

FORAN 50-ÅRSJUBILEET OVER FRIGJØRINGEN:

"OPPGJØRETS TIME"
ANALYSE - DISKUSJON

The Norwegian Purge Process in Comparative Perspective

International Symposium organized by
the Goethe Institute, Bergen and
The Department of Comparative Politics, University of Bergen.

Fredag 25. og lørdag 26. november 1994

*The norwegian postwar Purge and the Events
that led up to it
Some critical Remarks*

by

Per O. Storlid

*The Norwegian postwar Purge and the events
that led up to it.
Some critical remarks*

In the early morning hours of April 9th, 1940, an eight-year-old little boy was standing at the window in his home, watching the German Kriegsmarine's task force entering the harbour of this town. From that day on, in years to come he was eagerly following the events of the great war, as they reached him through the comments and observations of the grown-up people surrounding him, and his family and human environment being steadfast royalists and loyalists, for the greater part liberals, at last he saw the end of it fully sharing the convictions this environment generally advocated. He was, in other words, a "jössing" boy or youth, belonging to what was then and later termed the "right side" in that tragic conflict which was to change so many things also in this country. This little boy was I.

which
I think it right to state clearly this background, as you may perhaps have expected a somewhat different person to represent the views of the "other side". What it was like to belong to that "other side" with all the implications it had, I therefore cannot tell you. Nor do I pretend to represent here to-day that side, if thereby one would understand the sharing of every point of view^v this or that particular representative of that side might hold. It goes without saying, then, that my views and conclusions are not to be taken as those of each and every member of the former NS either.

This advertisement made, and the theme of this symposium being the post-war purge that took place in this country, I regard it as my task to call forth from oblivion events and circumstances that I lead up to it, in order to draw up, in general outline, the scenery in which that "other side" acted, - that is to say, felt, thought and reacted upon the events which they in those far-away times were facing.

Going back to the early 1920s, it deserves mentioning that the socialist or socialdemocratic Labour Party of Norway, as the only one in Western Europe, joined the Komintern and programmatically declared itself a Marxist, class struggle-based revolutionary party. It is true that after a few years it was expelled from the Communist International, but it is equally true that it maintained its ideological platform as described. - This fact plus the fruits of the Russian Revolution admittedly aiming at the World Revolution created strong feelings of fear in very wide segments of the population of this country. This, plus the world economic crisis and a parliamentary system which at the time was putting up a really bad show of ineffectiveness and incompetency to solve the nation's problems is the background of Vidkun Quisling's entering the political scene.

I do not intent to present you with a biography of Quisling. (Professor Dahl took two volumes to make it! And made it well, by the way.) Nevertheless, as the history of the Norwegian NS movement and WW II collaboration is, to a large extent, pivoting on this person Quisling, I find it indispensable to dwell for a short time by him.

A reasonable question might be : Did he or not seem a person to rely on ? What did his early and later followers see in him ? What was the program he presented to them, to solve the problems the world and this country were facing ?

Quisling was a career officer of, as I think everybody will agree, outstanding intellectual gifts. Our more than one-and-a-half century old Military Academy up to this day never saw a cadet equalling his examination score. He gave up his General Staff career to join Fridtjof Nansen's relief work in Russia, of which he came to be the actual leader, and successfully carried out important missions for the League of Nations. His long service in Russia made him by far the best Norwegian knower of that enigmatic country and its Bolshevik leaders, and also earned *him* the order of a Commander of The British Empire as a reward for the diplomatic services done to Great Britain at a time when that country had no diplomatic relations with the USSR. With this background, Quisling had a high standing in Norwegian public opinion, and deservedly so.

This was very suddenly to change, when he came out, in 1930, with a series of newspaper articles later published as a book, "Russia and Ourselves". It earned him the utmost enmity from the "red" side, though also a passing sympathy from the opposite one, which made him accept the office of Minister of Defence in the Peasant Party's minority Government 1931-33. After this, he set about building his own Nasjonal Samling, or National Unity, movement. This earned him the animosity also of the bourgeois parties, as an act of splitting up their electorate. His party never succeeded in sending a single representative to the Storting, i.e. Norwegian Parliament.

