



## **The other side of the Anne Frank story: The Dutch role in the persecution of the Jews in World War Two**

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**Abstract.** Contrary to their historical reputation there were only a few Dutch citizens who rescued Jews during World War II by providing their homes as a shelter. Of all the West European countries occupied by the Germans, the number of Jewish casualties was the highest in The Netherlands. Before the occupation there were approximately 140,000 Jews living in The Netherlands, and of that total at least 109,000 were murdered. When the war was over many war criminals and Nazi collaborators were punished. This did not include, however, Dutch civil servants and many of the police and train conductors who were all part of the Holocaust machine. They were recruited from the large middle-ground of a population of mainly bystanders. In addition, Dutch criminology has been conspicuously silent about the Holocaust. Therefore, I shall discuss the following issues as contributory to the Holocaust: (1) the denunciation process; (2) the attitude of The Netherlands' bureaucracy in general; and, (3) the negative impact of the actions of officials in positions of the highest power such as the Queen (who fled to Britain), members of the Supreme Court and Chiefs of Police.

To Theodora Kuhbauch, rescuer.

### **The crime of collaboration**

Long after the end of the Second World War and the German occupation, the Dutch were still congratulating themselves on their heroic stance regarding the persecution of their Jewish countrymen.<sup>1</sup> The willingness of the Dutch to risk their own lives to help Jews escape from their German oppressors (if need be by taking them into their own homes) is evident from the impressive number of Dutch individuals honored at the Yad Vashem memorial in Jerusalem for doing so. Of all the nations of Europe, the numbers of Dutch heroes are exceeded only by the figures on Poland, where the Jewish population was far larger. At the Holocaust Museum in Washington, D.C. the wall with the names of Dutch rescuers is equally impressive. The Netherlands is the only country occupied by the Germans to have had a general strike in February 1941, mainly to demonstrate solidarity with the Jews. The Netherlands is also the country where the student resistance managed to save three or four thousand Jewish children from certain death by lodging them with foster families for the duration of the war. Under the Nazis, this was a crime punishable by death, and we need have no doubts as to the courage of those or the altruism

of an estimated 100,000 Dutch people (out of a population of 8,800,000 at the time) who helped the Jews in one way or another during the war.

Anne Frank, the personification of Jewish victimhood and indeed the symbol of universal suffering, lived in Amsterdam. Second only to the Bible, her diary seems to be the most widely read book all across the globe. Partly because of it, in the rest of the world the Netherlands has an invincible reputation for its stance against the Nazis. Neither its readers nor those who visit the Anne Frank House as tourists are likely to be aware that Anne Frank came from a German family who fled to the Netherlands in the 1930's as refugees. Or that the person who helped them avoid capture for almost two years, Miep Gies, was Austrian and that whoever betrayed them was almost certainly Dutch (Müller, 1999). And it is certainly a little recognized fact that a substantial number of Dutch citizens collaborated with the Germans, either playing an active role in some way in the persecution and deportation of the Jews or failing to put up any kind of resistance at all. This is particularly true of the administrative elite and the authorities as a whole.

Of the 140,000 Jews living in the Netherlands when the war broke out, 120,000 were Dutch, while the others were immigrants and refugees, mostly from Germany and some from Poland or the Soviet Union. No more than 30,000 survived, of whom 9,000 were married to non-Jews and 16,000 had gone into hiding; 5,000 people returned from the concentration camps. In Amsterdam, where the Jewish population was the most severely affected, 66,000 of the 80,000 Jews (10% of the total population) were murdered. A total of 245 gypsies were also deported to Auschwitz and Sobibor, only 55 of whom were not murdered.

In principle, the technicalities of isolation, deportation and extermination of the Jewish population were the same in all of the countries that the Germans occupied. It began with social and economic discrimination and segregation: Jews ousted from their jobs and professions, their freedom of movement restricted. Then came the identification and registrations stage, with the Jewish star, the J in the passport and so forth. The last stage entailed concentration and deportation: the Jews of the Netherlands were transported to Auschwitz, Bergen-Belsen and other concentration camps in the east of Europe via the assembly and transit camps of Westerbork and Vught. The Nazis used two mechanisms, intimidation and internal collaboration, to force the Jews to comply with this pattern.

Let us start with intimidation. In January and February 1941, political henchmen of the Germans (members of the *Weer Afdeling* or WA, the paramilitary division of the Dutch National Socialist Movement), deliberately provoked the burgeoning if scarcely articulated resistance to what was then still social discrimination of the Jews, by marching about in their black uniforms

in the Jewish district in Amsterdam. During the resulting clash, a member of the WA was killed. The Nazis responded by holding two razzias during which 600 young Jewish men were arrested and transported to the concentration camps of Mauthausen and Buchenwald. They all died there, and the Germans were meticulous about making sure that everyone who stayed behind knew about it. From that moment on, the spectre of Mauthausen served as a deterrent. Anyone who failed to obey the rules would be sent to Mauthausen, whence no one ever came back.

And then there is the mechanism of internal collaboration. A *Joodse Raad* (Jewish Council) was appointed and given a voice in deciding who was to be deported, and when. This effectively defused any opposition to deportation within the target group itself, for it implicated the Jews in a sinister game of trying to postpone their own departure to a camp or that of their loved ones and friends. Anyone able to obtain a certain kind of stamp was exempt from deportation until further notice and a job with the *Joodse Raad* was the best way to be sure that someone else would be on the train. The list of exemptions grew shorter and shorter until, tragically, in the end the only difference that such complicity made was that some had dirtier hands than others. Before deportation, the Jews were forced to surrender all of their property to Lippmann-Rosenthal & Co., a booty bank set up especially for this purpose, and their businesses were taken over by Dutch custodians.

