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**Naturalism in Legal Thinking:
Alf Ross and Karl Olivecrona**

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Abstract

Ever since W. V. Quine published an essay entitled “Epistemology Naturalized,” naturalism has been an important topic in core areas of philosophy, such as epistemology, the philosophy of language, and the philosophy of mind, and it has now, mainly thanks to the writings of Brian Leiter, reached legal philosophy. Accordingly, the task of gaining an understanding of the implications of a naturalist approach to the problems of legal philosophy, such as the problem about the normativity of law, and the problem about the nature and viability of conceptual analysis as a central philosophical tool, is on the agenda of contemporary legal philosophy.

In a recent publication Leiter argues, *inter alia*, that the American Legal Realists of the 1930’s and 1940’s are best understood as prescient naturalists. But in this essay, I argue that from the standpoint of naturalism in jurisprudence, Scandinavian Legal Realists like Alf Ross and Karl Olivecrona are more interesting – and more sophisticated – than their American counterparts. To this end I introduce the naturalism espoused by these writers, relate it to contemporary understandings of naturalism, and point to some of the most important (alleged) consequences for jurisprudence of their naturalism, such as Olivecrona’s claims (i) that there is no such things as binding force and therefore no legal rights or duties and (ii) that legal rules cause human behavior by operating on the psychological level. I conclude by comparing the naturalist jurisprudence of the Scandinavians with the jurisprudence of H. L. A. Hart, who was a naturalist, too, albeit less radical than the Scandinavians.

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