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Working Paper

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IFN Working Paper, No. 1151

Provided in Cooperation with:

Research Institute of Industrial Economics (IFN), Stockholm

Suggested Citation: Wennström, Johan (2017) : Anarchy, state, and Utopia: Timothy Snyder's interpretive framework for the Holocaust applied to Norway under the Nazi occupation, 1940-45, IFN Working Paper, No. 1151, Research Institute of Industrial Economics (IFN), Stockholm

This Version is available at:

<https://hdl.handle.net/10419/183380>

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IFN Working Paper No. 1151, 2017

**Anarchy, State, and Utopia:
Timothy Snyder's Interpretive Framework for
the Holocaust Applied to Norway under the
Nazi Occupation, 1940–45**

Johan Wennström

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April, 2017

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Abstract

Timothy Snyder has suggested an interpretive framework of the Holocaust that runs counter to previous scholarly literature as well as to popular perception. Snyder's central thesis is that the mass murder of Europe's Jewish population should be understood in the context of Nazi policy towards occupied states and the different levels of sovereignty retained by those states. This article applies the criteria of Snyder's concept of "state destruction" on the Nazi occupation of Norway, and finds that Snyder's interpretation of the mechanisms behind the Holocaust derives further support from the Norwegian case. Norway meets eight of the eleven criteria. However, this does not include the complete destruction of its bureaucracy nor the criteria that depend on a state having experienced "double occupation", first by the Soviet Union and then by Nazi Germany. Norway is thus an intermediate case on the spectrum of state destruction and constitutes one of the closest approximations of statelessness in Western Europe during the Holocaust. This finding is a complement both to Snyder's analysis and to the scholarly discussion of its validity.

Keywords: Nazism; Norway; statelessness; Timothy Snyder

JEL-codes: B20; B30; D73

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Introduction

This article presents empirical evidence supporting the analysis of the Holocaust laid out by Timothy Snyder in his study *Black Earth: The Holocaust as History and Warning* (Snyder, 2015). By constructing and comparing the criteria of what Snyder calls *state destruction* with first-hand and second-hand accounts of the Nazi occupation of Norway, I suggest that his novel and controversial interpretation of the mechanisms behind the mass murder of Europe's Jewish population can be corroborated by and extended to the Norwegian Holocaust. Snyder's central thesis is that the Holocaust should be understood in the context of Nazi policy towards occupied states and the different levels of political sovereignty retained by those states. However, due to a lack of source material (T. Snyder, personal communication, May 5, 2016), Snyder does not analyze the occupation of Norway in *Black Earth*. By locating and analyzing such material, this article adds to Snyder's analysis and to the scholarly discussion of its validity (e.g., Bartov, 2016; Bell, 2015; Laqueur, 2015).

The article proceeds as follows: in the next section, I provide a summary of Snyder's argument and discuss my methodology. In section three, I outline the criteria of state destruction. In section four, I compare these criteria with empirical material documenting the occupation of Norway. The final section recalls the main findings and summarizes the conclusions.

Snyder's argument

To introduce Snyder's argument, I quote from an essay by Philip Rieff (1952, p. 120) on Hannah Arendt's classic study *The Origins of Totalitarianism*:

The demonic is the destruction of form. It rises as shapelessness and rootlessness. Man becomes demonic when he considers his natural proportions merely historical and feels free to break through them. [...] Miss Arendt has reversed the Marxist and humanist image of man. For Marx, as for humanist thought generally, the vocational-religious-national character mask that particularizes man cripples him, alienates him from his humanity

or divine relation, and is therefore a denial of his humanity. Miss Arendt's man is alienated from his humanity as he becomes without vocation, without nation, without his religious community. Man emancipated from his particularity becomes not human but demonic. Where the humanist Hölderlin saw cobblers, Jews, Germans, but no men, Miss Arendt sees men only when they are cobblers or Jews or Germans. (The Nazis were not really nationalists, and this is the measure of their demonry.) The ideal of the humanist man, or of Christian universalism, has become the nightmare of the mob man. Totalitarianism is his polity of chaos. In the absence of limits, evil becomes everyman's lot. Everyman is "coresponsible" (i.e. guilty). Indeed the world cannot become much worse. Totalitarianism marks the last discovery of Western man in his search for the limitless.