One poignant detail is that, before, during and after the war, the victims had no choice but to pay the costs of their own ruination. They paid the official Dutch agencies one guilder to have the J-stamp put in their passport and they paid the clerical costs for surrendering their property to the bank. Westerbork, a camp set up before the war for Jewish refugees, was financed by the Jewish community. Confiscated Jewish property went to pay the Netherlands Railroads for transporting the Jews to Auschwitz. Jews returning after May 1945 and wishing to reclaim their property were also presented with the bill for clerical costs.

Ninety-eight trains left from Westerbork and Vught without a single hitch or incident between 15 July, 1942 and 17 September, 1944, transporting the Jewish population of the Netherlands to their death. The whole process went so smoothly that more Jews were deported than the transport director, Adolf Eichmann, had even wanted from the Netherlands. When the figures were examined after the war, it became clear that, of all the occupied countries in Western Europe, the Netherlands had the lowest percentage of Jewish survivors. All the Danish Jews had survived, as had 85% in Italy, 75% in Belgium and 60% in France. No more than 25% of the Jews from the Netherlands lived to see the liberation.

In a growing body of studies on professional groups, official organizations and branches of the world of trade and industry, complicity – in all its variants and modalities – in what we have come to define as the crimes against humanity that were committed under the occupation, is now being documented in the Netherlands. The resulting information and what it reveals about a country that had neither any marked enthusiasm for National Socialism nor a strong anti-Semitic tradition, and where moreover the Jews were largely assimilated, makes unpleasant reading. Before the war, the Dutch authorities made a point of equal treatment for Jews and non-Jews alike. A praiseworthy principle, that also led to large numbers of Jewish refugees being refused entry at the border with Germany and, after the war, to a manifest lack of empathy with the survivors. Now, more than five decades later, this is precisely what has provoked the bitter reproach, that the few who returned were met with bureaucratic indifference and that the authorities were blind to their need for compensation, if only for the property that was stolen from them or left behind (Van Galen Last and Wolfswinkel, 1996; Hondius, 1998; Aalders, 1999).

During the war, many of the Dutch individuals, who were involved in the events that led to mass murder, had neither anything personal against the Jews nor sympathy with their persecutors. Indeed, their cooperation in the deportation went against the very principles they themselves would have said they held. Historian Hilbrink writes about the involvement of train conductors and other government employees, and poses the criminological question: “How is it possible that the Nazis managed to get the Dutch to cooperate on such a staggering scale in their efforts to achieve totally such criminal aims as the social isolation and the deportation of the Jews?” (Hilbrink, 1995). It is not common practice in the Netherlands to speak or write about the role of the Dutch and the Dutch authorities in terms of crime or mass murder. Of all the behavioral sciences, as yet criminology has been the only one to have barely taken part, if at all, in the formulation of academic theories or empirical research in the field, or even in the social debate in general. This peculiar lack of involvement requires an explanation and I shall make an effort here to find one in how the question of the persecution of the Jews has been conceived.

There is no doubt that the acts involved are criminal and were so even at the time. Collaboration, defined as “assisting the enemy”, was already punishable under the Dutch Criminal Code of 1886. In 1937, special *Aanwijzingen* (Instructions) were formulated for government employees and other public servants on cooperating with any occupying forces in the future. In the interest of the people, public servants were to stay on the job and carry out their duties to the best of their ability. According to international law in effect at the time, an occupying force could only lay down the law to a limited extent, while public servants remained under the authority of the regular

government. In practice, of course, this is not how occupying forces behave and the Nazis were no exception, so that those who remained at their post had to judge for themselves whether the contents of each order they were given were substantively and procedurally legitimate. Heated objections were voiced by the opposition to public servants who stayed on the job, and in 1943 Prime Minister Gerbrandy spoke in no uncertain terms on behalf of the Dutch Cabinet in voluntary exile in London. In *Commentaar op de Aanwijzingen* (Comments on the Instructions), he described in detail how public servants were to behave. This document explicitly stated that public servants were not to cooperate with the occupying force in any way in the persecution of the Jews. Public servants were expressly informed of their personal responsibility to refuse to perform any act that went against the Instructions (Romijn, 1989). However, many who collaborated with the Nazis did not face criminal prosecution after the war. As in any nation that rises from its ashes after a war or dictatorship, so many individuals would have been eligible for prosecution that it was simply not feasible. From a political point of view, moreover, it would have been impossible to run the country without public servants. Afterwards, in the debate on who was responsible for the persecution of the Jews, the blame fell largely on members of the National Socialist Movement (NSB), who were viewed as traitors guilty of political offences. The total number of people prosecuted for this reason was, however, only a fraction of those who rendered invaluable assistance to the Germans in deporting the Jews.

Until these facts penetrated public awareness in the Netherlands, it was commonplace to assume that there was no difference between Dutch collaboration with the enemy and that in other occupied countries: under Nazi pressure, individuals, public servants included, had been completely powerless. But some national populations and institutions are apparently more powerless than others. What makes the Netherlands such a special case requiring a special explanation, is that the Jews in the Netherlands had no more than a negligible chance of survival, notwithstanding the fact that Nazi pressure on local officials was not a factor of significance, in any event not during the first phase of occupation. But to what extent did the people directly involved actually know what was happening? Surely it was, or should have been, abundantly clear that the Germans had some very sinister intentions as regards the Jews. How could the camps be work camps when infants and old people were sent there? Yet at the time, it was difficult for most Dutch people to even imagine such a thing as an extermination camp, and it was not until after the war that they discovered the full extent of what had happened at Auschwitz and elsewhere. It still is not completely clear exactly when the information reached the Dutch Queen and the Cabinet in exile in London,

although there were eyewitness testimonies in the middle of 1943. It is certain that, in March 1944 the Dutch tobacco dealer H. Dentz presented a report to the Dutch government in London, describing how the extermination camps worked in gruesome detail (Citroen, 1999). The government however did not accept this account, any more than the fragmentary information that they had previously received.

