNAT

Doctoral Researcher, Criminal Law

Florian Slogsnat is mainly interested in the foundations of criminal law and criminal procedure and their impact on the application of the law. Another focus of his research is the intersection of criminal law and constitutional law as well as current legal debates in politics.

Slogsnat joined the Institute as a doctoral researcher in the Department of Criminal Law in October 2020. From 2015 to 2020, he studied law at the University of Konstanz; he passed the first state examination.

DR. RANDALL STEPHENSON, LL.M.

Senior Researcher, Public Law

Randall Stephenson is a comparative public law and defamation scholar specializing in the intersections between press freedom, democratic theory, and networked accountability. His comparative research at the Department of Public Law evaluates global intelligence oversight by studying the impact of digital surveillance and variations in constitutional structure on networked accountability dynamics in modern democracies.

Randall obtained his D.Phil. (without revisions or corrections) at the University of Oxford. Before completing his doctorate, he practiced litigation as a senior associate at a leading law firm in Toronto, and studied under prominent First Amendment scholars and attorneys during his LL.M. studies at Columbia Law School. Randall was admitted to the Bar of Ontario in July 2003.



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ANTONIA STRECKE

Doctoral Researcher, Public Law

Antonia Strecke has been working as a doctoral researcher in the Department of Public Law since October 2019. In July 2019, she passed her first state law exam at the University of Freiburg.

From 2017 to 2019, she was a student assistant at the Institute for Political Science and Philosophy of Law, in the department headed by Prof. Dr. Ralf Poscher (Philosophy of Law). From 2015 to 2019, she was the recipient of a scholarship from the Rosa Luxemburg Foundation.

Strecke's primary research interests include constitutional law, police law, and anti-discrimination law.

DR. DR. H.C. SILVIA TELLENBACH

Senior Researcher, Criminal Law

Dr. Silvia Tellenbach's research interests include the criminal law of Turkey, Iran, and the Arab states; Islamic criminal law; constitutional law of the Near Eastern countries; religious/cultural diversity and German criminal law; and honor-based violence.

Following retirement in 2015, Dr. Silvia Tellenbach has continued to work at the Max Planck Institute under a part-time employment contract. She was head of the section "Turkey, Iran and the Arab States" from 1984 to 2015. Dr. Tellenbach obtained her doctorate in Islamic Studies after studying Islamic Studies in Freiburg and Cairo, which included learning Arabic, Turkish, and Persian (1977–1984). Prior to that, she had completed her legal traineeship in Freiburg (1974–1976), having passed the first and second state examinations in law (1974 and 1976, respectively) and having studied law in Göttingen, Tübingen, and Freiburg (1969–1974).



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DR. CARINA TETAL

Senior Researcher, Criminology

Dr. Carina Tetal has been a senior researcher in the Department of Criminology at the Institute since December 2006. She is head of the research project "Criminal Sanctions and Recidivism". Her research focuses on reconviction, the effect of punishment, and criminal careers.

In 2008, she received her doctoral degree in sociology from the University of Freiburg. Prior to earning her doctorate, she had already been working at the Institute as a researcher (since 1989). Dr. Tetal holds a university degree in mathematics and in sociology.

DR. ISABEL THIELMANN

*Research Group Leader, Independent Research Group
“Personality, Identity, and Crime”*

Isabel Thielmann is leader of the Independent Research Group “Personality, Identity, and Crime” at the Institute. Her research focuses on personality and individual differences (e.g., moral identity, personality change, personality judgments), moral vs. unethical behavior (e.g., cooperation, honesty vs. exploitation, dishonesty), and their interaction (e.g., how personality shapes moral behavior).

Prior to joining the institute in February 2022, Dr. Thielmann was a researcher and lecturer at the University of Koblenz-Landau, where she also acted as assistant professor for two years. In 2018, she joined the Amsterdam Cooperation Lab at the Vrije Universiteit Amsterdam as a postdoctoral fellow. She earned her Ph.D. in psychology at the University of Mannheim in 2015.



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CHRISTIAN THÖNNES

Doctoral Researcher, Public Law

The focus of Christian Thönnnes’ research is on security law, data protection law, legal automation, philosophy of mind, whistleblower protection law, and the law of state secrets.

He has been a doctoral researcher in the Department of Public Law since September 2021. Before that, he was a research associate for the law firm Freshfields Bruckhaus Deringer from April to July 2021 and for the Berlin-based strategic-litigation NGO “Gesellschaft für Freiheitsrechte” (Society for Civil Rights) from November 2017 to April 2021.

Christian Thönnnes studied law at Humboldt-Universität zu Berlin from September 2015 to April 2021 and at Paris 2 Panthéon-Assas University from September 2019 to April 2020, finishing his studies with a German law degree (Erstes Juristisches Staatsexamen).

DR. BENJAMIN VOGEL, LL.M. (CANTAB.)

Senior Researcher, Criminal Law

Benjamin Vogel's work incorporates methods and insights from comparative law, criminal law theory, and socio-legal research, focusing on concepts of culpability, on the role of private corporations in the criminal process, and on security law. Since 2016, Dr. Vogel has led a group of postdoctoral researchers dedicated to the area of money laundering law and terrorism financing law at the Institute, where he was also in charge of the section for English criminal law.

Before joining the Institute in 2013, he clerked at the Karlsruhe Higher Regional Court (Oberlandesgericht) and completed his doctorate as a German Academic Scholarship Foundation Doctoral Fellow. Vogel studied law at the Universities of Potsdam (first state examination), Paris X (Licence and Maîtrise en droit), and Cambridge (LL.M.), with internships at UN and diplomatic missions in Africa and Asia.



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THOMAS WAHL

Senior Researcher, Public Law

Thomas Wahl is a senior researcher in the Department of Public Law. His academic work is devoted to the legal instruments involving the EU area of freedom, security, and justice and the law of the Council of Europe, e.g., the ECHR. His focus is on judicial and police cooperation, extradition, procedural safeguards in criminal proceedings, data protection, and fighting terrorism. He has been part of numerous research projects that include experiences from practice.

Wahl is also Managing Editor of *eu crim* – a project that regularly informs the public on current developments in European law (<https://eu crim.eu>). Before joining the Institute in 2004, he studied law, including specific legal language training in French and Arabic, at the University of Passau. He worked in the KORSE project at the University of Freiburg from 2013 to 2015 and at the German Federal Office of Justice from 2009 to 2011.

LAURA LORENA WALLENFELS

Doctoral Researcher, Public Law

Laura Wallenfels is a doctoral researcher who examines the theoretical foundations and doctrinal structures of public security law. She is currently completing the German legal preparatory service at, inter alia, the Federal Constitutional Court. In 2016 she embarked on her dissertation project at the University of Freiburg with the title “Danger and general life risk”, initially at the University of Freiburg at the Institute of Political Science and Philosophy of Law under the direction of Prof. Dr. Ralf Poscher and, from November 2019, as a researcher at the Institute under the direction of Prof. Dr. Poscher.

Wallenfels passed the first state examination in law in 2016, achieving the second-highest score among all students from the University of Freiburg who took the exam. Her studies and her dissertation project were funded by the German Academic Scholarship Foundation.



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MARGARET WEBB

Doctoral Researcher, Criminology

Margaret Webb is currently a doctoral student in Clinical Psychology at the Institute and George Mason University (USA), supervised by Prof. Jean-Louis van Gelder. She is a graduate research fellow with the German Academic Exchange Service (DAAD) and the National Science Foundation (USA). Her research focuses on understanding and developing interventions that leverage the role of thinking about the future self in clinical disorders and delinquent behavior. She received her M.A. in clinical psychology from George Mason University in 2021. Prior to her Ph.D., Webb worked at Brown University, managing two suicide intervention studies with youth in the criminal-legal system. She received her PBC from Columbia University in 2018 and her B.S. and B.A. from the University of Connecticut in 2015.

MAJA WERNER

Doctoral Researcher, Public Law

Maja Werner's research interests lie primarily in the field of public security law and the legal framework it provides for the use of crime prediction technologies.

Werner has been working at the Institute since March 2020. Prior to that, she worked on police risk assessment procedures at the Saxony-Anhalt Police University of Applied Sciences in an application-oriented research project of the German Federal Criminal Police Office (BKA). From 2012 to 2017, Maja Werner studied law at Martin Luther University Halle-Wittenberg.



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DR. KATRIN WERNER-KAPPLER

Postdoc, Public Law

Katrin Werner-Kappler conducts research in the field of security law. Her special focus is on German constitutional and administrative law and on establishing references to international legal systems.

Werner-Kappler has been working as a postdoc in the Department of Public Law since March 2020. She is the elected academic staff member to the Scientific Council and a member of the SignUp! Career Program 2022. Before joining the Institute, she was a legal trainee in Saxony (2017–2020). From 2015 to 2017, she worked as a research assistant for the Chair of Prof. Dr. Dirk Hanschel for German, European and International Public Law at Martin Luther University Halle-Wittenberg. At the same time, she wrote her doctoral thesis at Martin Luther University Halle-Wittenberg on the topic "Persecution on the grounds of sexual orientation and gender identity as crimes against humanity."

Her research was awarded the "Förderpreis für Forschungsvorhaben mit Genderschwerpunkt" by the Ministry of Justice and Equality and the Koordinierungsstelle für Frauen- und Geschlechterforschung in Sachsen-Anhalt (Coordination Office for Women's and Gender Studies in Saxony-Anhalt). She completed her law studies in Leipzig and Oslo (2009–2015).

CLAUDIA WITTL

Doctoral Researcher, Criminal Law

Claudia Wittl's research is focused on legal theory and the philosophy of science. She has been working as a doctoral researcher at the Institute in Freiburg since 2019. Before that, she earned a master's degree (MLitt) in philosophy from the University of Glasgow in 2018, having completed her first state examination in law in 2017.

Wittl studied law at Humboldt-Universität zu Berlin from 2011 to 2017. During this time, she spent one year at the University of Geneva (2013–2014), where she acquired a Certificate in Transnational Law.



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DR. GUNDA WÖSSNER, DIPL.-PSYCH.

Senior Researcher, Criminology

Gunda Wössner is a psychologist and a senior researcher in the Department of Criminology. Her research activities focus on sexual (re)offending and violent (re)offending, offender rehabilitation, electronic monitoring, gender-based violence, and victimization. From 2015 to 2016, she held a position as a professor of psychology at the University of Applied Police Sciences, Baden-Württemberg. Prior to that, she had already worked at the Institute as a senior researcher and project head for many years (2006–2014).

In the years 2005 to 2006, Wössner worked at the University Hospital of Münster's Clinic for Psychiatry and Psychotherapy. In 2006, she received her doctoral degree for an empirical study that she conducted at the Max Planck Institute in Freiburg from 2001 to 2004.

DR. PETER WOZNIAK

Postdoc, Criminology, MAXLab Director

Peter Wozniak is currently postdoc and director of the virtual reality lab (MAXLab Freiburg) in the Institute's Department of Criminology. His scientific background is in computer science, and his interests lie in the fields of virtual reality, augmented reality, computer vision, range imaging, and 3D visualization.

Prior to joining the Institute, Wozniak worked as a research assistant at Offenburg University of Applied Sciences (2011–2019), becoming a doctoral candidate towards the end of this period. In addition to his studies, he also worked as a freelance cameraman and as a web and app developer.

In 2019, Dr. Wozniak received his doctoral degree in computer vision from the University of Strasbourg. Prior to that, he earned a Master of Science in Media Communication and a Bachelor of Science in Media and Information Engineering and Design from Offenburg University of Applied Sciences (2013 and 2010, respectively).



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BÜŞRA ELIF YELBUZ

*Doctoral Researcher, Independent Research Group
"Personality, Identity, and Crime"*

Büşra Elif Yelbuz is a doctoral researcher in the Independent Research Group "Personality, Identity, and Crime". Her research focuses on the personal and social factors influencing selectivity in prosocial/antisocial behavior and (un)ethical decision-making.

Before joining the Institute in September 2022, Büşra worked on a longitudinal research project funded by the Scientific and Technological Research Council of Turkey that assessed temporal changes in epistemically suspect beliefs. In 2022, she obtained her master's degree in psychology at Yasar University.

From 2018 to 2019, Büşra was a visiting scholar in the Motivational and Social Neuroscience Lab at the University of Oxford. In 2018, she received her bachelor's degree in psychology from İzmir University of Economics, where she also worked as a student research assistant.

EXTERNAL RESEARCHERS

PROF. DR. JOHANNES BUCHHEIM

Public Law

Johannes Buchheim has been a professor of public law and the law of digitalization (tenure track) at the University of Marburg since 2021. From 2019 to 2020, he worked as a judicial clerk at the Federal Constitutional Court of Germany for justices Johannes Masing and Ines Härtel. He was a visiting lecturer in German public law at King's College London from 2018 to 2019. From 2016 to 2018, he completed his legal preparatory service (Referendariat) at the Berlin Higher Regional Court (Kammergericht). He worked as a research and teaching fellow at Humboldt-Universität zu Berlin (Prof. Christoph Möllers) from 2016 to 2019, at Yale Law School (Prof. Oona Hathaway and Prof. Scott Shapiro) from 2015 to 2016, and at the University of Freiburg (Prof. Ralf Poscher) from 2013 to 2015. Johannes Buchheim earned a doctoral degree at the University of Freiburg in 2016 with a thesis entitled "Actio, Anspruch, subjektives Recht" ("Action-right, claim-right, subjective right") and an LL.M. at Yale Law School in 2016. He studied law in Freiburg from 2008 to 2013.

EDUARDO VANDRÉ GARCIA

Public Law

Eduardo Garcia's primary research interests include analytic philosophy, philosophy of language, adjudication, and contra legem decisions. He has been a doctoral student at the University of Freiburg since 2012.

Garcia has worked as a teacher at the Federal Judicial School in Porto Alegre, Brazil, since 1999, and has served as a Federal Judge at the 4th Circuit Court of Porto Alegre since 1993. From 1991 to 1996, he was professor of law at the Federal University of Rio Grande in Brazil.

FRIEDEMANN GROTH

Public Law

Since 2016, Friedemann Groth has been a doctoral candidate at the University of Freiburg. In 2021, he passed the second state examination in German law in Hamburg. From 2016 to 2018, he worked as a post-graduate assistant, first at the Institute for Staatswissenschaft and Philosophy of Law, and then at the Centre for Security and Society (Graduate Academy SERIOR), both at the University of Freiburg. In 2017, he was a visiting scholar at George Mason University, USA. In 2016, he passed his first state examination in law. Before that, he studied at the University of Freiburg and in Rome, and worked as an undergraduate research assistant. After working as an international volunteer at a migrant shelter in Mexico from 2009 to 2010, he also worked as a volunteer coordinator for the Internationaler Bund (until 2018).

PHILIPP JOHNER

Public Law

Philipp Johner's research interests are security law and digitalization. As of May 2022, he has been completing the first training period in his legal preparatory service at Dresden Regional Court (Landgericht) and a doctoral researcher at the University of Freiburg. The thesis, supervised by Prof. Poscher, deals with cyberattacks on the Federal Republic of Germany and the use of "hacks" as a defense measure.

From September 2018 to December 2021, he worked at the Centre for Security and Society at the University of Freiburg as a research assistant. Before this, Johner worked as a research assistant at the Center for Higher Education and University Employment Law at the University of Freiburg. There, he mainly worked on third-party funding projects related to security law, prepared expert opinions, and presented research results. From 2012 to 2017 he studied law at the University of Freiburg.

DR. PABLO CASTRO MIOZZO*Public Law*

Pablo Miozzo currently works as a federal prosecutor in Brazil (since 2007) and as a visiting professor at the University of Santa Cruz do Sul (since 2018).

He completed his doctorate in law at the University of Freiburg (2015–2021) with a thesis entitled “Soziale Grundrechte ohne Prinzipien und Abwägungen – Entwickelt am Beispiel des Rechts auf Sozialversicherung in Brasilien” (“Social Rights without Principles and Balancing – Exemplified by the Right to Social Insurance in Brazil”), under the supervision of Ralf Poscher.

From 2011 to 2013, he completed a Master of Laws at Federal University of Rio Grande do Sul with a thesis entitled “Interpretação Jurídica e criação judicial do Direito: de Savigny a Friedrich Müller” (“Legal interpretation and judicial creation of law – From Savigny to Friedrich Müller”).

He studied law from 2001 to 2005 at the Federal University of Rio Grande do Sul and obtained a Bachelor of Law with a thesis entitled “O princípio da proibição do retrocesso social como possibilidade de reconstrução da atividade do Estado: um contributo da hermenêutica filosófica” (“The principle of the prohibition of social regression as a possibility of reconstruction of the State’s activity – A contribution of philosophical hermeneutics”).

Miozzo’s research interests include public law, constitutional law, legal theory, legal philosophy, and social security law.

DIPL.-JUR. JULIA O’ROURKE, M.A.*Criminal Law*

Julia O’Rourke’s research focus is on punishment of attempts, criminal law theory, and legal philosophy. She began her legal traineeship at the Berlin Higher Regional Court (Kammergericht) in May 2022 and has been a doctoral researcher at Humboldt-Universität zu Berlin since December 2017, having taken her first state examination in law in Berlin in the same year.

From 2014 to 2017, O’Rourke was a law student at Humboldt-Universität zu Berlin. Before that, she studied legal and political theory at University College London and graduated with a Master of Arts. From 2010 to 2013 she studied law at the University of Passau, and from 2009 to 2013 she studied governance and public policy (Staatswissenschaften) at the University of Passau and graduated with a Bachelor of Arts.

MAX POSCHMANN*Public Law*

Max Poschmann’s research interest is legal philosophy with a particular focus on legal ethics and legal hermeneutics. In 2022, he took his second state examination in law. Before that, Max Poschmann was a law clerk at the Karlsruhe Higher Regional Court (Oberlandesgericht) and the German Federal Constitutional Court from 2020 to 2022. Since 2017, he has been a doctoral student in law at the University of Freiburg. From 2017 to 2020 he was a doctoral scholar of the Cusanuswerk.

In 2017, Poschmann took his first state examination in law, having studied law and philosophy in Heidelberg and Beijing (Peking University) from 2011 to 2017 with scholarships from the Cusanuswerk, the Studienstiftung des deutschen Volkes, and the Alfried Krupp von Bohlen und Halbach-Stiftung, among others.

SARAH PRAUNSMÄNDEL

Public Law

Sarah Praunsmändel's research interests lie primarily in the fields of administrative law, constitutional law, and sociology of law. Praunsmändel has worked as a research assistant at Goethe University Frankfurt since November 2021. Prior to this, she contributed as a research assistant to the interdisciplinary project "ZuRecht – Die Polizei in der offenen Gesellschaft", carried out by the Institute, the University of Freiburg, and the German Police University.

Since 2018, Praunsmändel has been a lecturer of public law at the University of Fulda. Between 2011 and 2018, Praunsmändel studied law at the University of Mainz and the University of Frankfurt. She is currently studying sociology.

FEDERICO LORENZO RAMAIOLI, PH.D.

Public Law

Federico Lorenzo Ramaioli conducts research in the fields of comparative law and philosophy of law. He focuses in particular on comparative constitutional law, taking into account culture-specific notions and how they interact with a Western legal framework. He devotes particular attention to East Asia and the Muslim world. His latest monograph ("Islamic State as a Legal Order", Routledge 2022) analyzes the juridical theorization of ISIS.

Ramaioli graduated in 2012 from the Catholic University of the Sacred Heart of Milan, where he was a research assistant for two years (2015–2016) under the Chair of Prof. Bruno Montanari (Philosophy of Law and Legal Methodology). Between 2019 and 2022, he conducted his doctoral work at the University of Freiburg, under the supervision of Prof. Ralf Poscher. He is also a lawyer and a diplomat, having served as Consul of the Italian Republic in Freiburg and presently serving as Deputy Head of Mission of the Italian Embassy in Doha, Qatar.

