INTER-NORDIC LEGISLATIVE CO-OPERATION

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I. INTRODUCTION

(1) FROM MANY points of view, including that of the lawyer, the Nordic[1] countries—Denmark, Finland, Iceland, Norway and Sweden—occupy a unique position. Although each of these countries has its own legal system, since time immemorial they have had a certain number of legal principles in common. The reason for this situation can easily be shown if we turn, for a moment, to the history of these countries.

Denmark and Norway can be regarded as having been a unit until 1814, Denmark and Iceland until 1918. In 1814 Denmark had to give up Norway to Sweden, but Norway obtained an autonomous constitution, and the relations between Norway and Sweden merely took the form of a union, which was dissolved in 1905. Iceland became an independent state by virtue of the Danish-Icelandic Act of Union of 1918, but retained the King of Denmark as its sovereign until the Second World War, when it became a republic. Finland was, in effect, a part of the Kingdom of Sweden until 1809, when it was conquered by Russia. During the years of Russian dominion, however, Finland managed to retain its independence in internal affairs. In 1918 Finland became an independent republic. Brief as they are, these historical glimpses will be sufficient to explain the unity of legal principles which exists between the Nordic countries. At the same time, they explain why this similarity is limited in extent, and particularly why there is a difference between the western part of the area concerned, covering Denmark, Norway and Iceland, and the eastern section which is comprised in Finland and Sweden.

[1] In the following pages, the term "Nordic" will be adopted in preference to "Scandinavian", which would seem to be the usual expression in English-speaking countries. In the first place, "Nordic" is a literal translation of the word used in these countries themselves. Secondly, and more important, "Scandinavian" would not offer a true description, since the fundamental unity of the European "North" as understood in these pages extends far beyond the Scandinavian peninsula—Norway and Sweden—and also covers the neighbouring States of Denmark and Finland as well as the distant Atlantic island of Iceland.

It should also be noted that most of the Nordic peoples ca make use of their own languages when communicating with eac other. A Dane, a Norwegian and a Swede can—though perhaps wit some difficulty—carry on a conversation together, each of then using his own language. An Icelander, at least if he has som measure of literary education, will understand spoken Danish, Nor wegian or Swedish reasonably well, and will be able to expres himself in such a manner as to be understood without any auxiliar means by the inhabitants of the other Nordic countries. The Fin nish language, on the other hand, belongs to an entirely differen linguistic family and is completely incomprehensible to the othe Nordic peoples. There are many people in Finland who have Swed ish as their mother tongue. For the vast majority of the popula tion of Finland, however, the language barrier is a serious problem since only a limited number of them understand Swedish. Well into modern days, Swedish was the official language, the educated tongue, whereas Finnish was spoken only by the common people. This state of affairs has radically changed, and even though the people in Finland have a strong desire to become part of the Nordic legal community, it must be recognized that they are faced with considerable difficulties.

In addition to this problem, which makes personal contact between Finland and the other Nordic countries difficult, further problems have arisen because in the last few decades the Norwegian language has steadily developed away from its original close similarity to Danish. A Dane who reads a Norwegian book published at the turn of the century will hardly realize that it is written in a foreign language, but if a modern writer uses the so-called "New Norwegian" language, and also if he speaks that tongue, it will at least be difficult for many Danes to understand him.

Despite this situation, however, it is possible for the lawyers of the five Nordic countries to discuss common legal problems without recourse to any of the great world languages. In fact, the circumstance that in spite of basic harmony there are certain differences between their legal systems and social conditions gives a depth to these discussions which would not be attained in any assembly in which all of the participants based their positions upon exactly identical conditions. Thus, while national divergencies are a disadvantage in such discussions, they may also have a fertilizing effect.

(2) Therefore, the Nordic countries have arranged for joint conferences of lawyers with the aim of working for uniform rules in the five countries.

Since 1872, at intervals of a few years, the Nordic countries, each in its turn, have sponsored joint conferences of lawyers. As a matter of principle all lawyers in each of the five countries are invited, and the conferences are attended by as many as six or seven hundred persons. A suitable number of topics are selected and prepared by *reporters* and *co-reporters*. It is an established tradition that the *reporter* and the *co-reporter* are chosen from different countries. Their reports, often assuming the character of substantial monographs, serve as the basis for discussions in the course of which an approximate outline of the opinions prevailing in the various Nordic countries emerges. The conferences do not normally conclude with the drafting of joint decisions containing proposals to the Governments concerned to consider specific amendments of the law. Nevertheless, they are very definitely sources of inspiration for Nordic legislative work, and several law reforms may be traced to the discussions conducted in the course of these meetings. The proceedings are recorded, and printed copies are afterwards supplied to the members. These proceedings serve as valuable reference works in the future.[2]

Moreover, since 1918 joint conferences of Nordic law students have been held. The participants in these conferences are selected on a different basis. In each country a certain number of highly qualified law students—usually ten or fifteen from each of the participating nations—are chosen, and spend some ten to fourteen days together with teachers from the five countries either in one of the Nordic university centres or at some other pleasant spot—often chosen for the beauty of the landscape—in one of the countries. In the course of these intimate reading parties, it is possible to undertake a study of a number of topics of legal interest. The members are divided into small groups, in order to secure active work from all who are present. The writer is inclined to believe that these meetings for young people with receptive minds have assumed greater importance for the participants than the senior gatherings which, after all, rather produce the effect of a *levée en masse* with a few individuals dominating the scene.

Ever since the beginning of Nordic jurists' conferences legislative

[2] The title of the proceedings vary, depending upon in which of the Nordic countries they are printed. In the following footnotes they are quoted as *Proceedings,* only.

co-operation has continued without interruption. Originally, the joint jurists' conferences were the immediate source of inspiration for this work, but in later years topics to which attention has been drawn in other ways have also been taken up. In each country a national commission is appointed, and these bodies enter into contact with one another and hold joint meetings. Quite frequently joint bills are drafted and delivered to the respective Governments. The normal outcome is that these joint bills are enacted in each of the five countries without substantial modification.

Since the Second World War, the Nordic Council, which may be described as a joint committee of Nordic political leaders, has also taken steps which have tended to increase co-operation in various fields of the law, and close contact between lawyers in the civil services of the Nordic countries has been established.[3]

(3) Yet, in spite of these developments, the suggestion has been made in recent years that Nordic legislative co-operation has reached a stage of crisis. Some people tend to regard the necessity of waiting for the result of inter-Nordic negotiations as a barrier to the introduction of necessary reforms in the individual countries.

