

Prof. Dr. Karl Härter
Max-Planck-Institut für europäische Rechtsgeschichte
Hausener Weg 120
60489 Frankfurt am Main
haerter@mpier.uni-frankfurt.de

Policing the political criminal/subversive: police knowledge and police co-operation concerning political crime/subversion and political exile in 19th century Germany.

Clive Emsley stated in his article on political police (1997, p.1) that the state “acquired an increasing desire for knowledge about its inhabitants” for general matters of police and good order as well as concerning political subversion. In this regard he links the pre-modern “good police” (*gute Policy*) and the well ordered police state with the modern political police emerging in the 19th century. Already contemporary writers of the German *Policywissenschaft* compared the political police, its agencies, methods, techniques and aims with the pre-modern *gute Policy*. This paper also follows the assumption that “police knowledge” played a key-role in the development from the *gute Policy* to the political police of the 19th century - especially with regard to “public security” and a wider model of “police knowledge”.

In consideration to its historical development in 18th and 19th century Germany, police knowledge was not only produced by scientific writings and juristic discourses (*Policywissenschaft*) but was strongly influenced through the techniques of gaining/collecting, analysing, producing and distributing information on matters of police or policing. The “actors” in that field and therefore also the producers of police knowledge were the governments, their officials (working in central as well as local administration or in police agencies) and sometimes the learned professional scientists of the so called *Policywissenschaft* which very in many cases involved into the practical polices of the so called *gute Policy*. In this respect the distribution and publishing of police knowledge is also not only confined to the treatises of the *Policywissenschaft* or the juristic/scientific discourse but unfolds also in the laws dealing with matters of police, in the official communication among governments/administrations and their officers as well as in specific media that is aiming at the publishing and distribution of police knowledge concerning “practical” matters of policing, like for instance wanting lists, collections from the court files, police journals etc. But a considerable tension characterises the development of police knowledge in the field of public security and political crime: governments pursued in that matters more or less arcane policies and “national” interests and were therefore often not willing to share or publish police

knowledge; on the other hand there was a strong demand for cooperation, external and public communication and the exchange/transfer of police knowledge to augment effective police work in matters of public security and political crime.

Taking this approach the following paper tries to show continuity and historical changes of police knowledge from the pre-modern *Policey* to the modern police in the field of public security and political crime/subversion in Germany between the 18th and 19th century. One main assumption is that collecting/gaining, analysing/preserving and distributing/publishing relevant police information as well as the interterritorial transfer of police knowledge and the emergence of police-cooperation was strongly influenced by the legal development of the political police, its demand for information and knowledge especially with regard to the (suspected) “European milieu of subversion” and the political exile German dissidents formed in France, Belgium, Switzerland and England.

That seems a somewhat common assumption: f. i. Jens Jäger, who has published recently an excellent study on international police cooperation, has stated that the political police was the “breeding ground” for the emergence of police collaboration in Europe at the end of the 19th century. However he distinguishes sharply between common crimes/international criminals and political criminal/crimes and pays nearly no attention to the latter field. On the other hand many older studies on political crime and political police in Germany did more or less ignore the continuities concerning police knowledge and the techniques of collecting, preserving and distributing/publishing police information between the “Ancien Régime” and the modernity. Therefore the paper takes a wider approach, depicting first some more or less well known basic facts on police knowledge and policing in 18th century Germany and then the impact of revolutionary and Napoleonic France on Germany with respect to the laws on political crime and the establishment of political police agencies in the first half of the 19th century. A third part is analysing political police, methods and co-operation on the level of the German Federation as well as the problem of trans-border police activities especially concerning the problem of collecting and distributing information/police knowledge. Finally a fourth part is summing up the discourses on political police and the publishing of (new) police knowledge in the field of political subversion/crime.

1. From Polickey to Polizei: development and changes in police knowledge between the 18th and 19th century in Germany (*note: will be presented only very briefly, hence only keywords*)

1.1. Situation at the beginning of the 18th century: *Policeywissenschaft* and law making (*Policeygesetzgebung*) of rulers/government

- prime aim: how to make the best police-ordinances/police-laws (*Policeyordnungen*) to establish the good order; gaining information on policing problems that should be primarily regulated via laws; *Policeywissenschaft*: analysing different laws, systematizing, giving governments advices on law making in the field of the good order; *Policeywissenschaft* rarely took notice of foreign police writings (except Delamare); rulers/governments made only limited use of the writings of the *Policeywissenschaft* and only limited exchange of police knowledge/information with other states;
- governments developed techniques of gaining information on matters of the good order and policing; gaining/collecting information and data not only for the purposes of law making but more and more aiming at administration and policing; producing and preserving knowledge with lists, charts, statistics, reports; increasing exchange of information and knowledge among the territorial governments; government officials participating on public police discourses and *Policeywissenschaft* with own writings/treatises, drawing from practical experience;
- one main field that gets more and more important in the framework of *Polickey* and practical policing: public security, especially with regard to collecting/gaining information and data on crime, criminals, bandits, gangs, milieus, but also suspect migrating and marginal groups (vagrants, beggars) and to a certain degree also religious and political subversion; development and implementation of censorship, control of press and print market; in the second half of the 18th century also some attention to associations/societies;
- with regard to public security (*Sicherheitspolickey*) policing methods/techniques established aiming at social control: rewards, wanted lists, denunciation, undercover-agents, informers, passport-control, censorship, control of mail, surveillance of associations; one problem preserving, processing and exchanging these information/data for further use, especially identifying “bandits” or suspects; distributing it among officials and the emerging police forces; exchange with other governments -> bandits, migrating groups etc. inter-territorial police/policing problem; relevant information on matters of public security collected (from court files, wanted-lists etc.) and exchange between German governments via requisition (*Requisition*); administrations produced, systematized, preserved and distributed information/knowledge on security matters, but often only internal distribution to own police

