

The Almost Nearly Perfect Relationship(s)

MATTHEW DYSON*

I have known about the SCCL since 2018, when a dear friend and colleague, Cyril Holm, approached me to speak to his coming to Oxford for a year as the SCCL postdoctoral researcher in the IECL. I only came to Oxford in 2016, having been previously in Cambridge for 15 years, from student to academic. In Oxford, I have been Director of the IECL since January 2023, and had the privilege to work with the dynamic and talented Swedish scholars linked to the IECL and in Stockholm itself. I have technically “line managed” some of them, and I’ve certainly chatted about a lot of their work, and shared committees with them. I’m an undisguised fan; not even all those committee meeting hours together have deprived me of that. My experience of the SCCL is of a group of such lustre that even with Oxford’s many flaws, the result is almost nearly perfect relationship(s).¹

The theme for this brief reminiscence concerns the SCCL as a cornucopia of personal relationships which make both parties better. Indeed, they are almost nearly perfect relationships. That is, they from the outside might appear to be perfect, and, when one pushes a little, there might be some, birthmarks, freckles or other things which might by the well-meaning but naïve be thought imperfections; yet what these idiosyncrasies actually do, is humanise the relationship and make it feel more achievable and real. In effect, they highlight the enduring affection of friendship which marks the highest value to relationships, rather holding on to an artificial and unreal archetype of what colleagues should be. To give just one example, the SCCL is so active and dynamic, one can almost feel like one is not able to keep up.

* Professor of Civil and Criminal Law and Director of the Institute of European and Comparative Law, University of Oxford; Tutorial Fellow of Corpus Christi College, Oxford; Global Professor of Law, The University of Notre Dame (USA) in England; Associate Member of 6KBW College Hill.

¹ See further, M Booth, *The Almost Nearly Perfect People* (2014, Jonathan Cape).

One should recall that it would be churlish in the extreme to criticise that, or to transfer one's insecurities to another body, and that reminder helps the relationship to strengthen us and face our own imperfections. It also highlights how community, or perhaps, in the Oxford sense, fellowship, is a better model than simply seeing "conformity" with a norm, and expresses something beautiful about some relationships, like ours.

One relationship gives an early starting point for my connection with the SCCL, and that is how I know Cyril Holm. I was delighted that Cyril Holm was awarded the postdoctoral position at the IECL in 2019. For nearly 6 months, from September 2019 to March 2020 it was glorious to have him in Oxford. The 6 months after that were impacted by Covid, but we did what we could to keep the intellectual and person connection alive while complying with national rules. We continue to meet most weeks, online, and my life is much the better for it. My last visit to SCCL, in March 2023, also saw me getting to stay with Cyril and his family, in both their house near Stockholm, and their family home in the countryside. They also played their cards very well, and prayed to Sól and Sumarr, and the previous heavy winter conditions cleared enough the few days before my arrival, that the lake skating I was looking forward to was unsafe. I was able in 2025 to return to have that archipelago skating experience and loved it. The result is that I will go angling ... at least for an invitation to a future event in the depths of winter.

Cyril and I share a lot of interests, but the foundation of it is scholarship. The desire and skills to explore ideas, particularly of how humans understand the world. Cyril is a polymath, with a subtle grasp of economics, philosophy, history and law, amongst other things. We met on a previous project, about how risk-reasoning worked in Sweden. He came on board to work with a colleague, Sandra Friberg from Uppsala, and Mia Carlson, from Stockholm. It was a joy to work with the three of them, and Mia's contribution was exactly what we needed. She, with Sandra, wrote the overview chapter on the state of the art of risk-reasoning in Swedish private law, with a particular focus on tort law. Cyril on the other hand wrote the more free-wheeling chapter on a particular national example of advanced risk-reasoning. The parallel English chapter was on international commercial risk and litigation, the French on medical risk-reasoning. Cyril's chapter was on the socialisation of risk that took place in the twentieth century in Sweden, whose ultimate fruit included the Tort Damages Act of 1972, and the system of supporting those who suffer harm, regardless of the role of tort.

