Introduction

I.1 The Last Word

When the trial against Oliver Langeland opened before the Court of Appeal in Oslo on 15 November 1950, it was followed closely by the media, the government and the wider public. Countless spectators filled the public gallery, in which not a seat had been left vacant.[1] A total of 125 witnesses had been summoned for the trial, which was scheduled to last for three weeks. Langeland was one of the most ardent critics of the 'treason trials': the Norwegian authorities' reckoning with those who had collaborated with the enemy during the German occupation between 1940 and 1945.[2] Langeland had published two books, in 1948 and 1949, attacking government policy before, during and after the war. Most of all, he had criticised the ways in which the treason trials had been carried out since the liberation. His books were widely read, and his first book *Judge Not* (*Dømmer ikke*) sold around 25,000 copies.[3] It was for his books that Langeland was on trial, officially because some sections were deemed to contain libellous presentations of some of Norway's senior officials. But it was no secret that the trial concerned a much broader question: the legitimacy of the reckoning as a whole. Opinion on Langeland was hugely divided. To some, he had, despite his wartime background as the head of the military resistance (*Milorg*) in Oslo, turned towards an antipatriotic stance. He was endangering national unity when it

[1] 'Fri kritikk av rettsoppgjøret', *Morgenposten* (15 November 1950); '125 vitner, forhandlingene vil ta 2–3 uker', *Dagbladet* (15 November 1950); 'Lagmannsrettssaken mot Langeland og Bergsvik begynt', *Aftenposten* (15 November 1950).

[2] This book uses the terms 'reckoning' and 'treason trials' interchangeably to refer to the judicial and administrative proceedings conducted in Norway against wartime collaborators following the Second World War ('*landssvikoppgjøret*' or '*rettsoppgjøret*' in Norwegian). The term 'treason trials' is used in a descriptive sense to capture that Norway's post-war reckoning was mainly concerned with the offence of treason.

[3] SAO/A-10085c/J/Jc/Jca/Jcac/3215: document nr. 113, letter by Roar Fjeld to Oslo Criminal Police, 2 September 1950.

was much needed, only a few years after the end of the German occupation and at the dawn of the Cold War. To others, he was a speaker of hard truths: someone who finally challenged the core assumptions of the treason trials, questioning whether just judgement had been meted out and the right individuals had been held to account.

While Langeland's books were widely read and discussed in newspapers across the country, it is the way Norwegian authorities chose to respond to them that is most revealing of the delicate political climate in Norway in the late 1940s. In December 1948, the government had appointed a special advocate, Øystein Thommessen, to undertake a thorough investigation into Langeland's 'campaign against the treason trials'.[4] The investigation led to legal proceedings being brought against Langeland, as well as a comprehensive report being published and widely circulated in 1950 on each of Langeland's claims, which was subsequently debated by the Norwegian parliament (the *Storting*) in 1952. These measures were a desperate attempt by officials to bring to a conclusion the heated debate that had raged in Norway ever since the liberation on how to handle the painful legacy of the occupation. The debate concerned the ways in which Norwegian authorities had administered the trials of collaborators after the liberation in 1945, and the many inconsistencies and controversies that had accompanied this process. But, as both the authorities in charge and their critics knew, these debates also touched on the validity of the historic interpretations driving them, and by extension, on the political legitimacy and authority of those in power in post-war Norway.

I.2 A Difficult Reckoning

The early post-war period in Norway was an era of reckonings. These took place simultaneously and at multiple levels, within the criminal justice system, the broader administration, in industry and in civil society.[5] Not a single citizen had remained unaffected by five years of German occupation. Upon the liberation, Norwegians sought to come to terms with the tensions and difficulties the occupation had brought upon their country. This soon involved building a national narrative of overwhelming collective resistance, marred only by the actions of a small group of disloyal

[4] St.meld. nr. 64 (1950), p. 1; 'Rettslig etterforskning i anledning av Langelands bok', *Aftenposten* (11 December 1948); 'Mer gransking', *Aftenposten* (11 December 1948).

[5] Ole Kristian Grimnes, 'Fra krig til fred', in Hans Fredrik Dahl, Hans Kirchhoff, Joachim Lund and Lars-Erik Vaale (eds.), *Danske tilstande – norske tilstande: forskelle og ligheder under tysk besættelse 1940–45* (Copenhagen: Gyldendal, 2010), pp. 259–281, at p. 277.

collaborators. The reckonings were about allocating blame for collaboration with the enemy and defining who had forfeited their right to membership of the national community. Internal 'honour courts', established within businesses, institutions and societies, decided upon the collaborative involvement of their employees and members, and along with it their professional and personal futures. Examples of professional honour courts included those for journalists, artists and solicitors.[6] The reckonings that took place in private led to many individuals being excluded from their social or professional environment, or even their own families. It was a period of intense social tragedy, but also of opportunism. Many who had played ambivalent or trivial roles during the occupation opted into a narrative of collective resistance, and called for harsh punishment of the 'traitors'. In some cases, private reckonings led to acts of violence against collaborators or those who were said to have 'failed the national struggle'.[7] In many regards, these different processes overlapped and shaped one another. All in all, an estimated 12 per cent of the Norwegian population were affected by the reckonings that took place after 1945.[8]

The 'treason trials' (*landssvikoppgjøret* or *rettsoppgjøret*), implemented by the Norwegian authorities between 1945 and 1957, were the most central element within this broader set of reckonings. They had been planned by the Norwegian government-in-exile in cooperation with the resistance between 1941 and 1945. A swift legal process of collaborators, it was hoped, would prevent mob justice and stabilise society during the period of social and political transition that would follow the liberation. The resistance had warned of the enormous hatred towards collaborators, and had argued that a strict reckoning was at once a necessary response to the 'sense of justice' in the population and to prevent social violence and chaos.[9] But the trials were about more than preventing violence. The exiled authorities – and the underground resistance members who hoped

[6] Guri Hjeltnes, *Avisoppgjøret etter 1945* (Oslo: Aschehoug, 1990), pp. 68–96; Dag Solhjell and Hans Fredrik Dahl, *Men viktigst er æren: oppgjøret blant kunstnerne etter 1945* (Oslo: Pax Forlag, 2013); Harald Espeli, Hans Eyvind Næss and Harald Rinde (eds.), *Våpendrager og veiviser: advokatenes historie i Norge* (Oslo: Universitetsforlaget, 2008).

[7] Johannes Andenæs, *Det vanskelige oppgjøret* (Oslo: Tanum-Norli, 1979), pp. 61–65.

[8] Anders Gogstad, *'Men seier'n var vår': søkelys på omveltningenes år mellom krig og fred* (Bergen: University of Bergen, 2003), p. 156. In addition, research has shown how subsequent generations were affected by these processes: Baard Herman Borge, 'I rettsoppgjørets lange skygger: andre generasjons problemer i lys av moderne transisjonsteori' (PhD Dissertation, University of Bergen, 2012).

