

Marianne Vasara-Aaltonen, *Learning Law and Travelling Europe: Study Journeys and the Developing Swedish Legal Profession, c. 1630–1800*, Leiden: Brill, 2020, 427 pp.

The title of book under review would seem to suggest that its author has focused on the legal studies undertaken abroad by Swedes in the seventeenth and eighteenth centuries, and on the process of development of the Swedish legal profession in the early modern period. However, in her extensive introduction she presents in great detail the topical issues of her study and the source base. Upon reading the introduction we find that the book's scope is somewhat narrower than the title would indicate, and also clearly determined by the sources. At the very outset she explains the term *Turku law students* (pp. 5, 18), which appears very often in the book and indeed functions to define of the collectivity upon which the author has focused her research. The term itself is used to describe those students of the Academy of Turku who studied abroad and thereafter held functions or offices in the legal professions.<sup>1</sup>

As if anticipating the reviewer, the author herself puts forward the question: since this is a work on the education of Swedish lawyers, why is it focused on the Finnish Academy of Turku (Swedish Åbo), and not on the oldest Swedish university, namely Uppsala? (p. 14). Established in 1640, the Turku Academy was the first university to be opened in Finland. While summarizing the history of these lands, Marianne Vasara-Aaltonen devotes a few sentences to the historiographical disputes concerning the status of Finland within the Kingdom of Sweden. According to 'nationalist Finnish historiography', from the end of the nineteenth and the beginning of the twentieth centuries Finland enjoyed a special position in the Swedish realm, as is evidenced, for example, by its elevation to the status of Grand Duchy in the sixteenth century. In recalling these discussions, the author is quick to stress that although they should be taken into account we ought to keep in mind that the same laws were in force on both sides of the Gulf of Bothnia, and that the provinces were subject to the same central authority. She therefore concludes that the Academy of Turku was a Swedish university, and was similar to Uppsala. Obviously we may agree with this approach, however it

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<sup>1</sup> 'For the sake of simplicity, the group of students I examine are referred to as "Turku law students", regardless of their origins. Thus, the term "Turku law students" in this research refers to any men found in the online database of the Academy of Turku (*ylioppilasmatrikkeli*) who studied at foreign universities and who ended up working with legal matters, or who are known to have enrolled at a law faculty.' (p. 18).

should be noted — in my opinion at least — that by citing these historical aspects and discussions the author is in fact trying to justify herself. This becomes evident if we take into consideration that her primary source is the internet register (matriculation records) of the Academy of Turku; in fact this is no ordinary register but rather an enormous database which was created at the University of Helsinki and contains biographical information relating to the progress of studies, the social origins of students, and the subsequent careers of alumni.<sup>2</sup> Clearly, such a source base is an immense help, however the fact that no similar set of data has been created for the University of Uppsala cannot serve as a justification. In fact a traditional register actually does exist, and its utilization, while time-consuming and laborious, would have been completely feasible. The initial date used in the work is on the whole conventional, while the terminal date — the year 1809, when Finland passed under Russian rule — is more clear-cut.

The book has a very complex structure, comprising three main sections divided into numerous chapters, which in turn are split into subchapters. This arrangement is, however, quite useful and allows the reader to proceed to specific topical issues, with the process being additionally facilitated by the inclusion of two indices: one of persons and one of subjects, which is combined with a geographical index. A problem of sorts that arises from the structure are the numerous repetitions of certain matters and a confusing chronology.

