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Fabien Jobard

Cesdip

A (German) lady vanishes:

The silent and somewhat restless disappearance of the GDR Police after 1989

Introduction

What was at stake in the German process of reforming its socialist police after 1989? Of course, some of the problems of the German transformation are common to other former socialist countries, i.e., the integration of former agents, reform of former organisations and bureaucracies, the formulation and implementation of new legislation, etc.. Yet, many factors separate Germany from its eastern neighbours. In terms of constitutional law, the transformation occurred simply with the integration of the administrative regions (known as the ‘*neue Bundesländer*’ or NBL) into the constitutional and administrative order of the German Federal Republic (Article 23 of the West German Constitution). There was no constitutional reform, merely a “Unification Treaty” (‘*Einigungsvertrag*’) between the two German states, which was signed in 1990 (Glaeßner and Wallace, 1992, Maier, 1997, and for the full Unification Treaty, see Hancock and Welsh (eds.), 1994, p. 353-63).

The method of transformation of the administrative structures that existed in East Germany largely resembled a ‘flash of lightning’. On the day of unification, 3 October 1990, there became one sole political regime, which was that of Federal Republic of Germany, with sixteen autonomous administrative regions, referred to as the ‘*Länder*’ (or States), and thus sixteen police forces and two federal-level police forces (one, the ‘*Bundeskriminalamt*’ or BKA) similar to the FBI, and the other being the border and transport police, i.e. the ‘*Bundesgrenzschutz polizei*’ (BGS) – (for details on the German police see Busch *et al*, 1998; and Rupprecht, 1995).

Which lessons can this ‘German approach’ provide in terms of transforming law enforcement or policing institutions? In answering this question, one ought to consider whether the uniqueness of the German political transition, based on the integral expansion of state structures from the FRG towards former GDR territories, can impart any lessons in police transformation for other states. Given the normative nature of this book (see the Introduction in Caparini and Marenin, 2003), which attempts to gain a better understanding of what a democratic police force actually is and ought to be, we shall, in particular, endeavour to understand how the authoritarian regime that existed in East Germany could have led to the introduction and success of reforms, or, to put it terms of ‘transitology’, to the transition and subsequent democratic consolidation of the police (See Stark and Bruszt, 1998 and Dobry (ed.) 2000, and also see Hancock and Welsh (eds.), 1994 and Offe, 1996 on the transition process in Germany).

Before being able understand this issue, it is appropriate to include a few words about the GDR police prior to 1989 (for information on the GDR itself, see the Introduction in Fulbrooke, 1995; and for an extensive analysis of the GDR police, see Lindenberger, 1998). The police (‘*Volkspolizei*’, or DVP), which consisted of approximately 120,000 officers, was one of the pillars of national defence and was placed under the authority of the Secretary-General of the Communist Party. The DVP, which was organised on a military basis, found itself having to submit to oversight bodies and those conducting political investigations, most notably to the ‘*Staatssicherheit*’ or ‘Stasi’ (information on the Stasi is provided in Fulbrooke, 1995). The Stasi, or ‘political police’ viewed the DVP ‘*Volkspolizei*’, or regular police, as being poorly equipped, especially for dealing with criminal matters. The *Volkspolizei* were primarily responsible for public security and surveillance of local social activities. We will turn first to examine the ‘absorption’ process, and then address the effects of this very particular feature on the transformation and democratisation of the police.

The process of absorption (1989-90)

The FRG Police: The only possible standard for police forces

From a constitutional and political point of view, and in particular after the legislative elections of 18

February 1990 in the GDR, which saw the victory of Chancellor Kohl's party, the West German Government sought unification between the two States to be achieved as quickly as possible, which avoided any institutional changes in West Germany (Glaeßner, 1994; and Maier, 1997). Whether the matter is considered from a monetary or administrative point of view, the only acceptable standards had to be those of the FRG, which were simply exported. The transformation was to be based on the 'transplant' method. The most crucial feature of the transformation was that of the West German constitutional procedure known as 'administrative mutual assistance' (*Amshilfe*), in which one Lander lends its help to another Lander; thus each state in West Germany had to provide assistance and share its experience with another state in the Eastern part (Bavaria and Baden-Württemberg towards Saxony, Northern Westphalia towards Brandenburg, Schleswig-Holstein towards Mecklenburg, etc.).

Standards and values of the FRG police

In West Germany, the responsibility for policing lies with each state. Hence, one finds as many police forces as states, as well as the two federal forces, i.e., the BKA and BGS. These police forces, which are placed under the increasingly lenient control of the paired state authorities, are subject to the same rules on penal procedures, but have their own capacities in terms of police administration and public security (*Polizeirecht*). The increasing centralisation of the FRG (German Federal Republic) since the time of Chancellor Willy Brandt (1969-74), the fight against internal terrorism (since 1972), and the increased professionalisation of police forces, encouraged a growing alignment of practices and structures from the 1970s. This was particularly encouraged through the device of the 'Conferences of the Interior Ministers of the Lands (IMK)', held under the authority of the Federal Minister, which brought about *de facto* a form of growing centralisation of the West German police forces, a process which continues even today. Moreover, since the early 1990s, these police forces have been involved in programmes promoting community policing and creating urban partnerships with municipal and local associations (Aden, 2002).

