

Chapter 2

Karl Olivecrona: A Biographical Sketch

Abstract Karl Olivecrona was born 1897 in Uppsala. Having received his law degree in 1920 and having clerked at the District Court in Uppsala 1921–1923, he began working on his doctoral dissertation at Uppsala University 1924 and received his doctorate 1928. He went on to specialize in procedural law and was appointed professor of procedural law at Lund University 1933. He retired 1964 at the age of 67, but kept on writing on jurisprudential questions through-out the 1970's. He had married Birgit Lange in 1929 and had two children with her, namely Christina and Thomas. Having had his first major jurisprudential work, *Law as Fact* (1st ed.) published in 1939, he came to devote most of his energies to work in the field of jurisprudence, and the second edition of *Law as Fact* was published in 1971. He also wrote two books of a more political nature in 1940 and in 1942, arguing in the first book, *England or Germany?* 1940 that Swedes and other Europeans ought not to fear, but to welcome, a German victory in World War II, since (he reasoned) this was necessary to bring about a peaceful, stable, and prosperous new order in Europe, which could replace the divided and inefficient old order, dominated by England. I argue briefly, however, that the alleged connection between Olivecrona's legal philosophy and Olivecrona's thoughts on German leadership in Europe is not a logical connection, but at most a psychological one. Olivecrona died 1980 in Lund and lies buried in Uppsala in the same cemetery as Axel Hägerström and Vilhelm Lundstedt.

2.1 Introduction

Karl Olivecrona was born on 25 October 1897 in Uppsala, Sweden, as the fifth of six children of Axel Olivecrona (1860–1948) and Ebba Olivecrona, born Ebba Mörner af Morlanda (1861–1955). Axel Olivecrona was district court judge and his father, Karl's grandfather, Knut Olivecrona (1817–1905), was professor of law at Uppsala University 1852–1867, justice on the Swedish Supreme Court 1868–1889, and member of the Permanent Court of Arbitration in the Hague from 1902. Knut Olivecrona was widely known as a leading advocate for the abolition of capital pun-

This chapter, especially Sect. 2.2, has benefited very much from several interviews in April and May 2009 with Karl Olivecrona's son, Thomas Olivecrona, who is also mentioned in the text.

ishment, arguing that capital punishment is not only cruel and morally repugnant, but also does not actually reduce crime the way it is intended to. Karl would later tell his son, Thomas, how proud he was that Knut had opposed the death penalty on scientific, rather than emotional, grounds, meaning the consideration that the death penalty does not reduce crime the way it is intended to. He would also tell Thomas that he was proud of the long line of honest and reliable public servants in the family.

The Olivecrona family can be traced back to 1719, when Hans Perman (1678–1741) was raised to the nobility by Queen Ulrika Eleonora for services rendered. Perman had successfully negotiated with the Russians on behalf of King Charles XII in the aftermath of the tumult at Bender (in today's Republic of Moldavia) in 1713. Having thus acquired a new name, Perman became the founder of the Olivecrona family. Comparing Olivecrona's family background with that of the former Secretary General of the United Nations, Dag Hammarskjöld, Stig Strömholm states the following:

Both came from families belonging to the untitled nobility, a hereditary élite, originally very small, to which a fairly large number of public servants and successful entrepreneurs—some two thousand in all—had been admitted in the seventeenth and the first decades of the eighteenth century, Sweden's short period as a European great power. In this class, eldest sons, after a period of service, mostly in the army, traditionally returned to manage the family manor, usually a rather modest estate, whereas younger brothers continued to earn their living in the public service, as army officers or in the judiciary or the civil service. The originality of the Olivecrona family, if any, is the relative preponderance of the legal, and the relative scarcity of the military element. (2008/2009, p. 63)

It is of some interest to note that Knut Olivecrona's older brother, August Olivecrona (1806–1860), joined the merchant navy, rose to master of a ship, and traveled to New Zealand, where he settled down and raised a family. As a result, there is today in New Zealand an Olivecrona family, or rather, a number of Olivecrona families.¹

