

MEDMUN'26 THE QUISLING CASE

STUDY GUIDE 2026

<i>1. Opening Remarks.....</i>	<i>3</i>
<i>1.1. Letter From the Secretary-General.....</i>	<i>3</i>
<i>1.2. Letter from the Under- Secretaries- General.....</i>	<i>4</i>
<i>1.3. Letter from the Academic Assistant.....</i>	<i>5</i>
<i>2. Introduction to the Court.....</i>	<i>6</i>
<i>2.1. Nature of the Court Committee.....</i>	<i>6</i>
<i>2.2. Roles of Participants(Chairs, Prosecution, Defense, Witnesses).....</i>	<i>7</i>
<i>2.3. Structure of the Trial.....</i>	<i>9</i>
<i>3. Legal Framework (Domestic & Transitional Law).....</i>	<i>10</i>
<i>3.1. Foundations of Norwegian Criminal Law.....</i>	<i>10</i>
<i>3.1.1. Norwegian Penal Code (1902).....</i>	<i>11</i>
<i>3.1.1.1. Definition of Treason (Landssvik).....</i>	<i>12</i>
<i>3.1.1.2. Collaboration with Enemy Powers.....</i>	<i>13</i>
<i>3.1.2. Constitutional Framework (1814 Constitution).....</i>	<i>13</i>
<i>3.1.2.1. Sovereignty and Rule of Law.....</i>	<i>14</i>
<i>3.1.2.2. Government-in-Exile Legitimacy.....</i>	<i>16</i>
<i>4. Defense Doctrines and Legal Controversies.....</i>	<i>18</i>
<i>4.1. Act of State Doctrine.....</i>	<i>18</i>
<i>4.2. Necessity and Political Pragmatism Defense.....</i>	<i>19</i>
<i>4.3. Legitimacy Under Occupation.....</i>	<i>19</i>
<i>4.4. Retroactivity and Principle of Legality (Nullum crimen sine lege).....</i>	<i>20</i>
<i>5. Comparative and International Legal Perspective.....</i>	<i>21</i>
<i>5.1. Nuremberg Trials vs Quisling Case.....</i>	<i>21</i>
<i>5.2. Individual Criminal Responsibility.....</i>	<i>22</i>
<i>5.3. Emerging Crimes Against Humanity Norms.....</i>	<i>1</i>
<i>6. Background of the Case.....</i>	<i>1</i>
<i>6.1. Vidkun Quisling: Political Profile.....</i>	<i>1</i>
<i>6.1.1. Early Life and Military Career.....</i>	<i>1</i>
<i>6.1.2. Rise of Nasjonal Samling.....</i>	<i>1</i>
<i>6.1.3. Ideological Foundations.....</i>	<i>1</i>
<i>7. German Occupation of Norway (1940–1945).....</i>	<i>1</i>
<i>7.1. Operation Weserübung.....</i>	<i>1</i>
<i>7.2. Collapse of Norwegian Government.....</i>	<i>1</i>
<i>8. Quisling's Collaborationist Regime.....</i>	<i>1</i>
<i>8.1. Self-Declaration of Power.....</i>	<i>1</i>

8.2. Relationship with Nazi Germany.....	1
8.3. Administrative Control under Occupation.....	1
8.4. Post-War Legacy.....	1
9. Governance and Policy Under Occupation.....	1
9.1. Political Repression and Control.....	1
10. Resistance and Public Response.....	1
11. End of War and Arrest (1945).....	1
11.1. Arrest of Quisling &Initiation of Legal Proceedings Regarding his Arrest.....	1
12. Parties to the Case.....	1
12.1. The Prosecution.....	1
12.1.1. Case Theory.....	1
12.1.2. Legal Strategy.....	1
12.1.3. Evidentiary Framework.....	1
12.2. The Defense.....	1
12.2.1. Case Theory.....	1
12.2.2. Core Arguments.....	1
12.2.3. Strategic Weaknesses.....	1
12.3. Witnesses.....	1
12.3.1. Government Officials.....	1
12.3.2. Resistance Members.....	1
12.3.3. Civilians.....	1
12.3.4. Expert Witnesses.....	1
13. Law of Occupation (Hague Principles).....	1
13.1. Protection of Civilian Authority.....	1
13.2. Limits of Occupation Sovereignty.....	1
13.3. Illegality of Forced Collaboration.....	1
14. Historical Background of International Context.....	1
14.1. Evolution of Post-War Justice.....	1
14.2. Emergence of Modern International Criminal Law.....	1
15. Bibliography.....	1

1. Opening Remarks

1.1. Letter From the Secretary-General

Dear Participants,

As the Secretary-General of MedTrain'26, I am deeply honored and delighted to invite you to the first edition of this conference.

MedTrain'26 is a conference driven by the motivation of diplomacy, politics, and academic development. Throughout our preparation process, our primary motivation has been to bring innovation to your past experiences within the MUN community, to allow you to fully experience an academic MUN conference in every aspect, and I am honored to present to you the academic rigor of a MUN conference in its entirety.

By combining the expertise of our academic team with the tireless energy of our organizing team, we are committed to delivering an unforgettable experience. Whether you are a first-time delegate or an experienced one, MedTrain'26 has been designed to offer you the opportunity to learn the dynamics of MUN through its committees, engage in constructive debates, and witness the finest examples of the art of diplomacy.

Thank you for joining us on this unique journey. I look forward to the unforgettable memories we will create together.

With warm regards,

Mustafa Aslan

Secretary General of MedTrain'26

1.2. Letter from the Under- Secretaries- General

Dear Participants,

We are proud to welcome you to the MEDTRAIN'26 Quisling Case Committee. We would like to note that we appreciate your decision to go with quality and your belief in our academic vision.

After the preparations we made with the Tangentopoli Committee we are glad to find more and more court procedure based committees being carried out in Antalya. We do ask that since this will be an advanced level committee, you will undertake a detailed background research and will explore the topic with intellectual integrity and an open mind to information. Due to the political depth of our committee, we highly recommend all participants to read the world politics of the time as well. It will be crucial to understand the greater historical context to be meaningfully engaged. We highly recommend that you should not be afraid to ask questions as and when the need arises. Academic free discussion is greatly appreciated in this committee.

We also want to express our heartfelt thanks to the Executive Team who provided us with the chance to arrange this committee, and to all teams that helped to organize this conference. We also wish to express our gratitude to our Academic Assistant, Demir, who has contributed in this way and agreed to our request to assist in the academic development of this committee.

We trust that this committee will be a beacon in your academic life and give you a good understanding of law, history and international relations.

In case of any queries, we would like to ask you to call us, preferably through email.
bersunakkaya@gmail.com

Cordially,
Bersun Akkaya & Kadircaan Yıldız
Under-Secretaries-General
MEDTRAIN'26 The Quisling Case

1.3. Letter from the Academic Assistant

Honourable and Most Distinguished Jurors and Counselors,

It is once more an incredible honour to stand tall with the great efforts that every single one of you brings to every other conference. Seeing as court cases are, in fact, a recent agenda in your accord, I am only further gratified by the incredible interest and commitment that accompany such a recent yet remarkable procedure. As stated, it is now that you get to decide whom really stands truest in the face of justice, whether it be the need for seeking out the reality of the situation or further twisting fate in order of a reality that exists deep in this model memorial of the case; the only people who grasp that truth are you, our most distinguished jurors and counsellors. Therefore, once more stating my complete understanding of each of your potentials to their fullest extents, I seek forth your final verdict, as it is now your turn to write what is deemed the most glorious scripture above all else, history. One last point I feel must be stated resides deeply with our Under Secretary Generals, Bersun Akkaya and Kadircan Yıldız. No matter the overall extent of whichever position I shall take in the future, whether international and great, national or humble, I'm obliged to state my respect for them and all of their efforts and support in accordance with the principles laid forth to allow your extraordinary leadership and diversities into fruition, and once more with that regard, I thank you all for your most glorious stance by continuing your journeys not only as Model United Nations participants yet as complete and colourful individuals.

Faithfully yours,

Demir Dağyar

Your Academic Assistant

2. Introduction to the Court

This committee pretends to reconsider the appeal of the case of Vidkun Quisling in a simulated courtroom setting to recreate both the historical and legal aspects of the case. The representatives will be asked to take a critical look at the legal, historical and ethical aspects of the initial proceedings that took place in Norway after the Second World War. The committee is not focusing on the factual situation of the case, but on the assessment of the validity of the judicial process itself, in terms of due process and level of evidentiary sufficiency, as well as the extensive political environment in which the trial occurred.

Participants will examine whether the original decision may be regarded as legally valid when its assessment is compared to contemporary standards of justice, such as the ban on retroactive criminal responsibility, the right to a fair trial, and the unbiasedness of the judicial system. By doing so, delegates should no longer be inclined to make shallow judgments on whether an individual is guilty or innocent but they should struggle with the ambiguities of transitional justice in the post-conflict societies. The committee is a kind of legal simulation and intellectual discussion, promoting its participants to probate how law functions in extraordinary historical circumstances, and whether justice can be intelligibly disaggregated or depoliticized. Finally, the court aims at determining not just what was ruled, but also whether such a ruling should have been made.

2.1. Nature of the Court Committee

The committee is an adversarial court simulation rather than a standard format of Model United Nations, it stands out because of its focus on legal procedure, the standard of evidence, and the presentation of argument. The representatives are split into two opposite camps, Prosecution and Defense, which must build both full and convincing legal cases based on historical fact and law. This committee, in contrast to policy-oriented debates, is concerned about the serious use of legal arguments, as those who participate in it must prove their statements with reliable facts and logical argumentative strategies.

The hearings are presided over by a panel of Chairs that play the role of judges and it is their duty to ensure that the proceedings are conducted in orderly manner, that the debate is controlled and that everyone makes interventions in accordance to the set rules of the court. The judges are not involved in advocacy but rather they consider the strength of the arguments presented by both parties. The end purpose of the committee is not consensus-forming, but adjudication: the generation of a final judgment on the basis of the case as presented in the court.

This form indicates the antagonistic aspect of most legal systems, in which truth is sought by competing accounts. In that regard, the committee focuses on the content of arguments, as well as the means of their presentation, such as the clarity, logical coherence, and the responsiveness to counter-arguments. Delegates will be required to be active, think on their feet and think strategically as new evidence and lines of argument come out during the proceedings.

2.2. Roles of Participants(Chairs, Prosecution, Defense)

Justice (Chair Board)

The Chairs are the judicial body in the committee and they represent the position of an appellate court that is charged with the responsibility of revisiting the case at hand. They are mainly charged with the responsibility of making sure that the proceedings occur in a fair, orderly and procedurally sound manner. This involves presiding over debate, admitting or rejecting motions and stepping in when needed to ensure the integrity of the process. Although they do not take any sides, they are no passive participators; they actively consider the points raised, judge the validity of evidence, and decide the applicability of witness testifying.

