

CHAPTER 1

From Revenge to Probation Service: Convicted Wartime Collaborators in Denmark after World War II

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In Denmark, World War II was followed by a legal reckoning with wartime collaborators. In the years following the war and the German occupation, approximately 13,500 Danes were convicted of treason. The thirst for revenge was near insatiable, but the challenge of reintegrating this large group of convicted traitors into society was unavoidable. This chapter examines ‘the long legal reckoning’—the part of the reckoning that followed the trials of the traitors.

In recent years, much research has been conducted in this field within the paradigm of *transitional justice*.¹ Although resocialisation is considered to be a relevant element of punishment in many theories of punishment—or perhaps the very purpose of punishment—it has played a remarkably small role in this field of research. Jon Elster, a prominent researcher in transitional justice, states this interesting fact in an international research overview. His point being that resocialisation is of marginal importance to transitional justice, as the primary

purpose of resocialisation, which is to prevent recidivism, is meaningless in this context: “The idea of ‘treating’ generals or torturers so that they will not take power again or not engage in sadistic practices is absurd”.² It is telling that this field of research was previously grouped under the term *retroactive justice*—studies of legal reckonings have predominantly revolved around a backward-looking perspective.

In the latest research into Norwegian legal reckoning with wartime collaborators, historian Anika Seemann argues that the reckoning must be understood in a broad political and social context that considers the changing phases of the reckoning. She shows that resocialisation was a focus of attention for the Norwegian authorities early on and throughout the reconstruction period, but her work does not examine the resocialisation efforts themselves and their consequences.³

One exception is the Belgian and Dutch resocialisation efforts. In her pioneering study historian Helen Grevers emphasises the research potential of the field: ... it is precisely by studying the execution of the punishment that underlying ideologies and interest are exposed, and this can demonstrate how well defined citizenship was”.⁴ Her comparative studies conclude that while convicted wartime collaborators in nationally divided Belgium were forced to learn to love their nation and state, the Netherlands took a more socio-economic approach, as the post-war analysis concluded that wartime collaborators had primarily been driven by economic and social motives.⁵

This chapter studies the Danish legal reckoning with wartime collaborators by incorporating a forward-looking perspective. It deals with the consequences of the treason trials – both at the authoritative level and when considering individual convicted collaborators. The findings contained within this chapter are based on studies of parliamentary debates, daily newspapers, criminological periodicals, and publications from the Danish resistance movement. The empirical examination of resocialisation in practice is based on prisoner records and journals from prisons and penal camps combined with records of the supervisory authorities during the probation period of the wartime collaborators. The study covers approximately 100 convicted wartime collaborators and includes both ‘small’ collaborators and more severe cases of wartime collaboration. The ‘small’ collaborators received relatively short sentences. A typical example of such an infraction was if the individual had been a volunteer in the Waffen-SS. While members of the police auxiliary force known as *Hilfspolizei* or “Hipo” were often given severe prison sentences, including life imprisonment because of their role in brutally policing their fellow Danes on behalf of the German occupying forces.⁶

Firstly, the chapter analyses the change of course in policy by the Danish authorities when they began to prioritise the resocialisation of convicted collaborators rather than focussing on punishment alone. What was the motivation of this change? And what did this change of course mean for prisoner treatment and probation services after release? Secondly, the chapter examines the practice of resocialisation. What impact did the efforts of the authorities have on convicted collaborators? And finally, how did resocialisation work in practice within the prison system and after release?

REPRESSION OR RESOCIALISATION?

Shortly after the end of the German occupation the Danish Parliament passed a treason law known as the Criminal Code Supplement. Penalties for wartime collaboration were severe. The minimum sentence was four years' imprisonment, and the death penalty was reinstated. In addition, a conviction under this law also entailed the loss of civil rights for the convicted individual. The atmosphere after the occupation was heated and the purpose of the punishments that were handed down was primarily for revenge, deterrence, and exclusion of the traitors.⁷ The commentaries to the treason law explicitly stated: "The educational aspect of punishment must [...] generally be set aside".⁸

Nevertheless, the question of resocialisation of convicted wartime collaborators surprisingly quickly became an issue clearing the way, not only a return to pre-war practises, but to a modernised way of treating prisoners in general.⁹ A crucial initiative in this development came from Mogens Fog, who was a minister in the Danish government and who had been a prominent member of the resistance movement during the occupation. In September 1945 he wrote a front-page article in *Frit Danmark* – a magazine published by the resistance movement. The title of the article was "Punishment is not enough". Fog argued that it was crucial to view the convicted collaborators as individuals and to initiate measures to help them reintegrate into society after having served their sentences. "It will be to the country's great harm if we instead breed a cohesive, criminal pariah caste that will remain in conscious opposition to democracy for the rest of their lives."¹⁰ If the convicted were excluded from society indefinitely, they would pose a threat to social and democratic stability.