Karl's mother, Ebba, was a devout and warm-hearted Christian, who was quite strict when it came to moral and other social rules. While Karl's brother, Herbert (1891–1980), who would later become a renowned professor of neurosurgery, broke free and left the home rather early, Karl stayed in the family home, submitting to his mother's authority. And later when Karl married, he and his wife, Birgit, lived for some years in an apartment on the top floor in Axel and Ebba's house in Uppsala. Karl and Birgit would also spend time with his parents during the summers in the family summer house in Finnbo in the province of Dalecarlia, where they would often be joined by Karl's brother, Helmer (1890–1921), and two of his sisters, Sigrid (1895–1986) and Ester (1900–1986), and their families, and sometimes by Herbert and his wife, Ragnhild. However, these visits came to an end in the 1930's, when Karl and his siblings each acquired their own summer house in different parts of Sweden.

Karl received his law degree in Uppsala in 1920, at the age of 23, his fledgling interest in legal philosophy having been stimulated by Vilhelm Lundstedt's lectures 1918–1919 and by his participation in Axel Hägerström's seminars on crimi-

¹ There is a Web site devoted to the Olivecrona family tree, run by one of the New Zealanders named Helen Bland. See <http://www.igrin.co.nz/~hotchoc/Olivetree.htm>.

nal law issues in the spring semester 1920 (Fries 1964, p. 10). He spent the years 1921–1923 as a law clerk at the *District Court of Central Uppland* [*Uppsala läns mellersta domsaga*], where his father was chief judge, and began working on his doctoral dissertation in the spring of 1924. He received his doctorate in Uppsala 1928, whereupon he was immediately employed by the Uppsala Faculty of Law as assistant professor of law. The subject of his doctoral dissertation was the concept of a juridical person in Roman and contemporary law (1928), a topic suggested to him by Vilhelm Lundstedt. Note that at the time this was a subject belonging to corporate law, not jurisprudence. Jurisprudence would not become a legal discipline with a professorial chair in Sweden until 1961.

Having received his doctorate, Olivecrona was advised by Lundstedt to focus on procedural rather than private law, in order to be able to apply for the chair in procedural law at Lund University that would soon become vacant after the retirement of Ernst Kallenberg, a giant in the field (Fries 1964, p. 11). He therefore wrote a book on the onus of proof and its relation to substantive law (Olivecrona 1930), and applied for the professorship. His qualifications were considered insufficient by the Lund Faculty of Law, however, though three of the four members of the expert panel had declared him competent (Professors Engströmer, Granfelt, and Munch-Petersen), albeit in lukewarm terms. The fourth member (Professor Hassler) had declared him insufficiently qualified (Ekelöf 1985, p. 142). Per Olof Ekelöf suggests that the lukewarm reception of Olivecrona's work on this occasion had to do with Olivecrona's legal philosophy, which the members of the expert panel found too abstract and critical (Ekelöf 1985, pp. 147–148). However, the chair in procedural law was again advertised about a year later. Having written yet another book on procedural law in the meantime (Olivecrona 1933), Olivecrona applied again and was appointed professor in 1933 (Ekelöf 1985, p. 142). He remained professor of procedural law at the Faculty of Law, Lund University, until he retired in 1964. As one might expect, his father, Axel, was very pleased that Olivecrona carried on the family tradition in the field of law so successfully (Olivecrona 1939, p. 89).

Olivecrona kept writing articles and books on procedural law matters throughout his career, including the mature and impressive work *Rätt och dom* [*Law and Judgment*] (1960), though his main interest was clearly in the field of jurisprudence. His jurisprudential work was, however, always informed by a deep understanding of doctrinal matters, though it is not so clear that his jurisprudential theories had much influence on his doctrinal work (on this, see Strömholm 2008/2009, p. 68). It is in any case worth noting that his doctrinal writings, especially his books on procedural law matters and real estate law, were for many years much used and appreciated by legal practitioners in Swedish courts and law firms.

2.2 Family Life

The Swedish philosopher Martin Fries, who knew Olivecrona well, observes in his introduction to the *Festschrift* Olivecrona received when he retired in 1964, that Olivecrona was a “matter-of-fact person,” that is, a person who cares about events

and things for their own sake, as distinguished from an “I person,” that is, a person who cares about events and things only insofar as they become merged in him or herself (1964, p. 20); and this may perhaps explain why not much has been written about Olivecrona’s personal life.

