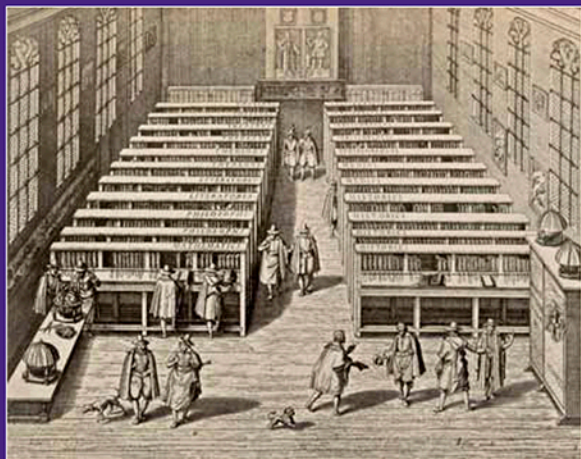


Learning Law and Travelling Europe

*Study Journeys and the Developing Swedish
Legal Profession, c. 1630–1800*



Marianne Vasara-Aaltonen



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The Library of Congress Cataloging-in-Publication Data is available online at <http://catalog.loc.gov>

Typeface for the Latin, Greek, and Cyrillic scripts: "Brill". See and download: brill.com/brill-typeface.

ISSN 1569-1462

ISBN 978-90-04-43165-2 (hardback)

ISBN 978-90-04-43166-9 (e-book)

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Acknowledgements

Delving into the lives and travels of seventeenth- and eighteenth-century students, future lawyers, has been an interesting and challenging task. On my trips to various archives, I have been able to trace the footsteps of these students – enjoy the canals of Leiden and wonder at the town hall of Greifswald – as did the students some 300–400 years ago.

I would not have been able to write this book had it not been for the support and encouragement of many people. First, I extend my warmest thanks to the supervisor of my dissertation, Heikki Pihlajamäki, with whom I have discussed my research many times over the years and who has never failed to encourage me. I am also indebted to Jussi Nuorteva and Serge Dauchy, my former pre-examiner and opponent, for their comments and suggestions on an earlier version of this book. I especially want to thank Mia Korpiola for making important remarks and suggestions on an earlier version of the manuscript. Even more importantly, Mia has mentored me and encouraged me on my path as a researcher, and she is always ready to discuss questions of legal history, suggest materials, and comment on texts. I warmly thank Jukka Kekkonen for welcoming me to the community of legal historians at the Faculty of Law at the University of Helsinki many years ago and for his support ever since. Pia Letto-Vanamo kindly welcomed me to the REUNA network of Nordic legal historians and has always shown an interest in my research, thank you. I also want to thank André Swanström for commenting on the church history sections of this book, and Katja Tikka for commenting on an earlier version of the manuscript. Jussi Sallila has always generously suggested new materials and literature to me, for which I thank him. I have been fortunate to be able to write my book as a member of the wonderful community of legal historians at the University of Helsinki. Thank you Katja and Jussi, thank you Markus Kari, Johanna Kirjalainen, Ilja Kokkonen, Raija-Liisa Komulainen, Aura Kostiaainen, Toomas Kotkas, Toni Malminen, Juhana Salojärvi, Jukka Siro, Pauno Soirila, Kaius Tuori, and Iisa Vepsä.

During my research, I had the privilege to spend some time as a visiting scholar at the Max Planck Institute for European Legal History in Frankfurt. I especially thank Thomas Duve for welcoming me there and Karl Härter for introducing me to the rich collection of legal dissertations at the Institute. At the very beginning of my research, Margreet Ahsmann kindly discussed my topic with me and gave advice regarding the Leiden archives, for which I warmly thank her. I also want to thank the helpful staff at all the archives and libraries I visited during my research project.

I owe many thanks to Christopher Goddard who efficiently revised the language of this book. Any remaining mistakes are naturally my own. Uta Liertz helped me with the translation of letters from Latin, for which I warmly thank her. Many thanks also to Miikka Hiltunen and Timo Vasara for their valuable help in compiling the index. Marcella Mulder at Brill has guided me through the process with great expertise, thank you. Of course, my research would not have been possible without the funding I received from different institutions. Apart from positions within legal history at the University of Helsinki and at the Graduate School Law in a Changing World, I received grants from the Finnish Cultural Foundation, the University of Helsinki Funds, the Finnish Lawyers' Association, the Hilikka and Otto Brusiin Foundation, and the Emil Öhmann Foundation, for which I express my gratitude.

Finally, I am indebted to my friends and family. Lisa Tirkkonen and Sofia Wagner have always been there for me, and my parents Gabriele Schrey-Vasara and Erkki Vasara, together with my brother Timo, have always supported me and lent a helping hand when needed. Last but not least, I am most grateful to my husband Sebastian who always believes in me and encourages me. Your support means the world to me. Our beautiful little son Topias brings sunshine to the rainiest of days, and makes everything worthwhile. Thank you both!

Marianne Vasara-Aaltonen
Helsinki, January 2020

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PART 1

Setting the Scene for Swedish Lawyers' Travels



Introduction

Wer von Tübingen kommt ohne Weib,
Von Leipzig mit gesundem Leib,
Von Helmstedt ohne Wunden,
Von Jena ohne Schrunden,
Von Marburg ungefallen,
Hat nicht studiert an Allen.

Wer aus Leipzig kommt unbeweibt
und aus Halle unbekneipt
und aus Jena ungeschlagen,
hat von großem Glück zu sagen.



These doggerel verses¹ from the seventeenth and eighteenth centuries describe study journeys to various universities as trips filled with frolicking, drinking, fornicating, and general bad behaviour. Regardless of the extent to which these stories may be true, the study journeys of young men are a phenomenon which had far greater implications than these verses suggest. The medieval and early modern tradition of wandering through Europe and enrolling at various universities is interesting in many ways and reveals a good deal about society, the professions, and the transfer of ideas. Indeed, Walter Rüegg describes the university as *the* European institution *par excellence*.² Sweden's location on the periphery

1 "Who comes from Tübingen with no wife / From Leipzig healthy in limb and life / From Helmstedt unmarked by attack / From Jena without alas alack / From Marburg without a single fall / Has not been studying at all"; "Who comes from Leipzig town unwed / From Halle with a sober head / From Jena without a single grazing / Has to tell of luck amazing" (translations by Christopher Goddard). Doggerel verses from 1617, see Thomas Ellwein, *Die deutsche Universität vom Mittelalter bis zur Gegenwart* (Königstein, 1985), pp. 92–93, and from the eighteenth century, see Ralf-Torsten Speler, "Vivat Academia, vivat Professores..." Von studentischen Geselligkeiten, halleschen Lobgesängen und extraordinären Professoren," in *Vivat Academia, vivat Professores! Hallesches Studentenleben im 18. Jahrhundert*, ed. Ralf-Torsten Speler (Halle, 2011), p. 21.

2 Walter Rüegg, "Foreword," in *A History of The University in Europe, Volume 1, Universities In The Middle Ages*, ed. Hilde de Ridder-Symoens (Cambridge, Eng., 2003), p. xix.

of Europe did not prevent Swedish young men from travelling the continent and studying a variety of different subjects. This book delves into the studies of Swedish *lawyers* abroad in the seventeenth and eighteenth centuries.

1 Research Questions

The young nobleman Gustaf Kurck (1624–1689), son of councillor of the realm and president of the Turku Court of Appeal Jöns Kurck (1590–1652), studied in Uppsala, Turku, Leiden, and Paris in the mid-seventeenth century. After returning to Sweden from his European study journey, he first functioned as colonel of a cavalry regiment (1649–1656) and from 1658 on as governor of Östergötland. In 1664, he was appointed a councillor of the realm, and a year later a first class judge of the Svea Court of Appeal. At the same time, the judgeship of the Hammarkind, Björkekind, and Östkind district courts was assigned to him. In 1667, Kurck became a war councillor (*krigsråd*)³ and in 1669, Governor General of the lands designated for Queen Christina's upkeep. In the same year, he was appointed a provincial judge of Kalmar county and Öland.⁴ Birger Åwall, in turn, was probably the son of a merchant from Borås, and travelled to Jena in 1696 to study. After his journey he returned to Borås, where he spent his career as a merchant, town councillor, and head of the lower town court.⁵

Both men studied abroad and returned home to work with judicial matters. This, however, is where their similarities end. Kurck went on a long *peregrinatio academica* with his brother and their *praeceptor* in the mid-seventeenth century; Åwall only enrolled at one foreign university a half-century later. Kurck was a young nobleman, whereas Åwall had a burgher background. Kurck spent a broad career in the state administration and judiciary, whereas Åwall spent his whole career in his home town, in the town judiciary/administration and as a merchant. The example of these two men illuminates the complexity of studies abroad, how they changed over time, and what kind of different legal tasks men who had studied abroad ended up performing. These are all essential questions of this research.

This study approaches the question of Swedish lawyers' studies abroad through using the records of the Academy of Turku (Swed. *Åbo*), founded in

3 War councillors were members of the Board of War (*krigskollegium*) which was in charge of the Swedish military administration.

4 Yrjö Kotivuori, *Ylioppilasmatrikkeli 1640–1852* [University of Helsinki, student matriculations 1640–1852] (2005), Jöns Kurck. Available at <https://ylioppilasmatrikkeli.helsinki.fi>. Accessed 17 January 2020.

5 His origins remain somewhat obscure, but there is reason to believe he was the son of the Borås merchant Peder Börjesson. Kotivuori, *Ylioppilasmatrikkeli*, Birger Åwall.

1640. The Academy of Turku was the first university to be founded in Finland – which formed part of Sweden until 1809 – and the second in Sweden proper. The reasons for choosing the Academy of Turku as the starting point of this research are discussed below. I have examined the biographical information on students in the Turku records and have picked out those who later became lawyers and who had studied abroad. For the sake of simplicity, these students will later be referred to generally as “Turku law students.” While the source material stems from a university in Finland, it is still valid for an examination of Swedish circumstances in general, too, as will be discussed later.

The time span of the study is a period of roughly two hundred years: the seventeenth and eighteenth centuries. The starting point is the early seventeenth century, circa 1630. Only students mentioned in the Turku records are examined here. Moreover, since the university was not founded until 1640, few mentions of studies abroad appear before the first decades of the seventeenth century. From the point of view of legal history, this is a valid starting point because it is precisely the time when the Swedish administration and judiciary underwent significant changes. The information that can be obtained from the Turku records fits well into this context. The situation in the sixteenth century was quite different; indeed, Mia Korpiola has convincingly explained the need for lawyers during that period.⁶ As for the first years of the seventeenth century, which to some extent are left outside the Turku material, my article on the education of judges of the Svea Court of Appeal covers these years as well, thus providing additional information if needed.⁷

While the Turku records provide information about students well into the nineteenth century, it is sensible to end the study with the late eighteenth century. First and foremost, this is because after 1809 Finland formed part of Russia instead of Sweden; hence, any information on Turku students is no longer information concerning *Swedish* lawyers. But there is another reason as well: the development that took place in Swedish lawyers’ studies abroad had stabilized by the late eighteenth century, which thus marks a reasonable ending point for this book.

With this periodization in mind, we can turn our attention to the questions this book aims to answer. The study focuses around six main questions. First,

6 Mia Korpiola, “Desperately Needing Lawyers. Contacts in the Baltic Sea Region and the Rise of Diplomacy in Reformation Sweden,” in *Migration und Kulturtransfer im Ostseeraum während der Frühen Neuzeit*, eds. Otfried Czaika and Heinrich Holze (Stockholm, 2012).

7 Marianne Vasara-Aaltonen, “From Well-travelled ‘Jacks-of-all-trades’ to Domestic Lawyers: The Educational and Career Backgrounds of Svea Court of Appeal Judges 1614–1809,” in *The Svea Court of Appeal in the Early Modern Period: Historical Reinterpretations and New Perspectives*, ed. Mia Korpiola (Stockholm, 2014).

how frequent were studies abroad, and what changes occurred in lawyers' studies abroad during the period? When were studies most common, and did significant changes occur during the research period?

Secondly, what were the most popular foreign universities for these future lawyers from the Academy of Turku? These students enrolled over the course of two centuries at nearly thirty European universities; in addition, some study journeys occurred without official matriculation. Among these future lawyers, their most frequent foreign destinations were the Dutch university of Leiden, and the German universities of Jena, Greifswald, Rostock, and Halle. Why were these universities especially popular, and did their popularity change over time? What kind of practical reasons affected the choice of university? Did doctrinal issues make a difference? Did Sweden have special interests in where its future officials acquired their learning? Can we determine differences in university popularity as specific to lawyers' studies, or are these differences common to students from other fields, as well?

Thirdly, what were the reasons for lawyers' studies abroad? Why were studies abroad seen as beneficial enough to send a family's sons on arduous and expensive journeys through Europe? Were studies abroad a way to achieve upward social mobility? What was the growing Swedish state's involvement and interest in the studies of its future officials abroad? Was the Crown active in promoting study journeys? And, to what extent did the state of domestic universities affect studies abroad? Why were studies abroad so common around the mid-seventeenth century; and why did they decline during the next century the further it progressed?

A fourth, more difficult question is what students studied while abroad. While attendance lists, for instance, are very difficult to find, one can approach the issue through other questions. Who was teaching at foreign universities at the time Swedes visited them, and what were they teaching? Can dissertations defended by Swedes abroad tell us something about the contents and intensity of their studies?

The fifth question relates to students' careers. This stems from the premise of the research that all in one way or another followed judicial careers. But what kind of legal tasks did they perform? Were they in the state or local judiciary? Did their careers combine a variety of different positions in the administration or judiciary or even diplomacy, or did lawyers hold the same posts for longer periods with little or no diversity? Do studies abroad seem to have influenced these men's careers? One should also keep in mind the various networks that influenced the lives of these men, and see to what extent those networks affected their studies and careers.

Finally, coming to a more general level, the book addresses the issue of how and to what extent future lawyers' studies abroad influenced the development

of the Swedish legal profession. And even more so, how did changes in the legal profession, including administrative practices and recruitment methods, impact the phenomenon of studying abroad?

To conclude, the research provides answers to the question why the two men mentioned above, Gustaf Kurck and Birger Åwall – who both well represent their contemporaries – followed such different paths in life, even though both were lawyers with studies abroad under their belts. This essentially explains why the phenomenon of Swedish lawyers' studies abroad changed so drastically over the course of two centuries.

The research questions are evaluated against the background of the Swedish political system and the development of the central administration and judiciary. These will be discussed in depth in Part 3 of the book. Here, a short overview of the situation in the early seventeenth century will suffice. Swedish legal reality at the outset of the seventeenth century was very different from the legal reality at the core of Europe (see Chapter 2, section 1.2). Entering the seventeenth century, the Swedish judiciary was still almost completely occupied by laymen. During the Middle Ages, it was mainly Swedish clerics who had pursued law studies at European universities. During the reign of King Gustav Vasa (1523–1560), it became more common to use trained lawyers in diplomatic negotiations. However, at this point, their use was still not extended to the judiciary. On the local level, the district courts with their judges and juries (*nämnd*) held legal sway in the countryside, but no legal training was required of the judges or their substitutes. The town courts were composed of town councillors and burgomasters: town burghers who were not expected to have legal learning either. A corps of professional advocates did not yet exist. Medieval Swedish legislation was simple enough to understand without university-trained legal experts mediating it for the lay population.⁸

Short-lived efforts were made to establish a higher judiciary during the reigns of Gustav Vasa's sons – for instance, the High Council (*Höga nämnd*) of Erik XIV (r. 1560–1568) which, however, gained a bad reputation because of the political trials that it dealt with.⁹ It was not until the reign of Gustav II Adolf (1611–1632) that a high court was founded in the shape of the Svea Court of

8 Henrik Munktel, *Häradsrätt och häradsnämnd. En rättshistorisk översikt. Särtryck ur Dom-sagorna i Sverige* (Uppsala, 1944), p. 13; Eino E. Suolahti, *Opinkäynti ja sen aiheuttama säätykierto Suomen porvariston keskuudessa 1600-luvulla* (Helsinki, 1946), p. 139; Pia Letto-Vanamo, *Suomalaisen asianaajalaitoksen synty ja varhaiskehitys* (Helsinki, 1989), pp. 8–12; Heikki Pihlajamäki, "The Painful Question: The Fate of Judicial Torture in Early Modern Sweden," *Law and History Review* 25:3 (2007).

9 Mia Korpiola, "General Background: From Judicial Crisis to Judicial Revolution through the Svea Court of Appeal?," in *The Svea Court of Appeal in the Early Modern Period: Historical Re-interpretations and New Perspectives*, ed. Mia Korpiola (Stockholm, 2014), p. 43.

Appeal, which eventually proved successful. Since Gustav Vasa's time, there had been growing efforts to consolidate state power, and centralizing efforts intensified during the wars of the early seventeenth century. In the first years of Gustav II Adolf's reign, Sweden faced war on three fronts. The war effort needed financing, which in turn called for more effective taxation and administration. The king's frequent journeys to the battlefield also called for delegating administrative and judicial powers.¹⁰ Thus, the administration of the country was thoroughly renewed and centralized during the first half of the seventeenth century – although the process already had its roots in the previous century.

The establishment of the Svea Court of Appeal, and the other courts of appeal in the following decades, was in the long run most significant for the development of the Swedish judiciary. A high court with European models could not manage without legal expertise. This was especially true as Sweden expanded territorially during the first half of the seventeenth century, and the caseload of the courts became larger and more complicated. Due to the lay character of the judiciary, however, no legal professionals were ready to fill these new positions. The University of Uppsala (founded in 1477) had been inactive after the Reformation and was only beginning its activities again at the beginning of the seventeenth century. In 1632 and 1640, universities were founded in Dorpat (present-day Tartu in Estonia) and Turku respectively, but it took some time until legal education could rise to the challenge.¹¹ This was the judicial background at the beginning of my research period and the context in which the first “Turku law students” went to study abroad.

2 Previous Research

The history of the Swedish legal profession has been researched to some extent, mainly concerning the courts of appeal and advocacy. However, educational questions, especially lawyers' studies abroad, have been marginal in earlier research. On the other hand, studies abroad by Swedish and Finnish students have been researched in general, but these in turn place no special emphasis on legal studies. Indeed, only a few articles combine both issues.

10 Mia Korpiola, “A Safe Haven in the Shadow of War? The Founding and the Raison d'être of the New Court, Based on its Early Activity,” in *The Svea Court of Appeal in the Early Modern Period: Historical Reinterpretations and New Perspectives*, ed. Mia Korpiola (Stockholm, 2014), pp. 60–64, 66, 92–93, 96–98, and 100–101; Mirikka Lappalainen, *Pohjolan leijona. Kustaa II Aadolf ja Suomi 1611–1632* (Helsinki, 2014), pp. 83–88, 100, 107–112, and 155–159.

11 Vasara-Aaltonen, “From Well-travelled,” pp. 319, 329, and 346.

Korpiola touches upon the subject in her articles concerning the influence of Roman law in medieval Sweden, the reception of the *ius commune* and foreign law in Reformation Sweden, and on the need for lawyers in diplomacy in the same period.¹²

Heikki Pihlajamäki's article on Finnish law students at the University of Greifswald is the only one which has examined studies abroad by Swedish lawyers during the early modern period. Pihlajamäki uses the same material as myself, that is, the records of the Academy of Turku. However, as he points out himself, the scope of the article is limited, and it leaves the overall picture of legal studies abroad still to be scrutinized.¹³

Fortunately, considerable research has been undertaken that converges on the topic of this book. The first Swedish court of appeal, the Svea Court of Appeal (founded 1614), has been the subject of two anthologies. A book edited by Sture Petrén, which came out on the 350th anniversary of the court in 1964, laid the main foundation for delving into the history of the institution.¹⁴ More recently, a book on the Svea Court of Appeal in the early modern period, edited by Mia Korpiola, presents new views on the court's activities based on extensive archival material.¹⁵ This includes my own article on the education of the court's judges,¹⁶ which will be used as a point of comparison in this study on several occasions. Swedish advocacy, from a Finnish perspective, has been studied by Pia Letto-Vanamo, dating the first budding traces of professional advocacy in Sweden to the seventeenth century.¹⁷ On a European level, research on higher courts has been active; for instance, the publication series *Quellen und Forschungen zur Höchsten Gerichtsbarkeit im Alten Reich* currently consists of seventy-four volumes. Additionally, James Brundage's work on the

12 Mia Korpiola, "On the Influence of Roman Law in Medieval Sweden: Books and University Studies," in *Liber Amicorum Kjell Å Modeer*, eds. Bernhard Diestelkamp, Hans-Heinrich Vogel, Nils Jörn, Per Nilsén, and Christian Häthén (Lund, 2007); Mia Korpiola, "On the Reception of the Jus Commune and Foreign Law in Sweden, ca. 1550–1615," *Clio@Themis, Revue électronique d'histoire du droit* 2 (2009). Available at <http://cliothemis.com/On-the-Reception-of-the-Jus>. Accessed 20 January 2020; Korpiola, "Desperately Needing."

13 Heikki Pihlajamäki, "Finnische Studenten in Greifswald mit besonderer Berücksichtigung der Juristenausbildung," in *Die Universität Greifswald in der Bildungslandschaft des Ostseeraums*, eds. Dirk Alvermann, Nils Jörn, and Jens E. Olesen (Berlin, 2007).

14 Sture Petrén, Stig Jägerskiöld, and Tord O:son Nordberg, eds., *Svea hovrätt, studier till 350-årsminnet* (Stockholm, 1964).

15 Mia Korpiola, ed., *The Svea Court of Appeal in the Early Modern Period: Historical Reinterpretations and New Perspectives* (Stockholm, 2014).

16 Vasara-Aaltonen, "From Well-travelled."

17 Letto-Vanamo, *Suomalaisen asianajalaitoksen*.

roots of the legal profession is an important point of reference when comparing the Swedish and continental legal professions.¹⁸

Concerning studies abroad by Swedes, four works deserve special attention here. First of all, Simone Giese has undertaken extensive research on studies abroad by the Swedish nobility during the sixteenth and early seventeenth centuries. She thoroughly examines the different regions of Europe and how common were noble study visits to each, distinguishing between the *peregrinatio academica* and the *Kavalierstour*. These were both ways of travelling the continent but had different goals. Giese connects her findings to confessional questions as well as the educational ideals of the nobility.¹⁹ Also Ola Winberg's study on the travels of Swedish noblemen between 1610 and 1680 is highly relevant. Winberg demonstrates how the nobility's travels were part of the state-building process in the early seventeenth century, and how the idea of gathering "political wisdom" was used as a justification for these study journeys.²⁰ Next, Lars Niléhn's book *Peregrinatio academica* on Swedish study journeys during the seventeenth century provides important groundwork for my research. Niléhn analysed the social backgrounds and careers of Swedish travelling students in general. Additionally, he put these developments in the context of noble educational ideals and the needs of the administration.²¹

Jussi Nuorteva's research on Finnish students' journeys abroad before 1640 is in many ways relevant for my study. He begins with the early fourteenth century, discusses the changes that took place during the Reformation period, reviews the polarization which began with the reign of John III in 1568, and finally ends with the new currents in studies abroad in the first decades of the seventeenth century.²² It is this last period that is especially significant for my study as it overlaps with the period of my research. Nuorteva discusses the peregrinations of the nobility in detail; indeed, many of the students in my research also appear in his study. These studies on the foreign travels of young Swedish noblemen also paint a vivid picture of life and study opportunities abroad. Finally, in a short article, Kustaa Vilkkuna examines Turku students'

18 James A. Brundage, *The Medieval Origins of the Legal Profession. Canonists, Civilians and Courts* (Chicago, 2008).

19 Simone Giese, *Studenten aus Mitternacht. Bildungsideal und peregrinatio academica des schwedischen Adels im Zeichen von Humanismus und Konfessionalisierung* (Stuttgart, 2009).

20 Ola Winberg, *Den statskloka resan. Adels peregrinationer 1610–1680* (Uppsala, 2018).

21 Lars Niléhn, *Peregrinatio Academica. Det svenska samhället och de utrikes studieresorna under 1600-talet* (Lund, 1983).

22 Jussi Nuorteva, *Suomalaisten ulkomainen opinkäynti ennen Turun akatemian perustamista 1640* (Helsinki, 1997).

travels abroad between 1640 and 1700 from the perspective of personal agency but does not discuss lawyers specifically.²³

Compilations of Swedish/Finnish students and dissertations abroad have been assembled since the late nineteenth century. These sources are valuable as they may provide information lacking in the various matriculation records. One should at least mention works by Christian Callmer, Th. Achelis, Kustavi Grotenfelt, and K.G. Leinberg.²⁴

As for the history of universities, one cannot neglect to mention the extensive volumes in the series *A History of the University in Europe* edited by Hilde de Ridder-Symoens, especially the volume concerning early modern Europe. This touches upon all aspects of university life: the purpose of the universities, political and confessional questions, students and teachers, student migration, and the curricula of different faculties, to mention but a few.²⁵ With regard to Swedish universities, Matti Klinge has researched the Academy of Turku and Claes Annerstedt the University of Uppsala.²⁶ The law faculty of Uppsala University has earned its own study by Åke Malmström.²⁷ Sten Lindroth has

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- 23 Kustaa H.J. Vilkkuna, "Study Abroad, the State and Personal Agency (1640–1700). The study trips of Turku students to foreign universities: background factors, the return and careers of the travellers," in *Personal Agency at the Swedish Age of Greatness 1560–1720*, eds. Petri Karonen and Marko Hakanen (Helsinki, 2017).
- 24 Christian Callmer, "Svenska studenter i Tübingen under tre århundraden," *Lychnos Lärdomshistoriska samfundets årbok* (1963); Christian Callmer, "Svenska studenter i Wittenberg," *Personhistorisk tidskrift* 72 (1976); Christian Callmer, "Svenska studenter i Rom på 1600-talet. En studie i Giovanni Altos stambok," *Nordisk tidskrift för bok- och biblioteksväsen* 69 (1982); Christian Callmer, "Svenska studenter i Rostock 1419–1828," ed. Maj Callmer, foreword Sten Carlsson, *Personhistorisk tidskrift* 84:1–2 (1988); Th.O. Achelis, "Schwedische und Finnische Studenten auf der Universität Halle 1692–1774," *Historisk tidskrift* (1931); Kustavi Grotenfelt, "Suomalaiset ylioppilaat ulkomaan yliopistoissa ennen v. 1640, I," *Historiallinen arkisto* 13 (1893); K.G. Leinberg, *Dissertationes Academicæ Fennorum Extra Patriam. Ett bidrag till Finlands kulturhistoria* (Helsinki, 1900); K.G. Leinberg, *Orationes Academicæ Fennorum Extra Patriam Habitæ. Ett bidrag till Finlands kulturhistoria* (Helsinki, 1901).
- 25 Hilde de Ridder-Symoens, ed., *A History of The University in Europe, Volume II, Universities In Early Modern Europe (1500–1800)* (Cambridge, Eng., 2003).
- 26 Matti Klinge et al., eds., *Helsingin yliopisto 1640–1990. Ensimmäinen osa. Kuninkaallinen Turun Akatemia 1640–1808* (Helsinki, 1987); Claes Annerstedt, *Upsala universitetets historia, första delen 1477–1654* (Uppsala, 1877).
- 27 Åke Malmström, *Juridiska fakulteten i Uppsala. Studier till fakultetens historia I. Den medeltida fakulteten och dess historiska bakgrund* (Uppsala, 1976); Åke Malmström, *Juridiska fakulteten i Uppsala. Studier till fakultetens historia II. Den juridiska fakulteten under 1600-talet och början av 1700-talet* (Uppsala, 1985).

examined the educational and doctrinal landscape in Sweden from the Middle Ages to the Gustavian Age (1772–1809).²⁸

These studies enable findings from primary sources to be put into the right context. Thus, I am able to evaluate Swedish lawyers' studies abroad from the perspective of the history of jurisprudence and the legal profession, as well as from the perspective of educational and university history.

3 Sources and Methods

3.1 *University Matriculation Records as Sources*

Matriculation was an essential part of university life as it conferred legal status on the student and awarded the privileges connected with university attendance. For the universities it was a means of controlling who was entitled to these privileges and to whom degrees could be awarded. Matriculation consisted of swearing an oath, paying a fee, and actual registration in the university records.²⁹ Matriculation records pose challenges as they are often incomplete and sometimes give ambiguous information. They might not always list every student present, but on the other hand they sometimes list people who were not students but were still under the university's jurisdiction, such as book printers. The length of studies usually cannot be determined from the records. Sometimes the records are lost from some periods, or some names may be lost if they were written on separate documents but not included in the actual matriculation book.³⁰ Some may have studied at a university without enrolling in order to avoid paying the matriculation fee, or to escape the university's jurisdiction.³¹ Usually the records include information on the student's name and sometimes his estate, date of matriculation, and on whether he had paid the fee and sworn an oath. More difficulties may arise from the

28 Sten Lindroth, *Svensk lärdomshistoria – medeltiden, reformationstiden* (Stockholm, 1975); Sten Lindroth, *Svensk lärdomshistoria – stormaktstiden* (Stockholm, 1975); Sten Lindroth, *Svensk lärdomshistoria – frihetstiden* (Stockholm, 1978); Sten Lindroth, *Svensk lärdomshistoria – Gustavianska tiden*, ed. Gunnar Eriksson (Stockholm, 1981).

29 Rainer Christoph Schwinges, "Admission," in *A History of The University in Europe, Volume 1, Universities In The Middle Ages*, ed. Hilde de Ridder-Symoens (Cambridge, Eng., 2003), pp. 177 and 181–187.

30 Giese, *Studenten*, p. 21; Maria Rosa Di Simone, "Admission," in *A History of The University in Europe, Volume 11, Universities In Early Modern Europe (1500–1800)*, ed. Hilde de Ridder-Symoens (Cambridge, Eng., 2003), pp. 286–287.

31 Giese, *Studenten*, p. 22. See also Vasara-Aaltonen, "From Well-travelled," pp. 316–317, fn. 925, for Swedish lawyers, who had apparently studied at the University of Strassburg, but cannot be found in the Strassburg matriculation records.

various ways a student's name may have been spelled.³² The faculty at which the student studied is unfortunately usually not mentioned in the matriculation books. For the universities under closer examination in this book, only Leiden and Halle list the faculty of the student.³³

The online matriculation records of the Academy of Turku 1640–1817 (*ylioppilasmatrikkeli*)³⁴ 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.³⁵ All in all, the records compile the information of over 17,000 students who enrolled at Turku and Helsinki³⁶ (numbers 1–17116), 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–U1343). 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 studying only at foreign universities were taken into the Turku records from approximately 1635 onwards.³⁷

The students are divided into several hundred different categories in the online records. These include the different nations, faculties, holders of scholarships, degrees obtained, respondents at disputations, and future court trainees, to cite just some. In addition, students' names can also be searched for under the heading "students of other universities." This includes the students (*ylioppilas*) at different European universities, all divided into their own categories, as well as, for example, the categories "other peregrinations and study and research trips" and "students of unknown foreign universities."

The online matriculation records are also a work in progress as they are complemented if new information is found. This is yet another reminder of how the matriculation records probably give us a good picture of the situation but may still lack some information, which may or may not be found later. Many challenges confront research on university matriculation records, and the Academy of Turku is no exception. One of these challenges concerns the

32 Giese, *Studenten*, p. 23.

33 For difficulties and solutions in evaluating German law students' matriculations, see e.g. Filippo Ranieri, "Der Universitätsbesuch der deutschen Rechtsstudenten am Übergang zwischen 16. und 17. Jahrhundert. Ein rechts- und sozialhistorischer Beitrag zur Mobilität der Juristen im Alten Reich," *Ius Commune, Zeitschrift für Europäische Rechtsgeschichte* 14 (1987), pp. 185–189.

34 Kotivuori, *Ylioppilasmatrikkeli*.

35 Kotivuori, *Ylioppilasmatrikkeli*, esipuhe.

36 After Finland's annexation by Russia, the Academy of Turku was relocated to Helsinki in 1828 and renamed the Imperial Alexander University in Finland.

37 Kotivuori, *Ylioppilasmatrikkeli*, esipuhe.

terminology used when describing students. The Finnish word *ylioppilas* (Swed.: *student*) was at the time used solely for students at university. Older sources sometimes give reason for confusion as they also use the term *opiskelija* (Swed.: *studerande* or *stud.*). When this word is used it is not possible to determine whether studies took place at university, at another institution, or with a private teacher.³⁸ In this book, I will use the English word *student* to refer to students in general and, if relevant, draw a distinction according to where we can assume they studied.

Next to matriculation records, other primary sources shed light on the students' endeavours abroad: letters, travel journals, *alba amicorum*, as well as *re-censie* lists and records over university curricula all help form a more complete picture of the travelling student.

3.2 *The Academy of Turku in Finland as Representing the Swedish Situation*

As this is a study of *Swedish* lawyers' education, one might wonder why the starting point is the information found on students from the Finnish Academy of Turku, instead of the first and foremost Swedish university, that of Uppsala. Understanding this first requires a brief acquaintance with Finland's history as part of the Swedish realm, which lasted until 1809.

In the High Middle Ages, the lands north of the Gulf of Finland were inhabited by different tribes: Finns, Tavasts, and Karelians. Due to trade links and Viking expeditions there were also Swedish settlements on the south-western shores of what is Finland today. However, the region was not a political or cultural entity. When royal power was slowly being consolidated in Sweden in the twelfth century and with the Catholic Church holding an interest in the Christianization of Northern Europe, the Swedish crown was able to start laying claim to the regions east of the Gulf of Bothnia. At first, in the thirteenth century, the south-western parts of present-day Finland, the coastal town of Turku as its centre, came under Swedish rule, and this was confirmed at the Treaty of Nöteborg between Sweden and Novgorod in 1323. In the following two centuries, Swedish rule expanded northwards and eastwards. At first, this part of the realm east of the Gulf of Bothnia was referred to as the Eastland (Swed. *Österland*), but during the following centuries the name Finland, which had previously only referred to the south-western coastal area, established itself for the whole region.³⁹

³⁸ Kotivuori, *Ylioppilasmatrikkeli*, esipuhe.

³⁹ Henrik Meinander, *A History of Finland* (New York, 2011), pp. 4–11.



FIGURE 1 Map showing Swedish acquisitions of territory in early modern Europe. Wikimedia Commons. Available at [https://commons.wikimedia.org/wiki/File:Swedish_Empire_\(1560–1815\)_en2.png](https://commons.wikimedia.org/wiki/File:Swedish_Empire_(1560–1815)_en2.png). Accessed 21 January 2020. Map modified by the author.

Since the nineteenth century, much discussion has taken place about how Swedish rule was established in Finland, and whether Finland enjoyed a special position within the Swedish realm, or if Finland was merely a group of provinces east of the Gulf of Bothnia, without any special status. Especially in the late nineteenth and early twentieth centuries, Finnish nationalistic historiography argued in favour of the special position that Finland occupied, one indicator being that Finland was afforded the title of Grand Duchy in the late sixteenth century. Others stress the fact that Finland had no separate constitutional status in Sweden, and referring to Finland as a Grand Duchy was rather a sign of self-aggrandizement directed towards other European powers.⁴⁰ Klinge, in turn, brought up the notion that the divide was not between Sweden and Finland, but rather between centre and periphery. In this view the regions of Svealand, Götaland (both in present-day Sweden), and South-Western Finland (where Turku is located) made up the centre of the realm, beyond which lay the periphery. This was more sparsely populated and further to reach for the central administration.⁴¹

Whether early modern Finland was a separate entity under the Swedish crown thus depends on the point of view taken. Certainly, for the purposes of this research, Finland can be regarded as part of Sweden. The same laws applied on both sides of the water, and the land was governed in the same way. The Academy of Turku was a Swedish university, and followed the same statutes as the University of Uppsala. Among the Turku students are men with roots on both sides of the Gulf of Bothnia, while men with Finnish origins could and did hold positions within the whole realm. As for studies, Giese has shown that men with Swedish and Finnish origins alike visited the University of Rostock in the sixteenth to early seventeenth centuries.⁴² Therefore, the

40 Osmo Jussila, *Suomen historian suuret myytit* (Helsinki, 2007), pp. 17–80, and 209–229; Kari Tarkiainen, *Ruotsin Itämaa. Esihistoriasta Kustaa Vaasaan* (Helsinki, 2010), pp. 44–62; Petri Karonen, *Pohjoinen suurvalta. Ruotsi ja Suomi 1521–1809*, 3rd revised ed. (Helsinki, 2008), pp. 26–30; Nils Erik Villstrand, *Riksdelen. Stormakt och rikssprängning 1560–1812* (Helsinki and Stockholm, 2009), pp. 34–39. The language question is also often mentioned as a separating factor. However, as Harald Gustafsson, for instance, has pointed out, in early modern Europe linguistic variety within a state was the norm, and did not necessarily imply separate status. Harald Gustafsson, “The Conglomerate State: A Perspective on State Formation in Early Modern Europe,” *Scandinavian Journal of History* 23:3–4 (1998), p. 196.

41 Matti Klinge, *Kaksi Suomea* (Helsinki, 1982), p. 33.

42 Giese, *Studenten*, p. 331.

Turku students are here regarded as Swedish students,⁴³ and the Academy of Turku is seen as a valid example of Swedish developments.

Why, then, are only students from the Academy of Turku included in this study but not also students of the most important Swedish university, the University of Uppsala? Surely Uppsala University possessed a larger pool of students, some of whom also travelled abroad, and would thus offer a broader perspective on the matter. Nonetheless, using the records of the Academy of Turku as a starting point in this research is a deliberate decision. These records provide some advantages that make them a more easily accessible source than the Uppsala records. The most significant advantage is that the Turku records do not simply contain information on student enrolments but have been compiled into an online database containing biographical information on students as well.

This means that the Turku records enable a more accurate survey, as future lawyers can be identified relatively easily simply by looking at the information on their careers. This is not possible from merely looking at the Uppsala records, which only contain information on enrolment. Since many foreign universities did not list the faculty where their students studied, it would be quite difficult to find all the law students or future lawyers among the students of the University of Uppsala. In the case of Turku, however, we find a group of students, future lawyers, who, moreover, can also be traced at foreign universities. Thus, it is easier and more reliable to base estimates of the number of “law students” abroad on the Turku records. A study that aims specifically at examining lawyers’ studies abroad benefits immensely from the biographical information available. In fact, in comparison to research on studies abroad in general, a study specifically on lawyers requires more information than mere enrolment data.

If a similar study were possible on the Uppsala students, slight differences might emerge. For instance, sons of the leading noble families, such as the Banérs, Oxenstiernas, or De la Gardies, are not found in the material of this study, even though it was common for them to travel abroad to further their education. Thus, a study based on students from Uppsala University would probably contain somewhat more prominent names. However, some of the most important noble names from the eastern half of the realm, Finland, appear among the Turku students: the Flemings, Kurcks, and Cruuses all had sons who studied both in Turku and abroad.

43 Elsewhere they have also been referred to as Finnish students, see e.g. Pihlajamäki, “Finnische Studenten.”

The Turku records list students of both Finnish and Swedish origin, as well as some others too: indeed, they list all students who enrolled at the Academy, regardless of their origin. This means that the records mention, for instance, some Livonian men who had studied in Turku. If these studied at one or more foreign universities as well, then they are counted among the students under examination here. In those cases, their foreign origin is naturally mentioned and, if needed, discussed in more detail. In addition, the online database also mentions students of Finnish origin who only studied abroad but not in Turku. These are also included in my study. 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. In the following, I will use the terms according to this definition and without quotation marks.

The Turku students are considered a valid example of Swedish students. While similar research on Uppsala students might produce slightly different results, I do not believe they would differ radically from this research on Turku students. In general, earlier research on studies by Swedes abroad supports this view. My earlier study on the educational background of Svea Court of Appeal judges is used as a comparison in this research and it, too, supports the findings based on Turku records.

3.3 *On Law Students and Universities*

Before addressing the issue of how students were chosen for this research, a few remarks are in order about terminology concerning the legal profession. It is often difficult to find suitable terms, as their modern use may give the wrong association or even be anachronistic when applied to early modern circumstances. Here the term “lawyer” has been chosen as a general term describing people who worked with the law, regardless of whether they had academic legal learning or not. Another plausible terminological option would have been “legal professional,” but that was not suitable in this context as, in fact, I argue that at the beginning not all those who worked with the law did so professionally. Terms such as “legal literates” and “men of law” have also been used to describe those who fall somewhere between a legal professional and a layman.⁴⁴ These, however, were also not appropriate as general terms for this

44 See Mary Sarah Bilder, “The Lost Lawyers: Early American Legal Literates and Transatlantic Legal Culture,” *Yale Journal of Law & the Humanities* 11:1 (1999), pp. 61–63, 85, and 98; Anthony Musson, “The role of amateur and professional judges in the royal courts of late

research, which also incorporates true legal professionals with academic education. “Legal practitioner,” in turn, would exclude law professors. Despite the fact that especially in Anglo-American parlance “lawyer” usually refers to someone giving legal advice or representing someone,⁴⁵ I have chosen to use the term “lawyer” for anyone working with the law in any capacity, and regardless of their level of education.

As this is research on the education of lawyers, one might be inclined to call their studies *law studies*. However, when looking at the seventeenth and eighteenth centuries it is not possible to identify *law students* in the same way as is possible nowadays. Especially in the seventeenth century, the legal profession was only just in the process of being moulded in Sweden. Vast judicial and administrative renewals called for trained officials, but a pre-determined path of education to becoming a lawyer was yet to be formed. Talking about law students at this time would be to simplify the situation somewhat. Rather, one should talk about students who, based on their careers, had possibly studied law at some point during their studies. As already mentioned, the matriculation records do not always give answers to what students actually were studying at university. This is why sometimes the only way to draw any conclusions about a person’s studies is to look at his future career. Still, usually it is easiest to refer to “law students” instead of “students who later became lawyers.”

The studies of a future lawyer were not necessarily related to law. For example, Johan Munkthelius, one of the “law students” in Leiden – that is to say, a future lawyer pursuing some studies in Leiden – actually obtained a degree in medicine there. He later became a judge at a court of appeal after having worked as a royal physician.⁴⁶ Still, it seems that most future lawyers probably studied something more closely related to either law or political science while abroad. Thus, using the terms “law student” and “lawyer” is a purely pragmatic approach as it is necessary to find words to refer to this group of men who studied abroad and later worked with legal matters. At the same time, these terminological difficulties highlight one of the key issues of this book: the developmental stage of the legal profession in seventeenth-century Sweden in

medieval England,” in *Judicial tribunals in England and Europe, 1200–1700. The trial in history*, vol. 1, eds. Maureen Mulholland and Brian Pullan with Anne Pullan (Manchester, 2003), pp. 37–39 and 49–51. For a thorough discussion on the terminology concerning medieval England, see Anthony Musson, “Men of law and professional identity in late medieval England,” in *Law and Society in Later Medieval England and Ireland. Essays in Honour of Paul Brand*, ed. Travis R. Baker (London, 2018), pp. 225–232.

45 Merriam-Webster Dictionary, “lawyer.” Available at <https://www.merriam-webster.com>. Accessed 17 January 2020.

46 Kotivuori, *Ylioppilasmatrikkeli*, Johan Munkthelius.

which it was not possible to make a clear dichotomy between true legal professionals and laymen.

The “law students” have been found in the online database by going through all students who had studied abroad and picking out those who had enrolled at a law faculty and/or had careers within the law. However, finding lawyers in the biographical information of the Turku records is also not self-evident. Who can be regarded as a lawyer at a time when there were no formal requirements in Sweden for working with judicial matters? Here, the following are counted as lawyers: men who held positions at courts of law (Swedish local courts, courts of appeal, and the Judicial revision,⁴⁷ military and other special courts, as well as courts in conquered areas); men who worked at the boards (*kollegier*), which also functioned as courts in specialized matters;⁴⁸ advocates; and law professors. In addition, those who with certainty studied law but who functioned in non-law-related tasks or whose career remains unclear, are also taken up in this study. The different positions in the Swedish judiciary and the state of the legal profession will be discussed in detail in Part 3.

The research uses a partially prosopographic approach. Prosopography, or collective biography, uses the external biographical information of a predetermined group of people in order to determine the common characteristics of the group. Whereas biography delves into the outer and inner features of a single person, prosopography is interested in people's life histories as far as they reveal characteristics of the group they belong to. These (and other) different approaches can be combined, though, and sometimes such a partially prosopographic approach is the most appropriate. A precisely defined group, such as the students in this research, are usually very well suited for prosopography. However, the representativeness of the sample population must always be taken into consideration. Moreover, when the sample is small, as in this case, it is often advisable to use additional approaches, too. This research uses a group of people easily distinguishable as a distinct group and directs certain

47 In civil cases parties had access to a legal remedy called *beneficium revisionis* after their cases had been decided by the courts of appeal. The monarch granted a “benefit of revision” and the Council of the Realm (*riksrådet*) then decided the cases either *in plenum* or in its Judicial Revision (*justitierevision*) section, later divided into Higher and Lower Revision. Over time, the procedure evolved into an appeal system, and in 1789 the Higher Revision was renamed the Supreme Court. For a thorough description in English, see Heikki Pihlajamäki, *Conquest and the Law in Swedish Livonia (ca. 1630–1710). A Case of Legal Pluralism in Early Modern Europe* (Leiden, 2017), pp. 228–235.

48 For the judicial functions of the Board of Mining, for instance, see Joh. Ax. Almquist, *Bergskollegium och Bergslagsstaterna 1637–1857. Administrativa och biografiska anteckningar* (Stockholm, 1909), pp. 12, 19, 21, and 49–52.

questions (regarding their background and career, for instance) to the group as a whole. Mostly, however, I do not present the findings in the form of tables, statistics, or graphs. With a relatively small sample group, which is further divided into “subgroups,” I find it necessary to highlight the individual biographies, including their internal elements, and reflect them in the prosopographic findings. A mere presentation of percentages would be misleading with this sample group. In addition, the findings of this research are also examined in comparison to a similar group previously researched, namely the judges of the Svea Court of Appeal. Combining these approaches with a thorough contextualisation provides the best means of sidestepping the most common problems that prosopography faces.⁴⁹

The matriculation records of the Academy of Turku suggest that Turku law students studied in twenty-seven different towns outside Sweden proper during the research period: Altdorf, Amsterdam, Angers, Dorpat, Erfurt, Frankfurt an der Oder, Giessen, Greifswald, Groningen, Göttingen, Halle, Heidelberg, Helmstedt, Jena, Kiel, Königsberg, Leiden, Leipzig, London, Marburg, Oxford, Paris, Rome, Rostock, Strassburg, Tübingen, and Wittenberg, as well as at the Swedish universities of Uppsala and Lund. As we can see, a distinct emphasis falls on German universities, and moreover on Protestant universities: for instance, the Catholic, French university of Orléans, known for its law curriculum, does not appear as a study destination for Turku law students. Sometimes, the students did not enrol at a university but rather stayed in the town during their study journey. This is true for London, for example, which did not have a university until 1826.⁵⁰ Of the ten students in Paris, only two seem to have actually enrolled at the university.⁵¹ In comparison, one can mention that altogether 2,185 students from Turku also studied at the Swedish university of Uppsala in the seventeenth and eighteenth centuries. Travelling to another Swedish university was far more common than studying abroad.

Table 1 shows Turku students who visited these twenty-seven towns during the seventeenth and eighteenth centuries. The first number given indicates

49 Koenraad Verboven, Myriam Carlier, and Jan Dumolyn, “A Short Manual to the Art of Prosopography,” in *Prosopography Approaches and Applications: A Handbook*, ed. Katherine S.B. Keats-Rohan (Oxford, 2007), pp. 36–37, 39–41, 46–49, 51–55, 59–65, and 67.

50 *University College London, History*. Available at <http://www.ucl.ac.uk/about/who/history>. Accessed 17 January 2020.

51 In the early seventeenth century, Paris was a favourite for young Swedish noblemen who learned about courtly life there, but seldom enrolled at the university. For more on Swedes in Paris, see e.g. Nuorteva, *Suomalaisen ulkomainen*; Jakob Christensson, “Studieresorna,” in *Signums svenska kulturhistoria. Stormaktstiden*, ed. Jakob Christensson (Lund, 2005), pp. 185–189; Winberg, *Den statskloka*, 241–242 and 250–256.

TABLE 1 The number of Turku law students in comparison to Turku students altogether at the 27 foreign universities/towns visited by Turku law students during the seventeenth and eighteenth centuries

Town	Turku students law / all	Town	Turku students law / all	Town	Turku students law / all
Altdorf	4 / 8	Göttingen	2 / 24	London	3 / 4
Amsterdam	2 / 5	Halle	14 / 37	Marburg	2 / 3
Angers	1 / 1	Heidelberg	4 / 9	Oxford	4 / 21
Dorpat ^a	33 / 381	Helmstedt	2 / 10	Paris	10 / 16
Erfurt	1 / 6	Jena	16 / 58	Rome	6 / 11
Frankfurt a.O.	1 / 2	Kiel	6 / 28	Rostock	10 / 57
Giessen	4 / 10	Königsberg	2 / 27	Strassburg	8 / 22
Greifswald	15 / 99	Leiden	26 / 69	Tübingen	3 / 8
Groningen	4 / 4	Leipzig	5 / 29	Wittenberg	4 / 46

a Dorpat is included here although it cannot be considered as foreign as the other universities, as described below.

how many of them were “law students,” that is, those who held some position involving legal tasks during their careers. The second number indicates how many students of the Academy of Turku visited each town altogether. As noted earlier, one must keep in mind that not all “law students” necessarily studied specifically law during their visits. Questions regarding what these “law students,” future lawyers, actually studied will be discussed in depth in Part 2 of the book. To put the numbers in Table 1 into context it is worth having a look at the overall student numbers at the Academy of Turku. In its founding year, some 250 students enrolled at the university. After that, around sixty students matriculated annually at Turku, until in the 1670s and 1680s that number rose to eighty. After the Great Northern War (1700–1721), during the eighteenth century, between eighty and one hundred students enrolled annually, though a slight drop was seen in the 1760s and 1770s.⁵²

52 John Strömberg, “Ylioppilaat,” in *Helsingin yliopisto 1640–1990. Ensimmäinen osa. Kuninkaallinen Turun Akatemia 1640–1808*, eds. Matti Klinge et al. (Helsinki, 1987), pp. 304–306; Matti Klinge, “Opetus ja opiskelu,” in *Helsingin yliopisto 1640–1990. Ensimmäinen osa. Kuninkaallinen Turun Akatemia 1640–1808*, eds. Matti Klinge et al. (Helsinki, 1987), p. 533.

This book focuses on the Dutch university of Leiden and the four most frequented German universities: Greifswald, Rostock, Jena, and Halle. Leiden is a natural choice. Firstly, it was by far the most popular destination among the Swedish future lawyers of this study, the Turku law students. Secondly, previous research has shown its popularity in general, as well.⁵³ The four German universities were chosen because after Leiden they were the most popular foreign destinations for Turku law students, based on numbers enrolled. These four universities are not such an obvious choice as Leiden. The number of Turku students visiting them is significantly smaller than in Leiden, while other German universities are not that far behind them, either. In other studies, universities such as Wittenberg and Strassburg have had greater numbers of Swedes visiting them.⁵⁴ What this shows is that German universities were visited more evenly, and the differences are not so great that one would stand out above all others. Therefore, the most popular German universities vary according to which students are examined. For future lawyers coming from the Academy of Turku, it was Greifswald, Rostock, Jena, and Halle that were most popular after Leiden. The number of Turku law students at other German universities was under ten for the whole period under examination. With such small numbers, it becomes quite difficult to draw any real conclusions for the group as a whole. Therefore, this research focuses only on the four German universities mentioned. The rest will be briefly discussed after a more detailed analysis of the four most frequented universities. When the context of Turku law students' studies abroad is analysed in Part 3 of the book, this is based specifically on those studying in Leiden and the four German universities, unless stated otherwise. During the research period, these five universities had eighty-one enrolments by altogether seventy-one different Turku law students.

Sometimes, due to the sources which often provide more information about the Leiden students than the others, the University of Leiden is discussed in greater depth than the German universities. The lengthier discussion of Leiden is not to be seen as overemphasizing its importance. Rather, it is the outcome of practical realities concerning archival material, and the larger number of students who enrolled there.

Apart from these five universities, the University of Dorpat will also be briefly discussed. The University of Dorpat, founded by the Swedes in conquered Livonia in 1632, cannot really be called foreign as it was founded by the Swedish

53 See e.g. Niléhn, *Peregrinatio*, p. 163; Nuorteva, *Suomalaisten ulkomainen*, pp. 386–392; Vasara-Aaltonen, “From Well-travelled,” pp. 315–316.

54 See e.g. Niléhn, *Peregrinatio*, p. 162; Giese, *Studenten*, p. 316; Vasara-Aaltonen, “From Well-travelled,” pp. 316–317.

administration and had Swedish university statutes. The reality in Livonia, however, differed greatly from that of Sweden proper. Moreover, even some contemporaries such as Chancellor Axel Oxenstierna felt that with its German professors Dorpat was to some extent foreign.⁵⁵ Here, one must keep in mind that the division into “foreign” and “domestic” is not as clear as it is today. Gustafsson, for instance, has argued that the typical early modern European state was a conglomerate state, with different territories of the realm having varying relations and a varying level of integration with the centre of power.⁵⁶ Swedish Livonia is a good example of such a territory that was not fully integrated into the Swedish constitutional system. It hovers somewhere between “foreign” and “domestic,” should one wish to use those terms, depending on the questions asked. This is why examining Dorpat more closely is interesting in this context. It thus serves as an additional point of comparison for the characteristics we find in Turku law students at the other universities.

All in all, the universities chosen based on the Turku records give a thorough picture of the scope of Swedish lawyers’ studies abroad, even though not all foreign universities could be examined.

3.4 *Comparisons*

In order to correctly evaluate the study journeys of Swedish lawyers, a comparative approach is necessary. Throughout the research, the Swedish situation is set in an international context and is examined through the lens of comparative legal history.⁵⁷ In addition, however, the need also arises for some specific comparisons. The first that comes to mind is comparing students who went abroad with those who did not. Did those men who had studied abroad have more successful careers than the others? Besides being a difficult question, it is also one which is hard to approach. One cannot find lawyers as a separate category in the Turku online records, so one would have to go through the biographies of all 17,000 Turku students to determine who was a lawyer. Therefore, using the Turku matriculation records for this comparison is not a viable plan. My approach has been to use the information gathered on the

55 Matti Klinge, “Perustaminen ja tarkoitus,” in *Helsingin yliopisto 1640–1990. Ensimmäinen osa. Kuninkaallinen Turun Akatemia 1640–1808*, eds. Matti Klinge et al. (Helsinki, 1987), pp. 60–61.

56 Gustafsson, “The Conglomerate State,” pp. 189, 193–197, 199, 205–207, and 212.

57 On the method of comparative legal history, see Heikki Pihlajamäki, “Comparative Contexts in Legal History: Are We All Comparatists Now?,” in *The Method and Culture of Comparative Law. Essays in Honour of Mark Van Hoecke*, eds. Maurice Adams and Dirk Heirbaut (Oxford, 2014), especially at pp. 127–130.

education of judges of the Svea and Turku Courts of Appeal⁵⁸ to estimate how studies abroad influenced lawyers' careers. The court of appeal judges form a group of Swedish lawyers which includes men who had studied abroad as well as those who had not. Examining this limited group of lawyers makes it easier to draw conclusions about the significance of studies abroad. These judges do not represent all Swedish lawyers, nor did they all study in Turku. Nevertheless, it is the most functional way to tackle the issue. Also, examining the University of Dorpat as one of the Turku students' destinations is helpful in this regard, too, as it was not quite as foreign as the other universities, but not quite as domestic as the universities of Uppsala and Turku. Comparing the careers of the men in Dorpat with those at the Dutch and German universities can, therefore, shed some light on this issue, too.

It is known that the early modern Swedish legal profession – as far as we can even speak of one – looked very different from its continental counterpart. This extends to educational issues as well. But a comparison to a closer, Nordic neighbour is interesting. Therefore, Denmark will briefly be compared to Sweden. The University of Copenhagen was founded in 1479, and from 1623 the Sorø Academy catered for the needs of young noblemen. The Supreme Court (*Højesteret*) was founded in 1661. Thus, many similarities to Swedish circumstances exist, but also differences, especially concerning the two countries' respective positions in Europe. Denmark never reached a similar position as a great power as did Sweden in the seventeenth century. The situation in Denmark serves as a point of comparison in determining to what extent Swedish developments possessed individual characteristics. In addition, a brief look will be taken at Scotland. Among foreign students, Scots were especially eager to study law in Leiden. This makes for a good comparison, since law was an important subject for Swedish students, as well.⁵⁹

Finally, comparing law students to theology students, another distinct group of students, enables us to find out which features of studies abroad were specific to law students and which applied to students of other fields, too.

58 Vasara-Aaltonen, "From Well-travelled"; Marianne Vasara-Aaltonen, "Noble Standing, Education and Networks: Judges of the Turku Court of Appeal 1623–1753," *Beiträge zur Rechtsgeschichte Österreichs* 3:2 (2013).

59 German students fleeing the Thirty Years' War (1618–1648) made up the largest group of foreign law students in Leiden. Scottish students ranked right behind them. Swedes were the third group of foreign students who showed a special interest in law studies. R. Feenstra and C.J.D. Waal, *Seventeenth-century Leyden law professors and their influence on the development of the civil law. A study of Bronchorst, Vinnius and Voet* (Amsterdam, 1975), p. 82.

4 The Structure of the Book

The book is divided into three main parts. Part 1 draws a picture of the landscape in which the Swedes' study journeys took place. After this introduction, the view will focus on study journeys as a European phenomenon: first, taking a look at the university as an institution of immeasurable importance ever since the Middle Ages, including law studies and the legal profession, and then delving into different aspects of students' travels around Europe. Here the medieval study journeys of Swedes, mainly clerics, will also be discussed briefly. Finally, confessional questions regarding universities and study travel will be discussed.

Part 2 contains the core of the research: a detailed analysis of the Turku law students' studies abroad, based on primary sources. In separately discussing the chosen foreign universities of Leiden, Rostock, Jena, Halle, and Greifswald – their history and curricula – one by one, the Turku students at each of them will be examined thoroughly: their social background, what they may have studied abroad, and what kind of careers they had. They will then be compared to see which universities were popular at what times, if different universities attracted students with different social backgrounds, and if the choice of university had any impact on the careers the students embarked on after their studies. After a detailed discussion of these five universities, students at the other German universities and at Dorpat are discussed more summarily. Finally, a brief glimpse will be given of other, more exotic destinations that sometimes attracted Swedish future lawyers.

While Part 2 discusses who the students were, where (and what) they studied, and what kind of careers they had, Part 3 strives to explain why they went abroad to study and how this affected the budding Swedish legal profession. I will show that significant differences existed between studies abroad in the seventeenth century and in the eighteenth century. Therefore, a semi-chronological approach will be taken here, first explaining the reasons for the popularity of studies abroad in the seventeenth century, and then turning the focus on changes that began in the late seventeenth century and continued well into the eighteenth. The Swedish political, social, and judicial landscape will be presented: domestic and foreign policy, the role of the nobility, educational issues, and the state of the administration and judiciary will all be discussed. In addition, other matters influencing studies abroad such as geography and religion will be portrayed. These more general reasons will be combined with more personal reasons that future lawyers may have had to venture on a study journey. A picture of the Swedish legal profession over roughly two centuries emerges, and it will be evident how, on the one hand, studies abroad

influenced the state of the judiciary and, on the other hand, what kind of an impact the professionalizing judiciary had on lawyers' studies abroad. Finally, Turku law students will be compared to Danish and Scottish students as well as to Turku theology students. The concluding chapter will synthesize all findings and assess what Swedish lawyers' studies abroad really were about, what kind of reasons affected them, why the practice changed over time, and to what extent Swedish development is similar to or distinct from development in Continental Europe.

Studies Abroad as a European Phenomenon

1 Universities in Europe

“The university is a European institution; indeed it is the European institution *par excellence*.” This is how Walter Rüegg begins the foreword to the first volume of the series “A History of the University in Europe,” which covers university history from its beginnings in the Middle Ages up to the beginning of the twenty-first century. The university has maintained its patterns and functions for nearly a millennium, and has spread across the world.¹ Indeed, the university is the backbone of development of the law, too, since the Middle Ages, so that to understand the history of the legal profession one also has to delve into university history.

1.1 *The Character of Medieval and Early Modern Universities*

It is difficult to set an exact date for the establishment of the first universities as they emerged from pre-existing schools and were not the product of a decision by a higher authority. Generally, however, Bologna is credited with being the first university, with Paris appearing at roughly the same time. Many circumstances came together to form the setting for the appearance of universities: economic, political, and social conditions had become favourable in some cities; there was an increasing intellectual quest for knowledge, and a wish to make the status of students and teachers more regulated. Universities could protect the interests of students and teachers by granting them a status that brought with it privileges and exemptions from tolls, among other things.²

In Bologna, private law schools had existed since the late eleventh or early twelfth century, but it was during the twelfth century that they began to take shape as the university it was to become. There were many reasons why Bologna was an opportune place, as city life had begun to flourish there, and it was situated amidst commercial and pilgrimage routes. The Emperor saw it as beneficial to guarantee the rights of students and teachers of the law schools, as Roman law could support his powers. They gained the protection of the

1 Rüegg, “Foreword,” p. xix.

2 Jacques Verger, “Patterns,” in *A History of The University in Europe, Volume 1, Universities In The Middle Ages*, ed. Hilde de Ridder-Symoens (Cambridge, Eng., 2003), pp. 45 and 50; Walter Rüegg, “Themes,” in *A History of The University in Europe, Volume 1, Universities In The Middle Ages*, ed. Hilde de Ridder-Symoens (Cambridge, 2003), pp. 11 and 18–20.

Emperor in 1155 and a significant change occurred in the 1180s and 1190s when ever-increasing numbers of students arrived in Bologna and began to organize themselves into nations. These associations of students soon formed universities, *universitates*, according to their origin (either south or north of the Alps, *cismontanorum* and *ultramontanorum*) and their field of study in order to protect themselves from demands by the local authorities. Within the *universitas* they were still divided into nations depending on their more specific geographical origins. Higher education in Bologna was thus built on the students. It was a so-called students' university, with the students in charge of organization as well as hiring teachers. The teachers formed their own college of doctors, which was not part of the university. The structure of the University of Bologna was stabilized around 1230 to 1240.³

The other great university of the period was that of Paris. This was built on ecclesiastical and private schools which had been functioning since the late eleventh century. The number of private schools rose significantly in the late twelfth century, which was a cause of confusion and concern. Thus, the founding of the University of Paris in the early thirteenth century was a compromise which enabled the teachers, i.e. the masters of the schools, to govern themselves, while the ecclesiastical authorities were happy to see fixed curricula and examinations, as well as avoiding the chaos of new schools constantly springing up. In Paris, unlike in Bologna, the university was therefore a teachers' or masters' university. The masters were in charge of the organization and governed teaching and only they were members of the university, not the students. In practice, though, many of the masters of arts at the university were still students at the higher faculties, thus softening the divide between teachers and students.⁴

The other medieval universities followed either the Bologna or Paris model, or formed a mixed type of university, which was a students' university, where the teaching body was still integrated in the university. New universities were founded, either because some students and teachers left one university after a conflict and migrated to another town, or through a specific decision by a civil or ecclesiastical authority. Even in the thirteenth century, rulers under-

3 Verger, "Patterns," pp. 38–39 and 48–49; Kenneth Pennington, "The 'Big Bang': Roman Law in the Early Twelfth-Century," *Rivista internazionale di diritto comune* 18 (2007), p. 69; Anders Winroth, "The Teaching of Law in the Twelfth Century," in *Law and Learning in the Middle Ages. Proceedings of the Second Carlsberg Academy Conference on Medieval Legal History 2005*, eds. Helle Vogt and Mia Münster-Swendsen (Copenhagen, 2006), p. 41; Rüegg, "Themes," vol. 1, pp. 11–12; Aleksander Gieysztor, "Management and Resources," in *A History of The University in Europe, Volume 1, Universities In The Middle Ages*, ed. Hilde de Ridder-Symoens (Cambridge, Eng., 2003), p. 114.

4 Verger, "Patterns," pp. 38–39 and 50–52.

stood the benefit of acquiring university-educated men, and cities were happy to hire trained lawyers. By 1300, eighteen universities had already sprung up; these were increasingly founded by princes and cities. At this time, Southern Europe was the cradle of universities as they had a suitable urban climate and used written law – both being features that enabled and increased the need for higher education. From the mid-fourteenth century, however, universities were founded in the Empire, too, beginning with Prague in 1348. The Great Western Schism (discussed in detail in Chapter 2, section 2.3), which unsettled the Church, also led to new university foundations. Not all new universities were long-lived, though. To succeed, a university needed to have famous teachers or to enjoy royal or papal support.⁵ The Bologna model is no longer found in the new universities of the early modern period as these were founded by the authorities and not at the initiative of students. After the Reformation, the authorities also strengthened their influence over the universities and exercised more control over the students.⁶

The medieval universities are often called *studia generalia*, a term invented to identify these institutions of higher education. Verger lists the qualities of a *studium generale*: it was a seat of higher education, was founded or confirmed by a universal authority such as pope or emperor, and its members were granted rights, which applied universally.⁷ The term became more frequently used after the mid-thirteenth century, but *universitas* was still the most common term to be used, though the early modern German and Scandinavian universities often called themselves *academia*.⁸ The universal character of the *studium generale* began to change, however, with the foundation of more regional universities, which catered to the needs of local rulers. This also affected the mobility of students and the international prestige of the universities.⁹ In the seventeenth and eighteenth centuries, the function of the university was increasingly seen as preparing men for a career in the civil service. The curricula of the universities were changed in order to better adapt to practical

5 Verger, “Patterns,” pp. 39 and 52–58; Rüegg, “Themes,” vol. 1, pp. 12, 18–19, and 31; Paolo Nardi, “Relations with authority,” in *A History of The University in Europe, Volume 1, Universities In The Middle Ages*, ed. Hilde de Ridder-Symoens (Cambridge, Eng., 2003), pp. 93, 96, and 101.

6 Willem Frijhoff, “Patterns,” in *A History of The University in Europe, Volume 11, Universities In Early Modern Europe (1500–1800)*, ed. Hilde de Ridder-Symoens (Cambridge, Eng., 2003), pp. 64–65; Hilde de Ridder-Symoens, “Management and Resources,” in *A History of The University in Europe, Volume 11, Universities In Early Modern Europe (1500–1800)*, ed. Hilde de Ridder-Symoens (Cambridge, Eng., 2003), p. 155.

7 Verger, “Patterns,” p. 35.

8 Verger, “Patterns,” p. 36–38; Frijhoff, “Patterns,” p. 47.

9 Nardi, “Relations,” pp. 102–103; Frijhoff, “Patterns,” p. 53.

needs, and attempts were made to reduce student numbers to correspond to the actual need for trained men.¹⁰

One of the main characteristics of a university, even up to this day, is the division into faculties – bodies teaching a certain discipline. In Bologna, the teaching of different disciplines was divided into separate universities, whereas the Paris model incorporated four faculties. The lower faculty was that of arts, which taught the seven liberal arts divided into the *trivium* (grammar, logic, and rhetoric) and the *quadrivium* (arithmetic, geometry, music, and astronomy) and, from the thirteenth century on, also natural, moral, and metaphysical philosophy. The early modern university also established chairs in languages and history at arts faculties. The three higher faculties were those of law (sometimes divided into canon and civil law), theology, and medicine. The Paris model of faculties was also adopted in other north-western and central European universities. However, it was difficult to find all four faculties in medieval universities; indeed, it was not until the fifteenth-century university foundations that one usually finds a complete set of faculties, at least officially.¹¹

One of the features of the university was its right to grant degrees, which were acknowledged across Europe. While regional variation and different customs existed at different faculties, a general hierarchical system of degrees was in place in the thirteenth century.¹² The bachelor's degree (*baccalarius*, later also *baccalaureus*) was the first that a student could achieve during his time at a university. It was awarded to more senior students, who could then help younger students while continuing their own studies, too. An exam and a disputation were required, and after becoming *baccalarius* the path was open to obtaining a licentiate.¹³ A licentiate (originating from the words *licentia docendi*, "licence to teach") came to be used as a degree from the twelfth century. It was granted after sufficient studies and participation in a disputation. While it had originally indicated the right to teach, a licentiate gradually only became

10 Frijhoff, "Patterns," p. 56.

11 Rüegg, "Themes," vol. 1, pp. 25–26; Verger, "Patterns," pp. 40–42 and 59; Gieysztor, "Management," pp. 109–112; Gordon Leff, "The Trivium and the Three Philosophies," in *A History of The University in Europe, Volume 1, Universities In The Middle Ages*, ed. Hilde de Ridder-Symoens (Cambridge, Eng., 2003), p. 308; Laurence Brockliss, "Curricula," in *A History of The University in Europe, Volume 11, Universities In Early Modern Europe (1500–1800)*, ed. Hilde de Ridder-Symoens (Cambridge, Eng., 2003), pp. 570–578.

12 W.N. Hargreaves-Mawdsley, *A History of Academical Dress in Europe until the End of the Eighteenth Century* (Oxford, 1963), pp. 2–4.

13 Jacques Verger, "Baccalarius," in *Lexikon des Mittelalters I. Aachen bis Bettelordenskirchen* (Munich, 1980), p. 1323.

one step in a system of degrees but no longer signified an ensuing teaching position. For that the student had to attend a public examination in order to become a master or doctor.¹⁴ A master (*magister*), besides being used to describe a teacher or leader of a school, was also from the thirteenth century one of the degrees awarded at university, and followed the licentiate.¹⁵ The title of doctor was also, after the twelfth century, a term used to describe a teacher. The term master was still more commonly used at arts faculties, whereas law faculties more commonly referred to its teachers as *doctores*. The faculties of theology and medicine were more varied in their practices. In the thirteenth century, the doctorate emerged as a separate degree, obtained after the licentiate without further study, though giving its holders higher social esteem and a place in the *collegium doctorum*.¹⁶

Medieval university education was based on scholasticism, reading authoritative texts and analysing them in order to resolve any contradictions. The *lectio* and the *disputatio* were the forms of teaching used to do this. During a lecture an authoritative text was read aloud while in a disputation the texts would be orally debated.¹⁷ Scholasticism continued as the mode of teaching in the early modern period, too, but began to get criticized for its reading of the ancient authors and its formal ways of teaching.¹⁸ Early modern universities were marked by humanism which found its first representatives in fourteenth-century Italy, before spreading to other parts of Europe in the next century. Humanist scholars were interested in the ancient authors, but wanted to examine their texts in the original form – a goal which led to the saying *ad fontes* (“to the sources”). Humanist ideas affected teaching, as well. The importance of rhetoric increased and new subjects such as Greek and Hebrew, poetry, history, eloquence, and moral philosophy emerged.¹⁹

14 Jacques Verger, “Licentia,” in *Lexikon des Mittelalters V. Hiera-Mittel bis Lukanien* (Munich, 1991), pp. 1957–1958; Jacques Verger, “Teachers,” in *A History of The University in Europe, Volume 1, Universities In The Middle Ages*, ed. Hilde de Ridder-Symoens (Cambridge, Eng., 2003), p. 146.

15 Jacques Verger, “Magister universitatis,” in *Lexikon des Mittelalters VI. Lukasbilder bis Planlagenêt* (Munich, 1993), p. 91.

16 Jacques Verger, “Doctor, doctoratus,” in *Lexikon des Mittelalters III. Codex Wintoniensis bis Erziehungs- und Bildungswesen* (Munich, 1986), pp. 1155–1156; Hargreaves-Mawdsley, *A History*, pp. 2–3; Verger, “Teachers,” p. 146.

17 Verger, “Patterns,” pp. 43–44.

18 Walter Rüegg, “Epilogue: The Rise of Humanism,” in *A History of The University in Europe, Volume 1, Universities In The Middle Ages*, ed. Hilde de Ridder-Symoens (Cambridge, Eng., 2003), p. 443; Brockliss, “Curricula,” pp. 565–566.

19 Nicholas Mann, “The origins of humanism,” in *The Cambridge Companion to Renaissance Humanism*, ed. Jill Kraye (Cambridge, Eng., 2010), 1–2; Rüegg, “Epilogue,” p. 444–447,

There were no qualifications which students had to fulfil in order to attend university. However, although no prior education was required in principle, around 1500 there were already so many town and church schools across Europe that many university students had attended them. From the sixteenth century onwards, many felt that they had to provide their sons with some education before sending them to university. Officially, this was not required until the late eighteenth century, so that the educational background of university students was quite varied until then.²⁰ Neither were there financial requirements, other than being able to pay for university fees. Poor and rich students alike could attend. However, in practice, poorer students started to become marginalized in the fifteenth century. This was a time when noble students flocked to the universities, partly because it was part of the new educational ideal and partly because they needed to adapt to the needs of growing states in educating their officials (see below Chapter 2, section 2.2). As the universities became more aristocratic, the cost of degrees rose, and especially the faculties of law and medicine became too costly for the poorest students. Still, a majority of students were sons of officials or merchants.²¹

Since the sixteenth century, the main goal of universities was to train men for the professions: clergymen, lawyers, physicians, and civil servants. In a broader sense, science and the universities could thus serve their respective societies. This also meant that secular scholarship gained value in itself instead of simply serving the goals of theology.²²

The number of students at the universities was high in the sixteenth century, though those universities not adapting to the new need to educate officials often witnessed a downturn, as the shift was from teaching general culture to training men for state service. Through the turmoil of the sixteenth century, with the Reformation and wars of religion, the university still managed to maintain its attraction. Humanist ideas had not faded, and many men aspiring to careers as officials flocked to the universities. The split into Protestant and Catholic worlds also facilitated new university foundations. An upswing occurred in student numbers in the sixteenth and early seventeenth centuries, but then the tide turned – although the timing varied somewhat from place to place. The German universities, in general, lost their appeal with the Thirty Years' War and the decrease in job opportunities as offices in practice often

455–456, and 463–465; Walter Rüegg, “Themes,” in *A History of The University in Europe, Volume 11, Universities In Early Modern Europe (1500–1800)*, ed. Hilde de Ridder-Symoens (Cambridge, Eng., 2003), p. 5, 9, 28, and 34–36.

20 Schwinges, “Admission,” pp. 172–177; Di Simone, “Admission,” pp. 289–290.

21 Di Simone, “Admission,” pp. 312–315.

22 Rüegg, “Themes,” vol. 11, pp. 7–8 and 30.

became hereditary and limited to a closed circle of people. The Low Countries, however, saw a peak in foreign students between 1665 and 1690, as the tolerant atmosphere of the Dutch universities was attractive to many. In the sixteenth and seventeenth centuries, scientific advances had been made in the universities. But in the eighteenth century, much of this work shifted to new scientific societies outside the universities. It was also seen that the traditional universities could no longer fulfil the new ideals of the Enlightenment, and it would be better to found specialized schools for various practical fields.²³ Many universities could not adapt to this new, enlightened way of thinking. Some, such as the new German universities of Halle and Göttingen, managed better.²⁴ All in all, a significant decrease occurred in university attendance, until in the late eighteenth century the situation began to change again.²⁵

1.2 *Teaching Law and the Emergence of a Legal Profession*

Developments in the organization of law faculties and how these developments affected the legal profession are of great interest for this research. The medieval law faculties taught both canon and Roman law. Understanding the interest in these fields first requires a brief explanation as to how they became an integral part of university education.

While Roman law fell into disuse during the early Middle Ages, canon law kept expanding and developing; indeed, numerous new canonical collections appeared. Especially from the ninth century onwards, the Church actively developed the law as its position strengthened in Western Europe. Reforms within the Church in the eleventh and twelfth centuries had legal implications, while disputes over ecclesiastical lands, revenues, and the activities of clerics led to an increasing volume of litigation.²⁶ By the twelfth century, canonical collections had accumulated over several centuries, the Church's administration had become more bureaucratic, and legal issues were growing more

23 Roy Porter, *The Enlightenment*, 2nd ed. (New York, 2001), pp. 3 and 10; Roy Porter, "The Scientific Revolution and Universities," in *A History Of The University In Europe, Volume 11, Universities In Early Modern Europe (1500–1800)*, ed. Hilde de Ridder-Symoens (Cambridge, Eng., 2003), pp. 553–555; Notker Hammerstein, "Epilogue: The Enlightenment," in *A History of The University in Europe, Volume 11, Universities In Early Modern Europe (1500–1800)*, ed. Hilde de Ridder-Symoens (Cambridge, Eng., 2003), pp. 624–625.