DR. BENJAMIN RUSTEBERG

Public Law

In his research, Dr. Benjamin Rusteberg engages with public security law, police law, and legal philosophy. From 2021 to 2022, he was a substitute professor at the universities of Göttingen, Düsseldorf, and Bielefeld. Since 2009, he has been working as a research and teaching assistant for Prof. Ralf Poscher at the University of Freiburg.

Rusteberg obtained a doctoral degree in 2008 with a thesis entitled "Der grundrechtliche Gewährleistungsgehalt" ("The content of fundamental rights guarantees"). He completed his legal preparatory service (Referendariat) at the Berlin Higher Regional Court (Kammergericht), with internships at the German Federal Ministry of the Interior and at the German Federal Constitutional Court, from 2007 to 2009. From 2004 to 2007, he worked as a research and teaching assistant for Prof. Rainer Wahl at the University of Freiburg. Rusteberg studied law at the universities of Münster, Paris XII, and Freiburg from 1998 to 2004.

LAURA WISSER

Public Law

Laura Wisser is a doctoral candidate at the University of Freiburg in the Faculty of Law and a master's student in the Institute of Sociology at the same university. In the fall of 2021, she was a visiting scholar at the International Institute for the Sociology of Law in Onati, Spain. Since April 2019, she has been a researcher at the University of Freiburg's Centre for Security and Society, where she works in the research group "Zu Recht – Die Polizei in der offenen Gesellschaft" ("ZuRecht – The police in an open society").

Wisser studied law at the University of Freiburg and the University of Coimbra, Portugal, and worked as a student assistant at the University of Freiburg's Staatswissenschaft & Philosophy of Law (Department 2 [Philosophy of Law]) during her studies. Her main research interests are access to police service, law and society, policing, equality, and constitutional law.

B. PUBLICATIONS

The following list is a record of the complete published scientific output generated during the reporting period (January 1, 2020, through June 30, 2022) by researchers affiliated with the Institute. The list was retrieved from the Max Planck Publication Repository (PuRe) on September 15, 2022, and includes accepted publications that are forthcoming in 2022. About a quarter are open-access publications. Of the 53 papers produced by the Institute's criminologists, 46 are peer-reviewed (Department of Criminology: 31 out of 37; Max Planck Research Group "Personality, Identity, and Crime": 9 out of 9; and Max Planck Research Group "Space, Context, and Crime": 6 out of 7). Since peer review in its strict sense is not (yet) systematically practiced in German legal scholarship, analogous figures for the other two departments would not reflect the quality and rigor of their published output in a sufficiently accurate, reliable, or meaningful way, and are therefore not provided.

Abachi, Maryam

2021

Abachi, M. (2021). Criminal law governing juvenile delinquency in Iran, Germany, and the United Nations: with an empirical survey on attitudes of elites to juvenile criminal law conducted in Iran. Berlin: Duncker & Humblot.

Albrecht, Hans-Jörg

2021

Albrecht, H.-J. (2021). Day fines in Germany. In E. Kantorowicz-Reznichenko, M. G. Faure, & M. Breijer (Eds.), *Day fines in Europe: assessing income-based sanctions in criminal justice systems* (pp. 85–121). Cambridge: Cambridge University Press.

Albrecht, H.-J. (2021). Die lebenslange Freiheitsstrafe. In J. Firstová (Ed.), *Zločin a trest v 21. století. Aktuální témata trestní politiky a trestního práva*. Pocta Heleně Válkové (pp. 27–48). Praha: IFBM.

Albrecht, H.-J. (2021). Organisierte Kriminalität – Strukturen und Erklärung. In M. Engelhart, H. Kudlich, & B. Vogel (Eds.), *Digitalisierung, Globalisierung und Risikoprävention: Festschrift für Ulrich Sieber zum 70. Geburtstag* (pp. 1321–1334). Berlin: Duncker & Humblot.

2020

Albrecht, H.-J. (2020). Data, Data Banks and Security. *European Journal for Security Research*, 5(1), 5–23. doi:10.1007/s41125-019-00062-9 (peer-reviewed).

Albrecht, H.-J. (2020). Gewalt, Vergeltung und Schattenwirtschaften. In K. Drenkhahn, B. Geng, J. Grzywa-Holten, S. Harrendorf, C. Morgenstern, & I. Pruin (Eds.), *Kriminologie und Kriminalpolitik im Dienste der Menschenwürde – Festschrift für Frieder Dünkel zum 70. Geburtstag* (pp. 3–16). Mönchengladbach: Forum Verlag Godesberg.

Albrecht, H.-J. (2020). Kindheit und Strafrecht. In I. Richter, L. Krappmann, & F. Wapler (Eds.), *Kinderrechte. Handbuch des deutschen und internationalen Kinder- und Jugendrechts* (pp. 405–441). Baden-Baden: Nomos.

Jehle, J.-M., Albrecht, H.-J., Hohmann-Fricke, S., & Tetel, C. (2020). *Legalbewährung nach strafrechtlichen Sanktionen: eine bundesweite Rückfalluntersuchung 2013 bis 2016 und 2004 bis 2016*. Mönchengladbach: Forum Verlag Godesberg.

Arnold, Harald

2021

Arnold, H. (2021). Un-/Sicherheit: Äußere Realität und innere Welt. Anmerkungen zu einer (nicht nur) kriminologischen Thematik. In R. Haverkamp, M. Kilchling, J. Kinzig, D. Oberwittler, & G. Wössner (Eds.), *Unterwegs in Kriminologie und Strafrecht – Exploring the World of Crime and Criminology: Festschrift für Hans-Jörg Albrecht zum 70. Geburtstag* (pp. 229–258).

Arnold, Jörg

2022

Arnold, J. (2022). Review of: Carolin Bannehr, *Der Europäische Pflichtverteidiger*. *Goldammer's Archiv für Strafrecht*, 169(2), 112–117.

Arnold, J. (2022). Die „Systemimmanenz“ des Beschlusses des 3. Strafsenats des BGH im Revisionsverfahren des NSU-Komplexes zu Beate Zschäpe. (Zugleich Anmerkung zu BGH, *Beschl. v. 12.8.2021 – 3 StR 441/20 = StV 2022, 88*). *Strafverteidiger*, (2), 108–118.

2021

Arnold, J. (2021). КРИМІНАЛЬНА ВІДПОВІДАЛЬНІСТЬ ТА ДОТРИМАННЯ ПРИНЦИПУ „NE BIS IN IDEM“ [Ukrainian translation of: *Strafklageverbrauch und Doppelbestrafungsverbot („ne bis in idem“) in Auslieferungsverfahren nach europäischem Recht im Spiegel von Fair trial*]. In КРИМІНАЛЬНО-ПРАВОВА ПРАВОТВОРЧИСТЬ: ВИЗНАЧЕННЯ ТА ЗНАЧЕННЯ (pp. 50–54).

Arnold, J. (2021). Review of: Alexander Hoepfel, NS-Justiz und Rechtsbeugung. *Kritische Justiz*, 54(1), 110–116.

Arnold, J. (2021). „Triage“ und Verbot der Benachteiligung von Menschen mit Behinderung. In E. Hilgendorf, E. Hoven, & F. Rostalski (Eds.), *Triage in der (Strafrechts-) Wissenschaft* (pp. 33–76). Baden-Baden: Nomos.

Arnold, J. (2021). Zum Verhältnis von (Straf-)Recht, Sicherheit und Freiheit: Unter Berücksichtigung von Transformationen der Sicherheit, des Begriffs des „Gefährders“ sowie sicherheitsrelevanter Rechtsprechung des Bundesverfassungsgerichts. In R. Haverkamp, M. Kilchling, J. Kinzig, D. Oberwittler, & G. Wössner (Eds.), *Unterwegs in Kriminologie und Strafrecht – Exploring the World of Crime and Criminology: Festschrift für Hans-Jörg Albrecht zum 70. Geburtstag* (pp. 71–98).

Arnold, J., & Heghmanns, M. (2021). Fortsetzungsbericht über ein besonderes strafrechtliches Seminar an der Westfälischen Wilhelms-Universität Münster: „NSU-Strafprozess und das Urteil“. *Zeitschrift für das Juristische Studium*, 14(6), 829–833.

2020

Arnold, J. (2020). Bericht über ein besonderes strafrechtliches Schwerpunktseminar an der Universität Münster: „Der NSU-Strafprozess“. *Zeitschrift für das Juristische Studium*, 13(3), 298–300.

Arnold, J. (2020). Rechtsradikalismus und Strafrecht: einige Betrachtungen aus Anlass des Buches von Kai Ambos „Nationalsozialistisches Strafrecht. Kontinuität und Radikalisierung“. In E. Hilgendorf, M. D. Lerman, & F. J. Córdoba (Eds.), *Brücken bauen: Festschrift für Marcelo Sancinetti zum 70. Geburtstag* (pp. 37–64). Berlin: Duncker & Humblot.

Bampasika, Eftychia-Venetia

2021

Bampasika, E.-V. (2021). Artificial Intelligence as Evidence in Criminal Trial. Conference Paper. In *CEUR Workshop Proceedings* (pp. 133–138). https://pure.mpg.de/rest/items/item_3325158_3/component/file_3325159/content.

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Bampasika, E.-V. (2020). Η χειραγώγηση της αγοράς διά παραλείψεως υπό το πρίσμα του ενωσιακού ποινικού δικαίου – Το γερμανικό παράδειγμα ενσωμάτωσης της Οδηγίας 2014/57/EE [The Market Manipulation under European Criminal Law – The German Transposition Example of the Directive 2014/57/EU]. *The Art of Crime*, (5), 78–104.

Bampasika, E.-V. (2020). Report on the International Workshop on Effectiveness and Proportionality – Modern Challenges in Security Law and Criminal Justice: (17–18 October 2019, Max Planck Institute for Foreign and International Criminal Law, Freiburg, Germany). *European Criminal Law Review*, 10(1), 127–134. doi:10.5771/2193-5505-2020-1-127.

Barnum, Timothy

2022

Barnum, T., & Pogarsky, G. (2022). Situational Peer Dynamics and Crime Decisions. *Journal of Research in Crime and Delinquency*. doi:10.1177/00224278211070498 (peer-reviewed).

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Barnum, T., & Nagin, D. S. (2021). Ambiguity and legal compliance. *Criminology & Public Policy*, 20(4), 621–643. doi:10.1111/1745-9133.12565 (peer-reviewed).

Barnum, T., Nagin, D. S., & Pogarsky, G. (2021). Sanction risk perceptions, coherence, and deterrence. *Criminology*, 2021, 1–29. doi:10.1111/1745-9125.12266 (peer-reviewed).

Bezić, Reana

2021

Bezić, R. (2021). Juvenile Delinquency in the Balkans: a Regional Comparative Analysis based on the ISRD3-Study Findings. Berlin: Duncker & Humblot.

Billis, Emmanouil

2022

Billis, E. (2022). The limits of discretion in the investigation and prosecution of war crimes at the international level: The Mavi Marmara saga. *Bergen Journal of Criminal Law & Criminal Justice*, 10(1), 1–26. doi:10.15845/bjclcj.v10i1.3686.

Billis, E., & Knust, N. (2022). Proportionality (Principle of). In P. Caeiro, S. Gless, V. Mitsilegas, M. Costa João, J. De Snaijer, & G. Theodorakakou (Eds.), *Elgar Encyclopedia of Crime and Criminal Justice*. Edward Elgar Publishing. doi:10.4337/9781789902990.proportionality.

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Mitsilegas, V., & Billis, E. (2021). Article 49 – Principles of Legality and Proportionality of Criminal Offences and Penalties. In S. Peers, T. K. Herve, J. Kenner, & A. Ward (Eds.), *The EU Charter of Fundamental Rights: a commentary* (pp. 1473–1507). Oxford: Hart Publishing.

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Billis, E. (2020). Λειτουργική σύγκριση, ιδεότυποι και δικονομικό ποινικό δίκαιο [Functional Comparison, Ideal Types, and Alternative Forms of Criminal Procedure]. In D. Kioupis (Ed.), *Τμητικός Τόμος Ιωάννη Γιαννίδη* [Essays in Honour of Ioannis Giannidis] (pp. 605–631). Athens: P.N. Sakkoulas.

Tzannetaki, T., & Billis, E. (2020). Interview with Professors Andrew Ashworth and Lucia Zedner. *The Art of Crime*, (8).

Boe, Morten**2022**

Boe, M. (2022). Befangenheit bei sachlicher Vorbefassung: eine überfällige Rekalibrierung? Zugl. Besprechung zu EGMR, Rechtsache Meng v. Deutschland, Urteil vom 16. Februar 2021, Individualbeschwerde Nr. 1128/17 = HRRS 2022 Nr. 348. Onlinezeitschrift für Höchststrichterliche Rechtsprechung zum Strafrecht, 23(4), 151–158.

Boe, M. (2022). Disqualification of Judges. In A. Klip, & S. Freeland (Eds.), *Annotated Leading Cases of International Criminal Tribunals, Volume 70*. Cambridge; Antwerp; Chicago: Intersentia (forthcoming).

Boe, M. (2022). Dogmatik and International Criminal Law – Approximations in the Realm of ‘Language’ and ‘Grammar’. In *Goettingen Journal of International Law* (forthcoming).

Boe, M. (2022). Konventionswidrig aber rechtssicher: Was eine abgelehnte Wiederaufnahme für das Verhältnis zwischen deutscher Rechtsordnung und Europäischen Menschenrechtskonvention bedeuten könnte. Berlin: Verfassungsblog. doi:10.17176/20220829-181815-0.

Boe, M. (2022). Weltrechtspflege ohne Weltbezug? Überlegungen zum Konzept stellvertretender Weltrechtspflege am Beispiel einer Pflicht zur Urteilsübersetzung in Verfahren auf Grundlage des § 1 S. 1 VStGB. In *Zeitschrift für die gesamte Strafrechtswissenschaft*, 134(4) (forthcoming).

Burke, Daniel**2020**

Burke, D. (2020). Schutz kartellrechtlicher Kronzeugen vor strafrechtlicher Sanktion: eine Untersuchung zu Notwendigkeit und Gestaltung einer Kronzeugenregelung im deutschen Kartellstrafrecht. Berlin: Duncker & Humblot.

Caba, Jan**2021**

Caba, J. (2021). Obstruction of Justice at the International Criminal Court: a Comparison with the United States, Germany and the International Criminal Tribunal for the Former Yugoslavia. Berlin: Duncker & Humblot.

Carlos de Oliveira, Ana Carolina**2020**

Carlos de Oliveira, A. C. (2020). The anti-money laundering architecture of Spain. In B. Vogel, & J.-B. Maillart (Eds.), *National and international anti-money laundering law: developing the architecture of criminal justice, regulation and data protection* (pp. 399–533). Cambridge; Antwerp; Chicago: Intersentia.

Coca-Vila, Ivó**2022**

Coca-Vila, I. (2022). Commentary on § 11 Abs. 3 StGB. In H. Schumann, A. Mosbacher, St. König (Eds.), *Medienstrafrecht*. Munich: C.H. Beck (forthcoming).

Coca-Vila, I. (2022). Un Derecho Penal de Semi-Ciudadanos. In Carnevalli et al. (Eds.), *Libro Homenaje a Carlos Künsenmüller* (forthcoming).

Coca-Vila, I. (2022). El empleo (debido) de la fuerza letal policial en el ordenamiento jurídico español: una aproximación dogmática. e-Eguzkilore. Zientzia Kriminologikoen Aldizkari Elektronikoa/Revista Electrónica de Ciencias Criminológicas, (8).

Coca-Vila, I. (2022). La justificación penal de la desconexión letal de aparatos médicos. A propósito de la reasignación de respiradores en contextos dilemáticos (triaje ex post). *Revista Penal*, 49(Enero 2022), 7–25.

Coca-Vila, I. (2022). Ocupación pacífica de vivienda en estado de necesidad. Una crítica desde los postulados democrático-legalistas. In Reyes (Ed.), *Libro Homenaje a Alfonso Reyes Echandi* (forthcoming).

Coca-Vila, I. (2022). La privación de la nacionalidad como medida antiterrorista. In D. M. Santana Vega, S. Fernández Bautista, S. Cardenal Montraveta, D. Carpio Briz, & C. Castellvi Monserrat (Eds.), *Una perspectiva global del Derecho penal: Libro homenaje al profesor Dr. Joan J. Queralt Jiménez* (pp. 155–168). Barcelona: Atelier.

2021

Coca-Vila, I. (2021). El pago de los gastos de defensa jurídica y las penas de multa impuestas a un directivo como delito de administración desleal (art. 252 CP). *La Ley: Compliance Penal*, (6), 1–23.

Coca-Vila, I. (2021). La pena de multa en serio: Reflexiones sobre su dimensión y aseguramiento aflictivos a través del delito de quebrantamiento de condena (art. 468 CP). *InDret: Revista para el Análisis del Derecho*, 2021(3), 69–99. doi:10.31009/InDret.2021.i3.03.

Coca-Vila, I. (2021). Strafrechtliche Pflichtenkollision als Institut der Maximierung der Zahl der Überlebenden? Eine Kritik der utilitaristischen Wende in der Triage-Diskussion. *Goldammer's Archiv für Strafrecht*, 168(8), 446–461.

Coca-Vila, I. (2021). Tema 8. Delitos contra el honor. In R. Ragués i Vallès, & J. M. Silva Sánchez (Eds.), *Lecciones de Derecho Penal: Parte Especial* (7. ed., pp. 183–206). Barcelona: Atelier.

Coca-Vila, I. (2021). Triage y colisión de deberes jurídico-penal: una crítica al giro utilitarista. *InDret: Revista para el Análisis del Derecho*, 2021(1), 166–202. doi:10.31009/InDret.2021.i1.06.

Coca-Vila, I. (2021). What's Really Wrong with Fining Crimes? On the Hard Treatment of Criminal Monetary Fines. *Criminal Law and Philosophy*. doi:10.1007/s11572-021-09623-3.

Coca-Vila, I., & Irrarázaval, C. (2021). A Criminal Law for Semicitizens. *Journal of Applied Philosophy*, 1–17. doi:10.1111/japp.12534.

Coca-Vila, I., & Pantaleón Díaz, M. (2021). Lo intransferible y lo asegurable en el sistema de responsabilidad de los administradores societarios: un estudio sobre los límites de orden público a los seguros D&O. *Anuario de Derecho Civil*, LXXIV(1), 113–216.

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2020

Coca-Vila, I. (2020). El derecho a un suicidio asistido frente a la prohibición de su fomento como actividad recurrente (§ 217 StGB):

Comentario a la Sentencia del Tribunal Constitucional Federal alemán de 26 de febrero de 2020. In *Dret: Revista para el Análisis del Derecho*, (4), 501–513.

Coca-Vila, I. (2020). Las Falsedades Documentales. In J.-M. Silva Sánchez (Ed.), *Lecciones de derecho penal económico y de la empresa* (pp. 221–246). Barcelona: Atelier.

Coca-Vila, I. (2020). Our “Barbarians” at the Gate: On the Under-criminalized Citizenship Deprivation as a Counterterrorism Tool. *Criminal Law and Philosophy*, (14), 149–167. doi:10.1007/s11572-019-09517-5.

Coca-Vila, I. (2020). La protección de las Haciendas Públicas. In J.-M. Silva Sánchez (Ed.), *Lecciones de derecho penal económico y de la empresa* (pp. 571–638). Barcelona: Atelier.

Coca-Vila, I. (2020). Recensión a Bernd Rütters, *La revolución secreta. Del Estado de derecho al Estado judicial. Un ensayo sobre Constitución y método* (trad. de Francisco J. Campos Zamora), Marcial Pons, Madrid, 2020. In *Dret: Revista para el Análisis del Derecho*, (4), 562–567.