Olivecrona married Birgit Lange (1901–1993) in 1929. Birgit was born and raised in Visby on the island of Gotland, and had also lived in the small town of Västervik, located on the Swedish East Coast. Her maternal grandfather was the managing director of *Ångbåtsbolaget*, a Swedish shipping company, as well as German consul in Visby, and her father held a Ph.D. in German and was the principal at the high school in Västervik. Birgit herself was a fun-loving and outgoing young woman, who was educated as a school teacher, and had worked as a secretary at the Stockholm Stock Exchange. She had also written a couple of children’s books and a few novels and had translated William Thackeray’s *Vanity Fair* into Swedish.

Later Birgit would also work as a secretary to her husband, who would often thank her in the prefaces to his books. For example, he writes in the preface to the First Edition of *Law as Fact* that “[m]y wife, besides stimulating my work with her untiring interest, has been of invaluable help to me through much clarification on questions of psychology.” Birgit for her part wrote in the preface to Olivecrona’s *Det rättsliga språket och verkligheten* [*Legal Language and Reality*] (1964), that she had for 40 years had the opportunity of standing beside her husband and, as far as she had been able, of following his scientific thinking. She added that she felt extremely privileged to have been allowed to live near someone whose primary aim was to search for the truth.

Birgit could not, however, accept the non-cognitivist meta-ethics embraced by Olivecrona—the so-called value nihilism—and it is arguable that she developed her deep interest in religious and spiritual matters more generally in response to Olivecrona’s espousal of the non-cognitivist theory. Like others before and after her, she probably felt that the very idea of a world in which there are no moral or aesthetic values and standards is simply unacceptable. In any case, she would later write a number of books on religious and spiritual matters, most of which she published at her own expense. Here special mention should be made of the early novels *Ringmuren* [*The Ring-Wall*] (1935), for which she received the publishing company *Bonniers’* literary stipend in 1935, and *En man finner sig själv* [*A Man in Search of Himself*] (1938). The latter book is of particular interest, because it appears to be based on the life of Karl and Birgit.

Karl and Birgit had two children, Christina (1931–2007) and Thomas (born 1936); a third child, Agnes, died as an infant due to respiratory complications a year or two before Christina was born. Having gone to school at Lundsberg in Värmland, a well-known private boarding school, Thomas eventually became a highly regarded professor of medicine at Umeå University in Northern Sweden, a member of the Royal Swedish Academy of Sciences, and the winner of the prestigious Jahre Award for Medical Research in 1993. Christina, too, studied medicine, but only worked a short time as a medical practitioner. She then went on to help set up the information system at *Karolinska institutet*, the well-known medical research institute in Stockholm. She also learned Sanskrit quite well and would travel extensively to India to pursue her avid interest in meditation and yoga, an interest she shared with Birgit.

Karl also had two sons with Greta Hedlund, whom he had met some years before he met Birgit, namely Hans (1922–2006) and Sven (1924–2007). Hans would later receive a doctorate in medicine, and proceeded to work as an X-ray physician in Malmö, and Sven grew up to become an appreciated employee at Uppsala University Library. But whereas Hans, who was raised by Karl and Birgit and adopted by Birgit when she married Karl, was known to all as Karl's son, Sven, who was raised by Greta, was kept a secret by Karl, though not from Birgit, until he informed Thomas that he (Thomas) had another half-brother a year or so before he (Karl) died.

Having moved from Uppsala to Lund in 1933 when Karl was appointed professor of procedural law, Karl and Birgit lived for about 20 years with their children in a large house at Helgonavägen 9 in a part of Lund known as "Professor Town," the name obviously a reference to the large number of academics living there. Karl and Birgit did not have a very active social life in Lund, but spent most of their time at home together with their children. There they would read books and listen to classical music, and Birgit would read to the children. They would also play bridge. Indeed, they were both fairly accomplished bridge players.