There is no doubt that the heights of efficiency attained by the German mass murder machine would have been impossible without large-scale assistance from Dutch institutions, officials and the public at large. Under the Dutch civil administration appointed by the German Reichs Commissioner for the Occupied Dutch Territories, Seyss-Inquart, the highest civil servants (the permanent ministerial secretaries) were now in charge of the various government departments. The Nazis were able to reach their goals with minimal effort on the part of their own personnel. Throughout the Netherlands, for example, no more than 444 German police officers were needed; they were assigned to combating the resistance movement.

This is an extremely concise version of the story that has been told in the Netherlands and abroad time and time again and in far greater detail (Moore, 1997). Anyone who takes the time to examine the facts and figures is nonetheless apt to be baffled and bewildered. How could this have happened? And why did it take the Dutch so long to become aware of the complicity of their own authorities and compatriots in this immense crime?

### **Dutch holocaust literature**

The history of the persecution of the Jews was first recorded by three prominent Jewish historians, Abel Herzberg, Jacques Presser and Loe de Jong. Their field is history and not the social sciences, and their accounts are narrative rather than analytical. Despite their very different approaches, all three have the same personal involvement as their point of departure. In all their works, the moral responsibility of the Jewish Council occupies a central position (Kristel, 1998). During the 1960's and 1970's, they gradually came to represent the collective conscience in the Netherlands, but it took a long time for the fate of the Jews to be even partly acknowledged as an integral part of Dutch war history or for it to be recognized that the non-Jewish Dutch population and their authorities may have been partially to blame. When Herzberg published his *Kroniek der Jodenvervolging* (Chronicle of the Persecution of the Jews) in 1950, he still viewed the mass murder as primarily a chapter in the history of the Jews that had unfolded without the Dutch playing a role of any particular significance. "It did not result from Dutch social and political relations." (Herzberg, 1985: 254, first edition in 1950). If anyone had been to blame, it was the bystanders who looked the other way, and were

culpable in an abstract sense only. “And the non-Jews, the spectators, the non-persecuted, also feel guilty, sometimes even more so, for the catastrophe did not befall them, sometimes perhaps because in their heart they do not think that catastrophe as great as their mind tells them it was, and sometimes because, either intentionally or unintentionally, they benefited from it. Thus it is that the entire world feels accused by six million Jews – contemporaries, human beings, regardless of what they were and whether one likes it or not, who were killed through no fault of their own. And no one, not a single survivor of the war, can avoid the need to say: ‘my hands did not shed this blood.’”<sup>2</sup>

It was not until Eichmann went on trial in 1961 that it first dawned on the world that the mass murder of the Jews had taken place with the help of “normal” people and that it could not have happened without the assistance of the bureaucracies in the various countries. In *Ashes in the Wind. The destruction of Dutch Jewry*, Jacques Presser (1968: 273) fells a devastating and emotional judgement: “Did not the officials of Dutch municipalities collaborate in the registration of Jews and in placing the letter ‘J’ on Jewish identity cards? Did not virtually all government employees sign the declaration of Aryan descent? Did not the Dutch authorities collaborate in dismissing Jewish civil servants? The judiciary in dispensing German justice? The Department of Social Affairs, the municipalities and the District Labour Offices in allowing themselves to be used to deport Jews to the work camps? The municipal authorities of Amsterdam in concentrating all Jews in their city? The streetcars, the railways and the police, in helping during the deportations, and the gendarmerie in guarding Westerbork camp? Did the Dutch authorities refuse assistance in confiscating Jewish radios and bicycles, in depriving Jews of telephones? Did banks and clearing-houses sabotage the transfer of Jewish effects to Lippmann, Rosenthal & Company, or the Stock Exchange the transfer of Jewish shares? Was not the government diamond agency involved in setting up a diamond industry at Vught? Did the Government Textile Bureau refuse to cancel the permits of Jewish textile merchants? Was not the Nederlandse Unie, the organization of hundreds of thousands of loyal Dutchmen, prepared to work loyally with the occupying forces although their rules and regulation were obviously anti-Semitic? What non-Jew had a clear conscience? And what Jew, for that matter? Did not the signatures of the two secretaries general, proud of their anti-German attitude during the war, appear under a proclamation to the Dutch people, describing resistance-fighters, scores of whom were facing the death sentence in 1941, as ‘reckless and criminal elements’ – and this at a time when Dutch Jews were already being exterminated as vermin in Mauthausen?”

In 1978, the eighth volume of Loe de Jong's *Koninkrijk der Nederlanden* (Kingdom of the Netherlands) was published in two parts. It is entitled *Gevangenen en gedeporteerden* (Prisoners and Deportees) and on the grounds of more detailed information, he judges the events in an even less lenient way, particularly as regards the attitude of the authorities. The passages about the reluctance of the Netherlands government to help the Dutch prisoners in German concentration camps and Jews in particular even though they could have done so via the Red Cross are shocking. He draws an international comparison, citing a survivor from Sachsenhausen concentration camp who states after the war that "The Danes and Norwegians were in fine shape, well dressed and well fed, and then there were us Dutch, emaciated and dressed like beggars." They couldn't understand what was happening. The Danes and Norwegians were regularly getting packages from the Scandinavian Red Cross organizations; "... but why didn't the Dutch government in London do anything to help us out?" (De Jong, 1978).

