

***Crises and their prevention from an interdisciplinary
perspective***

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Crises and their prevention from an interdisciplinary perspective¹

"Considering prevention as part of the crisis management cycle means overall: accepting that crises will continue to occur."

1. Introduction

The 21st century is characterised by crisis. The term encompasses various events of different duration and scope ("financial crisis", "refugee crisis", "climate crisis") and is currently experiencing an almost inflationary use. Crisis can be described as a "catch-all term" that loses contours. Present times are marked by continuously generated crises. They form an "amorphous meta-crisis" as "a catastrophe without an event because it consists precisely in continuity, in the sheer continuation. It has no clearly identifiable actors and culprits, no precise moment or definable location, no single scenario - rather many, large and small, clear and unclear, probable and improbable moments, localities and courses" (Horn, 2014, German in original). The multifaceted nature of the phenomenon, of which causes are often negotiated globally and in an (inter)national context, creates a variety of complex and sometimes almost unmanageable challenges for municipalities at the local level. The climate crisis and the crises caused by the Russian invasion into the Ukraine (e.g. "energy crisis") are current examples of this.

¹ The general understanding of crisis in this article as well as the findings from the crisis management literature study are largely based on a collaboration with Prof Dr Oliver Ibert at the Leibniz Institute for Research on Society and Space (IRS) in Erkner, Germany. We would therefore like to express our heartfelt thanks to him.

The joint project "Legitimation of Emergencies - Changes in Legitimation in Emergencies" (LegiNot), which has been funded by the German Federal Ministry of Education and Research (BMBF) since March 2022, focuses on the Covid-19 pandemic as an example of a permanent crisis, for which no "script" for management was available, and which has deepened existing distortions in society over time, with which municipalities are particularly confronted. The joint research group first deals with theoretical issues surrounding the definition of the terms "disaster", "crisis" and "emergency". In this paper, the theoretical focus is on the crisis and its prevention from an interdisciplinary perspective. Starting from an understanding of crisis as a social process, the focus will be on the legal state of emergency and then on its significance for municipalities. Following from this, prevention in times of crisis is subjected to special requirements.

2. Crisis as a social process

2.1 General definition criteria: Threat, urgency, and uncertainty

Anyone looking for an unambiguous definition of a crisis may quickly be disappointed in the scientific literature. The term crisis is used very frequently without agreement on what it is supposed to denote (cf. Steg, 2020; Preunkert, 2011). There is a lack of demarcation within the individual disciplines as well as it is not always indicated when, for example, the term is only being used strategically (to signal the significance of a particular topic).

We would therefore like to concentrate first on a term from crisis management research, which provides a clear initial definition. A relevant quotation is often used here to describe acute crisis situations. Crisis is defined in terms of the three characteristics of threat, urgency, and uncertainty: as a "serious threat to the basic structures or the fundamental values and norms of a system, which under time pressure and highly uncertain circumstances necessitates making vital decisions" (Rosenthal et al., 1989, cited in Boin et al., 2018, p. 24).

This definition suggests that crises are decision-making situations ("making vital decisions") in which the above-mentioned characteristics of threat ("serious threat"), urgency ("time pressure"), and uncertainty

("uncertain circumstances") come together. In most cases, the experience of the threat acts as a trigger: it quickly becomes clear to those involved that immediate action is necessary to avert further escalation. However, it is unclear exactly how to act. In the acute crisis, therefore, "motivation to act and the experience of powerlessness" come together (Graf, 2020, German in original).

Two aspects already become clear with this definition. (1) On the one hand, it reflects a general understanding of crisis, which is independent from the concrete situation on which it is based. Whether it is flooding in the Ahr valley (which happened in Germany 2021), the spread of the SARS-CoV-2 virus or a gas shortage: decisions always have to be made under conditions of threat, urgency, and uncertainty. This general understanding is also called "all-hazards approach". (2) On the other hand, the focus shifts towards the social system, which experiences the crisis as a decision-making situation in itself. There is no crisis "out there" (cf. Spector, 2019), but it becomes a social and communicative process (cf. Voss & Lorenz, 2016), in which not only decision-makers and crisis managers, but society in general can be involved.

