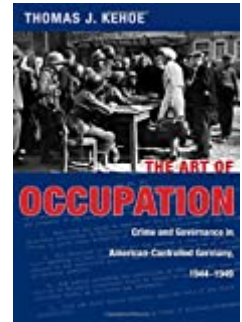


Thomas J. Kehoe. *The Art of Occupation: Crime and Governance in American-Controlled Germany, 1944–1949.* War and Society in North America Series. Athens: Ohio University Press, 2019. x + 378 pp. \$80.00, cloth, ISBN 978-0-8214-2382-0.



Reviewed by Douglas I. Bell (US Army Heritage and Education Center)

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Commissioned by Margaret Sankey (Air University)

In *The Art of Occupation: Crime and Governance in American-Controlled Germany, 1944-1949*, Thomas J. Kehoe draws on the fields of history, psychology, and criminology to explore crime, justice, and law and order in American-occupied Germany. He specifically interrogates the discrepancy in the historiography of the occupation that characterizes the American Zone as a place both of widespread criminality and of strict military governance. Through his investigation into the reestablishment of law and order, he argues that, contrary to the claims made by German civilians and American occupiers of years of anarchy and violence, the period of postwar upheaval lasted mere months but that the “culture of anxiety” created by this brief chaotic period had long-lasting effects. It was this perception that danger lurked just beyond the village that created the false narrative of a defeated nation teeming with violence. To convey this argument, Kehoe’s study is organized chronologically and divided into three main parts: part 1 focuses on the US military’s history and training for military govern-

ment, part 2 covers the last quarter of 1945 to mid-1946, and part 3 examines the years 1947 to 1949. His analysis relies on more than forty thousand different military government court cases from the American Zone compiled from the US National Archives in College Park, the British National Archive in Kew Garden, the Bavarian State Archive, and the German Federal Archives in Koblenz.

Part 1 begins by exploring the genealogy of crime and control in the American military. From this analysis, Kehoe concludes that American military governments from the Civil War to the 1919 occupation of the Rhineland practiced the “arch-occupier” approach to military government, a method that centered on reestablishing social order and creating an implicit contract with the occupied people in which they were treated humanely and their society remained largely unaffected while they, in turn, agreed to abide by military rule (p. 21). American Military Government Officers (MGOs) learned this approach during their training, but many MGOs also recognized the

inherently evil nature of Nazism and desired a transformative occupation that would completely root out Nazism, an approach most clearly articulated in the Morgenthau Plan. While historians have often contrasted the transformative and harsh occupation policy emanating from Washington, DC, with the supposedly more practical approach of MGOs, Kehoe argues that this contrast has created a false dichotomy. Instead, he asserts that MGOs clearly stated their desire to implement transformative justice, but in practice, they prioritized the establishment of law and order of the arch-occupier; transformation would come after order and security were established.

After analyzing the training, ideas, and practices surrounding MGOs, Kehoe ends part 1 with the violent, yet rapid, transition from war to peace in distinct phases that included the breakdown of Nazi society as the frontlines neared Germany, the chaos of defeat, and the establishment of military government. According to Kehoe, the breakdown of society occurred well before the Allied military forces arrived; as Nazi power disintegrated, a spree of murders took place, government buildings were attacked, defeatists were hanged, and vengeful slave laborers took revenge. This unrest persisted as the fighting approached, and Allied soldiers, German civilians, and Displaced Persons (DPs) committed crimes, especially looting, but few criminal investigators paid much attention to crimes committed before or during the transition to Allied control. MGOs, who followed closely behind frontline soldiers, quickly sought to establish order and impose military government laws for their area; however, each enacted policies as they saw fit, creating significant variation between the detachments scattered across southern Germany.

