

## Summaries

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### Manuel Castells and the Herald of a New Legal Culture

HÅKAN HYDÉN

Legal development is related to evolution of society. Many people claim that the industrialised world has already entered into a new legal culture formed by post-modernism. This legal culture reflects the breakup tendencies of an overripe industrial society. Manuel Castells has via his comprehensive work on the Information Age gone one step further by asserting that we are in the process of forming a new society. Indirectly he thereby also claims that we face a new legal culture.

The greatest merit of Castells' work is his visualisation of a new society emerging in the structural transformation observed in the relationships of production, of power and in the relationships of experience. These transformations lead to an equally substantial modification of social forms of space and

time, and to the emergence of a new culture. Among the shortcomings of Castells analysis, commented upon in the article, is the absence of comparisons of similar stages in history of transition from one societal formation to another. As already pointed out by Jonas Ebbesson in the previous issue of *Retfaerd*, Castells never goes into any discussion of legal matters. Nevertheless, Castells depicting of a new society also indicates a new legal culture. The appearance of this culture is still pending. Based on the experience from earlier phases in the history of Western societies, some conclusions, are pointed out in the article. In this process legal science must include elements of normscience. It also has to focus on self-regulation and finally take on the role of being a design-science.

### The Spirit in Laws

JØRN ØYREHAGEN SUNDE

Like any other phenomena in the human made society, law is an integrated part of an intellectual landscape. The way laws are structured, legal terminology and the legal method are all reflections of basic mental

conceptions. My ambition in «The Spirit in Laws» is to dissect time as one of the factors that both determine the shape, content and communication of laws.

## European Legal Pluralism as a Rebirth of *Ius Commune*

JARKKO TONTTI

European legal integration has sometimes been characterised by a historical analogy. It is claimed that national legal orders will be superseded by something similar to the *ius commune* of the Middle Ages and the gradual convergence between the national legal orders of Europe will restore the lost unity. In this article, two arguments are made against this view. First, the medieval *ius commune* was not a unified legal order, not

even a common legal culture. Secondly, a historical analogy between the old *ius commune* and contemporary legal integration can be drawn, but it reveals that the new European law after the eclipse of the nation state will also be pluralistic and polycentric. Post-modern polycentricity and legal pluralism are adequate terms in analysing both the contemporary changes of law and the functioning of medieval legal Europe.

## The European Union and Democratic Control

JENS TEILBERG SØNDERGAARD

On the background of the system of democratic control the treaty of Amsterdam introduced to the treaty of the European Union, this article will describe the emerging demand for democratic legitimacy that confronts national constitutional systems. It is not merely a question of the influence of

international sources on national legal systems, but rather a tale of a change in the dominant conception of legitimacy. Different understandings of the concept of democratic legitimacy are considered in light of the influence of globalisation on democratic theory.

## Honetsy and Cheating

– A comparison between *Buster* (Swedish comic-sportsmagasin) and *Electronic Art's* computer footballgame.

BO CARLSSON

The essay is about morals in football, as it is visualised in two different «imaginary settings». By comparing virtues and cheats in

sport comics, as well as in digital football, we receive an opportunity to reflect on the normative style of different forms of vis-

ual presentations of sport. The reflection focus on the differences between the virtues in traditional story telling and the character of morality in digital football, due to digital football's ambition of being «true to life», of being «real». In this respect, digi-

tal football, as well as other forms of digital sport, incorporate the instrumental character of globalized and professionalized sport, which jeopardize the quality of normative fairy tales.

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