24 Porter, "The Scientific Revolution," pp. 556–557; Notker Hammerstein, "Relations with Authority," in *A History of The University in Europe, Volume 11, Universities In Early Modern Europe (1500–1800)*, ed. Hilde de Ridder-Symoens (Cambridge, Eng., 2003), p. 123; Hammerstein, "Epilogue," pp. 625–626 and 630–635.

25 Frijhoff, "Patterns," pp. 54–55; Di Simone, "Admissions," pp. 298–301.

26 Brundage, *The Medieval Origins*, pp. 63–64 and 78–80; Harold J. Berman, *Law and Revolution. The Formation of the Western Legal Tradition* (Cambridge, Mass., 1983), pp. 85–119.

complex. A need arose for experts to deal with these matters, and thus a need for legal education. An important turning point came in the mid-twelfth century with the work *Concordia discordantium canonum* (A Harmony of Dissident Canons) known as the *Decretum Gratiani*. In it, the canonist Gratian²⁷ strove to harmonise the vast number of inconsistent canons and turn them into a coherent legal system. The *Decretum Gratiani* gained wide attention and was taught for centuries at law faculties across Europe.²⁸

At the same time, Roman law began its revival when a part of Emperor Justinian's Digest – a collection of Roman jurists' writings from the classical period of Roman law, compiled by Justinian in the sixth century – was found in the late eleventh century.²⁹ The societal and economic developments of the same period – population growth, developing commerce, urbanization, increasing municipal and royal government – also called for legal tools for the new needs arising out of these changes. Instruments found in Roman law could do just that.³⁰ Thus, with the dawning of the twelfth century, a situation existed where the need arose for men knowledgeable in the law in both the ecclesiastical as well as the secular world. The Bologna law schools are credited with the (re-) emergence of legal education in the early twelfth century and by mid-century the teaching of both Roman and canon law was flourishing at the university.³¹

However, Bologna was not alone. Law schools had emerged elsewhere in Italy and Europe, too, in response to the growing need for legal education. With time, legal education became more systematized; moreover, the cohesion and continuity of education as well as the grant of degrees enabled students to study law at different universities abroad and still make use of it back home. A knowledge of both Roman and canon law had become necessary for a lawyer, so it was beneficial for a university to teach both.³² Many foreign students visited the Italian law faculties, and took the knowledge they had gathered there back home with them. The Italian towns of Bologna, Padua, Pavia,

27 Gratian's identity remains somewhat of a mystery, and scholars have also suggested that the *Decretum Gratiani* was actually compiled by more than one person. See Brundage, *The Medieval Origins*, p. 99–102.

28 Brundage, *The Medieval Origins*, pp. 96–98, 106–114, and 125.

29 Berman, *Law and Revolution*, pp. 121–122.

30 Brundage, *The Medieval Origins*, pp. 76–78.

31 Winroth, "The Teaching of Law," pp. 44–48. For the debate on the precise dating of the beginning of legal education, see Winroth, "The Teaching of Law," pp. 41 and 47; cf. Pennington, "The 'Big Bang,'" p. 69.

32 Winroth, "The Teaching of Law," pp. 48–55; Brundage, *The Medieval Origins*, pp. 220, 226, 229, 231–234, 244–246, 252–253, and 262–263; Antonio García y García, "The Faculties of Law," in *A History of The University in Europe, Volume 1, Universities In The Middle Ages*, ed. Hilde de Ridder-Symoens (Cambridge, Eng., 2003), p. 401.

Perugia, and Siena possessed some of the most prestigious law faculties. But it was not only Italy – medieval universities across Europe also had well-known law faculties. France boasted Paris (for canon law), Montpellier, Orléans, Avignon, and Toulouse, matched in the Iberian Peninsula by Salamanca, Lérida, and Coimbra-Lisbon. Moreover, once universities were founded in the Empire, many important law faculties emerged: Prague, Vienna, Heidelberg, and Cologne, to name a few.³³ Medieval law studies were an expensive endeavour, so students were usually from well-to-do families. Students of humbler origins could hope to obtain funds from kings, bishops, and other men of wealth, who by financing law students hoped to attract lawyers into their service.³⁴

The medieval law faculties mainly used the same Roman- and canon-law texts from university to university. This led to very similar, though not identical, teaching at the various universities. By and large, the focus was on Roman-canon law until the early seventeenth century, despite the fact that local laws (*iura propria*) existed all over Europe. Still, a few examples exist of local law being taught: the law school in Padua was interested in Lombard law and other Italian city statutes, and in Orléans, situated in Northern France, which was governed by customary law, there was also a focus on local customary law.³⁵ Law was taught using the scholastic method, so that students were expected to master the authoritative texts, analyse problems, and form persuasive arguments. Roman law was taught on the basis of Justinian's *Corpus iuris civilis*, i.e. its *Digesta*, *Codex*, *Institutiones*, and *Novellae*. In addition, during the Middle Ages, the constitutions of the German emperors as well as a collection of feudal laws were added to the manuscripts of the *Corpus iuris civilis*, thus also being studied at the universities. As for canon law, teaching was based on the *Corpus iuris canonici*, which came to entail the *Decretum Gratiani* and several decretals of various popes, such as the *Liber extra* (1234) of Gregory IX and the *Liber sextus* (1298) of Boniface VIII.³⁶

Roman law was seen as being in force, but since it was hundreds of years old it was difficult to apply as such to medieval society. Jurisprudence developed through the *glossae*, the marginal notes which jurists wrote next to the text

33 García y García, "The Faculties," pp. 389–390.

34 Brundage, *The Medieval Origins*, pp. 269–275; García y García, "The Faculties," p. 402.

35 Brundage, *The Medieval Origins*, p. 262; García y García, "The Faculties," pp. 390 and 392–393; Brockliss, "Curricula," p. 599.

36 Brundage, *The Medieval Origins*, p. 248; García y García, "The Faculties," pp. 393–394; Harry Dondorp and Eltjo J.H. Schrage, "The Sources of Medieval Learned Law," in *The Creation of the Ius Commune: From Casus to Regula*, eds. John W. Cairns and Paul J. du Plessis (Edinburgh, 2010), pp. 49–51.

they were discussing.³⁷ In the fourteenth century, discussion of the text departed from the gloss in the margins to separate *commentaria* discussing legal questions. Law students would learn the texts through lectures (*lectura*), where the texts were read and explained, disputations (*disputatio*), where a legal question was debated, and *repetitiones*, explaining legal texts similarly to the *lectura*.³⁸ This jurisprudence, based on the study of Roman and canon law and developed in the universities, became known as the *ius commune*, as it was shared across most of Continental Europe. While in theory subsidiary to the various *iura propria*, in practice it played a significant role, as local laws were often deficient, and according to medieval statute theory judges were only required to know their own local law and the *ius commune*. However, since the sixteenth century many variants of the statute theory developed, and legal practice was even more varied. Nonetheless, in unclear cases the *ius commune* doctrine prevailed.³⁹ The learned law of the universities also provided lawyers with a common way of thinking and approaching legal questions and finding solutions, thus also giving the *iura propria* new vitality.⁴⁰

In the fifteenth century, humanist ideas reached jurisprudence as well. Legal humanists began to examine the *Corpus iuris civilis* using historical and philological methods. The humanist school rose to fame in sixteenth-century France, and in the seventeenth century legal humanism (also known as *jurisprudencia elegantior*) gained a strong position at Dutch universities. Humanistic jurisprudence was produced elsewhere in Europe, too.⁴¹ The *Corpus iuris civilis* was a compilation of texts with little logical unity: the Digest alone comprises texts from some forty different jurists over a period of almost three hundred years. However, medieval jurisprudence discussed the Digest as though it was a unitary text. Legal humanists sought to rearrange the texts in a logical sequence according to their substance by putting them into their original context by way of historical and philological method, ridding them of textual

37 For a description of the procedural law of citation as an example of how Roman-canon procedure developed in *ius commune* literature in a situation where the original Roman texts had little to say, see Richard H. Helmholz, "Citations and the Construction of Procedural Law in the Ius Commune," in *The Creation of the Ius Commune: From Casus to Regula*, eds. John W. Cairns and Paul J. du Plessis (Edinburgh, 2010).

38 García y García, "The Faculties," pp. 398–399; Manlio Bellomo, *The Common Legal Past of Europe 1000–1800* (Washington D.C., 1995), pp. 128–130, 137–139, and 147. For a detailed account of the teaching procedure, see Bellomo, *The Common*, pp. 126–148.

39 Pihlajamäki, *Conquest*, pp. 249–255.

40 Brundage, *The Medieval Origins*, p. 282; Bellomo, *The Common*, p. 156.

41 Douglas J. Osler, "Images of Legal Humanism," *Surfaces* 9 (2001), p. 10; Douglas J. Osler, "Jurisprudencia Elegantior and the Dutch Elegant School," *Ius Commune, Zeitschrift für Europäische Rechtsgeschichte* 23 (1996), pp. 348–350.

errors, interpolations, and anachronisms accumulated over centuries. The historical approach was also applied to canon and feudal law.⁴²

Humanist authors were not necessarily of help to the practicing lawyer, though, and traditional jurisprudence maintained its significance up to the turn of the seventeenth century despite criticism directed against it by the humanists. With few exceptions, court practice seems to have been largely unaffected by humanist thought, which Douglas Osler describes as having been a “marginal phenomenon” that achieved far too important a position in European legal history. When traditional jurisprudence eventually faded in importance, it was not replaced by humanist jurisprudence but rather by the *usus modernus* approach.⁴³ The role of the centralizing state had grown by the turn of the seventeenth century, and a body of national law was developing. The approach called the *usus modernus Pandectarum* (new use of the Pandects, i.e. the Digest) had already begun in Germany in the sixteenth century, but in the seventeenth century it became the standard method of teaching law north of the Alps. This method compared local and Roman law in an attempt to make Roman law more relevant to contemporary circumstances and legal practice.⁴⁴ Eventually, however, with the growth of the early modern state, which took over legislating in many fields of life, a focus on national law became increasingly important. In Paris, for instance, when Roman law was re-introduced to the university in 1679, a chair in French law was established at the same time – as at other French universities, too.⁴⁵

Recent scholarship has tried to dig deeper into the methods and importance of legal humanism and its connections with earlier Italian medieval jurisprudence and the later *usus modernus*.⁴⁶ One of these strands of thought strives to show that there was no clear-cut dichotomy between legal humanism and the

42 Osler, “Images,” pp. 8, 11–13, and 15; Donald R. Kelley, *Foundations of Modern Historical Scholarship. Language, Law, and History in the French Renaissance* (New York, 1970), pp. 88, 92, 95–96, 110, and 114; Brockliss, “Curricula,” pp. 599–600; Donald R. Kelley, *History, Law, and the Human Sciences* (London, 1984), pp. v 182–190.

43 Alain Wijffels, “*Antiqui et Recentiores*: Alberto Gentili – Beyond *Mos Italicus* and Legal Humanism,” in *Reassessing Legal Humanism and its Claims. Petere Fontes?*, eds. Paul J. du Plessis and John W. Cairns (Edinburgh, 2016), pp. 13–15; Douglas J. Osler, “The Myth of European Legal History,” *Rechtshistorisches Journal* 16 (1997), p. 404; Osler, “Images,” pp. 16–17.

44 Bellomo, *The Common*, pp. 222–223; Brockliss, “Curricula,” pp. 601 and 605.

45 Brockliss, “Curricula,” pp. 605–606; Olaf Pedersen, “Tradition and innovation,” in *A History of The University in Europe, Volume 11, Universities In Early Modern Europe (1500–1800)*, ed. Hilde de Ridder-Symoens (Cambridge, Eng., 2003), p. 455; Govaert C.J.J. van den Bergh, *Die holländische elegante Schule. Ein Beitrag zur Geschichte von Humanismus und Rechtswissenschaft in den Niederlanden 1500–1800* (Frankfurt am Main, 2002), pp. 60–61.

46 See John W. Cairns, “Introduction,” in *Reassessing Legal Humanism and its Claims. Petere Fontes?*, eds. Paul J. du Plessis and John W. Cairns (Edinburgh, 2016), p. 6.

jurisprudence that preceded and followed it. Humanist thinkers such as the German Ulrich Zasius (1461–1536) may have come to the same conclusions as the glossators or commentators they criticized, though just using different methods. But Zasius also combined scholastic methods with his humanist methods. The engagement with medieval jurisprudence shows that there was no complete break from the old.⁴⁷ Similarly, humanist ideas and thinking could be encountered in the *usus modernus*, which further developed them.⁴⁸ On the other hand, there are humanist works that purport to use philological and historical methods, but in fact end up falsifying and distorting the sources they claim to use.⁴⁹ Legal humanism was not a united movement.⁵⁰

The centralization of the early modern state meant that the law had to address questions of public and political relevance. Theories of sovereignty by Jean Bodin (1530–1596) and Thomas Hobbes (1588–1679) argued for the state's absolute and binding power. The emergence of public law was one element of this development. Roman law could no longer provide solutions for the constitutional circumstances of the sixteenth and seventeenth centuries. In the Empire, with its immensely complicated constitutional reality and confessional divisions, jurists in the late sixteenth century began to create a *Ius Publicum Sacri Imperii Romano-Germanici*. The new subject blossomed in the first decades of the seventeenth century: chairs in public law were established and the *Reichspublizistik* literary genre covering matters of public law emerged in Germany.⁵¹

The seventeenth century was also the time of emergent natural law, independent of theology and based on rationalism. Wars, discoveries, and international trade all called for legal principles which could provide answers to legal problems, problems that Roman law was increasingly unable to answer.

47 Susan Longfield Karr, "Redefining Ius to Restore Justice: The Centrality of Ius Gentium in Humanist Jurisprudence," in *Reassessing Legal Humanism and its Claims. Petere Fontes?*, eds. Paul J. du Plessis and John W. Cairns (Edinburgh, 2016), pp. 114–115; Paul J. du Plessis, "Postscript," in *Reassessing Legal Humanism and its Claims. Petere Fontes?*, eds. Paul J. du Plessis and John W. Cairns (Edinburgh, 2016), p. 377.

48 Wijffels, "*Antiqui et Recentiores*," pp. 17–18.

49 Douglas J. Osler, "Humanist Philology and the Text of Justinian's Digest," in *Reassessing Legal Humanism and its Claims. Petere Fontes?*, eds. Paul J. du Plessis and John W. Cairns (Edinburgh, 2016), pp. 49, 51, and 56.

50 Xavier Prévost, "Reassessing the Influence of Medieval Jurisprudence on Jacques Cujas' (1522–1590) Method," in *Reassessing Legal Humanism and its Claims. Petere Fontes?*, eds. Paul J. du Plessis and John W. Cairns (Edinburgh, 2016), pp. 90–91.

51 Michael Stolleis, *Öffentliches Recht in Deutschland. Eine Einführung in seine Geschichte 16.–21. Jahrhundert* (Munich, 2014), pp. 26 and 30–35; Wilhelm Schmidt-Biggemann, "New structures of knowledge," in *A History of The University in Europe, Volume 11, Universities In Early Modern Europe (1500–1800)*, ed. Hilde de Ridder-Symoens (Cambridge, Eng., 2003), pp. 511–512 and 515.

With the idea of state sovereignty independent of any confessional claims of power, natural law could no longer rely on a theological foundation but had to be connected to human reason. Advances in natural sciences inspired jurists to think of legal principles also forming a rational system. The voyages of discovery had already led Spanish jurists to approach questions of natural law and international law in the sixteenth century, and many political thinkers of the same time dealt with questions of warfare and the “just war.” In the seventeenth century, the works of the Dutchman Hugo Grotius (1583–1645) on natural law and the law of nations won great fame. From the mid-seventeenth century onwards, natural law became regularly taught at many universities across Europe.⁵²

In the law faculties, developments in jurisprudence led to new chairs being established. In the eighteenth century, chairs in national law, public law, natural law, and the law of nations were established at many universities.⁵³ The increased role of jurisprudence and its significance in state-building had also led to its becoming the leading science in universities from the late sixteenth century, taking the position from theology, which had lost in importance in the aftermath of the Reformation and with advances in natural sciences.⁵⁴ The Enlightenment did not leave the legal sphere untouched, and drew heavily on natural law. In particular, criminal law felt the effects of Enlightenment thought, which brought to light problems with existing practices, most famously by Cesare Beccaria (1738–1794). Movements towards codifications – following natural law ideas of arranging legal topics into rational, logical systems – also mark the late eighteenth century.⁵⁵

The concept of *ius commune* is not as straightforward as a summary of a few pages might have one believe. Much has been written about the existence of pan-European legal thought, the transmission of ideas, their geographical scope, and the feasibility of such a concept. Critics contend that portrayals of a pan-European *ius commune* are less a depiction of reality than a product of

52 Bellomo, *The Common*, pp. 232–234; Schmidt-Biggemann, “New structures,” pp. 510 and 512; Brockliss, “Curricula,” pp. 602, 606, and 608; Stolleis, *Öffentliches Recht*, pp. 41–44.

53 Brockliss, “Curricula,” pp. 600–601.

54 Schmidt-Biggemann, “New structures,” pp. 509 and 516.

55 Thomas Vormbaum, *A Modern History of German Criminal Law*, ed. Michael Bohlander (Berlin, 2014), pp. 20–25; Helmut Coing, *Europäisches Privatrecht. Band 11. 19. Jahrhundert. Überblick über die Entwicklung des Privatrechts in den ehemals gemeinrechtlichen Ländern* (Munich, 1989), pp. 1–2 and 7–8.

the nationalist objectives of the nineteenth-century German *Historische Schule* and later of the post-World-War-II need to unite Europe.⁵⁶

Osler points to chronological inconsistencies in the claimed transfer of legal thought from Italy to France, the Netherlands, and finally Germany – and neglect, for instance, of Spanish legal humanism in this story.⁵⁷ In addition, he stresses that too much weight has been put on legal humanism, which remained marginal compared to the mass of national legislation emerging from the late sixteenth century onwards. Investigating the existence and provenance of *ius commune* literature in various European libraries, Osler comes to the conclusion that in fact there was no pan-European legal literature circulating across the continent, while the confessional and political divide beginning in sixteenth-century Europe inevitably hindered any common exchange of ideas.⁵⁸ On the other hand, Osler acknowledges the significance of Italian medieval jurisprudence, which was still being printed in France, Italy, and Germany until the early seventeenth century, and mentions the sixteenth-century *consilia* and *decisiones* of supreme courts being printed and circulated across Europe.⁵⁹

In turn, Alain Wijffels has criticized Osler for paying too much attention to the “traditional narrative,” which legal historians have already long abandoned. But, more importantly, he disagrees with Osler on the conclusion that there was no *ius commune* after the early seventeenth century. He sees that the turn to the *usus modernus* and the incorporation of particular laws of each jurisdiction were in themselves pan-European phenomena which “remained anchored in the *ius commune* tradition.” Thus, according to him, there is no contradiction in finding greater particularism but also common patterns.⁶⁰ Patrick Glenn, for his part, has proposed the idea of multiple *iura communia* instead of the single *ius commune* usually referred to. In this view, different regions created their own “common laws” as they found commonalities within their own

56 Osler, “The Myth,” pp. 393–395 and 400; Douglas J. Osler, “The Fantasy Men,” *Rechtsgeschichte* 10 (2007), p. 189; Jean-Louis Halpérin, “L’approche historique et la problématique du jus commune,” *Revue internationale de droit comparé* 52:4 (2000), pp. 720 and 724; Cairns, “Introduction,” p. 5.

57 Osler, “The Myth,” pp. 397–398.

58 Osler, “The Myth,” pp. 408–409; Osler, “The Fantasy Men,” pp. 180–185; Osler, “Images,” pp. 17–18.

59 Osler, “Images,” p. 17.

60 Alain Wijffels, “Book review of D.J. Osler, *Jurisprudence of the Baroque, A census of seventeenth century Italian legal imprints*, [1:] A-G, [11:] H-S, [111:] T-Z, Sources,” *Tijdschrift voor Rechtsgeschiedenis* 80 (2012), pp. 235–237.

particular customs or laws. In France, a *droit commun coutumier* is visible and in Germany the *Sachsenspiegel* (“Mirror of the Saxons”) and other mirrors collected the unwritten laws of the regions and also spread to other areas. Spain has the *derecho común*, which manifested itself in the *Siete Partidas* of Alfonso X (r. 1252–1284). The *ius commune* would, then, be a prototype for these various *iura communia*, which interacted with each other.⁶¹

The aspect of critique, which is perhaps the most important for the topic of this book, concerns the geographical scope of the narrative of European legal history. The British Isles, Scandinavia, and Eastern Europe are often either omitted from the story, or their role is reduced to mere recipients of the *ius commune*.⁶² While a study of Swedish lawyers’ travels quite naturally carries with it an aspect of reception, the aim here is more generally to shed light on Swedish lawyers who had different characteristics from their Central European colleagues. It is important to put the Swedish situation in its international context, without, however, neglecting the especially Swedish features, and examining them in their own right.

The developments in law at universities – discussed above – were inevitably linked with the emergence of a learned legal profession in the High Middle Ages. As the twelfth century ended, canon law had become more independent from theology and now shared ideas and techniques with Roman law. This was based on more than theoretical reasons and consequences: knowing both laws was essential for a practicing lawyer – since cases in secular courts often entailed some canonical issues, while the canons in turn contained elements of Roman law – and therefore most would-be lawyers studied both laws. A complex Roman-canon procedural system began to emerge through the jurisprudence created in the universities in the second half of the twelfth century. In addition, the increasing number of lawsuits in church courts led to a growing demand for lawyers. The universities could now cater to these needs and furnish lawyers.⁶³ In the twelfth century, the popes increasingly began to choose men with legal training for the College of Cardinals and soon these men began to dominate the Papal Curia. This happened at lower levels as well, with bishops delegating judicial matters to men learned in the law. In northern Italy, this development took place on the secular level too, at roughly the same time.⁶⁴

But not only law courts needed legal experts. Legal procedure, with its written documents and jurisprudence, had become so complex that parties needed

61 H. Patrick Glenn, *On Common Laws* (Oxford, 2005), pp. 20–21, 35–42, and 105.

62 Osler 1997, “The Myth,” p. 401; Pihlajamäki, “Comparative,” p. 126.

63 Brundage, *The Medieval Origins*, pp. 124–127 and 233–234.

64 Brundage, *The Medieval Origins*, pp. 129–144 and 372–374.

legal advice and representation as well. This brought advocates and proctors to the forum.⁶⁵ The written character of the procedure also created another group of legal specialists: notaries. Drafting complex documents was vital for the legal system to function, and with intricate procedure it called for specialized knowledge. By the mid-thirteenth century, notaries had become essential for the court and administrative system of the Church and the secular rulers of Southern Europe.⁶⁶

By 1150, the volume of business was already enough for the most ambitious lawyers to make a living, often combining teaching and advocacy, but it took another century before they could be seen as “full-fledged professionals.” By then, certain qualifications such as oaths and law studies were required of them.⁶⁷ Working as an advocate was also a means of upward social mobility. Although there were those who came from esteemed well-to-do families, most appear to have had a more modest background. Tasks within the judiciary were not restricted to the upper classes. Working as an advocate gave these men the opportunity to amass wealth, which they could invest in land, sometimes even attaining noble status. The contacts they made representing powerful clients could lead them on a path to political office, and thus positions of power.⁶⁸ It was only later, in the sixteenth and seventeenth centuries, that lawyers began to form a closed circle – an estate of their own – thus hindering upward social mobility. In France, the term *noblesse de robe* is used.⁶⁹

Judges also went through a process of professionalization. Both on the ecclesiastical as well as the secular side, jurisdiction was vested in their positions.

65 Brundage, *The Medieval Origins*, pp. 151–163 and 349–356.

66 Brundage, *The Medieval Origins*, pp. 394–397.

67 Brundage, *The Medieval Origins*, pp. 164, 283–301, 309, 338–342, and 490. On definitions of professionalism, see e.g. Rosemary O’Day, *The Professions in Early Modern England, 1450–1800: Servants of the Commonweal* (London, 2000), p. 4; John Finlay, *Men of Law in Pre-Reformation Scotland* (East Linton, 2000), p. 7; Brundage, *The Medieval Origins*, p. 2; Paul Brand, *The Origins of the English Legal Profession* (Oxford, 1992), p. vii; Jeffrey A. Bowman, *Shifting Landmarks: Property, Proof, and Dispute in Catalonia around the Year 1000* (Ithaca, 2004), p. 84.

68 Brundage, *The Medieval Origins*, pp. 349–350; Robert L. Reynolds, *Europe Emerges. Transition Toward an Industrial World-Wide Society 600–1750* (Madison, 1961), p. 188; M.M. Postan, *The Medieval Economy and Society. An Economic History of Britain in the Middle Ages* (London, 1972), pp. 156–157, 162–163, and 180; James S. Amelang, “Barristers and Judges in Early Modern Barcelona: The Rise of a Legal Elite,” *The American Historical Review* 89:5 (1984), pp. 1266–1267 and 1271; Johannes Fried, *Die Entstehung des Juristenstandes im 12. Jahrhundert* (Cologne, 1974), p. 250.

69 Filippo Ranieri, “Vom Stand zum Beruf. Die Professionalisierung des Juristenstandes als Forschungsaufgabe der europäischen Rechtsgeschichte der Neuzeit,” *Ius Commune, Zeitschrift für Europäische Rechtsgeschichte* 13 (1985), pp. 94–97.

The pope, bishops, kings, and other civil authorities did not require qualifications to exercise their judicial power. The growing complexity of the law, however, forced these officials to seek advice from legal experts, and later delegate their tasks to them. The corps of ecclesiastical judges professionalized during the thirteenth century, and by the end of the century it was commonplace for ecclesiastical judges to have studied law.⁷⁰ On the secular side, examples from Italy show how, already in the twelfth century, those with legal learning began to fill judge's positions, which had previously been allocated based on social background.⁷¹ The role of lawyers does not, however, limit itself to the functions around courts, be it as judge, advocate, proctor, or notary. Lawyers were also to be found in abundance working with state affairs, thus shaping society and the political sphere. As the Church and secular rulers consolidated their power and centralized their administration, lawyers were essential in many ways.⁷² As was the case for advocates, various positions within the state or church administration also provided lawyers with suitable possibilities for upward social mobility.⁷³

One should also keep in mind the close connection between the law faculties and their surrounding societies and legal systems. Law teachers often held positions as lawyers outside the universities too, thus affecting legislation or legal practice either directly or through their students. The reverse side, though, was that many teachers soon left their teaching positions as more lucrative offices were available in the administration, the judiciary, or as advocates.⁷⁴ The practice of *Aktenversendung*, a court asking a law faculty for consultation

70 Brundage, *The Medieval Origins*, pp. 372–377. For the qualifications of judges (*auditor*) of the *Sacra Romana Rota*, officially the highest ecclesiastical tribunal since the fourteenth century, see Kirsi Salonen, *Kirkollisen oikeudenkäytön päälähteillä – Sacra Romana Rotan toiminta ja sen oikeudellinen tausta myöhäiskeskiajalla ja uuden ajan alun taitteessa* (Helsinki, 2012), pp. 70–71.

71 Fried, *Die Entstehung*, pp. 249–250.

72 William J. Bouwsma, “Lawyers and Early Modern Culture,” *The American Historical Review* 78: 2 (1973), pp. 310–311; Berman, *Law and Revolution*, pp. 113–114; Hilde de Ridder-Symoens, “Training and Professionalization,” in *Power Elites and State Building*, ed. Wolfgang Reinhard (New York, 1996), p. 150. For Florence, Lauro Martines has shown how lawyers took up a variety of tasks beyond functioning in the judiciary between the late-fourteenth and early-sixteenth centuries. They took part in settling disputes over jurisdiction, functioned in the administration, gave legal counsel to territorial governors and other officials, drafted legislation, and functioned in diplomacy. See Lauro Martines, *Lawyers and Statecraft in Renaissance Florence* (Princeton, 1968), pp. 130–404.

73 García y García, “The Faculties,” p. 403.

74 Brundage, *The Medieval Origins*, pp. 244, 265, and 282.

in a legal dispute, was especially common in Germany in the sixteenth and seventeenth centuries – another example of the close connection between law faculties and legal practice.⁷⁵

This development, which began in the late eleventh century and led to the emergence of a legal profession, was a circle which inevitably strengthened itself. Once the body of law expanded, it required legal experts to apply it. This in turn made the law even more sophisticated and complex, hence making the use of lawyers a necessity – and thus eventually forcing out medieval elements of the law, such as orality and lay participation. The centralizing administration – both ecclesiastical and secular – also required lawyers in its service, and so they became an important element in state-building as well.

2 The Travelling Student throughout the Centuries

2.1 *The Peregrinatio Academica*

The roots of student migration can be found even earlier than at the beginnings of the university system in Europe in the twelfth century. Centres of learning, monastic or episcopal schools, had already attracted wandering students much earlier. Once universities had been founded, students travelled to them from near and far. Even early on, the idea was that in order to obtain the best possible schooling one should visit other countries as well. One of the first steps was taken when Frederick I Barbarossa was crowned Holy Roman Emperor in 1155. After meeting some masters and students in Bologna and hearing about the unstable situation of foreign scholars, he issued the *Authentica Habita* constitution, also known as the *Privilegium Scholasticum*, in the same year. Among other things, this guaranteed customs-free movement of students within the Empire, restricted the power of local authorities to control travelling students, and provided imperial legal protection for them. The *Authentica Habita* was added to the same manuscripts as the *Corpus iuris civilis*, which increased its significance as it was further studied and interpreted by jurists. The *Authentica Habita* was accepted in European principalities and can thus be considered a fundamental charter for universities. While it came to have great importance, it did not have an immediate effect, though, and foreign students in Bologna formed corporations, *universitates*, to defend their rights. The

75 Angela Kriebisch, *Die Spruchkörper Juristenfakultät und Schöppenstuhl zu Jena. Strukturen, Tätigkeit, Bedeutung und eine Analyse ausgewählter Spruchakten* (Frankfurt am Main, 2008), pp. 12–24.

same pattern was followed in Paris and Oxford, where teachers and students formed these corporations to protect their academic freedom.⁷⁶

The term *peregrinatio academica*, the “academic pilgrimage” is sometimes used synonymously with the terms *Kavalierstour* or *Grand Tour*, whereas they actually describe different types of travel abroad, although admittedly all had some sort of educational motives. Travel could also entail components of different types of journey.⁷⁷ As the name suggests, the *peregrinatio academica* had specifically academic purposes, and was linked to university studies. There were, however, other journeys abroad, such as the *peregrinatio mercatoria* of merchants and the *peregrinatio mechanica* of craftsmen, which also aimed at enhancing the knowledge of their trade.⁷⁸

The *peregrinatio academica* involved study-related travel to (foreign) universities, a form of travel that began thriving after the establishment of the universities. Research often distinguishes between internal and external migration. Internal migration took place within the student’s own region – Italians, for instance, were eager to travel internally – whereas external migration took the student to universities outside his own land and his immediate cultural surroundings. University teaching was in Latin, courses had similar content, and degrees were acknowledged across Europe, which enabled young men with a desire to educate themselves to travel anywhere for study. Before the mid-fourteenth century, travel was the only option to gain a university education for many, as there were no universities in German lands, Scotland, Scandinavia, or Eastern Europe. Thus, Germans, Scots, Scandinavians, and Eastern

76 Hilde de Ridder-Symoens, “Mobility,” in *A History of The University in Europe, Volume 1, Universities In The Middle Ages*, ed. Hilde de Ridder-Symoens (Cambridge, Eng., 2003), p. 281; Pearl Kibre, *Scholarly Privileges in the Middle Ages. The Rights, Privileges, and Immunities, of Scholars and Universities at Bologna, Padua, Paris, and Oxford* (Cambridge, Mass., 1962), pp. 10–17; Winfried Stelzer, “Zum Scholarenprivileg Friedrich Barbarossas (Authentica ‘Habita’),” *Deutsches Archiv für Erforschung des Mittelalters* 34 (1978), pp. 146–153; Nardi, “Relations,” pp. 78–79; Hilde de Ridder-Symoens, “Bildungslandschaften des Mittelalters und der Frühen Neuzeit im Deutschen Reich und in Europa,” in *Die Universität Greifswald in der Bildungslandschaft des Ostseeraums*, eds. Dirk Alvermann, Nils Jörn, and Jens E. Olesen (Berlin, 2007), p. 15; Walter Rüegg, “The Europe of universities: their tradition, function of bridging across Europe, liberal modernisation,” in *The heritage of European universities*, eds. Nuria Sanz and Sjur Bergan (Strasbourg, 2006), p. 42; Norbert Conrads, “Politische und Staatsrechtliche Probleme der Kavalierstour,” in *Reiseberichte als Quellen europäischer Kulturgeschichte*, eds. Antoni Mączak and Hans Jürgen Teuteberg (Wolfenbüttel, 1982), p. 46.

77 For a thorough account, also of other terms used, see Giese, *Studenten*, pp. 140–145.

78 Giese, *Studenten*, p. 140.

Europeans became active travellers.⁷⁹ Studies abroad at respected universities were naturally beneficial for a career – and in some cases even necessary: many German imperial cities required proof of a study journey from men applying for positions that called for juridical or medical knowledge. But behind these travels also lay the conviction among intellectuals that one should visit foreign countries to complete one's studies.⁸⁰

It was not until the regionalization of the universities, the great university foundations of the late-fourteenth and especially the fifteenth centuries, that students from most parts of Europe could study in their own region. Still, the founding of the University of Prague in 1348 did not affect the study patterns of German students until the Great Western Schism (1378–1417), which caused them to abandon Paris, for instance (see below Chapter 2, section 2.3). As the German universities focused on the arts, theology, and canon law, travel abroad was still necessary to obtain high-level education in medicine or Roman law. Nor did the fifteenth-century foundation of Scottish, Danish, and Swedish universities put an end to the study journeys of young men coming from those countries.⁸¹

Travel abroad was closely linked to the humanist mindset, which saw travel as having great educational value in broadening a student's cultural horizon. Understanding the world required experiencing the world, and thus humanism lent new momentum to the practice of the *peregrinatio academica*. By the mid-sixteenth century, education had replaced religious pilgrimage as the justification for travelling. As studies also included languages and other useful subjects, this involved not only an intellectual quest but also training for a profession. Turning to the sixteenth century, the number of students, especially foreign students, increased and geographical mobility reached its peak during the period 1550 to 1650.⁸²

79 De Ridder-Symoens, "Mobility," vol. 1, pp. 281, 286–287, 293, 298, and 302–303; Stephanie Irrgang, *Peregrinatio Academica. Wanderungen und Karrieren von Gelehrten der Universitäten Rostock, Greifswald, Trier und Mainz im 15. Jahrhundert* (Stuttgart, 2002), pp. 39–40.

80 De Ridder-Symoens, "Mobility," vol. 11, p. 419; Conrads, "Politische," pp. 46 and 56.

81 De Ridder-Symoens, "Mobility," vol. 1, pp. 286–287, 289, and 294; Irrgang, *Peregrinatio*, pp. 39–40; Ad Tervoort, *The iter italicum and the Northern Netherlands. Dutch Students at Italian Universities and Their Role in the Netherlands' Society (1426–1575)* (Leiden, 2005), pp. 85–99; Paul F. Grendler, "The Universities of the Renaissance and Reformation," *Renaissance Quarterly* 57:1 (2004), pp. 4–8; Sverre Bagge, "Nordic Students at Foreign Universities until 1660," *Scandinavian Journal of History* 9 (1984), pp. 13–17.

82 De Ridder-Symoens, "Mobility," vol. 11, pp. 416–417; Justin Stagl, *A History of Curiosity. The Theory of Travel 1550–1800* (Chur, 1995), pp. 47–49; Hilde de Ridder-Symoens, "Die Kavaliertour im 16. und 17. Jahrhundert," in *Der Reisebericht. Die Entwicklung einer*

Study journeys were becoming ever more common and standard itineraries formed for these trips.⁸³ However, travel across Europe was no hazardless venture. The roads and carriages were often in poor condition, robbers might be lurking around the corner, lodging was not always easy to find, and epidemics threatened the health of travellers. Thus, routes that were easier than others were used more frequently by travelling students as well. The Hanseatic League greatly improved travel conditions around the Baltic Sea. Reasons of safety and comfort also encouraged students to travel in larger groups – a phenomenon which can also be seen among Swedish students abroad.⁸⁴ Similar considerations made students join the nations, which existed at the most prominent universities and had been formed for students from a certain region to band together.⁸⁵

As a result of the increase in studies abroad in the sixteenth century, a broad range of travel guides also emerged all over Europe in the last decades of the century. Differing from the medieval ones,⁸⁶ these now gave information not only about practical matters – routes, travel costs, lodging, and the like – but also about cultural matters in the given countries along with intellectual aspects, as well as details on where to study and which courses to follow. This type of literature is known as *ars apodemica* or *prudentialia peregrinandi*. Justin Stagl describes them as attempts to “codify the cultural patterns of travelling.”⁸⁷

The number of these works is vast. Between the late sixteenth and late eighteenth centuries at least 300 books or booklets are known to have been published.⁸⁸ A few may be mentioned as examples. Theodor Zwinger from Basle, a student of Petrus Ramus in Paris, and well-read in theology, oriental languages, and medicine, published the *Methodus apodemica in eorum gratiam qui cum fructu in quocunque tandem vitae genere peregrinari cupiunt* in 1577. This was still being praised a hundred years later as an important work on the theory of

Gattung in der deutschen Literatur, ed. Peter J. Brenner (Frankfurt am Main, 1989), pp. 197–198.

83 See, e.g. de Ridder-Symoens, “Mobility,” vol. II, pp. 417–419; Tervoort, *The iter italicum*, p. 50; Pär Eliasson, “Peregrinatio Academica: the Study Tours and University Visits of Swedish Students until the Year 1800. 600 Years of Travelling Students,” *Science Studies. A Scandinavian Journal published by the Finnish Society for Science Studies* 5:2 (1992), p. 33.

84 De Ridder-Symoens, “Mobility,” vol. I, pp. 299–301; de Ridder-Symoens, “Mobility,” vol. II, pp. 442–443.

85 De Ridder-Symoens, “Mobility,” vol. I, p. 282; Conrads, “Politische,” p. 46.

86 Such as the eighth-century Einsiedeln Itinerary for pilgrims to Rome, see e.g. James W. Eder, *The Daily Life of Christians in Ancient Rome* (Westport, Conn., 2007), p. 186.

87 De Ridder-Symoens, “Mobility,” vol. II, pp. 417 and 442; Stagl, *A History*, pp. 49–51 and 70.

88 Justin Stagl, *Apodemiken. Eine räsionierte Bibliographie der reisetheoretischen Literatur des 16., 17. und 18. Jahrhunderts* (Paderborn, 1983).

travel. Zwinger's book was divided into four parts. In the first part, he discussed the different kinds of travel. The second part was devoted to moral and practical advice for the self-improvement of travellers. In the third part of his book, Zwinger described the cities of Basle, Paris, Padua, and classical Athens, focusing on their territory, history, constitution, sights, and the occupations of their inhabitants. The last part attempted to sketch the concrete characteristics of daily life abroad.⁸⁹

At the same time as Zwinger was working on his book, a lawyer from Saxony called Hieronymus Turler published a guide called *De peregriatione et agro Neapolitano* in 1574. This had already been translated into English in the following year. Turler had also studied at several universities and had met Zwinger in Padua. Turler, too, defined the concept of travel and offered the reader moral and practical advice. He used the Kingdom of Naples as his example. In the book, he came to the conclusion that travelling was to be recommended, but only as long as it was travel for education (*Bildungsreise*). In particular, it was important to establish knowledge of foreign countries with all their peculiarities. This could be achieved by learning to know people and their habits while travelling.⁹⁰

Another writer of these guides was the Bavarian physician Hilarius Pyrckmair, whose work *Commentariolus De Arte Apodemica seu vera peregrinandi ratione* was published in 1577. While similar in its contents, Pyrckmair's book was written in a more informal way than Zwinger's and Turler's, and was printed in a smaller format, thus making it easier to take along while travelling. Similar to Turler, Pyrckmair saw educational goals as the justification for travelling abroad. Pyrckmair's scheme was worked into a synopsis on the things that should be observed during travel by an anonymous author. As such it was taken up in many future travel books.⁹¹ Attempts by these men to create a doctrine of travel were followed by a huge number of similar works during the following two centuries. There is also evidence of these books being used as guides for travel abroad, so that they did not remain simply works of theory.⁹² As with so many other things as well, the trend of writing *ars apodemica* literature reached Sweden, too. Swedish travel guides will be discussed in Part 3.

89 Stagl, *A History*, pp. 57–60.

90 Stagl, *A History*, p. 60; Justin Stagl, "Die Apodemik oder 'Reisekunst' als Methodik der Sozialforschung vom Humanismus bis zur Aufklärung," in *Statistik und Staatsbeschreibung in der Neuzeit vornehmlich im 16.–18. Jahrhundert*, eds. Mohammed Rassem and Justin Stagl (Paderborn, 1980), pp. 131–132.

91 Stagl, "Die Apodemik," 1980, pp. 131–132; Stagl, *A History*, pp. 60–62.

92 Stagl, *A History*, pp. 70 and 90–94. For a more detailed description of their usual contents, see Stagl, *A History*, pp. 71–81.

Until the beginning of the eighteenth century, the travelling student was a common sight throughout Europe. De Ridder-Symoens speaks of “thousands and thousands of young people [who] travelled all over Europe.” Stephanie Irrgang, however, has remarked that a student enrolling at numerous foreign universities was not such a common occurrence as one might think from reading the literature. Only two to five per cent of students actually went to more than one foreign university. It was more common to stay at one’s own university or visit only one foreign university.⁹³ However, there was considerable regional variation.

The wars of the late seventeenth century, however, ended student migration on a larger scale. During the eighteenth century, studies abroad became less and less popular and going abroad for a degree practically ceased to exist. A study tour through Europe was now viewed more as tourism than as something which was necessary for obtaining a first-class education. It served a clear purpose if the required education could not be found at a home university. In that case, studies could still be highly advantageous. But the practice of wandering through several European universities became less frequent.⁹⁴ University education had turned from providing young students with a common cultural framework and an all-round education to supplying more specialized professional training. This meant that when applying for office it was often necessary to be tested at a national university as well. As a result, the incentive to study abroad decreased.⁹⁵

2.2 *The Noble Traveller*

Travel was not foreign to the nobility, either. Even in the late Middle Ages, before the nobility had any educational motives for travel, different types of noble journeys existed. Noblemen took part in the military campaigns of the crusades across Europe. Next to taking part in battle, this type of journey was also linked with the hope of indulgence for one’s sins. While taking part in the crusades dwindled, the pilgrimage became more important during the fifteenth century, even leading nobles to visit Jerusalem. The courtly travels of noblemen already exhibited signs of what was to come. At first, visits to foreign courts were simply stops along the way. However, during the fifteenth century the idea of *curiositas*, curiosity about the ways of the world, became a feature and young noblemen saw foreign courts as the goal of their travels. Whereas

93 De Ridder-Symoens, “Mobility,” vol. 11, p. 442; cf. Irrgang, *Peregrinatio*, pp. 41–43.

94 De Ridder-Symoens, “Mobility,” vol. 11, pp. 436–437.

95 Bagge, “Nordic Students,” pp. 28–29; de Ridder-Symoens, “Mobility,” vol. 11, p. 437. See also Vasara-Aaltonen, “From Well-travelled,” pp. 335–337.

curiositas had earlier been regarded as an inappropriate reason for travel, it was now turned into a virtue.⁹⁶ By the sixteenth century, young noblemen began to crowd the universities.

Educational ideals are instrumental for the development of study journeys. In the late Middle Ages, appear mirrors for princes, which incorporate the ability to read and write as well as knowledge of foreign languages into the ideal education of a nobleman, which until then used to consist of chivalric skills. The reality differed from the ideal, however, and the medieval nobility were primarily trained to lead a life at court and as members of the knighthood (*höfisch-ritterliche Bildung*). This training was given at courts and castles by private tutors, not at schools or universities.⁹⁷ But general educational ideals marked by humanism reached the nobility as well and shaped its educational ideals, too. These ideals found their way into the texts of many sixteenth-century writers. For instance, the Italian Baldassare Castiglione (1478–1529), in his *Il Libro del Cortigiano* from 1528, wove together the chivalric virtues with humanistic scholarly ideals to form the ideal of the *cortegiano*, the courtier. Castiglione's work was also known in Sweden. Regional variations of the ideal nobleman came to exist during the sixteenth century, such as the *honnête homme* in France, the *gentleman* in England, or the *Kavalier* in Germany. However, they all encompassed the idea of the nobleman, whose virtues included military prowess, statesmanship, and administrative capabilities, and who was also learned and possessed courtly manners.⁹⁸

The few noblemen at the universities before 1500 were usually aiming for a career in the clergy. In the sixteenth century, however, the nobility's studies were influenced not only by the humanistically-coloured educational ideal, but also by the fact that states needed trained officials in growing numbers for their centralization efforts. This led the nobility to send its sons in growing numbers to the universities. Education was needed to compete with learned officials.⁹⁹ Noble life consisted of many different fields of activity – private, diplomatic and judicial matters, administrative functions, and communication

96 Werner Paravicini, "Von der Heidenfahrt zur Kavalierstour. Über Motive und Formen adligen Reisens im späten Mittelalter," in *Wissensliteratur im Mittelalter und in der frühen Neuzeit. Bedingungen, Typen, Publikum, Sprache*, eds. Horst Brunner and Norbert Richard Wolf (Wiesbaden, 1993), pp. 96–108; Giese, *Studenten*, p. 141. In German, the terms *Heidenfahrt*, *Pilgerreise*, *Ritterreise*, and *Hofreise* are used to describe these various types of travel.

97 Giese, *Studenten*, pp. 73–75; Nuorteva, *Suomalaisten ulkomainen*, p. 322.

98 Giese, *Studenten*, pp. 87–91; Nuorteva, *Suomalaisten ulkomainen*, pp. 325–326; Paravicini, "Von der Heidenfahrt," p. 110.

99 Giese, *Studenten*, p. 129; Nuorteva, *Suomalaisten ulkomainen*, p. 325.

with the different strata of society – all requiring a versatile education. Education in law was useful not only for taking care of public office but also in a private function for securing the position of a noble family in a world which was becoming increasingly juridified.¹⁰⁰ Studies of the Electorate of Saxony have also shown that in the seventeenth century the nobility significantly enhanced its career prospects in politics, the administration, or the military by educating itself on study journeys.¹⁰¹ Travels through Europe featured as an integral part of an aristocratic upbringing from the sixteenth century onwards. Usually these travels consisted of visiting a university or *Ritterakademie* and staying at influential courts through Europe. They entailed aspects of upbringing, education, and representation.¹⁰² The same reasons that caused sons of the lower estates to study abroad, namely lack of sufficient education at home, naturally also applied to noblemen. Different countries also had different advantages they could offer to the travelling student, thus making it useful to visit several places.¹⁰³

Not all universities could adapt at once to the needs of the nobility. Therefore, in the late sixteenth and seventeenth centuries, special schools for nobles, called *académie*, *Ritterakademie*, *college dei nobili*, or *collegium illustre*, were founded across Europe. These schools were meant to cater to the new educational ideals of the nobility, combining both chivalric exercises as well as teaching which would qualify them for a career in state service. It was also an attempt to protect and isolate the nobility from competition from the lower ranks of society.¹⁰⁴ On the one hand, the *Ritterakademien* were used to

100 Marcus Weidner, "Vom 'Landjunker' zum 'Cavalier du monde.' Standeserziehung, kultureller Wandel und Strukturen adeligen Daseins beim stiftsfähigen Adel des Fürstbistums Münster im 17. und 18. Jahrhundert," in *Grand Tour. Adeliges Reisen und Europäische Kultur vom 14. bis zum 18. Jahrhundert. Akten der internationalen Kolloquien in der Villa Vigoni 1999 und im Deutschen Historischen Institut Paris 2000*, eds. Rainer Babel and Werner Paravicini (Ostfildern, 2005), pp. 465–466.

101 Katrin Keller, "Von der Nützlichkeit des Reisens. Bemerkungen zu Erscheinungsbild und Konsequenzen der Kavaliertour am Beispiel kursächsischer Befunde," in *Grand Tour. Adeliges Reisen und Europäische Kultur vom 14. bis zum 18. Jahrhundert. Akten der internationalen Kolloquien in der Villa Vigoni 1999 und im Deutschen Historischen Institut Paris 2000*, eds. Rainer Babel and Werner Paravicini (Ostfildern, 2005), p. 451; Giese, *Studenten*, p. 133.

102 Joachim Rees, Winfried Siebers, and Hilmar Tilgner, "Reisen im Erfahrungsraum Europa. Forschungsperspektiven zur Reisetätigkeit politisch-sozialer Eliten des Alten Reichs (1750–1800)," *Zeitschrift der Deutschen Gesellschaft für die Erforschung des achtzehnten Jahrhunderts* 26:1 (2002), pp. 40–42.

103 De Ridder-Symoens, "Die Kavaliertour," p. 202.

104 De Ridder-Symoens, "Mobility," vol. 11, pp. 432–433; Nuorteva, *Suomalaisten ulkomainen*, p. 326; Norbert Conrads, *Ritterakademien der frühen Neuzeit. Bildung als Standesprivileg*

encourage nobles to study in their home countries. Rulers were not always keen on having students learn politics in foreign lands: they far preferred to exercise control over the education of their future civil servants. But on the other hand, young noblemen did also tour these schools abroad on their study journeys. The noble academies could not completely replace journeys abroad as travel provided the young nobleman with the experience of the surrounding world, which was important in the humanist ideal.¹⁰⁵ One of the most significant noble academies was the *collegium illustre* in Tübingen which taught law, political science, history, languages, and chivalric exercises.¹⁰⁶

A short-lived attempt at such a school was also made in Sweden, where a *collegium illustre* was established in Stockholm in 1625. The school got off to a good start, but when the plague hit Stockholm hard in 1629 it had to suspend operation. Afterwards, its activities could not be restarted and the school shut down in 1632.¹⁰⁷ Educational issues concerning the Swedish nobility will be discussed further in Part 3.¹⁰⁸

In order to appear appealing, universities also tried to adapt to the needs of noblemen. They had to accommodate the social status of the noble student, as their studies, after all, also served the purpose of an upbringing suitable to the noble estate. De Ridder-Symoens describes an “elitist atmosphere” that resulted from efforts to attract noble students.¹⁰⁹ Leiden was one of the universities that succeeded in supplying noble students with what they wanted. It offered education in practical subjects such as politics, law, and mathematics, and it had an exercise hall providing chivalric exercises for the nobility. Additionally, those noble students who aimed at a career in the military found that Leiden, and the Northern Netherlands in general, could provide them with useful

im 16. und 17. Jahrhundert (Göttingen, 1982), pp. 17 and 325. On education and the *Kavalierstour* as a means to distinguish oneself from competing nobility, see also Weidner, “Vom ‘Landjunker,’” pp. 466–468.

105 De Ridder-Symoens, “Mobility,” vol. 11, pp. 432–433; Nuorteva, *Suomalaisten ulkomainen*, p. 326; de Ridder-Symoens, “Die Kavalierstour,” pp. 198–199 and 201.

106 For more on the Tübingen *Collegium illustre*, see Karl Wolfgang Christoph Schütz, “Ueber das Collegium illustre zu Tübingen, oder den staatswissenschaftlichen Unterricht in Württemberg besonders im sechszehnten und siebzehnten Jahrhundert,” *Zeitschrift für die gesamte Staatswissenschaft* 6 (1850), pp. 243–250; Conrads, *Ritterakademien*, pp. 110–113; Nuorteva, *Suomalaisten ulkomainen*, p. 326; Giese, *Studenten*, p. 497.

107 Nuorteva, *Suomalaisten ulkomainen*, pp. 355–357.

108 For Scandinavia, the academy of Sorø in Denmark, which functioned as a noble *Ritterakademie* between 1623 and 1665, is also of importance. See e.g. Conrads, *Ritterakademien*, pp. 143–153; M. Mackeprang, “Christian IV’s ridderakademi og skolen,” in *Sorø. Klostret – skolen – akademiet gennem tiderne. 1. Bind – tiden før 1737* (Copenhagen, 1924).

109 De Ridder-Symoens, “Die Kavalierstour,” p. 201; de Ridder-Symoens, “Mobility,” vol. 11, p. 432. For Austrian examples, see Giese, *Studenten*, p. 134.

training. Lectures were given on building fortifications and land surveying, and a fencing school was established. In the summer, practical training was available with the army and at the fortifications.¹¹⁰

The terminology used to describe noble travels is manifold. Moreover, different writers do not always use the terminology uniformly. The terms *peregrinatio academica*, *Kavalierstour*, and *Grand Tour* appear most frequently.¹¹¹ Giese points out that they describe different kinds of travel, whereas Irrgang uses them synonymously.¹¹² The term *Grand Tour* first appears in 1679 in Richard Lassels's book *An Italian Voyage, or a Compleat Journey through Italy* where he refers to the "*Grand Tour* of France and the *Giro* of Italy," but the term had clearly already been in use earlier.¹¹³ De Ridder-Symoens states that in the seventeenth century a variety of different kinds of journey – the *peregrinatio academica*, the *Kavalierstour*, tourism, and business trips – were all labelled as *Grand Tours*.¹¹⁴

According to Giese, the term *Grand Tour* is used synonymously with *Kavalierstour*, especially in English and Dutch literature. But in fact *Grand Tour* was at first only used to describe trips to France and it was not until the eighteenth century that it began to cover travels throughout Europe. Giese states that in the German-speaking context it would be appropriate not to use the term until the second half of the seventeenth century. Werner Paravicini has called the *Grand Tour* "the *Kavalierstour* of the seventeenth and eighteenth centuries." At this time, journeys by noblemen were increasingly focused on observing the political and cultural peculiarities of foreign countries as well as the aesthetic aspects of architecture, literature, and so on. But over time, the academic objectives of journeys became marginalized.¹¹⁵

110 Nuorteva, *Suomalaisten ulkomainen*, p. 391; Giese, *Studenten*, p. 471.

111 Giese, *Studenten*, p. 140. Also the term *Adelsreise*, "nobles' journey," sometimes appears, but is inadequate as it does not distinguish between different types of travel by nobles, see Karl-Heinz Spieß, "Reisen deutscher Fürsten und Grafen im Spätmittelalter," in *Grand Tour. Adeliges Reisen und Europäische Kultur vom 14. bis zum 18. Jahrhundert. Akten der internationalen Kolloquien in der Villa Vigoni 1999 und im Deutschen Historischen Institut Paris 2000*, eds. Rainer Babel and Werner Paravicini (Ostfildern, 2005), p. 33.

112 Giese, *Studenten*, p. 140; cf. Irrgang, *Peregrinatio*, p. 39, fn. 132.

113 Cited in, Geoffrey Trease, *The Grand Tour* (London, 1967), p. 1.

114 De Ridder-Symoens, "Die Kavalierstour," p. 204.

115 Giese, *Studenten*, pp. 143–144; Werner Paravicini, "Vom Erkenntniswert der Adelsreise: Einleitung," in *Grand Tour. Adeliges Reisen und Europäische Kultur vom 14. bis zum 18. Jahrhundert. Akten der internationalen Kolloquien in der Villa Vigoni 1999 und im Deutschen Historischen Institut Paris 2000*, eds. Rainer Babel and Werner Paravicini (Ostfildern, 2005), p. 12.

As for the sixteenth and early seventeenth centuries, the academic part of the nobility's study journeys often receives too little attention. Journeys by noblemen are often labelled simply as *Kavalierstour* (or *Grand Tour*), referring to the idea of the educated *Kavalier* who travelled the world to learn about it. Giese has pointed out that this is often an over-simplification, as in fact considerable evidence is available that journeys by noblemen in the sixteenth century and to some extent also in the seventeenth century were rather true *peregrinationes academicae* with academic aims, and are comparable to the study journeys of non-nobles. For the nobility, too, academic studies abroad were especially necessary when their own region was still lacking in institutions of higher education.¹¹⁶ Sixteenth-century noble travelling students, including Swedes, were interested in the classical authors, and in issues of theology and the humanities. The *Kavalierstour* of the seventeenth century, however, was more about finishing a noble upbringing and education by exploring other countries and languages, acquainting oneself with politics and economic structures with the aim of achieving positions in politics, the judiciary, or the administration. This also affected the choice of subjects at university. Theology and the classical languages became less popular, whereas subjects preparing the young nobleman for a career, such as modern languages, politics, law, mathematics, and architecture, gained in popularity.¹¹⁷

Giese suggests that one should not separate the *peregrinatio academica* and the *Kavalierstour* by using social criteria where one would stand for the study journeys of non-nobles and the other for study journeys by nobles. It is better to use a functional approach, where the *peregrinatio academica* characterizes travel to one or more universities with academic purposes and more or less intensive study. University visits on a *Kavalierstour* could be shorter, less intensive, and had different aims regarding the contents of studies. Study journeys by noblemen could be either of these travel types, or even a combination of both. One must keep in mind that often it is also difficult to decipher what kind of studies a particular student was following.¹¹⁸

If there is variety in the terminology used, the same is true for periodization as well. The first high point in the nobility's travels dates to around 1600, with travels at their height between 1680 and 1720, after which they declined rapidly

116 Giese, *Studenten*, pp. 142–143.

117 Simone Giese, "Peregrinatio academica oder Kavalierstour – Bildungsreisen des schwedischen Adels zu Beginn der Frühen Neuzeit," in *Gemeinsame Bekannte. Schweden und Deutschland in der Frühen Neuzeit*, eds. Ivo Asmus, Heiko Droste, and Jens E. Olesen (Münster, 2003), pp. 86–88.

118 Giese, "Peregrinatio," pp. 89–90.

before coming to an end around 1740 or 1760 at the latest.¹¹⁹ However, the starting point of these educational journeys by the nobility is less clear. Different writers date this somewhere between 1450 and 1580. Additionally, the end point of these journeys still lacks further study.¹²⁰ In any case, the *Kavalierstour* came to an end in the eighteenth century when it was seen as outmoded and merely leisure tourism by elites. It no longer served the purpose of qualifying for service at court, in the administration, or the military. Noble travels lost their characteristics related to life at court and turned into educational travels (*Bildungsreise*) such as those of the bourgeoisie.¹²¹

Finally, regarding education and educational travels, one should bear in mind the differences between the nobilities of different countries as well as between the different ranks of the nobility. Dutch nobles were eager travellers, having already come into contact with humanistic educational ideals in the fifteenth century. The English nobility also valued education, and since the late sixteenth century they travelled the continent in increasing numbers. In France, sons of the newer nobility, whose title was connected to office (*noblesse de robe*) travelled the universities, whereas the old nobility (*noblesse d'épée*) continued to train its sons privately.¹²² Additionally, the travels of the highest nobility, the princes, featured somewhat different characteristics from travels by other aristocrats or the lower nobility.¹²³

2.3 *Swedes in Europe before the Seventeenth Century*

The Scandinavian countries lacked universities until the late fifteenth century, when the universities of Uppsala (1477) and Copenhagen (1479) were founded. Sweden had been converted to Christianity by the twelfth century and the ecclesiastical organization had been built. Thus, the Church needed to educate clerics to establish its position, administer its system, and provide some education at home as well. Cathedral schools were established in Sweden from the mid-thirteenth century onwards. By the early fifteenth century these schools existed in Uppsala, Skara, Linköping, Växjö, Västerås, Strängnäs, and Turku. Lacking its own institutions of higher education, though, the Swedish clergy

119 Rees, Siebers, and Tilgner, "Reisen," p. 40; cf. de Ridder-Symoens, "Die Kavalierstour," pp. 203–204.

120 Rees, Siebers, and Tilgner, "Reisen," p. 42 and fn. 23.

121 De Ridder-Symoens, "Mobility," vol. 11, p. 436; Rees, Siebers, and Tilgner, "Reisen," p. 40; de Ridder-Symoens, "Die Kavalierstour," p. 204.

122 Giese, *Studenten*, pp. 135–136 and 138. For a detailed account of the nobility's travels in different countries, see Giese, *Studenten*, pp. 129–139.

123 Spieß, "Reisen," pp. 50–51.

had to train the highest clerics abroad. The cathedral chapter supported these study journeys financially.¹²⁴

The first Swedes arrived at the University of Paris with certainty by 1225 – though possibly even some years earlier – and visited the university occasionally thereafter. Around the middle of the century, the number of Swedes in Paris began to rise and by 1300, a steady flow of Swedish students was coming to the city. Colleges were organized for the ever-growing group of Swedes. However, after the mid-fourteenth century, the appeal of Paris declined. French education and culture, which had drawn students, were no longer unrivalled. New universities were founded in the Empire, and these provided the opportunity to study closer to home. This was appealing, as the long journey to Paris involved many dangers for travelling young men, especially during the Hundred Years' War (1337–1453). The Great Western Schism (1378–1417) also negatively affected attendance by foreign students, as Paris eventually sided with Clement VII and the papal court in Avignon. This caused German, English, and probably Scandinavian students as well, to leave Paris. While Swedish attendance in Paris never ceased completely – in fact it lasted longer among Finnish students – it became infrequent, indeed so much so that the Swedish colleges of Paris fell into decay.¹²⁵ At the same time as some Swedes were flocking to Paris, others were visiting the universities of Orléans, Montpellier, and Bologna.¹²⁶

When the University of Prague was founded in 1348, it soon attracted Swedes, who probably arrived from the 1350s. Disputes between the arts and law faculties led to the law faculty declaring itself an independent law university in 1372. The greatest rush of Swedes began in the 1380s, and by 1409, at least 144 Swedish students are known to have enrolled at Prague. In the late fourteenth century, continuous strife between Germans and Czechs broke out, and finally in 1409, King Wenceslas IV of Bohemia (r. 1378–1419) used the situation caused by the Great Western Schism to decree new university statutes which were unfavourable to the German population. This caused German teachers and students to leave Prague, which turned the university from an international *studium generale* to a regional university. Those leaving Prague were

124 De Ridder-Symoens, "Mobility," vol. 1, pp. 291–293; Wilhelm Sjöstrand, *Pedagogikens historia II, Sverige och de nordiska grannländerna till början av 1700-talet* (Lund, 1958), pp. 29–30 and 33–35; Lindroth, *Svensk lärdomshistoria – medeltiden*, p. 54.

125 Lindroth, *Svensk lärdomshistoria – medeltiden*, pp. 54–61; Nuorteva, *Suomalaisten ulkomainen*, pp. 66–70; Nardi, "Relations," pp. 100–101; Bagge, "Nordic Students," p. 13.

126 Lindroth, *Svensk lärdomshistoria – medeltiden*, pp. 62–63. We have no evidence to show that Finnish students would have travelled to Italian universities, see Nuorteva, *Suomalaisten ulkomainen*, p. 439.

gladly taken up at other universities such as Vienna, Erfurt, Heidelberg, Cologne, and Kraków. Most of them, however, went to Leipzig, where they founded a university in December 1409. Leipzig became popular among Swedes too, while among Finns it was the third-most-popular university throughout the fifteenth century. Lecture catalogues from 1438 to 1439 show that at least the Finns focused on *artes* studies.¹²⁷

With the founding of many new universities in the fifteenth century, it also became common to travel to more than one. The universities in northern and central Germany in particular drew Swedish students: Leipzig, Rostock, and Erfurt were especially frequented. Between 1410 and 1520, on average sixty-five Swedes every decade went abroad to study, usually to German universities, the high point being between 1440 and 1500. The founding of Sweden's Uppsala University in 1477 did not put a stop to study travels abroad. Uppsala had only a few teachers and around forty to fifty students and could not provide a high standard of education.¹²⁸ Studies abroad decreased somewhat after 1500, and more drastically in the 1520s in the turmoil of the Reformation. After that, the University of Wittenberg rose to be the most important foreign university for Swedes, holding this position until the middle of the century, when Rostock overtook it. In Rostock, it was especially the theologian David Chytraeus (1531–1600), with orthodox Lutheran views, who played an important role for Swedish students. For the Finns, Wittenberg was the most important university in the period from the 1530s to the 1570s. Around 1600, Wittenberg again increased its popularity as Lutheran orthodoxy strengthened in Sweden. The number of Swedes in Wittenberg grew rapidly after 1595.¹²⁹ In addition, Helmstedt, Marburg, Jena, and Frankfurt an der Oder were attractive to Swedes in the sixteenth century.¹³⁰ During the latter part of the century, Catholic seats of learning also drew Swedish students. This will be discussed in the next chapter concerning confessional questions.

In the sixteenth century, burghers and young noblemen who were not aiming at a career in the clergy also began to travel abroad for study. King Gustav Vasa (r. 1523–1560) needed trained men in his service and understood the

127 Clara Thörnqvist, "Svenska studenter i Prag under medeltiden," *Kyrkohistorisk Årsskrift* 29 (1929), pp. 239, 243, 254–257, 282, and 284–293; Lindroth, *Svensk lärdomshistoria – medeltiden*, pp. 119–121; Nuorteva, *Suomalaisten ulkomainen*, pp. 98–103 and 439.

128 Lindroth, *Svensk lärdomshistoria – medeltiden*, pp. 121–122; Nuorteva, *Suomalaisten ulkomainen*, p. 136; Annerstedt, *Uppsala universitets*, pp. 44–45.

129 Lindroth, *Svensk lärdomshistoria – medeltiden*, pp. 126 and 215–218; Giese, *Studenten*, pp. 334–339; Nuorteva, *Suomalaisten ulkomainen*, p. 441; Callmer "Svenska studenter i Wittenberg," pp. 14–86.

130 Lindroth, *Svensk lärdomshistoria*, p. 219.

benefit of studies abroad for building the Swedish state. As the Church lost the majority of its wealth with the Reformation, it no longer had the same capability to finance study journeys abroad. The king, however, proceeded to fund these ventures by granting scholarships.¹³¹ At the same time, humanistic noble educational ideals reached Sweden, too, and the nobility began to concern itself with training its young men, not only in military skills but also in languages, politics, and other skills useful for a courtly life and positions in the civil administration. For instance, in the 1580s, Count Per Brahe the Elder (1520–1590) wrote the book *Oeconomia eller Hushållsbok för ungt adelsfolk*, which instructed young noblemen to read useful books and travel the world to broaden their horizons. In the late sixteenth century, the Crown also showed an increasing interest in appropriate education for noblemen.¹³²

Giese has estimated that between the years 1520 and 1637 somewhat over ten per cent of Swedish male nobles journeyed abroad with some educational goals. The lack of sufficient educational opportunities in Sweden in the sixteenth century led noble families to send their boys on a *peregrinatio academica* to the continent. Taking together the whole period from the 1520s to the early years of the seventeenth century, it was the University of Rostock that attracted the largest number of Swedish noble students. After Rostock come the universities of Wittenberg, Greifswald, Helmstedt, and Frankfurt an der Oder. Rostock and Wittenberg have a big lead before the third most popular university, Greifswald.¹³³ The University of Leiden (founded 1575) came to play an important role for young noblemen on their educational journeys. For Sweden, Leiden did not figure until the seventeenth century as the first Swede did not enroll there until 1613.¹³⁴ Giese finds that in the sixteenth century the travels of the Swedish nobility still bore the signs of a *peregrinatio academica*, with the characteristics of a *Kavalierstour* becoming more evident with the turn to the next century.¹³⁵

Medieval Swedish study journeys to the continent had begun as the Church's internal need for education and communication with other parts of the Christian world, but by the end of the sixteenth century these journeys had turned

131 Lindroth, *Svensk lärdomshistoria – medeltiden*, pp. 122–123 and 216; Nuorteva, *Suomalaisen ulkomainen*, p. 441; Giese, *Studenten*, p. 201.

132 Giese, *Studenten*, pp. 106, 113–118, and 152; Per Brahe, *Oeconomia eller Hushållsbok för ungt adelsfolk. Utgiven med inledning, kommentar och ordförklaringar*, eds. Johan Grandlund and Gösta Holm (Lund, 1971), pp. 14–16 and 22–24.

133 Giese, *Studenten*, pp. 294, 316, and 661.

134 Giese, *Studenten*, p. 458.

135 Giese, *Studenten*, p. 663.

to serve the purposes of the growing state and to fulfil the needs of society.¹³⁶ Studies abroad were no longer for clergymen only: Swedish burghers and noblemen had also begun to travel in order to acquire an education.

After the general outline, the development of law studies also merits a brief introduction separately. Evidence abounds of Swedes specifically studying *law* in the medieval period. These men were mainly high-ranking clerics who pursued canon law studies on the continent. Studies in canon law usually entailed at least some elementary studies in Roman law – even more so, if a degree was taken – so these Swedes probably took with them a rudimentary knowledge of Roman law as well. There are mentions of Swedes studying canon law in Paris and probably Roman law in Orléans.¹³⁷ Around the 1340s, some Swedes were studying canon law in Montpellier. The Prague law university hosted around ninety Swedes between the years 1360 and 1409, which is a large proportion of all students. In Prague one could study law without a prior *artes* degree, which made it easy to begin studies in canon law. The number of Swedes with degrees in canon law rose from the end of the fourteenth century, which probably increased the number of men who enjoyed familiarity with Roman law, too. The number of clerics with university studies also increased during the fifteenth century. Medieval Swedish laws show some influence from learned, mainly canon law, and it was these clerics who brought the knowledge of it back with them to Sweden.¹³⁸ Apart from the knowledge they had gained, they also brought back canonical literature with them.¹³⁹

The legal literature found in medieval Sweden was predominantly on canon law, and Roman law books seem to have held a share of some ten to fifteen per cent. Quite naturally, the importance of Roman, German, and feudal law grew at the expense of canon law in the Reformation period. This is also evident in the backgrounds of men with legal learning. King Gustav Vasa pursued an active and independent foreign policy. This required establishing diplomatic relations, while taking part in various negotiations required knowledge of legal

136 Nuorteva, *Suomalaisten ulkomainen*, pp. 441 and 447.

137 Korpiola, "On the Influence," pp. 346–347. The teaching of Roman law prospered in Orléans during the second half of the thirteenth century and could rival that of Bologna, see Marguerite Duynstee, *L'enseignement du droit civil à l'université d'Orléans du début de la guerre de Cent ans (1337) au siège de la ville (1428)* (Frankfurt am Main, 2013), p. 9.

138 Korpiola, "On the Influence," pp. 346–349; Lindroth, *Svensk lärdomshistoria – medeltiden*, pp. 62 and 120; Nuorteva, *Suomalaisten ulkomainen*, p. 91; Korpiola, "On the Reception," Section 7.

139 Mia Korpiola, "Literary Legacies and Canonical Book Collections: Possession of Canon Law Books in Medieval Sweden," in *Law and Learning in the Middle Ages. Proceedings of the Second Carlsberg Academy Conference on Medieval Legal History 2005*, eds. Helle Vogt and Mia Münster-Swendsen (Copenhagen, 2006), pp. 83, 90–91, and 102.

affairs, as well as of Roman law. The king, an adherent of the Reformation, could not trust the Catholic clerics who had been trained in law. Therefore, he desperately needed new men trained in law. The solution was to hire legal experts from Germany, to support law studies abroad financially, and to recruit Swedes trained abroad. For non-noble men this was a good opportunity for a well-regarded career and upward social mobility. While in medieval Sweden legal expertise was in the hands of clerics, the Reformation period saw the rise of legally trained commoners who made careers not in the clergy but as advisors to the king. In fact, the number of Swedish clergymen studying law plummeted after the onset of the Reformation.¹⁴⁰

However, even though a number of Swedes studied law abroad in the Middle Ages, one cannot draw the conclusion that the Swedish judiciary had learned lawyers in considerable numbers. Until the sixteenth century, it was mainly clergymen who had studied law, whereas the judiciary was virtually completely in the hands of laymen, as will be discussed in more detail in Part 3. Legal studies abroad by Swedes in the Middle Ages and the Reformation period were insufficient to build a learned legal profession, which indeed did not exist at all at the turn of the seventeenth century. However, they did lay the groundwork for developments which would take place during the seventeenth century.

3 Issues of Religion

3.1 *The Universities and Confessional Questions*

The sixteenth century brought about drastic changes in university life as the Protestant Reformation spread across great parts of Europe. The Reformation naturally influenced the universities. These were now either Catholic, Lutheran, or Reformed. Moreover, all confessions realized the need for seats of learning that would adhere to their own faith. As the universities now exercised a growing significance in matters of confession, both secular and ecclesiastical authorities wanted to have a say in university matters. For instance, government ordinances could decree that an oath had to be given at matriculation or graduation about adhering to the right faith. Lack of centralized control, however, meant that these rules might at times be avoided.¹⁴¹

¹⁴⁰ Korpiola, "On the Influence," p. 350; Korpiola, "On the Reception," Sections 18–22 and 34; Korpiola, "Desperately Needing," pp. 103–112.

¹⁴¹ Hammerstein, "Relations," p. 117–119; de Ridder-Symoens, "Mobility," vol. 11, p. 421. See also Peter Baumgart, "Die deutschen Universitäten im Zeichen des Konfessionalismus," in *Die*

While the Reformation impacted the universities, the opposite was true as well. Indeed, without the universities and their professors, the Reformation would not have been possible in terms of the extent to which it took place. Martin Luther taught at the University of Wittenberg from 1513/14 until 1546, thus lecturing not only to many future men of the clergy, but also – and especially – to a number of future theology professors, who would then go on to pass on Luther’s teachings. The German universities, with their emphasis on teaching theology as well as their structure, enabled the ideas of the Reformation to make headway.¹⁴²

After the Reformation, the universities could be categorized into three groups: Protestant universities with aims of proselytizing, Catholic universities with aims of proselytizing, and tolerant universities which welcomed students of any denomination and did not attempt to convert them. The University of Leiden, for instance, remained tolerant.¹⁴³ The confession at a university affected its staff as well. There are many examples of Catholics at Protestant universities and Protestants at Catholic universities losing their positions. But internal disputes between Protestants had their effects on the universities as well: Lutherans, Calvinists, Zwinglians, Gnesio-Lutherans, and Philippists found themselves at odds at different universities. The University of Heidelberg, for instance, hovered between Lutheranism and Calvinism, depending on the ruler of the Palatinate.¹⁴⁴

The Jesuit Order played an important role for the Counter-Reformation in the educational system: taking over first some chairs, and later faculties at existing universities, and then founding their own Jesuit colleges or universities. The Jesuits’ strength was evident, especially in the second half of the sixteenth century. Jesuit schools were active in accommodating young men from Protestant regions seeking refuge – with the aim of training them to reconvert their countries. The Jesuit College of Braunsberg was important in efforts to re-Catholicize Sweden, the *Missio Suetica*, which, however, eventually failed. Yet, faculties of law and medicine remained to a large extent outside church influence and the Jesuits showed no special interest in them.¹⁴⁵

Universität in Alteuropa, eds. Alexander Patschovsky and Horst Rabe (Konstanz, 1994), p. 154–155.

142 Grendler, “The Universities,” p. 1, 4, 7, 12, 14, and 17–20.

143 De Ridder-Symoens, “Mobility,” vol. 11, p. 421.

144 Grendler, “The Universities,” p. 20–23.

145 Baumgart, “Die deutschen,” pp. 159–160; Nuorteva, *Suomalaisten ulkomainen*, p. 197; de Ridder-Symoens, “Mobility,” vol. 11, p. 429; Giese, *Studenten*, pp. 357–364; Hammerstein, “Relations,” p. 141.

The shift to a Protestant university did not necessarily mean that everything old was abandoned. The most significant change was naturally in the teaching of theology, where religious doctrines changed.¹⁴⁶ As for law, jurists could not remain completely untouched by confessional issues. However, the focus on methodological questions instead of doctrinal ones helped sixteenth-century jurists to steer jurisprudence away from theological conflicts. By staying out of confessional debates, jurists managed to maintain the general applicability of jurisprudence.¹⁴⁷

At the faculties of law, the teaching of canon law did not completely disappear from the curricula, nor was it completely disregarded in legal practice. In Germany, while Luther was opposed to canon law, Philipp Melancthon (1497–1560) and the Wittenberg law faculty, for instance, regarded the continuing use of canon law favourably. Canon law could be applied as long as it was not at odds with Reformed doctrine. Lutherans felt that many canon law statutes reflected rules that were common to all Christians.¹⁴⁸ At the University of Wittenberg canon law was first abandoned but was soon reintroduced between 1533 and 1536.¹⁴⁹ At first, its foundation in papal authority was still accepted, though this was not a lasting solution. Thus, jurists began to argue that there had been reception of canon law into customary law, and this enjoyed the approval of the secular sovereign, which provided the grounds of its validity. Still, canon law was used according to medieval procedural principles. It was not until the eighteenth century that canon law was separated from its medieval legacy.¹⁵⁰

As for the Netherlands, canon law remained an integral part of the law even after the Reformation. The late medieval church courts had a vast jurisdiction, and due to prorogation provisions and removal procedures even many civil cases were transferred to church courts as the parties feared the incompetence

146 Grendler, "The Universities," p. 20.

147 Mathias Schmoeckel, "Die katholische Wissenschaft. Die methodische Säkularisation der Jurisprudenz im 16. Jahrhundert," in *Vera Doctrina: Zur Begriffsgeschichte der Lehre von Augustinus bis Descartes / L'idée de doctrine d'Augustin à Descartes*, eds. Philippe Büttgen, Ruedi Imbach, Ulrich Johannes Schneider, and Herman J. Selderhuis (Wolfenbüttel, 2009), pp. 158 and 167–171.