Coca-Vila, I. (2020). Die strafähnliche Ausbürgerung von Terroristen. In E. Hilgendorf, M. D. Lerman, & F. J. Córdoba (Eds.), *Brücken bauen: Festschrift für Marcelo Sancinetti zum 70. Geburtstag* (pp. 1035–1052). Berlin: Duncker & Humblot.

Pastor Muñoz, N., & Coca-Vila, I. (2020). Administración desleal y apropiación indebida. In J.-M. Silva Sánchez (Ed.), *Lecciones de derecho penal económico y de la empresa* (pp. 317–352). Barcelona: Atelier.

Coppola, Federica

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Coppola, F. (2022). Context Matters: The Need for A Socio-Contextual Model of Criminal Responsibility. In *The Routledge International Handbook of Criminal Responsibility*. Abingdon: Routledge (forthcoming).

Coppola, F. (2022). Review of: *Conviction: The Making and Unmaking of the Violent Brain*, by Oliver Collins (Stanford University Press, 2021). Newark: Rutgers Criminal Law and Criminal Justice Books (forthcoming).

Coppola, F. (2022). The Real Pain of Punishment: Eradicating Social Exclusion from Criminal Justice. Cambridge: Cambridge University Press (forthcoming).

Coppola, F. (2022). Social Rehabilitation under the Eighth Amendment of the U.S. Constitution: A Jurisprudential Analysis for Change. In F. Coppola, & A. Martufi (Eds.), *Social Rehabilitation & Criminal Justice*. Abingdon: Routledge (in print).

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Coppola, F., & Insolera, P. (2022). Ergastolo senza Possibilità di Parole Irrogato a Minorenni sotto l’VIII Emendamento della Costituzione degli Stati Uniti d’America. Un’Analisi Critica alla Luce della Pronuncia della Corte Suprema Jones v. Mississippi 593 U.S. (2021). *L’indice penale*, 2022(1), 204–251.

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ion in Jones v. Mississippi 593 U.S. — (2021) [Original title in Italian: Ergastolo senza Possibilità di Parole Irrogato a Minorenni sotto l’VIII Emendamento della Costituzione degli Stati Uniti d’America. Un’Analisi Critica alla Luce della Pronuncia della Corte Suprema Jones v. Mississippi 593 U.S. — (2021)], *L’Indice Penale* 204–251.

Coppola, F., & Martufi A. (Eds.). (2022). *Social Rehabilitation & Criminal Justice*. Abingdon: Routledge (in print).

Coppola, F., & Martufi A. (2022). What is Social Rehabilitation? In F. Coppola, & A. Martufi (Eds.), *Social Rehabilitation & Criminal Justice*. Abingdon: Routledge (in print).

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Coppola, F. (2021). We are More Than our Executive Functions: on the Emotional and Situational Aspects of Criminal Responsibility and Punishment. *Criminal Law and Philosophy*, 2021. doi:10.1007/s11572-021-09594-5.

Coppola, F., & Insolera, P. (2021). Sulla (mancanza di) protezione costituzionale della c.d. insanity defense negli Stati Uniti d’America. Note critiche a margine della sentenza della Corte Suprema Kahler v. Kansas, 589 U.S. — (2020). *Diritto Penale XXI Secolo*, 2021(1), 87–119.

Cornils, Karin

2021

Cornils, K., & Husabø, E. J. (2021). Das norwegische Strafgesetz – Lov om straff (straffeloven): vom 20. Mai 2005 – nach dem Stand vom 1. Dezember 2020 (2nd, compl. rev. ed.). Berlin: Duncker & Humblot.

Dalla Barba, Rafael Giorgio

2022

Dalla Barba, R. G. (2022). Apresentação. In R. G. Dalla Barba (Ed.), *Princípios jurídicos: o debate metodológico entre Robert Alexy e Ralf Poscher* (pp. 9–16). Lima: Palestra Editores S.A.C.

Dalla Barba, R. G. (2022). Nota introductoria. In J. A. García Amado, & R. G. Dalla Barba (Eds.), *Princípios jurídicos: el debate metodológico entre Robert Alexy y Ralf Poscher* (pp. 9–16). Belo Horizonte: Casa do Direito.

Dalla Barba, R.G. (Ed.). (2022). *Princípios jurídicos: o debate metodológico entre Robert Alexy e Ralf Poscher*. Belo Horizonte: Casa do Direito.

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Deitzer, Jessica

2021

Deitzer, J., Leban, L., Copes, H., & Wilcox, S. (2021). Criminal self-efficacy and perceptions of risk and reward among women methamphetamine manufacturers. *Justice Quarterly*. doi:10.1080/07418825.2021.1901965 (peer-reviewed).

McGloin, J. M., Thomas, K., Rowan, Z., & Deitzer, J. (2021). Can the group disincentivize offending? Considering opt-out thresholds and

decision reversals. *Criminology*. doi:10.1111/1745-9125.12289 (peer-reviewed).

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- Einführung in den Hauptteil VII: Menschenrechte und Rechtsschutz im international-arbeitsteiligen Strafverfahren, pp. 2591–2595;
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- HT VII C 1. Menschenrechte: Europäische Union; Charta der Grundrechte der Europäischen Union, pp. 2660–2674;
- HT VII C 3. Rechtsschutz und Rechtskontrolle Europäische Union, pp. 2749–2756;
- (with Gleß, S.) Einführung in den Hauptteil III: Rechtsakte der Europäischen Union, pp. 1331–1345;
- (with Gleß, S.) HT III B 1b. Übereinkommen vom 29. Mai 2000 über die Rechtshilfe in Strafsachen zwischen den Mitgliedstaaten der Europäischen Union [EU-RhÜbk], pp. 1419–1459;
- (with Gleß, S.) HT III B 1c. Protokoll vom 16. Oktober 2001 zu dem Übereinkommen über die Rechtshilfe in Strafsachen zwischen den Mitgliedstaaten der Europäischen Union [ZP-EU-RhÜbk], pp. 1460–1472;
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C. SCIENTIFIC TALKS

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2022

Some Remarks on a book on Chinese Criminal Procedure Law, Book launch, Beijing University, 14.06.2022.

Rechtliche Grundlagen des Straf- und Maßregelvollzugs, Deutsche Psychologenaakademie, Cologne, 08.05.2022.

2021

Armut, Kriminalität und Strafrecht, Online Forum Strafverteidigung "Armutsbestrafung", Strafverteidigervereinigung, 26.11.2021.

Confiscation of Crime Proceeds and Reforms of German Confiscation Law", International Cooperation on Persons Sought for Corruption and Asset Recovery under Rule of Law, The 5th G20 International Symposium on Anti-Corruption, Beijing Normal University, 04.–05.11.2021 (04.11.).

Measures of Organized Crime – Capturing an Elusive Phenomenon, Meeting on Methodology for Analyzing Illicit Economies in South-Eastern Europe, University of Zagreb, Law Faculty, 22.–23.10.2021 (22.10.).

Balkan Criminology: A Summary, University of Zagreb, Law Faculty, 21.10.2021.

Principles of Chinese Criminal Procedure – An Assessment. 15th Annual Conference of the European China Law Studies Association, University of Warsaw, 24.–26.09.2021 (25.9.).

Monitoring and Prevention of Corruption, Workshop on Corruption, University of Tehran, 20.–21.05.2021 (21.05.).

Rechtliche Grundlagen des Straf- und Maßregelvollzugs, Deutsche Psychologenaakademie, online, 03.05.2021.

Angove, James

2022

Reflections on Self-Determination & Security in the Anglophone Conflict in Cameroon, organizer: David Forniès (CIEMEN), part of "Secessionist movements in Africa and human rights violations" panel event, Barcelona (talk delivered online), 01.02.2022

2020

Global Challenges of Imprisonment and Prisons, University of Montevideo, Montevideo, 12.03.2020.

Video-Taping and Forensic Psychiatry, Ghent Group of Forensic Psychiatry, online, 24.11.2020.

Arnold, Jörg

2021

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"Triage" in der Corona-Pandemie. Verbot der Benachteiligung von Menschen mit Behinderung. MPI-CSL (Department of Criminal Law). Freiburg, 02.02.2021.

2020

Über das Buch von Donatella Di Cesare "Souveränes Virus? Die Atemnot des Kapitalismus." Interdisciplinary Legal Theory Reading Circle of MPI-CSL and the University of Freiburg, 09.09.2020.

Bampasika, Eftychia-Venetia

2022

AI-Based Means of Evidence and the Defendant's Rights. International Conference on EU Law in the Digital Age, co-organized by the Uppsala University and the Swedish Network for European Legal Studies. Uppsala, 16.06.2022.

2021

Evidence Law in the US. Seminar on The US Criminal Law at the Stand – A Comparison between Germany and the US, University of Würzburg, 29.10.2021.

2020

Artificial Intelligence as Evidence in Criminal Trial. 11th Hellenic Conference on Artificial Intelligence, Workshop on Artificial Intelligence, Ethics and Law, Hellenic Artificial Intelligence Society. Athens, 02.–04.09.2020.

Die Künstliche Intelligenz als Beweismittel im Strafprozess. Summer Academy on Civil Security in the Digital Age, Sicherheitsforschung (SiFo), sponsored by the German Federal Ministry of Education and Research, Georg-von-Vollmar-Academy. Kochel am See, 27.–31.07.2020.

Barnum, Tim

2021

Barnum, T. C. & Nagin, D.: Ambiguity and legal compliance. Presented at the annual meeting of the American Society of Criminology. Chicago, 11.2021.

Billis, Emmanouil

2022

Artificial Intelligence and the Rule-of-Law: Strengthening or Challenging Criminal Justice? International Conference on EU Law in the Digital Age, co-organized by the Uppsala University and the Swedish Network for European Legal Studies. Uppsala, 16.06.2022.

Artificial Intelligence as an Alternative Means to Enhance Criminal Justice – Presentation of the New Joint Research Initiative. Research Group Meeting, co-organized by the Otto Hahn Research Group on Alternative and Informal Systems of Crime Control and Criminal Justice (MPI-CSL) and the Research Group on Crime Control and Security Law (University of Tromsø). Tromsø & Webinar, 05.05.2022.

2021

Proportionality and Criminal Law in a State of Emergency. Book Launch & Panel Discussion on Proportionality in Crime Control and Criminal Justice, organized by MPI-CSL (Otto Hahn Research Program) & the University of Tromsø (Faculty of Law). Tromsø & Webinar, 17.06.2021.

Coca-Vila, Ivó

2022

On Necessity Defense in a Democratic Welfare State: Leaving Pandora's Box Ajar. University of Oxford (Criminal Law Discussion Group). Oxford, 31.01.2022.

El estado de necesidad: ¿corrección del Derecho desde la moral o delegación jurisdiccional pro tempore? Pompeu Fabra University (Criminal Law Discussion Group). Barcelona, 25.01.2022.

2021

Triaje y responsabilidad penal: aproximación a la discusión contemporánea." University of Valencia (Law Department). Valencia, 23.11.2021.

El recurso legítimo a la fuerza policial. University of the Basque Country – UPV/EHU (Law Department). Bilbao, 15.09.2021.

Triaje Ex post: ¿homicidio punible o racionalización obligatoria de los recursos médicos escasos? Centro de Investigación en Filosofía y Derecho, Universidad Externado de Colombia. Bogotá, 29.07.2021.

La legítima defensa frente a omisiones. Justicia Globalizada: Centro Internacional de Formación, Investigación y Asesoría Jurídica. Lima, 21.07.2021.

La pena de multa en serio. Pompeu Fabra University (Criminal Law Discussion Group). Barcelona, 30.03.2021.

Triaje-Dilemmas in Criminal Law. MPI-CSL (Workshop Discussion). Freiburg, 07.02.2021.

Hörnle, T., Arnold, J., Coca-Vila, I.: Triage und Grenzen rechtfertigender Pflichtenkollision." MPI-CSL (Department of Criminal Law). Freiburg, 02.02.2021.

2020

La retirada de nacionalidad como herramienta antiterrorista. University of Barcelona (Department of Criminal Law). Barcelona, 15.12.2020.

Triaje en tiempos de pandemia: problemas jurídico-penales. University of Buenos Aires (Law Department). Buenos Aires, 07.12.2020.

Das Strafübel der Geldstrafe. MPI-CSL (Department of Criminal Law). Freiburg, 08.09.2020.

La multa como pena personalísima. Universidade Federal da Bahia, Salvador (Department of Criminal Law). Bahia, 20.07.2020.

Pantaleón Díaz, M.: Lo intransferible y lo asegurable en el sistema de responsabilidad de los administradores societarios." The Autonomous University of Madrid (Department of Criminal Law). Madrid, 15.07.2020.

El carácter aflictivo de la pena de multa. The National University of Cuyo (Law Department). Mendoza, 04.06.2020.

Coppola, Federica

2021

Understanding the Brain to Reimagine Justice: What Can Neuroscience (Actually) Teach Criminal Law?, The Future of Criminal Law Panel, Max Planck Law Annual Conference, Harnack House of the Max Planck Society, Berlin, 26.10.2021.

Gender Identity in the Era of Mass Incarceration: The Criminalization and Segregation of Trans People in the United States, ICONS Mundus Conference, online, 06.07.2021.

Building Empathy at Sentencing: Neuroscience and the Humanity of People on Trial", Law and Society Annual Meeting, Chicago (USA), 29.05.2021.

How Can Injustices within the Criminal Legal System Be Attenuated? Reimagining the Future of Justice Series, Columbia University, New York, 14.04.2021.

Dalla Barba, Rafael Giorgio

2022

Metaethical contributions for explaining hard cases in the law. Faculty of Law of the University of Lisbon. Lisbon, 04.03.2022.

2021

Legal hermeneutics and metaethics. Geschichte, Methodik und Dogmatik des öffentlichen Rechts (GeMeDog). Freiburg, 26.11.2021.

Legal hermeneutics and metaethics. Ph.D. workshop at the Max Planck Law Annual Conference. Berlin, 24.10.2021.

De Courson, Benoît

2022

Why is violence high and enduring in deprived neighborhoods? A formal model. NSCR. Amsterdam, 04.2022.

Why is violence high and enduring in deprived neighborhoods? A formal model. Colloquium Resilience meets Criminology. Leiden University, 04.2022.

Deitzer, Jessica

2021

Deitzer, J., Frankenhuis, W. E., van Gelder, J. L., Ribeaud, D., Eisner, M., Jacobsen, W. C. & Feinberg, M. E. Unpredictability schemas, short-term mindsets, and crime. The American Society of Criminology Annual Meeting. Chicago, 11.2021.

Jacobsen, W. C., Deitzer, J., Kimchi, A., Osgood, D. W., Philippon, C., & Widdowson, A. O. Adolescent arrest, friendship, and unstructured socializing. The American Society of Criminology Annual Meeting. Chicago, 11.2021.

Deitzer, J., Frankenhuis, W. E., van Gelder, J. L., Ribeaud, D., Eisner, M., Jacobsen, W. C. & Feinberg, M. E. Unpredictability schemas, short-term mindsets, and crime. zReN Workshop, online, 08.2021.

Kübel, S., Deitzer, J., Frankenhuis, W. E. & van Gelder, J. L. Short-term mindsets mediate the link between victimization and offending. zReN Workshop, online, 01.2021.

2020

Protection or selection: Thoughtfully-reflective decision-making and resilience to deviant peer exposure. The American Society of Criminology Annual Meeting, Washington, D.C., accepted for 11.2020, canceled due to COVID-19.

Engelhart, Marc

2022

Criminal investigations concerning information collected with SKY ECC, EncroChat and Anom in Germany. DCAF (Geneva Centre for Security Sector Governance). Geneva, 08.06.2022.

With Roksandić, S. & Protrka, N. Trustworthy Artificial Intelligence and its use by Law Enforcement Authorities: where do we stand? 45th International Convention MIPRO (Croatian Society for Information, Communication and Electronic Technology). Opatija, 26.05.2022.

Privacy and Collection of Data in Criminal Proceedings. European Academy/Central European Professors Network. Zagreb, 25.05.2022.

Data used in AI for e-evidence. European Commission. Brussels, 28.04.2022.

Corruption, legitimization and trust in courts. Inter-University Center Dubrovnik, 06.04.2022.

Institutional independence of the prosecution service in Germany. Inter-University Center Dubrovnik, 05.04.2022.

KI in der Strafzumessung. Westfälische Wilhelms-University Münster, 03.02.2022.

2021

Prozeduralisierung von Straftatbeständen. University of Freiburg, 08.07.2021.

The Construction of Corporate Criminal Liability and Preventive Measures. European Law Institute (ELI). Vienna, 08.07.2021.

Alternative Measures to Detention. Council of Europe. Ankara, 24.06.2021.

Verantwortlichkeit in Lieferketten – Strafrechtliche Aspekte und Compliance. University of Liechtenstein. Vaduz, 09.06.2021.

Risiko als Leitfigur im Straf- und Polizeirecht? Insbesondere: Betrachtungen zur Geldwäsche. Goethe University Frankfurt, 09.02.2021.

2020

Engelhart, M: Rethinking the European Union Anti-Money Laundering Framework. University of Luxembourg, 29.06.2020.

Legislating Risks in Criminal and Police Law – Solution or Problem? University of Oslo, 11.03.2020.

Eser, Albin

2021

Werkbesichtigung: Albin Eser. Würzburg, 22.–23.10.2021.

2020

Entwicklungsgeschichte – Konzepte – Praktische Hinweise, 31.08.2020.

Feldmann, Céline Cathérine

2022

Negligent Sexual Assault/Rape, Dan Frände, University of Helsinki, 04.05.2022.

Negligent Sexual Assault/Rape, Claes Lernestedt University of Stockholm, 22.04.2022.

Fox, Matthew

2021

Examining Candidate Jurors: Sensitivities Surrounding Racial Bias. Midwest Law & Society Retreat. Madison, 13.11.2021.

Fox, M. & Moore, R. Entwined Embedded Events: The Effect of Parental Incarceration Timing on Children's Academic Achievement. American Sociological Association. Online, 10.08.2021.

Frankenhuis, Willem

2022

What is the expected human childhood? Insights from evolutionary anthropology. European Human Behaviour and Evolution Association. Leipzig, online, 21.04.2022.

What is the expected human childhood? Insights from evolutionary anthropology. Keynote at Mini-symposium on Resilience Meets Criminology. Leiden University, 12.04.2022.

Hidden talents in harsh environments? Student Brown Bag, Social Psychology, University of Virginia, online, 31.01.2022.

2021

Hidden talents in harsh conditions? Cognition, Behavior & Evolution Network in the low countries. Tilburg, 19.11.2021.

Strategic ambiguity in social science. Keynote at Open Science faculty symposium of the Open Science Community Utrecht. Faculty of Social & Behavioural Sciences, Utrecht University, 23.09.2021.

Hidden talents in harsh conditions. MPI-CSL, Freiburg, 15.9.2021.

Hidden talents in harsh environments? 32nd meeting, Human Behavior and Evolution Society, online, 01.07.2021.

Hidden talents in harsh environments? Vereniging Nederlandse Ontwikkelings Psychologie, online, 18.05.2021.

Hidden talents in harsh environments? Evolution and the Social Sciences (speaker series). University of Missouri, online, 12.04.2021.

Hidden talents in harsh environments? Institute of Psychology, Cognitive Psychology Unit, Leiden University, online, 13.01.2021.

2020

Hidden talents in harsh environments? Center for Behavior, Evolution, and Culture. University of California, online, 23.11.2020.

Hidden talents in harsh environments? 6th International Symposium on Resilience Research, online, 25.09.2020.

