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Abstract

A brief introduction to an important new collection of essays on great Christian jurists in Nordic history from the Middle Ages until today.

Keywords: Kjell Å Moedéer; Helle Vogt; Scandinavian law; Nordic jurists; Sweden; Finland; Denmark; Norway; Lutheranism; historical jurisprudence; welfare state; Christianity and law

Foreword

A decade ago, distinguished Swedish legal historian Kjell Å Modéer helped lead a team of Scandinavian scholars in the publication of a pathbreaking study titled *Law & Religion in the 21st Century—Nordic Perspectives*. That welcome volume introduced the English-speaking world to the richness and diversity of current Scandinavian understandings of church and state, society and politics, faith and freedom, religion and rights, family and education, and more. It was a surprise for some readers to learn about the growing disestablishment of Lutheranism and the growing separation of church and state in several of these Scandinavian lands. It was also a surprise to learn that this region—long known as Europe’s leader in cultural secularization, social experimentation, and institutional innovation—was now blossoming with new legal life “growing in the ruins” of traditional Christian ideas and institutions.

While that first volume presciently mapped the future of law and religion in Scandinavia in the third millennium, this new volume expertly maps the interaction of law and religion in the second millennium. Here, the focus is not on the new green shoots of law and legal theory sprouting among the ruins of Christian monuments. The focus is on the monumental growth of public, private, penal, and procedural law and legal theory that emerged when Christianity ruled Scandinavia as the established religion, and church and state cooperated in the governance of Christian realms.

In this volume, Professor Modéer has teamed up with Denmark’s top legal historian, Helle Vogt, in leading two dozen distinguished scholars in a fresh interdisciplinary study of some of the greatest Scandinavian architects of law and Christianity from the twelfth through the twentieth centuries. The editors have judiciously

commissioned case studies of a score of Catholics and Lutherans, canonists and civilians, Pietists and Romantics, churchmen and statesmen, theologians and jurists, natural lawyers and historical schoolmen whose lives and work collectively shaped and reshaped the interaction of law and religion in Nordic history.

Much of this material will be new to Anglophone readers. A few Reformation specialists will recognize the names of such Lutheran pioneers as Bugenhagen, the Petris, and Hemmingsen. A few constitutional historians might know the groundbreaking legal and political work of Grundtvig, Taranger, and Castberg. But many other figures who come to light and life in these pages deserve to be better known. For example, though I know a bit about the history of criminal law, I was chastened to learn for the first time about the remarkable reforms of criminal law initiated on overt Christian terms by Karl Gustav Ehrström. While I knew something of Bonhoeffer and other German Lutheran resistance writers against Nazism, the extraordinary and sacrificial work of Eivind Berggrav was a special revelation. Though the work of famous Nordic legal realist Alf Ross was standard reading when I was in law school, I had never heard of Göran Göransson, whose work seems so much more creative and sustaining. This volume is the first such comprehensive history of law and religion in Scandinavian context, and other readers will enjoy finding similar treasures and discoveries in these pages.

This volume is part of an ongoing project on “Great Christian Jurists in World History.” The project is directed by the Center for the Study of Law and Religion at Emory University, where Professors Modéer and Vogt are nonresidential senior fellows. Each volume in this series focuses on a specific country, region, or era and samples the life and work of a score or more of its greatest legal minds over the centuries. These legal minds include not only civil and canon lawyers and judges but also theologians, philosophers, and church leaders who contributed decisively to legal ideas and institutions, or who helped create landmark statutes, canons, or cases. Thus, familiar jurists like Gratian, Grotius, Blackstone, Kuttner, and Scalia appear in this series, but so do theologians and churchmen like Augustine, Isidore, Aquinas, Calvin, Barth, and Romero. This biographical approach is not intended to deprecate institutional, doctrinal, social, or intellectual histories of law, nor will it devolve into a new form of hagiography or hero worship of dead white males. It is instead designed to offer a simple method and common heuristic to study the interaction of law and Christianity around the world over the past two millennia. In due course, we hope to produce some fifty volumes and one thousand biographical case studies all told.

Columbia University Press opened this series in 2006 by publishing a three-volume work titled *Modern Christian Teachings on Law, Politics, and Human Nature*, divided into case studies of nearly thirty modern Catholic, Protestant, and Orthodox Christian figures. Cambridge University Press has in print or in press newly commissioned studies on great Christian jurists in the first millennium, as well as in English, Spanish, French, Lowlands, and American history. Routledge will publish major

new volumes on great Christian jurists in Italian, Russian, Welsh, and Latin American history. Mohr Siebeck is taking up the German story, Federation Press the Australian story. In due course, the Center for the Study of Law and Religion aims to commission similar studies for other parts of the world, particularly countries in Eastern Europe and Eurasia, and discrete regions and eras in the Middle East, Africa, and the Pacific Rim.

This volume was made possible by a generous grant from the McDonald Agape Foundation, which supported the work of the editors and contributors and underwrote round-table conferences at Lund University and Emory, where the editors and contributors hammered out the parameters of this volume and critiqued preliminary draft chapters. On behalf of the editors and my colleagues in the Center for the Study of Law and Religion, we express our deep thanks to the late Ambassador Alonzo McDonald, Ms. Suzie McDonald, Mr. Peter McDonald, and the other members of the foundation board for their generous support for this and many other related volumes on law and Christianity. We give thanks as well to The Royal Society of Letters at Lund for further underwriting a second workshop at Lund University.

We are deeply grateful to Dr. Gary S. Hauk, senior editor in our Center, for sharing his superb editorial talents so generously in copyediting this manuscript. We also express our warmest thanks to our Center colleagues Ms. Amy Wheeler and Ms. Anita Mann for their skillful administration of this and other scholarly projects, and for their organization of the Emory conference.

It was a joy for me to work with Professors Mod er and Vogt and the wonderful group of scholars from throughout Scandinavia who contributed to this volume. I learned much from these experts while enjoying the wonders of Nordic hospitality and culture. Several Scandinavian universities are doing powerful and innovative work in legal history and church history, most notably at Lund and Copenhagen, where Professors Mod er and Vogt are leading their colleagues.

It is a delight to publish this volume and several others in the distinguished Law and Religion series edited by one of the world's preeminent scholars of law and religion, Professor Norman Doe. Professor Doe and his many colleagues in the Cardiff Centre for Law and Religion have been vital trans-Atlantic allies with the Emory Center for the Study of Law and Religion. We give thanks for their leadership in this expanding global field of interdisciplinary legal study, and for their partnership with us in publishing this and parallel volumes on law and Christianity.

Finally, the editors and I express our warm thanks to Alison Kirk and her colleagues at Routledge in taking on this volume and applying their usual standards of excellence in their editing, production, and marketing.

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