148 Udo Wolter, "Die Fortgeltung des kanonischen Rechts und die Haltung der protestantischen Juristen zum kanonischen Recht in Deutschland bis in die Mitte des 18. Jahrhunderts," in *Canon Law in Protestant Lands*, ed. Richard H. Helmholz (Berlin, 1992), pp. 15–19, 22, and 37. For a summary of research on the Lutheran Reformation and the law, see Heikki Pihlajamäki and Risto Saarinen, "Lutheran Reformation and the Law in Recent Scholarship," in *Lutheran Reformation and the Law*, ed. Virpi Mäkinen (Leiden, 2006).

149 Grendler, "The Universities," p. 20.

150 Wolter, "Die Fortgeltung," pp. 31–47.

of the secular courts. The civil administration respected the spiritual jurisdiction of the church courts, but was less favourable towards their temporal jurisdiction, especially in the sixteenth century. However, canon law had an effect beyond the church courts, as well. Many canonists worked in the secular courts, university studies encompassed both laws, and canon law writings were widespread. Jurists' *consilia* and treatises as well as statutes of civil authorities reflected the influence of canon law.¹⁵¹ Even in the late sixteenth century, after the United Provinces had been established and Calvinism introduced, canon law did not disappear. The reformed Church restricted the jurisdiction of canon law, which meant that the civil authorities gained many new affairs that had to be regulated. In doing so, they leaned heavily on the Dutch legal tradition, which, as noted above, was deeply entrenched in canon law. Jurists' *consilia* and treatises as well as court decisions still drew on canon law.¹⁵²

Therefore, the universities in the United Provinces, all Protestant from their beginnings (the first being founded in Leiden in 1575), had contact with canon law, although there were no chairs in the subject. In Franeker (founded 1585), the law professor Henricus Schotanus (1548–1604) lectured on book 2 of the Decretals dealing with procedure at the turn of the sixteenth and seventeenth centuries, and in Leiden a petition was issued to acquire the *Corpus iuris canonici* for the library as canon law was often discussed in disputations. The 1630s and 1640s witnessed more canon law at the universities of Leiden and Franeker through law professors with an interest in the matter. In Leiden, this happened through the law professor Jacobus Maestertius (1610–1658). After Maestertius, canon law again gained momentum in Leiden in the last decades of the seventeenth century through several law professors. In addition, Utrecht (founded in 1636) held a special interest in canon law. Thus, canon law remained in evidence at the Dutch universities well into the eighteenth century, despite the Reformation.¹⁵³

As for the German universities under scrutiny in this research, there is also evidence of canon law being taught after the Reformation. In Rostock, a lecture catalogue from 1549 shows that while Roman law had become more important, there was still one canonist at the law faculty. The influence of canon

151 John Witte, Jr., "The Plight of the Canon Law in the Early Dutch Republic," in *Canon Law in Protestant Lands*, ed. Richard H. Helmholz (Berlin, 1992), pp. 136–141.

152 Witte, "The Plight," pp. 142–144, 147, 150–151, and 157–160.

153 Robert Feenstra, "Canon Law at Dutch Universities from 1575 to 1811," in *Canon Law in Protestant Lands*, ed. Richard H. Helmholz (Berlin, 1992), pp. 123–134.

law was, however, limited to procedural and family law.¹⁵⁴ In 1689, a lecture catalogue still refers to a lecture by Johannes Sibrand (1637–1701) explaining canon law.¹⁵⁵ In Greifswald, canon law decreased in the curriculum after the Reformation and at times nearly vanished completely. Lecture catalogues from 1571 and 1609 show that in the late sixteenth century there were still some lectures on canon law, as there were two different courses on the *Liber Sextus*. In 1609, lectures on canon law were not held, though.¹⁵⁶

Canon law had been so deeply entrenched in the *ius commune* during the previous centuries that disregarding it completely in the reformed regions would not have been feasible. For one, as Helmholz put it, “canon law provided the readiest resource” for reformers seeking to create a new ecclesiastical law. And secondly, its connection to civil law through the *ius commune* provided for its continuing application.¹⁵⁷ Confessionalization still impacted lawyers’ careers in German lands from the seventeenth to the late eighteenth centuries, making it difficult for a lawyer to change positions within two territories of different confessions. Thus, Catholic, Lutheran, and Calvinist career paths emerged among them.¹⁵⁸

Finally, regarding confessional questions, it is important for this research that some universities had confessional orientations which went beyond the teaching of theology. Greifswald, for instance, was known as a place of Lutheran orthodoxy, which to some extent also affected the spread of new ideas in other fields in the early eighteenth century.¹⁵⁹ Halle, in turn, harboured a great many scholars with pietistic leanings. The implications these circumstances had for Swedish students will be discussed later in Part 3.

154 Matthias Asche, *Von der reichen hansischen Bürgeruniversität zur armen mecklenburgischen Landeshochschule. Das regionale und soziale Besucherprofil der Universitäten Rostock und Bützow in der Frühen Neuzeit (1500–1800)* (Stuttgart, 2000), pp. 95–96.

155 *Catalogus Lectionum & Operarum, in Universitate Rostochiensi, Proximo Semestri, Bono cum Deo expediendarum, propositus Ipsis Januarii Calendis, Anni MDCLXXXIX*, Akademische Vorlesungen 1581–1789, R X A 12/1, Rektoratsbestand, UAR.

156 Erich Molitor, “Die Greifswalder Juristenfakultät,” in *Festschrift zur 500-Jahrfeier der Universität Greifswald 17.10.1956. Band 11*, eds. Wilhelm Braun et al. (Greifswald, 1956), p. 10; Hans Schröder, “Zur politischen Geschichte der Ernst Moritz Arndt-Universität Greifswald,” in *Festschrift zur 500-Jahrfeier der Universität Greifswald 17.10.1956. Band 1*, eds. Wilhelm Braun et al. (Greifswald, 1956), p. 61.

157 Richard H. Helmholz, “Introduction,” in *Canon Law in Protestant Lands*, ed. Richard H. Helmholz (Berlin, 1992), pp. 11–12.

158 Sigrid Jahns, “Juristenkarrieren in der Frühen Neuzeit,” *Blätter für Deutsche Landesgeschichte* 131 (1995), p. 125.

159 Notker Hammerstein, *Jus und Historie. Ein Beitrag zur Geschichte des historischen Denkens an deutschen Universitäten im späten 17. und im 18. Jahrhundert* (Göttingen, 1972), p. 294.

3.2 *Religious Control of Student Travels*

The German universities, in particular Wittenberg, previously rather neglected by foreign students, witnessed a rush of students after the Reformation as students from Protestant areas were especially seeking Protestant universities. Wittenberg saw the peak in its matriculations in the 1540s and 1550s, and it is estimated that at the height of its glory it probably had more students than any other German university.¹⁶⁰ The Reformation, however, also set limitations on studies abroad. It was no longer possible to seek the best education at any given university, for the confession of the university now played an important role. In fear of religious and political contamination, many rulers prohibited studies abroad, or at least studies at universities of the “wrong” confession. After Lutheranism split into different directions in the mid-sixteenth century, it became even more important to choose universities carefully. Controlling studies abroad was difficult at first, but with developing bureaucracy in the late sixteenth and early seventeenth centuries it became more efficient.¹⁶¹

Not only was it a question of a country prohibiting its students from going abroad to study. The “receiving” country could restrict studies on religious grounds as well. From 1545 onwards, for instance, the University of Leuven demanded that enrolling students declare their hatred towards Lutheran and other heretical dogmas.¹⁶² Similar oaths that required adherence to the “right” confession from professors and students were seen elsewhere as well. Such regulations diminished both interest in and opportunity to study in regions practising the “wrong” confession.¹⁶³ At Oxford, for instance, students had to subscribe to the Thirty-nine Articles of the Anglican faith, which made it unappealing for continental students: only one per cent of students at Oxford came from the continent.¹⁶⁴ Leiden, as a tolerant university, did not require an oath of confession.¹⁶⁵ This meant that Lutheran Swedes could enrol at the Calvinist University of Leiden without trouble.

The religious developments of the sixteenth century affected the routes of the *peregrinatio academica* a great deal as students now had to make their choices on the basis of confessional aspects as well. The Protestant universities

160 De Ridder-Symoens, “Mobility,” vol. II, pp. 421–422; Grendler, “The Universities,” p. 18 and fn. 35.

161 De Ridder-Symoens, “Mobility,” vol. II, pp. 419–420; Nuorteva, *Suomalaisten ulkomainen*, pp. 172–173.

162 Di Simone, “Admissions,” p. 286.

163 De Ridder-Symoens, “Mobility,” vol. II, pp. 420 and 425–426; Baumgart, “Die deutschen,” pp. 155–156.

164 De Ridder-Symoens, “Mobility,” vol. II, p. 429.

165 Giese, *Studenten*, p. 459.

of the Empire attracted students from all over Europe. Many of the Catholic universities were less frequented by foreign students, while universities on the Iberian Peninsula and the still-Catholic universities of the Empire rather saw a great deal of internal migration within their region. However, some tolerant Catholic universities made arrangements that enabled and attracted Protestant students to study there. In Padua, for instance, Protestant students did not have to appear before the bishop for graduation.¹⁶⁶

Noblemen who were not pursuing clerical careers could more easily escape the limitations set on study travels. In Sweden, the privileges of the nobility had from 1569 on guaranteed their estate a free right to go on peregrinations.¹⁶⁷ In addition, men on a *Kavalierstour*, which was more focused on learning about the world and customs of different regions, did not face the same religious limitations as those on a *peregrinatio academica*, which was focused on academic studies. The *Kavalierstour* usually took men through both Protestant and Catholic regions, so that upon their return the knowledge they gathered could be useful for their home countries. Therefore, it was not seen as harmful for them to get to know life in different confessional surroundings.¹⁶⁸

Finally, universities also functioned as places of refuge for students during wars of religion and confessional turmoil. Protestants fleeing from France and England sought refuge at Dutch, German, and Swiss reformed universities. Uppsala, Dorpat, Rostock, and Königsberg received many Germans fleeing the Thirty Years' War. On the other hand, Catholics from the newly-reformed areas were taken up at Catholic universities. The Jesuit colleges in particular took care of emigrating Catholics.¹⁶⁹

Sweden was no exception in terms of controlling studies abroad. Sweden's attitudes towards confessional questions with regard to travelling students in the seventeenth and eighteenth centuries will be analysed in Part 3. However, the situation in the sixteenth century will be briefly discussed here. The Reformation in Sweden began under King Gustav Vasa at the Diet (*riksdag*) of Västerås in 1527 with the confiscation of church property and the turn to Lutheran ideas. At first, this posed no real need for controlling studies as the North German Lutheran universities were popular among Swedes anyway. In addition, travels abroad had to a great extent been financed by the Church, and bishops took care of recruiting students to the clergy after their studies. An

166 De Ridder-Symoens, "Mobility," vol. 11, pp. 421–422 and 424–426.

167 Sven Göransson, *De svenska studieresorna och den religiösa kontrollen från reformations-tiden till frihetstiden* (Uppsala, 1951), p. 19.

168 Giese, *Studenten*, p. 589.

169 De Ridder-Symoens, "Mobility," vol. 11, pp. 428–429.

inherent element of control was thus present. The views of state and Church regarding studies abroad were in line with each other, so that no conflicts arose.¹⁷⁰

The situation changed during the reign of John III (1568–1592). Educational questions were increasingly state controlled, and with John III as king, theological views were no longer in accordance with those of the Lutheran Church. John III, married to the Catholic Catherine Jagiellon of Poland (1526–1583), had Catholic sympathies, and shared the aims of the Counter-Reformation. In 1574, the king had demanded that Swedes no longer travel to the Empire to study theology but that instead proper, high-quality teaching be given at Uppsala. In 1575, John III's *Nova ordinantia ecclesiastica* prescribed that, upon their return to Sweden, peregrinating youth ought to be tested by the rector of Uppsala University instead of by the bishops. The Uppsala professors and the king fell at odds, however, and as a result this means of control was vitiated.¹⁷¹ Consequently, the *Collegium Regium Stockholmense* was founded as a seat of learning in 1576; and under its wings, as part of the *Missio Suetica*, many young Swedes converted to Catholicism.¹⁷² Efforts to re-Catholicize Sweden continued, using the educational efforts of the Jesuit Order. Young Swedes were sent to Jesuit schools and to Rome to train as Catholics: the Jesuit College of Braunschweig was popular among Swedes as early as the 1570s, whereas in the 1580s it was the most frequented foreign seat of learning.¹⁷³

A year after the death of John III in 1592, his brother Duke Karl of Södermanland (the future King Charles IX) convened the estates in Uppsala, where the *Confessio Augustana invariata* of 1530 and the Lutheran faith were confirmed as the basis of the Swedish church. John's son, the Catholic King Sigismund of Poland, was required to accept the Uppsala synod's (*Uppsala möte*) decisions in order to ascend the Swedish throne.¹⁷⁴ The clergy also strove for prohibition of studies at Catholic and Calvinist academies, and for students to be sent to Lutheran academies. During the reign of Sigismund (1592–1599) it

170 Åke Andrén, *Sveriges kyrkohistoria 3. Reformationstid* (Stockholm, 1999), pp. 44–52; Georg Schwaiger, *Die Reformation in den nordischen Ländern* (Munich, 1962), pp. 123–131; Göransson, *De svenska studieresorna*, pp. 1–3; Nuorteva, *Suomalaisten ulkomainen*, p. 191.

171 Göransson, *De svenska studieresorna*, pp. 3–5; Giese, *Studenten*, pp. 208–209.

172 Giese, *Studenten*, p. 563. For the development of the *Collegium Regium Stockholmense* (1576–1593) over the years, see Giese, *Studenten*, pp. 210–214.

173 Nuorteva, *Suomalaisten ulkomainen*, pp. 197 and 202–207; Giese, *Studenten*, pp. 360–361. For a thorough presentation of Swedish students at Jesuit schools, see Giese, *Studenten*, pp. 357–365 and 566–588, and for Finnish students, Nuorteva, *Suomalaisten ulkomainen*, pp. 208–229.

174 Andrén, *Sveriges kyrkohistoria*, pp. 212–222 and 226–227.

was impossible to prohibit studies at Catholic schools; nevertheless, these visits declined. After Sigismund was deposed, Duke Karl acted as regent (*riksföreståndare*) before becoming king in 1604. Study journeys to Jesuit schools had already dwindled but some Swedes still sought education at Catholic schools. Charles IX was suspicious of these journeys, but also saw beyond confessional and political questions. Moreover, educational motives had to be considered and men aiming for a civil career could benefit from studies abroad. Besides, Charles did not share the view of the clergy that visits to Calvinist universities should also be prohibited. For him, the main reason for controlling studies at Catholic schools was political. However, it was not until the reign of Gustav II Adolf that a prohibition was issued: the Örebro Ordinance (*Örebro stadga*) of 1617 forbade studies at Jesuit colleges.¹⁷⁵

4 Summary

The university as an institution had immense significance for the development of European society, culture, religion, and states. Ever since the emergence of the first universities, they have been in constant contact and interaction with their surrounding societies and territories with their rulers. Adjusting to the needs of these societies and rulers, but also in accordance with intellectual currents and educational ideals, universities adapted their curricula to contemporary circumstances. This can be seen in the way universities over time turned from an all-encompassing, erudite education to a more practice-oriented approach, which aimed at teaching subjects of practical importance.

Universities faced regionalization in the fifteenth and sixteenth centuries, when rulers across Europe wanted to establish universities that could provide trained officials for their own territories. This tendency only increased in the sixteenth century with the Reformation, which tore Europe apart along confessional lines. Universities could not remain unaffected by this development. From their very beginning, universities were also centres that attracted foreign students. Travel formed an essential part of medieval and early modern university life – a fact attested to by the importance of the university nations. Reasons for study abroad were manifold: lack of educational opportunities at home, intellectual ideals of *curiositas* and broad learning, and educational ideals of the nobility, to name but a few. The Reformation also impacted the possibilities of studying abroad.

¹⁷⁵ Göransson, *De svenska studieresorna*, pp. 7–16 and 19; Nuorteva, *Suomalaisten ulkomainen*, pp. 230–232 and 286–287.

Swedes – mainly clerics – had studied at foreign universities since the thirteenth century, thus, for their part, connecting a remote country to continental Europe. Since the sixteenth century, these travels not only had theological motives but were also connected to the aspirations of the state as well. In order to succeed in negotiations with other powers, educated men, preferably lawyers, were needed and their education could not yet be obtained at home.

PART 2

Swedish Lawyers' Education Abroad



Turku Law Students at Dutch Universities

In Part 2 of the book, beginning with Dutch universities, I will introduce the studies abroad of Turku law students: the universities they went to, what their social background was, what they studied, and what kind of careers they had. Figures 2 and 3 illustrate the number of Turku law students at European universities.

The first university in the Low Countries was founded in Leuven (French: *Louvain*) in 1425. It remained alone until the establishment of reformed universities began in the late sixteenth century. Leuven remained Catholic. The first Protestant university was founded in 1575, when the University of Leiden

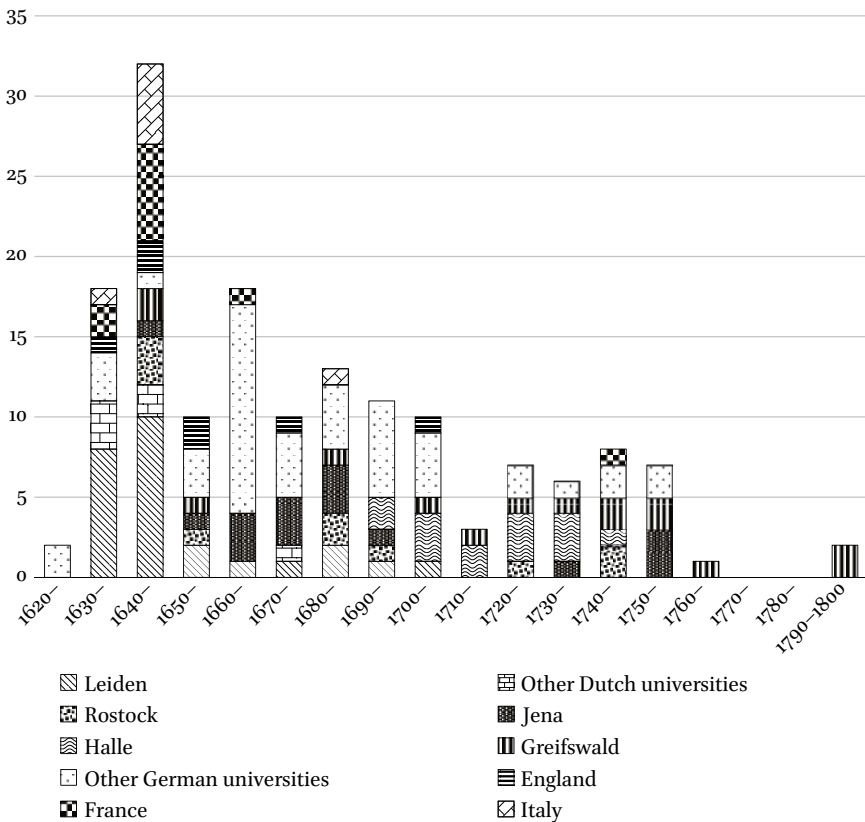


FIGURE 2 Turku law students at foreign universities/towns, 1620–1800

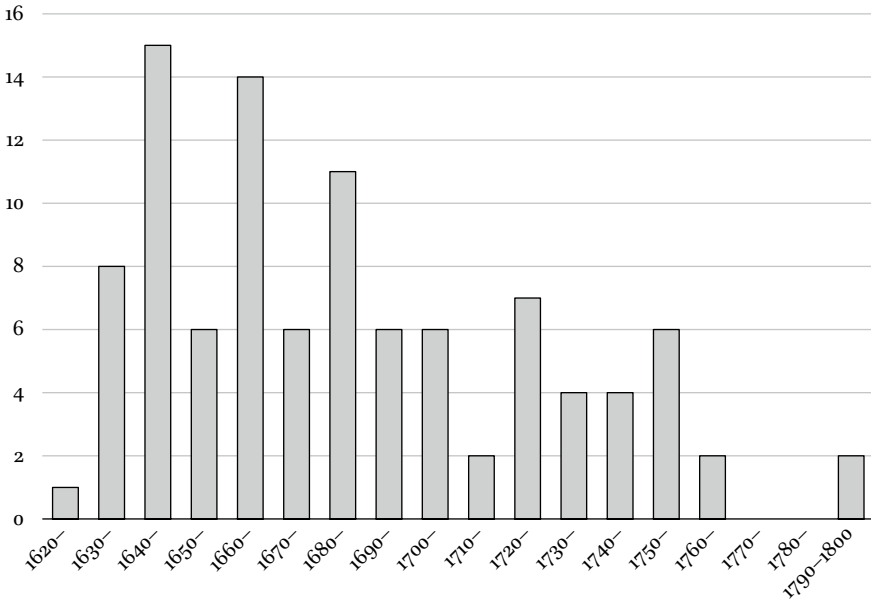


FIGURE 3 Individual Turku law students at foreign universities/towns without multiple immatriculations, 1620–1800. Altogether 102 students

saw the light of day. It was soon followed by Franeker in 1585 and Groningen in 1614. The *Athenaea illustria* (universities without graduation rights) of Utrecht and Harderwijk were turned into universities with full rights in 1636 and 1648, respectively. In addition, the University of the District of Nijmegen functioned briefly (1656–1669), while the *Athenaea illustria* of Deventer (1630), Amsterdam (1632), Breda (1646–1669), and Rotterdam (1681) also provided legal education.¹ The overwhelming majority of Swedish students going to the Netherlands studied specifically at the University of Leiden. According to Niléhn's studies, 683 Swedes stayed in Leiden during the seventeenth century compared to the ninety-one students at Franeker, the second most popular university.² The same tendency can also be seen with students from the Academy of Turku. According to its matriculation records, sixty-nine of its students visited the University of Leiden, whereas the other Dutch universities were far less popular, with total numbers not being higher than five at each of them.³

1 Margreet Ahsmann, "Teaching the *ius hodiernum*: Legal education of advocates in the Northern Netherlands (1575–1800)," *Tijdschrift voor Rechtsgeschiedenis* 65 (1997), p. 423.

2 Niléhn, *Peregrinatio*, p. 163.

3 Kotivuori, *Ylioppilasmatrikkeli*.

1 Leiden

Leyden eller Lugdunum Batavorum är en kåstelig, mycket stor och wacker stad, (...) Studentren gå här mäst alle i sjöne Natråckar, toflor och med hattar på sig, både på these släte gatorne, i Academien och i Professorernes collegier, utan kappor; när the äro klädde, prunka the med sine wärjor och peruquer styfft.⁴

1.1 *The University of Leiden*

The University of Leiden was founded in 1575 during the Dutch revolt against Spain. William I of Orange (1533–1584) suggested the foundation of a university in Leiden to keep students from going to Leuven, where they might be influenced by the Spanish. In addition, reformed clergymen could not be trained at Catholic Leuven.⁵ Right from the outset, the university comprised all four faculties. The majority of the professors in the early years of the university came from abroad; indeed, during its first century a good third of them were foreign. This was especially true of the theology and arts professors. During the University of Leiden's second century, the number of foreign professors declined somewhat and remained at between one-quarter and one-third. Now, however, it was especially the law professors who came from abroad, usually from Germany. This made the law faculty the most international of the faculties, an honour which had previously belonged to the theology faculty.⁶

Humanism in the Low Countries had its roots in the late fifteenth century, playing an important part as the intellectual backbone of the Reformation and the revolt against Spain. Humanistic ideals of freedom of the individual and trade also suited the needs of a future commercial power. The humanistic

4 "Leyden, or Lugdunum Batavorum, is a splendid, very large and beautiful town, (...) Almost all students go about in beautiful dressing gowns, slippers, and hats, both on these even roads as well as in the Academy and in the professors' *collegia*, without cloaks; when they are dressed they parade themselves with their swords and wigs" (translation by Marianne Vasara-Aaltonen). Sven Bredberg's observations on the University of Leiden on his study journey, Sven Bredberg, "Min vthrijkes Resebook (1708–1710)," in *Greifswald – Wittenberg – Leiden – London. Västgötamagistern Sven Bredbergs resedagbok 1708–1710*, ed. Henrik Sandblad (Skara, 1982), p. 102.

5 Willem Otterspeer, "The Mediating Role of the University: Leiden University, Its Structure and Function during the First Two Centuries of its Existence," *History of Universities* 18:2 (2003), p. 148; Giese, *Studenten*, p. 457.

6 Margreet J.A.M. Ahsmann, *Collegium und Kolleg. Der juristische Unterricht an der Universität Leiden 1575–1630 unter besonderer Berücksichtigung der Disputationen* (Frankfurt am Main, 2000), p. 11; Otterspeer, "The Mediating," p. 166.

spirit was thus also present when the University of Leiden was founded in 1575. With the appointment of Justus Lipsius (1547–1606) to the university in 1578, Leiden became known for its humanistic-philological studies. Teaching at the university followed humanistic didactics. Students were supposed to be somewhat familiarised with classical literature and have a basic understanding of logic and reasoning. Teaching would advance from the more general, theoretical, and certain to the more particular, practical, and uncertain.⁷ Besides academic subjects, the university also provided instruction in chivalric exercises as well as military sciences such as fortification building.⁸ Most frequently, controversies within the professoriate stemmed from dogmatic disputes, which arose from time to time at all faculties. The university sought a mediating role in balancing competing ideas by appointing professors with differing approaches. This practice also caused controversy.⁹

It did not take long for the University of Leiden to achieve fame; indeed, in 1625 it already hosted around 400 students annually, over half of whom came from abroad. Not surprisingly, the greatest number of foreign students came to Leiden during the Thirty Years' War (1618–1648), when many of the German universities were in a plight. The Dutch Golden Age (Dutch: *Gouden Eeuw*) of the seventeenth century, with its blossoming trade and arts, also facilitated the growth and attraction of the University of Leiden. Student numbers at the university reached their highest during the seventeenth century, peaking between 1625 and 1649 with an annual average of 376 students. After 1700, student numbers began to decline more noticeably among both Dutch and foreign students. Intellectually, however, there was no decline during the eighteenth century.¹⁰ The share of theology students remained relatively stable during the university's first two centuries of existence, roughly between fifteen and twenty per cent. The share of law students rose from around thirty to forty per cent, and the share of students of medicine from ten to thirty per cent. This took place at the expense of the faculty of arts, which initially hosted over half the

7 Van den Bergh, *Die holländische*, pp. 72–73 and 78; Heinz Schneppen, *Niederländische Universitäten und Deutsches Geistesleben von der Gründung der Universität Leiden bis ins späte 18. Jahrhundert* (Münster, 1960), p. 5; Otterspeer, “The Mediating,” pp. 173–175.

8 Willem Otterspeer, *The Bastion of Liberty. Leiden University Today and Yesterday* (Leiden, 2008), p. 98; Otterspeer, “The Mediating,” p. 187.

9 Otterspeer, “The Mediating,” pp. 167–171; Otterspeer, *The Bastion*, pp. 63–65.

10 Otterspeer, “The Mediating,” pp. 178 and 193, endnote 78; R. Feenstra and C.J.D. Waal, *Seventeenth-century Leyden law professors and their influence on the development of the civil law. A study of Bronchorst, Vinnius and Voet* (Amsterdam, 1975), p. 18; Schneppen, *Niederländische*, p. 3; Otterspeer, *The Bastion*, pp. 103–105.

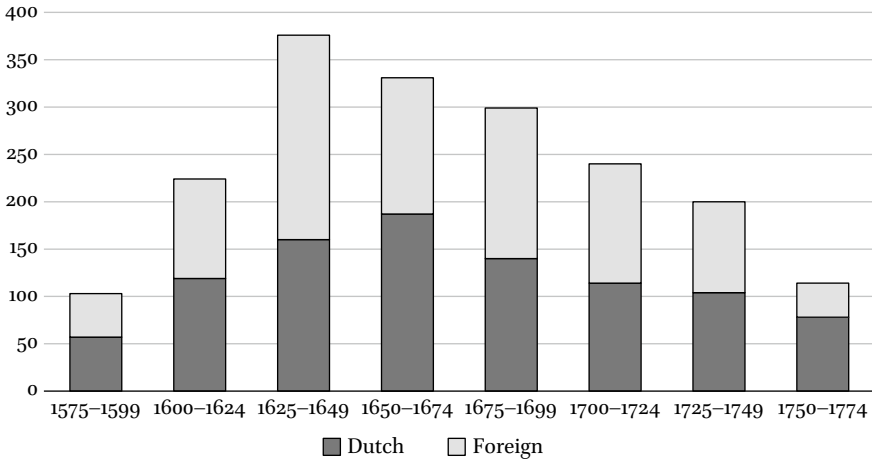


FIGURE 4 Annual average of students at the University of Leiden, 1575-1774
Otterspeer, "The Mediating," p. 193, endnote 78

students, but in the third quarter of the eighteenth century only eight per cent.¹¹

Obtaining a degree was not very frequent in the first decades; indeed, only around five per cent of the students did so. Most of these degrees were awarded in law and to Dutch students. The share of students who obtained a degree rose significantly in the eighteenth century. Especially in law, a tremendous increase took place: from a low point of eight per cent from 1600 to 1624 to as many as eighty-four per cent from 1750 to 1774.¹² Willem Otterspeer sums up by stating that "[i]t is clear that the kind of study preferred by students of the first century was not intended to prepare them for a well-defined profession."¹³ This, as we shall see, well describes Swedish "law students" in Leiden, too. However, during the second century of Leiden University's existence the situation changed, with studies there becoming more oriented towards training for a profession. The growth in degrees taken and the increase in legal and medical studies bear witness to this.¹⁴

1.2 *Legal and Political Education in Leiden*

The statutes of the newly-founded university decreed that there were to be two professors of law. The rector, assessors, and curators were supposed to make

11 Otterspeer, "The Mediating," pp. 178-179 and 193, endnote 79.

12 Otterspeer, "The Mediating," pp. 178-179 and 193-194, endnotes 80-81.

13 Otterspeer, "The Mediating," p. 179.

14 Otterspeer, "The Mediating," pp. 179-180.

more detailed decisions on the substance of their lectures. Soon two more professors were added to the faculty. In 1587, the curators of the university stated that four ordinary professors and one extraordinary professor would be sufficient for the law faculty. The statutes of 1631 speak of three ordinary professors. In practice, throughout the seventeenth century, the faculty usually had four professors and in the following century three. During the first years of the seventeenth century the faculty was in a poor state, with sickly professors, problems recruiting new ones, and lecture halls that could not be filled.¹⁵

The opening oration of Everard Bronchorst (1554–1627), a law professor at Leiden from 1587 to 1620, provides some insight into the structure of law studies, which is otherwise scarce. Following the Ramist method, he saw it best that the student started by learning the general principles first and then continued to more specific things. Only after having read the Institutes and the Digest should the student turn to the Codex as it was more practice-oriented and was thus to be saved until the end of studies. Students should also prepare themselves for practice in court by attending disputations, and choose subjects that would be useful for a lawyer in practice. Bronchorst represents a middle way between old and new methods. He follows humanist thoughts in the way he constructs the curriculum, but refers his students to some of the post-glossators – Bartolus, for instance – in terms of questions of legal practice.¹⁶

Legal humanism laid the ground in Leuven in the Southern Netherlands in the mid-sixteenth century. Humanist ideas could also be found at the University of Leiden right from its very founding, but the chief aim was still to train lawyers for the needs of the state.¹⁷ Humanist lawyers were present in Leiden from its early days, but it was roughly between 1670 and 1750, especially between 1690 and 1720, that the Dutch Elegant School (after *jurisprudentia elegantior*, legal humanism) flourished.¹⁸ Scholars disagree on who ought to be counted among the jurists of the Dutch Elegant School: only humanist jurists, thus leaving out those oriented towards the *usus modernus*, or all Dutch jurists active during the period. The former view is advocated by Govaert van den Bergh, who highlights that the word “elegant” loses its meaning if everyone is counted in, acknowledging, though, that sharp distinctions between humanists and non-humanists are not possible. The latter view, in turn, represented by Osler, emphasizes that the humanist and *usus modernus* jurists interacted,

15 Ahsmann, *Collegium*, pp. 13–16.

16 Ahsmann, *Collegium*, pp. 83 and 86–91; Feenstra and Waal, *Seventeenth-century*, pp. 19–20; Ahsmann “Teaching,” pp. 429–430.

17 Van den Bergh, *Die holländische*, pp. 76–79.

18 Van den Bergh, *Die holländische*, pp. 79 and 83.

and it is reasonable that humanist ideas left their traces in *usus modernus* works, as well.¹⁹ Definitions aside, humanist jurisprudence was at its height at the Dutch universities between 1690 and 1720. Nevertheless, those humanists such as Gerard Noodt (1647–1725) and Cornelis van Bijkershoek (1673–1743) were not ignorant of contemporary issues. Therefore, it would be misleading to categorize the Dutch humanists as pure theorists and as being only interested in Antiquity. However, the use of especially humanistic methods and topics is detectable, which gives cause to define them as humanists despite their varied interests.²⁰

In the 1580s, Bronchorst had already emphasized the importance of issues that were important for legal practice, but he had not concerned himself with contemporary local law, the *ius hodiernum*. However, some of his colleagues in the early seventeenth century did so. It seems that during the seventeenth century all Dutch law faculties, with the exception of Groningen, provided some instruction on the differences between Roman and local law. Teaching the *ius hodiernum* was made official when in 1682 Ulrik Huber (1636–1694) was given the task of lecturing on it in Franeker, and Johannes Voet (1647–1713) in Leiden in 1688. The task was to explain the differences between Roman law and contemporary local statutes and customs. Despite this official acceptance of the *ius hodiernum* into the curriculum, local laws were not taught systematically in public lectures, but remained a topic for the private *collegia*. This attitude continued into the eighteenth century. The focus was on Roman law, so that contemporary local law remained chiefly in the private teaching of the professors. Margreet Ahsmann ponders whether this might have been a deliberate plan by the university governors in order not to deter foreign students from visiting Leiden. Besides, the *ius hodiernum* taught at Leiden was the law of the province of Holland, and thus not applicable to the other Dutch provinces.²¹ It was not until the second half of the eighteenth century that more voices appeared calling for a more important role for contemporary law. Methodological questions to determine the relationship between Roman law and local law occupied an important part in teaching. On the other hand, even at the end of the century at the Leiden law faculty it was felt that one professor teaching the *ius hodiernum* was enough.²² On the scholarly side, important works discussing

19 Van den Bergh, *Die holländische*, pp. 81–84, 91, and 94; cf. Osler “Jurisprudentia,” pp. 347–350.

20 Van den Bergh, *Die holländische*, pp. 83–95.

21 Ahsmann, “Teaching,” pp. 427, 429–434, and 448–450; van den Bergh, *Die holländische*, p. 61.

22 Van den Bergh, *Die holländische*, p. 62; cf. Ahsmann, “Teaching,” p. 449.

contemporary law were written by representatives of the *usus modernus* direction such as Voet.²³

One should not forget the importance of natural law and the law of nations in the Dutch jurisprudence of the seventeenth and eighteenth centuries. Most important for the development of the law of nations was Hugo Grotius's (1583–1645) *De jure belli ac pacis libri tres* (1625), which deals with the question of the just war. In 1609, Grotius had already discussed the freedom of the seas in his *Mare Liberum*, in which he concluded that the seas were free for all nations to use. His works were innately in connection with the political situation of the Netherlands: the war against Spain being ongoing and the Dutch holding interests in overseas trade. Grotius also developed a natural law theory independent of a theological foundation, based on reason.²⁴ Dutch natural law, however, did not make for a discipline completely separated from humanism. Rather, it built on old humanistic ideals and used its sources. For instance, Gerard Noodt (1647–1725), the famous eighteenth century Leiden humanist was also a proponent of natural law theory.²⁵ During the last decades of the seventeenth century new subjects such as natural law, constitutional law, and the law of nations were introduced to the curricula at Dutch universities, but often they had already been taught privately before entering public lectures.²⁶

Many well-known jurists were law professors in Leiden during the years that Turku students visited the university.²⁷ Here, four professors will be discussed in order to paint a picture of the kind of jurisprudence offered in Leiden during the period: Arnoldus Vinnius (1588–1657) and Jacobus Mastertius (1610–1658) represent the earlier period, with Johannes Voet and Gerard Noodt representing the turn of the eighteenth century, and the *usus modernus* and legal humanism, respectively.

Arnoldus Vinnius had studied law in Leiden and in 1618 was given permission to lecture on the Digest at the university. As he could not obtain a professorship, he accepted the position of rector at the Latin school in The Hague. In 1633, he was made extraordinary professor, and in 1636 ordinary professor in

23 Van den Bergh, *Die holländische*, pp. 62–63.

24 Robert Feenstra, "Grotius (de Groot), Hugo (1583–1645)," in *Juristen, ein biographisches Lexikon. Von der Antike bis zum 20. Jahrhundert*, ed. Michael Stolleis (Munich, 1995).

25 Van den Bergh, *Die holländische*, pp. 84–85.

26 Ahsmann, "Teaching," p. 440; Govaert C.J.J. van den Bergh, *The Life and Work of Gerard Noodt (1647–1725). Dutch Legal Scholarship Between Humanism and Enlightenment* (Oxford, 1988), p. 269.

27 *Album Scholasticum Academiae Lugduno-Batavae MDLXXV–MCMXL*, ed. C.A. Siegenbeek van Heukelom-Lamme (Leiden, 1941).

Leiden.²⁸ Vinnius is a good example of the difficulties in defining the Dutch Elegant School, and who to connect with it. Robert Feenstra and C.J.D. Waal state that Vinnius “is generally regarded as the first typical exponent of the Dutch School.”²⁹ Osler, however, reminds us that if the Dutch Elegant School is limited to legal humanists then Vinnius cannot be included in this group of jurists.³⁰ By the time Vinnius was made a professor at Leiden, he had already written his *Jurisprudentia contracta* (1624 and 1631), which not only had humanist inspirations but also referenced legal practice. He is most famous for his commentary on the Institutes *In quatuor libros Institutionum imperialium Commentarius academicus et forensis* (1642), where he refers to a variety of sources, ranging from humanist texts to contemporary practice, and the Natural law of Grotius.³¹ Vinnius’s works were widely acclaimed, were translated into many languages, printed in many editions, and were read well into the eighteenth century.³² As important works of practical jurisprudence they make Vinnius an exponent of the *usus modernus* direction, according to Osler.³³

Jacobus Maestertius taught law at Leiden from 1635 until his death in 1658. Thus, his teaching period coincides with the period when Leiden was most popular among Swedish law students; indeed, he seems to have taught a number of them. Maestertius had studied in Leuven and Orléans before coming to Leiden, where he obtained a doctorate in law in 1634. He was first taken up to teach feudal law in 1635. Teaching feudal law encompassed both the *libri feudorum*, taken up in the *Corpus iuris civilis*, and the feudal law of Holland. In 1637, he became *professor iuris feudalis extraordinarius*, and two years later, private law was added to this, making him first *professor iuris extraordinarius* and the same year already *professor ordinarius iuris*.³⁴ Maestertius, according to his own words, was indebted to the Leuven law professor Gerardus Corselius (1568–1636) and his system of disputations. Corselius was not humanistically

28 Feenstra and Waal, *Seventeenth-century*, pp. 24–26.

29 Feenstra and Waal, *Seventeenth-century*, p. 24. Also Ahsmann refers to the Dutch Elegant School (German: “niederländische elegante Schule”) in her short biographical note on Vinnius, see Margreet Ahsmann, “Vinnius, Arnold (1588–1657),” in *Juristen, ein biographisches Lexikon. Von der Antike bis zum 20. Jahrhundert*, ed. Michael Stolleis (Munich, 1995), p. 638.

30 Osler, “Jurisprudentia,” p. 340.

31 Feenstra and Waal, *Seventeenth-century*, pp. 27–33.

32 Ahsmann, “Vinnius,” pp. 638–639; Feenstra and Waal, *Seventeenth-century*, pp. 52–69.

33 Osler, “Jurisprudentia,” p. 340.

34 Robert Feenstra, “Jacobus Maestertius (1610–1658). Zijn juridisch onderwijs in Leiden en het Leuvense disputatiesysteem van Gerardus Corselius,” *Tijdschrift voor Rechtsgeschiedenis* 50 (1982), pp. 297–303; Ahsmann, “Teaching,” p. 424.

inclined, and neither can Maestertius, who regarded the *mos italicus* highly, be regarded a humanist. Maestertius's merits did not lie in his written production but in his teaching as a well-liked professor, and the many disputations he held. It is there that the Leuven influence could be seen.³⁵ Maestertius was also the professor under whose guidance most dissertations with Swedish respondents were defended.

Johannes Voet was active at the Leiden law faculty when it was at the height of its glory. He had studied in Utrecht and was a law professor in Herborn and Utrecht before being appointed professor of civil law in Leiden in 1680. In 1688, the *ius hodiernum* was added to his teaching assignments, which now included comparing Roman law with contemporary local law. He used Grotius's *Inleiding tot de Hollandsche Rechtsgeleerdheid* (1631) as his basis. Voet became famous for his *Commentarius ad Pandectas* (1698 and 1704), which compared Roman law with contemporary law. As a *usus modernus* jurist, he only used Roman law to the extent that it was significant for contemporary law. Voet does not cite many humanists but uses the works of foreign practice-oriented jurists and shows the influences of natural law as well. Like Vinnius, Voet, too, exercised international influence through his many translations and editions.³⁶

Finally, we have Gerard Noodt, who had studied in Nijmegen and Franeker, and was law professor in Nijmegen, Franeker, and Utrecht before becoming professor at Leiden in 1686. Noodt is considered a representative of the elegant school and its antiquarian direction as he did not concern himself with contemporary law and was a great textual critic. However, van den Bergh hesitates to call Noodt a philologist as he was not interested in restoring the classical texts for their own sake, but saw the philological method as an aid to legal interpretation. For him, finding the *ratio juris* was finding the legal side of human reason, thus bringing civil law closer to human reason. Combined with his interests in natural law, this makes him part of the European Early Enlightenment. Apart from his written works, Noodt also made his mark in two inaugural speeches. In the first of these, *De jure summi imperii et lege regia*, in 1699, he spoke for popular sovereignty and used the Roman *Lex Regia* as a basis. In the

35 Feenstra, "Jacobus Maestertius," pp. 315 and 326–327.

36 Feenstra and Waal, *Seventeenth-century*, pp. 36–42 and 69–80; Ahsmann, "Teaching," p. 427; Margreet Ahsmann, "Voet, Johannes (1647–1713)," in *Juristen, ein biographisches Lexikon. Von der Antike bis zum 20. Jahrhundert*, ed. Michael Stolleis (Munich, 1995), p. 641; Thomas Moosheimer, "Johannes Voet (1647–1713)," in *Deutsche und europäische Juristen aus neun Jahrhunderten*, eds. Gerd Kleinheyer and Jan Schröder, 4th revised ed. (Heidelberg, 1996), pp. 440–441.

second, *De religione ab imperio iure gentium libera*, in 1706, he called for freedom of religion and used natural law arguments in doing so.³⁷

A significant number of Swedes studied political science in Leiden. This is true of future lawyers as well. Therefore, a short description of the field of political science in Leiden is in order. Three professors, who bear some importance considering the Swedish connection, will serve as examples: Justus Lipsius (1547–1606), Daniel Heinsius (1580–1655), and Marcus Zuerius Boxhornius (1612–1653). Political science was part of ethics, which was divided into *ethica*, *oeconomica*, and *politica*. Together they formed part of philosophy. A professorship of political science was established in 1612, although the division of chairs was not crucial as questions of politics were taken up by professors of history and eloquence as well. Two strands of political thinking were current in Leiden: the philological-historical approach and the philosophical approach. These merged in the mid-seventeenth century. In the second half of the century, professors of jurisprudence increasingly took over discussing these questions.³⁸

Justus Lipsius was a humanist and one of the great names of the philological-historical direction of political theory. In 1578, he was appointed professor of history and jurisprudence at Leiden, but was later only referred to as a professor of history.³⁹ Lipsius's most quoted work is the *Politicorum sive civilis doctrinae libri sex* (1589), a mirror for princes. In it, Lipsius reaches the conclusion that a hereditary monarchy is the best form of government. This is in concordance with nature and reason, whereas the division of power only causes dissonance. A great deal of the book is devoted to the ideas of virtue and prudence that are required of a prince. The prince must show justice (*iustitia*), clemency (*clementia*), trust (*fides*), modesty (*modestia*), and majesty (*majestas*), and have the public good in mind, in order not to become a tyrant. A prince can use advisers, but at the end of the day, it is the prince himself who makes the decisions. The latter part of his book concerns war and civil war. Lipsius is said to have had a great impact on military science. All in all, Lipsius strove for unity within a country. This could be achieved in a monarchy which was founded on prudence (*prudentia*) and ruled by a just prince, and which

37 Van den Bergh, *The Life and Work*, pp. 271 and 326–332; Thomas Moosheimer, “Gerard Noodt (1647–1725),” in *Deutsche und europäische Juristen aus neun Jahrhunderten*, eds. Gerd Kleinheyer and Jan Schröder, 4th revised ed. (Heidelberg, 1996), pp. 306–308; Margreet Ahsmann, “Noodt, Gerard (1647–1725),” in *Juristen, ein biographisches Lexikon. Von der Antike bis zum 20. Jahrhundert*, ed. Michael Stolleis (Munich, 1995), pp. 459–460.

38 H. Wansink, *Politieke wetenschappen aan de Leidse Universiteit 1575–±1650* (Utrecht, 1981), pp. 64 and 141.

39 Wansink, *Politieke*, pp. 28 and 67.

was united in religion. A strong and centralized government, ruled by a hereditary monarch, could best guarantee peace and stability for a country. Lipsius did not aim at creating a novel theory of the state, but rather to answer concrete problems of power and its organization.⁴⁰ His second study in political science was the *Monita et exempla politica, libri duo, qui virtutes et vitia principum spectant*, published in Leuven in 1605, which was a complement to the earlier *Politica*. For a prince to act with prudence he needed a variety of examples of political action to make sound judgements. In the *Monita*, Lipsius seeks to provide such examples.⁴¹

Lipsius's *Politica* gained great fame and was printed in dozens of editions, in both Latin and translations. Parts of it, roughly the first third of the book, were also translated into Swedish by Count Per Brahe the Younger (1602–1680), but a complete translation was never published. It seems that Brahe took on the translation work in the 1660s or 1670s, and it remains uncertain why Brahe, a member of the high nobility and proponent of its interests, wanted to translate Lipsius's book. Lindberg mentions the patriotic aim of making a classic like Lipsius's work available in Swedish.⁴² In any case, Lipsius was frequently quoted in seventeenth-century Swedish debates over the form of government.⁴³ Supporters of a strong king found justification for it in Lipsius's writings. In particular, Baron Johan Skytte (1577–1645), tutor to the young Gustav Adolf (1594–1632; the future king, Gustav II Adolf), a councillor of the realm, and chancellor of the University of Uppsala, favoured Lipsius's ideas on monarchy and promoted education in politics as an independent subject at Swedish universities. Lipsius's ideas on warfare, the organization of an army, and the factor of discipline also found resonance with King Gustav II Adolf, who in his Army

40 Wansink, *Politieke*, pp. 67–84; Nils Runeby, *Monarchia mixta. Maktfördelningsdebatt i Sverige under den tidigare stormaktstiden* (Stockholm, 1962), p. 24; Erik De Bom, Marijke Janssens, Toon Van Houdt, and Jan Papy, "Introduction: Towards a More Balanced View of Justus Lipsius's Political Writings and Their Influence," in *(Un)masking the Realities of Power. Justus Lipsius and the Dynamics of Political Writing in Early Modern Europe*, eds. Erik De Bom, Marijke Janssens, Toon Van Houdt, and Jan Papy (Leiden, 2011), p. 17.

41 De Bom, Janssens, Van Houdt, and Papy, "Introduction," pp. 5–6; Ann Moss, "Monita et exempla politica as Example of a Genre," in *(Un)masking the Realities of Power. Justus Lipsius and the Dynamics of Political Writing in Early Modern Europe*, eds. Erik De Bom, Marijke Janssens, Toon Van Houdt, and Jan Papy (Leiden, 2011), p. 97; Marijke Janssens, "Rhetoric and Exemplarity in Justus Lipsius's *Monita et exempla politica*," in *(Un)masking the Realities of Power. Justus Lipsius and the Dynamics of Political Writing in Early Modern Europe*, eds. Erik De Bom, Marijke Janssens, Toon Van Houdt, and Jan Papy (Leiden, 2011), pp. 115–117.

42 Wansink, *Politieke*, p. 84; Bo Lindberg, *Stoicism och stat. Justus Lipsius och den politiska humanismen* (Stockholm, 2001), pp. 205–206.

43 Runeby, *Monarchia mixta, passim*.

Order regulating conscription of soldiers (*Krigsfolksordning*) from 1619 or 1620 shows that he was familiar with them and even cited them on occasion. The War Articles (*Krigsartiklar*) of 1621 also bear traces of Lipsius's thinking.⁴⁴ Around the middle of the seventeenth century, with ongoing controversies between the estates (*ståndsstriden*), Lipsius's ideas were especially powerful for the proponents of a strong monarchy.⁴⁵ While Lipsius preceded the time when Turku students were in Leiden, it is clear that his legacy lasted longer and that the influence of great political thinkers like Lipsius drew students to Leiden. Moreover, Lipsius's political humanism and his ideas of *prudentia* were also reflected in seventeenth-century Swedish orations dealing with study journeys. These emphasized gaining "political wisdom," *prudentia civilis* (*statsklokhet*), as a justification for peregrinations.⁴⁶

Daniel Heinsius enjoyed an impressively long career at the University of Leiden, from 1602 until his death in 1655. He was first professor of poetics and professor of Greek, but in 1612 was appointed *professor politices*, the first of its kind. This did not, however, mean much, as his interests to a great extent remained in philology and classical texts: fields for which he became famous. In fact, already in 1613, he was appointed professor of history. In his few political writings and orations, Heinsius praised Aristotle's *Politics*, but his own input remained small as he did not go into practical political problems. His main point was to emphasize justice and the virtues without which a state could not prosper.⁴⁷ There was, however, a Swedish connection with Heinsius, which made him interesting to Swedish students in Leiden. Many Swedes had already studied with his guidance in the first years of the seventeenth century as his fame had spread. After 1614, Heinsius was in correspondence with Chancellor Axel Oxenstierna, and represented Sweden in diplomatic matters in the Netherlands. In 1618, he was made historiographer of the Swedish realm (*historicus regni*) with an annual grant. Over the years, Heinsius's relations with Sweden cooled but were never completely severed.⁴⁸

Like many of his predecessors, Marcus Zuerius Boxhornius combined eloquence, history, and politics, and saw that history was the basis of politics. By studying history, one could understand the future. Boxhornius became

44 Wansink, *Politieke*, p. 84; Runeby, *Monarchia mixta*, p. 102; Gerhard Oestreich, "Justus Lipsius als Theoretiker des neuzeitlichen Machtstaates," *Historische Zeitschrift* 181 (1956), pp. 75–76; Lindberg, *Stoicism*, pp. 196–201.

45 Runeby, *Monarchia mixta*, p. 541.

46 Winberg, *Den statskloka*, pp. 54 and 80–81.

47 Wansink, *Politieke*, pp. 85–87; E. Wrangel, *Sveriges litterära förbindelser med Holland särdeles under 1600-talet* (Lund, 1897), p. 30.

48 Wrangel, *Sveriges litterära*, pp. 30–31; Nuorteva, *Suomalaisten ulkomainen*, p. 397.

extraordinary professor of eloquence in 1633 and ordinary professor in 1640. In 1643, he requested that he be permitted to preside over public disputations in politics as Dutch and foreign students were insisting on it. Five years later, in 1648, Boxhornius was appointed professor of history. But unlike his predecessor Heinsius, Boxhornius again turned more closely to political questions. He was of the opinion that no form of government was suitable in every situation. This standpoint can already be seen in the political disputations he presided over in the 1640s, but is elaborated in his other writings as well. In 1657, Boxhornius published his handbook *Institutiones politicae*, which deals with the state in general and with the different forms of government. He discusses questions of majesty and liberty, religion, fundamental laws, sovereign rights, war and civil war, and the different forms of government, to list just some. Boxhornius emphasizes that the wellbeing of the state is the foremost criterion, and that considering the best form of government for a state needs to take into account the different circumstances of each state. What is just in one state at a certain time may be unjust in some other situation.⁴⁹ Boxhornius is of interest as he taught several Swedes studying in Leiden, among them one of the Turku students, Johan Cruus. Boxhornius mentored Cruus and gratulated him in the translation Cruus had prepared under Boxhornius's guidance. Another student, Ernst Johan Creutz, was probably also taught by Boxhornius.⁵⁰ Queen Christina of Sweden (r. 1644–1654) had also offered him a position in Sweden, which he declined, however.⁵¹

1.3 *Backgrounds of Turku Students in Leiden*

Of the sixty-nine students in the Turku records who enrolled at Leiden, twenty-six⁵² can be regarded as law students or future lawyers – roughly one-third. In the Turku records, the earliest mention of students in Leiden is from the 1630s and the last from the 1770s. As for those students who later became lawyers, the numbers are the following: In the 1630s, eight Turku law students

49 Wansink, *Politieke*, pp. 93–107.

50 Nuorteva, *Suomalaisten ulkomainen*, pp. 400–402.

51 Franz Xaver von Wegele, “Boxhorn, Marcus Suerius,” in *Allgemeine Deutsche Biographie*, vol. 3, *Bode – von Carlowitz* (Leipzig, 1876), pp. 218–219.

52 Gustaf Bielke, Sten Bielke, Ernst Johan Creutz, Lorentz Creutz, Johan Cruus, Erik Fleming, Herman Fleming, Lars Fleming, Samuel Florinus (Blomfelt), Gustaf Hjelmfelt, Gustaf Kurck, Knut Kurck, Jakob Lang (Lagercreutz), Teofil Mellin (Ehrenstierna) Johan Munkthelius (Lagercrona), Gabriel Pontinus, Abraham Rothovius, Karl Rothovius, Anders Salamontanus, Arvid Stierncrantz, Anders Stiernhöök, Johan Stiernhöök, Johan Stålhandske, Johan Teet, Petter Thesleff, and Mikael Wexionius (Gyldenstolpe); if the student was later ennobled, the noble name is in parentheses.

visited the university. The next decade witnessed ten students, while the rest of them matriculated in Leiden in 1656 (two students), 1667, 1681 (two students), 1699, and 1706. In addition, one of the Turku students visited the university apparently without matriculating in 1672.⁵³ The *Album Studiosorum* of the University of Leiden suggests that the frequency with which Turku law students visited the university is much the same as the situation with all Swedish law students. The faculty of law in Leiden was especially popular among Swedish students in the 1630s (twenty-one students) and 1640s (thirty-three). After that the numbers decreased somewhat, but not drastically until the turn of the century. In the early 1700s, visits by Swedish law students became more sporadic. Between the years 1575 and 1800, the number of Swedish immatriculations at the law faculty altogether was 144, but only twenty-one of these are after 1700, four of which were after 1750.⁵⁴

The social background of the students is one of the most important distinguishing features when examining their study patterns. Moreover, it is crucial for understanding how the phenomenon of study journeys developed. Of the twenty-six Turku law students in Leiden, fifteen were noblemen, and eleven commoners. However, it is important to notice that five of the commoners were later ennobled during their careers. The high number of noble students distinguishes Turku law students from the overall student population in Leiden. During Leiden University's first century, around three per cent of all matriculated students were of noble birth.⁵⁵ It is also in stark contrast to the share of noble students enrolled at the Academy of Turku which varied between three and eight per cent during the research period.⁵⁶

A good half of the noble students (eight out of fifteen) came from the higher nobility, most from very old noble families. Records of Gustaf (1618–1661) and Sten (1624–1684) Bielke's family, for example, date back to the thirteenth century, and in 1608, the family was taken up into the rank of barons.⁵⁷ The Kurck family from Finland is known since the fourteenth century, and Jöns Kurck,

53 Kotivuori, *Ylioppilasmatrikkeli*.

54 *Album Studiosorum Academiae Lugduno Batavae MDLXXV–MDCCLXXV*, ed. Willem Nicolaas du Rieu (The Hague, 1875). A few of the students, however, have written their name twice into the matriculation book. This is true, for example, for the Swede Petrus Vigelius, who is listed as having matriculated both on 11 September 1627 as well as on 5 April 1630. The mention of his age seems to indicate that it is the same Vigelius in both instances. At the time of his first matriculation he was 24 years old, and 27 at the time of the second. Both times he is inscribed at the law faculty. This indicates that some students stayed at the university for a longer period.

55 Otterspeer, "The Mediating," p. 180.

56 Strömberg, "Ylioppilaat," pp. 322–323.

57 G. Carlsson, "Bielke, släkt," in *Svenskt biografiskt lexikon*, vol. 4 (Stockholm, 1924).

father of the Kurck brothers Gustaf (1624–1689) and Knut (1622–1690), was a councillor of the realm after 1633.⁵⁸ The Fleming family also dates back to the fourteenth century. The father of Herman (1619–1673) and Lars (1621–1699) Fleming was a councillor of the realm. The brothers' line of the family became barons with the name Fleming af Liebelitz in 1651, and their second cousin Erik (1616–1679), who also studied in Leiden, became a baron in 1654. The Flemings, too, came from Finland.⁵⁹ Johan Cruus's (1613–1644) father was also a councillor of the realm.⁶⁰

The families of other noblemen had not fared poorly, either. The family of Lorentz (1615–1676) and Ernst Johan (1619–1684) Creutz is known since the late fifteenth century, and had undergone its upward social mobility in the early seventeenth century in the province of Itä-Uusimaa (Swed. *Östra Nyland*) in Southern Finland.⁶¹ The father of the Stiernhöök brothers Anders (1634–1686) and Johan (1636–1730) was Johan Dalekarlus Stiernhöök (1596–1675), a law professor and “father of Swedish jurisprudence.” Their family had been ennobled only seven years before the brothers came to Leiden.⁶² Johan Stålhandske's (1620–1680) father was governor of Kexholm County in Karelia, and a cavalry captain (*ryttmästare*).⁶³ Arvid Stierncrantz (1662–1740) was born in Narva, in Swedish Estonia, and his father was treasurer of the governorate (*generalguvernementskamrerare*) of Ingria (Swed. *Ingermanland*). Stierncrantz's father was ennobled in 1674, when young Arvid was twelve years old.⁶⁴

Gustaf Hjelmfelt's (1651–1674) background shows well how members of the lower nobility, too, had gained importance with the Crown. His father was Simon Grundel (1617–1677), who had seen a great upsurge in his career during the Thirty Years' War. He had served the Swedish crown abroad and had studied fortification science in Utrecht for two years. Most of his career was spent in the military. In 1646, he was ennobled with the name of Hjelmfelt.⁶⁵ Simon Grundel Hjelmfelt's close connections to the Crown could be seen at little Gustaf's christening, where Queen Christina herself carried the child and presented

58 [no author] “Kurck, släkter,” in *Svenskt biografiskt lexikon*, vol. 21 (Stockholm, 1975–1977).

59 Bengt Hildebrand, “Fleming, släkt,” in *Svenskt biografiskt lexikon*, vol. 16 (Stockholm, 1964–1966).

60 Kotivuori, *Ylioppilasmatrikkeli*, Johan Cruus.

61 Mirkka Lappalainen, *Suku – valta – suurvalta. Creutzit 1600-luvun Ruotsissa ja Suomessa* (Helsinki, 2005), p. 340.

62 Kotivuori, *Ylioppilasmatrikkeli*, Anders Stiernhöök and Johan Stiernhöök.

63 Kotivuori, *Ylioppilasmatrikkeli*, Johan Stålhandske.

64 Kotivuori, *Ylioppilasmatrikkeli*, Arvid Stierncrantz.

65 Nils Jörn, ed., *Servorum Dei Gaudium. Das ist Treuer Gottes Knechte Freuden=Lohn. Lebensbeschreibungen aus dem Umfeld des Wismarer Tribunals* (Greifswald, 2003), p. 206.

it with its name, an honour which demonstrates Simon Hjelmfelt's high position in Christina's court.⁶⁶ Gustav was sent on a *peregrinatio* at the age of thirteen and he spent seven years travelling through Germany, Holland, England, France, Spain, and Italy, but probably only enrolling at the University of Leiden.⁶⁷

It was not uncommon among sons of the nobility that studying abroad had already run in the family in previous generations. The Bielke boys, Gustaf and Sten, serve as a good example. They had been born into a noble family in 1618 and 1624. Their father, Nils Bielke (1569–1639), was a councillor of the realm, the first governor general of Finland and the first president of the Turku Court of Appeal. In the 1580s, Nils Bielke had already gone on a *peregrinatio* when under the age of twenty. He had enrolled at the University of Rostock, following in his older brother Svante's footsteps. His study journey continued to Siena and Venice. During his career, Nils Bielke handled many administrative, judicial, and diplomatic tasks. In the 1620s, he arrived in Finland to lead a large development programme covering taxation, the judiciary, and the military. As Governor General of Finland and president of the Turku Court of Appeal, he held great authority using administrative and judicial channels. It is told that Bielke also understood the importance of academic education. He was involved in founding the Turku gymnasium, which later became the Academy of Turku, and all of his sons went to university. All four of them had studied in Uppsala. Besides Gustaf and Sten, their older brother Ture⁶⁸ had also studied in Leiden and Amsterdam. In addition, Ture had travelled to England, Paris, and Padua.⁶⁹ The background of Gustaf and Sten Bielke's father reveals much about the atmosphere in which the young men left on their *peregrinatio*. Firstly, there was a firm belief in the importance of academic education. And secondly, the family already had experience of studies abroad and a strong orientation towards administrative and judicial positions.

66 Jörn, ed., *Servorum*, pp. 203 and 206.

67 Jörn, ed., *Servorum*, pp. 201–207; Kotivuori, *Ylioppilasmatrikkeli*, Gustaf Hjelmfelt.

68 Ture Bielke is not mentioned in the matriculation records of the Academy of Turku. This is probably because he did not have the same connections to Finland and Turku as his brothers, who were born later.

69 Gustaf Elgenstierna, *Den introducerade svenska adelns ättartavlor* (1926, facsimile ed. Stockholm, 1998), vol. 1, pp. 364–365, Petri Karonen, "Bielke, Nils," in *Kansallisbiografia-verkkojulkaisu. Studia Biographica* 4 (Helsinki, 1997-). Available at <https://kansallisbiografia.fi/kansallisbiografia/henkilo/3819>. Accessed 20 January 2020; A.W. Westerlund, *Turun hovioikeuden presidentit, jäsenet ja virkamiehet 1623–1923* (Turku, 1923), volume 1, pp. 1–4; B. Boëthius, "Nils Turesson Bielke," in *Svenskt biografiskt lexikon*, vol. 4 (Stockholm, 1924).

What, then, were the backgrounds of the eleven non-noble students? Petter Thesleff's (1615–1663) father is said to have been a burgher and town councillor from Vyborg (Swed. *Viborg*, Finn. *Viipuri*). The Rothovius brothers' father, Isak Rothovius (1572–1652), was bishop of Turku, had also studied abroad, and had taken part in founding the Academy of Turku. The family was ennobled as Rothåf in 1675 but this was only after Karl (c. 1622–1661) and Abraham (c. 1615–1639) had already died. Gabriel Pontinus's (1663–1724) father was bishop of Linköping. The Pontinuses were later ennobled too, but not until the nineteenth century. Johan Teet's (c. 1626–1648) father worked as an assessor at the Turku Court of Appeal and later at the Board of Mining in Stockholm. Johan, however, died as a student. The Teet family was also ennobled later.⁷⁰ Johan Munkthelius (nob. Lagercrona, 1618–1674) was the son of a lieutenant in the Uppland regiment.⁷¹ In turn, Mikael Wexionius's (nob. Gyldenstolpe, 1609–1670) father had worked as an assistant pastor and hospital chaplain in Växjö.⁷² Like Wexionius, Teofil Mellin (nob. Ehrenstierna, 1639–1689), Samuel Florinus (nob. Blomfelt, 1671–1753), and Jakob Lang (nob. Lagercreutz, c. 1684–1756) all had fathers who were clergymen: an assistant pastor, a parish rector (*kyrkoherde*), and a bishop.⁷³

Finally, we have Anders Andersson Salamontanus (1608–1684), who is an example of how one could get to travel abroad, possibly even study there, by accompanying young noblemen on their tours as a private tutor. Sons of less wealthy families could attend foreign universities by doing so.⁷⁴ Whether or not Salamontanus can be counted as coming from a less well-to-do family is not sure. One source describes him as being very wealthy, but it remains unclear if this was the case only after he had embarked on his career.⁷⁵ In any case, he was of a burgher background as his father was a town councillor in Sala, relatively close to Stockholm. Salamontanus enrolled at the University of Uppsala in 1624, in his early twenties. In the late 1630s, he became the private teacher, *praeceptor*, of the Kurck brothers, Knut and Gustaf. He pleased the brothers so much that they wrote to their father in 1637 asking for Salamontanus to be kept as their teacher. In the summer of 1642, he left for Turku as the private teacher of the Kurck brothers and accompanied them on their journey

70 Kotivuori, *Ylioppilasmatrikkeli*, Petter Thesleff, Karl Rothovius, Abraham Rothovius, Gabriel Pontinus, and Johan Teet; Elgenstierna, *Den introducerade*, vol. v, p. 780 and vol. vi, pp. 549–550.

71 Elgenstierna, *Den introducerade*, vol. iv, pp. 449–450.

72 Kotivuori, *Ylioppilasmatrikkeli*, Mikael Wexionius.

73 Kotivuori, *Ylioppilasmatrikkeli*, Teofil Mellin, Samuel Florinus, and Jakob Lang.

74 See de Ridder-Symoens, "Mobility," vol. ii, p. 431.

75 Westerlund, *Turun hovioikeuden*, p. 209.

abroad. Like the Kurck brothers, Salamontanus also matriculated at the University of Leiden on 14 February 1643. The Kurck brothers, whom he was accompanying, are also listed as students in Paris in 1644, unlike Salamontanus. However, it cannot be completely ruled out that Salamontanus might have gone to Paris with the Kurcks.⁷⁶ These *praeceptores* often used the chance to further their own studies during the peregrinations of their protégés, and there are examples from all over Europe of *praeceptores* later embarking on successful careers. Their studies were seen as having a positive impact on their protégés' studies as well.⁷⁷ In the first half of the seventeenth century, the prestige of these *praeceptores* rose in Sweden as the nobility increasingly educated itself. Teaching young aristocrats could widen the *praeceptor's* social network and open new work opportunities.⁷⁸

What is striking is that among the Turku law students appear six sets of brothers, some of them travelling together: Gustaf and Sten Bielke, Ernst Johan and Lorentz Creutz, Herman and Lars Fleming, Knut and Gustaf Kurck, Anders and Johan Stiernhöök as well as Abraham and Karl Rothovius. Only the Rothovius sons were not nobility. The brother-pairs Creutz,⁷⁹ Fleming and Stiernhöök all enrolled at the University of Leiden on the same days, which shows that each pair of brothers was on their *peregrinatio* together. Gustaf Bielke was travelling together with his other brother, Svante (1620–1645), who, however, did not become a lawyer, but chose a career in the military. The Fleming brothers, Herman and Lars, were travelling with their second cousin Erik, who in turn was brother-in-law of Johan Stålhandske, also a student in Leiden. As we

76 Kotivuori, *Ylioppilasmatrikkeli*, Anders Salamontanus; Nuorteva, *Suomalaisten ulkomainen*, p. 365.

77 Giese, *Studenten*, pp. 23 and 159; de Ridder-Symoens, "Training," p. 167; cf. Stefan Wallentin and Joachim Bauer, "Studenten und Renommisten," in *Die Universität Jena in der Frühen Neuzeit*, eds. Joachim Bauer, Andreas Klinger, Alexander Schmidt, and Georg Schmidt (Heidelberg, 2008), p. 97, who suggest, however, that these companions were not always students, even if they were mentioned in the records.

78 Winberg, *Den statskloka*, p. 128.

79 Some older sources, including the Leiden records, mention the existence of a third brother, Axel. One genealogical source speculates that Axel may have died very young. However, other sources, including a recent book on the Creutz family, do not mention a son named Axel at all. Therefore, conceivably the information about an Axel Creutz in the Leiden records may be an error that made its way into some other sources. See *Album Studiosorum Academiae Lugduno Batavae*, p. 284; *Album Studiosorum Academiae Groninganae* (Groningen, 1915), p. 32; Kotivuori, *Ylioppilasmatrikkeli*, Axel Creutz; Elgenstierna, *Den introducerade*, vol. II, p. 61; Wrangel, *Sveriges litterära*, p. 89; Lappalainen, *Suku*, p. 107; Nuorteva, *Suomalaisten ulkomainen*, e.g. p. 364; Grotenfelt, "Suomalaiset ylioppilaat," pp. 117–118; Kustavi Grotenfelt, "Creutz-suku," in *Kansallinen elämäkerrasto, I osa, A-F* (Porvoo, 1927), pp. 433–434.

see, many family relations were involved. In addition, Erik Fleming's brother Henrik studied in Leiden as well, but he made a career in the military, not as a lawyer. Besides, Johan Teet travelled together with his brother Petter and they matriculated at the University of Leiden on the same day. Petter enrolled at the faculty of theology, but died young.⁸⁰ As the example of Leiden demonstrates, it was very common for the brothers or other relatives of young noblemen to enrol at university at the same time, as these studies formed part of their upbringing.⁸¹ Johan Cruus's brother Lars (1621–1656) also enrolled at the University of Leiden, but nine years later than his older brother.⁸²

Temporally, the visits to Leiden did not differ much according to the students' social background if, that is, we only draw a distinction between noble and non-noble students. The enrolments at the university took place in the years 1633 (one student), 1636 (three), 1637 (two), 1638 (one), 1639 (one), 1640 (three), 1643 (three), 1644 (one), 1647 (one), 1648 (two), 1656 (two), 1667 (one), 1672 (one, without enrolling), 1681 (two), 1699 (one), and 1706 (one). However, all the sons of the higher nobility, the Bielkes, the Kurcks, the Flemings, as well as Johan Cruus, studied in Leiden during the 1630s and 1640s. The Creutz brothers and Johan Stålhandske are also part of the noble rush to Leiden in those decades. Thus, of the eighteen students, who went to Leiden during that time, eleven were of noble background. Those non-noble students who were later ennobled visited Leiden in the years 1636, 1647, 1672, 1699, and 1706, so they are spread quite evenly throughout the period. The number of students is so small, especially considering the fact that many of them travelled in groups, that it is not possible to draw very far-reaching conclusions. What is clear, though, is that the 1630s and 1640s were the most popular time for the Turku law students to study in Leiden, and this was especially true of the young men from the higher nobility. The same can be seen for Swedish students in general, as well as for judges of the Svea Court of Appeal, who had studied abroad.⁸³

Another comparison between noble and non-noble students can be drawn regarding the number of foreign universities or towns they visited during their travels. The difference is by no means radical, but some observations may be made. When looking at the sons of the higher nobility and the Creutz brothers, who all visited Leiden in the 1630s or 1640s, we can see that all of them went to at least two different foreign towns during their travels; Ernst Johan Creutz is

80 Kotivuori, *Ylioppilasmatrikkeli*; Nuorteva, *Suomalaisten ulkomainen*, p. 392; Grotenfelt, "Suomalaiset ylioppilaat," p. 119.

81 Strömberg, "Ylioppilaat," pp. 325–326.

82 Kotivuori, *Ylioppilasmatrikkeli*, Lars Cruus.

83 Niléhn, *Peregrinatio*, p. 163; Vasara-Aaltonen, "From Well-travelled," p. 315.

the clear leader, with seven stops on his journey. Apart from political science in Groningen and Leiden, he is known to have studied law in Strassburg.⁸⁴ However, they did not necessarily enrol at a university in each of these places: Lars Fleming is said to have been a student (*ylioppilas*) in Leiden, and an enrolment date is mentioned, after which he is mentioned as having “studied in Paris, London, and Rome” without any mention of university attendance.⁸⁵ Most of the sons of the lower nobility only visited one foreign university. The non-noble students usually enrolled at one or two foreign universities. Apart from one student, one cannot find among them visits to foreign towns with just the mention “visited,” or “studied in”; one always finds enrolment at a university. A notable exception within the group of non-nobles is Mikael Wexionius, a future law professor, who on his four-year-journey visited four foreign universities: Wittenberg, Marburg, Groningen, and Leiden.⁸⁶ Wexionius’s trip most resembled noble journeys, which is no surprise given that his patrons ranked among the highest nobility of the realm. One may conclude that, especially concerning the noble students, the longest study journeys took place in the 1630s and 1640s.

1.4 *Information on the Studies of Turku Students in Leiden*

Many of the students in question had enrolled at the University of Uppsala in Sweden before journeying abroad. Often, however, the students were very young when they matriculated there. Many of them were in their teens, around fourteen to fifteen years old, the youngest being Sten Bielke, who was matriculated at the age of eight.⁸⁷ Therefore, one must always deal with the question of “studies” with caution, not only focusing on the fact of a record of enrolment. The point at which the Turku law students arrived in Leiden was later, though; most were in their early twenties at the time, so it is reasonable to assume that they were old enough to follow academic studies there.

As for the length of studies in Leiden, some answers may be found by looking at the *recensie* lists of the university, which provide useful source material. Each student was supposed to have their names reviewed and written into the *recensie* lists every year.⁸⁸ Thus, a student staying in Leiden for more than a year should have his name not only in the matriculation record but also in the *recensie* list. Unfortunately, these lists are missing for the years 1593, 1595 to

84 The towns being: Dorpat, Groningen, Leiden, Amsterdam, Paris, Rome, and Strassburg, see Kotivuori, *Ylioppilasmatrikkeli*, Ernst Johan Creutz.

85 Kotivuori, *Ylioppilasmatrikkeli*, Lars Fleming.

86 Kotivuori, *Ylioppilasmatrikkeli*, Mikael Wexionius.

87 Kotivuori, *Ylioppilasmatrikkeli*, Sten Bielke.

88 Wansink, *Politieke*, p. 5.

1598, 1600, 1602, 1608 to 1621, 1623 to 1649, 1651 to 1655, and 1657 to 1658. This is especially unfortunate as most of the Turku students stayed in Leiden during these years. However, the lists can be examined on the part of the five students who studied in Leiden after that.

Four of these five students turn up in the *recensie* lists of the years following their matriculation. Arvid Stierncrantz enrolled at the University of Leiden on 14 October 1681 and his name was listed as Arwet Sternkrans. The name Arwet Steernkrans appears in the *recensie* lists of 1682 and 1683.⁸⁹ Thus, we can presume that his stay in Leiden was not just a brief visit. How long he actually studied or stayed in the town is unclear. He did also enrol at the University of Rostock in July 1682. It is not clear, though, how he divided his time between the two universities but apparently, he had some longer lasting connection to the University of Leiden as he registered there for three years. In 1684, the next year after his last entry in the Leiden records, he became a trainee (*auskultant*) at the Turku Court of Appeal.⁹⁰

Gabriel Pontinus is another of the students who can be found in the *recensie* lists. His first entry in the Leiden records is on 31 May 1681 when he matriculated. Like Stierncrantz, Pontinus enrolled at another university, too: at Strassburg in October 1681. Still, Gabriel Pontin can be found in the *recensie* lists of the University of Leiden in 1682. The following year he started as a trainee at the Svea Court of Appeal, so it is natural that he is no longer mentioned in the Leiden records of 1683.⁹¹ Samuel Florinus matriculated in Leiden on 28 March 1699. The next year his name is in the *recensie* lists, but in 1701 he is no longer mentioned there.⁹² Jakob Lang seems to have stayed in Leiden for the longest. He is first listed as Jacobus Leang, arriving at the university on 22 September 1706. After that, he is found in the *recensie* lists of 1707, 1708, and 1709.⁹³ A shadow on Lang's true presence in Leiden is cast by the fact that he, too, started as a trainee at the Svea Court of Appeal in June 1708.⁹⁴ Apparently he still had some connection to Leiden.