This notion that there is evil inherent in the destruction of particularity, in the destruction of cohesive national identities, and in the anarchic search for the limitless bears resemblance to Snyder's view of the origins of the Holocaust. In the vein of Rieff (1952), and contrary to the common assumption, Snyder identifies National Socialism not as a nationalist movement but as an anarchist and deeply racist one.

He argues that what the Nazis believed in was not the nation state and the concept of national identity but rather the destruction of the nation state and the restoration of what Adolf Hitler imagined as man's purely racial identity. Indeed, Snyder shows that Hitler considered nation states to be totally artificial constructions, imposed on the world by Jews. The goal of Nazism, according to Snyder, was to emancipate the races from such alien concepts as nations and classes and to deliver them to a racial utopia where the German race would hold mastery, living in material comfort and with an abundance of food. The means to achieve this were to be found in a war of colonization in the East, which would expand and improve the *Lebensraum* of the German race and annihilate what Hitler called the Jewish "spiritual pestilence", which he saw most clearly manifested in the spread of Soviet communism.

However, while Hitler associated communism with Jews, he strategically employed the Soviet Union to further his goals. According to Snyder, Hitler counted on the Soviets to destroy the nation states of Eastern Europe that he himself planned to reinvade—and by doing so in 1941, the necessary conditions were created for the Holocaust to commence. In the "zones of

state destruction”—as Snyder calls Eastern Poland, the Baltics and the other territories that became doubly occupied, first by the Soviet Union under the German-Soviet Treaty of Borders and Friendship, and then by Nazi Germany when they in turn invaded these territories and the Soviet Union itself—there emerged a Hobbesian social chaos in which Jews lost all traces of their legal status and could be killed arbitrarily. By destroying the newly created Soviet political order, which had shattered the old laws and customs and property rights, and by defining the Soviet regime as Jewish, the Nazis let loose opportunism, greed, and score settling, all of which targeted the Jews. Whilst the new rulers did not understand the full extent of the psychological and political reasons, they nonetheless received help from locals in instigating and carrying out the racial murder of Jews. The Nazis did understand, however, that state destruction opened for them “a realm of experimentation” (ibid., p. 115), and in the lands of double state destruction the result would be mass killings of Jews.¹

According to Snyder, once the Nazis had created their limitless state of anarchy in the zones of double occupation and state destruction, the fate of the Jews was sealed. Here, in the “legal abyss”, where there was no “overarching political entity that might protect its citizens”, the Nazis could do as they pleased with the Jews (ibid., p. 218). However, in the German-occupied or Nazi-allied territories that did not change hands and where the nation state retained its sovereignty, Jews had at least some degree of legal protection and survived in much greater numbers.² Even in Nazi Germany,

¹ In his analysis, Snyder (2015) is somewhat vague on whether the Germans had expected the conditions for the Holocaust to arise in the zones of double occupation. It seems that there were no concrete plans or expectations in the summer of 1941, when occupied Soviet territory was reinvaded by Nazi Germany. According to Snyder, “Germans acted without plans and without precision [...]. In the Nazi worldview, what happened was simply what happened, the stronger should win; but nothing was certain, and certainly not the relationship between past, present, and future. The Soviets believed that History was on their side and acted accordingly. The Nazis were afraid of everything except the disorder they themselves created. The systems and the mentalities were different, profoundly and interestingly so” (Snyder, 2015, p. 124).

² “Although a horribly high number of Jews from such countries [where the state was not destroyed] were killed [...] more than half of the Jews who had been citizens of these countries, taken together as a group, survived. The scale of suffering, almost one murder for every two Jews, exceeds that of any other category of people in the Second World War. Yet it is sufficiently different from the murder rate in the stateless zone, something like nineteen murders for every twenty Jews, to warrant serious attention” (Snyder, 2015, pp. 219-220).

there was some protection, albeit slight, for Jews who were German citizens as long as they remained inside German territory.