This new creation of his certainly falls within the main framework of anti-Communist, and also anti-liberal and anti-parliamentarian European thought which materialized most conspicuously, first, in Italian Fascism, and, later, in German National Socialism. Nevertheless, it undoubtedly expressed his own original ideas, being a blend of nationalism and corporate state thought with a marked religious component also. It was, if perforce a comparison there must be more akin to Mussolini's Fascism than to Hitler's and Rosenberg's National Socialism. This was the man, and these were his ideas.

From 1935 onwards he began warning about a coming great war between the Versailles Powers and New Germany, advocating a strong build-up of Norway's military forces and a strictly neutral foreign policy, as the only means to keep Norway out of that coming conflict. Extremely few paid any attention to it, and when the war finally came, Norway was by far the most disabled and disarmed country of Europe. Since 1935 it had a Socialist Government with the express program of abolishing military defense. This state of our defense forces, and no act or acts of treason, accounts for the fact that this far-away country could be invaded and occupied in the way it was, although being from nature's side and with the technical and military means of that time little less than an easily defendable fortress.

I shall not, in this summary, enter into the possible contents and results of Quisling's talks with Hitler in 1939. Let me point out only that Quisling was obviously no part to it in the actual German plans for the invasion or the following campaign. As a

matter of fact, by his coup d'etat of April 9th he seriously hampered German plans and instructions, to the point that General Engelhardt, commanding the German task force at Oslo, asked his country's Minister Bräuer if he might arrest "this man calling himself a Prime Minister".

The reason for leaving out of this context the certainly most interesting question of Quisling's Berlin talks is the very simple one that nobody, neither in- nor outside the NS, at that time knew anything about them. They can, therefore, not have influenced anybody's siding in the internal Norwegian strife. I think this point is of some importance for our theme.

History being, or at least pretending to be, the account of what actually happened, it is but an idle pastime to play with the "if"-type questions. Nevertheless, let me touch only this one: What would have happened, had Quisling, instead of attempting his radio coup, done absolutely nothing until the débacle was over - with or without him the military outcome must necessarily be the same - and then had come forth to say: "Remember what I told you. Now look, what happened .."

That would, undoubtedly, had been a far wiser conduct. So, let us agree that in any case his attempted coup d'etat was not wise: If he really meant to seize power just for the sake of seizing it and then hold it sitting on foreign bayonets, it was the worst of all ways and moments to try it. If he really meant to help the Germans, he must have realized that this was certainly not the way of doing it, throwing himself into a game he did not really know, and thus with all probability hampering instead of furthering their plans. I think you will agree that in any case this way of acting would have been not only immoral, but also utterly stupid. Admittedly, there is the possibility that it might have been so. But there is also the probability that a man of Quisling's brilliant intellect and high moral standing would not act out of immorality and/or stupidity. I shall press this point no further. I would invite you only to agree that this way of reasoning has, at least, quite as good arguments for it as has that which leads to the opposite conclusion.

Now, this was the way Quisling's followers thought: However unsuccessful, Quisling made an attempt to stop hostilities in this country, trying to seize the power the run-away Government had left vacant and thus reestablish a Norwegian authority able to come to reasonable terms with Germany, like the Danes had done. The alternative would be - and really turned out to be - bloodshed and huge material damages. All this for a cause which was not ours, and finally ending in defeat.

I do not ask anyone to make this line of thought his own. I just wanted to draw your attention to it, and I am inclined to believe that neither logically nor morally you will find it poorer than the one leading in the opposite direction. This is what I understand to be the line of thought and the final point thereby reached by Quisling's followers. Audiatur et altera pars.

"This, then, is also the starting-point for these people's further allegiance and action : Quisling had been right, what had actually happened bore an all too eloquent testimony to that fact. It would now be his and their great and difficult task to reestablish, step by step, Norwegian sovereignty and earn their unhappy country an honorable place in that New European Order of Hitler's which at that time most people here and elsewhere, and regardless of political sympathies, supposed would be the outcome of it all. After the fall of France and the Dunquerque evacuation there were really very few who seriously believed in a British victory.

Now, in principle there is nothing vile or treacherous in collaborating with an occupying power, as clearly established by the Hague Conventions. It is only by exceeding the limits set by these conventions that such collaboration takes on the hideous shape of betrayal of one's own country. In this respect I should like to refer, without further comment, to the war-time history of the British Channel Islands under German occupation.