forces and local administration; the main intention was not policing in general and co-operation of different police forces, but to augment the prosecution of criminals; territorial governments in the Old Reich reluctant to publish and exchange police knowledge in matters of public security, especially concerning concrete police measures; police knowledge and policing „arcane knowledge of ruling“ (*arkanes Herrschaftswissen*);

- however at the end of the 18th and in the first half of 19th century some “practitioners” (police officials and *Criminalisten* like Bierbrauer, Einert, Weissenbruch, Schäfer, Schöll, Brill, Schwencken, Becker, Falkenberg etc.) developed more interest in police knowledge on matters of public security; they used their access to files and court records and published several volumes on security matters, police and policing often named *aktenmäßige Nachrichten/Darstellungen* (reports from the files/records); insofar the beginning of publishing and transfer of police knowledge and policing methods/measures in the field of public security; the aim: identifying suspects, surveillance, special knowledge on security threats/problem and the milieu of *Gaunertum* (language, hiding places, tricks etc.) -> improvement of police activities and postulation of trans-border, interterritorial police co-operation;

- but political subversion/crime played only a minor role in the vast area of *gute Policey*; the *Policeywissenschaft* showed only relatively small interest in the problem of police forces and policing with regard to security matters; concerning police forces the French model was received (esp. by *Bielfeld*) and some governments adopted the French model of communal police forces; however political subversion and police forces developed slowly in the framework of public security as one special branch of many more special branches that blossomed from the large tree of the *Policeywissenschaft*.

2. The impact of revolutionary and Napoleonic France: political dissidents, political crimes and the emergence of the political police

The French revolution as well as the Napoleonic policy caused considerable changes in the political and legal systems of Germany. One major change was the establishment of political police agencies augmented by more or less new (legal) definitions of political crimes and political subversion which were considered as new major threats of the state and public security: revolutionary activities, social protest/upheaval, secret/radical groups/associations/societies (especially “jacobins”), foreign (revolutionary) agitators and propaganda, oppositional press etc. Another new emerging problem – which seems to need political policing – was the migration-wave of French émigrés and the political exile they

formed in the German states. Vice versa revolutionary and Napoleonic France granted German political emigrants political asylum, which achieved an important role in the first half of the 19th century. Many European states granted asylum to German political refugees forming in the 1830's an active political exile, which was an amalgamation of traditional forms of associations and corporative action and new forms of political activities and political groups (secret societies like the *Bund der Gerechten*). Journeymen, migrating workers, foreign propagandists etc. played a crucial role in many political/"revolutionary" activities especially with regard to smuggling, transporting and distributing political (liberal, revolutionary) propaganda, literature, press and letters as well as for organizing meetings and protest activities.

The Holy Roman Empire as well as the German Federation and many single German states reacted with new legislation on political crimes/subversion and established different political police agencies to deal with the new challenges of public security. On the whole the authorities as well as the emerging new police forces paid more and more attention to political dissidents (revolutionaries, radicals, opposition), the so called "internal enemy", who was thought to be part of a worldwide "jacobin conspiracy" against the authorities. Prime target groups of the emerging political police were the associations of German students, the liberal bourgeoisie (especially the *Burschenschaften* and the so called *Demagogen*), political refugees/fugitives and also migrating workers (journeyman). Because of the structure of the German Federation which was comprised by (competing) sovereign States, the phenomenon of political crime and subversion was no longer an "internal" police affaire but was considered to a certain degree as an "international or trans-border police problem" and therefore required co-operation as well as the transfer of knowledge (concerning law as well as police methods).

On the field of legislation the Holy Roman Empire, the German Federation and many German States regulated political crimes/subversion as well as the counter-measures of the state in several laws and established political police agencies (which were only to a certain degree legally bounded). That started already in 1792/93 with an imperial anti-revolutionary program aiming at office holders, civil servants, students, social protest/riots, collaboration/comparative action in or with foreign countries as well as comprising censorship, surveillance of universities and concerted military "police-action" against social protest. Likewise some German states enacted new laws on political crimes sometimes drawing from the laws of the empire as well as from police-ordinances but also using the

French 1810 Code pénal (from 1810) which had brought a thorough new legal definition of political crimes as well as crimes against the state.