Besides their procedural roles, the judges are entrusted with the important task of making the ultimate decision. This involves them to reconstruct complicated and even contradictory arguments and balancing legal argument against historical and ethical factors. They should base their decision on the working of the committee, not only on the quality of arguments presented but also legal principles. The judges are also vested with both procedural and substantive authority hence they are at the core of legitimacy of the simulation. Representatives therefore have to not only argue against the opposite sides but also in a way that will convince the court panel.

Prosecution

The Prosecution is the state and is charged with proving the criminal responsibility of the accused beyond reasonable doubt. Its main aim is to create a persuasive and consistent story that proves that the defendant caused the alleged crimes with legal arguments, documentary facts, and testimonies. Within the framework of this committee, Prosecution has to work not only with the historical facts of the case, but also with the law of the land, such as definitions of treason, collaboration, and war behavior.

An efficient Prosecution case implies effective co-ordination of the case members, consistency of the arguments, effectiveness of the presentation of evidence and witness examination that contribute to the overall narrative. The representatives will have to expect and address the challenges brought by the Defense, working out the possible flaws of their case and strengthening the plausibility of their arguments. This does not just entail presenting evidence but also interpreting it in a way that it conforms to legal doctrine and leads to the preferred conclusion. The Prosecution should be mindful of the larger implications of its arguments especially in a case within a complex historical and political context. It should convince the judges that the acts of the accused are prosecutable crimes, according to the legal provisions during its time, and also according to the modern definition of justice. The ultimate measure of success in the Prosecution is whether it is accurate in its factual presentation and convincing in its legal presentation.

Defense

The Defense defends the accused and it is the one that counters the arguments put forward by the Prosecution. Its main aim is to ensure that the evidence provided in the case is undermined to eliminate a verdict of guilt. This can include the impeachment of witnesses, bringing out inconsistencies in the story presented by the Prosecution, or introducing other ways of looking at the facts of a given situation. The Defense is not required to demonstrate the innocence of the accused; it has to demonstrate reasonable doubt or prove that the legal requirements to be met to convict the accused have not been met.

Besides challenging the factual grounds of the case, the Defense is a key player in procedural and legal challenges. This involves bringing up issues of the justice of the initial trial, the possibility of retroactive legislation, and the wider setting within which the supposed wrongs took place. The Defense can present an argument that the actions of the accused must be put into

context by placing the case in its historical context and allowing the actions of the accused to be assessed in terms of the limitations and stressors during that period.

Effective Defense advocacy entails analytical and strategy communication. Delegates should take their arguments very seriously, and they should be logically structured and able to respond to the arguments of the Prosecution. Meanwhile, they are required to be flexible, changing their approach as new facts and arguments are revealed in the proceedings. Finally, the Defense tries to convince the judges that a conviction will be unjust in legal or ethical terms.

2.3. Structure of the Trial

The trial of Vidkun Quisling, as translated into this Court Committee, is a structured adversarial process following Norwegian criminal procedure but including features to make it clear, engaging, and procedurally realistic in a simulated context. The structure is representative of the historical legal process as well as the pedagogical goals of the committee in that delegates are exposed to legal reasoning, analysis of evidence and advocacy in court. The court starts with the presiding judicial bench opening the proceedings. The judge who is the chairperson officially opens the session, sets procedural order, and ensures that all parties are present, such as the prosecution, defense, and witness. This is an important step in establishing the level of formality and making sure the courtroom etiquette is observed. This is preceded by the opening statements by the prosecution and then the defense. These are statements that are not evidence but statements that describe the case theory of each party, legal arguments, and evidentiary structure expected. The prosecution case is one that outlines its version of guilt, usually focusing on acts of treason, collusion and abuse of power, whereas the defense side is the one that presents counterarguments, and these arguments can be based on political necessity, legitimacy under occupation, or absence of criminal intent. The trial process then continues to the presentation of evidence and interrogation of witnesses, the substance of the proceedings. The prosecution delivers its case-in-chief by providing testimony of the witnesses, presenting documentary evidence, proving the facts and lawfulness of the charges. Examples of possible witnesses are government officials, members of the resistance, civilians, and expert witnesses. Every witness is directly examined by the calling party, and cross-examined by the opposing party, which gives the opportunity to challenge the credibility, reliability, and consistency. The defense then makes

its own defense, in the same order of procedures. During this period, the judges assume a proactive role of controlling admissibility of evidence and procedural fairness. The format is mostly adversarial but the bench of the court can step in to clarify the ambiguities, seek further information or seek to establish that the legal standards are being applied appropriately. After the evidentiary stage, the trial proceeds to closing arguments, where each party in the case summarizes their case. The prosecution aims at showing that burden of proof has been established beyond reasonable doubt whereas the defense points out inconsistencies, legal inadequacies or extenuating circumstances. These arguments are critical, because it is the last chance of each party to shape the interpretation of both facts and law. The judges discuss and make a rational decision in the last phase. It involves an evaluation of the facts, use of the applicable legal provisions and a conclusion on whether it is a guilty or not guilty ruling. The historical case, as the verdict of Quisling to death demonstrated, was severe as it was and the whole situation of post-occupation justice. In the committee context, however, there is a possibility that the result might be different based on the arguments given, and the consideration of evidence by the bench. The organization of the trial is aimed at reflecting the basic principles of criminal trial: fairness, order of proceedings, and strict legal examination. It gives the participants a chance to explore intimately questions of law, responsibility, and legitimacy in one of the most important post-war trials in Norwegian history.

3. Legal Framework (Domestic & Transitional Law)

3.1. Foundations of Norwegian Criminal Law

Norwegian criminal law is based on a civil law tradition that is codified, law-oriented, and whose interpretation is dominated by statutory interpretation. At the core of this system is the rule of law (*nullum crimen, nulla poena sine lege*) according to which a person cannot be charged or sentenced, unless the law has already been established. It is a constitutive principle and is indicative of a greater adherence to the rule of law, legal certainty, and the safety of individual

rights. The history of the Norwegian criminal law is characterized by the combination of the statutory law and judicial interpretation, where courts have played a prominent role in interpreting and implementing legal norms. The system is based on proportionality, fairness, and due process, which ensures that criminal responsibility is determined by means of strict evidentiary norms and unbiased judicial examination. Moreover, the legal order upholds equality under the law and protection against unreasonable interference of the state, which supports the validity of the judicial process. These principles underpinning the trials of Vidkun Quisling, among others, became extremely controversial in the context of post-war trials. The conflict between legal continuity and the necessity to provide justice in transition posed important questions on whether the current legal structures were adequate to deal with extraordinary crimes that were perpetrated in times of war. In this sense, criminal law in Norway at this time should be perceived as not merely a legal system in which the law is stable but as one in which the law is in high tension and being redefined.

3.1.1. Norwegian Penal Code (1902)

In the years of the prosecution of Quisling, the Norwegian Penal Code of 1902 (General Civil Penal Code) was the main source of criminal law. This code was a general codification of criminal offenses including those offenses which were against the state, public order and individual rights. The 1902 Code was superseded by the 2005 Penal Code, but during World War II and the immediate post-war years, it remained in effect, and was the primary legal tool in prosecuting wartime collaboration. The Penal Code of 1902 was a legal and political reflection of its era, and included a list of offenses that dealt with treason, aiding the enemy, and undermining state authority. They were especially applicable when the German occupation of Norway (1940-1945) took place, with those suspected of collaboration being prosecuted by the existing laws. Nevertheless, the use of these laws during the post-war era posed difficult legal questions, especially when it comes to interpreting the criminal liability in the circumstances of occupation and coercion. The code contained the clauses associated with the crimes against the monarchy and the state power, which proved the significance of loyalty to the constitutional order. The use of the 1902 Penal Code to prosecute Quisling demonstrates the stability of the law systems even amidst a political and military turmoil never seen before. Simultaneously, it

highlights the issues of the adaptation of pre-war legal standards to post-war processes of accountability.

https://www.un.org/depts/los/LEGISLATIONANDTREATIES/PDFFILES/NOR_penal_code.pdf

3.1.1.1. Definition of Treason (Landssvik)

The idea of landssvik (treason or betrayal of the state) was a major feature in the post-war Norwegian prosecutions. Although it was not a specific offence, landssvik comprised a collection of activities that were considered to amount to betrayal of national interests, such as co-operation with the occupying powers, involvement in the administration of the enemy and aid to a hostile power. According to Norwegian law, treason was construed as an act that jeopardized the sovereignty, security or constitutional order of the state. The very Constitution outright criminalizes any act with the purpose of weakening state institutions, such as the striving to disrupt the freedom and safety of the legislature. Such constitutional ground strengthened the gravity of treason as a crime and offered a normative ground to the prosecutions of post-war. With Vidkun Quisling, the landssvik charge was pivotal, and his actions were seen as a direct violation of the sovereignty of Norway under occupation. But the wide and to some extent loose character of the concept brought about some apprehensions on the aspect of legal certainty and the possibility of the concept to be interpreted retrospectively. The application of landssvik as a category of law, therefore, is indicative of the need to deal with collaboration and the tensions inherent in transitional justice frameworks.

3.1.1.2. Collaboration with Enemy Powers

Cooperation with the enemy forces was one of the largest groups of criminal responsibility in post-war Norway. This encompassed operations like offering material assistance, involvement in occupation governments or enabling the control of enemy over national institutions. According to the Penal Code of 1902, they might be criminalized as crimes against the state, especially when they helped to undermine national resistance or sovereignty. The legal analysis of the cooperation was not easy, considering the context of the military occupation when individuals acted under different levels of coercion, pressure, or ideological orientation. It was thus necessary that courts differentiate voluntary collaboration and acts of duress, which was difficult to draw a line between and was not only legally but also morally complicated. The process of collaboration in the case of Quisling was not incidental but structural but he became one of the leading figures in the occupation regime. This increased the legal seriousness of his actions and made his case a landmark case of high-level cooperation. The legalization of such behavior was not just meant to impose personal culpability, but also to restore the legitimacy of the Norwegian state and the state of law during the post liberation period.

