Nordic Private Law in a Historic and Cultural Perspective

By professor, dr.jur. Mads Bryde Andersen

University of Copenhagen

Summary: The article displays Nordic private law in light of its common Nordic historic origin: Based on a short overview on how Nordic private law has emerged during the last centuries, the author offers a broad perspective on some of the factors that have been decisive for its further development up to today. It also shows how Nordic legal harmonization has taken different paths today, and how legal academics and practitioners may and do benefit from such cooperation.

Parts of the article has already been published in the author's contribution to Birgit Liin et al (ed.) "Festskrift til Palle Bo Madsen" (2021), pages 15-33, under the title "Nordens betydning i nordisk formueret".

1. Historic background

For centuries, Denmark, Finland, Iceland, Norway, and Sweden have been part of a common Nordic *culture* that has evolved as such due to a number of factors: Most importantly, the two *Scandinavian* countries (Sweden and Norway) are immediate neighbors alongside their 1,630 km long national border.

The other Nordic countries (Denmark, Iceland and Finland) have through history been connected by sea, which at the time was (and often, still is) the most efficient means of transportation.

Because of this neighborhood, the Nordic countries have also – except for parts of Finland and, in fact, all of Greenland – spoken the "Norse" language, which to this day forms the basis for Danish, Faroese, Icelandic, Norwegian and Swedish.

In the years from 1397 to 1523, the Nordic countries formed part of the same union (the *Kalmar Union*). From 1380 to 1814, Denmark and Norway formed part of the same kingdom. Until the end of the Napoleon wars in

1815 there have been many wars between the Nordic countries. Since then, all Nordic countries have lived in peace and harmony with each other.

Over these centuries, a common Nordic culture has developed. The peoples of the Nordic countries see each other as brothers and sisters. There a numerous examples of inter-Nordic cooperations and projects, and many important cultural products that have become integral parts of each country's culture, regardless of its origin in other Nordic countries. Examples hereof are *Thorbjørn Egner's* stories about "People and Robbers in Cardamom Town", *Tove Jansson's* "Moomins", and *Astrid Lindgren's* many tales. Several of these literary works have become TV series with almost iconic appeal, "Pippi Longstocking" and "Emil of Lønneberg", just to name two. Even today, TV series from other Nordic countries have gained a Nordic audience comparable to the foreign Netflix shows. Examples include the Norwegian *Skam*, the Danish *Forbrydelsen* and the Danish-Swedish *Broen*.

The close neighborhood, the language, and the shared common history explain the peaceful relations between the Nordic countries that have evolved during the last two centuries. During the war years from 1940-1945, Sweden took refugees from the other Nordic countries, and Denmark provided food aid for the starving Norwegian people. The Scandinavian royal families have always been closely linked, and at times even intermarried.

Many other examples than those just listed could be mentioned: In all the Nordic capitals and cities (Oslo, Gothenburg, Copenhagen, Malmö, Stockholm, Turku and Helsinki), visitors from other Nordic countries are constantly encountered. The number of "mixed marriages" with spouses from different Nordic countries is high.

Moreover, in addition to the common historic basis explained above have been decisive for the development common Nordic legal culture, e.g. a widespread sense of trust, an almost complete lack of corruption and a widespread *common sense* approach to many delicate issues.

2. Nordic legal harmonization

A significant turning point for Nordic legal culture came with the abolition of absolute monarchy, in *Norway* in 1814, in *Denmark* in 1848 (Iceland at that time and up to 1918 still being a part of Denmark), and in *Sweden* (effectively, already in 1680). The new democracies gave the legislator a new and much stronger role in private law, than it had in *common law* systems.

The fact that Denmark, Iceland, Norway and Sweden (and Finland as a part of Sweden until 1809) had from time to time been under the same crown, had already developed well-established legal concepts and rules and important similarities in legal argumentation within all the Nordic countries.