Cognitive development in harsh and unpredictable environments. Center for Adaptive Rationality, MPI for Human Development. Berlin, online, 17.09.2020.

Gehring, Natalie

2021

Gehring, N. & Wössner, G. Partnerschaftsgewalt in der Covid-19-Pandemie und Implikationen für die Praxis: Erste Erkenntnisse einer empirischen Untersuchung in Baden-Württemberg. Kriminologisches Forschungsinstitut Niedersachsen & Deutscher Juristinnenbund. Hannover, online, 26.11.2021.

Gerstner, Dominik

2022

Vor dem Täter am Tatort? Predictive Policing im Fokus. fruit – Freiburg Recht und IT, Freiburg, 07.02.2022.

Hartwig, Samuel

2021

Die Ausbürgerung von Terroristen – Erwägungen zum völkerrechtlichen Diskriminierungsverbot, MPI-CSL. Freiburg, 26.11.2021.

Dual Nationality and Double Standards: Deprivation of Nationality in the Fight against Terrorism, SOAS University of London. London, 08.06.2021.

Hasitzka, Carina

2022

Oberwittler, D., Hasitzka, C., Gahler, C. & Aroudaki, H. Anonymisierte Mobilitätsdaten in der raum-zeitlichen Analyse von Kriminalität in Großstädten – Erste Erfahrungen aus einem Corona-Projekt. Potentiale und Herausforderungen von digitalen Verhaltensdaten

in der empirischen Sozialforschung. Frühjahrstagung der Sektion Methoden der empirischen Sozialforschung der Deutschen Gesellschaft für Soziologie, Mannheim, online, 25.03.2022.

Herman, Shaina

2021

Rationalizations, moral evaluations, and criminal decision making. American Society of Criminology, Chicago, 11.2021.

Rationalizations, moral evaluations, and criminal decision making. MPI-CSL Symposium on Offender Decision Making. Freiburg, 10.2021.

Hörnle, Tatjana

2022

Intradisziplinäre Rechtsvergleichung: Juridische Komparatistik oder spezifische Form der Rechtsvergleichung [Intradisciplinary comparative law: Juridical comparative studies or specific form of comparative law]. Conference "Intradisziplinäre Rechtsvergleichung: Grundlagen – Methoden – Perspektiven" [Intradisciplinary comparative law: Foundations – methods – perspectives]. Bochum, 23.–24.06.2022.

Unrechtsvorwurf [Accusation of wrongdoing]. Workshop on the principle of guilt. University of Basel, Landgut Castelen, 20.–22.06.2022.

Freedom of expression and criminal law in a pluralistic society. International Congress on Human Rights "Freedom of expression". Bilbao, 06.–08.04.2022.

Panel discussion on "Accountability: What Does It Mean and How Can It Be Achieved in Policy, Politics, and Law?" Berlin-Brandenburg Academy of Sciences and Humanities (BBAW) and American Academy. Berlin, 02.03.2022.

Prioritizing Patients in Intensive Care during a Pandemic [Priorisierungentscheidungen in der Intensivmedizin während einer Pandemie]. Scientific Council of the Max Planck Society, online, 24.02.2022.

2021

Steuerungskraft des Strafrechts bei der Bewältigung von Krisen [Power of criminal law to shape behavior in the management of crises]. Lecture series "Strafrecht in der Krise" [Criminal law in (times of) crisis]. Kriminalwissenschaftliches Institut, Leibniz University Hannover, online, 09.12.2021.

Sexual Autonomy and Criminal Justice – A Conversation on Emancipatory Criminalization and Carceral Feminism. Blankensee-Kolloquium, Wissenschaftskolleg zu Berlin, online, 23.11.2021.

The New German Law on Sexual Assault. Workshop "Sexual Assault and Rape – What Can We Learn From and For Law Reform". Berlin, 04.–06.11.2021.

Straftat und Straftheorien: die individuelle Rechtsverletzung als Element des Unrechts – Wiedergutmachung als Element der Strafe? [Crime and theories of punishment: the violation of individual rights as an element of wrongfulness – reparation as an element of punishment?]. "Werkbesichtigung: Albin Eser". Würzburg, contribution via video, 22.–23.10.2021.

Laudatio for the award of the Commerzbank Prize to Luis Greco. Berlin-Brandenburg Academy of Sciences and Humanities (BBAW). Berlin, 21.10.2021.

Sexualstrafrecht früher und heute – Moralvorstellungen im Wandel [Sexual offense law in the past and today – changing moral concepts]. "Einblicke in das Sexualstrafrecht" [Insights into sexual offense law]. Deutscher Juristinnenbund (djbb), online, 05.10.2021.

Chair, symposium on "Consent in sexual relations – a comparative perspective", online, 23.–24.09.2021.

Introduction to Substantive Law and Concepts. "Project Human-Robot-Interaction – A Digital Shift in the Law". University of Basel, online, 21.–24.07.2021.

Duties to Criminalize. Workshop on criminal-constitutional law. Mainz, 01.–03.07.2021.

Proportionality in Crime Control and Criminal Justice (Emmanouil Billis, Nandor Knust, Jon Petter Rui). Book Launch and Panel Discussion, online, 17.06.2021.

Experiences of sexual offences reform in Germany. Conference "Responding to Sexual Violence – Models, changes and social context". University of Ljubljana, 19.05.2021.

Chair, panel 5 of the W.G. Hart Legal Workshop, online, 28.04.2021.

Triage in Pandemien [Triage in pandemics]. "Covid 19 – Ethische Herausforderungen einer Pandemie" [COVID-19 – Ethical challenges of a pandemic]. Academy of Sciences and Literature, Mainz, online, 23.04.2021.

Straf- und verfassungsrechtliche Aspekte [Criminal-law and constitutional-law aspects]. Bioethics Forum of the German Ethics Council on "Triage – Priorisierung intensivmedizinischer Ressourcen unter Pandemiebedingungen" [Triage – prioritization of intensive-care resources under pandemic conditions], online, 24.03.2021.

The New German Law on Sexual Assault. Workshop "Sexual Assault and Rape – What Can We Learn From and For Law Reform", online, 18.–19.03.2021.

Introducing the Max Planck Institute for the Study of Crime, Security and Law, formerly for Foreign and International Criminal Law. Stockholm University Lunch Seminar, online, 04.03.2021.

Konsequentialismus auf dem Vormarsch [Consequentialism on the rise]. Fritz Thyssen Foundation "Arbeitskreis Zurechnung". Cologne, online, 24.02.2021.

How to Write a PhD-thesis. Max Planck Law, online, 23.02.2021.

Triage in Pandemien-situationen [Triage in pandemic situations]. "Recht im Kontext" [Law in context]. Humboldt-Universität zu Berlin, online, 08.02.2021.

The BVerfG's ruling on § 217 StGB (German Penal Code). Conference "Das Karlsruher Gerichtsjahr 2020" [The Karlsruhe judicial year 2020]. Konrad Adenauer Foundation, online, 14.01.2021.

2020

Zuteilung knapper intensiv-medizinischer Ressourcen in Krisenzeiten (Triage-Problematik) [Allocation of scarce intensive-care resources in times of crisis (triage problem)]. Workshop, Konrad Adenauer Foundation, online, 11.12.2020.

Sexualisierte Gewalt gegen Kinder [Sexualized violence against children]. Lecture series "Aktuelles Strafrecht im Fokus" [Focus on current criminal law]. University of Augsburg, online, 01.12.2020.

Methodische Empfehlungen für Doktorarbeiten in der Rechtswissenschaft (und für andere wissenschaftliche Veröffentlichungen) [Methodological recommendations for doctoral theses in jurisprudence (and for other scientific publications)]. MPI-CSL, Freiburg, 13.10.2020.

Triage in der (Strafrechts-)Wissenschaft [Triage in (Criminal-Law) Science]. University Würzburg, online, 07.10.2020.

Programming self-driving cars for moral dilemmas. Conference "Global Perspectives on Responsible AI 2020". Freiburg, online, 26.06.2020.

Strafrecht in Zeiten von #metoo [Criminal law in the era of #metoo]. Frankfurter Juristische Gesellschaft. Frankfurt, 05.02.2020.

Kartalova, Sofiya

2022

Trust and the Procedural Requirements of Article 7(2) TEU: What to Do When More than One Bad Apple Spoils the Barrel? Werkstattgespräch. MPI-CSL, Freiburg, 13.04.2022.

The Strategic Value of Ambiguity for the Evolution of EU Citizenship: The CJEU's Preliminary Rulings of Ruiz Zambrano (Case C-34/09) and Dereci (C-256/11). "Ambiguity Matters" – Abschlussstagung GRK1808: "Ambiguität – Produktion und Rezeption". University of Tübingen, 19.03.2022.

2021

Legal Mechanisms for Counteracting the Rule of Law Backsliding in the EU: Insights from Trust Theory. Arbeitskreis "Geschichte, Methodik, Dogmatik des Öffentlichen Rechts". MPI-CSL (Department of Public Law), Freiburg, 26.11.2021.

The Gordian Knot between Originator Control and EU Intelligence Oversight: Insights from Coopetition Theory". 2021 International Conference "Questions of Accountability: Prerogatives, Power and Politics". University of Worcester, University of Sheffield, with support from the Political Studies Association, the UK Constitutional Law Association, and Routledge. Online/Pre-recorded conference paper, 01.11.2021–05.11.2021.

Intelligence Information Sharing: The Relevance of Trust for the EU Rule of Law Crisis. Projektvorstellung at a meeting of the Department of Public Law, MPI-CSL, Freiburg, 20.10.2021.

Kilchling, Michael

2021

Extended Confiscation in Germany. Adam Mickiewicz University. Poznań, online, 29.10.2021.

Towards a widespread use of Restorative Justice as a complement of the criminal justice system. Council of Europe senior officials meeting in preparation of the Conference of the Ministers of Justice: Crime and Criminal Justice – What is the role of restorative justice in Europe. University of Insubria. Como, 12.10.2021.

Criminal Law and Practice under COVID-19 – Challenges for Criminal Procedure and Enforcement of Sentences. 13th International Spring Course "Crime Prevention through Criminal Law & Security Studies", Inter-University Centre (IUC). Dubrovnik, 08.10.2021.

Wirtschaftsspionage und Konkurrenzausspähung – Situationsbeschreibung in fünf Thesen. Max-Planck-Impulse: Expertentalk "Wirtschaftsspionage", online, 10.06.2021.

Winners and Losers. Perpetrators and Victims of Corruption. CRITCOR opening conference, National Institute of Criminology OKRI. Budapest/Hungary, and University of Porto/Portugal, online, 22.03.2021.

Criminal Penalties Seldom Come Alone: Introduction into a European study on restrictions and disenfranchisement of civil and political rights after conviction. MPI-CSL. Freiburg, online, 20.01.2021.

2020

Sex-offender registration: German vs. US concepts. Moderated online lecture with Emerson College. Boston, and Well (European campus), seminar on "Penal Systems – the EU approach", 17.12.2020.

Lessons learned from Germany's universal approach to restorative justice. Moderated online lecture with Emerson College. Boston and Well (European campus), seminar on "Penal Systems – the EU approach", 26.11.2020.

Wissenschaftsspionage. Joint presentation with Susanne Knickmeier, Datenschutz- und IT-Sicherheitstagung der MPG 2020, online, 11.11.2020.

Berücksichtigung der Opfer und ihrer Interessen innerhalb und außerhalb des Strafverfahrens. Fachtagung zum Projekt RE-JUST, SOLWODI. Bonn, online, 10.11.2020.

Religion – Crime – Victimization. 12th International Spring Course "Crime Prevention through Criminal Law & Security Studies", Inter-University Centre (IUC). Dubrovnik, 10.03.2020.

Kübel, Sebastian

2022

Kübel, S., Deitzer, J., Frankenhuis, W., Eisner, M., Ribeaud, D. & van Gelder, J.-L. The shortsighted victim: An explanation for the victim-offender overlap? Resilience meets Criminology Symposium. Leiden University, 12.04.2022.

2021

Kübel, S., Deitzer, J., Frankenhuis, W., Eisner, M., Ribeaud, D., & van Gelder, J.-L. Short-term mindsets mediate the link between victimization and offending. zReN workshop of the z-proso International Research Network, online, 26.08.2021.

Kübel, S., Deitzer, J., Frankenhuis, W., Eisner, M., Ribeaud, D., & van Gelder, J.-L. Short-term mindsets mediate the link between victimization and offending. Colloquium of the Developmental Evolutionary Ecological Psychology laboratory (group leader: Willem E. Frankenhuis). Nijmegen, Utrecht, online, 25.06.2021.

Kübel, S., Deitzer, J., Frankenhuis, W., Eisner, M., Ribeaud, D., & van Gelder, J.-L. Present-orientation as a mechanism for the victim-offender overlap? 5th International Conference on Time Perspectives. Vilnius, online, 12.06.2021.

Landerer, Lukas Martin

2022

The EU's Anti-Money-Laundering regime and the German intelligence system, ECLAN Ph.D. Seminar 2022. Vilnius, 06.10.2022.

Natter, Lisa

2022

The spread of digital neighborhood platforms in German cities – individual- and neighborhood-level correlates and its relation to neighborhood social capital. Prof. Dr. Jan Üblacker and Fritz Thyssen Foundation. Cologne, 02.05.2022.

2021

Natter, L. & Oberwittler, D. The Shadow of the Financial Crisis - Macro-level Socio-Economic Development and Feelings of Insecurity in Europe. A Between-Within Analysis of the European Social Survey, 2002–2018. RC33 online conference, 10.09.2021.

Oberwittler, Dietrich

2022

Oberwittler, D. & Natter, L. The spread of digital neighborhood platforms in German cities – individual- and neighborhood-level correlates and its relation to neighborhood social capital. Digitalization, Neighborhood Change, and Social Integration. Interdisciplinary Workshop. Fritz Thyssen Foundation, Cologne, 02.05.2022.

Oberwittler, D., Hasitzka, C., Gahler, C. & Aroudaki, H. Anonymisierte Mobilitätsdaten in der raum-zeitlichen Analyse von Kriminalität in Großstädten – Erste Erfahrungen aus einem Corona-Projekt. Potentiale und Herausforderungen von digitalen Verhaltensdaten in der empirischen Sozialforschung. Frühjahrstagung der Sektion Methoden der empirischen Sozialforschung der Deutschen Gesellschaft für Soziologie. Mannheim, online, 25.3.2022.

2021

Natter, L. & Oberwittler, D. The Shadow of the Financial Crisis – Macro-level Socio-Economic Development and Feelings of Insecurity in Europe. A Between-Within Analysis of the European Social Survey, 2002–2018. RC33 Logic and Methodology in Sociology, online, 10.09.2021.

2020

Sicherheit und sozialer Zusammenhalt in großstädtischen Wohngebieten. Symposium Weitblick – Herausforderungen für Polizei und Gesellschaft. Landeskriminalamt Nordrhein-Westfalen. Düsseldorf, 05.03.2020.

Poscher, Ralf

2022

Was uns wirklich spaltet. Moralisierung statt Verrechtlichung. FRIAS Symposium "Mehr Mut! Wie treffen wir mutige Entscheidungen und warum ist das so schwer? [What really divides us. Moralization instead of Legalization". FRIAS Symposium on "More Courage! How do we make courageous decisions and why is it so hard?]", University of Freiburg, 24.06.2022.

Discretion and the Descriptive Inexhaustibility of the World. Oxford Jurisprudence Discussion Group, Balliol College of Oxford, 16.06.2022.

Die Abwägung von Leben gegen Leben, Triage und Menschenwürdegarantie. Triage – Ein (digitaler) interdisziplinärer Austausch zu

Fragen ärztlicher Entscheidungskonflikte [Balancing Life vs. Life, Triage, and the Human Dignity Guarantee. Triage – A (digital) interdisciplinary exchange on issues of medical decision conflicts], Faculty of Law of the Ruhr Universität Bochum (RUB), 02.06.2022.

Shaping Probabilities. Between Substantive Law and the Law of Evidence in Panel 2: Evidence at crossroads: blurring borders? Evidential Legal Reasoning Work Congress. Girona, 24.05.2022.

Die Abwägung von Leben gegen Leben, Triage und Menschenwürdegarantie. Triage-Workshop, Zentrum für Ethik und Philosophie in der Praxis (ZEPP) [Balancing Life vs. Life, Triage, and the Human Dignity Guarantee. Triage Workshop, Centre for Ethics and Philosophy in Practice], LMU Munich, 29.04.2022.

Was wirklich spaltet – Corona-Impfung: Die Politik darf sich einer Rechtspflicht nicht ohne Not begeben. [What Really Divides Us – COVID-19 vaccination: Policymakers must not forgo establishing a legal mandate without good cause], Rotary-Club Freiburg-Zähringen, Colombi-Hotel, Freiburg, 08.03.2022.

2021

The Hermeneutics of Precedent. Virtual Workshop: "Philosophical Foundations of Precedent", Oxford Law Faculty, 30.10.2021.

Meaning and Legal Meaning. Conference Krakow, Analytic Philosophy Meets Legal Theory 2021. Krakow, 03.10.2021.

Meaning, Legal Meaning and Legal Effect. Assigning Intentionalism Its Place in Law. Nice Conference (Toulouse) of the Société française pour la philosophie et la théorie juridiques et politiques (SFPJ) [French Society for Legal and Political Philosophy and Theory], Toulouse, 23.09.2021.

Überwachungsgesamtbilanz, Lässt sich die Gesamtheit staatlicher Überwachung ermitteln, und wenn ja, mit welchen Mitteln? Wann ist die Grenze zur Totalüberwachung überschritten? Welche Vorschläge und Versuche zur Operationalisierung gibt es? Virtuelles Fachgespräch der Europäische Kommission Vertretung in Deutschland, Berlin: "Sicherheitsgesetzgebung am Maßstab von Grund- und Menschenrechten prüfen" [Total surveillance balance, Can the totality of state surveillance be determined, and, if so, by what means? When is the boundary to total surveillance crossed? What are the proposals and attempts to operationalize it? Virtual Expert Discussion of the European Commission Representation in Germany, Berlin: "Examining Security Legislation against the Benchmark of Fundamental and Human Rights"], 17.09.2021.

Meaning and Legal Meaning. 5th International Language and Law Association, General Conference: Language and the law in the Age of Migration. Additionally, coordinator of the thematic area: Legal interpretation, University of Alicante, 08.09.2021.

Entwicklung eines periodischen Überwachungsbarometers für Deutschland, Modellkonzept entwickelt durch das MPI-CSL, Abteilung Öffentliches Recht. Digitales Werkstattgespräch mit der Friedrich-Naumann-Stiftung und Sachverständigen [Development of a periodic surveillance barometer for Germany, model concept developed by the MPI-CSL (Department of Public Law). Digital workshop with the Friedrich Naumann Foundation and experts], 17.06.2021.

2020

Inflation of Rights. Max Planck Law Annual Conference, Webinar, 28.10.2020.

Human Dignity in the Mechanics of Claims. Virtual Book Workshop with Alec Walen, Wissenschaftszentrum Berlin für Sozialforschung (WZB), 02.09.2020.

Wie die Polizei den gesellschaftlichen Wandel und die Vielfalt von Kulturen, Religionen und Wertvorstellungen in ihrer Ausbildungs- und Personalpolitik abbilden kann. Virtuelles Mittagsgespräch der Konrad-Adenauer-Stiftung (KAS) "Die Polizei: Freund und Helfer oder Feindbild?" [How the police can reflect social change and the diversity of cultures, religions and values in their training and personnel policies. Virtual Lunch Debate hosted by the Konrad-Adenauer-Foundation (KAS) "The Police: Friend and Helper or Enemy Image?"], 10.08.2020.

AI and the Right to Data Protection. Virtual conference "Global Perspectives on Responsible AI 2020". Freiburg Institute for Advanced Studies (FRIAS), 26.06.2020.

