



THE IDEAS OF 1945

On Saturday, 13 March 1948, Ingemar Hedenius was installed as Professor of Practical Philosophy at Uppsala University. With the usual academic pomp the older professors, bedecked with orders and decorations, processed into the aula followed by the students and citizens of the town. Once the sounds of the long triumphal march from *Aida* and Beethoven's Largo had faded away, the eyes of the audience turned to the figure in tails at the lectern.¹

Ingemar Hedenius's inaugural lecture took the form of a combative programmatic declaration. With a great deal of self-confidence he defined what could be considered to be scientific philosophy and what could be dismissed as unscientific. Contemporary philosophy, he declared, could be divided into a number of essentially different tendencies. Marxism and Thomism were at heart ideological projections that lacked scientific qualities and were essentially expressions of religious desires. Something not dissimilar could be said of existentialism, the quasi-scientific doctrine that was at that point sweeping victorious through the educated world.² Hedenius did not have much time for it but was optimistic about the way things were developing:

Purely intellectually there are few theories more abstruse and more baroque than existentialism, which has its ultimate origin in the religious dialectic of that unhappy genius Kierkegaard and which has acquired its present form in the impenetrable ideas of crisis-ridden and war-scarred professors of philosophy in France and Germany. But it is perhaps not too bold to predict that when this philosophy has eventually faded away and become no more than a detail in the literary history of the ravaged age of Hitler, its role will already have been taken over by a new and perhaps totally different manifestation of the desire to contemplate what we call the eternal questions.³

The division into a scientific tendency (analytic philosophy) and three unscientific tendencies (Marxism, Thomism and existentialism) was not made for rhetorical effect alone: it also reflected the direction

being followed by university philosophy in Sweden during the post-war period. But Hedenius's statement was also a contribution to the Swedish debate about existentialism that was going on in the second half of the 1940s and which contained echoes of other intellectual disagreements of the time.⁴

The older philosophy of existence (Kierkegaard, Jaspers, Heidegger and Barth) had fascinated a few Swedish theologians, authors and critics during the first decades of the twentieth century but there were only vague and tentative approaches towards it until the 1940s. Immediately after the war, however, Sweden was affected by powerful influences from France. As a result of plays, novels and philosophical works, existentialism – initially almost solely connected to the name of Jean-Paul Sartre – became one of the most significant trends in the field of literature and the philosophy of life of the late 1940s.⁵

The winter of 1947 witnessed a debate about existentialism that may be seen as one element in a bigger intellectual power struggle. It began with the philosopher Anders Wedberg launching a frontal attack on Sartre and his doctrines in a vitriolic article in *Dagens Nyheter*. From a philosophical point of view the Frenchman was a bombastic and unoriginal charlatan of merely literary interest. The fact that he had had such a great impact could simply be explained by the spiritual vacuum left in the aftermath of the war. Wedberg went on to raise a warning finger and point to the traditions from which Sartre's ideas drew sustenance:

He is most particularly a disciple of Heidegger, one of the most tragically confused German thinkers of the interwar period and the fermenting soil that allowed Nazi thought processes to take root. Ultimately he was one of the fellow travellers of Hitler. In this case the apple has fallen vertically from the tree – the fact that Sartre is an anti-Nazi would seem to be a pretty inessential distinction.⁶

According to Wedberg, in spite of the fact that Sartre called himself a radical socialist his outlook on life, his commitment and his doctrine of action all sprang from a Nazi mentality. This view was by no means the all-prevailing view in Sweden and those who had studied Sartre's existentialism more closely – Gunnar Aspelin, Gunnar Brandell, Olle Holmberg and Lechard Johannesson, for instance – offered a very much more complex picture. Nor did Wedberg's attack go unanswered: Karl Vennberg challenged him to produce a more accurate and fairer analysis of Sartre's philosophy and John Landquist castigated the provincialism that he believed circumscribed Swedish philosophy. Both of them stated emphatically that existentialism and its humanistic message was the diametrical opposite to Nazism.⁷

Andres Wedberg cannot, however, be dismissed as a lone and isolated voice. The belief that existentialism was an offshoot of the same spirit as National Socialism recurred in various forms throughout the second half of the 1940s. People as diverse as Sven Backlund, Gunnar Gunnarson, Artur Lundkvist and Victor Vinde leaned in that direction. And in his inaugural lecture Hedenius joined them.⁸

The assault on Sartre's existentialism is yet another example of the taint that attached to any kind of thinking that was associated with Nazism. The stigmatisation can be seen as secondary: Nazi sympathies were never attributed to Sartre but he was thought to be articulating a brownshirt mentality that had its origin in dangerous German traditions. The Swedish debate about existentialism is also of more general interest in that it reveals how experiences of National Socialism could even set their mark on debates that apparently lacked any connection with the conflicts of the Second World War. The lessons of Nazism obviously had a deeper and broader hold than might initially have been believed. As in the earlier chapters of this book, we might suspect that the struggle to interpret the Nazi experience was one part of a bigger contemporary battle, in this case a battle about which philosophy should be regarded as being stamped with the hallmark of science in postwar Sweden.

International comparisons make it clear that there were particularly Swedish factors involved in the disputes about existentialism. Sartre and the other existentialists won many followers on the continent at the end of the 1940s, a body of support that was nourished by the disillusion and existential crisis that followed the war. Existential patterns of thought were expressed in journals such as *Der Ruf* (The Call) and *Die Wandlung* (The Change) in the western zones of Germany where, in contrast to Sweden, existentialism was viewed as an individualist doctrine of freedom, an antithesis of the collective intoxication of Nazism. It was a philosophy for those who wanted to free themselves from the aberrations of ideology.⁹

The aim of this chapter is to broaden out the analysis of the historical lessons of Nazism. The emphasis moves from the content of the Nazi experience to the visions of the future that emerged in the wake of the Second World War. To put it another way, the chapter will deal with the relationship between the lessons of Nazism and the dominant political and intellectual order. In order to characterise the 'ideas of 1945', that is to say the currents that distinguished the early postwar ideological landscape, attention will be focused on two areas in particular: education and the law. They are not the only possible areas, but both of them represent explicitly normative areas in which the values that sustain a

modern state are manifested and where ideas meet practice. The debate about educational and legal policies always exists in a dynamic relationship with the overarching experiences and social visions of an age. It paves the way for an analysis of how the lessons of Nazism formed the young postwar world in a wider and more general sense.

A School for the Postwar Age

In the history of Swedish education the 1940s is the decade of the great education commissions. The foundations on which the postwar education system rested were laid down in that decade. Both the Schools Enquiry of 1940 and the Schools Commission of 1946 had their roots in the long drawn-out debate about the comprehensive school system, an issue that had been on the agenda ever since the end of the nineteenth century. The school reforms of the interwar years had been lukewarm compromises. The vigorous debate about education policy during the 1940s, however, was about far more than school recruitment and organisational structure. The educational arguments of the time reflected ideological and attitudinal disagreements.¹⁰

The education commissions of the 1940s lend themselves to a study of how historical experiences affect discussions on the future of society. On the one hand, the committees were working during a period marked by radical experiences and changes, among which wartime crises, the capitulation of the Third Reich and postwar planning were among the most important factors. That in itself makes a good starting point for an analysis of how the experience of Nazism affected ways of perceiving the world. On the other hand, the commissions were essentially normative in that they explicitly prescribed how the people of the future should be educated. Their essential foundations – their view of humankind and educational ideals, their relationship to democracy, society and tradition – were formed by the interplay between historical experiences and expectations for the future. The information produced by the education commissions provides me with the material necessary for a discussion of the way the historical lessons of Nazism influenced the ideas of 1945.

A School in the Service of Society

In November 1940 the Conservative leader Gösta Bagge set up a committee to look into the school of the future in Sweden. Bagge had been appointed minister of education in Per Albin Hansson's coalition

government just a year earlier and he had devoted his first year in office to familiarising himself with the major questions of education policy then on the agenda. His predecessor in the post, the Social Democrat Arthur Engberg, had taken the initiative at the end of the 1930s to establish a number of minor enquiries, but no real progress had been made. In spite of the turbulent political situation in Europe, Bagge decided to grapple with the future of education: he appointed a large committee and, to emphasise the importance he gave the issue, he chaired it himself.¹¹

The remit of the 1940 Schools Enquiry was 'to carry out an enquiry into the organisation of the school system and to bring forward such proposals as emerge'. The actual committee was to a considerable extent an expert committee and the majority of the fourteen members who served with Bagge were teachers, headteachers, school inspectors or university professors. The provisions within which the committee was working soon became clear: one major element was the desire to create a more integrated school system, but not at the price of excessive uniformity.¹²

In the terms of reference set for the 1940 School Enquiry there was an overall statement of the goal of education. It was a kind of manifesto of educational policy, a basic vision for education:

The general principle to which the work of the enquiry should adhere is that the ultimate aim of the school is not to impart knowledge but to educate in the broadest and deepest sense. The task of the school is to promote the harmonious development of the natural abilities of young people not only intellectually but also morally and physically. Our age demands physically well-trained young people who can compete with their peers in other countries, but it also needs young people able to combine cool judgment with boldness of decision and action. Young people must be educated to love truth, to be firm of character, to have self-discipline and a sense of social responsibility, to be socially conscious and have a spirit of self-sacrifice, to be loyal to the traditions and spiritual inheritance of our nation. The teaching of Christian Knowledge offers special opportunities for moral education, as do subjects such as our mother tongue and history, as well as active communal work both inside and outside school. Every school activity, whether it be study or physical education, play or sport, should serve to form and develop character.¹³

This declaration set the tone. The cardinal aim of the activities of the school was to be the formation of character. If we can judge from press reaction, there were no dissenting voices on this point. Even Arthur Engberg, the previous minister of education who was critical of the Bagge committee in other respects, came out wholeheartedly in support

of the idea that education in the sense of character formation should be regarded as the prime aim of the school.¹⁴

The historian Gunnar Richardson is in no doubt when he attributes the remarkable degree of unity across the party political spectrum to the critical situation Sweden was in during the first years of the war. 'The focus on building up strength in military and supplies terms was obvious and uncontentious. That "spiritual preparedness for defence" should also be included was regarded as quite natural', was how Richardson describes the situation, giving numerous examples of the national authoritarian spirit that ruled during the early years of the war. Every organised body in Sweden, from labour organisations and popular educational associations to women's voluntary services and the churches, promoted self-discipline, spiritual mobilisation and moral education in the national spirit as desirable virtues. The traditional institutions – the royal family, the church and the armed forces – moved into greater prominence during these years, at the same time as state institutions organised Swedishness propaganda. The slogan of the age was 'A dangerous time demands communal spirit, vigilance and silence'. To borrow a phrase from the terminology of the 'Sweden during the Second World War Project', the norm of unity took precedence over the norm of party.¹⁵

When the Bagge commission produced its first report in the spring of 1944, *Skolan i samhällets tjänst* (School in the Service of Society), it bore the signs of the terms of reference set in the first years of the war. The title itself signalled the idea that the school should serve society as a whole, not the individual or any particular interest. It seemed quite natural to ask the question: 'What are we demanding of the school now if it is to work in complete harmony with the guiding spirit of our nation and best promote our material and spiritual growth?' The report began with a retrospective survey of the history of the school in Sweden and this revealed that the school had followed the same course of development as society as a whole. A strong and valued tradition linked the school with the past, which meant that sudden violent changes were to be avoided. Continuity and harmony were cardinal virtues in the eyes of the committee chaired by the Conservative leader Gösta Bagge.¹⁶

The report *Skolan i samhällets tjänst*, which was more of statement of pedagogical principles than a series of concrete suggestions, consistently reflected the ideals of the commission. At its basis lay a value system, the cornerstones of which were a Christian view of the world, a national perception of society and a profound respect for the principles of the Swedish constitutional state and for the cultural heritage of the country.¹⁷ 'What is now being asked with a united voice of the Swedish

school is that it will teach our growing young people what it means to be Swedish, to be citizens of a free country, fellow workers in a society governed by the people, jointly responsible for the future of their nation', the report stated. And it continued:

In various subjects, in Christianity, in the mother tongue, in history and geography, the teaching will unite to work towards the goal of making the young person aware of the national heritage and of the benefits and duties it brings. It is primarily a matter of knowledge, but this knowledge must be firmly rooted in the emotional life and must provide a direction for the life of the will. That is the only kind of education that can make young people non-receptive to the pressures of propaganda and willing to make the sacrifices that may possibly be demanded of them.¹⁸

The role of the school was to develop the character of its pupils, and that would remain its role. The ideal pupil would not only be gifted, industrious, well-behaved, truthful, full of initiative, industrious and strong-willed. The school should also promote other characteristics such as 'irreproachable conduct, courage, strong mindedness, self-control, chivalrousness, a preparedness to make sacrifices, comradeship, reliability, loyalty, leadership, organisational ability'.¹⁹

The educational vision that emerges from *Skolan i samhällets tjänst* can be characterised in a number of ways. One way of looking at it is to emphasise the prominent role played by the virtues of preparedness in the commission's thinking, the fact that the traditional virtues of school pupils rank alongside the traditional virtues of the soldier. This is the view usually taken by the more historically inclined studies of the Schools Enquiry of 1940. Gunnar Richardson, for instance, concludes as follows: 'This is educational preparedness marked by several years of external threat and by the internal mustering of strength in the shadow of the Second World War.' The spirit of earnest purposefulness and of rallying the nation that pertained to the war years had put their unmistakable stamp on Bagge's programme.²⁰

The 1940 Schools Enquiry should, however, not simply be viewed as a product of preparedness, as a reflection of the spirit of the age. It was informed by values and traditions which, taken together, formed a coherent outlook. Viewed analytically, it is possible to distinguish an educational ideal, a human ideal and a social ideal.

