Snel, streng en rechtvaardig. Politiek beleid inzake de bestraffing en reclassering van 'fout' Nederlanders, 1945-1955
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Document Version
Publisher's PDF, also known as Version of record

Publication date:
1989

Link to publication in University of Groningen/UMCG research database

Citation for published version (APA):

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Summary of:

Peter Romijn
*Swift, Severe and Fair Justice*
The Problem of Collaboration and Collaborators in Dutch Politics, 1945-1955
Translation by M.F. Soeting and J. Griffiths

During the summer of 1945, the Netherlands, only recently liberated by the allied forces, had to cope with a considerable number of problems brought about by the German occupation. In every aspect of social life wartime conditions had to be ended as quickly as possible. Solving the problems arising from collaboration and resistance during the years 1940-1945 was especially urgent. Three related steps had to be taken: first, judging of treasonable activities (the prosecution of collaborators); second, dismissing from public functions and professions those who had failed the nation during the occupation (the purge) and third, determining the role of the resistance-movement in post-war politics, in particular in the punishment of collaborators.

This book deals with the political assimilation of the problematic heritage of collaboration and resistance during the first ten years after liberation. The problems at that time seemed almost insoluble. Nevertheless, within a period of ten years they had been dealt with politically in such a way that by 1955 it was possible to state that they had been almost entirely resolved. The major aim of this study is to answer the question how this was achieved. In order to answer adequately this question, case studies have been made of the political reaction to the two most extensive problems: the release and rehabilitation of so-called "light cases" of collaboration and the purge of the civil service. Special attention is given to the attitude of the organized resistance movement.

This study reveals how the government – specially the ministeries of Justice and Home Affairs – took responsibility for the broad outlines of the policy on punishment and purge. Only once these outlines had already been drawn were they formally authorized by Parliament. On the whole, problems were deliberately depoliticized, banned from public discussion and handed over to specialized official or semi-official bodies. These bodies in turn were able, with the help of the elites of various political, social and religious movements, to prepare the general public to accept moderate punishment. The former resistance movement, many of whose
members witnessed these developments without much enthusiasm, had been neutralized as a political factor shortly after the liberation; at the most the government consulted it in matters concerning personal and social problems of former resistance fighters.

The actual handling of the problems brought about by collaboration and resistance was not a straightforward affair. The insufficient purge of the police corps and the ample reprieve of the most serious war criminals during the nineteen-fifties, for example, caused misgivings. Depoliticizing of decision-making concerning the punishment of collaborators had the unintended side-effect of stimulating discontent with the policy of assimilation of collaborators and traitors. The general public hardly understood the technical judicial procedures. It was almost impossible that the considerations responsible for these procedures could be integrated into the communal memory. As a consequence, questions about "how" and "why" would continue to arise, right up to the present time.

During the nineteen-fifties, government officials could in all honesty assume that the problematic heritage of collaboration and resistance belonged to the past. Public interest in and knowledge of the wartime period has been growing ever since the early nineteen-sixties. But the ways in which these problems brought about by the war had been dealt with politically and administratively, were, for the most part, buried in oblivion. Questions concerning the operations carried out have nourished the latent suspicion that the punishment of collaboration was undermined by misplaced mercy, machination and political failure. War-time resistance seemed to some to have been deprived of its raison d'être and its aims. This study challenges the fairness of this retrospective interpretation.

At the time of the liberation special courts were set up. It is estimated that about 150,000 people were then detained and awaiting trial on suspicion of treason. Moreover, ten-thousands of national-socialists were about to be dismissed from their jobs. The cry for punishment and purge was an understandable consequence of the desire – especially strong among former resistance fighters – to get even with collaborators under "absolute standards" of good and bad. Soon after the capitulation of the German army in May 1945 it became clear that the promise of the Dutch government in London to punish all collaborators in a swift, severe and fair way, could not be fulfilled because of the overwhelming size of the problems related to punishment and purge.