Federal politics and the issue of police reforms in East Germany

Presentation of the guidelines on the police reforms that were established in the Unification Agreement of August 1990

The 'electoral alignment' of February 1990 in the East accelerated an inexorable process of administrative realignment, which was based on negotiations between East and West Germany, with a view to monetary union, and then later, constitutional unification. The springtime brought a series of informal exchanges between police officers from the West (whether they were in active service and posted elsewhere or retired officers) and police from the East. These exchanges were institutionalised by the IMK's resolution of 5 May 1990: an East-West German working group was established with the aim of organising and facilitating cooperation between the policing services of the two states. Partly as a result of the rise in petty crime in the GDR, the resolutions of 28-29 May and 29 June, made it necessary for the DVP to align itself with the police structures of the West, and to do this under the guardianship of the Federal School for Police Officers in Münster. These two resolutions set out the expected organisational principles of the police in the West (law conforming to the rule of law and federalisation of the police, professionalisation of recruitment criteria, aligning the standards of training and the rules of public service with those of the FRG, technical and equipment upgrading).

The Resolution of 8 August set out the basic principles for cooperation in terms of training: the obligation for the East German police to adopt the training principles of the West German police, the introduction of professional and democratic criteria for in-service training, the possibility of training East German police officers in West German schools, and sending educators and teaching material from the FRG to the East, as well as the creation of a permanent coordination cell. These programmes offer a radical solution to the major constraint of transitional policies, which is spelling out just how the transition is to occur and exactly how the transition is to be consolidated, or in other words, specifying both the short and long term aspects of the transition. As they were rushed by the political timetable that was imposed by Chancellor Kohl, the political decision-makers who decided on policing issues risked everything in favour of immediate gains. (Glaeßner, 1994). The question of the lasting effects and possible long-term risks of the transition was not

asked in 1990; urgency was the driving force of the reform (for information on the timing of political decisions during the transition, see Offe, 1996, Dobry, 2000, and Jobard, 2003). The political imperative of the West German government was not the only factor to mention. In terms of policing and security, two factors caused those responsible to intervene quickly in East Germany: the need to control the rapidly increasing rate of criminality, unexpected both in terms of the number of crimes and the variety of forms they were taking; and in view of imminent unification, the need to control the East German police forces, which were neither familiar nor well understood.

However, the speed of the politico-administrative process could not on its own stifle the moral dimension of bringing the two sides' police forces closer together. The issue of the treatment and the possible integration of personnel from the DVP, who were undoubtedly key means of support for the condemned GDR regime, had to be dealt with, but it was not possible to do so at the same pace as the structural alignment.

The political and ideological dimensions of police reforms

Article 20-EV of the Unification Treaty set out the general entry principles for civil service employees of the GDR into the civil service of the united Germany ('*Verbeamtungskriterien*', or appointment criteria for civil servants). Those people who occupied management positions at different levels (national, regional and communal) of the SED, leaders of workers' unions, those in charge of instruction on Marxism and Leninism, and Stasi collaborators would all be excluded.

At first sight, these general provisions were incompatible with the general rules of the DVP: the East German police were formally an integral part of the Stasi, under the authority of Erich Mielke. Applying the EV in its strictest sense would have led to the immediate dismissal of 120,000 officers and a considerable lack of police forces. Thus the option that was followed was to dismiss the most senior-ranking officers in the police command, and to consider the individual situation of other officers, whether active in operational policing or in training, on a case-by-case basis. In order to do this, and right from the time of the absorption of the *Volkspolizei* into the police forces of West Germany, these officers would have to complete individual questionnaires ('*Fragebögen*'), which would be evaluated by specially designated examining committees. Thus, right from the start, the integration of GDR police forces into those of the West, was only a temporary measure.

The absorption process

From March until 3 October 1990, the senior police leaders left the *Volkspolizei* en masse, and the organisation adapted progressively to West German police standards.

From the month of October, all of the repressive political police of the GDR found themselves in a hardening situation, of structural panic in the face of demonstrations which were taking place in the county's three largest cities - Dresden, Leipzig and Berlin (Kuran, 1991, Opp, 1994, Maier, 1997). The most spectacular example of the loss of control by the political police was the sudden decision to release virtually all of the political prisoners who were kept in GDR prisons in November 1989. (Dünkel, 1992, Jobard, 2002).

