Judicial Repression during and after the Finnish (1918) and Spanish (1936-1939) Civil Wars: A Comparative Analysis

Jukka Kekkonen

Why this topic?

My article is essentially comparative by nature, addressing the issue of post-war judicial repression in two countries that went through national tragedies in the form of civil wars in the course of the last century: Finland (1918) and Spain (1936-1939). The question of why these two countries were selected is reasonable and justified, given that it might have been more fruitful to compare the Finnish experience to that of other small countries (for example Estonia) or regions that went through serious upheavals at the end of the First World War (for example Hungary) caused by changes in the political architecture resulting from the fall of three major empires. Are not the countries compared too far apart geographically and culturally, and even more so when taking the difference in time into account?

These are indeed relevant and justified questions, and I would be the first to confess that it would be fruitful to also compare the Finnish experience with other conflicts. Nevertheless I do maintain that a comparison between Finland and Spain is – or at least it might prove to be – especially fruitful. As noted by Stanley Payne, these conflicts were two of the bloodiest incidents in the history of Western civilisation during the last century, with both “total” by nature and both deeply dividing populations along lines of social backgrounds and political opinions.

For me, this topic is extremely interesting and intellectually stimulating for at least two reasons. First there is a dearth of studies in the field of legal history where the issue of judicial repression is dealt with in a comparative manner. Comparative studies of this kind are also scarce in fields of science where there is a greater tradition of addressing the methodological issues of

1 University of Helsinki, Finland.
comparative studies (political sciences, historical sociology)\textsuperscript{3}. I am clearly filling a gap in research here.

Secondly, from a methodological perspective my venture is exceptionally demanding, as I have to compare two units (states) that seem – at least at first glance – relatively far apart from each other, not only geographically, but also culturally. Even though I am aware of these challenges, I see no obstacles of a principal nature preventing me from comparing Finnish and Spanish experiences.

On another occasion, I classified students of history and social sciences into two schools according to their attitudes towards the potential of using comparisons in their own studies or studies in general: optimists and sceptics\textsuperscript{4}. Differences between these attitudes are evidently rooted deeply in fundamental perceptions of the philosophy of history. In my mind these differences reach to such issues as what are the driving forces in history, what factors in the final instance have the power to explain historical change and what is the role of theoretical and conceptual analysis in history?

Sceptics maintain that the scope of comparative studies is relatively limited, as meaningful comparisons are only possible if the targets or objects of comparisons are similar enough\textsuperscript{5}. Where this is not the case, they see it as probable that the student has not been able to come to any relevant conclusions. Their perception of history seems to be based on a notion that stresses the uniqueness of historical phenomena, thus underlining the specific features of each nation’s individual history. In many situations this kind of attitude is accompanied by positivistic notions of the use of sources and a hesitant attitude towards the possibilities of generalisation or finding regularities in historical processes and phenomena.

Optimists on the other hand have the notion that historical phenomena repeat themselves – even if contexts change –, thereby offering an excellent platform for comparison. According to this notion, there are no principal limits to conducting comparative studies. However, the comparison becomes very


\textsuperscript{5} A relevant counter argument to this would be the following: why compare similarities; would it not be more interesting to address cases where there are both similarities and differences?
demanding when the objects of comparisons are far apart from each other either culturally or spatially. This attitude is often accompanied by a vision that all studies should aim to arrive at such explanations that make generalisation possible.

As a member of the second school, I aim to pinpoint parallels and differences in the objects of comparison and try to explain them. It is worthwhile underlining here that the term “parallel” refers to a functional similarity in the objects of the study. This means that even if the names of the organs involved or laws used differ, the essential thing is their basic objective of restoring law and order and punishing the enemy severely enough.

In my study this leads to my analysing the features of judicial repression during and especially after the conflicts. These include different forms of administering justice (both its normative basis and judicial practice), its judicial legitimation (justification) and how these phenomena changed over the course of time. One fundamental aim is to try and explain the phenomena by putting them in a societal and cultural context.

Before doing this, a description and certain contextualisation of the paths leading to major conflicts is needed. I therefore briefly go through main historical developments connected to the emerging conflicts in both countries. Moreover I provide a quick overview of the nature of the conflicts, also keeping away from purely judicial aspects. This I see as being absolutely necessary in order to gain a deeper understanding of what was at stake in Finland and Spain during and after their respective civil wars. I then go on to discuss the parallels and differences experienced in the two countries.