The *educational ideal* that permeated the committee's work was based on God and on the motherland, to adopt Herbert Tingsten's critical characterisation of it at the end of the 1960s. As one statement – a statement laden with content – expressed it: 'The fundamental truths of Christianity, pictures from the life of the church, the works of our poets and thinkers, the great figures of history – particularly those of our own

people, all this is to be acquired not only as knowledge, as facts, it is to form conceptual life in its entirety, imbue it with the red heat of interest and fill it with the kind of emotional excitement that can unleash will and action.' Christian truths and national heritage should not just be cold historical sources of learning: they were the foundations of a living ethical education that inspired action and development.²¹ Similar beliefs are expressed in another sentence: 'The heritage of Athens and Rome is common to all of us, as is the Christian heritage; they have been taken into the Swedish educational tradition as it has been interpreted by a Tegnér and a Rydberg'.²²

Christianity as a school subject was a cornerstone of the 1940 Schools Enquiry, its purpose being to pass on a national cultural tradition and to foster the pupils' moral development. The understanding of Christianity that formed the basis of ethical education in school could be termed cultural-Protestant and was clearly demarcated in a confessional sense. Bible texts and historical Christian figures were to be chosen with a view to promoting maturity and character formation. The committee had no doubt that Christianity in its Lutheran form was the outlook that harmonised best with the interests of the nation. 'The Swedish line is the Christian line', ran one of the wartime slogans and it was a slogan that chimed well with the attitude of the Schools Enquiry.²³

Taken as a whole the educational ideal revealed by *Skolan i samhällets tjänst* could be termed Neo-Humanistic. Neo-Humanism, which had its roots in the meeting between Enlightenment and Romanticism in Germany in the years around 1800, argued that man had an inner capacity for knowledge and that study could actualise this inherent potential. There were disagreements about which subjects best exercised human potentiality but the majority of Neo-Humanists were enthusiastic supporters of classical philology and national literature. As far as Sweden is concerned Esaias Tegnér is considered to be its prime advocate but it remained influential in certain political and cultural circles as late as the interwar period. In the labour movement a Neo-Humanistic educational ideal was embraced by Erik Hedén and Arthur Engberg. In this respect there was significant continuity between Engberg, the Social Democrat minister of education in the 1930s, and the Conservative Bagge, minister during the war years. Both of them stood for the character-forming ideals of Neo-Humanism. By studying the classical languages, Swedish literature, Christianity and history, pupils would be taught to serve society. Ever since the 1920s, however, the supporters of the traditional educational pattern had been vociferously challenged by a generation of younger radicals. These modernists and left-wing intellectuals turned on Neo-Humanism and recommended rationalism

and political engagement instead. Bagge's wartime proposals thus represented a return to an ideal that many people in the middle of the 1930s considered passé.

The Schools Enquiry's *human ideal* was based on a given anthropology. In accordance with Neo-Humanism, humankind was seen as educable and full of inherent potentialities that could be developed. But the human being was seen above all as a cultural and social being, strongly attached to the tradition that he or she was part of, and it was within this historical framework that the mental and spiritual capabilities could best achieve their potential. The human being had to hold in trust the heritage left by the past and pass it on.²⁴

This conception of the human being formed the basis of the human ideal. The character traits that were prioritised were the classic virtues of conscientiousness. Pupils should be industrious, well-behaved, truthful and willing workers. They should willingly support others and subject themselves to the demands of the collective. It is notable that many of the qualities that were highly valued were the soldierly and manly virtues of the time: self-control, chivalrousness, self-sacrifice, comradeship, loyalty and leadership. The ideal was an individual controlled by will and capable of strong resistance, an individual in the service of society.

The School Enquiry's *social ideal* built on ideas of harmony, balance and community. There was no suggestion that pupils should be educated to change the fundamental structures of society. The view of society was a conservative one in the sense that it was static, organic and emphasised internal continuity.²⁵

One aspect of the view of society was the concept of democracy. In the debates on educational policy in the early 1940s, there was a marked consensus about the overall aims of the school system, but sometimes, particularly during the heated discussion about what were known as 'national defence exercises', the question was raised as to whether schools also had a duty to lay the foundations of democratic beliefs in their pupils. Evald Fransson, Oscar Olsson and Jörgen Westerståhl were among those who took the view that the most important function of the school was to promote democracy. The methods of education in the dictatorships were warning examples of what could result if the pedagogy of preparedness was pushed to the extreme. They argued that Swedish schools should consciously concentrate on education in democracy in order to create a defence against totalitarian tendencies.²⁶

Bagge's Schools Enquiry took no apparent notice of these viewpoints. In fact, the word 'democracy' is notable for its absence in the section of *Skolan i samhällets tjänst* that dealt with the school of the

future. The phrase 'a society ruled by the people' was, however, used at one point as part of the statement that the Swedish school should 'teach our growing young people what it means to be Swedish, citizens of a free country, members of a society ruled by the people and jointly responsible for the future of their nation'.²⁷

The concepts 'democracy' and 'rule by the people' were not, however, synonymous at that time and there was a line of demarcation that kept the two conceptual worlds apart. The political scientist Torbjörn Aronson has noted that Gösta Bagge preferred the concept 'popular self-government/government by the people' to the concept 'democracy'. During his time as leader of the Conservatives from 1935 to 1944 he did, however, support democracy and considered it to be an effective barrier against totalitarian tendencies, but he frequently made reference to the disadvantages of democracy. He insisted that democracy as a method of reaching decisions could very easily lead to a concentration of power, to oppression by the majority and to a corrupt party system. The democratic form of decision-making could, in fact, actually undermine the Swedish tradition of self-government.²⁸

Bagge's argumentation linked back to such forerunners in the past as Harald Hjärne and Arvid Lindman. In Swedish conservative tradition self-government by the people in Sweden did not date from the breakthrough of democracy after the First World War: it had much deeper roots. The just and fair interests of the Swedish people had been taken care of by various groups at farmers' assemblies, provincial meetings and communal councils, all of which always worked with the common good as their guiding star. In Bagge's time, the 1930s and 1940s, Swedish national government by the people was to be achieved within the framework of the democratic form of government.²⁹ The historian Torbjörn Nilsson has broadened out the discussion, calling attention to the fact that conservative thinkers justified Swedish government by the people by pointing to a historical outlook that stressed the age-old traditions of freedom, national leadership and the fruitful cooperation between the monarchy and the people. Even though the Conservative Party's objection to dictatorship was absolute, its support for democracy was not unconditional. 'One fundamental precondition was that democracy should not come into conflict with the national tradition of government', Nilsson states.³⁰

The view of democracy revealed in the 1940 Schools Enquiry bore the stamp of this kind of outlook. As chairman and responsible minister Gösta Bagge was in a position to exert considerable influence on the report, all the more so as he was supported by Professor Erik Wellander and Bishop Tor Andræ. They all distanced themselves from

a pedagogical approach that aimed at developing the democratic individual, instead championing the idea that it would be better if young people were schooled to become 'co-workers in a society governed by the people', to take responsibility for the communal affairs of society. In this respect, then, the goal of the school was closely interlinked with the ruling educational ideal.³¹

In other words, the school of the future as it was sketched out in 1944 was an educational institution in the service of the state. The 1940 Schools Enquiry strove to create an institution which had the development of the pupils' character as its overarching aim. The educational idealism of Neo-Humanism, Christian cosmology and the national concept of government by the people went hand in hand. The task of the school was to hold the cultural tradition in trust and to pass it on, to promote moral and spiritual improvement and to foster virtues like discipline, patriotism and a spirit of self-sacrifice.

The Inner Work of the School

The Schools Enquiry published a number of reports during the following years, all of them dealing with particular aspects of the school of the future. With *Skolans inre arbete* (The Inner Work of the School) of February 1946, however, the committee returned to the more general questions of goals and directions. This meant that the same committee had published two reports on issues of principle in the course of two years, the first of them produced during the Second World War, the second in its immediate aftermath.

When we place these two reports alongside one another the differences are so marked that there is good reason to look at them more closely. Gunnar Richardson summarises the observations he and others have made by stating: 'during the course of the 1940s the dominant understanding of the concept of education underwent a shift *from* moral and spiritual education, self-discipline and control, the spirit of self-sacrifice, patriotism and similar virtues that belonged to a conservative social and human outlook, *to* social education, democratic and anti-authoritarian, aimed at developing a critical attitude and the will to function and work together'.³² That is a very apt characterisation of a significant change of direction in the education debate of the 1940s. In order to understand these changes, however, they need to be put in the context of the experiences of Nazism.

The two introductory chapters of *Skolans inre arbete* are taken up with a discussion of the principles involved in setting the aims of education. But right from the start it is obvious that a shift of emphasis has taken

place, a shift from a pedagogical approach centred on society to one centred on the individual. 'The school should look after the *individual* and develop his talents and aptitudes to the greatest degree possible', the report states, at the same time as mentioning that the school should also serve society. The relationship between the individual and society was a reciprocal one: only by providing the individual personality with the opportunity to develop could the individual become an effective member of society, and only in a society characterised by mutual responsibility could the individual receive a social education. Virtues such as strength of character, strong will and conscientiousness continued to be important, but intellectual attainments were now given greater weight than before.³³

Generally speaking the committee shows signs of greater uncertainty than before, not only on the issue of character development versus acquisition of knowledge but also on the Janus face of tradition. At one point it is stated that the weakness of the school is 'that it easily becomes far too bound by tradition, that it becomes stuck in educational aims and pedagogical methods that fail to correspond with the demands of the present or the future'. This ('the futility of our education system') risked making the school unamenable to new impulses. The result of this, it warned, will be a tension between old and new, between what is old-fashioned and what is useful to the future, and this will necessitate returning time after time to the issue of the form and content of education. On the other hand, the school should always pass on the heritage of our forefathers; balancing the care of our cultural inheritance against education for the future is a delicate task. This fundamental dilemma is returned to time after time: how can an institution like the school unite its anchorage in history with the task of educating young citizens for a society in the making. This balancing act was expressed programmatically in a concluding sentence: 'We cannot renounce all claim on the national elements in the form and content of our culture, we cannot demolish what is time-honoured and established in order to make room for the new, which demands space to grow; but we can allow the old and the new to fuse together in harmony, with each of them being allowed its due.'³⁴

The discussion drew strength from a description of the history of pedagogical reform between the wars. The school reforms launched after the First World War had been in tune with the general demands of that period for 'the right of nations to self-determination and the right of the individual to join in influencing the life of the state and of society'. Democracy had been the guiding light even for school reform. But as one international crisis followed another during the 1930s, the

enthusiasm for reform diminished. The latest world war had actualised educational questions as never before, all the more so because, being total war, it had involved a reappraisal of all existing values.³⁵

The lessons of the historiography were unambiguous: after the second great war, within the course of a couple of decades, it was high time to resurrect democracy as both the means and the end of the school. A proposition of this kind indisputably has traits of a learning process. The historical experiences were manifested as a present past, as images from the past calling for action and enquiry. They were rarely personally experienced, more often passed on by the media or culture, and to a very great extent they were conscious and they were objects of rational revision. It is clear that experiences of contemporary European history were a point of orientation in the discussion of Swedish education policy. The authors of *Skolans inre arbete* had drawn conclusions from experiences that led them to distance themselves from some of the ideals that had permeated *Skolan i samhälllets tjänst*. In other words, the lesson led to both self-examination and self-confirmation.

The spirit that imbued the 1946 report was democratic and forward-looking. A critical frame of mind was presented as being the core competency that pupils must acquire. The ability to analyse and sort with a critical eye was of benefit to democracy, not only because it was a precondition of free opinion formation but also to prevent 'a tendency to accept one-sided propaganda'.³⁶

The emphasis on the development of the critical intellectual ability was repeatedly motivated by pointing to the experiences of the education programmes of the totalitarian states. Sometimes it was a case of hints and implicit references and at other times a matter of explicit reference to totalitarian experiences:

The school there [in a totalitarian state] has been put in the service of the only permitted political doctrine. The content of the curriculum has been adjusted to implant the social outlook that every citizen must espouse and young people have consequently been brought up from childhood to confess *one* faith, *one* conviction, *one* political view. [...] In the totalitarian state the thoughts and actions of each individual are in principle uniform with those of every other individual and they are to be in agreement with the beliefs on which the state rests.³⁷

The report was of the view that these things should act as a reminder to the democratic states. Upbringing and education must always rest on a foundation of free research and free opinion formation. The recent past had taught that lesson.³⁸ These conclusions have to be seen in the context of the surge of interest in the education system of Nazi Germany during the closing stages of the war. Before that, little attention had

been paid to the school system, but now it was seen as an extremely significant element in the Nazi system of indoctrination. The authoritarian spirit that permeated the German institutions promoted discipline, militarism and chauvinism. Contributions to the Swedish debate by pedagogues and those interested in educational issues – figures such as David Katz, Wilhelm Sjöstrand, Melker Johnsson and Vilhelm Scharp – emphatically distanced themselves from the state pedagogy of the Third Reich.³⁹

Thus the 1946 report provides examples of how experience is tied to expectation as a result of a historical lesson. The lessons that were drawn from the experiences of the foregoing years framed themselves into a vision for the future. Above every other consideration, the post-war school should be based on ideals that support a development away from the totalitarian state. Freedom of opinion formation, critical minds and democratic convictions would ensure that the future would not have to experience a repetition of the past. At the same time, of course, expectations for the future were inspired by existing traditions and tendencies.

Alongside education for the mind, emphasis was still being put on the school's character-building function. But unlike the 1944 report this task was no longer associated with a particular subject or particular body of knowledge: now the whole of school life should aim to foster a sense of responsibility and social awareness. The importance of pupils learning to respect 'the highest values of our culture in religion, scholarship and art' was still stressed, but not as unconditionally as before. New virtues like intellectual independence and personal responsibility were on the whole given higher priority. The insistence on authority, discipline and will in the 1944 pedagogy of preparedness has given way to ideas of cooperation and autonomy because these qualities are seen as essential in a Western democracy. The aim of building character has been moderated by assigning it a critical element.⁴⁰

The subject of history provides us with an illuminating example. In 1944 the committee stressed that history should not only be acquired as knowledge but should 'shape the life of perception as a whole, instil it through and through with an intense interest and fill it with the emotional excitement that can stimulate will and action'. Two years later what was being stressed was the critical study of sources. Pupils were to learn to evaluate historical phenomena from a variety of stand-points and to make independent decisions as to their truth. The spirit of objectivity would guarantee a dispassionate sceptical disposition. History as a subject would provide a first-class education in peace and democracy.⁴¹

The postwar programme of the Schools Enquiry, *Skolans inre arbete*, did not represent a complete break with the principles of 1940, but there was no doubt that a shift had taken place, a shift from a pedagogy of preparedness to one of democratic reform. The view that school was primarily there to serve the nation had been loosened. The formation of character was not the sole important goal: school should also foster a critical disposition and an independent outlook. The concept of government by the people had almost completely disappeared from the repertoire and been replaced by the concept of democracy. The contrast with the committee's report two years earlier was apparent in the form of words that concluded the discussion of principles; it was symptomatic that it was a form of words inspired by an American educational reformer. It is not 'just for society and the state that man lives', the conclusion stated, 'but also for himself, for his own personal development, for those closest to him, for his home'.⁴²

Thus, within the course of just a few years, there had been a notable turn of the tide. There are interpretations of this sudden change scattered here and there in the research literature, though they tend not to be more than general references to the events of the time. 'The most important reason for the Schools Enquiry's change of direction in 1944–45 is self-evident and obvious: the end of the war', Gunnar Richardson writes. What he means is that 'concrete realities' – the catastrophic end of the war, pictures from the Nazi concentration camps, insights into the nature of the totalitarian regimes – forced there to be a change of view as to the values that schools in a democracy should be promoting.⁴³

My reading of the situation is not incompatible with these explanations but there are a number of levels on which I find them deficient. Because of their very general nature they lack the necessary precision. The changes are often associated in a very loose way with wartime experiences but without any more detailed attempt being made to describe the connection. In general, the discussion seems to proceed from an unexplained causality whereby the end of the war in itself set in process changes that are visible in the committee's reports. The notion of the historical lesson of Nazism seems to me to offer a much more satisfactory way of understanding the changes.

