

The rise of modern police and  
the European state system from  
Metternich to the Second World War

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## *Introduction: How do we define “modern police”?*

### Definitions in police literature

The literature on government of the past two centuries is rich in definitions of police. But many of these definitions are pompous and simplistic, and none of them tells us about the role the police played in the modern history of Europe. They are useful at best to make us see how the general concept of police has gradually changed during this period. Thus, under the influence of enlightened rationalism Joseph von Sonnenfels, the Austrian political economist, in 1765 called police a “science that teaches us how to create and cater to the domestic security of the state.”<sup>1</sup> His contemporary, the Hanoverian publicist Johann von Justi, while basically of like mind, preferred to stress the benevolent side of royal despotism: “Police in the strict sense refers to everything needed for the maintenance of civil life, thus for discipline and order and well-being among the subjects in the towns, and for the growth of the peasantry.”<sup>2</sup>

Today, these eighteenth-century definitions strike us as implausible because of their ready assumption that man has the intellectual power to devise a harmoniously policed society. (If Adam Smith can postulate an “economic man” to teach us how to increase the wealth of nations, they seem to say, why might not cameralist postulate a “policeable man” to explain the best way to free society from civil disorder?) During the Napoleonic wars, for example, Günter Heinrich von Berg’s *Handbuch des deutschen Polizeyrechts* (1809) cast the police in the role of the ultimate guardian of civilized life: “Police is not only that branch of state power responsible for preventing harm in the interior of the state, but furthermore that part which is charged with promoting the security and welfare of the subjects *in every instance where other branches of the state power prove ineffective.*”<sup>3</sup>

<sup>1</sup> Joseph von Sonnenfels, *Grundsätze der Polizei, Handlung und Finanz* (Vienna, 1765), as quoted in Friedrich C. B. Avé-Lallemant, *Physiologie der deutschen Polizei* (Leipzig, 1882), p. 10.

<sup>2</sup> Johann Heinrich Gottlob von Justi, *Grundsätze der Polizeiwissenschaft* (Göttingen, 1756), as quoted in *ibid.*

<sup>3</sup> Geheimrat Günter Heinrich von Berg, *Handbuch des deutschen Polizeyrechts* (1801–9), as quoted in *ibid.*, p. 12. My italics.

Still, von Berg was surpassed by the Prussian official, Dr. Wilhelm Abegg, who, following the yet more devastating war of 1914, ponderously proclaimed that, "Every single police decree must constitute a step forward in the progress of culture."<sup>4</sup>

True, in the nineteenth century definitions of police have spoken less about what police can or should do for mankind, and drawn more on legal history and constitutional law to inform us of the police's statutory powers and responsibilities. But like eighteenth-century authors, these theoreticians have mostly maintained the fiction that police is the key to the improvement of society.<sup>5</sup> Thus the General Prussian Code of Law (*Allgemeines Preussisches Landrecht*) of 1794 was regularly hailed by all German police authors for more than a century as the charter of Prussian civil rights, because it ended the license of the royal police to treat the king's subjects as immature wards.<sup>6</sup> But did it really? When fifty years later Heinrich Heine wrote *Deutschland, ein Wintermärchen* (1844) – his scathing denunciation of German servility to authority – had Prussia a courteous and fair-minded police?

It was left to the twentieth century to raise searching questions about police because in our own times the need for elaborate social protection has become more urgent than ever before. At the same time the most frightening visions of totalitarian police regimes have also become possible through the latest advancements in science and technology. Far from evoking the vision of a society free from want and crime, writers like Aldous Huxley and George Orwell offered their readers the nightmarish prospect of future worlds enslaved through total programming or through merciless degradation.<sup>7</sup> Orwell's police state was actually realized if not surpassed by the police terror of Stalin and Hitler in the 1930s and 1940s. If most of the Western European countries were spared a similar fate they owe this not least to the civic courage of countless judges, civil servants, politicians and intellectuals who, while recognizing the police as an institution beyond the power of any government to abolish, exposed it in newspaper articles and books as a machine to be closely watched because of its inherent disposition to tyranny.