As far as policing was concerned, the situation was not much better. The transition regime, from November 1989 to February 1990, attempted to reform the police by dissolving combat and paramilitary groups tasked with maintaining order (riot police as well as "workers armed forces" and other militias), and by creating a police force that was clearly distinct from the army (by dismantling the DVP's military structure and introducing training and functions that strictly related to policing). In February 1990, a circular indicated that in order to reduce the occurrence of '*Disziplinlosigkeit*' (lack of discipline) and '*Nichtdurchsetzung*' (non execution of orders), all policemen opposed to the democratic changes were to leave the police force. A law that was being discussed, which would remove the capacity to threaten use of lethal force and would introduce the personal identification of officers through individual identity badges, hastened the movement of the DVP towards democratic ways, by encouraging massive numbers of officers to leave the police, as well as producing a general feeling of apathy among those officers who remained in service. In East Berlin, only 9,600 officers out of 11,200 presented themselves to the new police service. In Brandenburg, 3,000 of the 13,500 police officers left of their own accord. In Thuringen, only 8,000 of the 13,000 officers put forward their application. In the end, only 2,800 high-ranking police officers (ranging in rank from Major to General)

out of all of the East Germany *Länder* presented themselves for recruitment. (Haselow, 2000). Moreover, this apathy was encouraged by this huge amount of work that resulted from the introduction of freedom of movement and the explosion in the rates of petty crime and general crime, i.e., a 30 percent rise in the number of complaints registered in 1990 in comparison to 1989; a 220 percent increase in recorded burglaries, a 75 percent increase in arson, and a 50 percent increase in theft and robberies. To these figures, new forms of crime must be added, such as drug trafficking, political extremism (in particular neo-Nazism), for which the *Volkspolizei* were totally unprepared and lacking in relevant training. The traffic situation was particularly chaotic: a growth of more than 85 percent in the number of persons killed in motor vehicle accidents. This situation also resulted from the disinterest of the East German population in their police. In terms of the confidence that the population had in the professional abilities of their police, only 12 percent of the people questioned in polls said that they were convinced that 'the police were ensuring good control of the criminality'. (Schattenberg, 1991).

The result of these trends was that the police services that had been planning to rejoin the FRG, became very demoralised. An opinion poll of public security officers, taken between 28 August and 25 October 1990, showed deeply divided support for the social changes among police officers from the former DVP: 50 percent of the officers claimed to support the 'social changes', whereas 30 percent claimed to still be undecided. Most significantly, many officers admitted to living with a mixture of profound worry about their social position (96 percent said they were uncertain about the future of their situation) and a fear of political collapse (80 percent stated the belief that social tensions would lead to more serious political conflicts). Finally, half of the police officers polled stated that they were unable to cope with the new working conditions of being a police officer (opinion poll carried out by a group of sociologists, from the 28 August to 25 September 1990, on police officers from the DVP who were in active service (Wanderer and Thieme, 1990). It was under these conditions of deep professional and political uncertainty that, on 3 October, the *Volkspolizei* was absorbed into the police services of the reunified Germany.

Police unification on 3 October

On 3 October, Germany constituted a single juridical entity, covering the region from the Rhine to the Oder River: on 15 October, the penal code of procedure of the FRG extended to the Eastern states (previously, the penal code that was voted by the GDR's law of 1 October, which was largely inspired by the West, retained the force of law), and each state in the East adopted a temporary police law ('*Polizeirecht*'), based on that of their partner state in West Germany, from 3 October. All the officers who had asked to become officers of their state were granted this, but only according to three specific modalities. They no longer were governed by the statute for civil servants ('*Beamte*'), but were under an employee ('*Angestellte*') statute: their permanent integration was subject to the decision taken by the commissions in charge of selecting personal ('*Personalauswahlkommission*', or PAK). Moreover, in order to control the costs of salaries in a country where the currency had been unified from 1 July 1990, they found themselves receiving just 60 percent of the salary of their colleagues from the West. Finally, all of the officers were stripped of their previous rank and carried on their service at a lower level of command: the regular officers worked at the lowest level of the hierarchy and their superiors became regular officers and so on ('*Herabstufung*'). The high-ranking officers and directors who put themselves forward at the point of the integration, were removed from active service and placed on a 'waiting list' ('*Warteschleife*'), pending review of their records. All of the management duties in the Eastern *Länder* were taken over by police officers from Western Germany.

The new police forces in the Eastern States

Right from the start, the 'absorption' of the *Volkspolizei* into the structures of the Federal Republic of Germany presented two major problems: that of the compatibility of the police officers with the new criteria for policing; and that of the ability of policing organisations to manage their environment (crime and public order) and to manage themselves. Therefore, the problem could be put in the following way: how could they ensure that the decision taken for reasons of political urgency (a pace imposed by Helmut Kohl) and in the face of urgent societal needs (for public order to be maintained on a daily basis), avoid undermining the establishment and long-term viability of an efficient and democratic police force? Would it be possible to ensure that the decision, which was forced by the needs of the moment, not lead to a point of 'no-return' or

‘lock-in’ (Moe, 1990, Pierson, 2000, Dobry, 2000), and thereby paralyse the future?

