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Keuning, D.

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Architecture & The New Order Collaboration of Dutch Architects with Nazi Germany in WWII

During the first decades of the twentieth century, there was no legal registration of architects in the Netherlands. Everyone who wanted to do so, could use the title of architect and work in that capacity. This happened on a large scale; many contractors and, for instance, real estate agents also designed buildings. Trained architects who had enjoyed a rounded education were therefore of the opinion that the level of quality of the architectural production was quite low; thus, the control of so-called ‘blundering’ was one of the main goals of the Netherlands architects’ association, the BNA. The economic crisis of 1929 had led to a shortage of commissions, which was yet another reason to try and subject the architectural profession to legal arrangement.

In order to make that happen, the BNA decided to merge with two competing associations: the Netherlands architects’ institute (NIVA) and the Dutch association of architects’ guilds (NBBG), which occurred in 1940. The result was ‘an association of the architecture community, with acceptance of all existing differences in competency, within one organisation, on a general base.’ In May of that year, the BNA sent a proposal for the establishment of an architects’ register to the Department of Education, Arts, and Sciences. The regulations of the merged BNA would make the foundation of a private architects’ register possible, in the hopes the register could later be confirmed as law. Consequential of Germany’s invasion of the Netherlands, in May 1940, this ‘Architects’ Act’ didn’t pass parliament, which meant that the establishment of a public architects’ register didn’t come to fruition at that time.

In the spirit of the *Nederlandsche Unie*, which was a political party that was briefly successful at the onset of WWII promoting national unity, some architects within the BNA studied the possibilities of a large-scale overhaul of the Dutch building industry. With that aim, the BNA established the ‘Study Group for the Corporatist Order’, in October 1940. That group researched the possibility to unite all companies that were active within the building industry in one obligatory public organisation.

Architecture in the Netherlands Chamber of Culture

After the German invasion, the Austrian lawyer A. Seyß-Inquart was appointed *Reichskommissar* in the occupied Netherlands. In that capacity, he was responsible for the civil administration. In November 1940, he split the Department of Education, Arts and Sciences into two: the Department of Public Enlightenment and Propaganda (DVK) and the Department of Education, Science and Cultural Heritage (DOWK). An important task of the DVK was the establishment of the Netherlands Culture Chamber (NKK), which had to reorganize Dutch cultural life according to national socialist standards. The German *Reichskulturkammer* served as an example. Membership of the NKK, which was organised in guilds, was a prerequisite for being active as an artist; membership was not permitted for any Jews. The Department of Architecture was part of the Guild of Architecture, Visual Arts and Crafts (BKK). As of that moment, the Department of Architecture was a competitor of the BNA, which was scheduled to be liquidated. That actually never happened, due to practical issues. The BNA board of directors was replaced, however, and the association was placed under the supervision of the German-led Commissariat of Non-profit Associations and Foundations. Aside from the replaced board of directors, an illegal board of

directors was formed, the so-called 'triumvirate', and the two boards gave the members conflicting advice about the question of whether membership should be continued, or not.

The Department of Architecture of the BKK Guild was responsible for both the ideological and the practical sides of the architectural profession, but in practice, the latter was the most important. During the war, there were three architecture exhibitions that were influenced by the German administration (*The Netherlands Builds in Brick 1800-1940*, *The Youth Hostel of Tomorrow* and *The Dutch in Europe*), but none of them were officially organized by the DVK, or the NKK. Nor did the Department of Architecture theorize about a Dutch national socialist architecture. Architects like A.J. Kropholler and H.W. Valk (who were both members of the Dutch fascist party National Front), and J. Gratama (a member of the Dutch national socialist party NSB), admittedly produced articles about fascist or national socialist architecture, though they did so on their own account, outside the realm of the NKK. The only two NKK employees who wrote about architecture were T. Goedewaagen and G.A.C. Blok, yet their ideas were too immature to serve as a guideline of a Dutch national socialist architecture style.