Finding a useful definition of modern police that we might want to quote at the outset of this book thus poses some difficulty. We might as well recognize that police is better understood through an examination not of its doctrine and legal status but of its methods and procedures.<sup>8</sup> A police director in Metternich's or

<sup>4</sup> Foreword to H. Degenhardt and M. Hagemann, *Polizei und Kind* (Berlin, 1926), pp. 21–2.

<sup>5</sup> F. W. Maitland, in his *Constitutional History of England* (London, 1956) (Lectures delivered at Cambridge in 1887–8), p. 415, emphasized the power of the public administration including the police as "that most powerful engine of government."

<sup>6</sup> Paragraph 10, Part II, Article 17 of the *Allgemeines Preussisches Landrecht* reads: "Die nötigen Anstalten zur Erhaltung der öffentlichen Ruhe, Sicherheit und Ordnung und zur Abwendung der dem Publikum oder einzelnen Mitgliedern desselben bevorstehenden Gefahr zu treffen, ist das Amt der Polizei." Paul Riege, *Kleine Polizei-Geschichte* (Lübeck, 1959), p. 25.

<sup>7</sup> Aldous Huxley, *Brave New World* (1932); and George Orwell [Eric Blair], *Nineteen Eighty-Four* (New York, 1949).

<sup>8</sup> Attempts to distinguish between the police of different nations in professional police circles concentrate on technical details of organization, like budget, salaries, promotions, and union rights.

Louis Napoleon's time did not aspire to create a utopian community, but rather to build a force capable of dealing from day to day with the problems of a restless and dangerous world, himself closer to a Jeremy Bentham than to a John Stuart Mill. In our own century it was the revolutionary romantic, not the professional policeman, who glorified the omnipotence of Lenin's security chief, Feliks Dzerzhinsky; the layman, not the specialist, who dreamt of a government so meticulously engineered that its police could monitor the conversations of all passengers on every express train criss-crossing the Continent at any given hour.<sup>9</sup>

We have heard least from the historian in regard to what police is and what police does. Police history has yet to become a field of study as fully established as diplomatic or constitutional history.<sup>10</sup> But are not historians most likely to capture the endlessly shifting interplay between rulers and ruled, the leaders and the led, performers and critics, rivals and enemies? Who if not the historian can tell us which of these roles the police assumed when and under what circumstances? And are not historians most likely to tolerate an approximation to the truth when scientific exactitude is impossible, and to shun definitions of police that are either inspired by self-complacency or blinded by excessive distrust?

### The time of modern police: A historian's definition

The modern police as a historical phenomenon falls between the beginning of industrialization, one hundred and fifty years ago, and the rise of the ideological world of the twentieth. To study it takes us from the Metternich period to the outbreak of the Second World War, a period during which all Europe underwent a complicated process of change that required constant and elaborate monitoring and endless adjustments both inside particular sovereign states and in their relations to one another – in short, that called for a policing system covering the whole Continent and responsive to local needs as much as to the strategic shifts in the international balance of power.

As part of my definition I stress the periodization from the early nineteenth century to the end of the 1930s. I thus exclude from the modern police the praetorian guards and secret spies used by all royal courts under the ancien regime. By the same token I draw a clear distinction between the modern police and the police in the European dictatorships between the two world wars and which

But such information has little bearing on our analysis of police as a factor in international relations. See for example Union Internationale des Syndicats de Police, "Panorame sur la police en Europe" (Koblenz, 1977).

<sup>9</sup> This simile for Fascism is from Karl Mannheim, *Diagnosis of our Time* (New York, 1944), p. 103. For the idealization of Dzerzhinsky, see the short novel by Somerset Maugham, *Christmas Holiday* (New York, 1939). On the task of police to cater to a world full of imponderable dangers, see Johann Friedrich Karl Merker, *Handbuch für Polizeybeamte im ausübenden Dienst* (orig. 1818 East Berlin, 1984), Erster Abschnitt, paragraphs 18, 19.

<sup>10</sup> This remark does not apply to the many splendid monographs on the police of individual European countries for particular periods by scholars like Sidney Monas, Donald E. Emerson, Howard C. Payne, Dieter Fricke, and Robert Conquest.

continued to exist in Eastern Europe until very recently.<sup>11</sup> The collapse in 1989 of the Communist bloc has vindicated the "modern police," for the time being at least. But it still remains to be seen whether the Gestapo, the SS, the NKVD (or KGB), and the Stasi represented a more advanced stage of police development temporarily defeated, or a corrupt offspring of modern police, now happily discredited.