For the year Gustaf Hjelmfelt matriculated at the university, the *recensie* lists do exist, but he cannot be found in them. Nevertheless, one could suppose

89 *Recensie* lists, ASF: 52 (1682) and 53 (1683), UBL.

90 Kotivuori, *Ylioppilasmatrikkeli*, Arvid Stierncrantz.

91 *Recensie* lists, ASF: 52 (1682) and 53 (1683), UBL; Kotivuori, *Ylioppilasmatrikkeli*, Gabriel Pontinus.

92 *Recensie* lists, ASF: 70 (1700) and 71 (1701), UBL.

93 *Recensie* lists, ASF: 77 (1707), 78 (1708), and 79 (1709), UBL.

94 Kotivuori, *Ylioppilasmatrikkeli*, Jakob Lang.

he spent a longer stay there as he is said to have become a doctor of both laws there more than a year after his first matriculation.⁹⁵

The *recensie* lists also include the person with whom the student was staying. In the seventeenth century, it was quite common for professors to provide lodging for students at their homes, but judging by the *Album Scholasticum* of the Leiden teachers, Pontinus, Florinus, Stierncrantz, and Lang did not stay with professors.⁹⁶ Who their hosts were remains unclear, but the most common practice was to stay with some of the town's burghers, who could make some extra income by accommodating students.⁹⁷ Stierncrantz and Lang are mentioned more than once in the *recensie* list. In both years, Stierncrantz was staying with the same person and the same is true for Jakob Lang. For all three years that Lang is found in the *recensie* lists, he is mentioned as having been staying "bij Jan van Wigge."⁹⁸ This could suggest there was some sort of stability in the visits to Leiden. Either the students stayed with the same person throughout the years in question, or they had formed a connection that allowed the students to come back to live in the same place after returning to Leiden. From other sources it is known that Johan Cruus, during his studies in Leiden in the 1630s, stayed for seven months with the young professor of eloquence Marcus Zuerius Boxhornius, who also encouraged Cruus in his literary endeavours.⁹⁹

What do these *recensie* lists tell us then? To draw any conclusions about the seriousness of the students' studies on this basis would be premature. They do, however, show that in the case of these students it was not only a question of some "tourist journey" with a short stop in Leiden. These students had some reason for at least returning to Leiden to write their names in the books of the university. As in Lang's case, some did it even for four consecutive years. Whether or not they actually spent the whole time in between in Leiden cannot be definitely determined, and for some of them it is probable that they also visited other universities meanwhile.

Apart from the *recensie* lists, the information given in the Turku material can give some clues as to how long students stayed abroad. For about half of the students it is possible to estimate how long their stay in Leiden was. In

95 Kotivuori, *Ylioppilasmatrikkeli*, Gustaf Hjelmfelt. However, on the difficulties in finding records of Hjelmfelt's graduation, see below p. 99.

96 Otterspeer, "The Mediating," p. 182–183; *Album Scholasticum*.

97 Nuorteva, *Suomalaisten ulkomainen*, p. 395.

98 *Recensie* lists, ASF: 52 (1682), 53 (1683), 77 (1707), 78 (1708), and 79 (1709), UBL.

99 Nuorteva, *Suomalaisten ulkomainen*, pp. 400–401.

most cases it was something between one to two-and-a-half years. For instance, Karl Rothovius, listed at the faculty of law in Leiden, is mentioned to have been on a study journey abroad during the years 1646 to 1650 after his earlier enrolments in Dorpat, Uppsala, and Turku. His first matriculation abroad was in Rostock in October 1646 and the second in Leiden in November 1648. After that, there is no record of other universities he might have visited.¹⁰⁰ Therefore, it is possible that he first spent two years in Rostock and then a year or two in Leiden before returning home. In Abraham Rothovius's case, this is even more probable, as he enrolled at the university in July 1636 and acted as respondent at the end of April 1637. It seems clear that he spent at least nine months in Leiden, perhaps even longer, until 1639.¹⁰¹

Knowing the details of *what* individual students studied abroad is difficult. The first thing to do is to examine the matriculation records, which in Leiden's case fortunately indicate at which faculty the students were enrolled. Of the twenty-six Turku law students in this study, ten were matriculated at the faculty of law (marked by the letter "J," *Juris*, in the *Album Studiosorum*). Four were studying political science ("Pol.") and the rest are marked as having enrolled to study literature ("L.," *Litterarum*), mathematics ("Mat.," *Matheseos*), or medicine ("M.," *Medicinae*).¹⁰² Some of them are listed in two faculties. The combination for Sten Bielke was political science and history, Gustaf Hjelmfelt studied *litterarum* and law, Arvid Stierncrantz philosophy and *litterarum*, Samuel Florinus oriental languages ("Oriental.," *Orientalium linguarum*) and possibly literature.¹⁰³ In addition, one student is mentioned as being *equestri nobilitate* and one as having studied eloquence. Of three students, the Kurck brothers and their *praeceptor* Anders Salamontanus, there is no record of the faculty they enrolled at.¹⁰⁴

This is to say that the two most popular fields of study among these future lawyers in Leiden were law and political science. According to Grotenfelt's compilation of information about students in Leiden between 1618 and 1648, political science seems to have been especially popular among Finnish students.¹⁰⁵ Apparently this was also true of the future lawyers.

100 Kotivuori, *Ylioppilasmatrikkeli*, Karl Rothovius.

101 Kotivuori, *Ylioppilasmatrikkeli*, Abraham Rothovius.

102 *Album Studiosorum Lugduno Batavae*.

103 The Leiden matriculation record uses the abbreviation "Hum. L." in connection with Samuel Florinus ("Oriental. et Hum. L.") which seems to be a mistake as no study field existed with that abbreviation. It is possible that "L.," *litterarum*, was meant instead. *Album Studiosorum Lugduno Batavae*, p. 48; cf. the *Notarum explicatio* in *Album Studiosorum Lugduno Batavae*, preface.

104 *Album Studiosorum Lugduno Batavae*, pp. 257, 298, 337, 338, 346, 539, 649, and 753.

105 Grotenfelt, "Suomalaiset ylioppilaat," p. 98.

Students from different backgrounds seem to have enrolled at different faculties. Compared to political science, the faculty of law was distinctly “non-noble” in terms of Turku students. Whereas we see a majority of noble students when looking at the whole group, examining the students at the law faculty reveals that of the ten students there, only three were noble. My study on the judges of the Svea Court of Appeal confirms that the same was true there, as it showed that among the judges who had studied in Leiden, it were non-nobles who primarily chose the law faculty.¹⁰⁶ The situation with political science was completely different: all four students represented the old noble families: Creutz, Bielke, and Fleming.

The fact that virtually no attendance lists of lectures exist makes it more challenging to find out what the students actually studied. Only some information about the number of students at Everard Bronchorst’s lectures at the end of the sixteenth century has remained. Often not more than a record of matriculation can be found.¹⁰⁷ A few of the Turku law students defended disputations or gave orations while staying in Leiden, so it is best to start by looking at these as no attendance lists are available.

Abraham Rothovius matriculated at the law faculty of the University of Leiden on 26 July 1636, at the age of twenty-one.¹⁰⁸ The next spring, on 29 April, he attended a disputation with law professor Jacobus Maestertius as *praeses*.¹⁰⁹

¹⁰⁶ Vasara-Aaltonen, “From Well-travelled,” p. 316.

¹⁰⁷ Ahsmann, *Collegium*, pp. 51–52.

¹⁰⁸ Kotivuori, *Ylioppilasmatrikkeli*, Abraham Rothovius; Leinberg, *Dissertationes*, p. 152.

¹⁰⁹ A dissertation would be written either under the guidance of a *praeses* or by the *praeses* himself. The *praeses*, who was one of the professors of the faculty, would also head, i.e. preside over, the disputation where the student defended the thesis. A question that has been of much interest is who the actual author of the dissertations was. Was it the respondent, the *praeses* or perhaps even a third person? A definite answer applicable in all cases cannot be given. Inaugural dissertations in theology were often written by the respondent in person, whereas in law and medicine it was less common for the respondent to be the sole author. Often the process involved collaboration between respondent and *praeses*, with the *praeses* having at least a large influence on the writing. For instance, the statutes of the philosophical faculty in Halle stated that the respondent of an inaugural dissertation could choose whether to write the text himself or have the *praeses* write it. It is, thus, possible that some dissertations were written by the respondents themselves. Sometimes the student is mentioned as both author and respondent (*auctor et respondens*), but even then it is not always completely certain that the student is the sole author. Hanspeter Marti, “Dissertation und Promotion an frühneuzeitlichen Universitäten des deutschen Sprachraums, Versuch eines skizzenhaften Überblicks,” in *Promotionen und Promotionswesen an deutschen Hochschulen der Frühmoderne*, ed. Rainer A. Müller (Cologne, 2001), pp. 11–12; Michael Philipp, “Politische Dissertationen im 17. Jahrhundert,” in *Promotionen und Promotionswesen an deutschen Hochschulen der Frühmoderne*, ed. Rainer A. Müller (Cologne, 2001), pp. 24–25; Karl Härter, “Ius publicum und Reichsrecht in den juristischen Dissertationen mitteleuropäischer Universitäten der Frühen Neuzeit,” in *Science politique*

He defended a thesis on interpretation of the law entitled *De Optima Ratione Interpretandarum Legum*. The front page states it to be an exercise dissertation (*exercitii gratia*),¹¹⁰ and Rothovius dedicates the work to his father, bishop Isak Rothovius. This dissertation appeared in 1637 and it is much more modest than most dissertations by Turku students at German universities, as will be seen in Chapter 4. The topic is discussed by referring to the *Digesta*, the *Codex*, and the *Novellae*, specifically mentioning only the jurist Ulpian (c. 170–223). The only contemporary jurist mentioned is the French Jacques Cujas (1522–1590). The dissertation is ten pages long (the actual text eight pages).¹¹¹ Sadly, Abraham Rothovius died only two years after his disputation so he never had the time to build a career. Abraham's brother Karl was listed as having matriculated at the law faculty in Leiden as well.¹¹²

Another disputation was defended by Johan Munkthelius. He enrolled at the faculty of medicine in Leiden on 29 June 1647 at the age of twenty-five under the name Joannes Munthelius. A few years earlier he had defended a disputation *Disp. Philosophica inauguralis de magia naturali* in Turku. In 1649, while at Leiden, he apparently defended or wrote a *dissertatio pro gradu* on scurvy at the faculty of medicine.¹¹³ According to the matriculation records of the Academy of Turku, Munkthelius was awarded a doctorate in medicine in Leiden that year. It seems clear that his main focus in Leiden was medicine, although some other studies might also have been possible on the side. Regardless of his studies, he followed a career in law after having been a physician for a couple of years. Was this due to the experience he had gathered somewhere along the road, or did his studies also involve some jurisprudence? At

et droit public dans les facultés de droit européennes (XVIIe–XVIIIe siècle), eds. Jacques Krynen and Michael Stolleis (Frankfurt am Main, 2008), pp. 485–486; Gertrud Schubart-Fikentscher, *Untersuchungen zur Autorschaft von Dissertationen im Zeitalter der Aufklärung* (Berlin, 1970), pp. 36 and 43–44.

110 Dissertations can be divided into several groups depending on which purpose they served. The inaugural dissertation was part of a disputation where the aim was to obtain a degree, and it can usually be easily distinguished as it is called, for instance, *dissertatio pro licentia* or *dissertatio pro gradu doctoratus*. Next to these were exercise dissertations (*Übungsdissertationen, exercitii causa*) which did not aim at a degree but sought to practise disputation skills. Marti, "Dissertation," pp. 2–11.

111 Jacobus Maestertius and Abrahamus Rothovius, *Disputatio juridica de optima ratione interpretandarum legum* (Leiden, 1637).

112 Grotenfelt, "Suomalaiset ylioppilaat," p. 119.

113 Scurvy (*scorbutus*) had already been studied in the Low Countries in the sixteenth century, so Munkthelius's dissertation was surely on a topic of great interest at the university. See M.C. de Tullio, "How does ascorbic acid prevent scurvy? A survey on the nonantioxidant functions of vitamin C," in *Vitamin C: function and biochemistry in animals and plants*, eds. Han Asard, James M. May, and N. Smirnoff (London, 2004), p. 177.

least as an appeal court judge he was able to give broad analysis on legal questions and cite the *Commentarius in Ius Lubecense* by the Greifswald jurist David Mevius (1609–1670) and the Flemish jurist Joos de Damhouder's (1507–1581) work on French law.¹¹⁴

A more difficult issue is the case of Gustaf Hjelmfelt. The Turku matriculation records list Gustaf as having matriculated in Leiden in 1667 and having graduated as a doctor of both laws two years later.¹¹⁵ He truly did register at Leiden in 1667 and was listed as Gustavus Helmvelt studying both *litterarum* and law. The *recensie* lists, however, have no record of Hjelmfelt staying in Leiden the next year. Searching for a record of him obtaining a degree is also in vain. The *acta senatus* contain no mention of this. Nor is he to be found in the *Catalogus candidatorum qui gradum adepti sunt*, which held a list of all graduating students. Even the acts of the law faculty, *Actorum Juridicae Facultatis*, containing information about students completing an exam or disputation, miss him completely.¹¹⁶ There is, however, information that Hjelmfelt held two *orationes* with the title *Ratio status barbarorum* in 1668 in the great auditorium of the university.¹¹⁷ These were apparently published the same year as a book of fifty-two pages.¹¹⁸

In March 1669, Hjelmfelt was respondent in a *Disputatio politico-juridica de occupatione* with Professor Adriaan Beeckerts van Thienen (1623–1669) presiding. This work, however, is not mentioned as being an inaugural dissertation *pro gradu*.¹¹⁹ The title page lists Hjelmfelt as both author and respondent, and it entails a dedication to Hjelmfelt's father, Simon Grundel. This work is much more elaborate than the one Rothovius had defended, described above. It is thirty-six pages long (the actual text thirty-three). In it, Hjelmfelt discusses various aspects of occupation and gives examples from different regions: from Sweden to Africa, and from Spain to Russia, presenting various laws and customs. In the text Hjelmfelt refers to over seventy different authors, mainly jurists, but some theologians, as well.¹²⁰ Whether or not Hjelmfelt actually

114 Jussi Sallila, *Insolvency, Commercial Utility and Principles of Justice. The Making of Bankruptcy Law in Sweden and Finland, ca. 1680–1868* (Helsinki, 2015), pp. 119–120.

115 Kotivuori, *Ylioppilasmatrikkeli*, Gustaf Hjelmfelt.

116 *Recensie* lists, ASF: 38 (1668); *Catalogus candidatorum qui gradum adepti sunt* ASF: 348 (1654–1712); *Actorum Juridicae Facultatis*, ASF: 388 (1642–1669), ASF: 389 (1669–1745), UBL; *Bronnen tot de geschiedenis der Leidsche Universiteit*, 111, 8. Febr. 1647 – 18. Febr. 1682, ed. P.C. Molhuysen ('s-Gravenhage, 1918).

117 *Kaartregister van der Woude*: Leiden 1668, UBA; Wrangel, *Sveriges litterära*, p. 135.

118 Wrangel, *Sveriges litterära*, p. 135; Jörn, ed., *Servorum*, p. 206.

119 *Kaartregister van der Woude*: Leiden 1669, UBA.

120 Gustav Helmfelt, *Disputatio politico-juridica de occupatione* (Leiden, 1669).

graduated as a doctor is not clear from these sources, though. His funeral sermon praises his language skills and adds that he came into contact with renowned scholars in Holland and had in a short time acquired knowledge of various academic subjects such as politics and law.¹²¹

These were the students of whose studies in Leiden some written evidence can be found. The next group consists of students whom the *Album Studiosorum* lists as having studied at the law faculty (“J.”) but who apparently did not defend disputations. These are Mikael Wexionius, Petter Thesleff, Lars Fleming, Johan Teet, Karl Rothovius, Anders Stiernhöök, Gabriel Pontinus, and Jakob Lang.

Little is known of the future law professor Mikael Wexionius’s studies in the Netherlands. There is, however, information about his stay at the University of Marburg in Germany. After having obtained a master’s degree at the University of Uppsala, he decided that continuing his studies abroad would be most advantageous. His father and teachers had also studied abroad, so the choice was natural. In March 1634, Wexionius wrote to Chancellor Axel Oxenstierna about the studies he was thinking about. He noted the deficiencies in legal education in Sweden. He also told Oxenstierna that “nowhere did jurisprudential studies flourish as in Marburg.”¹²² Wexionius went on to study in the Netherlands, but did not stay there for very long, only for a few months. He enrolled at the University of Leiden together with his *famulus*, Jacobus Wilhelmi, who according to the *Album Studiosorum* was from Leiden. Wexionius apparently got to know teachers and scholars, mainly in the field of philology and history. This certainly must have been fruitful considering his office as professor of political science and history, which he held prior to his appointment as a law professor.

121 Jörn, ed., *Servorum*, p. 203. Christian Gottlieb Jöcher, *Allgemeines Gelehrten-Lexicon, Zweiter Theil, D-L* (1750, facsimile ed. Hildesheim, 1961), p. 1470 states that by the age of 12, Hjelmfelt was able to speak Swedish, Russian, Polish, Latin, French, Spanish, Italian, English, Dutch, and German as well as read the Bible in Greek and Hebrew. How much of this is exaggerated is hard to tell, but it is safe to say Hjelmfelt had good language skills.

122 A.A.A. Laitinen, *Michael Wexionius-Gyldenstolpe* (Helsinki, 1912), pp. 30–32 and 35. In Marburg, he was acquainted with Hermann Vultejus (1555–1634), a philologist and much-lauded jurist, whose main work was *Jurisprudentiae Romanae a Justiniano compositae libri II* and who had also written *Disceptationum scholasticarum juris liber unus* and *De feudis eorundemque jure libri duo*. All were acknowledged as significant works. In private law, Vultejus emphasized the role of national law. After Vultejus’s death in July 1634, Wexionius was taught by the law professors Justus Sinold Schütz (1592–1657) and Anton Nesenius (1582–1640). During his stay in Marburg, Wexionius also acquired knowledge of German and French. Laitinen, *Michael Wexionius-Gyldenstolpe*, pp. 36–37; Friedrich Wilhelm Cujo, “Vultejus, Hermann,” in *Allgemeine Deutsche Biographie, vol. 40, Vinstingen – Walram* (Leipzig, 1896), p. 390.

In his later works on political science, Wexionius also often mentions Justus Lipsius, who was a professor at Leiden University at the end of the sixteenth century. Hugo Grotius's thoughts seem to have influenced Wexionius as well.¹²³

Before studying abroad, Johan Teet had enrolled at the Academy of Turku in 1640. In 1642, he went to study in Uppsala, where five years later, he acted as respondent in the thesis *Jure Connobiorum* on marriage law with law professor Johannes Loccenius (1598–1677) as *praeses*. The next year, on 11 September 1648, he matriculated at the University of Leiden at the law faculty, but died there only two days later.¹²⁴ Karl Rothovius matriculated at the Leiden law faculty some seven weeks later than Teet, in November 1648, and was listed under the name Carolus Rotgovius. Four years earlier, he had defended a thesis with the title *Discursus de academiis earumq; statu & juribus* in Turku with Mikael Wexionius presiding.¹²⁵ Of Petter Thesleff's, Lars Fleming's,¹²⁶ Anders Stiernhöök's, Gabriel Pontinus's,¹²⁷ and Jakob Lang's studies in Leiden, not more is known than that they enrolled at the law faculty.

In most cases, the information found on these students who enrolled at the law faculty suggests that they were serious about their studies in law. Some of them had also studied law at other (foreign) universities and, as we shall see, most of them made quite an impressive career in the judiciary afterwards. Some also had older family members who had been abroad studying law.

After law studies, political science was the second-most-popular subject among the Turku students in Leiden. Sten Bielke, Lorentz and Ernst Johan Creutz, and Herman Fleming enrolled to study politics, as indeed did Johan Cruus, although it is not mentioned with his other matriculation information. There is no information specifically about Sten Bielke's or Lorentz and Ernst Johan Creutz's studies in Leiden. While Lorentz Creutz travelled back to Sweden after his stay in Leiden, his brother Ernst Johan spent some time in Amsterdam, where he engaged in some literary activities. These will be discussed

123 *Album Studiosorum Lugduno-Batavae*, p. 278; Laitinen, *Michael Wexionius-Gyldenstolpe*, pp. 41–46.

124 Kotivuori, *Ylioppilasmatrikkeli*, Johan Teet; *Album Studiosorum academiae Lugduno Batavae*, p. 390; Joh. Henr. Lidén, *Catalogus Disputationum in academiis et gymnasiis Sveciae, atque etiam, a svecis, extra patriam habitarum, quotquot hus usque reperiri potuerunt* (Uppsala, 1778), p. 329; Grotenfelt, "Suomalaiset ylioppilaat," p. 119.

125 *Album Studiosorum academiae Lugduno Batavae*, p. 391; Jorma Vallinkoski, *Turun Akatemian väitöskirjat 1642–1828. 5. H. Snellman – O. Öhrlin* (Helsinki, 1966), p. 570.

126 Lars Fleming and his brother Herman are known to have taken an exam on the Old Testament in 1637 and in private law in 1638 at the University of Uppsala, see Nuorteva, *Suomalaisten ulkomainen*, p. 368.

127 Gabriel Pontinus also studied law in Strassburg. Kotivuori, *Ylioppilasmatrikkeli*, Gabriel Pontinus.

later. Nuorteva suggests that Creutz may well have been taught by professor of eloquence Boxhornius in Leiden, as Boxhornius played an important role in the training of young noblemen.¹²⁸ Herman Fleming also enrolled to study political science in Leiden, but apparently, he mainly studied shipbuilding while in the Netherlands.¹²⁹

Johan Cruus, enrolled at the university as *equestri nobilitate*, was in contact with some of the most renowned professors of the university during his stay. Cruus was mentored by professor of eloquence Boxhornius, with whom he also stayed for seven months. Boxhornius encouraged Cruus to translate two works of political science by the jurist and polyhistor Virgilio Malvezzi (1595–1654) from Italian into Latin. These were the books *Princeps* and *Tyrannus*, both typical mirrors for princes. Both translations entailed the gratulations of professors Boxhornius, Petrus Scriverius (1576–1660), and Daniel Heinsius (1580–1655), with whom Cruus had been in contact. Scriverius was a historian and Heinsius, the philologist, has already been discussed earlier. In a dedication written by Cruus to Chancellor Axel Oxenstierna, he mentions the help he had received from Boxhornius, Scriverius, and Heinsius during his studies.¹³⁰ In a letter that Cruus sent to Oxenstierna from Leiden in 1635, he mentions being in Leiden already for the second year as Oxenstierna sent him there to study classical literature (*bonae litterae*) and good sense (*bonae mentis*). He repeats this in the dedication of his translation of the *Princeps*.¹³¹

There are still some students remaining, who studied neither law nor politics in Leiden. Johan Stålhandske had defended a disputation in Uppsala in May 1638, where he had enrolled three years earlier. His disputation on *lèse-majesté* was presided over by Johannes Loccenius, professor of Roman law, and was entitled *Dissertatio Juridica De Crimine læsæ Majestatis*. He also attended exams in theology and eloquence. In December 1637, Stålhandske held an *Oratio de Rerumpublicarum eversionibus* on the destruction of states in Uppsala, which was printed the following year. Stålhandske matriculated in Leiden as a student of eloquence in September 1638, and Grotenfelt describes his studies as humanistic. It seems clear, however, that he had an interest in judicial questions, too, especially concerning matters of state. In 1640, he returned to Turku. He is known to have spoken Dutch well enough to hold a gratulatory speech in that language at the founding festivities of the Academy of Turku

128 Nuorteva, *Suomalaisten ulkomainen*, p. 402.

129 Stellan Dahlgren, "Herman Fleming," in *Svenskt biografiskt lexikon*, vol. 16 (Stockholm, 1964–1966).

130 Nuorteva, *Suomalaisten ulkomainen*, pp. 399–401.

131 J. Cruus to A. Oxenstierna, Leiden 7.8.1635, E639, *Oxenstierna-samlingen*, RA; V. Malvezzi, *Princeps, ejusque arcana in vita Romuli representata*, trans. J. Kruuss (Leiden, 1636).

in 1640, which could suggest he spent some time in the Netherlands.¹³² In 1641, at a meeting of the Treasury, Axel Oxenstierna suggested that Stålhandske be granted a travel scholarship. It may well be that a second journey was planned or even took place as, after 1640, there is a long gap in Stålhandske's biography.¹³³

More exotically, a couple of students were interested in natural science. One of them was Samuel Florinus, who had defended a thesis in Turku with the title *De principiorum chymicorum natura et indole* in 1693. In Leiden, he is marked as having studied oriental languages and possibly literature in 1699. Previously he had obtained a degree in philosophy at the University of Wittenberg. He later worked as a language master and as secretary at the Royal Library. It therefore seems likely that his studies were not necessarily related to law, even though he later held the office of provincial judge (*lagman*) between the years 1721 and 1736.¹³⁴

Another one was Erik Fleming, who enrolled in Leiden as a student of mathematics. Studies in Leiden might have benefited students' future careers as lawyers even if these were not law studies. Fleming had already begun his career in the field of mining before going to study abroad, so in that respect he differs from many of the other students. Fleming began working with the mining administration in 1635 and became an assessor of the Board of Mining (*bergskollegium*) two years later. In 1640, he enrolled in Leiden and also studied in Paris, London, and Rome as part of a "scientific journey through a great number of European countries from 1639 to 1643." After that, he continued his career in the field of mining, even becoming president of the Board of Mining.¹³⁵ Working in controlling the mining industry certainly demanded some knowledge of natural science, including mathematics. Fleming's funeral sermon mentions that he had gone to Leiden to "perfect his knowledge in mathematics and other sciences necessary for mining."¹³⁶ So, even though Fleming's tasks on the Board of Mining also involved judicial matters, education in the

132 Leinberg, *Dissertationes*, p. 22; Leinberg, *Orationes*, p. 26; Grotenfelt, "Suomalaiset ylioppilaat," p. 118; Nuorteva, *Suomalaisten ulkomainen*, pp. 368 and 434; Kotivuori, *Ylioppilasmatrikkeli*, Johan Stålhandske; *Album Studiosorum Academiae Lugduno Batavae*, p. 298.

133 Winberg, *Den statskloka*, p. 152.

134 A.A. Stiernman, ed., *Aboa Literata. Turun Akatemian kirjallisuus. Näköispainos ja suomenos vuonna 1719 julkaistusta alkuteoksesta* (1719, facsimile ed. and Finnish trans. Helsinki, 1990), p. 148; Kotivuori, *Ylioppilasmatrikkeli*, Samuel Florinus.

135 Kotivuori, *Ylioppilasmatrikkeli*, Erik Fleming.

136 "(...) at perfectionera sigh uthi Mathematiquen och flere till Bergwärrcket nödiges Wettskaper." Cited in Nuorteva, *Suomalaisten ulkomainen*, p. 406, fn. 55.

subject matter must have been important, too.¹³⁷ Johan Stiernhöök also chose to study mathematics in Leiden, unlike his brother Anders, who opted for law.¹³⁸

Prior to their studies in Leiden, where there is no information about a faculty choice, the Kurck brothers, Knut and Gustav, had studied under the guidance of law professor Johannes Loccenius in Uppsala. Knut and Gustav's uncle was none other than Chancellor Axel Oxenstierna, who together with their father, councillor of the realm Jöns Kurck and professor Loccenius, paid great attention to the boys' education. The Kurcks studied in Uppsala for eight years, and were examined in eloquence.¹³⁹ Of their studies in Leiden there is unfortunately no information. What, if anything, their *praeceptor* Anders Salomon-tanus studied in Leiden is not known either. However, the fact that he was later appointed judge at a court of appeal might suggest that he had some legal studies behind him.

On Gustaf Bielke's studies in *litterarum* and Arwid Stierncrantz's studies in *litterarum* and philosophy, no additional information is to be found. Finally, we come to Teofil Mellin (nob. Ehrenstierna), of whose studies in Leiden nothing is known. Mellin cannot be found in the Leiden matriculation records: he is only said to have "sojourned at the University of Leiden in 1672" and to have been travelling abroad in the company of a Jakob Bure between 1669 and 1672. In 1669, he had enrolled at the University of Tübingen.¹⁴⁰

While the majority of the Turku law students in fact did not enrol at the law faculty in Leiden, some of them may still have attended lectures in law. Studying at one faculty did not necessarily exclude other studies. Kees van Strien's and Margreet Ahsman's article about Scottish law students in Leiden suggests that having subsidiary subjects in addition to law was possible; indeed, many of the Scottish students took advantage of this opportunity. These other subjects ranged from history and political science to theology, mathematics, and French. The student John Clerk wrote a letter in which he praised the merits of learning Roman history, especially for a lawyer. Non-academic subjects such as music, fencing, and dancing also formed part of the repertoire for some students.¹⁴¹ As this was a possible choice at the University of Leiden, it is also

137 Studies in arithmetic and geometry were also useful for men aiming for a military career, see Giese, *Studenten*, p. 657.

138 Kotivuori, *Ylioppilasmatrikkeli*, Johan Stiernhöök and Anders Stiernhöök.

139 Nuorteva, *Suomalaisten ulkomainen*, pp. 365–367 and 387.

140 Kotivuori, *Ylioppilasmatrikkeli*, Teofil Mellin.

141 Kees van Strien and Margreet Ahsman, "Scottish Law Students in Leiden at the End of the Seventeenth Century. The Correspondence of John Clerk, 1694–1697," *Lias* 19 (1992), pp. 300–301.

reasonable to believe that the Turku students in question might also have had subsidiary subjects. This means that those at the law faculty might have studied other subjects, as well. It also leads to the conclusion that Swedish students at other faculties who later became lawyers might have had some subsidiary education in law, too.

Whereas unfortunately little concrete information is available about the studies of the Turku students in Leiden, some additional information about the Svea Court of Appeal judges who had studied in Leiden and disputed there may provide some overall insight into the law studies of Swedes in Leiden. Uddo Ödla (1617–1668), who was a judge at the Svea Court of Appeal from 1652 to 1657, had enrolled in Leiden in 1643 and over the course of the next eight years acted as respondent in four different disputations. Their titles were *De injuriarum actione* (1643), *De novi operis nuntiatione et actione et confessoria*, *De Primo et secundo decreto*, *De contractibus vel alienationibus factis ante vel post capitale crimen contractum* (1645), *De officio magistratum in jure reddendo, seu dicundo* (1645), and *De contractibus minorum at curatorum auctoritate* (1651).¹⁴² Carl Rosinger (nob. Rosenstielke, d. 1661), a judge at the court between 1647 and 1661, had enrolled in Leiden in 1641 and defended three disputations before obtaining a doctorate in law in 1643. These were entitled *De evictionibus*, *De collationibus*, and *De juribus maiestatis et regalibus*. The last of these lists him as being the author, not just the respondent.¹⁴³ Ödla's and Rosinger's works were presided over by law professor Jacobus Maestertius,¹⁴⁴ which would lead one to assume that Maestertius played an important part in educating Swedish law students from the late 1630s to the late 1650s, when he was professor.¹⁴⁵

1.5 *Careers of Turku Students in Leiden*

As already stated in the introduction, the “law students” in this research were identified through their future careers. This means that all the students worked with judicial matters in one way or another at some point during their careers. It is now time to see what became of the students who had been to Leiden.

First, we can discard Abraham Rothovius and Johan Teet (they had enrolled at the law faculty) from this examination. Both died before they had a chance

¹⁴² *Kaartregister van der Woude*, UBA; Vasara-Aaltonen, “From Well-travelled,” p. 309.

¹⁴³ *Kaartregister van der Woude*, UBA; A. Anjou, ed., *Kongl. Svea hofrätts presidenter samt embets- och tjänstemän 1614–1898: Biografiska anteckningar* (Eksjö, 1899), p. 77; Vasara-Aaltonen, “From Well-travelled,” pp. 309–310.

¹⁴⁴ *Kaartregister van der Woude*, UBA.

¹⁴⁵ In fact, checks into the *Kaartregister van der Woude*, UBA, seem to confirm that Maestertius was most commonly *praeses* in the dissertations of Swedish respondents.

even to begin their careers. Of the remaining twenty-four students, fourteen later held a position at a court of appeal – most often in Turku or Stockholm. Among them were four future presidents of courts of appeal: Gustaf Bielke and Lars Fleming crowned their careers as presidents of the Dorpat Court of Appeal, Knut Kurck was president of the Svea Court of Appeal, and Ernst Johan Creutz held the same position in Turku. However, it is important to note what kind of careers these important noblemen had, in order to understand how they got to run courts of appeal. Gustaf Bielke, for instance, after his studies in Leiden, first became chamberlain (*kammarherre*) in 1640, then again travelled extensively throughout Europe before attending the Brömsebro peace negotiations in 1645 as marshal. The same year, he was appointed vice president of the Svea Court of Appeal, and two years later president of the Dorpat Court of Appeal. At the same time, he was made district court judge of Vehmaa (Swed. *Vemo*) and Ylä-Satakunta (Swed. *Övre Satakunda*) in Finland. In 1650, he was appointed a councillor of the realm, and the next year he became an assessor at the Svea Court of Appeal. He also acted as ambassador to Russia in 1655. Before his death in 1661, he was also a member of a commissorial court (*kommissorialrätt*) and commissary of the Board of Reductions (*reduktionskollegium*).¹⁴⁶

Knut Kurck was governor, a councillor of the realm, an assessor and president of the Board of Commerce before being appointed president of the Svea Court of Appeal in 1677. Apart from these positions he was also a district court judge and a provincial judge.¹⁴⁷ Lars Fleming went on from being councillor of the Treasury (*kammarråd*) and governor to being president of the Dorpat Court of Appeal – a position which he held for thirty years. Three years into his presidency, he was also appointed a councillor of the realm.¹⁴⁸ Ernst Johan Creutz's career path led him from an assessorship of the Svea Court of Appeal to the office of governor, then an assessor at the Board of Mining, a councillor of the realm, and finally president of the Turku Court of Appeal.¹⁴⁹ Becoming president of a court of appeal was not possible without significant positions in the core of the realm's administration. However, in Ernst Johan Creutz's case, appointing him president of the Turku Court of Appeal was not necessarily a sign of his great achievements. Creutz had already been forced to leave Stockholm a couple of decades earlier due to his difficult character and continual

146 Yrjö Kotivuori, *Ylioppilasmatrikkeli*, Gustaf Bielke. The Board of Reductions was established to carry out the seizure of lands donated to noble families; for more on the reduction, see Chapter 8, section 1.1.

147 Yrjö Kotivuori, *Ylioppilasmatrikkeli*, Knut Kurck.

148 Yrjö Kotivuori, *Ylioppilasmatrikkeli*, Lars Fleming.

149 Yrjö Kotivuori, *Ylioppilasmatrikkeli*, Ernst Johan Creutz.

quarrels, so that giving him the presidency in Turku was perhaps more a favour to his brother Lorentz.¹⁵⁰

The other noblemen who were judges at courts of appeal were Lorentz Creutz, Gustaf Kurck, Anders Stiernhöök, and Johan Stålhandske. Creutz and Kurck pursued very similar careers to their brothers, who became presidents of appellate courts. Lorentz Creutz pursued a significant career on the Board of Mining. Copper mining was an essential activity for the early modern Swedish state, and the Board of Mining – intimately linked to the aristocracy – was an important institution. Creutz was appointed an assessor of the Board in 1638 after returning from his study journey. Later he also acted as its vice president.¹⁵¹ In addition, he held other offices as well; he was appointed as a noble assessor of the Turku Court of Appeal in 1662.¹⁵² Most importantly, Creutz was also a councillor of the realm after 1660. Thus, his career is inextricably linked to the power plays in the realm, so he also had his opponents.¹⁵³ Gustaf Kurck served in the military, was appointed a governor and a councillor of the realm, and was an assessor at the Svea Court of Appeal. He was also a district court judge and a provincial judge as well as governor general of the lands designated for Queen Christina's upkeep after her abdication.¹⁵⁴ Anders Stiernhöök, son of the famous law professor Johan Dalekarlus Stiernhöök, had studied in Leiden in 1656, but the first information on his career is from 1663, when he became an assessor at the Dorpat Court of Appeal. He also held a judge's position in two Ingrian provinces and later in the Swedish county of Örbyhus. What is striking about his career, though, is that he also led the witch commissions in Hälsingland, Örbyhus, and Uppsala.¹⁵⁵ Johan Stålhandske's career is very similar: an assessorship at the Turku Court of Appeal, and the office of district court judge in Hattula and Raasepori (Swed. *Raseborg*). Stålhandske also attended the Diet after 1644.¹⁵⁶

150 Lappalainen, *Suku*, pp. 166–172, 184–187, and 304–305. For other examples of unpopular men being transferred to Finnish courts of appeal, see Vasara-Aaltonen, “From Well-travelled,” p. 333 and Iisa Vepsä, *Oikeuden hakijat. Tutkimus Vaasan hovioikeuden perustamisesta ja varhaisesta toiminnasta* (Helsinki, 2009), p. 235.

151 Lappalainen, *Suku*, pp. 152–157.

152 G. Wittrock, “Lorentz d.ä. Creutz,” in *Svenskt biografiskt lexikon*, vol. 9 (Stockholm, 1931); Kotivuori, *Ylioppilasmatrikkeli*, Lorentz Creutz. Cf. Lappalainen, *Suku*, p. 231, where Lorentz Creutz is mistakenly said to have become president of the Turku Court of Appeal in 1662.

153 Lappalainen, *Suku*, pp. 235–245; Wittrock, “Lorentz d.ä. Creutz.”

154 Kotivuori, *Ylioppilasmatrikkeli*, Gustaf Kurck.

155 Kotivuori, *Ylioppilasmatrikkeli*, Anders Stiernhöök.

156 Kotivuori, *Ylioppilasmatrikkeli*, Johan Stålhandske.

Next is Johan Munkthelius, who had studied and obtained a doctorate in medicine at Leiden. He became a royal personal physician in 1650, not long after returning home from Leiden, but soon changed his career path. Munkthelius's ennoblement with the name of Lagercrona in 1653 seems a likely turning point in this respect. In 1654, he was nominated to the Svea Court of Appeal, where he worked as an assessor. Later he also held offices as a district court judge and on the Board of Reductions.¹⁵⁷ Was it perhaps that his merits as a trustworthy man with the Crown led to his ennoblement and later his appointments in the judicial system? Or was the situation the same as in the case of the Göta Court of Appeal, where a physician was appointed as an assessor specifically because his knowledge of medicine was seen as beneficial in deciding criminal cases?¹⁵⁸ The usefulness of knowledge of forensic medicine for lawyers was taken up in the eighteenth century by the Swedish jurist David Nehrman.¹⁵⁹ There are also more examples of “physician-lawyers” such as the vice president of the Turku Court of Appeal in the 1630s, Olof Bure (1578–1655), who held a doctorate in medicine from Basel and had been personal physician to the king.¹⁶⁰ In any case, Munkthelius spent twenty years at the court of appeal, which makes it the most important part of his career. Among the judges of the noble classes at the courts of appeal there is also Mikael Wexionius Gyldenstolpe. However, he will be dealt with shortly below as the most distinguishing feature of his career was his professorship at the Academy of Turku.

Turning to the non-noble students, we start with Anders Salamontanus, *praeceptor* of the noble Kurck boys on their journey, who also obtained a position at a court of appeal. After returning to Sweden, he became secretary at the Turku Court of Appeal in 1644 and an assessor four years later. The court was headed by Jöns Kurck, father of Knut and Gustaf, so it is safe to say that Salamontanus's close relationship to the Kurck family helped him into office. His assessorship was very long as he worked at the Turku Court of Appeal until 1684. He also held offices as a district court judge: from 1645 to 1652 in Dal,

157 *Album Studiosorum Academiae Lugduno Batavae*, p. 378, *Kaartregister van der Woude*: Leiden: 1649, UBA; Kotivuori, *Ylioppilasmatrikkeli*, Johan Munkthelius; Jorma Vallinkoski, *Turun Akatemian vaitöskirjat 1642–1828. 1. Achrelius – Jac. Flachsenius* (Helsinki, 1962), p. 22.

158 See Rudolf Thunander, *Hovrätt i funktion. Göta hovrätt och brottmålen 1635–1699* (Stockholm, 1993), p. 34.

159 David Nehrman, *Inledning Til Then Swenska Iurisprudentiam Civilem* (1729, facsimile repr. Lund, 1979), Cap. I, § 31, p. 10.

160 Yrjö Blomstedt, “Kuninkaallisen majesteetin oikeus Suomessa,” in *Turun hovioikeus 1623–1973*, ed. Yrjö Blomstedt (Helsinki, 1973), p. 83.

Sweden and from 1653 to 1680 in Masku, Finland.¹⁶¹ Spot checks on the records of the Masku district court show that at least in the winter, summer, and autumn sessions of 1668, as well as in the winter sessions of 1673 and 1674 Salamontanus was present at the court sessions as they are said to have been held “in the presence of the wellborn governor and assessor, the highly esteemed Anders Andersson.”¹⁶² This has to refer to Anders Andersson Salamontanus. Apart from him, the bailiff (*kronans befallningsman*) was also present. After 1674, Salamontanus is no longer to be found in the court records, and only the bailiff is mentioned – as well as the jury (*nämnd*).¹⁶³ As a legal education was a good option for a commoner to advance his career, it is plausible that Salamontanus pursued some law studies while in Europe with the Kurcks, though it is also possible that his merits as *praeceptor* were enough to obtain him this position.

After his law studies at Leiden, Petter Thesleff, who came from a significant Vyborg burgher family, became secretary to the governor of the province of Uusimaa and Häme (Swed. *Nyland och Tavastehus*) in Finland. Two years later, in 1643, he was appointed judicial burgomaster of Helsinki, and in 1648, he became Crown prosecutor (*advokatfiskal*) at the Turku Court of Appeal before advancing to an assessorship there two years later. He was also a district court judge for Raasepori and Hattula, and Pien-Savo (Swed. *Lilla Savolax*). In 1644 he also attended the Diet.¹⁶⁴

A less common example of an appellate judge is Gustav Hjelmfelt, who had perhaps obtained a doctorate of both laws at Leiden. He was appointed an assessor and appellate councillor (*Appellationsrat*) at the tribunal of Wismar in 1672 at the age of twenty-one, when two assessorships became available at the court. The tribunal of Wismar had been founded in 1653 as a higher appellate court (*Oberappellationsgericht*) for matters originating in Sweden's German territories. Hjelmfelt's father, as governor general of Narva and Ingria at the time, had very tight networks and it must have been easy for him to arrange this position for his son. In 1671, the Swedish regency suggested Gustav

161 Kotivuori, *Ylioppilasmatrikkeli*, Anders Salamontanus.

162 “(...) i närvaro wälborne H. Landshöfdingens, Assessorens, högachtat Anders Anderssons (...)”

163 Varsinaisten asioiden pöytäkirjat (1656–1679), Nousiainen, Masku, Lemu: 444 talvikäräjät 1668, 483 kesäkäräjät 1668, 509 syyskäräjät 1668, 546 talvikäräjät 1673, 564 kesäkäräjät 1673, 624 talvikäräjät 1674, 661 kesäkäräjät 1674, 712 syyskäräjät 1674, 975 syyskäräjät 1679, *Kihlakunnanoikeuksien renovoidut tuomiokirjat, Maskun tuomiokunnan renovoidut tuomiokirjat, Varsinaisten asioiden pöytäkirjat*, 1 KO a:7, KA.

164 Kotivuori, *Ylioppilasmatrikkeli*, Petter Thesleff; Nuorteva, *Suomalaisten ulkomainen*, p. 399 fn. 44.

Hjelmfelt for an assessorship. The Pomeranian nobility had different men in mind, though, and a heated dispute broke out on the issue.¹⁶⁵ After Charles XI came of age, he took the matter upon himself and presented Hjelmfelt in March 1672. In 1673, Hjelmfelt began his assessorship after attending an examination,¹⁶⁶ even though the nobility had protested against his appointment and questioned his competence.¹⁶⁷ Travels, language skills and close connections to the Swedish court were very good for handling diplomatic tasks, but Hjelmfelt had no experience of being a judge and had not proven capable in that sense. This was a common complaint by the Pomeranian nobility. The Swedish crown kept using the tribunal's assessors on diplomatic tasks, which disturbed their functioning as judges. Hjelmfelt's career at the court did not last long, as he died in 1674 on a diplomatic mission in Poland. In a letter from the tribunal informing the Swedish king about Hjelmfelt's death, his positive attributes as a diligent man and capable *justitiarium* and *Appellationsrat* are mentioned, though.¹⁶⁸

Finally, we can turn our attention to Mikael Wexionius. He was ennobled in 1650, with the name Gyldenstolpe, and became a judge of the noble class at the Turku Court of Appeal in 1657. Both of these were milestones in his life, which he had been seeking for many years already. In the late 1660s, he was also given judgeships in the judicial district (*domsaga*) of Ostrobothnia (Swed. *Österbotten*) and at the district court (*häradsrätt*) of Vättele, Askim, and Östra Hising in Sweden.¹⁶⁹ This was something he had been eagerly awaiting. In letters to his son Nils, written in the 1660s, he repeatedly mentioned how having a district assigned to him would help financially, and how other court of appeal assessors enjoyed this extra income.¹⁷⁰ Unlike most noble assessors, Wexionius Gyldenstolpe presided over the local courts personally.¹⁷¹

165 In detail, see Jörn, ed., *Servorum*, pp. 206–207.

166 For more on the examinations, see Nils Jörn, “Greifswalder, Rostocker, Bützower und Erlanger Professoren am Wismarer Tribunal,” in *Justitia in Pommern*, eds. Dirk Alvermann and Jürgen Regge (Münster, 2004), p. 206.

167 The qualifications mentioned in the Tribunal Order (*Tribunalsordnung*) were quite vague, but the tribunal valued successful studies in law, some years of experience as judge at a lower court, as well as a good knowledge of the situation of the territory (*Landesgegebenheiten*). See Jörn, “Greifswalder,” pp. 205–206.

168 Jörn, ed., *Servorum*, pp. 15, 204, and 206–207.

169 Kotivuori, *Ylioppilasmatrikkeli*, Mikael Wexionius.

170 Annika Ström, ed., *Professor Michael Wexionius Gyldenstolpes brev till sonen Nils 1660–1669*, trans. Annika Ström (Stockholm, 2014), pp. 167, 194, and 234.

171 Hannu Tapani Klami, *Suomen oikeustiede Ruotsin vallan aikana 1. Aika ennen Isoa Vihaa* (Turku, 1981), p. 87.

What distinguishes Wexionius's career from the other students, however, is that he was a law professor at the Academy of Turku. He was first appointed to the newly founded Academy of Turku in 1640 as a professor of history and political science, but he occasionally also took care of teaching in eloquence and law. In 1647, he attempted to obtain the professorship in theology, but his patron and founder of the academy, Count Per Brahe the Younger rather saw him as professor of jurisprudence. In August 1647, he was granted this position. He kept his position as professor of history and political science even after this. In 1650, he was promoted as doctor of both laws in Turku. The university felt that Wexionius needed to have a doctorate himself if he was to grant doctorates to his students. This was settled by giving Wexionius the doctorate in Turku – a venture supported by Per Brahe. To prove his academic merits, a letter from the University of Marburg from 1637, sent to Wexionius, was cited, where his former law professor had called him a *jurium candidatus meritissimus* and had urged him to return to Marburg to obtain a degree. After these obstacles were overcome, Wexionius held his position as law professor until 1658.¹⁷²

As professor of history and political science, Wexionius lectured on Aristotle's ethics, Hugo Grotius's commentary on Aristotle, and on works by historian Johannes Sleidanus (1506–1556). In his teaching of the law, Wexionius compared Roman law with Swedish law – as the constitutions of the Swedish universities stated – and published a series of dissertations on the *Institutiones*. Wexionius sought to set Swedish law into the systematic framework of Roman law. One of his main works was the *Brevis eisagoge in studium juris Sveco-Romani* (1650), which comprised a thorough introduction, five dissertations, and an overview of Swedish procedural law. It follows the order of the *Institutiones* only loosely. In many parts, it resembles the textbook on Roman law by Hermann Vultejus (1555–1634), whom Wexionius met while abroad. Wexionius was also an active teacher of law, with around 150 dissertations being published during his professorship.¹⁷³

172 Laitinen, *Michael Wexionius-Gyldenstolpe*, pp. 60–61; Axel Liljenstrand, *Åbo universitets lärdomshistoria 2. Juridiken. Juridikens studium vid Åbo universitet med en blick på den akademiska jurisdiktionen och ekonomin* (Helsinki, 1890), pp. 32–33; Nils Runeby, "Michaël Gyldenstolpe," in *Svenskt biografiskt lexikon*, vol. 17 (Stockholm, 1967–1969).

173 Runeby, "Michaël Gyldenstolpe"; Lars Björne, *Patrioter och institutionalister. Den nordiska rättsvetenskapens historia. Del I. Tiden före år 1815* (Stockholm, 1995), pp. 31–32; Klami, *Suomen oikeustiede*, pp. 18–19, 24–34, and 50. For a thorough discussion in German on Wexionius's juridical works, see Otto Brusiin, *Wexionius-Studien I. Grundsätzliches zur Rechtswissenschaft* (Turku, 1968) and Otto Brusiin, *Wexionius-Studien II. Fasciculus juridicus* (Turku, 1971).

His most important scholarly works, however, were in the field of political theory, where he supported the idea of mixed government (*monarchia mixta*, Swed. *blandad monarki*) with elements of monarchy, aristocracy, and democracy. Wexionius, however, went further in stressing the role of the nobility than other Swedish writers had gone. His *Politica praecepta ad statum imperii gothico svetici accomodata, domesticisque passim exemplis illustrata*, a compilation of dissertations, came out in 1647, and in an edited form in 1657. He stated that this mixed system was the best form of government, and such a form could be found in Sweden. Wexionius leaned on both foreign and Swedish literature. In the 1657 edition of the *Politica*, Wexionius emphasizes the role of the lord high steward (*drots*), and portrays him as a *vice rex* with strong powers, and makes the importance of the nobility for government even clearer. King Charles X voiced his indignation about Wexionius's book after the 1657 edition had appeared. As Wexionius was a client of lord high steward Per Brahe the Younger, and had benefited from his good graces more than once, it is not difficult to see a connection to his writings. Wexionius, who had been ennobled in 1650, was a strong proponent of the nobility's powers, and his writings can also be seen in context with the controversies between the estates, which culminated at the Diet of 1650.¹⁷⁴ Wexionius's greatest achievements lay in his writings on political theory and in his teaching, whereas his activities as an assessor of the Turku Court of Appeal have not been especially emphasized.¹⁷⁵

Next, we can turn our attention to those students who went on to work at local courts. Many of the students discussed above also held offices of district court judge apart from their assessorships at courts of appeal. Before 1680, the offices of district court judge had been enfeoffed (*förlänad*) to noblemen, who usually did not actually act as judges in their districts but left the position to be taken care of by a surrogate judge (*lagläsare*).¹⁷⁶ Therefore, it is not surprising that the biographical information states that the men were district court judges "at the same time" as being a judge at a court of appeal or holding another office. However, a few may well have truly acted as judges at local level.

Petter Thesleff, already mentioned above, was judicial burgomaster of Helsinki (Swed. *Helsingfors*) prior to working at an appellate court. Gabriel Pontinus, who had studied law both in Leiden and in Strassburg, was first a trainee at the Svea Court of Appeal in 1683, and then held positions in the

174 Sten Lindroth, *Svensk lärdomshistoria – stormaktstiden* (Stockholm, 1975), p. 358; Runeby, *Monarchia mixta*, pp. 391–404; Klami, *Suomen oikeustiede*, p. 31.

175 Runeby, "Michaël Gyldenstolpe."

176 Yrjö Blomstedt, *Laamannin- ja kihlakunnantuomarinvirkojen läänittäminen ja hoito Suomessa 1500- ja 1600-luvuilla (1523–1680), Oikeushallintohistoriallinen tutkimus* (Helsinki, 1958), pp. 40–41, 89–92, 143, and 197.

Stockholm administration and judiciary as a notary of the justice collegium (*justitiekollegium*)¹⁷⁷ and as head (*första kämnär*) of the Norrmalm lower town court (*kämnärsrätt*).¹⁷⁸ Karl Rothovius, also a law student in Leiden, went on to be judicial burgomaster in Falun in 1658.¹⁷⁹ These three had held positions in town courts. Arvid Stierncrantz, in turn, had been a trainee and vice Crown prosecutor at the Turku Court of Appeal. He was a district court judge of Ranta (Swed. *Randa*), Jääski (Swed. *Jäskis*), and Äyräpää between 1691 and 1698. As it appears that his employment at the Turku Court of Appeal had ended by 1691, it would seem to be plausible that he actually did work as a district court judge in person.¹⁸⁰ Spot checks into the court records of Jääski, however, seem to suggest otherwise. The records of the winter, summer, and autumn sessions of 1693, 1696, and 1697 from Jääski parish do not mention Stierncrantz. Only the bailiff and the jury are mentioned by name.¹⁸¹ During the Great Northern War, Stierncrantz served in the military.¹⁸² Anders Salamontanus's activities in the local judiciary were already mentioned earlier.

Two students came to hold positions in military courts, and both were ennobled during their careers. Teofil Mellin (nob. Ehrenstierna) returned from his European journey and began his career as a prosecutor (*fiskal*) of the Admiralty Court (*amiralitetsrätt*) in 1674. The following year he rose to the position of extraordinary assessor. In 1680, he became an assessor and secretary at the

177 The *justitiekollegium* was an administrative department of the magistracy dealing with the town judiciary, churches, schools, hospitals, police (*politi*) matters, and others. It also functioned as an appellate instance in disputes regarding inheritance and guardianship, for instance. See *Förvaltningshistorisk ordbok*. Available at <http://fho.sls.fi>, search word "justitiekollegium." Accessed 17 January 2020.

178 Kotivuori, *Ylioppilasmatrikkeli*, Gabriel Pontinus.

179 Kotivuori, *Ylioppilasmatrikkeli*, Karl Rothovius.

180 Westerlund, *Turun hovioikeuden*, pp. 572–573.

181 Varsinaisten asioiden pöytäkirjat (1693–1693), Jääski (St. Peters): 42 talvikäräjät 1693, 108 kesäkäräjät 1693, 149 syyskäräjät 1693, *Kihlakunnanoikeuksien renovoituidu tuomiokirjat; Jääsken, Rannan ja Äyräpään tuomiokunnan renovoituidu tuomiokirjat, Varsinaisten asioiden pöytäkirjat*, II KO a:6; Varsinaisten asioiden pöytäkirjat (1696–1696), Jääski: 11 talvikäräjät 1696, 37 kesäkäräjät 1696, 86 syyskäräjät 1696, *Kihlakunnanoikeuksien renovoituidu tuomiokirjat; Jääsken, Rannan ja Äyräpään tuomiokunnan renovoituidu tuomiokirjat; Varsinaisten asioiden pöytäkirjat*, II KO a:7; Varsinaisten asioiden pöytäkirjat (1697–1697), Jääski (St. Peters): 10 talvikäräjät 1697, *Kihlakunnanoikeuksien renovoituidu tuomiokirjat; Jääsken, Rannan ja Äyräpään tuomiokunnan renovoituidu tuomiokirjat; Varsinaisten asioiden pöytäkirjat*, II KO a:9; Varsinaisten asioiden pöytäkirjat (1697–1697), Jääski: 125 kesäkäräjät 1697, 156 syyskäräjät 1697, *Kihlakunnanoikeuksien renovoituidu tuomiokirjat; Jääsken, Rannan ja Äyräpään tuomiokunnan renovoituidu tuomiokirjat; Varsinaisten asioiden pöytäkirjat*, II KO a:10, KA.

182 Kotivuori, *Ylioppilasmatrikkeli*, Arvid Stierncrantz.

Board of Admiralty (*amiralitetskollegium*). Between 1674 and 1679, he was also pilotage inspector of the Stockholm archipelago. In 1683, he was ennobled.¹⁸³ Jakob Lang (nob. Lagercreutz), who had studied law extensively in Greifswald and Leiden, returned to Sweden in 1708 to be a trainee at the Svea Court of Appeal. In 1710, he became a military prosecutor (*krigsfiskal*) in Scania (Swed. *Skåne*), and a higher military judge (*överauditör*) in 1719. He was granted the title of *generalauditör* in 1722. His ennoblement in 1716 is said to have been due to the merits of his father, bishop Jakob Lang the Elder (1648–1716).¹⁸⁴ It is worth mentioning that at the time of Lang's studies in Leiden, one of the law professors was Johannes Voet (1647–1713), who had written on *de jure militari* in 1670, a work which was published in several editions and translations even after Voet's death.¹⁸⁵

Apart from these men, we have those whose tasks were not directly in the judiciary, but who held positions on boards (*kollegier*), which were government bodies established in 1634 and which also involved some judicial tasks. We can again begin with an example from the higher nobility. After having studied in Uppsala, Leiden, and Rome, Sten Bielke became a captain with the admiralty in 1648 and in the following years major, vice admiral, admiral, and councillor of the Board of Admiralty (*amiralitetsråd*). He was an envoy (*sändebud*) with the Emperor and with the prince-elect of Saxony. In 1657, he became a councillor of the realm. He took part in the peace negotiations with Denmark between 1658 and 1660. After that, he was ambassador to Poland. He was also appointed councillor of the Chancery (*kansliråd*) – a position he held between 1660 and 1672 and 1679 to 1680. He was a member of the commission for the founding and structuring of Swedish Pomerania (*kommission för den Pommerska statens formering och inrättning*), although apparently he never participated in its proceedings. Between 1663 and 1668, Bielke was president of the Board of Reductions. The next year he was appointed chancellor of the University of Dorpat. Other posts he held included the office of district court judge, treasurer of the realm (*riksskattemästare*), and president of the Board of Mining. He was a provincial judge (*lagman*) of Southern Finland as well as Västmanland, Bergslagen, and Dal. In addition, he was a member of several other commissions.¹⁸⁶

183 Kotivuori, *Ylioppilasmatrikkeli*, Teofil Mellin.

184 Kotivuori, *Ylioppilasmatrikkeli*, Jakob Lang.

185 Margreet Ahsmann and R. Feenstra, *Bibliografie van hoogleraren in de rechten aan de Leidse universiteit tot 1811* (Amsterdam, 1984), pp. 331–333.

186 G. Wittrock, "Sten Nilsson Bielke," in *Svenskt biografiskt lexikon*, vol. 4 (Stockholm, 1924); Kotivuori, *Ylioppilasmatrikkeli*, Sten Bielke.

Erik Fleming made a long career in the mining system, which culminated in his presidency of the Board of Mining. He was also a provincial governor (*landshövding*) and was appointed a councillor of the realm in 1655 at the age of thirty-nine.¹⁸⁷ Herman Fleming, who had studied shipbuilding in the Netherlands, joined the military after his return to Sweden. Soon he was appointed a councillor of the realm, after which he held several important offices in the civil administration, including the presidency of the Treasury. He was also a provincial judge of Southern Finland between 1657 and 1673.¹⁸⁸ Johan Stiernhöök, who had studied mathematics in Leiden, built a long career at the Board of Commerce (*kommerskollegium*), beginning as secretary in 1665 and ending as vice president (1711–1720).¹⁸⁹

After his studies abroad in the 1630s, Johan Cruus returned to Sweden, where he was a member of the Treasury, and was given the judgeship of a district court in Västergötland. In 1643, he became a war commissioner (*krigskommisarie*), but died already the following year at the age of thirty-one, too young to realize the bright career that was probably awaiting him due to his splendid connections.¹⁹⁰ Finally, Samuel Florinus (nob. Blomfelt) studied in Leiden around the turn of the eighteenth century. He returned from Leiden to Finland, where he acted as a language master (*språkmästare*) at the Academy of Turku for a year. He then worked as a clerk at the office of the governor general and as a secretary at the royal library in Stockholm. In 1719, he was ennobled, and from 1721 to 1736, he held the office of provincial judge of Karelia. Florinus Blomfelt also attended the Diet.¹⁹¹

Fortunately the Leiden records provide information on the faculties at which the students enrolled. This naturally begs the question whether or not careers differed depending on the faculty of study. As we know, all students in this research went on to perform some judicial tasks in their lives, but did those who studied at the *law* faculty in Leiden go on to follow somehow distinct – or more law-related – careers? The answer is twofold. Yes, those students who enrolled at the law faculty held markedly law-related careers. They all worked at various appellate courts (Hjelmfelt, Wexionius, Thesleff, L. Fleming, and A. Stiernhöök), in the town judiciary (K. Rothovius and Pontinus), or as a military judge (Lang). It appears as if these men had a clear path in mind: law studies and then a career in the judiciary. However, the answer is also no,

187 Kotivuori, *Ylioppilasmatrikkeli*, Erik Fleming.

188 Kotivuori, *Ylioppilasmatrikkeli*, Herman Fleming.

189 Kotivuori, *Ylioppilasmatrikkeli*, Johan Stiernhöök.

190 Kotivuori, *Ylioppilasmatrikkeli*, Johan Cruus.

191 Kotivuori, *Ylioppilasmatrikkeli*, Samuel Florinus.

in the sense that students of other subjects also held very important offices in the judiciary. Thus, the choice of faculty is not the only, or the most important, distinguishing feature.

The social background of the students is equally important in determining their future careers. The sons of the higher nobility show distinctively different career paths from the others. They often joined the military, or acted as diplomats, and held many different positions in the civil administration of the Crown. This comprehensive devotion to state affairs also entailed positions with judicial power, such as being members or even presidents of the different boards, or courts of appeal. All in all, they held versatile statesmen-like careers, so that having studied political science must have been advantageous for them.

One could therefore conclude that three groups of students are involved. There are those who studied law and ended up with a career in the judiciary. Then there are those men of the (often higher) nobility who studied something else, often political science, and went on to enjoy an extensive career in the administration, including some position in the judiciary. And finally, there are those who had not studied law and did not have the impressive statesman-like careers of the nobility but held some completely different positions, until for some reason or another they also ended up with some judicial work at some point in their lives. The first two groups definitely form the majority of the Turku students in Leiden. To sum up, one may conclude that enrolling at the law faculty was an important path to judicial tasks, especially for the non-noble students.

Finally, a comparison can be drawn between the non-noble students who were never ennobled and those who were ennobled during their careers. In many cases it is hard to say what specifically was the reason for ennoblement and, even more so, what was the reason for someone not being ennobled. It was difficult to get ennoblement in the civil administration without the endorsement of a patron.¹⁹² The students in this group have relatively similar careers, but family connections and patronage may explain some ennoblements. Johan Munkthelius was ennobled after being royal physician – a position which must have been associated with a great deal of trust and appreciation. Ennoblement was also an aim which was actively pursued. Mikael Wexionius, professor at the Academy of Turku, was hoping to obtain an assessorship at the court of appeal and brought his thoughts, as well as the wish to be ennobled, to the attention of his patron, Lord High Steward Per Brahe the

192 Marko Hakanen, *Vallan verkostoissa. Per Brahe ja hänen klienttinsä 1600-luvun Ruotsin valtakunnassa* (Jyväskylä, 2011), p. 96.

Younger. A few years later, he was ennobled after Brahe's recommendation.¹⁹³ Jacob Lang, in turn, was ennobled due to his father's merits. It is safe to say that ennoblements depended on the contacts the men had made and on their own ambitions. Perhaps the four students who were never ennobled were not as active in pursuing ennoblement or were not as fortunate as others in having powerful patrons looking out for their interests.¹⁹⁴

2 Other Dutch Universities

There are some records of Turku students staying in other Dutch towns, but they are marginal compared to Leiden. According to the Turku matriculation records, the University of Franeker appears to have hosted two Turku students, neither of whom were future lawyers, though. This is an interesting observation as in general many Swedes were studying law in Franeker in the 1630s and 1640s.¹⁹⁵ Between 1531 and 1640, the share of noblemen among students travelling abroad was especially high for those from Finland.¹⁹⁶ This might give some explanation for the situation at the Dutch universities, as noble students tended to choose Leiden. However, it cannot be the only explanation as many non-noble Turku students were travelling to Leiden and to some extent also to the German universities at the same time.

The universities in Harderwijk and Utrecht each had four students from Turku, but none of these were future lawyers, either. Utrecht seems to have been appealing for foreigners only towards the end of the seventeenth century.¹⁹⁷ As this was a time when the rush of Swedish law students to the Netherlands was already over, it is not all that surprising that we find none of the Turku law students there.

The matriculation records of the Academy of Turku suggest that five men were students in Amsterdam, two of whom were future lawyers. Ernst Johan Creutz stayed in Amsterdam around 1640 and Herman Fleming during the early 1640s. The University of Amsterdam was not founded in its current form until 1877. Its predecessor, the *Athenaeum Illustré* had, however, been founded

193 Laitinen, *Michael Wexionius-Gyldenstolpe*, pp. 85–88; Hakanen, *Vallan*, p. 96.

194 Sometimes a person even declined a proposed ennoblement, see Hakanen, *Vallan*, p. 96, fn. 384.

195 Wrangel, *Sveriges litterära*, pp. 52–59.

196 Bagge, "Nordic Students," pp. 23–24.

197 Paul Nève, "Disputations of Scots Students Attending Universities in the Northern Netherlands," in *Legal History in the Making. Proceedings of the Ninth British Legal History Conference Glasgow 1989*, eds. W.M. Gordon and T.D. Fergus (London, 1991), p. 97.

in 1632. It was founded to teach the liberal arts, and later during the century the higher faculties were also established: in 1640 a chair in law was founded, in 1660 medicine, and in 1686 theology. The *Athenaeum* was of a high standard and comparable with any university.¹⁹⁸ Many Swedes made stops at the school for brief visits with professors even though not attending regularly.¹⁹⁹

Ernst Johan Creutz seems to have been studying at the *Athenaeum Illustré*, although he is not mentioned as having matriculated there according to the Academy of Turku records. The information given on Creutz is that he “studied in Amsterdam as well as in Paris and Rome”; in comparison with Dorpat, Groningen, Leiden, and Strassburg, where he is mentioned as having been a student at university (*ylioppilas*). Creutz stayed in Leiden until the autumn of 1639, after which he went to Amsterdam. His mentor there was Gerardus Johannes Vossius (1577–1649), teacher at the *Athenaeum Illustré*. Vossius taught many Swedes and took them up in his home. As Johan Cruus had done in Leiden, Ernst Johan Creutz also took on a translation project while in Amsterdam. In 1640, under Vossius’s guidance, Creutz translated Traiano Boccalini’s (1556–1613) book on political science *Pietro del paragone politico* from Italian into Latin with the title *Lapis Lydius politicus*. Boccalini’s work criticized the Spanish court, which suited the political situation in the Netherlands well as they were at war with Spain.²⁰⁰ Vossius’s son was also one of Creutz’s fellow students. While in Strassburg, Creutz had conversed with professor of eloquence Johannes Freinsheimius (1608–1660), a renowned philologist, who was later called to Uppsala to teach political science. Vossius was a close friend of Freinsheimius.²⁰¹ Thus, Creutz’s contact with Vossius in Amsterdam probably helped him on the rest of his journey, too. Students seeking contact with professors with the help of recommendations from others was common.²⁰²

Herman Fleming, on the other hand, travelled to the Netherlands in 1640 and matriculated in Leiden on 11 August 1640. The next year he parted ways with his relatives, who continued with their *peregrinatio*. Instead, Fleming went to Amsterdam, where he spent two years working at a shipyard getting to know about shipbuilding, which he had held an interest in since childhood. Amsterdam, as an important commercial city with a mercantile fleet, had a

198 Dirk van Miert, *Humanism in an Age of Science. The Amsterdam Athenaeum in the Golden Age, 1632–1704* (Leiden, 2009), pp. 185, 297–300, 309, and 333; Nuorteva, *Suomalaisten ulkomainen*, p. 390.

199 Van Miert, *Humanism*, pp. 126–127.

200 Kotivuori, *Ylioppilasmatrikkeli*, Ernst Johan Creutz; Nuorteva, *Suomalaisten ulkomainen*, pp. 401–402; Lappalainen, *Suku*, pp. 147–148; Wrangel, *Sveriges litterära*, pp. 65–66.

201 Nuorteva, *Suomalaisten ulkomainen*, pp. 428–429.

202 Van Miert, *Humanism*, pp. 128–129.

concentration of shipbuilders, and was an excellent location for Fleming's interests. In 1642, Fleming enrolled in the Dutch navy and fought against the Spanish. His experiences in shipbuilding and war were an advantage when he returned to Sweden, as he was appointed director of the Skeppsholmen shipyard and later received a leading position on the Board of Admiralty. Shipbuilding was of high quality in the Netherlands, and Sweden often relied on Dutch expertise in these matters. Accordingly, Fleming's endeavours in Amsterdam must have been very welcome to the Swedish war administration, as well. For the state, it was equally important that peregrinating students learned technical skills in addition to academic knowledge.²⁰³

The University of Groningen was founded in 1615. All four of the Turku students there can be considered future lawyers. The above-mentioned Ernst Johan Creutz and his brother Lorentz both studied at the university in 1635, enrolling in Groningen on 29 August. Apparently, they stayed there until 1637, when they left for Leiden. The Groningen matriculation records list the brothers as students of political science ("*Polit.*").²⁰⁴ The future law professor at the Academy of Turku, Mikael Wexionius, embarked on a four-year journey to the Netherlands and Germany in December 1633. During his travels he enrolled at the university in Marburg and stayed there for a longer period. He also visited the University of Wittenberg, although without matriculating there. After his stay in Germany, he matriculated at the University of Leiden and also visited the university in Groningen.²⁰⁵ Little is known of his stay in Groningen except that he got to know law professor Anton Matthaeus (1564–1637), whom he also referenced in his later writings.²⁰⁶ Wexionius's stay in the Netherlands apparently only lasted for a few months, after which he had to return home because of financial problems.²⁰⁷

The last Turku law student in Groningen was Claes Fleming (1649–1685), who enrolled at the university on 7 October 1671. Claes was the son of Herman

203 Kotivuori, *Ylioppilasmatrikkeli*, Herman Fleming; Laura Kolbe, "Pieni suurvalta," in Annvi Gardberg, Laura Kolbe and Pasi Saukkonen, *Alankomaat – pieni suuri maa*, 2nd ed. (Helsinki, 1998), p. 82; Nuorteva, *Suomalaisten ulkomainen*, pp. 392–393.

204 Kotivuori, *Ylioppilasmatrikkeli*, Ernst Johan Creutz and Lorentz Creutz; *Album Studiosorum Academiae Groninganae*, p. 32.

205 Kotivuori, *Ylioppilasmatrikkeli*, Mikael Wexionius.

206 Anton Matthaeus came from a family of law professors. He was also formerly a student of Hermann Vultejus, with whom Wexionius had studied at Marburg. Thus, Vultejus referring Wexionius to Matthaeus seems reasonable. Eisenhart, Johann August Ritter von, "Matthäus, Anton (1564 bis 1637)," in *Allgemeine Deutsche Biographie*, vol. 20, *Maaß – Kaiser Maximilian II* (Leipzig, 1884), pp. 615–617; van den Bergh, *Die Holländische*, p. 130; Klami, *Suomen oikeustiede*, p. 28.

207 Laitinen, *Michael Wexionius-Gyldenstolpe*, pp. 41–42.

Fleming, who had studied in Leiden. Claes Fleming began his studies in 1662, at the age of thirteen, in Uppsala. Two years later, he went to Turku and studied there for five years. In 1670, he became a trainee at the Svea Court of Appeal. The next year, he matriculated at the University of Groningen. The only mention of him after that is that he went on “travels abroad” between 1671 and 1674. Therefore, it is not clear for how long he stayed in Groningen. Nor do the Groningen records say what Fleming was studying. The only note in them is that he was a Swede (*Suecus*). Fleming continued on to an impressive career, becoming, among other things, governor of two provinces as well as president of the Treasury, the Board of Commerce, and the Board of Mining.²⁰⁸ According to the van der Woude card register, none of these Turku law students in Amsterdam or Groningen defended any disputations there.²⁰⁹

3 Summary

Of all the Dutch universities, Leiden was the most attractive for Turku law students and indeed for Swedes in general, too. Only a few of the Turku students can be found at the other Dutch universities, and all but one of them also studied in Leiden. The 1630s and 1640s were the golden age of Turku law students in Leiden. After that, there are sporadic visits until the beginning of the eighteenth century. This is also in line with the general trend of Swedish students at the Leiden law faculty, although as it is a much larger sample of students it is natural that we also see occasional visits later in the eighteenth century. For students of the higher nobility in particular, the 1630s and 1640s were the time to travel to Leiden. The studies of the non-noble students are more evenly distributed throughout the period. The rush of Swedish students to Leiden took place at the same time the university reached its greatest popularity, but it is worth noting that the great bloom of the Dutch Elegant School around the late seventeenth to early eighteenth century did not attract Swedish law students in any significant numbers.

At Leiden University, over half the Turku law students were nobility; moreover, a large share of young men came from the higher nobility. Among them we find several brother-pairs and other relatives travelling together. For them it was part of their noble upbringing and in doing so they were following in their fathers' and grandfathers' footsteps. For the noblemen, Leiden was only part of

208 Kotivuori, *Ylioppilasmatrikkeli*, Claes Fleming; *Album Studiosorum Academiae Groninganae*, p. 108.

209 *Kaartregister van der Woude*, UBA.

their longer journey through Europe. The backgrounds of the non-noble students are not that modest, either. Among them we find sons of clergymen, town burghers, and military men. Almost half of the non-noble students were also ennobled during their careers.

While the students are called Turku law students, we find that, in fact, only a little less than half of them actually enrolled at the law faculty. After law, the next popular subject was political science. The non-noble students were in a minority among the twenty-six students at Leiden, but at the law faculty seven out of ten Turku students were commoners. This suggests that law studies in particular could be advantageous for young non-nobles to advance their careers, whereas noblemen could devote themselves to a variety of subjects. Political science was especially popular for the higher nobility. The most important law professor for the Swedes seems to have been Jacobus Maestertius, who is not known as a great scholar, but more for his activities in guiding disputations and as a popular teacher among the students. Political science as taught at Leiden was carefully studied, and questions on the different forms of government found resonance in Sweden in different circles.

A good half of the students ended up working at courts of appeal. In addition, town courts, military courts, and the boards, which also covered judicial tasks, provided job opportunities for these students. The most important observation, however, is that the noblemen, in addition to their judicial offices, also held a variety of positions, such as in the civil administration, or in diplomacy. The non-noble students followed more straightforward career paths, which took them to their positions at the courts. We also find students who had studied completely unrelated topics, such as medicine or mathematics, finding positions within the judiciary. The Swedish students, therefore, follow the same pattern as the overall student population at Leiden at the beginning of the seventeenth century: studies were not so much aimed at a well-defined profession but rather, as a comprehensive mix of many subjects, enabling them to find employment in a variety of tasks, among them judicial tasks.

Turku Law Students at German Universities

Turku law students visited a large number of German universities during the period of this research. These visits are much more evenly distributed between the different universities than was the case with Leiden versus the other Dutch universities. German universities outnumbered the Dutch ones by far, so greater choice was available. In addition, we can observe that some universities were more popular among future lawyers, whereas others drew students aiming for different careers. Table 2 provides an overview of the situation. It lists all the German universities that hosted Turku law students, how many of them can be found, how many students from Turku visited altogether, and in which years we can find enrolments by Turku law students.