H. van Vreeswijk, C.B. van der Tak, and H.Th. Wijdeveld, who were all members of the advisory board of the Department of Architecture, produced four reports about practical aspects of the architectural profession: about architects who also held a position as civil servant, about contractors who were also active as an architect, about the often disappointing results of architecture competitions, and about the urban aesthetics commissions. The authors formed clear opinions about these matters, but the reports led to all kinds of disagreements within the NKK, and were of no consequence in the end.

Van Vreeswijk also worked on the most ambitious project of the Department of Architecture during the occupation: drafting new arrangements for the legal relationship between architects and clients, and for architectural fees. Van Vreeswijk devised far-reaching proposals, but they didn't have an influence on the architectural practice. In the end, the Department of Architecture of the BKK Guild didn't achieve anything, despite its grand ambitions.

Tribunals and Special Law Courts

After the liberation, architects could be tried before a court of special criminal law, just like other citizens. To that end, the Dutch government in exile in London had issued the Special Criminal Law Decree in December 1943, as well as various other decrees, in which the existing criminal law was adjusted to the circumstances during the occupation. New crimes were defined, some existing crimes were punished more severely and new organizations for investigation, arrest, persecution and trial were introduced. These organisations made it possible to persecute and trial people who were suspect of grave crimes and political violations. For less serious crimes, the Tribunal Decree was issued in September 1944. This decree arranged, among other things, the persecution of people who had been a member of organizations that had promoted treason, such as the NSB.

The architects who were sentenced to imprisonment longer than their detention pending charges (the 'heavier' cases), can more or less be divided into three groups: architects who had worked in Germany or occupied Eastern Europe (through the *Nederlandsche Oost Bouw* or the *Waffen SS Zentralbauleitung*), architects who had accepted a position in the Dutch public administration based on their membership

of the NSB, and architects who had been active in the Department of Architecture of the BKK Guild. They were imprisoned for up to seven years.

For a present-day interpretation of the results of these special judicial procedures, two important things should be considered. First of all, there was the remarkable fact that the government decided not to penalise membership of the Nationaal Front, because this organisation wasn't thought to have promoted treason. In post-war Dutch society, however, former fascists were generally considered to have been politically 'wrong'. The architects – most of them Roman-Catholic – who had been a member of the Nationaal Front, such as Kropholler, Valk and C.M. van Moorsel, could not be blamed from a legal point of view if only this membership was at stake. Unlike their colleagues who had been a member of the NSB, these architects generally faced no legal problems during the special judicial procedures.

Second, it's important to realise that the ideas about justice directly after the liberation were different from today's moral standards. It's striking, for instance, that architects who had acted reprehensibly in public administration, but who had not been responsible for any deaths, received longer sentences than those who had worked on concentration camps in Eastern Europe. This is visible, for instance, in the difference between the sentences of Ch.L. Quéré and B. Boezeman, respectively.

Of the architects who had been active within the NKK (Gratama, Van Vreeswijk, Van der Tak and Blok), no one had betrayed Dutch citizens or put them in danger. Also, none of them had earned money by trading in Jews-owned real estate or making property valuations. Their collaboration was confined to professional support of the occupying regime. The conclusions concerning architects who had been active in the Nederlandsch Oost Bouw and the Waffen SS Zentralbauleitung is less positive, but even in those cases, things were not always black and white.

The Honour Council for Architecture

In spite of the new legislation, the Special Criminal Law didn't cover all actions that were unacceptable in the eyes of both many citizens and the government. Offering professional, non-military services to the occupational regime, for instance as an architect, was in many cases not defined as a crime by law, and the need for disciplinary action against professional collaboration was widely felt. This process became known as 'purging'. Architects fell under the responsibility of the Honour Councils for the Arts, which was established for this purpose. In this council, artists had to judge the behaviour of their colleagues. The vigorousness of this procedure remained open for discussion. On the one hand, the councils had to address the citizens' sense of justice. On the other hand, a too forcefully executed purging could hinder the reconciliation of society, not least in the case of architects, who were badly needed for their support in rebuilding the country.

Another problem was that initially there was no legal ground for a purge among artists in the Netherlands: the Purging Decree of January 1944, issued by the Dutch government in London, only concerned civil servants. And although no one worried too much about this when the Honour Councils for the Arts were established, this omission would considerably hamper the councils later on, especially when it came to enforcing the measures imposed upon individuals. It wasn't until 5 April 1946 that the Artists' Purging Law came into effect, giving the councils the legal authority to issue verdicts. This law also made it possible to appeal a verdict with a newly established Central Honour Council. A large part of the convicted architects used this possibility and most of them were successful at it.