As a parallel development to the new bourgeois civilization arising in the towns in the nineteenth century (like street pavements, public elementary schools, railway companies, hospitals, and banking houses) modern police institutions contributed to the steady improvement in the quality of life and the standard of living. The fact that police in the nineteenth century was compatible with liberalism and the promotion of material well-being has given the modern police a relatively positive image compared to its eighteenth-century predecessors and its totalitarian rivals in our own time.<sup>12</sup> Indeed, the modern police was often seen as an instrument of progress, consistent with the idea of free enterprise, academic freedom, and constitutional protection against arbitrary government. Its basic principles may be summed up as follows:

1. Police must operate on a legal basis only and prosecute suspects solely on objective (material) evidence.
2. Police should regulate the behavior of individual persons rather than of collective groups and should not use terroristic methods, like hostage taking.
3. Police must apply no more physical coercion than is absolutely necessary in any given situation. Torture to exact confessions is inadmissible.
4. Police serves the European state system by assuring the minimum of damage to civilian society during all the violent clashes – wars and revolutions – that inevitably accompany its perpetual movement toward improvement and reform.<sup>13</sup>

<sup>11</sup> David H. Bailey has also tried to define modern police by periodization, but his method of tracing the police styles of several countries individually backwards in time is bewildering and in the end inconclusive. David H. Bailey, "The Police and Political Development in Europe," in Charles Tilly, ed., *The Formation of National States in Western Europe* (Princeton, N.J., 1975). Brian Chapman's analytical essay, *Police State* (New York, 1970), comes closest to my attempt at imposing a structure on European police history through periodization and national differentiation in police styles. But although I owe Chapman a number of refined aperçus, which I acknowledge in footnotes, our nomenclature ("modern police," "police state") and our conclusions differ, presumably because Chapman's approach is more that of the political scientist analyzing forms of government, whereas mine approaches that of the diplomatic historian.

<sup>12</sup> "Experience has taught us that public security can be maintained only when authorities and inhabitants share a common agreement [Uebereinstimmung]." Merker, *Handbuch für Polizeybeamte*, Erster Abschnitt, paragraph 16, 17. The Germans learned in two world wars the difficulty of policing hostile populations in conquered territories. André Siegfried, "Conférence d'ouverture du stage de l'A.M.F.A.," (faite en Sorbonne) (pamphlet used by French occupation forces in Germany, 1945, courtesy Louis Séverin.)

<sup>13</sup> The term "modern police" as explained here does not apply to the European colonial police in Africa or Asia in the nineteenth century, where the exploitative relationship of colonial masters to native inhabitants was frankly admitted. See, for example, Guy Fernand, *Les Indigènes fonctionnaires à Madagascar. Etude historique de législation et de politique coloniale* (Paris, 1939).



The territoriality of police jurisdiction came with the rise of the independent state at the end of the Middle Ages. It put an end to the universalist concept of justice, as it also superseded the idea of a justice founded on blood loyalty, vassalage, and clientage, and of punishment meted out as vendettas and public spectacles. In its place came criminal law and criminal procedure administered by the state, applicable exclusively inside the territory of the state, and serving the purpose of exalting state authority.<sup>14</sup> The exemption of foreign diplomats from the jurisdiction of territorial states was literally a matter of “the exception confirming the rule”: It was deemed wrong to submit representatives of foreign countries to local laws precisely because the moral force of law was seen as founded on local historical tradition.<sup>15</sup>

The growth of the modern territorial state has been the subject of many scholarly treatises – some of them classics in historical literature, all of them too elaborate to present in this study. But one idea about the rise of territorial politics must be mentioned because it explains the different ways in which police ideas developed in the modern period in Western Europe and in Eastern Europe, with Germany and Austria uneasily poised between the two. The Western European states were generally smaller and more densely populated, with tightly knit social-political organizations resting on a pragmatic rationale of economic and administrative efficiency, and in perpetual need to defend their existence by participating in the exacting game of the balance of power. The Eastern European States consisted of geographical expanses with sparse populations, few towns, and poorly endowed with natural frontiers. Their societies were not bound by complicated ties of individual rivalry and mutual dependency. Danger of foreign subjugation came not from a decline in the solidarity of state and society, but more simply from the political mistakes, or the misfortune, of the rulers.