The qualification and disqualification process applied to former Volkspolizei agents

Right from the start, the biggest challenge was the management of personnel that the new regime inherited from the former regime. There were three levels to this challenge. First, the officers of the DVP simply found themselves vastly over-manned compared to the police forces for West Germany, moreover, with an abnormally high number of supervisors, the forces were top-heavy. It is estimated that 80,000 dismissals would be necessary in order to ensure a density of police coverage that would be fairly equal in all of the regions of the East and the West of Germany; and this concerning those officers who were still present in October 1990. Then, as has already been mentioned, the officers were, with only a few exceptions, all members of the Communist Party. Therefore careful procedures had to be adopted in order to appreciate the differences in officers’ political loyalties. Finally, the officers’ professional skills were a long way behind the qualifications of West German officers, and unprepared for the new requirements demanded by the increase in crime. These were three problems that had to be resolved.

In terms of over-staffing and the command pyramid, the situation was partially settled by the number of police officers leaving the service. Many police forces were dissolved (in particular those that were responsible for controlling exit from the GDR’s territory and all of the auxiliary members of the Stasi). Therefore, those who remained had to undergo individual tests that were suggested by the special personnel evaluation commissions.

The professional tests for former agents

The doctrine concerning taking back officers, could not be put better than in this memo from Erich Pätzold, the Minister of the Interior of West Berlin in March 1990. (Jobard, 2003):

The *Volkspolizei* has been a centralised authority, which, for forty years had been based on a Marxist-Leninist view of the state. Tasks and competency are impregnated by socialist design of the police and do not strictly conform to our democratic point of view. (...) But there is strong evidence that the rank and file officers had primarily received a craftsmanship education, together with an ‘Erfahrungswissen’ which one should not underestimate. This Erfahrungsschatz constitutes the fundamental training on which we have to work: that is why we have requested the implementation of occupational training, based “learning by doing” **[in english in the original text]**. (...) Practical skills occupy a crucial position in our work, and in that field, we will have to promote the position of craftsmanship at the core of democratic policing, through the common achievement of police tasks.

This meant that police forces in the West could not do without those from the East, who possessed far better knowledge of the terrain than their Western colleagues, who, despite being better trained and trained for a longer period of time, were largely ignorant of the local contexts of policing. This measure led the State of Mecklenburg-Pomerania to identify the following objectives for the integration of police officers: to only keep 80 percent of each class of officers, 20 percent of supervising officers, and 1 percent of the directors. These objectives were virtually identical to those for the other states, and were widely achieved. The first measure which aimed to reduce the number of people receiving salaries and was, as has already been stated, the creation of a salary differential between police officers in the East and those in the West, as well as shifting all of the officers from the East down a level in the hierarchy.

The second measure, which had dramatic consequences, was that all officers aged over 50 or having had a career of more than 25 years, and who so desired, were given ‘early early retirement’ i.e., even earlier than **usual** ‘early retirement’. Naturally, those officers grabbed the opportunity, which enabled them to escape from the worry of waiting for their results from the Personnel Evaluation Commissions, and to have a permanent status. This was indeed a dramatic decision, which brought about a massive curtailment in the number of the most experienced officers who, moreover, were the most popular amongst the populations they policed. In Mecklenburg, no officers over age 50 presented themselves for inclusion in the new police.

The third measure was testing professional abilities, by examining the professional records and the responses given by officers on their questionnaires (*‘Frageböge’*). Having trained in a useless or obsolete

service, lacking training, or possessing insufficient or inadequate training were the most common reasons for 'ordinary dismissal' (*'ordentliche Kündigung'*).

The political test for former agents

As already mentioned, the professional abilities of officers were not the only ones examined. The political biographies of officers were also considered in the acceptance criteria for candidates, and could constitute a motive for 'exceptional dismissal' (*'ausserordentliche Kündigung'*).

Five major reasons were given for this type of dismissal:

1. 1. Holding major political responsibilities or belonging to the Stasi: these reasons primarily concerned the highest ranking police officers, who were most affected by this rare form of dismissal.
2. 2. Performance of tasks in close collaboration with the Stasi or the Party, whether as a one-off case or in long-lasting collaboration.
3. 3. Committing acts that are contrary to the fundamental rule of law, and in particular, those that undermine human dignity, or any active participation in the brutal repression of demonstrations which took place in Berlin during Gorbachev's visit on 8 to 10 October 1989.
4. 4. Holding a political vision ("*politische Gesinnung*") that is contrary to the principle of rule of law, or that reflects views prohibited by the FRG.
5. 5. Intentional false declarations, lies or omissions. It appears that in the eyes of the various commissions, it is vital that the candidate who is accepted recognises his past mistakes rather than intentionally hiding them.

