Centre for Advanced Study

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The Myths about the Constitution

■ It is a myth that Norwegian democracy rests safely on the Constitution from 1814. In reality the Constitution does not protect central political rights such as the freedom of association, the freedom of assembly, the freedom to demonstrate and the right to strike.

■ "In practical political life Norway protects human rights to a far greater degree than follows from the Constitution. Let's hope that things continue that way," say the experts on the Constitution, Eivind Smith and Bjørn Erik Rasch.

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The lions in front of the Storting are guarding Norwegian democracy and the proud Norwegian Constitution – which looks more like a little pussycat

Mathematics is older than the Greeks

"Pythagoras and the Greeks have been given undeservedly much of the credit for having invented classical mathematics. Many of their ideas can be traced back to anonymous Mesopotamian mathematicians," says Professor Jöran Friberg (picture). The proof is to be found in such places as on the small tablets of clay in the Schøyen Collection.

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The Genius and the Grammar School Teacher

The Norwegian mathematician Niels Henrik Abel (right) became world-famous in 1824. Ludwig Sylow (left) is one among Norwegian mathematicians who assumed the mantle after Abel.

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Mathematical growth in Abel's footsteps

Niels Henrik Abel was one of the greatest mathematical geniuses the world has ever fostered, and this year's 200th jubilee is being used to mark his achievement. It is not quite so well known that along the path Abel left behind him there was flourishing growth of considerable importance.

"You don't have to open many textbooks in advanced mathematics before you come across Axel Thue's theorem, Sophus Lie's groups or Ludvig Sylow's theories. As a nation Norway was over-represented with outstanding mathematicians at the end of the 19th century," says Geir Ellingsrud, who is a professor of Mathematics at the University of Oslo and a member of this year's research group in mathematics at the CAS.

"Also Thoralf Skolem, Viggo Brun, Ernst Selmer, Vilhelm Ljunggren and not least Selberg made important contributions to the Golden Age of number theory," says Ellingsrud.

A systematic development

Professor Jens Erik Fenstad in the Department of Mathematics at the University of Oslo agrees that Norway has fostered unusually many outstanding mathematicians. "On both sides of the year 1900 we had many mathematicians who were right at the top of the international research league, but on the other hand we had no profession around them. The great change came after the Second World War, when a more systematic development was started. Today we don't perhaps have many researchers in the forefront internationally, but what we have got is a broad profession with points of impact in many areas of Norwegian society, says Professor Fenstad.

Peter Ludvig Meidell Sylow (1832-1918)

Ludvig Sylow qualified as a teacher of science and mathematics in 1856 and became a pupil of Ole Jacob Broch, who started him off on Abel's works. Sylow became extremely concerned with an unfinished Abel manuscript on the theory of equations, and he gradually documented that Abel had solved the problem completely but not managed to complete the writing.

Sylow worked a great deal on interpretations and improvements of Abel's works, and was concerned with elliptical functions and theories of equations. But it was first and foremost a publication from 1872, with descriptions of the three Sylow theorems within group theory, which made him immortal.

Sylow was never given an appointment at the University of Kristiania, but remained a secondary school teacher at Fredrikshald (Halden) for 40 years from 1858. He was granted leave to undertake a study tour to Paris and Berlin in 1861, to substitute for Broch in the period 1862-1863, and to edit Abel's works in co-operation with Sophus Lie from 1873 to 1877. In 1894 he was made a doctor honoris causa of the University of Copenhagen, and in 1898 the Storting nominated him professor extraordinary with an emolument of 3000 kroner per year instead of his secondary school teacher's pension.

Marius Sophus Lie (1842-1899)

Sophus Lie developed original and innovative theories for transformations of geometrical objects (lines, spherical surfaces etc) and for the integration of ordinary and partial differential equations. He was appointed as an extraordinary professor at the University of Oslo in 1872, and in 1886 he became a professor in Leipzig as the famous mathematician Felix Klein's successor. The point of departure for Lie's works was his own and Klein's idea that geometry and analysis ought to be built up around the concept of group, as Galois had built up his theory of algebraic equations. Lie made a study of differential equations from this point of view and built up a general theory of "transformation groups" or what have since been called Lie groups. They are to this day a central object of mathematical research and a central aid in theoretical physics.