The following remarks were originally delivered at one of the law students' conferences referred to above (Norway, 1960), and were discussed by the participants. An inter-Nordic law students' conference may seem a strange place in which to raise the question whether a crisis has arisen in inter-Nordic legislative co-operation. After the success these conferences have met with it would seem to be obvious that the younger generation, at any rate, is favourable to such co-operation. To those who have discovered as undergraduates that legal problems can be discussed in groups which cross the frontiers of the Northern countries, it must seem an obvious step later to take the lead in inter-Nordic legislative co-operation.

Yet problems do exist. This is not because of any official criticism of this co-operation. On the contrary, the creation of the

[3] Literature on Nordic co-operation is listed by Frykholm in *Scandinavian Studies in Law* 1961, pp. 158 ff. See also Matteucci, "The Scandinavian Legislative Co-operation as a Model for a European Co-operation", *Liber Amicorum of Congratulations to Algot Bagge,* Stockholm 1956, pp. 136 ff., Orfield, "Uniform Scandinavian Laws", *American Bar Association Journal,* Vol. 38 (1952), pp. 773 ff., and Pontoppidan, "A Mature Experiment: The Scandinavian Experience", *American Journal of Comparative Law* 1960, pp. 344 ff.

Nordic Council has meant that collaboration has been raised to a higher level. The initiative no longer comes from a handful of lawyers who feel that something must be done. Political leaders expect inter-Nordic co-operation to be continued. Occasionally, however, a certain fatigue may be found among those who are in charge of the actual work. The task becomes more complicated as a result of the effort to make all five countries join in whenever possible. In the search for new topics, difficulties emerge which did not exist in the fields taken up at the beginning of inter-Nordic legislative co-operation. In the classical fields of contract, torts and property, and indeed in branches of the law concerning highly personal relations, it is nowadays much easier to reach an agreement on desirable rules through discussion than in the field of mercantile law, where a slight modification of statutory language may mean millions of crowns to trade and industry.

(4) First, a few words on the principal outward features of inter-Nordic legislative co-operation. It is conspicuous that, at decisive moments, the initiative has been taken by *Swedish* lawyers. It is true that the first inter-Nordic jurists' conference in 1872 was held in Copenhagen, but the impetus for it came from Sweden. The principal reason for holding this first conference in Copenhagen was that a great industrial exhibition was being held there at the time, and those responsible for the conference wished to stress the importance of holding such meetings in close contact with industry and trade. This has been a fundamental feature of inter-Nordic legislative co-operation. Nevertheless, it is an open question whether the position of legal theorists has not been unduly prominent. Fortunately, inter-Nordic co-operation has seldom resulted in bills which the Bench and the Bar have had to reject. In particular, all the fundamental statutes from the first few decades of co-operation are characterized by the use of language which is readily understood by those who are familiar with the practical aspects of commercial transactions. Occasionally, however, difficulties have arisen, as, e.g., in the field of torts.[4]

At the first inter-Nordic jurists' conference, the laws on *bills of exchange* were discussed. The debate was opened by the Dane Hindenburg. As a result of the meeting, uniform rules were introduced in Denmark, Norway and Sweden. It was most fortunate that this field was chosen first. Reform was necessary, and bills of

[4] See *infra*, V (2).

exchange are decidedly an area of the law which has international significance. Co-operation on *trade names* and *maritime law* was equally successful. The first failure concerned the rules on *citizenship,* which were not accepted in Norway.[5] Nor could uniform rules on *statutes of limitation* and *copyright* be adopted. In the last few years, the attempts to introduce uniform statutes on citizenship and copyright have finally resulted in success, but statutes of limitation still cause trouble.

The next stage of development began with a famous speech delivered by a Dane, Professor Julius Lassen, at the commemoration of the Reformation in the University of Copenhagen in 1899. Lassen's chief proposal was that a uniform Code of Private Law should be introduced in all the Nordic countries. The idea was taken up by Swedish politicians—another example of Swedish initiative. The aim of these promoters of inter-Nordic co-operation was somewhat different from that of Lassen, however, in that they wanted only to introduce uniform rules on trade relations, sale of goods, etc. In 1901 the countries concerned appointed commissions which were instructed to elaborate a programme for future work. As a result, a list of topics, covering a number of branches of the law of *contract, torts* and *property,* was made. The commissions managed to produce reports on several important subjects before the First World War, and while the war was going on outside Scandinavia, the Nordic countries enacted statutes in several of these areas: a Contracts Act, a Mercantile Agents Act and an Act on Conditional Sales. It was fortunate that this work was commenced at the turn of the century. The dissolution of the union between Sweden and Norway in 1905 together with the Great War resulted in a temporary interruption of the Nordic jurists' conferences. Again, it was due to Swedish initiative that these meetings were resumed with the eleventh Nordic jurists' conference in Stockholm in 1919. In the Swedish law review *Svensk Juristtidning* in 1919, Professor Lassen reopened the case for a uniform Nordic Code of Laws.[6] He knew quite well that his idea had not hitherto met with very warm approval, but he believed that conditions had changed. In Sweden, a thorough-going reform of the basic rules on contract in general, sale of goods and property was planned, and it was felt that it would be unfortunate if such a reform were introduced without the other countries joining in

[5] See Bugge, "Den skandinaviske Fælleslovgivning", *T. f. R.* 1914, pp. 80 ff., at p. 96.

[6] See pp. 231 ff.

the work. Lassen held that the consequences of the Great War, as well as the experience it had given, made law reform a necessity. It should also be mentioned that in 1918, at the first inter-Nordic law students' conference in Copenhagen, Lassen had delivered some lectures on Scandinavian joint legislation.[7] He expressed his satisfaction at the work done so far, in the course of which the commissions had managed to follow a middle way between the Continental legal systems, which try to find exhaustive and systematic answers to all legal questions, and the English system, which leaves as much as possible to the judge's discretion *in casu*. He concluded, however, that there was a need for more codification of the law in the Nordic countries, stating that considerations of the citizen's interest in predictability had already been "somewhat neglected" by omissions in this field.[8]

The question of a uniform Nordic Code of Laws was on the agenda at two jurists' conferences which took place shortly after the First World War. At the earlier of these conferences, in 1919, another Dane, Professor Viggo Bentzon, launched a discussion of the subject in a paper which is printed in the Proceedings.[9] Bentzon adhered to the idea of a uniform Nordic Code of Laws. In the course of the discussion, Lassen of course supported this idea.[1] Dissenting opinions were voiced by the other speakers, however, and no joint resolution was passed.