2. 2 Transgression of boundaries as a feature of today's crises

Crises today occur not only with greater frequency, but also with a changed quality. Scientists and practitioners (for example, in civil protection) find it increasingly difficult to mark the beginning and end of a crisis. This applies to the spatiality of crises, when global interdependencies of, for instance, economy or politics mean that crisis phenomena can no longer be confined locally. Today, crises are also difficult to define temporally – they begin subtly and, as the Covid-19 pandemic shows, cannot be clearly defined in their ending. This happens even more so, when the management of the consequences of crises as well as the side-effects of measures must be counted as part of crisis management. The causes and effects of today's crises extend far into space and time. Crisis management literature, the characteristic of "transgression of boundaries" is used to describe this new quality. Ansell et al. (2010), for instance, speak of "transboundary crises": Today's crises transcend established spatial boundaries, for example of nation states, sectors, individual organisations, or knowledge domains. With regard to the temporal transgression of boundaries, there is a discourse on "permanent" or "creeping crises" (Boin et al., 2021).

The transgression of boundaries in today's crises brings special challenges for all those involved. In most cases, many actors are affected at the same time. Depending on the frame of reference the crisis encounters (e.g. public administration or business enterprise), it is processed according to specific logics (cf. Nassehi, 2021; Brinks & Ibert, 2021). These forms of processing can differ greatly and offer particular potential for conflict. In Germany, for example, at the beginning of the Covid-19 pandemic, there was widespread criticism of the "patchwork quilt" that resulted from different regulations by the federal states. Crises that transcend borders call for "collective action", but at the same time raise problems of coordination and centralisation of decision-making competencies (cf. Ansell et al., 2010). For the crisis managers involved, this entails particular coordination problems.

The transgression of boundaries also makes the communication and justification of measures to the population a more complex matter. In clearly delineated emergency operations – such as an accident on the motorway – operational measures are almost self-explanatory. Usually, bystanders will gratefully accept the presence of emergency forces such as police, fire brigade and rescue units, since it is obvious that quick measures must be taken, for instance to rescue people from a burning car, without putting material assets first. In transboundary situations, however, such a clear picture is no longer given. Transgressing crises experience a complex social negotiation. They bring together different stakeholders, interest groups, but also different levels of consternation. For many people, they are not immediate experiences, but rather experiences mediated by the media – and yet they also participate in the interpretation and negotiation of crises. Research therefore addresses the importance of media reporting or the use of media, social networks, etc. (cf. Jarren & Neuberger 2020).

Over the course of time, contradictions and conflicts of objectives can unfold from these different participations, bringing with them unpredictable dynamics of their own and not least also influencing the perception of the crisis situation in the population. In transboundary crises, there is no "one" acute peak that could be quickly combated with targeted measures. The threat is much more diffuse and has acute peaks as well as weakened phases (cf. Ibert & Harmsen, 2022, p. 11). Measures taken are no longer self-explanatory, especially in crises that have no clear tempo-

ral limits, but require greater justification and explanation to the outside world. The population becomes an active part in the negotiation of crisis management.

2.3 Understanding crisis as a social process

Crisis is therefore not a "state in itself", but a process of social negotiation. Crises and also crisis concepts present themselves differently depending on the reference system and their logics. Reference systems can, for example, be organisations such as certain business enterprises or authorities, hospitals, or courts. The legal system (chapter 3) as well as municipalities (chapter 4) as reference systems of crisis will be addressed separately. Particularly in transgressing crises, there are interdependencies between the various systems involved, which can strengthen or weaken the crisis dynamics (cf. Homer-Dixon et al., 2022). Accordingly, the Covid-19 pandemic, for instance, does not exist as "the one crisis", but becomes an umbrella term for a wide variety of crisis dynamics occurring simultaneously.

Such an understanding of crisis as a social process goes beyond the definition of purely subjective criteria of a crisis on the one hand and purely objective criteria on the other. Wolfgang Bonß (2021) distinguishes between three waves in risk and security research, which can likewise be applied to the version of crises (cf. Voss & Lorenz, 2016). (1) The first wave consists of defining crisis on the basis of objective criteria. An example of this would be the scientific collection of data on the loss of biodiversity on earth or on global warming, which objectively define the "climate crisis". (2) A second wave, on the other hand, addresses the perception of crisis, and emphasises that it is not in linear relation to the objective data. According to this understanding, a climate crisis only exists if it is perceived as such by the population and decision-making systems. According to this understanding, crisis is a pattern of perception and interpretation, that is, it takes place equally "in the mind" of the observer (see also Gabel's contribution in this volume). (3) Only the third wave understands both criteria in a dynamic interrelationship. Trigger, perception, and negotiation criteria become intertwined over the course of the crisis. During the Covid-19 pandemic, infection figures can be measured objectively. The decisions made on the basis of these are the product of communicative negotiation and lead to desired effects (such as decreasing infection rates

through the introduction of masks or lockdown), but also to undesired side effects (such as economic collapses and social polarisation), which are in turn responded to in the form of a crisis.