In the 1890s he was ill a great deal. The writer Bjørnstjerne Bjørnson took the initiative to have a professorship established for him in Oslo, and in 1898 Lie moved home. But he was at that time seriously ill with pernicious anaemia and he died in the early part of 1899.

Axel Thue (1863 – 1922)

Axel Thue worked on number theory, logic, geometry and mechanics. He is most famous for his works on arithmetical properties of algebraic numbers, and theorems of the (un)solvability of Diophantine equations, i.e. equations where the solution is a whole number. He is also famous for his pioneer work on what he called "Zeichenreihen" or "word problems".

Thue was known to go his own ways, and he preferred developing his own ideas to making a study of other people's works. He became a teacher at the Institute of Technology in Trondheim in 1894 and in 1903 he became Professor of Applied Mathematics in Oslo.

Thue thoroughly reformed the lectures on mechanics. It is said that he dictated his lectures, stopped at the nearest comma immediately the time was up, and carried on from there on the next occasion.

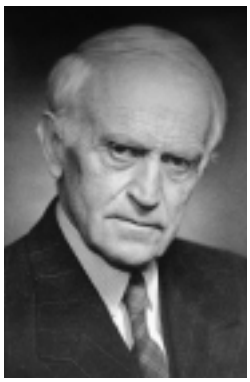
Thoralf Albert Skolem (1887 – 1963)

Thoralf Skolem published as many as 177 papers in the course of his long career. The most important of his works were done within logic and Diophantine equations.

Skolem obtained his doctoral degree in 1926 for a work on integral solutions of cer-

tain algebraic equations and inequalities. Then he was a researcher at the Christian Michelsen Institute in Bergen from 1930 to 1938, after which he became a professor in Oslo. When he reached the age of retirement in 1957 he was for a couple of years Visiting Professor at Notre Dame University in the United States.

His works in logic broke new ground (inter alia the "Skolem-Löwenheim Theorem"), and his results with respect to Diophantine equations and the "Skolem-Nöther Theorem" in algebra are outstanding. His commitment to his work led among other things to his being commissioned to write about Diophantine equations for the German Springer-Verlag's series Ergebnisse der Mathematik, and together with Viggo Brun he edited the second impression of Eugen Netto's Lehrbuch der Kombinatorik.



Viggo Brun (1885 – 1978)

Viggo Brun is best known for his work on prime number theory, but he also made a great contribution within continued fractions, generalisations and combinatorics. Among other things he developed a famous sieve method, which he later used to develop two hypotheses in number theory that had previously been considered impossible to prove. One of these hypotheses had been formulated by Goldbach and stated that every even number can be written as a sum of two odd prime numbers.

The sieve method has been taken further by among others Gelfond in Moscow and Atle Selberg at Princeton and it has shown itself to be very effective. Brun was also interested in the history of mathematics, and in 1952 he found the lost manuscript of Abel's Paris dissertation in a library in Florence.

He was made a professor at the Norwegian College of Advanced Technology in Trondheim in 1924, and in 1945 he moved to Oslo where he worked until he reached retirement age in 1955. He was academically active until he had reached the age of 90.

An outstanding number theorist

Atle Selberg (born 1917) is considered to be one of the world's most outstanding number theorists of all times. His most famous work is his elaboration of what is known as Selberg's trace formula. Selberg's doctorate from 1943 with amplifications on what is called the Riemann zeta function remained for at least 30 years as the most outstanding work within its field.

Selberg took his doctoral degree at the University of Oslo and became a research fellow in 1942. In 1947 he married and moved to the USA to study at the famous Institute for Advanced Study at Princeton. There he was appointed a professor in 1951.

Selberg is also famous for his elementary proof of the prime number theorem, with its generalisation to prime numbers in a random arithmetical series. When Selberg's collected papers were published in 1989 and 1991, the critics were in agreement that the author is a living classic who has exerted considerable influence on his subject for more than 50 years.

Sources:
Bent Birkeland: The Mathematics Teachers at the University of Oslo
Jens Erik Fenstad: Thoralf Albert Skolem – A biographical sketch

Mathematics is older than the Greeks

Today's youngsters who are fed up with school can take comfort in the fact that it was much worse in Mesopotamia 3000 years ago. "Then things were really tough," says Jöran Friberg, a professor of mathematics. He can also prove that Pythagoras and the Greeks have received undeservedly much of the credit for having invented classical mathematics.

