

### 3. Co-determination at sea in times of war

#### Abstract

During World War II the Dutch government in exile in London attempted to give co-decision rights to union-representatives on conditions of labour and working environment in the Dutch merchant marine. This proposal met with fierce opposition from the agency, manned by Dutch ship owners and authorized by the government to administer the fleet. The nature of the conflict and its outcome are described against the background of the war situation and labour relations in the Dutch shipping industry, and interpreted from a sociological perspective.

#### Introduction

In the spring of 1943 – when the Germans were already in retreat on their Eastern front, but when the Battle of the Atlantic was still raging, and the Japanese had consolidated their conquest of the Netherlands' East Indies and other parts of Southeast Asia – the Dutch government in exile in London made an attempt to enact for its merchant marine a form of co-determination ('Medezeggenschap', 'Mitbestimmung'). This measure would have given union-representatives co-decision rights with respect to conditions of labour and working environment aboard Dutch merchantmen. This arrangement would amount to a specimen of corporatism the likes of which were never before, nor thereafter, under consideration, let alone implemented, neither in The Netherlands, nor in any other Western seafaring Nation.

How did such a radical proposal come about under such extraordinary circumstances? and what forces prohibited its realisation? In this essay, I will first relate this curious story and then try to interpret it from a sociological perspective. However, since I cannot take sufficient knowledge on the part of the reader concerning the general development of the Second World War – and certainly not concerning the specific fate of the Dutch government in exile – for granted, let me begin with a brief sketch of the German onslaught on Western Europe and the subsequent vicissitudes of the Queen of the Netherlands and her ministers in London.

#### Europe at war from 1939 – 1943

On September 1st in 1939 the Germans invaded Poland, which meant the outbreak of the Second World War. After a short, desperate fight – on two fronts, since on September 17 the Red Army started occupying the eastern part of Poland – the Polish government fled to Rumania and subsequently went into exile in London.

In April 1940 Denmark and Norway became the first targets of Hitler's spring offensive, followed in May by the Low Countries and France. Denmark surrendered almost immediately and accepted a *de facto* vassal status, as did France when in June Marshall Pétain asked the Germans for an armistice. The Governments of Norway, Belgium and The Netherlands, however, did not submit, although their armies were defeated, but went into exile and also settled – sooner or later – in London.

Obviously, a government in exile cannot 'take along' any sectors of industry but its shipping<sup>1</sup>! From the onset of the war, vessels under the Polish flag had managed to avoid seizure by the Germans and remained under the jurisdiction of their lawful government. Likewise, the Norwegian and Dutch captains of cargo ves-

<sup>1</sup> Strictly speaking, all transport industries (in other words also air and road transport) are mobile and thus could remain under the authority of a government in exile. Since transport industries other than shipping were not seen as strategic assets of any of the governments in question in 1939/'40, there is no need to discuss these in this context.

Table 1. Prewar size of allied merchant marines steamers and motorships)

1939	brt. (x 1000 milj.)	no. of ships	no. of men
Poland	121	63	?
Belgium	408	200	?
Greece	1.781	607	?
The Netherlands	2.970	1.523	± 20.000 <sup>a</sup>
Norway	4.834	1.987	± 41.000 <sup>b</sup>
USA	8.910	2.345	± 55.000 <sup>c</sup>
UK	17.891	6.722	< 145.000 <sup>d</sup>

Source: Lloyd's Register of Shipping. Statistical Tables 1939. Table No. 1

<sup>a</sup> Bezemer (1987: 190) estimates the total number of seamen on Dutch merchant vessels which were not captured by the enemy in May '40 at about 18.500. Since these vessels amounted to approximately 90% of the Dutch merchant fleet in terms of tonnage (Bezemer, 1987: 190), one must probably add about 10% to the number of seamen to arrive at an estimate of their total number in '39.

<sup>b</sup> Smit (1989: 196) mentions that the Norwegian merchant marine in the beginning of the war had a complement of about 35.000 men. Since the loss, in terms of tonnage, was about 17% (Riste, 1974: 96), we should add 17% to their number in 1940 to arrive at an estimate of the number of men in 1939.

<sup>c</sup> This figure refers to the 'number of available deepsea jobs' in 1941 (Goldberg, 1958: 207) in the US merchant marine.

<sup>d</sup> In the early days, according to Behrens (1955: 154), the total number of officers and men must have been 'a good deal smaller' than 145.000, the average number of seamen sailing on British merchant vessels during the war.

sels, passenger ships, coasters, tugboats, and even of a fair number of fishermen, when on the high seas at the time the Germans attacked their countries, did not obey orders to put themselves under German command, or – when in their home ports – they tried to escape. All in all, more than 70% of these two merchant fleets remained under the control of their own government and formed a potential resource which could be mobilized – in part or as a whole – first to maintain Great Britain as the last stronghold of the Allies, and later also in aiding the Soviet Union and refitting the UK as the sally-port for the second front<sup>2</sup>.

<sup>2</sup> Riste (1974: 96) mentions that approximately 17% of the Norwegian – and Bezemer (1987: 190) that approximately 10% of the Dutch – merchant marine, was lost to the enemy. Behrens (1955: 112), however, gives higher figures (28% for the Norwegians and 19% for the Dutch). Initially, only part of the Norwegian and Dutch fleets was made available for the Allied cause, the other part remaining engaged in the 'free' trade around the Americas and in areas east of Suez.

To provide the reader with some indications of the size of the fleets involved and their relevance for the Allied war effort, data are presented in table 1 concerning the tonnage, the number of ships and an estimate of the number of men in the merchant marines of Belgium, Greece, The Netherlands, Norway, Poland, the UK and the US prior to the outbreak of the war in 1939.

It goes without saying that in those days the authority over a merchant marine was, for a government in exile, a vital asset of economic and political significance, equalled or surpassed in importance only by the command over colonies with strategic resources. For Queen Wilhelmina and her cabinet in London, The Netherlands' colonies – Indonesia (then: the Dutch Indies) in the East and the Dutch Antilles and Surinam in the West – and its navies (the Royal as well as the merchant navy) were the major pillars on which the Kingdom still rested. Of course, constitutionally the Queen had little if any influence on government

policies, but given the absence of a parliament and the voice of public opinion, her formal rights/duties to appoint new ministers, and to endorse and sign all decrees and laws, became powerful tools in her hands to delay, if not prohibit, measures which did not meet with her approval.