To these requirements set out by the police services, one can, of course, add the political examinations carried out by the designated authority within the scope of the law on the handling of the GDR's past, which is referred to as the Gauck Commission (*'Gauck-Behörde'*). Under the directives of Minister Joachim Gauck, this federal authority was tasked with examining the overall individual and collective responsibilities of former inhabitants of the GDR, following a systematic examination of the Stasi and the SED's archives. This meant that a candidate who was accepted to the ranks of the unified police by the Commission of his particular state, always ran the risk of being ousted by the Gauck Commission, which through its examination of the individual's Stasi file or the files of a third person, revealed their participation in one or another actions that violate fundamental rights.

The organisation of human resources within East German police forces: continuity and breaches

It is extremely difficult to determine exactly whether policemen were expelled for commonplace or 'exceptional' reasons. The examination procedures were drawn out over four or five years (this process involved individually studying tens of thousands of files), which further complicated their evaluation. Even more so, given that decisions taken by the Gauck Commission were still susceptible to falling several years, or even a decade after those of the Commission in charge of evaluating personnel, the final assessment was rendered very difficult indeed. In summary, it can be said that, depending on the state, and no matter what their level in the hierarchy, about 30 percent of the officers did not resume their functions; however, most often they made use of 'early early retirement' possibilities. In Berlin, no high ranking officers were employed at the same level of responsibility, apart from one, but he was fired a few years later as the result of an investigation by the Gauck Commission. In all, 1,056 officers were dismissed. In Brandenburg, the PAK was made up of policemen and state employees, who were chosen by each state's parliament and supervised by a police officer who came from the 'partner' state, Westphalia. Approximately 4,000 of the 10,500 active police officers were dismissed for commonplace (or unextraordinary) reasons (or forced to take early retirement). Only 150 police officers were dismissed for political reasons. In Mecklenburg, where the PAK was made up of just two people, 20 to 30 percent of the personnel were dismissed under the direct order of the Prime Minister. In Thuringen, 5,500 police officers (out of 8,000) were authorised to continue; which led to approximately 1,750 officers soliciting positions. In Saxony, the figures were around 500 candidates excluded out of the 11,500 applicants. In Saxony-Anhalt, 2,300 candidates were excluded, out of the 10,000 officers applying (Haselow, 2000).

This quite devastating loss of police officers led to low morale and personnel shortages in the police services. As was the case for all of the public service, this void enabled those who worked in collaboration

with the police of the West to gain access to the most enviable or desirable managerial posts in the police of the East. In the State of Brandenburg, for example, all of the heads of police departments were police officers from the partner State of Westphalia and all of the police constables (*‘Polizeipräsidenten’*) were state employees **sent from the State of Westphalia**, with just one exception. Furthermore, all of them were members of the SPD.

To this human void at the top of the hierarchy of police services, was added personnel with inferior qualifications, who, during the first two years, often underwent additional training (in Saxony, this was the case for about 10 percent of the personnel during 1992). When added to material difficulties, these measures rendered the policing organisations rather fragile.

West German Police standards and the East German context: recruitment and training programs

Police officers, who had been admitted to the new policing organisations of the East on a temporary basis (*‘Angestellt’*), were obliged to commit to follow two types of instruction. The first sort of training took place in the field, where, to use a well known expression, the officers were “learning by doing”. The second type was the supplementary training which was accomplished in police schools and academies.

The notion of ‘learning by doing’ was taken the furthest in Berlin, where the government decided to integrate all applying East Berlin police officers into the West Berlin police force. The government decided simply to mix together the 8,200 applying police officers from East Berlin with the existing 22,000 West Berlin police officers on both sides of the city. On 1 October 1990, some 2,000 West Berlin police officers had to go on the beat and to police stations in the Eastern part of the town; and around seven hundred of their East Berlin colleagues had to report for work in the Western part of the town (Glaeser, 2000; and Jobard, 2003). In this manner, the problem of training was, for the most part, resolved; by combining modern professional methods with older, almost ancestral methods, simply establishing contacts so as to be more aware of the realities of life on the streets (these measures can be compared to the knowledge that we have on the institutionalisation and professionalisation of policing in large American cities (for examples, see Haller, 1976; and Miller, 1990).

The additional training was offered by the Länders’ state police schools and was therefore run by staff who were involved in policing activities in the West, aided by the Police Officers School in Munster (Westphalia). All of the officers were to follow a four-week long seminar, devoted to teaching about democratic, pluralist and constitutional societies. In West Germany, these four weeks of training were given in the schools of the partner state. The aim of all of this teaching was as much to inform officers about the foundations of the rule of law, as to familiarise the former *Volkspolizei* with policing and police officers from the West through face-to-face exchanges.

The amount of supplementary and special training on offer varied greatly from one state to another. In Brandenburg, police officers who had reached the ranks of ‘supervisors’ had to attend about 300 hours of teaching and this rose to approximately 600 hours for those at the management level, spread out over a three-year period. One should not forget that the initial training (in a police school or police academy) for a police officer in the West lasts for two and a half years.

