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Aulis Aarnio

Essays on the Doctrinal Study of Law

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ESSAYS ON THE DOCTRINAL STUDY OF LAW

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ESSAYS ON THE DOCTRINAL STUDY OF LAW

Aulis Aarnio

University of Tampere, The Tampere Club, Finland

Springer

Prof. Aulis Aarnio
University of Tampere
The Tampere Club
Nuijamiehentie 4
36270 Kangasala
Finland
aulis.aarnio@kolumbus.fi

ISSN 1572-4395
ISBN 978-94-007-1654-4 e-ISBN 978-94-007-1655-1
DOI 10.1007/978-94-007-1655-1
Springer Dordrecht Heidelberg London New York

Library of Congress Control Number: 2011930554

To Ernesto Garzón Valdés, for inviting me on an intellectual adventure into science, man and society

Preface

This book deals with the doctrinal study of law, although the focus is on the legal reasoning in general. The topics have been chosen for a special reason. I first began to think about the value of philosophy for practical lawyers more than fifty years ago. The past five decades have shown that my curiosity has not been wasted. I am now more convinced than ever before that the old phrase "*bonus theoreticus, malus practicus*" does not hit the nail on the head. For this reason, the goal of my contribution is to increase the understanding of the value of philosophy for lawyers, especially for everyday research.

In this, I join the Scandinavian tradition, in which the interest in jurisprudence is most often intertwined with doctrinal studies of material law, such as that of civil, penal or procedural law. Good examples are *Karl Olivecrona* (procedural law), *Alf Ross* (mainly penal law), *Torstein Eckhoff* (public law), *Per-Olof Ekelöf* (procedural law) and *Aleksander Peczenik* (civil law). There are, of course, many philosophers who have approached law and legal reasoning, among other things. An excellent example was my close Austrian friend *Ota Weinberger.* In Finland, the list is quite long and representative: *Georg Henrik von Wright, Jaakko Hintikka, Ilkka Niiniluoto, Eerik Lagerspetz, Raimo Tuomela, Risto Hilpinen*, and many others.

In my case, my studies in civil law opened the door to a fascinating world quite early, where such notions as "right", "duty", "competence" and, a bit later, "norm", "prohibition", "obligation", etc., challenged the mind of the then young lawyer. Little by little, my curiosity grew and I found myself pondering the question: What am I actually doing when acting as a legal professional? I am still in this state, which is why the focus of this treatise is on the doctrinal study of law (DSL) and its theory.

There are four people who have been my "scientific fathers": *Georg Henrik von Wright*, who was my teacher, *Ludwig Wittgenstein, Stephen Toulmin* and *Chaim Perelman*. A fifth thinker should be on the list as well – but for reasons other than those mentioned above. In 1959, *Alf Ross'* book "Om ret og retfaerdighed" (On Law and Justice) invited me to see the core problems of legal thinking for the first time. Of course, Ross has also been important to me later on, but more as an opponent than a pattern to follow. Actually, almost all of my carrier since the early 1960s has been full of attempts to distance myself from Alf Ross. Now, after decades, we are

on the same side of the barricade, having different opinions, but opposing those who do not see the value of theoretical thinking for practical lawyers.

I feel sad that my thanks can no longer reach *Georg Henrik von Wright*. His significance was not limited to encouraging and supervising my work. He also created the foundation for the international rise of Finnish legal thought from the 1970s onwards. I could calmly follow his footsteps, first to Poland, the centre of European legal philosophy in the 1970s, then to Argentina, another important country in legal thought, and finally to the United States and different locations in Europe, such as Spain. My work as the president and vice-president of the International Association for Philosophy of Law and Social Philosophy (IVR) from 1983 to 1995 would never have been possible without the actual and indirect support of Georg Henrik von Wright. He was also a great help in 2001 when the Tampere Club was founded, a group of scholars representing different fields in the social sciences. Georg Henrik von Wright was the first honorary president of the club.