At the next Nordic conference, the twelfth in the series, which was held at Christiania (now Oslo) in 1922, the idea of a uniform Nordic Code of Laws was once more raised, this time by a Norwegian, Professor Fredrik Stang.[2] He summarized the national positions as follows: overwhelming support in Denmark, diverging opinions in Sweden, and compact opposition in Norway. Stang himself then launched a vigorous attack on the project. In the course of the debate it turned out, however, that although there were still dissenting opinions the actual divergencies were perhaps more apparent than real. Nobody thought of creating systematic works of the same kind as the French *Code Civil* and the German *Bürgerliches Gesetzbuch*. But several speakers seemed to support the idea of introducing, in the course of time, uniform rules within all branches of private law. These rules, however, were to be in-

[7] See the *Proceedings*, pp. 139 ff.
[8] *Op. cit.*, p. 151.
[9] *Proceedings*, App. IV, cf. pp. 143 ff.
[1] Cf. *op. cit.*, pp. 167–169.
[2] *Proceedings*, App. II.

troduced gradually, according to a preestablished plan.[3] Stang, for his part, concluded with the prophetic statement that we would never get a uniform code of laws.[4]

In a lecture at the second inter-Nordic law students' conference in 1926, Stang raised the question once more.[5] His leading thought was the desirability of avoiding codes of the kind of the *Bürgerliches Gesetzbuch,* which was characterized as one of the most important pieces of legislation in existence but at the same time as a very objectionable work from certain points of view. The reason for this attitude, obviously, was that the *Bürgerliches Gesetzbuch* was the result of a systematic and conceptualistic effort, unlike the uniform inter-Nordic laws, which had very close relationships to real life—a natural consequence of the fact that they had been created through the cooperation of lawyers and business men.[6]

As we have already mentioned, *questions involving the general principles* to be followed in inter-Nordic joint legislation have not been raised in later years, either at the inter-Nordic jurists' conferences or at the law students' conferences. On the other hand, it has been discussed more than once whether particular fields should be included in the legislative co-operation. In a paper on the Nordic legal community published in 1946, the Danish attorney Hjejle had emphasized the importance of the community and even discussed the possibility of a uniform Nordic Commercial Code.[7] In 1957, however, Hjejle delivered an opening address in a discussion on commercial arbitration at the twenty-first inter-Nordic law conference. He declared that he was now against the introduction of legal rules in this area.[8] It turned out, on the other hand, that Finland took an interest in this particular matter, because it was a field in which law reform was desirable in Finland.[9] Hjejle concluded that prevailing opinion was rather opposed to inter-Nordic joint legislation concerning arbitration in commercial relations, but that if the other countries wished to undertake the task Denmark obviously ought to join them.

[3] Cf. the opinion stated by the eminent Swedish lawyer Ekeberg, *Proceedings,* p. 78.

[4] *Op. cit.,* p. 106.

[5] *Nordiska studentjuriststämman,* Stockholm 1926, pp. 291 ff. The lecture dealt with many aspects of future progress in the inter-Nordic joint legislation concerning private law.

[6] *Op. cit.,* p. 293.

[7] Hjejle, *Nordisk retsfællesskab,* Copenhagen 1946, p. 97.

[8] *Proceedings,* pp. 86 ff.

[9] Cf., in particular, the opinions stated by two speakers from Finland, Professor B. Palmgren and (partly) Professor Tirkkonen, *Proceedings,* pp. 90 ff.

Mention should also be made of the debate on *torts* which was held at the nineteenth inter-Nordic law conference in 1951, with an opening address by the Swedish Professor Ivar Strahl.[1] The discussion concerned both the substance of proposed amendments and the general question whether legislation in this field was desirable. Diverging opinions were voiced on both these questions. It should be pointed out that there were Danish speakers both *for* such legislation—the attorney Henrik Bache[2]—and against it—Professor Oscar Borum.[3]

It should be mentioned, in the discussion of these debates, that the Danish Professor Fredrik Vinding Kruse published a proposal for a Nordic Code of Laws at the time of the eighteenth law conference in Copenhagen in 1948. The proposed text was not, however, discussed at the conference and was not published with the Proceedings. The prevailing attitude of reviewers both in Denmark[4] and in Sweden[5] indicates that they were impressed by such a contribution made by a single man and that they considered it to be of importance for future discussion concerning the various branches of law concerned, but that they did not think the proposal was feasible. A few writers, however, held that *national* codes of laws are possible.[6] As far as the present writer can see, none of the proposals in the Nordic Code of Laws of Vinding Kruse has so far exercised any decisive influence upon Danish rules. On the other hand, these proposals have been criticized, especially in Swedish quarters. The systematic arrangement of the Code is very bewildring to the Swedes, who are accustomed to the system of their General Code of Laws of the Kingdom of Sweden, 1734.

II. ADVANTAGES OF INTER-NORDIC LEGISLATIVE CO-OPERATION

(1) In the course of time, many good reasons have been put forward in support of inter-Nordic legislative co-operation. It may safely be stated that no one doubts that such co-operation ought to take place. But there is much dissent concerning the ends to

[1] *Proceedings,* pp. 17 ff.
[2] *Op. cit.,* p. 33.
[3] *Op. cit.,* p. 57.
[4] Kobbernagel and Nebelong, *U. f. R.* 1950 B, pp. 17 ff.
[5] Swedish and other Nordic reviewers in *Sv. J. T.* 1950, pp. 321 ff., 879 ff.
[6] See, in particular, Brækhus (Norway), *Sv. J. T.* 1950, p. 899, and Eyjolfsson (Iceland), *ibid.* p. 884.

be attained, as well as disagreement about the manner in which such co-operation should be conducted.

A certain number of arguments may be summarized in this way: that the purpose is simply *to find that law which may be regarded as the best possible for each of the countries concerned.*[7] This may seem an attitude of national egoism, but by defining the aim in such sweeping terms one has the advantage of securing general adherence to the idea of co-operation.

How can inter-Nordic legislative co-operation contribute to this result?

(2) It is obvious that five countries can gather a much larger *mass of experience* than one. Not only will the field covered by actual experience be enlarged, but one will also gain the additional advantage of being able, at least occasionally, to compare the effects of different rules. While in national legislation it is ultimately necessary simply to guess at the effects of different possible rules —experiments in this area are usually impossible—inter-Nordic co-operation offers an opportunity to compare the actual results of different rules of law. Thus when confronted by the various possibilities already introduced in one or several Nordic countries, the legislator will be in a position to make his choice more realistically. In many cases the outcome of such comparisons may be a recognition of the fact that different rules may be equally good, each having its own virtues.