Background to the Finnish and Spanish civil wars

In very general terms these two civil wars can easily be connected to the problems of modernisation, or more exactly to the problems of retarded modernisation. This characterisation refers to the fact that both countries were “latecomers” in the process of modernisation that started in Europe during the era of Enlightenment and the French Revolution. Modernisation basically involved the transition from an agrarian society to an industrialised one based

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6 This is the main aim of legal history: to put law in context. See Jukka Kekkonen: Kontekstuaalinen oikeushistoria, Helsinki, Forum Iuris, 2009, p. 1-14.

7 This article refers to several results that will be presented in a detailed manner in my upcoming monographic study “Legal repression in the aftermath of the Finnish (1918) and Spanish (1936-1939) civil wars”. This book, first published in Finnish and then hopefully in English and Spanish, will also contain chapters on “the potential of comparative studies” and “judicalisation of the past.”
on the market economy. This process, profoundly altering societal power relations, did not run smoothly anywhere. Looking at the two nations in question, it started later and did not continue at the same level as in most Western European countries up to the time of the respective conflicts.

In this overall societal context the factors behind the respective wars can be divided into two main categories: long-term and short-term causes. Long-term causes are deeply embedded in the social structures of the respective countries, both of which were still predominantly agrarian at the beginning of 20th century. The main issue in both countries was the “land question”, with a large majority of the rural population not possessing any land. They were either labourers or rented the land they cultivated. For the most part poor, in the worst case their economic situation was miserable. Their judicial position was similarly weak. These problems had grown continually worse throughout the 19th century and the early 20th century due to rapid population growth.

This deep imbalance – inequality – in the economic position of different groups of the population and the dearth of opportunities to improve their situation by legitimate political means led to generalised frustration and a growing radicalisation of the poor in both countries. In the case of Spain it gave birth to – depending on a region’s social structure and social conditions – radical leftist movements like anarchism.\(^8\)

Highly oligarchic at both central and local levels, the Spanish political system prevented all opportunities to enhance the position of the poor through legislative reforms.\(^9\) In addition the loss of former colonies like Cuba and the Philippines exacerbated attitudes towards the regime in other circles of the society. This all led to Spain experiencing serious waves of popular unrest and political violence, in particular in 1909 and 1919-1923.\(^10\)

Turning to Finland, the temporary weakness of the Russian Empire in 1905 as a result of losing the war against Japan (1904-1905) created a revolutionary situation in Russia. This spread to all parts of the Empire, including the autonomous Grand Duchy of Finland where it enabled a democratic parliamentary reform – something that had been considered necessary for decades – in 1906. It has been correctly said that Finland moved very rapidly

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\(^8\) Edward Malefakis, Reforma agraria y revolución campesina en la España del siglo XX, Barcelona, Ariel, 1976.


from a completely outdated representation system to the most democratic system in Europe, based on universal suffrage\textsuperscript{11}. However, after two turbulent years the Tsarist regime had recovered, and the existence of a democratic system within an autocratic Empire proved to be an impossible constellation. This was one of the key factors behind the radicalisation of the Finnish working class, with frustration rising over the waning chances of reforming society via a democratic process in the national parliament.

However deep the structural factors (injustices) behind any war are, the starting point of any societal conflict is always to be found in the circumstances reigning at the time of the conflict. In Spain, the Second Republic (1931-1936) which followed the demise of Primo de Rivera’s dictatorship (1923-1930) and the monarchy (in 1931) opened a new epoch for the country’s future. For the man (and the woman) on the street the new regime promised better living conditions and a more just society. The new Constitution (1931) was democratic, opening up avenues for popular participation in decision-making and also serving as a kind of a platform for concrete legal reforms\textsuperscript{12}. However the broad-based republican coalition, consisting of several republican and leftist parties, naturally enough had no unanimous vision of the future shape of society. On the contrary political ideologies found in this coalition ranged from radical anarchism to socialism and liberalism. The coalition’s victory in the elections of February 1936 was not enough to stabilize the situation in Spain, with the new government unable to maintain authority and prevent a military coup being planned\textsuperscript{13}.