Snyder's overall argument can thus be summarized as follows: In those places where national sovereignty, bureaucracy, and membership in the nation—in the form of citizenship—were destroyed, almost all Jews were killed. However, anywhere these institutions were upheld, the chances of survival were significantly better and many, if not most, Jews survived.³ This should not be understood as a black-and-white argument. Snyder views state destruction as a spectrum. While the zones of double occupation in the East were the most extreme cases, where the chances of survival were lowest, there were also “middle cases” in other parts of occupied Europe: “At one extreme of state destruction, the Holocaust took place; at the other extreme of state integrity, it did not” (*ibid.*, p. 219).

As other historians have pointed out, this is a counter-intuitive interpretation of the Holocaust that goes against the grain in the scholarly literature (e.g., Evans, 2015). It is also contrary to popular perception, which has been shaped by politically constructed narratives of the Holocaust that have attributed the mass killing of Jews not to a “polity of chaos” (Rieff, 1952) but to order and government power. To offer just a couple of examples, consider the suggestion of Zygmunt Bauman (1989) and thinkers associated with the Frankfurt School that the Holocaust is to be understood as intertwined with the nature of modernity, civilization and bureaucracy; or consider Friedrich Hayek's (1944) claim that the overweening state led to Nazism.

This gives us all the more reason to examine Snyder's theory closely. Indeed, gauging the validity of his interpretive framework in explaining the emergence of the Final Solution appears relevant not only to the fields of history and Holocaust studies but also to related fields such as political science. If Snyder is correct in his observation that retained state integrity

³ Two extreme cases of state destruction and state integrity, respectively, were Estonia and Denmark. In the former case, approximately 99 percent of Jews who were present when the Germans arrived were killed; in the latter case, approximately 99 percent of Jews who had Danish citizenship survived, according to Snyder (2015, p. 212). I will return to these cases in the next section.

slowed down or even prevented the Holocaust from taking place in certain parts of Europe, this should have far-reaching implications for how scholars understand and interpret the role of the nation state in protecting minority rights, preventing future genocides, and maintaining the social order.

However, while Snyder's theory is compelling, it has one obvious blind spot: the case of Norway, the small Scandinavian country that was first occupied by Germany in April 1940 and remained under Nazi rule until the end of the war. It has been assumed that Norway did not experience state destruction. However, approximately 40 per cent of Norway's Jewish population, 765 people, died in the Holocaust (Michelet, 2015). How can we reconcile this with Snyder's thesis that intact political institutions in occupied nation states facilitated Jewish survival?

The remainder of this article will demonstrate that Norway did, in fact, experience something akin to state destruction. It will become clear that what happened in Norway bears close resemblance to events in the Netherlands, which Snyder (*ibid.*, p. 242) calls "the closest approximation of statelessness in western Europe" and where approximately three quarters of the Dutch Jews were killed. To argue this point, I draw on an essay written by a Norwegian Supreme Court lawyer, published anonymously during the German occupation in the Swedish journal *Svensk Tidskrift* (Höyesterettsadvokat, 1941). This essay details the process by which the Nazis dismantled Norway's legal and political structures. I also rely on facts presented, first, in the Norwegian journalist Marte Michelet's recent book *The Greatest Crime: Victims and Perpetrators in the Norwegian Holocaust* (Michelet, 2015) and, second, in an official report on the occupation published by the Swedish government (Mannheimer, 1972), which corroborates and complements the anonymous source's account. In terms of methodology, I employ an ideal-type analysis (Weber, 1949) to assess the degree to which the case of Norway meets the criteria for state destruction.

Criteria for state destruction

While "the sequence of events that permitted the emergence of the Final Solution as mass killing" was different in each of the places where the Holocaust occurred (Snyder, 2015, p. 218), Snyder nevertheless identifies a

common “set of actions and absences” that can be used to operationalize his concept of state destruction. I attempt to summarize them below:⁴

Actions

- (1) “Racial or hybrid institutions”, mainly the *Schutzstaffel* (SS), are permitted to operate beyond their own homeland.
- (2) The political leadership of the occupied state is removed.
- (3) Major political institutions are infiltrated and brought into line, i.e., “Nazification”.
- (4) Political and psychological “resources” created by a previous occupier are exploited to solicit local collaboration in the Holocaust (aspirations to national sovereignty; emancipation from the national humiliation of a previous occupation; revenge).
- (5) Material “resources” (greed; previous or on-going destruction of property rights for Jews) are present.