[9] The preparation of the trials is discussed more fully in Chapter 1.

for a central role in the post-war order – realised that they would be a central factor in reuniting the nation during the transition period, and that they would mark a powerful symbolic change from five years of German rule to the return of a sovereign Norwegian nationhood.[10] The reckoning with the Norwegian collaborators was to take place in legal form, carried out by the restored criminal justice system, and was to be 'worthy of a state based on the rule of law'.[11] The trials were therefore intended to reinstil faith in public institutions and to demonstrate their moral authority. During the occupation, the exile government had issued a series of decrees (*provisoriske anordninger*)[12] from London, expanding the scope of the Criminal Code of 1902, by which it communicated its intention to bring collaborators to trial from 1941 onwards.[13] The most important aspect of these preparations was the express criminalisation of formal membership of the Norwegian fascist party, *Nasjonal Samling* (NS), with whom the Germans cooperated. In 1944, the earliest decrees were developed into a more comprehensive set of provisions that would form a key basis for the post-war reckoning. However, due to the complex constitutional questions raised by the occupation, these decrees were juridically ambivalent, raising numerous concerns about their legal validity that would later threaten the overall legitimacy of the trials.[14]

The exile government had estimated that the trials would be over within one year of the liberation, ensuring a swift return to a peaceful and unified society, which could firmly leave the upheavals of its recent past behind. Due to a radical underestimation of the scope of the legal provisions implemented for the reckoning, however, the trials were not concluded

[10] On the role of the reckoning in Norwegian nation-building, see Baard Herman Borge, 'Forsoningen som uteble. Norges oppgjør med landssvikerne', in Bård-Anders Andreassen and Elin Skaar (eds.), *Forsoning eller rettferdighet?* (Oslo: Cappelen, 1998), pp. 204–234, at pp. 219–220.

[11] 'Strengt rettsoppgjør med landssvikerne – Men på en måte som er en rettsstat verdig. Quisling antagelig for forhørsrett alt i denne uken', *Nationen* (23 May 1945).

[12] The legal measures adopted by the exile government during the war (*provisoriske anordninger*) are referred to as 'provisional decrees' throughout this manuscript. They are also sometimes referred to as 'provisional ordinances' or 'provisional laws' in English. They were based – by extension – on emergency powers enshrined in Art. 17 of the Norwegian Constitution.

[13] Straffeloven av 1902; provisional decrees of 3 October 1941, 22 January 1942 and 15 December 1944, discussed in more detail later in this chapter.

[14] Their legality is disputed to this day: Hans Petter Graver, 'Rettsoppgjøret i Norge – tid for et nytt juridisk blikk?', *Lov og Rett: Norsk Juridisk Tidsskrift*, 54 (2015) 2, pp. 65–86; Baard Herman Borge and Lars-Erik Vaale, *Grunnlovens største prøve: rettsoppgjøret etter 1945* (Oslo: Scandinavian Academic Press), pp. 130–150 and pp. 151–172.

until 1957.[15] Far exceeding the estimations of the Norwegian government-in-exile, a total of 92,805 cases were ultimately investigated – almost twice the figure wartime authorities had anticipated and the equivalent of 3.2 per cent of the Norwegian population.[16] In the end, the Norwegian post-war trials became the most encompassing reckoning with former 'collaborators' in the whole of Europe.[17] Around 49,000 individuals were sentenced by a court, 46,000 on counts of collaboration, which was brought under the offence of treason.[18] The same number of individuals lost some or all of their civil rights. A total of 18,000 people received a prison sentence.[19] Thirty death sentences were handed down, and 25 of these executed.[20] In addition, the courts ordered a total of 289.9 million Norwegian kroners in compensation payments from members of the NS (approx. 572 million GBP by today's standards).[21] The trials raised numerous legal concerns, including retroactivity, lack of a constitutional basis, and the collapse of the separation of powers, as well as the establishment of criminal culpability without subjective intent (*mens rea*). In addition, the trials – as well as the reckoning more generally – raised difficult social and political questions about the attribution of guilt and the redefinition of the patriotic community in the early post-war era. In the end, the reckoning would be remembered not for the efficient way in which the law handled the occupation legacy and stabilised post-war Norwegian society, but for the

[15] The actual end date of the trials can be somewhat difficult to determine. 1957 was the year the last individuals sentenced during the trials were released from prison, and it will mark the end date of the trials as such within the context of this study. Hans Fredrik Dahl states 1955 as the end year of the trials, the year the criminal court cases had been concluded – Hans Fredrik Dahl, *En kort historie om rettsoppgjøret etter krigen* (Oslo: Pax Forlag, 2018), p. 7, while other sources state 1964 as the conclusion, as this was the year the formal report of the Treason Commission was debated and all cases had been processed by the court system.

[16] The authorities had underestimated membership of the NS, and had planned for around 45,000–50,000 cases; see Einar Gerhardsen, *Fellesskap i krig og fred: erindringer 1940–45* (Oslo: Tiden Norsk Forlag, 1970), p. 236; Norges Offisielle Statistikk XI 179, *Statistikk over landssvik 1940–1945* (Oslo: Statistisk Sentralbyrå, 1954), p. 12; Hans Fredrik Dahl, *Norsk idéhistorie, Bind V: De store ideologienes tid: 1914–1955* (Oslo: Aschehoug, 2001), p. 332.

[17] Philip Morgan, *Hitler's Collaborators* (Oxford: Oxford University Press, 2018), p. 19.

[18] *Statistikk over landssvik 1940–1945*, p. 22.

[19] Hans Petter Graver, *Dommernes krig: den tyske okkupasjonen 1940–1945 og den norske rettsstaten* (Oslo: Pax Forlag, 2015), p. 157.

[20] This figure excludes German war criminals.

[21] Calculated on the basis of the mean year 1948 via the conversion tool of the Norwegian Bank: 'Priskalkulator', www.norges-bank.no/tema/Statistikk/Priskalkulator/, last accessed 29 September 2022, and converted from Norwegian Kroners to Pound Sterling on www.xe.com using the exchange rate of 29 September 2022.

problematic legal bases that it rested on and the deep social frictions it generated or failed to overcome.[22]

The reckoning had broad social ramifications. The main reason for this was the collective attribution of guilt through the criminalisation of membership of the NS. 'Active' and 'passive' party members alike were prosecuted for the offence of treason. As Johannes Andenæs, an influential law professor in post-war Norway who played a central role in shaping the reckoning, later stated, this became a dangerous 'psychological identification process'.[23] NS members were singled out and held responsible for the plight of the occupation. While other forms of collaboration also, in principle, came within the remit of the relevant criminal provisions, the members of the NS were tried early on and had a higher visibility in society compared, for example, to economic collaborators. The enormous public resonance of the trials amplified this effect. Throughout the reckoning, questions of guilt and its allocation captured the public mind and dominated newspaper headlines.[24] As the court machinery processed cases and put the 'treason stamp' on individuals, the country became increasingly divided. The allocation of culpability to this clearly defined group made it easy to eclipse the complexity and proximity of five years of occupation and the inevitable day-to-day contact with the occupier that it brought. As the trials unfolded, they increasingly became the very lens through which the occupation period was interpreted. They seemingly legitimised a nationally held desire (and conviction) that a majority of Norwegians had engaged in widespread resistance activity, and that only a clearly defined minority had collaborated with the Germans.[25] Lensed through the black–white binaries of 'guilt' or 'innocence', the greyscales of collaboration were rarely acknowledged.