The debate continued from this point, and in October, an expert committee was formed by *Frit Danmark*, which published a report on the importance of the resocialisation of the convicted traitors in November. These views were supported by the leading experts of the country at the annual meeting of the Danish Asso-

ciation of Criminalists.¹¹ The main topics of the meeting were the treason law and its enforcement and tensions were running high among the delegates. In the presence of one of the main architects of the treason law, former Minister of Justice Niels Busch-Jensen, the law was described as: “The most reactionary, expertise-defying law passed in living memory.”¹² The experts characterised the treason law as a step backwards in Danish penal law that needed urgent revision. The meeting concluded with Minister of Justice Aage Elmquist announcing the formation of a committee within the Ministry of Justice to address the revision of the treason law. The announcement was met with applause.¹³

A CHANGE OF COURSE

The report from the committee conducted by the Ministry of Justice was completed in February 1946 and in June 1946 a revision of the treason law was passed in the Danish Parliament.¹⁴ The revised law introduced several changes that improved the reintegration prospects of the convicted wartime collaborators. The most significant change was the introduction of probation from which the convicted collaborators had been excluded in the original treason law. Probation required that they had served at least two-thirds of their sentence with a minimum of one year. The revised treason law also reduced the minimum sentence to two years’ imprisonment and reduced the loss of civil rights. At this point both politicians, experts and the resistance movement clearly recognised that resocialisation was necessary.

Also in February 1946, a separate committee had been formed in order to address the conditions of the individuals serving prison sentences. The committee found that existing regulations regarding the treatment of prisoners were outdated and thus issued recommendations changing treatment practices for both wartime collaborators and other regular criminal offenders. The position of the committee was that the main purpose of incarceration was to improve the prisoners’ opportunities in society after having served their sentences.¹⁵ This led to a significant change in the principles that defined the framework for serving prison sentences in general. The law was passed in May 1947, granting those convicted of treason the same prison conditions as other criminal offenders. The central principle became *normalisation* – prison life should resemble life in society as closely as possible. The deprivation of liberty was now seen as punishment enough, and the prison stay should not cause the prisoner additional suffering.¹⁶

This more lenient approach towards convicted wartime collaborators gradually resulted in extensive reductions in sentences. Within the Ministry of Justice,

there was a growing desire to bring the legal reckoning to an end and to adopt the pragmatic point of view that prisoners should not be imprisoned for longer than necessary. As demonstrated by legal historian Ditlev Tamm, 1947 became a regular turning point in this process, after which extensive pardons and sentence reductions were handed down to many of the convicted collaborators. For example, many convicted collaborators were released on the Danish Constitution Day and the King's birthday in 1948 after serving half of their sentences. Many sentences that had been handed down earlier on in the reckoning process were also mitigated on the recommendation of the so-called Appeal Board.¹⁷ Overall, only twenty-six per cent of the convicted collaborators ended up serving their full sentences.¹⁸

This development was characterised by a genuine paradigm shift, which had nothing to do with forgiveness. Fundamentally, it had to do with the social and political stability of Danish post-war society by preventing the growth of a radicalised minority of former collaborators. The prison authorities and many politicians regarded reintegration of the collaborators into the labour market as the key to turn the convicted individuals into productive members of society.