The Dutch Queen was a very strongwilled woman with an impressive personality, a truly royal style, an indomitable fighting spirit, and, in general, a temperament more fitted to an absolute than to a constitutional monarch<sup>3</sup>. She was already quite revered before the war among the middle and upper classes, who in their political orientation tended by and large to the center or the right. From '40 till '45 she grew to be a national symbol – mainly due to her intransigence as evidenced by her fierce and inspiring speeches on BBC radio – and acquired in the eyes of the whole Dutch populace an aureole of charismatic authority. The war years were the time of her life, in which she felt destined to fulfil a divine mission. The story goes, that Winston Churchill characterized her as 'the only man in the Dutch cabinet'!

Albeit a very apt description of the Queen's demeanour in that highly precarious situation of May 1940, this *bon mot* ascribed to Churchill is not an equitable judgment of the ministers in question, several of whom rose to the occasion and contributed more than a fair share to the national cause. This is certainly true of Gerbrandy – a sturdy Calvinist from Frisian stock – first minister of justice, but from September 1940 he served as prime-minister<sup>4</sup>. As to his position, one should realize that according to

<sup>3</sup> These impressions of Queen Wilhelmina, prime-minister Gerbrandy and their mutual relations are derived from De Jong (1979: Ch. 2).

<sup>4</sup> The prime-minister who had formed this cabinet in 1939 (De Geer) and finally consented to move the seat of the government to London, had identified himself with a policy of 'neutrality' and keeping the country out of the war. He was completely desoriented by the German invasion, lost faith in the continuation of the struggle and was forced by the Queen to step down in late August 1940. She then persuaded Gerbrandy to take over.

Dutch constitutional law, each minister is responsible for his own domain. The 'prime-minister' is *de jure* just a *primus inter pares* who chairs the meetings of the cabinet. In other words, formally the cabinet does not have to reach consensus, although in practice – even in those days – usually all major policies were discussed in the cabinet and efforts were made to come to a minimum level of common understanding. In general, Gerbrandy, although in his (center-right, Anti-Revolutionary) party considered to be rather 'red', was also a bit of an autocrat. He could however, get along with his fellow ministers and the Queen – at least in the first years of the exile – to a sufficient degree to keep up the appearance of a unitary government.

Returning now to the general development of the war, in December 1941, after the Japanese attack on Pearl Harbour, the Dutch government declared war on Japan in anticipation of Japanese advances towards the Malayian peninsula and the Indonesian archipelago. The southbound attack of the Japanese navy and army came soon and the Dutch lost most of their (Royal) navy in the battle of the Java-sea (February '42), and subsequently, most of their East Indian colonies (capitulation in March '42). Since not only Japan, but also Germany had gone to war with the US, at the end of 1941 the prospects for an Allied victory had definitely improved. However, it was not until the fall and winter of 1942/'43 (first in October the battle of El Alamein, then the landings of Allied troops in Northern-Africa in November, and finally in December and January the siege of Stalingrad!) that the German conquests came to a halt. Although on land these events certainly signified the turn of the tide, at sea the Allied Forces did not gain the upperhand until May 1943.

In other words, at the time of the deliberations of the Dutch government in exile concerning ways and means of ensuring fair conditions of labour and a proper working environment for the Dutch seamen (mainly from mid-'42 till the spring of '43), the outcome of the battle of the Atlantic – and in general of the World War at sea – was still very much an open question.

## Administration of the Dutch merchant marine in wartime

As mentioned before, the overwhelming majority of Dutch merchantmen avoided or escaped seizure by the Germans. Most of the ships in question, and especially the mail boats and large cargo vessels were owned by companies whose directors had made arrangements to transfer the corporation's seat to one of the Dutch colonies, London, or New York in the event of war. Immediately after the German invasion of Holland in May 1940, they took the proper legal steps and authorized one or more of their directors – at that time abroad (either on normal business, or in anticipation of such an emergency) – to take over the management of its fleet.

However, many small ship owners (for example, of coasters) had not seen fit to make such provisions, so that their legal ownership remained in The Netherlands and thus – after May 15 1940 – in German occupied territory. Consequently, the ships of these companies could be seized by Great Britain as alien property. But, on the basis of the 'Seagoing-vessels Requisitioning Act 1939', the government could – and did under these circumstances – temporarily 'disown' these ships and put them in its own custody. Prewar-legislation also empowered the ministers concerned to requisition the use of the ships still administered by their own directors. The Dutch government in exile used this power as well, and thus had control over a merchant marine consisting of requisitioned ships, rented from their legal owners, and, in addition of the so-called 'custodian fleet'.

<sup>5</sup> Although Dutch 'reders', ship owners, in those days often came from the families who originally owned the firms in question, most of them were not legally the owners, but employed as director or manager in an incorporated company. Nevertheless, they were often at the same time major share holders and/or 'represented' families of major share holders, and therefore certainly felt themselves to be the rightful 'owners' of their companies!

The following sketch of the NSHC and the Dutch merchant marine during World War II is a simplified summary of reports by De Jong (1979: 38–43; 750–773) and Bezemer (1987: chs. IX and X).

As early as June '40 a Dutch shipping and trade committee ('Nederlandse Scheepvaarten Handelscommissie', the NSHC) was set up in London. The committee consisted of ten *reders* (ship owners<sup>5</sup>), most of whom were working in the shipping industry as director, chief executive, or manager of an overseas office, of one of the companies which had transferred abroad. Another committee of prominent ship owners, the NSC ('Nederlands Scheepvaart Comité') resided in New York. Since its functioning is not of major relevance for the controversy which forms the focus of this essay, I need not go into the specifics of this committee, nor into the intricacies of the relations between the NSHC and the NSC.