Understanding crisis as a social process, as in this third wave, means that there can no longer be a "view from above". Crises are linked to the experience of those involved and thus go beyond individual events (cf. Roux-Dufort, 2007, p. 110). In their contexts of origin, courses, and consequences, they are to be thought of as exclusively dynamic. They are processed and communicatively negotiated by society. And this also means that they do not have a central and superordinate structure of interpretation. For it is precisely modern society that is based on decentralised structuring. With it, there is no longer a centre from which crises can be viewed in a superordinate way (cf. Nassehi, 2021). Rather, crises arise in an overlapping dynamic of "involved participants", each with their own perspective (cf. Brinks & Ibert, 2021).

The following two chapters will describe what a crisis in law and its demands on municipalities actually means.

3. Challenges to Democracy and Law

3.1 Crisis in law

In current German law, the concept of crisis is almost irrelevant. Its use in laws and other legal texts is remarkably low. There are terms with similar meanings, such as "state of emergency", "disaster" or "major damage event", which cover partially or completely the same phenomena. While allowing for situational as well as specific differentiation of possibilities, they are less usable as large-scale formulas. If the decade from 2010 to the present was a decade of crises, it was not therefore also a decade of states of emergency or catastrophes. These terms are not in themselves capable of capturing the entire spectrum of meanings the broad concept of crises entails.

Law recognises special challenges in the fact that special events pose special challenges. The crisis is an exceptional legal state, not the normal state. The exceptional situation is characterised by a special need for

action, special expectations of competent bodies and the overtaxing of regularly responsible bodies. It therefore requires higher-level, including political, management or coordination. In short: a crisis shifts tasks and powers. But it is by no means only the much-cited "hour of the executive". Primarily responsible for eliminating the crisis are the people affected by it: They are guaranteed by constitutional law the primary experts for their own survival. In this sense, the disaster is the hour of the harmed people themselves. This gets overlooked in most legal discussions. Additionally, lawmakers may require them to take precautionary and preparatory measures in the general interest or in protection of third parties, for example by fulfilling vaccination obligations, self-protection of businesses, technical facilities, or processes, or building up emergency reserves. At the moment of crisis, everyone must evacuate, help, or make equipment available. Legally, these are no longer just rights, but also duties. They therefore require special legitimisation. Besides, crisis-management expectations are centrally directed at public authorities and their satellites. They are supposed and even held to be responsible by constitutional protective duties, to observe potential damage events, warning, providing resources, granting protection, organising consequence management, paying compensation and, if necessary, investigating responsibilities. And all this while responsible agencies are already overburdened. The resources to be managed are scarce almost by definition, and participation right and allocation procedures have to be organised and coordinated under conditions of overstress. None of this is only a responsibility of the executive. On the contrary: Necessity requires commandments, the constitutional regulations and guidelines of the Basic Law apply in special situations as well, albeit with certain modifications, which in turn are equally provided by the Constitution.

In this sense, the emergency is a stress test not only for executive powers, but also for parliaments, courts, and the constitution itself. They each have to cope with the crises in a manner that is specific to their function, with divided responsibilities. This requires law that is suitable for emergencies. It needs to provide sufficient governance and legitimacy under the crises' special conditions while still being sufficiently legitimate itself. Such laws should be enacted prior to the occurrence of the emergency when thorough and procedural consideration can be given. Here, we are faced with a first dilemma: the next emergency will happen eventually, but we just do not know in advance exactly when and how

it will occur. There are individual emergencies with a "script" based on previous experience, which can and should be used as a reference. Other emergencies pose difficulties regarding the determination of their exact circumstances as well as their regulation – not least due to the aforementioned characteristic of dissolving boundaries. They have no "script". This requires forecasting competencies, which legislatures and jurisprudence have in no greater means than other disciplines involved. Interdisciplinary and interdepartmental cooperation is required here which can increase forecasting capabilities, but which according to previous experience cannot completely secure them. It is not only the recognition of danger that depends on the forecasts, but also the possibility of its prevention. Appropriate measures can only be taken if the phenomena to be prevented and the measures necessary to avert them are known at least approximately. While the police usually succeed routinely in averting dangers due to their longstanding experience with the law and knowledge of occurring dangers, this becomes more complex with an increasing transgression of boundaries, amount of affected people, difficulty in assessing the specific risk events and the necessary measures to manage them – including time, space, as well as their extent. Prevention competence asks about resource allocation and distribution competence. This differs from the normal governmental distribution procedures in particular by the suddenness of its occurrence, the scarcity of the available goods, at least at the actual place of damage, and the excessive demands on personnel and other resources, such as information. It also requires special regulations and special acceptance on the part of those affected.