A further characteristic of the trials is that their main focus was on very specific types of crimes. This is easily overlooked, given the significant scope of the Norwegian reckoning. Due to the central focus on crimes

[22] Susanne März, *Die langen Schatten der Besatzungszeit: 'Vergangenheitsbewältigung' in Norwegen als Identitätsdiskurs* (Berlin: Berliner Wissenschaftsverlag, 2008); Hans Fredrik Dahl and Øystein Sørensen (eds.), *Et rettferdig oppgjør? Rettsoppgjøret i Norge etter 1945* (Oslo: Pax Forlag, 2004).

[23] Andenæs, *Det vanskelige oppgjøret*, p. 61.

[24] Stein U. Larsen, 'Die Ausschaltung der Quislinge in Norwegen', in Klaus-Dietmar Henke and Hans Woller (eds.), *Politische Säuberung in Europa: die Abrechnung mit Faschismus und Kollaboration nach dem Zweiten Weltkrieg* (Munich: DTV, 1991), pp. 241–280, at p. 249.

[25] The true picture was significantly more bleak: only around 4 per cent of the population had, in fact, been engaged in active resistance activity: Arnd Bauerkämper, *Das umstrittene Gedächtnis: die Erinnerung an Nationalsozialismus, Faschismus und Krieg in Europa seit 1945* (Paderborn: Schöningh, 2012), p. 157.

against the state and the majority population, first and foremost treason (*landssvik*), the reckoning ultimately sidelined many of the crimes committed by Norwegian citizens during the occupation, both on Norwegian soil and abroad. During the war, Norwegian NS officials, police officers and members of various military and paramilitary organisations had participated in acts of violence against Norway's Jews, including the liquidation of their assets and their ultimate deportation to the extermination camps. Several thousand Norwegians had volunteered for the Waffen-SS, serving in divisions which partook in the murder of both civilians and prisoners of war.[26] Norwegian citizens had also served as guards in POW camps across Norway, where thousands of prisoners perished. However, the trials, as well as the comprehensive social, political and legal debates that accompanied them, revolved largely around the treasonous nature of joining and participation in the NS, taking up arms against the Norwegian state, obstructing the resistance and, to a lesser degree, economic collaboration and violent acts against individuals. And yet, even despite these limitations, the trials were of such scope that they ultimately overwhelmed the institutions involved in administering and implementing them.

From the perspective of the authorities, the trials drifted out of control within mere months of the liberation. Already by early 1946, the authorities were forced to come to terms with the fact that it would take the legal apparatus years to bring the reckoning to a conclusion. This brought with it a variety of problems. It burdened the individuals awaiting trial and put a strain on the nation's resources. Many individuals spent years awaiting their trial, jeopardising their return to their former workplaces and communities. With the backlog in cases, public faith in the ability of state institutions to handle the occupation legacy dwindled. Feeling that the reckoning with the 'traitors' was too slow, too lenient, or both, many communities developed their own strategies to handle the occupation legacy, often leaving those deemed to have collaborated socially vulnerable. Upon leaving the courtrooms and prisons of the country, many collaborators faced social condemnation and exclusion from their respective communities. Gradually, the reckoning, knowing only the binary categories of guilt and innocence, produced a group of social outcasts. The combination of institutional delays and social condemnation meant that the trials did not serve their original purposes: to have collaborators brought to justice,

[26] Linking individuals to specific crimes remains difficult. However, there are strong arguments that Norwegians partook in war crimes across Eastern Europe: Terje Emberland and Matthew Kott, *Himmlers Norge: nordmenn i det storgermanske prosjekt* (Oslo: Aschehoug, 2012), pp. 246–247.

but to see them return to society as rehabilitated citizens once they had served their sentence.

Rather than unite the fraught nation, the trials therefore soon appeared to be deepening social divisions. This development concerned both officials and critics of the trials. The government increasingly cautioned for moderation as angry masses threatened to undermine the success of the trials. The authorities in charge sought to accelerate proceedings in order to prevent long-term detrimental effects on society. But at the same time, they were reluctant to grant amnesties or to implement broad changes within the trials' legal framework. The credibility of the post-war legal system rested on the successful implementation of the treason trials as per the legal provisions that had been adopted during the occupation. The promise that the reckoning would be carried out within the contours of the rule of law soon proved the most fundamental challenge to their implementation: adherence to fundamental principles such as equality before the law meant that provisions could not be changed depending on the ebbs and flows of the caseload the courts faced or according to opinions expressed outside the courtroom. Those tried later should not benefit from institutional delays. As the trials progressed, authorities had to continuously balance the punitive purposes of the trials with the adverse effects they had on the nation.

By 1948, the bulk of cases against collaborators had been processed. However, the debate on the legacy and success of the treason trials was far from over. Opinions on the trials had become increasingly fragmented. While a small but ever more vocal group of hardliners continued to criticise the 'leniency' towards collaborators, a growing number of sceptics, from a variety of backgrounds, began to criticise the scope and administration of the trials, as well as their legal bases. With a growing distance in time to the occupation, debate also became more nuanced, with the anger that had defined the first few years following the occupation receding into the background. The focus was now on the present rather than the past. At this stage, many argued that the trials should have been restricted only to the key collaborators of the occupation. These critics were not exclusively the subjects of the trials themselves, but an ever-widening range of representatives from the academe, the Church, industry, and the political establishment itself. Collectively, they compelled the authorities to justify the trials both with a view to their legal validity as well as their political and social legitimacy. Numerous public scandals in the late 1940s surrounding the maltreatment of treason prisoners in the immediate post-war period put further pressure on authorities. But in the infancy of the Cold War,

the trials also attained a new meaning: they were to symbolise the way the state would handle threats from within and how loyalty to the nation would be defined. Many felt that a new war was looming, and the representatives of the Norwegian state were intent on presenting the trials as an emblem of state authority.

Through a series of public statements, reports and investigations, the authorities looked to dampen down the debate that was raging by the late 1940s on whether or not the reckoning had been a success. The question increasingly revolved around the integrity of the state apparatus. But the efforts of the authorities to convey the complexity of the undertaking fell on deaf ears. Rather, the trials became a focal point of larger political disagreements within Norwegian politics at the time. In an attempt to make an authoritative statement on the reckoning as a whole, senior officials set in motion a comprehensive legal machinery to present an authoritative verdict on the treason trials. This, then, was the larger context in which Oliver Langeland was tried. His trial was an attempt to bring to a successful conclusion a legal undertaking that had been initiated during the occupation, more than a decade earlier. This, the authorities hoped, would finally draw a line under the occupation. But even then, the debate was far from over.

I.3 Contested Legacies

The manner in which the Norwegian post-war authorities brought collaborators to justice attracted significant interest worldwide. Such had been the resonance of Vidkun Quisling's actions following the German invasion of Norway that already during the war, the term 'quisling' had become a synonym for 'collaborator' across the globe.[27] The Western Allies followed Quisling's trial closely as they prepared the Nuremberg trials. A representative of the United States' Chief of Counsel for the prosecution of Nazi war criminals, Robert Jackson, accompanied the Norwegian delegation in its preparations of Quisling's trial.[28] Beyond its work in Norway, this delegation travelled to Germany, France and Great Britain to gather evidence for the case against Quisling and, in doing so, worked

[27] 'Quislings Everywhere', *The Times* (19 April 1940); Prime Minister Winston Churchill's Speech to the Allied Delegates, St James's Place, London, 12 June 1941 (Churchill had described it as 'a new word which will carry the scorn of mankind down the centuries').