The experience of Nazism implies greater conceptual precision since it is the experiences of National Socialism, not the course of the war, or the general crisis, that are at the heart of the collective experience. The limitation of the focus on Nazism does not preclude the fact that other impressions and events were important, but it does mean that I attach decisive importance to the Nazi experience. The conclusions that were drawn harmonised with the predominant views of National Socialism

I reconstructed in the last chapter. The idea of Nazism as a nationalist authoritarian ideology determined to crush the free and critical spirit corresponds well with the content of the Nazi experience at this period.

The conceptual trio, experience–historical lesson–expectation is, moreover, better suited to providing an all-round understanding than the approaches to be found in other literature. This is partly because it captures the dynamic between historical experiences and ideas about the future – that is to say, the way the processing of the recent past affected discussion of the shape of the future by generating a lesson that set the tone of the debate. Partly it is because I can give more tenable answers to the question of why certain ideals were banished in the period around the end of the war whereas others spread – what could be called the link between experiences of Nazism and the ideas of 1945. The course of the debate on education policy during the second half of the 1940s shines a revealing spotlight on all these historical correlations.

A Democratic School

The 1946 Schools Commission was set up a year after the end of the war. The purpose of this parliamentary commission was to work on the proposals put forward by the wartime Bagge commission, to ‘form a plan for the future organisation of the general school system and to draw up guidelines for its introduction. The 1940 Schools Enquiry had taken a good length of time and there was increasing pressure to move from words to actions. The new commission was mainly made up of politicians, its composition reflecting the situation in parliament: many of the influential names were Social Democrats, among whom were the education minister Tage Erlander (chairman of the commission until he was appointed prime minister in the autumn of 1946) and Josef Weijne (also minister of education, who took over the chair of the commission from November 1946), Alva Myrdal the political sociologist, Adolf Wallentheim the educationalist and politician and, not least, Stellan Arvidson the chief secretary to the commission.⁴⁴

The 1946 Schools Commission published its fundamental ideas in a report in 1948. The significance of their work was obvious, they stated, because the decisions they reached would ‘be of fundamental importance to the continued progress of our society and will set their stamp on the life of our society for a considerable period’.⁴⁵ In the introductory chapter ‘The School System and the Democratic Society’ the authors of the report set out the guiding principles of their work. At the start they linked back to *Skolan i samhällets tjänst* of 1944 and permitted themselves

to interpret its goals, which were to make the school suitable for the needs of modern society. This was defined in a key passage:

What this means when more closely defined is that school reform should aim to remodel the school in accordance with the structure and life of *democratic society*. This is how the Schools Enquiry of 1940 understood its task. The 1946 Schools Commission shares this basic view of the coming school reform. In accordance with this, in what follows the commission will present proposals outlining *the general guiding principles for a democratisation of the Swedish school system*.⁴⁶

Democracy was the leading idea of the new school commission. It was now high time that the school system underwent the kind of democratisation that the rest of society had experienced over the previous decades. In the view of the commissioners, it was still necessary to continue building on the Swedish traditions that the school was a product of, but if it was to be democratised it was simultaneously necessary to acknowledge that the Swedish school was a product of social forms that were not democratic. The form of words they chose united the democratic convictions of the Schools Commission with its ambition to retain the historical link with the Schools Enquiry of 1940: 'In such a situation, while holding fast to what is of value in the heritage of the Swedish school, the task will be to attempt to clear away what is burdensome and old-fashioned and replace it with elements that are in tune with the development of society and which point towards the future.'⁴⁷

The democratic form of society was undoubtedly one of the things of value in Swedish heritage. It presupposed the free cooperation of all citizens, and that in its turn depended on free individuals. Thus, as one programmatic statement put it, 'The primary task of the school is to produce democratic people'. But this was soon modified: the school was not to be permitted to preach democratic doctrines because that would mean that education would become authoritarian and thus fail in its task. It should instead rest on objectively scientific foundations and aim to give factual information about the major ideological questions of contention and promote the development of the pupils' own understanding. It was only in this way that freedom and human value could replace standardisation and indoctrination.⁴⁸

The passionate pleading for ideals such as independence and a critical attitude of mind was considered to be fully motivated. For far too long the school in Sweden had been based on authoritarian traditions that could hardly be considered either appropriate or modern in an age of democracy. This conviction had been further reinforced by experience of totalitarian regimes. 'In a society governed by the people it should be possible to demand a critical attitude of mind which will provide

resistance against spiritual infection', was one of the points made in the discussion of totalitarian experiences. The free and harmonious development of personality should be a buttress against tendencies inimical to democracy. It is for the school to nurture and develop whatever is special and particular to the individual pupil. The conclusion was: 'Democracy has no use for mass human beings with their lack of independence'.⁴⁹

With the 1948 report the emphasis of the education question moved a further step. Even though the Schools Commission itself was at pains to stress internal continuity with its predecessor, it was obvious that it had moved away from it at some significant points. In point of fact, the Schools Commission enjoined ideals that stood in direct opposition to those that had dominated *Skolan i samhällets tjänst* in 1944. The contrast was particularly noticeable when it came to the content and educational ideals of the school. The Neo-Humanistic repertoire, still strong in 1944, with Christianity, the mother tongue, history and the classical languages as its cornerstones, had at last been forced into retreat. The trends that had already been obvious in 1946 were even more marked two years later. The new Schools Commission emphatically turned against the burdensome and old-fashioned heritage that had been to the detriment of pedagogical activity for far too long. It turned against what was perceived as a medieval element in the educational aim of the time, with its belief that young people should be brought up to obey and accept authority. It turned against the strong civil service tradition that characterised the Swedish school system: the adherence to establishment thinking, the bureaucratic rigidity and the inhibition of dynamism.⁵⁰

The judgment pronounced on the formalistic education ideal was a harsh one. Humanistic subjects had traditionally concerned themselves 'with dead matter that lacked significance both to an understanding of cultural development at large and to a better understanding of the problems of our own age'. A new goal was to be set for these disciplines, one that was aimed more at the daily needs of society and the opportunities of the future. The future aim of the history curriculum would be 'to set out clearly the development that had led to the society of the present and to provide the historical background of current social questions'.⁵¹

It was no longer sufficient simply to renew the traditional core of subjects. The Schools Commission declared that the school had for too long been ignoring important elements in the education needed by the future members of society. The omission had above all affected social education, an area that was a vital part of the general education of a

citizen and of a modern democracy. To remedy this unsatisfactory state of affairs the commission proposed the introduction of an independent new school subject, social studies.⁵²

The progressive pedagogical ideals put a great deal of trust in scientific knowledge and expertise. The democratic education advocated was one based on science and stood above political considerations – the very fact that it was scientific guaranteed that the education would not become authoritarian. The fundamentally rationalist outlook of the Schools Commission was also revealed in the considerable importance it attached to modern psychological research findings when creating the new pedagogy.⁵³

The shifts that took place in the field of education were part of a greater series of shifts in the Sweden of the time. The discussion about the school of the future that continued through the 1940s was connected to other contemporary discussions and these debates were influenced by the dramatic course of events during the last years of the war and the first years of peace. There is good reason, therefore, to broaden out our perspective and consider the way the Nazi experience set its imprint on the schools question.

Nazism and Postwar Pedagogy

Political democracy was without doubt the ideal form of society as far as Sweden was concerned at the end of the war. It was generally regarded as a matter of the utmost urgency that this principle should be re-established and confirmed. During the spring of 1945, for instance, Herbert Tingsten gave a series of public lectures which received a considerable amount of attention. His theme was ‘the conflict between modern ideologies with regard to the individual and society’, the lectures being published in book form as *Demokratiens problem* (The Problems of Democracy) later the same year. The conclusions Tingsten reached were not particularly optimistic. He stated that ‘the future [of democracy] as the leading state model cannot be assumed to be secure’ as it continued to be a historical experiment under threat. Democracy presupposed personal independence and could not be motivated by anything other than a striving to liberate and develop the personality.⁵⁴ The publication a couple of years later of *Varför demokrati?* (Why Democracy?) by the Danish jurist and philosopher Alf Ross was another contribution to the debate about democracy. What had led the Copenhagen professor to reflect on democracy was ‘the practical demonstration of the methods of dictatorship given by the master race in our country’. The book was written, as he stated in the preface, as his ‘modest contribution

to Denmark's struggle for freedom'. The attention his book aroused in Sweden demonstrates how topical the question was.⁵⁵

The re-establishment and consolidation of democracy was regarded as being not least a matter of education. In the years around 1945 educational theorists come to the forefront. In the spring of 1945 the journal *Skola och samhälle* (School and Society) devoted a theme issue to 'the postwar pedagogical problems'. Einar Tegen, a professor of philosophy, marked out the route to be followed in his introductory article. As far as he was concerned, there was no doubt about where the decisive challenge lay. The significance of a democratic education became particularly apparent 'when we think of those forces and tendencies of our age that need to be overcome if humanity is to survive: they are, the forces of Nazism and totalitarianism'. 'They exist among all peoples and in all countries, which is why they also concern us', he stated at the same time as making it clear that democracy was the absolute antithesis of the totalitarian position.⁵⁶

Tegen approached the issue by discussing the nature of the democratic human being and it is noteworthy that his inspiration was drawn not from the classics of philosophy but from contemporary psychology. He was influenced in particular by the German-American psychoanalyst Erich Fromm, who was very topical at the time as a result of the Swedish translation of his *Escape from Freedom*. Fromm held that the modern human being had been torn from the community of a pre-individualist society and become easy prey to power-hungry authoritarian leaders. In the totalitarian societies the isolated individual's flight from freedom took the form of total lack of freedom. Suffering and subjection became the price of community. Following in Fromm's footsteps Tegen argued that 'an excellent example of this situation is the Nazi hierarchy, a ranking of dominance and subjection, authority and blind obedience, from the top right to the bottom'. The ultimate consequence of the Nazi education system was the total triumph of authoritarianism over the autonomy of the individual. Over against this Tegen set the virtues of democracy: 'The goal of a democratic education must be a free, natural and independent personality, a personality that is not oppressed or bound by others, one which does not seek to rule others but which can cooperate freely with other people in love and in work.'⁵⁷

Seldom had Nazi morality been placed so unambiguously face to face with democratic morality. Ideals associated with the National Socialist view of humankind were rejected. But this stance also implied passing judgment on the 1940 Schools Enquiry. The individual called for in that document had been strong, resilient, driven by will, prepared to live up to the demands of society and disposed to serve the

interests of the nation. Just a few years later there was something stale and musty about these virtues. Any view of humanity that emphasised traditional values and the principles of community was now suspect. The goal of the school was to create a free and independent personality, one that was not chained by the conventions of the collective but which cooperated with others of his own free will.

Tegen's argumentation gives us a clear example of how experience could be linked to expectation. Experience of Nazism had been reworked and transformed into a lesson that pointed in one direction only: school in the service of democracy must be mobilised against the authoritarian educational establishments of Nazism. It was a school that would foster free and upright citizens to whom blind discipline and subjection were alien. That is what the future looked like. Conscious and well-articulated references to the morality of National Socialism existed as deterrent warnings, but, in fact, it was a wider Nazi sphere of association that was being stigmatised. The Swedish wartime Schools Enquiry had not proposed unlimited authority and blind obedience. These ideals had been brought into disrepute by the experience of Nazism. That experience – the past in the present, embodying cataclysmic events and impressions – became a living lesson and a reminder for the postwar age.

The well-balanced free individual was both the aim and the means of democracy and without such an individual the preconditions for democracy would disappear, leaving no democracy worthy of its name. This was a conviction that Tegen shared with others involved with the problems of postwar education, among whom was the author and theologian Emilia Fogelklou. An article by her – also connected with Fromm's thinking – developed a critique of older forms of authority. Those forms had made individuals into isolated, lonely and powerless creatures who could all too easily be forced to submit to anonymous authorities and lose all notions of independence. 'The despair felt by human automatons about their own impotence is fertile soil for fascist ideals', was the conclusion she reached. The way out of that was a new and democratic form of education.⁵⁸

Alva Myrdal joined in with an appeal in the same spirit. She argued that peace could only be lasting 'if all aspects of culture and education are stood on their heads and thus, instead of playing into the hands of new wars, make people more effectively democratic and more reliably internationalist'. The problem of the future was to a large extent a problem of education.⁵⁹ It was, however, not only in totalitarian countries that democratic reforms were necessary. 'The re-education of aggressive nations is not in itself sufficient: even those of us in more peaceful

nations bear the sin of nationalism within us. We are all in need of a reformed education if we are to live side by side in peaceful cooperation and democratic consultation. We are not in fact accustomed to the ways of life necessary in the modern world even though we have in a formal sense agreed to them.' In Myrdal's eyes it was obvious that the necessary reform of school was the completion of the modernisation process that had begun at the turn of the century. The aim of democratising the school and thereby bringing it closer to society was more important than anything else.⁶⁰

A major conference on the theme 'The School as a Factor in the Reconstruction of the World' was organised in Stockholm in October 1945. In his opening address Anders Örne, a Social Democrat and member of the cooperative movement, gave a warning about the spiritual after-effects of the war. As a result of the destructive propaganda of the totalitarian states, the children of many year groups had been dehumanised. The work of reconstruction had to be targeted at 'repairing and purifying people's spiritual lives' and he was consequently convinced that 'now more than ever education is the alpha and omega of the life of human society'. This, in Örne's view, was a lesson we should take to heart and that the future school in Sweden must create independent and critically thinking individuals because these were precisely the qualities that peace and democracy presupposes.⁶¹

Einar Tegen, Emilia Fogelklou, Alva Myrdal and Anders Örne were not alone in the school debates of the postwar years. Similar ideas were voiced in the Swedish press during the years around 1945. They were united by common experience: virtually all the contributions to the debate about the problems of education in the postwar period made reference to totalitarian experience, above all to the experience of Nazism.⁶²

The conclusions drawn from the Nazi experience pointed to a set of ideals. The protagonists on the educational scene, both school commissioners and participants in the wider debate, were, as we have seen, united in support of *an ideal of society* that gave highest importance to political democracy. Their argument for a democratisation of the school system often took the form of striving to move away from the authoritarian and hierarchical structure that had been dominant for so long.