Professor Friberg is one of perhaps four or five researchers in the whole world who can read and understand Old Babylonian mathematical texts. It has taken many years to learn the art, but now his studies are giving him – and us – a unique insight into daily life in ancient Mesopotamia. The document collector Martin Schøyen has given the researchers approximately 300 previously unknown mathematical texts to study, and most of them are Old Babylonian tablets of clay from the period 1900-1600 BC.

"The classical works in Babylonian mathematics were published by Otto Neugebauer between 1935 and 1945. The Schøyen Collection contains almost as many mathematical cuneiform texts as the whole of Neugebauer's works, and it is nothing short of sensational that such a large collection is being made available," says Professor Friberg.

Roughly half the mathematical texts in the Schøyen Collection are simple multiplication tables, but the other half provide an excellent survey of the school conditions prevailing approximately 3000 years ago in what today corresponds to Iraq. "The mother tongue in the region was Akkadian, which was a Semitic language. But schoolchildren also had to learn

"The Schøyen Collection contains almost as many clay tablet texts as all the classical works from 1935-1945 together. It's nothing short of sensational that such a large collection is being made available to researchers," says Jöran Friberg. (Photo: Bjarne Røsjø)

An agreement from the other end of the scale: This copperplate states the conditions concerning the Huner King Toramana's donation of a stupa to a community of Buddhist monks. (Photo: CAS)

"Woman to be exchanged for woman and horse"

Suhapriya must have been quite a woman, according to a trading contract found in the Schøyen Collection. The point is that approximately 1800 years ago two gentlemen, Lyimkeya and Rutraya, agreed on an exchange: Lyimkeya would barter Suhapriya for another woman – and a horse. And the horse was an extremely valuable animal at that time.

Lyimkeya and Rutraya drew up a pretty detailed contract, which suggests that this must have been an important deal. Here it says for example that Lyimkeya must provide another woman as compensation if he fails to honour the contract. And if Rutraya breaks the contract, he must provide another woman – and another horse! In any event the troublemaker is liable to 70 strokes of the cane," says Professor Jens Braarvig.

The old contract probably stems from a place in the area that today constitutes Pakistan and Northern India, and it is written in the Late Sanskrit dialect Gandari. The script is called Kharoshti and the "deed" is a little wooden plank with a lid on. This treasure belongs to that part of Martin Schøyen's document collection that was transported out of the Bamiyan area of

Sumerian, which was in a way the Latin of those times," Jöran Friberg explains.

Complicated systems

"But the first thing they had to learn at school was cuneiform script, which was so complicated that they had to spend many years studying it. At the same time they learnt a form of mathematics that was totally different from ours and based on the cardinal number 60 – in contrast to our system with the base 10. They also had to learn a complicated measurement system that resembled the Anglo-Saxon system with feet and inches, and then they had to learn to calculate with the different units of measurement by means of comprehensive tables," says Professor Friberg.

Incidentally the system using the base 60 (the sexagesimal system) is not unknown in our day and age: there are still 60 seconds in a minute and 60 minutes in an hour. "The system was extremely complicated, but on the other hand one could write large numbers with few digits. That was no doubt an advantage: You can compare a modern A4 sheet with a tablet of clay weighing 2 to 3 kilos, so it's self-evident that they used small script and wrote in an extremely compact form," he adds.

Mathematics is older than the Greeks

The clay tablets in the Schøyen Collection are among the oldest mathematical writings that are known, but there is no question of their representing the childhood of mathematics. "Mathematics was developed before writing was invented about 3300 BC," Professor Friberg states.

According to Jöran Friberg it is a misunderstanding that Classical Greek mathematics miraculously arose around 500 BC, invented by Pythagoras and a handful of other famous mathematicians. "Classical Greek mathematics is a continuation of ideas that can be traced back to anonymous Mesopotamian mathematicians from the two preceding millennia. The Babylonian mathematicians could solve quadratic equations in a simple way with a geometrical method, they could calculate the surface area of a sickle and other complicated figures, and they were altogether pioneers in geometry and number theory," says Professor Friberg.