Absences

- (6) Political sovereignty.
- (7) An independent foreign policy separate from German interests.
- (8) Bureaucracy in the Weberian sense.
- (9) Citizenship (including protection for non-Jewish citizens who protect Jews).
- (10) The rule of law.
- (11) The application of international law in a state of occupation.

The first criterion needs to be clarified further. By “racial or hybrid institutions”, Snyder does not mean conventional military forces, e.g., the German *Wehrmacht*, but rather institutions that were specifically designed for the destruction of states and the propagation of racial war beyond German territory. The primary institution of this nature was the SS, which was originally a Nazi party institution created to undermine the political order inside Germany during the Weimar Republic. Later, it merged with

⁴ These criteria are discerned from the discussion on pp. 218–256 in Snyder (2015).

and took over institutions of the German state, such as the police forces, and transformed them into means of state destruction abroad.⁵ The unencumbered operation of the SS and its hybrids within an occupied state can thus be taken as an indication that a process of state destruction, rather than a conventional occupation, is underway.

Estonia, Denmark, and the Netherlands

To explain the remaining criteria, I employ Snyder's own comparison of Estonia and Denmark—two extreme cases of state destruction and state integrity, respectively—and the Netherlands, an emblematic intermediate case of state destruction.⁶ According to Snyder (*ibid.*, p. 212), “In no country under German occupation did a higher percentage of Jews die than in Estonia, and in none did a higher proportion survive than in Denmark.” I rely on Snyder's account in the remainder of this section.

Estonia was initially occupied by the Soviet Union in 1940, which brought the complete destruction of the country's judicial system, political elite and former bureaucratic administration. Indeed, it was considered a crime to have worked for the Estonian state, as this state had never existed in the eyes of the Soviet occupier. Mass executions and deportations followed. Thus, Snyder contends that when the *Einsatzgruppen*—an SS-hybrid created to operate beyond Germany—arrived in 1941 to destroy the newly created Soviet order, everything was in place for the Final Solution to be achieved in Estonia.

The Nazis could handpick Estonian collaborators who had fled to Germany from the Soviet invasion and install them as the new ruling elite. They could exploit the psychological, political and material “resources” created by the Soviet occupation, encouraging locals to make the Jews scapegoats for the humiliating experience of occupation and their own alleged and real complicity as collaborators. Estonian communists who had switched sides when the Germans arrived became “the most zealous killers” of Jews (*ibid.*, p. 214). Local collaboration was also solicited from former employees of Soviet security forces who were drafted into the SS. Political sovereignty,

⁵ See Snyder (2015, pp. 38-41) for a discussion of the history and nature of the SS.

⁶ See chapters 8 and 9 in Snyder (2015).

foreign policy, and citizenship were entirely absent because, once the Germans arrived, the Estonian state had already been destroyed by the Soviet Union. As a result of these factors, Snyder argues, almost all Estonian Jews were killed.

This summary should make it clear that Estonia during the Nazi occupation meets all the criteria for state destruction. It thus represents an ideal case of Snyder's concept. In contrast, Denmark represents an ideal case of state integrity despite the Nazi occupation, and this further clarifies the criteria listed above.

"In Denmark almost everything was different", Snyder argues (*ibid.*, p. 215). The German occupation of Denmark in 1940 had not been preceded by a Soviet occupation. Hence, none of the psychological, political or material "resources" created by the Soviets, which the Nazis had exploited in the zones of double occupation, were available in Denmark. Another crucial difference from Estonia was that the Germans had not invaded Denmark with the intention of destroying its state. Indeed, they did not "aim at disturbing the territorial integrity or the political independence of the Kingdom of Denmark", according to the official language (*ibid.*, p. 215). The Danish King continued to rule as head of state, and the government and parliament continued to function normally. Even democratic elections continued. Another remarkable fact, which Snyder does not mention, is that a law against "threatening, insulting, or degrading" speech, created in 1939 largely to protect Denmark's Jewish minority against anti-Semitism, remained in force and was even invoked during the Nazi occupation (Eakin, 2016).

