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The principles *lex posterior, lex specialis and lex superior* – *tria juncta in uno?*

In Swedish legal doctrine, the principles *lex posterior derogat legi priori, lex specialis derogat legi generali* and *lex superior derogat legi inferori* are often treated as a set of principles to be used when conflicting norms should be distinguished. The same is the case in at least the other Nordic legal orders and this also occurs in public international law. In e.g. German legal literature, the principles are, however, not generally treated together as a set of principles in the same way as in the Nordic countries.

The principles have been commonly discussed as legal maxims or *regulae juris*, and they – or at least *lex posterior* and *lex specialis* – occur in collections of such, sometimes with the addition of *lex posterior generalis non derogat legi priori speciali*.

Due to the wording of the principles, it is easy to see why they have been grouped together. But they have, at the same time, been taken out of their original contexts.

Whilst *lex posterior* has its roots in Roman law, *lex specialis* is related to statutes applicable to certain groups in a society. *Lex superior*, on the other hand, has a history in the “higher law” concept of natural law and was first transferred to the U.S. constitution.

The missing original connection between the maxims can explain why they often tend to point in different directions as to which one of the conflicting norms that should be preferred. The aim of my presentation is to analyze and compare the different origins of the three principles, and to contrast the Swedish (and Nordic) way of grouping them together with these historical differences.

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This proposal is part of a joint proposal of a panel consisting also of Prof. Dr. Mats Kumlien, Prof. Dr. Bo Wennström, Doctoral Candidate Suus Hopman (all Uppsala) and as chair Prof. Dr. Dr.h.c.mult. Kjell Å Modéer (Lund).