Cyril's work is a fascinating legal piece, but no less an interesting philosophical, political or economic story, vital to understanding the starting points and challenges for what "tort" law is meant to do in Sweden. It also encourages us outside to reflect on what we ask tort law to do, and what tools we, in our ignorance or misplaced theory think that it needs to do so. It is, for instance, common to hear even otherwise serious people say that "tort law's purpose is to compensate"; this might well be how some legal systems allocate a role to tort, and so is descriptively true. There are different theoretical questions here, between a "purpose" and a "function" for instance, but there is a simple angle that is often not engaged with, which is how efficient the system is at the thing it is said to do. How much of the money entering the system ends up on the result which is meant to be its purpose. A state-run system of compensation for injuries might hover around 90% efficiency, with 10% of the money going in being spent on administering claims and avoiding fraud; commonly tort law in many other systems is more like 50% efficient. Even if the purpose of the system is to compensate, which is a big "if", why is the system so bad at doing it? This is no less a factor than thinking through what the actual problem to be compensated is: the loss an individual suffers, or the overall reduction in society's standing caused by a typically known risk where the individual cannot exercise sufficient control over that risk. I don't know how Cyril can live a life being so interested in so many things, so talented at all of them, and with so little trouble being excellent company. I intend to continue observing and studying him in the years to come in the hope of cracking that mystery.

This was not my first experience with Swedish law, I already knew it was worth looking at not least because of its relationship between tort law and criminal law, my own personal interest. But without wanting to go into that academic exercise, we might start just from the fact that the Swedish language itself is a reason to want to, though sadly I doubt that will happen easily. Swedish is a beautiful language, for its musicality as much as for how it embraces pauses and swings, in a way many other languages do not. Someone close to me during my PhD, John Bell, now emeritus professor of law in Cambridge, learnt Swedish to do his PhD thesis. His example made it much harder for me to resist the pressure to learn another language for my own thesis, in my case Spanish from scratch, as well as bringing my French back up to speed. My experience in those languages, and my struggles trying to learn some German when spending time at the Max Planck institute in Hamburg, have long ago taught me that my ability to learn more languages

is not enough without a supreme investment of effort, to learn Swedish, at least at the moment. I am the lesser for it. I'd like to believe the benefits of the current arrangements, whereby SCCL friends have to speak English, and I don't have to speak Swedish, are felt equally. I am much less entertaining company (already starting at a low level of entertainment) outside of English, and have to resort to slapstick humour. The Swedes, by comparison, switch into English as easily as they slip into a lake in the summer, or as smoothly as they skate across those lakes in winter, enjoying themselves before their English friends arrive no doubt.

Swedish law has been fascinating to me for some years. I began knowing it through legal history, particularly via Kjell Å Modéer in Lund, and later Martin Sunnqvist; before getting to know criminal lawyers and tort lawyers in Uppsala. All the Swedes I have dealt with have been excellent intellectual and personal company. Only one, who I shall not name, really indulged the Swedish stereotype, giving a presentation at a conference which was deeply reminiscent of an experimental jazz performance. Kjell Å by comparison picked out the Swedish characteristics of warm, ruddy-cheeked healthiness of mind and body, and a deep care for ideas and people, and represents the kind of role model for one type of legal history that any country should want to clone.

The SCCL has continued this kettle of pickled fish experience. A cohesive core with diverse interests. A cunning knack for raising money matched by its generosity in supporting scholarship with that money. SCCL, and the wider Faculty, contains so many gems that it is invidious to try to list them. I can only capture here some names, from those I have interacted with in one way or another, particularly in the last two years. I was very lucky to receive a copy of Stina Bratt's book quite early in my time in the IECL, a characteristically generous gift from a talented scholar. I've also seen immense organisation skills from many, from Jacob Linder to Hanna Larsson, and hardcore support for students and things that will help them from many, not least Jaan Paju and Jessica Östberg. Various other connections, from committees to just intellectual interests meant I got to meet Gustaf Sjöberg, Jane Reichel, Björn Lundqvist, Petra Herzfeld-Olsson, Fanny Gleiss Wilborg among others.

I'll turn now to some of the recent relationships SCCL gave rise to in Oxford. The first two of those are holders of the Postdoctoral position. The Stockholm Postdoc is a special position unlike anything else the Law Faculty in Oxford has, and is unlikely to have again. It's also remarkable that Christ Church is open to having the Postdoctoral Research Fellowship that could

otherwise go to anyone, always go to this scheme. This special position is a sign of how successful the SCCL has been in making the case for its work, and consistently persuading colleagues across the University of Oxford, colleagues I personally would not be convinced I could persuade about much. That the position also gives the holder a little more time to try to navigate the Swedish process of employment law application is also an example of Swedish pragmatism.