The family also had a summer house in Båstad on the Swedish West Coast, where they would spend the whole summer each year. They would travel to Båstad by train with a couple of large suitcases, which were so heavy that Olivecrona had to hire porters to transport them to and from the train. In Båstad, he would work every weekday until lunch, and would then spend time with the family, or else go for long walks in the woods. Later, in the beginning of the 1950's, Karl and Birgit bought a car, and since at this time Thomas was in school at Lundsberg and Christina was a student at Uppsala University, they could spend more time in Båstad than they had been able to do a few years earlier.

On a few occasions, Olivecrona would let a student come to Båstad in the summer to undergo oral examination in jurisprudence. The few students who took the trouble to go to Båstad to be examined would usually be successful, though Thomas recalls that on at least one occasion Olivecrona had to fail a student, and that he (Olivecrona) was quite unhappy about this.

In the early 1950's the family moved to an apartment in Lund, but before long they acquired a house with a garden instead (also in Lund), where they would remain until Olivecrona died in 1980. It was Birgit in particular who wanted to leave the apartment and get another house. She wanted a garden where she could sit and read in the summertime.

2.3 Sources of Inspiration

Stig Strömholm points out that the life of a law professor in Uppsala in the second and third decades of the twentieth century was a life of considerable freedom, in that professors could engage in many extra-curricular activities and be quite eccentric (2008/2009, p. 67). But, he continues, although the intellectual world of the Uppsala Law Faculty must have been stimulating, a serious student of law with an interest in

jurisprudential questions must have found the teachings of Hägerström and Lundstedt to be the most interesting and exciting sources of inspiration available (Strömholm 2008/2009, p. 67). Indeed, as Strömholm points out (Strömholm 2008/2009, p. 66), a saying among law students in Uppsala in the early twentieth century had it that “Hägerström is Allah and Lundstedt is his prophet.” Martin Fries describes the importance of Hägerström’s and Lundstedt’s legal philosophies to Olivecrona in the following terms:

Karl Olivecrona’s early-aroused interest in legal theory was stimulated by Vilhelm Lundstedt’s lectures during the 1918–1919 school year, when Lundstedt for the first time started to propound his revolutionary viewpoints regarding jurisprudence. Decisive for O’s [Olivecrona’s] future development, however, was his participation in Hägerström’s seminars in the spring of 1920, which took up Johan Thyrén’s work “Principles for a Reform of Penal Law” (1910–1914). O. was very soon convinced that Hägerström’s analyses paved the way for a rigorously realistic legal science. Owing to this, an early desire to embark upon a scientific career was confirmed and also set in a definite direction. (1964, p. 10)²

Olivecrona himself states in the preface to his doctoral dissertation that his work depended to a considerable extent on Lundstedt’s pioneering legal works, and that Hägerström, too, had been a great source of inspiration during his work on the dissertation (1928, Preface).

As we shall see in the following chapters, Olivecrona did take it upon himself to develop (what he referred to as) a realistic legal philosophy based on the ideas put forward by Hägerström and developed or, more often, simply repeated, by Lundstedt. And, as we shall also see, he became quite successful in his attempts to develop such a legal philosophy. For he is by far the best-known Swedish legal philosopher to this day, and deservedly so; in the Nordic countries, he is in this regard second only to the Dane Alf Ross.

2.4 England or Germany?

When sketching Karl Olivecrona’s biography, one cannot avoid the two pamphlets Olivecrona wrote about World War II and about international politics more generally. In the first book, *England eller Tyskland* [*England or Germany*] (1940), he argued that Swedes and other Europeans ought not to fear, but to welcome, a German victory in the on-going war, since (as he saw it) this was necessary to bring

² The Swedish original reads as follows. “Karl Olivecronas tidigt vaknade rättsteoretiska intresse stimulerades av Vilhelm Lundstedts föreläsningar under läsåret 1918–1919, då Lundstedt för första gången började framlägga sina revolutionerande synpunkter på juridiken. Avgörande för O:s [Olivecronas] framtida utveckling blev emellertid hans deltagande i Hägerströms seminarieövningar våren 1920 över Johan Thyréns arbete ”Principerna för en strafflagsreform” (1910–1914). Mycket snart fick O. den uppfattningen, att Hägerströms analyser banade väg för en strängt realistisk rättsvetenskap. En tidig önskan att ägna sig åt den vetenskapliga banan befästes härigenom och fick då också en bestämd inriktning.”

about a peaceful, stable, and prosperous new order in Europe, which could replace the divided and inefficient old order dominated by England.

