

1949

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Recommended Citation

Carl Christian Givskov, The Danish Purge-Laws, 39 J. Crim. L. & Criminology 447 (1948-1949)

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THE DANISH "PURGE-LAWS".

Carl Christian Givskov

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During the fall term, 1946, he studied criminal law under Professor George Dession at Yale University on whose suggestion the following article was sent to us for publication.—EDITOR.

Before turning to the particular theme I shall briefly give some historical notes on the background for the Danish "Purge"-laws. On April 9, 1940 the Germans invaded Denmark. They issued an appeal to the Danish people and promised not to meddle in interior Danish affairs. The King and the Danish Government also appealed to the people to keep peace and order and with dignity to submit to the occupation. In spite of their promise the German interference with the Danish internal relations and the plundering of the country—as in other occupied countries during the occupation—grew more and more violent. Shortly after the occupation the Germans tried to organize a "Danish" corps to fight for the Germans—the so-called Free-corps Denmark. They did actually succeed in getting a small number to enlist, partly in search of adventure, partly on account of political conviction. In August 1943 in various cities strikes broke out. The Germans would not stand for this and demanded severe reprisals against the "saboteurs". The Danish Government which until then, although reluctantly, had submitted to the German demands would no longer submit and on August 29, 1943, the Government withdrew. The German response was a military state of siege and internment of the Danish army and fleet. On October 1, 1943 the Germans commenced action against the Danish Jews. During the winter and spring, 1944, the resistance as well as the sabotage increased. The Germans responded by starting the so-called "clearing murders"; i.e. every time a German or a Danish collaborator was killed by the resistance movement, two or three of the best of the Danish compatriots were murdered by gangs supported by the Germans. At the same time the Germans began the so-called *Schalburgtage*, named after von Schalburg, one of the leaders of "Free-corps Denmark". It consisted in acts of terror such as blowing up of important Danish buildings. The resistance increased constantly and the Germans by and by grew afraid that the Danish police would lead the "rebellious action". The Germans therefore on September 19, 1944, removed the Danish police, interned the

police-forces in Copenhagen and other greater towns and deported them to concentration camps in Germany. Now began the last and darkest period of the occupation. Deprived of the army, the Government and at last of the police, all the criminal elements in Denmark had a free hand. The Germans established gangs of murderers and organized an auxiliary police, the *Hipo-corps*, which terrorized the people throughout the country. Murders, robberies, blowing up of buildings and trains filled with passengers were every day's occurrence.

In the evening of May 4, 1945 at 8:40, the Danish broadcasting from London sent the message of the German capitulation in Denmark. On May 5, 1945 the "purge" began and here we have arrived at the real theme.

In the early morning of May 5, 1945, the Danish underground army swarmed out. People from all classes with armbands and weapons appeared. They had to do away with the traitors. All over the country arrest groups had been formed on the demand of the Danish "liberty-council" to lead the internments. Everything was planned, file cards were ready and according to these the arrests took place, cars for transport were on hand and men to man them. During that day and the following about 22,000 persons were interned (in Copenhagen and vicinity alone about 8,000 persons).

But did the Danish laws authorize these internments? No, one must admit that the whole action was not backed by the laws. However everybody realized the necessity as well as the justification of the large majority of the internments. The common opinion—also among the majority of the Danish jurists—no doubt was, that the internments taking place were a continuation of the war and an inevitable consequence of the conditions which had prevailed in the country during the years of occupation. Immediately after the capitulation a Government was established. One of the first and most important tasks of this Government was to pass a penal law according to which persons who had been guilty of treacherous activity could be punished. Contrary to other occupied countries, Denmark had had no exile government which during the occupation could pass laws regulating these questions. The law was passed as Law No. 259 of June 1, 1945, named: "Supplement to the civil penal law concerning treason and treacherous activity" (in the following cited as law 259/45). On the same day another law was passed, No. 260 named: "Supplement to the law of procedure" (in the following cited as law 260/45) regulating certain special conditions in the treatment of criminal cases according to Law 259/45.

The two laws are both named supplements to former laws *viz.* the Civil Penal Law of 1930 and the Law of Procedure of 1919. This will show that it was not the intention to discontinue the established principles of the Danish laws. However the Laws 259/45 and 260/45 constitute a breach of former Danish principles of law.

Penal Legislation Law 259/45.