In such a case, two basic approaches are possible. One solution is for all parties to adopt one of the systems. If this is done, the choice made may be rather fortuitous. There may be reason to fear that the system prevailing in the country of the strongest man on the joint commission will be chosen. The other solution is to let the roads part. This may be acceptable where tradition and the continuity of legal development in the countries concerned offer strong reasons for it, and inter-Nordic intercourse does not demand the adoption of one uniform solution.

It is hardly subject to doubt, however, that the individual countries *must set aside formal and traditional considerations and be willing to accept a uniform rule whenever a generally workable one has been proposed.* It is highly desirable that the truth of this statement be accepted in practice to a greater extent than has thus far been the case.

[7] Cf. the opinion stated by Bentzon as early as at the jurists' conference in 1919. *Proceedings,* p. 10.

(3) Legislative preparations may be simplified because preliminary work is performed by subcommittees or individual lawyers in each of the countries. Quite often, there is a demand for a detailed investigation of the legal rules prevailing both in the Nordic countries and elsewhere. In such cases, there is no point in five commissions trying simultaneously to do this. Thus simplifications can be achieved in that part of the work which is normally performed by the secretaries of commissions. Similarly, one person from one of the countries concerned may be entrusted with the drafting of a preliminary memorandum. If agreement is reached on the leading principles upon which a legal problem should be solved, a joint committee or an individual can be given the task of formulating these ideas in statutory language. Where material based upon experience is gathered, it is possible that a smaller quantity of material from each country will be sufficient than would be needed for municipal legislation. It may be of greater value to have such data from a number of sources than to concentrate one's investigations upon the conditions of a single country. In short, the gamut will be larger and, from the point of view of each individual country, the necessary pieces of information (as to both facts and points of law) can be gathered with less cost and trouble.

(4) It should also be pointed out that, closely akin as the five Nordic countries are in fundamental legal features, *each system has its particular merits and disadvantages.* Thus if they all rely upon that country which is outstanding in the particular field under consideration this will result in an advantage to them all. There may, of course, be some disagreement as to where the weak and the strong points are.

It would seem to be generally acknowledged, however, that Sweden has a strong point in the considerable work expended there on legislative preparations. In the other countries it is considered sufficient to appoint as members and secretaries of commissions persons who retain all their ordinary work. In Sweden, on the other hand, the drafters of statutes are frequently released from their regular tasks in the courts of justice or the civil service. It may be suggested that the other countries should adopt the same system, but there is little chance that this will be done. Legislative work on expert commissions is traditionally regarded in those countries as something to be carried out in the members' spare time. On the other hand, one may occasionally get the impression that Sweden has tackled problems more intensely than is really neces-

sary. But, to some extent, the other countries can profit from Sweden's more careful preparations.

It also seems to be generally felt that Sweden has particular strength in the field of *statutory language*. It is a Swedish tradition for every word to be carefully weighed, and statutes are drafted in a style which has become shaped to its purpose through centuries. Danes and Norwegians may be inclined to find this style too lengthy and circumstantial. It is an open question what form of statutory language is best suited to prevent unnecessary litigation. Choice of style is a matter of mentality and taste. It would seem to be fair—or at least to come as close to a fair judgment as possible—to state that the best results are attained through an adaptation of the Swedish pattern, with possible shortenings and the introduction of less traditional elements from Denmark and Norway. The writer is inclined to believe that this would meet the wishes of Finland and Iceland.

(5) The very breadth of the field covered by co-operation presents an advantage. Obviously, that *party which works most slowly and carefully* will determine the limits within which law reform is possible. That party, in this context, means the one which has been given the precious gift of doubt concerning all suggestions and which directs criticism against any proposal. The greater the divergencies in reasoning and attitudes, the more likely it is that one party or the other will be opposed to the proposals put forward in the course of the work. This, of course, may be an obstacle to reform and result in slower progress. As long as this attitude is not exaggerated, however, it must be granted that it has positive value. Anyone who has participated in such work has certainly met with proposals—or drafted proposals himself—which at first appeared to be quite convincing. Upon closer examination, however, one has often had to recognize that they involved other, less desirable, effects, and as a result one often ends either by going back to the original draft or by finding a new approach.

(6) Inter-Nordic co-operation may *promote reforms* which might otherwise be difficult to achieve. Where there is at least some degree of satisfaction with the established order of things, there will always be a certain inertia opposed to any wish to reform that order. But even if no more than one of the five countries demands reform with some urgency, because its own laws are unsatisfactory, this will be a stimulus for the others to concentrate upon reform.

This statement is open to the objection that a country may thus be urged to amend a law with which it is largely satisfied. This may be irritating, particularly if the law concerned has been introduced only a few years earlier, so that it would be desirable to study its effects for some length of time before considering amendments. The objection should not be exaggerated, however. Once the collaboration has resulted in a uniform inter-Nordic statute, such a statute is not easily amended, and the desired feature of permanence will be realized from that moment.

(7) Whether co-operation results in uniform inter-Nordic laws or in different municipal statutes, the outcome will always be that the law has been *codified*—an outcome which is considered by many as an advantage in itself. It is true that lawyers will frequently take the comfortable attitude that unwritten law is to be preferred,[8] since it is supposed to be flexible and capable of meeting the needs of new situations. Possibly this is a conscious or unconscious expression of the specialist's habitual idea that the law should remain a mystery known only to those who have undergone special initiation rites. Against this, there is the well-known argument that the common citizen prefers to have a law which he can ascertain for himself by reading the statute book, even if such written law cannot give a solution to every problem which arises. Those who have some experience in the administration of law in areas which have passed from the control of a country with codified law to a jurisdiction where the law is largely unwritten often prefer codification. This attitude has found expression in statements by those familiar with conditions in Schleswig. Before the reunion with Denmark in 1920 the population of Schleswig had lived under a system where the German *Bürgerliches Gesetzbuch* prevailed, but with reunion they came under a legal system in which the rules were largely unwritten.[9]

(8) It has sometimes been said that law reforms introduced through inter-Nordic co-operation *pass more easily through the cross-fire of parliamentary debates* than do other bills. This may

[8] Cf. the Norwegian attorney Rygh in the *Proceedings*, 1922, p. 109: "In this country, it is a positive gain each time we are saved from one single project of legislation." The Danish attorney Hjejle says in the *Proceedings*, 1957: "We know from the Old Testament the numerous plagues which visited Egypt as a result of the reigning Monarch's objectionable state of mind; however, they were spared from the plagues of noise and legislation."

