

Summary

The Place of Morals: Inside or Outside of Law?

Lars D. Eriksson

The relationship between morality and law is always historically contingent. The attempts to separate morality from law in conceptual jurisprudence, legal positivism, and Scandinavian realism have turned out to be as fruitless as the attempt of the natural law tradition to subordinate law to the morality. The article also takes a critical view to the thesis of critical legal positivism that law and morals intertwine at the deeper structures of the legal system. Instead, it is argued that moral values penetrate the law at all structural levels.

Social Contract in Legal Philosophy

Henrik Palmer Olsen

The article outlines a new approach to the discourse concerning the relationship between law and morality. Drawing from social contract theory, it is argued that law is characterised by, on one side, the normative authority of the institutions that make and implement the law, and, on the other side, the existence of certain restrictions for these activities. Thus, law is seen to exist at a crossing point of power and legitimation. This must be the starting point for a discussion of the relationship between law and morals.

Evaluation of Laws Regulating Rights and Obligations

Sidsel Sverdrup

The article discusses methodologies of evaluation research and sociology of law regarding research about effects of legislation. The article focuses on legislation allocating rights as well as obligations, but to different persons or groups of persons (target groups). The author discusses the choice of perspective in evaluation, conflicts between the target groups, knowledge of the legislation in the target groups, and the concept of a target group.

Clash between Civilizations and the Human Rights?

Andreas Laurssen

Samuel Huntington's first article on the clash of civilizations was published in 1993. The discussion about Asian values has lead the author to ask whether a clash of civilizations exists concerning human rights. After an analysis of primarily Chinese and Malaysian documents, the author concludes that such a clash does not necessarily exist. He finds that dis-

agreement with China depend on China's different priorities, rather than different cultural values. He also finds that Islamic human right documents are often reactions to western documents. Some of them, especially texts by Malaysian prime minister Dr. Mahatris, are in dialogue with the west.

Violence against Women and the Human Rights

Johanna Niemi-Kiesiläinen

Violence against women has become a concern of international human rights discourse during this decade. The most important developments are found in CEDAW and the international women's conferences. The article finds that these developments have had a positive impact on programs against violence in Finland. Experts of international law, Rebecca Cook, Dorothy Thomas and Michelle Beasley have suggested that also the main stream human rights instruments could be more effectively used in the benefit of women. Both the protection of life and integrity and the prohibition of discrimination could be invoked to ensure that women who are victims of violence get appropriate protection. The author discusses the case law of the European Court of Human Rights and finds that the women's voice has not been heard so far in the Court or in the European doctrine.

Experimental Contracts

Ulla Hybel

The article reviews from a contractual point of view the legal rights of the persons who agree to participate in biomedical experiments in Denmark. In Denmark, a law on biomedical experiments entered into force in 1992. According to this law, an ethical committee to overview the experiments was set up. The law aims at the protection of persons who participate in the experiments, but it does not regulate the contract between the person and the institution. Therefore, the author discusses the contracts in the light of general principles of freedom of contract and consent.