Jöran Friberg is a Professor Emeritus of Mathematics at Chalmer's College of Technology in Gothenburg who has had Mesopotamian mathematics as his field of research since the end of the 1970s. At the present time he is working on interpreting and publishing a large number of the new mathematical cuneiform texts from Martin Schøyen's collection of documents at the National Library in Oslo.

Professor Jens Braarvig's eyes opened pretty wide when he found this document smack in the middle of a collection of religious texts: An 1800-year old contract specifying how the woman Rutraya shall be bartered against the woman Cogaroae – and a horse. (Photo: Bjarne Røsjø)

Afghanistan five or six years ago. "The Afghan documents in the Schøyen Collection contain very many religious or philosophical texts, so it's extra interesting to find such texts as this one. It's not only in our days that it's been difficult being a woman in Afghanistan," Professor Braarvig points out.

The Schøyen Collection also contains other contracts or agreements. A 1500-year old copperplate measuring approx. 50 x 25 cm states for example that King Toramana in the Huna dynasty has donated a whole stupa (a dome-shaped cult building) to a community of Buddhist monks in a place in the Afghanistan/Pakistan area. "This says a good deal about the tolerance between different races and religions at that time," Braarvig emphasises.

Jens Braarvig is a professor of the History of Religion in the Department of Culture Studies at the University of Oslo and is heading the CAS group "Buddhist Manuscripts in the Schøyen Collection".

The Norwegian Constitution – a symbol shrouded in myths

Say "Constitution" to the average Norwegian and he or she will immediately think of the Constitution Day, the founding fathers, the flag, and Norway's being one of the world's best and most democratic countries. "Yet in reality human rights have relatively poor anchorage in the Constitution," say the political scientist Bjørn Erik Rasch and the jurist Eivind Smith.

"One of the myths about the Constitution is that it is so difficult to amend, but in reality it has been amended over 200 times since 1814. A drawback with such a myth is that it invites extremely "creative" interpretation," say Professor Bjørn Erik Rasch (left) and Professor Eivind Smith.

The two professors have been assessing the Norwegian Constitution in the light of the constitutions of many other European countries, and they are now putting their fingers on a number of things that deserve attention. This is because we surround ourselves with a host of myths about the Constitution, it turns out.

"The Constitution contains very little information about how the politico-economic system in our country functions, if we look upon the Constitution as a textbook on how the state is governed. Our assessment must be another if we think of the Constitution as a collection of rules of law concerning how the state shall or may be governed. But also as a legal norm the Constitution has lost much of its practical significance. If you're happy with a constitution that doesn't mean very much in society, then the Norwegian Constitution is pretty good!" says Eivind Smith, who is a professor in the Department of Public Law at the University of Oslo and the leader of the CAS re-search group "The Constitution as a Legal Norm".

"There are historical reasons for the fact that the Norwegian Constitution has developed into a sort of national symbol more than a practical tool in the development of society. The majority of people in Norway believe for example that we never risk being threatened by dictatorial politicians who might undermine the rights of the minority, so it perhaps doesn't matter that much whether their rights are protected in the Constitution. This is a kind of naivety we can permit ourselves on account of our peaceful history. But we don't have to travel far to find countries with a different view," adds Bjørn Erik Rasch. He is a professor in the Department of Political Science at the University of Oslo and his special interests lie in political theory, the theory of democracy and the philosophy of science.

A flow of constitutional amendments

Norway has the decidedly oldest constitution in Europe: The Danes adopted a new constitution in 1953, Iceland and Sweden have constitutions from respectively 1943 and 1974, Finland got a new constitution in the year 2000, and the Baltic states set in motion major processes in connection with the dissolution of the Soviet Union in the 1990s.

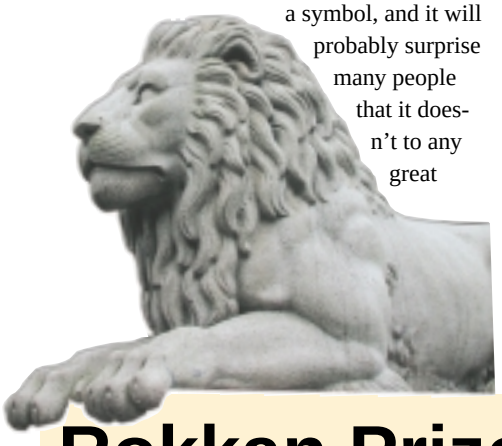
Professor Smith and Professor Rasch see it as a problem that the Norwegian Constitution is almost never discussed in the political debate. "Our job as researchers is not to argue for a thorough reform of the Constitution, but to point to possibilities and problems. We have among other things pointed out that it's most certainly not so difficult to amend the Norwegian Constitution, despite the fact that the myth says the opposite. Indeed, it also turns out that the Constitution was amended

during the term of every parliament except one in the last century. Altogether there have been over 200 amendments since 1814, which is a lot compared with many other countries. There is a regular flow of amendments the whole time, while Germany, for example, and many other countries have a tendency to amend the constitution only in certain periods," Bjørn Erik Rasch comments.