3.1.2. Constitutional Framework (1814 Constitution)

The Constitution of Norway is the legal document that provides the basic principles of the sovereignty, the separation of powers, and the constitutional government of the Norwegian state. It was adopted in 1814 in the dissolution of the union with Denmark, with Norway being defined as a free and independent, and came to be the primary sign of Norwegian statehood and juridical identity. Importantly, the Constitution offers the legal framework in which all governmental power should be conducted, incorporating the doctrine of popular sovereignty and making sure that state power is exercised in a way that is in line with the legal norms that have already been established (Andenæs, 1980; Fure, 2003). Along with the organization of the state, the

Constitution provides the basic rights, such as equality before the law, the right to a just trial, and the anti-retrospective nature of the criminal laws. These assurances are especially noteworthy when it comes to post-war trials because they put normative restraints on the role of state power and strengthen the rule of law even during the time of political transition. The law-legality principle (*nullum crimen, nulla poena sine lege*), which was put to the test during the occupation aftermath, was an important point of reference in judicial thought (Graver, 2015). The German occupation of Norway (1940-1945) caused a destabilization of the constitutional order that brought about profound questions about the persistence of law and the validity of the occupying institutions as well as domestic accomplices. But the Constitution of 1814 was not suspended or struck down in the interpretation of law in the post-war period. Rather, it was considered by Norwegian courts as a durable normative structure which remained in place despite the physical relocation or incapacitation of state institutions. Such a continuity doctrine played a vital role in reaffirming the legal existence of the Norwegian state and invalidating governance structures of the occupation era (Skodvin, 1990). In this context, the government headed by Vidkun Quisling was considered constitutionally invalid. It was not the power based on the Constitution nor on the Norwegian but on the occupation power, that is, on Nazi Germany. Since the Norwegian people were constitutionally invested with the power to govern, the relocation, and/or any exchange of governing power to be under the control of foreign powers was a direct infringement of the constitutional order. The courts, therefore, used the Constitution not only as a historical document, but as a source of active law to determine treason, evaluate unlawful usurpation of governmental authority and state the illegality of collaborationist rule. The reinstatement of constitutional rule after the war was thus not only a political goal but a legal necessity. The collaboration cases, such as one of Quisling were prosecuted as part of a larger campaign to restore the rule of law and re-assert the primacy of constitutional values. In this regard, the Constitution of 1814 served as a normative anchor and legitimizing power of the transitional justice process in Norway that fills the gap between legality in the pre-war period and accountability in the post-war period.

3.1.2.1. Sovereignty and Rule of Law

The two principles of the Norwegian legal system are sovereignty and the rule of law; these two aspects form the key to the state power structure and define the boundaries in which the power should be working. The state has the right to manage himself without outside influence, which is called sovereignty, and the rule of law is that such management must be implemented in accordance with the established norms of law. In the Constitution of Norway, the status of Norway as an independent and indivisible state under the law is explicitly stated and the principle of popular sovereignty is enshrined therein, guaranteeing that all the public power is based on a legitimate constitutional foundation (Fure, 2003; Smith, 2018).

The rule of law also stipulates that every activity of the state, even the criminal prosecutions, should be based on legal authority and be controlled by courts. It ensures basic safeguards like the equality before the law, the right to have a fair trial and protection against the unfair or unlawful interference. The principles are of particular importance during transitional periods, in which the quest of accountability should be struck between the maintenance of legal certainty and procedural fairness. The problem that Norway had to endure in the post-WWI period was just that: a response to mass collaboration and the loyalty to the constitutional and legal commitments at the same time. This tension is characterized in the modern and further discussions about the justice of the trials and the degree to which legal norms were changed to satisfy the requirements of justice (Graver, 2015).

The doctrine of continuity of sovereignty was at the heart of the legal reasoning of the trial of Vidkun Quisling. This principle was that the Norwegian state did not come to an end with the German occupation, albeit the effective control of the territory was lost. In its place, sovereignty was viewed as a legal and constitutional status, which remained regardless of military occupation and administrative interference. In this meaning, the occupation was regarded as a factual interruption of the governance that was temporary and not a change of the state order legally (Andenæs, 1980).

Consequently, it was deemed that all the constitutional norms, legal duties, and state institutions continued to be enforced during the occupation, even in cases where they were not effectively practiced on Norwegian soil. This continuity enabled post-war courts to prosecute acts of collaboration as a breach of a continuous legal tradition, instead of having to base the offense on

the retroactive constructions. It also gave a solid foundation to refuse all defenses based on what was claimed to be the legality or authority of the Quisling regime. Given that sovereignty had not been transferred legally, any right to be a rightful government in occupation was null in principle. The continuity doctrine of sovereignty was therefore instrumental in supporting the view that the structures of collaborationism were not constitutionally valid. Power was still vested in the Norwegian constitutional order as reflected in the 1814 Constitution and the government-in-exile and not in institutions set up under foreign occupation. Simultaneously, the principle strengthened the rule of law since it made accountability of wartime behavior based on the legal norms, which existed before. By so doing, it overcame the conflict between justice and legality by showing that despite the circumstances of occupation, the state has not lost its legal identity, and it is able to restore law when it regains its legal form.

3.1.2.2. Government-in-Exile Legitimacy

Since the German invasion of Norway on 9 April 1940, the Norwegian constitutional order was in an immediate existential crisis. A German ultimatum, which insisted on the creation of a Nazi government, was rejected by the Norwegian government and the Storting. This rejection was a definitive devotion to continuity of law and national sovereignty, even in the circumstances of military defeat.

With German troops swiftly gaining ground, King Haakon VII, Crown Prince Olav and the Nygaardsvold Cabinet were compelled to leave the nation. The leadership had withdrawn at first in Norway, but finally on 7 June 1940 they left northern Norway, and then they headed to the United Kingdom. This was the official start of the Norwegian government-in-exile in London (Derry 1952, 63).

Between 1940 and 1945 the government-in-exile had its base in Kingston House North, Princes Gate, and served as the de jure successor of the Norwegian state. It still enjoyed full international recognition as the legitimate authority of Norway, although it no longer had a territorial claim.

This continuity was vital both in legal and diplomatic aspects: Norway was not a failed state, but an occupied state, where its sovereign government resided temporarily (Sejersted 2011, 209).

The exile government, also known as the London Cabinet, technically was the extension of the Government of Johan Nygaardsvold, who was appointed in 1935. It was legitimate because it refused to surrender to the demands of the Germans and because it was constitutionally allowed to do so by the government as well as monarchy. The occupation saw the Vidkun Quisling regime and the German Reichskommissariat of Josef Terboven administering within Norway but this was not acknowledged internationally and was generally considered illegitimate collaborationist institutions (Dahl 1999, 104).

An important role of the government-in-exile was to ensure that Norway continued to be involved in the Allied war effort. It maintained control of the diplomatic relations and most importantly the Norwegian merchant fleet with the Norwegian Shipping and Trade Mission (Nortraship). This fleet was one of the biggest additions to the logistic support of the Allies throughout the war, and Norway would not lose its strategic value, despite its occupation (Milward 1977, 221).

Besides military and economic coordination, the government-in-exile also took charge of maintaining constitutional legality and postwar reconstruction. Among its most important wartime actions was its issuance of legal decrees which declared void acts done under occupation authority, especially as to property confiscation. The legal framework also came to feature prominently in the postwar restitution policies, that involved both individual and community property, including that of the Jewish people of Norway (Pryser 1991, 184).

The exile government was also in touch with the Norwegian resistance movement (Hjemmefronten) which worked within occupied Norway. This linkage contributed to the formation of a national front, which was both foreign-diplomatic legitimacy and domestic opposition work, sabotage, and intelligence collection. The growing organization of the resistance with London strengthened the claim by the exile government that it was the continuation of Norwegian sovereignty. This role of the London government was particularly noticed concerning the Holocaust in Norway. During the occupation some 759 Norwegian Jews were deported to extermination camps and only a few survived. Wartime decrees of the exile government subsequently became the legal foundation of restitution, but the decades following

the war saw such implementation complicated and incomplete. These claims were not resolved in full until long after with the extensive settlement of the Norwegian state and Jewish community in 1998.

In May 1945, when Germany capitulated, the government-in-exile came back to Norway, arriving in late May on the British troopship RMS Andes. Its reinstatement signified the resumption of national sovereignty, as well as the termination of its wartime mandate.

Nygaardsvold actually resigned on 12 June 1945, as per wartime political agreements. King Haakon VII gave his consent to the change of power soon, and on 25 June 1945, the power was taken by the First Government led by Einar Gerhardsen, marking the beginning of the period of reconstruction after the war.

The Norwegian government-in-exile in London was a unique experience in the European occupied countries during the Second World War: a full-fledged constitutional government in exile abroad that still managed to exercise international legitimacy. It played a vital role in ensuring that the Norwegian state continued to exist in law and politics even under occupation not only to keep the country allied with the Allied powers during the war but also to ensure the continuity of the state.

4. Defense Doctrines and Legal Controversies

4.1. Act of State Doctrine

According to the Act of State doctrine, any acts performed by a known government in the exercise of its sovereign power cannot be questioned in a domestic court of law. A possible defense case in the Quisling case was that actions made by the collaborationist regime were official acts of governance and ought to be considered as acts of state and not criminal acts. But this argument was limited to a great extent. The courts in Norway denied the idea that the Quisling government was a legitimate government under the constitution law. As its power was not based on the Constitution of Norway, but on the occupying power, its actions could not be covered with doctrines created to safeguard the sovereign state action. This led to a ruling that the Act of State doctrine was not applicable, and that legal protection of governmental acts is impossible in the case of unlawful regimes.

4.2. Necessity and Political Pragmatism

Defense

Another defense was based on the necessity and political expediency. According to this doctrine, otherwise unlawful acts can be justified as long as they were performed in order to avert more significant harm or in order to safeguard the necessary state functions in the case of extreme conditions. In the case of Quisling, this defense would be that collaboration with German occupying forces was a practical move done to preserve administrative order, to avoid more draconian occupation policy, or to protect Norwegian people to continue suffering. Such reasoning makes collaboration, not a matter of ideological alignment but an unwilling and strategic reaction to an inevitable scenario. Despite this, the courts were not keen on this defense. Although necessity can extenuate responsibility in exceptional cases, it is no excuse to put in place a collaborationist regime or to actively assist an occupying power. The magnitude and character of the Quisling activity, especially his self-imposed rise to power and his ideological orientation to the Nazi Germany, undermined the plausibility of a mere pragmatic justification.

4.3. Legitimacy Under Occupation

One of the main controversies regarding the trial was the question of the legitimacy under occupation. The defense might claim that since the authority of German forces was effective, the Quisling government was the de facto government in Norway and thus had some legal or administrative legitimacy. This claim is based on the difference between de facto and de jure power, and it argues that rule by the occupiers can produce a kind of practical legitimacy without the presence of constitutional legitimacy. This interpretation was however denied by the Norwegian courts on the basis of continuity of sovereignty. Occupation did not provide a legal foundation of transfer of governing power since sovereignty still resided in the Norwegian constitutional order. This made effective control in itself inadequate as a basis of any claim to

legitimacy. The courts asserted that legality ought to be based on constitutional and legal authority, as opposed to intimidation or alien imposition. This stance supported the general rule that occupation should not justify collaborationist forms of government.