Zivile Sicherheit im digitalen Zeitalter – Überlegungen im Anschluss an CISEDA. 2. Profildworkshop "Zivile Sicherheitsforschung". [Civil Security in the Digital Age – 2nd Profile Field Workshop "Civil Security Research"] University of Freiburg, 14.02.2020.

Rigoni, Clara

2022

Alternative Dispute Resolution or Parallel Justice? Results of a Study in North Rhine-Westphalia. European Forum for Restorative Justice Annual Conference. Sassari, 23.06.2022.

Alternative Dispute Resolution or Parallel Justice? Results from a Study on Conflict Resolution within Immigrant Communities in North Rhine-Westphalia. Conference "Anthropology of Crime and Criminalization". University of Bologna, 18.06.2022.

Honor-Based Violence and Forced Marriages: Community and Restorative Practices in Europe. Conference "Anthropology of Crime and Criminalization". University of Bologna, 17.06.2022.

Honor-Based Violence and Forced Marriages. Community and Restorative Practices in Europe. Book presentation. University of Bologna, 19.05.2022.

Il trattamento rieducativo e le misure alternative in Germania. University of Trento – "Prison and Rehabilitation" (seminar). Trento, 12.04.2022.

2021

Alternative Dispute Resolution or Parallel Justice? Results of a Study in North Rhine-Westphalia" (Presentation at an MPI-CSL Werkstattgespräch [Lab talk]). Freiburg, 13.10.2021.

Delitti d'onore e matrimoni forzati in Europa: verso un'efficace strategia di contrasto. University of Milano San Raffaele – Annual conference of the Italian Society of Criminology. Milano, 09.10.2021.

Human Rights and Family's Honor. Lessons from Restorative Justice and ADR Practices against Honor-Based Violence and Forced Marriages in Migrant Communities. European Forum for Restorative Justice Annual Conference, online, 25.06.2021.

2020

Challenges in the Prevention of Family-Based Organised Crime. European Crime Prevention Network – Best Practice Conference. Online, 04.12.2020.

Restaurative Justiz. Ein vergleichender Überblick. Paulus Akademie Zürich – Tagung der Fachgruppe Reform im Strafwesen "Mit oder ohne Opfer? Chancen und Risiken der Restaurativen Justiz". Zürich, 10.09.2020.

Studie zu strafrechtlichen Phänomenen der Paralleljustiz. Presentation at department meeting, MPI-CSL (Department of Criminal Law), Freiburg, 02.06.2020.

Increasing Punitiveness vs. Alternative Solutions: Enhancing Access to Justice for Victims of Honor-Based Violence and Forced Marriages. University of Roma Tre – Convegno Studi sulla Questione Criminale "Legalità e Giustizia". Rome, 24.01.2020.

Rinceanu, Johanna

2022

The changing role of Internet Service Providers: Governing cyber violence and online 'hate speech' against women. Lecture at the International Symposium on Criminalising Intimate Image Abuse at the Free University of Bolzano, 23.6.2022.

Insights into German Criminal Procedural Law. Lecture at the Faculty of Law of the University of Palermo, 22.04.2022.

Rethinking Legal Translation and Comparison. Lecture at the Faculty of Political Science of the University of Palermo, 21.04.2022.

Introduction into the research profile of the Max Planck Institute for the Study of Crime, Security and Law. Lecture at the conference "La Ricerca Penalistica Oggi: Questioni, Percorsi, Opportunità" at the Faculty of Law of the University of Palermo, 20.04.2022.

2021

Pretrial detention and presumption of innocence: An antinomy? Lecture at the Faculty of Law of the Bahçeşehir Üniversitesi Istanbul, online, 22.04.2021.

Pretrial detention vs. presumption of innocence: A paradox of preventive criminal justice. Lecture at the international conference "I Congreso Internacional de Derecho de la Unión Europea – La Unión Europea ante los Objetivos de Desarrollo Sostenible" at the University La Laguna. San Cristóbal de La Laguna, online, 18.03.2021.

Scheidegger, Nora

2022

Strafbarkeit der Knabenbeschneidung? Rechtliche Würdigung der medizinisch nicht indizierten Zirkumzision an urteilsunfähigen Jungen vor dem Hintergrund medizinischer und theologischer Perspektiven. University of Lucerne, 07.04.2022.

2021

Lack of Consent in One's Own Activities. Symposium: Consent in sexual relations – a comparative perspective. Cologne, 24.09.2021.

Erstarren während sexualisierter Gewalt: Juristische, strafrechtliche und therapeutische Aspekte für Psychiatrie und Psychotherapie im aktuellen und im möglichen neuen Sexualstrafrecht, SGPP Jahreskongress. Bern, 04.09.2021.

Siezenga, Aniek

2022

Collecting log data in Virtual Reality Research: What, Why and How? Virtual Reality in Practice Network. Amsterdam, online, 09.05.2022.

FutureU: A VR and smartphone app intervention for stimulating future-oriented mindsets. MPI-CSL lab meeting. Freiburg, 23.02.2022.

2021

FutureU: A VR and smartphone app intervention for reducing self-defeating behavior. PhD network Leiden University, online, 07.12.2021.

FutureU: Een Virtual Reality en smartphone interventie voor jongeren met delinquent gedrag. Virtual Reality in Practice Network. Leiden, online, 15.11.2021.

What Works in the Digital Age? VR and Smartphone Applications for Forensic Psychology. MPI-CSL lab meeting. Freiburg, 21.07.2021.

Silverman, Emily

2022

Artificial Intelligence in Criminal Law and Law Enforcement. Court Administration of Latvia in cooperation with ERA Academy of European Law. Latvia, online, 06.04.2022 and 08.04.2022.

Ca(r)veat Emptor: Crowdsourcing Data to Challenge the Testimony of In-Car Technology? Zentrum für interdisziplinäre Forschung /Center for Interdisciplinary Research, University of Bielefeld, 15.03.2022.

2021

Robot Testimony? Taxonomy for Using Evaluative Data in Criminal Cases. University of Basel, Faculty of Law, 22.07.2021.

2020

Facial Recognition and Law Enforcement: Quo Vadis? MPI-CSL, Freiburg, 18.02.2020.

Simon, Jan-Michael

2022

Opportunities for third party intervention in legal proceedings against corruption. Bogota, 27.05.2022.

The Office of the UN High Commissioner for Human Rights, Geneva, 03.05.2022.

How to defeat a Kleptocracy? George Mason University. Fairfax, 28.04.2022.

Kleptocracy as context: Laundering the proceeds of Venezuelan grand corruption – a short case study. EUROPOL, The Hague, 23.03.2022.

The UN Human Rights Fact-Finding Mission on Venezuela: should its mandate be extended? Centre for Civil and Political Rights. Geneva, 15.03.2022.

What elements should be in place for an International Commission to combat impunity and corruption in Honduras? Support Honduras Organization. Tegucigalpa, 07.03.2022.

2021

Corruption and human rights violations in Venezuela. Ensuring accountability and victims' rights from abroad. Recommendations for the international community. International Criminal Court. The Hague, 27.09.2021.

Corruption and human rights violations in Venezuela. Ensuring accountability and victims' rights from abroad. Recommendations for the international community. United Nations Human Rights Council, Geneva, 23.09.2021.

How can the Human Rights Council address the issue of corruption? Centre for Civil and Political Rights. Geneva, 22.09.2021.

Citizen protest in the open society: basic conditions for the exercise of civil disobedience. People's Law School, Institute for Legal Defense. Lima, 17.09.2021.

Participation of victims and civil society in corruption trials. Due Process of Law Foundation. Washington, 15.07.2021.

Regional mechanisms against impunity and corruption. Jotay, Christian Aid, Lutheran World Federation, Act Church of Sweden, Norwegian Church Aid. Guatemala City, 31.05.2021.

Building blocks to justice and the rule of law in Central America. G13 Group of Donors and Representatives from Multilateral Agencies. Guatemala City, 28.05.2021.

Building blocks to justice and the rule of law in Central America. United States Agency for International Development, United States Department of State. Washington, 20.05.2021.

Latin American Lawfare: Book discussion. Max Planck Law. Frankfurt a.M., 26.04.2021.

Building blocks to justice and the rule of law in Central America. Bureau of International Narcotics and Law Enforcement, United States Department of State. Washington, 10.04.2021.

Proposal for the establishment of a Regional Commission against corruption and impunity in Northern Central America. National Security Council, The White House. Washington, 17.03.2021.

Recent developments in Latin American criminal justice systems. La Ley. Lima, 11.03.2021.

Prosecutor's offices and the defense of the rule of law – the prosecution of power crime. Due Process of Law Foundation. San Salvador, 03.02.2021.

Current debates on hybrid mechanism models – autonomy vs. integration in national justice systems. Comisión Mexicana para la Defensa y Promoción de los Derechos Humanos, Open Society Justice Initiative. Mexico City, 20.01.2021.

2020

Shared sovereignty arrangements in criminal matters against corruption in Central America. MPI-CSL, Freiburg, 16.12.2020.

Corruption in the justice sector in Latin America. Federal Foreign Office. Berlin, 20.11.2020.

Kleptocracy, grand corruption and the justice sector. Pontifical Catholic University of Rio Grande do Sul. Porto Alegre, 12.11.2020.

Criminal investigation strategies in complex contexts. United Nations Office on Drugs and Crime. Bogota, 28.09.2020.

Corruption and Lawfare. University of Freiburg, Institut für Ethnologie. Freiburg, 15.07.2020.

Strecke, Antonia**2021**

Die staatliche Pflicht zur Erstellung von Statistiken im öffentlich-rechtlichen Antidiskriminierungsrecht, Arbeitskreis "Geschichte, Methodik, Dogmatik des Öffentlichen Rechts". Freiburg, 27.11.2021.

Tetal, Carina**2020**

Legalbewährung nach strafrechtlichen Sanktionen, Werkstattgespräch, MPI-CSL, Freiburg, 11.11.2020.

Thielmann, Isabel**2022**

Ethical maneuvering: How individuals manage to feel moral but still profit from lying. Invited talk at the Department of Psychology, University of Wuppertal, 23.06.2022.

Ethical maneuvering: How individuals manage to feel moral but still profit from lying. Invited talk at the Department of Psychology, University of Zurich, 12.04.2022.

van Gelder, Jean-Louis**2022**

Keynote address: Virtual reality and crime: Studying the hidden behavior of a hard-to-reach population, Kurt Lewin Institute Annual Conference, Zeist, 04.2022.

Invited talk: Using VR to reduce delinquency: The role of future selves. FOReVR meeting (online talk) 03.2022.

2021

Keynote address, Virtual Reality in Crime Research: Current Applications and Future Potential, Forensic Science and its Implications in the Development of Human Society, Virtual conference, Alexandru Ioan Cuza University, Iași, Romania (online talk) 04.2021.

Invited talk: Virtual criminology: Overcoming the internal validity-ecological validity tradeoff in crime research, Virtual Max Planck Inter-sectional Symposium on Computing and Society, (online talk), 01.2021.

2020

Invited talk: Virtual Reality in Criminology. Korean Institute for Criminology, Seoul, Korea (online talk).12.2020.

Keynote address: VR Days, Virtual Criminology: How VR can help us understand crime (and maybe reduce it), Amsterdam. 11.2020.

Invited talk: Big Ideas in Criminology lecture series, Griffith University, Brisbane, Australia (online talk). 10.2020.

Vogel, Benjamin

2022

Tensions between Anti-Money Laundering Law and Data Protection Law”, CPDP Conference, Brussels, 23.05.2022

Secret Evidence: Uncomfortable Truths and the Forgotten Story of the Law of Evidence. MPI-CSL, Freiburg, 05.04.2022.

Les mesures restrictives de l'Union européenne, Université de Bourgogne, Dijon, 01.04.2022.

Mens Rea in German Criminal Law, Rutgers University, 18.02.2022.

2021

Culpability and dangerousness, Oxford University, 01.11.2021.

Les apports du renseignement financier dans la lutte contre la cybercriminalité, Université de Strasbourg, 18.06.2021.

2020

Culpability, character, and dangerousness, Oxford University, 09.10.2020.

Wahl, Thomas

2021

The EPPO: Conducting an investigation – Terms and conditions with regard to reporting of an investigation – Initiating investigations or evocation – Investigation measures under the EPPO Regulation – EU Cross-border investigation measures within the EPPO and conditions for investigative measures under the Member States’ national law – cooperation with EUROPOL and Eurojust – EPPO’s data protection regime. European Institute of Public Administration (EIPA), “How to work with the European Public Prosecutor’s Office?” Luxembourg, 09.10.2021.

The German Federal Constitutional Court’s Approach to Extradition Refusals Due to Non-Compliance with Fair Trial Standards in the Requesting/Issuing State”. EAW AWARE (OLG Bremen) – Second Seminar. Bucharest, online, 23.04.2021.

The European Investigation Order and its Effectiveness in Collecting Evidence Located Abroad. Academy of European Law (ERA) online seminar “Procedural Rights in the Context of Evidence Gathering”, 15.04.2021.

The Gathering of Cross-Border Evidence and its Admissibility. ERA online seminar “Procedural Rights in the Context of Evidence Gathering”, 15.04.2021.

2020

Ne bis in idem in EU Criminal Justice: Regulations and CJEU Case Law; Challenges for Practitioners. Academy of European Law (ERA) – Ne bis in idem as a General Principle of EU Law, online seminar for Latvian judges, prosecutors, and court staff, 09.12.2020 and 14.12.2020.

Werner-Kappler, Katrin

2021

Mit Recht gegen Extremismus. Soapbox Science. Munich, 24.07.2021.

The Future of Militant Democracy in Germany. ICON-S Mundo online, 08.07.2021.

Shrinking Space Deutschland? Die Zivilgesellschaft als Akteurin beim Zugang zu Recht. Junge Tagung Öffentliches Recht. Münster, 26.02.2021.

2020

The Human Rights to Sexual Orientation and Gender Identity as a Positive Example for the Development of a New Human Right. Max Planck Law Annual Conference, online, 27.10.2020.

Wössner, Gunda

2022

Sachverständigen-Gutachten unter dem Aspekt der Erkennbarkeit und Diagnose der Borderline-Persönlichkeitsstörung. Arbeitsgemeinschaft Strafrecht, Freiburger Anwaltverein e. V., Freiburg, 28.06.2022.

2021

Gehringer, N. & Wössner, G. Partnerschaftsgewalt in der COVID-19-Pandemie: Erste Erkenntnisse einer empirischen Untersuchung in Baden-Württemberg. Gender & Crime – Geschlechteraspekte in Kriminologie und Strafrechtswissenschaft, online-Tagung des Kriminologischen Forschungsinstituts Niedersachsen e. V. und des Deutschen Juristinnenbundes, 26.11.2021.

Sexualstraftäter – professionelle Haltung, Menschenbild, Unterstützungsangebote. Seminar des DBH e.V. – Fachverband für Soziale Arbeit, Strafrecht und Kriminalpolitik. Erfurt, 21.–22.06.2021.

What do we (need to) know about different types of sexual perpetrators?” GS21 Gender Summit Europe 2021. Live online event, 15.04.2021.

2020

¿Mejora el monitoreo electrónico la rehabilitación y disminuye la reincidencia? Un ensayo controlad aleatorio en el ámbito de la criminología”. Congreso International ICT 2020: El Derecho y la Criminología en la Nueva Era Digital. Sevilla, 21.01.2020.

D. ORGANIZATION OF SCIENTIFIC EVENTS: CONFERENCES, SEMINARS, WORKSHOPS

Angove, James

2021

Untitled. A panel event with UK Members of Parliament, the Foreign Commonwealth and Development Office, and the BHC. All Party Parliamentary Human Rights Group and the UK Houses of Parliament, Efi Tembon, and Nicole Pichê. UK/online, 17.11.2021.

Barnum, Tim

2022

Choice, Social Structure, and Crime. Workshop and Justice Quarterly Special Issue. Freiburg, 21.10.2022.

Billis, Emmanouil

2021

Proportionality and Criminal Law in a State of Emergency. Book Launch and Panel Discussion. Otto Hahn Research Group on Alternative and Informal Systems of Crime Control and Criminal Justice (Max Planck Institute for the Study of Crime, Security and Law and University of Tromsø, Faculty of Law. Tromsø, online, 17.06.2021.

Coppola, Federica

2021

Rejecting Retributivism: Free Will, Punishment and Criminal Justice, by Gregg Caruso. Book Talk. Law and the Cognitive Sciences (LACS) Seminar Series, online, 16.09.2021.

Engelhart, Marc

2022

Judicial and Institutional Independence – Training School on Atrocity Crimes and Judicial and Institutional Independence. International Spring Course. Inter-University Center Dubrovnik, 04.04.–08.04.2022.

2020

Prosecuting Environmental and Serious Economic Crimes as International Crimes. International Spring Course. Dubrovnik, 30.03.–05.04.2020.

Frankenhuis, Willem

2021

Preregistration. Workshop. Max Planck Institute for the Study of Crime, Security and Law. Freiburg, 10.2021.

Young in Prison. Training for justice professionals. Amsterdam, 10.2021.

2021, 2020

Co-creation. Three five-hour sessions to discuss the existence, measurement, and societal applications of hidden talents, with a youth panel of (former) juvenile delinquents and two social workers. Young in Prison. Amsterdam, 10.2020–04.2021.

Hartwig, Samuel

2021

Geschichte, Methode, Dogmatik des Öffentlichen Rechts. Arbeitskreis, Max Planck Institute for the Study of Crime, Security and Law. Freiburg, 26.–27.11.2021.

Hirsch, Philipp-Alexander

2022

Richard Martin Honig. Prägender Göttinger Strafrechtswissenschaftler? Workshop. University of Göttingen, 07.–08.06.2022.

Hörnle, Tatjana

2021

Sexual Assault and Rape – What Can We Learn From and For Law Reform? Workshop. Organizer: Hörnle, T., Max Planck Institute for the Study of Crime, Security and Law. Berlin, 04.–06.11.2021, and online 18.–19.03.2021.

Kilchling, Michael

2021

Ceremony and presentation of the scientific liber amicorum (Festschrift) for emeritus director Prof. Dr. Dr. h.c. mult. Hans-Jörg Albrecht. Harnack Haus – Conference center of the Max Planck Society, together with Dietrich Oberwittler, Gunda Wössner, et al. Berlin, 17.09.2021.

Poscher, Ralf

2021

24th Berlin Colloquium – Living safely in the city of the future. Colloquium. Organizer: Poscher, R., Max Planck Institute for the Study of Crime, Security and Law, Freiburg / Daimler and Benz Foundation, Berlin. Berlin, 26.10.2022 (originally scheduled for 13.10.2021).

History, Methodology, Dogmatics of Public Law. Annual postdoctoral and doctoral seminar. Organizer: Poscher, R., Max Planck Institute for the Study of Crime, Security and Law. University of Freiburg, 26.–27.11.2021.

Periodic Surveillance Barometer. Workshop. Organizers: Poscher, R., Kilchling, M., Max Planck Institute for the Study of Crime, Security and Law, Freiburg / Friedrich Naumann Foundation, Bonn, online 17.06. and 29.06.2021.

van Gelder, Jean-Louis

2021

Crime, Choice and Context. Max Planck Institute for the Study of Crime, Security and Law. Freiburg, 21.–22.10.2021.

Vogel, Benjamin

2021

Public-Private Cooperation against Financial Crime. Workshop. European Commission. Brussels, 15.11.2021.

Wahl, Thomas

2022

International Extradition and the European Arrest Warrant. Advanced seminar. European Centre for Continuing Legal Education (ECCLE). Lake Iseo, 27.–28.06.2022.

2020

Ne bis in idem as a General Principle of EU Law, online workshop. Academy of European Law (ERA), 09., 11., 14., and 16.12.2020.

