



De lege

More than 40 years of
Uppsala Memories

MER ÄN 40 ÅR AV MINNESOTA-MINNEN

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JURIDISKA FAKULTETEN
I UPPSALA





More than 40 years of Uppsala Memories

Mer än 40 år av Minnesota-minnen

Utbytet mellan/The Exchange between
Juridiska fakulteten vid Uppsala universitet
&
University of Minnesota Law School
begun/inlett 1982/83

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(Editors)

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Due to an unfortunate oversight, the following text was not included in the hardcover book. It is therefore published as an addendum, which forms an integral part of the yearbook.

Mats Kumlien

Exchange Memories

Prologue

In the autumn 1999, I was on tour in the USA with *Orphei Drängar* (OD), which is a men's choir from Uppsala. On October 9, we sang at Bethel University, St. Paul, Minnesota. During the intermission, a nice-looking couple came up to me, and a short conversation unfolded: "Do you know Mats Kumlien? I am Mats Kumlien". The couple was Laura and Ben Cooper. Laura worked as a professor of labor law at the Minnesota Law School, and she was later to come to Uppsala as visiting professor in the spring 2000. Moreover, she knew that I would be the next visiting professor from Uppsala.

The next day, I went to the Law School and met Dean Tom Sullivan, Meredith McQuaid and several others from the Faculty, many of whom the same evening attended OD's concert at St. Olaf College. Before then, the visiting professor of 1999, Elisabeth Rynning, and her kind husband Jan, took me to a lunch in Stillwater.

Minnesota, no doubt, gave a very nice impression. Yet, half a year would remain until I could start my sojourn as visiting professor at the Law School.

Go West!

On August 14, 2000, an airplane left from Arlanda Airport, to Minneapolis-St. Paul Airport via Chicago O'Hare. Our emigrant family consisted of father Mats (visiting professor-to-be), mother Eva (butler and visiting researcher in neurology), daughters Johanna 17, Ulrika 15, and son Mattias, 12.

We got a warm welcome. The temperature at the airport was over 30°C (86°F). Above all, Meredith McQuaid from the Law Faculty immediately took care of us and brought us to our new home in Falcon Heights, St. Paul.

We were going to stay in Minnesota for almost a year, and during the whole period Meredith saw to it that we could live a good life, inside as well as outside the Law School. In addition, we had ever-ongoing support from Laura and Ben Cooper: bikes, helmets, music stand, excursions, invitations, dinners, introduction to networks, theater, concerts, etc.

Minnesota Law School

Uppsala's exchange program with Minnesota was firmly established, with an imposing infrastructure; I got an office, computer, printer, phone, e-mail, U-card, social security number and card. Continuously Meredith McQuaid was in charge. She devoted a Sunday to show me the shortest bike path between our house and the Law School. I also want to emphasize the great and generous assistance presented by Associate Librarian Suzanne Thorpe, who supplied me as well as the students with relevant literature. Furthermore, she speaks Swedish, and has been visiting professor at the Law Faculty in Uppsala as part of the exchange program.

Teaching

The course, which I ran, had the humble title "The rule of law and the role of lawyers". It contained about 15 seminars and lectures on themes like The Roots of Western Law, *Ius Commune* and Common Law?, Codification or Judge-made law?, Are Western Legal Systems Converging?, What is Reception?, Is West the Best?, The Role of Lawyers and Abuse of Law, Legal Profession and Education, Is there really a Nordic Legal Family?

A lot of it, of course, was re-cycling of stuff from Uppsala, among other things the inquisitorial action 1311 against the heretic peasant Botolf in Gottöra, Uppland. This case travelled over the Atlantic Ocean to be analyzed by the students in the Midwest. However, I could add several new, often constitutional, themes, fruits from my reading of articles and books, which the librarians collected, suggested and delivered within 30 minutes after my request.

The students had studied some years at a college, and, in general, they were older and maybe more mature with a different kind of individualism than the ones I had met among the well-drilled students in Uppsala. In contrast to Uppsala, the students in Minnesota studied several classes at the same time, a fact that influenced the form of teaching. I had to reconsider things. Since I was apple-cheeked convinced about the excellence of the Uppsala model, at the first seminar I tried to introduce a system according to which the students should collaborate in smaller work groups. Forget about it!

Nevertheless, the seminars proceeded intensively, with well-prepared discussions from active, motivated students interested in theory. You learn as long as you live.

Another feature that was new to my eyes – at that time, n.b. – was that some students wore a cap during the seminars, and delivered deliberated comments between bites of lunch they had brought with them. Casual style, in spite of our holding the seminars on Tuesdays.