4.4. Retroactivity and Principle of Legality (Nullum crimen sine lege)

The principle of legality, which was to be found in a maxim that said: *nullum crimen, nulla poena sine lege*--no crime and no punishment without pre-existing law, was one of the greatest legal controversies of the Quisling trial. The defense claimed that some of the charges, especially those which touched on broadening the definition of treason and cooperation, were based on legal interpretations or laws which were explained or reinforced after the occupation. This brought into question retroactive justice whereby people are charged according to laws or interpretations that were not well defined during the act. These practices threaten to erode the rule of law by bringing in doubt and possibility of arbitrariness in the criminal liability. Norwegian courts resolved this tension by basing their arguments on continuity of the legal order. They claimed that the fundamental prohibitions of treason and aiding the enemy existed already in the law before and during the occupation. The legal post-war measures were thus viewed not as the establishment of new crimes, but as an explanation or expansion of existing norms that were needed to respond to new unparalleled situations. This was an attempt to balance both the accountability and maintenance of law certainty. Although there were still arguments about retroactivity, the courts finally upheld the fact that prosecuting Quisling did not contradict the principle of law because his acts were explicit contraventions of basic legal and constitutional duties.

5. Comparative and International Legal Perspective

5.1. Nuremberg Trials vs Quisling Case

The Nuremberg Principles were developed in the wake of the Nuremberg Trials and subsequently restated by the United Nations in 1950 and are considered a groundbreaking shift in the contemporary law of international crime. Though the trial of Vidkun Quisling was carried out in a local legal context, the values expressed at Nuremberg offers a valuable comparative perspective in terms of which the legal thought of the case can be interpreted.

The central theme of the Nuremberg Principles is individual criminal responsibility which says that it is not an abstract state that is liable to a violation of international law but individuals. This was a turning point of the conventional teachings of sole state accountability. A parallel line of reasoning was adopted in the case of Quisling as it applied to domestic law: Quisling was not just an actor in a larger system, but one who wielded agency and power in enabling cooperation with an occupying power. This correspondence is illustrative of how, without the need to directly turn to international law, domestic courts internalized the new standards of personal responsibility. Rejection of official capacity based immunity is another important principle. The Nuremberg system stipulates that the status of high-ranking in the government does not acquit one of criminal liability. This was directly portrayed in the case of prosecution of Quisling who despite the claim of being the head of government was not given any kind of legal immunity. Norwegian courts openly rejected the validity of his authority and noted that official status (especially that based on an occupying power) could not protect unlawful acts. Nuremberg Principles also touch on the question of superior orders stating that acting under government or superior orders has no impact of relieving a person of responsibility but it may be used in mitigation. This principle was indirectly applicable in the Quisling case. Although Quisling was not a just a subordinate, but one of central figures in the collaborationist government, any claim that he could only act within the confines of the German authority did not absolve him of his guilt. Rather, the fact that he actively participated in formulating and directing the regime supported the conclusion that his actions were voluntary and attributable. Another significant

dimension is the international crime classification, especially the crimes against peace, war crimes, and crimes against humanity. Even though Quisling was not charged to the tribunals on these international classifications, his actions, which led to the occupation, aiding an aggressive regime, and involvement in repression policies, conceptually overlap with the wider categories as were stated at Nuremberg. This demonstrates the new overlap between domestic treason law and international criminal norms in dealing with widespread political offenses. Lastly, the Nuremberg Principles emphasize the role of legality but permit the prosecution of acts, which were already inconsistent with general principles of law accepted by the international community. Unlike the more disputed legality issues in Nuremberg, the Norwegian courts in the Quisling case focused more on continuity of domestic law during which the court claimed that treason and collaboration was a punishable offense before and during the occupation. However, the two contexts show that there is a common pursuit of balancing the imperatives of justice with the limits of legal certainty in unparalleled conditions. So, the Quisling trial was not an international proceeding but its legal rationale echoes the major aspects of the Nuremberg Principles. The focus on personal responsibility, the denial of the privileges of the office, and the responsibility of people who facilitate the unlawful regimes reflect the general shift of the ideas of law in the post-war era. The case therefore is at the crossroads of national and international legal evolution, which shows how domestic courts have helped in the consolidation of principles that would come to dominate modern international criminal law.

5.2. Individual Criminal Responsibility

The Quisling trial should be interpreted in the context of the development of international criminal law in the period and the immediate aftermath of the Second World War, especially the new principle of the personal criminal liability under international law. Before the 1940s, the international law was mainly applied to the actions of states but not of individuals and hence, crimes like cooperation or administration of the war were normally considered as domestic crimes. The legal landscape after the war was however a clear break in the line of considering any individual personally responsible of acts that led to massive breach of sovereignty and security. This metamorphosis was best formulated in the Nuremberg model in which the policy was laid down that state officials cannot avoid the liability on the ground of the state authority or

higher commands. A similar logic was used in the Quisling case in Norway by the Norwegian courts. The trial was held in accordance with national law, but it was also a part of an international legal trend: political leadership does not exempt any person of responsibility when they act in a material way to contribute to the occupation regimes or weaken the sovereignty of an acceptable state. The fact that Quisling was the leader of a collaborationist government thus failed to serve as a defense but it acted as a compounding agent proving greater responsibility. This correspondence between Norwegian post-war jurisprudence and new international criminal law demonstrates how national trials were being guided by and contributed to the integration of individual responsibility as a central element of the modern international justice.

5.3. Emerging Crimes Against Humanity Norms

Even though the official legal term of crimes against humanity was not codified until the Charter of the International Military Tribunal at Nuremberg in 1945, the Quisling case existed within the same conceptual change that characterized this new term. Crimes against humanity were emerging as offenses perpetrated against civilian groups as a component of systematic policies of persecution, repression or state-sponsored violence, whether or not such acts were technically illegal under domestic law at the time. Though Quisling himself was largely prosecuted based on the Norwegian law of treason, the overall context of his collaborationist rule overlapped with the nowadays crimes against humanity paradigms, especially regarding political repression, involvement in occupation administration, and support of Nazi administrative control over the life of civilians. The Norwegian legal purge did not explicitly use the language of crimes against humanity in the indictment of Quisling, but it was the same moral and legal change: that extreme misuse of authority against civilian populations in wartime times can not be defended by references to domestic legality or to government under occupation. In this respect, the Quisling trial was at the crossroads of domestic treason law and the new international legal order that aimed at criminalizing the systematic misuse of power by the state and non-state entities. It helped to formulate indirectly the principle that those who are involved in oppressive forms of

governance under occupational rule, may be liable to more than the conventional national legal entities.

6. Background of the Case

6.1. Vidkun Quisling: Political Profile

Vidkun Quisling and his political career is one of the most debatable and impactful in the contemporary Norwegian history. His metamorphosis into a highly-respected military officer and civil servant, then the leader of a collaborationist government at the time of German occupation of Norway has given his name the meaning of treason in various languages. In order to understand the political profile of Quisling, one must first of all pay close attention to the way in which personal ambitions, the ideological beliefs, and the general geopolitical situation of the interwar Europe intertwined.

The nationalism, dictatorship and faith on firm centralized leadership were all the elements that contributed to Quisling being a man of identity. He placed himself as a crusader of Norway against what he perceived as internal and external dangers, especially communism and liberal democracy, which he considered to be feeble and disruptive. His political speech was inclined to emphasize the ideas of order, unity and moral rebirth and he presented himself as the man who could restore the national strength. This however became more and more congruent with the ideological trends of fascism that were sweeping Europe in the 1930s.

These inclinations led to him ultimately collaborating with the Nazi Germany in the World War II. Being a leader figure during the occupation by the Germans, Quisling desired not only to attain power, but also to realize his ideological vision, which was being imposed by the foreign occupation. It is this duplicity of nationalist speech and reliance on an occupying authority that is the crux of his political career and is the point of debate on his motive, was he an opportunist or an ideologically committed politician or a complex combination of both.

6.1.1. Early Life and Military Career

Vidkun Quisling was born on July 18, 1887, in Fyresdal, Norway, in a family, which was highly intellectual and religious. His father was a Lutheran pastor and genealogist and this too served to

expose Quisling to the rigorous line of thought, moral philosophies and a sense of national identity. He demonstrated a great academic ability at a young age and he entered the Norwegian Military Academy where he excelled academically and graduated with the best grades.

Quisling had begun his military career in a professional and competent manner. He was a Norwegian Army officer who engaged in diplomatic and humanitarian activities most notably in Russia during and after the Bolshevik Revolution. His time in Russia had a strong impact on his view of the world and he had seen the chaos of revolutionary anarchy and formed his chances to dislike communism. This would turn out to be one of the pillars in his political ideology.

During the 1920s, Quisling was an ally of the prominent explorer and humanitarian Fridtjof Nansen, taking part in relief efforts to deal with famine and displacement in the Soviet Union. This time contributed to his foreign experience and managerial competence, further testifying to him as a strong and disciplined personality. Nevertheless, it also helped to create a more ideological and rigid understanding of the world since he saw the social and political chaos he was observing as the consequence of the threat of radical political movements.

The shift of Quisling, a military leader, humanitarian officer, to politics was a turning point though he had been promising at the beginning. His increasing interest in ideological and national issues, as well as his ambition, slowly made him wonder less about traditional service and instead he became interested in political leadership, which would lead him to the extremist politics later in his life.

6.1.2. Rise of Nasjonal Samling

Vidkun Quisling entered the political scene as a party leader in 1933, with the formation of the political party which was named Nasjonal Samling (National Unity). The formation of this party was based not only on his discontent with the current political systems but also on his aim to found a new ideological movement that would be based on nationalism and authoritarian rule. Nasjonal Samling was also very much influenced by the then-day fascist movements in Europe, especially the German and Italian ones. The party supported high centralization of state, abandonment of parliamentary democracy, and encouraged the national unity of one leader. It also took the aspects of anti-communism, anti-liberalism and more so, of racial ideology.

Nevertheless, in spite of these ambitions, the party could not win popular support in Norway and had only marginal success in the election process during the 1930s.

The political breakthrough Quisling had is not a democratic breakthrough but a breakthrough during the German invasion of Norway in April 1940. He proclaimed himself Prime Minister in a controversial radio declaration that has frequently been termed as an attempt of coup. Though this early effort did not succeed at first, he would subsequently take over the leadership of the collaborationist government being supervised by Germans.