The charge against Quisling and his followers is precisely this: They were but lackeys of the enemy, doing their best to help him subdue and exploit their own people. This was supposed to be at the bottom of all their actions. In addition to that, and to further this same intention, they tried, helped and instigated by this same enemy, to force upon their people a new, Nazi-type regime. From the NS point of view, reality was fundamentally different : The collaboration with the occupying power - and I would ask you to note the term : Occupying power, and not enemy. I shall revert to that difference - was per se legal and highly necessary. If not, now could the very fact that they succeeded in out-maneuvering other would-be collaborators of the ancien régime-type, of which there were, in fact, a lot, be turned into a charge against them ? Further, this co-operation also was a counter-operation : against the manifest intent of German circles personified in Reichskommissar Terboven to reduce Norway to a kind of Generalgouvernement of Polish model under exclusively German administration, if not even to a Gau of the Greater Germanic Reich which was the dream of some influential German leaders at that time.

Certainly, in an occupied country the reality of power is clear to everybody. It is a fact, nevertheless, that no other European collaboration group or party leader ever managed to reach ~~the~~ a position equal to that of Quisling as Ministerpresident or Chief of Government, with a formally independent Norwegian administration at his orders. I readily admit that this "independence" was a highly relative one. Even so, it brought him and them into a position from which they were able to do more to safeguard national interests than any other collaborationist movement ever got the means to. In the outcome, the returning exiles found a well-administered country in good order which, with the exception of Denmark, clearly had suffered less than any other European country from WW II. Let this too be remembered.

In very general outline, this is the way in which I understand the NS side has viewed the events of those fateful years. I think there can be no fair assessment of their actions without bearing in mind this view of theirs. Neither can there, accordingly, be any such fair assessment of the way they were treated

in the "rettsoppgjøret" and later, if this way of thinking, which was theirs, is not given serious consideration. A landscape may seem to have many different shapes, depending of the points from which different observers regard it. It still remains the same landscape. This is one of those possible points of outlook. Again : Audiatur et altera pars.

I now finally enter upon ^{the} question of the "rettsoppgjøret" proper, i.e. the great purge that followed. There were the memorable words of President Roosevelt : "Look to Norway !", which at the time gladdened many Norwegian hearts. Following his advice a bit further, however, is hardly comforting: There were, in 1945, a total number of 90.000 registered, possible treason cases, equalling some 10% of the grown-up population at the time. Of these, a little more than a half came before the courts or were sanctioned directly by the police, following new regulations given to make the machinery work more smoothly. Looking a little more closely to Norway you will find that we set a world record of treason, comparing the number of alleged traitors to those of other countries affected by WW II. Said Prince Hamlet : "There is something rotten in the state of Denmark." This seems to apply, in post-Hamletian times, to the state of Norway as well.

How did we come to set that infamous record ? According to our old laws, a traitor is a person who takes up arms against Norway or any power allied to Norway, or otherwise helps in word or deed the enemy in a war going on, or in preparation of a war against Norway. This is section 86 of our penalty code.

Now, for obvious reasons, there was hardly one NS member whom it would be possible to place under such a definition. The Government in exile therefore set about making new regulations, - under the explicit assumption that a membership of the NS would per se be punishable under this very section 86. Through this legal and logical salto mortale each and every NS member was to be regarded as a traitor, and so treated : the regulation established that every such person had understood the act of treason implied in his very membership, and the courts accordingly found that the accused "understood or must have understood --", which to my mind is tantamount to saying "the court is satisfied that you were or must have been there, and therefore .." In the outcome, four out of eleven judges of our High Court of Justice refused to accept this premiss. If you take all this in pure earnest, you may infer from it that even the less gifted member of this NS movement had, or must have had, if you abide by the ruling - a higher intellectual standing than these four judges. I do not invite you to such a conclusion. But I might recall the old word of in dubio pro re.

An absolute prerequisite for the validity of this reasoning would at least be that Norway was at war after the 10th of June, 1940. There are very good reasons to argue it was not. On this day the Norwegian High Command, on Governmental orders, signed the capitulation of "Die gesamten norwegischen Streitkräfte", with the German High Command as its counterpart. It has in fact been argued that "die gesamten Streitkräfte" would not mean "all Norwegian armed forces", which everybody acquainted with the German language knows it does; somehow it should be given the interpretation "the concentrated forces" or something like it, thereby authorizing the

