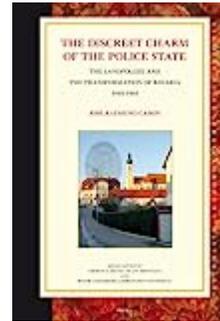




Jose Raymund Canoy. *The Discreet Charm of the Police State: The Landpolizei and the Transformation of Bavaria, 1945-1965.* Leiden: Brill, 2007. xii + 333 pp. \$129.00 (cloth), ISBN 978-90-04-15708-8.



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Policing the Modernization of Rural Bavaria

In the 1950s, the Bavarian Landpolizei (Rural Police) in many ways resembled the policing institutions of the nineteenth-century continental system more so than the “friend and helper” of liberal democratic states. The centralized Landpolizei, which was responsible for communities of less than five thousand inhabitants, engaged in a wide array of activities that extended well beyond the enforcement of criminal law, including surveillance of the civilian population, regulation of the market, enforcement of residential registration, and political policing. The organization carried out these tasks of administration and social control with very little civilian oversight, despite initial American efforts to bring German police systems under the control of civilians. Just how the Rural Police established this autonomy and insinuated itself into so many aspects of Bavarian social and economic life is the subject of Jose Raymund Canoy’s study. Canoy asks why this “authoritarian policing” persisted into the Adenauer era and how this system eventually gave way to a more “liberal” form of law and order.

Canoy eschews the simplistic explanation that these centralized, autonomous, and invasive functions were

merely holdovers from the Nazi police state. He argues that the “discreet charm” of authoritarian policing did not reflect the failure of denazification. Rather, authoritarianism reemerged as a response to the socioeconomic conditions of postwar Bavaria. Police continued to operate as a “state within a state” with the powers to intervene in society—although this time without an ideological framework—because of a widespread consensus that such measures were necessary for economic and social stability. His analysis of this relationship rests on the model of modernization proposed by Detlev Peukert and Robert Moeller, which ties the political development of Adenauer-era Germany with the broader socioeconomic developments of the nineteenth and twentieth centuries. In fact, Canoy goes so far as to argue that the Landpolizei became an agent of change in that it helped to restore stability and made possible the very social and economic changes that would in turn render obsolete the kind of authoritarian policing it practiced. The demise of authoritarian policing, he argues, had little to do with an ideological transition to liberalism. Instead, the industrialization and urbanization of rural Bavaria in the 1950s changed the conditions that had made author-

itarian policing necessary. The Rural Police both helped ease the transition to modernity and were transformed by those socioeconomic changes. By the 1960s, Canoy argues, debates over policing that constituted the liberal reappraisal of the Adenauer period happened *after* the Landpolizei had already shed its “pre-industrial” roles, tactics, and organization.

Canoy’s work joins several others that have examined continuities in policing in the periods before and after 1945.[1] Bavaria is particularly instructive for such an investigation because, unlike other states in the western zones of occupation, Bavaria retained much of its prewar territorial identity. As a result, it experienced the greatest possibility of institutional continuity.

Canoy is interested not just in institutional structures and their functions; he places much of the agency in the hand of the individuals who inhabited those institutions and made them work. He thus focuses much of his study on the career of Michael Reinhard Paul Ludwig, Freiherr von Godin, chief of the Landpolizei from 1945 until his retirement in 1958. At the time of his birth in 1896, Bavaria’s police system bore the stamp of the Napoleonic system and the centralized nineteenth-century Bavarian police. Godin, according to Canoy, served as a kind of bridge between this period of the nineteenth-century “Order State” and the authoritarian policing of the late 1940s. As an officer in the Bavarian Landespolizei, the politically conservative Godin helped put down the Hitler Putsch in 1923, for which he was forced into exile in 1936. During his absence, the radical reforms of the police system in Bavaria culminated in the unification of the German system under the SS Sicherheitspolizei and Ordnungspolizei. Canoy sees this period, preceded in 1935 by the liquidation of the Landpolizei, as a caesura in the development of the Bavarian police. Godin spent the duration of the war in the community of political exiles in Switzerland, where he made the acquaintance of prominent Bavarian Social Democrat Wilhelm Hoegner. This connection, as well as his careful cultivation of his reputation as an anti-Nazi conservative, won him the appointment as head of the newly-founded Landpolizei of Upper Bavaria in 1945.

Ironically, while denazification (in its strictest sense, as the removal of Nazi party members and Nazi institutions) was accomplished during the occupation, American policing policies also ushered in the return of older forms of policing. The Americans had hoped that the Landpolizei would replace the SS police system with a decentralized one under the strict supervision of civil-

ian authorities. Yet the occupation authorities found their initial attempts to develop strictly local police forces frustrated by the inexperience of the new officers, who now faced unprecedented migrations of new people into Bavaria as well as (allegedly) increased crime rates. Community-based policing proved so inadequate to the task of establishing order that by the beginning of 1946, the Americans were beginning to study older systems of policing in Bavaria and allowed police agencies to take on increasingly invasive and administrative functions. For example, while Title 9 of the Regulations for the Occupation removed political policing from the purview of the Bavarian institutions, it also required those institutions to investigate and detect threats to the occupational government; thus, political policing remained a responsibility of the Bavarian police.