[9] Cf. the Danish Judge Alexandersen in *Proceedings*, 1922, pp. 111 f.

be true, but such sponsorship should not properly be regarded as an element of decisive importance. That would mean a denial of the value of parliamentary discussion, and it would be unfortunate if such an attitude were to have an important effect on the outcome.

(9) The *moral and cultural advantages* of inter-Nordic legislative co-operation should be pointed out as important aspects, although they are hard to define. The legal system is a part, and an important part, of civilization in general. The mere fact that independent nations can join intimately in the discussion of legal problems results in a strengthening of the idea of the rule of law. It is perhaps justifiable to believe that the lead will be taken by that country which makes the most severe demands upon its legal system. Where it would otherwise be possible to contemplate the sacrifice of the interests of a minority, whether it be a political party or other organization without sufficient strength to defend itself, co-operation may provide a vigorous counterbalance to such tendencies. In a wider sense, co-operation in a field of such importance as the legal system leads on to international co-operation in other areas. Even though these elements cannot be measured in exact terms, they must still be regarded as realities.

(10) So far, we have paid no regard to the importance of attaining uniform, or at least essentially uniform, rules in the Nordic countries. Even where co-operation is not carried to that length the considerations set out above are valid in principle, and their strength is hardly affected. It is obvious, however, that the introduction of uniform rules in several countries is likely to make relations easier, and with the increasing volume of international intercourse the strength of this argument grows accordingly. When concluding contracts, most significantly those of a commercial nature, the individual party is not obliged to give thought to the question whether the contractual relationship may possibly be judged under another legal system than that to which he is accustomed. If a man changes his domicile from one country to another, this will not imply any changes of legal status. From a legal point of view life goes on as if nothing had happened.

The importance of uniform legislation should not be overrated, however. There are relatively few actual cases in which problems of international law arise.

When reading the Danish reports from the years 1907–1956 one

can get an indication of the real importance of these problems, assuming that it is justifiable to consider the reported cases as a reasonably typical sample of what goes on in court.

	Number of cases concerning international relations with non-Nordic countries	Number of cases concerning relations with the Nordic countries
1907–16	34	8
1917–26	21	2
1927–36	22	1
1937–46	9	1
1947–56	15	4

These figures convey the impression that the number of actions of this kind is decreasing, although the development of international intercourse would seem to justify the expectation of continuous growth. Such a conclusion is obviously not entirely permissible, among other reasons because the selection of cases, particularly in this field, depends upon the discretion of individual editors whose decisions may differ considerably. Nor is it possible to conclude that the number of inter-Nordic problems has decreased even if the number of law suits has in fact become smaller. Some of the problems which once gave rise to inter-Nordic difficulties have later been solved by joint legislation. Finally, it must be remembered that many inter-Nordic questions are settled without being brought into court.

The above-mentioned inter-Nordic cases can be summarized as follows:

U. f. R. 1907–16: 1907 p. 692 The question whether the distribution of assets in a deceased's estate could take place privately or must be administered by court in a case where one of the heirs was a minor (Danish-Swedish law).

1910 p. 482 The effect in Denmark of a Norwegian decision ordering a party to pay alimony.

1911 p. 553 Enforcement of Norwegian tax claim after the taxpayer had moved to Denmark.

1911 p. 583 Acceptability in a Swedish action of a deposition taken in Denmark.

	1912 p. 83	Questions of matrimonial property in a marriage between a Dane and a Swede.
	1912 p. 464	Norwegian judgment recognized in Denmark.
	1914 p. 15 H	The competent Danish authority held entitled to determine the alimony to be paid upon judicial separation although the party concerned had moved to Norway.
	1914 p. 69	Norwegian judgment recognized in Denmark.
1917–26:	1918 p. 866 and	The provisions of Swedish law held not
	1924 p. 310	to bar an agreement that the case should be heard in the Danish courts.
1927–36:	1932 p. 652	Damages in an action concerning a fight between two dogs (belonging to Danes shooting in Sweden).
1937–46:	1937 p. 414	The Norwegian Highway Statute applied to an accident in Norway (English passenger, Danish driver).
1947–56:	1948 p. 1220 and	Extinction of maritime lien as the result
	1951 p. 374	of the working of the Statute of Limitations: Faroese fishers in Iceland.
	1954 p. 359	Limitation of claim accrued to Danish refugee in Sweden.
	1955 p. 1065	Action concerning a widow's pension tried in Denmark in spite of the party being domiciled in Sweden.

Although it is necessary to subject conclusions from what has been said to several reservations, it may still be stated that inter-Nordic problems do not burden the courts to an extent which might in itself be a sufficient reason for reforms of any importance.

It must also be admitted that immigrants and tourists largely manage to avoid difficulties even where the legal systems concerned are different. After all, the fundamental principles of the legal systems adopted by the so-called civilized countries are quite similar. Even divergencies of some importance concerning personal status, e.g., in matrimonial law, are hardly felt to be very oppressive. The Nordic countries differ in such respects as driving on the right or on the left, while in other parts of Europe there are legal systems which, under the influence of religious ideas, have adopted a view of marriage and sexual relations which seems

inacceptable to us. As long as such divergencies are possible it is certainly also possible to maintain, without serious inconvenience, quite important divergencies in thousands of other fields.[1]

Although several Nordic legislative reports have not resulted in even approximately identical rules,[2] these negative results should not be regarded as catastrophic. After all, the legislative work has been valuable from the point of view mentioned above, and inter-Nordic legislative co-operation as a general idea should not be discredited by such defeats. Nor is there any ground for regretting the fact that to all but a few lawyers today a uniform Nordic Code of Laws appears a utopian project, and that by many it is not even regarded as desirable. Whether or not this idea is destined to be realized at some time in the future, inter-Nordic legislative co-operation stands as it is.

III. INCONVENIENCES RESULTING FROM INTER-NORDIC LEGISLATIVE CO-OPERATION

(1) Inter-Nordic legislative co-operation results in several inconveniences. In particular, law reforms are considerably *delayed*. Such delay is now no longer a matter of months, but of years. Even if a slower pace has its advantages on some occasions, it must be admitted that inter-Nordic co-operation sometimes results in highly unfortunate delays.

There are several reasons for this. In the first place, it is necessary to wait for the country which is slowest to appoint its national commission. Even at this stage, some self-control must be exercised by the others. In some cases, it seems difficult to believe that it can really be necessary to spend so much time on the initial measures. Moreover, the general pace of work is determined by the commission which works most slowly. If there is, in one of the countries concerned, a commission which tends to make unduly thorough preparations, this is enough to cause a corresponding delay for all the others. Thirdly, the mere fact that the legislative preparations will result in inter-Nordic discussion means that the work of the individual countries proceeds more slowly than would otherwise be the case. Finally, it is always difficult to find dates for joint conferences which will suit all the participating countries.