For the traditional elite (industrialists, big landowners and the church) the new constitution symbolised the fear of the breakdown of “traditional Spanish values” and social order. These fears grew as a result of outbreaks of political violence, with right-wingers maintaining that the October 1934 rebellion in Asturias and several other violent outbursts were a clear sign that the leftist

\textsuperscript{11} Heikki Ylikangas, \textit{Käännekohdat Suomen historiassa}, Otava, 1986, p. 135-148. First elections were held in 1907. These elections brought a bourgeois majority to parliament. However the Social Democrats were able to gain 80 of the 200 seats, thus forming the biggest party in the parliament. In the elections of 1916, they won the majority in parliament.

\textsuperscript{12} Julián Casanova, \textit{op.cit.}, p. 31-33. The Constitution states in its first article that Spain is “a democratic Republic of workers of all types, structured around freedom and justice. All its authority comes from the people. The Republic constitutes an integrated State, compatible with the autonomy of Municipalities and Regions”.

\textsuperscript{13} Julián Casanova, \textit{op.cit.}, p. 143-149.
supporters of the republic wanted more than a republic: they wanted social revolution\textsuperscript{14}.

The situation soon reached deadlock, with none of the political movements – republican, leftist or fascist – able to assume a dominant position in the state. The military coup d’état, paradoxically a reaction to a potential revolutionary policy\textsuperscript{15}, broke out on July 17, 1936, opposing a legal and legitimate republican government.

This development in 1936 was not totally surprising, with the possibility of a military coup d’état having been openly debated during spring 1936. As a consequence of several factors – the government’s weak and slow reaction and prompt foreign aid to the rebels – within a couple of weeks the country was divided in two, with one territory controlled by the rebels and the other by the Republicans, the legal government. Put in a nutshell, the social division was such that the working class, liberal republicans and the intelligentsia were the cornerstones of the Republic, whereas right-wingers, monarchists, the church and major segments of the army were the most eager supporters of the rebels. Within the army and also the church, loyalties were mixed. Furthermore, there were regional variations in the loyalties of small farmers and the bourgeoisie.

Against the background of the First World War, 1917 was a decisive year for Finland. In March the Tsarist regime collapsed in Russia, being replaced by a Provisional Government under the leadership of Kerenski. However this phase did not last long and, in October of the same year, the Bolsheviks seized power. In Finland, at that time an autonomous Grand Duchy within the Russian Empire, these developments paralyzed authority, creating – as Finnish sociologist Risto Alapuro puts it – a power vacuum in the country. In this situation, the rival parties of the coming conflict started to establish their own security forces to ensure law and order at local level, ultimately leading to a situation of “multiple sovereignty”\textsuperscript{16}.

The 6 December 1917 declaration of Independence did not resolve the internal conflict. On the contrary certain decisions of the bourgeois government in January 1918 – especially declaring the White guards to be the official forces of the state – were the last straw, causing the powder keg to

\textsuperscript{14} Stanley Payne, \textit{Spain: A Unique History}, University of Wisconsin Press, 2010. Thus it could be concluded that many parties in the republican coalition were in fact not loyal to the republic.

\textsuperscript{15} Julián Casanova, \textit{op. cit.}, p. 125-150.

explode. According to contemporary social democratic understanding, starting a rebellion was by nature a defensive act, directed against the revolutionary decisions taken by the government. However, when the war finally broke out on January 28, 1918, it was a Red rebellion against a legal and legitimate government.

The war rapidly divided the country both geographically and socially, with the Reds gaining control of the Southern and South-Western part of the country, its industrial and commercial basis, while the White Government fled to the city of Vaasa in Ostrobothnia. Social division very clearly followed a class pattern: whereas the Reds were rural and urban workers supporting the Finnish Social Democratic Party, the Whites were supporters of the parties of the bourgeois centre and right. The intelligentsia almost unanimously supported the Whites. The actual term used to refer to this conflict between Reds and Whites has traditionally aroused different opinions, though it is now common to talk about the Finnish “Civil War”.

In both countries foreign intervention was an essential part of the conflict. There will always be speculation about what would have happened without intervention. Would the rebels have succeeded in conquering terrain in Southern Spain without the logistic and material help given by the Italians? How decisive was the German help during the war? Could the Republic have resisted so long without Soviet aid? How important was German military aid to Finnish Whites and Soviet aid to the Reds?

I would like to make just one important remark on this. In my view, research findings on these issues justify the following conclusion being reached: in both cases foreign intervention was relevant in many crucial points and it can be argued that it had an impact, triggering, shortening or lengthening the conflicts. However the balance was such that in the final instance results were determined by the internal power constellations in the respective countries – though obviously taking into account the fact that these constellations were partly determined by the role and policies of the foreign actors. But in the final instance factors related to military efficiency and the organisation of the administration in general were probably among the most important criteria deciding the final outcome.