There have been many other people who have pushed me forward, each in their own way. First of all, I have in mind *Aleksander Peczenik*, a close friend and a great thinker who passed away in 2005. I would have not been the person I am as a legal philosopher without Aleksander Peczenik's wise thoughts and readiness to help me at a moment whenever a particular problem seemed completely unsolvable.

The other collaborator of great importance has been *Robert Alexy*. I still remember those golden days I spent in the hotel "Desiree" in Amsterdam with Robert Alexy and Aleksander Perczenik, trying to find our way in search of the foundations of legal thinking.

Jerzy Wróblewski, the central figure in Polish legal thought, and *Ilmar Tammelo*, who was working at the University of Salzburg when I started my international career in the late 1960s and early 1970s, encouraged me to publish my articles in international journals.

Ernesto Garzón Valdés earns my most heartfelt thanks. He opened my eyes to problems I would not have been able to identify without him. They concern, for instance, understanding the foundations and significance of morality, democracy and tolerance. He is not only a thinker of the highest degree but also a magnificent person. Ernesto Garzón Valdés has been a true friend for many years. The door of his home in Bad Godesberg has always been open to me and my family. As the president of the Tampere Club, he has also done extremely valuable work for both Finnish science and the Finnish culture in general.

Cordial thanks also go to *Werner Krawietz*, a collaborator and friend since the end of the 1970s. He was the first to open publishing channels for several Finnish legal philosophers, including me, and did other valuable work for the Finnish legal culture.

Jose Luis Martí and *Manuel Atienza* organised seminars for me in Barcelona and Alicante in the autumn of 2010, where I had an occasion to discuss the key issues of my work. At best, philosophical discussion is not only a great pleasure but also a privileged intellectual adventure. Cordial thanks for that, Jose Luis and Manuel.

Last but not least, Mr *Ev Charlton* earns my special thanks for the linguistic checking of the manuscript, which was done quickly, effectively, and with exceptional professional skill.

The title "Essays on the Doctrinal Study of Law" has been chosen consciously. All the chapters elucidate dimensions or points of view that are of importance for a legal scholar. Therefore, the collection includes some overlapping themes, which I have not eliminated because they emphasise, in a natural way, the weight of themes that have been, and still are, important to my work.

Tampere, Finland Aulis Aarnio
March 2011

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Part I
Introduction

Chapter 1
The Roman Heritage

Lawrence M. Friedman has analysed the problem of a modern legal culture in detail (Friedmann 1994, 117). The doctrinal study of law (later, DSL) is part of that culture, especially in the so-called Continental legal systems. One of the basic aims of this study is to identify the place for DSL in this modern legal culture, and, in this regard, to continue Friedman's analysis.

The Continental tradition of DSL does not come from nothing. DSL has been at the core of all legal sciences for centuries. Its history is at least as long as the European university tradition, which actually began in Bologna, Northern Italy, in about 1000 AD. As the 11th century was drawing to its end, the great spirits of grammar, rhetoric and logic started up a systematic study of law.

One of the leading figures was *Irnerius*, "the lantern of science", who was a master of exact reasoning and cleared the way for higher teaching and study of law, independent of the catholic church. However, Irnerius and his companions in Bologna were not those who actually developed legal thinking toward the modern DSL. The wise men of Bologna were too practical for that task. The real development was secured in the monasteries, where monks continued to translate the ancient texts into the Latin language.

Little by little, the Middle Ages left four significant institutions for the following generations (Van Caenegem 2006, 109). Two of them were born on the British Isles and two on the continent. England gave birth to the idea of parliament: the things that concern everyone need to be commonly accepted. The first traces of this line of thinking, which broke through on the continent much later, can be seen in the verdicts of local courts in 13th century England (e.g., the verdict *Lecestershire 1285 Prior of Launde vs. Ralph Basset*). Yet England was also the birthplace of the idea of common law; they created law that was *common*, *royal* and shared by *professional* judges.