[1] Cf. for example Tamm's remarks in *U.f.R.* 1951 B, p. 207, concerning the importance of the Uniform Nordic Acts on Conditional Sales.

[2] Cf. *infra*, IV.

Since allowance must further be made for the time spent on preparing for such meetings and for "clearing up" after them, it is understandable that inter-Nordic co-operation results in considerable protraction. In the country which has brought its legislative preparations furthest, it is not always easy to explain to the public that it is necessary to wait for the outcome of discussions with the other countries.

In view of these facts there is a need for the greatest possible diligence and speed in all inter-Nordic co-operation. Generally speaking, the work performed in this sphere should be given priority over all other tasks. In the course of the years, this principle has often been neglected to such an extent as to lower the popular estimate of the value of inter-Nordic co-operation.

(2) Although inter-Nordic legal uniformity should be the aim of co-operation, it is not always necessary to regard uniformity as an indispensable achievement. In matters where it may be immaterial whether one rule or another is adopted, e.g., whether the age of majority shall be twenty or twenty-one years, it is reasonable to accept the rule which the other countries have already adopted or intend to adopt. But there should be a fair balancing of the advantages resulting from a uniform rule in all the Scandinavian countries and the inconveniences which will result from giving up a rule which, in the country concerned, is considered the best. If a fair balance does not exist, it is better to let the roads part, and this decision should not create any ill feeling. Rather, the parties should accept the statement that the problems have been thoroughly examined, that certain points of view have been put forward, and that thereupon each national commission has adopted the position which it considered preferable. Lack of frankness on this point will not favour the case of inter-Nordic legislative co-operation.

(3) It cannot be denied that *individual participants* will have opportunities to dominate and to set their seal on the results of co-operation. If one of the countries concerned is represented by one or several members who possess a good knowledge of the technique of such meetings, who are fluent in discussion and quick to find the formula which may summarize potential law reform, the views of such members may carry the whole commission even in essential matters. It is only to be hoped that these dominating persons are "at the top of the class", not only in committeemanship

but also in ability to make sound judgments on the substance of the legal questions which are under consideraion.

(4) As pointed out above, there are *substantial differences* in actual legislative technique between the Nordic countries. It seems safe to state—without the risk of being misunderstood—that there is, in particular, a difference between the countries of Western Scandinavia (Denmark, Iceland and Norway) and Eastern Scandinavia (Finland and Sweden). This is quite natural in view of the historical development of the Nordic legal systems. Therefore, it may not only be difficult to find a common formula for the ideas adopted by the parties, but it may also be difficult for everyone to get a clear grasp of the ideas put forward by one member or another. There is little that can be done about this. The individual delegates will have to be aware of these difficulties and attempt to keep them at bay. What must be avoided is the development within the commissions of two groups, one of them Danish-Norwegian and the other Swedish-Finnish, each engrossed in its own internal struggles and caring little for what happens in the other group.

(5) Nor can it be concealed that *linguistic difficulties* are not altogether negligible. Most readers may be inclined to believe that this point is intended as a criticism of the Norwegian desire to create a language of their own, which Danes in particular have some difficulty in following, or that it refers to the fact that delegates from Finland quite naturally find some difficulty in understanding the Western Scandinavian languages, especially Danish. I rather think, however, that in the first place criticism should be directed against the people of my own nation, the Danes. If they would only pronounce clearly and not drop whole words or endings the linguistic difficulties would be considerably reduced. It must be regarded as a particular ordeal for those participating in inter-Nordic co-operation that the Danes seem to pronounce only one syllable out of three, so that their hearers are reduced to guessing at the other two. Possibly there should be a special course in elocution before Danes are let loose before an inter-Nordic assembly.

Whatever may be the fate of that suggestion, one must hope that Norwegians will continue to understand spoken Danish, and that in Finland people will not forget that, besides the Finnish language, they may make use of another tongue. This is of decisive importance for inter-Nordic legislative co-operation.

IV. SCANDINAVIAN LEGISLATIVE CO-OPERATION, 1945–61

In the following pages, we will give a short survey of inter-Nordic legislative co-operation in the years 1945–61.[3]

1. Legislation on Citizenship

Delegates appointed in Denmark, Norway and Sweden in 1946.

A report with a draft statute submitted in 1949.

Enactments in Denmark, Norway and Sweden in 1950. The Acts are uniform in all essential respects.

2. Torts

(a) *Liability for damage by motor vehicles*

Commissions appointed in Denmark, Finland, Norway and Sweden in 1951–52.

Reports submitted in 1957. Finland has enacted a bill substantially similar to that proposed in the report (strict liability). So has Norway, in 1961. In Denmark, the proposal for the introduction of strict liability regardless of proved or presumed fault has not been laid before Parliament. In Sweden, no bill has been produced so far.

(b) *Liability of the state*

Commissions appointed in Denmark, Finland, Norway and Sweden in 1952.

Reports submitted in 1958.

No bill has yet been submitted to any of the Parliaments concerned.

(c) *Subrogation of insurers (sec. 25 in the uniform Insurance Contracts Acts)*

Commissions appointed in Denmark, Finland, Norway and Sweden in 1951–52.

Reports submitted in 1957.

No bill has been submitted thus far to any of the Parliaments concerned.

(d) *Master's liability; abatement of liability for faults committed in the service of other persons; children's and parents' liability*

Commissions appointed in 1959. No reports submitted.

[3] The Danish Ministry of Justice, Copenhagen, has kindly assisted the author in elaborating this survey, which relates to the situation in June 1961.

(e) *Legislation on liability and insurance for damage resulting from the operation of atomic reactors*

Commissions appointed in Denmark, Finland, Norway and Sweden in 1958.

A Danish report was submitted in 1961. A preliminary Swedish report was submitted in 1959 and led to provisional legislation in 1960.

3. Legislation on Infancy and Guardianship

Enacted in Finland in 1929, in Sweden in 1949, in Denmark in 1957 and in Norway in 1958.

4. Legislation on the Legal Position of Children

Commissions appointed in Denmark, Finland, Norway and Sweden in 1949–50. (In some of these countries special commissions have dealt with certain parts of the field.)

(a) *Adoption*

Reports submitted in 1955.

Enactments in Denmark in 1956, in Norway in 1957 and in Sweden in 1958.