The law (259/45) deviates in several particulars from the principles of the Danish penal law previously in force. The two more significant particulars undoubtedly are retroactivity and reestablishment of the death penalty.

In the law the principle of *nulla poena sine lege* is abandoned. This principle throughout the years was leading in the Danish penal legislation. The Danish Constitution did not, as the Norwegian, include any clause prohibiting the passing of retroactive penal laws. But the principle was approved of theoretically as well as practically by all Danish jurists as the foundation of just penal legislation. The penal law of 1930 provides in § 3-1 that later, more severe penal law must yield to former more lenient laws. Certainly it must be admitted, that the principle *nulla poena sine lege* in its full extent already was abandoned in § 1 of the penal law of 1930. It provides: "Punishment can only be charged in a case where the culpability is authorized by law or what is quite similar thereto." Hereby it is acknowledged that analogy from the penal law can be applied as to penal authority. Referring to this clause some of the Danish jurists proposed, that the new questions should be solved by analogy from the existent clauses in the penal law, especially chapter 12 about treason, etc. The Congress was of opinion that this would not be satisfactory and would lead to confusion and diversity in judgment which had to be avoided even if the price should be abandonment of fundamental principle.

The law is limited to acts committed from the occupation-day, April 9, 1940, until one year after the law had come into force. This last date was stipulated in order to punish the were-wolf organizations and their acts, which might occur when the occupation was over, but before full peace and order could be restored. After the passing of the law some prominent Danish jurists rather sharply attacked the retroactivity of the law and we have indeed to regret the breach of a principle stipulated throughout long years in Danish jurisprudence. We only have to hope that this special law shall form no precedent but be only a passing phenomenon created by the war and the hard condi-

tions during the occupation. The law as applied is valid only to Danish citizens or persons living in Denmark at the time of committing the crime. It does not concern the war criminals. Their punishment having been passed to special tribunals chosen by the Allied Nations f. e. the Nurnberg Tribunal.¹

The law (259/45) restores the death penalty in Danish civil penal law which had been abolished by the law of 1930, as to the civil law, but maintained in the military penal law. The general opinion shared by most of the Danish jurists was, that the death penalty had to be restored. The justification of restoring it may be discussed. The aim of punishment in the various penal theories is: 1) retaliation, 2) deterrence, 3) security or 4) reformation. The theory of retaliation in Denmark as a principle has long been given up. But as well as according to the theory of deterrence as that of security, there seems to be strong reasons for restoring the death penalty. It was meant to be a warning that such men and such acts were not to be tolerated in the future in Denmark. As to the security of the citizens it was found, too, that restoring the death penalty was needed. The persons to whom it was to be applied had committed crimes of such extraordinary and hitherto unknown character that the community was obliged to shield itself against their being free again either by amnesty or by escape, and enabled to commit new crimes. From the point of view of the reformation theory it must be admitted that by the death penalty no attempt can be made to improve the condemned to make them good citizens again. The general opinion was that those persons were so raw and rugged in thoughts and manners that their "resocialisation" had to be considered vain. Whatever theoretically may be said about restoring the death penalty, no doubt it was a public claim, which would have been very difficult if not impossible for the government not to answer.

The death penalty can only be applied when certain grave felonies have been committed. It is never the only penalty, but always facultative. Persons having been not over 18 years of age when their crime was committed cannot be sentenced to death. The cases in which death penalty can be applied are: 1 *high treason* with aggravating circumstances, 2 *arson*, by which people perished or were exposed to impending danger of life, 3 *murder and man-slaughter*, 4 *injury* and *transferring in helpless condition* to inforce evidence or confession (ill-treatment or torture), 5 *informing* leading to loss of life, severe dam-

¹ Later on a law has been passed (no. 395 of July 12, 1946) according to which the war criminals may be punished in Denmark.

age of life or health, deportation or deprivation of freedom for a long time or such consequences might have been intended.

The other sorts of penalty known in Danish legislation are: prison, work-house, custody, custody of psychopaths, juvenile prison, arrest (*custodia honesta*) and fine. According to law (259/45) only prison and juvenile prison can be applied. Juvenile prison only when the perpetrator has not completed his 18th year at the time of committing the crime. According to the law prison shall be imposed from four years to life imprisonment. This very severe limit of penalty was explained during the proceedings in the congress to have been established because it was intended only to prosecute according to the law in serious cases of treason and treacherous activity. If in single cases extenuating circumstances should be present, § 3-3 of the law provides that the penalty may be reduced to one year of prison. In case of particular reasons for reducing the penalty it may be put down to 30 days of imprisonment.