Here the law is faced with a series of contradictory expectations. If it is enacted before the disaster, it can apply to all emergencies and all potentially affected persons including responsible authorities being able to prepare for it. But legislators do not know the concrete future emergencies. Therefore, we may find the risk of the legal standards not meeting the specific requirements of the individual case, because their content tends to be wide-meshed and general. The more wide-meshed regulations are, the more the task of legitimisation shifts towards the law-executing authorities, which have to specify indeterminate legal concepts or exercise discretion. The greater the need for conflict-solving law, the greater the danger that the law will not meet the increased requirements of the particular emergency. The text of the law is stable, but its application varies extremely and is therefore in need of legitimisation. In such cases more

legitimacy tends to come from more precise rules. This is not generally inadmissible; the many amendments to the Infection Protection Act (IfSG) in Germany during the pandemic, for example, indicate this. However, such case-by-case motivated law is also case-by-case. There is a risk that it focuses too much on the acute situation and does not sufficiently take into account other or later challenges, due to the situational pressure to act. This results in the need for new, yet again case-specific law. The consequence might be self-replicating cascades of legislative changes motivated by heightened expectations and media attention hype which tend to follow rather than steer developments. This situation between the Scylla of too little and the Charybdis of too much is perceived as a problem not only by the legislators but also by the norm addressees. The abstract crisis law controls and relieves too little, the cascade of specific crisis law also controls too little and relieves too late. Its norms are untested and susceptible to change at short notice, sometimes they may even be out of force before they could actually be effectively enforced. This induces an additional stress test for the legitimation of the state and of democracy. However, this is not necessarily an insolvable dilemma since steering is not the only function of parliament. But there are further supplementary parliamentary and judicial functions that must also be operationalized. We should mention here legitimacy through control. Obviously, this is also subject to special conditions of execution: controllers should check, but not further overburden or even paralyse the already overburdened organs of action. This is known and recognised for normal cases but may require readjustments for emergency situations. The case of emergency changes the need of parliamentary steering and parliamentary control.

3.2 Needs for legitimation in emergencies

Accordingly, the decisive legal functions in an emergency are steering, control and legitimisation. The latter has some specific features in special situations. At least four areas of specific legitimation needs can be distinguished.

(1) First of all, there is the warning. It links the announcement of an increased danger situation with requests for action, for example to take special safety measures, to evacuate an area or to no longer enter it. Although it does not create a legal obligation to act or to refrain from acting, it may entail legal disadvantages if the requested action is not taken. The

request for action is the part that requires legitimisation. If the emergency situation already exists, it may legitimise itself. Otherwise, the request for action requires special legitimisation precisely because its object, the danger, has not yet occurred. The minimum requirement is that the request unambiguous in terms of content and contains a clearly recognisable call to action for the addressees: Where to go when the sirens start wailing? Warnings must be given well in advance: if the disaster has occurred, warnings can at best be given of impending consequential damage. But it must also not be given too early and too often to avoid wear effects: Those who have taken refuge several times, even though there was no threat of damage in retrospect, will possibly no longer follow the warning the next time, even if there actually are dangers now.

(2) There are also emergency powers. They can be used immediately before, but also during the disaster, for example, to order those affected to provide assistance, stay out of restaurants or wear face masks. Such measures are commands and prohibitions and thus classic encroachments on fundamental rights. They can be legitimised in two ways: On the one hand "from above" by the law, insofar as it contains standards of action that are sufficiently well known. On the other hand "from below", i.e. through the enforcement staff in action with regard to those affected, insofar as administrative scope for action is used or not used. Both mechanisms follow different logics: the former being independent of individual cases, the latter being shaped and demanded by the individual case. And in case of the former, administrations and courts can relieve themselves by referring to the law; in case of the latter, they must bear the burden of legitimacy themselves in the absence of clear guidelines.