The Constitution can be a tool

"On the other hand many of the amendments are not very important – the main structure is intact. Altogether it's a problem in the reality of Norwegian political life that one hardly talks about what we want the Constitution for. If one has a constitution that's not taken seriously, one has at the same time abandoned a tool for political action," says Professor Smith.

Both jurists and political scientists are on the whole in agreement that a constitution says how the state machinery shall be built up, what bodies shall be found at the highest level in a state, and what competence these bodies shall have. "Another and perhaps more important side is that the constitution can contribute to protecting a number of fundamental rights and values, and that it can to some degree bind the state power and for example prevent small political majorities from passing resolutions that infringe the rights of minorities. The vast majority of European countries that have revised their constitutions since the Second World War agree on these principles," Professor Rasch comments. "In Norway we rather tend to look upon the Constitution as a museum exhibit or a symbol, and it will probably surprise many people that it doesn't to any great extent regulate and protect human rights," adds Eivind Smith.



Four signs of impact

Eivind Smith points to four or five factors that may decide whether a constitution gets a strong position or whether it will become weak and fall into disuse. "The age of the constitution is a factor: One can imagine for example that an old constitution becomes fossilised in a positive sense, but it may also be that the state authorities in the course of time feel themselves more and more free in relation to the wording of the constitution. One can also imagine that a constitution that's difficult to amend will to a greater degree become the object of creative re-interpretations. A third factor concerns the system for ensuring that the constitution is respected: A constitution that's not simply a political document, but that can also be safeguarded by independent bodies, has a stronger position than constitutions where the national assembly has the last word. In addition it's interesting to look at whether there are arrangements for independent advance review of statutes before they actually come into operation. In the case of Norway we have in principle judicial review of legislation, but in practice it is on the whole the Storting that has the final say. When it comes to advance review, we traditionally content ourselves with ministerial departments," Professor Smith points out.

"All in all the Norwegian Constitution doesn't come out of these evaluations with so very much clout. But we must nuance this view, of course, because in several areas the Constitution is practically indisputable. I have for example never heard anybody say that we can ignore the provision that Finnmark shall have four seats in the Storting!" he adds.

There is often a snag with myths, and the myth that it is difficult to amend the Constitution invites creative interpretations. "A fascinating example concerns Norway's relationship to the treaty relating to the coming international war crimes tribunal. The treaty lays down a prohibition against giving heads of state special immunity, and this is how it must of necessity be. Yet this conflicts with the provisions in the Constitution that the King has immunity and that Cabinet ministers can only be impeached. The ministries have solved this problem at the stroke of a pen by saying that the Constitution must be interpreted 'in the light of our times'! In this instance it wouldn't have been difficult to amend the Constitution – not one member of the Storting was against the treaty, nobody would have voted against a constitutional amendment, and the delay would have been moderate," says Professor Smith.

Political freedom of action

"All this becomes in practice a question of evaluating how things are balanced. Most people in today's political community are perfectly happy with an interpretation of the Constitution that goes very far in the direction of political freedom of action. But perhaps the politicians on the left, who today greatly appreciate the majority's freedom of action, ought to think a bit about whether they would want equally great freedom of action for a government based on an overall majority for the Party of Progress?" asks Professor Rasch.

"Our Constitution doesn't for example protect central political rights such as freedom of association, freedom of assembly, the freedom to demonstrate or the right to strike. It doesn't even contain a prohibition against punishment in the form of torture – only against torture as a means of extorting a confession! The attitude is that most of us can't imagine using torture, so we don't need such a prohibition anyway. Such an attitude to the Constitution's possible function as a political tool does at any rate deserve debate," adds Eivind Smith. "But for Heaven's sake: We mustn't forget that Norway in practice protects human rights to a far greater degree than follows from the Constitution. Let's hope things continue in that way!"