The London based NSHC was authorized by the Dutch cabinet not only to administer the 'custodian fleet', but also to negotiate and coordinate the allocation and chartering of Dutch vessels in general for the allied war effort with the British Ministry of War Transport. Therefore, the NSHC became a very powerful regulatory agency which, under the auspices of the Dutch government, 'ran' the Dutch merchant marine within confines set by the British authorities. Let me mention here that in August 1940 the Dutch cabinet issued a decree, again on the basis of pre-war legislation, containing conscription of labour for all those employed in the merchant marine. In other words, for the duration of the war, there was a drastic reduction of employees right to quit and of employers right to discharge them. Obviously, the enforcement of such compulsory labour for the fleet necessitated a very elaborate kind of bureaucratic machinery, which was entrusted to the NSHC. The agency in due time came to employ about a thousand men and women in London, while another thousand people were busy in South-America, Africa and Australia (in extension offices of the NSHC) and in New York (personnel of the NSC), to manage Dutch shipping.

In the context of the administration of the Dutch merchant fleet in wartime, it is important to shortly dwell also on the organizations which defended the interests of sailors on Dutch vessels vis-à-vis the ship owners and



public authorities in London<sup>6</sup>. There are no data on the degree of unionization in the Dutch merchant marine in the thirties. However, given the mobility of sailors, their dispersion all over the globe and the multi-ethnic nature of the crews, it stands to reason that, in all likelihood, only a minority of the ratings were union members. The main Dutch union of rank-and-file seamen, was the socialist-oriented CBT ('Centrale Bond van Transportarbeiders', the 'Central League of Transportworkers'). Its chairman (Edo Fimmen) simultaneously headed the ITF ('International Transportworkers Federation') and had in '39 taken the precaution to send his secretary – Oldenbroek – to London to secure the continuation of the activities of the ITF and the CBT in the event of a German occupation of The Netherlands<sup>7</sup>.

Oldenbroek succeeded in doing so and his organization acquired quite a following among the sailors of the Dutch merchant marine. The officers of the fleet – practically all Dutchmen – had their own (craft-)unions which federated in 1940 in London and likewise witnessed a spectacular growth in their membership (from 300 to about 3000; De Jong, 1979, 765). From March '41 on these two organizations jointly constituted the CC ('Contact-Committee') which developed into a pivotal and energetic agency for the promotion of sailors' interests. The CC advised the minister of Trade, Industry and Shipping, and negotiated with the NSHC. As will be discussed later on, it was this body that wanted to obtain co-determination, a say in the administration of the fleet.

Apart from these interest associations, recognized by the Dutch ship owners and the government, another union emerged in Britain during the war years, probably of anarcho-syn-

<sup>6</sup> Unless otherwise indicated, the following overview is derived from Bezemer (1987: 488–495).

<sup>7</sup> In his capacity as an ITF-functionary Oldenbroek set up an international organization for seamen from occupied countries of the European continent, the 'Belgian, Danish, Dutch, French and Polish Transport Workers' Federation'. Initially he dealt with the Dutch ship owners and government officials in London as an agent of this union, and only later as the spokesman of a separate, London based, CBT chapter.

dicalistic inclination. Its founder (Booms) and likeminded sailors did not trust the NSHC which they regarded as a tool of the ship owners acting under the guise of a government agency (Smit, 1989, 343–346). This union, the BNZ ('Bond van Nederlandse zeelieden', 'League of Dutch seamen'), became active in the later war years and did not gain access to the Dutch authorities in London.

One suspects that this 'wild' union gave voice to a segment of sailors on Dutch vessels who – because of their sociopolitical convictions and/or bad experiences (with shipping firms, with captains, and perhaps also with established unions) – resented and resisted the consensual, wartime, type of policy making and control by employers and officials with the collusion of the 'tame' unions. They did not only direct their protests at the Dutch authorities, but also sent a petition to the British minister of Home Security with serious accusations against their employers and the Dutch government (in June '44). Although officially their allegations were ignored, their activities may very well have contributed to the cooperative spirit of the interactions between the representatives of the ship owners and the recognized unions<sup>8</sup>.

### **Labour relations in the Dutch merchant marine during World War II**

The empowerment of the NSHC as a governmental regulatory agency for the sailors meant that their employers formed an even more united front than they already did. Employers also got at their disposal a number of public sanctions in addition to the usual tools of management with which they could lord it over their crews. Labour relations in the Dutch shipping world during the *interbellum* were, I surmise, more antagonistic than in most industries

<sup>8</sup> Its activities, or – if the union in question became a nuisance after 1942 – the restiveness on which it thrived, could also have been one of the reasons why Kerstens so badly wanted to institutionalize the cooperation of the 'cooperative' unions.

ashore. First of all, the conditions of labour – for parts of the industry not subject to Collective Bargaining Agreements – were rather poor (De Jong, 1979, 762–767; 1988, 140; Bezemer, 1987, 488–499). The seaman's working day was not limited to eight hours by law. Although some of the larger companies had arrangements of this type for their regulars, there were no general insurance schemes for sickness, disablement, lay-off, or pension. Common sailors without long term contracts could muster in or out for a journey, but had no security of employment, since the employer could always choose not to re-enlist them. Obviously, the absence of industry-wide provisions did not only mean an, on average, lower level of pay and social security than in other, better regulated sectors of the Dutch economy, but also a much wider variety of company-specific terms of employment, personnel policies etc.

In the second place, North-American and European workers in the shipping industry have long before this became a problem in other sectors of industry, been faced with the competition of cheap, foreign labour. Dutch companies – many of whom operated mainly or partly from the Dutch East Indies – traditionally recruited people from South East Asia. But, in general, in the thirties with extremely high levels of unemployment everywhere, there was an oversupply of able bodied seamen for Western merchant marines. This state of affairs probably affected unionization and wage levels in this industry negatively. It stands to reason that, on the whole, such comparatively unsatisfactory working conditions and uncertain prospects of employment, had adverse effects on the sailors' motivation to work and their relations with their employers.