Nikola Hajdin was already in post as the Stockholm Postdoc when I arrived as the new Director of the IECL. We shared an interest in criminal law, though his interest also pushed towards International Criminal Law, rather domestic and comparative. Nick was driven and always keen to learn, both powerful qualities.

Branka Marusic, who came in 2023-4, brought a wry and witty perspective to the role, along with an utterly humbling mastery of too many languages. Her work on copyright illuminated many a Friday coffee morning, as did her observations on popular culture let alone legal culture. Branka was in the IECL most days, attended the vast majority of our events, and provided a stable and welcoming space for the Senior Stockholm visitors who, from this year, shared the same office.

Mårten Schultz, was the first Senior visitor in my time, and like Nikola had already established a pattern of working before my arrival as Director. He was also the closest to a rockstar on campus, at least from appearance, and from his dramatic Brian May-ish ease to handle just about any question on Swedish private law, particularly tort law. Given my own interests in the field, I wish I'd had more time amongst my duties to nail him down and ask all the questions my brain and the memory on a recording device could hold on to. I did get to prolong the contact but involving him in a project on illegal conduct by claimants and tort claims, welcoming him back to Oxford in February 2024, and continuing to work on the project with him and Johanna Chamberlain, in Uppsala.

Pål Wrangé, exploring the legal construction of data, brought a calm, dignified and occasionally mischievous presence to the IECL. His was also the first Senior Visitor I managed to ensure got a Senior Common Room membership, in his case, at my own College, Corpus Christi. This was supported by SCCL by paying towards their catering and other expenses for that connection. In this case it obviously meant I could see more of Pål, and introduce him to colleagues on the College level.

Crina Baltag followed in Hilary Term 2024, and was a whirlwind of activity, with engagement around the UK and beyond. Her work on investment, arbitration, human rights, and other dimensions to the modern business world were as fascinating as they were in demand from leading conferences and practitioners. Crina was the first of the now established process whereby the Senior Visitor will be supported by a connection with Lady Margaret Hall.

Emil Elgebrant, only just leaving Oxford as I write this, has been an enthusiastic and regular attendee in the IECL, and at our events. He was always keen to learn about the work we and our visitors have been doing. His own work on intangible assets and the role of good faith was a fascinating and difficult nexus for legal questions.

I look forward to meeting Fabricio Fortese, our incoming Postdoctoral researcher, and Jonas Ebbesson, our incoming Senior Stockholm Fellow.

Whole pages would probably be needed for the last two people, Laura Carlson and André Andersson, to do justice to the overspec'd engines of so much of what the SCCL achieves. In the Swedish to English Dictionary I have, if I look up “unflappable” or “örubbligt lugn”, I get a picture of Laura. She is undismayable, unshockable, and undeniably outstanding. I don't mean to give the impression that I have tried to dismay her, and failed, and then come to this conclusion. I mean to convey that no interaction I have ever seen could shift her from the outward calm and inward hard-earned serenity that I have come to admire so much. And from that position of tranquillity, she gently nudges and explains points of fascination with law. She is most commonly also giving up her time to improve the legal community, whether immediately close to her physically or further away but nonetheless in her heart, something we in Oxford clearly benefit from. She has enthusiastically supported things I have tried to organise in Oxford, not least our Research Masterclass for visiting and internal graduate research students, coming to give the first seminar, being the only academic who came to dinner to spend time with the students, and generally supporting the event without the slightest sense that she could have been doing things for her own sake instead.

André is a paradoxical example of a human dynamo, in that he both turns effort into energy for others, but also puts that effort in himself as well as marshalling others, and does so while impeccably dressed and in idle moments pondering the brushstrokes of Caravaggio or the linger notes of Anne Sofie von Otter. Like Laura, he is incredibly generous, and driven by

both the academic and practitioner perspectives on law. A “people person”, a most bankable star in the SCCL firmament, and a person with a deep affection for Oxford and what his time studying here helped him become.

With relationships like these, it’s easy for Oxford to bear less of the burden of being brilliant. So please, SCCL, don’t change.