During his reign, Nasjonal Samling was created as the only legal political party in Norway, and served as a tool of occupation policy. This time cemented the collaboration between Quisling and the Nazi government and turned his party into an insignificant political force into a key element of the occupation government. Nonetheless, such a change was accompanied by the loss of legitimacy, as the regime has been perceived by the Norwegian nation as illegitimate and foreign-imposed by most people.

6.1.3. Ideological Foundations

Vidkun Quisling political ideology was based on a mixture of nationalism, authoritarianism, and anti-communism, with some elements of fascist and, to some degree, National Socialist ideologies. At the core of his ideology was the idea that Norway needed powerful and centralized leadership to defeat internalization and external aggression. He dismissed liberal democracy as weak and open to abuse and instead he supported a hierarchical political system where power was held in the hands of a decisive ruler.

One of the main characteristics of the ideology of Quisling was his extreme anti-communism views that he considered as a political and existential danger to the European civilization. This anti-communist policy was strengthened by his experiences in Russia and became one of the most important reasons why he would be working with Nazi Germany. He justified his deeds as a greater conflict of defending Norway and Europe against ideological subversion, yet, this argument is highly debatable.

Another element which was created by Quisling was a quasi-philosopher system which attempted to bring together spiritual, cultural and political aspects into a cohesive worldview. He placed great stress on national identity, cultural purity and moral rejuvenation and commonly

framed his ideology as a way to regenerate society. But these notions were more and more mixed with racial and exclusionary theories, making his vision of politics part of the larger ideological trends of fascism in Europe.

7. German Occupation of Norway (1940–1945)

7.1. Operation Weserübung

In 1939, with the breakout of the Second World War, Norway once again proclaimed its neutrality, as it did not want to become a part of a larger European war. But this stand was not to be maintained in the view of German strategic interests in Scandinavia. On April 9, 1940, Nazi Germany initiated a military operation, Operation Weserübung, to capture important supply lines and especially the movement of Swedish iron ore through Norwegian ports and the establishment of naval and air bases to challenge British dominance over the North Sea (Derry 1952, 37).

German troops quickly seized major Norwegian towns, such as Oslo, Bergen, Trondheim, and Narvik. Although the Norwegian state did not respond to the German ultimatum which required the country to capitulate immediately, the military forces were not enough to resist the technologically advanced and better coordinated German attack. Norwegian troops, with an Allied expeditionary force, mainly British and French, were attempting to put up a fight, but they were unable to stop the German advance in any way. In three weeks, the organized opposition in southern Norway was broken (Hauge 1995, 112).

This was not the case in northern Norway where things changed differently. It was a tactical victory of Norwegian and Allied forces when Narvik, a major iron ore export port, was re-occupied. This symbolic victory lasted but a short time. Allied forces were in urgent retreat as the German onslaught increased in Western Europe, especially after the Battle of France. Thus, on June 7, 1940, Allied forces had to retreat in Norway. King Haakon VII, Crown Prince Olav V, and the Norwegian government were in London that day also, but in exile. On June 10, three days after, Norwegian troops in the north officially surrendered (Dahl 1999, 85).

Although the occupation occurred, the Norwegian government-in-exile still had a great level of influence due to its control of the merchant fleet through the Norwegian Shipping and Trade Mission (Nortraship). This fleet was among the biggest in the logistics system of the Allied

forces, and it contributed significantly to the maintenance of the supply chains during the war, yet about half of it was destroyed by the German submarines and naval forces (Milward 1977, 214).

In occupied Norway, both resistance and cooperation was manifested in the political events. On the invasion day Vidkun Quisling, the leader of the fringe fascist party Nasjonal Samling, declared a national government. His bid to gain power, however, was faced with large masses of people and lacked legitimacy. The German authorities did not treat him seriously at first, but created an administrative council, consisting of Norwegian civil servants. In practice, however, the real political power was vested in Reichskommissar Josef Terboven who ruled the occupied countries on behalf of Nazi Germany (Dahl 1999, 102).

In 1942, Quisling was restored to the position of leader of a more explicitly Nazi government. These initiatives, though, aroused great objections among the Norwegian populace. In the beginning, resistance was in the form of passive non-compliance and civil disobedience, such as strikes. The more the Germans tightened repression; frequently by martial law and executions, the more organized the resistance movement grew. Norwegian resistance forces would also perform sabotage missions against German infrastructure with the most notable being the sabotage of heavy water production facilities at Rjukan, which were highly important to the German nuclear research program (Pryser 1991, 178).

The last period of the occupation was characterized by devastation and emancipation. When German troops fled northern Norway at the end of 1944 and early 1945, a scorched-earth policy was applied, destroying much of Finnmark and northern Troms. In the meantime, the Soviet troops had entered east Finnmark in November 1944, which further helped liberate Norwegian land but left in 1945 (Hauge 1995, 198).

Finally, the capitulation of German troops in Norway without much further resistance came as a result of the surrender of Germany in May 1945. The occupation had profound political, economic and social consequences, but it also created a great sense of national unity and resistance identity which would influence the postwar reconstruction of Norway and its political path.

7.2. Collapse of Norwegian Government

8. Quisling's Collaborationist Regime

8.1. Self-Declaration of Power

Vidkun Abraham Lauritz Jonssjoen Quisling was born on 18 July 1887 in Fyresdal in the south of Norway. His family being clerical and academic, he had an unusually successful military education, with the highest grades in his generation in the War College, and the best academic performance in the history of the Norwegian Military Academy since its establishment in 1817. At the beginning of his career, Quisling worked in the Norwegian General Staff and had numerous foreign experiences, such as working in Russia, Finland, France, and other European nations. His experiences in Russia especially impacted positively on his ideological formation. Quisling subsequently came up with an ideological system known as Universism, a general and speculative philosophy which incorporated aspects of Christian theology, pseudo-scientific arguments, and political universalism. This worldview, however, changed over time to add racial hierarchy, specifically the belief that the world could be united under the Nordic rule and that global unity was possible. His ideology progressively included anti-Jewish rhetoric, which came to dominate his political orientation with the Nazi Germany.

Upon coming back to Norway in 1929, Quisling got into formal politics and was the Minister of Defence between 1931 and 1933. After some intra-party divisions, he left to form his own political party, the Nasjonal Samling (National Unity) in 1933. Quisling, as leader of the party (fører), advocated an authoritarian, corporatist, nationalist, and Christian-oriented political agenda. Nevertheless, the party did not receive much electoral backing, garnering 2.2% in 1933 and 1.8% in 1936, never being elected to the Storting.

After the Germans invaded Norway on 9 April 1940, Quisling tried to overthrow the government by a radio broadcast coup. As German troops launched Operation Weserübung, Quisling proclaimed the establishment of a new government and made himself the head of state, and urged Norwegians to accept German occupation instead of fighting it. But his authority was not constitutionally legitimate and popular. Nazi leadership marginalized him within days because of his lack of political credibility and his attempted coup was obliterated in less than six days.

8.2. Relationship with Nazi Germany

The political utility of Quisling throughout the occupation was greatly due to the connection he had with the Nazi Germany as opposed to his popularity at home. Before the invasion, he had already developed an acquaintance with senior German leaders, having met with Adolf Hitler in 1939, where he threatened to invade Norway. These communication led to German strategic planning about invasion of Norway. Although the Germans were initially interested in using Quisling as a political collaborator, Nazi leadership soon decided that he did not have popular support to serve as a governmental figure. Rather, power was handed over to Reichskommissar Josef Terboven who directly ruled occupied Norway. Quisling, therefore, was sent back to a subordinate political position in the occupation system where he was mainly a symbolic Norwegian collaborator rather than being a leader.

However, by 1942 the German administration officially made Quisling Ministerpräsident of a collaborationist regime supervised by the Nazis. This government was not an independent government but rather a puppet government where its operations were carried out under the supervision of Terboven to execute the orders issued by the Germans. The government of Quisling turned into the national administrative component of occupation policy, especially in the execution of ideological and security policies in accordance with the aims of Nazism.

8.3. Administrative Control under Occupation

In his small domain, Quisling was involved in the reorganization of the administration in the occupied Norway. Among its first ideological measures was the reintroduction of the exclusionary clause of the Norwegian constitution which had been deleted in 1851, the so-called Jewish paragraph (jodeparagrafen). This ritual gesture signified the congruity of the regime with Nazi racial ideology and was the start of systematic legal discrimination of Norwegian Jews.

In 1942-1943, the collaborationist government was engaged in carrying out anti-Jewish measures, which included registration, expropriation of property, and mass arrests. Norway had some 2,100 Jews when it was occupied. With the organized cooperation of the German police and the Norwegian police machinery under the Quisling government, hundreds were deported through Oslo to Germany and thence to extermination camps like Auschwitz. Most of the people

who were deported were killed and some survived. Meanwhile, a good part of the Jewish population in Norway fled to Sweden or hid with the help of resistance networks.

The administrative system of Quisling also expanded to the larger civil administration under occupation. Though final power was still centralized in the hands of the German Reichskommissariat, his regime assisted in the local execution, compliance with the administration and alignment of ideology. This involved keeping political opposition down, marginalization of non-collaborationist institutions and assimilation of Norwegian administrative systems into the occupation framework.

In spite of these functions, Quisling had a government that was still under the German military and political control and was not a sovereign government. It served as a middle ground organization that was tailored to appear as Norwegian involvement in the governance but was geared towards the Nazi interests.

8.4. Post-War Legacy

After the surrendering of Germany in May 1945, the regime led by Quisling failed instantly. Government-in-exile of Norway came back to London and reclaimed constitutional authority. Quisling was captured, accused of high treason and numerous crimes such as assisting the enemy and embezzlement and was tried under the legal restoration procedures of the postwar time.

At trial, Quisling defended himself by saying that he was doing it to save Norwegian sovereignty under occupation, but the court did not accept this defense. He was found guilty of treason and was sentenced to death. He was hanged at Akershus Fortress in Oslo on 24 October 1945.

The legacy of Quisling is one that lived much longer than him. His name became a synonym in the international political lexicon of the word traitor, which gained popularity in the war through the British media and was strengthened by the speeches of Winston Churchill in the streets. The derogatory term quizing remains in use around the world to describe those who cooperate with an occupying or hostile government, the symbolic weight of his action, which was long-standing.