These two ideas, parliament and common law, later gained a footing in the United States, and the idea of parliament also in Europe – after many diverse phases. Nonetheless, it is interesting that these medieval forms of law have also provided the seeds for the modern constitutional state. Obviously it is true that the modern forms of constitutional state only started to shape up after the French revolution, but when looking for the sources of the ideas, one should not underestimate the role of

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DOI 10.1007/978-94-007-1655-1_1, © Springer Science+Business Media B.V. 2011

England and its medieval thought. The differences between the two traditions – that is, continental and common law – will not be dealt with in this study, which lays the focus only on the statutory law system and the role DSL has in it (Van Caenegem 2006, 110).

The two big ideas of continental Europe are of a different kind. The Middle Ages saw the development of general law (*ius commune*), which covered the whole of Western Europe (Mohnhaupt 2000, 657). One should, however, be cautious with this term. Apart from its apparent similarity, we are not talking about common, but literally general law. It was used broadly on the continent, especially in the areas where the Roman Empire had spread its influence, but it can't be called specifically common since there was local law in practice alongside it, sometimes even bypassing it. The basis for the later *ius commune* was found in the law created by the great jurists of the Roman Empire. After western Rome was destroyed in the whirlpool of migrating peoples, it was the fate of Roman law to fall into oblivion in the West.

Luckily, the saviour of the Roman line of thought was found in Byzantium. In 500 AD the emperor *Justinian* called together a skilled group of lawyers, who assembled, arranged and interpreted the central principles and concepts of Roman law for him. In some cases certain new additions were made, concerning the times. In any case, this event launched a lengthy era in which it was the appointed task of the legal professionals to keep law alive. There was no centralised legislation and the institution of courts was in disarray.

As was mentioned earlier, half a millennium after the creation of the laws of Byzantium, a group of talented legal thinkers emerged from the law schools of northern Italy (initially from Bologna), led by *Irnerius*. From their work, Continental Europe's dominating line of thinking began to take form. The scholars of Bologna separated law from the bonds of the church, once again creating secular law on the basis of Roman law. This is how Roman law saw its third coming in the early 11th century, once again shaped to fit the needs of the times (Strömholm 1986, 97).

As a matter of fact, all the tools of thought used by a modern Continental European lawyer have their roots in that age. The European conceptual heritage lies in Rome. We are full-scale heirs of Roman thought, which is the source of many self-explanatory and everyday concepts, such as contract, debt, commerce, trade, gift, real estate and personal property.

Gradually, Continental Europe began to acquire its "general" law, *ius* commune, which was a grammar shared by Continental lawyers that enabled them to interact regardless of their home or the language they spoke. The *ius commune* was also the foundation for other great legal codes, such as Napoleon's codification (in the early 1800s) and the German statute book on civil law (BGB).

The fourth part of the medieval legacy is natural law, although it is far from a medieval invention. The basic parts of natural law were already set up in Ancient Greece, especially by Aristotle. Nevertheless, the Middle Ages lifted it to a new level of prosperity, not least because of the work of St. Thomas Aquinas. Simplifying the point, the question is about a "natural" law, eternal, unchanging, binding all ages and peoples, and existing above secular laws. For St. Thomas, the natural law was passed

by God (Strömholm 1986, 109). The following generations have "rationalised" natural law and moved God away from the throne of law. As Stig Strömholm writes, the heyday of rationalistic natural law theory lies in the 17th and 18th centuries. It was the time of *Hugo Grotius, Samuel Pufendorff* and *Christian Thomasius*. At that time, the leading scholars saw that man, with his own mind, is capable of grasping and giving shape to the eternal principles of law that concern everyone (Strömholm 1986, 165).

Examples of this can be found in the UN's declaration of human rights and the European human rights agreement. Those documents contain many central principles of natural law. As it happens, the Middle Ages are once again among us. The brand new constitutions have resurrected a tradition of natural law that is centuries old.