A STATE PROBATION OFFICE

The treason trials became a catalyst for new initiatives concerning prisoners—even some initiatives affecting former prisoners after their release.¹⁹ Up until then the care of released criminals had been handled by private organisations affiliated with the prisons from which the prisoners were released.²⁰ These companies were under great strain looking at the prospect of the release of the large number of convicted collaborators. In February 1946, the head of these companies, K. Leudesdorff, remarked: “We cannot cast 10,000 individuals out of society and thereby create an extremely dangerous pariah caste. I dread the thought of how we will manage to reintegrate them. I believe it will be virtually impossible to place them in ordinary workplaces—no one dares to employ them”.²¹

Both *Frit Danmark* and the committee within the Ministry of Justice working on the conditions of collaborators serving prison time recommended a state-led solution. The issue became very urgent following the above-mentioned revision of the treason law that permitted probation for the convicted collaborators in June 1946. On 14 June 1946, a state probation office was established in Copenhagen.²² This office was designed to serve multiple functions: as a support office for supervision carried out by prisons and penal camps, as an independent supervisory institution, and as a central register for all collaborators released on probation.

The head of the office was P. Ammundsen, a former member of the resistance movement and probation secretary at Horsens State Prison.²³

RESOCIALISATION EFFORTS IN THE PRISONS

The change of course from punishment to resocialisation is excellently demonstrated by the case of “Jens”.²⁴ Born in 1926, Jens was an apprentice in Copenhagen, but because of his Nazi family and his membership of the Danish Nazi youth organisation of the DNSAP, he was harassed by colleagues and threatened by the resistance. In 1944 Jens became a member of the auxiliary police force, the notorious “Hipo” or *Hilfspolizei*, which worked closely together with the Gestapo. However, he never took part in violent action against members of the resistance – Jens was serving as an armed guard and in the kitchens at the Hipo barracks outside of Copenhagen. During the legal reckoning after the war the standard penalty for having been a member of the auxiliary police was ten years in prison. However, in the case of Jens, his young age and Nazi family environment constituted mitigating circumstances which reduced the sentence to six years in prison.²⁵

Even though young Danes like Jens had been socialised in Nazi subcultures and been a member of an extremist corps like the Hipo, they were never subjected to intense democratic re-education, denazification or deradicalisation measures within the state prison system. They received some mandatory school training, which was orchestrated by progressive teachers, but the efforts of the prison authorities behind the walls focused on labour skills. So, Jens was encouraged to continue as an apprentice within the prison, and in 1947 he was released on probation; the prison authorities were convinced that he would finish his apprenticeship successfully on the outside and that he would be able to find a permanent job and become a reliable citizen.²⁶

Even in the case of deeply convinced Danish Nazis, who had fought with the SS on the Eastern Front and who later were recruited into the *Hilfspolizei* in Denmark, the authorities concentrated on the prospects of these convicts in relation to the labour market.²⁷

THE REVISION NEUROSIS

The practice of reducing sentences was not always met with approval from the prison authorities.²⁸ In Fårhus penal camp, the prison inspector, Cuno Gjerstrup, was engaged in persistent disputes with the Ministry of Justice, owing to the ministry’s repeated overriding of the camp administration’s recommendations

concerning punishment reductions.²⁹ Also in Kragshovhede penal camp the prison inspector, Carsten Rafael's, recommendations were overruled by the Ministry of Justice.³⁰

In 1946 Carsten Rafael gave a presentation at the annual meeting of the Danish Association of Criminalists, in which he argued that the system of granting reductions in punishment without consulting those who were most familiar with the individual prisoners was directly damaging to the resocialising efforts for the prisoners.³¹ A similar viewpoint was articulated by the Director of the Danish Prisons, Hans Tetens, in a 1947 article. Here he contended that many prisoners suffered from what he termed a "revision neurosis". The uncertainty caused by the numerous reductions in punishment prevented the prisoners from settling into the imprisonment process which disrupted the efforts of pushing them into a constructive direction.³²

In 1946, "Kurt", a very well-informed prisoner aged 25 who was serving a sentence in Viborg Prison, sent an inquiry to the Police Chief in Viborg. With great precision, he explained that he had been sentenced to four years in prison for service in the Waffen-SS, but on the advice of his defence lawyer, he had refrained from appealing the case to the High Court. Now he believed that times had changed: "Now that sentencing practice and the revision of the law have reduced the minimum sentence to two years ... something must be done about a sentence like mine, which was passed at such an early stage."³³

Kurt had his finger on the pulse, and a note on the letter shows that his case had recently been sent to the Appeal Board, which was to decide whether his sentence should be reduced or not. In the correspondence between prisoners and their families there are several examples like the one concerning Kurt which show that the question of reduction in sentences was observed with considerable attention on both sides of the prison walls.³⁴