In parallel Austria, Prussia, Bavaria, Saxony and other German states established political police agencies (or secret police, state police = *Geheimpolizei, Staatsschutzpolizei*) assigning them to the new police task of *Staatsschutz* (state security). In Austria Pergen founded at the end of the 18th century a police agency influenced by the French model of a secret political police, which was further developed by Metternich in the first half of the 19th century. Prussia established between 1808 and 1812 a political / state police as a special secret department (with J. Gruner as the head); which was first focussing on foreign affairs and espionage but turned its activities more and more to inner political affairs and the opposition.

On the level of the German Federation legislation in matters of political subversion/crime as well as the installation of political police developed only slowly. First of all several crucial laws against political crime were enacted between 1815 und 1833. In 1815 the federal act (*Bundesakte*) declared the maintenance of external and internal security (*Erhaltung der äußeren und inneren Sicherheit*) as prime aim of the German Federation. In 1819 the *Karlsbader Beschlüsse* (referring to the imperial program of 1790's) established or reinforced censorship, surveillance of universities and students, prohibition of secret associations/clubs and demanded the detection of revolutionary/subversive political activities and demagogic associations. The law of federal execution (*Bundes-Exekutions-Ordnung*) from 1820 established again the obligation of the authorities/German states to cooperate – including executive police activities – in cases of *Widersetzlichkeiten der Untertanen, offenem Aufruhr, gefährlichen und bezüglich Verbreitung aufrührerischer Bewegungen* (riots, social protest, security of the state). In the 1830's the German Federation enacted more laws (*Sechs Artikel* 28.6.1832, *Zehn Artikel* 5.7.1832) reacting to the revolution of 1830, the *Hambacher Fest* and the *Frankfurt Wachensturm* and defining political crimes, matters of state security as well as police tasks and organisations. Political subversion and tasks/target groups of the political police did according to that comprise: forming associations with a political aim or secret societies, students and universities, state officials, press and mail, propaganda, political gatherings and feasts, public political speeches, using/carrying revolutionary badges/symbols and the political exile. As police measures the laws demanded the surveillance of foreigners and migration and a stricter passport control. And in 1836 a law called „*Bundesbeschuß über Bestrafung von Vergehen gegen den Deutschen Bund und Auslieferung politischer Verbrecher auf deutschem Bundesgebiete*“ (18.8.1836) stated an obligation of extradition (via requisition) in the case of political crimes between all German states.

3. Police agencies, methods and co-operation on the level of the German Federation: policing, controlling and prosecuting political dissidents (1815 to 1871)

The task to enforce or implement the legal regulations and police measures against political dissidents/criminals was mainly left to the territorial police forces/organisation (and courts). On the level of the German Federation only two federal police commissions were installed: the first was the *Mainzer Zentraluntersuchungskommission* (central investigation-commission, 1819-1828); the second was named *Frankfurter Zentraluntersuchungsbehörde* (central-investigation-bureau, 1833-1842). They functioned as central police agencies concerned with political crime/subversion; the commissions were comprised of commissionaires, judges and officials appointed from the different German states. Their main task and field of activities was to investigate, collect, compile, analyse and preserve information on political subversion, dissidents and political criminals from the year 1806 on (and therefore also to investigate earlier cases). They should analyse their motives, activities, methods, associations and networks and produce corresponding dossiers and reports of political police knowledge for further use f.i. by distributing reports among the federal assembly, the governments, courts or police agencies, which could use it for police activities, prosecution/trials. The federal commissions were the first political police in Germany to produce and distribute police knowledge on political crime and subversion for different states in a trans-border context (Liang, p. 20: “one of earliest modern attempts at joint political policing by separate state governments”). Furthermore to a certain degree they should also help to coordinate “inter-state” policing activities (or provide information for such activities) and should also co-operate with territorial and communal police agencies/forces as well as with criminal courts and governments (*politische Justiz*). Local police agencies or courts concerned with the prosecution of political crimes should send all relevant information/files to the federal commissions. The communication between the central federal commissions and the local agencies/courts was based on the pre-modern procedure of requisition.

The observation/surveillance of political dissidents/opposition and their “milieu”, secret and/or political associations, societies and parties (*Vereine/Verbindungen*), students and universities, their meetings/gatherings, distribution of political writings/propaganda, public protest and other public activities (meetings in public places, inns, taverns) formed the main targets of policing politics/policing activities of the federal commissions as well as the specific political police agencies of the German States, which were primarily aiming at information and not at “executive action” (*Vollzug*) and can be systematized as follows:

- a) surveillance, denunciation, informers, agents, agent's provocateurs, infiltration, vigilantes, rewards;
- b) censorship and control of press and print-market (publisher, book shops, import), control of mail (opening of letters);
- c) collecting, producing and distributing files, card indexes, lists and reports;
- d) (trans-border) control of mobility/migration and communication; supervision of passports and visas; control of stay (obligation to register, local police); surveillance of railroads
- e) prosecution, expulsion and extradition.