9. Governance and Policy Under Occupation

9.1. Political Repression and Control

German occupation of Norway (1940-1945) created a multifaceted regime of military occupation, national reorganization, and collaborationist rule that radically changed the Norwegian state, but retained its legal continuity as a government-in-exile. After the German invasion on 9 April 1940 in the operation Weserübung, Norway turned down a German ultimatum that demanded political surrender and the establishment of a Nazi-dominated government. CROWN Prince Olav, King Haakon VII, and the Nygaardsvold Cabinet pulled out of Oslo, and resisted further north, before departing Norway on 7 June 1940, eventually forming a government-in-exile in London. This made it possible to ensure that even with the military occupation, Norwegian sovereignty still existed in international law in the form of a legitimate external government (Derry 1952, 6164).

Within the territory controlled by the German Reichskommissar Josef Terboven, political, military and administrative life was directly subordinated to the command of the German Reichskommissar. In conjunction with this arrangement, the collaborationist government of Vidkun Quisling was set up as a subordinate Norwegian government. Quisling, who had earlier established the Nasjonal Samling party in 1933 and formulated an authoritarian, nationalist agenda that was becoming more fascist and Nazi, tried to take power on the day of the invasion by declaring a radio coup and making himself the leader of the government. Nevertheless, his non-domestic legitimacy and the German policy of focusing on direct administrative occupation were so that his first effort failed in a matter of days, and he was marginalized in favor of the German occupation (Hauge 1995, 118–120).

The resulting occupation regime became a dual system of governance where the German authorities were in ultimate sovereignty with Norwegian administrative institutions remaining in form, but becoming subordinate in functionality. In literature, this has been referred to as a system of controlled administrative continuity where previous bureaucratic systems were still retained to ensure continuity in the society but re-focused on occupation goals (Milward 1977, 229). The regime of Quisling, which was officially restored in 1942 as a National Government, was a subordinate political system. It enforced occupation orders in the fields of education, labor regulation, and internal governance, which did not have an independent power and remained fully under the control of Germans (Sejersted 2011, 210212).

The occupation of political life was systematically repressed. All political parties except Nasjonal Samling were prohibited and in effect the democratic institutions were destroyed. Censorship of the press, surveillance, and arrests became the most important control mechanisms, and the activity of opposition was criminalized. Repression became more and more severe as the resistance movements grew following 1941, especially in the form of sabotage attacks and underground operation. Collective punishment, executions and martial law became common methods to counter resistance activity particularly against industrial sabotage, including assaults on heavy water production facilities in Rjukan, which were of strategic importance to German nuclear research (Hauge 1995, 176179).

With the authoritarian form of occupation government, a large part of the Norwegian civil administration remained functional. Civil servants had to work in a limited environment where bureaucratic continuity was pegged on obedience to occupation authorities. Although Norwegian institutions officially stayed in place, the authority to make decisions was shifted to German administrative lines. The government of Quisling was more of an intermediary, simply giving local application to German policy and had no real sovereignty or policy autonomy.

The treatment of minorities, especially the Jewish population of Norway was one of the worst dimensions of occupational governance. Before the war, there were about 2,100 Jews in the country. During the occupation, the anti-Jewish measures were gradually carried out in a concerted German and Norwegian administrative action. These involved forcible registration, economic isolations, property seizure and subsequent arrests of masses. Deportations also took place at the end of 1942 when Oslo was deported to extermination camps like Auschwitz by means of German controlled transport corridors. The Holocaust saw the murder of about 757 Norwegian Jews and the rest fled to Sweden or were helped by resistance networks (USHMM 2023). Such policies were implemented in the context of the wider Nazi racial ideology, but depended on the cooperation of local administrations to enforce them.

The collaborationist government also contributed to the ease of legal and bureaucratic processes of persecution, but the final accountability was on the German occupation authorities. Meanwhile the Norwegian government-in-exile passed legal decrees that confiscations during occupation were invalid, and this formed the basis of postwar restitution policy. Postwar implementation was however slow and complicated with full claims to property being settled decades after.

The occupation government of Norway thus incorporated the military supremacy of the Germans, administrative control under the Reichskommissariat and a withering dependent cooperationist regime under Quisling. Although the government of Quisling gave a domestic appearance of power, it completely served the German strategic control and had no independent legitimacy. However, the presence of a government in exile guaranteed sovereignty of Norway in international law, establishing a dual system of occupied and external government. This duality remained until the surrender of Germany in May 1945, when the collaborationist regime fell and Quisling was arrested and executed on the charges of treason and constitutional power was once more reasserted as the exile government returned and a new postwar administration under Einar Gerhardsen was installed (Dahl 1999, 108–110; Sejersted 2011, 246-248)

10. Resistance and Public Response

The German occupation of Norway (1940-1945) caused one of the most developed resistance, as well as a significant shift in the popular political awareness and the introduction of the term Quisling as an international synonym with treason. Since the collaborationist regime of Vidkun Quisling was part of the German occupation system under Reichskommissar Josef Terboven, the Norwegian society grew parallel networks of resistance that undermined the German occupation and collaboration at home.

The greatest organized opposition movement was the Milorg (Militaestroorganisasjonen) which slowly transformed local, fragmented groups into a co-ordinated national military resistance organization. First established in 1941, Milorg worked in the depths of secrecy because of the great danger of retaliation by the Germans, which included jails, torture and death. It was involved in intelligence operations, sabotage and planning eventual liberation with Allied forces and the Norwegian government-in-exile in London. Gradually, Milorg had grown more professional, and closely associated with British Special Operations Executive (SOE) operations as an indication of the larger-scale assimilation of Norwegian resistance into Allied strategic thinking (Hauge 1995, 181–183). The German military facilities, communications and industrial property were subject to resistance operations where their most famous targets were the heavy water production facilities at Rjukan which the Germans needed to conduct nuclear research.

Quisling had a very poor reputation in occupied Norway, and this grew more and more hostile as the occupation continued. Despite his collaborationist government trying to show itself as a lawful Norwegian government, it did not enjoy popular support and was seen as a tool of German domination instead of a national government. The enforced nature of the policies and politics, censorship and involvement in deportations, especially of the Jewish population, further undermined any remaining legitimacy. In the Norwegian society, Quisling was linked not to governance but to betrayal, coercion and foreign domination. Passive resistance and non-compliance became common forms of resistance among even those who did not participate in active forms of resistance, and this can be seen as a reflection of the society wide rejection of collaborationist rule (Dahl 1999, 112-114).

The symbolic rejection of Quisling was further supported by the presence and publicity of the Norwegian government-in-exile, which retained international legitimacy and symbolized continuity of constitutional power. The fact that King Haakon VII and the Nygaardsvold government was in London increased the nationalistic identification with the exile government as opposed to the domestic collaborationist government. Such duality between the legal power in the foreign land and coercive rule in the home land further undermined the legitimacy of the Quisling government in the mind of the Norwegians.

The term Quisling became internationally used, as well as more and more in Norway, as the equivalent of treason as a political and moral term. This change started in the early days of occupation, and was immediately intensified by the Allied propaganda and the media discourse. Quisling became a political term and not merely a personal designation when on 19 April 1940, only a few days after the invasion, The Times of London referred to him as a plain synonym of traitor. The word became widely known internationally when Winston Churchill applied it to the general public in his speeches, where he spoke of a vile race of Quislings and then filthy Quislings, making the word part of the wartime rhetoric of the Allies, as a symbol of cooperation with the occupying powers.

This language change is an indication of how far the political role of Quisling went beyond the confines of a single nation and ventured into the language of international politics. Quisling over time became a generic term with regard to the collaborators with the enemy regimes as it was not limited to the historical context of Norway but rather the political betrayal in a much wider context. In Norway, the word, however, still had a specific powerful moral and historical echo

directly related to the occupation of the wartime, the identity of the resistance, and the history of postwar justice.

The resistance movement, along with popular disapproval of cooperation and symbolic denunciation of Quisling was a key factor in the development of Norwegian national identity during and after the occupation. Instead of falling under occupation, Norwegian society came up with a twin system of coercion and resistance that, in the long run, fortified the integrity of the postwar state and disqualified collaborationist rule altogether. With the defeat of Germany in 1945, the units of Milorg helped to restore the state power, and Quisling was arrested, tried on high treason and executed, which became the ultimate rejection of the idea of collaboration as the political model in the memory of Norwegian history (Sejersted 2011, 252-255).

11. End of War and Arrest (1945)

The establishment of German control in Norway after Operation Weserubking continued to be structurally weak regardless of the military victory at the time because the occupation government was founded on a mix of military pressure, minimal collaborationist government, and strategic overextension instead of political legitimacy. Despite the early victory of the Wehrmacht in taking control of the most important urban centers, ports, and transport routes during the initial stages of the invasion, the occupation regime immediately encountered the natural contradiction of military occupational and the lack of any real administrative acceptance among the Norwegian population. The effort to formalize power by working with the collaborationist government of Vidkun Quisling did not create any meaningful domestic legitimacy, but, instead, it fueled opposition and weakened German attempts to legitimize occupation rule as the Quisling government was only legitimized through Germanization and not Norwegian acceptance (JSTOR 256-303). Practically, German rule was based on military lines of command and the Reichskommissariat system under Josef Terboven that emphasized security and resource exploitation over political assimilation, fueling the image of external subjugation over continuity of statehood. Such a structural reliance on coercion was further complicated by the rise of organized resistance groups like Milorg which further organized sabotage, intelligence collection and symbolic resistance and slowly destabilized German control in the periphery and

made administration in the challenging geography of Norway more difficult (DergiPark 223-578). Simultaneously, the logistical dispersion and necessity to control long coastal areas as well as maintain supply lines to naval and air operations in the North Atlantic continued to strain the occupation apparatus, eroding the efficiency of the regime in terms of its ability to exercise comprehensive control over territories. The German power was thus defined not so much by consolidation but by controlled instability: although the urban centers were directly controlled, the rural and mountainous areas were more and more turned into semi-contested areas where the German forces relied on the periodical punitive actions and suppression of information. The cumulative impact of political illegitimacy, activity against the occupation, and administrative overstretch had by the end of the war a continuing governance deficit, showing that the occupation authority in Norway had been based on military presence, not the structural stability of a durable political order, and was structurally fragile throughout the war period (DergiPark 223-578)

11.1. Arrest of Quisling & Initiation of Legal Proceedings Regarding his Arrest

In Norway, the turning point to post-occupation legal restoration came with the arrest of the collaborationist leader Vidkun Quisling, which signaled the final breakdown of the collaborationist government. Quisling, whose government was not a sovereign state but an administrative and nominal continuation of the occupation, was arrested on 9 May 1945 at his home in Oslo when German control was finally disbanded by Norwegian police under the authority of the re-established national government. His arrest marked the termination of not only the collaborationist rule, but also the official reestablishment of Norwegian state sovereignty following five years of occupation. Modern commentaries point out that long before the war came to an end, Quisling had lost much of his power, with resistance groups, administrative non-cooperation and loss of German strategic capability apparently making his role politically unviable (JSTOR 25643030).