The Western development manifested itself for the first time in the life of the city-states of Renaissance Italy in the fifteenth century. A “hothouse phenomenon” according to Herbert Butterfield, these small states during their short and dramatic history developed in an exaggerated form the very same modern rationale for political behavior that we shall see in the larger nation states of late nineteenth-century Europe: tsarist Russia functioning like the personal tyranny of Milan, France like the republican state of Florence, and England like the commercial oligarchy of Venice.<sup>16</sup> Similarly Jacob Burckhardt has pointed to the “modern mentality” of the Renaissance states by stressing their secular thinking and their predilection to found authority on selfish manipulation and calculation – on too much manipulation and not enough ideological concern, perhaps, for the

<sup>14</sup> Michael R. Weisser, *Crime and Punishment in Early Modern Europe* (Hassocks, Sussex, 1979), pp. 24, 100–32.

<sup>15</sup> W. E. Beckett, “The Exercise of Criminal Jurisdiction over Foreigners,” in *BYB* (1925), pp. 45, 51.

<sup>16</sup> Herbert Butterfield, lectures on the Renaissance delivered at Cambridge University, Lent term, 1950. See also Herbert Butterfield and Martin Wright, eds., *Diplomatic Investigations. Essays in the Theory of International Politics* (Cambridge, Mass., 1966), ch. 6.

small states, liable to swift extinction in one afternoon's unlucky military engagement had no chance to develop into communities founded on mutual loyalty.<sup>17</sup> Their peoples were no more than "simply a disciplined multitude of subjects" policed by outside mercenaries "deaf to the cry of misery and careless of the ban of the Church."<sup>18</sup> The rulers, in turn, insecure because of the narrow territory they held, fearful of assassination from one day to the next, were inclined to be tyrannical, suspicious, and domineering, more given to instill awe than respect among their subjects by extravagant displays of luxury and symbols of reverence. Niccolò Machiavelli's advice in *The Prince* (1513) on how to survive as the ruler of a newly acquired state can serve as a police manual only for ill-policed, if not for unpoliced, territories. If the modern police has rejected despotism, this is because despotism is but a short-term method of ruling.

The Italian city-states were suboptimal as military and as police units and quickly succumbed toward the end of the fifteenth century due to the onset of economic decline, the revolt of the German princes against Rome, and the political and military encroachments of France and Spain. They succumbed also because, as Eduard Fueter has explained so well, the model of the Italian city-state had migrated north out of the narrow land neck of Italy across the Alps to the valleys of Switzerland, where the idea flourished much better under the protection of Alpine mountains and patriarchal cantonal democracy.<sup>19</sup> In the sixteenth century it was the Swiss cantons but not yet the vaster territory of the French kingdom which were optimal for the development of effective defense and police control. The cantons supervised their people so well that outsiders could not bypass them to recruit local men for mercenary service. The Swiss pikemen whom the cantons hired out to foreign princes were furthermore good because the effective police order in the Alpine valleys made possible systematic recruitment and standardized training. Larger states than the Swiss cantons had less effective communal control and could not match the Swiss troops either in drill or in discipline. Finally, Switzerland also benefited politically from the Protestant revolt against papal power. Martin Luther's "Here I stand" version of the police principle of right by emergency (*force majeure*) was a challenge to all like-minded men to accept the imperious demand of the hour and rise against prescribed law and prescribed doctrine. It was morally a stronger political claim of authority than what a Renaissance tyrant could produce.

However the Swiss advantage was broken with the coming of heavy artillery and heavy fortifications designed for siege campaigns. The new military technology of the seventeenth century favored countries large and wealthy enough to afford long-term investments in costly arms production and the training of military architects. Geographically, a successful state henceforth also needed a large

<sup>17</sup> Jacob Burckhardt, *The Civilization of the Renaissance in Italy* (Oxford, 1945), pp. 2ff.

<sup>18</sup> *Ibid.*, p. 3.