The Constitution as a (legal) norm
This research group is working on constitutions/basic Acts, their normative character and impact in society. See also the account in CAS Newsletter No. 2 2001.

Rokkan Prize to Huseby and Aalberg

In January the researchers Beate Huseby and Toril Aalberg were awarded the Stein Rokkan Prize for their dissertations within the field of political science at the Norwegian University of Science and Technology in Trondheim (NTNU). Dr Huseby and Dr Aalberg were both members of the research group "The Basis of Public Opinion" headed by Professor Ola Listhaug at the CAS from 1997 to 1998. Much of their work on their dissertations was performed during this period. The Norwegian Social Science Computing Service (NSD) in Bergen instituted the prize in 1981 in order to pay tribute to outstanding contributions to research based on data provided through the NSD. The prize is in memory of Stein Rokkan (1921-1979), a pioneer and leading figure in Norwegian and international political science, who among other things was President of the International Political Science Association. Both Dr Huseby and Dr Aalberg were mainly affiliated to the Department of Sociology and Political Science at NTNU when their work was carried out.

The Centre for Advanced Study

The Centre for Advanced Study (CAS) is an independent foundation with a board appointed by the Norwegian Academy of Science and Letters (NASL) and the Council for Universities and Colleges. Prominent researchers from Norway and abroad are invited for one-year stays to engage in research in the Centre's premises in Drammensveien in Oslo, where the CAS is housed in the turreted section of the Academy's villa.

Each year the Centre's activities are organised in three research groups, each with from six to ten members. The work of each group is planned and organised around a common theme and headed by one or more outstanding researchers.

The groups are chosen from each of the following three areas:

- The Humanities
- Social Sciences/Law
- Natural Sciences/Mathematics

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The Schøyen Collection:

A cultural and political challenge

Martin Schøyen's unique collection of documents has been valued at approx. NOK 850 million, and it is attracting researchers from all over the world. At the same time the collection has become a great challenge to those working in the field of Norwegian cultural policy, because Martin Schøyen wants to sell the collection. But who actually owns culture?

There is no legal doubt that Martin Schøyen owns the collection and that he acquired its contents in a lawful manner. The question of cultural ownership has been actualised because Martin Schøyen is considering selling his collection, and Bendik Rugaas, who is on leave from his post as head of the National Library, is among those who want to make the collection part of the new Norwegian national library. Bendik Rugaas is at present Director General of the Council of Europe, but he is due to return to the National Library in 2003.

In a debate held at the University of Oslo Library under the title "Who owns culture?", Rugaas argued in favour of the Norwegian state's purchasing the Schøyen Collection.

Martin Schøyen (left) owns a collection of documents that represents a challenge for the Norwegian museum and library service. Museum Director Egil Mikkelsen is among those who are happy that the collection exists.

The difficult right of ownership

According to Professor Jens Braarvig the question of the right of ownership to cultural treasures touches on a number of dimensions: Should cultural treasures be owned by private individuals or public institutions? Are such cultural treasures national gems or part of the global cultural heritage of mankind? State institutions have in principle greater continuity than private individuals, but state ownership is no guarantee that valuables will be managed in a proper manner. "The most important point in my opinion is that the historical landmarks are made available to researchers and the public, and in that perspective Martin Schøyen has performed a great service," said Professor Braarvig.

The most heated debate about ownership concerned the up to 2000-year old "Dead-Sea Scrolls of Buddhism" that were transported out of Afghanistan before the Taliban authorities destroyed the famous Buddha statues in Bamiyan. A number of participants in the debate, including John Herstad, the Director General of the Norwegian Office of Historic Monuments and Sites, supported returning the collection to Afghanistan when the time was ripe. "Norway can't be seen to be supporting an international capitalistic system that is draining impoverished nations of their cultural treasures," John Herstad argued.

John Herstad's views were countered by among others Egil Mikkelsen, the Director of the University of Oslo's museums of cultural history. "It's true that the Afghan part of the Schøyen Collection was found in Afghanistan, but that's not where the objects come from. There are hardly any Buddhists in today's Afghanistan, but in Norway they in fact amount to 15,000," Professor Braarvig pointed out.