These different methods, techniques and activities of the political police were not only carried out by the federal commissions or the territorial political police agencies. The political police had to rely on the help and co-operation of different institutions ranging from the governments, interior/foreign ministries, state departments/offices, diplomats, courts, local (or even foreign) police forces, agents/spies, informers etc. Though it was clear that the federal police commissions tried to acquire new technological abilities, they used (or were utilizing) also methods developed in the context of *gute Policey* and "public security" (against bandits, vagrants etc.), especially in gaining, analysing and distributing information and producing knowledge for the government(s), the courts and to a lesser degree also for other police agencies. The federal commissions filed dossiers and expert reports on matters of policing and prosecuting political crimes/dissidents and also distributed lists of dissidents which were partially published, very similar to the *Gauner- and Diebslisten* of the 18th century and the writings of police practitioners (*Criminalisten*). Reports from the files (*aktenmäßige Darstellungen*) were also published in many ways similar to the writings of police practitioners and *Criminalisten* on bandits, gangs and vagrant threatening the public security. In 1822/23 the *Mainzer* federal commission discussed for the first time the question if the produced new police knowledge should be published to a wider audience. One aim or tactics of policing politics is to publish police knowledge for matters of political propaganda or "informing the public" about the enemies of the state/the order (*Aufklärung der Öffentlichkeit*). On the other hand the federal commission and more so the governments noticed that they could use police knowledge for further policing or even court action. Thus in 1823 the German governments decided not to publish the reports of the commission and to distribute them only among the governments (or the political police agencies). Furthermore the exchange and transfer of information/knowledge as well as police collaboration between the German states was bothered with problems and activities of the federal commission were obstructed because many German states desired to demonstrate and

maintain their sovereignty. Territorial police agencies and courts were reluctant to co-operate with the federal commissions and refused to provide court records or would not delay procedure and await the reports of the commission.

The *Mainzer* federal commission was – from the start - aware of the problem that political subversion was a trans-border European phenomenon and therefore needed trans-border police methods/activities concerning the collection of information as well as the observation/surveillance of the political exile and its trans-border activities. In its *Total Übersicht der gesammten Resultate* the commission pointed out that no single territorial political police could control political subversion properly and therefore some kind of trans-border (even international) police collaboration was required, at least between the sovereign German states (Liang, p. 23). The commission had made its experiences with such trans-border activities: it collected information on a meeting of professors, students and printers in 1819 in Strasbourg and produced a report which was handed over to the *Bundesversammlung* (federal diet) and should be kept secret because of possible diplomatic entanglements. But a diplomat (of the federal diet) leaked it to French newspapers, and *La Renommée* and *Le vrai Libéral* published extracts (Weber 1979, p. 26). Transfer of police knowledge and police co-operation were essential for the political police but were very difficult to realise in 19th century Europe (as well as the German Federation!) with its different and competing states. However the federal commission as well as its predecessors, the *Frankfurter* federal bureau and the German police conference/association (1851-1866) drew more and more attention to the surveillance and even prosecution of the Germans living in political exile in other countries, where many political dissidents were granted political asylum and were collaborating with the domestic opposition as well as with migrating German workers (*Handwerksburschen*). From the perspective of the German political police in France, Switzerland, Belgium and later in England the activities of the exile blossomed and the bad seed of political subversion (and even revolution) was spread by migrating working, emigrants, refugees, academics (students) and foreign agents in Germany. For the political police agencies were primarily concerned with the collection of information and the “production” of knowledge the federal commissions as well as the political police of several German states (Austria founded the *Mainzer Informationsbüro* with informers reporting also from foreign countries) tried to establish an information network using informers, confidants, denunciators, spies, diplomats and sometimes foreign police agencies; the director of the Parisian police informed for example a Prussian diplomat on the “mission” of Prof. Cousin in Dresden and the information was passed on to the political police which arrested Cousin

(Nolte, p. 137, note 484). Using information provided by informers, agents, “spies”, diplomats and sometimes with the help of other police agencies (of the German states and to a certain degree also foreign states) the two federal commissions produced new police knowledge about the European/German milieu of political subversion written down in reports and dossiers, which were sometimes used to prepare demands for extradition. The execution of concrete trans-border police measures and especially the extradition of political criminals/dissidents rested mainly in the hands of the government, the foreign departments and its diplomats were not considered to be a task of police agencies. Admittedly the *Mainzer* commission proposed an intensification of trans-border police collaboration concerning prosecution and extradition of political dissidents/criminals the plan to establish a new central police agency with trained professional police officers and to improve police methods especially with regard to transterritorial cooperation never was given a chance for realisation (competition between German states and their police agencies).

With regard to combined/concerted executive police activities and prosecution the efforts of the political police had only limited results and the two federal commissions were only seldom involved in the activities of the political police and the political justice of the separate states. But concerning its main task – collecting information and producing knowledge – the commissions were quite successful (“*leisteten eine perfekte Ermittlungsarbeit*”: Huber 1965, p. 132) and produced many dossiers, reports and a thorough “list”, the so called black book with information on 2140 political dissidents and refugees (members of political exile in foreign countries). Though it’s obvious that this knowledge did not render a “correct” or “historical true ”picture of the “reality” of political subversion in Europe or Germany, many police activities like the proscription of associations, banning of books/publication, censorship of the press and especially extradition demands were based on the information and the “knowledge” the commissions provided. In this regard the knowledge of the political police shaped the definition of political crime/subversion (also with concern to legislation) and could be used as a “tool” or “label” to initiate or legitimate concrete police measures and political prosecution.