[28] George Axelsson, 'Quisling on Trial for His Life Today', *New York Times* (20 October 1945).

closely with other allied representatives.[29] The evidence collected during the joint investigations – in a 'demonstration of international collaboration'[30] – would both help bring Quisling to trial and aid in the prosecution of war criminals at Nuremberg. In addition, allied representatives were present throughout Quisling's trial, which was followed closely by the international press.[31]

And yet, despite their wide resonance across the Western world at the time, the Norwegian trials remain curiously neglected in the anglophone historiography, where no full study on the trials exists. References to the trials are made in some of the central works on early post-war Europe. These include the books *Postwar* by Tony Judt, *Out of Ashes* by Konrad Jarausch and *Dark Continent* by Mark Mazower.[32] However, reference to the Norwegian handling of the collaboration legacy is mostly only made in passing – as a side note to the reckonings that have been studied more fully, such as the French, the Belgian and the Czechoslovak cases.[33] A recent publication – *Hitler's Collaborators* by Philip Morgan – looks at the Norwegian trials in more detail in one of its chapters, but as a whole does not go beyond a broader institutional and statistical comparison with parallel processes across Europe.[34] In German scholarship, the trials are referred to primarily as an afterthought in studies of the German occupation of Norway. A number of essays in collected volumes look at the administration of the reckoning both with German war criminals and the Norwegian collaborators. Summaries of the trials can also be found in comparative studies of the post-war reckonings across Europe.[35] These, however, often take the form of statistical and institutional overviews,

[29] See for example Arne W. Brøgger to James B. Donovan, accompanied by diary notes, 4 September 1945, in 'The War Crimes Trials at Nuremberg', Archives of Harry S. Truman; RA/S-1555/D/L0048: Letter from Jens Chr. Hauge to Colonel Amen, 14 December 1945.

[30] Ibid.

[31] See for example 'Quisling Executed by a Firing Squad', *New York Times* (24 October 1945); Axelsson, 'Quisling on Trial for His Life Today'.

[32] Tony Judt, *Postwar: A History of Europe since 1945* (London: Penguin, 2010); Konrad Jarausch, *Out of Ashes: A New History of Europe in the Twentieth Century* (Princeton: Princeton University Press, 2015); Mark Mazower, *Dark Continent: Europe's Twentieth Century* (New York: Vintage Books, 2000).

[33] Henry Rousso, *The Vichy Syndrome: History and Memory in France since 1944* (Cambridge, MA: Harvard University Press, 1994); Martin Conway, *The Sorrows of Belgium: Liberation and Political Reconstruction, 1944–1947* (Oxford: Oxford University Press, 2012); Benjamin Frommer, *National Cleansing: Retribution against Nazi Collaborators in Postwar Czechoslovakia* (New York: Cambridge University Press, 2005).

[34] Morgan, *Hitler's Collaborators*, pp. 13–31.

[35] Henke and Woller (eds.), *Politische Säuberung in Europa*.

without going into much detail on the implementation of the trials, or the obstacles and tensions faced in the process.

In Norwegian historiography, the treason trials were long considered a 'taboo' topic. Widespread newspaper coverage and the many debates on the subject in the Norwegian parliament up until 1952 had ensured that the trials as a political issue remained present in the public realm throughout their duration. In 1962, the Treason Commission published its concluding report on the treason trials, which was debated in the *Storting* in 1964. Politically, however, they remained contentious for much longer. In the 1970s, debate flared up again, when individuals who had been sentenced during the treason trials were elected to the Norwegian parliament for the first time.[36] At the same time, authorities were hoping for closure on what had been a crippling debate. It is perhaps unsurprising, therefore, that the trials were not subjected to comprehensive scholarly investigation. In the decades following the trials, it was mainly those – directly or indirectly – affected by them that wrote about them. Most books about the trials in the 1950s, 1960s and 1970s were personal accounts from subjects of the trials.[37] Ole Kristian Grimnes has pointed towards the mechanisms that produced this subgenre of often apologetic writing, stating that it was the very 'collective condemnation of NS' that led to such a strong counter-reaction in the form of apologist literature.[38] However, not all contributions were by members of the NS: criticism also came from the left of the political spectrum.[39] Whatever the political agenda, writing on the trials became a form of protest against the political establishment.

One book from the 1970s stands out in that it provides both a legal analysis of and insider view on the trials: *Det vanskelige oppgjøret* (*The Difficult Reckoning*) by Johannes Andenæs, a law professor at the University of Oslo who was involved in the planning and conduct of the trials at various levels.[40] The book is part legal investigation, part historical account and part memoir. It is less a scholarly account than a reflection on how Andenæs himself interpreted and experienced the trials. Andenæs

[36] Hanna Kvanmo, *Dommen* (Oslo: Gyldendal, 1990).
[37] Ole Kristian Grimnes, 'Historieskrivingen om okkupasjonen. Det nasjonale konsenssyndromets gjennomslagskraft', *Nytt Norsk Tidsskrift* (1990), pp. 108–121; März, *Die langen Schatten der Besatzungszeit*, p. 198.
[38] Ibid., Grimnes, p. 110.
[39] Helge Krog, *6te kolonne?: om den norske storindustriens bidrag til Nazi-Tysklands krigføring* (Oslo: Pax Forlag, 1969); Terje Valen, *De tjente på krigen: hjemmefronten og kapitalen* (Oslo: Oktober, 1974).
[40] Andenæs, *Det vanskelige oppgjøret*.

does not merely present the official version of events, however: he also adopts critical positions, and acknowledges some of the trials' shortcomings.[41] But as a whole, Andenæs largely defends the trials from the perspective of someone who was involved in them, and therefore his work cannot be understood as a scholarly contribution as such.

The long absence of nuanced scholarship on the trials has to be seen in the context of the broader field of historical research on the occupation period itself. Norwegian historiography on the occupation and on the treason trials are closely intertwined. Having come out of a period of five years of enemy occupation, there was a strong desire in the relatively young nation-state of Norway to restore its proud national self-image. We find in early Norwegian scholarship on the occupation a strong tendency to moralise, and to write a war history of national cohesion, portraying a society collectively engaged in resistance activity.[42] This has resulted in a 'value dichotomy' in most writing on the occupation period.[43] As Synne Corell's research into Norwegian historiography of the occupation period has shown, the key works of the post-war period were marked by a strong consensus on the occupation period and a near-universal focus on the experience of the national community. The distinction between 'friend' and 'foe', the 'traitors' and the 'resisters' defined much thinking about the occupation.[44]

This binary approach to the history of the occupation made it difficult to find fault with the treason trials. The official narratives offered an interpretation of wartime events that, on the whole, corresponded to the punishment that had been meted out during the trials. Communists and persecuted minorities were long excluded from these official histories.[45] Moreover, the ambivalences of the occupation period were conveniently eclipsed. Corell points towards incoherent depictions of the resistance, and a conflation of active and passive resistance in order to allow for a broad identification and association with it.[46] It is unsurprising, therefore, that in the official narratives, the trials, with their broad condemnation of NS

[41] Ibid., p. 259.
[42] Synne Corell, *Krigens ettertid: okkupasjonshistorien i norske historiebøker* (Oslo: Scandinavian Academic Press, 2010).
[43] Robert Bohn, *Reichskommissariat Norwegen: 'Nationalsozialistische Neuordnung' und Kriegswirtschaft* (Munich: Oldenbourg, 2009), p. 18.
[44] Corell, *Krigens ettertid*, p. 52; Synne Corell, 'The Solidarity of a National Narrative: The German Occupation in Norwegian History Culture', in Henrik Stenius, Mirja Österberg and Johan Östling (eds.), *Nordic Narratives of the Second World War: National Historiographies Revisited* (Lund: Nordic Academic Press, 2011), pp. 101–126.
[45] Corell, 'The Solidarity of a National Narrative'. [46] Corell, *Krigens ettertid*, pp. 72, 125.

membership and the sidelining of other forms of collaboration, seemed like a natural outflow of that version of occupation history. While increasing calls were made in the 1990s for the trials to be subjected to in-depth scholarly investigation, hardly any works saw the light of day. In 1993, Dag Ellingsen published a book on the reckoning with economic collaborators.[47] His work pointed out the inconsistencies and inequalities of the handling of the economic side of the occupation. But before the turn of the millennium few other researchers followed suit.