POLITICAL ACTIVITY AFTER RELEASE

The convicted wartime collaborators who were released from prison on probation were subject to a two-year supervision period. During this time, the authorities monitored whether the released individuals were leading law-abiding lives. As a special measure for those convicted of treason, the authorities also kept an eye on whether they engaged in "inappropriate political agitation" during the supervision period.³⁵

When the 'small' collaborators were released from prison in 1946–47 the authorities took different measures in some cases in order to prevent them from

working for or with other released collaborators.³⁶ During the probation period, political activity among the ‘small’ collaborators was closely monitored. One example of this is the former Waffen-SS volunteer “Aage”, who was 27 years old at the time of his release after serving one year and four months in Viborg Prison.³⁷ When he was released on probation, he was described as an avid Nazi who would hardly ever refrain from spreading his political views. Aage moved back to his family in Viborg, where he received several visits from his supervisor from the state probation office. The probation officer repeatedly noted in his case file that Aage—and his wife—still held Nazi views. Aage and the other ‘small’ collaborators—typically, sentenced to between one and four years—who had been assessed as holding Nazi sympathies at the time of release did not prompt any intervention from the authorities as long as they kept a low profile and did not attempt to overtly promote their views.

When the time had come to release the wartime collaborators who received the harshest punishments at the end of the 1940s, the anxiety that permeated the country at the beginning of the post-war trials had dissipated, and the authorities had become much more lenient. Some convicts from the “Hipo” subculture were even allowed to resume anti-communist activities or as demonstrated in some cases, former “Hipo” colleagues helped each other to find jobs. The prison authorities seem to have approved of these connections, as long as they helped the convicts back into society. At this time the question of political activity played a minor role. Most of the former Hipo-members refrained from engaging in political activity. However, compared to the ‘small’ collaborators, it is striking that, barring a few exceptions, there were no conversations or follow-through with released individuals regarding political activity or even observations noted in the relevant case files concerning this matter.³⁸

ASSISTANCE WITH CLOTHING AND FINANCIAL AID

After their release the convicted wartime collaborators could be granted help with acquiring clothing and financial aid from the state probation office. The transition from prison to a new life on the outside could be difficult. Many faced acute problems after their release, such as a lack of clothing, as they had worn out their regular clothes during their time in prison. 27-year-old “Gunnar” had served a sentence in Viborg prison for participating in German military service. When he moved to Copenhagen shortly after his release in 1946, he had no network in the city. The probation office granted him a pair of trousers, a jumper, a jacket, a shirt and a pair of used shoes.³⁹ Many applications bear witness to abject poverty

and desperation. Approximately one fourth of the released collaborators were granted help with clothing.⁴⁰ A smaller part of released individuals received small loans or food tickets. The assistance was primarily given to applicants who, like Gunnar, had settled in Copenhagen and had no network whatsoever. Released prisoners who were in contact with or lived with family members only received assistance in exceptional cases involving illness or extreme poverty.⁴¹

BACK TO WORK

The cornerstone of the resocialisation process in Denmark was gainful employment. This was a central concern for the authorities and in practice it was a necessary condition for the released persons to be able to support themselves and lead independent lives. The overall picture of this process was promising. At the end of the two-year probation period the vast majority of the released wartime collaborators were employed.⁴² One example of this positive trend was 26-year-old “Laurits”, who had been an armed O.T. guard on prisoner transports on the Eastern Front.⁴³ When he was released on probation from the Fårhus penal camp in 1947, he gained a permanent job on a farm in Central Jutland. He lived and worked there for the rest of his probation period.

However, if we look a little deeper into the source material, the picture is not quite so clear-cut. For approximately one third of the convicted ‘small’ collaborators, reintegration seemed to proceed relatively smoothly as in Laurits’ case. They secured stable or long-term employment – working for a gardener, a dairy, a butcher, or as agricultural labourers, industrial workers etc. However, for the remaining two thirds of the released collaborators, life was more uncertain. One concrete example of this is 33-year-old “Marie”, who led a turbulent life during her probation period.⁴⁴ When she was released from Sundholm Prison after serving a sentence as an informant for the Germans, she said that she would move in with her boyfriend and then look for a job as a housekeeper. However, after her release, she disappeared for six months, and then she was imprisoned for vagrancy. When she was released again, she disappeared once more. During the last months of her probation, she held various jobs on farms throughout Jutland, and at the end of her supervision period, she was registered at a hotel in Sweden.