It was an effort that went hand in hand with a distinct *ideal of humankind*. The vision they had in mind was of a school that would foster free personalities who both cultivated their own special talents and took responsibility for the good of the community. These democratic people would be harmonious, critical and – not least – resilient against mass suggestion and authoritarian beliefs. They rejected forcefully all forms of authority that relied on violence and physical strength – an

education based on these things was damaging to democracy in that it produced characteristics such as aggressiveness and a tendency to oppress others and to accept anti-democratic propaganda. They believed that the school should distance itself from a pedagogy reliant on duty and instead find ways of promoting the pupils' well-being. Freedom, tolerance and independence were the bywords of the 1946 School Commission.⁶³

The social and human ideals were in harmony with an *educational ideal*. If the 1940 Schools Enquiry had been permeated by Neo-Humanism, the watchword of the postwar commission was education for *citizenship*. The ideal of education for citizenship was firmly rooted in the tradition of the Enlightenment and in Sweden it had a strong impact on the popular movements, especially the labour movement. The fundamental idea was that education would enable the individual to grow as a citizen of society; he or she would discover how the world worked and would take responsibility as a political being. Leading representatives like Hjalmar Branting and Rickard Sandler considered it important that the bourgeois educational tradition should be adopted critically. They drew inspiration from the way the radicalism of the 1880s approached the then dominant norms. The classical languages and Christianity were, in general, ranked lower than mathematics, the natural sciences and political science. Literature and history remained important subjects but ideas about which literature and which history should be studied differed from the views of Neo-Humanism.⁶⁴

The classical languages were hardest hit by the anathema pronounced on the formalist educational ideal. The campaign against the dominance of Latin had been going on throughout the nineteenth century but the criticism became more acrimonious during the 1940s. Classical studies – as becomes apparent in the 1946 School Commissions – were becoming more and more associated with authority, discipline and subjection. Seen in the perspective of the history of concepts this is part of the change that the concept of humanism underwent during the interwar period, but it also has to be seen against the background of Nazi experiences. The study of Latin and Greek and the formal education and fixation on tradition they implied came to symbolise a school that was unfit for the modern age. It was symptomatic that the sadistic Caligula (a thinly disguised Heinrich Himmler) in Alf Sjöberg and Ingmar Bergman's film *Hets* (Torment) was a Latin master.⁶⁵

On the other hand, subjects with a social-science orientation were seen as the quintessence of an education for citizenship, and social studies was strongly favoured after the war. The subject, which significantly enough was given the name 'civics', expanded at the expense of the

hours devoted to history, although it was not until a little into the 1950s that its breakthrough came. One of the major sources of pedagogical inspiration was the American John Dewey who, in his arguments for a democratic cosmopolitan school, was a keen advocate of social studies. Rickard Sandler and a number of other people in Sweden had been pushing similar ideas in the interwar period, and after the war more and more people joined them in support of the idea that contemporary social studies was the best way of promoting the teaching of democratic citizenship. Socially oriented education in general made strong advances during this period. In 1947, for instance, the first Swedish chair of sociology – the science of modern society – was founded.⁶⁶

The enquiries and reports of the 1946 Schools Commission formed the basis of the 1950 education bill. The bill sparked off a lively debate and much time was spent on the committee stage, but the discussion was less about the fundamental principles than about how the school should be organised and how the reforms should be introduced. In all essential respects the decision taken by the Riksdag rested on the same understanding of the individual human being, society and education as that which had permeated the Schools Commission.⁶⁷

Taken as a whole, the education policy debate shows that there was a breakthrough for new ideals about the individual, society and education in the aftermath of the Second World War. They were ideals that were in sharp contrast to those that had dominated the first half of the 1940s. Over against the concept of national government by the people favoured by the Schools Enquiry of 1940, the ideal society of the 1946 Schools Commission was democracy. Over against the strong willed, duty-bound and responsible pupil, the new ideal set the independent, critical and resilient pupil. Over against the Neo-Humanist educational ideal that focused on developing the pupil's inherent characteristics, there was the new ideal of citizenship, the aim of which was to foster the pupil's democratic virtues.

These remarkable changes arose out of the interplay of historical experiences and perceptions of the future. In the debates on educational policy that went on throughout the 1940s, the historical lesson of Nazism played a role by prompting reassessments and shifts of emphasis. But the nature of the lesson was not a universally valid one. It had specifically Swedish features.

Neo-Humanism as a German Historical Lesson

In 1945 the German education system was faced with quite different challenges than those in Sweden. The German capitulation had

revealed the scale of wartime destruction. Very soon after the coming of peace, a vigorous and multi-faceted debate began as to what lessons could be learnt from the past and what course should be marked out for the future. An important aspect of this discussion was to concern the new school.

In spite of the considerable differences it is worthwhile comparing the Swedish and the German debates on education. In the German sphere, schools policy and pedagogy at the end of the 1940s and the beginning of the 1950s was formed against the background of Nazi experiences. Viewing them against the Swedish experiences, in particular against the unambiguous historical lesson that these experiences gave rise to in Sweden, will extend the field of historical view.

The Allied denazification project was started in the summer and autumn of 1945. Leaders and party functionaries were put on trial for war crimes and the most compromised figures were purged from businesses, the administration and institutions. A bigger and more thorough process of *re-education* of the German population also took place. In the Eastern Zone this had unambiguously communist features and is thus less interesting in the current context than the development in the West.⁶⁸

At the Potsdam Conference the victorious Allies had decided that the German education system must be purged of Nazi and militaristic doctrines and that democracy should be promoted. These were the guiding stars of Allied education policy. Denazification, which proceeded along different lines in each of the three Western Zones, often focused on purging individuals and getting to grips with immediate problems. School activity was restarted, teachers were suspended and Nazi content was removed from educational materials – though it has to be said that it was a selective and incomplete procedure. The attempts at democratisation by the occupation powers, however, frequently stopped at desk products and it is difficult to find evidence of the realisation of a more coherent educational policy in the American, British or French zones. The question of how a future education system should be constructed was left to the Germans themselves. Any picture of the internal debate is complicated by the big regional differences that existed in West Germany. The individual states of the Federal Republic had wide-ranging powers to create their own types of school and the landscape of educational politics was far more diverse than in Sweden. It is nevertheless possible to pick out certain trends that cast light on the dominant forms of experience and historical lessons.⁶⁹

Under the heading 'Demokratisierung der Bildung' (Democratisation of Education) the German school was transformed in the decades after

the war. It was partly a matter of a major quantitative expansion of the whole school system and partly a more substantial democratisation of the form and content of school. The absolutely overriding aim was to distance themselves from Nazism, but given the spirit of despair induced by the catastrophe as well as the sense of renewal brought by liberation there were a good many proposals during the first post-war years as to what conclusions that should be drawn from the Nazi experience.⁷⁰

A key question for German pedagogues and others involved in the education debate was which educational ideal and which educational traditions they should relate to. It was not just a matter of coming up with something entirely new or of letting themselves be guided by international trends. They reached back instead to two main pedagogical tendencies visible in the Weimar Republic: the Neo-Humanistic tendency and, to some degree, reform pedagogy.⁷¹

Neo-Humanism, which argued for the importance of classical culture, had its roots in Germany and was associated with names such as Winckelmann, Herder and Humboldt. As an educational ideal it had occupied a relatively strong position in German upper secondary schools and universities right up until Hitler's accession to power in 1933. This was the ideal that leading pedagogues and philosophers such as Eduard Spranger, Theodor Litt, Herman Nohl and Wilhelm Flitner promoted as a corrective to Nazism following the Second World War.⁷²

Werner Jaeger, a classical philologist and author of the three-volume *Paideia* (1934–1947), gave expression to a significant standpoint. Jaeger had been forced to leave Germany in the middle of the 1930s after the Nazis came to power and had then worked at Harvard University. In a letter to the Tübingen professor Eduard Spranger in 1948 he outlined his view of the direction the German school should take after the fall of the Third Reich:

In Germany the new education system has to fulfil more than one task. The damage done to German education by the Nazi regime will call for more than one remedy [...]. But when we consider Germany in its current isolation among the nations of the world – which is a logical result of its conscious separation from the common cultural tradition during the Nazi period – one of the first goals of any future education system must be to get out of this fanatical and strange isolation in order to find a way back into the great family of civilised nations. In terms of interventions in education the Nazis did everything they could to cut off historical cultural roots and to limit any awareness of tradition to narrow and self-satisfied nationalism. It is impossible to make the cultural heritage that the German people shares with other western nations comprehensible

without tracing the roots of our common traditions [...]. It is not enough just to learn a little French and English because in the modern countries any real understanding can only grow from the common soil of classical and Christian traditions that all of them have sprung from.⁷³

Werner Jaeger contended that the process of positioning pupils in the context of their historical origin in order to enable them to realise their inherent abilities had always been the ultimate aim of classical studies in school. Nazism in his opinion had not arisen from Hitler's absurd racial theories but as a result of a fusion of a technical-mechanical worldview with aggressive Prussian militarism. Thus, in Germany, it was vital to safeguard humanistic education since it provided a buttress against the cult of nationalism and the excesses of civilisation.⁷⁴

It was not only university teachers and classical philologists who found the educational ideas of Neo-Humanism attractive after the Second World War. Experience from the Nazi period led to there being widespread support for an educational ideal with classical foundations. This historical lesson was manifested in many of the constitutions adopted by the states of the Federal Republic between 1946 and 1953. In the case of Bavaria, for example, we can see the basically Christian, idealistic and culturally conservative tendencies of these documents. The first point proclaimed in its *Landesverfassung* (state constitution) of 1946 is that the school should not only teach knowledge and skills but should also foster character. The second point asserts that the overarching aim was to inculcate respect for God, for religious belief and for the sanctity of humankind. Among the qualities that should be fostered were self-control, a sense of responsibility and helpfulness as well as receptiveness to what is true, good and beautiful. The third point stated that pupils should be brought up in the spirit of democracy and to love their Bavarian homeland and the German nation. Lastly it was stated that the education of girls should focus in particular on childcare and domestic science.⁷⁵

The words of the legal text were grand but they certainly were not empty words. Studies of individual schools have shown that what we might call a Neo-Humanist canon set its seal on school life at the end of the 1940s and the beginning of the 1950s. Once the baggage of Nazi thinking had been cleared away, education returned to the pedagogical orientation it had had during the Weimar Republic, with Latin as the first foreign language in the upper secondary school.⁷⁶

The renaissance of the classical humanistic ideal of education was encouraged by powerful currents in the young Federal Republic. The catastrophe of Nazism provoked a distrust of the immediate past that also turned into a distrust of the immediate present. Instead of affirming

current trends or international impulses, many Germans placed their hope in timeless and supra-individual values. In a number of studies the historian Axel Schildt has stressed the importance of Christian and conservative ideas in the formation of the West German ideological landscape of the 1950s.⁷⁷

The Neo-Humanist educational ideal was, however, not the only ideal and there were those who drew other conclusions from the Nazi experience. The main alternative was – to use a blanket term – the ideal of reform pedagogy. From the end of the nineteenth century a reform movement had grown up which took a critical view of traditional forms of schooling and stressed learning in natural surroundings as well as education in citizenship. Many of the influential German proponents of reform pedagogy, who had tended to hold liberal or socialist views, were persecuted in the Third Reich and forced to leave Germany. This partly explains why reform pedagogy was not strongly represented in German education during the first postwar decades. There was also the fact that a leading proponent like Heinrich Deiters was active in East Berlin after 1945.⁷⁸

The drive for some degree of pedagogical reorientation came rather from university educationalists like Theodor Litt and Eduard Spranger. In the course of the 1950s they revised their humanistic vision of the school to make it more suited to postwar democracy. Essentially, however, they retained a Neo-Humanist approach, with markedly conservative elements.⁷⁹ This does not mean that it is not possible to pick out certain reform pedagogical traits. The constitution of the Federal land of Hessen, and particularly perhaps that of Bremen, stressed quite different goals from those of Bavaria. In the case of Bremen, a northern Hanseatic city, what was stressed was the importance of independent thinking and of social and citizenship virtues such as tolerance of other people's ideas. It was not mere coincidence that these areas were ruled by Social Democrat majorities.⁸⁰

Taken as a whole it is nevertheless indisputable that what was going on was a return to the educational ideals of the Weimar period. Educationalists, politicians interested in education and others involved in the schools debate reconnected with the Neo-Humanist educational ideals that had been cut short in 1933. Seen in a broader perspective this renaissance of Western humanism, frequently with conservative and Christian features, has to be seen as a sort of collective response to the experiences of the Third Reich. There are some cases in which classical studies were expressly mobilised as the means of rejecting National Socialism; in other cases we can infer the same aim more indirectly.

A School for the Postwar Period

The Swedish school debate of the 1940s was strongly influenced by world events. The change from the nationalistic, Neo-Humanist ideals of the war years to the democratic citizenship ideals of the postwar period was rapid and definitive. The whole scene changed radically within very few years.

Thus the shifts in the landscape of school politics must be seen in relation to experiences of National Socialism. They involved, as I have frequently stated, a powerful appeal: keep well clear of the Nazi sphere of associations, avoid its traditions and follow a different road. The lesson of Nazism put its unmistakable stamp on discussions about school reform. The conclusions were simultaneously linked to the huge perceptions of the future held at that time, to visions of a more egalitarian, society oriented and modern school. They were, of course, ideals that had existed prior to National Socialism, but the Nazi experience radicalised the democratic orientation in Sweden and broke down any resistance to anti-authoritarian and citizenship-focused education. At the same time, however, knowledge of the development in postwar Germany demonstrates that the lesson of Nazism is not necessarily identical everywhere. West German educationalists introduced a classic form of Neo-Humanism as the corrective to the Nazi concept of the school.

The reasons for the marked differences between the German and Swedish situations must be sought in a variety of areas. In West Germany alternatives to Neo-Humanist educational ideals were poorly represented in the early postwar period. Reform pedagogues of various shades had been forced to flee the country during the Nazi period whereas many of the more classically minded educationalists had remained and gone into inner exile. The latter effectively had the field to themselves when it came to setting the post-1945 agenda. Neo-Humanist thinking had experienced a renaissance in Sweden during the first part of the Second World War, but with hindsight this proved to be its death throes. By the middle of the war there were powerful forces – particularly within the labour movement – pressing for school to be based on ideals of citizenship. The war years were a state of emergency that temporarily favoured an older educational ideal but the educational activists who came onto the Swedish scene in the wake of the war belonged to a younger age group than those who had dominated the 1940 Schools Enquiry. Unlike Germany, where the educationalists of the Bonn republic had been active back in the days of the Weimar republic, in Sweden the end of the war coincided with a generation change, a social shift that had ideological implications.

The national variations of the historical lesson of Nazism also need to be placed in the context of more general circumstances. The leading interpretations of National Socialism in West Germany were far more multi-faceted than those in Sweden and this made other conclusions available. Furthermore, a precondition for a particular kind of historical lesson becoming influential was that it was compatible with the dominant ideals of political and intellectual life. That was as true of Sweden with its education for citizenship as it was of Germany with its Neo-Humanism.

Among those involved in the West German school debate the lesson of Nazism was essentially self-examining in character. A crucial aim was to instil new life into German society by reconnecting with national traditions from the period before 1933 – that implied seeing the Third Reich as a parenthesis in the history of Germany. In Sweden the lesson could be both self-testing and self-confirming. *The Inner Work of the School*, the document setting forth principles that Gösta Bagge's Schools Enquiry published the year after the end of the war, contained self-critical reflections. It was obvious that the committee had been influenced by the experiences and had drawn conclusions. The 1946 Schools Commission completed the change of course but the tone was rather different. The guidelines for the postwar school were drawn up with self-evident confidence.