During the proceedings under the law the clause providing a minimum penalty of four years of imprisonment was subject to criticism. It was maintained that this easily would lead to omitting prosecution (*nolle prosequi*) in the cases in which it might be perceived that the courts would not condemn to such a severe penalty as four years of imprisonment, especially if the court should find plausible reasons for a less severe punishment. If these cases were still prosecuted it was apprehended that the courts would discharge and thus several persons who deserved a minor penalty might be free. It was proposed to lower the limits of penalty considerably—to 30 days or possibly one year of imprisonment. However, the government insisted upon a severe limit of penalty, and the law was passed. It now happened that the prosecuting authority sued far more widely than primarily intended by the law according to the declarations in the congress. As the courts in many of those cases did not wish to apply the severe penalty, the clauses concerning extenuating circumstances were applied on a large scale to bring the penalty into reasonable proportion to the guilt and to avoid discharge. This occurred on a considerably larger scale than primarily intended. The development might have been avoided if the severe limits of penalty had not been maintained, but as it often happens the administration of justice in practice has corrected the apparent absurdities in the legislation.

Aggravating clauses stipulated that parole and probation was not to be applied.

Furthermore, the sentence might stipulate that he who was found guilty might have his property, interests or income partly

or entirely confiscated for the benefit of the Treasury. Properties belonging to the *Hipo-Schalburg* corps should be confiscated to the benefit of the Treasury.

Penal responsibility according to law (259/45) cannot be lost by prescription. One more difference from the common rules of the penal law, which stipulates a time of prescription from two to ten years according to the weight of the penalty deserved. By altering this common principle of law it was intended to enable trespassers of these laws to avoid penal responsibility e.g. by hiding abroad for some years and to return without hindrance, later, to take up again their normal existence. It is stipulated that no applied sentence may be lost by prescription.

At last it was stipulated that he who has been found guilty of punishable acts according to the law shall be pronounced as unworthy of common confidence forever, or, under extenuating circumstances, for a certain time not less than five years to be fixed by the sentence. The loss of common confidence means loss of most of the political and civil rights. This clause was strongly criticized and justly, too. It is maintained that thus the condemned after having suffered punishment were prevented from returning to normal social life. The fields left to them were practically only those of labourers and farmers. Thus their "resocialisation" within their vocational fields was prevented.

Law 259/45. Chapter 2, deals with the questions of the deeds which are to be punished according to the law. A more severe penalty is stipulated for those, who, for the purpose of furthering German interest or for other treasonous aims have undertaken an act which is punishable according to the penal law of 1930. It was more aggravating if the perpetrator, when committing the deed, was dressed in German uniform or was otherwise indicated as belonging to the occupation power or cooperating organizations, or had given offense by profiting from the special conditions created by the occupation.

Furthermore, they are punished who recruited or enlisted in the German military service, who served in a corps working in connection with the occupation power against the legal authorities of Denmark or Danish citizens, or exercised police activity in this country. If the last mentioned activity had occurred after September 19, 1944—the date of internment of the Danish police—the penalty is especially severe: from 10 years of imprisonment to death.

The clause "German military service" has been subject to great discussions. The question was: how many of the various groups, more or less uniformed, working for the Germans, were

covered by the clause "military service"? There was no doubt that persons enlisted in the German army may be as ordinary soldiers, SS. troops, Freecorps Denmark, Regiment Nordland or similar corps had enlisted for "German military service." The Germans, however, employed Danish citizens in corps, e.g., as guards, firemen, etc. It has been very difficult to decide if such service was to be named "German military service" or not. The prosecuting authority and the courts have considered being uniformed and armed as the deciding criterion.