During the 1980's, a new generation of historians made an effort to end this judgmental style of historiography by relegating the moral dimension to the background. Hans Blom, the present director of the Netherlands State Institute for War Documentation and a professor at the University of Amsterdam, was one of the firsts to attempt to understand the persecution of the Jews from an analytical point of view. This approach starts from the assumption that the Jews never stood a chance against the Nazis and their extremely effective extermination machine, so that, in the final event, it made little difference whether non-Jewish Dutchmen collaborated or not. The fact that such a large percentage of Dutch Jews perished is not so much attributed to the moral caliber of the Dutch population as to such socio-political factors as the obedient submissiveness of Dutch bureaucracy and social indifference resulting from the political system of religious pillarization (Blom, 1982). This holocaust literature, as it later came to be known (words like holocaust and shoa simply did not exist in the Netherlands until the 1960's) is more businesslike and less emotional. It reasons, for example, that the death rate was so high because the Dutch resistance did not become really active until 1943 (after Stalingrad), by which time most of the Jews had already been deported (Van Galen Last and Wolfswinkel, 1996). A logistic reason is that the Netherlands Railroads were so well organized. Headed by Ultee and Flap, sociologists are now also conducting research: based on comparisons of survival percentages, they have observed certain regularities such as the larger the town, the earlier the Germans launched the persecution and the larger the number of victims (Flap, 1997). On an international scale, intermarriage percentages of Jews with non-Jews have been related to survival percentages (Ultee and Luijkx, 1998). Again, there are geographical factors, such as the



fact that the Netherlands is such a flat country with open borders. There are few hiding places, and this kind of landscape is not conducive to the development of a *maquis*. Groups of Jews concentrated in certain urban districts were easy to identify. The Germans were less efficient when it came to arresting the Jews who were scattered over the rest of the Netherlands, although the north of the country was an exception (Houwink ten Cate, 1999). The arguments that refer to how well organized Dutch bureaucracy was, and how efficient the Dutch transport system, sound convincing. The interpretation of the American holocaust expert Raul Hilberg is a source of inspiration in this connection (Hilberg, 1985).

In 1997, the issue of moral responsibility resurfaced when historian Nanda van der Zee documented her indictment of all those who cooperated in making the deportation of the Jews possible in *Om erger te voorkomen* (To Prevent Something Worse). After Queen Wilhelmina fled to England on 13 May 1940, and the Council of Ministers followed suit in despair, Hitler installed a civil administration under Reichs Commissioner Arthur Seyss-Inquart, instead of a military authority, as had originally been the intention. Van der Zee holds, as I read it, that the bad and cowardly example set by those who held public authority under the occupation provided the moral legitimization for all Dutch public servants involved in the persecution of the Jews. She focuses at length on the dismissal of L.E. Visser, the Jewish Chairman of the Supreme Court of the Netherlands until September 1940. He was dismissed after his fellow judges signed the Declaration of Aryan Descent. With the exception of J. Donner, they accepted the disappearance of their chairman without public protest and continued to serve on the Supreme Court after a National Socialist was appointed to replace him. This must have had an immeasurably undermining effect on the entire judiciary. Van der Zee holds that the failure of Queen Wilhelmina to voice even the slightest objection had even greater ramifications. Broadcasting to the occupied Netherlands via the BBC (*Radio Oranje*), the Queen could have greatly influenced the situation for the better, but she did not say a word when Visser was dismissed. Although the Queen was well informed from the start about the deportation of her Jewish subjects, she deigned to mention it briefly only once, in a speech on 17 October 1942. "I share with all my heart your indignation and sadness about the fate of our Jewish compatriots, and with my entire people I feel the inhumane treatment, indeed the systematic extermination of our fellow countrymen who lived with us for centuries in our blessed fatherland, as a personal affront. Since you are forbidden to express your feelings, I am now doing it for you. As far as possible, we shall try to alleviate at least something of this suffering." After the war, all she said in her Address from the Throne on 20 November, 1945 was: "It is with sorrow that we remember the tens of thousands of

Jewish compatriots who were tortured and murdered. . .” “Why,” Van der Zee wonders, “did Queen Wilhelmina simply not say again and again on Radio Orange: Anyone who betrays a Jew in hiding will be punished after the war as an accessory to murder?”<sup>3</sup>

Van der Zee’s work was not well received, to put it mildly, by her fellow academics at the Institute for War Documentation; in 1997 her book even became something of an issue. She could perhaps have been a little more subtle and less confrontational, while her assumption that matters would have been very different had the Queen stayed in the Netherlands is questionable. However, to my knowledge the facts she presents have never been denied, and neither has the demoralizing effect of the wrong decisions that were made by the administrative elite.

### **Criminology and human rights**

In June 1999, the Dutch criminologist Sibon van Ruller was a keynote speaker at the conference of the Dutch Criminology Association (*Nederlandse Vereniging voor Kriminologie, NVK*). He reminded his audience of an experience that Willem Nagel had, one of the important Dutch criminologists of an earlier generation: “before the Second World War, Nagel visited international conferences. They were concerned with shoplifting. After the war, the conferences resumed. In the meantime, Europe had been set on fire. States had committed genocide. Approximately 10% of the population of Amsterdam had been murdered. There was nothing wrong with their killers’ serotonin and testosterone levels. They hadn’t had a bad childhood, indeed they usually came from Christian families. And what were the postwar conferences about? Shoplifting again. Nagel became very angry and called upon criminologists to study criminal states and genocide. Fifty years on, and I examine about twenty introductions to criminology. What do they have to say about genocide, war crimes and mass murder? Nothing, zero.”<sup>4</sup>

I can confirm Nagel’s and Van Ruller’s experience. Criminology is still mainly concerned with pickpockets, juvenile delinquency and, recently, the spectre of organized crime. At the big conferences, there is usually just one alternative criminologist prepared to keep the ideals of the 1960’s alive, when white collar crime, corporate crime, organizational crime and governmental crime were “discovered”, and to remind the others that the world is still a place of war, terror, genocide and violations of human rights. Yet, gradually the mavericks of yesteryear are placing international crime against humanity on the agenda of established criminologists. Stanley Cohen, for example is investigating what went on in South America and other dictatorships (Cohen, 1993). Others have begun to exhibit an interest in recent events in Ruanda, Bosnia and Kosovo. The last stages of the Cold War and the former dic-

tatorships in Eastern Europe and South Africa also require further research and analysis to determine who was guilty of what. In *The New Criminology* (1998), a conference anthology ushering in the criminology of the twenty-first century, Ruth Jamieson writes a theoretical agenda for the criminology of war (Jamieson, 1998).