Nazism in the Dock

The concept of natural law – the idea that supra-national, universal and in principle unchangeable legal principles exist – is an old one. In its Western form it can be traced back to Aristotle and then followed through the Stoics and the Scholastics of the High Middle Ages. In the seventeenth century Hugo Grotius and John Locke founded a rationalist school of natural law. In this, as in many other bodies of natural law, the basic concept was that humankind is inherently free and equal. In the spirit of natural law and inspired by the dawn of the Enlightenment and the beginnings of liberal thinking during the eighteenth century, lists of human freedoms and rights were drawn up, the two best-known examples being the American Declaration of Rights (1776) and the French *Déclaration des droits de l'homme et du citoyen* (1789). Even though statements of rights survived as important political documents during the nineteenth century, philosophers and theorists of law were increasingly critical of the underlying postulates of natural law. As positivism and naturalism became the dominant currents of thought, more

and more people proclaimed that the only valid law was positive law – the law that those in power had made and practised. The traditions of natural law did survive in large parts of Catholic Europe, but in North America and in northern Europe positive law strengthened its position during the first decades of the twentieth century. For the legal realists and legal positivists of the interwar period, the legal system was no more and no less than a compulsory system that reflected the power positions in society.⁸¹

Many later observers have therefore considered the postwar renaissance of natural law as forming a distinct break in the line of development. ‘The ideas of natural law about human freedoms and rights came to the fore again after the end of the Second World War. The United Nations Declaration of Human Rights in 1948 and the Council of Europe’s Convention on the same subject of 1950 came into being as a reaction to the horrors of the war’, the legal historian Göran Inger writes.⁸² The same idea is to be found in virtually every work on the history of international law: the experiences of war, genocide and expulsion changed the legal discourse and opened the road to the reappearance of natural law. The United Nations Declaration of Human Rights, in particular, has been seen as a response to Nazi crimes.⁸³

Europe, the main theatre of the Second World War, was where the most obvious change took place. In many of the countries in which fascism and Nazism had been powerful forces during the 1930s and 1940s there were impassioned postwar debates that included the issue of natural law, and many of the new constitutions that were drawn up were influenced by these debates. Mark Mazower is one of the people who asserted the return of the concept of rights to Western European societies after 1945; in his view there was a strong tendency in political and judicial spheres ‘to reassert the primacy of the individual vis-à-vis the state’.⁸⁴

It is against this background that we should view the legal discourse in Sweden during the postwar decades. What lessons did Swedish jurists and theorists of law draw from the Nazi experience? What was the Swedish attitude to the debate on natural law that was going on in the neighbouring countries? In short, what was the historical lesson that the Nazi experience provoked among Swedish jurists?

Sweden and Nazi Law

Swedish jurists had followed the events unfolding in Germany after 1933 from a safe distance. *Svensk Juristtidning* (Swedish Jurists’ Journal), the proud flagship and absolutely dominant professional

journal of the Swedish legal profession, provided factual reports of legal changes in the Third Reich year by year. In the field of employment law it was noted in 1934 that one should no longer refer to 'employer and employee' but to 'leader and his following'. The following year the Swedish jurists' organ described, without further comment, the Nuremberg Laws which, along with much else, forbade marriage between Jews and German citizens. The same approach was obvious during the years that followed – the legal historian Kjell Å. Modér has characterised the Swedish attitude to Nazi law as 'apolitical' and 'notably objective'. In so far as there was any criticism at all it was veiled and extremely oblique.⁸⁵

Swedish jurists remained remarkably neutral to German legal developments even during the war. The process of Aryanisation and anti-Jewish legislation were reported unemotionally.⁸⁶ The new German code of civil law was described in a 1942 article, for instance, as being a step in the renewal of German law and a way for the National Socialist revolution 'to realise its ideological programme by legislative means'. And what the author of the article, Knut Rodhe, found most worthy of criticism was the linguistic formulation of the law. As far as Swedish legal commentators were concerned, Nazi law appeared – at most – to be peculiar, a somewhat eccentric element in their neighbour's jurisprudence but without any consequences at all for the Swedish legal discourse.⁸⁷

It was not until the final phase of the Second World War that Swedish jurists voiced more open criticism of the law in Nazi Germany. In an article in 1944 Ivar Strahl discussed the Nazi concept of law. 'The new order is harsh', he stated, reminding them of how the new practice affected Germans and the citizens of the occupied countries. Strahl also thought there was a question mark over the subordination of law to the primacy of the Führer principle and of the race principle – both core elements of Nazi law, but the objections he voiced remained relatively moderate.⁸⁸

So there was no unconditional condemnation of the law of the Third Reich until peace returned and only then did the condemnation become more open. During the first postwar years *Svensk Juristtidning* contained several reports on the German legal situation, though they were far from comprehensive. The tone was now a rather different one, the criticism more unreserved and the distance from what had gone on in Nazi Germany more marked. It now seemed quite obvious that Nazi society had rested on principles that offended the law. In a review of a book about Nazi law, for instance, the author utterly rejected 'the fog of the world of Nazi law' and concluded: 'The National

Socialist concept of law embodies in every respect the complete opposite to the principles which buttress the rule of law according to traditional teaching.⁸⁹

Thus it was not only the heinous actions that were being condemned: Swedish jurists were also pronouncing judgment on Nazi law per se. German law had been tarnished by Nazism and it was high time to scrape away the foul accretions. Ivar Strahl gave a straightforward account of how the laws adopted between 1933 and 1945 were now being cleared out and replaced by others. He also reported that Carl Schmitt, the famous professor of constitutional law, had been removed from his post. He was described as a man who exercised considerable influence on the interpretation of law and on legislation during the early part of the Third Reich. The ideas for which he had been the spokesman ran directly contrary to the principle of the rule of law, affirming instead the National Socialist doctrine of might. It was clear that a Swedish jurist contemplating what happened in Germany saw himself as the absolute opposite of Schmitt.⁹⁰

This kind of thinking is also to be found in the reports of the major postwar trials in Norway and in Germany. In the view of Swedish observers, the guilt of Quisling, Goering and the others accused was beyond any doubt. The criticism that the international tribunal was engaging in retroactive legislation was muffled by the fact that 'the illegality of the actions' on trial was 'beyond question'.⁹¹ Thus, in spite of some objections in terms of principle, Torgny T. Segerstedt characterised the war trials as 'triumphs for the Western concept of law' and as proof of 'strong resistance to the contagion of Nazism and thus one of the greatest causes for joy in an age that is otherwise dark'.⁹²

Swedish jurists in general perceived the trials to be just and necessary.⁹³ In his review of the Danish book *Dommen i Nürnberg* (Judgment in Nuremberg) one of them went so far as to suggest that it seemed arrogant to quibble about the judgments. 'Should a reader in a neutral country do anything other than carefully study the document, say thank you and accept it?' he asked. This reveals a significant split: on the one hand, Sweden's position as an outsider, as a country that had essentially remained untouched, was being stressed; on the other hand, the recognition of being an outsider had the effect of implying that it would be arrogant even to comment on the great events that were putting their stamp on the Europe of the day.⁹⁴

Relatively soon after the end of the war, as early as 1947–1948, interest in both the postwar trials and in the legal developments in the occupation zones of Germany waned. A few reports appeared about the restitution of property, reorganisation of the system of law courts and

compensation to the victims of Nazism, but no thorough posthumous examination of the Nazi legal system was ever carried out.⁹⁵

One of the rare exceptions who did look back was Sture Petré. He remembered that many Swedish observers had been amazed 'that the legal culture that seemed to be so firmly rooted in Germany allowed itself to be eradicated by Nazi tyranny apparently without resistance'. Petré described how the German legal system had surrendered step by step to the barbarism of the Nazis. Stirred by Gustaf Radbruch, professor of criminal law and minister of justice before 1933, who survived the Third Reich with his reputation as a jurist intact, Petré insisted that there were lessons to be learnt for the future:

Don't assume that simply referring to what is factual and legal is sufficient to handle the really difficult legal questions! Factuality and legality are only sufficient as long as the power in the state rests in respectable hands. But, to agree with St Augustine, should the state itself become a band of thieves, then the only thing that can help is a belief in higher values, then the hot flame of the sense of justice must burn through all considerations and all fears. It is bad if the flame burns out and goes cool while attending to secondary values like factuality and legality which are in the service of a positivism that has forgotten the highest of all commandments: thou shalt obey God rather than men.⁹⁶

Sture Petré's line of reasoning did not, however, follow the same line as the main Swedish legal debate. He contended that the Nazi experience had implications for the legal discourse in general – including in Sweden. Therefore the lessons that could be drawn from Nazism did not stop at a general condemnation of anything that contravened the rule of law: they also offered insights into the relationship between law and morality. What he was suggesting by that was that positivism – the idea that the law that is currently in force is the only valid law – had reached its apogee in the Third Reich and been used by the Nazis to trample fundamental legal concepts underfoot. In arguing that the law should rest on higher values he was thus linking up with the postwar Western European renaissance of ideas about natural law and this was made particularly clear by the fact that he invoked Gustaf Radbruch, one of the leading proponents of natural law in postwar Germany.⁹⁷

Petré seems to have diverged from the main tendencies in Sweden in all this. As has been seen, the overall understanding had been that the conclusions that could be drawn from the Nazi experience were limited as far as Sweden was concerned. Swedish jurists could certainly join in affirming international efforts to hold war criminals responsible and thereby be part of international collegiality. On the other hand, however, the Nazi experience did not lead to any sort of fundamental

self-examination. Rather the reverse, in fact, and the primary effect of Nazism seems to have been self-affirmation: the Nazi state order, based as it was on force and violence, appeared to be the absolute antithesis of the Swedish rule of law.⁹⁸

The Nazi experience thus seems only to have induced a self-confirming historical lesson among Swedish jurists. But it is worth broadening the discussion. An interesting perspective opens up if we link up with the general discussion about rights that was going on in Sweden and in neighbouring countries in the wake of the Second World War.

Swedish Rights

In the summer of 1953 three Swedish professors of law, Per Olof Ekelöf, Henrik Munktel and Folke Schmidt, travelled to a divided Berlin where they joined a hundred or so other jurists from all over the world for an international congress. It was organised by a group of East German lawyers who had sought sanctuary in West Berlin and who wanted to inform the outside world about the legal situation in communist East Germany.

Per Olof Ekelöf gave a detailed account of his appalling experiences in an article in *Svensk Juristtidning* and his report took the form of a sharp indictment of the young East German state. The draconian punishments, propagandist show trials and the politicised legal system as a whole disgusted him. 'It seems to me one of the ironies of fate that the German speakers underlined the resemblances between the present situation in the Eastern zone and the earlier situation under the Nazis', he summed up.⁹⁹ The congress came as something of a shock to Ekelöf and he confessed: 'For anyone who lives in a country as sheltered as Sweden, it is easy for terror and hardship even in geographically close countries to lose some of its reality.'¹⁰⁰

In addition to the quite staggering impressions he had gained of the East German legal system, he had formed other impressions that were both noteworthy and important to pass on to his Swedish readers. The legal situation in the Eastern zone had been criticised because it was thought to conflict with natural law and Ekelöf noted, not without some surprise, that many of the contributions had borne the stamp of a natural law approach; people in Sweden had no idea about 'the renaissance that natural law thinking is currently having on the continent'. He reminded them that natural law had been particularly vehemently opposed in Germany ever since the days of the historical school, but it was precisely in Germany that it was currently most in vogue: "'Der Traum des Naturrechts ist ausgeträumt [The dream of natural law is at

an end]” the German jurist Bernhard Windscheid had declared emphatically in the middle of the last century. His prophecy has not proved true.¹⁰¹

Ekelöf exemplified this by referring to a conversation he had had with a member of the highest court in West Germany. This man had told Ekelöf that he considered it his duty as a judge to rule in contradiction to an existing law if that law was incompatible with natural law and, in fact, he thought this to be a proper application of the law and the only acceptable thing in that sort of situation. The Swede replied that he could imagine circumstances in which this was necessary but he would never agree that it could be called a proper application. It was more a kind of ‘passive resistance’ or ‘revolutionary action’ and, moreover, there was a risk of it opening ‘the road for chaos and arbitrariness in the administration of justice’.¹⁰² His German colleague’s understanding of it was, however, a different one:

As motivation for his view the German judge stated that laws and statutes had been enacted during the Nazi period which had been passed with due process and which were irreproachable from a technical judicial viewpoint, but their content had been utterly shocking. German judges had considered themselves bound to operate these laws. At university they had been educated in the spirit of positivism and learnt that it is not the function of a judge to criticise the laws of the state but to use them. That kind of thing should never be allowed to happen again. Which is why the courts should consider themselves duty bound to apply natural law as the very highest judicial norm.¹⁰³

Ekelöf recognised that the renaissance of natural law went hand in hand with the political convulsions of the age. He also recognised that he as a Swede stood outside the experiences that the jurists in neighbouring countries had been through. This became very obvious in discussion with a Norwegian colleague. ‘Look’, the Norwegian said, ‘I suppose all of us are more or less believers in natural law – all of us who were there.’ ‘That shot certainly found its target’, Ekelöf admitted.¹⁰⁴

Ekelöf’s account bears substantial witness to the Swedish situation. His description of his meeting with the rebirth of natural law in Western Europe turns the spotlight on the shifting shapes of the Nazi experience. It was obvious to the West German and Norwegian jurists that the experiences of Nazism carried a clear-cut historical lesson. In the Third Reich, and in the occupied countries of Europe, law had been put in the service of ideology and the law that was in force legitimated acts of violence. The consequent conclusion during the first postwar years was that laws and statutes could not be motivated by the dictates of politics but must rest on a much more enduring legal basis, that is, on

the basis of natural law. This conclusion was, however, alien to Ekelöf. In his view, natural law had always served as an ideological projection of political values. 'This might have its propaganda value', he admitted, 'but as a way of looking at things it can blind us to what the actual political objective is.'¹⁰⁵

Per Olof Ekelöf's attitude reflected the views that were dominant in the jurist community in Sweden during the postwar years. That became apparent in an exchange of learned views on the status and meaning of rights in which he was involved for a decade after 1945. In addition to Ekelöf this drawn-out debate brought together many of the jurists and theorists of law who were to put their stamp on legal discourse over the coming decades – men such as Ivar Strahl, Anders Wedberg and Alf Ross.