(3) Related to this is the third area, reasoning. To legitimise means to reason. This requires arguments. These can be expertocratic, referring to experts, specialist opinions or technical reasons, which may convince people who, for their part, accept expertise. Arguments may also be legal if reference can be made to soft law. They can ultimately be political, for example by referring to majorities or preliminary decisions, or gain acceptance through discussion and decision. All forms stand side by side: where a distinction can be made between "right" and "wrong", expertise is required; where "team caution" and "team easing" are opposed, because of expertise not at hand, political discussion can and must take place. Executives can hardly do this in individual cases due to their own lack of

expertise. This makes public discussion in parliaments, the media, and the population itself all the more important. Reasoning cannot replace law, but it can help to make it more effective by increasing the willingness to follow or at least tolerate it. These interrelationships presuppose, in particular, that acting officials are convinced of the law that is to be enforced, of its legitimacy, and that they are prepared to risk conflicts with persons affected by it. The acquisition of legitimacy in the administration is enacted with regard to those, who later seek legitimation in front of the citizens.

(4) The fourth area is that of assigning responsibility. It regularly begins at a later time, when questions will be asked about shortcomings in light of the damage and failures. There are different processes by which responsibility is assigned: informally through administrative supervision, more formally through the initiation of disciplinary or even criminal proceedings, as well as through parliamentary committees, namely committees of enquiry. This also shows that the allocation of responsibility to be predominantly personal, not so much organisational, occasionally succeeding when someone gets punished. To this end, however, it follows different logics than the enforcement. In particular, the elements of personal attribution and culpability in German law are almost exclusively tailored to individual persons. This can happen retrospectively-sanctioning when past events are reviewed and judged. However, such processes can also have preventive effects if it becomes apparent that sanctions will also be imposed in case of repeated failure. However, the opposite may occur if no one wants to expose themselves in the next emergency in order not to incur responsibility.

The fields of action and legitimacy are comparatively clear. But the answers to many questions are still at the beginning. For example, the question, whether and, if so, why the need for legitimacy changes with the duration of an emergency. Certainly: An unresolved situation that has hardly been researched scientifically can be temporarily managed for reasons of caution, with reference to nature of individual measures. This is less likely to succeed in the case of longer-duration emergencies when there has been time enough to test legislative or administrative measures. But to what extent can habituation effects or the feeling that "nothing happened to me, and nothing will happen to me again" change the need for legitimacy? Media's communication of the emergency will also

change, which only a few people are confronted close up. For the most of them the catastrophe is a media event. Emergencies create and focus attention, bundle topics and areas of discussion, and can trigger public debates. But sensations tend to wear out. Little research has been done on how the media deal with long-lasting emergencies, including the effects on its recipients. Success or failure of legitimisation can depend on this - even to the emergence of organised resistance groups.

If success legitimises itself, failure delegitimises itself – the longer the more. In this sense, the emergency poses few new questions, but accentuates familiar questions in a new and different way: a strong and efficient state with responsibly acting politicians is the best guarantee for successful legitimacy. A weak, underfunded, and under-equipped state may be sufficient under normal circumstances, but in an emergency becomes an overburdened state that brings about too little success and above all too little legitimacy.

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4. Transgressing and Multiple Crises in Municipalities

4.1 Ongoing administrative crisis?

For years, the financial shortage has been going on and is often coupled with over-indebtedness. This long-running situation is causing problems for many municipalities and is already severely restricting their ability to act, even without further crises. Although their ability to act is guaranteed by the right to municipalities to govern themselves pursuant to Article 28, Paragraph 2, Sentence 1 of the Basic Law, municipal government itself has been in crisis mode (un)indebted for decades (Hinkel, 1985, p. 225). The overburdening of municipalities leads primarily to less revenue on the

one hand and more tasks in the course of decentralising tasks on the other (Grohs et al., 2012). This municipalisation is attractive due to its local relevance and as a legitimisation resource: the top municipal administrations strive for more efficiency and proximity to the citizens when they execute tasks because they want to demonstrate success during their term of office so as not to jeopardise their re-election (Mehde, 2022). A tri-national study (including Germany) on the consequences of decentralisation positively shows both an increase in the horizontal coordination capacity on the ground and more effective task completion (Grohs et al., 2012). However, the additional financial costs have a negative impact on the municipal scope for action, "which regularly overburden weaker regional authorities in particular and can lead to deficits in implementation and ultimately to an increase in disparities. The municipalities' ways of reacting are [...] limited by too little fiscal leeway, so that municipalisations usually lead to shifts in the municipal task portfolio, which are at the expense of "voluntary" tasks" (Grohs et al., 2012, p. 143, German in original).

