

Editors:
Jaakko Husa
Kimmo Nuotio
Heikki Pihlajamäki

Nordic Law – Between Tradition and Dynamism

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PREFACE

In terms of legal and cultural history, the Nordic countries have not had a great impact on the European development, compared to the influence of Roman law, the Catholic Church or German legal science, for instance. The Nordic societies have remained peripheral, far from the power centers. In traditional comparative law studies, the Nordic legal systems are dealt with only in passing, as not important and hardly interesting. Despite the geographically peripheral location, the Nordic societies have, however, achieved a great deal. They are known for a high level of welfare and for corresponding public policies. Scandinavian legal realism is a concept known to the legal theorists worldwide. Nordic reformism and pragmatism link with a flexible attitude towards legal change. In recent decades, critical thinking has become typical for Nordic legal scholarship.

This book was born out of common interest among colleagues from different fields of law. As comparatively minded scholars, we had some preconceptions about Nordic law. We wanted to explore the mentality underlying it, and explain its relationship with both long-term cultural tradition and the forces that account for its historical continuity, but at the same time we wished to explore how Nordic law has been turned into a vehicle of social change, progress and instrumentalism. We have struggled to combine insights in history and theory of law with genuine legal dogmatics.

Our fundamental claim is that Nordic law has for centuries already been informed by an inclusive and status-oriented view of social justice and social ethics which has been relevant to the general outlining of the legal systems, and which has survived many processes of social and cultural transformation. We wish to introduce the phenomena of Nordic law and Nordic legal thinking to the broader academic audience, at the same time pointing out many important differences between the legal systems of the different Nordic countries.

The research project *Nordic Law and Legal Thinking in a Comparative Perspective* was funded by the Academy of Finland in 2004–2006. We arranged two smaller internal seminars and one larger international colloquium, which was organized on March 2–3, 2006, by the Vaasa Unit of Legal Studies at the University of Helsinki. On the opening day, the colloquium convened at the historically inspiring premises of the Appeals Court of Vaasa.

This book is the end product of the research project, and we would like to thank all those who have contributed to the results. As the editors of the book, we are painfully aware that many of the issues should be further researched. Professor Jan M. Smits from Maastricht was the important non-Nordic member to join the work. The final text benefited greatly from the knowledge and experience of professors Kjell Åke Modeer and Eivind Smith. Docent Pia Letto-Vanamo shared her valuable insights with us. Dr. Jussi Matikkala commented on one of the papers. Raija-Liisa Komulainen worked as the colloquium secretary. The president of the Appeals Court of Vaasa Mikko Könkkölä hosted the opening session and the City of Vaasa offered a reception. Marianne Vasara helped in the technical finalisation of the manuscript. We also wish to thank the publisher Intersentia for having kindly accepted our manuscript to be published in the *Ius Commune* Series. Finally, we hope that this book could offer fresh Nordic insights to the ongoing debate concerning *ius commune Europaeum* of today.

Jaakko Husa, Kimmo Nuotio, Heikki Pihlajamäki

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LIST OF AUTHORS

Veli-Pekka Hautamäki, Docent of Constitutional Law, University of Joensuu (Finland)

Hagen Henrj, Docent of Comparative Law, University of Helsinki (Finland)

Jaakko Husa, Professor of Constitutional Law and General Jurisprudence, University of Joensuu

Toni Malminen, LL.Lic., University of Helsinki

Sakari Melander, Researcher, University of Helsinki

Kimmo Nuotio, Professor of Law, University of Helsinki

Heikki Pihlajamäki, Senior Lecturer in Legal History, University of Helsinki

Jan M. Smits, Professor of European Private Law, Maastricht University (Netherlands)

Jørn Øyrehagen Sunde, Senior Lecturer in Legal History, University of Bergen (Norway)

Johanna Niemi-Kiesiläinen, Professor of Law, Umeå University (Sweden)