This expansion of the field of criminology to include human rights issues has benefited from the study of the holocaust, and the case of the Netherlands is an extremely interesting one. A vast amount of research material has been collected about the Netherlands, and it is work still very much in progress. There is ample research by historians that have given the Netherlands a head start, and since the study of the persecution of the Jews has been advancing in other countries as well, it is now possible to draw comparisons. There is no way Dutch criminologists can stay silent about what is by far the largest crime committed in the Netherlands in the twentieth century.

Just exactly what kind of crime are we talking about here? During and after the Second World War, the dominant moral classification was divided into two categories, good and bad or right and wrong. The attitude of the vast majority of the population in between has been described as one of accommodation. Like most civilians in any war situation, most people simply felt they had no choice but to go along with the occupying forces; organizations negotiated. People kept a low profile, waiting and hoping for the situation to return to normal. A small segment of the population was in league with the enemy and was frowned upon as traitors. Another small segment of the population engaged in actual resistance and was venerated as heroic. The behavior and morality of the population as a whole exhibits a normal distribution, with collaboration and resistance at the two extremes and the vast majority in the neutrality range somewhere in between. Good guys and bad guys are not randomly distributed over the population. Instead they co-vary with certain sociological population features. A high percentage of small shopkeepers and dissatisfied farmers are to be found among the sympathizers with fascism, as are many of the residents of the border regions under German cultural influence. Communists and Calvinists had a statistically greater chance of being in the resistance. But this is simply to say that the moral image of the war is drawn from the two extremes and this typology makes it impossible to really understand the persecution of the Jews. Without the cooperation of at least some of the moral middle ground, where neutrality and accommodation were the rule, the entire operation is virtually inconceivable.

Three criminological questions spring to mind. If the Jews could have saved their lives by going into hiding, why were more non-Jews not prepared to take them into their homes? Why did so many people betray Jews in hid-

ing? Why did the Dutch bureaucracy cooperate with the persecution of the Jews?

### **Bystander apathy**

As Hilberg suggests, participants in the holocaust can be divided into three categories, perpetrators, victims and bystanders (Hilberg, 1992). The advantage of these distinctions is that they include the majority of the population in the category of bystanders. So how could the people, who saw the deportations with their own eyes, do anything to stop them? The simple answer is that superior Nazi strength made it impossible for them to intervene. The people of Amsterdam did protest, cursing the police as they took the Jews away. The German authorities responded by sending the police officers out at night and forcing the Jews' neighbors to close their curtains. Yet the fact remains that far more Jews were saved in the other occupied countries. Was there less accommodation there, or did people react differently? This is where bystander apathy plays a role (cf. Cohen). Bystanders observe a crime, but dissociate themselves from what is happening and do not intervene (Barnett, 1999). This mechanism goes some way to explaining the small percentage of Jews saved by hiding. The historical literature on this question is not conclusive. There are authors who reproach the Dutch for not opening their homes to the Jews looking for shelter, but others clearly state that no Jews were unable to find a place to hide if they wanted to. In his autobiography, the Dutch writer, Milo Anstadt, himself a refugee from Poland in the Netherlands during the war thanks forty non-Jewish Dutch citizens by name, without whose help he and his family would have perished in the gas chambers. "Not that there is any dearth of statements to that effect," Presser writes, but it was not the norm and "it won't be easy to agree about what we refer to as the 'absorption capacity' of the Dutch population as a whole."<sup>5</sup>

Scheleff has formulated a theory on bystander apathy. There are three conditions that prevent people from intervening to stop a crime from occurring.<sup>6</sup> The first is diffuse responsibility. There are so many others around who also see it happening so why should I be the one to intervene? And it's not my business anyway. In the case in question: "Why should I be the one to offer shelter to a Jew?" The second condition is problems in identifying with the victim. We help our relatives and friends and more generally, people within the bounds of our moral universe. Those who fall outside of these bounds may well deserve what they get. In this case: "Maybe the Jews kept themselves to themselves too much. Shouldn't they have made more of an effort to assimilate?" The third condition is difficulty in imagining being able to effectively intervene. What can we do nowadays to help the victims of terror in distant countries? In the case, people felt powerless to act against the

superior strength of the Nazis. “Does it make any sense to risk my life even trying?”<sup>8</sup> But the question remains as to why the Netherlands was the site of such widespread bystander apathy.

### **The betrayal of people in hiding**

There is academic literature on the criminogenous effect of war and revolution, and on the communal criminality that results from extreme circumstances of violence and the breakdown of normal society. Explanations are usually sought at a macro-level. Crime is the result of the disorganization of society (the men are all away, poverty and hunger are rampant, the black market flourishing); there is a temporam backslide in the process of civilization; soldiers returning from the front are brutalized.<sup>8</sup> We could, however, also study the individual level and examine how people exploit the opportunities for anti-social conduct provided by unusual circumstances to their own material advantage, or for their own pleasure, or simply to avoid harm and pain.

The literature on those who betrayed Jews in hiding provides excellent examples of such crime. De Jong estimates that 9,000 of the total of 25,000 people who went into hiding were arrested.<sup>9</sup> Who betrayed them to the police and why? The obvious assumption is that the Jews were discovered and turned in by members of the National Socialist Movement for primarily political reasons. However, criminological theory on the disruptive effect of war would lead us to expect that the German authorities were assisted by non-political ruffians with their own criminal reasons for doing so.