<sup>19</sup> Eduard Fueter, *Geschichte des europäischen Staatensystems von 1542 bis 1559* (Munich, 1919), pp. 30ff., 231–8.

hinterland to support its military frontier with agricultural produce and manpower. Finally, it needed a domestic police order sophisticated enough to make it unnecessary for military resources to be squandered on internal fortifications.<sup>20</sup> All these conditions explain the rapid rise of France under Louis XIII and Louis XIV to the foremost position among the powers of Europe. And having staked out the territorial limits that France was to claim as her rightful domain to the twentieth century, the French wars of 1668 to 1701 must then be regarded as border wars along France's only vulnerable frontier facing the Lowlands, designed less to expand French territory into the Germanic Rhineland than to prod her eastern neighbors into matching France's accomplishment with comparable efforts at state building. By promoting the development of Brandenburg-Prussia into a disciplined state of soldiers and bureaucrats, the French improved their own state security while contributing to the expansion of the modern state system eastward into the vast plain of Central Europe.

During this same period from the fifteenth to the seventeenth centuries the large territories east of the Elbe river suffered from the liability of poor communications, economic stagnation, and the absence of sufficient challenge either from home or from abroad to construct efficient political state machines. Stanislaw Andrzejewski has argued that as late as the eighteenth century geography militated against the provision of the people in Eastern Europe with the sinews of territorial police states.<sup>21</sup> The political order in the East relied on the imposition of religious orthodoxy on a submissive peasantry, on dynastic alliances and on military campaigns, which military campaigns however resembled punitive expeditions into no-man's-land more than modern conquests followed by permanent subjugation. Because of the technical difficulty of holding and administering the vast stretches of sparsely populated territory of Poland and West Russia, a prince was easily tempted to accept the aid of *fortuna* (i.e., a profitable marriage alliance, a chance victory on the battlefield) to enlarge his domain without regard to the strategic usefulness of his acquisition for the consolidation of his state. Jerry-built, his empire was liable to collapse under the impact of later and unforeseen circumstances. The social chaos produced when whole regions changed hands time and again because of the chance outcome of military engagements was dramatically demonstrated in the agonizing experience of Germany during the Thirty Years' War. "Peace," Roland Bainton wrote a few years ago about the wars of religion in Europe, "can exist only between smaller well-governed entities."<sup>22</sup>

Given the very different forms of state building in Eastern Europe, the rise of Russian power in the eighteenth century owed much to the fortuitous decline of Sweden and Turkey, the inefficiency of the Polish state, the unbridled ambition of

<sup>20</sup> Gustav Roloff, "Hauptstadt und Staat in Frankreich," in Friedrich-Meinecke-Institut, *Das Hauptstadtproblem in der Geschichte* (Tübingen, 1952), pp. 249-65.

<sup>21</sup> Stanislaw Andrzejewski, *Military Organisation and Society* (London, 1954), p. 38.

<sup>22</sup> Roland H. Bainton, "The Responsibility of Power according to Erasmus of Rotterdam," in Leonard Krieger and Fritz Stern, eds., *The Responsibility of Power* (Garden City, N.J., 1967), pp. 56-7.

Peter the Great, and to his empire's remoteness at the eastern periphery of the European state system. The Austrian Empire also benefited from the decline of Turkey after its last attempt to storm Vienna in 1683. Like Russia, too vast and also too varied in language, culture, and religion for effective central government, the Austrian monarchy had the advantage, however, of possessing in Central Europe smaller autonomous regions with excellent natural frontiers and held together by advanced and homogeneous cultural ties. Neighboring Brandenburg-Prussia by contrast was poor in natural resources and its territorial possessions were dangerously scattered. That this small state should successfully challenge the house of Habsburg for the control of Central Europe in the coming century was to a large extent the result of historical accidents: French military and economic assistance, a victory over Sweden at the battle of Fehrbellin (1675), and between 1640 and 1786 a succession of four hardworking monarchs.