thesis that there had been no full capitulation, and that the Government in exile went on waging war. Following this interpretation, and footing on the preamble mentioning particularly the gallant fight of that division, this capitulation should concern our 6th Division only. If so, this division of certainly brilliant battle record would turn out to be absolutely unique: First, in that there were a need for its capitulating twice, - as a matter of fact it had already capitulated once, in the field, as had all other Norwegian divisions. It would be unique also in so far as it must be in charge of the Kingdom's lighthouses, telecommunications, pilot service, airfields, naval mine fields and more throughout the country, which you would hardly expect an infantry division to be. The point is that there is good reason for stating that as from June 10th Norway was out of the war, the whole area of the State (except Svalbard) from that day on being an occupied area conforming to Hague regulations, and no longer a belligerent country. It follows that the Government in exile accordingly could not claim to wage a war of its own, and had no legislating power whatsoever relating to occupied Norway. You may add that this same Government did not, on departure or before, issue any statement to the effect that it would see itself entitled to any such war-waging or legislative authority. Undeniably, its members were, in the last days before their leaving the country, not even agreed about where to go next. That is another story.

You may here rightly object that much of the documents in question, comptes-rendus, memoirs etc. were not known at the time, and consequently could not influence thoughts or decisions taken by any NS member or other Norwegian. The objection is valid. But in any case everybody saw the practical outcome of it: All prisoners-of-war released, including all officers on word of honour that they would not, for the duration of the war, take up arms against Germany. They saw the 2nd Division coming home from internment in Sweden after having referred the question to the Government in exile, - that is to say, with that Government's explicit approval, and they saw the non-NS Administration Council asking German authorities that ex-prisoners-of-war be given a priority right to work for the Wehrmacht, as well as the setting-up of the German-Norwegian Trade Chamber comprising practically all our business life, to intensify trade with Germany. They had seen a majority of the Storting members - in the course of negotiations that Reichskommissar Terboven broke off, thus saving them from really doing it - declaring their willingness to formally dismiss the exiled Government and even to depose the Royal House, eagerly helped by persons of the highest rank, like Chief Justice Paal Berg and Bishop Bivind Berggrav. Towards the end of the year they were to see also what was termed the Nazification of local administration being put into effect by the Royal Government-appointed, "old" provincial Governors. It was, to say the least, not obvious that simultaneously with all this Norway should be at war with these same Germans. If so, what would you term the acts and initiatives mentioned? I shall not prolong the list.

The Nazification mentioned now leads us to the second great charge against Quisling and his followers: High treason as stated in the penalty code, section 98: The attempt to change the Constitution by unlawful means, or simply rebellion. There surely is, as I see it, some substance in that charge. Moreover, Quisling and other

v 20
 high-ranking NS leaders are on record repeatedly referring to that "National Revolution" of theirs. Now it might be argued that this Constitution had already in fact been suspended, through the occupation of the entire country and the King's and Government's going into exile, being thus deprived of any possibility to fulfil their constitutional duties. That amounts to say, and was at the bottom of the Storting representative's bargaining with the Germans, that there was no constitution to change. Here, I would reserve my opinion. I see the point that if Great Britain - and, later, she and her allies - won the war and everything was restored to its former state, no harm would have been done. People so reasoning go on to say that if - as the majority then did expect - Germany was to win, it would be of vital importance for Norway having a régime able to come to terms with the Germans and then secure it a worthy place as an independent nation fitting into the framework of the coming New Order Europe.

Remember that these people were, before all this came to happen, termed extreme Nationalists. It is, therefore, very unlikely that they should suddenly have turned into anti-national sell-outs wanting - or at least willing to - give up this nation of theirs. It stands to believe that they meant, by their so-called Nazification, to look to Norway's best interests, however much they might at that point depart from the prevailing majority point of view. This would certainly have earned them the classification as rebels, and I even know some of them would accept that charge. We may all think what we like about revolutionaries and rebels. But I assume there is a pretty general consent that being a such is not infamizing as is being a traitor.

Approaching the end of this exposé I go on to say that former NS members did and do not accept the "Rettsoppgjøret" as equitable justice, on the ground that they committed no treason, because there was in fact no on-going war to commit any treason in. This also fully applies to the volunteers on the Eastern Front, firstly, because no such Norwegian war was going on, and, secondly, because Norway ~~was~~ neither was nor had ever been an ally of the Soviet Union.

Furthermore, there is the notorious point of their being convicted on regulations given retroactive effect, in flagrant infringement of section 97 of our Constitution, - the shortest of them all, and reading simply: "No law may be given retroactive effect." Later on, this country has signed international human rights conventions to the same effect.