The first post-war government, headed by Schermerhorn and Drees, strove for a rapid normalization of the devastated country. A policy of swift demobilization of the resistance movement and termination of military authority over civil affairs was part of this purpose. During the autumn of 1945 the departments of Justice and Home Affairs took over from the Military Administration authority over the administration of criminal justice to collaborators and the purge. During the transitory phase the resistance movement had played an important advising and executing role which it thereby lost. A majority of the top of the former resistance movement, the so-called National Advisory Council of Resistance, cooperated
with the government as a matter of principle. At the same time however, former resistance fighters deplored the fact that the government made clear, by a series of controversial decisions, that the punishment of collaborators would not be pursued along the line of "absolute standards" proposed by the resistance movement.

The purge of the civil service was not a judicial procedure, but a matter of internal disciplinary law. An official body was created by the minister of Home Affairs, Beel, within his own department, the so-called Central Authority on the Purge of Civil Servants. This body was in charge of investigating purge cases and recommending the measures to be taken, for which the minister was ultimately responsible. The purge evolved from a partly spontaneous process to a purely administrative procedure. This reduced the initial enthusiasm for the purge. "Absolute standards" very soon ceased to be the guideline determining decisions; the Central Authority attempted to consider each individual case carefully, taking into account both aggravating and mitigating circumstances.

The biggest problem posed by the approximately 30,000 purge cases was not the elimination of those who had collaborated but the treatment of those who had failed the nation by a passive attitude towards the occupying forces or who had caused damage by misjudging particular situations. Many senior civil servants had, during the war, lost the confidence of the government in exile and the Dutch resistance movement because of their policy of cooperation with the occupying power. After liberation the general public was astonished and irritated by the lenient policy of the Central Authority on the Purge of Civil Servants towards these cases. The procedures followed were fully comprehensible only to insiders. This caused mistrust among the general public and thus the aim of the purge, i.e. re-establishment of trust in the civil service machinery, could not be fully achieved.

The government removed as quickly as possible punishment of the great mass of collaborators from the jurisdiction of the Military Authority. The latter's broad arresting policy was blamed for the difficulties which had arisen. The Ministry of Justice had to get order out of chaos. The relevant directorate of this Ministry, however, did not play the decisive role. It was a private foundation, Stichting Toezicht Politieke Delinquenten (STPD: the Society for the Supervision of Political Criminals) whose role was crucial; a fact which has not been adequately acknowledged up till now.

This foundation, founded in the autumn of 1945 to assist discharged political prisoners, managed to influence the policy of successive ministers of Justice to such an extent, that it seemed as if state bodies and private initiative functioned concurrently. By the summer of 1945, it had become clear to the Schermerhorn-Drees administration that the mass arrest of political criminals would lead to unacceptable conditions in the detention-camps and bring the adjudication of cases to a standstill.

A policy of swift release of large groups of less serious delinquents was thought unavoidable. But how this was to be carried out was unclear. A
number of people involved in the administration of justice to collaborators took the initiative in founding the STPD. This foundation proposed to the government to abandon the idea of trying all arrested political delinquents. Instead, the less serious cases should receive probation, while the STPD would exercise supervision over these people.

The STPD convinced the government that the social reintegration should prevail over the wish for severe punishment for all political criminals. The great mass of them should get the chance to return into society as rehabilitated citizens. The idea was not that one should turn a blind eye to the crimes committed or seek to excuse them, but that from a social point of view it was essential to avoid forcing former members of the nazi-party to live as outcasts and pariahs for years to come. The latter was considered a great danger to society. The STPD impressed upon the released prisoners that actual return to society would only be possible if they showed understanding of the impact and the magnitude of their crimes.

Commitment to the political dividing line between “good” and “bad”, dominant at the time of liberation, was abandoned within quite a short period of time. The great mass of “traitors” were re-admitted into society after a few years and not only tolerated, but rehabilitated as well. Quite soon after the liberation, a lenient policy towards political delinquents was carried out by the government. This was brought about by the wish, predominant in political circles, to solve a huge political and social problem as quickly as possible. The solution chosen subsequently promoted a continuing lenient punishment. A few years later, modern and humane insights being propagated by experts in criminal law, played an increasingly important part in the trial, the punishment and, in the late nineteen-forties and fifties, the reprieve of the more serious criminals.

It has often been assumed, both by historians and by the general public, that the trial of collaborators and the purge of public officials and professionals were dominated by excessive mercy and political opportunism. This book, however, shows how the elites in Dutch society successfully realized a moderate and pragmatic policy adapted to well-defined political and social ends.