The war in all likelihood had both negative and positive consequences for the sailors' working conditions. To start with the liabilities, all those manning Dutch ships in this period became exposed to the perils of war at sea. Many of them in addition suffered the separation from their families and friends in their home country. Finally, becoming conscripted to remain in the Dutch merchant marine must have alienated various minorities for varying

reasons. Let me take up these points one by one.

As early as September '39, the risks to life and limb increased even for those sailing on 'neutral' ships. When the Germans attacked The Netherlands in May 1940, 38 Dutch ships had already been sunk and several dozens of crewmembers and passengers perished (Bezemer, 1987, 172). After May '40, those who manned the Dutch ships, faced the gloomy prospects of an increasingly dangerous trade. As was mentioned before, the battle of the Atlantic was not over until May 1943. Even up till April 1943 there was a gradual increase in German seapower and mounting losses for Allied merchant vessels on the Atlantic. On the Pacific and in the seas in and around the Indonesian archipelago, the Dutch merchant (as well as the Royal) navy suffered extremely heavy losses after Pearl Harbor (December 1941). In fact, as became clear after the war, almost 50% of the Dutch merchant fleet was lost between 1940 and 1945, while about 20% of the sailors died (De Jong, 1979, 728; 730).

When The Netherlands joined the Allies, sailors on Dutch ships on the Atlantic, or in ports in the UK and the US, were not only confronted with a very abrupt increase in war risks, but also had to envisage a long lasting separation from their families in occupied territory. Many of them became anxious that their dependants would no longer receive their habitual allowance, or might even be the victim of other reprisals on account of the fact that their breadwinner was engaged in the war against Germany.

Furthermore, as we saw earlier, in June '40 the Dutch government in exile enacted a decree of compulsory labour for the merchant marine, because of the unrest on the fleet after the German occupation of The Netherlands. This measure caused widespread resentment. Those who were perfectly willing to continue serving on the fleet, often felt slighted by being forced to do what they would have already done of their own accord. Others who were reluctant or hesitant, became even more disaffected when deprived of the seaman's normal right to opt out.

Reluctance to continue sailing under the Dutch flag in those days, may have been due not only to deprivations, but also to hesitations on political or ethnic grounds. Although this hardly ever comes to the fore in the histories about the fate of the Dutch merchant marine written after the war, it nevertheless stands to reason that a small, but vociferous, number of seamen in those days must have politically tended towards the far left and for that reason would have been quite averse from being coerced to participate in a 'capitalist' war. Dedicated communists wanted no part of the war as long as the Soviet-Union remained at peace with the Axis powers, while libertarian socialists or anarcho-syndicalists were bound to consider such a struggle none of their business. Likewise, not all seamen on the Dutch fleet who came from Indonesia, China, or another South-East-Asian country – about one in three! – will have been eager to risk their lives on behalf of their colonial masters or the Allied cause.

However, for the sailor on a Dutch ship serving on the merchant vessel of a belligerent nation not only meant a deterioration, but perhaps in a way also an amelioration, of his lot. At least according to one eye-witness – a Dutch sailor who worked on various ships during this period and was also involved in the larger scene as a union activist –, labour relations in Dutch shipping definitely took a turn for the better upon the occupation of the homecountry (Bleiksloot, 1988, 3–4). The ship owners and captains started doing their utmost to accommodate the men. All of a sudden the Dutch sailor had become a scarce commodity. If he left his ship, he usually had to be replaced by a Britisher, not a very attractive prospect for the captain on account of language and other problems. In general, those in command of the merchant fleet presumably realized they depended in this situation on the willing cooperation and teamspirit of their crews more than in times of peace.

According to the informant in question, the awareness among employers and employees of being thrown on each other's company, brought about a betterment of labour relations, not only at the level of the industry as a whole

(in the form of a Contact Committee between the NSHC and the unions), but also on the ships. After a while union representatives aboard – a 'contactman' for the officers, and a 'fiduciary' ('vertrouwensman') for the ratings –, were officially recognized and obtained the right to meet with the captain and some of his officers to discuss grievances weekly (Bleiksloot, 1988, 4–6).

Nevertheless, we may take it, that such a spirit of harmony did not prevail all the time or everywhere on the fleet. In all likelihood, the working climate aboard varied not only from company to company, but also within the same company from ship to ship. After all, as pointed out in a classic article by Aubert and Arner (1958), the ship is a 'total institution', an organization in which the employee is present twenty-four hours a day. Therefore, I suspect that, labour relations aboard are (much) more liable to be slanted by the quality of leadership of their superiors than in a comparable factory ashore. If the captain is a competent navigator and administrator, knows how to get along with and inspire his crew, chances are that he can run a 'happy ship'. If, however, he is not quite up to the mark, he is likely to become the target of all the crew's grievances not only against him, but also against their employers. He is then faced with a bitter 'class-war' aboard, in which his officers have to take sides, and – if they side with him – often do so without much conviction or sympathy.

Consequently, all depending on time and circumstances, company policies and the general quality of life aboard, there were still a fair number of tensions and grievances which could and occasionally did erupt into overt or covert forms of protest. Numerous desertions and work stoppages, for example, when their ship was bound to leave and the crew thought the ship's armament wholly inadequate – occurred in the UK, the US, South Africa and elsewhere. It is estimated that about 6–8% of all those enlisted in the merchant marine participated at one time or another in (attempts at) desertion, work stoppages etc. between the end of 1941 and October 1944 (Bezemer, 1987, 268). One should realize that this figure does not include data for the last half year of the war and is

based on officially registered transgressions<sup>9</sup>. It is a fair assumption that in a significantly greater number of cases captains, officers, or officials from ashore, managed to nip such acts of discontentment in the bud, or settle such forms of protest unofficially. All this leads to the inference that discipline, morale and labour relations constituted major problems at one time or another on many a Dutch merchant vessel – possibly on more than 10%? – in this period.