Add to this that those new regulations also implied the principle of collective guilt and responsibility, which was to have not only moral, but also very serious economic consequences, in that each and every NS member was held responsible for the alleged mischief the Quisling Government had perpetrated. I remember Pope Pius stating in 1945 or-46 that in Christian ethics there is no such thing as a collective guilt. That was said relating to Germany, but would surely apply to this country as well. The Norwegian State Church was not accessible to that Roman teaching.

There is one point more to be put forth : In states of the type we like to say ours is, everybody is supposed to be equal before the law. Now, in the "rettsoppgjør" this was definitely not the case. If you really mean there is a war going on, and the foreign forces occupying the country are simply the enemy, - how, then, would you look upon people undertaking to build barracks, airfields, gunsites and the like for this same enemy ? That is, voluntarily doing so ? What about shipyards and their personnel busily building and doing repair and maintenance work on his warships, or files of workers carrying bombs and ammunition aboard his bomber airplanes ? Or skilled workers making shells for his artillery and torpedoes for his U-boats ? We shall most probably agree that this was, if ever such help there was, help in effective deed to the said enemy. Now, in terms of the "Rettsoppgjøret" it obviously was not.

In addition to the 90.000 cases originally put up for investigation, you would have had more than 100.000 traitors more. (The exact figure is not available.) In these more than 100.000 cases there would have been no need for long and pains-taking investigation work. But this huge additional number of people, evidently had not known and not understood what each and every NS member was automatically supposed to have. Neither can the lot of civil servants who kept departmental and lower-level administration going in Quisling's times have understood much of it all. The same applies to the judges and lawyers who saw to the putting into practice of his laws and regulations. From 1945 onwards you saw them again, turning the wheels of the "Rettsoppgjøret". Somehow they had, it appeared, waged their secret war against the enemy. A very secret war it must have been. As had the police officer who organized the rounding-up and deportation of the Jews.

There were, in short, many and numerous categories of people the NS members might have expected to see alongside them in courts, prisons and camps. They met practically none of them. You will most probably agree, then, that there was no equality before the law. The whole of it reminds one most of all of that Old Testament scapegoat way of the people's ridding itself of all sins committed. Maybe the secret of this letting out of important groups which were surely in a pretty critical situation at the time, should justice - or what was so termed - be equally applied, was that they all knew so much about each other, and therefore tacitly agreed on the ~~waiver~~ *utility* of mutual silence. The press was one of them. And the press had, as you know, desperately good reasons for keeping silent. I think you will understand that hardly one of the "Rettsoppgjøret" victims felt he was given a fair trial. It turned out to be a legal transcription of the Dantesque "Lasciate ogni speranza, voi ch'entrat

It certainly goes without saying that after a war and long years of occupation a necessity arises to look into what happened and what was done by whom. There surely were crimes to be punished. And there surely were crimes to be punished on both sides, if you look into the matter. There would, in our case, have been good reason for an amnesty covering everybody not guilty of crimes against your good old-time common law. Even in many of those - but by far not in all - a certain leniency might have been advisable, admitting that the curse of war is, in many cases, the departure from civilized

one of

240

and human conduct which the individual in question had up to that fateful change observed. This, evidently, is more than it would be humanly right or possible to claim in such times as were the first postwar years. But there could, at the very least, have been the generosity of paying respect to the motives of those belonging to the opposite side.

One of our great poets once asked why the world was so slowly progressing. I fear there is reason to state that in some respects it has not been progressing in our modern times, neither slowly nor at any other pace. It comes to my mind that in remote times one of our great kings - who supervised the writing of his own saga - took care to get on record the words of deep respect he spoke at the burial of his main adversary, killed in battle against this same king. Or in years nearer to ours the generous words of that great Frenchman and great anachronism of our times, and, by the way, himself a rebel against his own legal Vichy Government, but a victorious one, - that was General De Gaulle, dedicated to his enemies of the "Collaboration". Silently, he says, France is weeping over the graves of "ces grands dévoyés", as he was, from his own point of view, in the fullest of rights to term them. That is the soldierly spirit that was so badly lacking here.

Our good Mother Norway has had her tears to shed too. She might have been spared the ones she wept - and is still weeping, I do think - over this lack of magnanimity to which the postwar Purge bore so strong a testimony. That is, to my mind, the lasting stain on this part of our History.