The turn of the millennium, finally, brought with it an increasing scholarly focus on the treason trials. Historians such as Hans Fredrik Dahl, Øystein Sørensen, Ole Kristian Grimnes and Odd-Bjørn Fure paved the way towards a more nuanced history of the occupation, and also called into question the dominant attitudes towards the treason trials. In 1999, a group of historians at the University of Oslo launched the research project 'Å overkomme fortiden' ('Overcoming the Past') on 'transitional justice' after 1945. It published its findings in four volumes, one of which was about the Norwegian treason trials. This volume, entitled 'Et rettferdig oppgjør?' ('A Just Reckoning?') and edited by Hans Frederik Dahl and Øystein Sørensen, contains eight essays on various aspects of the trials, such as the role of parliament, the punishment of members of the NS and the economic reckoning.[48] But while the collection is comprehensive in its aims and covers a broad range of topics, the scope of reflection in the book is at times narrowed by its concern with the question of whether the trials were 'just'.

Since the completion of 'Å overkomme fortiden', a number of studies on the trials have emerged. Some of these works have argued that the trials amounted to an unfair and illegitimate process towards those who stood trial. Ingerid Hagen's 2009 book provides a critical account of specific aspects of the trials, in particular the one-sided debate culture of the time, the maltreatment of prisoners and the systematic silencing of the trials' critics. She revisits some of the critiques raised by contemporaries, including Oliver Langeland, and the opposition they faced on the part of the state. It is in many ways a ground-breaking work, in that it is the first to specifically address the political debate on the trials, the fate of the trials' critics and questions of freedom of speech. However, Hagen's work can at times feel somewhat 'sensationalist'. Her main aim appears to be to uncover a historic 'wrong' by pointing to the maltreatment of prisoners

[47] Dag Ellingsen, *Krigsprofitørene og rettsoppgjøret* (Oslo: Gyldendal, 1993).
[48] Dahl and Sørensen (eds.), *Et rettferdig oppgjør?*.

in the first period of the trials, and the authorities' silencing of those critics who brought these conditions into the spotlight. Due to this specific concern, Hagen's analysis does not take into account the full spectrum of causes for specific decisions taken by the authorities in the course of the trials.

In December 2018, Baard Herman Borge and Lars-Erik Vaale published a comprehensive study of the trials and their relationship to the Norwegian Constitution, the *Grunnloven*.[49] In twelve thoroughly researched chapters, they investigate some of the core legal questions raised by the trials in relation to their legal bases and the role assumed by different political institutions in shaping them. The individual chapters of their volume mainly deal with the legitimacy of the role played by different institutions during the trials, and with core constitutional principles, such as the separation of powers, non-retroactivity and the right to free speech. The book provides the most thorough existing scholarly examination of the trials and their relationship to the Norwegian legal system and demonstrates just how far constitutional principles were stretched in the process of carrying them out. However, in this work, too, a key concern is to challenge the trials from a particular vantage point – in this case from the perspective of the law, and in particular the principles enshrined in the Norwegian Constitution.

Recent years have also witnessed an increasing number of works dealing with the shortcomings of the trials from other perspectives. In particular, the lack of focus on the victims of the Holocaust, as well as on prisoners of war and civilian forced labourers who perished, has been highlighted as a major omission of the trials.[50] This shift in focus has also been the result of a more differentiated understanding of the occupation history as such. In recent years, new details about Norwegians' participation in the deportation of the Jews and the seizure of their assets have come to light.[51] As more research into the complexities of the Norwegian wartime economy has been undertaken, it has also emerged that the considerable economic contributions made by slave labourers in Norway were

[49] Baard Herman Borge and Lars-Erik Vaale, *Grunnlovens største prøve: rettsoppgjøret etter 1945* (Oslo: Scandinavian Academic Press, 2018).

[50] Per Ole Johansen (ed.), *På siden av rettsoppgjøret* (Oslo: Unipub, 2006); Synne Corell, *Likvidasjonen: historien om holocaust i Norge og jakten på jødenes eiendom* (Oslo: Gyldendal, 2021).

[51] Bjarte Bruland, *Holocaust i Norge. Registrering. Deportasjon. Tilintetgjørelse* (Oslo: Dreyers Forlag, 2017); Corell, *Likvidasjonen*.

downplayed in the post-war era.[52] The suffering of Soviet and Yugoslav prisoners of war in camps guarded by both Germans and Norwegians, these studies have highlighted, had only a marginal presence in the trials.[53] In addition, many of the post-war narratives continue to be questioned, including that of the knowledge held by the wartime resistance concerning the Holocaust, which was debated intensely in a series of books published between 2018 and 2021.[54] Based on new insights into occupation history, therefore, scholars have been able to highlight how the reckoning fell short of delivering justice for groups of individuals who did not form part of the majority national narrative following the war.

The increased scholarly focus in recent years has placed the trials more firmly at the centre of Norwegian historical discourse. However, many of the above studies, in particular those that challenge the trials from the perspective of those who were sentenced, revolve largely around questions of legality or moral legitimacy. This has meant that many of the legal questions posed by the trials have typically been addressed *as* legal questions, rather than as elements of political history. In addition, the overriding focus on the law has often limited investigations to the national context. Rather than embedding the Norwegian experience within the political and social processes of 'post-war justice' across national boundaries, the trials appear to be examined mainly with reference to the Norwegian legal system. This needlessly limits our understanding of the political dynamics of the trials and their place within European post-war history. The studies of the groups that were overlooked, on the other hand, as important as they are, tend not to provide accounts of the trials as a whole. This book, by contrast, aims to provide a study of the trials in their entirety, explaining how they unfolded and what positions their key actors took over time.

I.4 A New Perspective

This book offers a first scholarly investigation into the central agents behind the treason trials and their changing roles and motivations, as well

[52] Hans Otto Frøland, Gunnar Hatlehol and Mats Ingulstad, 'Regimenting Labour in Norway during Nazi Germany's Occupation', *Unabhängige Historikerkommission zur Geschichte des Reichsarbeitsministeriums, 1933–1945*, Working Paper No. 12, 2017, p. 16.

[53] Bjørn Westlie, *Fangene som forsvant: NSB og slavearbeiderne på Nordlandsbanen* (Oslo: Spartacus, 2015).