The doctrinal study of law has had a central role in times of exceptionally strong centralised power (the centuries of Rome's flourishing, the age of Justinian and the Napoleonic era). Those times have witnessed the birth of the great legal codes, such as the *Corpus Iuris Civilis*, the *Code Civil* and the *Code Penal*. Paradoxically, legal scholarship, especially the analytic study of law (*Rechtsdogmatik* in German), has also found its place in times of weak centralised power. The status of the doctrinal study of law in those specific times has been exceptionally interesting. Its societal task was to carry justice, to take it over the crises of the era. This was the case, for instance, in the times preceding the German unification. Universities and academics had to fulfil the lack of legislative authority.

A good example of this is the historicist school in early 19th century Germany. *Carl Friedrich von Savigny* rose to a leading position when shaping general German law before the actual process of unification. von Savigny thought that law is created by people, springing forth like an organism or a plant. The spirit of people, *Volksgeist*, is the basis for all law, and the task of DSL is to shape that spirit into rule of law. Therefore, von Savigny advocated an idea that the meaning of the content of legal norms should be analysed through research into their historical origins as well as the modes of their transformation. Scholars as well as judges were, therefore, a kind of transmitting link between the spirit of people (the legal consciousness) and the norms of law, since only the professionals were equipped with the necessary technical tools for the forming of a legal consciousness. From the interpretative point of view, von Savigny accepted four methods; lexical, systematic, objective teleological and subjective teleological interpretation (Strömholm 1986, 264).

Despite all this, von Savigny's own thinking ran into a paradox. Since the era's German, the doctrinal study of law was not original and the necessary concepts and instruments of thought had to be pursued elsewhere. Assistance was found in Roman law, especially in the form of Justinian's legal code. Thus the paradox was complete: it was the task of legal scholars to form the legal consciousness of the German people, using the concepts of Roman law as their tools. This is how the school of von Savigny and their followers once again came to preserve and renew the main principles and core contents of Roman law. The result was the so-called Pandect law, which was used as the foundation for the subsequent statute book on

civil law (BGB), and, through this, as the building blocks of Finnish thought on civil law as well.

Considering the doctrinal study of law, von Savigny's work, despite its paradoxes, is important. When the centralised power was forceless and unable to produce general law for the numerous German kingdoms, the creation of law was left in the hands of the universities. The process was everything but democratic, but it also transformed the ancient inheritance of European thought into the modern age.

As much as scholars in the 18th century, modern European scholars are in need of the "ius gentium" of our time – i.e., elements that *bind together* the European thought on law, or legal thinking in general. This is one lesson of the past. It does, however, leave some core issues open. According to the traditional definition, the task of DSL is to produce knowledge about (valid) legal norms, as well as to systematise them. This definition is easy but problematic. It is more a point of departure than a well-founded conclusion or result from unambiguous premises.

This is the reason why this contribution begins with a topic to which I will return at the end of the book. The problem as such is simple to formulate: Does legal thinking, especially DSL (in German: Rechtswissenschaft), change or progress in some reasonable sense of the term, or, slightly in other words, what is actually changing and which is permanent in legal thinking and in DSL? Is DSL actually the same in our times as it was, let us say, in the 18th century? When it comes to its core and methods, some legal historians either deny the changes altogether, or say that DSL has not changed all that much – as is often believed – after it began to take its present form. What was the doctrinal study for centuries ago can still be discussed under the same heading. The legal order, the statutes, as well as the society, have changed, while DSL has not.

A glance through some of the early writings on law seems to provide support to this invariability. On the other hand, however, a 300-year-old textbook on civil law and an interpretative work on modern law do not seem to share any other common feature bar the fact that they belong to the same branch of study. Nevertheless, both impressions are deceptive.