17 Idem, p. 167-176. The author characterises the revolution as abortive.
18 Civil war (“sisällissota” in Finnish) is in contemporary discourse considered to be a neutral term, in contrast to “the war of liberation” (a term cherished by right-wingers) or “class war” (a term previously used by the far left).
Administration of justice during the wars

The respective durations of the wars (in Finland about 100 days and in Spain about 1000 days) had significant effects on the administration of justice. Looking first at Finland, the regular legal system was totally paralysed at the onset of the rebellion. As one of its last decrees, the White Government declared that civil servants were not to obey the orders of a Red Government. In spite of this, hospitals and a number of government departments continued their work under the new revolutionary regime\textsuperscript{21}.

The Whites had a serious problem finding a legal basis for the administration of justice, as Finland had just gained its independence from Russia and the Whites were reluctant to use “Tsarist” (Russian) legislation as instruments of justice. Furthermore, Finland, up to 1917 part of the Russian Empire, had had no military legislation of its own because it had no army. For these reasons the commander of the White army, General C.G. Mannerheim, saw it necessary to give instructions (February 25, 1918) on how to deal with enemies. The repute of these provisions is not good, as they were worded so vaguely that they \textit{de facto} legitimised the use of violence against opponents without any major legal constraints.\textsuperscript{22}

In practice captured Reds were summarily sentenced in court martials and other organs (which had several different names), either with reference made to the above-mentioned instructions or without any explicit judicial reference. A large section of the White Terror can be attributed to these organs, whose actions did not meet even the minimum standards of the administration of justice, even when taking the exceptional circumstances into account\textsuperscript{23}.

The Reds, on the other hand, quickly enacted new legislation under which a system of revolutionary tribunals was established. Even though this new system was by definition \textit{political justice}, with the purpose of the tribunals being to foster the revolution, \textit{de facto} these tribunals operated to a large extent in line with pre-war legal traditions. Revolutionary courts did not pronounce death penalties, preferring instead economic sanctions. Red


Guards, the military organ of the revolutionary government, were mostly responsible for the political violence – the Red Terror – against the Whites.  

In Spain the normal system of administering justice partly continued in the Republican-held zone during the initial phases of the Civil War. More important in these first weeks were special courts for repressing the enemy. In the following months, radical elements within the government (mostly anarchists) wanted to create instruments of revolutionary justice, leading to a system of tribunales populares, channeling revolutionary political sentiments, being established in May 1937. These tribunals, clearly political in nature, were used as an instrument of political purges, dealing out severe sentences including the death penalty. The role of these tribunals diminished as the war drew to a close, with all Republican efforts focused on the war.

The situation in the Nationalist-held zone developed in a different manner, with the administration becoming rapidly centralised and militarised. With a state of war having already been declared in the nationalist zone in August 1936, this meant that military tribunals and war councils – conducting summary trials – played a leading role in administering justice. As is well documented, these organs were key factors in a large-scale political purge which continued after the war had ended.

**Post-war repression and victimisation**

Before going into the issue of post-war repression – the main topic of my research – I will give a quick overview of the issue of victimisation, an issue which has not ceased to be the subject of heated debates both in Finland and Spain. The height of losses and especially how they were divided between the opposing parties has been a top subject not only in academic circles but also in public ones.

Victims have traditionally been divided into three main categories: those killed in battle, victims of political violence (including acts of terror and

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24 Jukka Siro, *Tuomiovalta kansalle - vallankumousoikeudet Suomen sisällissodassa 1918*, Vammala, Suomalainen lakimiesyhdistys, passim. The Red government, often considered the “mildest revolutionary government” that ever existed, also published a proposal for a new constitution. This proposal reflected the ideas of bourgeois democracy of Swiss cantons and the US Constitution. Surprisingly enough it did not contain any socialist or other radical elements.


executions after summary trials) and those who died in prison camps. Experience shows that it takes time to come up with reliable figures. This is mainly due to direct political reasons but also to more indirect factors such as access to sources and the situation in academia.