The start of the debate was a long article by Per Olof Ekelöf in *Tidsskrift for Rettsvetenskap* (The Journal of Jurisprudence) in 1945. Long sections of his article – like the other contributions to the discussion – took the form of a learned examination of concepts, an investigation characterised by the analytical-philosophical ideals of the day and demands for uncompromising logic. The debate was carried on without any reference to the newly awakened international interest in rights. None of the great international events – the United Nations Declaration of Human Rights, the European Convention or the rebirth of natural law thinking on the continent – was mentioned during the decade-long exchange of opinions. Instead, the Swedish discussion remained utterly technical in character.¹⁰⁶

On occasions, however, they did connect with a more general discussion of the concept of rights. With the support of Axel Hägerström, Ekelöf insisted that the complicated nature of the concept of rights had to do with 'its original sense of supernatural power', that in the beginning it had designated magical, superhuman powers. Over time this primitive power perception had been rationalised and a right had come to designate 'something "ideal", something belonging to "the world of law", which has its basis in a legal fact and which itself forms the basis for a legal consequence'.¹⁰⁷ On the few occasions the doctrine of natural law was mentioned the tense was shifted to the past tense. Ivar Strahl, for instance, in a brief backward glance at history, reminded his readers that people in past times had asserted the freedom of citizens by identifying and consolidating natural rights, but jurisprudence today was faced with a different task. For the jurists of Strahl's time it was self-evident that they should concentrate on current laws and consequently the idea of natural rights appeared to be a relic of a past age.¹⁰⁸

Alf Ross, a powerful voice in legal discourse in Scandinavia at that time, aligned himself with this line of reasoning when he commented on the debate in Sweden. In his view the concept of rights had its origin in an ancient magic conceptual world which only existed nowadays among primitive peoples. Ross warned that the use of the concept of rights could 'lead to aberrations and dogmatic postulates'. Fortunately, modern Western jurists – for good reason – had distanced themselves from this position. When the concept was used in contemporary law it was only as a 'terminological aid' that in principle could be replaced by the phrase 'old cheese'.¹⁰⁹

None of the Swedes expressed themselves as drastically as Ross but they did essentially share his view. They all used a functional concept of rights in conjunction with valid law. They all kept well away from what Ross called 'the metaphysical problem of the traditional concept of rights', that is to say, the way rights were rooted in a supra-worldly spiritual reality, an invisible moral force that could not be traced deductively. To the extent that it was possible to draw a line between the sides in the Swedish debate, it ran between those who asserted that the concept of rights could benefit the legal discussion and those who maintained it should be removed from the legal vocabulary.¹¹⁰

Value Nihilism and Legal Realism

The postwar discussion on rights fits in well with the bigger picture of the history of ideas. Axel Hägerström's philosophy was an important theoretical precondition. As professor of practical philosophy in Uppsala from 1911 to 1933, Hägerström did not only put his stamp on contemporary Swedish philosophy but also on the wider debate about society and about ideas. He turned his face against theory of knowledge subjectivism and rejected all forms of metaphysical idealism. His discussion of the meaning of value premises is particularly important. In the value theory that he developed – which came to be called 'value nihilism' – the possibility of moral knowledge and the existence of objective values were denied. Value statements were thus neither true nor false and merely gave expression to personal attitudes.¹¹¹

As a result of his theory of values Hägerström emphatically rejected the idea that there was such a thing as an objective right. In the great two-volume work *Der römische Obligationsbegriff* (The Roman Concept of Obligation) (1927–1941) he argued his case. He considered the idea that there were objective rights to be a projection of hopes and interests, the roots of which were to be found in magic and superstition far back in history.¹¹²

Hägerström's ideas were actively absorbed by Swedish jurists and legal theorists. His most enthusiastic disciple was Vilhelm Lundstedt, Professor of Jurisprudence in Uppsala from 1914 to 1948, a Social Democrat member of the Riksdag for several decades and one of the best-known jurists of his time. Lundstedt was a wholehearted supporter of his master's fundamental view of law and morality. He could go so far as to admit that the idea of human rights had played a progressive role in history but asserted that the time was now ripe to give up completely all concepts of rights.¹¹³

Hägerström and Lundstedt were portal figures in the school of legal theory that is usually termed 'Scandinavian legal realism'. Even though the foundations had been laid between the wars, the first post-war decades must be seen as its real heyday. The second generation of legal realists – Karl Olivecrona, Tore Strömberg, Per Olof Ekelöf, Per Olof Bolding and others – had received their legal education before the Second World War but came to dominate legal discussion during the third quarter of the twentieth century. They were all united as Hägerströmians when they maintained that law was the law that was in force and had nothing to do with metaphysics.¹¹⁴

Ivar Strahl, another of the leading jurists of the immediate post-war decade, and a professor of Criminal Law, can serve as an illustrative example. In 1941 Strahl had published an article in *Svensk Juristtidning* with the title 'Idealism and Realism in Jurisprudence'. The article, which received a considerable amount of attention, took two newly published works as its starting point: the Oslo professor Frede Castberg's *Rettsfilosofiske grunnspsørsmål* (Fundamental Questions of the Philosophy of Law) and the Lund jurist Karl Olivecrona's *Law as Fact*. The article explored the differences between Castberg's idealism inspired by natural law and Olivecrona's legal realism. Strahl himself had certain objections to the value nihilism of the Uppsala School but he had also taken on board much of its criticism of idealistic doctrines. As far as he could understand, Castberg's outlook was one of those that the Uppsala School – justifiably – opposed. Thus Strahl tended to be on the side of realism, possibly mainly because it was more compatible with a practical legal life.¹¹⁵

Fourteen years later, in 1955, Ivar Strahl returned with yet another widely read article. It linked back to some extent with the discussion about rights of the first postwar decade. The starting point was once again a recently published book, Alf Ross's *Om ret og retfærdighet* (On Law and Justice). In his younger days the Copenhagen professor had been profoundly influenced by Hägerström and throughout his working life he had carried on a vocal polemic against all metaphysical

elements in the theory of law. In his very positive review Strahl stressed the author's fundamentally anti-metaphysical stance, which was revealed by the sharp terms in which he objected to notions of natural law.¹¹⁶ Strahl and Ross were in complete agreement on this point, but in the eyes of the reviewer one problem still remained:

We are used to natural law being rebutted. Strangely, however, it seems to have to be rebutted time after time. It is apparently killed off by one author after another but manages to survive with just enough life left for the next author to consider it necessary to kill it off again. Ross's rebuttal will probably go the same way as that of other authors: the execution is successful but the delinquent does not die. In spite of all the criticism that Ross and other authors have directed at natural law people will simply not give up the idea that there must surely be certain principles that positive law should follow.¹¹⁷

Evidence for Strahl's statement was to be found in the United Nations Declaration of Rights, which pronounced that 'rights exist independent of positive law'. Above all, however, the value of the criticism of the doctrine of natural law was theoretical and, from a practical point of view, it was frequently possible to unite certain basic principles of natural law with principles of positive law even though inviolable rights had proved difficult to live up to in the real world. On the other hand, the tradition of natural law had – according to Strahl – retained its influence over people's minds in a different and unfortunate respect. The extent to which jurists had liberated themselves from issues of natural law was far too limited and they had focused too little on issues that promoted the goals that law was supposed to promote. Strahl's programmatic summing up was as follows: 'The natural law way of looking at issues inevitably ascribes a value to the rule itself, whereas according to a modern outlook what should be more relevant is the outcome of the rule.'¹¹⁸

The criticism of legal idealism in general and natural law in particular that Strahl had voiced at the start of the 1940s was in full flow by the middle of the 1950s. There was no trace left of the respect he had shown for Frede Castberg's thinking as late as 1941, and the anti-metaphysical legal realism of Hägerström, Lundstedt and Ross now reigned supreme.¹¹⁹ Strahl's thinking provides a good example of the outlook that was dominant in Sweden: we may find rights acceptable, but not natural law, not for any money. During the postwar decades rights were seen as cultural conventions and not as metaphysical assumptions.¹²⁰ In 1955 even Gustaf Petrén agreed that the concepts of natural law were hardly embraced by anyone any longer, which did not prevent him being one of the foremost promoters of rights in postwar Sweden.¹²¹

If necessary, rights could still be of benefit to a case, but they were rarely called upon with any great enthusiasm. The attitude dominant in Sweden became apparent at the time of ratifying the European Convention on Human Rights in the early 1950s. Östen Undén, the foreign minister, was sceptical and thought there was reason to tread carefully, all the more so as the convention might have an impact on areas that traditionally belonged to the domestic legislation of states. Swedish law was quite sufficient to cover the needs of Sweden, was the foreign minister's view.¹²²

Thus the criticism of natural law from the point of view of legal realism was not only an issue for academic seminars in philosophy. Hägerström and Lundstedt had already exercised significant influence on intellectual public opinion in Sweden and now, during the first postwar decades, a host of scholars, jurists and politicians worked to ensure that the basic principles of legal realism were given their due in legislation, opinion formation and practical politics.

Since the 1980s Hägerström's heritage has not only been seen as a special feature of the modern culture of Scandinavian law: it has also been highlighted as the structural precondition for a series of abuses against the individual under the auspices of the welfare state, whether we are talking about sterilisation policy or about the impact of the Nuremberg laws on the application of law in Sweden.¹²³ During the first postwar decade, however, there was no opinion in Sweden that associated the legal practice of the Third Reich with an opposition in principle to ideas of natural law. Rather the reverse, the historical lesson of Nazism sustained and confirmed a tradition of legal realism. That, however, was not the only conclusion jurists drew from the Nazi experience.

The Renaissance of Natural Law in West Germany

The legal discourse in Sweden has been seen against the background of the rebirth of natural law in Western Europe after the Second World War. In order to put the Swedish historical lesson into perspective it will, however, be necessary to describe the international development in more detail.

The renaissance of natural law in West Germany is of particular interest in this context, not only because the philosophy-based criticism of the first decades of the twentieth century had been at its most acerbic there, but even more because the legal principles of the Third Reich had been totally against any concept of universal human rights. To a great extent Nazi law was the absolute antithesis of natural law.¹²⁴

That, anyway, was the conclusion drawn in the years after 1945. Many of the most important figures between the wars had argued in favour of legal positivism and expressly against natural law, but the Nazi experience had led to a process of self-examination and a shift of stance. Gustav Radbruch, the Social Democrat minister of justice in the early Weimar Republic and later philosopher of law, is a telling example. During the second half of the 1940s he argued that legal positivism had ‘made both jurists and people powerless against laws that were utterly arbitrary, utterly brutal and utterly criminal’. He demanded that elements of morality should be included in the concept of law in order to prevent the return of the criminal state.¹²⁵

Radbruch was far from being alone in this. During the early post-war years a number of prominent jurists and legal experts argued that law should be based on a foundation of inalienable human rights. In the legal debate of the time – which also drew in theologians, philosophers and historians – there was talk of ‘das Wiedererstehung des Naturrechts’ (the resurrection of natural law) (Hans Thieme) or ‘die Erweckung des Naturrechts’ (the awakening of natural law) (Franz Wieacker) – in short, a rebirth of natural law.¹²⁶

The professor of Roman law at Frankfurt am Main, Helmut Coing, a man with strong philosophy of law interests, chose to talk of ‘die Neugründung des Naturrechts’ (the refounding of natural law). In 1947 he published what is perhaps the most intellectually ambitious attempt to pour new life into the tradition of natural law, *Die obersten Grundsätze des Rechts* (The Highest Principles of Law). He took as his starting point the perversion of law he had witnessed during the Nazi dictatorship. Time and again he had asked himself whether the law should not be based on certain ethical principles rather than on the power play of a state based on violence. Even while the war was still going on, and inspired by Albert Schweitzer and others, he began working on the creation of a more just basis for the law.¹²⁷

In the introduction to *Die obersten Grundsätze des Rechts* Coing explained the reasoning behind his treatise on the philosophy of law. The self-evident purpose of the volume, he stressed, was to ‘liberate jurisprudence from positivism’ and to reunite it with the tradition of natural law since ‘that is the only thing that appears to be capable of protecting the law against the claims of political power and brute force’. In other words, the turn towards natural law was a moral necessity, but Coing was also well aware that it would simultaneously actualise a string of scientific problems. His aim was to solve them by presenting – as the book’s subtitle stated – ‘an attempt to re-establish natural law’.¹²⁸

The linkage between the experiences of the Third Reich and the blossoming of interest in natural law during the postwar years recurs in reviews and in bibliographical surveys. As early as 1943 the theologian Emil Brunner noted that the ideas of natural law had been stirred into life by the conflict with the totalitarian state and its positive law. Heinrich Lehmann, a professor of civil law, came to the same conclusion a couple of years later: 'and thus the collapse of the rule of terror by violent Nazi thugs who had nothing but scorn for the human value of private individuals led to a renaissance of natural law'. In 1951, in a survey of the recent past, Adolf Julius Merkl, an Austrian observer, contended that the Nazi intoxication with power and subsequent collapse had opened the road for the return of natural law into contemporary German jurisprudence. Similar claims were made by jurists like Heinrich Rommen, Franz Wieacker and Arthur Kaufmann: the Nazi discrediting of legal positivism paved the way for an order based on the principles of natural law. That was the lesson that was dominant in Western Germany in the years after 1945.¹²⁹

In an analysis of the West German discussion of natural law the legal historian Heinz Mohnhaupt opens out the debate. He points out that notions of natural law have surfaced several times in the course of the twentieth century, often in reaction to crises and catastrophes. In early postwar Germany, however, these ideas had a special resonance that contributed to the force of the renaissance. Natural law appeared as a radical alternative to the legal order of the Third Reich, but it also harmonised with the surge of interest in idealistic, Christian and often conservative traditions that characterised that period. Moreover, the political and cultural climate of the Cold War favoured its growth in West Germany not least because natural law appeared to be a corrective to the principles dictated by the Soviets in the East.¹³⁰

These historical circumstances were taken as justification for the criticism that was levelled against proponents of natural law from the middle of the 1950s. They tended to be dismissed as naïve idealists and unrealistic dreamers who had allowed themselves to be too easily swayed by the postwar chaos and who had not taken into account the conditions that ruled in everyday legal practice. These critics rarely proposed a return to unvarnished legal positivism of the old school, but they recommended instead a more flexible and concrete legal order.¹³¹

Even though the concept of natural law gradually came to be questioned, the lesson that can be derived from the Nazi experience made an enduring impression on the Federal Republic of Germany. The ideas were visible in the West German constitution of 1949, a document that has been described as 'a creation oriented towards history'. Long

sections of it read like a list of answers to the challenges of Nazism. To a much greater extent than the Weimar constitution of 1919 it reaches back to the natural law of the Enlightenment. The very first article of the Bonn constitution affirms the sanctity of man and the inalienable nature of rights.¹³²

It was not only in West Germany that the Nazi experience led to a sort of renaissance for natural law. With *rettsoppgjøret* (the legal settlement) Norway, too, experienced a return to the ideas of natural law. The professor of law Frede Castberg was one of the leading proponents of natural law in Norway and, indeed, in the rest of Western Europe during the early postwar years – though his actual influence is a matter of dispute. He was, however, not alone in asserting that legal positivism had served the Nazis all too well during the war years and that the law thereafter must rest firmly on inalienable rights. In *Staten og mennesket* (The State and the Individual) (1945) the prominent Oslo bishop Eivind Berggrav reflected on what he called the Machiavellian power state and came to the conclusion that the rehabilitation of natural law was necessary. During the latter part of the 1940s the lessons of Nazism and the law were also discussed in similar terms in other forums.¹³³

Nazism Before the Court

Nazism hardly surfaced at all in the Swedish legal discourse of the 1940s and early 1950s. The leading professional journal in Sweden reported the radical transformation of German law in a factual and neutral manner. Not until the war was over was any very substantial and unconditional criticism aimed at the legal order of Nazi Germany. The conclusion reached was one of self-confirmation: the Swedish legal tradition, founded on democracy and legal security, was fundamentally different from Nazi law. The best way of distancing oneself from Nazism was to affirm its opposite – the rational, modern and positive law taught by faculties of law in Sweden and practised in the Swedish legal system.