The Danish state was left intact because the reasons for the German invasion were military and not racial. Nevertheless, attempts were also made in Denmark to carry out a Final Solution. However, according to Snyder, those attempts failed because Denmark had not been subject to state destruction. In line with international law in a state of occupation, Denmark had retained its sovereignty and its political and bureaucratic apparatus. Therefore, it could refuse to yield Jews who were Danish citizens to the Germans. The Danish administration understood that it would severely compromise Denmark's

sovereignty if it were to give up its own citizens. As in other occupied places where the nation state survived, Danish bureaucrats owed their loyalty to the Danish nation and not to Germany.

The continued existence of sovereignty and citizenship was important, Snyder argues. Unlike in the zones of state destruction, where both the state and citizenship had been destroyed, the Nazis could not simply do as they pleased with Danish citizens; neither with Jews nor with non-Jewish citizens who assisted Jews in escaping to neighboring Sweden. Such rescue operations were in fact undertaken with the full knowledge of the German occupiers. Citizenship in this case also meant that when a few hundred Danish Jews were deported from Denmark to Auschwitz, the Danish government could intervene on behalf of these citizens. These Jews were transferred to the transit camp Theresienstadt and thereby saved.

The final important difference between Estonia and Denmark that Snyder mentions is Denmark's ability to conduct its own independent foreign policy, separate from German interests. When the tide of war visibly turned against Germany in early 1943, it became obvious that it was no longer opportune to show support for Nazi Germany, for example by participating in the Holocaust. The fact that Denmark remained a sovereign state and thus could decide on matters of foreign policy also protected Jews who were Danish citizens.

If Estonia and Denmark represent ideal cases of state destruction and state integrity, then the Netherlands represents an intermediate case of state destruction. According to Snyder (*ibid.*, p. 242), "The sovereignty of the Netherlands was compromised in several ways that were unusual in this part of the continent." The Dutch Queen and the government escaped and went into exile in London when the Germans invaded in 1940, which meant that the country's political and bureaucratic apparatus was instantly ousted – an ouster of its own making. In place of the old political order, the Germans

installed Arthur Seyss-Inqhart, “an experienced state destroyer” (ibid., p. 243), as *Reichskommissar* of the Netherlands.⁷

Together with the SS, Seyss-Inqhart ruled the Dutch state and infiltrated its institutions. For example, the Dutch police were purged of their previous leadership and brought into line under the German regime. The Nazis also considered creating a Jewish ghetto in Amsterdam, which is significant because ghettoization is a phenomenon that Snyder, in the case of occupied Poland, associates with state destruction.⁸ In the Dutch case, he takes it as an indication of “the unusual dominance of the SS” (ibid., p. 243) in a European state beyond the zones of state destruction in the East. However, the plan was not implemented due to objections from remaining political authorities, which, Snyder argues, points to an important difference between a semi-destroyed state such as the Netherlands and a fully destroyed state such as Poland.

Because the Dutch state was no longer sovereign and was robbed of many of its basic political institutions, the Nazis could alter (but did not abolish) the concept of citizenship and define who was a Dutch citizen and who was not. The ability to conduct an independent foreign policy had also been lost. Hence, the Germans could decide what would happen to the Dutch Jews, “which meant that the trains from the Netherlands to Auschwitz kept running through 1944” (ibid., p. 244).

The state destruction of Norway

Germany invaded Norway on April 9, 1940. Within hours, the Norwegian resistance was crushed, and within a few weeks, full military control of the country was established even though fighting continued until June

⁷ An old colonial term given by Hitler to a number of Nazi governors of occupied states. The *Reichskommissar* effectively became the political head of his assigned territory (<https://de.wikipedia.org/wiki/Reichskommissar>, accessed October 30, 2016).

⁸ On ghettoization and state destruction, Snyder writes (2015, p. 107): “[B]y the end of 1941 most Polish Jews were behind the walls of a ghetto. Crucial everywhere was the simple assumption that Jews could be separated from the protection of the law: They had no power to decide where their bodies would be, and no claim to their possessions. Beginning in Poland, the Germans would establish ghettos in every country where they attempted to destroy a state, and in no country where they carried out a conventional occupation. The ghetto was the urban expression of state destruction.”