Finally, one wonders how Dutch seamen fared in comparison with their mates from other Allied marines. Crews on ships sailing under the Red-White-and-Blue flag of The Netherlands earned more and enjoyed better social provisions than those serving under the Union Jack. So much more, that the British government exerted considerable pressure on the Dutch authorities to lower wages and war bonuses for seamen (Bezemer, 1987, 206–207; 484–493)<sup>10</sup>. Furthermore, working circumstances were probably somewhat better in the Dutch than in the British merchant marine due to the fact (in 1939) that the Dutch fleet was, on average, more modern than the British fleet (Keuning, 1944, 23; 26). However, in comparison with the men on US vessels, their Dutch counterparts were less well off, at least as far as take-home-pay was concerned. In addition, after Pearl-Harbor a vast expansion of the US merchant fleet took place involving both modernization – and therefore presumably improvement of working circumstances aboard! –

<sup>9</sup> In her analysis of the proceedings of the Dutch maritime courts in London, Smit (1989: 554) showed that from 1942 till 1945 in total 1079 seamen employed on Dutch vessels, were convicted. If one assumes the complement of the fleet to have been on average about 12.000 (Bezemer, 1987: 190), one arrives at a percentage of 9, quite close to the estimate mentioned in the text.

<sup>10</sup> The war bonus for the Dutch seamen was much higher than for the British during the period of Dutch neutrality, but was allotted only for especially dangerous routes. After May '40, however, the Dutch minister in consultation with the shipowners and union representatives agreed to lower the bonus, but not the wages. In the end the British had to raise their pay levels, since they contrasted unfavorably with not only those of the Dutch, but with those of most other Allied merchant marines as well.

and a sharp increase of job opportunities (Goldberg, 1958, Ch. 8). Consequently, crewmembers of Dutch ships in American ports sometimes preferred the Stars-and-Stripes above the Red-White-and-Blue and this was generally considered a main reason for desertions from Dutch vessels on the US side of the Ocean.

On the whole, when comparing the accounts of the merchant marines of the US, the UK and The Netherlands (by Goldberg, 1958, Ch. 8; Lane, 1990; De Jong, 1979, 731–732; 776 and Bezemer, 1987, 248–268; 1058–1068), labour relations between '42 and '45 in the Dutch shipping industry – like conditions of labour and working circumstances – appear on the whole to have been somewhat better than in the British, but worse than in the American fleet<sup>11</sup>.

Of course, conditions and relations on other expatriate merchant marines were also highly relevant for the administrators and sailors of the Dutch fleet. The Norwegian fleet, although qua size and modernity superior to the Dutch one (Keuning, 1944, 23; 26), was in these, as well as in other respects, more comparable to the Dutch merchant marine than to those of Belgium, Greece and Poland. In as far as one can infer from recorded remarks by Dutchmen active in this sector during the war, the conditions of labour of the Dutch tended to be better, but their labour relations poorer than those of the Norwegians.

An indication of the validity of the latter conclusion – on the whole higher morale on Norwegian than on Dutch ships – is found in an analysis of convictions by Allied, non-British maritime courts in Britain. Smit (1989, 658/659; 664) reports that the number of convictions by Dutch courts on British territory were higher and their sentences more severe than those imposed by other Allied maritime courts in Britain. This could be the result of a comparatively low morale on Dutch vessels in that

<sup>11</sup> My impression is that in those days Dutch merchant vessels could be characterized as more or less in between the British and the American vessels in many other respects of formal structure and regime as well. See for a comparison of US and UK merchantmen around World War II, Richardson (1956).

period, or of a system of discipline in which captains take recourse to formal sanctions more often than their colleagues in other merchant marines. In the latter case, such a rather strict system of discipline is likely to have affected morale negatively rather than positively. In either case there are grounds for the supposition, that labour relations on the Dutch merchant marine during the war, contrasted unfavourably with those on the Norwegian fleet<sup>12</sup>.

All in all, I cannot escape the impression that during the war years, at least for a sizable minority of Dutch merchantmen, labour relations and/or working environment left a good deal to be desired and frequently gave rise to – or anyway did not forestall – unrest, protests and desertions which hampered the functioning of the fleet and its contribution to the war effort. Conditions of labour always, anywhere, anyway, constitute a problem, but especially in 1940 till 1945 due to the war risks and – also where the trade in the Western hemisphere was concerned – due to the ‘relative deprivation’ the Dutch sailors felt in comparison with their American counterparts. In other words, the policymakers of the merchant marine in London – the Dutch ship owners and the government in exile – had a good deal to worry about, not only on account of military, political, and economic problems, but also in connection with social issues!

### **The conflict concerning co-determination**

In the fall of 1941 Steenberghe – then minister of Trade, Industry and Shipping in the Dutch cabinet – resigned. In due time he was succeeded by a newcomer to the Dutch community

<sup>12</sup> Although Smit’s conclusions with respect to the frequency and severity of convictions by maritime courts refer to a comparison between Dutch and ‘other Allied’ courts, this certainly holds for the difference between the Dutch and the Norwegian courts. According to Smit (1989: 196–197) out of about 35.000 Norwegian seamen only 192 (= 0.55%) were convicted in the war years by a Norwegian maritime court in Britain, while among about 18.500 seamen in the Dutch merchant marine 1079 (= 5.8%) underwent a similar fate (Smit, 1989: 554).

in London, as well as to the political and industrial scene of The Netherlands. The new incumbent of this post – Pieter Adriaan Kerstens –, a teacher by profession, had worked in the Dutch East Indies since 1926<sup>13</sup>. He became head of a secondary school, chairman of the Roman Catholic party of the Indies, member of the ‘Volksraad’ (a quasi-parliamentary advisory body for the Governor-General) and outside director of several enterprises.

Of modest, lower-middle class origin, Kerstens could easily understand – and identify with – the social underdogs. In his party he became known as a left-winger who entertained progressive social ideas in the spirit of corporatism and advocated a more rapid pace of emancipation for the Indonesians than most other speechmaking Dutchmen in that period. Within a few months after his arrival in London in Januari ’42, both the Queen and the prime-minister became ardent admirers of this charming genius and considered him as the obvious choice for the next premier of the Dutch government.