Interestingly, Olivecrona did not touch on the Hitler administration in his book. Indeed, he did not touch on the subject of political ideologies at all—not a word about liberalism, socialism, Nazism, or Fascism—except to say that ideologies were secondary in relation to facts about the size of populations, geography, industrial production capacity, etc.: “The people and the geography are more important. The ideologies are conditioned by the current state of things and always evince a tendency to change with them.” (Olivecrona 1940, p. 46)³ Accordingly, he based his argumentation precisely on facts about geography, industrial-production capacity, and the size and qualities of the population in the different countries. Since the Germans numbered around 80 million at the time, whereas the English and the French approached the same figure only when taken together, and since the Germans, as Olivecrona saw it, were extraordinarily able, Germany—not England—should be the leader of Europe. Observing the anxiety felt by many people when contemplating a Europe under German leadership, he concluded the book with the following words:

There is now great anxiety on account of Germany’s power. However, the anxiety would perhaps be greater and more well founded if this power were to fall away. There is good reason to imagine what our situation would be like if, contrary to expectation, the English-American combination succeeded in starving and devastating the European Continent, especially Germany. Then maybe we would understand how much we need the friendship and support of our big, strong, courageous kindred nation. (Olivecrona 1940, p. 47)⁴

In his second book, *Europa och Amerika* [*Europe and America*] (1942a), Olivecrona argued that Europe must unite under the leadership of Germany, in order to be able to compete with the United States and certain other non-European countries, such as China and Japan. Focusing on the United States, he explained that this country had three important advantages compared with Europe, viz. (i) its prosperity, due to its considerable natural resources, (ii) its political unity, and (iii) its sheltered geographical position (Olivecrona 1940, Chaps. 1–2). Europe, on the other hand, was rather weak on all three counts. As a result of these differences, the United States was much stronger than Europe. Hence Europe had to respond by uniting behind a strong leader, namely Germany. For while the Europeans could do nothing about Europe’s geographical position, or the scarcity of natural resources in Europe, they could at least achieve political unity (Olivecrona 1940, p. 24).

Olivecrona’s idea, first put forward in *England eller Tyskland*, was that Germany must be the much needed leader of Europe, because Germany was the only European country that was powerful enough to accomplish such unification, and (he

³ The Swedish original reads as follows. “Folket och geografin äro viktigare. Ideologierna äro betingade av rådande förhållanden och visa alltid en tendens att förändras med dem.”

⁴ The Swedish original reads as follows. “Oron för Tysklands makt är nu stor. Kanske skulle dock oron vara större och bättre grundad om denna makt fölle bort. Det är skäl att tänka sig in i hurudant vårt läge skulle bli om det mot förmodan skulle lyckas den engelsk-amerikanska kombinationen att utsvalta och ödelägga den europeiska kontinenten, främst Tyskland. Då förstår man måhända hur väl vi behöva vänskap och stöd från vårt stora, starka, modiga frändefolk.”

added) because no non-European country wished (or had the power) to engage in this task. He wrote:

We must make it clear to ourselves that this is not just a matter of stating what we consider to be pleasant. If anything is to be done, it must occur on the basis of objectively given factors, which we cannot ignore. We have had enough of illusory projects during the NF [League of Nations] period. A fundamental, dominating fact in any conceivable case is that the German nation, with its population of 80 million, its extraordinary competence and its centrally located land is at the core of Europe. It is around this core that the work of unification must be done. From whatever angle one looks upon this problem, whatever outcome of the war one imagines, one cannot get past this necessity. If this state of things is recognized generally, then the way is paved for the psychological adjustment that must occur. (Olivecrona 1940, p. 67)⁵

It is interesting to note that Olivecrona and Lundstedt exchanged letters on this topic in a rather heated way in the summer of 1941.⁶ The starting point was an interview with Lundstedt in the Swedish newspaper *Göteborgs Handels- och Sjöfarts-Tidning* (the leading quality newspaper in the Gothenburg region, renowned for its uncompromising anti-Nazi stance) 27 June 1941, in which Lundstedt complained bitterly about attempts that had been made to invoke Axel Hägerström's philosophy in support of the Nazi ideology. He made it clear that there was no support for Nazism whatsoever to be found in Hägerström's writings, adding that Hägerström's widow was very upset about this business. Hägerström, he emphasized, was a full-blown humanist, and a democrat of the purest type.