From the middle of the 19th century, when railroads had made travelling to the south much easier than before, Nordic academics also drew inspiration

from the legal systems in Germany and France.[1] The attempts in Germany to harmonize certain areas of private law by way of civil codes, like in France, was certainly an inspiration.[2]

Later academic profiles like *Julius Lassen* from Denmark, *Fredrik Stang* from Norway, and *Tore Almén* from Sweden were the leading forces behind the harmonization of Nordic contracts and sales legislation. Their contributions have had lasting historical significance for the research work that led to the Nordic Contract Acts, Sales Acts, Acts on Commissioning of Goods, and Acts of Secured Transactions. This laid the foundation for a Nordic legal research collaboration that continues in an informal form to this day.[3]

At the start of the 20th century, uniform *Nordic Sales Acts* were drafted an adopted in all the Nordic countries. Whereas Sweden, Norway, Finland and Iceland decided to revise their sales acts with inspiration from the U.N. Convention on Contracts for the International Sale of Goods (the CISG), Denmark has kept its 1906 Sales Act, as later amended many times, notably due to E.U. Consumer Sales Directives. The *Nordic Contracts Acts* are still in force in all Nordic countries, subject to various modifications over time.[4]

Apart from these few, albeit basic, attempts to harmonize Nordic private law more intensively, *none* of the Nordic countries have adopted civil codes in the "continental" sense, like the German *Bürgerliches Gesetzbuch* or the French *Code Civil*. Instead, they chose a "pragmatic" approach that assumed as a given fact that everybody agrees upon the most general principles of private law, including the general principles of the law of obligations.

Therefore, none of the Nordic countries have statutory legislation that sets forth the general requirements for assuming e.g. liability in tort law, general principles of interpretation, performance and non-performance, set-off, and pluralities of obligors and obliges. The applicable legal rules in all the Nordic countries that pertain to these important issues are *agreed* by everybody, *articulated* by legal scholars, and steadily *confirmed* by judge-made law.

Other areas of Danish private law – notably the law of torts, proprietary rights or restitutionary claims – have never been made subject to statutory legislation. Nevertheless, there is widespread consensus among Danish (and even Nordic) legal scholars on the contents of main legal rules and concepts. These basic principles are rooted in the same values, arguments and

[1] Before that, theorists like the great Danish jurist *Anders Sandøe Ørsted* received his inspiration by ordering legal literature by ground post and carry out their studies at home from his desks.
[2] The inspiration came mainly from Germany, which was unified in 1871, following wars against Denmark, Austria, and France, but also from France.
[3] There is a bulk of literature on the history of this cooperation. I refer in particular to *Henrik Tamm*: De nordiske juristmøder 1872-1972 (1972), to *Lars Björne's* four-volume work on the history of Nordic legal science (1998 and 2002), and to *Ditlev Tamm's* book on Legal Science in Denmark (1992). I myself have had the opportunity to discuss the legal consequences of this historical background in my articles in TfR 2020, p. 39 ff. (with particular focus on the importance of the special Nordic "pragmatism") and TfR 2019, p. 56 ff.
[4] Sweden had already adopted its Contracts Act in 1915. Norway adopted its Contracts Act in 1918.

considerations in all the Nordic countries. For the same reason, legal academics have always played an important role in the development of Nordic private law.

Although the driving forces for further harmonization within the general part of private law gradually faded away after World War I, they persisted right up to the period before World War II, with the joint Nordic 1938 Act on Promissory Notes (in Danish, "gældsbrevsloven") as the latest example of a uniform "act".[5] The most "recent" example of an important contractual provision at the general level that has been adopted in conjunction with the other Nordic countries is the general clause on "unreasonable contract terms" in Section 36 of all the Nordic Contracts Acts.[6]

The harmonization initiatives discussed above went on alongside a tradition that has proved to have a strong influence on the development of the Nordic legal culture and Nordic legal cooperation, namely the *Nordic Lawyers' Meetings* ("de Nordiske Juristmøder").

Since 1872, these meetings have been held at regular intervals, always with attendance of lawyers from all professions and all walks of life. As further discussed in *Henrik Tamm's* book: De Nordiske Juristmøder 1872-1972 (1972), p. 198 ff., the Nordic Lawyers' Meetings were, right up until the middle of the 20th century, the birthplace of many of the initiatives that were later taken to harmonize different areas of law, and not only within property law. The most recent Nordic Lawyers' Meeting took place in Copenhagen in August 2024.

It is a fact that the close Nordic cooperation regarding the development of new legislation does not exists to the same degree as before. For Finland, Norway and Sweden, their membership of the European Economic Area in 1994 took a substantial part of the resources that they had allocated for Nordic harmonization. Finland and Sweden then became EU members in 1995.Furthermore, the highly specialized nature of law has led many lawyers to prioritize their participation in international meetings with a focus on their own specialty interest. Only a few of the attendees of The Nordic Lawyers' Meetings seem to participate out of a genuine interest in Nordic legal harmonization. Most attendees only sign up when the program is known and then only to participate a particular sessions and topics, knowing that these issues will be dealt with at the highest level.