Marie’s case is extreme, defined by disappearance, vagrancy and imprisonment, but for this group, the supervision period was generally characterised by short, casual and poorly paid jobs interrupted by periods of unemployment. Some found temporary employment in Sweden.

Several former collaborators found employment in the West Jutland brown coal camps. Many got jobs at the bottom of the hierarchy: which often meant dangerous and hard physical labour. For those employed in agriculture, it was clear that the winter months were particularly difficult due to the seasonal and unstable nature of their work. Other prisoners on parole got jobs in some of the least attractive industrial plants in Copenhagen. Although many were employed at the end of the supervision period, their employment was neither permanent nor secure. For some – like Marie – the situation was downright dire.⁴⁵

Most collaborators, who were given sentences lasting ten to fifteen years in prison like the former members of the *Hilfspolizei*, were released on parole in the late 1940s and in the beginning of the 1950s. After a new beginning on the outside and occasionally, a new surname, the majority of former convicts seemed to manage quite well; regarding work, housing and family the future looked bright at the end of the probation period for fifty of the total sample of sixty-seven convicted individuals who worked for the “Hipo”. One of these cases included the young Jens who was previously mentioned. Only in four cases did resocialisation completely fail.⁴⁶

A striking and very indicative pattern concerns the place of residence of the convicted collaborators. Immediately after release, many received assistance from parents or other family members, primarily regarding food and shelter. However, by the end of the supervision period, nearly all were living in locations where they had not previously resided. Even family fathers—those who had not divorced—followed this pattern. In some cases, the father went on his own for work, becoming separated from his family. For the ‘small’ collaborators as well as the individuals who were punished severely, it appears that a fresh start in a new location was both beneficial or even necessary.⁴⁷

CARRYING THE BRAND OF A TRAITOR

For some of the convicted collaborators, their affiliation with the German occupying force was the direct causal reason for them losing their jobs. One example of this was “Erik”, who had been convicted for German war service. He was only twenty-one years old when he was released from prison and moved in with his family in Viborg. It was very difficult for him to find work, and he had no doubt about the reason why. In a letter to his probation officer, he wrote: “Here in town, it doesn’t look like there will be any work, as I am well known. People know where I have been”⁴⁸ When he finally succeeded after six months, his joy was

short-lived. He was fired after only eight days. His colleagues had given his boss an ultimatum: it was either him or them.

Keeping completely quiet about his past in German uniform, the sentence and the prison stay was a way of staying alive in post-war society. So, when Jens, the former member of the “Hipo” was released, he remained very cautious, never talking to his colleagues about his activities during the occupation or the years he spent in prison. Jens combined this survival strategy with a change of surname. Using this method, he was able to keep a job.⁴⁹

For others, the past continued to haunt them long after the trials were over. In 1946, 26-year-old “Margrethe” was convicted of being an informant for the Germans. She later moved to Copenhagen, where she found work in a store. Ten years after her affiliation with the German occupation force in Viborg, her past caught up with her. An anonymous person approached her employer and told her that Margrethe was unfit for the job because of her past. Margrethe contacted the probation office, where the officer noted: “She has now been the subject of gossip [...] She is apparently very depressed about having the old case brought up again.”⁵⁰

In some of the writings from the convicted collaborators they use the following expression “I have been branded”. They had been forever marked by their collaboration with the Germans and the treason trials. Even though they had served their prison sentences, public condemnation of convicted wartime collaborators could be harsh. This was observed in the cases of Erik and Margrethe or Ivang Haaeman who had been a colleague of the above-mentioned Jens in the “Hipo”. Many experienced contempt, mistrust, harassment or outright ostracism because of their past. Many convicted collaborators carried the brand of a traitor with them, and for some, the stigma lasted for the rest of their lives and would even be passed on to the next generation as an inherited shame.⁵¹

THE UNEVEN IMPACT OF THE RECKONING

During the treason trials, there was great public attention given to the question about whether or not the impact of the reckoning was unequal. As the trials progressed, it was widely believed that the ‘small’ collaborators were being convicted and sentenced, while the major actors were going free. This violated the public’s sense of justice and led to deeply felt resentment towards the trial process.⁵² A famous satirical piece from one of Denmark’s major newspapers illustrated this sentiment in the following manner: “Just think how far our lawyers have come!