Some important observations can be made from this table. Firstly, we notice that the majority of visits to German universities take place during the second half of the seventeenth and the first half of the eighteenth centuries. Visits in the early 1600s are only sporadic, which is in part due to the fact that the first years of the seventeenth century do not appear in the Turku records. In the second half of the eighteenth century, visits by Turku law students to German universities come to an end – with the notable exception of Greifswald. Secondly, there is a difference between the overall popularity of a university among students from Turku and its popularity among Turku law students: while Wittenberg was in overall numbers the third most popular German university with forty-six Turku students, only four of them became lawyers later. The majority chose to study theology – for obvious reasons. Greifswald was the most popular German university with ninety-nine enrolments, but the share of Turku law students there was only relatively small, at fifteen. Still, in absolute numbers, it was one of the most popular universities for Turku law students. Marburg, in turn, only hosted three students from Turku, but two of them turned to a career within the law. Two important so-called “reform universities” of the eighteenth century were Halle and Göttingen. In Halle, we find thirty-seven students altogether, fourteen of whom were “law students.” In Göttingen, only two of twenty-four Turku students turned to the legal profession. Suffice it to say that the universities had varying profiles, and they drew students of different fields in different numbers.

Four German universities are discussed in more depth, and are chosen based on the absolute numbers of Turku law students who studied there. These

TABLE 2 Turku law students at German universities during the seventeenth and eighteenth centuries. The numbers list all students mentioned in the online database of Turku records that studied at the respective universities and can be considered to have worked in the law. These also include those who had no apparent connection to Sweden; these cases are discussed in each chapter. Information from the Strassburg matriculation records, which is missing from the Turku records, has been added to the Strassburg numbers.

University	Number of Turku law students	Total number of students from Turku	Years of enrolment of Turku law students
Altdorf	4	8	1657, 1671, 1692, 1694
Erfurt	1	6	1693
Frankfurt a.O.	1	2	1706
Giessen	4	10	1620, 1666 (x3)
Greifswald	15	99	1645, 1649, 1654, 1681, 1705, 1711, 1728, 1732, 1740s, 1746, 1756, 1759, 1761, 1792, 1797
Göttingen	2	24	1740s, 1757
Halle	14	37	1694 (x2), 1700, 1703, 1704, 1711, 1712, 1722, 1726, 1727, 1731, 1732, 1739, 1748
Heidelberg	4	9	1662, 1666 (x2), 1667
Helmstedt	2	10	1656 (x2)
Jena	16	58	1649, 1652, 1664, 1669 (x2), 1676, 1678 (x2), 1682 (x2), 1684, 1696, 1730, 1750, 1754 (x2)
Kiel	6	28	1687, 1691, 1702, 1734, 1749, 1751
Königsberg	2	27	1688, 1696
Leipzig	5	29	1661, 1674, 1678, 1705, 1723
Marburg	2	3	1634, 1666
Rostock	10	57	1646, 1648, 1649, 1652, 1680, 1682, 1696, 1726, 1743, 1744
Strassburg	8	22	1623, 1634, 1641, 1660, 1662, 1670, 1681, 1757
Tübingen	3	8	1666, 1669, 1702
Wittenberg	4	46	1630s, 1688, 1695, 1720

universities are Jena with sixteen students, Greifswald with fifteen, Halle with fourteen, and Rostock with ten students. After this more thorough examination, the other German universities that hosted Turku law students will briefly be discussed in order to form a more complete picture of the overall situation.

1 Rostock

Die Stadt ist die anmutigste, wohlfeilste, in Sitten und Lebenskunst die feinste und zur Ausbildung junger Leute die bequemste unter vielen Städten.¹

1.1 *The University of Rostock*

The University of Rostock was founded in 1419 as the eighth in the German Empire and as the first university of the Baltic Sea region. Rostock was an autonomous Hanse town situated in Mecklenburg, and, unlike most university foundations, the University of Rostock was established as a joint effort of the town and the Duke of Mecklenburg. For the prospering Hanseatic town, it was increasingly important to find trained scribes, and the duke sought the prestige a university would provide, hoping to gain a position within the town through the university. The Mecklenburg clergy and other towns of the Hanseatic League also expressed an interest in university foundation. In particular, the town council of the Hanseatic city of Lübeck played an important part in the foundation.² The influence of both town and duke on the university, however, caused continuous conflicts and struggles for power. In 1563, the *Formula Concordiae* provided a compromise regarding the appointment of professors as it divided the professoriate into two: the town council's professors (*rätliche Professoren*) and ducal professors (*herzogliche Professoren*).³

1 "The city is the most charming, inexpensive, in customs and lifestyle the finest, and for the education of young people the most suitable among many cities" (translation by Christopher Goddard). Johann Peter Willebrand, a widely travelled German lawyer, on Rostock in his travel journal in 1769, cited in Gustav Kohfeldt, *Rostocker Professoren und Studenten im 18. Jahrhundert. Schilderungen nach den Alten und nach zeitgenössischen Berichten* (Rostock, 1919), p. 11.

2 Elisabeth Fleischhauer, Martin Guntau, and Ingo Sens, "Die Universität Rostock in ihrer Geschichte," in *Mögen viele Lehrmeinungen um die eine Wahrheit ringen. 575 Jahre Universität Rostock*, eds. Horst Pätzold, Wolfgang Müns, and Karl-Heinz Kutz (Rostock, 1994), pp. 10–11; Asche, *Von der reichen*, pp. 25–30; Irrgang, *Peregrinatio*, pp. 66–68.

3 Asche, *Von der reichen*, p. 56; Barbara Neumann, "Die Juristische Fakultät," in *Mögen viele Lehrmeinungen um die eine Wahrheit ringen. 575 Jahre Universität Rostock*, eds. Horst Pätzold, Wolfgang Müns, and Karl-Heinz Kutz (Rostock, 1994), pp. 139–140.

Although prospering at the end of the sixteenth century, after the Thirty Years' War the university soon declined. Rostock was in a financial crisis due to Swedish blockades of the town; in addition, the end of the Hanseatic League in the 1660s hit the town as well. Foreign students no longer frequented the university as they had before, and university teachers came from the same region. Besides, the university did not adapt to the new enlightened scientific thought of the eighteenth century, thus lowering its level. The university had turned from an internationally renowned seat of learning to a poor *Landesuniversität* of only regional importance. Conflicts between town and duke fired up again in the early 1700s, and a controversy over the appointment of a pietist as theology professor in 1758 finally led to the splitting of the university in 1760 into a ducal university in Bützow and the town university in Rostock, a division that lasted until 1789.⁴

From the outset, the University of Rostock was popular among Nordic students. In the first half of the fifteenth century, it was the university most visited by Scandinavian students: over half of the study visits were to Rostock. The geographical proximity and good trade relations that had been established through the Hanseatic League provided suitable conditions. The founding of universities in Uppsala and Copenhagen in 1477 and 1479, respectively, did not lessen the interest in studies in Rostock. In the aftermath of the Reformation, Wittenberg took first place among Scandinavian students, but between 1550 and 1600 Rostock again stood at the forefront. A reliable assessment of the numbers of Nordic students in Rostock is difficult and has resulted in varying proportions, but Otfried Czaika, combining several sources, has estimated that during the second half of the sixteenth century at least fourteen per cent of the students were Scandinavian, and a good three per cent came from Sweden.⁵

Between the years 1550 and 1600, approximately forty per cent of the Swedes who had studied in Rostock continued on to a clerical career. For Swedish theology, Rostock, and its professor David Chytræus (1530–1600), were of great importance. During his study years in Wittenberg, Chytræus had already established close contacts with Swedish students, which continued after his appointment to Rostock. This also had an impact on the popularity of Rostock

4 Asche, *Von der reichen*, pp. 65–67, 70–72, and 78; Fleischhauer, Guntau, and Sens, “Die Universität,” p. 16; Neumann, “Die Juristische,” p. 146; Kohfeldt, *Rostocker*, pp. 7 and 12–13.

5 Otfried Czaika, *David Chytræus und die Universität Rostock in ihren Beziehungen zum schwedischen Reich* (Helsinki, 2002), pp. 73, 76–78, and 84–87; Asche, *Von der reichen*, pp. 323–324; Sten Carlsson, “Förord,” in Christian Callmer, “Svenska studenter i Rostock 1419–1828,” ed. Maj Callmer, foreword Sten Carlsson, *Personhistorisk tidskrift* 84:1–2 (1988), p. 4; see also Callmer, “Svenska studenter i Rostock.”

among Swedes. Chytraeus was even sometimes referred to as *praeceptor Sveciae*. His close connections to Sweden gave him a familiarity with Swedish church politics, and he regularly attempted to influence John III's politics in the matter. The development of Lutheran orthodoxy in Sweden and acceptance of the *Confessio Augustana* at the Uppsala synod in 1593 are intrinsically connected to the theology of Chytraeus and his pupils.⁶

However, the University of Rostock was also important beyond confessional questions and the teaching of theology. Many of the Swedish students in late-sixteenth century Rostock later pursued a career in the administration or the judiciary. Noblemen often rose to high political office, of which Axel Oxenstierna, the future chancellor of the realm, and his brother Gabriel (1587–1640), a future councillor of the realm and president of the Svea Court of Appeal, are prime examples.⁷ This is a good illustration of how theological questions cannot be separated from the overall political situation. Chytraeus's fame and his importance for Swedish-Rostockian relations certainly also reached those aiming for secular office.

1.2 *Legal Education in Rostock*

When the University of Rostock was founded in 1419, it lacked a faculty of theology, which gave the faculty of law a dominant position at the university. The law faculty exercised a great deal of influence in the decision-making of the university and many of its professors acted as rectors of the university. Although the faculty of theology was founded in 1432, the faculty of law still managed to maintain its position. The members of the town council, who had strongly promoted the idea of establishing a university in the region, had an interest in seeing the faculty of law bloom. As a member of the Hanseatic League, the town needed men who were trained in law, politics, and economic questions. Many of the law professors were active in state-building within the territory and also held positions in the ducal and town judiciaries, functioning

6 Czaika, *David Chytraeus*, pp. 97, 188–194, 386, 388–389, 391–393, and 397–398; Christensson, “Studieresorna,” p. 173.

7 Czaika, *David Chytraeus*, pp. 93–97. For some examples of Swedish court of appeal judges studying in Rostock in the late sixteenth and early seventeenth centuries, see Vasara-Aaltonen, “From Well-travelled,” pp. 306–307. Cf. Asche, *Von der reichen*, p. 317, fn. 128, who relied on Tatarin-Tarnheyden's unpublished manuscript (*Das nordische Recht und die Universität Rostock* [c. 1943], TDS 3.10. Nr. 9 Karton 2. StAR), and speculates that there probably was no need for foreign law studies until well into the seventeenth century, and only in the second half of the seventeenth century would Swedish law students sporadically appear in Rostock.

as ducal councillors or as town *syndici*, practiced law as notaries or advocates, and also took part in formulating town law.⁸

The first professors came from Leipzig and Erfurt. However, soon it was possible to recruit teachers from the faculty's own students.⁹ The curriculum of the faculty was divided into canon law and Roman law: initially, three ordinary professors taught canon law and two taught Roman law. Both canon and Roman law were studied for three years, so obtaining a *baccalaureus in utriusque jure* took six years. The canonists' dominance over the civilians came to an end in the early sixteenth century, when the influence of Roman law grew stronger and as the power of the state increased. In the wake of the Reformation, canon law further lost ground and was confined to the teaching of procedural and family law. Apart from canon and Roman law, local Lübeck law (*Lübisches Recht*), widely used in the Baltic Sea region,¹⁰ and feudal law were also of importance. This made the reception of Roman law somewhat slower than in other parts of the Empire. Nevertheless, the faculty of law in Rostock played a significant role in the reception of Roman law in the region.¹¹

Humanist ideas reached the Rostock law faculty in the early sixteenth century. Jurists such as Johann Oldendorp (c. 1480–1567), Christoph Hegendorf (c. 1500–1540), and Matthäus Röseler (c. 1522–1569) introduced and promoted these ideas. Oldendorp, a supporter of the Reformation, introduced ideas of natural law in his *Isagoge juris naturalis* of 1539, and among other things sought to rearrange the body of law being taught according to practical and pedagogical aims. Hegendorf later took up his ideas and envisioned a comprehensive education for the aspiring lawyer in the spirit of humanism. The reform programme, coloured with humanism, had some impact on law studies as well. The revised statutes of 1564 not only laid down a concrete division of the *Corpus Iuris Civilis* in the curriculum and allocated professorships accordingly, but also addressed the humanist claim for studying the sources (*Quellenstudium*).¹²

Despite these tendencies, humanism did not play such an important role in Rostock as it did at French or Dutch universities. Instead, high expertise

8 Asche, *Von der reichen*, pp. 93–94; Neumann, “Die Juristische,” pp. 132 and 139–140.

9 Neumann, “Die Juristische,” p. 133.

10 From the late twelfth and early thirteenth centuries, the town law of Lübeck was adopted by over a hundred towns along the Baltic Sea. These so-called daughter towns would consult the council of the mother town, in this case Lübeck, if questions arose about the law. Appeals were directed to the mother town, as well. This system facilitated trade relations and enabled Lübeck law to exert great influence in the Baltic Sea region. See e.g. Wilhelm Ebel, *Lübisches Recht im Ostseeraum* (Cologne, 1967), pp. 7–9 and 16–21.

11 Asche, *Von der reichen*, pp. 93–94; Neumann, “Die Juristische,” pp. 133–135.

12 Asche, *Von der reichen*, p. 94–96; Neumann, “Die Juristische,” p. 136–137.

in Lübeck law increased the faculty's prestige. There were also lectures on feudal law and criminal law, which had developed into a field of its own after the influence of the *Constitutio Criminalis Carolina*. The faculty was attractive to students, and, for instance, law professor Heinrich Camerarius (1547–1601), who also worked as town *syndicus* and bore a special interest in Lübeck law, held lectures in the late sixteenth century which were so popular that the auditoriums could barely accommodate all the students. All in all, the faculty was at the height of its glory at the end of the sixteenth century.¹³ In part, this had to do with *Spruchtätigkeit*, legal advice given by the law faculty, which was an important part of the faculty's functions. Until the mid-seventeenth century, advice was given to courts and private persons in the Rostock region as well as the Baltic Sea region. Questions from towns of the Hanseatic League were common. Another example of the faculty's high esteem was the right to appoint notaries, which was granted to the dean of the faculty in 1582.¹⁴

The Thirty Years' War did not affect teaching at the faculty directly. However, other problems contributed to the faculty losing its previous status. With the war, *Spruchtätigkeit* fell off drastically, so that the faculty lost a great deal of its influence. The number of doctoral degrees awarded decreased as well. Between 1618 and 1648, there were only twenty-eight, and none between 1633 and 1641. Professors no longer came from other regions but were mainly locals.¹⁵

A course catalogue of 1689 gives an idea of the teaching activities of a single day. At the eighth hour, professor of the Institutes Albert Willebrand (1652–1700)¹⁶ was to lecture both privately and publicly about criminal matters, examining them based on the *Constitutio Criminalis Carolina*. Privately he was going to explain the Institutes and hold disputations in a *collegium*. He was also going to preside over disputations publicly. An hour later, professor of the Codex Christoph Redeker (1652–1704) was to briefly explain the *ius feudale* and discuss it in six or seven disputations. Privately he was going to hold a *collegium* on the Institutes and the Digest. The last lesson before noon was planned to be given by Johannes Festing (c. 1655–1691), professor of the Pandects, who was to explain the Institutes, lecture publicly on the Digest according to Lauterbach, and hold a private *collegium* on German public law, to cite some of his teaching responsibilities. In the afternoon, professor of the Codex Jacob

13 Asche, *Von der reichen*, p. 96–97; Neumann, “Die Juristische,” p. 141–143.

14 Asche, *Von der reichen*, p. 97–100.

15 Asche, *Von der reichen*, p. 100; Neumann, “Die Juristische,” pp. 143–144; Kohfeldt, *Rostocker*, pp. 12–13.

16 *Catalogus Professorum Rostochiensium*, University of Rostock. Available at <http://cpr.uni-rostock.de>. Accessed 17 January 2020.

Lembke (1650–1693)¹⁷ would teach the Institutes and the Digest as well as instruct on legal methods. Finally, at two in the afternoon, Johannes Sibrand (1637–1701) explained canon law.¹⁸

The university reforms of the late-seventeenth and eighteenth centuries, which affected jurisprudence as well and were driven in particular through the universities of Halle and Göttingen, were not adopted straight away in Rostock. Mecklenburg was still very much a feudal society, and managed to resist reform ideas. One example of this stagnation was the continuation of witch trials and torture in the territory. The Thirty Years' War, internal disputes, and resistance to new ideas lessened the role of the *Spruchtätigkeit* and confined it within Mecklenburg, thus decreasing the importance of the law faculty. The Rostock jurists did have some influence on feudal and territorial law, but only on a regional level in Mecklenburg.¹⁹ The division of the university in 1760 affected the law faculty negatively, too. Around the middle of the eighteenth century, teaching was largely in the hands of *Privatdozenten*, who, however, required less of the students than did the ordinary professors. Already after 1750, the popularity of disputations had plummeted, and students felt they gained no use from attending them.²⁰ In the middle of the eighteenth century, on average some thirty to forty students studied law in Rostock – most of them coming from the same region.²¹ The days of Rostock's glory were long gone.

Eventually, some signs of reform ideas nevertheless reached Rostock, too. Professor Johann Christian von Quistorp (1737–1795) was a proponent of enlightenment ideas, and Johann Christian Eschenbach (1746–1823) advocated criminal law reform. The use of torture in Mecklenburg, for instance, was abolished in 1769. After the reunification of the universities in 1789, a turn was taken towards rationalism and natural law.²²

1.3 *Backgrounds of Turku Students in Rostock*

Altogether fifty-seven students are listed in the matriculation records of the Academy of Turku to have been enrolled at the University of Rostock. Ten of these can be seen as law students, and they matriculated in the years 1646,

17 *Catalogus Professorum Rostochiensium*, University of Rostock. Available at <http://cpr.uni-rostock.de>. Accessed 17 January 2020.

18 *Catalogus Lectionum & Operarum, in Universitate Rostochiensi, Proximo Semestri, Bono cum Deo expediendarum, propositus Ipsis Januarii Calendis, Anni MDCLXXXIX*, Akademische Vorlesungen 1581–1789, R X A 12/1, Rektoratsbestand, UAR.

19 Asche, *Von der reichen*, pp. 100–102; Neumann, “Die Juristische,” p. 144.

20 Kohfeldt, *Rostocker*, pp. 58–60; Neumann, “Die Juristische,” p. 149.

21 Neumann, “Die Juristische,” p. 146.

22 Asche, *Von der reichen*, pp. 103–104; Neumann, “Die Juristische,” pp. 146–149.

1648, 1649, 1652, 1680, 1682, 1696, 1726, 1743, and 1744. Those ten students are Mikael Wisius, Jakob Snack (nob. Sneckenberg), Karl Rothovius, Justin von Brochen, Petter Lundelius, Arvid Stierncrantz, Georg Mikael Bapzihn, Georg Meurling, Karl Gustaf Melartopaeus (later Melart), and Henrik Sesemann.

The first thing one observes about the background of the students at Rostock is the absence of noblemen. Only one of the ten students was noble. This was Arvid Stierncrantz, already discussed among the Leiden students. His father was treasurer of the governorate of Ingria, and Arvid received a noble title at the age of twelve, when his father was ennobled.²³ Four of the students came from a burgher background. Mikael Wisius (c. 1624–c. 1679) came from Turku, where his father was the eldest of the tailors.²⁴ Jakob Snack (nob. Sneckenberg, 1625–1697) was the son of the burgomaster of Nyköping.²⁵ Justin von Brochen (d. 1670) and Henrik Sesemann (1728–1759) both came from Vyborg. Von Brochen was the son of a town councillor and Sesemann's father was a merchant.²⁶

Two students had fathers in the clergy. Karl Rothovius, one of the Leiden students as well, was the son of the bishop of Turku, and Karl Gustaf Melartopaeus's (later Melart, 1725–1772) father was *prepositus* (*domprost*) of Vyborg.²⁷ Georg Mikael Bapzihn's (dates of birth and death unknown) father is said to have probably been a cantor in Western Prussia.²⁸ Finally, there are Petter Lundelius (d. 1711) and Georg Meurling (1698–1741), of whose background nothing is known.²⁹

The contrast to the students in Leiden is striking. None of the sons of the higher nobility went to study in Rostock. One should bear in mind that the majority of the nobility's study visits in the Netherlands took place in the 1630s and 1640s. Visits by Turku students to Rostock only start in the late 1640s. Still, the periods partly overlap, so the conclusion can be drawn that young noblemen were not drawn to Rostock in the same way as others were. This observation is strengthened when looking at the register of the Rostock matriculation records, which lists students according to their origin. Among those listed as Swedish, students marked as noble are clearly most frequent in the last decades of the sixteenth and first decades of the seventeenth century. In the

23 Kotivuori, *Ylioppilasmatrikkeli*, Arvid Stierncrantz.

24 Kotivuori, *Ylioppilasmatrikkeli*, Mikael Wisius.

25 Kotivuori, *Ylioppilasmatrikkeli*, Jakob Snack.

26 Kotivuori, *Ylioppilasmatrikkeli*, Justin von Brochen and Henrik Sesemann.

27 Kotivuori, *Ylioppilasmatrikkeli*, Karl Rothovius and Karl Gustaf Melartopaeus.

28 Kotivuori, *Ylioppilasmatrikkeli*, Georg Mikael Bapzihn.

29 Kotivuori, *Ylioppilasmatrikkeli*, Petter Lundelius and Georg Meurling.

1630s, none of the Swedish students are marked as noble and after that they appear only here and there.³⁰

Half of the students came from Finland: Wisius and Rothovius were from Turku; von Brochen, Melartopaeus, and Sesemann from Vyborg. Melartopaeus and Sesemann pose a problem, though, as they were active in Vyborg in the mid-eighteenth century. In 1710, during the Great Northern War, Vyborg had been captured by the Russians and was officially transferred to Russia in 1721 with the Treaty of Nystad. Therefore, these two men do not really qualify as Swedish lawyers. Yet their careers show exactly the same traces as von Brochen, who worked in Vyborg in the late seventeenth century, and thus do not differ that much from the average Turku law student with a burgher background. Moreover, young men from Vyborg continued to study at the Academy of Turku even after Vyborg's annexation by Russia. Swedish law also continued in force after the Treaty of Nystad, with the Vyborg civil tribunal, for instance, referring to the writings of the Swedish jurist David Nehrman (nob. Ehrenstråle, 1695–1769).³¹ Still, this caveat must be kept in mind.

Snack, Lundelius, and Meurling all came from Southern Sweden: from Nyköping, Unnaryd, and Blekinge. Stierncrantz was born in 1662 in Narva, which had been conquered by Sweden in 1581 and stayed Swedish until the Great Northern War. Finally, we have Georg Mikael Bapzihn, who did not come from Sweden or Finland, but was probably from West Prussia and only spent the spring term of 1696 at the Academy of Turku.³² As Bapzihn seems to have had no ties to Sweden except for a short stay in Turku, he will not be discussed further here. There is also no information to be found on his career, which could maybe connect him to Sweden.

The fact that the majority of the students did not come from a noble background leads to another observation. The only noble is Stierncrantz, who had “studied at several Dutch and German universities,” but he too had only enrolled at two: Leiden and Rostock. The study visits by the others were not as extensive as those of the sons of the higher nobility who had been to Leiden. The most common combination was to visit one other German university: Jena, Greifswald, or Kiel.

30 *Register zur Matrikel der Universität Rostock, Band 2: Personen- und Orstregister P–Z*, ed. Ernst Schäfer (Schwerin, 1922), pp. 216–218.

31 Jyrki Paaskoski, “Elisabet I:n uudistukset,” in *Viipurin läänin historia iv. Vanhan Suomen aika*, eds. Yrjö Kaukiainen, Risto Marjomaa, and Jouko Nurmiainen (Joensuu, 2013), pp. 126–129; Rainer Knapas, “Kirkollista ja maallista kulttuuria,” in *Viipurin läänin historia iv. Vanhan Suomen aika*, eds. Yrjö Kaukiainen, Risto Marjomaa, and Jouko Nurmiainen (Joensuu, 2013), p. 184.

32 Kotivuori, *Ylioppilasmatrikkeli*.

1.4 *Information on the Studies of Turku Students in Rostock*

Unfortunately, there is virtually no information on what these students studied in Rostock. The Rostock matriculation records do not contain information about the faculty of the students, only one of the students wrote a disputation there, and as they are virtually all commoners, there is not as much correspondence to be found as with the noblemen. None of the Turku students appear in the register of degrees awarded (*Promotionenalbum*).³³ Finding specific information about what the students studied is therefore very difficult. A few remarks can nevertheless be made.

Jakob Snack (nob. Sneckenberg), who had enrolled in Rostock in May 1649, wrote and defended a disputation which was published in November 1649 in Rostock. It is an eighteen-page work entitled *Disputatio Iuridica De Pignoribus Et Hypothecis*, and Snack is specifically mentioned as both author and respondent. Snack's name appears in the form Jacobus Shnach. The *praeses* is law professor Joachim Schnobel (1602–1671). In this disputation on pledges (*Pfand*), Snack also refers on several occasions to Swedish law as well as to a large number of jurists' writings.³⁴ A manuscript on "Nordic law and the University of Rostock" by Edgar Tatarin-Tarnheyden³⁵ from 1943 mentions Snack's disputation and a few other juridical disputations by Swedes in Rostock, which start to appear in the seventeenth century. None of these, according to Tatarin-Tarnheyden, seem to have led to conferral of a degree, though.³⁶ Snack is the only one of the Turku students who seems to have defended a disputation at Rostock.

Justin von Brochen held an *oratio* in Rostock on 1 May 1649 with the title *De gloriosa Ascensione & nobili Triumpho Victoris Christi*. This oration was also published.³⁷ Von Brochen matriculated at Rostock in September 1648 and the person listed before him, also in September, is the Swede Johannes Anthelius.³⁸ Little can be found on Anthelius, but a disputation with the title

33 *Promotionen-Album*, 1643–1904, Jur. Fak. 136, UAR.

34 Joachim Schnobelius and Jacobus Shnach, *Disputatio Iuridica De Pignoribus Et Hypothecis* (Rostock, 1649).

35 Tatarin-Tarnheyden (1882–1966) became a professor in Rostock in 1922 and lectured on war and international law. He was active in promoting national-socialist legal thinking, and was removed from his position in 1945. A war tribunal of the Soviet Union sentenced him to ten years' forced labour. Neumann, "Die Juristische," p. 162.

36 Edgar Tatarin-Tarnheyden, *Das nordische Recht und die Universität Rostock* [c. 1943], p. 4, TDS 3.10. Nr. 9 Karton 2, StAR.

37 Leinberg, *Orationes*, p. 49; *National Library of Sweden, Library catalogue LIBRIS*. Available at <http://libris.kb.se/bib/2514166>. Accessed 17 January 2020.

38 *Die Matrikel der Universität Rostock, Band III, Ost. 1611–MICH. 1694*, ed. Adolf Hofmeister (Rostock, 1895), p. 153.

De justitia: disputatio ethica exists, which was defended in Uppsala in 1645 by a Johannes Anthelius.³⁹ This says nothing about von Brochen's studies, but at least it is probable that he had some contact with Anthelius in Rostock, them being the only Swedes to enrol in Rostock that semester.

A rather interesting case is Georg Meurling, who had defended a *Dissertatio historico-politica de Liga Catholica* in Uppsala in 1718 and later enrolled at Rostock in September 1726. The biographical information in the Turku records states that he was a "docent of Roman law" at the University of Rostock in 1726.⁴⁰ *Privatdozenten* were abundant, at least around the middle of the eighteenth century in Rostock, and law professors complained that the students flocked to attend the teaching of the *Privatdozenten* rather than listen to the professors, which was more arduous.⁴¹ However, no trace exists of Meurling as either respondent or *praeses* in the Rostock archival records of legal dissertations, nor is he mentioned in the printed catalogue of legal dissertations and disputations.⁴² The *Album Professorum Rostochiensium* does not mention Meurling, nor can a *Personalakte* of him be found in the university archive.⁴³ In November 1728, he is said to have become a master of arts in Rostock.⁴⁴

Mikael Wisius studied law extensively in Jena between 1652 and 1656. Prior to enrolling in Jena in October 1652, Wisius had enrolled at Rostock in July 1652.⁴⁵ His stay in Rostock appears to have been quite short, but if he did study something there it is quite reasonable to assume it was law. As for the other Turku law students in Rostock, not even this much information on their studies remains.

The time the students spent at the university cannot be determined with certainty either. The four German universities under inspection here do not have similar *recensie* lists as were found in Leiden. All that can be done is to examine the students' biographies and try to pinpoint what time they may have spent at Rostock. Two of the students, Wisius and Lundelius, enrolled at

39 National Library of Sweden, Library catalogue LIBRIS. Available at <http://libris.kb.se/bib/16723414>. Accessed 17 January 2020.

40 This is also what qualifies his as a lawyer or law student in this study. His career in Sweden was not related to law.

41 Kohfeldt, *Rostocker*, pp. 58–60.

42 *Dissertationen jur. 1726–1727*, Jur. Fak. 158, UAR; *Dissertationen jur. 1728–1730*, Jur. Fak. 159, UAR; Ryuichi Tsuno, ed., *Katalog juristischer Dissertationen, Disputationen, Programme und anderer Hochschulschriften im Zeitraum von 1600 bis 1800 aus den Beständen der Universität Rostock* (Tokyo, 1989).

43 *Album Professorum Rostochiensium a. 1600–1900*, UAR.

44 Kotivuori, *Ylioppilasmatrikkeli*, Georg Meurling; *Die Matrikel der Universität Rostock, Band IV, Mich 1694–Ost. 1789*, ed. Adolf Hofmeister (Rostock, 1904), p. 144.

45 Kotivuori, *Ylioppilasmatrikkeli*, Mikael Wisius.

Rostock only a couple of months before enrolling at another university. The rest of them came to Rostock one-and-a half to four years before they enrolled at another university or commenced their careers. But for instance Arvid Stierncrantz, as we saw earlier in the section on Leiden, enrolled at Rostock in July 1682, at the same time as he appears in the *recensie* lists of Leiden.⁴⁶ Therefore, one should consider these time frames with caution.⁴⁷

Most of the Rostock students (six out of ten) studied at two foreign universities. The choices next to Rostock were Greifswald for Jakob Snack and Petter Lundelius, Leiden for Karl Rothovius and Arvid Stierncrantz, Jena for Mikael Wisius, and Kiel for Karl Gustaf Melartopaeus. For Justin von Brochen, Georg Meurling, and Henrik Sesemann, Rostock was the only foreign university. Georg Mikael Bapzihn was the only one who had enrolled at several universities in the 1690s: Königsberg, Altdorf, Erfurt, Dorpat, Turku, and Rostock. However, as mentioned earlier, he cannot be regarded as a Swedish student.

1.5 *Careers of Turku Students in Rostock*

While information on studies in Rostock may be scarce, facts of the students' careers can luckily be found. Grouping them, however, is more difficult than was the case with Leiden as their careers vary considerably. Only one of them worked as a judge at an appellate court. This was Mikael Wisius. Before his career as a court of appeal judge, he worked for a decade in the town administration and judiciary. He first became town *syndicus* (*stadssekreterare*) of Stettin in Pomerania (present-day Szczecin in Poland) in 1657 and burgomaster of Narva in Swedish Estonia in 1661. Both were under Swedish rule at the time. Four years later, he returned to Sweden proper to work as an assessor at the Göta Court of Appeal. This position he apparently held until his death in 1679.⁴⁸ Wisius will be discussed in more depth among the Jena students as that was his primary place of study while abroad.

Arvid Stierncrantz, the only young nobleman at Rostock, has already been discussed among the Leiden students. Apart from Wisius, he was the only one to work at a court of appeal, though not as a judge. Stierncrantz trained at the Turku Court of Appeal and then acted as vice Crown prosecutor there. After

46 See Chapter 3, section 1.3.

47 Czaika has observed that, for the second half of the sixteenth century, Swedes' studies in Rostock (not confined to law studies) usually lasted somewhat over two years, though with much variation. Czaika, *David Chytræus*, pp. 89–90.

48 Kotivuori, *Ylioppilasmatrikkeli*, Mikael Wisius; Johan Odencrantz, ed., *Kongl. Götha hof-rätts presidenter, ledamöter och betjäning med några biographiske och genealogiske under-rättelser* (Linköping, 1803), p. 49.

that, he was a district court judge in Finland for seven years. During and after the Great Northern War, he was active in the military.⁴⁹

Two men worked on governmental boards, though their careers entailed positions in local judiciaries, too. Upon his return to Sweden, Jakob Snack, who had written a disputation on the law of pledges (*Pfandrecht*) in Rostock, became a district court judge in Åland for three years before being appointed acting notary in 1655 and still in the same year prosecutor (*fiskal*) at the Board of Mining. At some point he was also a revision secretary (*revisionssekreterare*).⁵⁰ After his ennoblement as Sneckenberg in 1673, he became treasurer of the cashier's office (*räntekammar*) at the Treasury.⁵¹ Karl Rothovius, who had studied law in Leiden, was acting notary of the Board of Mining and war secretary in the wars with Poland and Denmark before becoming judicial burgomaster of Falun in 1658.⁵²

Another three went on to become town councillors. Justin von Brochen returned to his hometown, Vyborg, after his studies and became a town councillor in 1657 and burgomaster in 1664. He also took part in the Diet.⁵³ Henrik Sesemann, another Vyborgian, returned to his hometown in 1748 after his studies in Rostock, to work as a merchant and town councillor there.⁵⁴ Karl Gustaf Melartopaeus is said to perhaps have been an assistant preacher in Ingria in 1747. The same year, he was secretary to the Russian ambassador in Stockholm. The biography also states him as having worked at the royal court (*hovjunkare*). In addition, he was suspected of a state conspiracy. From 1751 to 1767, he was language master of the Vyborg cathedral school, but was also a merchant in Vyborg. In 1767, he became a town councillor there before passing away in 1772.⁵⁵

The only mention of Petter Lundelius's career is that he was an advocate in Malmö between his return from Germany in the early 1680s and his death in 1711.⁵⁶ Finally, there is Georg Meurling, who followed a career in pedagogics. After possibly being employed as a docent of Roman law at the University of Rostock, he worked as pedagogical rector of Kokkola (Swed. *Gamlakarleby*)

49 Kotivuori, *Ylioppilasmatrikkeli*, Arvid Stierncrantz.

50 The revision secretary would prepare revision cases for the monarch, the Council of the Realm, or the Judicial Revision. See *Förvaltningshistorisk ordbok*. Available at <http://fho.sls.fi>, search word "revisionssekreterare." Accessed 17 January 2020.

51 Kotivuori, *Ylioppilasmatrikkeli*, Jakob Snack.

52 Kotivuori, *Ylioppilasmatrikkeli*, Karl Rothovius.

53 Kotivuori, *Ylioppilasmatrikkeli*, Justin von Brochen.

54 Kotivuori, *Ylioppilasmatrikkeli*, Henrik Sesemann.

55 Kotivuori, *Ylioppilasmatrikkeli*, Karl Gustaf Melartopaeus.

56 Kotivuori, *Ylioppilasmatrikkeli*, Petter Lundelius.

and assistant at the Porvoo (Swed. *Borgå*) gymnasium in Finland before heading to St. Petersburg in 1736 to be assistant at the Academy of Sciences and prorector of the academic gymnasium there.⁵⁷

The careers of these students are highly varied and it is difficult to come to any generalizations based on them. What seems clear, though, is that during the eighteenth century they no longer had any connection to the state judiciary or administration, which was still true for Snack, Wisius, and Rothovius, who were active in the seventeenth century. Giese points out that study with the renowned Rostock jurists was of interest to Swedish students as Sweden's growing position in the Baltic Sea region called for knowledge of the local legal system.⁵⁸ The careers of the Turku students do not, however, give the impression that Rostock was a special place for training Swedes to run the administration in the conquered Baltic and Pomeranian areas. Only one of the Turku students in Rostock, Mikael Wisius, ended up working in the conquered areas. Positions within the administration with no apparent connection to legal tasks have not been considered in my study, though.

2 Jena

Elliest är här mycket illa civilicerade studenter.⁵⁹

2.1 *The University of Jena*

The founding of the University of Jena was the result of political changes in the territory. Jena was situated in the Ernestine Electorate of Saxony, ruled by Elector Johann Friedrich I (r. 1532–1547). However, after the Schmalkaldic War (1546–1547) the Ernestine line of the house of Wettin had to surrender parts of its territory to the Albertine line. This meant that the university town of Wittenberg was also lost. Johann Friedrich ruled over the remaining parts as Duke of Saxony (r. 1547–1554). To compensate for the loss of Wittenberg, a new higher school (*Hohe Schule*) was founded in Jena in 1548 with the aim of being decisively Lutheran. It was also needed to provide the duke with legally trained personnel. After 1554, it functioned like a university with teaching in the arts, medicine, law, and theology, and in 1558, the school was opened as a university

57 Kotivuori, *Ylioppilasmatrikkeli*, Georg Meurling.

58 Giese, *Studenten*, p. 332.

59 "Otherwise, the students here are very poorly civilized" (translation by Marianne Vasara-Aaltonen). Observations on Jena by the future Svea Court of Appeal judge Erik Lovisin on his study journey in 1694. *Erik Lovisins resedagbok*, fol. 314, M 252:1, KB.

after having been granted full university privileges.⁶⁰ Apart from academic subjects, teaching was also provided in languages and courtly exercises such as fencing, dancing, and riding.⁶¹

The first years of the university were marked by theological and political controversies. This also negatively affected student numbers: in the mid-1560s, annual enrolment was under 100 students.⁶² New territorial divisions in the 1570s again had an impact, putting the university under the rule of several territorial lords. This enabled the university a certain leeway that the *Landesuniversitäten* did not have. Despite continuous confessional disputes, by the turn of the seventeenth century, the university had established itself apart from Wittenberg and Leipzig as a site of Lutheran orthodoxy.⁶³

In the first half of the seventeenth century, some criticism was already being levelled against rigid scholasticism and intellectual stagnation. However, it was from the mid-seventeenth century onwards that the university experienced a scientific boom. This was also reflected in student numbers. Until 1650, the university had never received more than 350 new enrolments a year. Still, it is estimated to have been among the five most visited German universities at the beginning of the seventeenth century. Jena recovered relatively quickly from the negative impact of the Thirty Years' War, and with the intellectual surge in the second half of the century, matriculations increased to 400 to 700 a year,

60 Georg Schmidt, "Die Tradition der Freiheit: Johann Friedrich und Friedrich Schiller," in *Die Universität Jena in der Frühen Neuzeit*, eds. Joachim Bauer, Andreas Klinger, Alexander Schmidt, and Georg Schmidt (Heidelberg, 2008), pp. 11–15; Daniel Gehrt, Joachim Bauer, Andreas Klinger, and Georg Schmidt, "Gründung, Aufbau und Konsolidierung im 16. Jahrhundert," in *Die Universität Jena in der Frühen Neuzeit*, eds. Joachim Bauer, Andreas Klinger, Alexander Schmidt, and Georg Schmidt (Heidelberg, 2008), pp. 25–33 and 38; Werner Mägdefrau, "Das Gründungsjahrzehnt der 'Salana' (1548 bis 1558)," in *Alma Mater Jenensis. Geschichte der Universität Jena*, ed. Siegfried Schmidt (Weimar, 1983), pp. 16, 26, and 32–33.

61 Stefan Wallentin, Daniela Siebe, and Nicole Grochowina, "Die Korporation: Verfassung, Ämter und Finanzen," in *Die Universität Jena in der Frühen Neuzeit*, eds. Joachim Bauer, Andreas Klinger, Alexander Schmidt, and Georg Schmidt (Heidelberg, 2008), p. 53.

62 Gehrt, Bauer, Klinger, and Schmidt, "Gründung," pp. 30–37.

63 Gehrt, Bauer, Klinger, and Schmidt, "Gründung," pp. 41–42; Werner Mägdefrau, "Die Universität zwischen feudal-fürstlicher Machtpolitik und bürgerlichem Reformstreben (1558 bis 1648)," in *Alma Mater Jenensis. Geschichte der Universität Jena*, ed. Siegfried Schmidt (Weimar, 1983), pp. 40 and 49–51; Alexander Schmidt and Andreas Klinger, "Die Universität zwischen Reich und Fürstenstaat," in *Die Universität Jena in der Frühen Neuzeit*, eds. Joachim Bauer, Andreas Klinger, Alexander Schmidt, and Georg Schmidt (Heidelberg, 2008), pp. 73 and 78.

which made it one of the most frequented German universities. Numbers stayed on this level until the mid-eighteenth century.⁶⁴

On the eve of the early Enlightenment, due to the political instability and rising bourgeoisie, the university was able to develop a freer and more open-minded intellectual atmosphere. In particular, the mathematician Erhard Weigel (1625–1699) was crucial for the new approach at Jena. He advocated the use of mathematical principles in other disciplines as well. In law, this resonated with Georg Adam Struve (1619–1692), who used the empirical method in his jurisprudence. Even the theological faculty experienced a *“theologia naturalis,”* and in 1678, appointed its first professor who professed Pietism.⁶⁵ Naturally, the rise of medicine and natural sciences also played a part in the intellectual rise of the university. These new ideas attracted many students to Jena. However, they also collided with the proponents of scholasticism and Lutheran orthodoxy, which, despite the new tendencies, still maintained a strong position within the university. When many of the reformers either left the university or passed away in the 1670s to 1690s, the more conservative approach was again strengthened.⁶⁶

The developments of the late seventeenth century had put Jena among the leading German universities; between the 1650s and 1720s, it attracted many students from outside the region and enjoyed international significance. Despite the lack of strong state support, Jena was one of the universities of the German early Enlightenment in the early eighteenth century, and it continued to thrive well into the 1740s. In the early eighteenth century, the philosopher and theologian Johann Frantz Buddeus (1667–1729) was important in bringing enlightened ideas from Halle and taking up pietistic thoughts. After his death, though, theology in Jena again took a turn towards Lutheran orthodoxy and the other disciplines surpassed it in importance. In the 1730s, the enlightened rationalism of Christian Wolff (1679–1754) gained a foothold in Jena and held

64 Mägdefrau “Die Universität,” pp. 55–56; Werner Mägdefrau, “Wissenschaftlicher Höhepunkt im Zeichen der Frühaufklärung in der zweiten Hälfte des 17. Jahrhunderts,” in *Alma Mater Jenensis. Geschichte der Universität Jena*, ed. Siegfried Schmidt (Weimar, 1983), pp. 64–65; Schmidt and Klinger, “Die Universität,” p. 74; Wallentin and Bauer, “Studenten,” p. 99.

65 Pietism was a movement in Protestantism that emphasized individual piety and originated in the criticism voiced against prevailing religious circumstances at the turn of the sixteenth and seventeenth centuries. See, e.g. Martin Brecht, “Einleitung,” in *Geschichte des Pietismus. Band 1. Der Pietismus vom siebzehnten bis zum frühen achtzehnten Jahrhundert*, ed. Martin Brecht (Göttingen, 1993), p. 1–2.

66 Mägdefrau, “Wissenschaftlicher,” pp. 64–91.

its place until the 1760s. Apart from developments at the university, learned societies and scientific journals were also founded in Jena during the century.⁶⁷

Despite its enlightened tendencies, the University of Jena never took a radical turn towards the Enlightenment as was the case for the universities of Halle and Göttingen. While there were professors offering modern teaching, the structure of the university was still outdated. Around the mid-eighteenth century, student numbers began to decline. After 1760, Jena counted fewer than 300 matriculations a year. Attempts at reform were made in the 1760s, but it was not until the last decades of the century that the university could again rise to the top in intellectual and scientific life.⁶⁸

2.2 *Legal Education in Jena*

The first law professor was appointed to the “higher school” of Jena in 1554 as the duke’s court (*Hof*) in Weimar urgently needed lawyers trained in Roman law. The faculty of theology still remained superior to that of law. The law professors of the university maintained close connections with the court, as well as carrying out diplomatic tasks and participating in the high court (*Hofgericht*) in Jena. This relationship also brought the professors into political turmoil, which often caused changes in the composition of the professoriate. The statutes of the university assigned five ordinary professors to the law faculty. The first of these took part in renewing private law, such as marriage law, in the spirit of Protestantism. One of the most important jurists to work at Jena in the sixteenth century was the Flemish Matthaëus Wesenbeck (1531–1586), who spent the years 1557 to 1568 there. Wesenbeck’s most influential work was his commentary on the Digest, *Paratitla in Pandectarum iuris civilis libros quinquaginta* (1566), which was augmented with a commentary on the Codex in 1576. Wesenbeck’s *Paratitla* was met with great interest at universities in

67 Mägdefrau, “Wissenschaftlicher,” pp. 92–93; Siegfried Schmidt, “Die Universität Jena in der Zeit der Aufklärung vom Beginn des 18. Jahrhunderts bis zur Klassischen Zeit,” in *Alma Mater Jenensis. Geschichte der Universität Jena*, ed. Siegfried Schmidt (Weimar, 1983), pp. 98–100, 103–104, and 119–122.

68 Schmidt, “Die Universität,” pp. 102–103; Günter Steiger, “Die Klassische Zeit der Universität Jena,” in *Alma Mater Jenensis. Geschichte der Universität Jena*, ed. Siegfried Schmidt (Weimar, 1983), pp. 128–132; Wolfgang Leber, “Fünftes Kapitel. Die Universität Jena in der Zeit der deutschen Klassik und des deutschen philosophischen Idealismus bis zum Zusammenbruch des Reiches (1767–1806),” in *Geschichte der Universität Jena 1548/58–1958, Festgabe zum vierhundertjährigen Universitätsjubiläum, Band 1: Darstellung*, eds. Max Steinmetz and Günter Steiger (Jena, 1958), pp. 226–227; Wallentin and Bauer, “Studenten,” p. 99; Schmidt, “Die Tradition,” pp. 18–20.

Germany and the northern Netherlands, and indeed was the most valued text book up to the late seventeenth century.⁶⁹

With the increasing need for lawyers in the judiciaries and administrations of growing states, the importance of the Jena law faculty also increased at the turn of the seventeenth century. One contributing factor was the involvement of law professors in judicial decision-making. A *Spruchkollegium* had been established right after Jena had gained university privileges in 1558, and the goal was to make it one of the leading institutions of its kind. In 1569, the term *Schöppenstuhl* first appears in the sources, and it seems that two distinct *Spruchkörper* emerged: the law faculty giving opinions (*Gutachten*) and the *Schöppenstuhl*⁷⁰ giving judgements (*Urteile*). By the late sixteenth century, the two had developed into two separate institutions, which, however, performed the same tasks. The activities of the Jena *Spruchkörper* were at their peak in the early eighteenth century.⁷¹

Emerging public law and *Reichspublizistik* in the seventeenth century also found their basis in Jena. An important influence in establishing the focus on public law was Dominicus Arumaeus (1579–1637), who worked at the faculty for over thirty years, developing the *ius publicum*, and he is sometimes referred to as the “forefather of the publicists.” Arumaeus supported dual sovereignty where the imperial estates (*Reichsstände*) had the *maiestas realis* and the Emperor the *maiestas personalis*. Arumaeus’s doctrine echoed the political realities of the Empire, and his works held significance for the connection of history

69 Gustav Seeber, “Erstes Kapitel. Die Universität Jena in den ersten Jahrzehnten ihres Bestehens bis zum Beginn des 17. Jahrhunderts, Abschnitt IIff,” in *Geschichte der Universität Jena 1548/58–1958, Festgabe zum vierhundertjährigen Universitätsjubiläum, Band 1: Darstellung*, eds Max Steinmetz and Günter Steiger (Jena, 1958), pp. 32 and 45–46; Wallentin, Siebe, and Grochowina, “Die Korporation,” p. 48; Schmidt and Klinger, “Die Universität,” p. 84; Margreet Ahsmann, “Wesenbeck, Matthaeus (1531–1586),” in *Juristen, ein biographisches Lexikon. Von der Antike bis zum 20. Jahrhundert*, ed. Michael Stolleis (Munich, 1995), p. 651.

70 Using the term *Schöppenstuhl* for a *Spruchkörper* of a law faculty was uncommon, but not wholly exceptional, see Kriebisch, *Die Spruchkörper*, p. 68.

71 Kriebisch, *Die Spruchkörper*, pp. 47–52, 64–84, and 210–226; Wallentin, Siebe, and Grochowina, “Die Korporation,” pp. 50–51; Werner Mägdefrau, “Zweites Kapitel. Die Universität Jena als Hochburg der lutherischen Orthodoxie und der protestantischen Scholastik in der ersten Hälfte des 17. Jahrhunderts,” in *Geschichte der Universität Jena 1548/58–1958, Festgabe zum vierhundertjährigen Universitätsjubiläum, Band 1: Darstellung*, eds Max Steinmetz and Günter Steiger (Jena, 1958), pp. 88 and 92; Werner Mägdefrau, “Drittes Kapitel. Der Aufstieg und die erste Blütezeit der Universität Jena in der zweiten Hälfte des 17. Jahrhunderts,” in *Geschichte der Universität Jena 1548/58–1958, Festgabe zum vierhundertjährigen Universitätsjubiläum, Band 1: Darstellung*, eds Max Steinmetz and Günter Steiger (Jena, 1958), p. 149.

and (constitutional) law. His pupil Johannes Limnaeus (1592–1665) further developed German *ius publicum* and was one of its most important representatives. Limnaeus argued for a mixed system, combining monarchy and aristocracy, where the *maiestas personalis* was held by both the Emperor and the imperial estates, while the *maiestas realis* belonged to the estates.⁷²

It was not only the field of public law where advances were made during the seventeenth century. For instance, Georg Adam Struve emphasized the role of jurisprudence in applying the law to practice. His textbook *Jurisprudentia romano-germanica forensis* (1670), discussing the use of Roman law in German courts, was still read in the late eighteenth century. In Jena, he was law professor from 1646 to 1667, 1673 to 1678, and 1691 to 1692.⁷³ Struve's positive outlook on Grotius facilitated the acceptance of natural law at Jena, and many law professors took it up in their teaching. Natural law gained importance in Jena as the eighteenth century progressed. While new impulses reached Jena, the university did not establish itself as a driving force for change as did the newly-founded universities of Halle and Göttingen. Changes could rather be seen in the philosophical faculty than in the law faculty.⁷⁴

The connection between jurisprudence and history was also well represented in Jena: in the late seventeenth century by Johann Strauch (1612–1679) and his nephew Johann Schilter (1632–1705), and in the eighteenth century by Burkhard Gotthelf Struve (1671–1738), the son of Georg Adam Struve. In particular, the historical context of the *Reichsrecht*, which was emphasized in Jena, influenced the Halle scholars, under whom it came to prosper. In Jena, the aspect of literary history regarding the law was more pronounced, however.⁷⁵ Around

72 Mägdefrau, "Zweites Kapitel," pp. 89–90; Mägdefrau, "Die Universität," pp. 57–58; Bernhard Pahlmann, "Dominicus Arumaeus (1579–1637)," in *Deutsche und europäische Juristen aus neun Jahrhunderten*, eds. Gerd Kleinheyer and Jan Schröder, 4th revised ed. (Heidelberg, 1996), pp. 27–30; Bernhard Pahlmann, "Johannes Limnäus (1592–1663)," in *Deutsche und europäische Juristen aus neun Jahrhunderten*, eds. Gerd Kleinheyer and Jan Schröder, 4th revised ed. (Heidelberg, 1996), pp. 245–248.

73 Mägdefrau, "Drittes Kapitel," pp. 144–146; Klaus Luig, "Struve, Georg Adam (1619–1692)," in *Juristen, ein biographisches Lexikon. Von der Antike bis zum 20. Jahrhundert*, ed. Michael Stolleis (Munich, 1995), p. 591.

74 Mägdefrau, "Drittes Kapitel," p. 147; Siegfried Schmidt, "Viertes Kapitel. Die Universität Jena im Zeichen von Pietismus und Aufklärung vom Beginn des 18. Jahrhunderts bis zur Reorganisation der Universität unter Anna Amalia," in *Geschichte der Universität Jena 1548/58–1958, Festgabe zum vierhundertjährigen Universitätsjubiläum, Band 1: Darstellung*, eds. Max Steinmetz and Günter Steiger (Jena, 1958), pp. 180–181 and 184–185.

75 Mägdefrau, "Drittes Kapitel," p. 147; Schmidt, "Viertes Kapitel," pp. 181–182 and 187–188; Schmidt and Klinger, "Die Universität," 2008, pp. 91 and 94; Roderich von Stintzing, *Geschichte der Deutschen Rechtswissenschaft, 3. Abtheilung, 1. Halbband* (Munich, 1898), p. 130.

the middle of the eighteenth century, after the loss of some professors, the Jena law faculty could not boast important jurists, so that its significance was limited. Later in the century, and after 1800, the faculty again found renowned jurists such as Paul Johann Anselm von Feuerbach (1775–1833) and Anton Friedrich Justus Thibaut (1772–1840), though neither of them stayed in Jena for long.⁷⁶

2.3 *Backgrounds of Turku Students in Jena*

In Jena, the number of students from the Turku records is sixteen. Here we find four representatives of the nobility, although one of them was not born noble but was ennobled in his teens. Johan Creutz (1651–1726) was the son of Lorentz Creutz, a provincial governor and councillor of the realm, and one of the Leiden students discussed earlier. In 1654, his part of the family had been raised to the rank of baron.⁷⁷ Another noble student was Kristoffer Mellin (dates of birth and death unknown), whose father was a colonel and governor of the county of Kexholm. Kristoffer travelled to Jena with both his brothers.⁷⁸ Simon Rosenberg (d. 1677) was son of a war councillor (*kriagsråd*).⁷⁹ Ulrik Rudén (1704–1765), the son of the bishop of Linköping, was not born into a noble family – instead in 1719 at the age of fifteen he was ennobled as Rudenschöld for his father’s merits.⁸⁰ Thus, it is only Johan Creutz who represents the old higher nobility.

Other than Rudenschöld, two brothers were the sons of a clergyman. Lars (c. 1663–1723) and Nils (dates of birth and death unknown) Brommius’s father was bishop of the diocese (*stift*) of Vyborg. Both sons enrolled at the University of Jena in 1682. Lars was ennobled as Brommenstedt in 1698 after having worked at the Turku Court of Appeal since 1691. His brother Nils unfortunately died soon after beginning his career.⁸¹

Five of the students were sons of burghers. Mikael Wisius, as we already know from the Rostock students, was the son of a tailor in Turku.⁸² Erich Levin Nummens (1654–1687) and Matthias Poorten (c. 1656–1704) were sons of merchants in Narva in Swedish Estonia. Both of them studied in Leipzig and Jena in the 1670s – though two years apart.⁸³ The Vyborgian students Karl Jaenisch

76 Leber, “Fünftes Kapitel,” pp. 279–285.

77 Kotivuori, *Ylioppilasmatrikkeli*, Johan Creutz.

78 Kotivuori, *Ylioppilasmatrikkeli*, Kristoffer Mellin.

79 Kotivuori, *Ylioppilasmatrikkeli*, Simon Rosenberg.

80 Kotivuori, *Ylioppilasmatrikkeli*, Ulrik Rudén.

81 Kotivuori, *Ylioppilasmatrikkeli*, Lars Brommius and Nils Brommius.

82 Kotivuori, *Ylioppilasmatrikkeli*, Mikael Wisius.

83 Kotivuori, *Ylioppilasmatrikkeli*, Erich Levin Nummens and Matthias Poorten.

(d. 1775) and Petter Vilhelm Thesleff (d. 1818) also have backgrounds which resemble one another. Both had fathers who were merchants and town councilors in Vyborg. Jaenisch, whose half-brother we find among the Halle students,⁸⁴ studied in Kiel in 1749 and in Jena in 1750.⁸⁵ Petter Vilhelm Thesleff, who studied in Jena in 1754, came from the important burgher family of the Thesleffs from Vyborg. Many of them had acted in the town administration and judiciary, for example. One branch of the family was even ennobled at the turn of the seventeenth and eighteenth centuries. Petter Vilhelm's great-grandfather was Petter Thesleff,⁸⁶ one of the Leiden students from the seventeenth century.⁸⁷

Apart from the noblemen Mellin and Rosenberg, there was one other student whose father had a background in the military: Sylvester Bjugg's (d. 1709) father was a captain of the Ostrobothnian infantry.⁸⁸ Ambrosius Nidulius (later Nidelberg, d. 1689) was the son of Sven Olofsson, the treasurer (*kamrer*) of Count Per Brahe the Younger's county of Visingsborg in Southern Sweden.⁸⁹ Johan Carpaeus (later Carpén, 1731–1813), was also from a family with positions in the local community. His father was a rural police chief (*länsman*) in Sauvo (Swed. *Sagu*) and his stepfather the assistant pastor (*sockenadjunkt*) of Sauvo.⁹⁰ Matias Svederus, a future law professor at the Academy of Turku, is an exception as he is the only peasant's son in this study: Svederus's father was a crofter (*torpare*) from Östergötland.⁹¹ Birger Åwall's family background is somewhat in the dark, but he was probably the son of a merchant.⁹²

Again, some reservations need to be kept in mind. A few students have only a relatively small connection to Sweden proper. Nummens and Poorten from Narva did not study at Swedish universities nor did they work in Sweden proper. The Turku records make no reference to why Nummens and Poorten are listed in them. For this reason, while they are examples of legal professionals in Swedish conquered areas, they cannot as such be regarded as examples of the developing Swedish legal profession. As was the case with two of the students in Rostock, we also find in Jena three students from Vyborg at a time when it

84 See Chapter 4, section 3.3.

85 Kotivuori, *Ylioppilasmatrikkeli*, Karl Jaenisch and Petter Vilhelm Thesleff.

86 See Chapter 3, section 1.2.

87 Veli-Matti Autio, "Thesleff," in *Kansallisbiografia-verkkojulkaisu. Studia Biographica 4* (Helsinki, 1997-). Available at: <https://kansallisbiografia.fi/kansallisbiografia/henkilo/6761>. Accessed 20 January 2020.

88 Kotivuori, *Ylioppilasmatrikkeli*, Sylvester Bjugg.

89 Kotivuori, *Ylioppilasmatrikkeli*, Ambrosius Nidulius.

90 Kotivuori, *Ylioppilasmatrikkeli*, Johan Carpaeus.

91 Kotivuori, *Ylioppilasmatrikkeli*, Matias Svederus.

92 Kotivuori, *Ylioppilasmatrikkeli*, Birger Åwall.

was no longer Swedish. These were Jaenisch, Thesleff, and Carpaeus, who we cannot really call Swedish lawyers either.

The first visit of Turku students to Jena took place in 1649 and the last was in 1754. There is, however, a clear emphasis on the seventeenth century, as three-quarters of the visits occurred before the turn of the century. The years were: 1649, 1652, 1664, 1669 (two students), 1676, 1678 (two students), 1682 (two students), 1684, 1696, 1730, 1750, and 1754 (two students). Considering that enrolments in the 1750s were by students from Vyborg, one can conclude that among the Swedish students the emphasis was definitely on the seventeenth century.

The number of students is small and it is difficult to draw definite conclusions. Still, one can point out that all the men born into noble families studied in Jena roughly in the third quarter of the seventeenth century – in 1649, 1664, and 1669. Ulrik Rudenschöld, a nobleman since his teens, studied in Jena in 1730. He is somewhat different from his background, though. He was the son of a bishop, whereas the other noblemen had fathers involved in state affairs – in the military and/or the administration. What is also noteworthy is that, as in Rostock, we find only one student who was ennobled during his career: Lars Brommius, in 1698.

2.4 *Information on the Studies of Turku Students in Jena*

For most of the students, eleven out of sixteen, Jena was the only foreign university⁹³ they visited. And for three of those eleven it was the only university at all. Four students visited one other foreign university besides Jena – and one student visited three foreign universities altogether. Wisius's other university was Rostock, Creutz's Strassburg, Nummens's Leipzig and Jaenisch's Kiel. Rosenberg went to Jena, Marburg, and Giessen. These men do not share especially common features, although the number of students is so small that it is impossible to draw any conclusions. Wisius was a tailor's son who was about to become a law professor, Creutz and Rosenberg were noblemen, Jaenisch a burgher's son from Vyborg, and Nummens a merchant's son from Narva. For four of them, their visits took place between the 1650s and 1670s, but Jaenisch is the exception as he studied around 1750.

For the overwhelming majority, thirteen out of sixteen, Jena was their last place of study. If we subtract those who only studied in Jena, still ten students remain who chose to finish their studies there. This has to do with the fact that for many it was the only foreign university and it was common to study at home (at Swedish universities) first and then go abroad. However, this leads to the problem that it is very difficult to estimate how long students stayed in Jena

93 Again excluding Turku, Uppsala, Lund, and Dorpat.

as there is no “next stop” on their journeys. Often the next mention in their biographies is of their first career positions and there is a time gap of two to ten years between matriculation at Jena and the beginning of their employment. How long their studies actually lasted and how the time in between was spent is impossible to tell.

In a few cases, though, enough information has nevertheless remained. Mikael Wisius stayed in Jena for four years and obtained a doctorate there. Wisius defended disputations there at least in 1653 and 1656, and he appears as congratulator in two disputations from 1655.⁹⁴ This would suggest that he not only stayed in Jena for a long period but also that he established connections with other students as he has been included in the paratexts of at least these two disputations. Johan Creutz probably spent nine to ten months in Jena, as he enrolled there in November 1669 and in Strassburg in August 1670. Ulrik Rudenschöld made “trips abroad” between 1730 and 1733. His matriculation in Jena took place in November 1730 and it is the only university mentioned in his biography. Perhaps he stayed in Jena for a couple of years, visiting other places without university enrolment. Petter Vilhelm Thesleff and Johan Carpaeus both spent three years in Jena according to the biographical information in the Turku records. They must have met in Vyborg, where Carpeaus from southwestern Finland was working as a notary of the lower town court prior to his studies. Both enrolled in Jena on 9 September 1754 and left for Sweden in 1757.

The matriculation records of the University of Jena do not provide information on the faculty of the students. Without any records of lecture attendance, it is therefore again difficult to assess what exactly the students did while in Jena. There is only one student of whose law studies in Jena we know with certainty: Mikael Wisius. He apparently first spent roughly ten years at the Academy of Turku, where he obtained a master of arts in 1647. He is listed as being *praeses* in two disputations at the faculty of philosophy: in 1649 in a *Disputatio politica de legibus* and the year before, in the spirit of wide-ranging education, in a *Dissertatio physica de effluviis in genere et in specie*, on evaporation. He was also respondent in 1650 at the law faculty in a disputation entitled *De tertio juris objecto actionibus, deque judiciario processu, per collationem juris civil[is] Sveco-Rom[ani]*. The *praeses* was Mikael Wexionius Gyldenstolpe.⁹⁵

94 Ernst Schröter and Michael Wisius, *Dissertatio legalis de essentia possessionis, accedente suffragio* (Jena, 1653); Erasmus Ungepaar and Michael Wisius, *Diatriben inauguralem de jure tutelarum* (Jena, 1656); Ernst Schröter and Johannes Andreas Wirth, *Disputatio feudalis secunda Continens explicationem Tit 5.6.7.8* (Jena, 1655); Georg Adam Struve and Justus Henricus Ubbelode, *Disputatio juridica inauguralis de executione* (Jena, 1655).

95 Stiernman, *Aboa Literata*, p. 44; Michael Gyldenstolpe and Michael Wisius, *De tertio juris objecto actionibus, deque judiciario processu, per collationem juris civil[is] Sveco-Rom[ani]* (Turku, 1650).

In 1652, Wisius left Turku in pursuit of law studies at German universities. After his enrolment at Rostock in July, he travelled a few hundred kilometres south to matriculate at the University of Jena in October 1652. There he spent four years during which time he obtained the degree of *doctor iuris utriusque*.⁹⁶ He appeared as a respondent in September 1653 when Ernst Friedrich Schröter (1621–1676) acted as *praeses*. This work was called *Dissertatio legalis de essentia possessionis*.⁹⁷ Wisius also appears as respondent in one of the *dissertationes* or *exercitationes* in Georg Adam Struve's compilation *Syntagma jurisprudentiae secundum ordinem pandectarum* (1658–1663). The *exercitatio nona*, defended by Wisius, bears the title *De judiciis, & ubi quisque agere vel conveniri debeat*.⁹⁸ In July 1656, Wisius disputed for a licentiate. This time the *praeses* was Erasmus Ungepaur and the title was *De Jure Tutelarum*.⁹⁹ The same year he obtained a doctorate.¹⁰⁰ In this respect, Wisius was clearly in the minority; not only among Swedish law students but also among students in Jena as most of them never obtained a degree before the nineteenth century.¹⁰¹ A document on Wisius by the dean of the Jena law faculty, Ernst Friedrich Schröter in 1656, states that Wisius came to Germany to study law. He followed disputations under Dr. Schnobel and Schröter himself, had listened to lectures on Wesenbeck's commentaries on the Pandects, and followed studies and exams by the law professors Georg Adam Struve and Johannes Strauch (1612–1679). His studies were always praiseworthy. After excelling in his exams, he was awarded a doctorate.¹⁰²

Wisius's dissertations offer valuable information about the extent of his studies. *Dissertatio legalis de essentia possessionis* was written in Jena in 1653. Wisius was the respondent of this dissertation, and the fact that there are numerous quotations from Swedish law would suggest that he actually wrote the thesis instead of the *praeses*, professor Schröter – or at least contributed to it

96 Kotivuori, *Ylioppilasmatrikkeli*, Mikael Wisius.

97 Leinberg, *Dissertationes*, p. 146.

98 Johann August Ritter von Eisenhart, "Struve, Georg Adam," in *Allgemeine Deutsche Biographie*, vol. 36, Steinmetz – Stürenburg (Leipzig, 1893), pp. 677–681; Georg Adam Struve, *Syntagma jurisprudentiae secundum ordinem Pandectarum concinnatum, quo solida juris fundamenta traduntur, Digestorum et affines Codicis, Novellarum, ac juris canonici tituli methodice explicantur, controversiae nervose resolvuntur, & quid usus obtineat, monetur* (Jena, 1663).

99 Leinberg, *Dissertationes*, p. 146.

100 Kotivuori, *Ylioppilasmatrikkeli*, Mikael Wisius.

101 Wallentin and Bauer, "Studenten," p. 99.

102 Letter from Ernst Friedrich Schröter, 1656, 2 Hist. lit. VI, 14 (31), Handschriftenabteilung, ThULB Jena.

significantly. The dissertation is dedicated to Queen Christina and Bengt (Benedictus) Gabrielsson Oxenstierna (1623–1702). It is quite long, seventy pages, and is printed in a small font, which makes it an extensive work for the period. In between different sections, Wisius goes on to describe how the situation is regulated in Sweden and quotes paragraphs from Swedish law. Wisius refers extensively to different legal authors from different times.¹⁰³ The dissertation *De iure tutelarum*, which was presided over by Erasmus Ungepaur, is quite similar to the previous one. With ninety-six pages in small font, it is also a thorough thesis; here, too, Wisius examines Swedish law and references a large number of jurists.¹⁰⁴ The exercise dissertation *De judiciis, & ubi quisque agere vel conveniri debeat*, which Wisius defended under Georg Adam Struve sometime in the 1650s, discusses book 5, title 1 of the Digest concerning trials. Any reference to Swedish law is missing, however, which suggests that, unlike the works described above, this dissertation was only defended by Wisius.¹⁰⁵

Simon Rosenberg, a nobleman, left Sweden for a study journey in 1664 as a 22-year-old, after having first studied in Uppsala and Turku. In Jena, he enrolled in the summer of 1664, in Marburg in September 1666 and in Giessen in October 1666. His studies in Jena remain unclear, but his studies in Giessen give reason to believe he was truly a law student. Rosenberg stayed there for at least two years and acted as respondent in 1668. The thesis was called *Dissertatio Juris-Publici de potestate imperatorum tam veterum quam recentium circa militiam et de modo in Germania belligerandi statui ipsius convenienti* and was presided over by Jacob Le Bleu (1610–1668), who was an influential professor of law and politics at the university.¹⁰⁶ Quite naturally, Hugo Grotius is cited frequently in this work on the law of war, but other contemporary writers appear, too. The Swedish War Articles (*kriagsartiklar*) are discussed, but they appear in German translation, and their Danish counterparts are mentioned, too.¹⁰⁷ In this, the work differs from Snack's dissertations in Rostock and Wisius's dissertations in Jena, which had a clear focus on Swedish law and had citations in Swedish. Whether or not Rosenberg was the author of this text is thus much more uncertain than in the examples above.

103 Schröter and Wisius, *Dissertatio legalis*.

104 Ungepaur and Wisius, *Diatriben inauguralem*.

105 Struve, *Syntagma jurisprudentiae*.

106 Kotivuori, *Ylioppilasmatrikkeli*, Simon Rosenberg; Christian Gottlieb Jöcher, *Allgemeines Gelehrten-Lexicon, Erster Theil, A-C* (1750, facsimile ed. Hildesheim, 1981), p. 1131; Philipp, "Politische," p. 29.

107 Jacob Le Bleu and Simon Rosenberg, *Dissertatio juris-publici de potestate imperatorum tam veterum quam recentium circa militiam et de modo in Germania belligerandi statui ipsius convenienti* (Giessen, 1668).

No information remains on Ambrosius Nidulius's studies in Jena. The only information on his study choices comes from the Academy of Turku, where he apparently began his studies in 1658 and received scholarships for six years. He acted as respondent in 1661 in a disputation entitled *De lingvae latinae puritate continuata* and in 1663 in a *Disputatio theologica de sacro baptismo*, both under the guidance of theology professor Enevald Svenonius (1617–1688), and in 1665 in a *Dissertatio politica de conservatione reipublicae et praesertim monarchiae* presided over by professor of practical philosophy Axel Kempe.¹⁰⁸ In 1662, he held an oration called *Judex brevi oratione laudatus*, which was also printed.¹⁰⁹ As for the other students in Jena, not even this much can be found.

2.5 *Careers of Turku Students in Jena*

Looking at the noble students in Jena, we see that it was Johan Creutz who followed the most distinctly “noble career,” which is no surprise considering his family background. Creutz, son of councillor of the realm Lorentz Creutz, began service in the military after his studies, in 1672. In 1680, he became a provincial judge of Karelia and in 1703 governor of Uusimaa and Häme. In 1719, he was made a councillor of the realm and president of the Turku Court of Appeal. The same year he was elevated to the noble class of counts. He also attended the Diet several times.¹¹⁰

The other three with positions at courts of appeal were not noble. First, there is Mikael Wisius, who had studied at both Rostock and Jena. Before his foreign study journey, he had already worked as the vice rector (*konrektor*) of the Turku cathedral school, from 1648 to 1652. After extensive law studies in Germany, Wisius began as town *syndicus* in Stettin in 1656.¹¹¹ His talents had been spotted in Sweden, though, and as Mikael Wexionius Gyldenstolpe's position became vacant after his move to the court of appeal, the senate (*konsistorium*) of the Academy of Turku wrote a letter to Per Brahe the Younger stating Wisius's competence for the task. They praised Wisius as having studied law in Germany for five years with extraordinary diligence and recognition, as proven by his *exercitia*, and confirmed that he would be a suitable and capable

108 Kotivuori, *Ylioppilasmatrikkeli*, Ambrosius Nidulius; Vilkkuna, “Study Abroad,” p. 287; Enevald Svenonius, *De lingvae latinae puritate continuata* (Turku, 1661); Enevald Svenonius, *Disputatio theologica de sacro baptismo* (Turku, 1663); Axel Kempe, *Dissertatio politica de conservatione reipublicae et praesertim monarchiae* (Turku, 1665).

109 Ambrosius Nidelberg, *Judex brevi oratione laudatus* (Turku, 1662).

110 Kotivuori, *Ylioppilasmatrikkeli*, Johan Creutz.

111 Kotivuori, *Ylioppilasmatrikkeli*, Mikael Wisius.

successor to Mikael Wexionius Gyldenstolpe as law professor.¹¹² Unfortunately for Wisius, heated struggles surrounded the appointment. Besides the chair in law, Wexionius Gyldenstolpe also left vacant the professorship of history and politics, which was greatly sought after. Wexionius Gyldenstolpe, a client of Per Brahe the Younger, recommended his brother Olaus Wexionius (1626–1671) for the position, but another client of Brahe's, Andreas Thuronium (1632–1665), favoured Axel Kempe (1623–1682). The rector of the academy, Abraham Thauvoni (1622–1679), also leaned towards Kempe. Brahe sided with Kempe, who was made professor of history and politics, but Olaus Wexionius was given a position as law professor as a sort of consolation prize.¹¹³ Wisius was thus left without a professorship. Instead, he became burgomaster of Narva in 1661 and was appointed an assessor of the Göta Court of Appeal in 1665.¹¹⁴

Ambrosius Nidulius was a trainee at the Göta and Svea courts of appeal amidst his studies, after which he held a position at the royal court (*hovjunkare*). He then began his career at the Turku Court of Appeal as Crown prosecutor in 1674 and advanced to become an assessor of the non-noble class in 1684.¹¹⁵ Lars Brommius was also a judge at a court of appeal, but he deserves special attention as he was the only one of the Jena students to be ennobled during his career. The Brommius brothers' father was Petrus Brommius, who had studied in Greifswald. He was close to the Swedish administration as he was court chaplain (*hovpredikant*) of councillor of the realm Johan Oxenstierna and chaplain at the peace negotiations of Westphalia (*legationspredikant*). After returning to Sweden, Petrus Brommius was sent to Narva as pastor of the Swedish congregation – apparently on a recommendation from Chancellor Axel Oxenstierna. In 1664, when young Lars was a one-year-old, Petrus Brommius was appointed bishop of Vyborg.¹¹⁶ Lars certainly had a family background in proximity to the Swedish crown. After his studies in Jena, Lars Brommius became a district judge of Askim and Östra Hising in 1685. His career then led him to the Turku Court of Appeal, where he was an assessor in the non-noble class after 1691. In 1698, he was ennobled as Brommenstedt. The early eighteenth century began for him with an appointment as a provincial judge in

112 Letter from the *Consistorium academicum* to Per Brahe, 19 November 1657, in Carl Magnus Schybergson, ed., *Per Brahes brevväxling rörande Åbo Akademi II. Brev till Per Brahe 1: 1639–1662* (Helsinki, 1932), pp. 94–95.

113 Hakanen, *Vallan*, pp. 152–157; Carl Magnus Schybergson, *Per Brahe och Åbo Akademi I* (Helsinki, 1915), pp. 110–113.

114 Kotivuori, *Ylioppilasmatrikkeli*, Mikael Wisius.

115 Kotivuori, *Ylioppilasmatrikkeli*, Ambrosius Nidulius.

116 B. Boëthius, "Petrus Laurentii Brommius," in *Svenskt biografiskt lexikon*, vol. 6 (Stockholm, 1926).

Karelia in 1704 and then as vice governor of Vyborg in 1705 and of the province of Turku and Pori (Swed. *Åbo och Björneborg*) in 1706. His career was crowned by the vice presidency of the Turku Court of Appeal in 1721, two years before his death. Brommius also attended the Diet.¹¹⁷

Seven students were active in town courts during their careers. It is not surprising that the sons of burghers often made careers in town courts and administration. This is true of Mikael Wisius, Matthias Poorten, and Petter Vilhelm Thesleff. Poorten was town *syndicus* of Narva and a town councillor in the late seventeenth century, while Thesleff held the same positions in Vyborg in the late-eighteenth to early-nineteenth centuries. We can probably also count burgher's son Karl Jaenisch in this group as he returned to his hometown, Vyborg, as an acting judge in the 1750s, albeit not in the town itself but the surrounding Vyborg judicial district. Three more men worked in town courts. The first of these was Sylvester Bjugg, the son of a captain, who was appointed judicial burgomaster of Turku in 1683, though he resigned before taking up office and worked as an estate manager (*förvaltare*) in Sweden. Next, Birger Åwall became a merchant in Borås, head of the lower town court and a town councillor at the beginning of the eighteenth century. And finally, Johan Carpaeus, the son of a rural police chief (*länsman*), held several positions in Vyborg in the late eighteenth century at the magistracy, in the lower town court, and in the governorate's office (*guvernementskansli*). He was also a judge in the Vyborg judicial district, burgomaster of Vyborg, and a tribunal councillor on the Vyborg civil tribunal (*civiltribunal*).¹¹⁸

Apart from courts of appeal and town courts, two students held judge's positions at other courts. The nobleman Kristoffer Mellin became a higher military judge in 1665, sixteen years after he was a student in Jena. This is the only information about his career. Nils Brommius was a trainee at the Svea Court of Appeal in 1687, and was then appointed an assessor of the Reval (present-day Tallinn) Castle Court in Swedish Estonia shortly before he died.¹¹⁹

The two remaining noblemen had quite different careers. Simon Rosenberg, who we know had studied law in Giessen, worked in the military as a captain in 1675 but died only two years later.¹²⁰ Ulrik Rudenschöld, ennobled in his teens, followed a long career at the Board of Commerce in various positions

117 Kotivuori, *Ylioppilasmatrikkeli*, Lars Brommius.

118 Kotivuori, *Ylioppilasmatrikkeli*.

119 Kotivuori, *Ylioppilasmatrikkeli*, Kristoffer Mellin and Nils Brommius.

120 Kotivuori, *Ylioppilasmatrikkeli*, Simon Rosenberg.

and as a commission secretary in Madrid. He was also a poet and an economics author, writing about economic conditions in Finland and forest use.¹²¹

Matias Svederus, the son of a crofter, became a trainee at the Svea Court of Appeal in 1682 after his studies in Lund and Uppsala. Only one-and-a-half years later he travelled to Jena and enrolled at the university on 7 January 1684. Two years later, he was appointed law professor at the Academy of Turku, a position he held for nearly thirty years. Between 1692 and 1693, and from 1704 to 1705, he acted as rector of the Academy. During the Great Northern War, he fled to Sweden in 1713 and continued his work as a law professor at the University of Uppsala in 1716 before passing away four years later.¹²² Between 1687 and 1699, eleven dissertations were published under his guidance. Scholars have assessed their quality differently. Foreign law, Roman, canon, and Saxon, is cited regularly, and Swedish law is compared to foreign law. The dissertations cover public law, private law, and the postal services, for instance. Apart from Roman law, traces of natural law thinking appear in these works as well.¹²³ Svederus also had interesting connections to pietistic movements, but these will be discussed later.