After the failed Revolution of 1848 the German states discussed again the establishment of a new central federal political police, again without any result and implemented instead a new form of police co-operation on the level of the German federation: from 1851–1866 the police conference of German states (*Polizeikonferenz/Polizeiverein deutscher Staaten*) functioned as the main political police agency. Actually a loose association, institutionalised as meeting of higher police officials that exchanges information on political dissidents/criminals but also

on special police techniques and methods as well as on other issues of policing. Actually they met only 20 times but discussed many proposals, notes, reports, dossiers and lists and after the meeting its members distributed that knowledge to their governments or police agencies for further (and sometimes practical) use. Also primarily conceived to exchange information and produce a knowledge base on the milieu of political subversion/crime and to co-ordinate to a certain extent concrete concerted police activities among the states of the German Federation the *Polizeiverein* also draw more attention than its precursors to political subversions and political police in other European states and dealt with the problem of trans-border exchange of knowledge and co-operation.

The *Polizeikonferenz* collected, analysed and discussed information provided by the police agencies of the different states or from informers in foreign countries on political subversion in the whole of Europe. Many reports dealt with the activities of the German political refugees and exile in other European countries, especially in France and Belgium. They discussed and distributed also several lists of political dissidents from Germany and the main “European” activists from other countries as well as information on their activities, stays, travels etc. The reports and dossiers indicated an improvement in the observation and the surveillance of the political subversive milieu and their activities not only in Germany but also in other European countries of asylum (esp. France, Belgium, Poland, Switzerland, and England) where the German political exile was collaborating with the domestic political opposition. The fear that foreign subversive or revolutionary activities could have an effect on Germany fostered the discussion of crucial practical issues of policing politics like f. i.: the recruiting of reliable informers/agents (especially in foreign countries); the different policies and practices of the European states concerning the administration (drawing) and controlling of passports; the problem of controlling the borders; the so called requisitions and the laws and the practices of extradition with regard to political asylum and political refugees. Concerning the last issue the *Polizeikonferenz* dealt with a thorough report on the practical procedure of extradition and the trans-border prosecution of criminals.

Furthermore they agreed on different proposals to their governments to improve the practice of political police and co-ordinate measures and methods and submitted f. i. plans for a common German address book, a homogenisation of the passport-administration or the concept of an instruction for the customs officers how to control communication and travel on the French and Swiss border. And for the first time they proposed methods to influence actively the public opinion by establishing a police controlled newspaper or a concerted

organisation to influence the daily newspapers. Thus police knowledge should be used “offensively” for political propaganda.

In sum the *Polizeikonferenz* acquired, produced and distributed a thorough knowledge of the European subversive milieu (though merely describing the “historical reality”) and correlating police methods like control of passports and borders and extradition. That clearly indicates that the commission was (more or less) well informed through territorial police agencies and foreign informers, agents or diplomats; and furthermore the nature of information indicates that to a certain degree foreign police agencies were involved or provided information.

Though contacts to other European police agencies are seldom explicitly mentioned (but also not well researched) there are traces of a few secret arrangements, covered action and prosecution on the local police level in border regions (Alsace) as well as a collaboration with the police director of Basel (Dok, p. 308). But with regard to the political refugees and the exile concrete police activities and collaboration continued to be maintained mainly via diplomatic channels.

The different competing political systems in Europe clearly hindered transnational police collaboration and restricted the exchange of knowledge in matters of political police. Only concerning the extradition of (political) criminals (and therefore also with regard to political asylum) the European states established a kind of co-operation influencing also the political police and the prosecution of political dissidents. From 1856 on the famous Belgium assassination-clause (caused by the assassination of Napoleon III) was adopted in an increasing number of extradition- treaties, stating that political assassins were excluded from political exile and should be extradited. In the second half of the 19th century the clause was extended to anarchists, members of radical organisations, revolutionaries, “terrorists” etc. thus leading to a limited adjustment of the legal definition of political crimes as well as to an alignment in the practice of asylum and extradition (in case of political criminals). On the base of such treaties the transfer of knowledge as well as trans-border police activities – especially prosecution expulsion and extradition of political criminals – slowly progressed using the traditional way of requisition: the police could file requests for extradition which (still) had to go its „diplomatic way“.

Treaties of extradition, laws on political asylum and the growing fear of communism and anarchism as new political crimes / threats of public security helped paving the way for the transfer of police knowledge and co-operation in matters of political police. The European anti-anarchist conference at end of 19th century was one of the first official attempts to exchange police knowledge in an international conference in which politicians as well as

police officials participated. Initiated by Germany and Russia 10 European states signed in 1904 an agreement to exchange information (police knowledge) and co-operate in “the war against the anarchist movement”; albeit Britain, France and Italy refused to sign, they “acknowledged the need to exchange information between police forces” (Emsley 1997, p. 19).

4. *Policey- und Polizeiwissenschaft*: discourses on political crime and political police - production and transfer of (new?) police knowledge

Nearly parallel to the depicted development a public discourse on political police unfolded, discussing also different issues/ problems like: a) political crime, b) the context of public security and *Policey* in general, c) methods/techniques of policing politics (informer, surveillance), d) the problem of limiting or legal control of the political police, e) practical methods and exchange of knowledge, f) political exile, asylum and extradition.