In the first year and a half of war it had become clear to Kerstens’ predecessor and to the Dutch cabinet in general, that the mere requisition of the use of merchant vessels – a sort of obligatory hiring out of their ships by the ship owners to the Dutch government – was insufficient. It created an unequal distribution of risks and profits between companies whose ships were mainly engaged in the war effort, and other firms still continuing business as usual in the so-called ‘free’ trade. Moreover, as long as the government could not direct the purchase of used ships or the building of new ones, no central planning could be undertaken for the renewal of the fleet for the remainder of the war and afterwards.

<sup>13</sup> The data concerning Kerstens are derived from De Jong (1979: 345–348). Unless otherwise indicated, the story of the conflict about co-determination in the merchant-marine as told here, is likewise taken from De Jong (1979: 774–793). See on this also Bezemer (1987: ch. 23) whose version does not show any significant differences from De Jong’s report. For a short summary and biting comments on the minister’s demeanor by a ship owner (member of the N.C.S. in New York), see Delprat (1983: 181 ff.).



In 1940 the British and the Norwegians had already requisitioned not only the use of their seagoing vessels, but had even taken the vessels themselves in temporary possession. Plans to follow suit were already well under way when Steenberghe resigned, but Kerstens became the minister responsible for introducing the necessary legislation and issuing the decrees to implement this far-reaching form of governmental control over the merchant marine.

A majority of the members of the NSHC were opposed to this kind of requisition, for they felt that their committee – which operated very smoothly and effectively as a spirited team – was full well equipped and capable to handle the problems in question in cooperation with the minister. Nevertheless, Kerstens went ahead with his plans without consulting the ship owners who in their function as NSHC, formed the supreme governmental agency administering the fleet. Adding insult to injury, Kerstens lent a willing ear to the representatives of the unions in London. As if that were not yet enough, he started addressing the seamen directly, thus bypassing their employers and their captains. In his talks for ‘radio Brandaris’ – a special program for Dutch seamen which was broadcasted on specific days and wave lengths thanks to facilities of the BBC – he expressed his sympathy for the fate of the common seaman, announced his intentions to improve his lot, explained the new measures for requisition, and also made remarks exhibiting a certain distance to, if not criticism of, ways and policies of ship owners.

The latter, of course, were outraged. The members of the NSHC felt that they laboured day and night – without remuneration (by the government, over and above their salaries as company-directors) – on behalf of their country, for which they received no thanks at all and covert reproaches instead. They protested vehemently against the minister’s ideas and intentions, which, according to some of them, smelled of ‘statesocialism’ and augured ill for policies to be expected of Roman Catholic politicians in the post-war liberated Netherlands. Nevertheless, the contested plans were by and large maintained by the cabinet, and in June ’42, the new law for requisitioning the fleet ‘into

possession’ was enacted. Since the minister in question forthwith delegated the administration of the fleet to the NSHC, which in turn ‘re-delegated’ its powers for the Western hemisphere to the NSC in New York, it looked as if – at least for the time being – the ship owners would continue to keep control, if not *de jure*, then *de facto*, of ‘their’ fleet.

However, soon after the enactment of the new law, minister Kerstens gave another radio speech via the ‘Brandaris’ to the seamen in which he held out for them – again without prior consultation of the NSHC – improved conditions of labour, as the government had become their employer. He subsequently departed for the US in connection with a strike threat of Dutch sailors on the West-coast. During his stay there he ordered a wageraise of 10%, doubled the sailors’ shore bonus and promised the restful crews arrangements for vacation, lay-offs and pensions. Back in London he issued the 8 hour workday for the shipping industry, the right for 30 days vacation a year and installed a committee to design a scheme for unemployment benefits and pension rights.

By now the ship owners were thoroughly fed up with the minister and decided to petition the Queen. The NSHC contacted their colleagues of the NSC and composed a long litany of complaints about the ‘dispossession’ of their fleet, the social policies adopted and envisaged by the minister, and the highhanded methods he used. They concluded that in this way the government prejudged postwar developments of Dutch industry in the wrong direction. They warned fearing that these forms of state-intervention would severely hamper the viability of Dutch shipping through unjust and unjustifiable measures.

It appears that Queen Wilhelmina was duly impressed and approached the prime-minister insisting that the government in exile should strenuously avoid measures which could constrain major post-war policies which ought to be at the discretion of the new cabinet after the liberation. At that time Gerbrandy disregarded Her Majesty’s intervention, but it is plausible that his awareness of the Queen’s reservations with respect to Kerstens’ proposals, played a

role in his later change of attitude towards this issue. For the time being, however, the prime-minister as well as the rest of the cabinet still endorsed Kerstens' policies, although some of them had already started to wonder if his rash ways of dealing with the shipping magnates were slightly imprudent under the circumstances.

The struggle lingered on and things did not come to a head until the spring of 1943. The right for union representatives to co-decide with the employers' representatives in certain areas on an equal base, became the main bone of contention. In the wake of the requisitioning of the fleet, the minister wanted to devise new procedures for settling the sailors' conditions of labour, safety and other aspects of their working environment, and – last but not least – for the handling of their grievances. The representatives of the unions demanded some sort of 'medezeggenschap' (co-determination, 'Mitbestimmung') and minister Kerstens was willing to grant such right(s) in one way or another. In May 1942 he had already informed the parties concerned to have considered adding union representatives to the committees (the NSHC and the NSC) to which he had delegated his powers, but to have decided against it 'as yet'. Now, in April '43, he proposed to install three arbitration committees with equal numbers of representatives of employers and employees.

The union representatives – the CC – responded favourably to this idea, but suggested three 'practical measures' in addition. The first came down to granting the CC the right to co-determine the contents of all information and instructions to the captains of Dutch merchants in as far these pertained to conditions of labour, working environment etc, with the NSHC. In a second 'practical measure' they proposed to inform union representatives beforehand of – and to allow them to raise objections to – all appointments, transfers and dismissals of officers and ratings. Thirdly they suggested to grant union representatives the right to make proposals regarding facilities, safety and rescue measures, and composition of crews.