4.2 Municipalities in crisis mode

In the past few years, municipalities coped with extraordinary tasks. In 2015 and 2016, shelter and care of over one million refugees posed a major challenge in terms of human, spatial and financial resources. From March 2020 until early April 2023, the measures to contain the Covid-19 pandemic led repeatedly to massive restrictions on fundamental rights for every individual and for many different sectors. The enormous negative impact of the pandemic manifests itself, among other things, in serious educational backlogs, especially among already lower-performing and disadvantaged students, and requires considerable social efforts in the long term. Since 24 February 2022, the war in Ukraine has superimposed the pandemic and is having cascading effects, which are reflected in a considerable increase in the number of refugees, especially from the Ukraine, inflation, energy insecurity, etc. The cursory enumeration of these crises illustrates their global and delimiting character (see also Schweizer's contribution in this volume). Although this global crisis mode affects all levels of the federal system, the municipalities have a special obligation. The municipalities must act locally because operational crisis management at the local level is predominantly in their hands and often catches them unprepared. With regard to the Covid-19 pandemic, this can be seen from a

survey conducted by the opinion research institute Forsa on behalf of the magazine KOMMUNAL, in which 2,309 mayors in Germany participated in the initial phase of the pandemic (hereafter Ehrhardt, 2020). According to the survey, 75% of municipalities did not have contingency plans for an epidemic, which was particularly true for village communities (88%) and small towns (76%). In contrast, 79% of large cities had such plans. These plans proved to be useless because they were either outdated or related to other emergency situations (e.g., floods or major fires). The respondents had the following biggest problems in crisis managing at the beginning of the pandemic: maintaining the administration (21%), the financial or economic consequences (15%), the practical implementation of the measures (15%), and the control or compliance with the measures (10%). In the long term, they feared a significant loss of revenue (33%), economic losses (17%) and job losses (12%).

According to another study, these fears did not materialise despite pandemic-related losses (hereafter Boettcher & Freier, 2022). Compared to the banking crisis in 2009, when municipalities were plunged into a debt crisis, they are now in a better position and in many cases achieve slight financing surpluses, which is due on the one hand to more generous financial support from the federal and state governments and on the other hand to the resumption of revenues from municipal (business) taxes. However, the positive handling of the pandemic for the municipalities in fiscal terms is currently clouded by the ambiguous and uncertain development due to the aforementioned Russian attack on the Ukraine with its far-reaching consequences.

5. Crisis prevention

5.1 Crisis management

Crisis management literature distinguishes between three temporal phases of crises: the pre-crisis as a phase of prevention and preparation, the acute crisis as a phase of coping, and the post-crisis as a phase of reflection and learning. Crisis prevention thus reflects only a part of the overall crisis work, which is presented as a cycle.

On the one hand, prevention can be understood as risk management. It can be used to anticipate and limit certain crisis triggers in advance – and thus, for instance, to counter the regular storm surges on the North Sea with improved dike construction. Risk management aims at avoiding crises. However, in view of the blurring of boundaries in today's crisis situations, it can only do part of the prevention work. Not only do cases such as the floods in the Ahr valley in Germany 2021 exceed common risk assumptions, but, as described, there are unpredictable social negotiations across different systems. Crisis prevention, on the other hand, must therefore mean being prepared for fundamental uncertainty. "Chaos phases" in crisis management can occur more often (in waves) or last longer – and should be prepared accordingly as "phases without a script". In addition to planning activities, a pre-crisis phase should moreover include preparations for dealing with uncertainty (lack of knowledge, vagueness of information and unpredictability). It should also be reflected that uncertainties can arise precisely because the population will be more actively involved than ever in negotiating crises.