However, very rapidly the number of Western personnel who were needed for this teaching overtook the capacities of the police from the West to provide them, to the extent that at times this could have put their own personnel training at risk. All the more so since, according to current evaluations for Brandenburg for example, the levels of education of police officers from the East were only about one-third of those of their Western colleagues. Hence, supplementary training was spread out over several years and was, most often, supported by an element of ‘on-the-job’ training.

A successful graft?

A conclusion needs to be reached on the effects of the German police reform and speed of reform. Within a few months, the two parts of Germany formally had only one type of police. This type of police was legitimate, professional and responsible, the three criteria put forward by Marina Caparini and Otwin Marenin in their introduction to their current work. However, to these three we must also add the criterion of decentralisation. Decentralisation has been the constitutional guarantor of democracy in Germany, since its experiences with Bismark, Hitler and the GDR.

The efficiency of East German policing

The implanting of West German police doctrines and procedures into the new *Länder*, despite being quite sudden and stark, was extremely efficient. Two points should be considered: the efficiency of the structural alignment of police organisations, and the efficiency of the fight against crime and maintenance of public order.

As far as the bureaucratic structures are concerned, the partnerships between Western and Eastern *Länder* led to the disappearance of a specifically GDR character of the police services of the new Eastern *Länder*. The autonomy of the police in (Western) Germany also gradually led to the relative independence of the institutions compared to the police of the new states. Naturally, the formal laws (*'Polizeirech'*) that govern the practices of regular police in Saxony are very similar to the texts that were introduced in Bavaria, its Western partner state. The local police of the two states (which are mostly engaged by the conservative parties), but also the left-overs of institutional imitation favour this proximity in the texts and guidelines. It is the same case, for example, for the two states that are the bastions of the social democrats, and thus partners of Westphalia and of Brandenburg.

In other words, the police services in the East acquired an autonomy that, whilst being characteristic of any decentralised service, was still strongly indexed to the practices and habits of the partner states in the West. Thus one finds the same programmes of community policing or municipal partnership in the Brandenburg and in Westphalia, the same programmes of citizen militias being granted police competencies in the municipalities of Bavaria and municipalities of Saxony (Hohmeyer, 1999, *Neue Kriminalpolitik*, 2000; and Jobard, 2003).

The issue of the efficiency of the fight against crime should be discussed with great care, given the great difficulties in making comparisons in this field: in the end, it does not make much sense to try to find out whether the Japanese police are more effective in fighting crime than the British police, as the crimes committed differ from one society to another, as do the expectations of different societies (Bayley, 1985; and Bayley, 2001).

In 1997, for example, the rate of breaches of the law being committed was proportionally higher in the new states: 9,400 compared to 7,700 for 100,000 inhabitants. In 2001, these rates were respectively 8,500 and 7,500, which marks a reduction in criminality over the whole of Germany (this has been the case for every year since 1992, apart from 1995 and 2001). This fall in criminality is most marked in the East, thus bringing the criminality rate for either side of the former East-West German border closer together (BKA, 1998 and 2001).

Indeed, the rates of certain types of criminal activities remained higher in East Germany than in the West, and this situation sometimes could not be explained - for example, in 2001, thefts with aggravating circumstances represented 22.8 percent of all of the criminal activities found in the West and 26.7 percent of that in the East. Other rates could be easily explained by geographical reasons (for example, criminal activity that is linked to legislation on immigration is stronger in the East than in the West), or by historical reasons (extreme-right related crime is greater in the East than in the West).

Do the police play a specific role in these differences? There can be little doubt that the answer is no; and one should highlight the extent to which the level of autonomy of police organisations, as authorised by the legal federal framework, enables police to adapt their responses to the various forms of delinquency. For example, many hundreds of police forces from the East created brigades and specific services for the fight against the criminality of the extreme-right. An example of this is the State of Brandenburg and its MEGA programme, which was specifically designed for the prevention and repression of organised forms of neo-Nazism gathering and the dissemination of their ideas and practices (Koopmans, 1997; and Oehlemeyer, 1994).

The day-to-day work of the regular police is much more difficult to evaluate. It is well known that the most substantial activity of the police is maintaining the peace, to a much greater extent than fighting crime (Bittner, 1974/1990, Shearing, 1984). The essence of the problem is that this enormous part of police work is the least easily assessed and quantified. The methods of intervention that are used by the police in people's everyday lives, goes to the heart of what people are prepared to put up with from an intervening state authority; and, therefore also touches the heart of the relations between civil society and the State. From this

standpoint, the issue of efficiency could be filed under that of legitimacy.

The legitimacy of police forces of East Germany

What, in essence, is the legitimacy of the new police forces, which are derived from former ones, in the new Eastern Länder of the Federal Republic of Germany?