The penal cases against those persons have given rise to discussions among Danish jurists. Some of them have maintained that persons enlisted before August 29, 1943—the date when the Danish Government withdrew—were not to be punished because law 259/45 § 1 provides that acts committed before this day are unpunishable if the perpetrator acted "according to law or order or instruction given by a legal Danish authority". The Danish government had until August 29, 1943—by compulsion—followed a co-operation policy. It is now maintained that the government should have expressed its view of persons enlisted to "German military service"—Freecorps Denmark and similar corps—in such a way that those persons might have been of opinion that they enlisted with the consent or even after instruction from the Danish government. Against this argument it is said they could not possibly forget the fact that the Danish government acted under force of special conditions during the occupation, that they could not ignore how the majority of their compatriots looked upon their activity in "German military service" and that most of them belonged to a nazi-infected group of the population, who absolutely cared nothing for what the Danish government did and said. It therefore was not possible to discharge them. Only in special cases of further extenuating circumstances, was it possible to do so. Such doubts and discussions clearly show the drawbacks of a retroactive penal law. They could have been avoided if the recognized principle, *nulla poena sine lege*, had been maintained.

Punishment, too, was stipulated for the public functionary who gave the occupation power uninvited but not unessential assistance; for "squealers" (*Stikkere*) i.e. persons who by information or in other ways have aided in some one's seizure. For those persons the penalty can amount to death if the information has led to one's 1) losing his life, 2) suffering severe damage of body or health, 3) being deported, 4) deprived of his freedom for a considerable period, or 5) even if such consequences were intended. Furthermore, persons are to be punished who have

caused interference of the Germans or their collaborators with the Danish government or authorities. Also, persons are to be punished who applied to German authority or collaborating persons, to gain economic or other profits from the special conditions due to German interference with citizens; *e.g.*, persons who by application to the Germans, had obtained a post or business that had belonged to arrested or runaway Jews. It is also stipulated that the more grave cases of the so-called *Værnemageri*, (i.e. collaboration) with the occupation power as purchaser, furnisher, contractor and the like, may be punished if they have membership in a German friendly organization; have acted from political conviction; shown especially offensive initiative or otherwise have collaborated offensively with the occupation power. The law does not cover the other less grievous cases of *Værnemageri*.

Finally, a clause provides that he is to be punished who furthered German interest, or obtained economic gain or other profits, otherwise than by ordinary civil wage-work; by normal business or employment; who in word and deed has rendered assistance to the occupation power or its collaborators. Moreover, he is punishable who has counteracted the war efforts of the Allied Nations, the Danish resistance movement, or has supported the press—or other organizations which offensively helped the Germans.

Procedure—Law 260/45.

As above-mentioned Law, 260/45, is appended to Law 259/45 stipulating some special rules concerning procedure in these cases. Law 260/45 deviates in several important particulars from the ordinary Danish criminal procedure.

It is stipulated that prosecution according to law 259/45 is to be brought and decided in the first instance in the lower courts attended by jurors. These courts, which act as special courts, consist of a judge especially chosen for this task and two jurors. According to the ordinary Danish administration of justice most of the cases should have been brought before the superior courts attended by a jury. The alteration has been made in the interest of speed.

Further it is stipulated that sentences imposed in the special cases cannot be appealed by the condemned if the penalty does not exceed ten years of imprisonment or if the death penalty has been imposed, unless permission of appeal has been granted by a specially appointed Commission of Appeal. This too is contrary to Danish administration of justice, which always

—except in case of small fines—grants the condemned the right of appeal to a superior court. The purpose is to speed procedure and to avoid superfluous and aimless appeals. As to the prosecuting authority there is no limitation of appeal. When appeal can be taken the case is dealt with in the superior courts attended by jurors. Here three judges and three ordinary citizens impose the sentence. Appeal of the cases to the supreme court as well by the condemned as by the prosecuting authority can be admitted only in rather special particulars and only with permission of the Ministry of Justice.

Another special clause provides that when there are strong reasons to believe a person has trespassed law 259/45, he must be arrested and kept in custody till the case is finally settled, or if he is condemned, till the beginning of the sentence. This also is contradictory to the ordinary Danish rules of justice. According to them an accused person can be arrested only if something rather special is pleaded. He may be expected 1. to try to shun the prosecution by flight, 2. to counteract the investigation, 3. to play upon witnesses, 4. to continue his criminal activity or 5. to have committed some rather serious crime claiming his immediate imprisonment. The judge determines if one or more of these reasons for arrest are at hand. According to law 260/45 nothing else has been left to the decision of the judge, than the question if there is sufficient reason for the charge. If so the accused must be arrested.

In contradiction to the ordinary rules, according to which the prosecuting authority in the lower courts is represented by the chief of police or his deputy as prosecuting attorneys, it is provided by law 260/45 that the Minister of Justice has to appoint a number of lawyers especially fitted for making the accusations. However this clause has been interpreted in such a way, that the accusation in the lower courts is made partly by the ordinary prosecutors, partly by lawyers especially appointed. In the Supreme Court and the superior courts the prosecution is conducted as ordinarily by State prosecutors and their assistants, supplemented by a number of especially appointed prosecutors.