To prove that doubt, I have singled out a few older studies for closer inspection, consciously choosing my examples from the Nordic countries. This decision carries weight, especially due to the fact that the significance of the Nordic tradition (as well as the Continental one, which provides its background) seems to be fading to the point of even being forgotten. This is partially so due to the process of "anglo-americanisation" legal theory *Ronald Dworkin* or *Joseph Ratz*, not to mention *H. L. A. Hart*, have gained, and, of course, with strong merits, a superior status when compared to the classics of the German-speaking world, such as *Georg Simmel, Max Weber* and *Joseph Esser*, or the Italian classic *Norberto Bobbio*.

However, all Nordic, and especially Finnish, legal thinking historically "comes" from Germany, or from the German-speaking world, the background to which is strongly based on Roman law (Aarnio 1983d, 9). One would not have to mention anything other than the receipt of Roman law in the 17th century, German pandect law and the movement of the conceptual doctrinal study of law (Begriffsjurisprudenz).

The significance of this influence in Nordic legal thought cannot be underestimated. Bypassing the classic Continental tradition is at least partly based on the absence of historical consciousness. The fact that the influence of Roman law in the British Isles ended in the 13th century has not been taken into account to a sufficient degree. The paths of the European legal thinking on the Continent and in England went in different ways. Therefore, speaking about DSL (Rechtswissenschaft) in the Continental sense, we have to give the Nordic classics a chance.

Chapter 2
Bonus Theoreticus, Malus Practicus?

Two Classics

The idea of a good theoretician being lacking in practical affairs is an old one, as the Latin used in the title of this chapter shows. Following this idea, the thesis could also be translated as follows: A practising lawyer can never be a theoretician. It seems to me that opinions of this type still exist on both sides of the borderline. Still, I am trying to prove this thesis inaccurate and, even better, to show through various examples that the thesis was refuted over 300 years ago in the finest Nordic legal thought of its time.

The first clear challenge to this thesis was formulated by the Swedish scholar *David Nehrman-Ehrenstråle* (1695–1769; later Nehrman) in 1729. The same line of thought, although with less clarity, was represented by the Finnish classic *Matthias Calonius* a few decades later. Nehrman's ideas are worthy of special attention because, in a way, he marks the beginning of an important turn – i.e., the turn towards the Nordic pragmatism in the doctrinal study of law. Nehrmann's text book was also used in Finland, at Turku University (founded 1640), due to the fact that Finland was a part of the Swedish Kingdom until 1809, when Finland became a Grand Duchy of Russia until Finland's independence in 1917. Even during the Russian period, Swedish was the official language, and the main parts of the Swedish Constitution were valid in Finland.

The development in the Swedish, as well as the Finnish, DSL did not happen through coincidence but through following a thoroughly considered research attitude. This is why the old classics might have something to say that seems to have been overlooked in the current focus on the present. Even though we might not learn anything from history, a glance into the past helps us to *identify ourselves*, to understand where we have come from and, thus, why we are like we are. In addition to this, analysis of the change in the doctrinal study of law through the early classics offers an instrument for recognising features of change as well as the relationship between theory and practice.

Let us begin with a few of Matthias Calonius' ideas. I am not striving for a doctrinal-historical analysis since my attention is focused on the title of this chapter. Describing someone as the "father of the Finnish doctrinal study of law" sounds formulaic, almost phrase-like. Still, this epithet comes in handy when discussing

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DOI 10.1007/978-94-007-1655-1_2, © Springer Science+Business Media B.V. 2011

Matthias Calonius (1738–1817), for it expresses not just genuine appreciation but also respect toward the work he did to lift early Finnish legal thought to a European level (Calonius, 19). When working as a teacher at the university, Calonius was the sole member of the faculty of law (at the Academy of Turku) for a long time, which meant that his direct influence on the legal thought of his time was profound, probably greater than the influence of any other scholar working as a university professor after him.