The first section ('Setting the Scene for Swedish Lawyers' Travels' — pp. 3–70) comprises the aforementioned introduction and a chapter entitled 'Studies Abroad as a European Phenomenon' (pp. 28–70). The chapter focuses on a discussion of issues encompassing decidedly more than the foreign study trips mentioned in the title, which in the Middle Ages — and particularly in the early modern period — were a typically European phenomenon. The author starts off with a presentation of the origins of universities in Europe. She explores the changing currents and methods of teaching, writing about scholasticism and its subsequent abandonment under the influence of Humanism. Vasara-Aaltonen then states that from the sixteenth century onward the primary role of universities consisted in supplying states and societies with specialists in various professions, among them lawyers and doctors, and also in preparing students — and in

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<sup>2</sup> The online matriculation records of the Academy of Turku 1640–1817 (*ylioppilasmatrikkeli*) are, however, much more than just the historical records of the university, as they have been augmented with biographical information on the students' backgrounds and careers. All in all, the records compile the information of over 17,000 students who enrolled at Turku and Helsinki (numbers 1–17,116), regardless of their origin. Some of them also spent some time at foreign universities. In addition, there is information on Finnish students who only studied abroad (numbers U1–U1,343). These students did not study at the Academy of Turku or the University of Helsinki but have been identified as Finns according to the historical borders of Finland. These Finnish students who studied only at foreign universities were taken into the Turku records from approximately 1635 onwards' (p. 13). The database is available at the address: <<https://ylioppilasmatrikkeli.helsinki.fi/>> [accessed: 27.03.2021].

particular those of noble birth — for public service. She reminds her readers that in the eighteenth century, that is in the early years of the Enlightenment, it became clear that traditional universities were not fully fulfilling their role, which was then gradually being assumed by independent scientific societies. This brought about the need to create specialist schools for ‘the practical teaching of vocations’. Not all colleges succeeded in adapting to the new reality. Some, such as those in Halle or Göttingen, fared better (p. 34). As regards the issue referred to in the title, the author includes a description of the specific nature of legal studies, through a brief synthesis outlining how the state of things changed over the centuries. She mentions important events from the eleventh and twelfth centuries which facilitated the development of law studies, such as the elaboration of the *Decretum Gratiani* or the discovery of the *Code of Justinian*, which for years functioned as the basis for the academic interpretation of Canon law and Roman law. Over time, the evolving socio-political situation and various accompanying transformations led to a situation in which Roman law no longer provided all the answers, and thus individual states proceeded to create written legal codes that took into consideration the output of classical law, but at the same time adapted it to their specific realities. As an example, the author gives the elaboration in Germany of the *Ius Publicum Sacri Imperii Romano-Germanici* (p. 39). She mentions the names of eminent thinkers and advocates of different legal theories whose concepts contributed to the development of modern standards and doctrines of law, among them Jean Bodin, Hugo Grotius, Thomas Hobbes and others. A considerable part of the chapter — as its title would suggest — is devoted to the issue of foreign study trips undertaken by young men, while also providing a detailed clarification of the terms *peregrinatio academica* and *grand tour*, which are of particular significance in this context. Vasara-Aaltonen notes that before the 1350s, study journeys were the only way for young men of Germany (the Holy Roman Empire), Scotland, Scandinavia and Eastern Europe to obtain a university education and, in consequence, that these men were very active peregrinators. Passing on to the history of foreign educational trips undertaken by Swedes, the author has chosen as the initial date the year 1225, when the first Swedish undergraduates were reported to be studying at the university in Paris, although she believes that they could have been present there even earlier. Looking at the issue in a broader context, though obviously focusing the majority of her attention on the realities of Sweden, the author analyses the changes that occurred under the influence of the Reformation. She notes the increase in interest in German universities, and enumerates the most popular centres, among them Wittenberg and Rostock.

Gustav I of Sweden, who supported the Reformation, needed knowledgeable, trained professionals to implement his political plans and reforms. The problem was pressing, since the best-educated sector of Swedish society was the Catholic clergy, whom the monarch did not trust. Thus, as the author states, he had to devise a different solution. This necessitated the provision of long-term

financial assistance in order to enable Swedish youths to study abroad at Protestant universities (the funding of which the king rapidly organized), while a quicker route consisted in creating an administrative cadre by awarding offices to nationals who had already received a foreign education, or using the services of non-native specialists. The author places particular emphasis on this latter aspect of Gustav I's plan, giving the well-known example of Konrad von Pyhy, a German doctor of law who for a number of years was one of the monarch's closest collaborators.