---

[5] At a meeting in Oslo on November 28 and 29, 1946, the Ministers of Justice of Denmark, Norway and Sweden laid out a plan for the continuation of Nordic legal cooperation, cf. Report on Nordic Legislation on Tort Liability, submitted by *Henry Ussing* in 1950, p. 3. There are e.g. Nordic reports on limitation (1957), patent law (1963), limited liability companies (1964), extinctive acquisition of movable property (1964). In specific areas of law, including maritime and transport legislation, company law, and not least in numerous areas of intellectual property law, intensive cooperation between officials has contributed to creating a high degree of legal unity.

[6] In other, and more specialized, areas of private law, harmonization efforts have still taken place. The 1967 Nordic Patent Acts are such an example. The Nordic Maritime Acts which go back to the 1890's are another such example.

A Nordic lawyer is often faced with the question of whether our legal systems belong to the *common law* family or to *civil law*. Because we lack a civil code and have a substantial focus on legal principles as described and analyzed in academic works and in proved in court practice, we may resemble a *common law* system on the surface. But our legal thinking, with its sympathy for conceptual arguments and pragmatism, is clearly rooted in *civil law* traditions. So in essence, we belong to the *civil law* tradition but without civil codes. Within that framework, we try to apply *common sense* but not *common law* thinking.

Therefore, the *comparative* elements that Nordic private law researchers occasionally include in their (national) research projects involve for a significant part (if not for the most part) *other Nordic law*. This is particularly true within the harmonized areas, but also outside. This assumption can be quickly confirmed by a brief look into the list of references and case registers in any leading private law textbook. In academic papers, the comparative elements from other Nordic legal systems occupy a much stronger position than elements from, for example, French, German, English and American law.

3. The Helsinki Agreement

The above discussion shows that Nordic harmonization is not as popular today as it was 150 years ago. Nevertheless, the very idea that legal practitioners, administrators, and academics may indeed benefit from intra-Nordic consultations and discussions on many different levels.

This is evidenced by several political decisions taken in the post-war period, when the two devastating world wars had put the desire for international cooperation high on the political agenda:

In 1952, *the Nordic Council*[7] was established as a body for Nordic cooperation. Later, in 1971, *the Nordic Council of Ministers* was established as an intergovernmental body. The number of reports emanating from these two institutions is extensive, and much of its content is important, also from an academic legal research perspective. Some of these reports are referred to in different places in this contribution.

Although few of them have led to specific legislation, there are numerous examples of national Nordic legislation inspired by such Nordic expert preparatory work. Particularly in the field of consumer and family law, different academic studies have had a major impact on legislation in the individual Nordic countries. When the Nordic countries took steps 10 years ago to withdraw the reservation against the application of CISG Part II, which they took when acceding to CISG under Article 92, the basis for this was a Nordic report prepared by the Swedish law professor *Jan Kleineman*.

[7] The Council has 87 elected members from Denmark, Finland, Iceland, Norway, Sweden, the Faroe Islands, Greenland and Åland.

In addition to the rules governing cooperation in the Nordic Council and Nordic Council of Ministers, a special cooperation agreement between the Nordic countries takes place under the so-called *Helsinki Treaty* which has fostered Nordic cooperation in many societal areas. It was signed on 23 March 1962 and later amended on 18 March 1993.[8]

Among other things, the Helsinki Treaty commits the Nordic countries to "endeavor to maintain and develop further cooperation between the Nordic countries in the legal, cultural, social and economic spheres as well as in those of transport and communications and environmental protection" (Article 1).

Under the same provision, the countries commit themselves to "hold joint consultations on matters of common interest which are dealt with by European and other international organizations and conferences." Cooperation takes place in the Nordic Council, in the Nordic Council of Ministers, at meetings of the Prime Ministers and those of other Ministers and in special co-operative bodies, as well as between the specialized public authorities of the Nordic countries, cf. Article 40 as amended in 1993.

For the area of private law, Article 4 states that the Contracting Parties shall "continue their co-operation in the field of law with the aim of attending the greatest possible uniformity in the field of private law."

