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Recollections of an Ignorant Pioneer

Speech at a Colloquium in Uppsala and Minneapolis
to Celebrate the Minnesota – Uppsala Exchange's
40th Anniversary on 19 September 2022

It is with great hesitation that I claim the rank and title of “pioneer” when describing my contribution to the Minnesota – Uppsala cooperation which is now celebrating its fortieth birthday. The true pioneer in Uppsala was the late Professor Anders Agell, and it is only meet and proper that homage be paid to his memory on this occasion. Anders Agell succeeded me as dean of the Uppsala Faculty of Law in 1979. He was not only a distinguished legal scholar, characterized by profound learning, discernment and a sound practical judgment. He was also capable of an almost boyish enthusiasm for causes he believed in. A close and lasting cooperation with a highly considered North American institution of legal scholarship was an idea that appealed strongly to him and which materialized in a viable and realistic project, as we all know. It is only fair that homage be also paid to his partner in Minnesota, Dean Robert A. Stein, who shared Anders Agell's commitment to the project and who made



*Stein and Strömholm at Luncheon
9 September 2023.*

a contribution of decisive importance to its realization. These two colleagues are the founding fathers of The Minnesota – Uppsala cooperation.

I remember vividly how astonished I was when Anders Agell called on the telephone, in the early days of 1982, if I remember correctly, and put the question whether I would be willing to teach in Minneapolis instead of Uppsala in the autumn term of that year. Little if anything was said about the subject of my teaching. I held the chair of jurisprudence in Uppsala, and I think it was taken for granted that that would be the subject of my lectures in Minneapolis. I had not taken part in the preliminary discussions and negotiations that led up to the project. In fact I am not sure that I had even heard that such discussions were taking place. I had served as dean of the Uppsala Faculty of Law in the years 1973–1979, but after the end of that period I had had little time to give attention to other business than my own, which, since 1978, did not only include law teaching and research but also university policy and academic administration. That year, I was elected Deputy Vice-Chancellor of Uppsala University, i.e. in American terminology, sole Vice-President of the University, and the duties and obligations following from that position were new to me and kept me sufficiently busy.

Looking back, I am still impressed by the generous attitude adopted by the *Rector Magnificus*, the Vice-Chancellor – or President – of Uppsala University, the late Professor Martin H:son Holmdahl, who was a medical man, an internationally well-known specialist in the field of anaesthetics. It would not have been abnormal or unfriendly if he had objected to my absence from the university for a full term. He had often said that in dealing with the many niceties of university legislation, it gave him a feeling of security that his deputy, whom he could always consult, was a lawyer. But like Anders Agell, Martin Holmdahl believed strongly in the value of international cooperation in the academic world. He was intensely active in the CRE, the *Conférence des Recteurs Européens*, and moreover, he was a man of action. He was prepared to go a long way in order to make such cooperation practically possible. After some discussion, it was finally agreed that if the project was carried into effect in the autumn of 1982, I should come back at about mid-term and spend one week in Uppsala performing such functions as could not be delegated to others or postponed. This was a very generous arrangement, and I feel strongly that today, homage should also be paid to the memory of Professor Holmdahl, who passed away eight years ago, at the age of 91.

Why Anders Agell selected me for the Minnesota project I cannot tell, and no explicit explanation was ever given. My academic past presented a particular feature that may have spoken in favour of sending me on what was after all, by the standards of the early nineteen-eighties, an adventurous enterprise: a reconnoitring expedition to the new partner of the Uppsala Faculty. That feature could perhaps be described as the international character of my academic career. After completing my Swedish law studies in Uppsala in 1957 and before serving the traditional two and a half years as a clerk in a local court of first instance and passing, in the Stockholm Court of Appeal, the equally traditional examination required for final admission to the Swedish judiciary, I had spent a year in England, at the University of Cambridge, and written a comparative dissertation on the law of torts in the conflict of laws under English, French, German and American law. Before submitting, in 1966, my doctoral dissertation in Uppsala, a comparative work in two volumes in the French language, which dealt with the so-called moral rights of authors, I had published a German dissertation on a related subject which was accepted by the Law Faculty of the University of Munich in 1964. Against this wildly exotic background I could perhaps be considered, in 1982, as a legal scholar with a fairly broad international experience. And that was much less common at that time than it is today. This may have been the principal reason why Anders Agell asked me to be the first Uppsala teacher to go to Minneapolis.

On the other hand, there was nothing in my variegated experience that indicated a particular interest in American law or a deeper knowledge of the United States legal system. My intellectual and scholarly background was essentially European. In my Cambridge dissertation on torts in the conflict of laws I had in fact studied and discussed U.S. interstate conflict law, and in a book from 1967 I had had reason to study – and let me add: admire – the great American common law judges of the late 19th and early 20th century who laid the foundations of the law of privacy. But these were after all few and relatively narrow areas of law.

With regard to the U.S. society at large I am afraid I was more ignorant than most educated Swedes of my generation. I had devoted almost all my interest, and concentrated all my use of that priceless source of information – fiction reading – to Britain, France and Germany. I was of course familiar with a dozen or so of the greatest and most well-known American fiction writers. A short course on American politics in the late

19th century had been part of the B.A. program in history which I had followed before taking up law studies, but the McKinley and Theodore Roosevelt administrations had remained small, distant, dim and picturesque provinces in my memory.