The effect of this violent transition from war to peace on Germans and MGOs is the focus of part 2. Importantly, it is in this section that Kehoe highlights the dichotomy between the urban and rural aspects of the occupation. In large urban centers, such as Nuremburg and Munich, Ger-

mans and MGOs could link urban destruction with crime and disorder, but the psychological trauma of defeat also affected the countryside where physical signs of the war were rare. In rural areas where it took weeks for MGOs to arrive, these unoccupied spaces became areas of disorder where gangs ruled and theft, violence, and brutality were normal. The trauma of this experience, according to Kehoe, created a culture of anxiety. This anxiety pervaded the ideas and actions of both Germans and MGOs alike and fomented continuous worries over a lawless countryside teeming with violent DP gangs, a myth that Kehoe successfully dispels. Although demonstrating that marauding DP gangs hardly existed, this section investigating the trauma of defeat would have benefited from further engagement with more recent scholarship on the history of emotions, specifically the work of Frank Biess, whose *Republik der Angst: Eine andere Geschichte der Bundesrepublik* (2019) explores the emotion regimes and the social and political functions of fear in postwar Germany. An engagement with this scholarship might also have aided in explaining why, beyond the arch-occupier mentality, isolated American detachments adopted the fears of Germans and soon voiced their own worries over a lawless countryside swarming with violent gangs.

Part 3 explores the relationship between crime and governance in occupied Germany and specifically focuses on the return of German policing under military government tutelage and West Germany's growing stability. The return to policing at the local level, according to Kehoe, resulted in the growing desire among both MGOs and the German police to control unruly American tactical units, a situation that created a hybrid American-German administration at the local level. These shared concerns of creating and establishing order and using invasive tactics resulted in a close collaboration that helped to reinforce Germans' confidence in military government. From MGOs' perspective, this collaboration was part of the civilization effort whereby Germans took on a lar-

ger part of self-government, but Americans and Germans nevertheless diverged in some cases. For example, Kehoe claims, using two court cases, that while MGOs endorsed Germans' authoritarian policing methods, they hemmed in the German police by setting boundaries and making court rulings that demanded due process, presumption of innocence, and heavier burdens of proof which mitigated the extreme exercise of unrestrained power. These examples, while edifying and showing the subtle ways that military government attempted to shift the German justice system, do not necessarily demonstrate long-term changes.

The return of western German policing and the growing relationship between Americans and Germans resulted in a decline in the observable crime rate, but fears of crime persisted and the strain of scarcity compounded German fears. This was most clearly recognized in the black market, which reflected German concerns of widespread crime and social instability. Here, Kehoe rightly notes that the black market was the product of scarcity, especially during the winter of 1946-47. Kehoe also rejects the idea that the Economic Miracle suddenly transformed western Germany in 1948 and correctly points out the persistent economic and supply problems that perpetuated German worries over social instability throughout 1948. While rightly challenging the simple narrative of German economic recovery, Kehoe adopts the general narrative of the growing Cold War divide between East and West to resolve the challenges of social instability and argues that the rise of Cold War tensions drove assertive and authoritarian policing methods in West Germany, methods used to locate and identify internal threats and project social stability.

Ultimately, Kehoe succeeds in resolving the tension between the desire for a transformational occupation and the ground-level practicality of the MGOs, in clarifying the urban rural divide within the occupation, and in identifying the psychological effects of defeat; however, his work never

clearly demonstrates how crime in occupied Germany influenced or affected governance in West Germany. For example, in the section titled "The Rise of a German Justice System," Kehoe discusses the American constabulary forces and briefly notes the retreat of military government courts to larger cities, neither of which adequately explains how the German justice system arose from the ashes of defeat. Moreover, Kehoe's stress on crime and the arbitrary sentences meted out by MGOs does not account for the high rate of German internment by the Allies (estimated to be four hundred thousand), a topic recently explored by Andrew Beattie.[1] Without fully addressing the widespread internment of German civilians or the interaction between the occupiers and Germans in the return of West German criminal justice, the "art" of the occupation remains unexplained.

Note

[1]. Andrew Beattie, *Allied Internment Camps in Occupied Germany: Extrajudicial Detention in the Name of Denazification, 1945-1950* (Cambridge: Cambridge University Press, 2019); and Andrew Beattie, "The Allied Internment of German Civilians in Occupied Germany: Cooperation and Conflict in the Western Zones, 1945-1949," in *Transforming Occupation in the Western Zones of Germany: Politics, Everyday Life and Social Interactions, 1945-1949*, ed. Camilio Erlichman and Christopher Knowles (London: Bloomsbury, 2018): 81-96.

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