At the end of the war, the police, understandably, destroyed many of their files, but some were preserved. Robert Gellately found some of the secret police files in Lower Franconia, the region around Wurzburg in Germany, which revealed a great deal of information (Gellately, 1990). Even in Germany, an estimated 5,000 Jews survived the war by going into hiding. No figures are available on the number of people who did so as early as 1938 after the Reichskristallnacht and were subsequently betrayed. With the proper help, there were steps that people in hiding could take to protect themselves from the authorities, but they were powerless against their own colleagues or acquaintances who knew too much about them. The Gestapo was completely dependent on informants. Indeed, Gellately notes that only 25% of betrayals by informants were motivated by political convictions regarding National Socialism or by anti-Semitism. The obvious motive was not actually all that common.

The large majority of the anonymous or non-anonymous betrayals of Jews, and in Germany also of people who hid Jews or befriended them, were based on personal resentment and ill will, *Klatsch und Tratsch*. The secret police

had no trouble at all getting this kind of snitching going. Once a system was in place, they were so overwhelmed by the abundant flow of information wrongful denunciation was made a criminal offence! People turned Jews in to get rid of business competition, to settle personal disagreements or matters of sexual jealousy, or to revenge themselves on their former employers. Is it likely that things were different in the Netherlands?

In addition to these categories, there were also the war profiteers. Middelburg and Ter Steege have recounted the life story of Dries “Al Capone” Riphagen, an Amsterdam gangster who single-handedly turned in more than 200 Jews (Middelburg and Ter Steege, 1990). Riphagen began as a pimp and wheeler dealer in the Red Light District and Rembrandt Square, a local entertainment district, and in 1942 he started working as a snitch (*V-Mann*) for the police division in charge of finding Jews (*Jodenreferat IV-B 4*) in The Hague. Here again personal jealousy did play a role, one of the first people he turned in being the flower vendor on Rembrandt Square, but Riphagen was predominantly a bounty hunter. As the Jews were taken away, he would stand at the corner, waiting to steal all their possessions. Of course, his conduct was not typical of the entire Amsterdam underworld, and there were gangsters who focused more on stealing supplies from the Germans. To Riphagen, betraying Jews was just another racket and after the war he simply switched back to the black market in gold and diamonds and to extortion.

The fourth category of people who betrayed the Jews is equally shocking. Stella Goldschlag was an attractive platinum blonde Jewish woman who decided to work as a Jew hunter for the Gestapo in Berlin. She scrutinized her own personal network and set out to turn in *U-Boote*, Jews who were trying to survive by assuming a new identity. Stella had been arrested and tortured herself, but was valuable to the authorities, and by betraying other Jews she managed to keep herself and her parents out of the concentration camps (Wyden, 1992). Stella was no exception. Indeed, the secret service seems to have had very little trouble recruiting Jew hunters like her. Stella’s excellent memory for names, addresses and faces was one reason why she did so well.

There was a similar case in the Netherlands. The Jewish milliner Ans van Dijk worked as a decoy for the Bureau of Jewish Affairs at the Amsterdam Police Department. She would receive “scalp money” for every Jew she trapped, for example by offering them a better hiding place, and turned in. As in Stella’s case though, her most important reason for doing so was to save her own skin. There is evidence that she betrayed 107 Jews, but in reality there were more than twice that many.<sup>10</sup> It was not hard for the police in Amsterdam to recruit Jew hunters. After the war, more than 2,5000 people were convicted in the Netherlands of having snitched on people in hiding,

resistance fighters and Jews, and 40% of them were women. The Decree on Extraordinary criminal Law issued by the Cabinet in London in 1943 reintroduced capital punishment. A total of 43 Dutch citizens faced the firing squad as a result, and Ans van Dijk was the only woman among them.

### **Bureaucratic cooperation**

The cooperation of public servants and the system they were part of is undoubtedly the most intriguing variant of assisting the enemy. According to Zygmunt Bauman, the Holocaust was not an example of social disruption or a relapse into a more primitive level of civilization, neither in Germany itself nor in any of the occupied countries. On the contrary, it was the logical consequence of “modernity” (Bauman, 1989). Modern technology, an hierarchically and functionally organized labor process, and anonymous bureaucracy requiring the obedient execution of specific assignments and dividing individual responsibility over a large number of individuals in complex organizations, shaped the conditions for this modern-day catastrophe. Bauman agrees with Hilberg, who similarly addresses the role of technology and the rationality of bureaucratic decision-making, but cultural pessimism takes him a step further, and he holds the emergence of modern society as totally responsible. This allows him to reintroduce the problem of morality. The social conditions of modernity produce immoral conduct, Bauman holds, which is why collaboration in the extermination of the Jews cannot be judged within the context that produced the Holocaust. Morality, after all, is the result of social relations in a certain country in a certain period of time, and is open to social and political manipulation. It is this contextual restriction that can provide an explanation for why it took so long for bureaucratic cooperation in the Netherlands to be recognized as criminality.

I would not, however, attribute the same significance as Bauman to the role of technology or the bureaucratic system in explaining the Holocaust. Neither constitutes necessary and sufficient conditions for mass murder; indeed mass murder has occurred in societies with very different levels of technological or bureaucratic development. The extermination of the American Indians, the Armenian genocide, the atrocities of the slave trade and Stalin’s reign of terror in the Soviet Union are equally horrendous, and these crimes against humanity were committed with the technological and bureaucratic means available at those times and places.<sup>11</sup> Modernity in its turn has also produced democracy, prosperity and enlightenment. Bauman’s view is based upon the notion that the Holocaust is completely unique, and I do not believe that to be the case. The important thing is the ideology or political system the apparatus works to serve, and not the bureaucratic bodies themselves. The cooperation of Dutch civil servants in the persecution of the Jews was the result of Nazi

pressure – and not of any conviction on the part of the Dutch. The Germans did try to Nazify the Netherlands, but to no avail (though it was not difficult to get the Dutch to cooperate). At a very early stage of the war, without objecting and for no other reason than a fatuous desire to dutifully please the Nazis, Amsterdam public servants gave them precise information on where the Jews lived (“every dot on the map of the city means ten Jews”) and where the commercial infrastructure, e.g. the garment industry, was located.<sup>12</sup> The exemplary bureaucrat J.L. Lentz was driven purely by pride in his administrative accuracy when he designed technically perfect documents for the Jews as Director of the National Inspectorate of the Registry Office.