In Finland the cornerstone for a balanced analysis of figures was laid by Jaakko Paavolainen, whose studies on the Red Terror (1966), the White Terror (1967) and prison camps (1971) established a firm data basis on victimisation in 1918. In his analysis approximately 5,500 Reds and 3,500 Whites died in battle. He puts the number of Red Terror victims at 1,830 and that of White Terror victims at 8,380. In addition, more than 12,000 Reds died in prison camps after the war.\(^{27}\)

The War Victims Committee (1998-2004) set up by the Finnish government conducted a thorough analysis of victimisation using all available sources. Its final report contained an estimate of 36,000 victims in Finland – a high number for a country with just 3 million inhabitants. The figure was higher than that of Paavolainen, but included for the first time foreigners (more than 1,500) who had lost their lives in the Finnish Civil War. Even so, the relation between Whites and Reds in the final death toll remained unchanged, with approximately 80% of victims being supporters of the Reds.\(^{28}\)

In Spain first estimates of death tolls were made more from an ideological starting point than from any analysis of the facts. One consequence of this is the myth, commonly promoted in the decades following the war, of “one million” deaths. A first serious attempt to estimate the death toll was presented by Ramos Salas Larrazábal (1977) – though he has been severely criticised as evidently having a pro-Franco ideological bias.\(^{29}\)

According to him, the number of deaths in battle was roughly equal on both sides. This is a moot point, as the victors naturally had a greater opportunity to use violence than the losing side. In his very controversial estimate of terror victims, Larrazábal estimated that Republicans killed 73,000 Nationalists, and Nationalists 58,000 Republicans. In addition, some 23,000 – 28,000 Republicans were killed in post-war repression. The combat death-toll totalled 145,000 soldiers (approximately equal on both sides) and 15,000 civilians.

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\(^{29}\) A mainstream estimate is given by Julián Casanova, *op. cit.*, s. p. 337.
The writer also estimated that 324,000 people died of disease and hunger in 1936-1943. Larrazábal’s figures have been seriously criticised and a large amount of research conducted since the end of the Franco dictatorship has allowed more balanced assessments to be made at both regional and national levels. In 1999 Santos Juliá et al. published a book on Civil War victims. This study – along with further studies published in recent years – revised figures in several areas. Generally speaking, “traditional figures” tended to grossly underestimate the number of victims of Nationalist terror, whereas it is now evident that the number of Nationalist terror victims was at least 75,000 – or even many more.

This also holds true for figures compiled in the aftermath of the war, putting the death toll at a minimum of 35,000. The death toll resulting from Republican terror is more reliable – which is natural, as the winners tend to investigate all irregularities of the losers in depth. It is possible and perhaps even probable that the death toll resulting from Nationalist terror will rise in the future, once several studies on repression at the local level have been completed.

The outcome of both civil wars was clear and indisputable in both countries. In Finland the Whites’ victory was sealed after only a hundred days of warfare. In Spain it took ten times as long for the Nationalist to achieve their victory. In both cases, the winners were faced with the same challenge: how to punish defeated rivals. This was to be a complicated task and aroused different opinions. But in the heated atmosphere following civil war, there was no room for lenient solutions. At the end of the day the decision taken in both countries was basically the same: to investigate the guilt of all rebels (and in Spain even a “retroactive” guilt of Republican supporters). Wide-scale trials ended up creating a huge prison population and indirectly contributed to many republicans dying in prison camps.

This decision was based on the view that rebels should be severely punished. Other alternatives would have seen a more limited use of sanctions. Evidently the outcome of the war, where the opponent was totally defeated, made it is easier to adopt such a policy.

32 Javier Tusell, op. cit., p. 22.
In Finland, the so-called rump parliament (with all members belonging to bourgeois parties apart from two Social Democrats) quickly enacted legislation on “courts for political offences” in May 1918. Each court was composed of five members: two lawyers, one military officer and two laymen – an interesting tripartite composition. In addition a high court for political offences (composed of four lawyers and three military officers) was also established. The convicted had no right of appeal against their verdicts but had the possibility to beg for pardon, a possibility used in more than 27,000 cases.33

The 145 courts for political offences were faced with the major task of investigating more than 75,000 cases. Starting in June 1918, they practically completed their task within the same year. They pronounced 555 death sentences, some 120 of which were actually carried out. The number of lifelong prison sentences reached 886. Average punishment (for assisting attempted treason) was 2-4 years imprisonment. Sentences of less than three years could be pronounced conditionally (as happened in 75% of the cases). All punishments included the loss of civil rights for a period twice as long as the actual sentence.