Unlike countries like West Germany and to some extent Norway there was, however, no renaissance of natural law thinking in Sweden. Positive law in these neighbouring countries had been used in the service of Nazi ideology and after the war there were many who thought that law should be based on firmer ground.¹³⁴

In Sweden, on the other hand, there was no need for reassessment and re-examination. Apart from a number of minor infringements of press freedom – and according to many people they had been addressed by the new freedom of the press law of 1949 – the Swedish legal system

had passed the test with flying colours during the era of totalitarianism and world war. Swedish postwar society, in which the strong current of legal realism achieved virtual hegemony, was hardly receptive at all to ideas of natural law. In many Western European countries the renaissance of natural law provided an answer to the question of how to pass laws that are above the ruling power's ability to change, whereas in the legally realistic context of the Swedish debate any talk of inherent natural rights was considered to belong to the field of metaphysics.

The criticism aimed at the Swedish value nihilistic view of law in the 1940s came from the fringes. A telling example is that of Helmut Rüdiger, a German syndicalist who was an early refugee from Nazi Germany and who was active as a journalist in the Swedish press during the war. In 1943, in the newspaper *Arbetaren* (The Worker), he mounted a violent attack on Hägerström's doctrines, which in his view lacked humanity and could be used to legitimate the abuses committed by a totalitarian state. His view was that value nihilism could only lead to one of two extremes: 'Either a sort of neo-Marxism, as is cultivated in those intellectual circles that flirt with Bolshevism, or to Nazism which, of course, is also value nihilist.' The German refugee argued instead for an order based on human rights.¹³⁵

The case of Rüdiger demonstrates that the debate about natural law versus positive law was not a simple matter of left or right. In spite of that, however, the discussion both between the wars and after the war needs to be viewed against the general political background. Staffan Källström, a historian of ideas who has produced several important studies charting the impact of the Uppsala school of philosophy on Swedish social norms, has advanced the thesis that legal realism was in tune with the growth of the Social Democratic welfare state and with the process of social engineering. Leading proponents of legal realism considered natural law a doctrine of conservation, one that put barriers in the way of political and economic reforms and looked after the interests of the establishment at the same time as preventing an expansion of democracy. The historian of ideas Sverre Blandhol has put forward the related argument that legal realism became a new juridical ideology during the first half of the twentieth century and could ultimately legitimate a greater political and social project – the Scandinavian welfare state.¹³⁶

The international comparison demonstrates how the Nazi experience could lead to various kinds of historical lesson. In Sweden it was primarily self-confirmatory in that it stressed the importance of uniting in support of the core values of the modern Swedish legal tradition. This conclusion was reinforced by the fact that Nazism was widely

interpreted as an idealistic and metaphysical phenomenon with its roots in the world of ideas of German Romanticism. The interpretations of Nazism in a country like West Germany were diverse and were not associated as unambiguously as they were in Sweden with conservative metaphysical tendencies. The Nazi experience in West Germany gave rise to a different juridical lesson, one that opened the road to a rebirth of natural law.

The Ideas of 1945

How are we to arrive at a collective characterisation of the ideals and perceptions that emerged in the Swedish debates on education and on natural law? Were they part of a larger ideological pattern that was consolidated at the end of the war? What did the relationship look like between these perceptions of the future and the historical lessons of Nazism?

The notion of ‘the ideas of 1945’ is a valuable one here. It has been used, sometimes analytically, sometimes polemically, in a variety of contexts.¹³⁷ The man who has identified and isolated it in the most interesting way is Svante Nordin who believes that a community of opinion came into being in the immediate postwar period. In spite of their differences, men such as Herbert Tingsten, Gunnar Myrdal and Torsten Gårdlund – all of them influential in the years following 1945 – had significant things in common:

They were rationalists and modernists, represented the social sciences that were becoming prominent, were strongly oriented towards the U.S.A. in a way that had been rare among older generations of Swedish academics. Culturally they were radical, but they rejected totalitarian ideologies. Their view of politics was pragmatic, they all accepted the construction of the welfare state, though with varying degrees of enthusiasm. They saw themselves as unsentimental realists, opponents of idealistic phraseology, utterly secularised in their view of society.¹³⁸

These men, ‘the advance guard of postwar ideas’ – Social Democratic politicians, culture radical intellectuals, social liberal reformers – were the victors in the ideational trial of strength that had taken place over the preceding decades. In this context Nordin talks of the emergence of what might be called ‘the ideas of 1945’. This current, in the broad sense humanistic, might lean a little to the conservative side or a little to the socialist side, but was essentially liberal at heart. It united Enlightenment passion with a defence of human rights and democracy. ‘The thinking that was represented within this “humanistic” camp would effectively

form the basis of the kind of democratic “super-ideology” which became dominant in Sweden after the war’, Nordin writes.¹³⁹

The concept of ‘the ideas of 1945’ allows us to describe the dominant ideals in the political and intellectual life of the postwar years: what I identify – inspired by Koselleck – as that epoch’s perceptions of the future. That, however, is not in itself sufficient. The connections between the experiences of Nazism and the emergence of this dominant ideological order remain unclear unless they are viewed in conjunction with the lesson that was generated in the dynamic between experience and expectation. The international comparisons in this chapter have also clearly shown that the experiences of Nazism did not give rise to one unequivocal and universal historical lesson. They tended instead to be coloured by national circumstances, cultural traditions and power politics. Those changes that did occur resulted from an interplay between reorientation and the adoption of already existing ideals. Nothing arises from nothing.

A Cultural-Radical Value Tradition

The concept of value tradition is helpful when trying to define more precisely how the historical lessons of Nazism set a stamp on the postwar ideological landscape. It is to be understood as a tradition which consists of both a content component and a social component. The latter can be divided into a human factor (the bearers of the content of the tradition), a communication factor (bearers of the tradition must be in contact with one another) and a time factor (the content of the tradition must have some degree of durability and extend over a reasonably lengthy period). The philosopher Bo Petersson writes: ‘The content of the value tradition consists of a collection of normative theses and their motivations (their prerequisites) and of theses about value and about the argumentation in normative questions which is used to motivate a certain attitudinal stance to values and questions of value’. This means that there is a core of essential assumptions, but that it is not a completely static core and that consequently there remains a tension between the internal constancy of the tradition and its capacity for renewal. And secondly, the value tradition does not only contain a certain range of norms but also an apprehension of what is a valid normative argument.¹⁴⁰

The theologian Ola Sigurdson used Petersson’s terminology in a study in order to investigate value nihilism, which was an influential value tradition in twentieth-century Sweden. He considers it to be a feature that brings together names like Axel Hägerström, Herbert

Tingsten, Ingemar Hedenius, Alva Myrdal and Gunnar Myrdal. In all essentials the public discourse of the middle decades of the century was carried on within the frame of this value tradition. It dictated the terms of what constituted valid arguments.¹⁴¹

There are many points of agreement between Sigurdson's reasoning and mine, but I would argue that the kernel of the ideas of 1945 was in fact a culture-radical value tradition. That is a more apt term for the system of norms that was articulated in the wake of the Second World War. In terms of the history of ideas, the origins of cultural radicalism are to be found in the 1880s but it had gone through many changes since then. It is nevertheless possible to see a family resemblance linking the various forms. The anthropology went back to a notion that man was inherently free and in harmony, not entangled in the duties of the collective or weighed down by the curses of custom. It can be seen in particular in the accommodation with what was regarded as convention and traditionalism, especially Christian dogma and the ceremonies of the establishment class hierarchy. The cultural radicals embraced instead a universalist norm of what was natural and sensible, an approach that went hand in hand with criticism of traditional authorities and ideas. In political terms the norm was socialist or liberal, rejecting a society based on privilege and arguing for social commitment and political democracy. On the question of education they tended to reject formal education and advocate instead a practical education in citizenship. The historian Martin Wiklund has pointed out that cultural radicalism ultimately rests on a value nihilist or value relativist base to the extent that value judgments are seen as subjective. This did not, however, prevent the cultural radicals from joining together in support of certain values (genuineness, social usefulness, liberation, equality, democracy and so on), but these were often reformulated as arguments in favour of what was scientific, rational or natural. Ultimately the cultural radicals drew their strength from the fact that they considered themselves to represent progress, enlightenment and modernity itself.¹⁴²

During the formative period of cultural radicalism, around 1900, it was associated with names such as August Strindberg, Knut Wicksell, Karl Staaff, Bengt Lidforss, Hjalmar Branting and Ellen Key. 'The Strindberg Feud' (1910–1912) was a significant controversy that ended favourably for the cultural radicals. In spite of the differences between them they handed on an inheritance of rationalism, materialism, cosmopolitanism, anti-clericalism and intellectualism to posterity. The cultural radicals of the interwar years saw themselves as guardians of the heritage passed down to them by these keen turn-of-the-century supporters of Enlightenment. During the 1920s they represented the

combined left even though they were seldom tied to any particular party. They spanned a wide range of political standpoints, from socialists to liberals, from Marxists to the aristocracy of intelligence, from *Clarté* to *Dagens Nyheter*, from Elise Ottesen-Jensen and Marika Stiernstedt to Axel Hägerström and Per Meurling. It was a heterogeneous and vocal grouping that kept diverse parts of the inheritance of cultural radicalism alive but was nevertheless united in holding certain values in common. From the middle of the 1930s their resistance to Nazism became an ever more important common concern, though the nature of their protests varied in both form and intensity.¹⁴³

The value tradition that gained the upper hand after the Second World War is described, using Martin Wiklund's terminology, as a rationalist, Enlightenment-oriented form of cultural radicalism. It saw itself as an offshoot of the outlook of the 1880s; it was materialistic and utilitarian, it argued for the ideals of the natural and social sciences and it asserted the principles of the rule of law and liberal democracy against totalitarian systems. At the same time, given its rationalist profile, it was distinct from other adjacent currents which, during the 1920s and even during the 1930s, had existed alongside cultural radicalism of the Enlightenment variety, but after 1945 they found it more and more problematic to hold their own, in the political and intellectual spheres at any rate. That was particularly true of what Wiklund terms romantic cultural radicalism, which may be divided into a pastoral orientation and an aesthetic one. In the case of the former it was all about striving in the spirit of Rousseau for a life in accord with nature, a condition of natural wholeness and harmony that was accompanied by criticism of an urbanised industrial way of life. Typical representatives were Karl-Erik Forsslund, Per Jönson Rösiö and Johan Lindström Saxon. Aesthetic cultural radicalism, for its part, was more focused on what was elegant, refined and amoral; it found its inspiration in Charles Baudelaire, Oscar Wilde or Friedrich Nietzsche. The two forms of romantic cultural radicalism were united in rejecting traditional Christianity and bourgeois culture as well as the materialism and utilitarian morality of Enlightenment-oriented radicalism. In the interwar period in Sweden, however, cultural idealism had been more significant for the formation and orientation of ideological opinion. The cultural idealists, who included such influential figures as Arthur Engberg, Hans Larsson, Torsten Fogelqvist, Torgny Segerstedt, Elin Wägner and Alf Ahlberg, resembled the rationalistic cultural radicals in putting their faith in reason, education and human free will, but they distanced themselves from value nihilism, materialism and scientism. The left as a whole had shown strong tendencies towards cultural idealism in the decades after

the First World War, but after 1945 these tendencies faded to the point of disappearing. The rationalistic cultural radicalism that spread in the wake of the Second World War had undoubtedly been fairly strong in Sweden even during the 1930s, but it had been no more than one limited element among the political and cultural currents between the wars. By the late 1940s the discourse concerning education and natural law had no room for anything but cultural radical standpoints that rested on rationalist foundations.¹⁴⁴

The resistance to National Socialism had required Enlightenment-oriented cultural radicalism. Given its defence of reason, science and democracy it stood as an ideology of resistance that possessed the tools to combat dark and obscure doctrines of power. Axel Hägerström's value nihilism and Lauritz Weibull's historical critical method could demolish the castles in the air of idealism and blow away the stuffy air of metaphysics. Discussing the mystique surrounding Hägerström at the time of his retirement in 1933 the historian of ideas Nils Runeby pointed out that cultural radicalism achieved the status of intellectual opposition to National Socialism at an early date and became a kind of antithesis of Nazism. 'The frail and shy figure of Hägerström stands as the epitome of freedom, humanity and reason over against Hitler, Stalin and the irrationality of primitive emotions', Runeby writes. He goes on to summarise cultural radicalism as an anti-Nazi programme: 'Scepticism and criticism did not, however, need to lead to passivity and despair. Quite the reverse – they became weapons.'¹⁴⁵

It was thus no accident that the historical lesson of Nazism bore the stamp of cultural radicalism in the aftermath of the war. Cultural radicalism had been strong even between the wars and was viewed as the absolute antithesis of National Socialism. The political and intellectual leaders of the first postwar decade were Enlightenment-minded cultural radicals. That was particularly true in the fields of education and law.

The historical lesson did not solely consist of a content component. The two empirical fields, that of educational policy and that of the law, can also serve as examples of the two main cases of the lesson, the one confirmatory, the other questioning. The debate about the school of the future accommodated both, but reassessment and a change of course were the most conspicuous. On the other hand, the discussion about rights remained stuck in a spirit of self-confirmation right through the 1940s and 1950s. This was a case in which the Nazi experience gave rise to a lesson that confirmed the legal realism that existed already. Thus, in spite of shifts in the nature of the lesson, the direction remained the same. It fenced off the ideological landscape and prepared the way for rationalistic cultural radicalism.