The date of presentation for Calonius' published lectures has been given as 12.4.1810, but he had already lectured on the same issues in the Academy of Turku in the late 1700s. The lectures were first published in 1908 and not only dealt with civil law, but criminal, procedural, church and sea law as well.

By current standards, the lectures were not very original. Calonius took advantage of many Swedish sources without referring to them with any clarity. He especially used the texts of *Olof Rabenius,* a professor at the Uppsala University, using them to a much larger extent than the specific Rabenius references in the lectures show (Calonius, 41, 55, 134, 149, 204, 226, 234). Nonetheless, this was a common habit at the time, and we should not lay blame on Matthias Calonius for the lack of references (Björne 1980, 117). What was more significant was that Calonius lectured in Latin, and once Latin lost its place as the principal language of teaching in the 19th century, it started to become strange to new generations of lawyers.

The theoretical background represented by Calonius – i.e., the 18th century thinking on natural law – was also forced to give way to newer thoughts. In the early 1800s, the notes made at Calonius' lectures were still part of the unofficial study material for law students, but, little by little, Calonius started to be forgotten as a teacher and a researcher. There were some references to him in certain studies of DSL, but Calonius had practically been pushed to the side-rail in the doctrinal study of law before the Finnish publication of "The lectures on civil law". The reason was Latin language, which was slowly being pushed out by the Swedish language.

> After Calonius' time, teaching was mainly done in Swedish, because that was the lingua franca of the cultural elite in Finland at that time. It was not until 1866 that Associate Professor *Wilhelm Lavonius* gave the first lectures in the Finnish language at the University of Helsinki (Kangas and Timonen 1998, vii). The lectures were based on the imperial language statute of 1865, and on the decision made by the university's council on the grounds of this statute. It can be pointed out that *Elias Lönnroth,* the father of the Finnish national epos "Kalevala", had already given lectures on the peculiar features of legal language in the 1861–1862 term, but these lectures cannot really be said to have been jurisprudential.

From a doctrinal-historical viewpoint, Calonius' fate has been everything but oblivious. On the contrary, the publication of the second edition of "The lectures on civil law" in Finnish (1998) has shown that interest in Calonius and his work has gathered momentum in the recent past. For Finland, Calonius was a mediating link to both European thought and the tradition of Swedish doctrinal study of law. This is quite clearly shown once we place Calonius into the context of a longer cultural tradition in Sweden and Finland.

Rabenius himself is not the only significant name. Another important character in Calonius' background is Nehrman. In his lectures, Calonius has 17 direct

references to Nehrman, which is the same as his references to Rabenius. Due to this, it is not unreasonable to claim that Matthias Calonius was the successor to Nehrman's systematic thinking and also its developer in Finland, which is all the more important once we notice that Nehrman's largest merits were in the presentation of the brand new Swedish civil code of 1734, while it was Calonius' task to interpret and systematically present the code of 1734. It is this pursuit, the transfer of the "Nehrmanian" (and therefore European) legal systematics to future generations, that is one of Calonius' greatest merits in the Finnish doctrinal study of law. Systematic thinking and its concepts provide the toolbox with which a lawyer can manage the endless process fuelled by changing legal provisions.

Even though Matthias Calonius was forgotten in the circles of students as well as practising lawyers, his thoughts remain a part of the legal cultural tradition in Finland. An innumerable number of legal concepts, all the way to the very basic terms, are still in use in the doctrinal study of law, 200 years after Calonius' lectures. There lies the enduring value of Matthias Calonius' life's work. We must remember that Calonius was not only a scientist and a teacher. He also worked, among other tasks, as a member of the Supreme Court and as a procurator, having a significant influence in the development of Finnish judicial life.

To get a better idea of the intellectual life of Calonius, and of the early 1800s in general, we must take a closer look at the achievements of his mentor, David Nehrman-Ehrenstråle, in the Swedish doctrinal study of law. They expose a single important difference in Calonius' and Nehrman's attitude toward scientific research and the higher education based on it. Nehrman was 150 years ahead of his Finnish colleagues in many respects, which had a natural explanation.