This legislation was subject to a certain amount of criticism from the point of view of Finnish legal traditions. According to the Finnish Constitution dating back to the Gustavian Era (1771-1792) under Swedish rule, courts should be permanent. It was forbidden to establish specific courts for handling special cases. To avoid this problem, the Finnish Parliament enacted this piece of legislation with a qualified (5/6) majority.34

Studies highlight a number of irregularities in the practise of the courts, in which not even the minimum standards of a decent trial, as defined by the legislator, were upheld. Moreover, the way the courts interpreted the provisions of the 1889 Criminal Code was often politically biased and intolerable from a legal perspective. This was especially true with regard to sentences of high treason, which according to the provisions of the Criminal Code did not apply to the activities of the Reds. However, the use of this provision was considered necessary by the prosecutors because it opened up the opportunity to pronounce the death penalty.35

33 Jukka Kekkonen, Laillisuuden haaksirikko..., p. 58-60.
34 Idem, p. 50-53.
35 Idem, p. 83-84. The 1889 Finnish Criminal Code was the last in Europe that represented the ideas of the classical school, underlining the principles of proportionality and equality and a punishment system with few alternative sanctions.
Summing up, it can be said that proceedings in courts for political offences did not meet up to the standards of the Finnish legal culture of that time – even taking into account the exceptional circumstances. Trials were to a large extent political, reflecting the notion of a political purge. Empirical studies show that working class activists were punished more severely than suspects whose link to political activism was more tenuous or non-existent.

In Spain the number of prisoners at the end of the war in 1939 totalled some 270,000. Military and special tribunals quickly went through these cases in summary trials. By 1942 the prison population had dropped to 124,000, and to 43,000 in 1945. Prison conditions were very often miserable and prisoners had to work hard, often being used on large construction sites. Trials did not meet up to even minimum standards guaranteeing legal security to the accused. Sentences were extremely harsh, with at least 35,000 and possibly more than 50,000 death sentences pronounced and prison sentences on average very long.

Several special tribunals were also set up for the purpose of purging “disloyal” Spaniards from society. One the most important was the tribunal with the task of repressing freemasonry and communism. This tribunal gave Francoist leaders the opportunity to also attack people totally unconnected to the Republic and not even supporting it.

In the Spanish case a wide-ranging purge swept through the whole of society including the public administration, universities and schools in particular. It has been estimated that about 30-50% of civil servants lost their jobs. Economic sanctions were also used on a large scale. Repressive policies also targeted the liberal professions, with loyalty to the new regime a sine qua non for obtaining a licence to practice in certain professions.

A fundamental legal instrument in this purge was the law of April 30, 1939 on political responsibility which retroactively criminalised all pro-Republic activities since the October 1934 revolt in Asturias. This law made it possible to indict practically any Spaniard not having supported the Nationalists.

36 Jukka Kekkonen, Laillisuuden haaksirikko..., p. 67-73.
37 Javier Tusell, op. cit., p. 24. Since 1940 pardons have also been given as a way of reducing the prison population – and as a way of getting labour to certain sectors of the market.
Interestingly enough the most brutal forms of repression started to decline in spring 1943, when it became evident that the Axis was going to lose the Second World War. Thus in Spain as well, a change in the international power constellation had a direct effect on national policies.

In the case of Spain, all studies point to post-war repression being politically motivated, harsh, unjust in many respects, and in contravention of the minimum standards of a decent and fair administration of justice. The weakness of the defeated side – Franco really wanted to wage war until the defeated could no longer have their voice heard – was a precondition for policies solely responding to the “needs” (whether real or imagined) of the victors. Also the international power constellation of that time lent support to a harsh line being taken.

Concluding remarks; historiography of civil wars

The previous chapters already indicate the relevance of societal circumstances when analysing different aspects of civil war. In a repressive post-war atmosphere and during a dictatorship it is impossible to carry out research meeting the highest academic standards. In fact, relatively stable democratic conditions are needed for societal debate and free academic research to flourish.