[54] Marte Michelet, *Hva visste hjemmefronten? Holocaust i Norge: varslene, unnvikelsene, hemmeligholdet* (Oslo: Gyldendal, 2018); Bjarte Bruland, Elise B. Berggren and Mats Tangestuen, *Rapport frå ein gjennomgang av Hva visste hjemmefronten?* (Oslo: Dreyers Forlag, 2020).

as the arguments they invoked, in shaping the trials' contours throughout the entirety of their duration. It examines how the Norwegian authorities planned, implemented and interpreted the reckoning with wartime collaborators between 1941 and 1964. In doing so, it looks at the broader political purposes the trials served, how these changed over time and the mechanisms that brought these changes about. This book therefore has two central aims: first, it aims to push scholarship on the trials beyond questions of justice and legality and to open it up towards the complexities of competing power structures, institutional motivations and argumentative patterns within a broad political and social context. The often legalistic focus of much previous scholarship offers too narrow a framework for understanding these deeply political processes. Second, it aims to provide an account of the policy decisions surrounding the trials in their entirety, from the first planning efforts in exile and in the underground during the early 1940s, to when the legacies of the trials became the subject of intense political debate during the 1960s. Looking at the central administrators of the trials *over time* allows us to place individual events, decisions and arguments in relation to one another and to understand what purposes the trials served at different stages of their implementation, and how various policies and purposes intersected. Scholarly works on distinct groups or events of the trials – important as they are – cannot set the core decisions of the trials in their larger context.

The book argues that the trials were not driven by the agenda of any one institution or group, but that their final shape was the result of a complex process of weighing up demands for legal form and consistency against a fast-changing political and social environment. To understand the shape the trials ultimately took, it is important, I argue, to understand how institutions found themselves bound by their understanding of the law in administrating the trials, as well as how their decisions were embedded within the broader social and political dynamics of the time. The post-war authorities took pride in the fact that the treason trials were to take place in conformity with legal norms. But the emphasis on legal form also became the central challenge of these trials. The belief that ordinary principles of law could provide a response to the events of the occupation made the reckoning vulnerable to schematism and risked accelerating a process of polarisation in wider society. The law was also unclear on many of the unique situations brought about by the occupation. Throughout the treason trials, the decisions taken were results of a complex interaction between legal principles and the social and political forces found within Norwegian institutions and wider society at their various stages. This

interaction exposed a gap between legal doctrine and social and political expectations, and resulted in the trials being guided by a certain element of pragmatism. Ultimately, therefore, the book argues that the Norwegian treason trials point towards the inherent limitations of the law in overcoming the friction and tension of an enemy occupation.

In its analysis, the book covers both 'internal' and 'external' influences on the trials, which over time came to shape one another. 'Internal' influences are understood as the personal, political and legal convictions articulated within the institutions that prepared, administered and governed the trials. The book analyses in particular how changing political, legal and pragmatic considerations both during and after the liberation led to disagreement regarding the scope, purposes and legitimacy of the trials. For the perspective from within, the main focus will be on the central institutions that determined the shape of the trials: the government (both the government-in-exile as well as the first three post-war governments), and in particular the Ministry of Justice and the Office of the Director of Public Prosecutions, Norway's most senior prosecutorial authority. Wherever relevant to the overall scope and overall course of the trials, the study also looks at court decisions, in particular the binding judgments of the Norwegian Supreme Court, the *Høyesterett*. 'External' influences, on the other hand, are understood as the broader public attitudes and debates surrounding the trials in civil society. In this context, the book analyses three spheres of debate and opposition to which the aforementioned central authorities had to respond in the administration of the trials: the Norwegian parliament, legal experts and public debate, in particular press coverage. The analysis is therefore concerned with both the legal and policy arguments advanced by the institutions in charge, as well as the role played by broader sociopolitical forces. What these two perspectives seek to uncover, therefore, is how and why specific decisions of law and policy were made, and what arguments they rested on.

In this way, the book connects the trials and their inner political, legal and institutional logic with the political debates and social realities in which they were embedded. It demonstrates how the legal, political and moral justifications employed by the central authorities in charge of administrating the trials interacted with those presented in the media and the political sphere. In doing so, it looks at the expectations and desires of a nation that had just come out of five years of occupation, and explores how and why the trials soon became so fiercely contested. At the same time, it examines the ways in which the authorities actively sought to shape public debates on the trials and tried to convey certain political

messages through them. This in turn helps further an understanding of why the trials became so important to authorities that they waged attacks on those who dared to criticise them. In addition, this book examines how the belief systems of the time focused attention from the outset on specific sets of crimes against the majority population, leaving the fates of many victims unaddressed in the trials at large. The present study covers a longer period than most studies of the trials. This allows us to chart the transition from the early post-war period, when questions of political and legal legitimacy were central, to later years, when the trials turned increasingly on questions of historical legacy.

It bears repeating that this book is not concerned with questions of justice as such. The book neither seeks to justify the trials, nor to condone the actions or oversights of their key protagonists. The book is therefore not concerned with assessing the legal questions at the heart of the trials within the doctrinal logic of the law, nor in assessing their moral legitimacy. While legal and moral issues are at the centre of the book, the question is not what was or was not legal or 'just', but rather how different agents interpreted, or chose to interpret, the law, what motivations informed these interpretations, how these interpretations were mediated and contested between different agents, and what consequences they had for the administration of the trials. Its overall aim is therefore to further our understanding of the political, social, economic and individual forces that were engaged in the treason trials and how they engaged with the law. It is tempting of course to utilise concepts such as 'legality', '(transitional) justice' or 'morality' as an analytical tool for topics that centre so much around legal processes as the present one. However, a purely legal or normative analysis would not be able to answer the questions of *why* and *how* the treason trials took the shape they did.[55]

Rather than understanding the book's theme in relation to the concept of 'transitional justice', as would seem intuitive, this book chooses a different emphasis by focusing on the dynamics of what we may term 'transitional politics': a politics that is marked by recent disruption such as regime change, and which is characterised by competing and fast-changing attitudes towards the handling of the past regime's legacy. During times of 'transitional politics', public authorities can be questioned, and the

[55] Transitional justice can be used both in a descriptive or a normative sense. However, although frequently applied to the legal processes that followed the end of the Second World War, I find it best to avoid the term in this book, so as to focus the reader's attention to the political processes at play and avoid any suggestions of normativity.

institutions they represent need to (re)assert and stabilise the authority and legitimacy of their own power. 'Transitional politics' therefore entails a strong focus on the public resonance of any state measures, and a highly *demonstrative* and symbolic form of politics, as narratives of the recent past are collectively negotiated. The law typically plays a central role during such processes, but established legal principles frequently reach their limits. What this book aims to do, then, is to contrast the dynamics of politics with the inner logic of the law during Norway's early postwar years. This study therefore takes an encompassing approach to the public perception of the treason trials and the ways in which the law interacted with political decision-making and media and public discourses. This allows for a fuller investigation of the tensions surrounding the trials and the many questions raised by a situation in which a legal question is also a political one, and the outcome of a trial is also a verdict on history.

