



Securitized Societies: The Rule of Law: History of a Free Fall

Peter-Alexis Albrecht

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The path towards “Securitized Societies” reconstructs this paradigm shift by looking at penal law and the criminal justice system. Over a time span of 40 years, the development from a social-integrative penal law of the welfare state to the preventive state to the securitized society is followed from the perspective of a criminologist and professor of penal law. The novelty lies in the perspective of the participating observer who comments on the criminal justice system not from the lectern but who ventures into the system and reports from experience, whether at the very end of the process of law enforcement in discussions with prisoners with life-long sentences, at the beginning of the process by tracing police strategies of prevention, or in the area of criminal policy by participating in parliamentary expert commissions or legislative processes. In retrospect, the observed legal developments show an erosion of the rule-of-law state. The shift from the preventive state to the securitized society is imbedded in global processes of change which endanger the individual's freedom and dignity and which equally affect global society and national societies. The general feeling of insecurity and lack of orientation created by these processes for broad parts of the population can no longer be restrained with the methods of individualizing social controls of the traditional kind - penal law. This insecurity brings forth forms of control which eat away at the rule of law in a securitized society which, for its apparent protection, is prepared to give up its foundations in the rule of law in favor of an ostensible security. This phenomenon is not restricted to Germany, but the country serves as an example case study for global processes of legal erosion - with the background of the unilateral development of leadership.

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