In the case of Finland these conditions did not exist until the end of the Second World War, when the Finnish path to a state based on the rule of law was finally sealed. Before that, the written documentation of 1918 predominantly represented the so-called White truth – or its opposite, the Red truth. In the post-civil war situation all political parties (including the far left) were given the opportunity to take part in parliamentary work. This


42 It is however, worthwhile underlining that democratic conditions were restored in Finland very soon after the conflict. By 1919 free elections were already being held and even Social Democrats could stand for election. In June a new constitution was adopted according to which Finland became a parliamentary democracy. This astonishingly rapid development was due to Germany losing the First World War in November 1918. Thus a change in the international political architecture was the most essential factor for societal change in Finland. Repression was replaced by integration. See Jukka Kekkonen, “The Finnish way: some reflections on the development of Finnish legal culture during the 20th Century”, in Jörn Eckert, Kjell Å Modéer (ed.), Geschichte und Perspektiven des Rechts im Ostseeraum, Frankfurt, Peter Lang, 2002, p. 397-412.
democratisation prepared the ground for a deeper understanding of the civil war. Before academia started research, the great Finnish author Väinö Linna had already published part 2 of his sequel “Under the Polar Star” (part 2, 1961) in which he analysed the background factors and motives of the parties involved, showing also great expertise in details. His book, at first severely criticised by the political right and academia, gives a very balanced and psychologically revealing picture of the national tragedy.\(^{43}\)

Five years later, Paavolainen’s above-mentioned studies paved the way for studying the events of 1918 under the most demanding academic standards. In the decades to come – the 1970’s and 1980’s – a wave of critical studies emerged. Nevertheless, it is worth mentioning that works with a clear “White” bias never ceased to exist. On the contrary, the last twenty years have been marked by an upsurge of “revisionist” interpretations, often legitimising the measures taken by the Whites and providing conflicting explanations of many important features of the war.

I see here an interesting parallel to the Spanish situation where the studies critical of the Francoist epoch came to dominate the scene. However in the new millennium the picture has become more complicated. Authors like Pío Moa in particular are challenging researchers seen as being “over-critical” of the Francoist regime, overestimating the injustice it produced and underestimating its capacity to create a decent standard of living.\(^{44}\) However it is self-evident that Pío Moa’s ideas are not shared by the vast majority of acknowledged Spanish and international scholars.

Last but not least, it should be underlined that changes in our notions of history take place slowly and need time. It takes time to conduct a sufficient amount of reliable research to be able to reach a deeper understanding of the nature and phenomena of any conflict. Moreover, it takes time for such new perceptions to spread to textbooks at all levels of education and to thereby influence popular thinking.

Experiences from Finland and Spain show very clearly that there is no straightforward way to come to terms with the past. Democratisation is one necessary precondition. But a further precondition is time – the time needed to conduct research, come up with reliable results and to disseminate them via education. In addition, debates on such issues as civil wars certainly never – if ever I may say so – come to an end, for the simple reason that every generation has to come up with its own perception of past painful epochs.

\(^{43}\) Varpio Yrjö, Väinö Linnan elämä, WSOY, 2008.
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<th>Abbreviation</th>
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<td>ACS</td>
<td>Archivio centrale dello Stato, Roma, Italia</td>
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<td>Cass.</td>
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<td>CEGES</td>
<td>Centre for Historical Research and Documentation on War and Contemporary Society, Brussels, Belgium</td>
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<tr>
<td>CFLN</td>
<td>Comité Français de Libération Nationale</td>
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<td>CIAF</td>
<td>Commission italienne d’armistice avec la France</td>
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<td>CSC</td>
<td>Commissarial Supreme Court</td>
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<td>CTAG</td>
<td>Corps des Troupes Auxiliaires de Génie</td>
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<tr>
<td>DA</td>
<td>Division d’Armée</td>
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<td>Division de Cavalerie</td>
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<td>DFCIA</td>
<td>Délégation française auprès de la commission italienne d’armistice</td>
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<td>GDR</td>
<td>German Democratic Republic</td>
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<td>HR</td>
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<td>IGA</td>
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<td>IMT</td>
<td>International Military Tribunal</td>
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<td>IRA</td>
<td>Irish Republican Army</td>
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<td>Irish Republican Army Police</td>
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<td>Irish Transport and General Workers’ Union</td>
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<td>NSB</td>
<td>Nationaal-Socialistische Beweging</td>
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<tr>
<td>NJ</td>
<td>Nederlandse jurisprudentie</td>
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<tr>
<td>OSS</td>
<td>Office of Strategic Services</td>
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<tr>
<td>Abbr.</td>
<td>Description</td>
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<td>PA</td>
<td>Archief van het departement van de Twee Neten en van de provincie Antwerpen, Belgium</td>
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<td>RAA</td>
<td>Rijksarchief, Antwerp, Belgium</td>
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<td>RAG GEN STATO</td>
<td>Ragioneria generale dello Stato</td>
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<td>RIC</td>
<td>Royal Irish Constabulary</td>
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<td>SAA</td>
<td>Stadsarchief, Antwerp, Belgium</td>
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<td>SED</td>
<td>Sozialistische Einheitspartei Deutschlands (Socialist Unity Party of Germany)</td>
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<td>SGRS-archives</td>
<td>Service general renseignement et sécurité – archives, Evere, Belgique</td>
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<td>SHAT</td>
<td>Service historique de l’Armée de Terre</td>
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<td>Soviet Military Administration</td>
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<td>Soviet Occupation Zone</td>
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<td>UNWCC</td>
<td>United Nations War Crimes Commission</td>
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<tr>
<td>VN</td>
<td>Ville de Namur, Belgique</td>
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<td>VNV</td>
<td>Vlaams Nationaal Verbond</td>
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<tr>
<td>ZaöRV</td>
<td>Zeitschrift für ausländisches öffentliches Recht und Völkerrecht</td>
</tr>
</tbody>
</table>
Table des matières / Contents