(Mannheimer, 1972; Michelet, 2015). Norway had received the same promise from Germany as Denmark: the country's territorial integrity and political independence would in no way be threatened by the invasion (Svenska Dagbladet, 1940a). However, the occupation of Norway would be radically different from the Danish experience. Indeed, if we rely on the testimony of Høyesterettsadvokat, the anonymous Norwegian Supreme Court lawyer and author of the essay in *Svensk Tidskrift* (1941, p. 678), the occupation of Norway was carried out with the intention to achieve “a comprehensive change of our inner governance, our judicial system, our social and economic life, in short our entire way of life [...]”.

In contrast to what happened in Denmark, on April 24, 1940, Hitler appointed Josef Terboven as *Reichskommissar* of Norway, after the Norwegian government had refused to yield to Germany's demand for a puppet government that “Germany had confidence in and the German Führer had appointed” (Svenska Dagbladet, 1940b, p. 3). Terboven's governance was in congruence with international law in a state of occupation, but only so long as his room to maneuver was limited to matters with direct relevance to the military occupation of Norway. A civilian caretaker government, the “administrative council” (*Administrasjonsrådet*), had jurisdiction over civil matters (Høyesterettsadvokat, 1941). However, the Nazis were intent on expanding their room to maneuver and soon came to see the administrative council as a “wall that had to be torn down” (ibid., p. 679; Mannheimer, 1972).

Consequently, on September 25, 1940, the administrative council—“the remainder of Norwegian independence” (Høyesterettsadvokat, 1941, p. 680)—was officially abolished by Terboven. All political parties were also declared as abolished, with the exception of the National Socialists in *Nasjonal Samling* (NS). The legal Norwegian government and the King of Norway had both gone into exile in June, and now Terboven formally declared them powerless as well. Instead, a new government that reported to Terboven was formed. Its members were primarily recruited from the NS. “From a Norwegian point of view there is no longer a *Norwegian* government in Oslo”, Høyesterettsadvokat wrote (ibid., p. 680, emphasis in original). Terboven was, from this point onward, fully in control of Norway:

“It is Terboven and his Reichkommissariat that have the highest command and decide on all important matters” (ibid, p. 681).⁹

When comparing these early events with Snyder’s criteria for state destruction (see section 3), I find that the Nazis, only a few months into the occupation of Norway in 1940, had *ignored international law in a state of occupation*, the very rules that were intended to ensure the sovereignty of the occupied nation. The Nazis had also *removed the political leadership* of the country. Hence, Norway’s *political sovereignty was lost*, as was its ability to conduct an *independent foreign policy*. The Norwegian Foreign Office (together with the Department of Defense) was even formally abolished by Germany (Høyesterettsadvokat, 1941). The next step in this process of state destruction was to bring the bureaucracy and other Norwegian institutions into line, i.e., “*Nazification*” (Mannheimer, 1972).

“The Reichskommissar has a large [German] civil apparatus of his own under him with local branches in many of our cities. Both the central apparatus in Oslo and the local one around the country often intervene in the [Norwegian bureaucratic] administration”, Høyesterettsadvokat (1941, p. 681) wrote at the time. The author also reported that, in addition, the NS had an extensive apparatus around the country that intervened in “all areas” and remarked: “The time has passed, when the competence of a public servant was carefully defined and absolute. Now the boundaries are blurred” (ibid., p. 681). Indeed, not more than a week after the takeover of the Norwegian state on September 25, 1940, the bureaucratic administration was subjected to a first wave of purges of public servants considered “political opponents” (ibid., p. 682). Those who did not swear loyalty to the “new order” (*Neuordnung*) were arbitrarily fired or arrested, and those remaining in service were henceforth obligated to work for the NS (a party that was now amalgamated with and inseparable from not only the German forces of

⁹ This fact was also suggested by Hitler in *Table Talk* (Hitler, 2000, p. 462): “In Terboven I am pleased to have found a man capable of assuming control of Norway, the most difficult Commissarship of the Reich. As he himself told me this very day, if he relaxes his authority for a single instant, he feels as though he were standing on quick-sands.”