The period when the whole Continent became subject to the rule of one interlocking balance of power – following Napoleon's campaign to Moscow in 1812, and the entry of Russian cossack troops in Paris two years later – coincides with the rise of what we call "the modern police" in Europe. Over the decades they became as indispensable for the functioning of the international state system as the standing armies and navies and as necessary as the permanent diplomatic missions in all the capitals of Europe. No international treaty could be concluded unless all the signatory parties were reasonably secure at home, for, as William Pitt the Younger said about the French Directory in 1799: "What trust can one place in a government which is at the mercy of a pistol shot?"<sup>23</sup>

To be sure, the balance of power assumed of its member states no more than material effectiveness in an overall military competition for survival. International law, which was the theoretical expression of this system, offered, in essence, no higher justification for the individual state than its capacity to maintain itself by its own strength. Indeed, for the balance of power to work as it should, no bonds should be formed between states that were not subject to immediate revision given a change in the political situation. Each state presumably was to be ruled by men constantly watching out for their country's best interest and ready to switch its foreign alignments from one day to the next with the same lack of scruples as a stockbroker playing for high stakes.<sup>24</sup>

This left the European state system with one higher purpose to serve. To divide Europe into smaller territories was to make possible the administration of justice and the promotion of human welfare in accordance with the particular needs and inclinations of their local inhabitants. The European state system could be said to

<sup>23</sup> Jean Galtier-Boissière, *Mysteries of the French Secret Police* (London, 1938), p. 73. It is remarkable that police power is little mentioned in the classical texts of the modern law of nations, except indirectly in regard to the vicarious responsibility of states for the actions of their officials; the obligation to assist one another in the pursuit of fugitive criminals; the right to grant asylum (to avoid having to judge the merits of another government's demand for the extradition of a political dissenter); and in reference to the conduct of war.

<sup>24</sup> David Hume, "Of the Balance of Power," in his *Theory of Politics* (New York, 1951), pp. 190–220.

make possible a higher level of moral community *within the territory of each single state* by offering to each of them a reasonable measure of safety against outside interference in their internal affairs; in other words, in the making of their domestic police condition. When Jean-Jacques Rousseau tried to advance the system of the balance of power as the foundation of his project for *Perpetual Peace* (1765), he was hard pressed to endorse it with his customary wit and eloquence.<sup>25</sup> Compared to his more famous treatise on *The Social Contract* (1762), Rousseau's argument on behalf of the balance of power was weak. Rousseau instinctively sensed the dynamic quality of domestic politics over foreign affairs in the approaching age of democracy. His concept of the "general will" portrays a moment of perfect police control founded on an absolute consensus beyond anything ever imagined by Machiavelli, and unattainable in the relations between the states who made up the European system in the modern period.

We shall in Chapter 1 describe the national police styles of five states with particular reference to their response to revolutionary disturbances in the early nineteenth century. The five states are the Austrian Empire, Switzerland, France, Prussia, and tsarist Russia. Our comment on Russia is the briefest of all, because Russia, strictly speaking, was not served by modern police. But because Russian political police played an important role in international relations during the late nineteenth century, we want to remark on tsarist Russia's image in the West as a police power. Another special case is Prussia (later Germany), a military state really, whose most interesting role in the history of the European state system is its police work in occupied territory during the wars of 1870, 1914, and 1939. In this chapter we limit ourselves to a description of Prussia's preoccupation with readiness for war, culminating in the Prussian invasion of Alsace in 1870. However, because for a short time in the twentieth century Prussia's police strategy resembled that of France under its constitutional monarchy, we use our discussion of the French police between 1815 and 1848 to point to some similarities with the police of Weimar Germany.

In Chapter 2, we follow the maneuvers of France, Germany, and Russia in the period between the end of the Franco-Prussian War of 1870–71 and the onset of a paralyzing crisis in the balance of power in the 1890s, the first signs of the European-wide conflict that was still to come. In this chapter we explain how France recovered from its defeat in 1871 with the help of its special police. Switzerland also began to reassess its role in the European state system in response to the shift of the balance-of-power's center of gravity from the West to Central and East Central Europe and because of the growing radicalism of the revolutionaries who came to seek refuge on Swiss territory.

Chapter 3 describes the modern police caught in the whirlpool of the European-wide crisis at the turn of the century, when the idea of a future international police system first arose, intent to safeguard Europe against chaos as

<sup>25</sup> Jean-Jacques Rousseau, *A Project of International Peace*, trans. by Edith M. Nuttall (London, 1927), pp. 27–9.

its multinational state system neared the end of its usefulness. The opportunity for experimenting with international police collaboration arose in conjunction with new problems such as international crime and anarchism and the danger of revolution in Russia.