Furthermore, Article 41 of the Helsinki Treaty provides that provisions resulting from co-operation between two or more parties may not be altered by any party, unless the other parties are notified. Such notification, however, is not required in urgent cases or where the provisions concerned are of minor importance.

In a report commissioned by the Nordic Council of Ministers in 2018 entitled "Styrket Nordisk lovsamarbeid – Muligheter og utfordringer" the Norwegian law professor and former chief of the law department of the Norwegian Department of Justice *Inge Lorange Backer* states that it is "debatable" whether the Nordic countries fully comply with the rules and recommendations of the agreement. There are thus numerous examples where a country has not had the time or resources to carry out the necessary Nordic coordination before drafting new legislation. In their daily life, the need to deliver a political solution here and now will often outweigh the desire to achieve the ultimate quality of legislation. This fact of life is difficult to disagree with.[9]

[8] A consolidated version of the Helsinki Agreement is available at https://norden.diva-portal.org/smash/get/diva2:1250811/FULLTEXT01.pdf.

[9] A current example from the field of criminal law illustrates this. The Helsinki Agreement states that the Nordic countries "should strive for uniform provisions on crimes and criminal penalties", but Nordic cooperation does not seem to have played a major role here. In the report of the Danish Council on Criminal Law on a voluntary rape provision (no. 1574/2020), the rules in Nordic law are reviewed alongside the legal position in numerous other jurisdictions (Australia, Belgium, Canada, England, Ireland, New Zealand and Germany). In the legal policy debate, however, the experience from Sweden is particularly involved, see *Jørn Vestergaard* in U 2019B, p. 277 ff.

The Helsinki Agreement does not provide for any sanctions for non-compliance or rules on mutual monitoring and reporting. Its obligations are assumed to be complied with on a voluntary basis. Should a member state consider complaining about another state's non-compliance, it is easy to imagine that the reaction might in some way lead to a termination of the agreement under Article 70. It is likely that the risk of such a scenario might inspire all partners in the Helsinki Agreement to be cautious about *imposing* overly costly obligations on ministries and politicians. For most purposes, striving for the *best possible* fulfillment of the agreement's objectives seems adequate.

For those reasons, it might be in the best interest of Nordic cooperation to handle the Helsinki Agreement pragmatically – politically as well as at official level. Rather than focusing on whether the agreement is kept in all details, it might be preferable simply to ensure that the working *relationships* and *traditions* of cooperation are preserved and maintained to a reasonable extent. The willingness to do so and the resulting informal contacts are undoubtedly of great practical value in fulfilling the desire for Nordic coordination.

4. Language aspects

As already said, *linguistic* factors have always played an important role in the creation of the Nordic legal culture.

Nevertheless, legal scholars have always had to use languages other than their own. German was spoken at the Danish royal court right up until 1864, when Denmark lost its German territories after a war against Prussia and Austria. After that, French – which was then the language of international diplomacy – took over. The knowledge of German also contributed to making Germany an obvious place for further academic studies. Most of the philosophical and legal literature that inspired the lawyers of the 18th and 19th centuries was indeed German.

Because the German language played the same central role in academic life at those times, as English does today, it was only natural for legal academics of the time to acquire German as their first foreign language, supplemented with French and English. Whether the German language was actually perceived as "easier" to work in than the Nordic languages, has to my knowledge never been studied. In all circumstances, those with the intellectual capacity to pursue an academic career must clearly also have been able to make themselves understood in the other Scandinavian languages (i.e. Swedish, Norwegian and Danish).

At the political level, there has been strong attempts to support the use of the Nordic languages in public administration and in other authoritative relations. The Nordic Convention of June 17, 1981 on the right of Nordic citizens to use their own language in another Nordic country requires the Nor-

dic countries to place all Nordic languages (including Icelandic and Finnish) on an equal footing. The Convention contains a number of quite far-reaching rules to this effect, e.g. an obligation by each of the Nordic countries to ensure that citizens of other Nordic countries can use their own language in court proceedings and before the authorities (Article 2), to pay for interpretation (Article 3) and to establish language service organizations (Article 4).

As it goes for parts of the Helsinki Agreement (as discussed above), the convention is not abided to in full. A likely explanation of this might be that it often feels more natural to switch to English than to ask for interpretation. For that reason, *English is* now considered the language of international dialogues – even (as I shall discuss below) between Nordic lawyers.