The verdict on history that the post-war trials produced – perhaps predictably – did not stand the test of time. As indicated above, the crimes against Jews and POWs did not form a focus of these trials, although the transgressions of the occupation period should have given rise to this. This was the case almost everywhere across formerly occupied countries in Europe. But the crimes against Jews and POWs were not ignored altogether. This book will explore some of the legal cases that were brought after the war concerning Jews and POWs, as well as the narratives surrounding them. As with the reckoning at large, however, it will not cast judgement on how these trials should have been conducted differently, neither from a legal nor from a moral perspective. In drawing on the recent literature on the fate of Norway's Jews in particular, it will rather seek to explain these absences by examining the contemporary political and social dynamics that drove the discourses surrounding the trials. This, in turn, will help cast a light on the social and political purposes of the trials, and by extension also on the society in which they unfolded.

To provide a nuanced account of the forces underlying the trials, the book places a particular emphasis on analysing their temporal dynamics. In doing so, it takes inspiration from the increasing focus on conceptions of time in the study of history.[56] Firstly, the study questions the presumption that any of the agents of the trials were rigid in their motivations, arguing instead that they were required to continuously modify their positions due to institutional limitations, a changing sociopolitical context,

[56] Marcus Colla, 'The Spectre of the Present: Time, Presentism and the Writing of Contemporary History', *Contemporary European History*, 30 (2021) 1, pp. 124–135.

changes in degrees of popular support and the inherent logic of the law itself. In order to grasp this, we need to go beyond a stagnant characterisation of the agents towards an analysis of how their positions changed over time. The book therefore distinguishes different chronological stages of the trials. Within each of these stages, the book traces the dynamics of the various overlapping legal and political discourses that shaped the trials. It then examines how discourses and individual as well as institutional positions shifted over time. This allows the book to chart the complex interaction across different discursive spheres across time and, ultimately, to provide a fuller picture of the decisions and rationales that shaped the contours of Norway's reckoning with its recent past.

Secondly, in understanding the complex interaction of law and politics in the immediate aftermath of Norway's occupation, the book aims to understand how the different actors located themselves *within time*, and how they saw their actions in relation to different conceptions of past, present and future. In doing so, the book examines in particular how these actors were bound by different, at times competing, temporal spheres: that of politics and that of law. As identified by Reinhart Koselleck, the law operates on a different temporal plane to history.[57] Law, 'in order to be law, is dependent upon its repeated applicability'.[58] History, on the other hand, is best understood by its 'diachronic singularity': while patterns and likenesses can be identified across historical periods, each event is ultimately unique.[59] Drawing on the ideas developed by Koselleck on temporality, the book therefore uncovers the competing temporal logics at play within the treason trials. It highlights how the distinct temporal logic of the law, which by its very nature aims to make generalisable, and to some extent, atemporal claims, aiming for consistency over time, ran into conflict with the shifting political agendas of Norway's post-war leaders and the fast-changing social environment in which they found themselves. In this way, the book aims to offer a case study on the multilayered temporalities of political trials. Because the trials marked a period of rapid change, and because they involved two systems with very different temporalities – the law and politics – the treason trials are a particularly useful event within which to examine competing and complementary temporal dynamics.

This study also contributes to a wider literature on post-war justice in Europe. It locates the Norwegian experience within a broader European

[57] Reinhart Koselleck, *Sediments of Time: On Possible Histories* (Stanford: Stanford University Press, 2018), pp. 117–136.
[58] Ibid., p. 130. [59] Ibid.

context by comparing and contrasting the Norwegian trials with political trials against wartime collaborators in other countries, thereby highlighting the distinctive characteristics of Norway's transition from war to post-war. After the Second World War, reckonings with those deemed to have collaborated took place across all countries that had been occupied by Germany. Many of these have been studied in detail.[60] One might wonder, therefore, what can be gained from an in-depth investigation into the underlying rationales of the Norwegian trials in particular. The book advances two reasons for why they are of particular interest. Firstly, the Norwegian reckoning was largely contained within the framework of the legal system. This sets it apart from many post-war purges across Europe after 1945, some of which were framed by widespread extra-legal violence.[61] Secondly, it was of a much broader scope than any of the other reckonings. As outlined earlier, 3.2 per cent of the Norwegian population were investigated, far more than in any other country.[62] One of the reasons for this was that no other occupied country criminalised membership of its fascist party per se. Even though a comparatively small percentage of those investigated received a prison sentence (18 per cent), Norway still had the highest imprisonment figures in Europe.[63] Out of every 100,000 individuals, 633 were sentenced to prison in Norway. By comparison, 94 out of every 100,000 were sentenced in France, 374 in Denmark, 419 in the Netherlands and 596 in Belgium.[64] While the trials themselves followed a pattern found in most European countries that had come out of occupation, the comparative breadth of the Norwegian case brought with it a set of distinct challenges that gave a very specific shape to the implementation of the trials and the broader debates surrounding them. It is this distinctive character of the Norwegian trials that stands at the centre of this book.

[60] Istvan Deák, Jan T. Gross and Tony Judt (eds.), *The Politics of Retribution in Europe: World War II and Its Aftermath* (Princeton: Princeton University Press, 2000); Pieter Lagrou, *The Legacy of Nazi Occupation: Patriotic Memory and National Recovery in Western Europe, 1945–1965* (Cambridge: Cambridge University Press, 2004); Peter Novick, *The Resistance Versus Vichy: The Purge of Collaborators in Liberated France* (London: Chatto & Windus, 1968); Rousso, *The Vichy Syndrome*; Conway, *The Sorrows of Belgium*; Peter Romijn, *Snel, streng en rechtvaardig: politiek beleid inzake de bestraffing en reclassering van 'foute' Nederlanders, 1945–1955* (Amsterdam: De Haan, 1989); Frommer, *National Cleansing*; Ditlev Tamm, *Retsopgøret efter besættelsen* (Copenhagen: Jurist- og økonomforbundet, 1984); Andrew Kornbluth, *The August Trials: The Holocaust and Postwar Justice in Poland* (Cambridge, MA: Harvard University Press, 2021).

[61] In France, estimated figures of extra-legal killings vary widely, ranging from just above 1,000 following the liberation to more than 10,000 when including the most intense period of fighting preceding the liberation; Henry Rousso, 'L'Epuration – Die politische Säuberung in Frankreich', in Henke and Woller (eds.), *Politische Säuberung in Europa*, pp. 192–234, at p. 202.

[62] Judt, *Postwar*, p. 45. [63] Ibid., pp. 45–46. [64] Novick, *The Resistance Versus Vichy*, p. 187.