After his arrest, he was prosecuted in court, as a part of the wider Norwegian post war legal process called the rettsoppgjøret (legal purge) that sought to prosecute treason, collaboration and support of the occupying regime. Quisling was prosecuted under reformed wartime criminal laws of high treason, criminal usurpation of governmental power and conspiracy with the enemy and the prosecution contended that his position had directly enabled German occupation of Norwegian political and security systems. The juridical structure of the trials indicated both the retributive and restorative objectives, which aimed at restoring the constitutional order and criticizing the collaboration during the war by using national legal procedures instead of extrajudicial execution (DergiPark 223-578).

The case was tried in the Norwegian Supreme Court (Hoyesterett) which was convened as a court of first instance in major treason cases in August 1945. It integrated a vast amount of documentary evidence, administrative documents of the war, and witnessing to Quisling collaboration with German authorities and specifically his actions of giving legitimacy to the occupation regime during and after the invasion of 1940. The prosecution stressed his acts lacked constitutional basis and were actively undermining the legitimate government-in-exile of Norway, and thus amounted to long-term betrayal of state sovereignty. The proceedings, as scholarly commentaries observe, were symbolic of the wider legal reconstruction of the post-occupation in Norway, where legal responsibility served to re-establish democratic authority and to undermine collaborationist forms of authority (JSTOR 256-303).

12. Parties to the Case

12.1. The Prosecution

The Quisling case was prosecuted by the Norwegian state as part of the post liberation legal purge called rettsoppgjøret that was to restore the law and deal with the acts of collaboration committed during the German occupation. The prosecution was not confined to a single legal actor but it was an institutional expression of the re-established sovereignty. It was a mixture of state prosecutors and legal experts and judicial authority reactivated or reinstated after liberation, which meant that the post war legal system could prosecute collaboration during the war under the current national law.

12.1.1. Case Theory

The prosecution case was based on the premise that Vidkun Quisling had engaged in treason against the Norwegian state with intentional and continued actions by cooperating with Nazi Germany and actively aiding the occupation of Norway and replacing legitimate governing structures in Norway with a collaborationist regime to the advantage of the enemy. The prosecution put his acts in perspective as a basic transgression of constitutional sovereignty and Norwegian state security with the focus that his government had no legitimate foundation under Norwegian constitutional law and served merely as an instrument of occupation authority.

12.1.2. Legal Strategy

The prosecution strategy was based on a liberal interpretation of treason and complicity in Norwegian criminal law with the aid of emergency post war law. The principle stressed continuity of the state and illegitimacy of occupation imposed authority.

Some of the important aspects of the plan were that there had to be intent that created the voluntary compliance with the German authorities and there had to be the administrative and political collaboration with the occupying regime. The prosecution attempted to make the case not merely as a criminal liability of the individual but actually as a structural assault on Norwegian sovereignty.

12.1.3. Evidentiary Framework

The evidentiary standard consisted of documents of the government correspondence with German authorities, administration records of the collaborationist government, witness testaments and records of policy implementation during the occupation. The prosecution also heavily relied on documentary evidence that Quisling was directly involved in making governance decisions in the presence of German oversight and records of Quisling being voluntarily cooperative and ideologically aligned with Nazi Germany.

12.2. The Defense

The Quisling case was defended on the basis of challenging the interpretation of an intent legality and coercion when in military occupation. The defense acted within the confines of the post-war legal reality in which the legitimacy of collaborationist authority had been already long since discredited.

12.2.1. Case Theory

The defense case theory was that what Quisling did was to be seen in the extraordinary conditions of military occupation in which normal constitutional government had broken down or attempting to protect aspects of Norwegian government under the conditions of inevitable foreign occupation. This strategy aimed at lessening criminal responsibility by redefining collaboration as a conditional political adjustment as opposed to an act of deliberate betrayal of the state.

12.2.2. Core Arguments

The defense put forward some significant arguments such as that they were being forced to do what they did due to occupation circumstances and that they were trying to challenge the degree of genuine sovereign power that Quisling had. All of these were paired with the defense asserting that his government was run by German dominance and thus had no full sovereign agency. Another branch of argument centered around critiquing the characterization of intent which held that political choices were affected by external coercion and that the extent of personal responsibility was to be construed in a small way in the light of occupation governance.

12.2.3. Strategic Weaknesses

There were major structural flaws on the defense side essentially because of a huge documentary presence of voluntary cooperation and ideological collaboration with the Nazi Germany. The

presence of official government participation and direct communication with the German authorities undermined the allegations of coercion.

Also the legal environment after the liberation was entrenched in continuity of sovereignty that did not allow the defense to contend that the actions of Quisling were legal or even constitutional in any way.

12.3. Witnesses

12.3.1. Government Officials

Government officials testified about the framework of lawful Norwegian government during and immediately after occupation. The testimony aided in determining the continuity of state power and the illegitimacy of the collaborationist government. They also furnished records of the administrative sabotage through German occupation and substitution of legal institutions with occupation regulated ones.

12.3.2. Resistance Members

Norwegian resistance members testified as to internal resistance to the Quisling government and to the practical effect of the collaboration such as repression, surveillance, and the blocking of resistance efforts. Resistance witnesses testified to this effect, and intensified the prosecution argument that the collaborationist government was an active facilitator of occupation enforcement activities.

12.3.3. Civilians

Civilian witnesses provided records of life under occupation such as the effect of collaborationist policies on the governing of society and civil rights of the people. The witness accounts described the social and political effects of the Quisling government especially as it applied to the

enforcing of propaganda and the allocation of resources and collaboration with the German governments.

12.3.4. Expert Witnesses

Historical and administrative expert witnesses testified on legal history and state administration on the continuity of Norwegian constitutional law during the period of occupation. They confirmed the legal interpretation of treason, collaboration, and state sovereignty under international and domestic law. Their evidence was useful to the prosecution on the argument that occupation did not eliminate the Norwegian sovereignty and that collaborationist governance was not legally valid under the Constitution of 1814.

13. Law of Occupation (Hague Principles)

The law of occupation builds a lot on the Hague Regulations of 1907 which remain a source of customary international humanitarian law on the treatment of the occupying powers. These principles are essential in the situation with the Quisling case because they established limits of the German power in Norway and justify why the system of collaborationist government was not self-sufficiently legitimate. In the Hague framework, occupation can be seen as a condition of fact in time where a foreign military force is in control over a territory but does not occupy such territory. This difference was the key to the post-war Norwegian legal thought that considered German occupation as a *de facto* governance, not a legal transfer of sovereignty.

The Hague Regulations only demand the occupying power to be respectful of the prevailing laws and administrative organization of the occupied territory as much as possible unless it is not possible to do so. This principle acts directly in defiance of the legality of the established collaborationist governments, which are not independent governments, but administrative instruments, operating under occupation government. This framework buttressed an argument

that the case that the constitutional order of Norway was not legally changed by German military occupation was sound in the Quisling case.

13.1. Protection of Civilian Authority

The international occupation law pays great attention to the security and survival of civilian governance systems. The occupying power is not allowed to destroy lawful state institutions and establish new, politically created bodies, which would benefit the occupation interests, under the Hague Regulations. The occupation is supposed to be a temporary control mechanism and not a substitute of sovereignty with civilian authority supposed to be left as intact as possible.

This principle played a key role in determining the validity of the Vidkun Quisling government in the Norwegian case. His administration was not a creation of Norwegian constitutional procedures since it was put into power and backed by German troops. Thus, according to the occupation law, it did not have a legitimate civilian power. Instead of preserving the status quo of governance, it took the initiative of replacing it, which was contrary to the spirit of the Hague framework which was protectionist. This legal reading permitted the post-war Norwegian courts to treat collaborationist governance as not a separate local authority, but rather as a violation of the norms of occupation law to protect civilian institutional continuity.

13.2. Limits of Occupation Sovereignty

Among the basic principles of occupation law is that the occupying powers would not become the sovereign of the territory in which they were occupying. They can only exercise administrative and security requirements which are required to keep order in times of occupation. Sovereignty remains in the original state even when there are certain times when the institutions of sovereignty are unable to be functioning efficiently. This is well articulated in the Hague Regulations that have turned occupation to be a state of temporary factual occupation, but not lawful transfer of sovereignty. This limitation was lethal in the Quisling case as it meant that Germany was not legally allowed to form a new sovereign Norwegian government. Any administrative institution formed by occupation was still submissive to the occupying entity and had no legal personality of its own in the international law. Because of this, the Quisling

government was not perceived as a separate government but as an extension of the German occupation government. This reading supported the Norwegian legal case, which the continuity of the sovereignty had been in existence during the war and that the post-liberation courts had the complete discretion as to the wartime actions, such as their cooperation with the occupying powers.

13.3. Illegality of Forced Collaboration

The legitimacy of forced political cooperation on the part of occupying powers is not regarded by the international law. Occupation law allows some administrative means of keeping order, but not the forceful reorganization of the political system of a state, to the benefit of the occupying power. According to the Hague system, all the governance that is established through coercion or a military force is not legally binding on its own. However, there is a significant distinction between forced cooperation and voluntary participation of occupation governance structures in law. In Quisling case, criminal responsibility revolved around this distinction. The prosecution argued that the contribution made by Quisling was more than just collaborative but active in the formation as well as operation of a collaborationist government. The illegality of forced cooperation is also an argument in the larger sense that the occupation authorities have not legal authority to force political loyalty or to command the actors on the ground to assume the role of a sovereign in their behalf. Any such arrangement is considered as invalid in the occupation law and does not acquit people in the event that they voluntarily engage in such systems.

Accordingly, the juridical argument in the Quisling case strengthened the concept that occupation does not establish legitimate political power and cooperation, which is voluntary and systemic, is a breach of the law of domestic treason and the international occupation doctrine.