Having read this interview, Olivecrona wrote Lundstedt and said that he was very unhappy with Lundstedt's talk about attempts that had been made to invoke Hägerström's philosophy in support of the Nazi ideology. Given recent writings in the newspapers, he said, the reader of the interview would immediately come to think of me (Olivecrona), and this you (Lundstedt) must surely have understood.

Lundstedt responded that he was quite happy with the interview, which had occurred on his own initiative, and that he had no intention of retracting anything. He explained that in the last year he had read a number of newspaper articles, in which the authors had asserted or implied a connection between the Nazi ideology and Hägerström's philosophy, and that he had been asked by several persons, some of them quite influential, to speak out in defense of Hägerström. This, he said, was the immediate reason for the interview. He added that Olivecrona must surely blame himself only, if the general public had misunderstood his writings, and added—as a

⁵ The Swedish original reads as follows. "Vi måste göra klart för oss att det här inte bara gäller att deklarera vad man anser vara trevligt. Skall någonting kunna göras, så måste det ske på grundval av vissa objektivt givna faktorer, som man inte kan sätta sig över. Overkliga projekt har vi haft nog av på NF:s tid. Ett grundläggande, under alla tänkbara förhållanden dominerande faktum är nu att det tyska folket med sina åttio miljoner, sin utomordentliga duglighet och sitt centralt belägna land är Europas kärna. Kring denna kärna måste enighetsverket ske. Hur man än vänder på saken, vilken utgång av kriget man än må föreställa sig, kommer man omöjligen förbi denna nödvändighet. Inses detta förhållande allmänt, då banas väg för den psykologiska omställning som måste ske."

⁶ The newspaper clippings and the letters are available in the ABF Archives in Stockholm. I would like to thank Jan-Olof Sundell for providing me with a transcription of the interview and the letters.

response to Olivecrona's complaint about the lack of objectivity in the interview—that someone who has published *England eller Tyskland* should be more careful when accusing others of lack of objectivity. He concluded the letter by saying that he did not wish to receive a reply from Olivecrona, since he could think of better and more productive ways of spending the summer than going over this business again and again.

Nevertheless, Olivecrona did reply in a brief letter, repeating his complaint that Lundstedt had failed to prevent misinterpretations of the interview, even though he could have done so, and that the relation between (what he referred to as) the German revolution and Hägerström's philosophy was more complicated than Lundstedt appeared to believe. He did not, however, elaborate on this. He concluded the letter by reiterating the claim—put forward in the two pamphlets—that Europe ought to unite under German leadership, since this was the only way forward.

Olivecrona did recant, however, though it was rather late in the day. In the fall of 1944, Jöran Mjöberg, who would later become a professor of literature, wrote an article in the Lund University student magazine *Lundagård*, arguing that we must all be on our guard against any remaining Nazi ideology among the Swedes, and fight it forcefully and without mercy whenever necessary (1944a, p. 194). Olivecrona replied in the next issue of *Lundagård* that he regretted having spoken out in support of Germany during the war, while pointing out that he had had the best of intentions. He explained that he had argued in the above-mentioned pamphlets that the situation in Europe was unacceptable, that European unity was necessary, and that for economic, military, geographical, and population reasons such unity presupposed German leadership (1944, p. 223). And while he admitted that he had made an inexcusable mistake when he left the ideologies out of his analysis (Olivecrona 1944, p. 223), he insisted that he had acted in good faith. He also argued that Mjöberg treated the targets of his criticism, that is, the real or alleged Nazi sympathizers, unfairly, in that he accused them of stupidity and moral blindness. One must always make a distinction between the acting *person* and his *acts*, he explained, adding that it was characteristic of the Nazis to fail to make this distinction. He stated the following:

