

And teach them practice and law

It is told in Faroese songs that the chieftain Tróndur of Gøta intended to kill the sons of his two main rivals after their fathers had been slain in battle. When faced with strong opposition, the chieftain is said to have brought them home to raise ‘and teach them practice and laws’.

To study Faroese legal practice and laws, to read law only applicable in the Faroes, in systematic way is not possible in our time. In any case not on the same level as in Gøta in ancient times, where the headman, probably, in a focused and determined way could teach and analyse law.

In our neighbour country to the west it was customary for young freeholders’ sons to be taught to recite the old law books at the table before eating. Reading the Icelandic sagas gives the distinct impression of legal knowledge of a high standard. In all likelihood, the Faroese strongmen were just as knowledgeable and both could and had to teach the youngsters practice and law.

Just as a common sense of identity is the prerequisite for the sense of nationhood, the legal entity is dependant on constitution and law. What affiliation the Faroese as a nation and as a legal entity should have to other countries, was a contested question in ancient times and is still so today.

But, what united the battling chiefs of old, unionists as well as separatists, appeared to be an understanding that the Faroese have their own practices and laws. The best men of the land spent time sitting on the ting – partly assemblies, partly courts of law. Reading the statutes aloud and teaching law

at the chieftain's residence ensured both knowledge and understanding of the law as evident in practice.

As the Faroes always have and still do constitute a distinct jurisdiction, the need for knowledge and understanding of both practice and law cannot be underestimated. The need for knowledge will be met by the recently established Statute Database, available on the internet, and by the planned databases on judgements, administrative decisions and tribunal cases. The need for analysis and understanding will have to be met by scholarly writing and a law school of some sort.

Luckily, the Faroese law review is now well established, providing a forum for legal debate and analysis. What we now need is a Faroese law school. Plans have been hatched to establish a Master degree in Faroese law. As a postgraduate program, Faroese law can be taught by practicing lawyers and visiting scholar alike without numerous full-time faculty.

The first article, by Bárður Larsen, in this issue is concerned with the concepts of independence and sovereignty. These are very fundamental concepts that have been misused somewhat in the political debate. Defining the meaning and origin of such concepts is vital for the academic debate as well as the political.

The second article, by Ulla Svarrer Wang, deals with delimitation of international borders on the Rockall Plateau. With the improvements of recent years in drilling techniques, hitherto undivided underground areas are now showing potential for exploitation. Our next issue will presumably be dedicated to oil and gas related issues. This interesting piece on the future prospects of Faroese hydrocarbon pursuits will be initial drilling exercise into the oil and gas issues.

Hopefully, the first two law reviews and those to come will provide the basis for a law school in the Faroes. We do not need the undergraduate teaching, even our chiefs of old acquired knowledge abroad. Rather, the old and wise in our land should teach their knowledge to others on a postgraduate basis.

The Faroese law review will, thus, contain the seeds for the Faroese to be taught the practice and law of land again.