Finally, only one student remains: Erich Levin Nummens, from Narva, who had no apparent connection to Sweden proper, is listed as having been a secretary and an advocate, presumably in Narva.¹²⁴

3 Halle

Wißt ihr denn wo Halle liegt?
Halle liegt im Thale.
Darin so viele Jungfrau'n sind
Als Wallfisch in der Saale.¹²⁵

121 Kotivuori, *Ylioppilasmatrikkeli*, Ulrik Rudén; *National Library of Sweden, Library catalogue LIBRIS*. Available at <http://libris.kb.se/>, search “Rudenschöld, Ulrik.” Accessed 17 January 2020.

122 Kotivuori, *Ylioppilasmatrikkeli*, Matias Svederus.

123 Klami, *Suomen oikeustiede*, p. 77–85.

124 Kotivuori, *Ylioppilasmatrikkeli*, Erich Levin Nummens.

125 “Do you know where Halle is? / Halle’s in the dales. / Where as many virgins are / As the Saale’s full of whales” (translation by Christopher Goddard). The older version of the passage on Halle from the student song “Ecce, quam bonum,” see Speler, “Vivat Academia,” pp. 24–25.

3.1 *The University of Halle*

Halle, as part of the Archbishopric of Magdeburg, was annexed to the Electorate of Brandenburg in 1680 in accordance with the provisions of the Peace of Westphalia. The University of Halle was founded in 1694, after it became apparent in Brandenburg that there was a need for a new university. Halle was at a convenient location and it already had a *Ritterakademie* since 1680, which, however, could no longer fulfil the educational needs of the growing town. Establishing a university in Halle would make it possible to attract local students away from the universities of the Electorate of Saxony. The goal was to counterbalance the Lutheran orthodoxy of the universities of Leipzig, Wittenberg, and Jena. The statutes of the new university called for a tolerant, peaceful, and peaceable institution. The officials in charge of preparing the foundation of the university were favourable towards reform, which also left the professors with leeway in formulating their teaching. The tolerant atmosphere of Berlin had attracted many scholars to Brandenburg, among them Christian Thomasius (1655–1728) and August Hermann Francke (1663–1727); indeed, some of the most renowned scholars of the time were recruited as professors to the new university. They were able to reform the university as an institution from the inside.¹²⁶

Halle is thus usually described as a reform university and a seat of early Enlightenment and Pietism. Nevertheless, more recently scholars have pointed out that the term “reform university” was never in contemporary use, but was coined in the 1970s. It may be misleading in that it retrospectively takes developments that occurred after the university’s foundation and uses them to construct a reason for the foundation, whereas the founders could not have foreseen the future.¹²⁷ Rather than aiming for an enlightened and pietistic institution, the background to the founding lies in the confessional policies of the authorities in Berlin, which sought to bring its Lutheran subjects to the reformed faith. The foundation of Halle can be seen in this context, and the aim was not to make it a pietistic institution per se, but rather to staff it with

126 Hammerstein, *Jus und Historie*, pp. 148–149 and 152–154; Thorsten Hüls, *Die Juristenausbildung an der Universität Halle. Von den Anfängen bis zur Neugründung der Juristischen Fakultät im Jahr 1993* (Göttingen, 1997), p. 4; Arvo Tering, Mare Rand, and Gertrud Bense, eds., *Gelehrte Kontakte der Universität Halle zu Est-, Liv- und Kurland zur Aufklärungszeit. Ausstellung aus Anlaß des 300. Jubiläums der Martin-Luther-Universität Halle – Wittenberg in der Universitätsbibliothek Tartu vom 12. Mai 1994 bis zum 19. September 1994* (Tartu, 1994), p. 10.

127 See e.g. Marianne Taatz-Jacobi, *Erwünschte Harmonie. Die Gründung der Friedrichs-Universität Halle als Instrument brandenburg-preußischer Konfessionspolitik – Motive, Verfahren, Mythos (1680–1713)* (Berlin, 2014), pp. 21–25 and 37–41.

tolerant Lutherans, who could nudge the Lutheran orthodox population closer to the reformed confession. The growth of Halle Pietism was therefore not the aim, but rather merely one aspect of the complicated confessional realities in the territory.¹²⁸

In any case, despite reform perhaps not being the reason for its foundation, the university did facilitate scientific and educational reforms in the eighteenth century. The statutes of the university showed many new tendencies, which were later copied by other universities as well, including freedom of research and teaching (*freie Forschung und Freiheit der Lehre*) and recognition of the German language in research and teaching. While the university still asserted its adherence to the Lutheran faith, professors were not required to swear an oath on their confession.¹²⁹ Essential for all faculties was a spirit of tolerance and orientation towards practical goals. New subjects found importance, such as public law, natural law, history, politics, and literary history.¹³⁰ Many of the Halle professors had studied in Jena, which had already shown some tendencies towards enlightened ideas.¹³¹ From its very beginning, the university also housed all four faculties: law, theology, medicine, and philosophy.¹³²

The theological faculty was almost completely in the hands of pietistically minded scholars. As Pietism established its position in Halle, it also started showing signs of intolerance, as opposed to the ideals of tolerance proclaimed by the university statutes. This was evident in 1723, when the pietists managed to get the philosopher Christian Wolff ousted from the university and expelled from Prussia.¹³³ Wolff was professor of mathematics in Halle from 1707 to 1723, and as a rationalist believed that only reason could be the source of knowledge and science. Wolff's influence was far-reaching and lasted until the end of the eighteenth century, but for the University of Halle his expulsion in 1723 and the intolerance it exhibited had signified a negative turn. Soon it had to turn over its position as a pioneer to the new University of Göttingen, which was founded

128 Taatz-Jacobi, *Erwünschte Harmonie*, pp. 11–14 and 301–308.

129 Tering, Rand, and Bense, eds., *Gelehrte Kontakte*, p. 13; Hammerstein, *Jus und Historie*, pp. 160–161.

130 Hammerstein, *Jus und Historie*, pp. 148 and 167.

131 Mägdefrau, "Wissenschaftlicher," p. 89.

132 Hüls, *Die Juristenausbildung*, pp. 1 and 4.

133 Hammerstein, *Jus und Historie*, pp. 149–150 and 164–165; Tering, Rand, and Bense, eds., *Gelehrte Kontakte*, p. 73; Martin Brecht, "VIII. August Hermann Francke und der Hallische Pietismus," in *Geschichte des Pietismus. Band 1. Der Pietismus vom siebzehnten bis zum frühen achtzehnten Jahrhundert*, ed. Martin Brecht (Göttingen, 1993), pp. 503–507.

in 1737.¹³⁴ The second generation of pietist theologians at Halle, active from the 1730s onwards, was not as keen as the first generation had been. Around the middle of the century rationalism took over at the theological faculty, as well, and laid the way for biblical criticism (*Bibelkritik*).¹³⁵ In 1740, Christian Wolff was able to return to Halle, where he became professor of natural law, the law of nations, and mathematics as well as chancellor of the university in 1743.¹³⁶

3.2 *Legal Education in Halle*

The law faculty in Halle held four chairs. The first law professor (*professio prima*) was to teach canon law, procedural law, and public law, the second (*professio secunda*) the Codex and imperial legislation augmenting it (*reichsrechtliche Ergänzungen*), the third (*professio tertia*) the Digest and its books 47 and 48 as well as German criminal law according to the *Constitutio Criminalis Carolina* (1532), and the fourth (*professio quarta*) the Institutes as well as feudal law. Thus, across the board German law was incorporated into the curriculum. Roman and canon law were discussed in their connection to imperial and territorial legislation, while Roman law was viewed in the *usus modernus* sense. The professorships were in hierarchical order and professors were to work their way up from the fourth to the first professorship, thus being suitably knowledgeable in all subjects. However, the division was not intended as a restriction at any of the faculties. Professors could lecture on subjects outside their specific assignments and could substitute each other in teaching.¹³⁷

In the early years, two-thirds of the students at the university enrolled at the law faculty. It was especially the law professors Samuel Stryk (1640–1710) and Christian Thomasius to whom the faculty owed its fame in its first years and who contributed to the faculty's leading position for years to come.¹³⁸ Samuel Stryk had studied theology and philosophy before turning to jurisprudence. He taught at Frankfurt an der Oder and Wittenberg before he was called to the

134 Tering, Rand, and Bense, eds., *Gelehrte Kontakte*, pp. 72–73; Hammerstein, *Jus und Historie*, pp. 149–150.

135 Martin Brecht, "VI. Der Hallische Pietismus in der Mitte des 18. Jahrhunderts – seine Ausstrahlung und sein Niedergang," in *Geschichte des Pietismus. Band 2. Der Pietismus im achtzehnten Jahrhundert*, eds. Martin Brecht and Klaus Deppermann (Göttingen, 1995), pp. 328–332; Tering, Rand, and Bense, eds., *Gelehrte Kontakte*, pp. 36 and 45.

136 Hagen Hof, "Christian Wolff (1679–1754)," in *Deutsche und europäische Juristen aus neun Jahrhunderten*, eds. Gerd Kleinheyer and Jan Schröder, 4th revised ed. (Heidelberg, 1996), p. 449.

137 Hüls, *Die Juristenausbildung*, pp. 4–5; Hammerstein, *Jus und Historie*, pp. 162–163 and 167; Tering, Rand, and Bense, eds., *Gelehrte Kontakte*, p. 55.

138 Hüls, *Die Juristenausbildung*, p. 5.

newly founded University of Halle as the professor *primarius* at the law faculty. He also played a key role in organizing the new university. Stryk's most important work was the *Specimen usus moderni pandectarum* (1690–1692, 1704–1709), which gave its name to the whole direction of jurisprudence. The book follows the system of the Digest, but explains Roman law in its contemporary use as it had developed in contact with German law and to some extent also natural law. In the field of criminal law, he took a stand against witch trials, arguing that evidence in such cases was unreliable. His activities in the *Spruchkollegium* provided him with information on judicial practice, which played a significant role in his jurisprudence.¹³⁹

Jurisprudence in Halle is intimately linked with the theory of natural law, especially due to professors Thomasius and Wolff. The statutes of the university also prescribed the teaching of natural law.¹⁴⁰ Christian Thomasius, a great name of the German early Enlightenment and natural law, was also a key player in the foundation of the university, and wanted to modernize the university as an institution. Thomasius had first studied philosophy, but then turned to jurisprudence, and obtained his degree under the guidance of Stryk at Frankfurt an der Oder. He began lecturing in law at Leipzig, but after controversies he left for Berlin and was soon asked to lecture in Halle at the *Ritterakademie*. After the establishment of the university, Thomasius became second law professor, and then first professor after Stryk's death in 1710.¹⁴¹

In natural law, as expressed in his *Fundamenta Juris Naturae et gentium* (1705), Thomasius followed Grotius and Samuel Pufendorf (1632–1694) by basing it on human reason. What distinguished him from Grotius and Pufendorf was that he combined it with his doctrine of affections (*Affektenlehre*), thus freeing reason from the human passions of lust (*Wollust*), greed (*Habgier*), and striving for power (*Machtstreben*). Thomasius separated justice (*iustus; Gerechtigkeit*) from morality (*honestum; Sittlichkeit*) and respectability (*decorum; Wohlanständigkeit*), as only law – both positive and natural – was enforceable. This is also true of Biblical commands; they affect the conscience, but are not

139 Hagen Hof, "Samuel Stryk (1640–1710)," in *Deutsche und europäische Juristen aus neun Jahrhunderten*, eds. Gerd Kleinheyer and Jan Schröder, 4th revised ed. (Heidelberg, 1996), pp. 404–408; Klaus Luig, "Stryk, Samuel (1640–1710)," in *Juristen, ein biographisches Lexikon. Von der Antike bis zum 20. Jahrhundert*, ed. Michael Stolleis (Munich, 1995), pp. 592–593.

140 Hammerstein, *Jus und Historie*, p. 163.

141 Hagen Hof, "Christian Thomasius (1655–1728)," in *Deutsche und europäische Juristen aus neun Jahrhunderten*, eds. Gerd Kleinheyer and Jan Schröder, 4th revised ed. (Heidelberg, 1996) pp. 424–425; Hammerstein, *Jus und Historie*, pp. 50–57.

enforceable law. Thus, theology was also separated from law.¹⁴² Thomasius also emphasized the importance of history as an aid to jurisprudence. To understand the law, its peculiarities in different states, and what caused the problems it faced, one needed to look into its origins and the circumstances in which it had developed. In particular, a scholar of German public law needed to be aware of its historical background as it was largely based on German law and custom. Roman law took a back seat in Thomasius's work, where natural law and German law dominated. In the field of criminal law, his views on witch trials had a highly concrete impact. Thomasius's thoughts on witchcraft went further than Stryk's as he not only felt that witchcraft was a crime that could not be reliably proven, but he went further and denied even the possibility of such a crime existing.¹⁴³ His jurisprudence reached great fame, and was known across Europe.

By mid-century, however, the glory days of the Halle law faculty were coming to an end. In 1729, the Prussian king had decreed that anyone wishing to become a Lutheran pastor in Prussia was to study at Halle. This soon led to Halle becoming a university for theologians. In the 1730s and 1740s, theology students outnumbered law students. At the same time, the newly-founded (1737) and well-funded University of Göttingen was taking over the position of leading university, whereas in Halle the means were lacking to attract the finest jurists.¹⁴⁴ For instance, a royal letter of 1739 asked the law faculty for input on how to attract proficient staff from abroad to teach public and private law as well as history.¹⁴⁵ For some time, the students of the first Halle law professors were able to keep up the high level of previous years, but by the mid-eighteenth century, Halle had dropped to the same level as other German universities. Although still a valued place of education for lawyers, Halle no longer held the leading role.¹⁴⁶

142 Hammerstein, *Jus und Historie*, p. 73; Klaus Luig, "Thomasius, Christian (1655–1728)," in *Juristen, ein biographisches Lexikon. Von der Antike bis zum 20. Jahrhundert*, ed. Michael Stolleis (Munich, 1995), p. 613; Hof, "Christian Thomasius," p. 428; Jan Schröder, *Recht als Wissenschaft. Geschichte der juristischen Methodenlehre in der Neuzeit (1500–1933)*, 2nd ed. (Munich, 2012), pp. 105–106.

143 Hammerstein, *Jus und Historie*, pp. 49, 124, 131, 137–139, and 162; Hof, "Christian Thomasius," p. 426.

144 Hüls, *Die Juristenausbildung*, pp. 5–6; Tering, Rand, and Bense, eds., *Gelehrte Kontakte*, pp. 10–11.

145 "Der König verlangt Vorschläge zur Heranziehung tüchtiger Juristen aus dem Auslande" ["The King calls for proposals to attract competent jurists from abroad" (translation by Christopher Goddard)], letter of 17 March 1739, Rep. 23, 557, UAH.

146 Hüls, *Die Juristenausbildung*, p. 6; Tering, Rand, and Bense, eds., *Gelehrte Kontakte*, p. 55.

Spruchstätigkeit at the law faculty had begun already in 1693, before the university was officially founded; the *Spruchkolleg* comprised all four law professors of the law faculty. Many competing *Spruchkollegien* were in the vicinity, but Halle was attractive to advice-seekers, not least because of its members, Stryk at their head. Prussia forbade the *Aktenversendung* from many of its offices in 1746, but the practice continued for cases coming from outside Prussia. In fact, excluding Prussia, the activities of the Halle *Spruchkolleg*, in terms of regional scope, were at their height during the second half of the eighteenth century. The cases sent to the *Spruchkolleg* were supposed to be dealt with swiftly, within a few weeks, but in the second half of the eighteenth century, the king often had to urge the *Spruchkolleg* to expedite their handling of cases, which sometimes dragged on for over a year.¹⁴⁷ A royal letter of 1757 to the law faculty called for professor Daniel Nettelblatt (1719–1791) to be urged to take care of the cases assigned to him through the *Aktenversendung*. The reputation of the faculty had, so the letter noted, already suffered during recent years, and Nettelblatt's negligence would only worsen it. Nettelblatt replied swiftly, stating that the cases had now been dealt with and that there was no excuse for delay.¹⁴⁸ This was, however, no isolated incident. In the 1770s, the situation had escalated, leading to another reminder on how the reputation of Halle had suffered and would continue to do so if *Spruchstätigkeit* was further neglected. Reproach had not led to improvement, and stronger action would soon be needed. The cause of this neglect were the poor salaries of the Halle professors, who were forced to teach more private *collegia* so as to manage, which left them less time for their *Spruchstätigkeit*.¹⁴⁹ Neglect of these activities is one sign of how the level of the Halle law faculty had fallen since its heyday in the early decades of its existence.

147 Gerhard Buchda, "Die Spruchstätigkeit der hallischen Juristenfakultät in ihrem äußeren Verlauf. I. Teil," *Zeitschrift der Savigny-Stiftung für Rechtsgeschichte: Germanistische Abteilung* 62 (1942), pp. 224, 231, 235–236, 240–241, and 244; Gerhard Buchda, "Die Spruchstätigkeit der hallischen Juristenfakultät in ihrem äußeren Verlauf. II. Teil," *Zeitschrift der Savigny-Stiftung für Rechtsgeschichte: Germanistische Abteilung* 63 (1943), pp. 253 and 262; Gerhard Buchda, "Die Spruchstätigkeit der hallischen Juristenfakultät in ihrem äußeren Verlauf. III. Teil," *Zeitschrift der Savigny-Stiftung für Rechtsgeschichte: Germanistische Abteilung* 64 (1944), pp. 240–242.

148 "Nettelblatt soll auf königlichen Befehl ermahnt werden, die Reputation der Universität, die ohnehin seit einigen Jahren gelitten, durch seine Saumseligkeit bei der Actenberatung nicht noch weiter zu mindern," letters of 9 June 1757 and 8 July 1757, Rep. 23, 562, UAH.

149 Buchda, "Die Spruchstätigkeit. III. Teil," pp. 241–244.

3.3 *Backgrounds of Turku Students in Halle*

In Halle, we find fourteen Turku students, who enrolled in 1694, 1700, 1703, 1704, 1711, 1712, 1722, 1726, 1727, 1731, 1739, and 1748. In addition, one student is mentioned as having stayed in Halle from 1732 to 1734. The number of Turku law students in Halle is too small to make any greater assumptions on different periods of popularity. However, when broadening the perspective to cover all Swedish law students at the university, a rather clear pattern emerges. Between 1694 and 1741 all in all forty-four young Swedes¹⁵⁰ enrolled at the law faculty. The number of all Swedish students in this period is 115.¹⁵¹ Between 1742 and 1767 only four more Swedish law students are to be found in the records.¹⁵² It is also interesting to see how the numbers differ if we look at students from different disciplines. Until 1741, eighteen Swedish students are listed as having studied theology. They are divided quite evenly, although there is a slight emphasis on the turn of the century.¹⁵³ This means that Swedish law students in Halle clearly outnumber theology students. The forty-four law students are divided relatively evenly except for the 1720s, when there was a distinct rush to Halle. For the other decades in question, the number lies between three and nine, but during the 1720s altogether seventeen Swedes enrolled at the law faculty. After the turn of the 1730s and 1740s, the number declines again. A similar rush in the 1720s could be seen with students of medicine.¹⁵⁴ The rush of the 1720s coincides with the end of the Great Northern War in Sweden, and the decline of the 1730s and 1740s in turn with the decreasing importance of Halle overall.

Looking at the social backgrounds of the Turku law students, we find that the largest group, six students, were the sons of town burghers. The first Turku law students set foot in the University of Halle in 1694, the year it was founded. The brothers Konrad (1672–1720) and Gustav (1674–1703/04) Herbers matriculated at the university on 11 December 1694. Both had started their studies in Turku in 1691, Konrad as a nineteen-year-old and his younger brother Gustav at the age of seventeen.¹⁵⁵ Their father was the burgomaster of Narva, Ulrich

150 The following “categories of Swedes” are found in the matriculation records: Turku, Gothenburg, Stockholm, Uppsala, Lund, Norrköping, Jönköping, Östergötland, Västmanland, Västerbotten, Sweden, and Finland.

151 *Matrikel der Martin-Luther-Universität Halle Wittenberg 1 (1690–1730)*, ed. Fritz Juntke (Halle, 1960); *Matrikel der Martin-Luther-Universität Halle Wittenberg 2 (1730–1741)*, ed. Charlotte Lydia Preuß (Halle, 1994).

152 *Matrikel der Universität Halle, 1741–1767*, UAH.

153 1690s: 4 students, 1700s: 6, 1710s: 3, 1720s: 2, 1730s: 3, and 1740–41: 0.

154 1690s: 0 students, 1700s: 2, 1710s: 0, 1720s: 8, 1730s: 1, and 1740: 1.

155 Kotivuori, *Ylioppilasmatrikkeli*, Konrad Herbers and Gustav Herbers.

Herbers¹⁵⁶ (1635–1691), who had also done his fair share of studies abroad in his time: Dorpat, Greifswald, Helmstedt, and Altdorf were his sources of education before a career in the town administration.¹⁵⁷

Joakim Spieker (d. 1749) was the son of a merchant from Turku. He studied at three German universities: Kiel in 1702, Halle in 1703, and Leipzig in 1705.¹⁵⁸ Andreas Luhr (dates of birth and death unknown) was the son of a merchant and town councillor from Nyenschantz (Swed. *Nyenskans*, Finn. *Nevanlinna*) in Ingria. He went to the University of Uppsala in 1701 and went abroad in 1711, enrolling at the University of Greifswald on 30 May 1711 and in Halle on 17 September the same year.¹⁵⁹

Niklas Jaenisch (d. 1777), the son of a merchant from Vyborg and half-brother of Jena student Karl Jaenisch,¹⁶⁰ began his studies in Halle as a twenty-year-old in 1739. After that, he is said to have been travelling in Germany and the Netherlands.¹⁶¹ The last burgher's son was Karl Jakob Dobbin (c. 1719–1783), who was a lawyer but cannot really be considered one of the Halle students. He came from Hamina (Swed. *Fredrikshamn*) in Finland, and his father was a merchant, town councillor, and member of the Diet. According to the matriculation records of the Academy of Turku, Dobbin “sojourned in Halle” as a thirteen- to fifteen-year-old. This seems to be his only connection to Halle. The records of the University of Halle do not mention him. Thus, it is likely that his stay did not have high academic goals nor did it affect his career as a lawyer.¹⁶²

Among the Halle students were two noblemen. Johan Diedrich Grönhagen (1681–1738) was born in Stockholm. His father, Claes Henrik Grönhagen, had possibly moved to Sweden from Lüneburg in Northern Germany, and started working at a department of the Treasury, the *kammarrevision*, in 1673. In 1678, he had been ennobled and appointed a provincial judge of the judicial districts (*lagsaga*) of Norrfinne in 1697 and Gotland in 1711. In 1698, the seventeen-year-old Johan Diedrich Grönhagen enrolled in Turku and one year later in Uppsala. On 15 November 1700, he commenced his studies in Halle.¹⁶³ Karl Bertil Lagerflycht (1707–1773) was born in 1707, just one year after his father Karl Paulinus

156 See Chapter 4, section 4.3 on Greifswald students.

157 Kotivuori, *Ylioppilasmatrikkeli*, Ulrich Herbers.

158 Kotivuori, *Ylioppilasmatrikkeli*, Joakim Spieker.

159 Kotivuori, *Ylioppilasmatrikkeli*, Andreas Luhr.

160 See Chapter 4, section 2.3 on Jena students.

161 Kotivuori, *Ylioppilasmatrikkeli*, Niklas Jaenisch.

162 Kotivuori, *Ylioppilasmatrikkeli*, Karl Jakob Dobbin.

163 [no author] “Grönhagen, släkt,” in *Svenskt biografiskt lexikon*, vol. 17 (Stockholm, 1967–1969); Kotivuori, *Ylioppilasmatrikkeli*, Johan Diedrich Grönhagen.

Lagerflycht (1657–1720) had been ennobled. Lagerflycht senior had studied in Sweden and had mostly made his career at the Turku Court of Appeal. He was also vice governor of West Bothnia (Swed. *Västerbotten*). Lagerflycht junior travelled to German universities in the summer of 1722 and stayed at the Francke Foundations in Halle, where he is said to have studied “sciences and languages” for four years. He enrolled at the University of Halle on 2 April 1726. Although the son of a nobleman, Lagerflycht is not mentioned as *nobilis* in the Halle matriculation records.¹⁶⁴ Both noblemen at Halle were born into recently ennobled families.

Four students had fathers who were clergymen or worked at a church. Johan Beckman (1644–1702) was the son of a parish rector in Lapväärtti (Swed. *Lappfjärd*) and matriculated at the Academy of Turku in 1698. Six years later, he found himself at the University of Halle and three years after that in Uppsala.¹⁶⁵ Matias Wadstenius (later Wadsteen, dates of birth and death unknown), the son of a pastor from Porvoo, started his studies at the Academy of Turku in October 1708. In Halle, he enrolled on 25 August 1712, apparently without paying the required fee. After that, nothing is known of his whereabouts, though.¹⁶⁶ Jacob Christian Willkommen (1710–1753) studied both in Halle and in Greifswald. His father was cantor at the German congregation in Stockholm and worked at the German school. The young Willkommen began his studies as a fourteen-year-old at Turku in 1724. Once embarking on his study journey, he enrolled at Halle on 20 March 1731, at Greifswald the next year and at Uppsala again one year later, in 1733.¹⁶⁷ Johan Gezelius (1721–1804) was born in Stockholm during his family’s flight from the war. His father was the bishop of Porvoo and had studied widely at different European universities. So it is no wonder that the younger Gezelius also travelled widely. He was ennobled in 1751 as Olivecreutz.¹⁶⁸

This leaves us with two more students. Matias Sveder (c. 1691–1774) was the son of law professor Matias Svederus, who was mentioned earlier among the Jena students. The younger Matias Sveder started his studies as a fourteen-year-old in 1705 at Turku, where he received several grants during the following

164 Kotivuori, *Ylioppilasmatrikkeli*, Karl Lagerflycht and Karl Bertil Lagerflycht; Album des königl. Pädagogiums in den Franckeschen Stiftungen zu Halle I, *Schularchiv* AFSt/S B I 1, AFSt.

165 Kotivuori, *Ylioppilasmatrikkeli*, Johan Beckman.

166 Kotivuori, *Ylioppilasmatrikkeli*, Matias Wadstenius.

167 Kotivuori, *Ylioppilasmatrikkeli*, Jacob Christian Willkommen.

168 [no author] “Gezelius, släkt,” in *Svenskt biografiskt lexikon*, vol. 17 (Stockholm, 1967–1969); Kotivuori, *Ylioppilasmatrikkeli*, Johan Gezelius. Gezelius’s ennoblement was a confirmation of his grandfather’s children’s ennoblement in 1719.

years. In 1714, he went to the University of Uppsala before matriculating at the University of Halle in 1722.¹⁶⁹ He probably went on his journey with a group of Swedish students as three other Swedes enrolled as law students on the same day, 19 October 1722.¹⁷⁰ Finally, Nils Hasselbom (1690–1764) came from Kleva in Västergötland. His father was a peasant with the obligation of equipping a cavalryman (*rusthållare*).¹⁷¹

3.4 *Information on the Studies of Turku Students in Halle*

The enrolment lists of Halle are fortunately more informative than those of the other German universities here, as they list the faculty of the students in most cases. Where the faculty is known, law was the most popular choice. No students are listed as studying politics, which draws a very clear distinction from studies in Leiden, for instance. Six of the fourteen students here were listed as having studied at the law faculty. However, some students may also have studied at the law faculty but without mention of faculty. This is at least the case for the Herbers brothers, who enrolled right after the university was founded but the practice of listing the faculty had not yet been established. For both, Halle was the only foreign university they visited after the Academy of Turku. After their studies, both worked as lawyers in Narva, so it seems highly likely that they, too, had studied law in Halle. Students specifically mentioned as law students were Spieker, Luhr, Sveder, Wadstenius, Lagerflycht, and Jaenisch. Unfortunately, none of them defended dissertations, so it is difficult to tell who they were in contact with or what exactly they studied. Among these students we find most of the burghers' sons as well as the sons of a law professor and an appellate court judge.

Johan Beckman, Jacob Christian Willkommen, and Johan Gezelius are listed as theology students. Beckman's choice of faculty is not that surprising as he had pietistic interests and was a friend of the known pietist Petter Schäfer (c. 1660–1729), who had himself studied theology in Halle. These connections will be discussed more thoroughly later. Beckman's father was in the clergy and Willkommen's was cantor at a church, which perhaps also explains their interests in theology. While in Turku, Beckman had studied under professor of eloquence Christiernus Alander (1660–1704) and defended a disputation entitled *Tò κόμψον, sive id quod variâ ratione elegans est & dicitur*.¹⁷²

169 Kotivuori, *Ylioppilasmatrikkeli*, Matias Sveder.

170 Jacob and Johannes Psilanderhielm as well as Carolus Grubb, all from Stockholm. *Matrikel der Martin-Luther-Universität Halle-Wittenberg* 1, pp. 188 and 340.

171 Kotivuori, *Ylioppilasmatrikkeli*, Nils Hasselbom.

172 Stiernman, *Aboa Literata*, p. 172.

Gezelius was also a theology student in Halle, but in his case more information exists on his study journey. Gezelius was a learned man and had quite an extensive education. As a fifteen-year-old youth he began his studies in Turku and acted as respondent there in 1744, in a disputation presided over by professor of eloquence Henrik Hassel (1700–1776) and entitled *De consensu rationis et fidei*, which showed signs of natural-law thinking. The same year, he went to the University of Uppsala to study oriental languages. During the years 1747 to 1751, he ventured on a study journey to Greifswald, Halle, Göttingen, and Paris. Interestingly enough, he enrolled at the University of Halle on 25 December 1748.¹⁷³ The purpose of his study journey was to gather merits for an academic career. His plan was to defend a disputation in Halle, Jena, or Göttingen. Gezelius wrote letters to his mother from his trip, which give an idea of how the journey progressed, but not many specifics about his studies. In August 1747, after travelling for a month, Gezelius arrived in Greifswald, where he intended to learn the German language. There he also met professor of logic and metaphysics Levin Möller (1709–1768) and law professor Johan Benzelstierna (1720–1773), both Swedes, but his studies were in theology. In the spring of 1748, Gezelius continued his journey to Berlin, where he spent a couple of months meeting with scholars and admiring the architecture and the courtly life the town had to offer.¹⁷⁴

In Halle, Gezelius arrived the same summer, but was sickly and did not enrol at the university until Christmas 1748. During his stay, Gezelius studied oriental languages with professor Christian Benedikt Michaelis (1680–1764) and theology with professor Siegmund Jacob Baumgarten (1706–1757). From Halle he continued to Göttingen, where he spent the winter of 1749 to 1750 studying church history, the history of literature, and dogmatics – without enrolling at the university, though. The next stop for Gezelius was Paris, where he stayed for a year. There he turned away from theology and studied natural history, medicine, Syriac, and Arabic. In the spring of 1751, Gezelius embarked on his return trip to Sweden, but made a detour through the Netherlands and England, where he met scholars and visited Oxford and Cambridge. His plans to defend a disputation during the journey never materialized.¹⁷⁵

No faculty is mentioned for Johan Grönhagen, as he is listed as *nobilis* in the records. Nils Hasselbom is also without faculty in the records. Hasselbom, however, had studied mathematics at Uppsala, and was later a professor of

173 Kotivuori, *Ylioppilasmatrikkeli*, Johan Gezelius; Voitto Ahonen, *Valistusmies piispojen varjossa. Laamanni Johan Gezelius-Olivecreutzin elämä 1721–1804* (Helsinki, 1990), p. 36–38.

174 Ahonen, *Valistusmies*, pp. 61–73.

175 Ahonen, *Valistusmies*, pp. 73–85.

mathematics for thirty years. What he studied in Halle remains unclear. He is said to have been a talented mathematician and physicist, but in 1748, according to a biographical note, he “turned to jurisprudence.”¹⁷⁶ Whether he had any training in law is not known. His son, Nils Hasselbom (nob. Fredensköld, 1731–1792), wrote a dissertation in jurisprudence under the guidance of law professor David Nehrman in Lund in 1752.¹⁷⁷

For the majority (ten out of fourteen)¹⁷⁸ of these students, Halle was the only foreign university they visited – often after studies at either Turku or Uppsala. Two students, Andreas Luhr and Jacob Christian Willkommen, visited one other foreign university and for both this was Greifswald. Joakim Spieker, the merchant’s son from Turku, had travelled the most. He had enrolled at the universities of Kiel, Halle, and Leipzig in the early years of the eighteenth century.

Trying to assess how long each student stayed in Halle, we find a similar problem as with Jena: since Halle was the last or only stop for many students, it is difficult to tell the length of the visit. Nevertheless, in a few instances we can venture a guess. Joakim Spieker enrolled at Halle in July 1703 and then in Leipzig in the summer term of 1705. As there is no other information on his whereabouts during that time, one could assume he spent almost two years in Halle at the faculty of law. Matias Sveder enrolled at the Halle law faculty in October 1722 and started his career at the Turku Court of Appeal in November 1724 – so a stay of one to two years in Halle seems plausible. Jacob Willkommen is listed in Halle in March 1731 and in Greifswald in May 1732, so he may have spent a good year in Halle studying theology. Johan Beckman, another theology student, enrolled at Halle in November 1704 and Uppsala in January 1707, so his stay must have been two years at the most. Johan Gezelius spent around one-and-a-half years in Halle; however, he was sick for a long period during his stay. Finally, Karl Bertil Lagerflycht’s stay in Halle is said to have lasted four years, but most of it was spent at the *Pädagogium* of the Francke Foundations. At the university he enrolled in April 1726 and the next record of him is being his uncle’s private secretary in 1727. For the rest it is difficult even to estimate anything as often the next biographical information appears years after their

176 Ilmari Heikinheimo, *Suomen elämäkerrasto* (Porvoo, 1955), p. 277;

177 P.A. Östergren, “Om författarskapet till de Nehrmanska disputationerna,” *Tidskrift utgiven av Juridiska Föreningen i Finland* 36 (1900), p. 113; *Helsingin yliopiston opettaja- ja virkamiesmatrikkeli 1640–1917* [University of Helsinki, teacher and officeholder register]. Available at <https://www.helsinki.fi/fi/yliopisto/yliopistomatrikkelit#section-28820>. Accessed 17 January 2020.

178 In addition to the ten students, there is Karl Jakob Dobbin, who only “sojourned in Halle.” He did not matriculate, but for him, Halle was also the only foreign university town.

studies. It is not likely that they spent twelve years studying in Halle, as would be the case with Johan Diedrich Grönhagen if we were to believe he did nothing else in between.¹⁷⁹

3.5 *Careers of Turku Students in Halle*

The students at Halle form a highly heterogeneous group. There are those who clearly pursued a career in the judiciary but also those who, having registered at the law faculty in Halle, then made a career in the administration or as a merchant. Finally, there are also students who seem to have studied something other than law, mathematics for example, but still had some relation to judicial matters later in their life. This once again proves that the connection between education and future career was not always self-evident.

Five of the men clearly chose a career in town judiciaries or law practice. The Herbers brothers both returned to Narva after their studies: Konrad as an assessor of the Narva lower town court, town councillor, and bailiff (*Gerichtsvogt*), and Gustav as an advocate.¹⁸⁰ In doing so, the brothers from Swedish Estonia were by no means exceptional. Halle was the most important place of study for Estonian law students between 1706 and 1740 and students from Halle could be found throughout the judiciary in Estonia and Livonia.¹⁸¹

Johan Beckman, although having studied theology in Halle, made his career in the town administration and judiciary in Finland. He started as secretary to the governor of the province of Turku and Pori. Later he worked as town *syndicus* of Turku before becoming a town councillor there. This position he held between 1721 and 1735, but he also worked as acting burgomaster of Kristiinankaupunki (Swed. *Kristinestad*) for three years in the late 1720s.¹⁸² As town *syndicus* and town councillor he appeared at the university on a regular basis to follow up on cases which involved people under the jurisdiction of the university.¹⁸³ Beckman's career leads to the assumption that his theology studies in Halle perhaps had more to do with his personal and spiritual interests than his career goals. His connections to the known pietist Petter Schäfer will be discussed later.

Karl Jakob Dobbin eventually became a merchant and town councillor in Helsinki after having been a trainee at the Svea Court of Appeal and vice notary at the Turku Court of Appeal in the 1740s and 1750s. Estate inventories and

179 Kotivuori, *Ylioppilasmatrikkeli*.

180 Kotivuori, *Ylioppilasmatrikkeli*, Konrad Herbers and Gustav Herbers.

181 Tering, Rand, and Bense, eds., *Gelehrte Kontakte*, p. 58.

182 Kotivuori, *Ylioppilasmatrikkeli*, Johan Beckman.

183 See e.g. Academy of Turku Senate records 2 April 1712, *Turun Akatemian konsistorin pöytäkirjat x, 1709–1719* (Helsinki, 1948), pp. 276–281.

auction records show that he owned an extensive collection of legal books.¹⁸⁴ Dobbin, as mentioned before, did not enrol at the University of Halle, though, but only spent some time in the town. Finally there is Niklas Jaenisch, of the famous burgher family, who had studied law in Halle and became town scribe (*stadsskrivare*), a town councillor, and judicial burgomaster in Vyborg. His office as judicial burgomaster was quite long, lasting from 1751 until 1774. Again, it must be kept in mind that Vyborg at the time was no longer under Swedish rule.¹⁸⁵

Matias Sveder, the son of law professor Matias Svederus and a law student in Halle, had perhaps the most versatile judicial career. He started as a trainee at the Turku Court of Appeal in 1724 and then continued as a trainee at the Stockholm town court and lower town court. At the same time, he was an extraordinary notary of the commission for Finnish affairs. In 1728, he trained at the police collegium (*politikollegium*)¹⁸⁶ of the Stockholm magistracy. He then continued his career at the Alingsås manufactory as justiciary in 1730, deputy director in 1736, and director in 1739. In 1742, he became chief of the Stockholm court overseeing crafts and manufactories (*hall- och manufakturvärd*), and in 1748 a town councillor. Besides these tasks, he also attended the Diet on several occasions.¹⁸⁷

Apart from these students are three who mainly made their careers in fields other than law, but who acted as provincial judges at some point. The nobleman Johan Grönhagen worked as secretary of the War Treasury (*kontributionsverket*) and secretary to a town official (*högsta ordningsman*). In 1722, he became a provincial judge of Västernorrland and governor of Gotland. Nils Hasselbom was a professor of mathematics at the Academy of Turku for over thirty years, between 1724 and 1758, during which time he also acted as rector of the academy. It was during his professorship that he also studied in Halle. When the ideas of philosopher Christian Wolff (1679–1754) reached Turku in

184 Kotivuori, *Ylioppilasmatrikkeli*, Karl Jakob Dobbin; Jyrki Hakapää, "From Popular Law Books to Rarities of Economics. Merchants' Professional Literature in the Latter Half of the 1700s," in *The Emergence of Finnish Book and Reading Culture in the 1700s*, eds. Cecilia af Forselles and Tuija Laine (Helsinki, 2011), p. 57; Mia Korpiola, "Legal Literates in Eighteenth-Century Swedish Towns: Evidence of Book Ownership in Estate Inventories (Helsinki, Oulu, Porvoo, and Kokkola)," in *Legal Literacy in Premodern European Societies*, ed. Mia Korpiola (Cham, 2019), p. 152.

185 Kotivuori, *Ylioppilasmatrikkeli*, Niklas Jaenisch.

186 The *politikollegium* was in charge of public order and oversaw institutions of local administration such as schools and poor relief. It also held jurisdiction over such matters. See *Förvaltningshistorisk ordbok*. Available at <http://fho.sls.fi>, search word "politikollegium." Accessed 17 January 2020.

187 Kotivuori, *Ylioppilasmatrikkeli*, Matias Sveder.

the 1730s and 1740s, Hasselbom was also affected by them. According to one biography, Hasselbom “turned to jurisprudence” in 1748. From 1750 to 1758, he was an acting provincial judge of Southern Finland and was awarded the title of provincial judge in 1758. He was also a member of the Royal Swedish Academy of Sciences in the 1740s.¹⁸⁸

Johan Gezelius is another of the provincial judges, but of his life story more is known. It also provides a glimpse at career opportunities in the mid-eighteenth century. Gezelius came from a family with bishops in three generations and with contacts in the highest echelons of society. His mother, Helena Arnell (1697–1751), was a painter, and his uncle, Carl Arnell (1690–1767), held important positions in the civil administration. Gezelius studied at the Academy of Turku and was appointed as a docent at the faculty of philosophy in 1744. After studying languages in Uppsala for a couple of years, he found work at the royal Chancery thanks to his uncle Carl. Apparently Gezelius aimed at an academic career, and once the position of secretary opened at the Academy of Turku, he applied for it. There were several competitors, though, and the relentless recommendations of Carl Arnell to the king were probably decisive in Gezelius obtaining the appointment in late 1746. After his appointment, he applied for leave to embark on his study journey abroad to gather merits for his career at the academy. While in Halle, he tried to obtain a professorship in Turku, but this plan failed. Upon his return to Sweden in 1751, he was ennobled, as had already been promised to his family in 1719, and took the name Olivecreutz. Gezelius Olivecreutz now began his work as secretary of the academy, but was actively looking for higher positions in the academy or the administration. With these attempts failing, he put his efforts into his estates and made some successful land transactions. Gezelius Olivecreutz also participated in the Diet, where he tried to improve economic circumstances in Finland as a member and secretary of the economic committee (*ekonomideputation*).¹⁸⁹

In 1761, Gezelius Olivecreutz was given the title of provincial judge. The letter states that, despite his faithful service and many applications, Gezelius Olivecreutz had not received a promotion, and as the king was satisfied with his activities in the economic committee, the title of provincial judge was awarded to him as recognition for his services. In 1770, this title materialized as he was appointed a provincial judge of Scania and Blekinge taking into consideration “his longstanding service and the thorough information and experience needed for taking care of such a judge’s position.” Gezelius Olivecreutz had already sworn his judge’s oath at the Diet of 1762, but had no experience of

188 Kotivuori, *Ylioppilasmatrikkeli*; Ahonen, *Valistusmies*, p. 35; Heikinheimo, *Suomen*, p. 277.

189 Ahonen, *Valistusmies*, pp. 11–17, 36–39, 46–62, 77–80, 86–87, 91–92, 99–103, and 126–135.

the task other than having been a member of a commissorial court that had settled a border dispute (*riddarsynerätt*). He only appeared at about half of the court sessions at the most, though, as he was often sick or attending the Diet. The rest were taken care of by substitutes. In 1777, he resigned from his office.¹⁹⁰ Gezelius Olivecreutz actively pursued his advancement – if not always successfully – and his career path shows how a judgeship was not always a mark of high judicial learning, but rather something that could be given as a final reward for long service to the state.

Jacob Christian Willkommen had been a theology student in Halle, but the first entry in the Turku records about his career is a traineeship at the Svea Court of Appeal in 1742. After that, he became *hofmeister* (*hovmästare*) of the royal pages in 1746 – seven years before his death.¹⁹¹

Finally, there are those who enrolled at the Halle law faculty but apparently did not directly work with judicial matters during their careers. Joakim Spieker, the son of a merchant and a student in Kiel, Halle, and Leipzig, became a merchant himself, but there is no other biographical information about him. Andreas Luhr, a Greifswald and Halle student, became governorate secretary (*gubernementssekreterare*) in Stralsund and Bremen and later lived in Upland.¹⁹²

Karl Bertil Lagerflycht, the second nobleman in the group, did study law in Halle and apparently worked as secretary of the Court of Appeal of Pomerania for some time, but the focus of his career seems to have been in administration, diplomacy, and politics. He was, among other things, secretary of a commission investigating administration in Pomerania and Rügen (*reduktions- och likvidationskommissionen*), and *chargé d'affaires* at the Imperial Russian court. Apart from these positions, he attended the Diet several times between 1731 and 1770.¹⁹³ The last student to be mentioned is Matias Wadstenius, who matriculated at the law faculty but whose biographical information unfortunately tells us nothing about his life after his studies.¹⁹⁴

The first thing to be noticed based on these career descriptions is that students who had actually studied at the law faculty did not have more law-related careers than those who had enrolled at another faculty or whose faculty is unknown. Careers at courts of appeal are quite distinctly absent. A few of these men did train at courts of appeal and one held the office of secretary, but none of them worked as judges at courts of appeal. The careers of Turku students in

190 Ahonen, *Valistusmies*, pp. 146–147 and 202–211.

191 Kotivuori, *Ylioppilasmatrikkeli*, Jacob Christian Willkommen.

192 Kotivuori, *Ylioppilasmatrikkeli*, Joakim Spieker and Andreas Luhr.

193 Kotivuori, *Ylioppilasmatrikkeli*, Karl Bertil Lagerflycht.

194 Kotivuori, *Ylioppilasmatrikkeli*, Matias Wadstenius.

Halle are focused on town judiciaries and various administrative tasks. Moreover, a few provincial judges also appear among the students.

3.6 *The Francke Foundations in Halle*

The university was not the only educational institution in Halle. The schools of the Francke Foundations of Halle (*Franckesche Stiftungen zu Halle*), founded by August Hermann Francke (1663–1727), a known pietist theologian, also attracted some Swedish students. Considering that religious issues played an important role in the case of Halle, it is worth briefly looking at the Francke Foundations as well.

August Hermann Francke, son of the jurist Johannes Francke (1625–1670), studied theology, philology, and Hebrew. While at the University of Leipzig, he got to know Philipp Jacob Spener (1635–1705), the “father of Pietism,” who greatly influenced Francke. In 1687, Francke experienced a deep crisis of faith, which eventually led him to turn to Pietism. He had been teaching in Leipzig, but after his religious awakening his teaching caused criticism and Francke was eventually forced to leave. In 1691, however, he was ordained as a minister at the church of St. Georgen in Glaucha, adjacent to Halle, and was appointed professor of Greek and oriental languages at the soon-to-be founded University of Halle, though he also taught students of theology. Francke’s pietist friends were appointed professors of theology, and in 1698 Francke received a chair in theology, too.¹⁹⁵

Teaching children had already been close to Francke’s heart in 1688 when he was in Hamburg. In 1695, with the help of small donations, he was able to open a school for the poor in Glaucha. Soon burghers and pietistically minded nobility wanted Francke to teach their children, too, and so a *Pädagogium* was opened for the nobility and wealthy burghers. In 1697, a Latin school was opened for burgher children who were hoping to follow academic studies later, and the following year an orphanage was established. Through donations and Francke’s other affairs, the Francke Foundations could be further developed and expanded. In the early years of the eighteenth century, a school for girls was founded, as well as an “English house” for English students. The size of the Francke institutions was considerable: in 1727 over 3,000 pupils, orphans, and teachers were present.¹⁹⁶

195 Helmut Obst and Paul Raabe, *Die Franckeschen Stiftungen zu Halle (Saale). Geschichte und Gegenwart* (Halle, 2000), pp. 11–22; Erich Beyreuther, “Francke, August Hermann,” in *Neue Deutsche Biographie*, vol. 5 (Berlin, 1961), pp. 322–325.

196 Helmut Obst, *A.H. Francke und die Franckeschen Stiftungen in Halle* (Göttingen, 2002), pp. 55–71; Obst and Raabe, *Die Franckeschen*, pp. 17, 61, and 76–78.

The Francke schools were visited by foreign students as well, among them Swedes. One of the Turku students, Karl Bertil Lagerflycht, who was a law student at the University of Halle, first began his studies in Halle at the *Pädagogium* of the Francke Foundations, where he arrived in 1722. We can assume he stayed there until 1726, as his biographical information suggests he spent four years studying “sciences and languages.” He then enrolled at the university’s law faculty in 1726. The Francke Foundations’ records only state that his native country in 1722 was Finland. When exactly he enrolled at and left the school is not known.¹⁹⁷

Between 1698 and 1730, fourteen Swedes visited the *Pädagogium* of the Francke Foundations.¹⁹⁸ Eight of them also appear in the matriculation records of Halle University. It seems to have been common to start studying at the Francke school, sometimes at a very early age, and then to move on to the university. Three of these eight became students of medicine, three studied law, and one theology. Quite possibly one of these eight, Peter von Psilander, whose field of study is not specified in the university records, was also a law student, as he later became a lawyer.

In 1720, the brothers Hans and Peter von Psilander joined the *Pädagogium*. Like Lagerflycht, Peter Psilander later became a lawyer, working at both the Turku and Svea courts of appeal. Peter studied in Wittenberg, Jena, Halle, and Leipzig.¹⁹⁹ His brother, only twelve years old on arriving in Halle, later made a career in the admiralty.²⁰⁰ The Psilanders were cousins of the Psilanderhielm brothers, who in 1722 studied law at Halle University together with Matias Sveder.²⁰¹ This again demonstrates the close ties between students in one particular town.

Comparing the two institutions in the period between the mid-1690s and 1730, we can see that the university surely drew more Swedish students than the Francke Foundations’ *Pädagogium*. Until 1730, a total of ninety-eight

197 Album des königl. Pädagogiums in den Franckeschen Stiftungen zu Halle 1, S B I 1, AFSt.

198 Liste der Scholaren des Paedagogiums 1698–1730 Adlige u. Bürgerliche, S A I 118, AFSt. Apart from the 14 Swedes, 13 students from Denmark (Norway) also attended the *Pädagogium* during these years.

199 Anjou, ed., *Kongl. Svea hofrätts*, p. 136.

200 Elgenstierna, *Den introducerade*, vol. VI, pp. 70–71.

201 See Chapter 4, section 3.4, fn. 170. The matriculation records of Halle University do not mention Peter von Psilander as a student of the Francke Foundations, but suggest that the Psilanderhielm brothers had studied at the Francke Foundations. As no sign of this appears in the archival material of the Francke Foundations, it is probable that due to the similarities between the names, some confusion occurred in the university records, see *Matrikel der Martin-Luther-Universität Halle-Wittenberg 1*, p. 340; Hans Gillingstam, “Psilander, släkt,” in *Svenskt biografiskt lexikon*, vol. 29 (Stockholm, 1995–1997).

Swedish students enrolled at the university.²⁰² In light of these numbers one could still argue that the Francke Foundations were a plausible choice for a student coming to Halle. Of the thirty-one Swedish law students who studied at the university during this time, three or four had studied at the Francke Foundations as well.

The Francke Foundations may not have been a key player in the education of Swedish lawyers-to-be. Combined with the information that quite a few Swedish law students studied at the University of Halle in the early eighteenth century, it does, however, strengthen the notion that the Swedish administration's scepticism towards the pietist centre of Halle did not succeed in preventing students from going there – at least as far as law students are concerned.

4 Greifswald

Academia är här vacker och wäl invti med gyllenläder och Conterfej zijrad. Twå förnäme Auditorier äro ther; (...) När Professorerne skola läsa (...) sine timmar, ringes altijd med Academiens lilla kläcka.²⁰³

4.1 *The University of Greifswald*

After Rostock, Greifswald was the second university foundation around the Baltic Sea, and was established in 1456 in Pomerania.²⁰⁴ The educational needs of the town burghers and of the developing state machinery, the interests of the Bishopric of Kammin, as well as rivalries between the dukes of Mecklenburg and Pomerania, all played a part in the foundation. In addition, the Hanseatic town of Lübeck was involved in the foundation, as it had been with Rostock, too. The University of Rostock was already in existence, but there was still demand for a university for students from Northern Germany and

²⁰² *Matrikel der Martin-Luther-Universität Halle-Wittenberg 1.*

²⁰³ “The Academy here is beautiful and well decorated with gilt leather and portraits. There are two fine auditoriums; (...) When the professors hold their lectures (...) the little bell of the Academy is always rung” (translation by Marianne Vasara-Aaltonen). Sven Bredberg’s observations on the University of Greifswald on his study journey. Bredberg, “Min vthrijkes,” p. 34.

²⁰⁴ For a detailed account of the foundation see e.g. Roderich Schmidt, “Die Gründung der Universität Greifswald am 17. Oktober 1456 als Beispiel für die Entstehung von ‘Generalstudien’ im europäischen Mittelalter,” in *Bausteine zur Greifswalder Universitätsgeschichte. Vorträge anlässlich des Jubiläums “550 Jahre Universität Greifswald,”* eds. Dirk Alvermann and Karl-Heinz Spiess (Stuttgart, 2008), pp. 9–17.

Scandinavia.²⁰⁵ The University of Greifswald hosted Scandinavian students already in the year it was founded. In 1456, at least nine Swedes and ten Danes matriculated there. The trend continued in the following years and in 1470 there is a mention of a Finnish student visiting the university. When looking at the list, put together by Nuorteva, of Finnish students at foreign universities before the founding of the Academy of Turku, one can see that students at Greifswald had often visited the University of Rostock, too.²⁰⁶

In the fifteenth century, Rostock and Greifswald were without direct competition, but the university foundations of the sixteenth century had an adverse effect on student numbers in Greifswald as the area from which the university was able to draw its students shrank. Eventually, only the Swedes still visited Greifswald in addition to the Pomeranians themselves.²⁰⁷ The regional narrowing of the student population also led to the professoriate becoming more regional, and with time outright Pomeranian professorial dynasties emerged.²⁰⁸ The turmoil of the Reformation hit the University of Greifswald, too, and its activities were suspended for a good decade until it could resume teaching in 1539.²⁰⁹ Compared to the closely situated Rostock, Greifswald's student numbers were meagre, and it did not have much significance beyond the territory. It was rather a Pomeranian *Landesuniversität*.²¹⁰

The Thirty Years' War did not have such a detrimental effect on the university's functions as it did in some other towns. The presence of Swedish troops provided shelter under which the university could even attract more students for a while. With the Peace of Westphalia (1648) and the Treaty of Stettin (1653) Sweden received Western Pomerania (*Vorpommern*) and thus also Greifswald and its university. It was guaranteed in the Peace of Westphalia that the

205 Matthias Asche, "Zu den Funktionen der Universität Greifswald von ihrer Gründung bis zum Ende der schwedischen Herrschaft – eine Überprüfung von historiographischen Attributen," in *Die Universität Greifswald in der Bildungslandschaft des Ostseeraums*, eds. Dirk Alvermann, Nils Jörn, and Jens E. Olesen (Berlin, 2007), pp. 38–42, 60–62, and 65–67; Ivar Seth, *Universitetet i Greifswald och dess ställning i svensk kulturpolitik 1637–1815* (Uppsala, 1952), p. 22; Irrgang, *Peregrinatio*, pp. 66–68.

206 Jana Fietz, *Nordische Studenten an der Universität Greifswald in der Zeit von 1815 bis 1933* (Stuttgart, 2004), p. 22; Nuorteva, *Suomalaisten ulkomainen*, pp. 483–484.

207 Asche, "Zu den Funktionen," pp. 42–44.

208 Asche, "Zu den Funktionen," pp. 45–46.

209 Asche, "Zu den Funktionen," p. 49; Hans Georg Thümmel, "Die Universität Greifswald in den ersten hundert Jahren," in *Bausteine zur Greifswalder Universitätsgeschichte. Vorträge anlässlich des Jubiläums "550 Jahre Universität Greifswald"*, eds. Dirk Alvermann and Karl-Heinz Spiess (Stuttgart, 2008), pp. 37–39.

210 Asche, "Zu den Funktionen," pp. 63–65.

university would continue functioning.²¹¹ The University of Greifswald kept its old constitution and can still be regarded as a German university, even after 1648. No fundamental changes were made in its statutes or educational plans.²¹² The university still had the right, as before, to nominate professors, and although they were formally appointed by the Swedish authorities, the Swedes could not interfere with the university's suggestions. Conflicts arose throughout the Swedish period, as the Swedish authorities wanted to have a say in the nominations, but it was not until the recess of 1775 that the university's privilege was displaced and the Swedish crown could intervene in appointments. In practice, Sweden tried its best to influence appointments.²¹³

The Swedish administration showed concern for the university already in the 1640s; temporarily, student numbers rose in the mid-1640s. For a while longer, Swedish students also enrolled at the university. In 1651, Queen Christina presented a plan for developing the university, but these plans could not be realized. In the 1660s, continuous problems with the university led the Swedes to consider closing it or merging it with the *Pädagogium* in Stettin. This never happened, either, but was still being considered in the 1680s.²¹⁴

In the 1690s, during King Charles XI's absolutism, Sweden showed a renewed interest in the university in Greifswald. One aspect of this was the fact that Greifswald was still a stronghold of Lutheran orthodoxy, while pietist thoughts were spreading elsewhere in Germany, especially from Halle. The hope was to hinder the spread of Pietism across the Baltic Sea by intensifying relations with Greifswald.²¹⁵ In 1699/1700 a visitation commission sent to the university deemed that problems existed with the quality of teaching. Johann Friedrich Mayer (1650–1712), the general superintendent of Swedish Pomerania, suggested a reform but the recess of 1702 ended up being only modest in terms of academic changes. However, the autonomy of the university was enhanced at the expense of the provincial administration.²¹⁶

211 Asche, "Zu den Funktionen," p. 52; Dirk Alvermann, "Greifswalder Universitätsreformen 1648–1815," in *Die Universität Greifswald in der Bildungslandschaft des Ostseeraums*, eds. Dirk Alvermann, Nils Jörn, and Jens E. Olesen (Berlin, 2007), p. 71; Schröder, "Zur politischen," pp. 64–66.

212 Fietz, *Nordische*, p. 26; Asche, "Zu den Funktionen," pp. 52–53.

213 Schröder, "Zur politischen," p. 67; Seth, *Universitetet*, pp. 25–26 and 331–332; Per Nilsén, "Die Universität Greifswald und das schwedische Recht," in *Die Universität Greifswald in der Bildungslandschaft des Ostseeraums*, eds. Dirk Alvermann, Nils Jörn, and Jens E. Olesen (Berlin, 2007), pp. 252–253.

214 Seth, *Universitetet*, pp. 39–59; Alvermann, "Greifswalder," pp. 71–77.

215 Seth, *Universitetet*, pp. 95 and 99–104. The question of Pietism will be discussed in detail in Chapter 7, section 2.

216 Alvermann, "Greifswalder," p. 81.

During the first decades of the eighteenth century, the Swedish administration did not show great interest towards the University of Greifswald. During this time, the university also experienced a period of prosperity with professors whose importance extended even beyond territorial borders. Student numbers also rose. The theological faculty, known for its Lutheran orthodoxy, had in the 1720s and 1730s developed pietist traits, which were only strengthened in the 1740s.²¹⁷ In the same decade, under the influence of the so-called Hat party²¹⁸ in Sweden, more emphasis was put on new scientific thought in university life. However, greater reforms in Greifswald were hindered due to financial issues, the Seven Years' War (1756–1763), and opposition voiced by Swedish universities. Once the Cap party came into power in 1765, interest in developing Greifswald again died down.²¹⁹

Between 1730 and 1770, the university hosted its greatest numbers of Swedish students. One reason which drew Swedes in great numbers was the university's lax policy in granting degrees. Awarding them even *in absentia* had become common in Greifswald around the mid-eighteenth century, and the institution had a reputation for being a "*Promotionsuniversität*." In Sweden, the award of degrees was regulated in 1750, but in Greifswald no such regulation existed. This problem was finally tackled in 1764, when it was laid down that all Swedes graduating from Greifswald were subject to the same examinations as they would have been at Swedish universities. This naturally diminished the number of Swedes at Greifswald. Four years later, it was decreed that obtaining a doctorate at the higher faculties was subject to the same examination as at Swedish universities, and degree awards *in absentia* were forbidden. In 1795, degrees at Greifswald were accorded the same status as those from Swedish universities, but only ten Swedes a year were to obtain a degree there.²²⁰

217 Alvermann, "Greifswalder," pp. 84–85; Seth, *Universitetet*, pp. 174–178 and 191.

218 The so-called Hat and Cap parties formed in Sweden during the Age of Liberty in the eighteenth century. They will be discussed in more detail in Chapter 8, section 1.

219 Seth, *Universitetet*, pp. 191–243; Alvermann, "Greifswalder," p. 92.

220 "King Adolf Friedrich ordered that native Swedes may acquire a master's degree at the philosophy faculty in Greifswald only in accordance with the examination systems applicable at Swedish universities," and "King Adolf Friedrich ordered that native Swedes may acquire a doctoral degree at the faculties of theology, law, and medicine in Greifswald only in accordance with valid exam regulations at Swedish universities and prohibited them from conferral of a degree in their absence" (translations by Christopher Goddard). ("König Adolf Friedrich befiehlt, dass gebürtige Schweden den Magistergrad an der Philosophischen Fakultät in Greifswald nur nach den an schwedischen Universitäten geltenden Examensordnungen erwerben dürfen," and "König Adolf Friedrich befiehlt, dass gebürtige Schweden den Doktorgrad an der Theologischen, Juristischen und Medizinischen Fakultät in Greifswald nur nach den an schwedischen Universitäten geltenden

After King Gustav III ascended the Swedish throne in 1772, a new visitation was ordered. With the recess of 1775, and in the spirit of the Enlightenment, teaching was directed more towards subjects of practical use. Additionally, a focus on Swedish topics was developed. However, these reforms were unable to achieve drastic improvements in student numbers. The university did not have a reputation to boast of. In fact, Ivar Seth cites Eulenburg's studies, which suggest that between 1700 and 1790 the University of Greifswald had an average of eighty-two students attending every year. This would make it one of the least frequented German universities, right behind Duisburg and Herborn.²²¹ During King Gustav IV Adolf's reign (1792–1809), a positive interest was again shown towards the university in Greifswald, but any reform plans were brought to an end by the French occupation in 1807. When Prussia assumed rule over Pomerania in 1815, it guaranteed to uphold the University of Greifswald.²²²

4.2 *Legal Education in Greifswald*

Like its counterparts across Europe, the Greifswald law faculty also taught both canon law and Roman law, with teaching organized according to the *mos italicus*. The law professors' teaching was not assigned to a specific subject, as was common. Rather, the professors could decide by themselves what they were going to teach. This, in turn, meant that their lectures were often closely connected to their own research interests.²²³ Many of the first professors of the faculty had received their schooling in Bologna, and often they came to Greifswald from the nearby University of Rostock. These were scholars with a great knowledge of the *ius commune*, and they contributed to the reception of learned law.²²⁴ With time, the faculty was able to recruit its professors from among its own students, while in the law faculty professorial families also came into being as the professorships were handed down from one generation to the next. Over time, this meant that influences from other scholars were not as common as before because professors were recruited from among Greifswald's

Examensordnungen erwerben dürfen und verbietet ihnen die Absentiapromotion.") Dirk Alvermann and Karl-Heinz Spiess, eds., *Quellen zur Verfassungsgeschichte der Universität Greifswald. Band 3: Von der Freiheitszeit bis zum Übergang an Preussen 1721–1815* (Stuttgart, 2014), pp. 266–267 and 274–275; Asche, "Zu den Funktionen," p. 56–57; Alvermann, "Greifswalder," pp. 90–91 and 96–97.

221 Alvermann, "Greifswalder," pp. 93–97; Seth, *Universität*, p. 169.

222 Seth, *Universität*, pp. 413–421 and 436–446; Alvermann, "Greifswalder," p. 103.

223 Molitor, "Die Greifswalder," p. 9.

224 Molitor, "Die Greifswalder," p. 9; Nils Jörn, "Die Herkunft der Professoren der Greifswalder Universität zwischen 1456 und 1815," in *Die Universität Greifswald in der Bildungslandschaft des Ostseeraums*, eds. Dirk Alvermann, Nils Jörn, and Jens E. Olesen (Berlin, 2007), pp. 160–161.

own offspring.²²⁵ Johann Oldendorp (c. 1488–1567), one of the most important jurists of the time, taught at Greifswald between 1516 and 1526. His interest in humanistic jurisprudence and the Reformation represented a progressive standpoint at the university.²²⁶

The Reformation affected Greifswald as well, and after the standstill in the university's functions, the law faculty, too, resumed its activities in 1539, but with a changed curriculum. Teaching of canon law fell off and at times nearly vanished completely.²²⁷ Another significant development in the sixteenth century occurred in Greifswald, too, with law professors giving legal advice to law courts. Pomeranian courts were late to adopt learned judges, so the functions of the professors in this respect had heightened meaning. The *Spruchstätigkeit* of the Greifswald law faculty had a significant role in keeping Lübeck town law in force in some parts of the Empire. Soon this *Spruchstätigkeit* surpassed the teaching and research functions of the Greifswald professors. Together with the fact that most professors were paid by the duke, and had to attend to his political matters, this meant that the quality of teaching at the law faculty declined during the century. Towards the turn of the seventeenth century, the situation improved somewhat as again more staff were present at the faculty.²²⁸ At the beginning of Swedish rule, the faculty comprised three law professors. A fourth professorship could be filled under certain circumstances.²²⁹ The faculty statutes of 1642 assigned the teaching of canon law, feudal law, and the Codex, Novellae, Digest, and Institutes to the various professors.²³⁰

During the Thirty Years' War, between 1635 and 1638, perhaps the most famous Greifswald jurist, David Mevius, was a professor at the university. Mevius was the son and grandson of Greifswald law professors, and many of his other

225 Molitor, "Die Greifswalder," p. 9–10; Hammerstein, *Jus und Historie*, pp. 293–294.

226 Schröder, "Zur politischen," pp. 57–58; Klaus Luig, "Oldendorp, Johannes," in *Neue Deutsche Biographie*, vol. 19 (Berlin, 1999), pp. 514–515.

227 Molitor, "Die Greifswalder," p. 10.

228 Molitor, "Die Greifswalder," pp. 10–11; Hammerstein, *Jus und Historie*, p. 292. For a detailed account of the *Spruchstätigkeit* in Greifswald see e.g. Kjell Å. Modéer, *Gerichtsbarkeiten der schwedischen Krone im deutschen Reichsterritorium. I. Voraussetzungen und Aufbau 1630–1657* (Stockholm, 1975), pp. 437–458 and 465–474, and especially for the Swedish period, Kjell Å. Modéer, "Aktensendung und Greifswalder Juristenfakultät zur Zeit der Eröffnung des Wismarer Tribunals," in *Justitia in Pommern*, eds. Dirk Alvermann and Jürgen Regge (Münster, 2004).

229 Modéer, *Gerichtsbarkeiten*, p. 433.

230 "Statuten der Juristenfakultät (1642)" in Dirk Alvermann and Karl-Heinz Spiess, eds., *Quellen zur Verfassungsgeschichte der Universität Greifswald. Band 1: Von der Universitätsgründung bis zum Westfälischen Frieden 1456–1648*, eds. Dirk Alvermann and Karl-Heinz Spiess (Stuttgart, 2011), p. 458.

ancestors had been employed by the university as well. In 1635, after a *peregrinatio academica*, he began his career as a law professor at Greifswald.²³¹ Mevius's lectures in Greifswald are not accounted for as the lecture catalogues are missing, but he is said to have lectured on the Institutes and the Digest as well as the *Monita* of Lipsius. He was also *praeses* in many disputations during his years in Greifswald. In addition, Mevius was active in the *Spruchkollegium*. He left Greifswald to become *syndicus* of Stralsund, but his contacts with the university were not completely severed.²³² Mevius is known for his *Commentarius in ius Lubecense* (1642) on Lübeck town law, which exercised great influence in the Baltic Sea region, far beyond the town itself. He was a great representative of the *usus modernus*, and also showed an interest in natural law. Despite his brief career at the university, he had a great impact in forming the law faculty's emphasis on local particular laws and in introducing Dutch influence.²³³

Mevius enjoyed close connections to the Swedish crown, which also led to his becoming president of the newly-founded Wismar Tribunal in 1653. After the Peace of Westphalia, the judiciary – the lower courts and the *Hofgericht* – were still left Pomeranian, although the Swedes moved the *Hofgericht* from Wolgast to Greifswald in 1657. In the peace treaty, Sweden had been granted a *privilegium de non appellando illimitatum*, which prohibited appeals to the supreme courts of the Empire, the *Reichskammergericht* and the *Reichshofrat*. However, Sweden was obliged to provide an appellate instance for its German subjects. The Swedish administration tried to direct appellate cases to Stockholm, but as these efforts did not succeed, the Wismar Tribunal was founded in 1653 as a higher appellate court (*Oberappellationsgericht*) for matters originating in Sweden's German territories. Pomeranian law remained in force and Swedish law was only applied at Swedish military tribunals.²³⁴ Mevius's collection of 3,402 decisions of the tribunal between 1653 and 1670 gained great

231 Dirk Alvermann, "David Mevius in Greifswald," in *David Mevius (1609–1670). Leben und Werk eines pommerschen Juristen von europäischem Rang*, ed. Nils Jörn (Hamburg, 2007), p. 13; Ernst Holthöfer, "David Mevius (1609–1670)," in *Integration durch Recht. Das Wismarer Tribunal (1653–1806)*, eds. Nils Jörn, Bernhard Diestelkamp, and Kjell Åke Modéer (Cologne, 2003), pp. 280–281.

232 Alvermann, "David Mevius," pp. 14–16 and 18–23.

233 Holthöfer, "David Mevius," p. 284; Stephan Buchholz, "Zum Usus modernus bei David Mevius," in *David Mevius (1609–1670). Leben und Werk eines pommerschen Juristen von europäischem Rang*, ed. Nils Jörn (Hamburg, 2007), p. 74; Alvermann, "David Mevius," p. 26; Hammerstein, *Jus und Historie*, pp. 292–293.

234 Schröder, "Zur politischen," p. 66; Heinz Mohnhaupt, "Organisation und Tätigkeit des 'Hohen Königlichen Tribunals zu Wismar,'" in *Integration durch Recht: Das Wismarer Tribunal (1653–1806)*, eds. Nils Jörn, Bernhard Diestelkamp, and Kjell Åke Modéer (Cologne, 2003), pp. 218–221; Nilsén, "Die Universität," pp. 248–249. For a detailed account of

importance.²³⁵ His decisions fall into the period of *usus modernus*, where local German law was beginning to gain the upper hand over Roman law.²³⁶

In the wake of Mevius, interest in the law faculty was primarily in private law, discussing local law according to the Roman system of the Institutes, thus neglecting the *ius publicum* which was being developed at other German universities.²³⁷ For Swedish purposes, Mevius's interest in natural law was beneficial. For Sweden, as a great power with an expansive foreign policy and a strong monarchy, the law of nations and natural law held strong appeal.²³⁸ The Swedish university of Uppsala had established a chair in natural law in the mid-seventeenth century and it did not take long for Greifswald to make natural law part of the law faculty's curriculum, too.²³⁹

The position of natural law in Greifswald appears as an ongoing struggle between the university and the Swedish authorities, and is strongly connected to theological questions as well. The rise of natural law was soon rejected by theologians as being too reformatory; indeed, in 1705 a royal ordinance was still needed to affirm teaching of the subject. Natural law in Greifswald remained quite untouched by the rational natural law of Halle, though, and did not have the same reforming spirit.²⁴⁰ From Sweden's perspective, the pressure conflict between theology and jurisprudence in Greifswald is quite interesting. On the one hand, the strict Lutheran orthodoxy of the Greifswald professors was already in the 1630s a strong bond they shared with the Swedes and was certainly beneficial for the occupiers. On the other hand, the same orthodox point of view hindered reforms in the field of jurisprudence.²⁴¹ The Swedish administration tried to appoint natural law scholars to the faculty. However, this was met with opposition by the Greifswald professors as being too revolutionary. This was the case with Johann Schack (1661–1714), who eventually did obtain a

the organization of the judiciary in the first years of Swedish rule in Pomerania, see Modéer, *Gerichtsbearbeitungen*.

235 Holthöfer, "David Mevius," pp. 286–287.

236 Hans-Georg Knothe, "Usus modernus Pandectarum – Die Decisiones von Mevius," in *Iustitia in Pommern*, eds. Dirk Alvermann and Jürgen Regge (Münster, 2004), pp. 179–180.

237 Hammerstein, *Jus und Historie*, pp. 292–293.

238 Nilsén, "Die Universität," p. 250; Kjell Åke Modéer, "David Mevius und die Bibliothek des Wismarer Tribunals," in *David Mevius (1609–1670). Leben und Werk eines pommerschen Juristen von europäischem Rang*, ed. Nils Jörn (Hamburg, 2007), pp. 159–160.

239 Greifswald was the second German university after Kiel to make natural law part of the law curriculum. At other universities it was taught at the faculty of philosophy. Molitor, "Die Greifswalder," p. 12.

240 Hammerstein, *Jus und Historie*, pp. 293–294; Molitor, "Die Greifswalder," p. 12.

241 Schröder, "Zur politischen," pp. 64–65; Hammerstein, *Jus und Historie*, pp. 294–295.

professorship, and presided over several juridical disputations with Swedish respondents, among them one of the Turku students.²⁴²

With Swedish rule also came the question whether or not Swedish law ought to be taught at the university. During the visitation and recess of 1702, a proposal was made by the Swedish Chancery (*kanslikollegiet*) to give elementary education in Swedish law, but this was disregarded.²⁴³ It was not until Christian Nettelblatt (1696–1775) was made professor, against the university's wishes, that lectures on Swedish law were offered to students. Nettelblatt strongly emphasized the role of Swedish law in Pomerania, and published Swedish constitutional legislation in German. The lecture catalogue of 1731 lists him as having given private tuition on Swedish law, with the focus on the Swedish law professor David Nehrman's private law. However, Per Nilsén suspects that these lectures were not very popular among the students.²⁴⁴

Sweden had an interest in questions relating to constitutional law because of the political situation after the abolition of absolutism in Sweden following the Great Northern War.²⁴⁵ During the Seven Years' War (1756–1763) the teaching of Swedish constitutional law (*Staatsrecht*) was established in Greifswald, in the hopes of binding students in Greifswald to Sweden. The teaching of German constitutional law had been transferred to the philosophical faculty, and so when the teaching of Swedish constitutional law began in 1757 it, too, was taught there. The first professor was Johann Carl Dähnert (1719–1785). Yet with Gustav III's coup of 1772, the teaching of Swedish constitutional law came to an end in Greifswald. The next recess of 1775 again took up the question of teaching Swedish law, and gave directions to the law faculty to provide tuition in Swedish civil, Church, and military law, if there was a demand for it. However, demand was apparently lacking as the chancellor of the university noted in 1797 that there were no lectures on Swedish law. The faculty defended itself by stating that students simply were not interested in studying Swedish law, not even the Swedes. The Swedish state authorities remained relentless and appointed the Greifswald-born Carl Schildener – a former trainee at the Svea Court of Appeal – as adjunct professor at the university. Between the years 1802–1805, and still again in 1810, he held lectures on Swedish private law, civil

242 Seth, *Universitetet*, pp. 97–98 and appendix pp. 17–19; Kjell Å. Modéer, "Die Universität Greifswald und Schweden. Rechts- und Kulturhistorische Betrachtungen," in *Bausteine zur Greifswalder Universitätsgeschichte. Vorträge anlässlich des Jubiläums "550 Jahre Universität Greifswald,"* eds. Dirk Alvermann and Karl-Heinz Spiess (Stuttgart, 2008), p. 110; Schröder, "Zur politischen," pp. 68–69; cf. Alvermann, "David Mevius," p. 26.