The Acts are essentially uniform, but not identical with the drafts of the commissions (the proposed bills were modified as a result of negotiations between government officials after the reports had been submitted).

(b) *Artificial insemination*

Reports submitted in Denmark, Norway and Sweden in 1953.

No bill presented to any of the Parliaments concerned.

(c) *The rule "Pater est quem nuptiae demonstrant"*

Report submitted in Denmark, Finland and Norway in 1954–55.

Rules essentially identical with a Swedish rule of 1949 were enacted in Norway in 1956, in Finland in 1957 and in Denmark in 1960.

(d) *Illegitimate children*

Reports submitted in Denmark, Norway and Sweden in 1954–55 and in Finland in 1960.

The commissions suggested a rule which corresponds in form to the Swedish rule in the Parents' and Children's Act, 1949, i.e. that the only two alternatives in paternity suits are a declaration of paternity or a refusal to entertain the action (earlier Danish and Norwegian law also admitted a third solution, i.e. to impose support upon the defendant without formally declaring him father of the child), and this rule was enacted in Norway in 1956 and in Denmark in 1960. However, there is

still the fundamental difference that in Sweden and Finland illegitimate children are not entitled to intestate succession after the father or his family, and are not entitled to the father's family name.

5. Legislation on Family Names

Commission appointed in Denmark in 1952 and in Norway and Sweden in 1956.

Reports submitted in 1960.

A bill was enacted in Denmark in 1961.

6. Succession

Commissions appointed in Norway in 1954 and in Denmark in 1955.

The Commissions are deliberating certain problems with experts from Finland, Iceland and Sweden.

A Danish report was submitted in 1961.

7. Matrimonial Law

Commissions appointed in Denmark, Finland, Iceland, Norway and Sweden in 1956–57.

No reports submitted as yet.

8. Rules on Incapacity to Contract Marriage for Medical Reasons

Commissions appointed in Denmark, Finland, Norway and Sweden in 1956.

Reports submitted in 1960.

No bill has yet been submitted to any of the Parliaments.

9. Conditional Sales

Commissions appointed in Denmark in 1938 and in Finland, Norway and Sweden in 1947.

Reports submitted in 1950.

Bills enacted in Norway and Sweden in 1953 and in Denmark in 1954.

The rules are essentially identical. There are, however, certain divergencies with regard to the required minimum instalments and the problem of divestment of the seller's title where the purchaser assigns the goods to a third party.

10. Statutes of Limitation

Delegates appointed in Denmark, Finland, Norway and Sweden in 1951.

A report with a bill containing identical rules on statutes of limitation was submitted in 1957. On the other hand, it has not been possible to reach agreement on a proposal for uniform rules on limitation of actions. The Danish and Norwegian reports therefore omit this topic.

No bill has yet been introduced in any of the Parliaments.

11. Divestment of Property as a Result of Assignment by Non-Owner to Third Party in Good Faith

Delegates appointed in 1959.

No report submitted.

12. Traffic Legislation

(a) *General traffic rules*

Commissions appointed in Denmark, Finland, Norway and Sweden in 1949.

Reports submitted in 1951. These reports have served as the basis for later legislation, but there are still considerable divergencies between the countries. A survey is given in the Proceedings of the Nordic Council, 4th session, 1956, pp. 1126 ff.

These problems are also dealt with on a continuing basis by the Nordic Traffic Committee and by means of direct negotiations between Government officials.

(b) *The rules on intoxicated drivers*

Commissions appointed in Denmark, Finland, Norway and Sweden in 1954.

Reports submitted in 1955.

Uniform rules have not been introduced, since Denmark and Finland reach a decision only after evaluating all the evidence in the case, while Iceland, Norway and Sweden automatically apply penal sanctions if the blood of the accused contains more than a specified proportion of alcohol.

13. Air Law

Commissions appointed in Denmark, Finland, Norway and Sweden in 1947–50.

Bills enacted in Sweden in 1957, and in Denmark and Norway in 1960.

The Acts are essentially uniform.

14. Maritime Law

Commissions appointed in Denmark, Finland, Norway and Sweden in 1957–58.

No reports submitted.

15. Merchant Seamen Acts

In April 1950 a meeting was held by representatives from Denmark, Finland, Norway and Sweden.

Bills were drafted as an immediate result of the meeting. New enactments on this basis were introduced in Denmark in 1952, in Norway in 1952, in Sweden in 1952 and in Finland in 1955.

16. Legislation on Copyright (Including Copyright in Photographs)

Commissions appointed in Denmark, Finland, Norway and Sweden in 1939.

Reports submitted in Norway in 1950, in Denmark in 1951, in Sweden in 1956 and in Finland in 1961.

Essentially uniform Acts introduced in Denmark, Finland, Norway and Sweden in 1960–61.

17. Legislation on Trade Marks

Commissions appointed in Denmark and Sweden in 1949, and in Finland and Norway in 1950.

Reports submitted in Denmark, Norway and Sweden in 1958.

Bills enacted in Denmark in 1959, in Sweden in 1960 and in Norway in 1961.

18. Patents

Commissions appointed in Denmark, Norway and Sweden in 1955, and in Finland in 1956.

No reports submitted so far.

19. Legislation Granting Certain Exclusive Rights in Inventions, Short of Full Patent Protection

Commissions appointed in Denmark, Finland, Norway and Sweden in 1958–59.

No report has yet been submitted.

20. Legislation on Trade Names

Commissions appointed in Denmark, Finland, Norway and Sweden in 1958–59.

No report has yet been submitted.

21. Legislation on Unfair Competition

Commissions appointed in Denmark in 1959, in Norway in 1960 and in Sweden in 1949.

No report submitted so far.

22. Extradition of Criminals to Another Nordic Country

Negotiations commenced in 1953.

Bills enacted in Denmark, Finland and Sweden in 1960 and in Norway in 1961. The Acts are identical in all essential respects.

23. Bankruptcy

Commissions appointed in Norway in 1953, in Finland in 1956 and in Denmark in 1958.

No report yet submitted.

24. Enforcement of Judgments

Delegates appointed in Denmark, Finland, Norway and Sweden in 1961.

No report submitted as yet.

25. Criminal Law

A permanent inter-Nordic Commission on Criminal Law was appointed in 1960 with representatives from Denmark, Finland, Norway and Sweden.

The Commission is to prepare the way for inter-Nordic legislative co-operation within the field of criminal law and to consider questions involving the general principles of crime-prevention policy.

26. Company Law

Commissions appointed in 1960.

No reports yet submitted.