There was, however, a certain amount of inertia that had to be surmounted, since not all of Dutch bureaucracy and its employees were particularly motivated to put much effort into deporting the Jews. The initial reluctance demonstrated by some is one of the main grounds for national pride in the Dutch wartime stance, though it had very little effect on the actual course of events. In openly declaring their hand (cf. how Prof. Cleveringa resigned from his chair at the University of Leiden when the Declaration of Aryan Descent was introduced), dissidents made their identity known to the Nazis, enabling their own removal for being uncooperative. Historian Peter Romijn has described the course of the bureaucratic accommodation process in stages. The longer the occupation lasted, the greater the German pressure on Dutch bureaucracy. Public servants were repeatedly faced with the choice of collaborating, doing their job as passively as possible, or leaving and perhaps joining the resistance.<sup>13</sup> Those who continued after the first stage of moral opposition said they had tactical reasons for doing so. “If I don’t do my job then someone else will, and it will be much worse” was a standard solution to the dilemma of public servants such as mayors<sup>14</sup>. After more anti-Semitic measures were passed, however, a borderline was crossed, and such reasoning lost its credibility. Public servants who stayed in office now reverted to the formal excuse that they were simply obeying orders. Engaged in the blatant violation of every basic principle of a constitutional state, in the last instance public servants who remained in office in the war could always say they had as much right as anyone to want to survive.

The question of how individual public servants were able to personally collaborate in carrying out measures that under any other circumstances would have gone against their conscience is addressed in criminological and public administration literature about organizational crime (Kelman and Hamilton, 1989; Bovens, 1990). In the literature on the Holocaust, Stanley Milgram’s famous experiments are used to demonstrate that, under certain conditions, most ordinary people are capable of inflicting terrible pain on other people (Milgram, 1974). In itself, this does not come as a surprise to criminologists,



who have long based many of their theories on the assumption that people are capable of anything. Christopher Browning consulted the interrogation records of reserve police officers in a battalion of German *Ordnungspolizei* (order police) who took part as *Einsatzgruppe* (special unit) in the murder of Jews in Poland, which show that in reality, this is indeed how the mechanism of obedience works (Browning, 1992). Only a minority of police officers always somehow got something out of taking part in the actual murders. But “ordinary men” too were capable of the most heinous crimes. According to Browning, this arises from a faithful desire to do one’s duty and a wish to comply with discipline, and it is a demonstration of a “fundamental human need to obey superiors.”<sup>15</sup>

Meershoek provides precise information about the role of the Amsterdam police in the deportations (Meershoek, 1998 and 1999). He shows the decisive importance of active participation by Police Chief Sybren Tulp. A former soldier in the Dutch colonies overseas, Tulp was a confirmed National Socialist when he was appointed Chief of Police in May 1941. Tulp was not a manager; he was a policemen’s cop. He enjoyed being on the street with his men and they liked him. Since the Jews had barely responded to initial requests to turn themselves in voluntarily, the *Sicherheitspolizei* (security police) decided to use the regular Amsterdam police force. Tulp appointed units of young policemen who could easily be persuaded to go to the homes of Jews and pick them up there. This was done under the direct responsibility of inspectors who cooperated because, as one of them stated after the war, “Since there was no way to stop it from happening anyway, we decided to follow the orders and get it done as smoothly as possible.” The jibes and jeers of the public exposed the policemen to a great deal of stress. To make it impossible for them to notify friends or acquaintances, they would spend the whole afternoon in a room without a phone at the police station and wait there until it was time to go out in the evening. Faced with criticism of their conduct, they would defend themselves by saying it was better for the Jews to be picked up by familiar Dutch policemen than by brutal German *Ordnungspolizei*.

Highly enlightening is an incident involving the two out of twenty police inspectors who openly declared themselves no longer willing to do the work. Their superior officers gave them express orders to go out on that night’s raid. To help persuade them, they were ordered to telephone their wives. Refusal would mean certain dismissal from the force, and since it was hard to get a permanent civil service job so soon after the Depression, this was an important consideration. One of the police inspectors changed his mind. With the support of his wife the other, Jan van den Oever, stuck to his decision. Police Chief Tulp fired him for refusing to carry out an order. At the time, this was the most severe punishment available to the Police Department.<sup>16</sup>

But still there was no collective opposition, and with the removal of this one dissident the cooperation of the police force in rounding up the Jews was insured. Once again, Tulp's conduct was of essential importance. His interests lay in executing this task without complications, and his personal presence at the scene every night, was the ultimate legitimization for the crime his men were committing.

### **The bad example of the people in charge**

In the literature on the violation of human rights, numerous references are made to the culture of denial, given that governments have a natural tendency to play down the crimes of their predecessors (Cohen, 1995). After the war, regret and a sense of guilt would have been logical elements of the aftermath in the Netherlands, yet they do not seem to have figured in the debate at the time. The fact that the problem was not even acknowledged so neither was there much to deny. In the early years after the war, the persecution of the Jews was viewed as a matter of Germans against Jews, with the Dutch largely as outsiders. Not until the 1990s did the vast amount of incriminating historical evidence force the Dutch to reconsider the role they themselves had played in the holocaust. We have seen that the non-Jewish population of the Netherlands was involved in three different ways and that it is possible to link their conduct with criminological theory. We must now turn to the question of why the percentage of Jewish victims was so high in the Netherlands.