Passing on to the reign of John III of Sweden, during which a more or less concerted effort was made to re-Catholicize the country, Vasara-Aaltonen writes about the Counter-Reformation activities of the Jesuits, and in this context mentions the Jesuit College in Braniewo. I think that the case of Braniewo is deserving of closer analysis. For although the author recognizes its role as an intellectual base for the *Missio Suetica* of the Jesuits and the Holy See, and also writes about its popularity among the Swedish youth (particularly in the 1570s and 1580s), this seems to exhaust her knowledge about the school, whereas research conducted by Jerzy Michalewicz shows that in the years 1579–88 Swedes made up nearly 45 per cent of the student body at Braniewo.<sup>3</sup> Taking the language barrier into account, it would be unfair to criticize Vasara-Aaltonen for not making use of the sizeable body of Polish-language writings present in the literature. However, it is more difficult to understand why she did not utilize the Braniewo register elaborated by Georg Lühr, which is available in the public domain.<sup>4</sup> The most extreme example in this regard would be the case of Johannes Messenius (1579–1639). The author states that in 1609 he was appointed professor of law and politics at the University of Uppsala, when legal studies had been resumed there following its reopening after a period of lengthy crisis (p. 255). However, she appears not to know that Messenius was educated precisely at Braniewo, and thereafter obtained a doctorate in philosophy from the University of Ingolstadt.<sup>5</sup>

The second part ('Swedish Lawyers' Education Abroad', pp. 73–211) contains a detailed analysis of the studies undertaken by Swedes at selected foreign universities. The author focuses on five colleges which were most readily attended by the researched collectivity: Leiden in the Netherlands; and

<sup>3</sup> Jerzy Michalewicz, 'Dwór szwedzki Zygmunta III w latach 1587–1600', *OiRP*, 11, 1966, pp. 161–80 (p. 162).

<sup>4</sup> *Die Matrikel des päpstlichen Seminars zu Braunsberg 1578–1798*, published by Georg Lühr, Braunsberg, 1925.

<sup>5</sup> *Uczniowie — sodalisi gimnazjum jezuitów w Brunsberdze (Braniewie) 1579–1623*, prepared and compiled by Marek Inglot with the co-operation of Ludwik Grzebień, Cracow, 1998, p. 199, no. 1366; Rafał Zielonka, 'Losy studentów Alumnatu Papieskiego w Braniewie w XVI i XVII wieku', *Komunikaty Mazursko-Warmińskie*, 2017, 3 (297), pp. 409–44 (pp. 428–30). Wojciech Krawczuk recently made the following observation: 'Braniewo's influence on the development of Swedish culture is indisputable, to give but the example of Johannes Messenius, mentioned previously'. Cf. Wojciech Krawczuk, *Wierni królów: Szwedzi i Finowie na uchodźstwie w Rzeczypospolitej Obojga Narodów w pierwszej połowie XVII wieku*, Cracow, 2019, p. 93.