Of course, the ship owners were dead set

against all three proposals. They protested vehemently and argued that the first two were encroachments on management prerogatives. Moreover, the second one – the right to raise objections to mutations – in their view could seriously undermine the authority of the captain and discipline aboard. The last 'practical measure', the right of initiative for the unions to propose improvements of the ships' facilities etc., would, according to the NSHC lead unavoidably to higher costs of exploitation. In short, they rejected the measures as totally unacceptable and wanted a discussion with the minister.

Thereupon, Kerstens met with two members of the NSHC and two of their colleagues of the NSC who – thoroughly alarmed by the proposals – had come down from New York to join the protest. The minister promised to hear the complete committee a week later, but, when all ten members appeared in his department at the appointed hour, he did not receive them, claiming he had no time. Again adding fuel to the fire, he did find time to talk with the union representatives, and the day after that meeting announced his final plan to the NSHC. As can be seen in Table 2, by and large he adopted the 'practical measures' as suggested by the CC, but made some small amendments. In the second measure an exception was made for the appointment, transfer and dismissal of captains, which were not to be subject to objections by union representatives. Furthermore, in the second and third proposal, it was now explicitly stated that the NSHC was to have the final say. Finally, the rights in question were no longer to be granted to union representatives in general, but limited to the CC.

It only took the ship owners a few days to agree on their final 'no'. They again advised the minister of their reasons to refuse cooperation with his intended policy and stated to be unable to fulfil their duties as delegates of government responsibility any longer if he would try to force them to comply. In other words, if Kerstens did not withdraw or mitigate his plans, they would step down! Since at that time there were no other ship owners, managers or civil servants available in London who would be able and willing to replace them, their defiance,

Table 2. Decree for the Dutch merchant marine (draft)

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- a. 'all information and instructions to the captains, in as far as they pertain to conditions of labour, service regulations, safety, housing on board and ashore, and all such measures with respect to the personnel. ....to be determined (by the NSHC; CJL) in concert with the Contact-committee.'
  - b. 'that the Contact-committee is entitled to make objections to intended appointments, transfers, dismissals of officers (except for captains) and ratings, in case they think there are indications that the mutation will cause harm. The final decision rests with your committee (the NSHC; CJL).'
  - c. 'to make proposals to your committee (the NSHC; CJL) concerning the crew's quarters, safety and life-saving-appliances, and also with respect to the composition of the crew. The final decision rests with your committee.'
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for all practical purposes, amounted to a 'strike' or perhaps even to 'desertion',<sup>14</sup>

The cabinet still stood by its decision to back the new measures for the merchant marine and charged the prime-minister and the minister of Trade, Industry and Shipping to lay down the law to the rebellious NSHC. When – on a Monday – Gerbrandy and Kerstens entered the room where the meeting was to take place, the ministers did not greet the gentlemen who – as instructed by a civil servant a few minutes earlier! – had risen upon their entrance. Then, the prime-minister told the members of the NSHC in no uncertain terms that their 'strike' threat was unacceptable for the government, whereupon minister Kerstens demanded the unconditional withdrawal of their protest before the following Saturday (24 May) 12 A.M.

The chairman of the board – Hudig –, seething with rage, asked permission for one of his colleagues – De Booy, who had prepared a speech – to explain their position. Kerstens replied that there would be no discussion. Nevertheless, De Booy said that he wished to make a 'personal statement' which – much to the annoyance of Kerstens – Gerbrandy allowed by nodding. De Booy argued that he and his co-members were not out to 'strike'. The members of the committee, he stated, were not civil servants, but administrators with their own responsibility, who had a right to step down if they no longer felt able to acquit themselves of their responsibilities.

The all but final words during this memo-

<sup>14</sup> At least, this was the considered opinion of the Dutch public prosecutor in London (De Jong, 1979: 780).

orable occasion were spoken by Kerstens who expressed his dismay at that the members as there had been given the opportunity to respond and then repeated his ultimatum: before next Saturday 12 A.M. the board was to withdraw its letter! Now, at last, chairman Hudig could no longer restrain himself and told the ministers it was unnecessary to wait till Saturday. He could tell Their Excellencies right away that the NSHC would not give in and that the committee would uphold its refusal to execute the plans of the minister. Here the meeting ended and – again without saying goodbye – the two ministers left.

With this meeting the conflict between the minister and the recalcitrant ship owners had not only reached its climax, but also its end. Gerbrandy came to realize that Kerstens had seriously underestimated the determined resistance of the shipping magnates and started wondering if the benefits of the proposed arrangements were worth jeopardizing their efforts on behalf of the Allied cause. The ship owners sensed that the prime-minister was wavering and probably could be made to see (their) reason(ing). Kerstens was at a loss, for he had counted on a climb down by the committee. For a short while he toyed with the idea of amending the August '40 decree on compulsory labour for the merchant marine, so as to make it applicable also to the members of the NSHC. However, he suspected – or knew – that the Queen was not going to sign any such bill.

Thus, the initiative shifted to the prime-minister who received letters from, and subsequently had lunch with, some NSHC members and in due time concocted a 'compromise'

which, in essence, meant withdrawing the proposal to grant co-determination rights to union representatives. The CC would be entitled only to advise with respect to 'all information and instructions to the captains'. Nevertheless, one surmises that in practice the three 'practical measures', although leaving the final say to the ship owners, did in fact imply an unprecedented amount of opportunity for union representatives, to influence *a priori* not only major policies, but operative decisions regarding crews, their work, working conditions and facilities aboard.

Let me finish this story by telling that his defeat in fact also meant the sad end of the once promising career of Kerstens. A year later he was forced (by his colleagues) to resign. His office was taken over by De Booy who managed to cooperate smoothly with his former fellow NSHC members and also with the union representatives in London. Alas, this relative harmony of labour relations at the top level in the Dutch shipping industry did not survive the war, but that is another story and not a subject of our enquiry here.

## Reflections

What about the causes and/or antecedent conditions that precipitated the crisis? And how to account for the outcome of the conflict? The Dutch parliamentary committee of inquiry into the conduct of government in London during the war, ascribed the clash over the issue of co-determination for the CC to an *incompatibilité d'humeur* between minister Kerstens and the members of the NSHC (Enquêtecommissie, 1949, part 3A, 258). The minister, in the opinion of the honourable gentlemen, should have shown more tact and understanding with respect to the position and the problems of the NSHC, while they in turn ought to have been more open and forthcoming towards the ministerial plans and motives.