Strengthening cooperation between organisations, sectors and knowledge domains can be an important aspect here. Relationship networks can be established in the pre-crisis phase to enable a rapid flow of information in the event of a crisis (cf. "High Reliability Networks (HRNs)", Berthod et al., 2016). This concerns, for example, the cooperation of emergency services and other stakeholders – but also that of decision-makers and experts. Different forms of knowledge must come together in order to cope with transgressing crises: Both specific expertise and abstract knowledge are required (cf. Brinks & Ibert, 2020). However, being able to relate expertise well to each other and to make both specific factual and process knowledge "viable" for decision-making is anything but trivial. Especially under the crisis-typical conditions of threat, urgency and uncertainty, pre-structured formats are needed. Moreover, knowledge is not simply "ready", but is created in the interaction between experts and decision-makers (cf. Berr et al., 2022). Expert opinions can differ or even contradict each other – and cause irritation among the population. Crisis prevention also means reflecting on these interrelationships and the difficulty of communicating them to the population in the pre-crisis period.

Considering prevention as part of the crisis management cycle means overall: accepting that crises will continue to occur. In this sense, quite independently of everyday business, it is a matter of building up a gene-

ral understanding of crises as well as coping structures (e.g., emergency plans or task forces) in one's own organisation or authority. Likewise, the development of a good error culture can help to face the dynamics of the acute crisis.

5.2 The importance of law

Law has no better forecasting or prevention capabilities than the other disciplines united here. However, this does not mean that it cannot make its own contribution to the issues discussed here. It is a matter of learning from the actual and legal findings of the crises that have taken place in the past and of better preparing the law for future emergencies.

What is needed is an effective professional and political evaluation of the events and experiences. They allow for conclusions to be drawn about strengths and weaknesses of existing law and thus specify the need for new or other regulations. For this purpose, expert knowledge must be consulted, as far as expert findings and statements are available. This may include scenarios being prepared for certain case groups, in part with parliamentary or ministerial support. Where expertise ends, political discussions are necessary. This applies, for example, to the process of prioritisation: Should emergency management resources be reduced during times without a disaster? In an emergency, it may then be too late. Conversely, what should get saved during times without emergencies in protection against major future losses everyone hopes will never occur? What about the political premium in this case particularly? Where is the legitimation regarding those at whom savings are now being made?

Lessons from a crisis must not be too concrete but must recognise pre-conditions and basic structures in a more abstract way. The next crisis does not have to be the same, it may be different. This is known where "scripts" have been drawn up. Incidentally, if you hoard respiratory masks after the pandemic, you may find that the next crisis is a flood where you would rather have needed rubber boots. The central issue lays not to in accumulating large quantities, but in opening up supply chains and logistics and in keeping them resilient.

Emergency management law must be appropriate regarding then target groups. This can justify differences between rules directed at enforcement

staff and norms directed at potential victims or even everyone. The former may need to be alerted or at least informed earlier to be able to provide assistance. The latter should then be warned at the time and in such a way that no panic threatens to break out. Regarding panic in general: How people react under panic should be considered in legal cause-and-effect predictions.

Further discussion is also needed regarding the question of national peak and advisory boards to pool and assess information. The more established they are and the higher their standing is in the normal course of events, the more likely they are to be able to provide legitimacy in an emergency. Ideally, they can provide increased guidance for decision-makers, affected parties and the media, if they themselves are sufficiently legitimised.

5.3 Crisis prevention in municipalities

In the pre-crisis phase, uncertainty prevails about the course and the outcome of the upcoming crisis. Municipalities must deal with this uncertainty and the resulting pressure. They make decisions to "get ahead of the situation" and avert the crisis, or to prepare for the acute phase and then manage it better. Under these conditions, bounded rationality can facilitate and improve decision-making. According to its originator, the psychologist and behavioural economist Herbert Simon, "bounded rationality" aims at decision-making under uncertainty by shortening and simplifying. For in crises "it is often necessary to proceed according to heuristic rules, to take 'mental shortcuts'. Such rules allow to prioritise some information and posteriorise others, to simplify complex decisions so that they are manageable, and to formulate measures that can be implemented quickly and without much delay, halfway thought through. These heuristic methods help to increase the probability of making a good decision, especially given the time and information constraints at hand" (Gómez Pomeri, 2022, pp. 87f., German in original).

In the acute crisis, already existing deficiencies in various areas of a municipality become apparent, which can intensify or grow more acute in the meantime. The Covid-19 pandemic exposed the already existing weaknesses in the health system in Germany regarding digitalisation as well as the consequences of economisation in nursing and care for the elderly. Even before the pandemic, the acute staff shortage was known as a nur-

sing emergency (Özlü, 2020). The pandemic further worsened working conditions, consequently nursing staff either left the nursing sector or reduced their working hours. Although this trend continues, nursing and care for the elderly seem to compensate for the departures by hiring more new staff with higher salaries, thereby attempting to prevent crises at the same time (Beeger, 2022). A difficult undertaking for the municipalities also was implementing the rapidly changing measures to contain the virus during the acute phase of the pandemic, as crisis management demanded a great deal of flexibility and extra effort from staff over a long period of time: crisis teams met at weekends and on public holidays, administrative staff volunteered for crisis management or were delegated, they worked shifts and did overtime. However, due to the current accumulation of crises, municipalities do not return to the normal state of local government but remain in crisis mode and repeatedly reach the limits of their capacity (Erb, 2022).