14. Historical Background of International Context

14.1. Evolution of Post-War Justice

The trial of Quisling was conducted in a court which was highly influenced by the redefinition of justice as it existed after the Second World War. By that time, the international justice was hardly practiced and was mostly influenced by political factors. It was greatly reliant on diplomatic

negotiations, war reparations and direct inter-state relations as opposed to a formal judicial approach. The tests by victors at peace settlements or domestic tests which were mostly the ones that disclosed the degree of war crimes as there was no established international legal machinery. What actually influenced the postwar period was the total change in the legal justification of war crimes that resulted in a properly structured judicial process with the case of the greatest war criminals being tried at the international military tribunal in Nuremberg. This was a metamorphosis on a greater scale, that the heinous atrocities of war needed the tools of law which transcended the customary conceptions of state accountability and diplomatic compromise. In this scenario, prosecuting Quisling was not out of place with the rest of Europe using legal purges following WWII that national courts were entrusted to administer justice on collaborators and traitors. Norway's courts' response was just a piece of the larger picture when national judicial systems were not only being used as the means of delivering post-conflict justice but also as the initiators of the international standards of accountability that were emerging at the time. Among numerous post-war changes in the law was the shift in the object of international law whereby previously the state was the sole actor in a position to be legally responsible and currently through the acceptance of such individuals who could be held liable to their breaches of legal and moral norms. Traditionally, the state was the only entity that was subject to legal obligations in international law. Thus, any breach of international norms was addressed by a reparation and sanctions or state diplomacy instead of a trial of individuals. WWII lays bare the defects of this arrangement as it showed that very serious infringements of human rights and sovereignty were chiefly caused by the deliberate actions of individuals in the top political and military hierarchies. Then the concept was seeded to criminalize people on international level who commit acts of aggression, occupation and systemic oppression. Quisling trial will alter the game by believing that serving as a political authority under occupancy cannot be a reason to be immunity. Quisling was instead blamed on the fact that he was the one who executed and made the decisions in the context of the occupation. The key factor was not the fact that Quisling could be viewed as a mere instrument of the state policy but could be regarded as the individual whose actions were absolutely necessary in terms of the maintenance and legitimization of the collaborationist regime. The change of the concept of individual responsibility was a serious scholarly occurrence that, among other things, decided that people remain to be personally accountable to such actions that

comprise breach of the most essential juridical norms, even when they commit it in the name of due sovereign.

14.2. Emergence of Modern International Criminal Law

It was also during the post-war period where modern international criminal law as a separate discipline emerged, characterized by the creation of personal responsibility of the crimes that cross national borders or contravene the most basic principles of humanity and sovereignty. The Nuremberg Tribunal was in the center of codifying this development as it formulated principles according to which war crimes, crimes against peace, and crimes against humanity were all punishable crimes under international law.

The Quisling trial itself was trying a case under a domestic Norwegian legal system, but was part of the same larger intellectual and legal metamorphosis. The collaborationist leadership prosecution was a sign of a new realization that some kinds of political and administrative behavior in wartime cannot be considered comprehensively in terms of conventional domestic criminal law, but must be considered in a wider normative framework of international responsibility. What is important about this process is the progressive institutionalisation of legal principles that were no longer exclusively state centric sovereignty but rather a system where individuals could be brought directly to book in relation to their contribution to the perpetuation of illicit regimes or in relation to systemic crimes against legal order. The Quisling trial is thus a constituent of the transitional period during which the national and international tribunals jointly carved out the principles of the new international criminal law especially concerning the responsibility to collaborate, the rules of occupation and misuse of political power in the circumstances of war.

15. Bibliography

Andenæs, Johs. *Det vanskelige oppgjøret: Rettsoppgjøret etter okkupasjonen*. Oslo: Tanum-Norli, 1980.

Bassiouni, M. Cherif. *Crimes Against Humanity in International Criminal Law*. 2nd ed. The Hague: Kluwer Law International, 1999.

Graver, Hans Petter. *Judges Against Justice: On Judges When the Rule of Law is Under Attack*. Berlin: Springer, 2015.

Kelsen, Hans. "Will the Judgment in the Nuremberg Trial Constitute a Precedent in International Law?" *International Law Quarterly* 1, no. 2 (1947): 153–171.

Schabas, William A. *The International Criminal Court: A Commentary on the Rome Statute*. Oxford: Oxford University Press, 2010.

United Nations. *Principles of International Law Recognized in the Charter of the Nürnberg Tribunal and in the Judgment of the Tribunal*. New York: United Nations, 1950.

Andenæs, Johs. *Det vanskelige oppgjøret: Rettsoppgjøret etter okkupasjonen*. Oslo: Tanum-Norli, 1980.

Graver, Hans Petter. *Judges Against Justice: On Judges When the Rule of Law is Under Attack*. Berlin: Springer, 2015.

Skodvin, Magne. *Norge i krig 1940–1945*. Oslo: Aschehoug, 1990.

Smith, Eivind. *Constitutional Democracy in Norway*. Oxford: Oxford University Press, 2018.

Fure, Jorunn Sem. "The Norwegian Constitution of 1814 and the Continuity of Legal Order." *Scandinavian Journal of History* 28, no. 2 (2003): 85–102.

Norway. *General Civil Penal Code (1902)*. Official English translation, United Nations Treaty Collection / Norwegian Ministry of Justice.

United Nations. *Principles of International Law Recognized in the Charter of the Nürnberg Tribunal and in the Judgment of the Tribunal*. New York: United Nations, 1950.

International Military Tribunal. *Judgment and Sentences (Nuremberg Trials)*. Nuremberg, 1946.

Bassiouni, M. Cherif. *Crimes Against Humanity in International Criminal Law*. 2nd ed. The Hague: Kluwer Law International, 1999.

Kelsen, Hans. "Will the Judgment in the Nuremberg Trial Constitute a Precedent in International Law?" *International Law Quarterly* 1, no. 2 (1947): 153–171.

Schabas, William A. *An Introduction to the International Criminal Court*. 5th ed. Cambridge: Cambridge University Press, 2017.

Andenæs, Johs. *Det vanskelige oppgjøret: Rettsoppgjøret etter okkupasjonen*. Oslo: Tanum-Norli, 1980.

Graver, Hans Petter. *Judges Against Justice: On Judges When the Rule of Law is Under Attack*. Berlin: Springer, 2015.

Skodvin, Magne. *Norge i krig 1940–1945*. Oslo: Aschehoug, 1990.

Fure, Jorunn Sem. “The Norwegian Constitution of 1814 and the Continuity of Legal Order.” *Scandinavian Journal of History* 28, no. 2 (2003): 85–102.

Smith, Eivind. *Constitutional Democracy in Norway*. Oxford: Oxford University Press, 2018.

Norway. *General Civil Penal Code (1902)*. Official English translation. United Nations / Norwegian Ministry of Justice.

International Committee of the Red Cross (ICRC). *Hague Regulations (1907): Regulations Respecting the Laws and Customs of War on Land*. Geneva: ICRC.

United Nations. *Principles of International Law Recognized in the Charter of the Nürnberg Tribunal and in the Judgment of the Tribunal*. New York: United Nations, 1950.

Bassiouni, M. Cherif. *Crimes Against Humanity in International Criminal Law*. 2nd ed. The Hague: Kluwer Law International, 1999.

Kelsen, Hans. “Will the Judgment in the Nuremberg Trial Constitute a Precedent in International Law?” *International Law Quarterly* 1, no. 2 (1947): 153–171.

Schabas, William A. *An Introduction to the International Criminal Court*. 5th ed. Cambridge: Cambridge University Press, 2017

Post-War Norwegian Legal Purge and Collaboration Trials.” *Journal article on JSTOR*.

“Norway and Transitional Justice After WWII: The Legal Purge.” *DergiPark academic article*.

United States Holocaust Memorial Museum. “War Crimes Trial of Vidkun Quisling.” *Holocaust Encyclopedia*.

Rastad, Arnold. *The Case Quisling*. Oslo: Norges Bank, n.d. PDF.

Reid, Kevin B. “Norwegian Politician Quisling Is Arrested for Nazi Collaboration.” *EBSCO Research Starters: History*. EBSCO Publishing, 2022.

British Broadcasting Corporation. "War Crimes Trial of Vidkun Quisling." *BBC Audio / BBC Sounds*.

Max Planck Institute for Legal History and Legal Theory. "News and Research Portal."

Free Legal Aid Norway. "Criminal Law in Norway."

Norway. *Lov om straff (straffeloven), LOV-2005-05-20-28*. Lovdata

Norwegian-American Historical Association. "Invasion of Norway." *Norwegian American History Digital Exhibit*.

United States Department of State. *JUST Act Report to Congress: Norway*. Washington, DC: U.S. Department of State, n.d.

Weibull, Jörgen. "The Invasion of Norway." *Encyclopaedia Britannica*.

Ezebuio, Anthony U. "Sovereignty and the Rule of Law." *Journal of Law and Global Policy* 2, no. 1 (2017). IIARD Journals.

Sandvik, G., Weibull, J., Christensen, J., Joys, C., Enander, H. (2026, April 20). *Norway*. *Encyclopedia Britannica*. <https://www.britannica.com/place/Norway>

Regjeringen.no. (n.d.). *Johan Nygaardsvold's Government*.

United States Department of State. (n.d.). *Norway – JUST Act Report*.

United States Holocaust Memorial Museum. (n.d.). *Vidkun Quisling*.

Dahl, Hans Fredrik. *Quisling: A Study in Treachery*. Cambridge: Cambridge University Press, 1999.

Derry, T. K. *A History of Modern Norway: 1814–1972*. Oxford: Clarendon Press, 1952.

Hauge, Andreas. *Kampene i Norge 1940*. Oslo: Krigshistorisk Forlag, 1995.

International Committee of the Red Cross (ICRC). "Occupation and International Humanitarian Law."

Krefting, Ellen, Øystein Nøding, and Mona Ringvei. *En pokkers skrivesyge*. Oslo, 2014.

Larsen, Stein Ugelvik, ed. *Treason and Justice in Occupied Europe*.

Lexow, Carl. *P.A. Heiberg: Borger av menneskeligheten*. Oslo: Novus Forlag, 2010.

Milward, Alan S. *War, Economy and Society 1939–1945*. Berkeley: University of California Press, 1977.

Moe, Kristian H. “The Legal Purge in Norway after World War II.” *Scandinavian Studies in Law*.

Norwegian National Archives (Riksarkivet). “Post-war Legal Purge Records (Rettsoppgjøret).”

Norway. *The Constitution of the Kingdom of Norway (Grunnloven)*. 1814 (as amended).

Norway. *General Civil Penal Code (Straffeloven)*. Accessed via Lovdata.

Pryser, Tore. *Norsk historie 1939–1945*. Oslo: Det Norske Samlaget, 1991.

Sejersted, Francis. *The Age of Social Democracy: Norway and Sweden in the Twentieth Century*. Princeton: Princeton University Press, 2011.

United States Holocaust Memorial Museum. “Norway.” *Holocaust Encyclopedia*. 2023.

Hague Convention (IV) Respecting the Laws and Customs of War on Land and Its Annex: Regulations. 1907.

HLS Center. *In the Shadow of the SS*. 2020.

Helle, Knut. “Norwegian Foreign Policy and the Maid of Norway.” *The Scottish Historical Review* 69 (1990): 155.