The conclusions pointed in a geographical direction which at one and the same time was ideological and cultural. The intellectual influences on the 1946 Schools Commission came in all essentials from the West. Alva Myrdal, an influential educational ideologue during the early postwar period, introduced American progressivism into Swedish educational policies, John Dewey being the portal figure. She had confessed to her part in it as early as *Kontakt med Amerika* (Contact with America) (1941), the book she published together with her husband Gunnar: 'Just as Sweden has been a laboratory for advances in social policy, America has been a pedagogical laboratory.'¹⁴⁶ As far as legal affairs were concerned it is clear that continental law was quite the opposite to modern Swedish law: it was idealistic, metaphysical and still affected by layers of religious thinking. During the postwar period impulses would be sought either at home or out to the West. Thus the ideas of 1945 are closely connected with a cultural change of course – the reorientation away from the German sphere.¹⁴⁷

Notes

1. I. Hedenius, *Om människans moraliska villkor* (Gothenburg: Författarförlaget, 1972), 7–9. See also S. Nordin, *Ingemar Hedenius: En filosof och hans tid* (Stockholm: Natur & Kultur, 2004), 129.
2. Hedenius, *Om människans moraliska villkor*, 17–20. An identical division occurred in two surveys of contemporary philosophy, K. Marc-Wogau, 'Metafysik – logisk analys – semantik', in C.E. Sjöstedt (ed.), *Ny kunskap: Översikt över vetenskapens senaste forskningsresultat* (Stockholm: Natur & Kultur, 1952) and G.H. von Wright, *Logik, filosofi och språk: Strömningar och gestalter i modern filosofi* (Helsinki: Söderström, 1957).
3. Hedenius, *Om människans moraliska villkor*, 19.
4. See in general S. Nordin, *Från Hägerström till Hedenius: Den moderna svenska filosofin* (Bodafors: Doxa, 1984) and S. Nygård and J. Strang (eds), *Mellan idealism och analytisk filosofi: Den moderna filosofin i Finland och Sverige 1880–1950* (Helsinki: Svenska litteratursällskapet i Finland, 2006).
5. T. Stenström, *Existentialismen i Sverige: Mottagande och inflytande 1900–1950* (Uppsala: Uppsala University, 1984).
6. A. Wedberg, 'Sartre och existentialismen', *Dagens Nyheter*, 12 January 1947.
7. Stenström, *Existentialismen i Sverige*, 177–218.
8. Stenström, *Existentialismen i Sverige*, 121–122 and 171–174.
9. M. Rahner, 'Tout est neuf ici, tout est à recommencer ...': *Die Rezeption des französischen Existentialismus im kulturellen Feld Westdeutschlands (1945–1949)* (Würzburg: Königshausen & Neumann, 1993).
10. B. Lindensjö and U.P. Lundgren, *Utbildningsreformer och politisk styrning* (Stockholm: HLS Förlag, 2000); G. Richardson, *Svensk utbildningshistoria: Skola och samhälle förr och nu* (Lund: Studentlitteratur, 2004).

11. G. Richardson, *Svensk skolpolitik 1940–1945: Idéer och realiteter i pedagogisk debatt och politiskt handlande* (Stockholm: Liber, 1978), 34 and 54–63. The most concise account of the 1940 Schools Commission is Richardson's book, but also see C.E. Olivestam, *Idé och politik: De politiska partierna – skolan och kristendomen: En studie i svensk skolpolitik under 1940-talet* (Uppsala: Svenska Kyrkohistoriska Föreningen, 1977), S. Marklund, *Skolsverige 1950–1975: 1950 års reformbeslut* (Stockholm: Liber, 1980), Å. Isling, *Kampen för och mot en demokratisk skola: Samhällsstruktur och skolorganisation* (Stockholm: Sober, 1980), T. Englund, *Samhällsorientering och medborgarfostran i svensk skola under 1900-talet* (Uppsala: Pedagogiska Institutionen, 1986) and J. Qvarsebo, *Skolbarnets fostran: Enhetsskolan, agan och politiken om barnet 1946–1962* (Linköping: Linköping University Electronic Press, 2006).
12. Richardson, *Svensk skolpolitik 1940–1945*, 54; 1940 års skolutrednings betänkanden och utredningar: *Skolan i samhällets tjänst: Frågeställningar och problem-läge* (Stockholm: SOU 1944:20), 5.
13. 1940 års skolutrednings betänkanden och utredningar: *Skolan i samhällets tjänst*, 28; Richardson, *Svensk skolpolitik 1940–1945*, 56–57.
14. Richardson, *Svensk skolpolitik 1940–1945*, 56–57.
15. Richardson, *Svensk skolpolitik 1940–1945*, 28–34 and 73–98 (quotation 74).
16. 1940 års skolutrednings betänkanden och utredningar: *Skolan i samhällets tjänst*, 45
17. Richardson, *Svensk skolpolitik 1940–1945*, 117.
18. 1940 års skolutrednings betänkanden och utredningar: *Skolan i samhällets tjänst*, 49. See also Richardson, *Svensk skolpolitik 1940–1945*, 114–120.
19. 1940 års skolutrednings betänkanden och utredningar: *Skolan i samhällets tjänst*, 49–51 (quotation 50).
20. Richardson, *Svensk skolpolitik 1940–1945*, 117.
21. 1940 års skolutrednings betänkanden och utredningar: *Skolan i samhällets tjänst*, 54. The title of Herbert Tingsten's study, *Gud och fosterlandet: Studier i hundra års skolpropaganda* (Stockholm: Norstedt, 1969), reveals his main thesis.
22. 1940 års skolutrednings betänkanden och utredningar: *Skolan i samhällets tjänst*, 48
23. Olivestam, *Idé och politik*, 42–45 and 259–263; K.G. Algotsson, *Från katekestvång till religionsfrihet: Debatten om religionsundervisningen i skolan under 1900-talet* (Stockholm: Rabén & Sjögren, 1975).
24. B. Lindberg, *Humanism och vetenskap: Den klassiska filologien i Sverige från 1800-talets början till andra världskriget* (Stockholm: Natur & Kultur, 1987), 27–37 and 99–113; B. Gustavsson, *Bildningens väg: Tre bildningsideal i svensk arbetarrörelse 1880–1930* (Stockholm: Wahlström & Widstrand, 1991), 49–55 and 189–232; J. Hansson, *Humanismens kris: Bildningsideal och kulturkritik i Sverige 1848–1933* (Eslöv: B. Östlings bokförlag, 1999), 159–205. In general see also L.H. Niléhn, *Nyhumanism och medborgarfostran: Åsikter om läroverkets målsättning 1820–1880* (Lund: Nordensreng, 1975) and P. Sundgren, *Kulturen och arbetarrörelsen: Kulturpolitiska strävanden från August Palm till Tage Erlander* (Stockholm: Carlsson, 2007).
25. Richardson, *Svensk skolpolitik 1940–1945*, 117–120.

26. Richardson, *Svensk skolpolitik 1940–1945*, 98–104; G. Richardson, *Hitler-Jugend i svensk skol- och ungdomspolitik: Beredskapspedagogik och demokrati-fostran i Sverige under andra världskriget* (Uppsala: Hjalmarson & Högberg, 2003), 183–192; Lindensjö and Lundgren, *Utbildningsreformer och politisk styrning*, 46.
27. 1940 års skolutrednings betänkanden och utredningar: *Skolan i samhällets tjänst*, 49; Richardson, *Hitler-Jugend i svensk skol- och ungdomspolitik*, 160.
28. T. Aronson, *Gösta Bagges politiska tänkande: En studie i 1900-talets svenska konservatism* (Stockholm: Norstedt, 1993), 160–167. See also Richardson, *Svensk skolpolitik 1940–1945*, 160–162 and P.G. Andreen, *Gösta Bagge som samhällsbyggare: Kommunalpolitiker, socialpolitiker, ecklesiastikminister* (Stockholm: Almqvist & Wiksell, 1999).
29. Aronson, *Gösta Bagges politiska tänkande*, 164–167.
30. T. Nilsson, *Mellan arv och utopi: Moderata vägval under 100 år, 1904–2004* (Stockholm: Santérus, 2004), 79–84 (quotation 84).
31. Olivestam, *Idé och politik*, 41–43.
32. Richardson, *Svensk skolpolitik 1940–1945*, 120.
33. 1940 års skolutrednings betänkanden och utredningar: *Skolans inre arbete: Synpunkter på fostran och undervisning* (Stockholm: SOU 1946:31), 7–21 (quotation 8).
34. 1940 års skolutrednings betänkanden och utredningar: *Skolans inre arbete*, 12–13.
35. 1940 års skolutrednings betänkanden och utredningar: *Skolans inre arbete*, 14–18 (quotation 14).
36. 1940 års skolutrednings betänkanden och utredningar: *Skolans inre arbete*, 18.
37. 1940 års skolutrednings betänkanden och utredningar: *Skolans inre arbete*, 17.
38. 1940 års skolutrednings betänkanden och utredningar: *Skolans inre arbete*, 17–18.
39. Richardson, *Hitler-Jugend i svensk skol- och ungdomspolitik*, 98–107.
40. 1940 års skolutrednings betänkanden och utredningar: *Skolans inre arbete*, 19–20 and 85–92.
41. 1940 års skolutrednings betänkanden och utredningar: *Skolans inre arbete*, 88. For the position of history as a school subject at this time: U. Zander, *Fornstora dagar, moderna tider: Bruk av och debatter om svensk historia från sekelskifte till sekelskifte* (Lund: Nordic Academic Press, 2001), 328–334; Englund, *Samhällsorientering och medborgarfostran i svensk skola under 1900-talet*, 316–318 and 343–353; T. Lundquist, 'Från Gud och fosterlandet till arbetet, freden och välståndet', *Kronos* (1) (1988), 35–68. See also Chapter VI.
42. 1940 års skolutrednings betänkanden och utredningar: *Skolans inre arbete*, 21; Richardson, *Svensk skolpolitik 1940–1945*, 130–133.
43. Richardson, *Svensk skolpolitik 1940–1945*, 129; G. Richardson, *Drömmen om en ny skola: Idéer och realiteter i svensk skolpolitik 1945–1950* (Stockholm: Liber, 1983), 13–14 and 81; Olivestam, *Idé och politik*, 261–263.
44. Richardson, *Drömmen om en ny skola*, 41–51.
45. 1946 års skolkommissions betänkande med förslag till riktlinjer för det svenska skolväsendets utveckling, (Stockholm: SOU 1948:27), X.
46. 1946 års skolkommissions betänkande med förslag till riktlinjer för det svenska skolväsendets utveckling, 1.
47. 1946 års skolkommissions betänkande med förslag till riktlinjer för det svenska skolväsendets utveckling, 2.

48. 1946 års skolkommissions betänkande med förslag till riktlinjer för det svenska skolväsendets utveckling, 2–4.
49. 1946 års skolkommissions betänkande med förslag till riktlinjer för det svenska skolväsendets utveckling, 4.
50. 1946 års skolkommissions betänkande med förslag till riktlinjer för det svenska skolväsendets utveckling, 1–6.
51. 1946 års skolkommissions betänkande med förslag till riktlinjer för det svenska skolväsendets utveckling, 29–30 and 36.
52. 1946 års skolkommissions betänkande med förslag till riktlinjer för det svenska skolväsendets utveckling, 6 and 30.
53. 1946 års skolkommissions betänkande med förslag till riktlinjer för det svenska skolväsendets utveckling, 6. See also Qvarsebo, *Skolbarnets fostran*, 58.
54. H. Tingsten, *Demokratiens problem* (Stockholm: Norstedt, 1945), 263–264.
55. A. Ross, *Varför demokrati?* (Stockholm: Tidens förlag, 1948), 7.
56. E. Tegen, 'Den demokratiska uppfostrans mål', *Skola och samhälle* (3–4) (1945), 65.
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59. A. Myrdal, 'Kulturell återuppbyggnad', *Skola och samhälle* (3–4) (1945), 76–77. See also Y. Hirdman, *Det tänkande hjärtat: Boken om Alva Myrdal* (Stockholm: Ordfront, 2006), 315.
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61. A. Örne, 'Skolan som faktor i världens återuppbyggnad', *Skola och samhälle* (8) (1945), 257–262.
62. For a general overview see Richardson, *Svensk skolpolitik 1940–1945*, 76–86, which gives a number of examples.
63. Richardson, *Drömmen om en ny skola*, 102–143.
64. Gustavsson, *Bildningens väg*, 15–18 and 67–84. In general, see Sundgren, *Kulturen och arbetar rörelsen*.
65. Lindberg, *Humanism och vetenskap*, 318–331; Zander, *Fornstora dagar, moderna tider*, 328. In general, see also O. Wennås, *Striden om latinväddet: Idéer och intressen i svensk skolpolitik under 1800-talet* (Stockholm: Almqvist & Wiksell, 1966).
66. Zander, *Fornstora dagar, moderna tider*, 330–331; A. Larsson, *Det moderna samhällets vetenskap: Om etableringen av sociologi i Sverige 1930–1955* (Umeå: Institutionen för historiska studier, 2001).
67. Richardson, *Drömmen om en ny skola*, 201–229.
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 73. Quoted from M. Overesch, 'Die gesamtdeutsche Konferenz der Erziehungsminister in Stuttgart am 19./20. Februar 1948', *Vierteljahrshefte für Zeitgeschichte* (2) (1980), 252.
 74. Overesch, 'Die gesamtdeutsche Konferenz der Erziehungsminister in Stuttgart am 19./20. Februar 1948', 253.
 75. L.R. Reuter, 'II. Rechtliche Grundlagen und Rahmenbedingungen', in Führ and Furck (eds), *Handbuch der deutschen Bildungsgeschichte: 1945 bis zur Gegenwart: Deutsche Demokratische Republik und neue Bundesländer* (Munich: C.H. Beck, 1998), 39–40.
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101. Ekelöf, 'Juristkongress i Berlin', 74–75.
102. Ekelöf, 'Juristkongress i Berlin', 75.
103. Ekelöf, 'Juristkongress i Berlin', 75.
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119. See also I. Strahl, *Makt och rätt: Rättsidéns gång genom historien från Babylonien till FN: En överblick* (Stockholm: Iustus förlag, 1957).

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130. Mohnhaupt, 'Zur "Neugründung" des Naturrechts nach 1945', 102–109.
131. Mohnhaupt, 'Zur "Neugründung" des Naturrechts nach 1945', 109–115; W. Maihofer, 'Einleitung', in Werner Maihofer (ed.), *Naturrecht oder Rechtspositivismus?* (Darmstadt: Wissenschaftliche Buchgesellschaft, 1962), X.
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134. Legal positivism nevertheless came to occupy a strong position in Norway during the 1950s and 1960s, whereas natural law attitudes survived longer in West Germany. See Slagstad, *Rettens ironi*, 272–274.
135. S. Källström, 'Nihilism och människovärde', in S. Källström and E. Sellberg (eds), *Motströms: Kritiken av det moderna* (Stockholm: Carlsson, 1991), 23–37 (quotation 35). Resistance to legal realism was also found in other circles, but rarely among lawyers. For theological criticism see Jarlert, *Judisk 'ras' som äktenskapshinder i Sverige*, 45–51.
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146. A. Myrdal and G. Myrdal, *Kontakt med Amerika* (Stockholm: Bonnier, 1941), 96. See also Qvarsebo, *Skolbarnets fostran*, 54–61.
147. K.Å. Modéer, 'Politik i stället för religion: Avkristnandet av den moderna svenska rättskulturen 1950–2000: Några huvudlinjer', in A. Jarlert (ed.), *Arkiv, fakultet, kyrka: Festskrift till Ingmar Brohed* (Lund: Lund University Press, 2004), 370–381. That Swedish welfare policies, not least through the agency of Alva and Gunnar Myrdal, could simultaneously win the acclaim of some American Democrats is pointed out in K.Å. Modéer, 'Finalisten som katalysator: En jurist i Franklin D Roosevelts New Deal: Lloyd K Garrison från New York', in L. Heuman (ed.), *Festskrift till Per Olof Bolding* (Stockholm: Juristförlaget, 1992), 326.

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