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GERMAN POLICE DURING THE NAZI PERIOD

For decades in West and East Germany interpretations of Fascism emphasized the actions of the dominant figures and/or elites that had cooperated with Nazism. Alternatively they stressed the constraints of socioeconomic and political structures. People and institutions below the heights of command within the polity and society passed for victims of both manipulation and terror. This view also offered a convenient way to explore the police and the criminal justice system. If German society in general, and numerous bodies and institutions in particular, had been forced to obey orders from above, then the police were no exception. Accordingly, the Nazi party and Nazi organizations had instrumentalized and 'abused' the police both as a body and as individuals.

It was the Nazis who had imposed special laws and orders which nobody dared to resist. It was they who had implanted party members into the police apparatus; and it was they who had installed an apparatus that was perceived as an uncontrolled superpower of and within society, the Gestapo or Secret State Police. Accordingly, questions about the behavior of ordinary police officers were ignored. The key questions were never asked: How could highly trained experts who were interested in the content of their work eagerly support policies for the brutal exclusion of 'dangerous elements' and, even worse, for the extermination of whole peoples? And as a follow on: Which modes of perception and which everyday practices made it possible that the overwhelming majority of police officials and state prosecutors, of judges and lawyers, not only stayed on but actively contributed to the execution of Nazi policies? In fact the police and the judiciary seem to have perceived the changes as the fulfillment of the goals that they had long sought.

The few studies which focus on the police after 1933 show that the overwhelming majority of them continued to perform their tasks in

accordance with the orders and expectations of their superiors. They accepted, if not supported, the exclusion of those marked as ‘enemies’ of the Reich and German Volk [1]. Policemen themselves did not hesitate to label suspects as ‘dangerous’ and ‘alien’ to the people’s community. Most policemen readily participated in the persecution of these ‘internal enemies’. For decades, the preventive detection and exclusion of presumed aliens had been a central feature of policing. To the police, public order in the locality blended seamlessly with the security of the Reich at large. This longstanding and well-accepted orientation was the convenient justification to expand the policing of public order on to new terrain. The emancipation of police from most restrictive limits of the law (or, more practically, from the interventions of judges or courts) was one of the Nazi roads toward ‘rule by decree’.

Some parts of the criminal police and, most actively, the Gestapo, claimed and acquired unchecked powers with reference to the detention of suspects [2]. Indeed after 1933 the police actively subverted the ‘rule of law’. The normality of the daily repression of others weakened those scruples that might otherwise have hindered police participation in the Holocaust. To put it bluntly, the police actively and continuously contributed to sustaining Fascist domination. The Gestapo figures most prominently in the accounts of Nazi domination in general and Nazi terror in particular. The Gestapo developed in an arena of its own; it was created and safeguarded against competing agencies of both the state and the Nazi party. It was a bureaucratic apparatus dwelling at a distance from state and centralized power. During the first weeks of Nazi domination, in the process of their coordination, the Gestapo homogenized the political police of the German states. The Gestapo law of 1936 confirmed the structure that had been established in 1933 [3].

Among the public, the Gestapo rapidly acquired the notoriety of being omnipresent. Such, at least, was the traditional picture. However, recent research has questioned this image. A study by Reinhard Mann first raised doubts Using the files of the Stapostelle in Düsseldorf, Mann showed that at least one-third of the investigations by the Gestapo were triggered by information or denunciation from the general public [4]. Secondly, the evidence also indicated that denunciations reached a peak from 1939 to 1941-1942, parallel to the Blitzkrieg and military success.

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COOPERATION OF EUROPEAN POLICE AGENCIES BY THE NORWAIN EXAMPLE

Prior to the Schengen cooperation, there was no formal connection between Norway and the EU cooperation on justice and home affairs. According to the Norwegian Ministry of Justice, several negative developments in the mid-1990s made a stronger focus on international, cross-border police measures necessary. Reported crime increased sixfold in Norway from 1960 to 1990. International crimes were reported to have become increasingly serious. Their numbers were also growing. Cross-border crimes that were emphasized were drug trafficking, the export of stolen vehicles, human trafficking, certain types of economic crimes and crimes related to prostitution [1]. The Schengen cooperation entered into force in 1995, and the Schengen Acquis was incorporated into the EU legal framework in 1997. The implementation implied that Schengen membership now became compulsory for all EU member states, although optouts were permitted. Norway became 'partner' in the Schengen cooperation in 2001.

The 2009 Lisbon Treaty's removal of the pillar system dissolved the differing legislation procedures in the EU in the Area of Justice and Home Affairs. This at least to some extent made the Union activity also on the law enforcement area more supranational. Several EU Decisions have been developed through the Schengen Acquis, evolving the cooperation