Canoy argues that occupation period served as the “transmission belt” (p. 180) that conveyed into the Federal Republic the methods of surveillance, the practices of repression, and the expansiveness of police powers that had been in place before 1933. During the occupation, the presence of ethnically diverse “displaced persons” in otherwise (supposedly) ethnically homogenous Bavaria led to widely-held concerns about the “foreignization of crime” and justified to the Bavarian populace such measures as residential registration, a system that had reached its maturity with the Reichsmeldeordnung of 1938. Likewise, the need to control the black market legitimated the practice of police raids (*Razzia*) on public places such as parks and railways.

The Military Government also gradually came around to the principle of centralization—first, because of the problems local communities found recruiting and training personnel, and second, because of the difficult first winter. By April 1946, in large measure thanks to Hoegner’s endorsement, the Americans accepted a proposal drafted by Godin for the creation of a federal state-level force, practically independent from civilian oversight, and under his management. As the end of the occupation grew near, Godin employed his personal connections to make the case for the persistence of relative police autonomy, even blocking the efforts of Felix Brandl and “Dr. Heindl” to centralize the detective force under the Ministry of the Interior. (Canoy misses a minor but potentially interesting opportunity to explore the continuities in Bavarian policing when he fails to recognize this “Dr. Heindl,” head of the Zentralamt für Kriminalidentifizierung und Polizeistatistik and later head of the Landeskriminalamt, as none other than Robert Heindl, the prominent prewar criminalist and author of the influen-

tial *Der Berufsverbrecher* [1927].)

General acceptance of these kinds of “authoritarian” practices meant that when the Bavarian government sought to comprehensively define and limit the powers of the police for the first time in the *Polizeiaufnahmegesetz* (PAG) of 1954, the strictures were relatively limited. Canoy, in fact, characterizes the law as a “transitional document” (p. 176). Although the law provided for civilian oversight, it also recognized the need for some degree of police autonomy. Despite the ostensible limitations of powers, the law also provided for the extension of police prerogative through further legislation. Thus, the Bavarian *Landpolizei* continued to operate in the 1950s with considerable autonomy and with the broad authority it had enjoyed since the occupation period. If anything, these powers were extended even further after 1949 into the realm of “cultural defense,” as monitoring of food supplies, for example, shaded into qualitative decisions about what constituted “food.” Junk food enthusiasts will find amusing Canoy’s example of the *Landpolizei Lebensmittelüberwachung* citing stores for selling Butterfinger candy bars because the sweets did not actually contain butter (p. 196).

In his chapter on political policing, Canoy offers compelling and productive ways of rethinking postwar German liberalism and its relationship to illiberalism. Canoy argues that the period of the occupation should not be seen as “an interlude of ineffective and muddled reform that is best forgotten” (p. 209). Instead, he invokes the thesis advanced by Martin Broszat and others, who argue that the “emergency interventionist state” that emerged in 1942 took on a new form in 1945 under the occupation. Canoy suggests that, from the perspective of police policy, this “restabilized *Massnahmenstaat*” continued into the 1950s and, along with pre-Nazi traditions, shaped the new post-Allied police practice. In the 1950s the authoritarianism of the police that the Americans had authorized “took on a life of its own” (p. 210). This development applied, especially, to a growth in political policing. Invoking the recent work of Konrad Jarausch and Martin Geyer, Canoy argues that political policing, which emerged with renewed vigor in the context of the Cold War, provided a “scaffold” over which to build a reorientation to political democracy that saw “the slow cultivation of a transformed society with ‘greater levels of responsible participation in public affairs and greater tolerances for differences of opinion’ through illiberal means” (p. 207). These “illiberal means” were only in part the result of Nazi precedents; nor were they merely the result

of Cold War commitments to eliminating radical influences. They were also, in the case of Bavaria, the result of bureaucratic “empire-building” on the part of Godin, who saw political policing as an opportunity to extend his institutional power.

Canoy concludes his study with an examination of social changes that took place in the late 1950s and early 1960s that changed the basic premises of rural policing. These changes included “belated and dispersed industrialization, the ‘deprovincialization’ of the local population, and a dramatic rise in personal and physical mobility” (p. 233). The rise of youth culture and in particular the “*Halbstarcken*” represented another such challenge. These changes rendered obsolete the organization of the rural police based on small units with intimate knowledge of a geographically-circumscribed local population. The authoritarian practices of the late 1940s and 1950s enforced specific social values that were by the mid-1960s no longer in place. Officials slowly reconciled themselves to the new circumstances and adapted to them through changed expectations of citizen behavior and by adopting new technologies such as police cars and radios, which further undermined the traditional basis of authoritarian control. Thus, these changes were already underway at the end of the Adenauer era.

Admittedly, Canoy’s book offers little to readers interested in police practice or the epistemic cultures of postwar German policing. With his focus on institutional and socioeconomic structures, Canoy perhaps underestimates the degree of continuity between the Nazi and post-Nazi periods in the realm of police science. Although he is careful to recognize the role of existing criminological science and ethno-racial thinking in informing responses to perceived crises in crime and disorder in this period, Canoy has a tendency to adopt a rather narrow definition of ideology, at times apparently equating it with party affiliation. Nonetheless, Canoy’s work will be read with profit by those interested in the history of policing, of postwar Bavaria, and of West Germany’s difficult transition to the liberal postwar order.

Note

[1]. See, for example, Christian Groh, *Kommunale Polizei im Wiederaufbau: Sozialgeschichte der Pforzheimer und Heilbronner Polizei von 1945 bis 1959* (Ubstadt-Weiher: verlag regionalkultur, 2004), which I reviewed for H-German at <http://www.h-net.org/reviews/showrev.cgi?path=73001145976571>.

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