Rostock, Jena, Halle and Greifswald in Germany. Based on this breakdown, successive chapters present brief histories of the universities and outline the law curricula which they offered, proceeding to an analysis of the social origins of the students, the course of their studies, and their subsequent careers. Leiden was immensely popular — and not only with Swedes. The author emphasizes its tolerant atmosphere, which allowed ‘Lutheran Swedes to enrol at the Calvinist Leiden University without any hindrance’ (p. 66). We may add that the school also attracted a large group of Catholic youth from the Polish-Lithuanian Commonwealth. Another influential factor was the reputation of the teaching staff, which included the renowned Justus Lipsius, to give but one example. His writings had an impact on, among others, Count Per Brahe the Younger (who went on to translate one of his works into Swedish) and Baron Johan Skytte, who served as tutor to Gustavus Adolphus, while even the king himself read many of the works written by this Flemish scholar. The name of Lipsius, even though he did not specialize in law, has not been given here accidentally, for at Leiden political studies were second only to law in terms of popularity (p. 83). Among the sixty-nine students from Turku entered in the Leiden register, twenty-six could be considered as law students or future lawyers. Fifteen of them came from the nobility, while the rest were commoners, although five were later ennobled. In comparison with the other universities, a fact repeatedly stressed by the author is that Leiden attracted by far the greatest number of noble Swedes. Legal studies at this college were most popular among Swedes in the 1630s and 1640s. The author notes that for the Swedish state, which was undergoing a period of rapid modernization, it was especially important to secure the services of persons who while abroad had gained not only academic knowledge, but also specific technical skills. In this context she gives the revealing example of the ‘dockyard worker’ Herman Fleming, who learned how to build ships in the Netherlands and after returning to Sweden was appointed manager of a shipyard and received high appointments in the admiralty (pp. 118–19). Proceeding to a description of the researched collectivity’s studies at German universities, the author notes a clear difference in comparison with Leiden. In Rostock, for example, only one out of ten Swedish students was of noble birth. We should not be surprised therefore that graduates of middle-class origin found employment mainly with municipal courts and the civil service, which fact the author has emphasised in her analysis of the careers of alumni of the University of Jena (p. 150). When discussing the University of Halle, which was set up at a somewhat later date (1694), she stresses that its registers compare favourably with those of the other researched centres, for they even inform us of the fields of study selected by undergraduates (p. 161). As a side note, it is worth mentioning that the only other university with a precise register was Leiden. The final German college to be discussed in greater detail is Greifswald. Marianne Vasara-Aaltonen has determined that this school was most popular among Swedes in the years 1730–70. Interestingly, this was influenced by the ease with which one could

obtain an academic degree there. Also of importance was the fact that at the time Greifswald had been under Swedish rule for nearly a century. Greifswald attracted mainly commoners; the author discovered only one nobleman in the researched group of students, and the rest were the sons of townsfolk or of Lutheran clergymen. Studies in the Holy Roman Empire were most in vogue in the second half of the seventeenth century. The critical date here would be the end of the Thirty Years' War, when there was an increased influx of Swedish students to German universities (p. 194). As regards other centres of learning, Dorpat (present day Tartu in Estonia) and Rome are mentioned in brief, as are other, less prestigious, places of study. The University of Dorpat — as the author herself notes — cannot really be described as 'foreign', for it was established by the Swedes following their occupation of Livonia. Nevertheless, the realities of life there were in many ways different from those in ethnically Swedish territories. The relative unpopularity of Italian academic centres within the researched collectivity was highly characteristic, and contrasted sharply with the attitude of youth from other countries, among them those from the Polish-Lithuanian Commonwealth.

In the third part of her book, which is titled somewhat enigmatically 'Reasons and Consequences' (pp. 215–357), the author discusses a number of issues relating to the social and political history of Sweden in the seventeenth and eighteenth centuries. The reign of Gustavus Adolphus and the reforms which he introduced — especially his thorough reform of the Swedish judiciary and the civil service — were clearly important with respect to the issues touched upon in the book. In 1614, following the restructuring of the court system and the establishment of courts of appeal, demand grew for educated officials who would have a proper grasp of the law. The author reminds us, however, that there was no formal requirement that freshly appointed judges hold a degree in law (p. 230). The vigorous efforts undertaken by Gustavus Adolphus and his chancellor, Axel Oxenstierna, to modernize the state laid bare the very same problem that had hampered the reforms of Gustav I, namely a shortage of personnel. This was made all the more acute by the fact that lawyers were useful not only in courts, but also in the diplomatic service which, like the legal profession, was undergoing increasing professionalization under the influence of the numerous wars conducted by the 'Lion of the North' and his successors. Like his namesake before him, Gustavus Adolphus focused on providing support for Swedish youths to study abroad, while at the same time financing the development of the national education system. Among other actions, he re-established and provided generous funding for the University of Uppsala. Soon a department of Swedish law was opened at the college, and scholars engaged in comparative studies devoted to national and Roman law which, as the author points out, was a very modern approach and placed Sweden at the forefront of contemporary educational development. Lund University, which was opened in 1666, was another centre of learning that quickly gained a high reputation. This was due mainly to one of the pre-eminent lawyers of the times, the German Samuel Pufendorf, who already in 1668 was appointed its professor of natural