With regard to the different issues we can distinguish the following forms of public discourse / publishing police knowledge:

- the *Policeywissenschaft* which changes its shape in the first half of the 19th century and slowly vanished but still managed to get its teeth into on the new issue of political police;
- the emerging penology (*Strafrechtswissenschaft*) which draw special attention to the definition of political crime, the problem of asylum and extradition and the relationship between criminal law and police;
- official or semi-official publications from political police agencies or governments, publishing results of police activities like “black books” or reports from the (court) records/files;
- “handbooks” and publications of the “police practitioners” – *Criminalisten*, police officers – dedicated to practical matters (f. i. tracing suspects/criminals, denunciation, recruiting informers etc.).

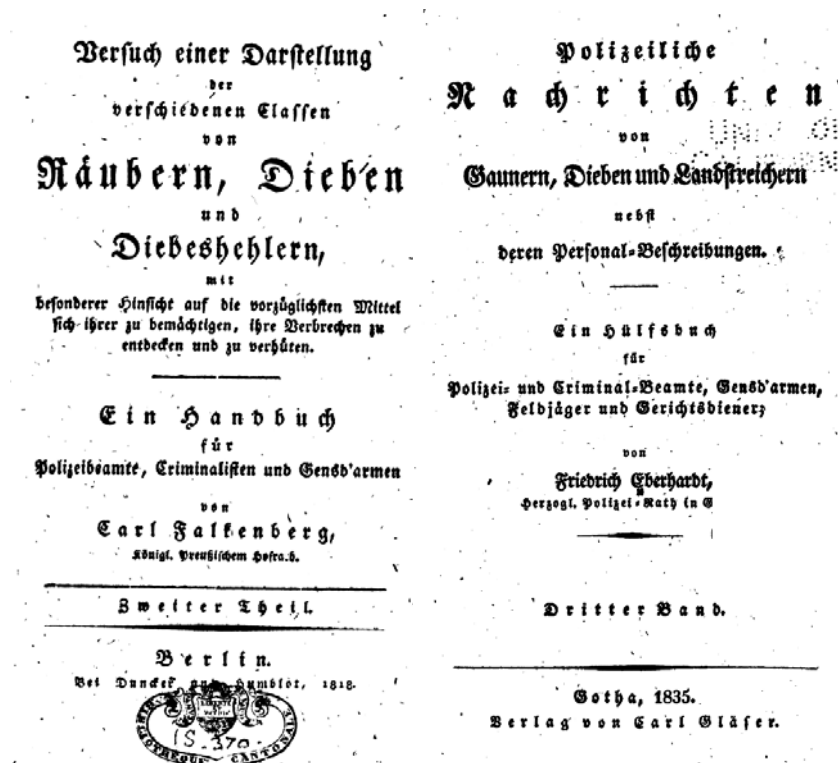
The slowly unfolding discourse on political police and was confronted with several problems: Many governments wanted to keep the knowledge of political police secret; it was considered as arcane and not intended for the public or the comments of the *Policeywissenschaft*. On the other hand officials recognized the necessity to publish and exchange the results of police activities (information and police knowledge), especially with regard to the need for transterritorial/international co-operation and political “propaganda” and to a certain degree also for deterrence. The governments wanted to demonstrate their ability and activities in policing politics and maintaining public security and the stability of the order.

Already the knowledge the *Mainzer* and *Frankfurter* federal commission produced could (and should) not kept totally secret. Both federal commissions suggested to the governments to publish the main results of their investigations, especially a list of all accused and convicted political criminals together with the verdicts. Though the majority of the governments neglected the proposals the police knowledge managed its way to the public. Some governments themselves published reports from the records/files and also semi official reports were published, including documents and police knowledge, f.i. excerpts from the already mentioned “black book” or the lists of political dissidents. Often information and knowledge in policing and prosecuting political dissidents/criminals as well as the activities of police agencies and the courts were published by using the media of *Aktenmäßige Berichte/Darstellung* („from the official files“) or the “wanting-lists”, already developed in the 18th century in the context of policing and prosecuting „bandits/gangs“. Despite many problems and even failure regarding active and effective police measures the political police was successful in producing police knowledge on political dissidents by no means producing a historical true picture of political subversion but a useful special knowledge for prosecution and extradition as well as forming an influential “label” of political criminals as enemies of the state influenced or commanded by foreign dissidents/agents, in many ways referring to the pre-modern public security and the *gute Policey* / the well ordered police state.

The issue of political crime, political police and the knowledge of policing politics (as well as on police methods) also slowly paved its way to the *Policeywissenschaft* of 19th century Germany, which to a certain degree referred to pre-modern policing concepts (the well ordered police state). Already authors like the *Policeywissenschaftler* G.H.v. Berg adopted around 1800 the problem of political police and tried to integrate it into their system of the traditional *gute Policey*, often drawing from older concepts of public security and issues of policing like censorship, surveillance of secret societies or even religious sects. Despite the gradual disappearance of the traditional *Policeywissenschaft* in the first half of the 19th century many “*Policeywissenschaftler*” adopted the issues of policing politics, sometimes in a more critical fashion. Especially the political police was seen as a reversion of the older idea of *gute Policey* (*Policeygedanke*: surveillance, disciplining) but without the element of public welfare and more or less dedicated to the concept of public and state security (*Staatsschutz*).