Wössner, Gunda

2021

Ceremony and presentation of the scientific liber amicorum (Festschrift) for emeritus director Prof. Dr. Dr. h.c. mult. Hans-Jörg Albrecht, Harnack Haus – Conference center of the Max Planck Society, together with Michael Kilchling, Dietrich Oberwittler, et al. Berlin, 17.09.2021.

E. MEMBERSHIP ON EDITORIAL BOARDS

Albrecht, Hans-Jörg

Monatsschrift für Kriminologie und Strafrechtsreform;
Recht der Jugend und des Bildungswesens.

Coca-Vila, Ivó

InDret; Revista para el Análisis del Derecho.

Coppola, Federica

European Journal of Legal Studies (EJLS).

Engelhart, Marc

Juristische Arbeitsblätter (JA); Studia Prawnicze – The Legal Studies (ed. by the Polish Academy of Sciences); Periodicum Iuris (ed. by the Eskisehir Osmangazi University, Turkey).

Eser, Albin

Co-editor: Zeitschrift für die gesamte Strafrechtswissenschaft (Verlag Walter de Gruyter, Berlin); Advisory Board, Maastricht Journal of European and Comparative Law (Bruylant, Brussels); Consejo Acesor, Revista de Derecho Penal y Criminología (Universidad Nacional de Educación a Distancia, Madrid); Consejo Consultivo Internacional, Revista de Derecho Penal (Rubinzal-Culzoni, Buenos Aires); Editorial Board, International Criminal Law Review (Koninklijke Brill NV, Leiden); Advisory Board, Revista de Derecho y Genoma Humano/Law and the Human Genome Review (Universidad de Deusto, Bilbao); Scientific Council, Jahrbuch für Wissenschaft und Ethik (Verlag Walter de Gruyter, Berlin).

Frankenhuis, Willem

Associate Editor: Evolution and Human Behavior, 2018–2021. Special Issue or Section Editor: (co-editors Profs. Alison Gopnik and Michael Tomasello): Life history and learning: How childhood, caregiving and old age shape cognition and culture in humans and other animals, Philosophical Transactions of the Royal Society B. 06.2020; (co-editor Prof. Daniel Nettle): Current debates in human life history research, Evolution and Human Behavior, 11.2020; (co-editor Prof. Catherine Hartley): Sensitive and critical periods, Current Opinion in Behavioral Sciences, 12.2020; (co-editors Profs. Denny Borsboom, Daniel Nettle, and Glenn I. Roisman): Formal Theory and Data Simulation, Child Development. Spring/Summer 2023.

Herman, Shaina

Managing Editor for review, Criminology.

Hörnle, Tatjana

Leviathan – Berliner Zeitschrift für Sozialwissenschaft; Zeitschrift für die Gesamte Strafrechtswissenschaft (ZStW); permanent staff member, Goldammer's Archiv für Strafrecht (GA); Rechtstheorie / Legal Theory (Mohr Siebeck Publishing, Tübingen); Interdisziplinäre Studien zu Recht und Staat (Nomos Publishing, Baden-Baden); Fundamenta Juridica (Nomos Publishing, Baden-Baden); International advisor, Criminal Law and Philosophy (Springer Publishing, Dordrecht); Scientific advisory board member, Ultima Ratio. Filosofia del diritto penale (Editoriale Scientifica, Naples); International advisor, Undecidabilities and Law – The Coimbra Journal for Legal Studies (Coimbra University Press, Coimbra); ZStR – Schweizerische Zeitschrift für Strafrecht.

Jarvers, Konstanze

Rechtsgeschichte und Rechtsgeschehen – Italien (ed. Thomas Vormbaum), LIT-Verlag, Berlin.

Kilchling, Michael

Member of Advisory Board of the book series EDITION SEEHAUS [PLUS] – Resozialisierung | Opferschutz | Wiedergutmachung (Baden-Baden: Nomos), since 2021.

McClanahan, William Patrick III

Psychology, Crime, and Law.

Oberwittler, Dietrich

Comparative Policing Review; Policing and Society, since 01.2022.

Poscher, Ralf

The European Security Research Journal; Behemoth. A Journal on Civilisation; Security and Society. Freiburg Studies of the Centre for Security and Society; Studies on School and Education Law.

Rigoni, Clara

Managing Editor: German Law Journal, since 09.2021.

Rinceanu, Johanna

Deutsch-Georgische Strafrechtszeitschrift (DGStZ).

Simon, Jan-Michael

Revista de Ciências Jurídicas; Revista Justitia; Juruá Editora; Revista Studia Iuridica; Revista Teoria Jurídica Contemporânea; Rivista Cammino Diritto.

Tellenbach, Silvia

Member of the Advisory Board, Süleyman Demirel Üniversitesi Hukuk Fakültesi Dergisi; Faslname-ye parwaresh-e hoquq-e keifari (Journal of Criminal Law Research), since 2022.

Thielmann, Isabel

Consulting Editor: Personality Science, since 01.2021; Consulting Editor, Psychological Bulletin. Guest Editor: Current Opinion in Psychology, 04.2021–04.2022. Associate Editor: European Journal of Personality, since 09.2020.

van Gelder, Jean-Louis

Editorial board member: Criminology; The International Criminal Justice Review; Crime & Justice: A Review of Research; Justice Quarterly

Special issue editor: Crime, Choice and Context, Special Issue of the Journal of Research in Crime and Delinquency

Vogel, Benjamin

Managing Editor: Auslandsrundschau der Zeitschrift für die gesamte Strafrechtswissenschaft.

F. REVIEWING ACTIVITIES FOR JOURNALS

Barnum, Tim

Crime & Delinquency; Criminal Justice Review; International Journal of Offender Therapy and Comparative Criminology; Journal of Research in Crime and Delinquency; Justice Quarterly; Psychology, Crime and Law; Youth and Society.

Billis, Emmanouil

Reviewing book proposals for Hart Publishing; New Journal of European Criminal Law.

Coca-Vila, Ivó

InDret; Política Criminal; Journal of Human Rights Practice; Białystok Legal Studies; Revista Jurídica de la Universidad Autónoma de Madrid; Revista del Instituto de Ciencias Penales (RICP).

Coppola, Federica

International Journal of Criminology and Sociology; Biolaw Journal.

Deitzer, Jessica

Criminology; Journal of Research in Crime and Delinquency; Journal of Drug Issues; Crime & Delinquency; Deviant Behavior; Humanities and Social Science Communications; International Journal of Offender Therapy and Comparative Criminology.

Engelhart, Marc

International Criminal Law Review.

Fish, Eran

Zeitschrift für Ethik und Moralphilosophie; Utilitas.

Fox, Matthew

Qualitative Sociology.

Frankenhuis, Willem

Behavioral and Brain Sciences; Behavioral Ecology and Sociobiology; Behavioral Processes; Child Development; Child Development Perspectives; Cognition; Consciousness and Cognition;

Current Biology (presubmission enquiry); Current Directions in Psychological Science (presubmission enquiry); Current Zoology – Developmental Psychology; Development and Psychopathology; Evolution and Human Behavior; Evolutionary Behavioral Sciences; Evolutionary Psychology; Evolution, Medicine, and Public Health; Infant Behavior and Development; In-Mind Magazine; Journal of Articles in Support of the Null Hypothesis; Journal of Child Psychology and Psychiatry; Journal of Developmental Origins of Health and Disease; Journal of Experimental Psychology; Journal of Gerontology: Psychological Sciences; Journal of Social and Personal Relationships; Journal of Theoretical Biology; General Journal of Experimental Social Psychology; Personality and Individual Differences; Personality and Social Psychology Review; Perspectives on Psychological Science; Philosophical Psychology; Philosophical Transactions of the Royal Society B; Proceedings of the National Academy of Sciences; Proceedings of the Royal Society B; Psychological Bulletin; Psychological Review; Psychological Science; Psychoneuroendocrinology; The Quarterly Review of Biology; Royal Society Open Science; Science; Scientific Reports; Trends in Cognitive Sciences; Trends in Ecology & Evolution.

van Gelder, Jean-Louis

American Psychologist; Criminology; Journal of Quantitative Criminology; Journal of Research in Crime and Delinquency; Journal of Developmental and Life-Course Criminology; PLOS One; Justice Quarterly; Journal of Experimental Psychology; Child Development; Frontiers in Psychology; Deviant Behavior; International Journal of Offender Therapy and Comparative Criminology; Self & Identity; Personality and Social Psychology Bulletin; Journal of Crime and Justice; Journal of Interpersonal Violence; British Journal of Sociology; Environment & Behavior; International Journal of Urban and Regional Research; Land Use Policy; Habitat International; Housing Studies; Tijdschrift voor Criminologie; Virtual Reality.

Gerstner, Dominik

Deviant Behavior; European Journal on Criminal Policy and Research; International Journal of Developmental Science; Justice Quarterly; Monatsschrift für Kriminologie und Strafrechtsreform, Safer Communities.

Herman, Shaina

Journal of Research in Crime and Delinquency; Justice Quarterly; Crime & Delinquency.

Hörnle, Tatjana

Leviathan – Berliner Zeitschrift für Sozialwissenschaft; Criminal Law and Philosophy (Springer Publishing, Dordrecht/Netherlands); Bergen Journal of Criminal Law & Criminal Justice (BJCLCJ); Law, Culture, and the Humanities (LCH); Oxford University Press (OUP); Monatsschrift für Kriminologie und Strafrechtsreform.

Kaiser, Florian

European Journal of Research Methods for the Behavioral and Social Sciences; Methodology.

Kilchling, Michael

Monatsschrift für Kriminologie und Strafrechtsreform – Journal of Criminology and Penal Reform; Archives of Criminology, Journal of the Institute of Law Studies of the Polish Academy of Sciences.

Kübel, Sebastian L.

PsyCh Journal; Online Journal Criminology; Timing & Time Perception.

McClanahan, William Patrick III

Psychology, Crime, and Law; Deviant Behavior; Journal of Social and Clinical Psychology; Journal of Environmental Psychology.

Oberwittler, Dietrich

Criminology; Journal of Quantitative Criminology; Justice Quarterly; PLoS One (Academic Guest Editor); European Journal of Criminology; Asian Journal of Criminology; International Review of Victimology; Criminology & Criminal Justice; Policing & Society; European Journal on Criminal Policy and Research; Crime, Law and Social Change; Journal of Contemporary Criminal Justice; International Journal of Comparative Sociology; Journal of Community Psychology; Social Science & Medicine; Social Science Research; Sociological Quarterly; British Journal of Sociology; Sociology of Education; Advances in Life Course Research; Cities; Sage Open; Kölner Zeitschrift für Soziologie und Sozialpsychologie; Zeitschrift für Soziologie; Schweizerische Zeitschrift für Soziologie; Soziale Welt; Soziale Probleme; Monatsschrift für Kriminologie und Strafrechtsreform; Kriminologisches Journal; Diskurs Kindheits- und Jugendforschung.

Rigoni, Clara

European Journal for Security Research.

Stephenson, Randall

University of New South Wales Law Journal (Issue 43(3)).

Tetal, Carina

Criminology – The Online Journal; Journal of criminology and penal reform.

Thielmann, Isabel

Advances in Methods and Practices in Psychological Science; Applied Cognitive Psychology; Asian Journal of Social Psychology; Assessment; Basic and Applied Social Psychology; Borderline Personality Disorder and Emotion Dysregulation; Cognition; Current Psychology; Cyberpsychology; European Journal of Personality; European Journal of Personality Assessment; European Journal of Social Psychology; Evolution & Human Behavior; Experimental Psychology; Frontiers in Psychology; Games; Group Processes & Inter-group Relations; International Journal of Environmental Research and Public Health; Journal of Behavioral and Experimental Economics; Journal of Behavioral Decision Making; Journal of Conflict Resolution; Journal of Economic Behavior & Organization; Journal of Economic Psychology; Journal of Experimental Psychology: General; Journal of Experimental Social Psychology; Journal of Individual Differences; Journal of Organizational Behavior; Journal of Personality; Journal of Personality Assessment; Journal of Personality and Social Psychology; Journal of Research in Crime and Delinquency; Journal of Research in Personality; Journal of Trust Research; Judgment and Decision Making; Nature Human Behavior; Personality and Individual Differences; Personality and Social Psychology Bulletin; Personality and Social Psychology Review; Personality Science; Perspectives on Psychological Science; PLOS ONE; Psychological Bulletin; Psychological Research; Psychological Science; Psychological Test Adaptation and Development; Review of General Psychology; SAGE Open; Scandinavian Journal of Psychology; Scientific Reports; Sex Roles; Social Psychological and Personality Science; Social Psychology; Social Science Research; The Economic Journal; The Journal of Social Psychology; The Social Science Journal; Transactions on Internet Technology; Zeitschrift für Psychologie – Journal of Psychology.

Wahl, Thomas

eu crim.

Werner-Kappler, Katrin

European Journal for Security Research.

Wössner, Gunda

Aggressive Behavior; British Medical Journal; Child and Adolescent Psychiatry and Mental Health; Clinical Medicine Insights: Psychiatry; Criminal Justice and Behavior; Journal of Forensic Psychiatry and Psychology; Journal of Offender Rehabilitation; Journal of Sexual Aggression; Justice Quarterly; Monatsschrift für Kriminologie und Strafrechtsreform; Punishment and Society; Restorative Justice: An International Journal; The B.E. Journal of Economic Analysis and Policy; Zeitschrift für Arbeits- und Organisationspsychologie.

G. EXPERT ACTIVITIES AND ACTIVE MEMBERSHIPS IN OTHER SCIENTIFIC ORGANIZATIONS

Arnold, Jörg

2022, 2021, 2020

Expert on criminal law and criminal justice of the former GDR, "Lernort Keibelstraße" at the Senate Department for Education, Youth and Family Berlin.

2022

Expert and contemporary witness, "Lernort Andreasstraße" at the Ettersberg Foundation Weimar/Erfurt.

Coca-Vila, Ivó

2021

Member of the EUTOPIA Young Leaders Academy, until 2023.

Deitzer, Jessica

2022, 2021

Collaboration Partner, International z-proso Research Network (zIREN), since 09.2021.

Frankenhuis, Willem

2022, 2021, 2020

Discussion and development of Open Science initiatives and roadmaps for the faculty, Faculty Open Science team, Faculty of Social and Behavioral Sciences, Utrecht University, ongoing.

Organization of departmental research meetings to discuss topics relevant to all faculty members (e.g., inspiring theories, sensitive topics, rewards, and incentives), Faculty of Social and Behavioral Sciences, Utrecht University, ongoing.

Evaluation of suitability of proposals for child and adolescent development, upbringing and education, Dutch Research Agenda (Nationale Wetenschapsagenda), ongoing.

2022, 2021

Member of APS Janet Taylor Spence Award Committee for Transformative Early Career Contributions, Association for Psychological Science (APS), 2021–2024.

Hörnle, Tatjana

2022

Member of Scientific Advisory Board of Wissenschaftskolleg zu Berlin, since 2022.

Member of Scientific Advisory Board of the cluster project "Con-Trust – Trust in Conflict – Political Life under Conditions of Uncertainty", Goethe University Frankfurt, since 2022.

2022, 2021, 2020

Member of Academia Europaea, since 2020.

Associated fellow, Human Abilities – Centre for Advanced Studies in the Humanities, Humboldt-Universität zu Berlin, since 2020.

Member of Election Committee of Junge Akademie (under the jurisdiction of the German National Academy of Sciences Leopoldina), since 2020.

Member of Board of Trustees of Daimler and Benz Foundation, Ladenburg, since 2019.

Member of German National Academy of Sciences Leopoldina, since 2017.

Member of Berlin-Brandenburg Academy of Sciences and Humanities (BBAW), since 2015.

Corresponding member of Academy of Sciences and Literature, Mainz, since 2015.

Reviewer for Swiss National Science Foundation (SNSF); Fritz Thyssen Foundation; German Research Foundation (DFG); NEXT – Rechtswissenschaften zwischen Normativität und Wirklichkeit [NEXT – Legal scholarship between normativity and reality], Volkswagen Foundation.

2022, 2021

Member of Advisory Board in the project "AnonymPrevent" (Charité Berlin), funded by the Volkswagen Foundation, since 2021.

Member of Board of Inquiry for Good Scientific Practice at the Berlin-Brandenburg Academy of Sciences and Humanities (BBAW), 1.1.2021–31.12.2023.

2020

Member of Selection committee for the Leibniz Prize of the German Research Foundation (DFG), until 12.2020.

Kilchling, Michael

2022

Member of a selection panel for research grants by the Helmholtz Association, Berlin, 04.2022.

Oberwittler, Dietrich

2022, 2021, 2020

Member of Scientific Advisory Board, Netherlands Institute for the Study of Crime and Law Enforcement, since 2015.

Reviewer for German Research Foundation (DFG); L'agence nationale de la recherche (ANR); Swiss National Science Foundation (SNSF); Research Foundation – Flanders (FWO); Croatian Science Foundation (HRZZ); Czech Science Foundation (GACR).

Poscher, Ralf

2022, 2021, 2020

Reviewer for Swiss National Science Foundation (SNSF); German Research Foundation; Union of the German Academies of Sciences and Humanities.

Rinceanu, Johanna

2022, 2021, 2020

Reviewer for Fulbright Germany.

Scheidegger, Nora

2021, 2020

Submission of proposal, project management, and project execution for a study commissioned by the Swiss Federal Office of Justice (FOJ) on electronic monitoring in the context of domestic violence, University of Bern, 09.2020–02.2021.

Sieber, Ulrich

2022, 2021, 2020

President of Deutsche Vereinigung für Europäisches Strafrecht e.V.; German Section of the International Association of Penal Law (AIDP).

Board Member of Europäisches Rechtszentrum der Universität Würzburg.

Vice president of International Association of Penal Law (AIDP); International Academy of Comparative Law (IACL); International Society of Social Defence and for a Humane Criminal Policy (SiDS).

Guest professor at Renmin University, Beijing; University of Beijing; Beijing Normal University; Wuhan University.

Tellenbach, Silvia

2022

Member of the Advisory Board, Institute for Global Understanding of Rule of Law (IGUL) at Bahçeşehir University, Istanbul, since 2022.

2022, 2021, 2020

Reviewer for Alexander von Humboldt Foundation; Committee member of the Association for Arabic and Islamic Law, since 1999.

Tetal, Carina

2022, 2021, 2020

Reviewer for Swiss National Science Foundation (SNSF).

Thielmann, Isabel

2022, 2021, 2020

Reviewer for Czech Science Foundation; Dutch Research Council; German Research Foundation; Israel Science Foundation; Swiss National Science Foundation; Association for Research in Personality (ARP) Conference; International Conference on Social Dilemmas; Congress of the German Psychological Society; Summer School of Personality Science.

van Gelder, Jean-Louis

Committee member of NWO-VIDI grant scheme, Netherlands Science Foundation.

Grant reviewer for National Science Foundation (US), Netherlands Science Foundation, Leverhulme Trust (UK), British Academy.

Appointment Board Member/referee for full professorships at University of Amsterdam, University of Cincinnati, Griffith University.

Wahl, Thomas

2022

Member of the scientific committee of the extradition expert group, 06.2022.

Point of contact for Germany, European Criminal Law Academic Network (ECLAN), 02.2021.

Wössner, Gunda

2022, 2021, 2020

Project Expert for the Violence Research Lab, funded by the HRZZ (Croatian Science Foundation), 2018–2022

Reviewer for German Research Foundation (DFG); Swiss National Science Foundation (SNSF).

H. ACADEMIC TEACHING ACTIVITIES

Arnold, Jörg

2022

Arnold, J., & Heghmanns, M. Seminar on Sentencing: What do I get for it? University of Münster, summer semester.

