Editors’ Introduction:
The Internationalisation of Danish Law

This special issue of the *Nordic Journal of International Law* contains a set of articles derived from on-going research into the internationalisation of Danish law, which for some years has been undertaken at the Centre for Studies in Legal Culture, Faculty of Law, University of Copenhagen. The purpose of this project is to address some of the many and significant challenges to national law and legal culture which have emerged in the wake of the increased globalisation of law. In addition to tracking the impact of the internationalisation of Danish law, we are interested in developing suggestions for how to handle these new challenges in law.

This special issue is not delineated by specific legal sub-disciplines but by our common research question of the role of international law in Danish law or, more precisely, the internationalisation of Danish law by international law. Although there is little doubt that the internationalisation of law has significantly increased in recent years, the phenomenon is hardly new. As also highlighted by Amnon Lev in his contribution to this symposium, it is unproductive to seek to identify a specific starting-point for these processes, just as it is misleading to talk about internationalisation of national law in the singular. The perhaps most obvious reason for this being that law – whether seen as a deeply ingrained anthropological phenomenon or a specific form of governance – has always had a dimension of internationalisation attached to it. In Europe, the case of the diffusion of Roman law is often used as an example in this regard.

The phenomenon is, however, more pervasive than the spread of Roman law and legal technology. Since the high middle ages, what was typically presented as national law – or, better, a law specific to a territory – was deeply influenced by the already existing globalisation of legal knowledge by the *peregrinatio academica* of individual jurists to the universities in Bologna, Paris and Oxford from the 12th century and onwards. This in practice secured a permanent transnational exchange of legal knowledge, which moreover facilitated the emergence of a European and, eventually, international network of jurists with vast impact on the eventual construction of European nation-states. In this view, Danish law

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1) <jura.ku.dk/crs/english/research/general_studies/internationalisation-danish-law/>. 
was – and still is – not only a part of a European Ius Commune but also to a large extent an imported knowledge.

The commonalities of most modern legal systems are obviously due to these common roots. However, at the same time, modern-day regulation by statute, and the more general institutionalisation of legal rationality as a key feature of the modern nation-state, have contributed to the idea of national law. Particularly legal theorists of the German historical school such as Friedrich Carl von Savigny made the linkage explicit. He famously claimed the existence of an “organische Zusammenhang des Rechts mit dem Wesen und Charakter des Volkes”. 2 Whereas this was mainly a reaction to the idea of positivising law in the form of codified and systemised law books advocated by French jurists and statesmen in the early 19th century, it played well with the concurrent nationalisation of state and corresponding state law.

Regardless of the historical frequencies of the phenomenon, one can, however, observe a different form of legal internationalisation in law beginning in the aftermath of World War II. World War II triggered a new more intense form of international regulation. More precisely, the atrocities committed by the Nazi regime in the context of the insufficiency of not only international law and humanitarian ideology but also more generally Western European civilisation appear as the key driver to the far-reaching post-war project of international co-operation by the means of international law. From a Nordic viewpoint the most important of these international legal projects include the European Union (for Norway, the European Free Trade Association), the European Convention on Human Rights and a large number of treaties governing important areas of substantive law many of which are today administered by special agencies of the United Nations (such as United Nations Commission on International Trade Law (UNCITRAL) or World Intellectual Property Organization (WIPO)) or by the World Trade Organization.

Although we also seek to draw up some more general lines, this symposium has its main focus in this development, i.e. the internationalisation of national law by international law. Our symposium further concerns what today is typically described as globalisation: the processes in which national and regional law, economy and society have increasingly integrated since World War II. Our case is the impact of these combined processes on Danish law in terms of international law, ranging from the United Nations Convention on Contracts for International Sale of Goods (CISG) and securities trading to human rights and procedural law.