A counsel for the defendant must always be appointed. Any lawyer may be appointed if he is found fit. If the defendant wishes to use a certain lawyer, he must be appointed, if he is found fit. The decisions of apprehension or of imprisonment by a lower court can be appealed to the superior courts in the ordinary way. Other decisions of the lower courts in these cases can not be appealed in order not to retard procedure.

If in a case according to law 259/45 sentence is passed by the supreme court or one of the superior courts resumption of the case can take place only if the Commission of Appeal allows it. Resumption of a sentence passed by the lower courts is not allowed. Here you must apply for appeal to the superior courts.

The Danish Constitution grants every citizen the right, if seized by the police, to be brought before a judge within 24 hours. This rule is applied also to persons accused of transgression of law 259/45. However this rule for a short time was suspended during the internments made by the resistance movement immediately after the liberation on May 5, 1945. But as fast as possible the interned also were brought before a judge, who decided the question of imprisonment or release. It must be considered encouraging that this rule, so important to secure the citizens against encroachment from the State, was applied again.

Penal Law for Collaboration in "Work and Trade" Law 406/45

As above mentioned, law 259/45 was meant to punish the most grave cases of treasonous activity. However there is a certain number of persons not covered by this law, who ought to be punished for their activity and collaboration with the Germans. It is the so-called *Værnemagere* i.e. persons who have collaborated offensively in work and trade with the occupation. To be sure law 259/45 §15 established punishment of the most grave cases of *Værnemageri*. This rule especially combined with the very severe limit of punishment—imprisonment from four years to imprisonment for life—made a law on this particular question necessary. The bill was passed as No. 406 of August 28, 1945, a Supplement to Law No. 259/ of June 1, which is a Supplement to the Civil Penal Law on Treason and other Activity (in the following cited as law 406/45).

The law has punishment of the *Værnemagere* in view. Not all collaboration in work and trade with the occupation power is punishable. In fact it was absolutely necessary for the economy of the country to a certain degree to collaborate in work and trade with the Germans. More than mere collaboration in work and trade therefore is required. This is expressed by the word "offensively".

"Offensive collaboration" has been difficult to define and the law does not make any attempt to give a precise and clear definition. The law confines itself to quoting special cases which are to be taken into consideration, namely: 1. activity in getting commercial connection with the occupation power initiated, con-

tinued or extended, 2. change of commercial operations, 3. contribution of greater or quicker production in German interest, 4. invoking assistance of the occupation power to secure higher prices or bigger supplies, 5. prevention of admittance for the Danish authorities to industry or attainment of unreasonable profit. This is not an exhaustive repetition of "offensive collaboration" but only guiding examples.

The penalty according to law 406/45 is fixed at imprisonment of 30 days to 4 years. In addition to imprisonment fines may be charged as supplemental punishment and the net profit gained by the punishable act—eventually fixed by the court to an estimated amount—may be confiscated for the benefit of the Treasury. Furthermore the condemned may be found unworthy of common confidence or be deprived of certain political or civil rights.

To secure possible fines the property of an accused may be seized. Fines may be paid through life insurance or annuity. Gifts and the like which are rendered after the beginning of the punishable act may be invalidated and the claims of the fine may be executed upon the estate of a deceased condemned person.

The cases under law 406/45 are dealt with by the same courts as above mentioned. The rule that one condemned by a lower court cannot appeal to the superior court without special permission is not applicable in these cases. An accused who, with sufficient reason is charged of trespassing the law may (but not necessarily) be arrested.

Law 406/45 as well as law 259/45 is retroactive, punishing crimes committed after April 9, 1940. The reason for departure from the principle, *nulla poena sine lege*, is the same as mentioned in law 259/45.