First attempts to merge concepts of *gute Policey* with issues of political police were *Andreas C. Eichler: Die Polizei praktisch oder Handbuch ... nebst einem Anhang von den politischen Verbrechen und derselben Bestrafung*, published in Prag 1794 and *Johann Friedrich Eusebius Lotz, Ueber den Begriff der Polizei und den Umfang der Staatspolizeigewalt*, published in

1807. Furthermore the writings of police practitioners and the so called *Criminalisten*, primarily dealing with the threats of public security, draw some attention to political crimes and their knowledge of police methods like denunciation, rewards, collecting, analysing and preserving information, publication of (wanting) lists, reports from the records/files etc. influenced the political police as well as several handbooks for practical police work in the field of public security.



But despite of some continuities with the older *Policeywissenschaft* and the *Criminalisten* the issues of political crime and police fostered the development of new discourses and a new branch of the *Polizeiwissenschaft* evolved slowly, forming new knowledge with regard to new police agencies, political crime and political police/policing. Some authors drawing now from information and published material the new political police agencies (both federal commissions) produced, also using court records from trials against political criminals and to a certain degree adopting writings/knowledge from other European states (France and England). Already the French revolution as well as the code pénal from 1810 and the new French police had stimulated the reception and debate on political crime and policing politics. Especially the juristic discourse (often in the emerging specific scientific/juristic journals) dealt more and more with political crime, political police, political asylum/exile, extradition and the problem of trans-border prosecution. Among them were prominent figures like Feuerbach (*Verbrechen des Hochverraths*), Roßhirt, Mittermaier and Robert von Mohl,

however only from the 1830/40 on they took more interest in the methods of the political police also referring to other European countries.

Robert v. Mohl on political/secret police:

1) Ueber diese denn doch jeden Falles wichtige und kennenswerthe Anstalt findet sich beinahe gar keine Literatur vor, und in den Handbüchern der Polizei-Wissenschaft wird ihrer gewöhnlich gar nicht, oder höchstens mit einem kurzen verwerfenden Worte gedacht. Je bedenklicher nun aber die Anstalt als

And Mohl continued, stating that the most interesting and comprehensive writings on political police were to be found in France

wenige und oberflächliche Bemerkungen. Am belehrendsten sind noch diejenigen Schriften, welche über die an bestimmten Orten eingeführte geheime Polizei sichere, wenn schon vielleicht nur fragmentarische, Nachrichten geben. Hierher gehören: über die französische g. P.: Bidocq, Memoiren, a. d. F., Stuttg., Bd. I — VIII, 1829; Le livre noir, de Mrs Delavau et Franchet, ou répert. alphab. de la police politique etc. Par., I — IV, 1829 (Auszüge aus den geheimen Polizeiberichten enthaltend); außerdem gelegentliche Erzählungen und Urtheile in den Memoiren von Bourienne und Novigo, (die

Mohl discussed political police especially with regard to the law (Recht) and the *Rechtsstaat*. One of his main concerns was the question of the legal control of the secret police to prevent “tyrannical abuse”. For that reason only one political police agency should be established, clearly integrated in the hierarchy of police and administration and controlled through the central “*Rechts-Polizei*”. However he drew also some attention to practical matters, police methods and the *zweckmäßige Einrichtung* of the political police, discussing for instance the role and qualification of the chief/director, the secret agents and spies (how to distinguish them in three classes, recruit them, and their abilities), undercover action, mail-control (opening of letters), rewards and denunciation, how to conduct an interrogation (*Verhör*) as well as preventative measures (including the improvement of *Sittlichkeit*).

Last but not least around the middle of the 19th century police practitioners and officials published handbooks or journals addressed to police agencies/police officials and the administration. The first special journal of the political police was published in 1855, the so called *Anzeiger für die politische Polizei Deutschlands auf die Zeit vom 1. Januar 1848 bis zur Gegenwart. Ein Handbuch für jeden deutschen Polizeibeamten*. It clearly draw from the

knowledge the federal commissions had left behind but did also make use of new information collected by different police agencies and courts after 1848.

Anzeiger

für die

politische Polizei Deutschlands

auf die Zeit

vom 1. Januar 1848 bis zur Gegenwart.

Ein Handbuch

für

jeden deutschen Polizeibeamten.

Herausgegeben

von



Facta loquuntur!

Dresden,
Druck von Neumann und Neumann.

Seite der Opposition stehend, zeigte er sich 1848 offen zur Demokratie, trat sich in die Reihen der erklärten Feinde der Regierung und unterlag sich, politischer Verbrechen angeklagt, der Haft und Untersuchung.

Botteck Carl von, Professor von Freiburg, politischer Flüchtling und wegen Hohns und Staatsverrats zu vierjähriger Zuchthausstrafe verurtheilt. (S. v. u.) Gr. mit **v. Weissenegg**, Advokat von Wülstheim, **Reich**, Advokat von dort und **Torrent**, Advokat von dort, waren die Haupttreiber der Freiburger Volksversammlung vom 26. März 1848, auf welcher übrigens auch Struve sprach und bei der sich die Majorität der Anwesenden für eine deutsche Republik erklärte.