occupation but also the NSDAP).¹⁰ All persons seeking new employment in any governmental institution were also required to provide a political confession. Furthermore, the Norwegian municipalities were reconstructed in a fashion that appears similar to the National Socialist model of *Gaue* (districts) and *Geuleitern*, in which a single district leader, appointed by the national government, ruled at the local level.¹¹ “Hereby, the municipal self-rule, which in 1936 celebrated 100 years, is liquidated by a stroke of the pen”, Høyesterettsadvokat attested (ibid., p. 683).

German plans to infiltrate Norwegian bureaucratic structures were ambitious. According to Michelet (2015, p. 131), “The goal was to create an elite of SS-indoctrinated Norwegians who gradually could take over the state and build a National Socialist Norway based on the German model.” The goal of the SS was to indoctrinate them in the concept of “a fighting administration”, which meant that “the civil servants in the administration would be free of the liberal, judicial values” and that “the outer [military] front would be united with the struggle that was fought at the desks, in one single aggressive machinery” (ibid., pp. 132-133). However, many civil servants that remained in their posts during the occupation likely did so not out of dedication to Nazism but to help avoid chaos and the destruction of the bureaucracy (Mannheimer, 1972).

The presence of the SS—a clear indication of on-going state destruction, according to Snyder—was clearly felt in Norway, e.g., in the judicial system. At the start of the occupation, Germany created special *SS- und Polizei-Gerichte* (SS and police courts) that had nearly unlimited powers. “No one can say with certainty how many Norwegians these institutions have arrested, but they are surely in the thousands”, according to

¹⁰ From 1940 onward, the NS continuously received orders from an *Einsatzstab* that was NSDAP’s arm in Norway. This entity’s task was to keep up the relationship with the Norwegian “sister party” and influence its policies (Mannheimer, 1972, p. 123).

¹¹ “On December 21, 1940, the final municipal order was determined by a decree from the Department of the Interior. It is not hard to discern that German National Socialist legislation has been the model”, Høyesterettsadvokat wrote (1941, p. 683). Mannheimer (1972) also observed that the National Socialist *Führerprinzip* (“leader principle”), which stipulated that every leader had absolute authority in his own area, had been enacted in the Norwegian municipal administration. By the time of the liberation of Norway in 1945, all municipal leaders were members of the NS.

Høyesterettsadvokat (ibid., p. 683). Intriguingly, the actions ordered by these police courts, including the arrest, torture and executions of Norwegian citizens, were carried out by the German secret state police (*Gestapo*) and German Order Police (*Orpo*), which operated in Norway during the entire occupation and also gave orders to the Norwegian “Nazified” state police (Mannheimer, 1972). This is noteworthy because both the *Gestapo* and *Orpo* were hybridized SS-institutions used for state destruction beyond Germany’s borders (Snyder, 2015).

Alongside the German police courts, the NS created the so-called “People’s court”, which “most closely resembled a revolutionary tribunal” (Mannheimer, 1972, p. 110). The legitimate Norwegian courts lost many of their legal powers and were also subjected to interference. For example, Terboven’s Department of Justice could fire and appoint lay judges, who, since the late 1800s, had constituted a cornerstone of the Norwegian judicial system. Only once the system of government-appointed municipal leaders had been implemented did local elections of lay judges resume. To Høyesterettsadvokat (ibid., p. 685), this amounted to “a combination of legislative, executive and judicial power, which has turned the rule of law in the traditional sense into a fairytale.”

A further example of political interference in the judicial system was that the Prosecutor General was forced to yield to a “trusted member of the NS”, who legalized the violent activities of *Hirden*, the military wing of the NS (ibid., p. 686). The members of the Norwegian Supreme Court were also replaced by inexperienced judges who were handpicked by Terboven’s Department of Justice when the Court resigned after having refused to validate the decrees of Terboven and the NS as congruent with international law. The many changes to the justice system were vehemently rejected by over 40 labor and interest organizations as “in apparent conflict with international law, Norwegian law and common sense of justice” and criticized for having “dismantled the law’s protection of personal safety” (ibid., p. 686). Terboven responded by “Nazifying”, or abolishing, the protesting organizations (Mannheimer, 1972).