However, suddenly one day, all men appeared wearing black suits, and the women wearing something discreet and black. What had happened? The law firms were there, hunting for top students. The legal profession exerts a great influence on academic legal education. ABA, the American Bar Association, also accredits the Uppsala-Minnesota exchange, which is a phenomenon that I myself noticed as a Director of Studies when “Minnesota” inspected the English-speaking courses in Uppsala.

Profession and hospitality

My new colleagues were inclusive, invited me to lunches, discussed comparative law, common law vs. statutes, gave me tips on literature, interesting court decisions, etc.

A stimulating moment were the weekly faculty lunches during which a researcher discussed a current theme or a work in progress, and we got warm food from gas hobs.

The hospitality extended far outside the physical walls of the law school. On many, many occasions, our family was invited to a fellow worker's home. Frase, Befort, Sullivan, Rubinstein, Gifford, and many more. I can't count them all. We got four invitations for Thanksgiving evening.

Research

A few weeks before Christmas, 2000, my teaching ended. At the last seminar, the students gave a beautiful speech and served candies and homemade cookies. Charming and intellectual human beings!

A new period started for our family. With support from several benefactors – the Faculty of Law and The Faculty of Medicine in Uppsala, The Fulbright Association, The Olin Foundation for Legal History – and from our own savings, we managed to stay during the spring of 2001 and rent the house in Falcon Heights. Our new friends were still there, the networks expanded, and the infrastructure at the Law School remained excellent.

I got time for my own research, primarily what was to be the monograph “Continuity and contract : Historical Perspectives on the Employee’s Duty of Obedience in Swedish Labour Law” (2004), a study of the emergence of labor law in Sweden. Furthermore, I could start working on my part of the program “Children as Actors” (*Barn som aktörer*, the Bank of Sweden Tercentenary Foundation). My focus was on freedom of expression in modern media, which was a significant issue in many colleagues’ analyses of the Constitution’s First Amendment.

All the time, I got support from the library, which contained surprisingly much “Swedish” material. I could dig deep in the preparatory works of the Law of 1734, in David Nehrman’s *“Inledning til Then Swenska Jurisprudentiam Civilem af Naturens Lagh och Sweriges Rikes Äldre och Nyare Stadgar”* (“Introduction to the Swedish Jurisprudentiam Civilem by the Law of Nature and Sweden’s older and newer Regulations”, 1729) and in Alfred Ossian Winroth’s *“Om tjenstehjonsförhållandet enligt svensk rätt”* (“On the Master and Servant Relationship According to Swedish Law”, 1878). Now and then, I took a break and ran my eyes over the Mississippi, which majestically passed on below my window. Some months at a well-ordered university library in the U.S. – and much can be written!

Socially – culturally

As I told you, we lived in Falcon Heights, which was a quiet residential district in St. Paul. If you met a neighbor, or anybody for that matter, you often could hear a kindly “Hi, how are you today?” – This did not always happen in Uppsala.

The house had six rooms, parquet floor, fireplace, grand piano (Steinway), veranda, walking-distance to jogging track and the University's gym including a swimming pool. At a shorter distance, the television offered at least 50 channels – in Uppsala, we had channels 1, 2 and 4. Consequently, it was a hard task to decide which of the kids should control the TV remote.



After work in Minnesota.

As has been told, when we arrived in August, we encountered a hot summer. However, Minnesota has an inland climate. In November the winter arrived, long, cold and with plenty of snow (from Uppsala the weather reports told us about six plus degrees Celsius, 43°F, and rain). We thought that we knew everything about winter life, but we were wrong. In Minnesota, “wind chill” became a well-established concept for us. Outdoors, as well as indoors. Through some of the windows, a refreshing wind blew through the rooms. At the giant shop Target at Nicollet Mall, we bought 3M Company's big plastic wraps. There were several models, exactly designed to cover any size window. We fastened the wraps around the windows with a staple gun, and from December to April, they stood stretched like sails in a fair wind.



Plastic wind shield in Midwest.

In the basement store, we found a pair of skis, which had bindings that perfectly fit to the boots that we had bought at the second hand shop “Play it Again.” And then, we had many ski tours in the groomed tracks at the golf course just around the corner.

During this winter, the bike to Law School was replaced by a shuttle-bus, which the University ran between its two units. Public transportation, however, was limited. Since 2004, there has been a tramway connecting the University’s different units, among lots of other places.