A large part of the answer to this question can be found in what happened with the policy promoting the extension of the authoritative models of the West to the territory of the former GDR. Let us recall the effect of the departure of former officers and directors from the police, as well as the departure of those who were the most compromised with regard to the former regime. Let us not forget the ousting for 'extraordinary' reasons (i.e., political) of those who despite everything, stayed after 3 October 1990. One should not forget the massive departure of the oldest age groups to retirement or to early retirement, which emptied the police forces of the East of all those who, whether willingly or not, had been socialised into the organisations of the party. Finally, one should underline the strength of institutional duplication, which, as mentioned earlier, means that one can no longer distinguish between police of the East and those of the West in organisational terms. These elements strongly influence public perceptions of the police in the Eastern territories of Germany, where it is only with great difficulty that the police could be accused of embodying the dictatorial police of the previous era.

However, two elements should be underlined, elements which, without completely answering the question of how legitimacy of the new police is understood, and how political consolidation is achieved, provide some strong points of reference.

On the one hand, we should highlight the effects of the crises or trends towards failure, which brought into question one or another police service from the East. The most revealing example within this context being a fire which criminals maliciously lit (committing arson) in a camp where asylum seekers were housed in the town of Rostock (in Mecklenburg-Vorpommern), in 1992. An entire fringe of the local population (who had been drinking heavily), responded to the code word of the heads of local neo-Nazi groups, and assembled around the home. They then set fire to it, whilst chanting racist and Nazi slogans, under the totally impassive eyes of the local police who, to make matters worse, were considerably late in arriving at the location, thus reinforcing the idea of strong collective racism being a relic of the former members of the DVP.

The judicial inquiry into these events struggled to demonstrate any racist behaviour among the rank and file, however, it pointed at two institutional short-comings. On the one hand, these police officers, who were totally inexperienced with non-conventional demonstrations (**that for most never occurred in the GDR since the upraise of June 1953**), were guilty of non-intervention. Furthermore, on that particular weekend evening, the heads of the Rostock police were far away from the location, and were therefore unable to react at all. The heads of the Rostock police, like the heads of all police forces from the East at this time, happened to be police employees of the partner state (Schleswig-Holstein) and were enjoying spending their Friday evening in the company of their families, a few hundred kilometres from the action. These failings show the effects created by the administrative organisation of German unification.

What is important to highlight at this point is that the failures of policing in the East arises from a sort of combination of the legacies of past years (in terms of police professionalisation) and the perverse consequences of the reorganisation of the services (in terms of training of personnel). However, it must be emphasised that, to this day, there is no convincing research that can lead to the conclusion of a more frequent or stronger inclination towards criminality (i.e. brutality, racism, etc.) committed by the East German police in comparison to their colleagues from the West (one may note the failure to mention this question in reports by Amnesty International and also in the summaries of press reviews: Korell and Liebel, 2000).

Moreover, opinion polls have demonstrated the blatant differences in the levels of 'confidence in the police'. On a scale between -5 (no confidence whatsoever) and +5 (complete confidence), the West Germans awarded their police force with an average mark of 1.9 for the period between 1991 and 1995; the East Germans credited their police with an average grade of 0.4 for the same period (Haselow, 2000, 145). The difference in the figures is significant. Firstly, the numbers show the widespread wariness that East Germans display towards public institutions, whether they are viewed as too 'Eastern' (in which case they may be suspected of continuity with the GDR), or too 'Western' (leading to suspicions or concerns about imperialism of the FRG). Much more subtle instruments would be required to measure the exact role of the police in this

transitional period.

However, another structural point needs to be stressed. It concerns the adjustments between society's demands for security and the government's policy on the matter. What are society's real expectations in terms of democratic policing? An 'authentically democratic' police force can only be identified if one takes the trouble to place it in its correct historical context. Thus, it is known that, under the influence of Goldstein's studies, western police forces have encouraged various models of community policing with the intention of bringing the police and the population closer together, so that police work can better respond to demands of the local population (Greene and Mastrofski, 1988, Brodeur, 1998). Yet it was precisely this model of community policing that was characterised the GDRs police forces, to an even greater extent than in any other western system.

Indeed, the GDR possessed police officers who were assigned to a specific district, or to one or two apartment blocks, in which they were residents and lived and worked. By being in close proximity to the inhabitants, they also became close to the population, who would call on them at any hour of the day or night, for example, when their children were ill and urgently needed to be taken to hospital. Due to their 'natural' closeness to the population, these policemen were known as '*Abschnittbevollmächtig*' (or ABV – literally 'district delegates/representatives') were also responsible for keeping watch over the population. Thus, by being submerged in the society, the ABV collected any information that could be required and handed it to their superiors in the hierarchy, and travelling up the chain of command until it arrived in the hands of the Stasi. Now and then, the ABV were assigned the task of destabilising individuals who were judged to be political deviants (by spreading rumours, harassment, filling their letterboxes with rubbish, etc.). Yet, in reality, their *de facto* field of activity, provided by their immersion in the community and its problems, was of a not-insignificant benefit for local populations, who knew how to distinguish between them and Stasi agents, who were only assigned to political work (for information on the 'ABV', see Lindenberger, 1999, Lindenberger, 2003; for other analogies, see the text on Japanese community police in Bayley, 1985).