A study conducted for the European Commission and published in 2017 ("Key Data on Teaching Languages at School in Europe", 2017 Edition, Eurydice Report) shows that virtually all school students (97.3%) have studied English during their school years. The figure was somewhat lower (79.4%) in primary school, as in some countries language learning is not part of compulsory education. Across the EU, the proportion of secondary school students who have studied English is 85.2%.[10] The study reflects the unfortunate reality - for a Nordicist - that the Nordic languages are gradually being displaced in favor of English.

The results of the study are put into perspective when compared to studies of how well children in the Nordic countries understand other Nordic languages.

In 2020, *Andrea Skjold Frøshaug* and *Truls Sende* from the Analysis and Statistics Unit at the Secretariat to the Nordic Council of Ministers conducted a study based on telephone interviews with 2000 young people aged 16-25. The results of the survey were published by the Nordic Council of Ministers in 2020 as *Analysis no. 01/2021* under the title "Har Norden et Språkfellesskap?". It shows that young people's perceived understanding of the Scandinavian languages varies greatly between the Nordic countries and between languages. Across the Nordic region, 62% of young people found Norwegian and Swedish easy to understand, while only 26% felt the same about Danish. In Sweden, only 23% of young people found Danish easy to understand, while 40% of Danish young people felt the same about Swedish. Not surprisingly, the challenges of understanding the other Scandinavian languages are greatest in Greenland and Iceland and for Finnish speaking Finns in Finland, while Norway and the Faroe Islands have the highest number of people who find it easy to understand Scandinavian languages.

On the other hand, the survey shows that 95% of young people in the Nordic region find it easy to understand English, and 65% say that it is often easier to express themselves in English than in their native language.

[10] I have discussed both the language convention and the study in my article: "The role of language in Nordic legal cooperation: Possibilities and limitations", published in Jan Kleineman (ed.): Nordiska förmögenhetsrättsdagarna. Stockholm Center for Commercial Law (2018), p. 15 ff.

The study only looked at *young* people's use of language. But even without scientific evidence, many can probably recognize its results and perspectives. And they are not promising for Nordic cooperation:

If a Dane speaks slowly and clearly and by making soft vowels hard, he has a good chance of being understood by a genuinely interested Swedish and Norwegian listener. Unfortunately, this practice is not widespread. Conversely, many Danes speak fast and with soft vowels in a stream of sounds that may resemble the sound of "oatmeal on the boil", as suggested by the Danish poet Benny Andersen ("havregrød i kog").

In my opinion, it is no longer realistic to insist on using Nordic languages in international *oral* dialogues. If a language problem occurs in a Nordic PhD defense, everybody will immediately switch into English. The very *ideal* of prioritizing the use of the Nordic languages should certainly be maintained. In practice, this should not prevent dialogues with people who for various reasons find it easier to express themselves in English. The Nordic community is unlikely to suffer any major losses from this realization, as long as the Nordic dialogue can be maintained in writing, by using the Scandinavian languages.

5. Nordic legal harmonization today?

As shown above in (1.) and (2.), it was a combination of practical considerations, cultural factors and ideological currents that created the great harmonization efforts of the late 1800's and the development of the Nordic Legal Meetings.

Today, completely different forces of harmonization have taken over: In the absence of established customs and routines, the international business community of today prefers to create its legal basis for their commercial transactions *themselves* through contracts (and in some areas, custom building). In some cases, agreements are written from scratch. In other cases, they use standard contracts that industry organizations have developed after careful consideration.

Therefore, business communities are not knocking on politicians' doors to ask for additional contractual legislation. Quite contrary, they are fearful of such initiatives and tend rather to *avoid* legislation because such initiatives may often end up with limitations to party autonomy through mandatory rules, statutory restrictions due to competitions concerns, or combinations thereof.

Other factors indeed lead in this direction:

Globalization has led to companies to reach out for global markets rather than local and regional ones. Just as maritime transportation became crucial to the building of the Nordic culture 300-400 years ago, the ability to communicate effectively, cheaply, and quickly within the "global village" has

caused a shift of focus from the Nordic to the global perspective. No commercial party today will draft contracts of just some complexity by just making reference to domestic sales legislation or to the CISG. There is always a need for detailed solution to both the specific issues of the transaction, and to general issues like the contractual liability for damages. This fact stands certain, regardless of how modernized such legislation may be.