It was not to be. Instead, as we see in Chapter 4, the police in all European countries were given the job to prepare their nations for total mobilization. It ends with the police of Western Europe at the end of four years of war trying to establish a common front against Bolshevik subversion from Leninist Russia.

Chapter 5 deals with the rise of Nazism in Germany as the most terrible challenge to its integrity yet faced by the modern police. There is no attempt here to tell the story of the Holocaust, which is so much better covered in specialized monographs and in the memoirs of survivors; instead we seek to understand why officials of modern police forces in Europe permitted themselves to become associated with totalitarian institutions either through direct participation or indirect collaboration. Were they, we ask, even then covered by the duty of the modern police, to provide civilian society with protection as far as is possible against the destructive forces of wars and revolutions?

The Epilogue is a comment on, rather than a detailed study of, the almost half century since the end of the Second World War. It attempts to show why we should review modern police systems in Europe over the past one hundred and fifty years, the better to anticipate the many problems we face on a global scale in the century to come.

### Police terminology

#### *Security police: political police*

Security police consists chiefly of the political police, also known as the high police, secret police, or simply, for example in Austria, as state police. Its task is to protect the political state (often identified with the regime) against dangers from within. In quiet times political police work often requires nothing more sinister than routine scanning of newspaper editorials, censoring books and theatrical plays, and watching electoral meetings but in times of trouble the political police has resorted to extralegal preventive measures on the assumption that the safety of the state has absolute priority over the rights of the individual. Of particular importance in the nineteenth century was the political police of France (the *police spéciale*) and of Russia (mainly the foreign operations of the Third Section and the Okhrana), while Switzerland established a political police in 1889 only reluctantly and then to deal mainly with the foreign revolutionaries on its territory.

While political police usually operates in plain clothes and uses methods resembling those of the ordinary detective force, following 1848 every country stationed uniformed police brigades in its principal cities to be prepared for political riots and insurrections.

*Order police or low police: Precinct, administrative, and criminal police*

Officials who go on street patrol are the mainstay of order police. Their work is supplemented by the officials performing routine administrative tasks like registering inhabitants and licensing commercial establishments inside local precinct stations (administrative police). Order police officials also inspect factory sites and public fairs, conduct the first inquiries at the scene of an accident or a crime, and since the turn of the century deal with the growing volume of road traffic. The criminal police (also called judicial police or detective force) deals with common crimes, mainly in the towns. All branches of the order police also serve as the eyes and ears of the government to alert it to local developments that can affect general security.

At the end of the nineteenth century, the modern police, with all its liberal connotations, found its mainstay in countries where the low police played an important role in domestic security. Switzerland remained a democracy because her political police was really no more than an aliens police and did not infringe on the liberties of native Swiss citizens. In France, Georges Clemenceau in 1907 called the detective service the only police that a true democracy should require.<sup>26</sup>

The two designations, criminology and criminalistics, have been used varying in professional literature. In this book "criminology" refers to the scientific study of criminal behavior and "criminalistics" to the science of combating crime.

*Other branches of police*

The gendarmerie is rural police, in the past mounted on horseback, today moving on motorcycles and trucks, with a certain military capacity to use against mass disorders. Generally the gendarmerie is subordinate to the ministry of war but for operational purposes it is placed at the disposal of the ministry of interior. Its importance was reduced in the last hundred years by the creation of additional police forces for guarding frontiers, railway installations, airports, and coastal waters.

Private police refers to gamekeepers on landed estates, company police, or private detective agencies. They have not played a role in the involvement of police with the European state system but their existence has been taken as a sign of a low level of government surveillance. In most countries (as, for example, in the United States) this may be taken as a cause for public relief; in nineteenth-century Russia the "self-justice" (*samosud*) practiced by peasants after emancipation to curb thievery in the countryside was a dangerous sign of the tsarist regime's incompetence as the guardian of civil order.

Espionage and counter-espionage belong to the police functions of the European countries because the work they do is vital to the security of their states. In nineteenth-century Russia and Austria, foreign espionage was carried out by the

<sup>26</sup> Jean-Marc Berlière, "La guerre des polices," in *L'Histoire*, no. 117 (Dec. 1988), p. 40.

political police itself, and also in France, where the special police did much intelligence gathering outside France.