In any event, one must agree that an honest conviction about what is best for one's own people, for the European nations or for the world in its entirety—if one goes that far—cannot as such be morally reprehensible. One can claim that a conviction rests on false assumptions or erroneous conclusions from real facts, and then one should try to elucidate this. It is as if Mjöberg, like so many others nowadays, simply presumed the absence of honest conviction on the part of those whom he attacks. But the conviction is there without a doubt to a great extent, often combined with devotion and readiness for great self-sacrifice. Some people have been deeply moved by the belief in National Socialism. Others have taken a more sober view—rightly or wrongly—and have thought that Europe's existence was dependent on Germany's coming to its aid. That was their honest conviction. (Olivecrona 1944, p. 224)⁷

⁷ The Swedish original reads as follows. "I alla händelser måste man väl vara överens om att en ärlig övertygelse om vad som är bäst för ens eget folk, för de europeiska folken eller för världen i dess helhet – om man sträcker sig så långt – icke såsom sådan kan vara moraliskt förkastlig. Man

He also pointed to and deplored the cruelty and the fanatical race persecution on the part of the Nazis, and asked in a rhetorical manner whether this circumstance was not reason enough to denounce any positive view of Germany as completely unacceptable. He answered that even though there may have been those who overtly or covertly appreciated the German policy in this regard, as well as those who preferred to look the other way, there were also those who felt despair when they saw Western ideals trampled on by those who were supposed to take the lead in the effort to create a European organization for our time (Olivecrona 1944, pp. 224–225).

Mjöberg (1944b, p. 229) replied in turn that he had never thought of Olivecrona as an ordinary Nazi, but had considered him to be peculiarly naïve as well as very pessimistic regarding the possibility of securing solid peace without the use of organized force. He concluded his reply as follows: “If one is among those who have always considered violence and the absolute hostility toward all spiritual values as incompatible with a living culture, it is very difficult to understand and follow the development in Professor Olivecrona’s idealism. It is perhaps an idealism, but it courses in such incomprehensible heights among the clouds.” (Mjöberg 1944b, p. 230)⁸

I myself fail to see how the advantages that Olivecrona believed would result from a German victory in the war and a united Europe under German leadership could possibly outweigh the atrocities committed by the Nazis (on this, see Hedenius 1941, pp 155–156). Of course, Olivecrona never said that they would. As we have seen, he did not touch on the atrocities at all. I assume that Mjöberg in his criticism meant that Olivecrona must have been aware of what went on, perhaps thinking that the end justifies the means, or else that his lack of awareness was inexcusable. I share this view. For even though it appears to have been difficult to get a clear picture of what went on in Germany and elsewhere in Europe at the time (on this, see Oredsson 1996, p. 10), the fact remains that some people, such as Ingemar Hedenius (1941, pp. 149–156) and Vilhelm Lundstedt (in the above-mentioned letter to Olivecrona), were aware as early as 1941 that something was seriously wrong, that Jews and others were being persecuted and, indeed, murdered. For example, what happened during the so-called *Kristall Nacht* [Crystal Night] 9 November 1938 must have been clear to all people.

kan göra gällande, att en övertygelse vilar på felaktiga antaganden eller på felaktiga slutsatser från verkliga fakta, och då bör man försöka klargöra detta. Det är som om Mjöberg, liksom så många andra nu för tiden, utan vidare förutsatte frånvaron av ärlig övertygelse hos dem han angriper. Men den finns där utan tvivel i stor utsträckning, ofta förenad med hängivenhet och beredskap till stor självupppoffring. En del människor ha gripits av den nationalsocialistiska tron. Andra ha mera nyktert – med rätt eller orätt – sett saken så, att Europas bestånd var beroende av att Tyskland skulle stå bi. Detta har varit deras ärliga övertygelse.” (Olivecrona 1944, p. 224)

⁸ The Swedish original reads as follows: “om man hör till dem som alltid betraktat våldet och den absoluta fientligheten mot alla andliga värden som oförenliga med en levande kultur, har man mycket svårt att förstå och följa utvecklingen i professor Olivecronas idealitet. Det är kanske en idealitet, men den rör sig i så svårbegripliga banor i det blå.”

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