This explains why legislation in the area of *general* property law is no longer a political issue for any party or any politician. Times have changed in the long period stretching from the late 1800's over the world wars and up to today where businesses do not advocate for legislation in the area of private law. For the same reason, private law legislation is mainly focused on the protection of presumably "weak" parties against abuse of freedom of contract by stronger parties.

6. Other means of Nordic legal harmonization

The said legislative reluctance towards legislate within private law cannot be understood to mean that three is a similar reluctance towards Nordic legal harmonization by other means: In many societal areas that involve legislation, Nordic discussions and networking play an important role, albeit in narrower circles.

As an example of this, representatives of the Nordic *Supreme Courts* meet regularly. According to page 10 of the Danish Supreme Court's annual report for 2023, the Supreme Court has participated in a Nordic meeting for Supreme Court judges (held in Iceland) and in a Nordic meeting for Supreme Court presidents (held in Norway). Furthermore, a Nordic meeting for heads of court administrations was held in Sweden.

It is also common for the Nordic *Parliamentary Ombudsmen* and *Consumer Ombudsmen* to meet. There are also regular Nordic meetings between the leaders of the *Nordic bar associations*. The list could go on.

The informal cooperation between civil servants is described by professor *Inge Lorange Backer* in his report mentioned above at 3. Professor Backer describes the varying framework conditions that currently surround this cooperation and points out that after 1970 there was a change in the perception of legislation in the classic areas of law (e.g. matrimonial law). From being somewhat more *technical*, this part of the law was now also seen as a means to achieve *political* goals.[11] Understandably, the task therefore moved from *the civil service level* to the *political level*. It also played a role that in 1972, Denmark became the first Nordic country to join the European cooperation known today as the EU.

Such meetings are obviously held because they benefit participants, e.g. by sharing insights on current or upcoming regulatory reforms or simply to exchange views experiences on any other contemporary professional issue.

[11] See page 18.

Professor *Backer* also mentions that the Nordic countries' participation in the EU/EEA cooperation has given rise to a peculiar form of Nordic legal unity through the back door, when Nordic officials informally consult each other on *how* to implement EU legislation. These issues have made it both meaningful and effective to collaborate on national implementation. And because any EU negotiation on an upcoming piece of legislation must be followed up with implementation work, Nordic negotiators will often talk together during the negotiations to coordinate their positions.

Any such attempt to harmonize Nordic legislation and legal practice has strong *political* support. But they may also serve the self-interest of each legislator in its endeavor to optimize the quality of new legislation.

7. Research collaboration

As said above, the great legal reforms that took place at the end of the 19th and at the beginning of the 20th century were, among other things, a result of a close cooperation between certain Nordic academics acting in their personal capacities. There were no formal cooperation between the Nordic universities, the oldest of which had existed for centuries at that time.[12]

This picture is more or less the same today, albeit with certain nuances. Indeed, there are ongoing contacts between Nordic legal scholars and many joint Nordic research projects.[13] Here again, the geographical and cultural factors that once united the Nordic region have been a driving force: The very ability to write and speak in their mother tongue makes many people more willing to exchange ideas, both formally and informally.

With the close linguistic connection between Danish, Norwegian and Swedish, this linguistic community also paves the way for the much aspired "international" (here, Nordic) peer review of scientific papers written in a Nordic language. Given this opportunity, dissertations on even narrow topics of national importance can be written in a Nordic language (instead of English) to be evaluated by an expert from another Nordic country. This factor in itself is important for the domestic impact of these dissertations.

The language factor has also made it possible to publish Nordic *journals* in subject areas that, due to the relatively small size of the market, could not support a *national* publication. Such journals have been published in areas

[12] *Uppsala* University was founded in 1477, making it the oldest in the Nordic region. The University of *Copenhagen* was established two years later. The University of *Helsinki* (at that time the Royal Academy in Åbo) was founded in 1640 and in 1666, after Denmark was forced to cede Scania, Halland and Blekinge at the Peace of Roskilde in 1658, Lund University was established. The University of *Oslo* was established in 1811 by King Frederik VI of Denmark and Norway. The Swedish-language *Åbo Akademi* was founded as late as 1918 on the basis of private donations.