For the reasons I have outlined, this book in its chronological scope spans the entirety of the trials, from the initial planning stages in 1941 to the debate of the Treason Commission's report in 1964. Given the long period and the complex processes under investigation, the main focus of the study had to be restricted to the central authorities which administered the trials, the central court cases and the most influential parliamentary and public debates and events that determined their shape. Wherever possible, however, the study has also drawn upon singular cases as well as personal accounts of the trials to highlight the myriad ways in which the trials affected individuals in Norway after 1945. The book looks at parliamentary debates, newspaper coverage and events from across the country that had an influence on the contours and agendas of the trials. Particular emphasis is, however, placed on events in and around Oslo, which due to the density of NS activities in the city during the war, as well as it being the seat of the nation's most senior constitutional bodies, became the epicentre of the trials. With regard to the subjects of these trials, this book looks almost exclusively at the reckoning with Norwegian citizens. This is because the prosecution of collaboration on the one hand, and foreigners' war crimes on the other, raised very different legal, political and moral questions, and rested on different legal bases. In addition, the investigation of collaboration constituted both the overwhelming majority of cases and the central concern of authorities within the grander reckoning that took place (only 346 foreign citizens were investigated, compared to 92,805 Norwegian citizens).[65]

In terms of primary sources, I have relied primarily on the archives of the Norwegian Ministry of Justice (*Justisdepartementet*) and the Office of the Director of Public Prosecutions (*Riksadvokaten*), both held at the Norwegian National Archives (*Riksarkivet*) in Oslo. Within the archive of the Ministry of Justice, the study has drawn in particular on the files of the Law Division (*Lovavdelingen*), the Treason Division (*Landssvikavdelingen*) and the Prisons Division (*Fengselsstyret*) spanning the years 1940–1965. In the archive of the Director of Public Prosecutions, the study has relied on both the 'General Archive' as well as the 'Treason Archive'. In addition, the protocols of cabinet meetings between 1945 and 1953, the period during which the key decisions concerning the trials were taken by the Cabinet, as

[65] *Statistikk over landssvik 1940–1945*, p. 13; Tore Pryser, *Tyske hemmelige tjenester i Norden: spionsaker og aktører 1930–1950* (Oslo: Universitetsforlaget, 2012), p. 427; Lars-Erik Vaale and Baard Herman Borge, 'Caught between International Law and National Constitution: The Legal Reckoning with Foreign War Criminals in Norway after 1945', in *Max Planck Institute for Legal History and Legal Theory Research Paper Series*, No. 1, 2022, pp. 20–24.

well as the correspondences between the Cabinet and the Ministry of Justice, have been used to examine the distinct role of the government in the trials. Wherever relevant, the study has also drawn on files from the Ministry of Social Affairs and the Ministry of Church Affairs. In addition, I have consulted the personal archives of a number of central figures during the trials, including Professor Johannes Andenæs and Eivind Berggrav, the Bishop of Oslo. Finally, the case files of the trial against Oliver Langeland were examined in full at the State Archive in Oslo (*Statsarkivet*).

A further central set of sources that I have consulted are the court judgments produced by the treason trials, as well as select trial records held in the *Landssvikarkivet* at the National Archives in Oslo. The set of trial records, around 90,000 individual files in total, is too comprehensive for examination within the context of this study, as is the full set of judgments at all levels of the court system.[66] A review of the full set of judgments and individual files has also not been necessary to explore the reasons why the trials unfolded in the way that they did. However, looking at individual judgments allows us to examine in more detail some of the legal and moral arguments driving the trials, as well as the criticisms waged against some of their main premises. Dissenting judgments in particular can allow for insights into the core frictions of the trials. With the study's central focus in mind, the review of cases has therefore been focused on those judgments and files which concern some of the fundamental legal, political and social questions of the trials. The analysis is based on a full review of criminal and civil law judgments on the treason trials passed down by the Supreme Court and published in *Retstidende* from 1945 until 1950.[67] The focus on the judgments of the Supreme Court is meaningful in this context, as it was the most authoritative voice in the treason trials, and its reasoning determined the course of the trials overall. Following the review of Supreme Court judgments, those cases deemed of particular relevance to the course of the trials overall, addressing some of the core questions of legal principle and social and political concern, or highlighting some of the moral dilemmas of the trials, have been included in this book. Whenever the judgment suggested that additional information of interest could be found in the trial records, these have been consulted at the National Archives, as the trial records can add relevant context to the

[66] There were 23,133 court cases before 30 June 1950: *Statistikk over landssvik 1940–1945*, pp. 61–64.

[67] The reason that civil cases are included is that the compensation cases during the treason trials were typically adjudicated as civil law cases. The end date has been chosen as, by this time, the bulk of decisions had been made, and the cases of principle decided.

key arguments and facts of the case. And, finally, as the trial records also provide the very important opportunity to let the trial participants tell their stories, these have also been added to illustrate some of the typical cases and dilemmas of the treason trials.

As regards printed or digitised primary sources beyond court judgments, the study has also drawn extensively on the parliamentary proceedings of the Norwegian parliament (*Stortingsforhandlingerne*). With regard to the wartime exchange between the exile government and the resistance forces in Norway, the compendium *Regjeringen og hjemmefronten under krigen* proved a valuable complementary resource to the files consulted at the National Archives.[68] For newspaper coverage of the trials, the project has benefited enormously from the ambitious digitalisation projects currently under way at the Norwegian National Library (*Nasjonalbiblioteket*), which provide electronic access to most major Norwegian newspapers. In addition, the study has drawn upon extensive collections of newspaper clippings found across Ministerial archives, which indicate the topics deemed important by authorities. To convey the perspective of trial participants as well as critics of the trials, the book has examined in detail a series of books, pamphlets and memoirs published during and after the trials were carried out. Two influential printed primary sources which have also been consulted are the government's own White Papers into the 'criticism of the trials', printed in 1950, and the report of the Treason Committee, published in 1962, on the trials as a whole.[69] But these publications, however valuable, must be treated with caution, for they were in part drafted by key actors of the trials, and published in a particular political context. The study has therefore relied on these publications only selectively, and referenced them only with regard to claims that are generally verifiable through other sources. To highlight the international dimension of the trials, select foreign newspapers as well as international archives have also been consulted, including the collections of the Harry S. Truman Library.

Because the passing of time became a central factor in the administration of the trials, this book is structured chronologically. However, time did not unfold at a consistent speed during the trials. The periods investigated in each chapter therefore vary in length. Chapter 1 considers the

[68] Reidar Omang (ed.), *Regjeringen og hjemmefronten under krigen, Aktstykker utgitt av Stortinget* (Oslo: Aschehoug, 1948).

[69] Justis- og Politidepartementet, *Om landssvikoppgjøret* (Gjøvik: Mariendal, 1962); St.meld. nr. 62 (1950).

complex power constellations triggered by the German invasion of Norway in 1940, and the preparations made by the exile government and the resistance forces in Norway for the reckoning with 'traitors' that was to follow the liberation. It spans the period September 1939 until May 1945. Chapter 2 covers the political and social forces unleashed by liberation, and the administrative and legal preparations made ahead of the treason trials. It covers the period May until June 1945. Chapter 3 looks at the earliest trials against collaborators, the broader public responses to them, and the first difficulties faced by public authorities when they realised the true scale of the reckoning that lay ahead. It begins in July 1945 and ends with the declaration of the first freely elected post-war government in December 1945. Chapter 4 explores the period between January 1946 and October 1947, in which the majority of court cases – roughly 80 per cent – were processed. In particular, it reviews the challenges authorities faced in maintaining the legal framework set up during the occupation in light of institutional shortcomings and swiftly changing public attitudes. Chapter 5 looks at how authorities sought to phase out the trials and accelerate the release of prisoners from 1948 onwards. It relates these measures to the new meaning the trials were attaining for authorities at the beginning of the Cold War, but also to decreasing public interest. Chapter 6 examines the challenges and criticisms brought against the trials, the ways in which authorities responded to them, and the final stages in their practical administration. Finally, Chapter 7 embeds the Norwegian post-war reckoning in a European context to demonstrate how there were both shared experiences as well as fundamental differences between the ways in which Norway and other European countries brought wartime collaborators to justice.