law and the law of nations. Oxenstierna, 'frankly horrified' — in the author's somewhat exaggerated opinion (p. 261) — at the low level of education of the Swedish nobility was among the many patrons of scholars and of the foreign study journeys undertaken by Swedes. As a result of all these activities, the number of thoroughly educated men available for employment in the judiciary, the military, and the diplomatic service increased systematically. The rising status of national universities was one of the factors which led to the decline in interest in foreign study trips in the eighteenth century. Others included socio-political change and Sweden's decline as a great European power. In turn, changes in internal policy had an impact on the method of selecting candidates for administrative and judicial positions. Under the Absolute Monarchy, from 1680 to 1719, the monarch enjoyed practically unlimited freedom in granting offices; whereas in the 'age of freedom' (1719–72) the situation was different. Tellingly, during this latter period, in 1745 the so-called Committee of Education was created, which in 1749 issued a statute whereby persons applying for positions in the judiciary were obliged to pass an exam supervised by a university (p. 308).

In the conclusion to her book, Vasara-Aaltonen states that 'the foreign studies of Swedish lawyers in the seventeenth and eighteenth centuries are at once the story of the professionalization of the judiciary'. It should, however, be made clear that at the time the term 'professionalization' had a very specific meaning — of which, as her statements suggest, the author is abundantly aware. We should keep in mind that university studies, particularly in the case of the nobility, had a certain unique characteristic. Namely, those that were undertaken abroad usually focused on gaining a general humanistic knowledge and the practical study of languages, combined with learning the customs of the visited nation, establishing potentially useful political contacts, studying the art of war. The members of the nobility, who throughout the analysed period enjoyed a numerical advantage in terms of the number of offices held (particularly in the appellate courts of Stockholm and Turku (Åbo), and also at the highest levels of the administrative apparatus and in the military), were not required to graduate in law or hold any academic degrees or titles. This does not mean, however, that they were not educated people. Quite the contrary. For example, the first head of the court of appeal in Turku was Niels Bielke, a representative of the old noble elite who had received a classical, general humanistic education in Rostock, Siena and Venice (p. 89). On the whole, therefore, the issue concerned — in the author's own words — training 'capable officials, not specifically lawyers' and ensuring a steady stream of individuals educated to a level sufficient to cope efficiently with the daily tasks of the civil service and the judiciary.<sup>6</sup>

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<sup>6</sup> Vasara-Aaltonen's conclusions can be best described in her own words, and I quote *in extenso*: 'law seems to have been only one aspect of the educational palette, reflecting the fact that the judiciary and the civil administration, and the positions within them,

The present review is by necessity limited in its scope and does not fully convey the richness of content of the reviewed book. In my opinion, the work's greatest merit is its level of factual detail and the abundance of information which it presents on the history of the state and law, and on the history of education and of the elites of the Kingdom of Sweden in the seventeenth and eighteenth centuries. Referencing the latter aspect, I must say that it is a valuable prosopographical study which contains a wealth of biographical data regarding a few dozen persons who held positions in the judiciary, civil service, diplomatic service and the military, and will undoubtedly be of use for comparative research into the elites of early modern Europe.

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were not yet seen as separate entities in early- to mid-seventeenth century Sweden. The main goal was to train capable officials, not specifically lawyers. For noblemen, academic studies and physical exercise were seen as a whole — both were needed to educate capable future statesmen and officials' (p. 269). And: 'The central administration did not expect or seek to gain doctors of law in high numbers, as degrees were not a requirement for judicial office for a long time to come; they just needed men with enough learning to handle the day-to-day running of the administration and the courts of appeal' (p. 361).