De Jong (1979, 792–793), however, rejects this interpretation. The adversaries, he argues, understood one another perfectly well and for that very reason the conflict was as furious and irreconcilable as it seemed. The minister

wanted to introduce an arrangement which, in the long run, would indeed have been a precedent not only for other sectors of the Dutch economy, but also for the international shipping industry. Therefore, because they felt they had to stand up for the viability of their business and for a 'free' economy in general, Hudig c.s. fought the minister tooth and nail. In other words, the conflict was a function of a sharp divergence of interests and principles.

Still, the parliamentary committee quoted above had a point: *if* the minister had – like his predecessor, Steenberghe, who came himself from a business background – been of a disposition which was more congenial to his opponents, he would probably never have proposed such an arrangement, let alone tried to force it down their throats! In other words, the *occurrence* of the conflict was an effect of the minister's vision and his insensitivity to the ship owners' views, interests and position of strength. The *nature* of the conflict, however, certainly cannot be explained as a clash of personalities, but must be seen as a power struggle reinforced by incompatibility of ideological convictions.

This brings us to the remaining question concerning the *outcome* of the conflict; why did the cabinet lose the battle? A simple analysis – in terms of the power relations between the main parties involved (IDE, 1981, 256 ff.) – shows the odds to have been very much in favour of the NSHC

The minister and the cabinet in general could not offer the ship owners positive sanctions to entice, or negative sanctions to coerce them to comply with the intended decree for co-determination. They had to depend above all on – what Weber (1947, 122 ff.) called – their rational-legal authority. Now, in a constitutional monarchy like The Netherlands, this type of power in the idealtypical case is legitimated and strengthened by the consent of parliament, public opinion and the traditional authority combined with charisma-of-office of the king or the queen. The Dutch government in exile, however, could no longer consult the parliament from which it had received its mandate, had no access to the media of public opinion, and had to reckon with a queen who could as-

sert her own will thanks to her formal powers and a measure of personal charisma. In this case she was opposed to the planned provision for joint decisionmaking by the NSHC and the CC, so that whatever authority the minister and his colleagues could muster, was liable to be undermined, if not nullified, by her attitude.

The ship owners constituted without question the most powerful actor in the game. The members of the NSHC were the experts and the natural (legitimate) bosses of the merchant marine, on whom the Government depended to a considerable degree for its international status, for whatever little power it could wield in the Allied camp, and for its economic resources. If one looks at the mutual relations between the government in exile and the ship owners – a more or less organized force to begin with<sup>15</sup>, and in 1940 officially constituted as such by the Dutch government! – in the light of the contingency theory of power<sup>16</sup>, it is clear that the NSHC at that time in London was for the Dutch government a very salient tool indeed to cope with strategic uncertainties of a political, economic and military nature, central to the ‘web’ of the government-in-exile, and non-substitutable.

Finally, what about the third party involved, the unions? In general, in order to bring to bear their most powerful sanction – the threat of a strike – , unions have to make sure that the issue appeals to their members, and that a sufficient number of them are willing and ready to make sacrifices on behalf of the issue in question. In 1943, in the period that the described crisis reached its climax, the battles of the Atlantic and the Pacific had not yet abated, so that the seamen on Dutch vessels, if at all aware of the issue of co-determination for their union leaders in London, certainly had more urgent problems to worry about.

Of course, people like Oldenbroek and his fellow union officers must have realized that

<sup>15</sup> In the interbellum, not only in The Netherlands, but in Europe in general, shipping was one of the most cartelridden industries in this hemisphere!

<sup>16</sup> For a first formulation of this theory, see Hickson et al. (1971). Information about later developments can be gained from Cohen and Lachman (1988).

the issue lacked appeal for their following. It is plausible that for this reason they did not consider to take recourse to industrial action to further their objectives, but simply egged the minister on, once they found out that Kerstens advocated such measures of his own accord. In other words, they wisely took a low profile approach in this matter which meant that the ship owners in the conflict did not have to take them seriously as a force to be reckoned with.

One final point. Even without the benefit of my sociological analysis in the last couple of pages, many a reader – when taking cognizance of the story in the preceding pages – will intuitively have sensed that Kerstens and the cabinet were fighting a losing battle. This then gives rise to the question: were Kerstens, Gerbrandy, other members of the Dutch cabinet, and the main civil servants involved in the affair, not aware that the minister was – to put it in maritime terms – embarking on a ram course? Most of the politicians or officials in question must have previously experienced a lot of power play, either in the public and/or in the private sector. Didn't they recognize that the ship owners held a position of enormous power, and that on this point of co-determination they would be adamant to pleas, let alone ‘orders’, by the minister?

I did not come across any evidence enabling me to give definitive answers to these questions. What appears to be fairly certain is that neither Kerstens, nor Gerbrandy had expected such strong resistance on the part of the NSHC. Surprising? Well, even in our day and age, when – at least in my country – the vast majority of politicians and civil servants have taken courses, if not degrees, in one or more of the social sciences and/or are steeped in ‘enlightened’ literature concerning the ‘real’ workings of democracy and bureaucracy, I am often struck by the extreme naïvety of so many of the decisionmakers in question. Apparently many bureaucrats, administrators and politicians assume the process of governing to involve nothing than enacting a law or decree whereupon one can take it for granted that citizens will in general and normally act as required by that law or decree. However, it is highly unlikely that all Dutch ministers and functionaries in-



volved were so naïve. Some of them must have known, or suspected, what was going on and what was going to happen. Maybe some of them did point the dangers of persevering in this matter out to Kerstens and/or Gerbrandy and noticed to their dismay that their warnings were flung to the winds. Maybe some of them – gloating in advance over the downfall of ‘up-start’ Kerstens – predicted correctly what would happen and deliberately did not (or not seriously) warn (one of) the key figures in question.

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