A striking aspect of actual descriptions of Dutch society in the pre-war and war years is that the Dutch were so law-abiding. Bureaucratic processes are characterized by formalism, a conscientious devotion to duty, and obedience in general and even more so in The Netherlands since the 1960s. The Dutch appear to have had total faith in the authorities, blindly following the orders of superiors. The pillarized Netherlands was a class society with hierarchical interpersonal relations. In the nineteenth and early twentieth century, there was no tradition of resistance or distrust of the authorities in the Netherlands, and unlike the Italians, French or Belgians, the Dutch were unlikely to resourcefully sabotage orders from above. The character structure of public servants in this kind of rigid social order is such that they carry out orders without posing any moral questions as to their legitimacy. In part, this explains the relatively compliant behavior of public servants like police officers who, with the exception of the politically aware who were active in the resistance or the illegal press, failed to perceive the criminal nature of what they were being ordered to do. It also explains in part why there were people who obeyed the authorities' request to turn in Jews in hiding. Public servants who refused to follow orders were dismissed from a permanent job, which was a serious punishment for wage earners whose families depended on them. The neutral-

ization technique of the wartime mayors served to legitimize their behavior: were they not preventing something worse by staying on?

Not until a new generation grew up after the war and the cultural transformation of the sixties thawed the frozen pillarization arrangements, did it become possible to view the persecution of the Jews from the perspective of individual responsibility (Bank, 1983).

In a society as rigid and hierarchical as the one described above, the conduct of people in positions of authority is of essential importance. It is not bureaucracy itself (cf. Bauman) but how the people in charge administer it that determines its activities. Here, the attitude of the Amsterdam Police Commissioner, the members of the Supreme Court and indeed the incomprehensibly passive stance of the Queen and her Cabinet in exile played a decisive role.<sup>17</sup> One would expect this kind of *crime by example* to produce theoretical insight in the field of criminology. Intuitively, we all know that the way big bosses behave makes a difference, and there is a common tendency to blame everything wrong in society on the people in charge. Is it not common knowledge that any number of criminal offences in organizations and in society as a whole are facilitated by the corrupt, insensitive and greedy example set by figures of authority and the celebrities with whom we identify? Yet, I have looked in vain in criminological textbooks and journals for a theory on the consequences of immoral leadership to back this up. Is this because criminologists are more apt to look down in society than to look up? I see the seeds here of an important idea that the study of the holocaust could contribute to the field of criminology, i.e. crimes in complex organizations and large populations are stimulated and legitimized by the example set by the authorities in charge.

On 28 March 1995, two or three generations after the war, the acknowledgement of the Dutch role in the persecution of the Jews led Queen Beatrix to make a surprising and highly emotional speech at the Israeli Knesset. "Most of our Dutch Jews were carried off to concentration camps," she said, "where they would eventually meet their death. We know that many of our fellow countrymen put up courageous and sometimes successful resistance (. . .) But we also know that they were exceptional and that the people of the Netherlands could not prevent the destruction of their Jewish fellow citizens." Ever since, no fewer than three parliamentary committees have made an effort to discover how much responsibility there was in the Netherlands. In January 2000 Prime Minister Kok officially apologized to the Dutch Jews on behalf of the Dutch Cabinet for the inconsiderate treatment the Jewish survivors of the camps received after the war. With every new committee, the Dutch authorities hope to close the book of history at last. But to no avail. Each incident seems to be a new chapter on the national trauma. Given that an

elaborate system of special courts, tribunals and committees was established immediately after the war to deal with collaborators, we may well ask why that should be the case, indeed why it has taken 50 years for the government to officially recognize that the Netherlands might have a problem (and even now, the initial reaction to each new accusation is denial). In the following article, Chrisje Brants addresses this specific question.

## Notes

1. This is a revised version of an essay published in 1999 in M. Moerings et al. (eds.), *Morele Kwesties in het Strafrecht*, Willem Pompe Institute for Criminal Law and Criminology, Gouda Quint Deventer, pp. 11–32.
2. Abel Herzberg, op cit., p. 254.
3. Nanda van der Zee, op cit., pp. 194–195.
4. Nagel's widow remembers that he deliberately brought this matter up at a conference in Madrid during the Franco regime.
5. Jacques Presser, op cit., Volume 11, p. 243.
6. Stanley Cohen, op cit., pp. 106–107.
7. The opposite reaction is equally interesting. Why do some people step in and help no matter how dangerous the situation is? An entire body of literature has been written on altruism and the urge to do good deeds, but not in the field of criminology.
8. Ruth Jamieson, op cit.
9. Loe de Jong, op cit., vol. 7, p. 416; see also Koos Groen (1994): 283.
10. Koos Groen, op cit., p. 93.
11. For this highly provocative discussion, See Rosenbaum.
12. *Oorlog in de stad, Amsterdam 1939–1941* (Amsterdam: Van Gennep, 1998) is a book telling the same story as the IKON tv programme by Friso Roest and Jos Scheren broadcasted on Dutch television on 23 February, 1990.
13. Romijn presented this model on November 3, 1999 to a group of American students from Penn State University and their professor Alan A. Block. I have introduced a few changes to Romijn's model.
14. See Brants' example of the "wartime mayor" dilemma in Hollans in this volume.
15. Christopher R. Browning, op cit., p. 171.
16. Guus Meershoek, op cit., p. 246.
17. A counter example is provided by the Roman Catholic bishops who took a stance against collaboration with the Germans in deporting the Jews on July 26<sup>th</sup> 1942. It is not clear to what extent this has helped.

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