However, within the context of the severe social changes that occurred after the fall of the Berlin Wall, the East German police began showing a specific and growing need for training and for following through with the East German population at the same time as the West German police, whose model was applied to the East were, in all honesty, looking to export 'their' isolated sections and community policing to the East. What then emerged? ABVs ('KoB' in 'western' administrative terms), but ABVs who were much less efficient, who only rarely lived on the site, who were only available during working hours, who were only available to deal with policing issues within their scopes, etc. (Hausmann and Hornbostel, 1997; and Hornbostel, 2000). This touches on the bottom-line of the notion of the democratic consolidation of policing: should not true community policing and 'democratic consolidation' occur through the pursuit of policing programs that attack 'modern' bureaucracies (modern community police can not be reached at all times...), as well as by a policing philosophy that impedes the independence and privacy of individuals? **Certes, les formes modernes (bureaucratiques et professionnelles) de l'agir de l'Etat, pour reprendre les catégories de Max Weber, protègent la vie privée et les libertés individuelles, en maintenant l'agent dans la plus grande distance par rapport au citoyen. Mais la proximité bonhomme, paternaliste et, parfois, étouffante, des agents de GDR, garantissait du même coup aux citoyens la possibilité de se défaire sur eux d'une partie des charges qui leur incombent pleinement dans le régime moderne de responsabilité individuelle. Je reprendrai ce point pour conclure.**

Conclusion: Political and historical paradoxes in the consolidation of "democratic" police systems

In terms of the sociology of democratic transitions, German unification presents a specific difficulty in combining the 'democratisation' process and the 'integration' process, i.e., 'a process whereby a group of people, organized initially in two or more independent nation-states, come to constitute a political whole which can in a sense be described as a community' (Pentland, 1973, p. 21; also see Hancock & Welsh, 1994). The main lesson that the transformation of the police brings to the sociology of the German transition is the dual strength from absorbing authoritarianism and federalism.

In the case of authoritarianism, paths of opposition or of resistance were smothered from the start under the incredible pace of the procedure. In a certain way, the suddenness of the political change, following

the fall of the Berlin Wall, nipped in the bud any attempted opposition by officers who were faithful to the regime. The rapid pace of administrative reform then prevented even the smallest mobilisation within the police service, because as much by their very nature, the changes forced the oldest members to leave and thus cut off the ideological and material resources necessary to support any vague impulse to mobilise.

The speed in changing administrative procedures can also be seen as being representative of one of the key features of the police, which the highly respected police scholar Egon Bittner highlights as being in control, everywhere, of the present moment: police officers must intervene about ‘something that ought not be happening and about which someone had better do something now’ (Bittner, 1974/1990, p. 249). This is also a dictatorship of the moment which, by engaging its policemen in the most urgent tasks, imposed its own rhythm on the administrative reform, and, in the end, on the ‘democratisation’ of the institution. In other words, in order to summarise on political authoritarianism, one can underline the fact that an undoubtedly democratic transition (as decided by the first free elections in February 1990) was implemented in certain sectors of society, such as the police, in the form of a group of regulations and policies aiming to **eliminate uncertainty and mobilization, even though uncertainty and mobilization are two pillars of the democratic order** (Przeworski, 1986, Guilhot & Schmitter, 2000, Schedler, 2001).

Federalism also plays a pertinent role. In the end, no unification of police forces occurred (except in Berlin), but rather a forced adaptation of the police forces of the five new *Länder* to the models in use by the police forces of the West. Once the years of training were over, these police forces enjoyed the same degree of autonomy that was conceded to police forces in the federal systems, and then follow their own developmental path. It is this flexibility and relative autonomy during the so-called ‘consolidation’ phase, which, to a large extent, has enabled the violence of the ‘transition’ to be absorbed.

Thus, it is within this context of plurality of paths open to the East German police that the debate on the stages of the transition must be brought back to the alternatives to ‘modernisation /path dependence’. (Offe, 1996, Stark & Bruszt, 1998, Dobry (ed.), 2000). On the one hand, no other administration than the police are more anchored in social problems or issues, nor is more profoundly dependant on the society’s demands which are set out in the very definition of its practices and aims. That being the case, one may recall one of the oldest adages of police sociology, which points out that a community will get the police that it deserves (Banton, 1964). Moreover, any delay or survival of the past in police practices (as long as they can be empirically changed) must not lead one to forget the specificities of the social fabric and the social demands in the various regions of East Germany.

On the other hand, one of the paths to the ‘modernisation’ of policing from the 1980s onwards was a return to so-called ‘village police’, foot patrols and community policing, local police and police familiar with the dominant groups in of the district... By magic, from this point of view, and as far as policing is concerned, the adaptation of police forces from the East to ‘Western modernity’ seems only able to borrow the ambiguous approaches of policing in the past, which; in the GDR were so well embodied in the paternalistic and authoritative model of the ABV. Modernisation, in terms of policing in East Germany, has familiar faces...

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