2021

Seminar (together with Prof. Dr. Michael Heghmanns) „Das NSU-Urteil“, University of Münster, summer semester.

Billis, Emmanouil

2022, 2021

Lecture "International Models and Systems of Criminal Procedure and Evidence", University of Tromsø, winter semester.

Carlos de Oliveira, Ana Carolina

2022, 2021

Lecture and workgroup „Allgemeine Strafrechtslehre I“, Autonomous University of Madrid, winter semester

Coca-Vila, Ivó

2022

Lecture (bachelor): Criminal Law: Property Crimes, Pompeu Fabra University, Barcelona, fall semester.

Lecture (bachelor): Criminal Law: Offenses, Pompeu Fabra University, Barcelona, summer semester.

Lecture (master): Fundamentals of Spanish Criminal Law, Pompeu Fabra University, Barcelona, spring semester.

2022, 2021

Silva Sánchez, J. M., & Coca-Vila, I.: Seminar: "Criminal Discussion Group." Pompeu Fabra University, Barcelona, Criminal Law Department, since 01.11.2021.

Coppola, Federica

2022

Seminar: Punishment, Incarceration and the Brain. University of Pavia, Forensic Neuroscience Class, spring semester.

Lecture: Legal Insanity and Psychopathy. University of Pavia, Forensic Neuroscience Class, spring semester.

Seminar: The Emotional Brain and the Guilty Mind: Novel Paradigms of Culpability and Punishment. Center for Bioethics, Department of Law, University of Parma, spring semester.

Lecture: Social Rehabilitation and Punishment, Center for Penal Theory and Penal Ethics, University of Cambridge, spring semester.

Lecture: Gender, Trauma, and Criminal Justice: Why Orange Should Not Be the New Black, Max Planck Minerva Law Network Seminar Series, Germany, online, 25.03.2022.

Deitzer, Jessica

2022

Barnum, T., Herman, S., & Deitzer, J. Seminar: Deterrence, crime, and the criminal justice system: Myths and realities, Max Planck Law, online, 06.2022.

Engelhart, Marc

2022, 2021

Lecture (in German): Criminal Procedure, Goethe University Frankfurt, winter semester.

Colloquium (in German): Digitalisation and Criminal Law, Goethe University Frankfurt, winter semester.

Seminar (in German): Criminal Protection of the Environment, Goethe University Frankfurt, winter semester.

2021

Lecture (in German): Criminal Procedure Law, Goethe University, Frankfurt summer semester.

Lecture (in German): Exam Preparation Course Criminal Law, Goethe University, Frankfurt summer semester.

Lecture (in German): Exam Course (Examensklausurenkurs), Goethe University, Frankfurt summer semester.

2021, 2020

Lecture (in German): Criminal Law, Goethe University Frankfurt, winter semester.

Lecture (in German): Exam Preparation Course Criminal Law, Goethe University Frankfurt, winter semester.

Lecture (in German): Exam Course (Examensklausurenkurs), Goethe University Frankfurt, winter semester.

2020

Lecture (in German): Digitalisation and criminal law, Ludwig Maximilian University of Munich, summer semester.

Lecture (in German): Exam Preparation Course Criminal Law (Oral Exam), Ludwig Maximilian University of Munich, summer semester.

Seminar (in German): Digitalisation and Criminal Law, Ludwig Maximilians University of Munich, summer semester.

Seminar (in German): Artificial Intelligence and Criminal Law, Ludwig Maximilians University of Munich, summer semester.

2020, 2019

Lecture (in German): Criminal Procedure Law, Ludwig Maximilian University of Munich, winter semester.

Lecture (in German): European and International Criminal Law, Ludwig Maximilian University of Munich, winter semester.

Frankenhuis, Willem

2022, 2021

Lecture: Open Science – The 21st Century and Modern Humans, Utrecht University, winter semester.

Lecture: Open Science – Systematic Behavior Observation, Utrecht University, winter semester.

Lecture: Open Science – Academic Professional, Utrecht University, winter semester.

Herman, Shaina

2022

Barnum, T., Herman, S., & Deitzer, J. Seminar: Deterrence, crime, and the criminal justice system: Myths and realities, Max Planck Law, Germany, 06.2022.

Hirsch, Philipp-Alexander

2022

Exam training „Strafrecht“, University of Göttingen, summer semester

Hohnerlein, Jakob

2022

Hohnerlein, J. & Poscher, R. Seminar: Rechtsgeltung, University of Freiburg, summer semester.

Hörnle, Tatjana

2022

Lecture: Sexualstrafrecht [Sexual offense law], Humboldt-Universität zu Berlin, summer semester.

Seminar: Kriminalisierungstheorien – Perspektiven der Strafrechtstheorie und des Strafverfassungsrechts [Theories of criminalization – perspectives of criminal-law theory and criminal-constitutional law], Humboldt-Universität zu Berlin, summer semester.

2021

Block seminar (together with Prof. Dr. Boris Burghardt): Diskussionen zum Sexualstrafrecht, Humboldt-Universität zu Berlin, summer semester.

Lecture: Einführung in das Sexualstrafrecht, Humboldt-Universität zu Berlin, summer semester.

2020

Block seminar (together with Prof. Dr. Boris Burghardt) „Grundfragen des Sexualstrafrechts sowie den neueren Reformen im deutschen StGB“, Humboldt-Universität zu Berlin, summer semester.

Kilchling, Michael

2022

Lecture „Sanktionenrecht I: Sanktionsformen, Strafzumessung, etc.“, University of Freiburg, summer semester.

2021

Lecture „Sanktionenrecht I: Sanktionsformen, Strafzumessung, etc.“, University of Freiburg, summer semester.

2021, 2020

Lecture „Sanktionenrecht II: Strafvollzugsrecht“, University of Freiburg, winter semester.

2020

Lecture „Jugendstrafrecht“, University of Freiburg, summer semester.

Lecture „Sanktionenrecht I: Sanktionsformen, Strafzumessung, etc.“, University of Freiburg, summer semester.

2020, 2019

Lecture „Sanktionenrecht II: Strafvollzugsrecht“, University of Freiburg, winter semester.

Landerer, Lukas Martin

2022

Seminar: Administrative Law, University of Freiburg, summer semester.

Lassalle, Maxime

2022, 2021

Lecture: Business Ethics, University of Burgundy, Dijon, winter semester.

Lecture: Criminal Law, University of Burgundy, Dijon, winter semester.

Lecture: Comparative Law, University of Burgundy, Dijon, winter semester.

Oberwittler, Dietrich

2022,

Seminar: Einführung in die nichtlineare Regressionsanalyse. University of Freiburg, summer semester.

2021

Seminar: Einführung in die nichtlineare Regressionsanalyse. University of Freiburg, summer semester.

2020

Seminar: Einführung in die nichtlineare Regressionsanalyse.
University of Freiburg, summer semester.

Pick, Laura**2022, 2021**

Tutorial: Arbeitsgemeinschaft Staatsorganisationsrecht, University of Freiburg, winter semester.

Poscher, Ralf**2022**

Seminar: Rechtsgeltung [Legal validity], University of Freiburg, summer semester.

2022, 2021

Master seminar: Philosophie du Droit et Droit politique [Philosophy of Law and Political Law], University II of Paris, Panthéon Assass, winter semester.

Lecture: Geschichte der Rechts- und Staatsphilosophie [History of the Philosophy of Law and State], University of Freiburg, winter semester.

2021

Seminar „Theorie und Dogmatik der Beurteilungsspielräume der Verwaltung“, University of Freiburg, summer semester.

2021, 2020

Seminar „Der Grundsatz der Verhältnismäßigkeit“, University of Freiburg, winter semester.

2020

Lecture „Rechtmethodologie“, University of Freiburg, summer semester.

Rigoni, Clara**2022**

Lecture: European and International Criminal Law, University of Trento, spring semester.

2020

Seminar “International Criminal Law and Transitional Justice in Post-Conflict Societies”, University of Freiburg, summer semester.
2020, 2019

Seminar “European and International Criminal Law”, University of Trento, winter semester

Rinceanu, Johanna**2022, 2021, 2020**

Lecture: Einführung in das deutsche Strafprozessrecht für ausländische Studierende und Gastwissenschaftler, University of Freiburg, winter semester.

Scheidegger, Nora**2022**

Lecture: Das Opfer im Straf- und Strafverfahrensrecht, University of Lucerne, spring semester.

Siezenga, Aniek**2021**

Supervision of a student research intern for the Virtual Burglary Research Project, Leiden University, 05.2021 and 06.2021.

Supervision of two student research interns for the FutureU RCT, Leiden University, 10.2021 and 12.2021.

Stephenson, Randall**2022, 2021**

Seminar: Comparative Constitutional Law, University of Freiburg, winter semester.

Strecke, Antonia**2020**

Workgroup „Grundrechte“, University of Freiburg, summer semester.

Vogel, Benjamin**2022**

Lecture: Culpability, character and dangerousness. University of Oxford, Michaelmas term.

2021

Lecture: Culpability, character and dangerousness. University of Oxford, Michaelmas term.

2020

Lecture: Culpability, character and dangerousness. University of Oxford, Michaelmas term.

Werner, Maja**2022, 2021**

Lecture: Grundlagen und Methoden des Polizei- und Verwaltungsrechts I, Police University Baden-Wuerttemberg, Villingen-Schwenningen, winter semester.

Werner-Kappler, Katrin**2022**

Lecture: Öffentliches Recht II, Karlsruhe Institute of Technology, summer semester.

2022, 2021

Lecture: Besonderes Polizeirecht, Police University Baden-Wuerttemberg, Villingen-Schwenningen, winter semester.

I. EXPERT ACTIVITIES IN NON-SCIENTIFIC ORGANIZATIONS: OPINIONS, CONSULTANCIES, STATEMENTS, ACTIVE MEMBERSHIPS

Albrecht, Hans-Jörg

2021

Albrecht, H.-J., Nußberger, A., et al. (2021). Verantwortung der Polizei in einer pluralistischen Gesellschaft. Die gute Arbeit der Polizeibeamten stärken. Fehlverhalten frühzeitig erkennen und ahnden. Frankfurt: Minister of Interior of the State of Hesse.

2020

Member of a commission on police reforms established by the Minister of Interior of the State of Hesse. Final report (in German) "Responsibility of the police in a pluralistic society. Strengthening the good work of police officers, identifying and punishing misconduct at an early stage" on June 7, 2021 (https://innen.hessen.de/sites/innen.hessen.de/files/2021-10/20210712_abschlussbericht_experten-kommission.pdf), 08.2020–06.2021.

Angove, James

2022

Consultant on Cameroon self-determination to produce EU-funded report, CIEMEN. Barcelona, 01.2022–02.2022.

Angove, J. & Willis, R. Human rights violations in Southern Cameroon. Expert opinion. In: A report on secessionist movements in Africa and human rights violations. CIEMEN (EU-funded).

2022, 2021, 2020

(NGO) Law Chambers providing pro bono legal assistance, All for Cameroon. Bamenda, since 2012.

Arnold, Jörg

2022, 2021, 2020

Trust lecturer and member of the doctoral committee, Rosa Luxemburg Foundation, since 2013.

Coppola, Federica

2022, 2021

Chair of the Board of Directors, Research Network on Law and the Cognitive Sciences (LACS), since 05.2021.

Engelhart, Marc

2021

Legal Expert, Council of Europe.

2021, 2020

Foreign Legal Expert, United Nations Development Programme (UNDP).

Feldmann, Céline Cathérine

2022

Sexual Assault/Rape Law, Equality Now. London, 18.03.2022.

Frankenhuis, Willem

2022

Judging panel to select global education organizations who will receive catalytic support from LEAP (Leveraging Evidence for Action to Promote Change).

Hörnle, Tatjana

2022

Discussion with members of parliament on the regulation of assisted suicide (Renate Künast, Lukas Benner, and Katja Keul (Bündnis 90/Die Grünen); Dr. Nina Scheer and Dr. Edgar Franke (SPD); and Cornelia Möhring (Die Linke), 25.04.2022.

Consortium Meeting: Cybergrooming Project (Krim-Cy). Bundeskriminalamt (BKA) [German Federal Criminal Police Office], 17.01.2022.

2021

Re-Trial after Acquittal. Expert discussion with the Federal President Frank-Walter Steinmeier. Berlin, 15.11.2021.

Expert discussion on "Femizide" [Femicides]. Federal Ministry of Justice, 19.01.2021.

2020

Participation in the public hearing of the Committee on Legal Affairs of the German Bundestag on "Bekämpfung sexualisierter Gewalt gegen Kinder" [Combating sexualized violence against children]. Berlin, 07.12.2020.

Statement on the "Entwurf eines Gesetzes zur Bekämpfung sexualisierter Gewalt gegen Kinder" [Draft of a law to combat sexualized violence against children] (bill of the CDU/CSU and SPD parliamentary groups, BT-Drs. 19/23707; bill of the Federal Government, BR-Drs. 634/20).

Kilchling, Michael

2022

Kilchling, M. & Wössner, G. Stellungnahme zu dem Fragenkatalog des Bundesverfassungsgerichts in dem Verfahren 2 BvR 917/20 und 2 BvR 314/21 zu Fragen der Gefangenentelefonie im Strafvollzug; online: https://csl.mpg.de/307265/Gutachten_BVerfG_2022.pdf.

2022, 2021

Expert opinion for the German Constitutional Court in a current case addressing telephone regulations in Germany and Europe; together with Gunda Wössner.

2022, 2021, 2022

German representative on the management committee of the COST Action CA18121 "Cultures of Victimology: Understanding processes of victimization across Europe" of the European Science Foundation (Horizon 2020), since 2019.

Chair of the Working Group 5 "Cultures of Victim Policies and Practices" of the COST Action CA18121, since 2019.

Member of the advisory board of Prison Fellowship Germany – Alternative Youth Prison Farm "Seehaus Leonberg", since 2018.

Member of the scientific board of the Association of German Victim Support Groups (ado), since 2004.

2021

Invited expert to the Senior Officials Meeting by the Italian Presidency of the Council of Europe, preparing the Venice Conference of the Ministers of Justice on The Role of Restorative Justice in Europe. Como, 10.2021.

2021, 2020

Member of the international group of experts on victims' rights of the Council of Europe's Committee on Crime Problems (CDPC). This group was assigned to prepare the revision and redrafting of the current CoE Recommendation Rec(2006)8 on assistance to crime victims.

Oberwittler, Dietrich

2022

Expert Witness on Confidentiality of Sensitive Research Data. Bundesverfassungsgericht (BVerfG) [German Federal Constitutional Court]. 06.2022.

2020

Expert witness on Periodical Reports on Security Matters, Regional Parliament of North Rhine-Westphalia (Landtag NRW), 23.10.2020.

Poscher, Ralf

2022

6th Expert Discussion on the Law of Intelligence Services, Federal Ministry of the Interior and Home Affairs. 13.05.2022.

2022, 2021, 2020

Member of the Expert Council for the Ministry of Education and Research on the integration of the social sciences and humanities in civil security research, since 09.2019.

Member of the Human Sciences Section of the Max Planck Society, since 05.2019.

Member of the academic advisory board of "Institut für Bildungsforschung und Bildungsrecht e.V.", An Institute of the Ruhr Universität Bochum (RUB), since 2004.

Member of the Association of German University Teachers for Constitutional Law, since 2004.

Member of the German Section of the International Association for Philosophy of Law and Social Philosophy e. V.

Member of the Association for Sociology of Law.

Member of the Law and Society Association.

Student counselor of the Friedrich Ebert Foundation.

Member of the board of trustees of the German Foundation for International Legal Cooperation (reg. associat.), 06.2020–06.2024.

2021

Statement on the bill of the State Government to amend the Police Tasks Act and other legal provisions, Drs. 18/13716 of the Bavarian State Parliament, 19.05.2021.

Statement on the draft bill of the Federal Government of an Act on the Adaptation of the Law on the Protection of the Constitution, BT-Drs. 19/24785, 19/24900, 17.05.2021.

Statement "Concept for a periodic surveillance barometer" on the motion of the Bundestag Committee on the Interior and Home Affairs BT-Drs. 19/23695 "Protecting freedom and security – For a surveillance bill instead of further restrictions on civil rights", 22.02.2021.

Rigoni, Clara

2020

Toolbox: Family-Based Crime. Background and Theory of Prevention + Effective Prevention (Expert Contributions), European Crime Prevention Network, open access, <https://eucpn.org/toolbox-familybasedcrime>, Brussels, 12.2020.

Scheidegger, Nora

2022, 2021, 2020

Legal support for the development and advocacy of a campaign for the revision of the Swiss Sexual Offences Law, Amnesty International Switzerland, 01.2020–06.2022.

2021

Assistance in drafting the shadow report on the Istanbul Convention for Switzerland, Netzwerk Istanbulkonvention Schweiz, 09.2021.

Assistance in drafting a consultation statement for the revision of the Swiss Sexual Offences Law, Eidgenössische Kommission für Frauenfragen (EKF), 04.2021.

Simon, Jan-Michael

2022, 2021, 2020

Member of the Associate Expert Committee, Anti-Corruption Institute. Bogota, since 05.2018.

2020

Foreign Corresponding Member, Mexican Academy of Penal Sciences. Mexico City, since 10.2020.

Combatting corruption and impunity in NN. Due Process of Law Foundation. Washington, since 03.2020.

Simon, J.-M. & C. Bazán Seminario. Amicus Curiae Brief, "Las Bambas" case, High Court of Apurimac, 13.02.2020.

2021

Simon, J.-M., C. Bazán Seminario, M. D. Hausfeld et al. Brief of Antonio Maldonado Paredes as amicus curiae in support of petitioners on petition for a writ of certiorari to the United States Court of Appeals for the Third Circuit; Acuña-Atalaya, et al., v. Newmont Mining Corp., et al., Case No. 21–33 (U.S. Supreme Court). 07.08.2021.

Model Regional Commission against Corruption and Impunity in Northern Central America. UC Berkeley School of Law – International Human Rights Law Clinic, i.a., Berkeley, 01.2021–05.2021.

2022

Member of the Board of the Centre for the Investigation of Atrocity Crimes, Mexico City, since 05.2022.

Chair of the United Nations Group of Human Rights Experts on Nicaragua. Geneva, since 05.2022.

Proposal for the establishment of an International Commission against Corruption and Impunity in Honduras. Citizens' Voice for Transparency and Justice in Honduras, Tegucigalpa, since 01.2022.

Tellenbach, Silvia

2022, 2021, 2020

Member of the Expert Forum on Asylum and Migration at the Information Centre for Asylum and Migration of the Federal Office for Migration and Refugees.

Confidential counselling of researchers from Turkey and the Middle East, especially on research opportunities in Germany.

Thielmann, Isabel

2022, 2021, 2020

Member of task force "Good Science, Best Practice" of the Personality Psychology and Psychological Assessment section of the German Psychological Society.

Thönnies, Christian

2022, 2021

Advisory Board Member, Whistleblower-Netzwerk e.V., since 04.2021.

2021

Digital Rights Consultant, Civil Liberties Union for Europe e.V. 04.2021–11.2021.

Vogel, Benjamin

2022, 2021, 2020

Observer, Europol Financial Intelligence Public-Private Partnerships, since 09.2018.

Bundeskriminalamt [Federal Criminal Police Office]. Wiesbaden/Meckenheim.

Europol. Den Haag.

Bundesministerium der Finanzen [Federal Ministry of Finance]. Berlin.

Bundesministerium der Justiz und für Verbraucherschutz [Federal Ministry of Justice and Consumer Protection]. Berlin.

Deutscher Bundestag [German Bundestag]. Berlin.

Deutsche Gesellschaft für Internationale Zusammenarbeit (GIZ). Bonn/Eschborn.

Police Nationale. Paris.

Netzwerk Steuergerechtigkeit. Berlin.