To recall what has been shown thus far, the German occupying forces “Nazified” (but did not destroy) the Norwegian *bureaucracy* and effectively abolished *the rule of law*—two additional criteria of state destruction. I have also demonstrated the strong presence of SS institutions and how they infringed on Norwegian *citizenship*, which is perhaps Snyder’s most central criterion for retaining state integrity. Indeed, the SS ran its own concentration camps in Norway (Michelet, 2015). This is highly significant as Snyder (2015, p. 42) identifies the concentration camps as institutions separated from government power; e.g., those set up by the SS in pre-war Germany were “small stateless zones inside Germany itself” and “training grounds for the more general SS [state destruction] mission beyond Germany”.

With this level of penetration of the Norwegian state, the Nazis were also free to do as they pleased with the Norwegian Jews, who in 1940 numbered approximately 2 100 and thus constituted but a small fraction of Norway’s population, which totaled roughly 3 million in 1940 (Michelet, 2015). In October 1942, Terboven and the NS high command decided that all Jews would be deported from Norway and that Jews would be deprived of their property rights. Mass arrests of Jewish men and confiscation of Jewish property took place all over Norway on October 26, 1942, and the prisoners were sent to concentration camps to await deportation.

On the night of November 26, 1942, a second wave of arrests, including women and children, took place, as did the first deportations. A total of 532 Jewish men, women and children were deported by ship to Poland and then transported to Auschwitz by train cars (Mannheimer, 1972). “Only persons who were ‘Norwegian, stateless, Slovakian, Croatian or citizens of a German-occupied state’” would be taken onboard the ship (Michelet, 2015, p. 214), and Adolf Eichmann personally requested that “the transported Jews would lose their citizenship after having left Norwegian territory, and that the Norwegian government does not make any demands regarding individual Jews” (ibid., pp. 216-217). This is in line with Snyder’s analysis that citizenship played a crucial role in Jewish survival and that loss of citizenship is a forceful indicator of state destruction. Occupied states that were not destroyed, such as Denmark and France, were reluctant to yield

their own Jewish citizens to the Germans. In contrast, a destroyed state such as Norway had no option. The “Norwegian government” that Eichmann warned against making any demands on behalf of its Jewish citizens was, in fact, none other than the German *Reichskommissar* Josef Terboven.

Conclusions

In this article I have argued that Timothy Snyder’s interpretation of the mechanisms behind the Holocaust, presented in his study *Black Earth* (Snyder, 2015), derives further support from the Norwegian case. In crucial ways, the German occupation of Norway meets Snyder’s criteria for state destruction. Whether a state met these criteria, he argues, was the most important factor in the mass murder of Europe’s Jewish population.

Norway meets eight of the eleven criteria. Racial or hybrid institutions created for state destruction could operate uninhibited inside Norway. The political leadership of the country was effectively removed and replaced by a German leader. Political sovereignty and the ability to conduct an independent foreign policy were lost. Major political institutions, including the bureaucratic administration, were infiltrated and “Nazified”. The German occupier did not respect international law during the state of occupation and the rule of law no longer applied. Norwegian citizenship protected neither non-Jewish citizens against the arbitrary actions of the SS and police nor Norway’s remaining Jews, who immediately lost their citizenship upon deportation to Auschwitz.

As Norway was never “doubly occupied” by the Soviet Union and Nazi Germany, this case does not meet the remaining criteria for state destruction during the Holocaust, which are political/psychological and material “resources” created by the previous occupier that incentivized local populations to take part in the murder of Jews. However, Norwegian Jews did lose their property rights in 1942. It should also be noted that the Norwegian bureaucracy was politicized but never completely destroyed, as was the case in the “zones of double occupation” in Eastern Europe, where we find full-blown cases of state destruction, according to Snyder. Rather, Norway—an intermediate case on the spectrum—matches or even overtakes

the Nazi-occupied Netherlands as “the closest approximation to statelessness in western Europe” (Snyder, 2015, p. 242).

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