The Artists' Purging Law covered 'those who have acted professionally in such a way, that national socialist principles or ideas could have been implemented'. The question if this had been the case, turned out to be hard to answer in many individual instances. The Honour Council for Architecture was staffed by a lawyer and a few former members of the resistance, among whom were the architects J. Bot and A.H. Wegerif. They defined eight offenses: continuation of the BNA membership after it had been placed under German supervision, collaboration with the BNA under supervision, collaboration with other national socialist bodies, leading national socialist bodies, membership of the NSB and affiliative organisations, benefitting from the NKK membership, working for German national socialist bodies, and professionally supporting war efforts.

While the Honour Councils for the Arts were doing their job, the resistance against the purging efforts rose quickly. This wasn't just the case among architects, artists, and the general public, but even among the members of the Military Authority that briefly governed the Netherlands after the liberation, in spite of the fact that it was the Military Authority that had initiated the purging councils, in the first place. The country had to be rebuilt, and after the initial cry for retribution, only few people enjoyed the prospect of endless lawsuits over minor cases. The councils couldn't convince the Military Authority to enforce the verdicts. General Kruls was only willing to that when the public order was at stake, and that was never this case with architects.

The many successful appeals of architects against their verdicts caused great frustrations among the members of the Honour Council for Architecture, who saw their work being reversed. They thought they were being obstructed. The members of the Honour Council for Architecture thus announced their resignation in November 1946; they had only been able to perform their duties on a sound legal basis for little more than six months. In the newspaper articles that covered the event, the council members blamed the Central Honour Council for their resignation. By reversing their verdicts, they caused 'a fundamental disagreement', which had made it 'impossible for the Honour Council for Architecture to continue its work'. The members were of the opinion that they 'couldn't take responsibility anymore for the verdicts of those who have committed less severe offences and who didn't appeal.'

This marked the end of the purging of architects. The work of the Honour Council for Architecture was generally regarded a failure. In hindsight, the greatest cause of this failure was, ironically, the in itself understandable decision to end of the council's work prematurely. By deciding to step down, the members had turned the purging into an unfinished process. The number of suspected colleagues that they had listed for interrogation greatly exceeded the about seventy architects that had actually been subjected to the procedure. There were many more colleagues that were guilty of the offences that they had defined. The bare fact that the majority of architects was not called to justice, made the conviction of those who *had* been, less acceptable.

A second shortcoming of the purging of architects was the limited information the members of the Honour Council had at their disposal. They didn't have independent access to the case files of the special criminal investigations, whose officers had more time and better resources. Due to their larger and more professional offices, the public prosecutors could interrogate more witnesses and consult more files. The public prosecutors often dug up professional information that would also have been pertinent to the Honour Councils. This was most problematic when it came to the most severe offence that the Honour Council for Architecture defined: membership of the NSB and affiliative organisations. Those architects were either

detained, which meant that they were out of reach of the Honour Council, or they could easily conceal their membership.

If a successful completion of the purging was an important goal, then the decision to define memberships of national socialist organisations as an offence within the framework of the Honour Councils would have warranted further consideration. These memberships were also defined in the special criminal law. This meant that, potentially, people could be tried for the same crime twice. Legally, this is possible of course. The legal doctrine *Ne bis in idem* is only applicable within one field of justice. But this overlap between special criminal law and disciplinary action may not have contributed to the *sense* of justice being done, and therefore to the general support of the purging.

A third shortcoming was the lack of consistency between the verdicts that the Honour Council for Architecture *did* issue. These inconsistencies are not surprising. The members of the council faced an impossible task. Nevertheless, their decisions had more consequences than they may have realized, or even foreseen. The general public may not have been interested in the purging for very long, but Honour Council for Architecture heavily influenced the reputations of an entire generation of architects among colleagues. Convictions by the Honour Council were not lightly forgotten by fellow architects during the first decades after WWII.