

Abstracts

Law as a Normative Science: Kelsen's »normology«

PANU MINKKINEN

What does it mean when we claim that law is a normative discipline? Can we simply refer to the normative object of a legal science, the internal perspective, and the dogmatic conclusions that we must allegedly draw from this? What is a normative science to begin with? The article deals with questions concerning the normativity of a legal science

through a phenomenological reading of Hans Kelsen's theory of sovereignty. The article claims that law is a normative discipline on two distinct levels: on the level of law's normative object (»legal norms«), but also on the level of the epistemological preconditions of a legal science.

Text, Paratext and Adaptation: Literary Figures in the Digital Net

ANU OJALA

New technology has already in many ways changed the environment and usage of copyrighted cultural products. The article deals specifically with literature widely understood and its paratext. At least in public debate literature seems to have avoided the hard experiences of music. Music has been distributed widely and quite massively in networks between individuals, regardless of time and place, with or without authorization. But literature has not remained altogether un-

touched by digital technology and networking. As examples the article takes translation chains of Harry Potter books in the internet and a pirate version of Jamie Oliver's, the so called »naked chef's« cook book which was made by combining his earlier books and spread as email attachments. What new problems will literature be facing? How will these problems affect the essence of literature?

Iscenesatt rettferdighet

LISBETH FULLU SKYBERG

The article is based on parts of my Masters dissertation in sociology. It focuses on »staged justice«, that is, an analysis of the staging of the court in architectural terms and in terms of procedure. In more detail, the article is focused on how the interior decoration of the court room is formed so as to outline the roles which are to be filled in the court, and so as to communicate a message about the content and basic values of the

court. The underlying theoretical notion is that the context which is created contains a communicative aspect which interacts with the various social processes engaged in by the actors of the court. The analysis is based on interviews with the architects responsible for shaping the court rooms in question, and semiotic interpretations of the concrete staging as we find it in the Oslo District Court and the Norwegian Supreme Court.

The difficulties of victimization

INGELA KOLFJORD

This article's focus is on the problems with definitions of the concepts of victim- and victimization. The author discusses some theoretical perspectives on the conceptualization and states that the mentioned different perspectives have been too dualistic in their attempt to deal with the concepts of victim and victimization.

Some perspectives reject the concept of victim due to the fact that it seems to reproduce a view of women as passive objects. But it is very important to contextualise the concepts. To be defined as a victim in a rape-trial does not necessarily lead to a self-reflec-

tion of being a victim or a reproduction of cultural views about women as passive objects. It's a difference between being a victim of a crime and to internalise a sort of victim-consciousness.

In Society there are different discourses about women as offenders.

Some theorists stresses that there are *blurred boundaries of victimization-criminalization*. Kolfjord discuss this standpoint of *blurred boundaries of victimization-criminalization* relating to a case in the article and she means that without a contextualization which involves a gender-power perspective their claim is

more likely to be *blurred boundaries of different discourses*. The survivor-perspective and the survivor-concept as examples are more relevant outside the legal system while the legal system has an obligation to crystallize a victim and an offender in a trial.

In sum, the scientific discussion of the victim-concept has up to now been too androcentric and uncontextualised according to different social fields.

Hvordan rettsliggjøring undergraver et forbud mot eutanasi: En sammenlikning av regulering av eutanasi i Norge og Nederland

ROB SCHWITTERS

It is striking that countries as Norway and the Netherlands, while so alike in many respects (rich welfare-states, egalitarian, protestant) have such a varying approach regarding euthanasia. The Netherlands is the first country which legally permitted euthanasia. Norway is one of the most restrictive western countries concerning euthanasia. In this article I suggest some explanations for this. But first of all I argue that one must put such apparent differences into proper perspective. First, legal rules concerning euthanasia are more actively enforced in the Netherlands than in Norway. It would be a misunderstanding to consider the legalization which has taken place in the Netherlands to reflect an »anything goes«-approach. Rather, the Dutch have opted for a regulated tolerance in which doctors who practice euthanasia have to

follow standards of due care. Further, comparative empirical research from Netherlands, Australia and Belgium suggests that the lower prevalence of euthanasia in Norway cannot be exclusively attributed to a prohibitive legal regime. Comparative evidence moreover shows that the Dutch regulation is better able to reduce the most problematic forms of active termination of life than a strict prohibition. Finally, I will suggest that the prohibitive legal system in Norway is bound to disintegrate. A process of juridification of medical practice, a process taking place in all western countries, will make it more difficult for the legal authorities to refrain from prosecuting and evaluating euthanasia practices. Forced more actively to apply legal norms, their decisions will in the long run reflect openly less restrictive standards.