When the proposal was put forward that my family and myself should spend three months in a part of the world as unknown to me as the American Middle West I felt more bewildered than flattered. I have to confess that my principal source of information about the USA in addition to Hawthorne Melville, Henry James and a few others were the dream factories of Hollywood, as was probably the case with the unenlightened majority of my generation. The gratitude we all felt in this country, and felt quite deeply, for the American contribution to the liberation of Western Europe in 1944–45 but also for the generous Marshall aid to Germany and for the protection of the United States against the Soviet threat in the long Cold War years was certainly solid and strong, but it was not enough to give me a realistic and competent view of the country we were now going to visit.

Unlike many of my fellow countrymen I had no personal contact with the Swedish immigration into the USA, which was one of the most important demographic changes Sweden had ever experienced. From the 1850's to the first decade of the 20th century about one million men, women and children left a country which had a population of three and a half million at the beginning of that period. The middle West, in particular that part which became the State of Minnesota, was one of the regions that received the greatest number of Swedish immigrants. However, no member of my family had emigrated. In the course of my studies in Sweden, Britain, France and Germany I had met few Americans. Even in the world that emerged after the Second Great War, legal studies remained nationally limited at least in the first couple of decades. The new world was really new to me.

This does not mean, obviously, that I should have taken a negative view of the proposal. I was young enough, in 1982, to find the chance of meeting new experience exciting. It would seem, however, that two motives were decisive. First, our two youngest children, a boy of 16 and a girl of 14, were clearly enthusiastic, and they were strongly supported by my wife who shared my ignorance of the new world but who took a more open and active attitude to the project than I did. Our eldest daughter was not involved – she had already taken up her university studies at Lund.

The second motive which weighed heavily with me was that I realized, upon reflection, that three months of relative peace, without the university-related meetings and other obligations which were becoming a growing part of my Uppsala life as deputy Vice-Chancellor, would perhaps give me the chance of completing a book on the history of European legal philosophy which I had been working with for a long time without finding the time necessary for the final effort.

Whatever the decisive reasons were, off we went, one day in September 1982. In addition to the normal luggage for a three months' stay in a climate similar to that of Sweden, minus the Golfstream, I brought a small provision of legal literature, mostly early French and Italian works on the history of legal philosophy which I did not expect to find in a library west of the Appalachies. That, incidentally, turned out to be complete mistake. The Minneapolis library was a true *cornucopia*, a most impressive wealth of literature, accessible with an equally impressive openness and generosity.

We started with a few days in New York. The New World met with a lovely spell of Indian Summer. It would be dishonest not to admit that the Big Apple made an exceptionally powerful impression not only on our youngsters but also on my wife and myself. The place has a greatness, a fulness of life which is irresistible to a visitor who has the slightest imagination, and the golden autumn days we spent there remain magic in my memory.

I shall not dwell extensively on the first days in Minneapolis, which offered the same magnificent summer weather as New York. Our American hosts had found accommodation for us in the North-Western part of the city, on the shore of Medicine Lake, in an area which gave our youngsters easy access to a good school – a point we had insisted on when discussing that aspect of our stay in Minneapolis. Several law school colleagues and their families were helpful when we started to organize our life in the new surroundings. In particular the Levi and Hudec families received us with friendly and efficient hospitality and also with such practical advice as you need when arriving in a new place where you are expected to start living a normal everyday life without time for extensive preparation. In fact they went far beyond the realm of advice; they spent a good deal of time to render us more than one concrete service. For instance, a car in reasonably good state soon turned out to be necessary, and Bob Hudec found a suitable one on the very first day.



Singer, Strömholm and Bylander at the Colloquium.

It may have been an expression of international courtesy or particular benevolence to foreign guests that the bed in my wife's and my common bedroom was equipped with what we understood to be at that time the height of advanced domestic luxury – a water bed. We immediately made the brutal observation that a bed shared by a sylphidic creature of 65 kilos and a less graceful body of 85 tends to become a place of unrest, or even torture, to both inhabitants, but it took some time to convince our hosts of that fact. I mention this highly trivial and mundane detail because it was really the only point upon which we felt disappointed when resuming afterwards our experience of the reconnoitring expedition.

I have already mentioned the magnificence of the law library. The faculty premises, including the faculty club and the office put at my disposal, as well as the lecture rooms, were modern, pleasant and comfortable. The coffee pouring out of an electric device, was tasteless on the verge of the undrinkable, but it was served at a very low price, or no cost at all.

By the standards of European universities in the early eighties, the students who followed my course were attentive, hard-working, polite and silent. It may be that those who had chosen to follow a course as exotic as a series of lectures on the history of Western legal philosophy, given by an unknown teacher of alien origin, constituted a small, atypical and odd selection, but although few were brilliant, there was nothing to indicate that they were less intelligent or more ignorant than those European law students I had met in Sweden, Britain, France and Germany.

And that, finally, was and remains, a comforting conclusion for us who have spent much time on pursuits as ethereal as jurisprudence and comparative law. All over the world, the law, as a humanistic and deeply humane, not only logical, technical and economic, discipline, has the power to attract serious students from all countries and all intellectual traditions.