Despite all the difficulties, German municipalities have largely succeeded in creating a flexible crisis prevention structure in recent years. In 2022, this learning process was evident when Ukrainian and other refugees were accommodated. However, with 1.2 million refugees within one year, municipalities were once again reaching their capacity limits (Dake, 2022). Two basic aspects manifest in dealing with refugees: firstly, communication with and participation of the population, and secondly, the development of a resilient municipality. Crisis communication sensitizes a large part of the population to counter the expected crisis-related loss of trust in the population, also within the local government and emergency services, and to provide behavioural norms along with information about the respective crisis (Schwarz et al., 2016). During a pandemic, the acceptance and adherence to norms of countermeasures to reduce the incidence of infection with its harmful to fatal consequences is also elementary. The need for compliance with rules is also conveyed by the police and municipal law enforcement services in personal dealings through fair and trust-building behaviour, which consolidates their perception of legitimacy among the population (Hecker, 2018).

The term “resilience” is currently in vogue. It originates from psychology and has recently been increasingly adopted in the social sciences. In sociology, it refers to the ability of societies to cope with external disturbances without sacrificing their important system functions (Blum et al., 2016).

At the local level, the direction of perspective is crucial for building resilience. For example, too much focus on the past can obscure the view of the future with its potential for innovation and learning (Endreß, 2022). In this sense, resilient communities are characterised by the fact that they "are able to shape themselves against the background of crisis experiences and thus possibly create new equilibria" (Endreß, 2022, p. 94, German in original). Building resilience requires a medium- and long-term perspective in dynamic and flexible municipalities in constant change.

6. Conclusion

"No crisis comes as a surprise; no crisis stands on its own, but is rather an interconnected phenomenon, typically with cascading effects" (Endreß, 2022, p. 93, German in original). Due to the ubiquity of the term crisis and the "multiple" occurrences of crisis cases, the contours of a crisis become blurred for science and practice. In addition, crises today typically occur without distinct boundaries. They cannot be clearly identified in terms of their often-global causes and consequences as they are the product of a complex social negotiation, often in an (inter)national context. As a result, municipalities are less concerned with negotiating crises than with their consequences and play an essential role in operational crisis management. In the federalist democracy of the Federal Republic of Germany, the constitutional guarantee of municipalities to govern themselves (Art. 28 (2) sent. 1 Basic Law) is of particular importance. However, additional legally obligatory duties and legally mandated matters by the federal and state governments considerably restrict the municipal scope for action if there is a lack of sufficient assumption of costs, especially in the case of financially weak municipalities.

Crises mean a legally exceptional state of affairs and create a special need for action. Therefore, the executive is primarily called upon in the acute situation. Crisis management includes prevention in three phases. Prevention is not only directed at avoiding crises, but also means dealing with uncertainty in a resilient manner by strengthening institutional networks and crisis communication with a population that participates and demands information. Before the crisis is after the crisis, and the post-crisis requires a professional and political evaluation of the events and experiences. Lessons from the crisis aim at both better crisis management and

better adaptation of the law for future crises. Learning from crisis means recognising generalities from the mastered crisis with its preconditions and basic structures to be prepared for different, future crises.

Prolonged and repeatedly escalating crises prove to be a stress test for democracy. In view of the current accumulation of cases, municipalities can hardly get out of crisis mode, which makes structured and forward-looking crisis prevention more difficult. The local level also provides a stage for conflicts and protests by different groups ranging from anti-Covid-19 activists (so-called "Querdenker" in German) to climate activists. Municipalities must face up to the resulting challenges and ambivalences. They must endure and reflect on contradictions within the framework of the free democratic basic order. This democratic debate also promotes resilience in municipalities. Resilient municipalities see themselves as learning institutions open to alternatives. Consequently, they are supporting pillars of our federalist democracy, in which crises can also serve as turning points for fundamental reforms that improve the quality of life.

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