With Laura and Ben Cooper’s help, we were able to buy a second-hand Toyota Camry, which kindly started all through the ice-cold winter. We made the purchase in the gloomy factory area of Bloomington. It took several months until my wife had convinced me that it was not the same Bloomington, at which the Swedish composer Sven-David Sandström worked as a university professor.

Our beloved Toyota was quite essential for all sorts of transportations. Our trips went to the Minnesota Youth Orchestra, Roseville High School Choir, football (soccer, St. Paul Black Hawks), bandy (Roseville Bandy Team), Schubert Club (inter alia the pianist Jevkenij Kissin), Guthrie Theatre and Orpheum (Hedda Gabler, Aida, Beauty and the Beast, A Christmas Carol, Who’s Afraid of Virginia Woolf?), cinema (O Brother, Where Art Thou?, Traffic, Meet the Parents), hockey games (Minnesota Wild vs. Vancouver with the Sedin twins from Örnköldsvik), baseball (Twins vs. Chicago White Sox), American football (Gophers vs. Arizona Wild Cats), excursions in the neighborhood, Duluth, Canada, Mall of America, etc. Eva used the car to get to the Minnesota Epilepsy Group at United Hospital. And, of course, we needed a car to buy food to survive.

Children, schools, music, and bandy

Our three children went to Roseville High and Middle School respectively.

Every morning, the principal stood at the entrance and welcomed every pupil. If any child was absent, an automatic voice on the telephone called us and asked for the reason.

Johanna played viola in a symphony orchestra and studied solfeggio, Ulrika took courses in photography, which were run by the school, and she made a lot of friends, Mattias played cello and had lessons during school hours. Moreover, the school supplied him with two instruments, one in the school, and one for practicing at home. Consequently, we avoided a lot of heavy transportation!

At the start of our stay, Mattias was rather discouraged, first because he did not understand the language in school and, in particular, not the teaching in mathematics. However, soon he became integrated at school, and he began to lard his speech with several nice American phrases (as well as some less nice ones). Second, he missed the football in *Uppsala IF* and the bandy in *IK Sirius*. But, we had underestimated the significance of the fact that many people in Minnesota have their roots in the Nordic countries. As to soccer, the school arranged training and matches, and shortly he was appointed “scoring machine” of the year. A club asked him to sign up for the next season.

What about bandy, it was, of course, a hopeless case? No, much to our surprise, we had landed close to Edina, which is the center of bandy in the USA. The sport established itself there in the 1980's, it expanded, and in 1995, Minnesota arranged the World Championship for men. All through the winter, local



Mattias Kumlien and Aaron Johnson at John Rose Oval.

bandy teams trained and had matches at Lewis Park Bandy Rink, Hennepin County, and the John Rose Oval. Their equipment, sticks, skates, pads, etc. mainly came from the Swedish *Kosa* and the Canadian CCM.

We had bought skates and pads at “Play it Again.” Mattias, 150 cm (4’ 11”) tall, joined a senior team. Even if it meant rather harsh terms for him, he managed to score a goal against Midnight Crisis, and as an award, he got a new bandy stick. When his team played matches, they sometimes used the bandy jersey of the U.S. National Team. On Mattias, the jersey reached almost to his knees. One day at the end of March, a man rang at our door and asked for the jersey since the National Team needed it to play the World Cup in Finland.

A curious detail was that some years before, in Uppsala, I had met the student Erik Nord in the “Comparative Legal History” course. He then played bandy at the elite level in *IK Sirius*, and he had previously been an exchange student at the Minnesota Law School. Evidently, over there he made an acquaintance that he considered so important that he decided to go back. At the welcoming reception for exchange students and teachers in September 2000, I met Erik again, and he had returned in order to graduate as Juris Doctor. We also met him in connection with the bandy activities. Later on, he established himself as a lawyer in California.

Immigrant life

To be a Swede in Minnesota brings a certain cachet. In our first evening in St. Paul, we went for a walk to the little market place of St. Anthony, and then we saw many Swedish names in the windows; Svensson, Olsson, Peterson, Andersson, Johnson, Lindkvist, etc. We observed the same when we visited Vasa, which was a small congregation, founded in the 1850s, by emigrants from Skåne. The Swedish origin is important.

The American Swedish Institute is a non-profit association with the ambition to preserve and study the role that Swedes and Swedish-Americans have played in the history and culture of the U.S. It also aims to be a “welcoming and joyful place for all people and foster authentic relationships with communities local, national, and international”. We made many friends at the Institute and our daughters were Attendants (Sw. *tärnor*) the dark Lucia morning on December 13, and they sang the same Christmas songs they had learned in Uppsala’s music classes.