Financial Action Task Force. Paris.

2022, 2021

Member of the Committee of Experts, German Anti-Financial Crime Alliance, since 09.2021.

2021

Stellungnahme für das Oberlandesgericht Düsseldorf, 01.2021.

Response to Public Consultation on Guidance on the Rules Applicable to the Use of Public-Private Partnerships in The Framework of Preventing and Fighting Money Laundering and Terrorist Financing, European Commission, 11.2021.

2020

Stellungnahme zum Entwurf des Bundesministeriums der Justiz und für Verbraucherschutz zur Verbesserung der strafrechtlichen Bekämpfung der Geldwäsche, Bundesministerium der Justiz und für Verbraucherschutz [Federal Ministry of Justice and Consumer Protection], 08.2020.

Werner-Kappler, Katrin

2021

Stellungnahme zu dem Entwurf der Landesregierung Sachsen-Anhalt „Gesetz zur Änderung des Landesversammlungsgesetzes und von Zuständigkeiten für die Aufgaben nach dem Versammlungsrecht“, Drucksache 7/6832 des Landtages von Sachsen-Anhalt im Jahr 2021 (gemeinsam mit Prof. Dr. Ralf Poscher und Maja Werner).

Stellungnahme zu dem Gesetzesentwurf der Staatsregierung zur Änderung des Polizeiaufgabengesetzes und weiterer Rechtsvorschriften, Drucksache 18/13716 im Jahr 2021 (gemeinsam mit Prof. Dr. Ralf Poscher, Dr. Michael Kilchling, Lukas Landerer und Maja Werner).

Stellungnahme zu dem Entwurf der Bundesregierung eines Gesetzes zur Anpassung des Verfassungsschutzrechts im Jahr 2021 (gemeinsam mit Prof. Dr. Ralf Poscher).

Werner, Maja

2021

Stellungnahme zu dem Entwurf der Landesregierung Sachsen-Anhalt "Gesetz zur Änderung des Landesversammlungsgesetzes und von Zuständigkeiten für die Aufgaben nach dem Versammlungsgesetz", Drucksache 7/6832 des Landtages von Sachsen-Anhalt im Jahr 2021 (together with Prof. Dr. Ralf Poscher und Dr. Katrin Kappler).

Stellungnahme zu dem Gesetzesentwurf der Staatsregierung zur Änderung des Polizeiaufgabengesetzes und weiterer Rechtsvorschriften, Drucksache 18/13716 im Jahr 2021 (together with Prof. Dr. Ralf Poscher, Dr. Katrin Kappler, Dr. Michael Kilchling, and Lukas Landerer).

Wössner, Gunda

2022

Expert opinion for the German Federal Constitutional Court in a current case on telephone regulations in Germany and Europe; together with Michael Kilchling, submitted on 30.01.2022.

2022, 2021, 2020

Consultant to the Department for Social and Youth affairs of the District Office Breisgau-Hochschwarzwald.

Representative of the MPI on the Freiburg council for the coordination and prevention of crime and addiction.

2022, 2021

Member of the European Committee for the Prevention of Torture and Inhuman or Degrading Treatment or Punishment (CPT) in respect of Germany, 01.2021–12.2025.

J. KNOWLEDGE TRANSFER TO THE GENERAL PUBLIC

Arnold, Jörg

2021

Die Entscheidung des Bundesverfassungsgerichts zur Triage bei Menschen mit Behinderungen. Evening television broadcast, Südwestrundfunk, 29.12.2021.

Frankenhuis, Willem

2021

The Wall Street Journal. What children lose when their brains develop too fast. Featured article on life history development. By Alison Gopnik, 12.2021.

Teaching and learning under adverse conditions. Podcast on Teachers' Voices at BOLD – Blog on Learning and Development. Host: Jacobs Foundation, 07.2021.

Campaign website of congressional candidate Kellie Rhodes in the 2022 U.S. House election. Featured the hidden talents approach and its potential for criminal justice reform. By Kellie Rhodes, 05.2021.

Psychology Today. What can we do to interrupt inequality? Article by Andrea Dittmann featuring the hidden talents approach and its potential to contribute to a more socioeconomically diverse workforce, 03.2021.

Video interview about personal life to inform and inspire students and to make researchers more accessible to students. Teaching and Public Understanding of Psychological Science (APS funded). By Allison Buskirk-Cohen, 01.2021.

2020

Aeon. Why childhood and old age are key to our human capacities. Featured special issue edited with Alison Gopnik and Michael Tomasello on "Life History and Learning". By Alison Gopnik (edited by Sally Davies), 11.2020.

Podcast for Limbic Legacy. This organization trains professionals who focus on Neuroscience for Emotional Health and uses the hidden talents approach in youth correction to help de-escalate aggression and violence. Director Kellie Rhodes is a member of the Board of Directors of The National Partnership for Juvenile Services, 11.2020.

Gerstner, Dominik

2021

The Virtual Burglary Project & Cybersickness. MPI-CSL Podcast Doing Time, Talking Crime, 10.2021.

2020

Gerstner, D. (2020). Predictive Policing – eine Evaluationsstudie zu vorhersagebasierter Polizeiarbeit. <https://hdl.handle.net/21.11116/0000-0006-EB8B-5>

How can virtual reality experiments help us to better understand the behavior of burglars? Meet the researchers – Video series introduces the MPI for the Study of Crime, Security and Law, Episode 2, 11.04.2022.

Hörnle, Tatjana

2022

Sexualdelikte in der Kunst [Sexual offenses in art]. Guided tour at the Städel Museum. Frankfurt/M., 23.01.2022.

2020

Recht so?! – Der Rechtsstaat. Interview for episode 4 of the podcast "Nein heißt Nein – das Sexualstrafrecht" [No means no – sexual offense law] of the BMJV [Federal Ministry of Justice], 04.11.2020.

Kilchling, Michael

2022

Ich will ihm in die Augen blicken – Täter-Opfer-Ausgleich in deutschen Strafverfahren. MPI-CSL Podcast Doing time, Talking crime, 01.2022.

2021

Das passiert nicht nur in Spionagefilmen. Expert interview. ZEIT Campus. www.zeit.de/campus/2021-06/russischer-geheimdienst-spionage-verdacht-universitaet-augsburg, 26.06.2021.

Sicherheits-/Resilienz-Management in deutschen Unternehmen und Forschungseinrichtungen. Podiumsdiskussion im Rahmen der Digitalen Roadshow München "Wirtschaftsschutz in einer vernetzten Welt ganzheitlich denken" der Initiative Wirtschaftsschutz. Online, 27.05.2021.

Wirtschaftsspionage – Eine reale Bedrohung für deutsche Unternehmen, Podiumsdiskussion im Rahmen der 14. Sicherheitstagung des Bundesamtes für Verfassungsschutz und des ASW Bundesverbandes. Online, 24.03.2021.

2020

Könnte alles anders sein? – Alternativen zum Strafvollzug. Participant in panel discussion by the Freiburger Bürgerstiftung in co-

operation with MPI-CSL, www.youtube.com/watch?v=2sB50d7-CB4 Freiburg, 24.09.2020.

Wirtschaftsspionage und Konkurrenzausspähung – Herausforderung für Wirtschaft und Strafverfolgung. 56. Kocks-Forum, Friedrich Kocks GmbH & Co. KG. Hilden, 04.03.2020.

Kübel, Sebastian L.

2022

Short-Term Mindsets and the Victim-Offender Overlap. Meet the Researchers – Video series introduces the MPI for the Study of Crime, Security and Law, Episode 6, 06.2022.

2021

Short-Term Mindsets and the Victim-Offender Overlap. MPI-CSL Podcast Doing Time, Talking Crime, 11.2021.

Poscher, Ralf

2022

Ein Überwachungsbarometer für Deutschland [A surveillance barometer for Germany]. Forum am Mittag [Forum at Noon], General Administration of the Max Planck Society, Munich, 28.06.2022.

Was wirklich spaltet – Corona-Impfung: Die Politik darf sich einer Rechtspflicht nicht ohne Not begeben [What Really Divides Us – COVID-19 vaccination: Policymakers must not forgo establishing a legal mandate without good cause]. Rotary-Club Freiburg-Zähringen. Freiburg, 08.03.2022.

2021

How Can We Effectively Assess the Level of Surveillance in a Society? Latest Thinking – Scientists Share Their Latest Thinking. <https://youtube/I0ZhE3uHufc>, 25.08.2021.

Gesetz zur Erweiterung der Rechte des Verfassungsschutzes und der Bundespolizei bei der Telekommunikations-Überwachung (BT-Verabschiedung: 10.06.2021) [Law to extend the rights of the Office for the Protection of the Constitution and the Federal Police in telecommunications surveillance (German Parliament adoption: 10.06.2021)]. Audio-Interview, Bayern 2-radioWelt [Audio interview, Bayern 2-radio welt], evening broadcast, 10.06.2021.

Poscher, R. (2021, May 26). Überwachung messbar machen. Digitalgespräch. Darmstadt: Zentrum verantwortungsbewusste Digitalisierung (ZEVEDI). <https://zevedi.de/digitalgesprach-001-ralf-poscher/>, 26.05.2021.

2020

É preciso lutar por uma cultura liberal na Polícia [Portuguese translation of: „Man muss um die liberale Kultur in der Polizei kämpfen“]. (L. Martins, Trans.) Justificando. <https://www.justificando.com/2020/09/14/ralf-poscher-e-preciso-lutar-por-uma-cultura-liberal-na-policia/>, 14.09.2020.

A liberal culture within the police force is something worth fighting for [English translation of: „Man muss um die liberale Kultur in der Polizei kämpfen“] Max-Planck-Forschung. <https://www.mpg.de/15139888/a-liberal-culture-within-the-police-force-is-something-worth-fighting-for>, 29.07.2020.

So will Baden-Württemberg mehr Polizisten mit Migrationshintergrund gewinnen [This is how Baden-Württemberg wants to recruit more police officers with a migration background]. TV Interview in der Beitragsreihe SWR Aktuell Baden-Württemberg [TV Interview in SWR News Baden-Württemberg series], broadcast 15.07.2020.

Experten: Mehr Polizisten mit Migrationshintergrund nötig. Greenpeace Magazin. <https://www.greenpeace-magazin.de/ticker/experten-mehr-polizisten-mit-migrationshintergrund-noetig>, 08.07.2020.

Man muss um die liberale Kultur in der Polizei kämpfen. Max-Planck-Forschung. <https://www.mpg.de/15098858/polizeigewalt-deutschland-usa>, 29.06.2020.

Verwendung von Bewegungsdaten der Bevölkerung zur Eindämmung von COVID-19. Heidelberg: Science Media Center. <https://www.sciencemediacenter.de/alle-angebote/rapid-reaction/details/news/verwendung-von-bewegungsdaten-der-bevoelkerung-zur-eindaemmung-von-covid-19/>, 18.03.2020.

Rigoni, Clara

2022

Paralleljustiz ist ein frontaler Angriff auf den Rechtsstaat. Burger, R., Frankfurter Allgemeine Zeitung, <https://www.faz.net/aktuell/politik/inland/nrw-legt-bundesweit-erstes-lagebild-zu-paralleljustiz-vor-17924921.html>, 31.03.2022.

Le Altre Mafie. Radio Colonia – WDR. Cologne, 01.03.2022.

2021

Restaurative und Transformative Gerechtigkeit. Radio Dreyeckland Podcast Series. Freiburg, 31.12.2021.

Gibt es eine Paralleljustiz? Alternative Konfliktregulierung in Deutschlands Einwanderungsgemeinschaften. MPI-CSL Podcast Doing Time, Talking Crime, 19.10.2021.

Ehrenmord in Berlin: Wenn die Familie tötet. Schaaf, J., Frankfurter Allgemeine Zeitung, <https://www.faz.net/aktuell/gesellschaft/kriminalitaet/ehrenmord-in-berlin-kam-der-befehl-aus-afghanistan-17483779.html>, 16.08.2021.

Ehrenmord? Afghanische Brüder im Tatverdacht. Bosen, R., Deutsche Welle, <https://www.dw.com/de/ehrenmord-afghanische-br%C3%BCder-im-tatverdacht/a-58821550>, 10.08.2021.

Mord an Schwester: Zwei Brüder in Untersuchungshaft. Siebert, P., Berliner Morgenpost, <https://www.morgenpost.de/berlin/article232981491/Mord-an-Schwester-Zwei-Brueder-in-Untersuchungshaft.html>, 08.08.2021.

Rinceanu, Johanna

2022

Digitale Gewalt und online "Hate Speech" gegen Frauen. Lecture upon invitation by Amnesty International Freiburg, 14.03.2022.

Scheidegger, Nora

2022

Revision des Sexualstrafrechts. Podium discussion, Amnesty International Information Event. Bern, 05.2022.

Revision des Sexualstrafrechts. Podium discussion, Anna Göldi Museum Switzerland. Glarus, 05.2022.

Siezenga, Aniek

2021

FutureU x WON. The Dutch Institute for Science Orientation (Wetenschapsoriëntatie Nederland "WON"). The Netherlands (online). 31.03.2021 and 14.04.2021.

Silverman, Emily

2022

Case studies. Speaker at continuing legal education event "Artificial Intelligence in Criminal Law and Law Enforcement". ERA Academy of European Law in cooperation with Court Administration of Latvia, online, 04.2022.

Vogel, Benjamin

2022

Wie die Russland-Sanktionen funktionieren – und wie nicht. Frankfurter Allgemeine Zeitung, 03.2022.

Protecting Europeans against financial crime and the financing of terrorism. Moderator of high-level conference, Council of the European Union, 01.2022.

2021

Über Geldwäsche, Reichtum und Macht durch Kriminalität. Guest appearance on podcast episode „MachtWas!?!“, <https://machtwas.de/?s=Benjamin+Vogel>, 11.2021.

Warum Deutschland bei der Geldwäsche-Bekämpfung hinterherhinkt. Contribution to radio feature for Deutschlandfunk, 05.2021.

Organisierte Kriminalität in Zeiten von Pandemie und Brexit. German Council on Foreign Relations. Berlin, 14.02.2021.

2020

Closing the door on dirty money. Moderator of high-level conference on anti-money laundering and counter-terrorist financing. European Commission, 09.2020.

Neue Ideen für den Kampf gegen Geldwäsche. Frankfurter Allgemeine Zeitung, 09.2020.

Wahl, Thomas

2020

Jurisdiction of German criminal law (Sec. 7 of the German Criminal Code). Süddeutsche Zeitung, 11.2020.

Wössner, Gunda

2022

Locked in in lockdown – the impact of the Covid-19 pandemic behind bars. Participant in panel discussion. Freiburg, 11.04.2022.

Sexualstraftäter stehen in der Knasthierarchie ganz unten – das ist ein Problem. Article in Badische Zeitung, Freiburg; <https://www.badische-zeitung.de/sexualstraftaeter-stehen-in-der-knasthierarchie-ganz-unten-das-ist-ein-problem>, 24.03.2022.

2021

Femizide in Deutschland. Frauen werden getötet, weil sie Frauen sind. Article in ntv, 08.03.21.

Gender Dimensions in Max Planck Research. Discussant on book release, online, 06.2021.

Can a Radical Treatment for Pedophilia Work Outside of Germany? Article in undark.org, 06.07.2021.

Mann soll Partnerin in Ingolstadt ermordet haben. Article in Süddeutsche Zeitung, 12.08.2021.

Sozialtherapie bei Sexualstraftätern [Correctional treatment of persons convicted of sex offenses], MPI-CSL Podcast Doing Time, Talking Crime, 09.2021.

2020

Könnte alles anders sein? – Alternativen zum Strafvollzug [Are there alternatives to prison sanctions?]. Participant in panel discussion of Freiburger Bürgerstiftung in cooperation with MPI-CSL, <https://www.youtube.com/watch?v=2sB50d7-CB4>, Freiburg, 24.09.2020.

Femizid: Wenn Männer ihre Partnerinnen töten. Article in BR24, 15.07.2020.

The sentencing principle [Das Prinzip Strafe]. Scobel: Wissenschaftstalk auf ZDF/3Sat, participant in this TV discussion, 28.05.2020.

The future of cooperation between research and practice. Participant in panel discussion on the occasion of the symposium on the 10th anniversary of the Criminological Service of the Bavarian Prison System. Erlangen, 02.03.2020.

K. CONTRIBUTIONS TO SCIENCE ADMINISTRATION (MPI-CSL, MPG, OTHER MPIs, MAX PLANCK LAW)

Arnold, Jörg

2022, 2021, 2020

Inclusion Officer at MPI-CSL appointed by the board of directors, since 2010.

Cordes, Manuel

2022, 2021

Internal Ph.D. representative at MPI-CSL, since 11.2021.

Eser, Albin

2022, 2021, 2020

Chairman of the Task Force "Good Scientific Practice" of the Ethics Council of the MPG.

Gehring, Natalie

2022

Internal Ph.D. representative at MPI-CSL, since 04.2022.

Hillemanns, Carolin

2022, 2021, 2020

Gender Equality Officer of the Human Sciences Section of the MPG, since 05.2019.

Deputy Gender Equality Officer at MPI-CSL, since 12.2020.

2020

Gender Equality Officer at MPICC and MPI-CSL, since 2016.

Hörnle, Tatjana

2022, 2021

Deputy member of the Commission on Ethics in Security-Related Research (KEF) of the MPG.

Member of the MPG Governance Committee, since 07.2021.

2021, 2020

MPG Selection committee for open-topic Max Planck Research Groups, since 2019.

Jarvers, Konstanze

2022, 2021, 2020

Member of the Works Council at MPI-CSL, since 12.2017.

Natter, Lisa

2022, 2021, 2020

Ph.D. representative at MPI-CSL, since 09.2020.

Oberwittler, Dietrich

2022, 2021, 2020

Research Data Management Coordinator at MPI-CSL, since 1.2020.

Ombudsperson at MPI-CSL, since 01.2020.

2022, 2021

Data Protection Coordinator at MPI-CSL, since 11.2021.

Pick, Laura

2022, 2021

Internal Ph.D. representative at MPI-CSL, since 06.2021.

Poscher, Ralf

2022, 2021, 2020

Member of the Max Planck Law Steering Group, since 11.2019.

2022, 2021

Member of the IT Security Commission of the MPG, Representative of the Human Sciences Section, since 06.2021.

Rigoni, Clara

2022, 2021, 2020

Postdoc Representative at MPI-CSL, 01.2020–07.2022.

Member of PostdocNet Career Development Working Group (MPG), 10.2020–07.2022.

2022, 2021

MPI-CSL Liaison Officer at Max Planck Law, 03.2021–07.2022.

2021

Deputy Ombudsperson at MPI-CSL, 05.2021–07.2022.

Rinceanu, Johanna

2021, 2020

Elected academic staff member to the Scientific Council of the MPG, since 2018.

Strecke, Antonia

2022

Member of the works council at MPI-CSL, since 05.2022.

Tetal, Carina

2022, 2021, 2020

Safety officer at MPI-CSL, since 01.05.2009.

Member of the Works Council at MPI-CSL.

Member of the MPG General Works Council.

Thönnies, Christian

2022

External Ph.D. representative for MPI-CSL, since 04.2022.

van Gelder, Jean-Louis

2022, 2021

Appointment Commission MPI for Research on Collective Goods.

Core Commission MPI for the Study of Religious and Ethnic Diversity.

2021

W2 Commission MPI for Demography, since 09.2021.

Werner, Maja

2022, 2021, 2020

Gender Equality Officer at MPI-CSL, since 11.2020.

Wittl, Claudia

2021, 2020

Internal Ph.D. representative at MPI-CSL, 09.2020–11.2021.

Wössner, Gunda

2022, 2021, 2020

Ethics officer at the MPI-CSL, since 09.2020.

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