243 Seth, *Universitetet*, p. 125; Nilsén, "Die Universität," pp. 254–255.

244 Nilsén, "Die Universität," p. 255.

245 See Chapter 8, sections 1 and 2.

procedure, and criminal law, but attendance was minimal. After Sweden lost Pomerania, the question resolved itself for good.²⁴⁶

4.3 *Backgrounds of Turku Students in Greifswald*

The backgrounds of the Turku students in Greifswald form quite a clear division into two: sons of burghers and sons of clergymen. Only one nobleman appears. Five students came from families of town burghers. Jakob Snack (nob. Sneckenberg), who matriculated in Greifswald in 1649, was the son of the burgomaster of Nyköping, and is already known from among the students in Rostock.²⁴⁷ Ulrich Herbers (1635–1691), father of the Halle students Konrad and Gustav Herbers, was at the university a few years later, in 1654; his father was the burgomaster of Narva, in Swedish Estonia.²⁴⁸ Andreas Luhr, Johan Henrik Hochschild (1711–1776), and Severin Sture (1735–1785) were all sons of merchants – Luhr’s father was also a town councillor. Luhr, discussed already among the Halle students, was from Nyenschantz in Swedish Ingria, Hochschild from Porvoo in Finland, and Sture from Malmö in Sweden.²⁴⁹ These three visited Greifswald in the eighteenth century: Luhr in 1711, Hochschild in 1728, and Sture in 1759.

Axel Johan Lindblom’s (nob. Lindersköld, 1781–1838) father was Archbishop of Uppsala, and Jakob Lang’s (nob. Lagercreutz) father bishop of Linköping. Lang also features among the students in Leiden. Johan Gezelius (nob. Olivecreutz) was also already mentioned among the students in Halle; his father was bishop of Porvoo. Gustaf Sivers (1750–1789) was the son of a parish rector who had settled from Lübeck to Sweden. Sivers’s name does not, however, appear in the Greifswald matriculation records, so it is possible that he had only accompanied his father to Greifswald as a child. Gabriel Wallenius’s (1725–1808) father was an assistant pastor in Tottijärvi in Finland. Wallenius is said to have been a student at Greifswald in 1746, but his name, too, is lacking in the Greifswald records. From the Halle students we already know Jacob Christian Willkommen, whose father was not a clergyman but worked at the German congregation in Stockholm as cantor. Lang stayed in Greifswald in 1705, Willkommen in 1732, Wallenius, Gezelius, and Sivers around the middle of the century, and Lindblom in 1797.²⁵⁰

246 Modéer, “Die Universität,” p. 113; Nilsén, “Die Universität,” pp. 256–260 and Seth, *Universität*, p. 431.

247 Kotivuori, *Ylioppilasmatrikkeli*, Jakob Snack.

248 Kotivuori, *Ylioppilasmatrikkeli*, Ulrich Herbers.

249 Kotivuori, *Ylioppilasmatrikkeli*, Andreas Luhr, Johan Henrik Hochschild, and Severin Sture.

250 Kotivuori, *Ylioppilasmatrikkeli*.

Lorentz Anders Ekenberg (1724–1787) is the only nobleman in this group. His father was a customs inspector in Vaasa (Swed. *Vasa*) and a captain. It was Ekenberg's great-grandfather, Petter Wigelius (1603–1656), an assessor of the Turku Court of Appeal and doctor of both laws, who had been ennobled as Ekenberg in 1649.²⁵¹

Henrik Nelly (1761–1822) (formerly Ljungstedt), was the son of a bell-ringer (*klockare*) from Linköping. Magnus Larsson's (d. 1674) and Petter Lundelius's backgrounds are unfortunately unknown. The only information is that Larsson was from Östergötland and Lundelius from Unnaryd in South-Western Sweden. Lundelius was already mentioned among the Rostock students. Larsson and Lundelius both visited Greifswald in the seventeenth century, in 1645 and 1681, and Nelly in the late-eighteenth century, in 1792.

Of the fifteen Turku students in Greifswald, four came from Finland: Johan Henrik Hochschild, Johan Gezelius, Lorentz Anders Ekenberg, and Gabriel Wallenius. Their fathers worked in Finland and all but one had been born in Finland.²⁵² They did not necessarily have long roots in Finland, though. Johan Henrik Hochschild's father was from Lübeck, but had settled as a merchant in Porvoo.²⁵³ All but Hochschild also started their studies in Finland – at the Academy of Turku or at a lower school. Three students were from conquered areas in Ingria and Livonia. Four of the fifteen men, Snack, Lindblom, Lang, and Gezelius, were ennobled during their careers.

4.4 *Information on the Studies of Turku Students in Greifswald*

The matriculation records in Greifswald do not list the faculties at which the students enrolled. Greifswald is special, though, as quite a few Turku students defended dissertations. This offers a glimpse of what the students perhaps studied while staying in Greifswald.

Magnus Larsson was the first student of the group to defend a dissertation in Greifswald in 1647, his name written as Larssohn. Its title was *Dissertatio iuridica de finibus*, on borders, and it was presided over by Franz Stypmann (1612–1650), a law professor in Greifswald. It seems probable, then, that Larsson studied law in Greifswald. His dissertation concerning borders discusses the circumstances between Sweden and Denmark. Reference is made to Swedish law and the writings of Uppsala law professor Johannes Loccenius, among others. The focus on Sweden suggests that Larsson was the author, but in this

²⁵¹ Kotivuori, *Ylioppilasmatrikkeli*, Lorentz Anders Ekenberg and Lorentz Ekenberg.

²⁵² Johan Gezelius was born in Stockholm as his family fled from Finland during the Great Northern War.

²⁵³ Hochschild's mother's name, Anna Schmidt, suggests that she was also German.

case it is also confirmed by the description “A. & Resp.” (*auctor et respondens*) on the title page.²⁵⁴ His biographical information in the Turku records shows a gap between his acting as respondent in Greifswald in November 1647 and starting at the Svea Court of Appeal in 1655.²⁵⁵ However, it seems that Larsson actually continued his law studies in Leipzig and defended a dissertation called *Quaestionum juridicarum decas* with Benedikt Carpzov as *praeses* in May 1650. As the title suggests, ten legal questions are discussed, ranging from marriage to hunting and homicide. The text is ten pages long, so the discussion of each topic remains brief. Swedish practice is mentioned, and Carpzov’s works are referenced as those of “*Dn. Praeses*,” which would suggest that here, too, Larsson is the author.²⁵⁶ The Leipzig matriculation records mention him in the summer semester 1649.²⁵⁷ Proving that one and the same Larsson was in Greifswald and in Leipzig is difficult; and the name as such is not uncommon. Nevertheless, it seems unlikely that two Magnus Larssons from Östergötland would have studied law at German universities at the same time.

Jakob Lang, one of the Leiden students as well, was with certainty also a law student. In Leiden, he enrolled at the law faculty and in Greifswald, where he studied a couple of years earlier, he defended two dissertations in 1705 and 1706 under the name Jacobus Leang, entitled *Theses juridicae, ex compendio Lauterbachiano, & quidem ex lib. 49. tit. 15. 16. 17. desumtae* and *Theses juridicae, ex compendio Lauterbachiano, & quidem ex tit. 4. 5. 6. lib. 48. pandectarum, desumtae*. The *praeses* in both was law professor Johann Schack (1661–1714), who was one of the professors who presided over most Swedish students’ disputations.²⁵⁸ The works discuss juridical theses based on the *Compendium Iuris* by jurist Wolfgang Adam Lauterbach (1618–1678) regarding books 48 and 49 of the Digest.²⁵⁹ Both are quite short compared to the other dissertations by Turku law students at German universities, and there is no mention of Swedish law.

254 Franciscus Stypman and Magnus Larsson, *Dissertatio iuridica de finibus* (Greifswald, 1647).

255 Kotivuori, *Ylioppilasmatrikkeli*, Magnus Larsson.

256 Benedictus Carpzov and Magnus Larsson, *Quaestionum Juridicarum Decas* (Leipzig, 1650).

257 *Die jüngere Matrikel der Universität Leipzig 1559–1809. Als Personen- und Ortsregister bearbeitet und durch Nachträge aus den Promotionslisten ergänzt, II. Band*, ed. Georg Erler (Leipzig, 1909), p. 250.

258 Dirk Alvermann and Birgit Dahlenburg, eds., *Greifswalder Köpfe. Gelehrtenporträts und Lebensbilder des 16.–18. Jahrhunderts aus der pommerschen Landesuniversität* (Rostock, 2006), p. 179.

259 Johann Schack and Jacobus Leang, *Theses juridicae, ex compendio Lauterbachiano, & quidem ex lib. 49. tit. 15. 16. 17. desumtae* (Greifswald, 1705); Johann Schack and Jacobus Leang,

Johan Henrik Hochschild was respondent in a dissertation *De paganismo Triboniani*, which was presided over by law professor Joachim Andreas Helwig (1677–1736) in 1728. This work deals with the Roman jurist Tribonian, as the name suggests. In the text, the writer quotes both Roman and contemporary authors. Not surprisingly, no mention of Swedish sources appears, so that any indication that Hochschild should be the author is absent.²⁶⁰ Hochschild is also mentioned in the *Dekanatsbuch* of the philosophical faculty on the day of his enrolment, 9 January 1728, as having paid 1 rt (*Reichstaler*).²⁶¹ Jan Eric Almquist mentions that Hochschild still attended a disputation in Greifswald in 1730 and that he studied law under Christian Nettelblatt, from whom Almquist suspects Hochschild found his interest in legal history. Upon his return to Sweden, Hochschild wrote a historical outline in 1731 on Swedish medieval provincial laws, the Town Law, and the Law of the Countryside (*Utkast till historisk beskrifning om Swea rikets äldre province- eller landskapslagar så wäl som allmänna stads- och landslagen*), which was published in 1775. In 1770, he published a Swedish translation of Cesare Beccaria's *Dei delitte e delle pene*.²⁶²

Axel Johan Lindblom also defended a dissertation in Greifswald, in 1798, but not in the field of law. It was called *Fata arcis Stegeborg, familiae Palatinae quondam in Ostrogothica sedis* and the *praeses* was Johann Georg Peter Möller (1729–1807), professor of history and eloquence. Despite Lindblom's studies in something other than law at Greifswald, he completed a degree for judicial office in Uppsala the next year after having returned to Sweden.²⁶³

The others of whose studies in Greifswald there is some, although quite little, information are Lorentz Anders Ekenberg and Severin Sture. Ekenberg, already a candidate of both laws and an advocate at the Turku Court of Appeal, registered at the University of Greifswald on 12 August 1761. Only four days later he is listed as a doctor of both laws in Greifswald. What he actually did at Greifswald and for how long he stayed there is not clear.²⁶⁴ Severin Sture's activities at the university are not much clearer. The Greifswald matriculation

Theses juridicae, ex compendio Lauterbachiano, & quidem ex tit. 4. 5. 6. lib. 48. pandectarum, desumptae (Greifswald, 1706).

260 Joach. Andreas Helvigius and Johan Henr. Hochschild, *De paganismo Triboniani* (Greifswald, 1728).

261 *Die Matrikel der Universität Greifswald und die Dekanatsbücher der theologischen, der juristischen und der philosophischen Fakultät 1700–1821. Band 2: Text der Dekanatsbücher*, eds. Roderich Schmidt and Karl-Heinz Spiess (Stuttgart, 2004), p. 822.

262 Jan Eric Almquist, *Svensk juridisk litteraturhistoria* (Stockholm, 1946), pp. 237–239.

263 Kotivuori, *Ylioppilasmatrikkeli*, Axel Johan Lindblom; Adölf Häckermann, "Möller, Johann Georg Peter," in *Allgemeine Deutsche Biographie*, vol. 22, *Mirus – von Münchhausen* (Leipzig, 1885).

264 Kotivuori, *Ylioppilasmatrikkeli*, Lorentz Anders Ekenberg.

records mark him as having enrolled there on 14 April 1759,²⁶⁵ but a letter in the book of awarded degrees of the philosophical faculty, however, grants him a degree already in February of the same year.²⁶⁶ His biographical information in the Turku records mentions him becoming a master of philosophy (*absens*). The next information about Sture is from 1775, when he trained at the Turku Court of Appeal.²⁶⁷ It seems that both Ekenberg and Sture are good examples of Swedish students taking advantage of Greifswald being a “*Promotionsuniversität*” for the ease with which one could obtain a degree there, as described earlier.

Andreas Luhr was registered as a law student in Halle, so it is possible that he studied law in Greifswald as well. He made his career within the civil administration, so other studies are also plausible. Johan Gezelius’s journey to Germany has already been discussed in general terms in the chapter on Halle. Gezelius never enrolled at the University of Greifswald, but according to his autobiography the theology professors and general superintendents of Swedish Pomerania, Jakob Heinrich Balthasar (1690–1763) and Lorenz (Laurentius) Stentzler (1698–1778), taught him theology and church history. In addition, he wanted to learn the German language and the German way of life during his stay.²⁶⁸

Most of the students seem to have spent from a few months to a couple of years in Greifswald, judging by their biographies. There are two students, however, whose studies in Greifswald are somewhat uncertain. Gabriel Wallenius is said to have studied in Greifswald in 1746, but he is not mentioned in the matriculation records of the university. Gustaf Sivers is not mentioned in the records, either, and it is possible that he was in Greifswald as a child when his father was awarded a degree.²⁶⁹ Sivers’s possible studies in Greifswald thus remain questionable.

For seven students Greifswald was not the only foreign university they enrolled at. Six of them studied at one other university, which was Rostock (two), Halle (two), Leipzig, or Leiden. Ulrich Herbers from Narva continued studying at Helmstedt and Altdorf after Greifswald. Studying at another foreign university was more common for students in the seventeenth and early eighteenth

265 *Die Matrikel der Universität Greifswald und die Dekanatsbücher der theologischen, der juristischen und der philosophischen Fakultät 1700–1821. Band 1: Text der Matrikel*, eds. Rod-
erich Schmidt and Karl-Heinz Spiess (Stuttgart, 2004), p. 293.

266 Letter on Sture’s degree conferral dated 7 February 1759. *Promotionen 1755–1769*, Phil. Fak.
I, 74, UAG.

267 Kotivuori, *Ylioppilasmatrikkeli*, Severin Sture.

268 Ahonen, *Valistusmies*, pp. 66–67.

269 Kotivuori, *Ylioppilasmatrikkeli*, Gabriel Wallenius and Gustaf Sivers.

centuries than later in the eighteenth century. Most of the men also studied in Sweden in Turku or Uppsala.

4.5 *Careers of Turku Students in Greifswald*

The careers of the Greifswald students are extremely interesting. Whereas – very roughly speaking – we could see a focus on state affairs in general among the Leiden students and perhaps more of a tendency towards the town judiciary among the students at the other German universities, the Greifswald students seem to have had quite diversified careers mixing all these elements. There are men at town courts, in administrative tasks, in the military, as trainees at appeal courts, and advocates, among other things. Their social backgrounds do not make a difference in this.

Only one of the students commenced working as a judge at a court of appeal. This was Magnus Larsson, who we know had studied law while abroad. He first began as Crown prosecutor at the Svea Court of Appeal and then moved on to become an assessor three years later in 1658, holding office as a district court judge of Jönåker, Hölö, and Hölöbo at the same time.²⁷⁰

Jakob Snack, after his studies in Rostock and Greifswald, first held the office of district court judge in Åland from 1653 to 1655 and then became acting notary and prosecutor at the Board of Mining in 1655. He was also revision secretary (*revisionssekreterare*) at one point during his career. In 1673, he was ennobled as Sneckenberg and the next year he was appointed treasurer of the cashier's office of the Treasury.²⁷¹ Snack seems to have had the most versatile and distinguished career of these Turku students in Greifswald, reminiscent of the careers of students who had been to Leiden.

Five of the students worked in town judiciaries, though most of them held other positions as well. Ulrich Herbers was town *syndicus* and burgomaster of Narva in the second half of the seventeenth century. Johan Henrik Hochschild held various posts in the lower town courts in Stockholm and was also a town councillor. In addition, he worked as extraordinary clerk for the noble estate at the Diet, as private secretary to the Stockholm governor (*överståthållare*), as well as at the Castle court (*slotts rätt*) and the Castle office (*slottskansli*) as an extraordinary notary. His career lasted from the 1730s to the 1770s. Gabriel Walenius, known as the “King of Karelia,” trained at the Turku Court of Appeal, was extraordinary clerk at the office of the Crown prosecutor, acting burgomaster of Uusikaupunki (Swed. *Nystad*) in Finland, judge of a judicial district in Karelia, and then Crown bailiff (*kronofogde*) from 1759 until 1806. After

²⁷⁰ Kotivuori, *Ylioppilasmatrikkeli*, Magnus Larsson.

²⁷¹ Kotivuori, *Ylioppilasmatrikkeli*, Jakob Snack.

having trained at the Turku Court of Appeal, Gustaf Sivers began his career in 1776 as a vice notary at the same court. He also worked as second notary at the Stockholm governor's office (*överståthållarämbetet*) and as an official for lotteries before becoming a town councillor in Stockholm in 1783, and head of the Söder lower town court the following year. Sivers, however, can only be regarded as a Greifswald student with certain reservations as his studies there are not certain. Henrik Nelly obtained a degree for judicial office in Lund in 1799, became military judge of the fleet's Stralsund squadron in 1804, and finally vice burgomaster of Södertälje.²⁷²

Jakob Lang, who had defended two dissertations in Greifswald and had also studied in Leiden, first trained at the Svea Court of Appeal, and then pursued a career in the military, becoming a higher military judge in 1719. He was ennobled for his father's accomplishments as Lagercreutz in 1716. Another one to work in the judiciary, albeit in the countryside, was Severin Sture. He was first a trainee at the Turku Court of Appeal in 1775. Then he is mentioned as secretary without any further details, and finally as an acting Crown bailiff of the western district of Raasepori.²⁷³

Two men found their living in advocacy. Petter Lundelius worked as an advocate in Malmö in the second half of the seventeenth century, and Lorentz Anders Ekenberg, who had trained at the Turku Court of Appeal in 1742, also worked at the court as an advocate after 1747. His studies in Greifswald were thus already at a more mature age in 1761. In the 1760s and 1770s, Ekenberg represented the noble estate in the Diet.²⁷⁴

The rest of the students had quite varied careers. Johan Gezelius, already discussed in detail in the chapter on Halle, worked in the philosophical faculty at the Academy of Turku, was later a provincial judge, and was ennobled as Olivecreutz in 1751. Axel Johan Lindblom, who studied in Greifswald in 1797, obtained a degree for judicial office in Uppsala and then made his career in the early nineteenth century: mainly on the Board of Mining and later in positions within the royal court (*hovjunkare, kammarjunkare, kammarherre*). He was ennobled in 1802 as Lindersköld for his father's achievements. Andreas Luhr and Jacob Willkommen also both studied in Halle. Luhr worked as governorate secretary in Stralsund and Bremen, and Willkommen, after having trained at the Svea Court of Appeal in 1742, became *hofmeister* of the royal pages.²⁷⁵

272 Kotivuori, *Ylioppilasmatrikkeli*.

273 Kotivuori, *Ylioppilasmatrikkeli*, Jakob Lang.

274 Kotivuori, *Ylioppilasmatrikkeli*, Petter Lundelius and Lorentz Anders Ekenberg.

275 Kotivuori, *Ylioppilasmatrikkeli*.

While almost a third of these students were later ennobled, one cannot make far-reaching conclusions on that basis. Two of them, Lang and Lindblom, were ennobled because of their fathers' merits. Gezelius's ennoblement was certainly due to his close relationship to the government and his continuous efforts to further his position in society. Snack, who seems to have been well educated, made a career in important positions in the civil administration before being ennobled. Many of those who were not ennobled had quite similar career paths, though.

5 Other German Universities

After a thorough discussion of the four most frequented German universities, Rostock, Jena, Halle, and Greifswald, it is worth briefly considering the remaining ones, too. The other German university towns which were visited by Turku law students during the seventeenth and eighteenth centuries were Altdorf, Erfurt, Frankfurt an der Oder, Giessen, Göttingen, Heidelberg, Helmstedt, Kiel, Königsberg, Leipzig, Marburg, Strassburg, Tübingen, and Wittenberg. Many of the students there are already known from the earlier-discussed universities, while many also turn up at more than one of these other German universities.

The universities of Frankfurt an der Oder, Erfurt, Göttingen, Königsberg, Marburg, Helmstedt, and Tübingen each had only between one and three Turku law students during the whole research period, so it is impossible to draw any conclusions about the students' social backgrounds or careers specifically in relation to these universities. Frankfurt student Simon Paulinus (nob. Lindheim, d. 1760) became a military judge and a judge at the Turku Court of Appeal during his career.²⁷⁶ The Erfurt student Georg Mikael Bapzihn is already known from Rostock, but does not count as a proper Swedish student as he was from Prussia with no real ties to Sweden. In Königsberg, we again find Bapzihn, and Anders Forselius (dates of birth and death unknown), who was probably of Estonian origin and worked as an advocate at the Svea Court of Appeal in 1701.²⁷⁷ In Marburg, we find law professor Mikael Wexionius as well as Simon Rosenberg, who had studied law in Giessen, but became a captain after his studies. Both have already been discussed earlier. In Helmstedt, there are Ulrich Herbers, one of the Greifswald students and burgomaster of Narva, and Gustav Queckfeldt (1628–1712), who was the son of a provincial

²⁷⁶ Kotivuori, *Ylioppilasmatrikkeli*, Simon Paulinus.

²⁷⁷ Kotivuori, *Ylioppilasmatrikkeli*, Georg Mikael Bapzihn and Anders Forselius.

accountant. Queckfeldt had obtained a doctorate in civil law at Oxford²⁷⁸ before enrolling in Helmstedt, and after his studies he worked at the royal Chancery and as an assessor of the Göta Court of Appeal from 1662 to 1683. He was ennobled in 1675. After his career at the court of appeal, Queckfeldt became a court councillor (*hovråd*) and superintendent (*överintendent*) of Queen Christina, who was living in Rome after her abdication.²⁷⁹ In Tübingen, we find Teofil Mellin (nob. Ehrenstierna), already known from Leiden, who worked at the Admiralty Court. The nobleman Erik Teet (1646–1693) studied political science in Tübingen and was later a district court judge of Medelpad for nearly twenty years and a vice provincial judge. Gustaf Bonde (1682–1764) was, among other things, a provincial governor, president of the Board of Mining, and a councillor of the realm.²⁸⁰ Unlike the University of Halle, the other important “reform university” of the eighteenth century, Göttingen (founded in 1737), did not manage to draw many of the Turku law students. Only Johan Gezelius, discussed already among the Halle students, and Karl Hising (1736–1782) stayed there. Hising studied law in Uppsala and Göttingen, had been a trainee at the Board of Commerce, but served as a lieutenant with the French army.²⁸¹

The universities of Heidelberg, Giessen, Altdorf, and Wittenberg were all visited by four Turku law students. At the three first-mentioned, roughly half of the Turku students there were future lawyers (Heidelberg four out of nine, Giessen four out of ten, Altdorf four out of eight), but in Wittenberg theology students, quite naturally, outnumbered other students by far: only four out of forty-six Turku students can be considered law students. All students in Heidelberg were noblemen and visited the university in the 1660s. Lorentz Creutz the Younger (1646–1698) was an assessor and vice president of the Board of Mining and held the office of district court judge in Western Bothnia. His father was Lorentz Creutz the Elder, who was one of the students in Leiden. The brothers Gustaf (1646–1672) and Karl Gyllenstierna (1649–1723) apparently travelled together. Their father was Erik Gyllenstierna (1602–1657), a councillor of the realm and president of the Turku Court of Appeal. After their studies, Gustaf became president of the Judicial Revision (*justitierevision*), and Karl made his career in several positions in the civil administration before becoming

278 Gustav Queckfeldt and his brother Bengt had apparently spent one year studying in Oxford before being granted doctorates, C. Vilh. Jacobowsky, “Svenska studenter i Oxford ca. 1620–1740,” *Personhistorisk tidskrift* (1927), p. 108. For more on Swedish students at Oxford, see Jacobowsky, “Svenska studenter.”

279 Kotivuori, *Ylioppilasmatrikkeli*, Marburg students and Helmstedt students.

280 Kotivuori, *Ylioppilasmatrikkeli*, Tübingen students.

281 Kotivuori, *Ylioppilasmatrikkeli*, Göttingen students.

president of the Svea Court of Appeal in 1718. Erik Teet has already been mentioned among the students in Tübingen.²⁸²

At the University of Giessen, we find Count Per Brahe the Younger, who during his long journey through Europe spent a good two years studying in Giessen around 1620.²⁸³ Brahe, among other things, was governor general of Finland, lord high steward, President of the Svea Court of Appeal, and founder of the Academy of Turku. The other three students all enrolled at Giessen in October 1666. Erik Falander (nob. Tigerstedt, 1640–1697) worked at the Academy of Turku after his study journey, teaching Hebrew and Greek, and later as a law professor. In 1685, he became an assessor at the Turku Court of Appeal, and was ennobled in 1691. The nobleman Henning Johan Grass (1649–1713) was a cavalry captain and a district court judge of Halikko and Piikkiö in Finland. Simon Rosenberg, another nobleman, was discussed among the students in Jena. In Giessen, he defended a dissertation under law professor Jacob Le Bleu.²⁸⁴

While the number of Turku law students in Altdorf is four, in reality it was not a very Swedish group of young men. Ulrich Herbers from Narva has already been mentioned earlier, and so has the Prussian Georg Mikael Bapzihn. Sigismund Adam Wolff's (d. 1752) father was burgomaster of Narva. Wolff worked as an advocate, notary, and town councillor in Narva as well as at the Dorpat Land Court (*Landgericht*). He was finally vice president of the Russian Justice Collegium in St. Petersburg. His only connection to Sweden seems to have been that he was working in Narva at the time it was conquered by Sweden. Finally, Robert Kinnimundt, the son of a Stockholm merchant, studied in Altdorf in 1671 and later worked as a notary and referendary (*referendarie*) of the Treasury, and as secretary and an assessor of the Board of Mining.²⁸⁵

Wittenberg was visited by Mikael Wexionius during his journey abroad in the 1630s. In 1688, Matias Grubb (d. 1715), the son of a merchant and mining bailiff (*bergsfogde*), studied in Wittenberg and began his work as a judge in the Blekinge district in 1700. Samuel Florinus has already been discussed among the Leiden students. Johan Lund (later Ehrenlund, 1702–1736) was the son of a bishop, and after his studies trained at the Göta Court of Appeal, then became a district court judge in Västergötland in 1734.²⁸⁶

282 Kotivuori, *Ylioppilasmatrikkeli*, Heidelberg students.

283 For his own description of this journey, see Per Brahe, *Svea rikets drotset Grefve Per Brahes tänkebok, efter dess i Skoklosters Bibliotek förvarade originala handskrift*, ed. D. Krutmejer (Stockholm, 1806), pp. 3–9.

284 Kotivuori, *Ylioppilasmatrikkeli*, Giessen students.

285 Kotivuori, *Ylioppilasmatrikkeli*, Altdorf students.

286 Kotivuori, *Ylioppilasmatrikkeli*, Wittenberg students.

Further, the universities of Leipzig, Kiel, and Strassburg rank right after the four most popular German universities, which were examined more thoroughly. Five Turku law students can be found in Leipzig. Erich Levin Nummens and Matthias Poorteen, both from Narva, were already discussed among the students in Jena. Joakim Spieker, in turn, was one of the Halle students. We are left with Hans Meisnerus (later Meisner, d. 1680) and Karl Rudén (later Rudenschöld, 1698–1783). Meisnerus, the son of a Stockholm merchant and beer brewer, studied in Leipzig and Strassburg in the 1660s and worked as a notary and perhaps a member (*kämmär*) of a lower town court in Stockholm. In Strassburg, he studied law. Rudén had been ennobled in 1719 due to his bishop father's merits and had travelled to Leipzig in 1723. He held several diplomatic posts and worked with foreign affairs before becoming president of the Board of Commerce in 1758 and a royal councillor a few years later.²⁸⁷

In Kiel, we also find six Turku law students. Joakim Spieker and Anders Forselius were already mentioned above, as was Karl Jaenisch, one of the Jena students, who made a career as a judge in Vyborg. Sven Dimbodius (later Dimberg, nob. Dimborg, c. 1661–1731), the son of a parish rector, made a long study journey from 1685 to 1687 “visiting several universities.” At Kiel he enrolled in 1687. Afterwards he was professor of mathematics in Turku and Dorpat. He then became an assessor at the Livonian Court of Appeal in Riga²⁸⁸ (in present-day Latvia) in 1706, but soon fled to Stockholm because of the war. In 1713, he became an assessor of the Turku Court of Appeal and later also a provincial judge. Kristian Allenius (later Alenius, 1712–1775) and Gustaf Johan Elephant (1732–1789) studied in Kiel in the 1730s and 1750s, respectively. Both held fiscal and judicial offices during their careers in Vyborg and Lappeenranta, but made their careers at a time when the eastern parts of Finland had already been annexed to Russia by the Treaty of Turku in 1743.²⁸⁹

Finally, at the University of Strassburg we find eight Turku law students, most of whom have already been discussed. Ernst Johan Creutz, Abraham Rothovius, and Gabriel Pontinus were students also in Leiden and all studied law in Strassburg, and Johan Creutz is one of the students in Jena. Per Brahe the Younger was mentioned as one of the students in Giessen, and Hans Meisnerus as one of the students in Leipzig. In Strassburg, Meisnerus studied law. Karl Hising, who was mentioned among the students in Göttingen, is not listed in the database of the Turku records as having studied in Strassburg, but he can be found in the matriculation records of the Strassburg law faculty as having

²⁸⁷ Kotivuori, *Ylioppilasmatrikkeli*, Leipzig students.

²⁸⁸ Where the Dorpat Court of Appeal had fled because of the Great Northern War.

²⁸⁹ Kotivuori, *Ylioppilasmatrikkeli*, Kiel students.

enrolled on 6 October 1757, together with another Swede, six months after his enrolment in Göttingen.²⁹⁰ The only “new name” is Kristoffer Gyllenstierna (1639–1705), brother of Gustaf and Karl Gyllenstierna, who had studied in Heidelberg. Gyllenstierna matriculated at Strassburg in 1660 and held positions in the civil administration and the military as well as the office of district court judge in Ostrobothnia.²⁹¹

Counting the numbers of Turku law students at these other German universities, it becomes clear that the second half of the seventeenth century was by far the most popular period. During the period 1600 to 1650 six students, in 1651 to 1700 thirty students, in 1701 to 1750 nine students, and in 1751 to 1800 three students enrolled at these universities. The end of the Thirty Years’ War and the revival of many of the German universities is clearly reflected in Turku student numbers at these.

Usually, it is impossible to reliably evaluate the social backgrounds of the Turku law students at these universities, as so few of them are present. For Heidelberg one can, however, mention that all four students there were noble, and three of them even belonged to the higher nobility. In the late sixteenth century, not only the university but also the princely court of the Electoral Palatinate (*Kurpfalz*) in Heidelberg had attracted Swedish nobility to the town. The Thirty Years’ War affected the university significantly, though, and it was not reopened until 1652.²⁹² In Giessen, too, three of the four students were noblemen, while the fourth was ennobled during his career.

The University of Strassburg, in turn, ranks right behind Rostock in the number of Turku law students there. In Strassburg, we fortunately also find information about the faculties the students chose. All in all, around 35 students listed as Swedes appear to have enrolled at the law faculty of the University of Strassburg, with the majority studying there in the 1650s and 1660s, and the last matriculation taking place in 1757.²⁹³ It is, however, possible that more students were studying in Strassburg, and the Strassburg records are either incomplete, or the students were present without matriculating. My study on the education of the judges of the Svea Court of Appeal showed four judges whose biographical information suggests they studied in Strassburg but who do not appear in its records. One of them even defended a legal dissertation there.²⁹⁴

290 *Die alten Matrikeln der Universität Straßburg 1621–1793*, vols. 1–3, ed. Gustav C. Knod (Strassburg, 1897–1902), vol. 2, p. 415.

291 Kotivuori, *Ylioppilasmatrikeli*, Strassburg students.

292 Giese, *Studenten*, pp. 512–517.

293 *Die alten Matrikeln der Universität Straßburg*, vol. 2.

294 Vasara-Aaltonen, “From Well-travelled,” pp. 316–317 and fn. 925.

In addition, there are those who chose another faculty or were listed as noblemen but still pursued a career within the law.

Assessing the students' careers not based on which university they studied at, but according to four fifty-year-periods, one can make a few observations. The three students²⁹⁵ who studied at these German universities between 1600 and 1650 all made quite impressive careers in the civil administration, the courts of appeal, and as law professor. Among the students who studied in the second half of the seventeenth century, a clear emphasis is on positions within the judiciary, at different levels: at town courts, countryside courts, and courts of appeal. Additionally, positions in the military as well as on the boards of the civil administration appear. Two men were also university professors. Students in the first half of the eighteenth century were distinctly fewer and their careers more dispersed. There are positions in the civil administration, in the courts (both military and civil), at the academy, and one student became a merchant. The results of the second half of the eighteenth century are virtually insignificant for the development of the Swedish judiciary. We find one Swede who worked in the French military and one Finn whose career in Lappeenranta (Swed. *Villmanstrand*) began only after it had been annexed by Russia.

A brief examination of the other German universities shows that the impact of the Thirty Years' War on German universities is reflected in the student numbers of Turku law students, as well. A very clear revival in student numbers occurs in the third quarter of the seventeenth century. Many of these students also appear at more than one of the universities. It is evident, too, that study journeys diminish in the first half of the eighteenth century to the point that they are virtually insignificant in the second half of the eighteenth century. This further accentuates the special role the University of Greifswald played among Swedish students throughout the eighteenth century. Not even the renowned University of Göttingen managed to attract Turku law students in any significant numbers in the eighteenth century.

6 Summary

Finally, it is time to sum up the main characteristics of the Turku students' visits to Rostock, Jena, Halle, and Greifswald, set them into context with visits to other German universities, and offer some brief comparative remarks on the study journeys of Swedes to German universities and those to Leiden.

295 The fourth, Abraham Rothovius, died before commencing his career.

The reasons behind the developments discussed in this part will be examined in Part 3 of the book.

In Rostock, the focus of Turku law students was on the second half of the seventeenth century, even though this was the time when the University of Rostock was waning in importance overall. Only three of the ten students visited Rostock in the eighteenth century. Looking at the students' social backgrounds, we find that only one of the ten was a nobleman, while four came from a burgher background. Information on their studies in Rostock is very limited as no information appears in the matriculation registers about the faculty chosen. We find one legal dissertation written by one of the Turku students, and in addition in about half of the cases one can assume, based on the students' other studies, that law would have been their choice in Rostock, too.

As for their careers, it is worth stressing that only one of the students, the highly learned Mikael Wisius, worked as a judge at a court of appeal. In addition, we find three men working in town judiciaries, and one as an advocate, for instance. Interesting to note is that those active in the eighteenth century no longer had careers that were tied to the state administration or judiciary. Here one must, however, point out that among the students in the eighteenth century, two came from Vyborg, which was no longer part of Sweden, so that being part of the Swedish state administration would naturally not have been possible. Despite Rostock's convenient location by the Baltic Sea, the men under examination here were not put to use in the Swedish administration of its German territories. Only one, Wisius, worked in the town administration in Stettin and Narva.

The Turku law students visited Jena, too, mostly in the second half of the seventeenth century. However, unlike with Rostock, the University of Jena was blossoming at the time and attracted many students from outside its region. Early enlightened ideas sprang up and the *ius publicum* was developed in jurisprudence. A quarter (four out of sixteen) of the Turku law students in Jena were of noble background, although only one of them represented the old higher nobility: the other noblemen had a military or clerical background. The largest group of Turku students were the burgher's sons, while others had fathers in the clergy, military, or local administration. Here we also find the only student of this research whose father was an ordinary peasant. Again, it is hard to find information on the studies of these students in Jena. Mikael Wisius studied law extensively in Jena, obtaining a doctorate, but the others' studies remain unknown.

Four of the students in Jena ended up working as judges at courts of appeal – all of them in the seventeenth century. All, too, had some contacts with the centre of the Swedish administration. In addition, positions at town courts

were popular, as seven men worked in town judiciaries – again keeping in mind the three Vyborgians. Among the students in Jena there is also one future law professor. Despite the small sample, one is inclined to say that the noblemen no longer had the same set career paths as those who had studied in Leiden in the 1630s and 1640s. Only Johan Creutz, representing the old nobility, had a typically noble career with all its varying tasks in the administration and judiciary. Of the others, two served in the military, one as a military judge and the other as a captain, while the third pursued a long career on the Board of Commerce.

Halle attracted Swedes right from its beginnings in the last years of the seventeenth century. The students are divided rather evenly from the 1690s to the 1740s, but in the second half of the eighteenth century no Turku law students visited Halle. This is in line with the overall picture of students in Halle, as well. Thus, almost all of them visited Halle during the time of law professor Christian Thomasius, and in general during the time the university was at the height of its glory, representing ideas of enlightenment, a new interest in history, and a high level of jurisprudence in the *usus modernus*, natural law, and the *ius publicum*. Among the students are two noblemen, but both families had only recently been ennobled. Six came from burgher families, three from the clergy, and the remaining three had a cantor, a law professor, and a cavalry-equipping peasant (*rusthållare*) as fathers.

Fortunately, the Halle records provide information on the faculties. Roughly half of these students had enrolled at the law faculty. Three are listed as theology students, two of whom were sons of pastors, and one the son of a cantor. Of those who matriculated without information on the faculty, some may well have studied law, too. Among these students in Halle no one pursued a career as an appellate judge. Five went on to work in town judiciaries and other administrative tasks. Three had non-law-related careers except for being appointed provincial judges at some point. Of all students thus far, those in Halle seem to form the most heterogenous group.

Greifswald, which on a German scale was an unimportant university at the time, is meaningful because it was under Swedish rule, and attracted many Swedes even in the eighteenth century. The Turku law students are divided quite evenly from the mid-seventeenth century onwards. Among the students in Greifswald is only one nobleman, while six had fathers in the clergy, and five had a burgher background. Little is known of their studies in Greifswald, but four of them did defend dissertations, three of them within the field of law. Moreover, we know of two taking a degree – one in law and the other in philosophy – but both seem to have taken advantage of the lax practice of granting degrees in Greifswald. Only one of the students ended up as a judge at a

court of appeal. This corresponds with the research on the judges of the Svea Court of Appeal, in whose education Greifswald only played an insignificant role.²⁹⁶ All in all, the careers form a heterogenous picture. Of the fifteen men, eleven or twelve worked in state administration, the state judiciary, or the military at some point during their careers. For the other German universities under scrutiny here, the numbers are the following: Rostock five out of ten, Jena eight out of sixteen and Halle five to eight out of fourteen. Besides, those working in town judiciaries often held positions with the state administration or the military. This is not the case in Jena and Halle. There, those who worked in town courts were mostly focused on careers within the town. Two students also acted as advocates.

Greifswald being under Swedish rule during the time, it seems natural that we also find men who worked in Swedish Pomerania: Andreas Luhr as a governorate secretary in Stralsund and Bremen and Henrik Nelly in the fleet's Stralsund squadron and as a military judge. Perhaps surprisingly, however, there are only two of them. The Greifswald jurist Hermann Heinrich Engelbrecht (1709–1760) had in the 1730s written about the use Sweden could gain from its students going to Greifswald, but the Swedish state did not put effort into realizing this.²⁹⁷ Conceivably, this is evident from the small number of these Turku students who had studied in Greifswald, working in the administration of conquered Pomerania. However, the fact that even in the eighteenth century a relatively large proportion of the students ended up holding some tasks in the state administration gives reason to believe that on some level Greifswald did hold a special position for Sweden, and those studying there were more prone to work in the state administration than those at the other German universities discussed above.

All of these four universities have their special characteristics, but in general they tend to follow the same patterns as the other German universities in terms of attendance by Turku law students – with the exception of Greifswald. Taking all German universities into account, one finds that the second half of the seventeenth century, after the end of the Thirty Years' War, was the most popular time for Swedish students to attend German universities. After 1700, the visits become more sporadic and in the second half of the eighteenth century they cease virtually completely, except for Greifswald. There is no rush of noble students, as there was in Leiden, but there are universities that were visited more by nobles than others – one can compare Heidelberg to Rostock. It is, however, important to keep in mind the small sample of Turku students at

296 Vasara-Aaltonen, "From Well-travelled," p. 317.

297 Alvermann, "Greifswalder," pp. 82–83.

these other German universities. With regard to their careers, it is also clear that in the seventeenth century these are more clearly focused on positions in the judiciary, on all levels. However, fewer men are working at courts of appeal than was the case among the students at Leiden, and there are also fewer of the wide-ranging careers encompassing several high-level positions in the administration, judiciary, and diplomacy. No doubt, this is connected to the smaller number of noblemen in comparison to Leiden, and to the different periods. The careers in the eighteenth century are more dispersed, and it is more difficult to find common traits. This is also due to the smaller number of students.

Greifswald and Halle are the universities which stand out as somewhat different. The students at these two universities had slightly more varying careers than at the rest of the universities. Halle, founded only in 1694, naturally hosted its students mainly in the eighteenth century, and for Greifswald, too, the eighteenth century was more important than the previous century. Halle attracted students for many reasons, and for some of the Turku students there seem also to have been theological reasons for visiting the university. Greifswald, in turn, was easily accessible as part of the Swedish realm, and undoubtedly the easily-granted degrees were also an attraction to some of the Turku students.

Finally, it is worth noting that many dissertations by Turku law students at the German universities were quite elaborate works, frequently citing Swedish law and circumstances. This gives reason to believe that many Swedish students actually wrote their dissertations themselves,²⁹⁸ and put effort into their law studies abroad. However, most of them were exercise dissertations; defending a dissertation *pro gradu* – in order to achieve a degree – was not very frequent.²⁹⁹

298 On the authorship of dissertations, see Chapter 3, section 1.4, fn. 110.

299 Indeed, the online dissertation catalogue of the Max Planck Institute for European Legal History, the MPIeR, only turns up a handful of dissertations *pro gradu* defended by Swedish students with the purpose of obtaining a degree. *Juristische Dissertationen des 16.-18. Jahrhunderts aus Universitäten des Alten Reichs*, online catalogue, Max-Planck-Institut für europäische Rechtsgeschichte. Available at <http://dlib-diss.mpiet.mpg.de>. Accessed 17 January 2020.

Beyond the Netherlands and Germany: Some Examples of Other Destinations

1 Dorpat

As discussed in the introduction, the University of Dorpat in Livonia cannot really be described as a foreign university during the research period – at least not to the same extent as the other European universities. Founded by the Swedes in 1632, it remained Swedish until 1710. However, in many ways Livonia was very different from Sweden proper. Still, Dorpat University’s Swedish students had more modest backgrounds than those travelling to “real” foreign universities, resembling more those students who only studied in Sweden proper. Therefore, Turku law students provide an interesting comparison to those studying at other European universities.

The circumstances under which Sweden gained control over Livonia have their roots in the late sixteenth century and the dynastic struggles between the Swedish and Polish Vasa families.¹ The Polish-Swedish War began in 1600 and lasted, with some armistices in between, until 1629, when the Truce of Altmark was signed. Dorpat had already surrendered to the Swedes in 1625, and with the Truce of Altmark most of Livonia fell under Swedish rule.² Dorpat became the centre of Swedish administration in Livonia, and the conquerors needed to establish their position through various measures. It was essential to find and train officials, lawyers, and clergymen who were true to the Swedish administration and the Protestant faith. The goal was to train officials who were familiar with the local circumstances and language.³ In the spirit of Swedish educational reforms of the 1620s, work began under the leadership of governor general Johan Skytte to found a university in Dorpat. Although an academic gymnasium divided into faculties was founded in 1630, this was not entitled to

1 Michael Roberts, *The Early Vasas. A History of Sweden, 1523–1611* (Cambridge, Eng., 1968), pp. 250–273.

2 Roberts, *The Early Vasas. A History of Sweden, 1523–1611* (Cambridge, Eng., 1968), pp. 398–404; Nils Erik Villstrand, *Sveriges historia 1600–1721* (Stockholm, 2011), pp. 92–94.

3 H. Piirimäe, “The Foundation and Activities of Tartu University in 1632–1710,” in *History of Tartu University 1632–1982*, ed. Karl Siilivask (Tallinn, 1982), p. 19; Arvo Tering, *Album Academicum der Universität Dorpat (Tartu) 1632–1710* (Tallinn, 1984), p. 29.

grant degrees. In 1632, the gymnasium was converted into a university: thus was born the University of Dorpat (*Academia Dorpatensis*).⁴

The university was intended to be open not only to wealthy young men but also to peasants. This ideal was never completely realized as the social reality in Livonia, with its feudalism, greatly differed from that of Sweden proper. The peasants attending the university all came from Sweden and Finland, not from Livonia. The Livonian nobility was suspicious of the university and at any rate could not accept the idea of peasant attendance. With this negative attitude towards the University of Dorpat, the local nobility kept sending its boys to German universities.⁵

Between 1632 and 1656, the university functioned in Dorpat (as the so-called *Academia Gustaviana*), until the war with Russia forced the university to seek refuge in Reval in Swedish Estonia. In spite of some opposition, the university was opened in Reval, where it operated until 1665 under unfavourable conditions. Despite several attempts, the university was not re-opened in Dorpat until 1690 (as the so-called *Academia Gustavo-Carolina*). In 1699, the university was relocated to Pernau (present-day Pärnu in Estonia), but the Great Northern War, which broke out in 1700, greatly affected the possibility to continue work at the university. Most of the professors had already fled to Sweden. During the winter of 1709 and 1710, the university was still officially functioning, but teaching had practically ceased. The capitulation of Estonia and Livonia in 1710 finally put an end to the *Academia Gustavo-Carolina*. It took almost a century until the university was re-opened, this time as an essentially German university.⁶

By the end of its first year, eighty-four students had enrolled at the university. After that, between thirty and fifty students usually enrolled every year, but in addition some studied without matriculating. H. Piirimäe estimates that around 100 students attended the university annually. Nearly half of the students in the period 1632 to 1656 came from Sweden, with a good ten per cent

4 Piirimäe, "The Foundation," pp. 22–24.

5 Piirimäe, "The Foundation," pp. 24 and 30; Tering, *Album Academicum*, pp. 61–70. A similar clash with the reality of Livonian society could be seen with the establishment of the Dorpat Court of Appeal, which turned out somewhat different from its model, the Svea Court of Appeal. Sweden was not able to transfer these institutions exactly as they were to the feudal society of Livonia with its peasantry tied to the land. See Heikki Pihlajamäki, "Courts of Appeal as Legal Transfers: The Svea and Dorpat Courts Compared," in *The Svea Court of Appeal in the Early Modern Period: Historical Reinterpretations and New Perspectives*, ed. Mia Korpiola (Stockholm, 2014), pp. 228 and 256.

6 Piirimäe, "The Foundation," pp. 32–38, 44–45, and 48–51; Marju Luts, "Eine Universität für Unser Reich, und insbesondere für die Provinzen Liv- Ehst- und Kurland': Die Aufgaben der Juristenfakultät zu Dorpat in der ersten Hälfte des 19. Jahrhunderts," *Zeitschrift der Savigny-Stiftung für Rechtsgeschichte, Germanistische Abteilung* 117 (2000), p. 608.

from Finland, Karelia, and Ingria. A little less than a third of the students were locals. Nine per cent of the students were noble, with the university mainly frequented by sons of burghers, clergymen, and schoolmasters. During the period 1690 to 1710, the situation changed as the number of Swedish students declined, and the majority of students were Baltic Germans. Again, around ten per cent of the students were noble. The universities of Turku and Lund now competed for the attention of Swedish students, a factor which perhaps diminished their interest in Dorpat. In 1690 and 1698, it was also decreed that those wishing to work for the state administration in Livonia had to study in Dorpat for at least two years. Swedish students often arrived together with a professor or other official who came to Dorpat from Sweden and had taken the students with them. Most Swedes had come to Dorpat with a scholarship and therefore regularly attended lectures, which were mandatory for them.⁷

While the *Academia Gustaviana* followed the constitutions of the University of Uppsala, and the majority of the students were Swedish, the teaching staff came to a large extent from Germany. Of the first twenty-seven professors, only nine came from Sweden proper.⁸ Between 1690 and 1710, the composition of the staff had turned around: twenty-two of the twenty-six professors now came from Sweden proper, and only four from Germany, making the *Academia Gustavo-Carolina* more of a Swedish university than its predecessor.⁹

The law faculty of the university was one of the higher faculties and, in principle, was attended for three years after six years' studies at the faculty of philosophy. The goal of the faculty – as of the university on a larger scale – was to train local men to become officials and lawyers for the needs of the province. Emphasis was placed on teaching matters that were useful in legal practice. The faculty, however, remained relatively small in terms of student numbers due to the decision not to teach local laws.¹⁰ Following the constitutions of Uppsala, the law faculty had two professors, the first teaching Swedish law and comparing it with Roman law, with the second teaching the foundations of the *ius civile*.¹¹ The German law professors, however, neglected instruction in

7 Piirimäe, "The Foundation," pp. 30 and 42, Tering, *Album Academicum*, pp. 19–22, 43, 27–30, 59, 76–78, and 125–126.

8 Piirimäe, "The Foundation," p. 29.

9 Piirimäe, "The Foundation," p. 41.

10 Tering, *Album Academicum*, p. 74, Piirimäe, "The Foundation," p. 58; *University of Tartu, School of Law, History*. Available at <https://oigus.ut.ee/en/faculty/history>. Accessed 17 January 2020.

11 Katre Kaju, "Laurentius Ludenius, Professor an den Universitäten Greifswald und Dorpat (1592–1654)," in *Die Universität Greifswald in der Bildungslandschaft des Ostseeraums*, eds. Dirk Alvermann, Nils Jörn, and Jens E. Olesen (Berlin, 2007), p. 220.

Swedish law, and the initial focus was on Roman law. When the vice chancellor of the university addressed this problem in the 1650s, more emphasis was put on teaching Swedish law: professor Heinrich Hein (1590–1666), for instance, engaged in some comparisons between Swedish and Livonian law.¹² The ordinances given at the beginning of the Swedish period (*Hofgerichtsordnung* 1630 and *Landgerichtsordnung* 1632) stated that the order of legal sources to be followed at the Livonian courts was (1) Livonian law, (2) Swedish law, and (3) Roman law. Many Baltic towns also followed the law of the German city of Lübeck, as a legacy of the Hanseatic League. Still, none of these local laws were taught at the University of Dorpat – despite the goal of training practically oriented lawyers for the purposes of the newly-conquered province. This encouraged future lawyers to keep studying at German universities. Katre Kaju suggests that knowledge on local laws was probably taught privately to students in Dorpat.¹³

In the early years, two German law professors were active at the faculty: Heinrich Hein from Rostock and Laurentius Ludenius (Lorenz Luden, 1592–1654) from Greifswald. Hein, as first law professor, was to teach Roman and Swedish law. Hein worked as an assessor at the Dorpat Court of Appeal at the same time, and according to Sainio, only four dissertations were defended under his guidance. One of these compared Swedish law with Livonian law – probably as a result of being advised not to neglect the teaching of Swedish law.¹⁴ Ludenius, who had obtained a doctorate of both laws, began his work in Dorpat in 1636 as professor of law, eloquence, and poetry after having been professor of poetics and history, mathematics, and practical philosophy at Greifswald since 1618. Ludenius was second law professor at Dorpat for nearly twenty years, and has been credited as one of the most outstanding scholars of the *Academia Gustaviana*. He held lectures and disputations, and most likely also taught privately. He was *praeses* in nearly a hundred dissertations and

12 Henrik Sandblad, “Om Dorpats universitet under dess äldsta skede 1632–1656,” *Lychnos Lärdomshistoriska samfundets årsbok* (1975–1976), p. 230; Piirimäe, “The Foundation,” p. 59.

13 Pihlajamäki, *Conquest*, p. 238; Piirimäe, “The Foundation,” p. 59; Kaju, “Laurentius Ludenius,” p. 220. For a thorough account of the different legal sources in Livonian courts, see Pihlajamäki, *Conquest*, pp. 238–255.

14 Arvo Tering, “Über die Juristenausbildung der Mitglieder des Hofgerichts in Dorpat (Tartu) 1630–1710,” in *Tartu Ülikooli Toimetised* (Tartu, 1989), p. 31; Matti A. Sainio, *Dissertationen und Orationen der Universität Dorpat 1632–1656* (Stockholm, 1978), p. 23; Sandblad, “Om Dorpats,” p. 230. The titles of the dissertations were *Disp. juridica de rei vindicatione* (1653), *Disp. juridica de pignoribus et hypothecis* (1653), *Disp. juridica de nuptiis* (1654), and *Disp. exhibens circa materiam de successionibus ab intestate ex jure communi juris Svecici et Livonici differentias* (undated).

orations, a good twenty of them in various fields of law, the rest at the faculty of philosophy.¹⁵ Ludenius was also concerned with educational matters and saw the benefits of study journeys to the state and society.¹⁶ With the appointment of the Swede Johan Stiernstråle (1607–1686) as a law professor, the teaching of Swedish law could make some headway, though Stiernstråle only stayed at the faculty for a short period and only a few dissertations appeared under his guidance.¹⁷

Between 1690 and 1710, the faculty had one professor, who was to lecture on Roman and Swedish law, and privately also teach the law of nations. In this period, the use of Swedish law in the curriculum became more systematic, and natural law held a strong position in teaching. The Swede Olaus Hermelin (1658–1709), for instance, often quoted Grotius and Pufendorf as law professor (1695–1699). He also stressed to his students the usefulness of university learning for practicing law. In 1701, the university received its first professor who taught in Swedish when Samuel Auseen (d. 1734) became a law professor. His expertise was in Swedish law, and he had previously worked as an advocate in Stockholm.¹⁸

Records of attendance are very rare, but from the winter semester 1653 to 1654 the number of students attending different lectures can be found. These were apparently students who had received a scholarship, as lectures were mandatory for them. The lectures in jurisprudence held by professors Hein, Ludenius, and Stiernstråle on *Regula juris antiqui*, *Institutiones juris civilis*, and *Processus juris* were each attended by six students. In contrast, the theology lectures were attended by thirty-nine and twenty-four students, respectively.¹⁹ These proportions between the different subjects are also reflected in the number of Dorpat students from the Academy of Turku.

Between 1632 and 1710, altogether 381 students, who are listed in the Turku matriculation records, enrolled at the University of Dorpat. Not all of them were Swedes, though, as the Turku records also include some Balts who had

15 Kaju, "Laurentius Ludenius," pp. 211, 215, and 223; Sainio, *Dissertationen*, pp. 27–38; Sandblad, "Om Dorpats," p. 229. Giese supposes that the Swede Georg Stiernhielm, an assessor at the Dorpat Court of Appeal and former University of Greifswald student, might have been involved in bringing Ludenius to Dorpat. See Giese, *Studenten*, p. 356.

16 Winberg, *Den statskloka*, p. 58.

17 Sandblad, "Om Dorpats," pp. 229–230.

18 Piirimäe, "The Foundation," p. 59; Tering, *Album Academicum*, p. 109; Friederich Konrad Gadebusch, *Livländische Bibliothek nach alphabetischer Ordnung, Erster Theil* (Riga, 1777), p. 24; *University of Tartu, School of Law, History*. Available at <https://oigus.ut.ee/en/faculty/history>. Accessed 17 January 2020; Sven Olsson, "Olof N S Hermelin," in *Svenskt biografiskt lexikon*, vol. 18 (Stockholm, 1969–1971).

19 Tering, *Album Academicum*, pp. 78–81.

studied in Turku or who had connections there. In any case, the majority of Turku students in Dorpat came from Sweden proper. Most seem to have continued on to a career in the clergy.²⁰ Of the 381 students, thirty-three later engaged in a more or less law-related career.²¹ The visits are divided as follows: in the 1630s, six students, in the 1640s four, in the 1650s six, and in the 1690s seventeen, of whom twelve came between 1690 and 1691.²² Of these thirty-three students, eleven came from outside Sweden proper, usually from Livonia or Ingria.

During the *Academia Gustaviana* the Turku students' social backgrounds were the following: five sons of clergymen, three sons of the higher nobility, three sons of town councillors / burgomasters, two sons of local officials, two sons of military officials, and one peasant's son. Two of the clergymen's sons and two of the town councillors' sons were not from Sweden proper. Except for the three sons of the higher nobility, none of the students were noble, though one was later ennobled.

In the 1690s, in the *Academia Gustavo-Carolina*, the majority of the students, eight out of seventeen, were sons of town councillors, burgomasters, or merchants. Behind them came the sons of clergymen and military officials, three of each. In addition, one was the son of a state official, one the son of a local official, and one the son of a cantor. Three of the burghers' sons, two of the military officials' sons, one of the clergymen's sons and the cantor's son did not come from Sweden proper. One of the military officials' sons and the son of the state official were born noble. In addition Jakob Lang, who we already know from Leiden and Greifswald, was later ennobled, although due to his father's merits.²³ Arvo Tering's remark of Dorpat being a "democratic institution" in light of the students' social background seems to hold true for the Turku

20 A.R. Cederberg has come to the estimate that around 60 out of 193 Finnish and Ingrian students in Dorpat between 1632 and 1665 later became pastors or school teachers. A.R. Cederberg, *Suomalaiset ja inkeriläiset ylioppilaat Tarton ja Tarton-Pärnun yliopistossa v. 1632–1710* (Helsinki, 1939), pp. 8 and 12.

21 These were: Lorentz Creutz, Ernst Johan Creutz, Bengt Horn, Johan Ollongren, Bertil Karstens, Kristian Iheringius (nob. Lilliering), Matias Pålsson, Karl Rothovius, Johan Schaefer, Ulrich Herbers, Erik Klöfver, Henrik Monerus (later Davidsson), Tomas Hiärn, Johan Eneroth, Nils Duncanus, Sylvester Bjugg, Gilius Dreilick, Claes Jägerhorn (later Jägerskiöld), Johan Methers, Anders Mörling, Lars Schepper, Petter Longe, Anders Forseilius, Petter Schlüter, Jakob Lang (nob. Lagercreutz), Georg Haveman, Arvid Mollerus (later Moller), Petter Timmerman, Henrik Carstenius, Georg Bapzihi, Reinhold Boisman, Bengt Elfvendahl, and Henrik Kors.

22 Kotivuori, *Ylioppilasmatrikkeli*, Dorpat students. On the rush of students in 1690 and 1691, see also Tering, *Album Academicum*, pp. 22–23 and 43.

23 Kotivuori, *Ylioppilasmatrikkeli*, Dorpat students.

students as well.²⁴ This becomes clear, especially when looking at the students from the early seventeenth century and comparing them with those who visited other European universities during that period. Sons of peasants or local rural officials cannot be found in Leiden. The latter period, in turn, shows how education had become more important for town burghers, whose sons can now increasingly be found studying at universities.²⁵

There are a few legal dissertations by Turku students that we know of. Johan Ollongren (dates of birth and death unknown) defended a thesis called *De justitia commutativa* in 1642 with Ludenius as the *praeses*.²⁶ Johan Schaefer (d. 1683) disputed on *De juramento discursus juridicus* in 1651, under Ludenius's guidance.²⁷ In 1696, Reinhold Boisman (c. 1664–1718) defended a legal dissertation entitled *De communione bonorum inter conjuges* with Hermelin as *praeses*.²⁸ Gilius Dreilick (b. c. 1666) was respondent in 1694 on the topic *Jus acquisitionis originariae, ad jurium naturae et civilium placita, velitatione juridica*. Hermelin acted as *praeses* here, too.²⁹

The careers of the students are interesting in the light of the goals the Swedish administration set for studies in Dorpat. Let us first take a look at the twenty-two students with a background in Sweden or Finland. The three sons of the higher nobility, the brothers Creutz and Bengt Horn (1623–1678), had exactly the statesmanlike careers one might expect. Roughly a third of the group, however, had quite modest careers, never reaching higher positions in the state administration or judiciary. These eight students ended up working as surrogate judges (*lagläsare*), district court judges, as judges in town courts, or as Crown bailiffs, for instance. One of the eight had also worked as an advocate in Turku.³⁰ Another, Matias Pålsson (d. 1685), a peasant's son from Laihia (Swed. *Laihela*) in Finland, first trained at the Turku Court of Appeal after his studies, then worked as a surrogate judge in several districts during the years 1646

24 Tering, *Album Academicum*, p. 126.

25 For the Baltic provinces, see Tering, *Album Academicum*, pp. 112–113 and 126.

26 Sainio, *Dissertationen*, p. 34. Ollongren can be found under the name Ällengreen in Sainio's bibliography, and in the library online catalogue ESTER, he is listed under the name Allengren, *Tallinn libraries, library catalogue ESTER*. Available at <http://www.ester.ee>. Accessed 17 January 2020.

27 Sainio, *Dissertationen*, p. 37. Schafer can be found under the name Schæperus in Sainio's bibliography.

28 *Tallinn libraries, library catalogue ESTER*. Available at <http://www.ester.ee/search>, search word "Boisman."

29 *Tallinn libraries, library catalogue ESTER*. Available at <http://www.ester.ee/search>, search word "Dreylich."

30 Kotivuori, *Ylioppilasmatrikkeli*, Dorpat students.

to 1676. In 1656, he also became acting burgomaster of Vaasa.³¹ Lars Schepper (c. 1664–1743) was a merchant and postmaster in his hometown of Uusikaarlepyy (Swed. *Nykarleby*), and a customs officer (*tullnär*) and acting burgomaster in Kristiinankaupunki.³² Some had also combined a position in the military with positions in the local judiciary. Three combined positions in the state administration or judiciary with positions in the local judiciary. Two worked as military judges. One made his career solely at the Turku Court of Appeal, never reaching the position of assessor, though. Four left Sweden for work in the Baltic provinces: Johan Ollongren became a Crown bailiff in Nyenschantz,³³ Kristian Iheringius (1629–1697) a secretary and an assessor of the Reval Castle Court,³⁴ Gilius Dreilick a trainee at the Dorpat and Svea Courts of Appeal and perhaps a provincial judge in Reval,³⁵ and Petter Timmerman (c. 1676–1725) a provincial prosecutor (*landsfiskal*) and town councillor in Pernau and Riga.³⁶

Of the students who came from the Baltic provinces, five stayed there, two worked in Sweden proper and three held positions in both. Those who stayed found positions in the town councils of Narva, Nyenschantz, and Pernau, as well as the Dorpat Land Court and Reval Castle Court.³⁷ The two who relocated to Sweden proper both worked as advocates: Anders Forselius (dates of birth and death unknown) at the Svea Court of Appeal and Henrik Kors (d. 1707) in Turku. Of the three men combining careers in the Baltic provinces and in Sweden proper, the most interesting is Arvid Mollerus (1674–1758). He taught law and mathematics at the Reval gymnasium while being adjunct judge (*bisittare*) of the Reval High Court. In 1710, he was suggested for the position of judicial burgomaster in Reval but he fled to Sweden, where he eventually became professor of practical philosophy (natural law and morality) at the University of Lund.³⁸

The majority of the Turku students in Dorpat seem to have had careers in the local judiciary and administration, which corresponds rather well with their social backgrounds. Some held positions in the state administration as well, though they usually did not advance to assessorships at courts of appeal, but combined these tasks with positions in the local judiciary. Studies at the University of Dorpat were also not a stepping stone for commoners on the way

31 Kotivuori, *Ylioppilasmatrikkeli*, Matias Pålsson.

32 Kotivuori, *Ylioppilasmatrikkeli*, Lars Schepper.

33 Kotivuori, *Ylioppilasmatrikkeli*, Johan Ollongren.

34 Kotivuori, *Ylioppilasmatrikkeli*, Kristian Iheringius.

35 Kotivuori, *Ylioppilasmatrikkeli*, Gilius Dreilick; Tering, *Album Academicum*, p. 297.

36 Kotivuori, *Ylioppilasmatrikkeli*, Petter Timmerman.

37 Kotivuori, *Ylioppilasmatrikkeli*, Dorpat students.

38 Kotivuori, *Ylioppilasmatrikkeli*, Anders Forselius, Henrik Kors, and Arvid Mollerus.

to ennoblement – unlike for commoners at Leiden. A large majority of the students who came from Sweden proper also returned there after their studies in Dorpat. Half of the Baltic students stayed in the Baltic provinces, but half also worked in Sweden proper.

Decisions relating to the University of Dorpat are interesting in terms of the question to what extent there were ambitions to make the judiciary Swedish after Sweden conquered Livonia. While in theory Swedish law was to be applied if local law was uncertain, Swedish law did not play a major role in the practice of the Dorpat Court of Appeal but was most commonly referred to in procedural issues. Pihlajamäki questions whether there even was a real attempt to Swedimize the Livonian judiciary. The number of Swedish judges at the Dorpat Court of Appeal was small. Most judges were Baltic German lawyers, and the main language of the court was German. Due to the political reality, the Livonian estates were left with a fair amount of freedom; similarly, the legal reality made it difficult to adopt Swedish law and the Swedish court system as such.³⁹

In light of the legal reality and the university's aim to train officials for the needs of the province, it seems rather odd that the law faculty would not specifically teach Livonian law. The statutes of the University of Uppsala, which were adopted in Dorpat, naturally did not mention Livonian law. But why were they not amended in this regard? Perhaps we should turn our attention to Johan Skytte, governor general of Livonia and founder and first chancellor of the university. Unlike the king and Chancellor Oxenstierna, Skytte favoured a more thorough incorporation of Livonia into Sweden.⁴⁰ Although on a larger scale his view was not realized, it seems plausible that he left more of a mark with his views on university matters as this was his domain. That would explain why, next to the *ius commune*, Swedish law was being taught instead of Livonian law, even though local law would have been of more practical use. As mentioned, Livonian law was probably taught to some extent unofficially, though, and appeared as a point of comparison in some dissertations.

To attract students to the university, and then hopefully to stay on in Livonia as officials and clergymen, scholarships were granted. These were much more common in Dorpat than at other Swedish universities. In Dorpat, around seventy to eighty per cent of students received a scholarship, whereas the number

39 Pihlajamäki, *Conquest*, pp. 136, 145, 150, 238–239, 245–246, 252, and 259; Heikki Pihlajamäki, “Der frühmoderne Jurist und die Rechtsquellen. Rechtsanwendung in den livländischen Gerichten der schwedischen Zeit (ca. 1630–1710),” in *Höchstgerichte in Europa. Bausteine frühneuzeitlicher Rechtsordnungen*, eds. Leopold Auer, Werner Ogris, and Eva Ortlieb (Cologne, 2007), p. 74; Pihlajamäki, “Courts of Appeal,” pp. 228 and 256.

40 Pihlajamäki, *Conquest*, p. 92.

in Uppsala was only twelve to fourteen per cent. Nearly all students from Sweden proper had a scholarship for their studies in Dorpat. Despite these efforts, a large proportion of the Swedish students returned to Sweden proper after their studies.⁴¹ This was also the case with Turku law students.

The University of Dorpat did not have the expected impact on the staff of the Court of Appeal. The number of Dorpat students among the assessors remained rather limited and between 1630 and 1710 only seven judges had been trained in Dorpat. The universities of Uppsala, Jena, Helmstedt, Königsberg, Rostock, and Leiden had all trained a larger number of judges than Dorpat.⁴² In contrast, the castle courts and land courts had more Dorpat-trained members. For instance, between 1651 and 1662 five of the ten assessors of the Reval Castle Court had studied in Dorpat, although four of those five had in addition studied at Dutch and German universities. The university also had an impact on the educational level of the town council. Dorpat students could be found in the councils of Dorpat, Reval, and, especially after relocation of the university, also in Pernau.⁴³

During Jacob Johan Hastfer's (1647–1695) period as governor general of Livonia (1687–1695), deliberate efforts were made to Swedimize the judiciary and administration. Whereas in 1685, there were no Swedish assessors at the Dorpat Court of Appeal, a decade later, in the mid-1690s, roughly half of the judges were Swedes.⁴⁴ These efforts do not seem to have led to more Swedish students going to Dorpat. As mentioned before, while the professors of the *Academia Gustavo-Carolina* were to a large extent Swedes, the share of Swedish students fell during this period. Admittedly, a rush of Turku law students to Dorpat occurred in the 1690s, but still almost all of those who were originally from Sweden proper also returned there after their studies in Dorpat, never working in Livonia.

To sum up: Dorpat cannot be called a foreign university in the same sense as the other universities in this study; rather it can be contrasted against the “real” foreign universities. What distinguishes it from the domestic universities of Uppsala and Turku is the dominance of German law professors and the neglect to teach Swedish law. It also had a special aim: to further Swedish interests in the newly-conquered province, which in many ways was different from Sweden proper. Turku law students in Dorpat had somewhat more modest

41 Tering, *Album Academicum*, pp. 75–77 and 127.

42 Tering, “Über die Juristenausbildung,” pp. 34–35.

43 Tering, *Album Academicum*, pp. 107 and 110–112.

44 Pihlajamäki, *Conquest*, p. 136; Anna Christina Meurling, *Svensk domstolsförvaltning i Livland 1634–1700* (Lund, 1967), pp. 231–232.

backgrounds than those studying in Central Europe. Indeed, compared with the non-noble students in Leiden, they evidently also had less impressive careers. Although Swedish students were encouraged to study in Dorpat by the grant of scholarships, in fact, the vast majority of Turku law students returned to build a career in Sweden proper and never worked in Livonia. For the Turku law students, it seems to have been a university like any other in Sweden.

2 Rome

Rome is an interesting excursion as it stands out from most places visited by students from Turku because of its geographical location and seat at the heart of Catholicism. The Turku records reveal that Rome was visited by altogether eleven students, six of whom can be identified as law students. They are Gustaf and Sten Bielke, Ernst Johan Creutz, Bengt Horn (af Åminne) (1623–1678), Lars and Erik Fleming, and Magnus Sierman (nob. Stiernmarck, 1653–1711).⁴⁵ Only one of the six, Sten Bielke, is listed as a “student in Rome” (*ylioppilas*), which in the Turku records usually refers to a university enrolment. The others are more generally mentioned as having studied in Rome. In this case, however, it seems likely that Bielke, too, only “studied” in Rome in the broad sense of the term instead of under a university enrolment. In addition, we know that Per Brahe the Younger also visited Rome in the 1620s during his study journey through Europe, but for some reason he is not mentioned in the Turku records as one of the “Rome students.”⁴⁶ The Bielkes, Creutz, and the Flemings are already known from their studies in Leiden. It is abundantly clear that a visit to Rome was part of the higher nobility’s tours throughout Europe: only Sierman was not noble at the time of his visit to Rome. Of all eleven students from Turku, ten visited Rome during the 1630s to 1650s; only Sierman came in the 1680s. This time frame also highlights the fact that a visit to Rome coincides with the golden age of foreign travels by Swedish noblemen.

The Italian Baroque attracted many tourists to Rome, which had plenty on offer for them. Guides offered tours of the city for visitors from across Europe. A particularly well-known guide was Giovanni Alto (originally known as Hans Hoch, 1577–1660), a Swiss Guard from Lucerne, who in his spare time studied the history of the city. Alto kept an ornate *album amicorum*, which has the entries of nearly a thousand visitors, most of whom came from North of the Alps.

⁴⁵ Kotivuori, *Ylioppilasmatrikkeli*, Rome students.

⁴⁶ Kotivuori, *Ylioppilasmatrikkeli*, Sten Bielke and Per Brahe; Victor Plahte Tschudi, *Baroque Antiquity. Archaeological Imagination in Early Modern Europe* (New York, 2016), p. 76.

Next to noblemen; burghers, clergymen, and military men also joined him to explore the city. Alto maintained his popular tours for over half a century, as the entries in his *album amicorum* span from 1606 to 1659.⁴⁷

Guided tours of Rome are also connected with the printed engravings of ancient Rome that circulated among visitors. The Italian Giacomo Lauro's (1583–1645) engravings of ancient Rome appeared in print in the collection *Antiquae Urbis Splendor*, a collection which spread across Europe with tourists who had gone to Rome. This turned it into a sort of guidebook of Rome, an itinerary of sights to visit while in Rome. The Swede Per Brahe the Younger obtained a copy during his visit in the 1620s, and passed it on to his nephew Nils, who visited Rome in 1654. Bengt Oxenstierna also owned a copy which he had purchased in 1646.⁴⁸ Lauro's prints show a connection to Alto, who is portrayed in some of the engravings showing the city to tourist groups. The fact that many visitors signed Lauro's and Alto's *alba amicorum* on the same day suggests a coordination between the two: the Swede Ture Bielke, brother of Gustaf and Sten Bielke, signed both books on 2 January 1629.⁴⁹

Callmer has studied Giovanni Alto's *album amicorum* to find Swedes who went on a tour with him. Altogether, fifty-six Swedes appear in Alto's book, three of whom are Turku law students: Gustaf and Sten Bielke, and Lars Fleming. The most important periods were the 1640s and 1650s with twenty-eight and twenty-three Swedish entries in Alto's book. For the 1620s and 1630s, the book contains only three and two entries, respectively. The Bielke brothers and Fleming wrote their names in Alto's *album amicorum* in 1642, 1643, and 1644, right at the height of these Swedish visits. Most of Alto's Swedish visitors were noblemen, about half of whom had studied in Leiden, while many also visited England and France before coming to Rome.⁵⁰ This applies to most of the Turku law students in Rome, as well. Lars Fleming is said to have been "a student in Leiden and studied in Paris, London, and Rome."⁵¹ Callmer remarks that not all of Alto's Swedish guests would necessarily have written their names in the *album amicorum*; besides, not all Swedes used Alto's services while in Rome.⁵² It is telling that Callmer describes these Swedes as Alto's "students," thus emphasizing the nature of the tours across the city: they were not merely meant for pleasure, but also to study the history of Rome and the culture and

47 Tschudi, *Baroque*, p. 78; Callmer, "Svenska studenter i Rom," p. 72.

48 Tschudi, *Baroque*, pp. 74–76.

49 Tschudi, *Baroque*, pp. 74–76, 78, 82–85, and 89.

50 Callmer, "Svenska studenter i Rom," pp. 77 and 78–79. See also Nuorteva, *Suomalaisten ulkomainen*, pp. 408–429.

51 Kotivuori, *Ylioppilasmatrikkeli*, Lars Fleming.

52 Callmer, "Svenska studenter i Rom," pp. 72 and 77.

customs of the region. While Creutz, Horn, and Erik Fleming are not mentioned in Alto's book, it is quite probable that their journeys to Rome had similar itineraries and objectives.

As mentioned in Part 1 of the book, visiting Catholic regions was not seen as a problem for travelling noblemen, who enjoyed the privileges of free peregrinations. They were there to learn about the customs and culture of the region, and could bring back valuable knowledge with them.⁵³ Such thoughts were expressed in Per Brahe the Elder's (1520–1590) book *Oeconomia eller Huuszholdzbook* (written in 1581, published in 1677), where Brahe discusses the upbringing of young noblemen. Besides academic knowledge, a journey abroad would provide insights to a country's art, qualities and language, religion, law and customs, military status, and diplomacy, to list some aspects. Studies combined with such a journey would prepare a nobleman for public office.⁵⁴ A visit to Rome certainly complemented the study journeys of these young Swedish noblemen, and fulfilled the non-academic goals that were set for such travels. In 1641, the nobleman Lars Cruus⁵⁵ (1621–1656) wrote to Axel Oxenstierna from Florence stating that he had travelled to Italy on Oxenstierna's recommendation and was there out of "curiosity for antiquity and many other things."⁵⁶

Magnus Sierman's stay in Rome differs from the noble visits of the 1630s to 1650s. According to his biographical information, he made two study journeys abroad, and during the second one "sojourned for a long time in Rome," probably during the 1680s. During that stay he spent some time working as Queen Christina's private secretary.⁵⁷ Indeed, it was common for young Swedish noblemen to visit Christina during their visits to Rome.⁵⁸ Christina had moved there after abdicating in 1654 and turning to the Catholic faith. Despite giving up the Swedish throne, Christina did not abandon her political pursuits, however. Throughout her later life she sought to influence European power politics and regain a power position, though she never managed to do so. In the 1680s, Christina was already sickly, and her most active pursuits in politics had subsided. Nevertheless, she continued writing, which had always been her passion: political correspondence, historical and contemporary treatises, outlines for a work on natural sciences, poetry, and an autobiography all occupied her.