[13] An important example of this is *Ole Lando et al (eds.):* "Restatement of Nordic Contract Law" (2016), in which a group of Nordic property lawyers have proposed reformulations of a number of general unwritten principles of property law. In addition, there are a large number of anthologies that bring together contributions from the individual Nordic countries, including the two-volume work from 2015 (in Scandinavian languages and English, respectively) to mark the 100th anniversary of the joint Nordic Contracts Acts.

as diverse as criminal law (*Nordisk Tidsskrift for Kriminalvidenskab*), intellectual property law (*Nordiskt Immateriellt Rättsskydd*), company law (*Nordisk Tidsskrift for Selskabsret*), and social law (*Nordisk Socialrättslig Tidskrift*). This allows Nordic lawyers who are expected to publish internationally under current regulations to do so using their own language.[14]

The most recent example of these endeavors is the creation of the present Nordic Commercial Law Review (NCLR). The decision to create NCLR was taken by a group of Nordic private law academics (one from each Nordic country) that was appointed at a meeting in Flädie (Sweden) in April 2023 and Karnov Group Denmark.

The purpose of NCLR is to create a forum for the publication of high-quality legal scholarly articles that have already been published – in whole or in part – in languages other than English in the Nordic countries. The articles are translated into English and edited and updated according to the conditions at the time of publication in NCLR. NCLR can also accept articles published for the first time in NCLR as original articles. In all cases, the criterion for inclusion is that the subject of the article both concerns Nordic private law in a broad sense and is of interest to an English-speaking readership.

8. Preliminary observations

In a formal sense, none of the above examples of Nordic legal cooperation and results of goal-oriented political or legal steps. They are rather results of cultural and neighborhood-related explanatory factors. Nevertheless, they have *de facto* created the basis for significant cooperation between Nordic legal scholars, which on an informal level is of great importance for the development of legal science in the Nordic region.

The language community and close neighborhood also makes it easy for PhD students to participate in Nordic *research courses* in other Nordic countries. The contacts made at such meetings will often pave the way for research visits during the execution of legal PhD projects. In the other Nordic countries, the PhD student will find a wealth of material that is readily available, with the slight disadvantage of having to acquire the necessary knowledge of the other Scandinavian languages.

Nordic research stays may be particularly relevant in areas of law where there is a need to balance the competing interests in a field and where the balancing of interests is influenced by societal factors (e.g. the presence of a social safety net, research systems or special control systems). In such

[14] In many cases, however, a scholarly work will more naturally address an international audience, for example, if it deals with international sources of law, general questions of legal philosophy or basic conceptual analysis in familiar areas (e.g. on the concept of contract or on basic tort terms). For illustration purposes, the main works of the legal philosopher *Alf Ross have* been translated into English. This includes the monograph Ret og Retfærdighed (1953), published in 1958 under the title “On law and justice” and reprinted in 1959 and 2004.

cases, the similarities in the Nordic countries' legal culture, values and parliamentary systems could be relevant common denominators. The general law of obligations provides ample examples of sub-areas where the legal position is derived from such considerations. Here, the Nordic *use of legal sources*, with its in many ways pragmatic reasoning, creates a common background for the legal analysis.

Research collaboration often has a more lasting impact than civil service collaboration. Not only do university researchers spend most of their working hours improving their skills in the areas concerned. They also tend to hold their positions for longer than civil servants, who are often moving on in their careers. Personal motives also come into play here: Whereas the civil servant is driven by the desire to solve the task presented to him within a set time frame, the framework of a research collaboration is much looser and has always been that way.

8. Conclusions

The above discussion leads to the conclusion that Nordic cooperation in private law is still very much alive, but most significantly through informal and personal contacts. Some of these contacts are held at an official level and between courts and institutions. Others are maintained through informal Nordic contacts and projects, e.g. on the publication of journals, meeting activities, research assessments or PhD courses.

The close proximity, shared languages and *common Nordic legal culture* make it relevant for Nordic lawyers to collaborate and exchange experiences, whether between civil servants, courts, interest groups or researchers. As a result, there will continue to be a need for joint Nordic assessments, research projects, journals, associations and meeting activities. Such collaborative relationships have significant spin-off benefits.

These relationships are primarily *born* out of personal commitment and a self-interest in achieving better results based on external inspiration, and they are *nurtured* by the political will that has supported Nordic cooperation since the late 1800's. However, all this is based on the Nordic neighborhood, the language community and the cultural (and legal-cultural) commonalities.

For the same reason, globalization does not *threaten* this joint research collaboration. The fact that English is now a global language also affects oral dialogues between Nordic lawyers, does not have a substantial impact on written communication in Nordic languages, including in legal publications.

The Nordic legal community will therefore continue to exist.