In the interpretation of law 406/45 and its application one question has been very much discussed: is collaboration with the occupation power before August 29, 1943—the date of the withdrawing of the Danish government—unpunishable, because of the instruction which the government was said to have given for commercial trade with the occupation power? That commercial trade with Germany took place, was tolerated by the government and even was necessary for the entire country, is beyond doubt. A part of the trade and the profits gained by persons collaborating with Germany, therefore, were legitimate. But a part of the Danish population has been engaged in trade and other cooperation with the Germans in such a way and to such an extent, e.g., by manufacturing of war materials or con-

structions of German fortifications—that it was found quite reasonable to deprive them of their profits, and even to punish them otherwise. Here it must be taken in consideration, that the amounts which they have gained are not a result of normal trade with a foreign country, but are paid by the country and its citizens themselves, because the Germans caused the Danish National Bank to finance all those trades.

Other Purge Laws

In addition to the above-mentioned laws others have been passed aimed at calling to account persons who flinched from their duty to their country during the occupation, without actually punishing them. In this connection law No. 322 of July 7, 1945 establishes a special tribunal to deal with the smaller cases against public officials and to decide if they may be allowed to keep their offices or should be discharged with or without pension. Furthermore, Laws No. 330 of July 12, 1945, No. 499 of October 9, 1945 and No. 500 of October 9, 1945 all aim at drawing profits into the Treasury for the benefit of the population of the entire country.

Amendments

The often strong criticism of certain provisions in Law 259/45 has led to the appointment of a committee for further examination of the law and to move certain amendments to it. This has led to the rather unusual result that the Danish Congress in the midst of the "purge", with hundreds of cases settled according to law 259/45 and hundreds of cases pending, made important amendments to the law. They were passed as Law No. 356 of June 29, 1946 and were designated: "Amendments and Supplements to law No. 259 of June 1, 1945 to supplement the civil penal law on treasonous activity."

This law, cited as Law 356/46, extended the validity of Law 259/45 to two years after its coming in force, i.e., to June 1, 1947.

The criticism against the severe limit of penalty with its minimum of four years of imprisonment, together with the wide application by the courts of extenuating circumstances, has led to minimum penalty fixed at two years of imprisonment. Circumstances which are considered extenuating are cited. Only one of these rules will be especially emphasized, namely that it shall be considered extenuating to have enlisted to "German Military Service" before August 29, 1943 (the date of the withdrawing of the Danish government), and the penalty may be reduced to one year of imprisonment. In certain circumstances it may be reduced to 30 days.

To facilitate the "resocialisation" of the condemned it has been provided that release on probation can take place according to the rule of the civil penal law, however, only after the expiration of one year of the prison term. The depriving of common confidence cannot take place any more. Which of the political or civil rights the condemned has to be deprived of is now fixed in the sentence. Substantially it is the same he would lose by being deprived of common confidence. However, the rule about depriving of the right to get a trade license and the loss of public support has been repealed.

Another amendment makes the law less severe. It is a rule that penalty for service in a corps collaborating with the occupation power may be reduced to 1 year of imprisonment under extenuating circumstances.

The new law 356/46 fixes rules also, which are aggravating because the number of persons who can be prosecuted has been enlarged. It is fixed, e.g., that he may be punished who has been a member of the supreme direction of the Danish Nazi Party (D.N.S.A.P.) or other Nazi-organisations offensively collaborating with the occupation power, and contributing to, or omitting to counteract the collaboration of these organisations with the occupying power. He, too, may be punished, who has rendered assistance to the occupation power by propaganda or likewise. Here it is to be pointed out, that ordinary membership in the Danish Nazi Party is not to be punished, unless a member has committed other offensive acts.

Furthermore he is to be punished, who, as a pressman has worked at a publication for furthering German propaganda, or otherwise by writing or speaking public has been aiding German propaganda.

On the other hand the rule is maintained that he is unpunish-able who has collaborated with the occupation power only by civil wage-work, normal business-activity or other normal trade-activity.

Conclusion

The purge is still going on. Most of the cases now are settled but a considerable number remain.

As of April 1, 1948 about 15,000 persons have been charged, 2,000 of them for transgression of Law 406/45.

About 1,000 persons have been discharged.

Forty-five persons have been condemned to death in the lower and superior courts, three persons at the supreme court.

Of these, 23 have had their punishment changed to prison either by superior court or by pardon; 23 have been executed.

The purge laws apparently will have no lasting influence on the Danish normal legal system. They were meant as special legislation. But we must not forget that we have a retroactive penal law and this perhaps—under certain circumstances—may be a precedent. We hope it will not be so.

It is still impossible for us to judge if the purge in Denmark has succeeded. Certainly much might have been better, but largely the laws may be said to fulfill the claims that are made for them.

The future will judge of the result.