Toward Modern DSL

Nehrman was the heir of German enlightenment, and a learned man who got his most important influences from the University of Halle, which was where the first university textbooks were published in the vernacular – that is, in German (Modeér 1979, XII; Björne 1984, 88). It follows from this that *Christian Tomasius* (1655–1728) held the first jurisprudential lectures in German, also being the first to publish scientific journals in his native language (e.g. *Geschicte der Weisheit und Torheit*). Tomasius was quickly followed by others. Nehrman studied at Halle in 1716, when Tomasius was the Director of the university (Rector) and his student *N. G. Grundlig* was Nehrman's teacher in natural law, among other subjects (Modeér 1979, XII and XIII).

What is most important is that, at Halle, Nehrman absorbed the idea of teaching the doctrinal study of law in the vernacular. Of course, there were many Swedes who thought highly of the idea of Swedish as the language of science (as a legacy of Sweden's golden time as a major European power).

This fact has not been seen as crucial in Nehrman's choice. He represented the new European culture that set a new task for universities: to make a connection

with the surrounding society. The teachings were no longer meant to stay inside the universities, making the vernacular the only possible tool for the spreading of knowledge. Nehrman has himself expressed this aim in the introduction to one of his works, where he clearly writes about the reasons for the book's publication in Swedish. According to him, the main reason was that the book should not prevent those without knowledge of Latin from reading it. Nehrman also hoped that the work would be read by other than law students – that is, people who needed to know what was regulated in the Swedish law.

In saying this, he was not only thinking about practising lawyers but also about commoners for whom it was important to know the content of their own law. Nehrman especially emphasised that someone who was pursuing the work of a judge should seek all the necessary knowledge, not by memorising the sections but by learning *independent thinking*. An adequate motivation for acquiring the knowledge, the diligence in the search for truth and the necessary intellect would not help a judge if he did not want to be an independent thinker. These ideas still work as advice to young lawyers of our time. Even in those days, Nehrman clearly saw the responsibility inherent in the work of a judge and in that of the scholar.

In a way, the selection of language also saved the central principles of domestic law for future generations. This is because Nehrman was strongly opposed to the receipt of foreign law, which had become common in the 17th century in the cases where the old Swedish law grew silent. For Nehrman, using foreign law as grounds for judgement was the same as using a foreign language in education.

Nerhman's opinion had both positive and negative consequences. The strengthening of the status of domestic law in Swedish jurisdiction was positive, but this process came at the price of severing the *direct* connections between Swedish legal thought and the main streams of the rest of Europe. Even Nehrman's writings could not be read by anyone except the Swedes (as well as their Scandinavian neighbours). This is the dilemma of all small legal cultures. There is a major difficulty in trying to be strong domestically while at the same time taking distance from the international legal community. Still, Nehrman's choice can be seen as the strength of Swedish (and Finnish) law in the long run. A domestic judicial culture, cultivated with care and precision, has a lot to offer to others. Actually, that has been seen in recent decades as law has become international and English has assumed the position of the legal *lingua franca*. On the other hand, the intellectual connection to continental Europe was important in Nehrman's case as well. He passed on what he had learned at Halle for use in domestic thinking.

Nehrman was one of the all-time most productive authors of study material in Sweden (Modeér 1979, XVI). He wrote textbooks, compendiums, lectures, and everything that could be of use to the students, which is why Nehrman held intelligibility and ease of reading as important values when working on texts. He even turned down administrative tasks (e.g. the appointment as Rector) to take the time to work on his writing for the good of the students. Nehrman has also been said to have been an exemplary teacher. He addressed his students personally and tried to direct their attention toward questions they would benefit from, all the while supporting them and warning of the dangers of excessive pedantry. What is most important is