Boister, Arbeiter zu Paris und Mitglied des Clubs der Menschenrechte, zu Paris constituirt, der sich in dessen Sitzung vom 22. März 1848 als Redner und als ein sehr gefährliches Subjekt demerslich machte, ja sich selbst als Repräsentant der deutschen Demokratie bezeichnete.

Lebon, Repetent **Filmann**, **Kleemann**, **Texte**, **Pelin** zu Paris, Arbeiter und Mitglieder des Clubs der Menschenrechte, zu Paris constituirt, und neben dem vorbenannten Boister Haupttreiber in der Klubsitzung vom 22. März 1848; Lebon sprach sich in derselben auch auf das unumwundenste dafür aus, daß nunmehr mit offener Gewalt die Republik in Deutschland eingeführt werden müsse.

Jordan Schulzler, Professor aus Marburg und schon aus den dreißiger Jahren als ein der Revolutionspartei angehöriges Individuum bekannt. Als turkischer Bundestagsabgesandter des März 1848 wurde er zu Frankfurt a. M. von dem Roste wie ein Huhn umflungen. Im Parlamente war er Mitglied der Linken.

Wolowski, polnischer Flüchtling zu Paris und Redner in der eben erwähnten (s. Lebon und Boister) Arbeiterversammlung u. s. w. Sitzung des Clubs der Menschenrechte, auch bei dem Arbeiterparlamente, am 20. März 1848 zu Paris gehalten, trat Wolowski, Sozialdemokrat, als Haupttreiber derselben auf.

Godowski, polnischer Flüchtling zu Paris und Redner der Deputation seiner Genossen, als sich dieselben nach der Februarrevolution in den Schutz der preussischen Regierung begab.

Metz, Seifenfabrikant von Freiburg, Deputirter der großherzoglich badischen Kammer der Abgeordneten, Präsident der Freiburger Volksversammlung vom 26. März 1848 (s. a. Metzel u. Genf), in welcher er neben den Genannten gleichfalls als Redner auftrat und deren „herrscherlichen Verfall“ er in der Sitzung der zweiten Kammer am 28. März 1848 herbeiführte; übrigens ist Metz der entschiedensten Opposition beizuzählen und als Demokrat vom reinsten Wasser zu bezeichnen.

Oppermann B., Amtssterschiff zu Diez in Nassau; wegen Mißbrauch der Presse zur Aufreizung von Aufruhr und Hochverrath im October 1849 zu Wiesbaden vor die Geschworenen gestellt.

The journal published wanted lists and data on 6300 political dissidents/criminals; in a way very similar to the wanted lists (*Diebslisten*) of the 18th century and the publications of some *Criminalists* in the first half of the 19th century on “Gauner” and public security. Furthermore one of the new police writers, Gustav Zimmermann, described and situated the political police and their methods within the whole framework of police organisations but did also pay attention to Europe and the French police in particular claiming that in matters of police the whole of Europe should be considered as one state (Zimmermann, Bd. III/2, p. 1162).

c. Der deutsche Ordnungszustand macht hohe Ansprüche an die Polizeibehörde (siehe z. B. oben 810 ff); und andererseits ist Deutschland durch die Culturhöhe der französischen Polizei und da fast ganz Europa in Hinsicht des Polizeinstituts einen großen Staat ausmacht, in die relative Nothwendigkeit versetzt, seine Polizei auf gleich respectablen Fuß zu bringen. Für die Erfüllung beider Zwecke bilden erfahrungsmäßig gute Civilagenten eines der hauptsächlichsten Mittel. Da nun aber taugliche Agenten nicht erzeugt werden ohne Erziehung, so folgt hieraus der hohe Werth jener Ausbildung des Agenten für die Behörde. Wir wollen diesen Punkt noch etwas in das Einzelne verfolgen.

Concluding remarks for comparison:

- did the political police produce valid knowledge concerning its issue (political subversion, state-security) or is it telling “more about the fears and concerns of a political elite than about the potential threats” (Emsley 1997, p. 20)?
- with regard to the German political police I would conclude that the knowledge of political police can not only be measured by the number of successful (preventative) police actions, but was influential on the whole in the shaping of political crime as well as in establishing crucial methods of policing politics in the framework of social control and state-security;
- can we claim a crucial influence of the political police – especially with regard to information-techniques and knowledge - on the development of modern police methods / policing on the whole? At least did the political police help to coin a negative image of a modern police that was aiming at surveillance, social control and social disciplining of the whole society like the pre-modern “gute Policey”?;
- can we claim a crucial role of the political police concerning the development of police co-operation and the transfer/exchange of police knowledge in the German federation as well as in 19th century Europe? The political police had a crucial influence on the (slow) development of police co-operation and trans-border measures (extradition, exile and political asylum) as well as on the transfer of police knowledge. However: in the field of political subversion the distribution and transfer of police knowledge was (and is) concerned with its ambivalence function: on the one hand it should be kept secret for further use and “effective” police activities on the other hand the state needs to publish knowledge on political crime/subversion to demonstrate his ability to maintain the “good order”.

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