Dirk Luyten :

Introduction ................................................................. 5

Aurélien Lignereux :

Les cadres indigènes des polices impériales dans la France des départements annexés (1796-1814) .................................................. 15

Antoine Renglet :

Antwerp and Namur under “States of Siege” during the French Directory. Policing Practices and the Authorities’ Relationships in Maintaining Order ................................................................. 33

John Borgonovo :

Republican Courts, Ordinary Crime, and the Irish Revolution, 1919-1921 ................................................................. 49

Jukka Kekkonen :

Judicial Repression during and after the Finnish (1918) and Spanish (1936-1939) Civil Wars. A Comparative Analysis .................................. 67

José L. Ledesma :

Popular Justice, Revolution and Political Contention in the Spanish Civil War (1936-1939) ................................................................. 83
<table>
<thead>
<tr>
<th>Title</th>
<th>Pages</th>
</tr>
</thead>
<tbody>
<tr>
<td>Benoît Amez: Maintenir ou éloigner du front? Le dilemme des autorités militaires belges face aux délinquants militaires au cours de la guerre 14-18 : le cas des compagnies spéciales</td>
<td>117</td>
</tr>
<tr>
<td>Diane Grillère-Lacroix: Justice et occupation italienne en France (1940-1943) : l'organisation judiciaire au cœur des enjeux de souveraineté</td>
<td>163</td>
</tr>
<tr>
<td>Tom Simoens: Belgian Military Justice in the First World War. A difficult expansion</td>
<td>183</td>
</tr>
<tr>
<td>Derk Venema: The Judge, the Occupier, his Laws, and their Validity. Judicial Review by the Supreme Courts of Occupied Belgium, Norway, and the Netherlands 1940-1945</td>
<td>203</td>
</tr>
</tbody>
</table>
Marcel Boldorf :

Judicial Prosecution of Business Elites in the Soviet Occupation Zone and the early GDR ................................................................. 225

Žarko Lazarević :

Backgrounds and Concepts of Economic Sanctioning in Slovenia during the 20th Century ................................................................. 239

Dirk Luyten :

Profits and Property of Economic Collaborators in Belgium and France after the Second World War. Economy versus justice .................... 257

Jonas Campion :

From Reorganizations to Purges. The Impact of WWII on Belgian and French Gendarmeries and on the Dutch Koninklijke Marechaussee ................................................................. 273

Helen Grevers, Lawrence Van Haecke :

The Use of Administrative Internment after WWII. The Different Policies of the Belgian and Dutch Governments ......................... 287

Gerlinda Swillen :

Enfants sans alliance (1937-1952) ...................................................... 305

Guillaume Mouralis :

Lawyers versus Jurisconsults. Sociography of the Main Nuremberg Trial ................................................................. 325
Daniel Marc Segesser:

“It is the duty of honest men to denounce cruelties in wartime”.
A Comparison of the Reaction of Lawyers, Criminologists and Academics to the Atrocities Committed in Serbia, Belgium and France in 1914 .......................................................... 337

Piet Veldeman:

Trapped in a Legal No-Man’s Land?
The Extraordinary Case of the Belgian Civic Guard in 1914 ................. 355

Notices biographiques/Notes on Contributors ........................ 365

Liste des abréviations/List of Abbreviations ......................... 371