27. The Law of Inland Transport by Motor Vehicle

Commissions appointed in 1961.

No reports yet submitted.

28. Execution of Sentences Concerning Criminal Cases in Other Nordic Countries

Report submitted in Denmark in 1961.

V. ORGANIZATION OF EFFORT IN THE FIELD OF INTER-NORDIC LEGISLATIVE CO-OPERATION

(1) A question of particular importance is the problem of finding *suitable ways of proceeding with the work of inter-Nordic co-operation.*

Permanent organs for *co-ordinating* the joint work have now been created. Since the Nordic Council holds regular meetings and the Ministers of Justice also meet frequently, it may accurately be said that co-operation is now sufficiently well planned. Thus we have retained and consolidated the fundamental idea which remained after the possibility of introducing a uniform Nordic Code of Laws was discussed.

(2) Difficulties arise, however, when we come to the matter of *co-operation in the particular fields of law.* It has become a common practice for the individual countries to appoint commissions with only few members, since it is known that working capacity is inversely proportional to the number of members. If too many members are included, it is necessary to appoint executive subcommittees which may work for years without the whole commissions being convened for a plenary meeting. The numerous authorities and organizations which take an interest in the work are able to safeguard their interests by submitting proposals to the commission and giving their opinion on preliminary drafts.

There is another good reason why the membership of commissions should preferably be limited to, say, five. In preparing for inter-Nordic co-operation it is often difficult to select those who are to take part in the collaboration, unless there is a working subcommittee which in acutal fact serves as spokesman for the full commission. It seems essential that the various groups which have strongly diverging opinions, as well as the secretaries of commissions, should be given an opportunity to participate in at least those inter-Nordic discussions which involve general legal principles. When collaboration concerned general private law legislation within the classical fields of law, it was certainly appropriate to appoint only a few delegates. But with regard to mercantile

legislation in a wide sense, which directly affects the economic life of the country or of large groups of the population, representatives of the business world must join in the discussions. It is unfortunate if one or two members are sent and in the course of the discussion make proposals, or accept proposals, for which no support can be found in the national commission. It is probable that meetings of a purely formal character dealing with the planning of work, and discussions at a more advanced stage of the proceedings, particularly regarding questions of actual drafting, may be held with a smaller number of participants. But the general need for broad co-operation should be emphasized, even though it means trouble and expense. There is no reason to believe that negotiations will assume a character of excessive vagueness if joint meetings are held with many members. Given a rational distribution of work within the individual delegations, it is possible to avoid a situation where all participants give their opinion on all questions. Statements made by one delegate may be modified after consultation with the other members, and by postponing the problem concerned until a later meeting it is generally possible to find a formula which covers the opinion of the whole delegation.

(3) It seems to be impossible to achieve a state of affairs such that members of the various national commissions will concentrate upon a particular piece of legislation in preference to their other duties. To some extent, the same names tend to recur in one inter-Nordic commission after another. It is perhaps justifiable to wish that younger people, whose time may not be so fully occupied with other matters, could be given an opportunity to join in this work.

(4) Further, it is most important that co-operation should take place at *a very early stage*. If one of the countries has made substantial progress with its work, its position will often be fixed and difficult to get away from. From a psychological point of view, it is easy to understand that a position which has once been taken up will be held on to as long as possible, even by people who are highly receptive to persuasion. On the other hand, the commissions should have advanced far enough to know what they are up against. They should not be too far from a solution of the fundamental problems one way or the other, and differences of opinion concerning these problems within the national commissions should have become apparent.

(5) Next, it is important that the commissions shall have agreed upon a timetable for the publication of their reports in the individual countries.[4]

(6) It should be emphasized, finally, that the *technical apparatus* must be as perfect as possible. Minutes of the proceedings and typewritten drafts should be available without delay. An unreasonable amount of time is often spent on polishing minutes which are to be dispatched to all members. It would be better if rough drafts were submitted at once, so that the individual delegates would have an opportunity to make any essential corrections before the end of the meeting.

(7) Finally, if a summing up may be attempted, it must be acknowledged that in recent years inter-Nordic legislative co-operation has been achieved only with some difficulty. This, however, is not astonishing. The more new topics are taken up for consideration, the more problems are likely to confront the participants. Soon, after some of the Nordic countries have applied for membership of the E.E.C. and one of them for association, there will be a particularly heavy strain upon co-operation, including such co-operation as aims at uniform legal rules.[5] The legislation on unfair competition and control of trusts and monopolies will provide a touchstone. Inter-Nordic co-operation has already begun in the first of these areas, but not in the second. Informal meetings are, however, being held between representatives of the various Nordic monopoly-control authorities, and it has turned out— in spite of the very divergent rules in this delicate field of law— that there is in actual fact considerable unity both with regard to prevailing opinions and administrative practice. It does not seem *a priori* that it will be impossible to attain a considerable measure of uniformity in legal rules in this area, although the spokesmen for business will certainly express grave apprehensions.

It must further be stressed that within the field of criminal law inter-Nordic co-operation is only beginning to come into existence. A considerable harmonization of the fundamental rules of criminal law in the Nordic countries does not seem impracticable. The

[4] A recommendation as to this end has been given by the Nordic Council in 1956. See further, in this connection, the remarks by the Danish Judge Topsoe-Jensen in *U. f. R.* 1959 B, pp. 281 f.

[5] Cf. the Report to the Danish Parliament on the 7th session of the Nordic Council, 1959, at p. 4, and the remarks of the Danish Parliamentary Committee, delivered on May 18, 1960.

problems are similar to such an extent that collaboration seems quite natural. Besides legislative co-operation, there is collaboration in purely police matters, and this after all is perhaps of greater practical importance than joint work on rules of law. It should be stressed once more, however, that legislative co-operation naturally results in other common work. For this, if for no other reason, efforts towards co-operation should be made in this field as well.

It may well be that inter-Nordic co-operation is currently undergoing a crisis, but there is no reason for pessimism. The ideas underlying this joint work are far from exhausted. There are newly arising problems which must be given attention. If all men of good will join forces to remove the difficulties which, it must be recognized, have made themselves felt, it will be possible to carry on a co-operation which has a sound basis both in idealistic theory and from a down-to-earth business point of view.

Finally, in the field of law small nations have a chance to exercise international influence if the work done is of sufficiently high quality, provided that the language barriers can be overcome. These chances are increased, moreover, where several small nations with a common historical and cultural inheritance can make use of this by appearing, in their relations with the outer world, as a unit. Therefore inter-Nordic co-operation should be strengthened and extended.