

# Obituary

## Nils Jareborg

(1938-2025)

Professor Emeritus Nils Jareborg, Uppsala University, passed away on the 20<sup>th</sup> of June this year, at the age of 87. A great scholar, and a close friend and colleague, has left us.

Jareborg was no doubt the most influential criminal law scholar in the Nordics in the last half century and became well-renowned already by his doctoral thesis on agency and intent from 1969. In this thesis, central tenets of his intellectual profile were formed, combining strong knowledge of Swedish criminal law with theoretical and philosophical perspectives, notably analytic philosophy, ordinary language, Wittgenstein and philosophical pragmatism. This work marked the beginning of several books and articles, in criminal law and legal theory. Notably, Jareborg's work on the general part of criminal law has been widely influential in Nordic criminal law scholarship, including his analysis of the concept of *culpa* and its role in the doctrine of criminal responsibility.

Also, Jareborg was one of the central theorists in the so-called 'neo-classical' movement, highlighting the importance of just desert and proportionality as sentencing standard. In this and many other regards, Jareborg influenced legislation and the practice of criminal law.

This emphasis on proportionality reflected a strong normative commitment to the rule of law, limits to state power and human decency and tolerance. Jareborg's view of criminal law was clearly stated in the seminal text *What kind of criminal law do we want?*, published in Swedish as well as in English. The article became a Nordic classic, often referred to and broadly accepted as the programmatic statement of Nordic criminal law. Here, Jareborg outlined what he called a *defensive* style of criminal law that emphasised a strive towards low-level repression and the importance of individual rights and other rule of law-guarantees in the context of criminal law. This, according to Jareborg, was what we should aim for, rather than what he considered and labelled an offensive style of criminal law, actively used as a repressive and alienating social tool.

Both of us, and many others, were fortunate to have had Nils as our supervisor as early-career researchers. The value of this was not only due to his strong knowledge of criminal law and philosophy. We also learned to know him as a generous person, for instance at dinners at his home where he exercised another of his great skills, the art of cooking, and displayed interests far beyond legal scholarship, such as music and literature.

Jareborg was in many ways an un-Nordic criminal law scholar, with his philosophical style and knowledge, his principled and theoretical writings and broad international network and publications. But if he was un-Nordic, this was only because he filled his role as professor and scholar in criminal law to a superior degree. More than any, he provided Nordic criminal law scholarship with new foundations for the rest of us to build onto.

*Jørn Jacobsen*

Professor, The Faculty of Law, Bergen

*Magnus Ulväng*

Professor, The Faculty of Law, Uppsala