One evening, the father of one of the bandy players (named Johnson) invited me to the Institute to join a dinner with *Svenska Sällskapet* (The



Lucia Elissa Björck, attendants Kumlien: Ulrika left, Johanna right.

Swedish Society). The purpose of the Society is to gather men “of good character” to celebrate their Swedish heritage, not to be limited to traditional Swedish food and beverages, Swedish songs, and Swedish jokes. The meetings allow members to cultivate relationships and learn from keynote speakers on diverse topics.

At the dinner, the club served “smorgasbord” and used a song booklet with a well-disposed selection: The Star-Spangled Banner, *Du gamla, Du fria* (Sweden’s National Anthem), *Helan går* (a Swedish drinking song). Several members of the club emphatically claimed: “I am a one hundred percent Swedish.” Some of them had emigrated in the 1920s and preserved an interesting Swedish language and intonation.

The Institute’s long-time president, Bruce Karstadt, became a good friend, whom I met several times in the years that followed, not only in the USA but also, quite unexpected, in 2019 at

Landing’s café in Uppsala. Sweden has awarded Bruce many honors, like the Order of the Northern Star (*Nordstjärneorden*), honorary member of Uppsala municipality, and *doctor honoris causa* at Lund University.

Politics, law, entertainment, or what?

On November 7, 2000, the presidential election took place. The media coverage of the campaign and the vote counting were thrilling. In Sweden, the general elections to the Parliament were not very exciting

for many hours (in those days, n.b.). Usually, the state of tension was destroyed around 8:30 PM, when some professor of political science made a forecast based on an exit poll, and it generally came true.

This was not the case for the presidential election of 2000 between Al Gore and George W. Bush. For long, the result was “too close to call”. In particular, this situation applied to Florida, a state in which the manual counting of votes went on for 35 days, until the Supreme Court – “in a 5–4 *per curiam* decision” –, stopped the recount and decided that Bush had won with a margin of only a few hundred votes.

With that, Florida got 25 electoral votes, and the victory went to George W. Bush. When I arrived at Law School the next day, I met a professor who said, with a woefully sigh, “I am scared to death.” Those were the days...

Springtime

As has been told, the winter was long and cold. However, in just a few days at the end of April, the weather switched, from winter, with at least -20°C (-4°F) and nippy wind-chill, to spring, 30°C (86°F), kissing breezes, floral splendor and dry streets. The plastic wraps in the windows were torn down, the snow-shovel was put out of sight, bandy at the rink was replaced by soccer on grass, bikes and music stand were returned to the Coopers. We sold the Toyota, household utensils were carried to a Garage Sale. At the Law School, Cheryl Cullich excellently assisted me in packing books and sending them to Uppsala, while we were discussing William Faulkner and separation of powers. Soon time to say goodbye and go home.

In the middle of May 2001, we landed at Arlanda Airport after a fantastic period in Minneapolis-St. Paul. Our eldest daughter, Johanna, stayed for a couple of weeks to finish her classes and graduate from Roseville High School. Her siblings, Ulrika and Mattias had learned English, and some years later, they passed the “*studentexamen*” at the International Baccalaureate in Uppsala.

Not an epilogue

What do I keep from Minnesota? My memories could fill a whole book. However, I want to mention just a few things. I got a new insight in what it means to live as an immigrant, in comparisons between different legal cultures and educational systems, in the delicate relationship

between central power and member states. The United States of America and the European Union are both centralized systems built upon political cooperation between separate states. The common basic question is: to what extent do the member states have to give up their sovereignty in order to promote the political objective? How much is necessary to harmonize and, in particular, how to harmonize? Which legal instruments are available and appropriate?

Moreover, and above all, my family made several new friends. The professional contacts integrated with social relations. My first meeting with Laura and Ben Cooper in 1999 meant the start of a lifelong friendship. Laura was a visiting professor in Uppsala already in spring, 2000, and returned to that position four times. Moreover, both have visited Sweden on private tours. Ben, who speaks Swedish, is very interested in Swedish culture in general and music in particular. One evening in Minneapolis, he invited us to a song recital, during which he presented and performed a series of Swedish romances. In other words, we are talking about great friends of Sweden.

During my last (latest?) tour with *Orphei Drängar*, in March 2017, the choir returned to Minnesota, and performed once again at Bethel University. Who turned up during the intermission? Laura and Ben Cooper, of course! Did it mean that we had “closed the circle”?

No. While I am struggling with this little essay in July 2023, suddenly an e-mail drops down. It comes from Laura who tells me that she is writing of her memories from five visits at Uppsala Law Faculty, and that she and Ben soon will visit us again.

Welcome back!