#### *Police regimes and police situation*

*Self-police.* There are three principal styles of police authority: (1) coercive police, like the French *dragonnades* against Protestants who refused to reconvert to the Roman Catholic faith in the 1680s; (2) welfare police, much favored in the eighteenth century by benevolent despots though in practice equally harsh on the population, and (3) self-police. Of these three, only the last one requires some elaboration because it best represented what "modern police" aspired to achieve: a willing acceptance of police rule by a community that understands and endorses its mission. Self-police is often associated with "democracy," though what a community wishes is not necessarily always "democratic." Self-police is usually found in smaller localities or in countries with very strong national cohesion, like Spain. The ability of a government to fall back on the assistance of civilians for police work plays an important role in emergencies. Detectives might appeal to local residents in a town for leads to solve a crime; in a national crisis the entire people might be asked to form civil-defense teams.

*Police states.* Technically speaking, every state has a police. But not every state is called a police state. Colloquially the designation police state has the pejorative meaning of country under arbitrary police rule, unchecked by law and exempt from any accountability to the public. For the purpose of this study, however, the term police state is more usefully understood as the alternative to a state ruled along military conceptions. It designates the predominant tendency of a given state to rely on order enforced through good information, intellectual persuasion, and intervention with the behavior of single individuals as opposed to massive punitive force. A police state usually is considered more sophisticated than a military state. The designation "police state" was worn with pride in the eighteenth century by France, Austria, and Russia, Europe's three foremost police states.

*Police situations.* A police state may or may not enjoy what we call a "well-policed situation" because there are efficient and inefficient police states. Historically the establishment of such well-policed situations from a situation of chaos has mostly fallen on soldiers. States assumed the form of military regimes during the time it took to consolidate a territory and bring it under effective control. Once civil order achieved, the military gave way to the police which then perpetuated the new order through daily supervision and periodic corrective measures or preventive interventions. It is true the conversion from military rule to civil (or police) rule has often been difficult to bring about. A well-policed situation, moreover, can never be expected to remain so indefinitely. It is always prone to become troubled and effective policing calls for endless building and rebuilding of well-policed situations.



*Police other than national public security forces*

*Parallel-police and counter-police.* Police power depends on the existence of a measure of resistance from the society. Sometimes the police can even find itself in need to help such a resistance to organize itself (for example the workers' unions sponsored in the 1890s by the police in Moscow and St. Petersburg), in other words, help the inhabitants to develop some policing power of their own with which to counter the power of the state. If this opposition force duplicates the efforts of the public police, we call it parallel police. If it is used against, or in rivalry to, the police, we call it counter-police. Russian revolutionaries in exile organized a counter-police to protect themselves against the tsarist Okhrana agents. After the Second World War, the Soviet MGB performed the role of parallel police to the security services of the people's democracies in Eastern Europe.

*International police.* The most obvious example of non-national police work is, of course, international police work. Many countries quietly conducted police actions abroad and in turn suffered some police actions by foreign governments on their territory – clandestinely, if possible, or disguised as part of consular activities. In the twentieth century this practice has become increasingly overt, in particular in regard to combating international terrorism. Three different kinds of international police work now exist:

1. Joint intervention by the armed forces of several countries in the police situation of a third country without resorting to war. This method was much advocated by the Holy Alliance of 1815; by the end of the century it was chiefly used by the European powers against non-European countries like China during the Boxer War.
2. International surveillance and guard duty in potential trouble spots, for example the dispatch of London bobbies to secure order at the Saar referendum in 1935. To this we also count the joint control of the navigable portion of the Danube after 1856, and the health police practiced by the consuls of the great powers in the port of Alexandria after 1881.
3. Unofficial police activities outside the national territory with or without the permission of the governments concerned: The best known instances are the collaboration of French and Russian police in the time of the Dual Alliance from the 1890s to the First World War, and in the 1930s the policing of Reich Germans living abroad through the foreign branch of the Nazi Party. Espionage activities also belong to this category, combated in each country by counter-intelligence, but recognized under international law as belonging to international usage.

Among international revolutionary secret societies in the nineteenth century the existence of an "international police" organization to suppress them was recurrently denounced as an affront to the law of nations. A French police spy in