They've managed to do what the engineers couldn't: create a fine-meshed net that catches the small fish but lets the big ones slip through."⁵³

The issue also attracted political attention. In November 1946, during a parliamentary debate, Mogens Fog expressed his criticisms towards the treason trials and pointed to the inequality expressed in the reckoning: "It is one of the circumstances of this social skewness in the reckoning that will, far into the future, hinder the small traitors' understanding of their own crimes and their willingness to reintegrate into democratic society, and among those who are nationally upright, it has created a distrust of the administration of justice, of the settlement, which does not benefit the country."⁵⁴ According to Fog, the unfairness of the legal reckoning could intensify the bitterness among the 'small' collaborators and hinder their motivation and opportunity for reintegration into society.

Looking back at the legal reckoning, the inequality between the convicted collaborators due to the progression and development of the treason trials becomes evident. As pointed out by Ditlev Tamm, the trials against 'small' collaborators were the first to be concluded in the courts since they were relatively uncomplicated. As a result, 'small fish' were convicted relatively shortly after the war. This took place while the thirst for revenge was still strong, while the minimum penalties were high, and while the legal practice was severe. The more complicated cases concerning the more severe crimes committed by some individuals were naturally tried later during the legal reckoning. But by this point, the public fervour had died down and consequently this affected the level of punishment.

Public condemnation also hit the 'small' collaborators hard. In the period immediately after the war, the convicted collaborators were painted directly as major villains. The focus was on the most heinous crimes, and the convicted were all perceived as social deviants and outcasts. This stigmatisation affected the entire group of convicts and did not meaningfully distinguish between those who had received relatively short prison sentences and the collaborators who were punished more severely. The most serious and spectacular cases of collaboration came to define the public's view of the entire group.⁵⁵ As a result, many of the 'small' collaborators were condemned harshly, even though some of their offences had been relatively minor.

This study also has shown that the aftermath and long-term consequences of the treason trials resulted in a disproportionately skewed outcome in favour of the wartime collaborators who were facing the harshest allegations. Another consequence of being prosecuted shortly after the war meant that most of the 'small' collaborators had already served their prison sentence when the nature of

the legal reckoning became milder and shifted in focus from revenge to reconciliation. Therefore, they did not benefit from the new focus on resocialisation and the measures taken to ensure the normalisation of the convicts during imprisonment. A similar conclusion can be drawn concerning the reductions in sentencing and the possibility of release on probation. By the time probation became a possibility for the convicted wartime collaborators and reductions in sentencing became normalised, they had already been released. Thus, it was the severely punished collaborators who benefited the most from this change of approach.

This development that occurred during the first postwar years was also evident in the way prison authorities and probation authorities treated the convicted collaborators. When the 'small' collaborators were released in 1946–1947, their political views were closely monitored, and the authorities sought to prevent them from associating with like-minded individuals. However, the situation was different when the collaborators who were affiliated with the "Hipo" were released in the late 1940s. While some of the worst collaborators were never forgotten and continued to epitomise the idea of treason itself, in most cases, the development favoured collaborators such as the former members of the *Hilfspolizei*. The monitoring of political activity seemed almost absent at the tail end of the 1940s and early 1950s, and the authorities seemed to approve of established connections between convicts from the "Hipo" subculture, if they helped each other to find jobs.⁵⁶

Even the economic conditions favoured this segment of the collaborators. At the end of the 1940s the economic conditions of the country had improved, resulting in low unemployment for this group of labourers in blue-collar jobs. Furthermore, the occupation was slowly abating from the collective public consciousness, so the condemnation of those who were released later was not as severe as it had been in the first heated years immediately following the war. Throughout society and in the workplace, the 'small' collaborators had already functioned as icebreakers, taking the brunt of the thirst for revenge before the collaborators who received longer sentences were released. The path into the labour market thus seems to have been relatively easier for the worst collaborators compared to the 'small' collaborators.

The legal reckoning subsided as the collaborators were dealt with and normality returned. The immediate repercussions of the war and the treason trials were harder on the 'small' collaborators compared to those who received longer sentences, but the Danish authorities could finally breathe a sigh of relief. The threat from a dangerous pariah caste had been averted.