53 Giese, *Studenten*, p. 589.

54 Brahe, *Oeconomia*, pp. 22–32.

55 Lars Cruus was brother of Johan Cruus, who was one of the Turku law students in Leiden. Lars Cruus also studied in Leiden, but did not pursue a career in law, and is therefore not one of the students examined in this research. See Kotivuori, *Ylioppilasmatrikkeli*, Lars Cruus.

56 Nuorteva, *Suomalaisten ulkomainen*, p. 432.

57 Kotivuori, *Ylioppilasmatrikkeli*, Magnus Sierman.

58 Winberg, *Den statskloka*, p. 291.

Spending several hours a day writing kept her secretaries busy making the amendments she required.⁵⁹ After returning to Sweden from his journey abroad, Sierman became an assessor of the Svea Court of Appeal in 1688, and was ennobled as Stiernmarck in 1698. He is described as a learned man who had a large library.⁶⁰

It is important to note that in the online matriculation database of the Academy of Turku, the only Italian university mentioned among the foreign universities listed, or rather in this case city, is Rome. The famous Italian universities of Bologna, Padua, or Siena, so important to students from across Europe in the Middle Ages,⁶¹ do not appear at all; nor do universities on the Iberian Peninsula. However, this does not mean that Swedish students were altogether missing from these universities: Callmer mentions a few Swedes who had enrolled at the universities in Siena and Padua prior to visiting Rome.⁶² Nils Bielke, the first president of the Turku Court of Appeal, and father of the Bielke brothers Gustaf and Sten, travelled to Siena and Venice during his journey in the 1580s.⁶³ His son Gustaf visited Florence and Venice before arriving in Rome.⁶⁴ This reveals some inconsistencies in the way foreign journeys are marked in the online database of Turku records.

In any case, the main goal of young Swedes travelling to Italy in the seventeenth century was to acquaint themselves with the culture, language, and customs instead of attending thorough university studies. Rome was certainly not the only destination Swedes visited while in Italy. Around the middle of the seventeenth century, *il giro d'Italia*, the journey through Italy, was a regular feature in the itineraries of Swedish noblemen, and often brought them to Naples and Venice, too. Nuorteva described the noblemen's visits to Italy as "exotic cultural travel."⁶⁵

3 "Other Travels Abroad"

In addition to students specifically listed as having studied abroad, the matriculation records of the Academy of Turku also have a category called "other peregrinations and research journeys," that is, visits to foreign countries

59 Peter Englund, *Silvermasken – en kort biografi över drottning Kristina* (Stockholm, 2006), pp. 73–119, 133–146, and 168.

60 Kotivuori, *Ylioppilasmatrikkeli*, Magnus Sierman.

61 See, e.g. for Dutch students at these universities, Tervoort, *The iter italicum*.

62 Callmer, "Svenska studenter i Rom," pp. 73 and 76–77.

63 Boëthius, "Nils Turesson Bielke," 1924.

64 Kotivuori, *Ylioppilasmatrikkeli*, Gustaf Bielke.

65 Winberg, *Den statskloka*, p. 278–309; Nuorteva, *Suomalaisten ulkomainen*, p. 429.

without a university matriculation. To some extent, these may be the same students who also enrolled at universities, if they participated in other trips as well. It is possible, even probable, that some of them studied during their journeys, even though they are not marked as university students. Sometimes, study was possible without officially enrolling.⁶⁶ Unfortunately, quite often the aim of the journey remains unclear in this category.

This category lists all in all 474 persons of whom eighty-one had at some point during their studies or career been involved with jurisprudence or administering justice.⁶⁷ Many of these are already familiar names from the previous chapters. For instance, Mikael Wexionius, Ernst Johan Creutz, and Johan Cruus are listed in this group, too. A tendency, already noticeable with the Dutch and German universities, is evident in this group as well: although visits do occur over the whole period of two centuries, it was more common for an individual student to visit several places during his travels in the seventeenth century than was the case later. Besides, the character of these journeys seems to change somewhat at different times.

A typical example from the seventeenth century is the journey by Mikael Wexionius's son, Daniel Gyldenstolpe (1645–1691). He is said to have been on a study journey to Germany, France, Italy, Spain, England, and Holland in the late 1660s. However, it is not stated which universities he visited, or if he even enrolled at any. After his journey, Gyldenstolpe made a career as a noble assessor of the Turku Court of Appeal and as a judge in Satakunta (Swed. *Satakunda*).⁶⁸ Daniel's father Mikael Wexionius was, as we know from the chapter on Leiden, a law professor at the Academy of Turku and had studied widely at German and Dutch universities, among other things law. It is plausible that Daniel might have followed in his father's footsteps and studied some law abroad.

Daniel Gyldenstolpe's journey is interesting, because he is said to have travelled to Italy and Spain as well. As discussed in the previous chapter on Rome, in the specific list of foreign universities in the Turku records, Rome is the only Italian university city listed, while Spanish universities are not even mentioned. This leads to the conclusion that study journeys to these may have been possible, although students did not necessarily enrol at them. Wide-ranging law studies in these countries are nevertheless not probable as journeys in this

66 Giese, *Studenten*, p. 22.

67 These numbers are for the whole period the online matriculation records cover: 1640–1852, and thus represent a longer period than my research. Kotivuori, *Ylioppilasmatrikkeli*, Other peregrinations and research journeys.

68 Kotivuori, *Ylioppilasmatrikkeli*, Daniel Gyldenstolpe.

category, too, are focused on Northern and Central Europe – mainly Sweden, Germany, and the Netherlands. In some cases the records unfortunately only mention “trips abroad,” which leaves the details of travels unknown.

Apart from traditional European study journeys, some destinations were more exotic. For instance, Krister Rosenmüller (1658–1700) “travelled the Orient for four years” before becoming a judge of Kaprio county in Swedish Ingria and an assessor of the Turku Court of Appeal. The records do not shed any light on what Rosenmüller did during his travels.⁶⁹ Herman Reinius (1725–1797), from Kokkola in Finland, had studied at the Turku naval school (*navigations-skolan*) and trained at the Board of Commerce. He was a cadet with the Swedish East India Company and joined a trip to China between 1746 and 1748. He returned to Kokkola to become a merchant, and in his later years became a town councillor there. Reinius apparently travelled with his brother, Israel Reinius (1727–1797), a pastor and an explorer.⁷⁰

In terms of studies abroad, it is important to keep in mind that not all travels listed as “other peregrinations and research journeys abroad” had anything to do with studies, at least not academic studies, or research. For instance, the future notary of the Turku lower town court, town councillor, and vice burgo-master of Alingsås, Matias Engström (c. 1738–1778), is listed as having gone on a journey abroad in 1763. What this actually involved was a trip from his home parish Närpiö (Swed. *Närpes*) in Western Finland to the town of Alingsås in Västergötland in Western Sweden to learn sheepfarming.⁷¹ Pehr Kruskopf (1805–1852), who trained at the Turku Court of Appeal in 1827, had done some art studies in St. Petersburg. In some cases the journey abroad was linked to health issues. In 1840, the judge Frans Favorin (1816–1846) travelled to Copenhagen in hopes of regaining his hearing. This was also the case for Anton Alfthan (1820–1847), a trainee at the Vyborg Court of Appeal, who travelled abroad because of his sickly disposition.⁷²

As we can see, not all travels mentioned in this category bear any relevance to this study. They do, however, strengthen the view that the character of studies changed during the period in question. Long and comprehensive journeys to different European universities became less frequent after the seventeenth century.

69 Kotivuori, *Ylioppilasmatrikkeli*, Krister Rosenmüller.

70 Kotivuori, *Ylioppilasmatrikkeli*, Herman Reinius and Israel Reinius.

71 Kotivuori, *Ylioppilasmatrikkeli*, Matias Engström.

72 Kotivuori, *Ylioppilasmatrikkeli*, Pehr Kruskopf, Frans Favorin, and Anton Alfthan.

PART 3

Reasons and Consequences



Seventeenth-Century Sweden and the Rush to Study Abroad

Part 3 focuses on explaining the reasons behind studies abroad, the consequences they had for the legal profession in Sweden, and why changes occurred in the studies abroad of Swedish lawyers. Chapter 6 deals with the issues that stood behind the growing number of students travelling abroad during the seventeenth century. It thus considers the political climate, renewals in the judiciary, educational initiatives, and student networks, in explaining what caused the need for Turku law students to travel to foreign universities.

1 The Political Setting in Seventeenth-Century Sweden

1.1 *The Political Reality at the Turn of the Seventeenth Century*

The growth of the Swedish state in the sixteenth and seventeenth centuries has its basis in developments that began during Gustav Vasa's reign (1523–1560). The Kalmar Union between Denmark, Sweden, and Norway ultimately came to an end in 1523, when in the aftermath of the Stockholm bloodbath of 1520 the magnate Gustav Eriksson [Vasa] managed to secure his position as leader of the Council of the Realm. Soon thereafter he was elected king of Sweden. He consolidated his and the Swedish state's power by establishing a hereditary monarchy, which was confirmed by the Diet (*riksdag*) in 1544, and through forming dynastic alliances.¹ Building the Swedish state further was accomplished by hiring German administrators and lawyers to help in centralizing the Swedish administration and to take part in negotiations with foreign powers.² Crucial for Sweden's further development was adherence to the Reformation and Protestantism. This was initiated at the Diet of Västerås in 1527, where most of the Church's possessions and lands were seized and it was called upon to teach God's Word "purely." By confiscation of Church property, through economic success in mining copper, silver, and iron, as well as by imposing heavy taxation, it was possible to maintain a credible military.³

¹ Neil Kent, *A Concise History of Sweden* (Cambridge, Eng., 2008), pp. 44, 49–51, and 56.

² Korpiola, "Desperately needing," pp. 106–112.

³ Roberts, *The Early Vasas*, pp. 75–80; Kent, *A Concise History*, pp. 52–56 and 58–59.

After Gustav Vasa's death in 1560, Sweden faced turbulent times during his sons' and grandson's reigns. After his eldest son Erik XIV (r. 1560–1568) was deposed, John III (r. 1568–1592) ascended the throne. His marriage to the Catholic Polish Princess Catherine Jagiellon, his pro-Catholic views, and the fact that their son Sigismund was raised as a Catholic caused great unease in Sweden. After the Polish King Sigismund ascended the Swedish throne in 1592 and sought to reinstate Catholicism, confrontations with his uncle Duke Karl and the estates were inevitable. This led to a civil war in 1597 and 1598 between Karl and his supporters and Sigismund and his supporters. In 1599, Sigismund was dethroned at the Diet and Duke Karl ruled as regent until he was confirmed as King Charles IX in 1604.⁴

Sweden had waged war against Denmark, Russia, and Poland several times during the sixteenth century, and when Gustav II Adolf rose to power after his father's death in 1611, the state was embroiled in war with all three, and facing great economic hardship. The unsuccessful war against Denmark resulted in Sweden having to pay an enormous sum in war indemnities, the so-called Älvsborg ransom, after the Treaty of Knäred in 1613. To survive, Sweden needed a loan from Holland, and a military alliance between the two was signed in The Hague in 1614. The war against Russia ended with the Treaty of Stolbova in 1617, where Sweden gained Ingria and the county of Kexholm from Russia. Peace on the eastern front made it possible for Gustav II Adolf to turn his attention to the south: the war against Poland over Livonia, and then the Thirty Years' War in the German Empire.⁵

When Gustav II Adolf became king, the Swedish administration was still rudimentary, and governing was difficult when the king was absent from Stockholm. The success of the country thus depended on the king delegating some of his powers, and on the nobility collaborating with the king in building an efficient administrative system and centralizing the state further. Due to the Älvsborg ransom, the Crown's finances were in a poor state when Gustav II Adolf came to power, while ongoing wars demanded ever more finance for the military. Only by improving the administration and developing the mining industry and the towns with their trade could taxes be collected effectively and the economy be strengthened. By his side in these pursuits, Gustav II Adolf had the chancellor of the realm, Axel Oxenstierna.⁶

4 Kent, *A Concise History*, pp. 61–66; Roberts, *The Early Vasas*, pp. 369–384.

5 Kent, *A Concise History*, pp. 66–67 and 70–71; Lappalainen, *Pohjolan*, pp. 116–117.

6 Lappalainen, *Pohjolan*, pp. 141, 146–147, and 235–243.

1.2 *Building a Great Power*

During the early years of Gustav II Adolf's reign, the country was in a precarious situation: mired in war, in financial crisis, and a Polish claim to the throne still looming. In domestic policy, tightening central power and developing an efficient central administration enabled Sweden to reach its power position in Europe. However, in the 1620s, it had certainly not yet consolidated its power position. The administrative system was not yet established enough to keep the large realm – much of it difficult to reach from Stockholm – under control. In addition, the king, the son of a usurper, was still afraid of his Catholic cousin Sigismund claiming the throne.⁷

The Crown did, however, pursue a more thorough centralization of the administration on all levels, which began to bear fruit. The central administration was organized collegially in the 1630s, each field of administration being led by one of the councillors of the realm deciding together with a collegial assessorate. One of these organs was the Svea Court of Appeal (founded in 1614), which brought the judiciary under tighter control, and was eventually successful enough to be copied in other parts of the realm. This will be discussed in the next chapter. The 1634 Instrument of Government confirmed the organization of the central administration, including five offices of administration: these were the Chancery, the Treasury, the Svea Court of Appeal, the Board of War, and the Board of Admiralty. A Board of Mining was established in 1637, and a Board of Commerce in 1651.⁸

The ongoing war effort required a more effective system of taxation, which in turn necessitated the structuring and control of local administration, too. The provincial administration (*länsstyrelse*) was renewed and provincial governors (*landshövding*) were appointed to run and oversee administrative, fiscal, and military matters in the provinces, and in 1635 their duties were further specified. To ease communication and control of the country, a postal system was established in 1636 and extended to Finland two years later.⁹ Reforms in educational matters were crucial for this development, too, and included universities, lower schools, and training within the administration. These issues will be discussed in more detail in Chapter 6, section 3.

Sweden's economy also grew during this time. Its mining industry was especially successful, providing iron, copper, and silver needed overseas. Sweden

⁷ Lappalainen, *Pohjolan*, pp. 155–159 and 203–204.

⁸ Karonen, *Pohjoinen*, p. 186–190. For the structure of the central administration, see Appendix 2.

⁹ Karonen, *Pohjoinen*, p. 192–194; Kent, *A Concise History*, p. 84.

was the leading exporter of copper throughout the century. Tar and pitch were also exported, and these came in particular from Finland. Commercial contacts enabled Sweden to forge alliances with the Netherlands, France, and England, thus forming part of a scenario in which Sweden was able to rise to a position of power.¹⁰ The close contacts which the Swedes enjoyed with the Dutch will be discussed in detail in Chapter 7, section 3.

Reforms within the realm as well as its economic contacts enabled Sweden to form alliances and wage war victoriously, leading to territorial conquests and consolidation of its power position in Europe. Already in 1561, Sweden had gained Estland (parts of present-day Estonia) and from 1583 to 1595 it ruled over Ingria (part of present-day Russia). With the Treaty of Stolbova in 1617, Sweden regained control over Ingria and Kexholm. Now at peace with Denmark and Russia, Sweden could focus on the war on the southern front against Poland. When a truce was agreed at Altmark in 1629, Sweden gained control over large parts of Livonia. Now the Gulf of Finland was completely surrounded by Swedish territory, cutting Russia off, and thus increasing Sweden's economic power in the region.¹¹

In 1630, war had already been raging in the German Empire for a good decade. Relieved from waging war with Poland, Sweden could assist the Protestant cause and join the Thirty Years' War. It also hoped to secure more territories around the Baltic Sea, thus strengthening its position. In 1632, King Gustav II Adolf died at the battle of Lützen, but war continued during the regency government during Queen Christina's minority. Despite defeat at the battle of Nördlingen in 1634, Sweden was eventually victorious and gained parts of Pomerania as well as Rügen, Usedom, Bremen, and Verden at the Peace of Westphalia in 1648. In 1643, Denmark had also waged war against Sweden, but at the Peace of Brömsebro, in 1645, Denmark had to cede territory to Sweden. Further cessions of territory took place in 1658 with the Treaty of Roskilde, where Denmark lost Blekinge, Bornholm, Bohuslän, Scania, and Trøndelag in Norway, as well as Halland, which in 1645 had been ceded to Sweden for thirty years. In 1660, Sweden lost Bornholm and Trøndelag, but the rest of the territories remained Swedish.¹² Thus, Sweden had managed to increase its territory significantly and had established itself as a great power in Europe. During

10 Kent, *A Concise History*, p. 67–68 and 78; Karonen, *Pohjoinen*, p. 180–182.

11 Wilhelm Tham, *Den svenska utrikespolitikens historia 1:2 1560–1648* (Stockholm, 1960), pp. 21–24; Kent, *A Concise History*, p. 72; Villstrand, *Sveriges historia*, p. 93.

12 Kent, *A Concise History*, pp. 72–77. For a detailed account in Swedish, see e.g. Villstrand, *Sveriges historia*, pp. 96–141.

Christina's reign, Sweden also flourished in cultural and scientific connections. These matters will also be discussed later, in Chapter 7, section 3.

Sweden was successful in Europe, but faced troubles on the home front: for instance, in 1650 the country was hit by famine. Christina was seen as handling the state's finances too lavishly, and she was also eager to grant ennoblements, which reduced the tax income of the Crown. When Christina abdicated in 1653 and her cousin Charles X (r. 1654–1660) ascended the throne, signs of future events were already in the air as a quarter reduction was ordered in 1655, taking back one quarter of the lands that had been donated to the nobility since 1632. This order was, however, not effectively fulfilled until Charles XI's reign began in 1672.¹³

1.3 *The Position of the Nobility*

The beginning of regulating the Swedish nobility is often seen in the Statute of Alsnö (*Alsnö stadga*) of 1280, where exemption from taxes was granted in exchange for cavalry service. However, a group of men with higher social status had already begun to form earlier. Even at this time, a division into higher and lower nobility (*högfrälse* / *lågfrälse*) can be seen. The Law of the Countryside of King Magnus Eriksson (*Magnus Erikssons landslag*) in the mid-fourteenth century affirmed the nobility's position as it stated the king had to govern with the advice of the Council of the Realm ("*med råds råde*"), which consisted of important noblemen and, before the Reformation, bishops, too.¹⁴

The development of warfare techniques changed the composition of the military all over Europe and eventually disconnected the noble title from cavalry service. In Sweden, this took place in the second half of the sixteenth century, when noble status was tied to a Royal Letter Patent (*sköldebrev*), and was inherited.¹⁵ In 1563, Erik XIV established a hierarchy of noble ranks by introducing the titles of count (*greve*) and baron (*friherre*) above the untitled nobility. In fact, the nobility was never a homogenous group, and the titled aristocracy lived very differently from remotely located lesser noblemen with only

13 Kent, *A Concise History*, pp. 77 and 85–86; Karonen, *Pohjoinen*, pp. 203–206.

14 Jan von Konow, *Sveriges adels historia* (Karlskrona, 2005), pp. 20–22 and 27–28; A.F. Upton, "The Swedish Nobility, 1600–1772," in *The European Nobilities in the Seventeenth and Eighteenth Centuries, Volume Two, Northern, Central and Eastern Europe*, ed. H.M. Scott (London, 1995), pp. 14–15.

15 H.M. Scott and Christopher Storrs, "Introduction: The Consolidation of Noble Power in Europe, c. 1600–1800," in *The European Nobilities in the Seventeenth and Eighteenth Centuries, Volume One, Western Europe*, ed. H.M. Scott (London, 1995), pp. 41–42; von Konow, *Sveriges*, pp. 75–76 and 89; Upton, "The Swedish," pp. 15–16.

limited lands. Noble titles were often given together with grants of land.¹⁶ The relationship between the nobility and the Crown was not without its problems, with both trying to establish their powers. While the monarchy was weak, the nobility had managed to negotiate privileges for certain state offices, as affirmed at the Diet of 1593. Later Charles IX upheld this right under the condition that the nobility had to educate its sons appropriately.¹⁷

In the sixteenth century, the relationship between the nobility and the Vasa kings varied. The nobility still resented the rise of the Vasas to the throne, and there was disagreement on the role of the Council and the meaning of governing with the advice of the Council. King Gustav Vasa did not trust the nobility, but tried to maintain a neutral relationship, avoiding confrontation. Still, he preferred to use foreign and commoner secretaries in his administration. Choosing such assistance from outside the aristocracy was a common feature in other European states, as well. During the reign of Gustav Vasa's eldest son, Erik XIV, mistrust between the nobility and the king reached new heights and culminated in the so-called Sture murders in 1567. Erik's brother Johan (the future King John III) used the aristocracy to remove his brother from the throne, and thereafter granted noble privileges in 1569. This did not, however, entail a rise in political power for the nobility. Moreover, as King John III was also suspicious of the nobility, tensions were frequent. In the dynastic struggles between Sigismund and Karl, the nobility played an important part. For some it did not end well as Duke Karl, as regent at the Diet of Linköping in 1600, had some of his noble opponents executed after a show trial, known as the Linköping bloodbath.¹⁸

When King Charles IX died in 1611, his son Gustav Adolf was only just about to turn seventeen years old. In order to rule the country while still a minor, he relied on the support of the estates, especially the nobility, and specifically councillor of the realm Axel Oxenstierna, whom Gustav appointed chancellor. In his accession charter of 1611, he promised to uphold noble freedoms and privileges, reserving the five highest offices of the realm to Swedish-born nobles, along with other high offices. In 1612, noble privileges were given, and confirmed at the coronation of the king in 1617, granting tax exemptions,

16 Upton, "The Swedish," p. 15; von Konow, *Sveriges*, p. 70.

17 Upton, "The Swedish," p. 16. Such encouragements for the nobility to educate its sons were common in the following decades as well, see e.g. P.J. Edler, *Om börd och befordran under frihetstiden* (Stockholm, 1915), p. 3.

18 Lappalainen, *Pohjolan*, pp. 140 and 142–143; Svante Norrhem, *Uppkomlingarna. Kanslitjänstemännen i 1600-talets Sverige och Europa* (Stockholm, 1993), p. 163; von Konow, *Sveriges*, pp. 74, 78–79, and 85–93.

among other things.¹⁹ Gustav II Adolf was frequently on the battlefield and during his absence the role of the Council increased. The Council was in aristocratic hands, with the families tied to each other through marriages. In particular, the Oxenstiernas, Brahes, and De la Gardies were well represented. In 1626, the king established the House of Nobility (*Riddarhuset*). This was divided into three classes: counts and barons and the descendants of councillors of the realm making up the first two classes, and the third being the lower, untitled nobility. Each class had one vote, which meant that the higher nobility could vote down the lower nobility despite their significantly smaller number.²⁰

After Gustav II Adolf's death in 1632, a regency government was formed to rule during the minority of Christina, aged six at the time. Chancellor Oxenstierna emerged as its natural leader. During Gustav II Adolf's reign and the ensuing regency, the aristocracy stood at the height of its power. In 1634, Oxenstierna introduced an Instrument of Government (*regeringsform*), which he claimed had the dead king's approval. It provided the opportunity to consolidate the aristocracy's power – a reason why future ruling monarchs never signed it – but the aristocracy never managed to use this opportunity due to internal disputes within the Council and between the Council and the noble estate.²¹

Throughout Gustav II Adolf's reign and the following regency, Sweden's involvement in war led to a struggle to pay for services rendered both in the military as well as the civil administration. The way to resolve this problem was to grant noble titles as well as to donate and enable the purchase of tax-free lands as a reward for services. This was a quick fix in a situation where the country did not have the finances to pay for these services, but caused trouble in the long run with the loss of future tax income from these lands. The aristocracy in particular gained from this increase in landed property. After Christina ascended the throne, the practice continued on an even larger scale. During Christina's decade as ruling Queen, 433 new noble families were created. This trend only accelerated later in the century during Charles XI's reign, though by then without land donations. Around 1650, almost half of the noblemen were new nobility, and by the end of the century the proportion was as high as eighty

19 Upton, "The Swedish," p. 17; von Konow, *Sveriges*, pp. 97–98; Lappalainen, *Pohjolan*, pp. 143–144.

20 Upton, "The Swedish," p. 18; von Konow, *Sveriges*, pp. 99–100.

21 Upton, "The Swedish," pp. 20–21; Michael Roberts, *Sweden as a Great Power 1611–1697. Government: Society: Foreign Policy* (London, 1968), p. 18; Karonen, *Pohjoinen*, p. 197.

per cent. Mid-century, almost two-thirds of farms were owned by the nobility.²²

Essential for the development of the nobility's position during the seventeenth century is the increase in the numbers of lower nobility, compensated for service to the Crown by a noble title. While new ennoblements were also beneficial for the higher nobility, as they enabled them to keep the privileges of higher offices within the noble estate, they also eroded the position of the aristocracy, eventually making it powerless to defend its position.²³ In 1650, the other estates began to call for a reduction of lands donated to the nobility, and in 1655, a quarter reduction was ordered, although, as described in the previous chapter, not fulfilled. During the regency of Charles XI's minority (1660–1672), tensions within the nobility increased, with the lower nobility joining forces with the other estates against the aristocracy. The fact that the lower nobility had grown significantly had not affected the Order of the House of Nobility (*riddarhusordningen*), which still gave the higher nobility a majority of votes, causing discontent among the lower nobility.²⁴ The change in the composition of the estate was also reflected in the ideology attached to the nobility. Englund identified five characteristics in the ideology of the early-seventeenth century Swedish nobility: a strict division between estates, anti-mercantile, traditionalistic, and patriarchal views as well as an emphasis on lineage and birth. By the late seventeenth century, some of these views had begun to change, and the estate was more open to new elements, such as meritocracy gaining ground instead of birth.²⁵

1.4 *Early Modern Diplomacy and the Swedish Lawyer*

The growing states of medieval and early modern Europe and increased connections between them brought about the need for diplomacy in regulating these relations. Information had to be gathered, alliances made, treaties settled, and peace negotiated. As diplomatic relations grew more frequent, and the flow of information had to be more effective, the need also arose for permanent diplomatic representation. The sixteenth and seventeenth centuries have been called a time of “new diplomacy” as the use of a permanent ambassador spread from Italy, where it had begun in the fifteenth century, to other

22 Von Konow, *Sveriges*, pp. 112, 129–131, 134–135, and 171; Upton, “The Swedish,” p. 19; Peter Englund, *Det hotade huset. Adliga föreställningar om samhället under stormaktstiden*, 2nd ed. (Stockholm, 2002), p. 13.

23 Von Konow, *Sveriges*, pp. 131 and 134.

24 Upton, “The Swedish,” pp. 21–22; von Konow, *Sveriges*, p. 135.

25 Englund, *Det hotade*, pp. 120–122 and 237.

areas of Europe.²⁶ The idea of a clear development towards a “new diplomacy” has also been criticized, because examples of permanent representation can already be found in the Middle Ages while old models still appear later on, as well.²⁷ By the end of the seventeenth century, the most important Western and Central European countries had reciprocal permanent representation, but still most rulers only maintained a few permanent embassies.²⁸ Another question arising was: who was allowed to send diplomats? It had, for instance, been possible for merchants to send diplomats, but during the fifteenth and sixteenth centuries the notion became more common that it was the sovereign ruler that had the right to do so. Again, this was not a straightforward change, but by the late seventeenth century, it had become an established practice. With diplomats tied to the state, diplomacy gained enhanced significance.²⁹

In the Middle Ages, clerics often functioned as diplomats, as they possessed the best competence. However, from the end of the thirteenth century, lawyers also became increasingly important as diplomats. Similar skills were needed in diplomacy as in settling the legal affairs of individuals and corporations. Thus, as the legal profession emerged in Europe, it became employed in diplomacy as well.³⁰ Questions of sovereignty that needed answering in the sixteenth century also emphasized the usefulness of lawyers as diplomats.³¹

The sixteenth century witnessed an increase in men who practiced diplomacy professionally. Moreover, the rise of permanent embassies assisted this development. By the mid-sixteenth century, the distinction between a permanent and an *ad hoc* ambassador had already been drawn. Growth of professionalization can be seen in the seventeenth century, and for many individuals diplomacy was no longer just a phase in their careers as had been the case in the previous century.³² The highest diplomatic positions were still often occupied by aristocrats, who frequently functioned on an *ad hoc* basis, while men of lower rank practiced diplomacy on a more permanent basis. During the

26 Donald E. Queller, *The Office of the Ambassador in the Middle Ages* (Princeton, 1967), p. 226; M.S. Anderson, *The Rise of Modern Diplomacy 1450–1919* (London, 1993), pp. 5–9; Jeremy Black, *A History of Diplomacy* (London, 2010), p. 28.

27 Black, *A History*, pp. 43 and 47.

28 Black, *A History*, pp. 67 and 69.

29 Anderson, *The Rise*, pp. 4 and 42; Black, *A History*, p. 57.

30 Queller, *The Office*, pp. 153–158 and 187–188; Brundage, *The Medieval Origins*, pp. 163–165, Korpiola, “Desperately needing,” p. 109.

31 Black, *A History*, p. 56.

32 Anderson, *The Rise*, pp. 11–12, 32, 41, 51, and 80–87. Jeremy Black points out that the distinction between an *ad hoc* and a permanent ambassador is important to keep in mind when drawing conclusions about the history of diplomacy because treating them as one will skew the picture. Black, *A History*, p. 114.

eighteenth century, however, this changed and even noblemen often practiced diplomacy professionally.³³

Much literature from the sixteenth and seventeenth centuries dealt with the qualities an ideal ambassador should possess. Theology, mathematics, music, philosophy, law, literature, eloquence, and languages were all something a diplomat should ideally be familiar with. The mutuality of diplomacy also entailed not only receiving information from the host country but also from one's own court, which required a diplomat to enjoy the trust of his own state.³⁴

Diplomacy slowly became institutionalized during the seventeenth and eighteenth centuries, though this did not take place at the same time and with the same intensity across Europe. The early seventeenth century saw several attempts – with variable success – to train diplomats in special academies. Treaty collections were also published from the seventeenth century on, and in the same period states began to establish foreign offices.³⁵

In this respect, Sweden represents the periphery of Europe, where permanent representation was slower to develop than in more central parts of the continent.³⁶ The need for diplomatic relations still arose in much the same way in Sweden, when it began to practice a foreign policy of its own in the sixteenth century during the reign of Gustav Vasa. Establishing Sweden's role in Europe and eventually rising to become a great power in the seventeenth century would not have been possible had it not been an enterprise actively pursued. This required diplomatic measures, among other things. However, treaties and privileges could not be negotiated effectively without the help of university-trained lawyers, which Sweden to a great extent lacked. The few learned lawyers in Sweden were mainly clerics, who were unreliable in the eyes of Gustav Vasa, who adhered to the Reformation cause.³⁷ Thus, the king turned his eyes to Germany, where he found lawyers such as town *syndici* to help him in negotiations – first on an *ad hoc* basis, but later by hiring legal experts on a more permanent basis. For example, the German doctor of laws Conrad von Pyhy (d. 1553) was recruited to Sweden, where he functioned as chancellor and was Gustav Vasa's closest advisor from 1538 to 1543. Hiring foreigners as diplomats was not uncommon for European rulers at the time, and the practice only started to decline in the seventeenth century.³⁸ The Swedish crown also

33 Black, *A History*, pp. 71–73 and 103.

34 Garrett Mattingly, *Renaissance Diplomacy* (New York, 1988), pp. 181–186 and 204; Anderson, *The Rise*, pp. 26 and 45.

35 Anderson, *The Rise*, pp. 41, 73–80, 87–88, 92–94, and 96; Black, *A History*, pp. 100 and 116.

36 Anderson, *The Rise*, pp. 27 and 31; Korpiola, “Desperately needing,” p. 108.

37 Korpiola, “Desperately needing,” pp. 101–103.

38 In Sweden it was prohibited in 1723. Black, *A History*, p. 101.

supported law studies by foreigners and Swedish students at German universities in order to ensure a growing number of legal experts to handle diplomatic matters. Despite these efforts, there simply were not enough lawyers to take care of the diplomatic needs of an expanding Sweden.³⁹

In the seventeenth century, Sweden's diplomatic relations with other European countries became more stabilized, with diplomacy more regular and longer-lasting, thus taking steps towards more professional diplomacy. Still, there was great variance in diplomatic activities throughout the seventeenth century, and the financial difficulties after the Thirty Years' War, for instance, affected Sweden's ability to maintain embassies. Moreover, complaints still arose about the number of diplomats available and their competence. In 1633, Johan Adler Salvius (1590–1652), one of the few Swedes holding doctorates in law, and who was in diplomatic service himself, complained about the lack of educated noblemen suitable for diplomacy.⁴⁰

As in other states, a foreign office was established in Sweden as well. This happened in 1661, and the foreign office functioned as part of the royal Chancery.⁴¹ The growing institutionalization of diplomacy was also reflected in the decision in 1669 to appoint secretaries (*secrétaire de commission*) to foreign missions or residences, ensuring that the continuity of knowledge of these endeavours did not rest solely on the head of the mission or the ambassador. These positions also served the purpose of education, and functioned as one step in training for a diplomatic career.⁴² In the late seventeenth century, the salaries of diplomats were increasingly standardized, and there was a growing distribution of tasks into different fields of interest. This entailed a step towards professionalization, which would continue in the eighteenth century. At the same time, though, it lessened the independence of diplomats.⁴³

A distinguishing feature of Swedish diplomats in the seventeenth century was that they were predominately foreigners. Nationalization of diplomats, typical of other countries, did not take place in Sweden until the late seventeenth century. Of the Swedish seventeenth century resident diplomats,

39 Korpiola, "Desperately needing," pp. 103–107 and 111–112; Anderson, *The Rise*, p. 33; Black, *A History*, pp. 100–101. For more information on sixteenth-century Swedish diplomacy, see e.g. Sven Lundkvist, *Gustav Vasa och Europa: svensk handels- och utrikespolitik, 1534–1557* (Stockholm, 1960), and Ingvar Andersson, *Erik XIV:s engelska underhandlingar* (Lund, 1935).

40 Heiko Droste, *Im Dienst der Krone. Schwedische Diplomaten im 17. Jahrhundert* (Berlin, 2006), pp. 64–66 and 69; Nuorteva, *Suomalaisten ulkomainen*, p. 383.

41 Anderson, *The Rise*, p. 75.

42 Anderson, *The Rise*, pp. 87 and 90; Droste, *Im Dienst*, pp. 70–71 and 150.

43 Droste, *Im Dienst*, pp. 70–72.

thirty-four per cent were Swedish, forty-four per cent came from the Empire, and the rest from Sweden's Baltic provinces, the Netherlands, Scotland, England, France, Poland, and Bohemia.⁴⁴ Seventy per cent of them were noble, but over half had been ennobled themselves, and of the rest, one third had been born as commoners but their fathers had since been ennobled. This means that in fact only a good third had been born noble, which in turn highlights the great social mobility of those involved in diplomacy. Most functioned as diplomats for one to three years, but much longer careers are also to be found. For twenty-eight per cent, a diplomatic position represented the pinnacle of their career, while thirty-nine per cent continued to administrative positions, and seven per cent reached the highest administrative offices, including positions as councillors of the realm. Sixty per cent of these diplomats had studied, and at least a third of them had also been on a study journey. The studies of future diplomats often included law. Attending an embassy or a legation could have similar goals to a study journey abroad, and it was often the case that shorter activities in diplomacy formed part of an education aiming at higher positions in the administration. These tendencies could also be seen among the judges of the Svea Court of Appeal.⁴⁵

What changed in the seventeenth century was that trained lawyers were now desperately needed in the judiciary, too, not just in diplomacy. The newly founded courts of appeal (Svea 1614, Turku 1623, Dorpat 1630, and Göta 1634) could not fulfil expectations without recruiting some learned lawyers. Now the few Swedish lawyers, or even otherwise educated men, were needed at the courts of appeal as well as in diplomacy. A study of the careers of the judges of the Svea Court of Appeal showed that during the seventeenth century it was very common for noble judges of the court's first and second classes to have been active in diplomacy, too, taking part in diplomatic missions as legates or touring with the king on his travels abroad. In the late seventeenth century, these activities ceased. Among non-noble judges this participation in diplomacy cannot be found. The decline of judges' participation in diplomacy can be seen as a sign of the professionalization that took place both in the Swedish judiciary as well as in diplomacy as the eighteenth century approached – essentially it is a sign of segregation of different branches of administration.⁴⁶

44 Droste, *Im Dienst*, p. 86. Heiko Droste's list of seventeenth-century diplomats includes 115 men who acted as resident diplomats during the century, see Droste, *Im Dienst*, p. 47.

45 Droste, *Im Dienst*, pp. 90–93, 96, and 147; Vasara-Aaltonen, "From Well-travelled," pp. 319–322.

46 Vasara-Aaltonen, "From Well-travelled," pp. 327 and 331–332.

Seven Turku law students were in one way or another involved in diplomatic affairs. Five of them had been students in Leiden: Gustav and Sten Bielke, Erik Fleming, Johan Stiernhöök, and Gustaf Hjelmfelt. All of them took part in seventeenth-century diplomacy. What is common to all of them is that diplomacy was only a brief part of their careers. Erik Fleming, for instance, accompanied his father on a legation to Moscow as an eighteen-year-old, clearly making this journey one with predominately educational motives.⁴⁷ The Bielke brothers, in turn, attended several peace negotiations and both also functioned as ambassadors in the 1650s. Johan Stiernhöök was *secrétaire de commission* in Vienna in 1661, and Gustaf Hjelmfelt even lost his life during a diplomatic mission to Poland. The two others were Karl Bertil Lagerflycht, one of the students in Halle, and Karl Rudén (nob. Rudenschöld), who had studied in Leipzig. Both made extensive careers specifically in diplomacy in the eighteenth century.⁴⁸

Thus, the example of Turku law students well exemplifies the characteristics of Swedish diplomacy. In the seventeenth century, we find noblemen who at some point in their careers were also involved in diplomacy, some for a shorter period, others for longer. This did not necessarily entail being a resident diplomat: attending peace negotiations was also common. Being part of diplomatic legations also included educational motives for aspiring young officials. In the eighteenth century, such “part-time” diplomacy was no longer to be found, and those few that were diplomats did so professionally.

2 The Restructuring of the Judiciary

2.1 *The Courts of Appeal*

The process of judicial matters being taken into state control from local communities, moving from local customs to written Roman-canon law and professional lawyers taking over the legal sphere, has often been described as a “judicial revolution.”⁴⁹ This view has also been criticized for not taking into account that the older modes of justice were not completely eradicated by this

47 Sten Lindroth, “Erik Fleming,” in *Svenskt biografiskt lexikon*, vol. 16 (Stockholm, 1964–1966).

48 Kotivuori, *Ylioppilasmatrikkeli*.

49 See Bruce Lenman and Geoffrey Parker, “The State, the Community and the Criminal Law in Early Modern Europe,” in *Crime and the Law. The Social History of Crime in Western Europe since 1500*, eds. V.A.C. Gatrell, Bruce Lenman, and Geoffrey Parker (London, 1980), pp. 11–48.

process.⁵⁰ The seventeenth century has also often been called the time of a judicial revolution in Sweden, with the most important reform – and the catalyst for many changes – being the establishment of courts of appeal, beginning in 1614. However, here too, it has been pointed out that speaking of a revolution is an exaggeration, as learned law filtered down only very slowly to the local rural courts which held jurisdiction over the majority of the country, while legal professionals were few and far between.⁵¹

The Svea Court of Appeal, the first such court in Sweden, was founded in Stockholm in 1614.⁵² It was followed by two others in Sweden proper: Turku in 1623 and Göta in Jönköping in 1634. In addition, a court of appeal was established in Dorpat, Livonia, in 1630 and another in Greifswald, Pomerania, became Swedish in 1655. Older research has seen the foundation of the Svea Court of Appeal as a response to a crisis in legal culture and increasing lawlessness during the reign of Charles IX. This crisis was overcome when Gustav II Adolf took the reins with his chancellor, Axel Oxenstierna, coming up with a “master plan” to reform the administration and judiciary.⁵³ Korpiola, however, has pointed out that the reign of Charles IX was actually not as dark as has been suggested, and that there had been attempts to reform the court system and the law already during his period, indeed even earlier. The foundation of the Svea Court of Appeal was a continuation of these attempts – and only the future could tell if it would eventually become a success.⁵⁴

In fact, far more pressing reasons existed for founding the court than a crisis of the judiciary. Sweden was waging war on three fronts, and having to pay the Älvsborg ransom to Denmark left the country on the verge of bankruptcy. Despite the concerns of Chancellor Oxenstierna, King Gustav II Adolf was frequently away on the battlefield, moreover at a time when his right to the throne was still unsure.⁵⁵ Local officials often treated peasants cruelly, which risked the abandonment of farms and thus the loss of taxes to the Crown. At the same time, the Crown desperately needed money and soldiers to fight its wars.

50 See Julius R. Ruff, *Violence in Early Modern Europe 1500–1800* (Cambridge, Eng., 2001), pp. 73–75.

51 Elsa Trolle Önnerfors, *Justitia et Prudentia. Rättsbildning genom rättstillämpning – Svea hovrätt och testamentsmälen 1640–1690* (Lund, 2010), pp. 91–92; Korpiola, “General Background,” pp. 29–30; Heikki Pihlajamäki, *Kansan ja esivallan välissä. Suomalaisen asianajajakunnan historia* (Helsinki, 2009), p. 71.

52 For prior attempts at organizing higher justice in Sweden, see Korpiola, “General Background,” pp. 40–47.

53 See Korpiola, “General Background,” pp. 26–27; Korpiola, “A Safe Haven,” p. 58.

54 Korpiola, “General Background,” p. 49; Korpiola, “A Safe Haven,” p. 59.

55 Korpiola, “A Safe Haven,” pp. 61–62; Lappalainen, *Pohjolan*, pp. 83–88, 107–112, and 155–159.

Therefore, it was essential to try to keep the people satisfied so as to prevent uprisings. The people kept complaining to the king, but not only did the complaints burden Gustav II Adolf, but they also had to be taken care of properly, even in his absence. Gustav II Adolf's reign had to be justified, and the court of appeal was a tool to achieve this. It not only decided cases, but also took care of many administrative issues regarding the judiciary and the law, in much the same way as a present-day ministry of justice. The crisis behind the founding of the court was thus more political and economic than legal.⁵⁶

The success of the court would only become evident much later. In its early years, its position was still uncertain, and many of the practicalities, such as salaries and a seal for the court, remained unorganized. The urgency with which the court was founded could also be seen in the recruiting of judges: in the early years it was a struggle to find enough educated officials.⁵⁷ Nevertheless, the courts of appeal did come to play an important part in the administration of justice in the seventeenth century. As Swedish medieval laws were in many ways outdated, inadequate and inconsistent, the courts of appeal had the possibility to interpret and develop the law rather freely.⁵⁸ They held a control function over the lower courts and through circulars they could also have an impact on the practice of the other courts of appeal.⁵⁹ Many appellate court judges also took part in the law commissions of the late seventeenth century and in preparation of the Code of the Realm of 1734, which also highlights the courts' importance for Swedish legal history.⁶⁰

For the purposes of this study, the education of appellate court judges is of utmost importance. An assessorship at a court of appeal was one of the prime positions for a Swedish lawyer. With that in mind, an analysis of the judges' educational paths thus provides a valuable comparison and reference point for studies abroad by Turku law students. Earlier research, especially by Stig Jägerskiöld in the 1960s, has made a point of emphasizing legal studies abroad by court of appeal judges as a sign of their learning, thus also leading to the reception of *ius commune* in Sweden.⁶¹ The idea that the courts of appeal, unlike the lower courts, were staffed by legally trained professionals has since been

56 Korpiola, "A Safe Haven," pp. 60, 62–64, 66, 92–93, 96–98, and 100–101; Lappalainen, *Pohjolan*, p. 100.

57 Korpiola, "General Background," p. 26; Korpiola, "A Safe Haven," pp. 59, 66–71, and 75; Vasara-Aaltonen, "From Well-travelled," pp. 306–307.

58 Trolle Önnerfors, *Justitia*, pp. 81–82 and 87.

59 Korpiola, "General Background," pp. 29–31.

60 Stig Jägerskiöld, *Studier rörande receptionen av främmande rätt i Sverige under den yngre landslagens tid* (Lund, 1963), pp. 125–127; Trolle Önnerfors, *Justitia*, p. 207.

61 Jägerskiöld, *Studier*, pp. 36–37.

mentioned in passing in articles, though without a reassessment of this portrayal. The problem with Jägerskiöld's account is that it only lists the various judges who had studied abroad during the seventeenth century, but without going into detail about the proportion of judges trained abroad among all judges, or what and for how long they had studied abroad.⁶² Such a list does not provide sufficient information about the actual level of education of the corps of judges at a given time. A recent anthology on the Svea Court of Appeal in the early modern period sheds some light on this question, as well.⁶³

When the court was founded in 1614, no formal educational requirements were set for the judges. The Ordinance of Judicial Procedure (*Rättegångs-Ordinantie*) simply stated that the first class of the court would consist of councillors of the realm, all nobles, the second class of other noblemen, and the third class of non-nobles who were to be "learned and experienced with the law."⁶⁴ The court and its class division into noble and learned judges was modelled after foreign examples, especially after the Imperial Chamber Court, the *Reichskammergericht*.⁶⁵ Therefore, it is important to briefly explain the structure of the *Reichskammergericht*.⁶⁶ The court worked according to the

62 Jägerskiöld, *Studier*, pp. 36–37. See also Sture Petré, "Hovrättens uppbyggnad 1614–1654," in *Svea hovrätt, studier till 350-årsminnet*, eds. Sture Petré, Stig Jägerskiöld, and Tord O:son Nordberg (Stockholm, 1964), pp. 78–81.

63 See Vasara-Aaltonen, "From Well-travelled," on the judges' education and careers, examining 11 sample years: 1614, 1634, 1654, 1674, 1694, 1714, 1734, 1754, 1774, 1794, and 1809.

64 "Och skal föreskreffne vår Hoffrätt vara beklädd aff fiorton Personer / ibland hwilke Rijkens Drotzet altijd skalwara en /medh fyra andra af Rijkens Råd / femb af Adel och fyra andre Lärde och Laghfarne ährlige Män: Och skal Drotzen städze wara vår Præsident eller Domhafwande / och honom til hielp en annan för Vice-Præsident." Ordinance of Judicial Procedure 1614, article 11, in Joh. Schmedeman, ed., *Kongl. stadgar, förordningar, bref och resolutioner, ifrån åhr 1528. in til 1701 angående justitiæ och executions- ährender, med een förteckning på stadgarne främst, och ett fulkommeligit orda-register efterst wid wercket öfwer thes: innehåld; uppå hans kongl.may:tz allernädigste befalning och privilegier, til thet almänne bästas tjenst, och hwars och ens särskilte nytto, sålund med flijt samlade, och genom trycket i dagzliuset befordrade* (Stockholm, 1706), p. 137.

65 See e.g. Blomstedt, "Kuninkaallisen," pp. 34–36.

66 The complex structure of the Holy Roman Empire, with its multiplicity of secular and ecclesiastical territories, affected the composition and functions of the *Reichskammergericht* (1495–1806). For more on this, see Eva Ortlieb, "The Holy Roman Empire: the Imperial Courts' System and the Reichshofrat," in *European Supreme Courts – A Portrait Through History*, ed. Alain Wijffels and C.H. van Rhee (London, 2013), pp. 86–87 and 90; Anette Baumann, "The Holy Roman Empire: the Reichskammergericht," in *European Supreme Courts – A Portrait Through History*, eds. Alain Wijffels and C.H. van Rhee (London, 2013), p. 96. As the Empire's court system and applicable laws presented a patchwork of plurality, the *Reichskammergericht* managed to provide some unity as it turned to the *ius commune* if particular laws did not provide an answer or if the parties could not prove the applicable law. The practice of the imperial court also filtered through to the territorial courts when its members continued their careers in the territorial judiciary or

Roman-canonical procedure and used the *ius commune*. This meant that the court required learned judges. Its presentation system,⁶⁷ in turn, guaranteed that all parts of the Empire were represented, which brought knowledge of particular laws to the court. The head of the court was the chamber judge (*Kammerrichter*), who came from the high aristocracy. He did not take part in the court's decision-making and was not expected to be a learned lawyer. When the court was divided into two chambers (*Senat*) in the sixteenth century, a president was appointed as head of each chamber. The court initially consisted of sixteen judges (assessors), half of whom were learned – that is, had studied law and obtained a degree – and half stemming from the old nobility. The noble judges were not required to be learned at this stage, but this had changed already in 1521 with the new Chamber Court Order, which recommended that noble judges, too, ought to have studied law, although a degree was not required. A visitation of the court in 1531 made the qualifications still stricter: the most learned and qualified of the candidates had to be appointed as assessor, and assessors were required to have studied for at least five years as well as to have experience of court practice. The Chamber Court Orders of 1548 and 1555 specified that these requirements applied to the noble judges as well, with the exception that they still did not need to have a degree. If there were not enough learned noblemen to be found, the court did not have to adhere to the rule that half of the judges should be noble. This essentially made the divide between noble and non-noble judges disappear. The number of assessors was raised from sixteen to eventually thirty-eight in 1570.⁶⁸ Within the first century of the court's existence its professionalization had increased significantly and it was staffed by highly-qualified professional learned lawyers.⁶⁹ However, the shortage of lawyers caused by the Thirty Years' War affected the qualification requirements in that studies no longer had to have lasted for five years.⁷⁰

administration, Baumann, "The Holy Roman Empire," pp. 97–98. Even after the establishment of the *Reichskammergericht* some litigants, many of whom were noble, kept turning straight to the emperor for a legal remedy. This led to the emergence of the Aulic Council, the *Reichshofrat*, as another competing imperial supreme court. See Ortlieb, "The Holy Roman Empire," pp. 90–92.

67 For a detailed account of the presentation system, see Sigrud Jahns, *Das Reichskammergericht und seine Richter. Verfassung und Sozialstruktur eines höchsten Gerichts im Alten Reich. Teil 1: Darstellung* (Cologne, 2011), pp. 168–342.

68 Jahns, *Das Reichskammergericht*, pp. 464–467 and 606; Baumann, "The Holy Roman Empire," p. 96.

69 Jahns, *Das Reichskammergericht*, pp. 337–338, 469, and 606.

70 Jahns, *Das Reichskammergericht*, p. 470. Despite the learnedness of its assessors, the court also faced severe problems. There are examples of assessors showing bias, and religious conflicts also strained the court. Whereas the sixteenth century had been a time of

While the model for the Svea Court of Appeal and its structure came from the *Reichskammergericht*, it is clear that the Swedish court could not muster the same level of learnedness as its model. Judges were not required to hold degrees – even in the “learned class” of the court – nor were there any specifications as to studies they ought to have followed. Indeed, with regard to the education of judges *in spe*, the situation was actually quite dire in 1614: serious problems arose in finding adequately trained judges to staff the court of appeal, especially in the third class, which was supposed to be manned by learned men.⁷¹ In fact, in the first decades of the court’s existence, only roughly half of the judges had been educated.⁷² Moreover, usually it was the noble judges that had the best education. In 1634, only three of the seven third class judges are mentioned to have attended university, and only one of them seems to have been trained in law. By the middle of the century, a change had occurred, as most of the judges had an education, usually obtained at a university. The increase in the number of educated judges was no fleeting trend. In 1674, eighteen of twenty-one judges had been educated; later years give similar numbers.⁷³

Not surprisingly, given the educational possibilities in Sweden, in the first decades of the court’s existence most of the judges with some sort of university learning had studied abroad. Many of them were noblemen, for whom a study journey through Europe was common in any case. In 1634, eleven of the thirteen educated judges had been abroad. By the middle of the century, studies at domestic universities had increased, but studies abroad still formed an important part of education, too. Not until the last quarter of the century do we see studies at domestic universities become more common than those abroad.

developing the court, increasing its scope for action and improving its professionalization, the late seventeenth and eighteenth centuries witnessed an increasingly dysfunctional court, which struggled, among other things, with the complicated presentation system. The fact that the court was from the outset bound to the duality of the Empire – the emperor and the estates – also bound it to the fate of the Empire and made it too rigid to accommodate any modernization. Bernhard Ruthmann, “Das richterliche Personal am Reichskammergericht und seine politischen Verbindungen um 1600,” in *Reichshofrat und Reichskammergericht. Ein Konkurrenzverhältnis*, ed. Wolfgang Sellert (Cologne, 1999), pp. 2–10, 14–15, 22, and 25–26; Baumann, “The Holy Roman Empire,” pp. 101–102; Jahns, *Das Reichskammergericht*, pp. 607–614 and 672–675.

71 Petrn, “Hovrättens,” pp. 57–58 and 63.

72 On the career paths of those Svea Court of Appeal judges who had no university education, see Marianne Vasara-Aaltonen, “Legal Learning of Various Kinds: Swedish Court of Appeal Judges in the Seventeenth Century,” in *Legal Literacy in Premodern European Societies*, ed. Mia Korpiola (Cham, 2019), pp. 63–71.

73 Vasara-Aaltonen, “From Well-travelled,” pp. 305–308.

Still in 1674, two-thirds of educated judges had been abroad.⁷⁴ This is very much in line with findings on the legal sources used by the Court of Appeal. Pihlajamäki has found that while references to the *ius commune* became somewhat more common as the century progressed, references to written domestic law became even more frequent.⁷⁵ Thus, the use of legal sources seems to mirror the improving educational level of judges, in addition to the growing importance of studies at Swedish universities. The rise of domestic studies at the expense of studies abroad was a tendency which would continue. In the early eighteenth century, judges' studies at foreign universities decreased steadily until ceasing altogether around mid-century.⁷⁶

For both Turku law students and Svea judges, Leiden was the most important foreign university. In particular, around the middle of the century future assessors had flocked to Leiden in great numbers. Again, this is no surprise given the importance of Leiden University to Swedes in the 1630s and 40s. In particular, non-nobles destined to become judges chose to study law in Leiden. This implies that commoners saw law studies as a useful path to state office. Other choices of study field included politics, history, eloquence, theology, and medicine. However, law was apparently the most attractive subject.⁷⁷ After Leiden, the most popular destinations for Svea judges were Wittenberg and Strassburg. Interestingly enough, Greifswald played no significant part in studies abroad by Svea judges.⁷⁸ This is in line with the findings of this study, as only one of the Turku law students who had studied in Greifswald later became a judge at a court of appeal.⁷⁹

The contents of the Svea judges' studies are again difficult to assess, because of the lack of faculty listings in many of the matriculation registers, and in the absence of lecture attendance lists. Brief comments can nevertheless be made. Since, in the early years of the court, its most educated judges were noblemen it is no surprise that many of them had been on longer peregrinations covering a variety of subjects. These studies may or may not have included law studies. Once we reach the eighteenth century, it seems that whenever specific mention is made of studies, these were in law. Moreover, several judges in the seventeenth century had written or defended legal dissertations during their

74 Vasara-Aaltonen, "From Well-travelled," pp. 305–310.

75 Pihlajamäki, "Courts of Appeal," p. 237.

76 Vasara-Aaltonen, "From Well-travelled," pp. 311–313.

77 From the sample years of the study, 12 judges had studied in Leiden, and 5 of those had studied law. The rest were divided quite equally between a variety of subjects. Vasara-Aaltonen, "From Well-travelled," p. 316.

78 Vasara-Aaltonen, "From Well-travelled," pp. 315–317.

79 See Chapter 4, section 4.5.

studies. In conclusion, law studies seem to have become more common as the seventeenth century progressed and the learnedness of the court no longer rested on noble judges, who were used to studying many other subjects besides law.⁸⁰

For the greater part of the seventeenth century, the general civil administration and the judiciary were closely intertwined.⁸¹ The pre-careers of judges showed various positions in the civil administration, and a lawyer's career was not yet distinct from that of an administrative official. This was also reflected in the education of judges. Especially for noble judges, broad studies formed part of their upbringing, and the focus was not necessarily on law but on a palette of various subjects which might also have included law. The aim of their studies was the ability to serve the state in some capacity rather than specifically becoming a lawyer. For the non-noble judges, law studies seem to have been more clearly a useful stepping-stone in their careers, but even they combined different positions in the judiciary and the civil administration.⁸² Elsewhere in Europe, too, academic legal training was an important way for commoners to advance professionally.⁸³ Observing the character of the careers of court of appeal judges is therefore important for an understanding of the nature of seventeenth-century Swedish lawyers' education, too.

The situation at the Turku Court of Appeal quite closely follows the course of events that we saw at the Svea court: from a small number of educated judges to almost all having an education, from studies abroad to domestic studies, and from varying careers within the administration to more law-related careers. The only difference is that the educational level of the judges seems to have risen faster than at the Svea court.⁸⁴ When the Turku court was founded in 1623, difficulties arose in finding suitable men to fill the positions of assessors – much as at the Svea court. But in 1633, just ten years after the court's foundation, the majority of the judges had been educated to some extent, both in the noble and learned classes of the court. Especially concerning the non-noble judges, the change is quite drastic, as even doctors of law were now

80 Vasara-Aaltonen, "From Well-travelled," pp. 305–319.

81 Jägerskiöld has pointed out the close connection between purely juridical matters and matters of judicial administration. See Stig Jägerskiöld, "Rätt och rättskipning i 1600-talets Sverige," in *Den svenska juridikens uppblomstring i 1600-talets politiska, kulturella och religiösa stormaktssamhälle*, ed. Göran Inger (Stockholm, 1984), pp. 220–221.

82 Vasara-Aaltonen, "From Well-travelled," pp. 305–310 and 319–323.

83 De Ridder-Symoens, "Training," pp. 170–171.

84 This observation is made on the basis of a brief survey of Turku judges from sample years in 1623, 1633, 1683, 1733, and 1753, see Vasara-Aaltonen "Noble Standing." A more thorough investigation, especially concerning the (mid-)seventeenth century, would be desirable.

present. The majority of them had studied at foreign universities, and many also in Sweden.⁸⁵ This stands in stark contrast to the Svea Court of Appeal, which in 1634 was still struggling to find educated judges.⁸⁶ If one is to set aside the possibility of coincidence, the most likely explanation has to do with the different roles that Turku and Stockholm played within the realm. Stockholm was the heart of royal and administrative life, and being in the favour of the right people mattered in terms of obtaining a position. Positions in Finland were often regarded as less appealing and were given to those who did not have, or who no longer had, the right contacts, so it is conceivable that merit alone played a greater role in Turku than in Stockholm and at the Svea court.⁸⁷ It may also be that in this particular case the Turku court's new president had an influence on the learnedness of the assessors as he wanted to staff the court with more capable judges.⁸⁸

The study of the Svea judges' education showed that there truly was a pressing need to find educated men to fill the court, but it was not self-evident at first that these could easily be found. Thus, the picture becomes more nuanced and it is clear that lawyers were not just waiting to be recruited, but rather there was an acute need, and, in the early years, the court had to make do with what was available. The comparison with the Turku court also showed that sometimes having the right contacts may have been more important than one's educational level if one wanted to advance in the capital city. In any case, the fact that until the late seventeenth century most of the Svea and Turku Court of Appeal judges had furthered their education at European universities suggests that studies abroad were advantageous for their careers.

To what extent, then, did Turku law students⁸⁹ end up working at courts of appeal? Altogether, seventeen of these men held a judgeship at one of the Swedish courts of appeal. A staggering majority of sixteen did so during the seventeenth century. Only one of the Turku students was appointed a court of appeal judge in the eighteenth century.⁹⁰ In addition, thirteen either held a lower position at a court of appeal such as vice notary or, more commonly, had only trained at one of the courts. The Turku law students appear as court of

85 Blomstedt, "Kuninkaallisen," pp. 88–89; Vasara-Aaltonen, "Noble Standing."

86 In detail, see Vasara-Aaltonen, "From Well-travelled," pp. 331 and 346–347.

87 Vasara-Aaltonen, "From Well-travelled," pp. 332–333; Lappalainen, *Pohjolan*, p. 196.

88 Blomstedt, "Kuninkaallisen," pp. 59 and 91.

89 As mentioned in Chapter 1, section 5.3, this analysis includes Turku law students at the universities of Leiden, Rostock, Jena, Halle, and Greifswald.

90 Among the Turku law students at the other German students there are a couple, who were appointed to courts of appeal in the very beginning of the eighteenth century, but no longer later in the century. See Chapter 4, section 5.

appeal trainees only from the 1670s onwards. A difference between the two centuries is clear, but will be discussed in detail later. Here the focus is on the seventeenth century judges.

Of the sixteen Turku law students who worked as appellate court judges during the seventeenth century, a clear majority, twelve, had studied in Leiden.⁹¹ Two had been to Jena,⁹² one to Jena and Rostock,⁹³ and one to Greifswald.⁹⁴ Simply examining court of appeal judges during this century emphasizes the significance of the University of Leiden in training Swedish officials in the highest positions of the judiciary. Moreover, the position of the nobility in this respect is undoubted: seven of the twelve had been born into noble families, three had been ennobled before their careers at the courts of appeal, and only two were not noble. As for the students at the German universities, none of them were of noble origin, and only one was ennobled later in life, after already being an assessor. Eight of the total of sixteen students became judges at the Turku Court of Appeal, six at the Svea court, three at the Dorpat court, and one at the Göta Court of Appeal.⁹⁵ Apart from educational questions, the contacts of these students played an important role in their career advancement.⁹⁶ This will be discussed further below in the chapter on networks.

2.2 *The Local Courts of the Towns and Countryside*

The local courts of the towns and countryside are of interest as they lie at a crossroads between state administration and local administration.⁹⁷ This is especially interesting in the case of some larger towns, whose interests sometimes conflicted with those of the Crown. The judiciaries of the Swedish towns were in the hands of the town councils, which also functioned as the town courts. In larger towns, the council was divided into a town court (*rådstuvurätt*) taking care of judicial matters, and a magistracy taking care of administrative and economic issues. A judicial burgomaster (*justitieborgmästare*) would then preside over the town court, a commercial burgomaster (*handelsborgmästare*

91 Mikael Wexionius (Gyldenstolpe), Lorentz Creutz, Gustaf Bielke, Ernst Johan Creutz, Johan Stålhandske, Petter Thesleff, Lars Fleming, Johan Munkthelius (Lagercrona), Knut Kurck, Gustaf Kurck, Anders Salamontanus, and Anders Stiernhöök.

92 Ambrosius Nidulius and Lars Brommius.

93 Mikael Wisius.

94 Magnus Larsson.

95 Two held judge's positions at two different courts of appeal.

96 Vasara-Aaltonen, "From Well-travelled," pp. 332–335.

97 I will limit the discussion to the town courts (*rådstuvurätt*) and district courts (*häradsrätt*), leaving out the lower town courts (*kämmärsrätt*) and the provincial courts (*lagmansrätt*).

or *kommersborgmästare*) would be in charge of commercial matters, and a police burgomaster (*politiborgmästare*) would preside over the magistracy and be in charge of town administration. Also combinations of these positions existed.⁹⁸ Roughly half of seventeenth-century Swedish towns also had a lower town court (*kämnärsrätt*), which decided minor civil and criminal cases as the first instance.⁹⁹

The first evidence of town councils in Sweden stems from the late thirteenth century. Their composition was taken up in Magnus Eriksson's Town Law in the mid-fourteenth century.¹⁰⁰ Swedish town councils usually consisted of merchants, and a position often had to do with the wealth of the person in question. Craftsmen were not forbidden to act as councillors, but usually they could only be found as such in smaller towns. The composition of the council could vary considerably from town to town as it was usually not definitely regulated in town privileges.¹⁰¹ Councillors were chosen through cooptation – where the council supplements itself – although in Stockholm in the 1520s and 1530s it was also common for the council to suggest three candidates, among whom the king would choose. During the late-sixteenth and early-seventeenth centuries, the intensity of Crown involvement varied.¹⁰²

A long history already existed of foreign merchants settling in Swedish towns. Despite a privilege letter of 1471, which stated that only Swedes should have a seat on town councils, foreign influence in the towns did not vanish. For instance, southern Finnish town councils in the early seventeenth century included Germans, Dutchmen, and Englishmen. Between 1600 and 1660, nine out of twenty burgomasters, and at least twelve out of forty-six councillors in Turku were of foreign origin.¹⁰³ The clearest example of foreign influence is the

98 Anne-Marie Fällström and Ilkka Mäntylä, "Stadsadministrationen i Sverige-Finland under frihetstiden," in *Stadsadministration i Norden på 1700-talet*, eds. Birgitta Ericsson et al. (Oslo, 1982), p. 189; See *Förvaltningshistorisk ordbok*. Available at <http://fho.sls.fi>, search words "justitieborgmästare," "kommersborgmästare," and "politiborgmästare." Accessed 17 January 2020.

99 Petri Karonen, *Kämnerinoikeudet Suomen kaupungeissa suurvalta-ajan alkupuolella (noin 1620–1660)* (Jyväskylä, 1994), pp. 11 and 219.

100 Sofia Gustafsson, *Svenska städer i medeltidens Europa. En komparativ studie av stadsorganisation och politisk kultur* (Stockholm, 2006), pp. 54 and 63.

101 Gustafsson, *Svenska städer*, pp. 150–154; Raimo Ranta, "Suurvalta-ajan kaupunkilaitos," in *Suomen kaupunkilaitoksen historia 1 – Keskiajalta 1870-luvulle*, ed. Päiviö Tommila (Vantaa, 1981), pp. 78 and 83.

102 Gustafsson, *Svenska städer*, pp. 186–187; Lars Ericson, *Borgare och byråkrater. Omvandlingen av Stockholms stadsförvaltning 1599–1637* (Stockholm, 1988), pp. 111–119.

103 Sylvi Möller, *Suomen tapulikaupunkien valtaporvaristo ja sen kaupankäyntimenetelmät 1600-luvun alkupuolella* (Helsinki, 1954), pp. 61–69; Ericson, *Borgare*, p. 111; Ranta,

town of Gothenburg (Swed. *Göteborg*) in South-Western Sweden, which had a significant Dutch, German, and Scots population and privileges which granted these foreigners seats on the town council.¹⁰⁴

The privilege letter to the town of Stockholm in 1570 specified that when dealing with foreign cases half of the council members deciding the case ought to be foreigners, so as to not give rise to complaints by foreign parties.¹⁰⁵ Indeed, recent research on the early seventeenth century town courts of Turku and Vyborg in Finland has revealed that the courts were perhaps more open to international influences than had been thought. In some cases, half of the judges were foreigners and the parties were often foreign merchants suing Swedes or vice-versa – although the town courts examined seem only to have referred to Swedish law.¹⁰⁶ The courts also dealt directly with other European town courts if needed.¹⁰⁷ The merchant families of Swedish towns had extensive relations with Europe and acted as intermediaries for influence in a variety of fields.¹⁰⁸

At the turn of the seventeenth century, the town councils were dominated by leading burghers and wholesale merchants (*grosshandlare*), often including foreigners, and formal competence requirements did not exist.¹⁰⁹ In the 1620s, the Crown took a heightened interest in the appointment of burgomasters. Marko Lamberg has found cases from the late 1610s where the Svea Court of Appeal made personal visits to the town court with demands that its judgments be carried out, hinting that the court of appeal did not always trust the town court completely.¹¹⁰ Having an interest in who was in charge of town

“Suurvalta-ajan,” pp. 83–84; Veli Pekka Toropainen, “Skottirotta ja Ruotsin koira – Turun ulkomaalainen porvaristo vuosina 1600–1660,” *Genos* 74:4 (2003), p. 204.

104 Christina Dalhede, “Early Modern Merchant Families. Foreign Intermediaries in Swedish Cities. The Gothenburg Market in the 17th Century,” paper given at *XIV World Economic History Congress*, Helsinki, 21–25 August 2006. Available at <http://www.helsinki.fi/iehc2006/papers1/Dalhede.pdf>. Accessed 20 January 2020, pp. 3–4.

105 Johan III:s privilegiebref. Stockholm den 10 mars 1570, in Karl Hildebrand and Arnold Bratt, eds., *Stockholms stads privilegiebref 1423–1700* (Uppsala, 1900–1913), p. 76.

106 Heikki Pihlajamäki, “Commercial law cases in the Swedish town courts of the early-17th century.” Seminar presentation given 5 March 2014, University of Helsinki.

107 R.A. Wrede, “Bidrag till kändedomen om processen under 1600-talet,” *Tidskrift utgiven av Juridiska Föreningen i Finland* 48 (1912), pp. 297–298.

108 Christina Dalhede, *Handelsfamiljer på Stormaktstidens Europamarknad, 1–2* (Partille, 2001), *passim*.

109 Suolahti, *Opinkäynti*, p. 139.

110 Marko Lamberg, “The Tale of Two Courts in One Town: The Relationship between the Stockholm Town Court and the Svea Court of Appeal 1614–1624,” in *The Svea Court of Appeal in the Early Modern Period: Historical Reinterpretations and New Perspectives*, ed. Mia Korpiola (Stockholm, 2014), p. 117.

administration was nothing new as such, but instead of appointing trusted burghers the Crown now began to appoint royal officials and learned men, so-called royal burgomasters.¹¹¹ Many of these may have had a burgher background, but they were not chosen based on endorsement by the towns.¹¹² A slow bureaucratization of the town councils began as the old merchant elite was challenged by state officials.¹¹³ Of the seventeen Stockholm burgomasters between 1599 and 1637, twelve were merchants, two craftsmen, while three were appointed because of their academic learning or experience serving the Crown. All of these three were appointed after 1621.¹¹⁴ Taking a more active role in appointing burgomasters was part of the Crown's goals to develop the towns, and in doing so, the whole realm. The tasks of the town council were growing increasingly numerous and complicated, which called for a more thought-out organization. Axel Oxenstierna still stated in 1633 that the weak position of the towns, caused in part by poor town administration, affected the realm negatively. In comparison with European towns, the Swedish towns were small and insignificant. Developing the towns, and commerce through them, would generate wealth, which in turn would increase Crown income through taxes and customs.¹¹⁵ The use of royal burgomasters was intended to give the Crown more control over the towns and greater possibilities to develop the country. The intention was also to find officials who preferably had enough knowledge of the law. Many of these men, at least some of whom even had doctorates in law, renewed the town judiciaries by issuing procedural ordinances or establishing a lower town court, for instance.¹¹⁶

The first royal burgomaster was appointed for Stockholm in 1621 and the next for Turku in 1624. By 1650, most Swedish towns had followed suit.¹¹⁷ This "interference" by the Crown did not occur without conflict, though. Sometimes the royal burgomasters and their loyalties were distrusted. This was the case in Oulu (Swed. *Uleåborg*), where the burgomaster and the townsmen were at

111 Ericson, *Borgare*, p. 145; Petri Karonen, "Raastuvassa tavataan" – Suomen kaupunkien hallinto- ja oikeuslaitoksen toimintaa ja virkamiehiä suurvalta-aikana (Jyväskylä, 1995), pp. 41–42.

112 Ericson, *Borgare*, p. 333; Karonen, *Raastuvassa*, p. 41.

113 Ranta, "Suurvalta-ajan," p. 84; Ericson, *Borgare*, p. 140.

114 Ericson, *Borgare*, p. 122.

115 Ericson, *Borgare*, p. 152; Walter von Koskull, "Borgmästare och råd i Helsingfors under svenska tiden," *Tidskrift utgiven av Juridiska Föreningen i Finland* (1950), pp. 103 and 105; Karonen, *Raastuvassa*, pp. 108–111; Lappalainen, *Pohjolan*, pp. 238–240.

116 Suolahti, *Opinkäynti*, pp. 139–140; Karonen, *Raastuvassa*, pp. 41 and 53–55.

117 Karonen, *Raastuvassa*, p. 44; J.W. Ruuth and Aimo Halila, *Viipurin kaupungin historia, II osa, Vuodet 1617–1710* (Helsinki, 1974), p. 233.

odds for most of the second half of the seventeenth century.¹¹⁸ On the other hand, in Stockholm the town council itself wrote to the king and chancellor in the early 1620s expressing a wish for more learned lawyers to staff the council as the workload had grown. Before the 1620s, it was not uncommon for the town court to consult the court of appeal when it felt that a case was too difficult.¹¹⁹ For some smaller towns, having the Crown step in may also have been useful as it would have been very difficult for them to find members with legal training.¹²⁰

Eventually the Crown's influence was extended to the appointment of town councillors, as well. The increase in the education of burgomasters, and with time also town councillors, naturally has to do with general efforts to enhance the level of education.¹²¹ In 1636, Per Brahe the Younger wrote that the Stockholm council needed educated councillors, and that they ought to be sufficiently paid. On the other hand, the nobility also feared competition from learned burghers, and ridiculed burghers with academic training. This attitude reflected a contradiction between the practical needs of the administration and safeguarding the position of one's own estate. In 1669, a royal resolution was issued stating that half of the Stockholm town councillors had to be learned. In practice, this number was even exceeded.¹²² In 1672, council members acting in the justice and police *collegia* (*justitie- och politikollegier*) of the Stockholm council were required to be legally trained.¹²³ Across the Archipelago Sea, in Turku, it was not until the latter part of the century that the council was filled with learned burgomasters, and even councillors usually had some sort of education.¹²⁴ Vyborg had fewer legally trained town court members than Turku. It was further away from the Swedish universities, and its German burghers in particular lacked enthusiasm for academic learning. This led to the governors complaining about the poor state of the Vyborg judiciary around the middle of the century.¹²⁵

Often an experienced merchant might have been more competent in judging economic disputes than someone with a legal education, as a merchant

118 Suolahti, *Opinkäynti*, p. 140; Ranta, "Suurvalta-ajan," pp. 83–87; von Koskull, "Borgmästare," p. 103.

119 Ericson, *Borgare*, p. 145; Lamberg, "The Tale," pp. 126–127.

120 Oscar Nikula, "Kaupunkilaitos 1721–1875," in *Suomen kaupunkilaitoksen historia 1 – Keski-ajalta 1870-luvulle*, ed. Päiviö Tommila (Vantaa, 1981), p. 192.

121 Though this happened at different times in different towns.

122 Ericson, *Borgare*, pp. 151–153.

123 Birgitta Ericsson, "Stockholms administration vid 1700-talets mitt," in *Stadsadministration i Norden på 1700-talet*, ed. Birgitta Ericsson et al. (Oslo, 1982), p. 321.

124 Ranta, "Suurvalta-ajan," p. 84; von Koskull, "Borgmästare," p. 104.

125 Ruuth and Halila, *Viiipurin*, pp. 230–231 and 291–292.

would have been more familiar with trade practices.¹²⁶ Perhaps, then, this is one contributing factor behind the number of commercial cases which were settled outside of the town court.¹²⁷

In general, the educational level of council members rose during the seventeenth century. While at the beginning only a quarter of royal burgomasters had a university education, by the eighteenth century three-quarters had been to university.¹²⁸ One must keep in mind, though, that most Swedish towns were very small, while some of them did not even have a burgomaster, and councillors were not always even literate.¹²⁹ Stockholm, in turn, had its own characteristics as one of the Stockholm burgomasters, usually the judicial burgomaster, acted as speaker of the burgher estate at the Diet. This caused a whole new level of intrigues when choosing burgomasters.¹³⁰ The Stockholm town court also played a role in drafting the 1734 Code of the Realm, especially its Chapter on commerce (*handelsbalken*).¹³¹ Therefore, differences certainly exist between Stockholm, some of the larger staple towns, and small, rather insignificant towns, in terms of the education of council members and Crown involvement in appointments.

Turku students can be found at town courts throughout the research period, but the situation in the eighteenth century will be discussed in the next chapter. Altogether, twenty-one Turku law students held a position in town judiciaries. Eight of them¹³² studied and worked in the seventeenth century and thirteen of them¹³³ in the eighteenth century. For both centuries together, the faculty of choice is known in seven instances: one of the students had studied theology, all the rest law. Compared to those working at courts of appeal, who often studied a variety of subjects and not necessarily law, this is an important observation – one that is naturally linked to the fact that noblemen did not build careers within the towns.

126 Karonen, *Raastuvassa*, p. 39.

127 Heikki Pihlajamäki, "Finnish seventeenth-century court records and commerce: some observations." Seminar presentation given 12 February 2015, University of Helsinki.

128 Karonen, *Raastuvassa*, p. 59.

129 Nikula, "Kaupunkilaitos," p. 178.

130 Jussi Sallila, "Entangled in Insolvency: The Svea Court of Appeal and the Making of Bankruptcy Law in Late Seventeenth-Century Sweden," in *The Svea Court of Appeal in the Early Modern Period: Historical Reinterpretations and New Perspectives*, ed. Mia Korpiola (Stockholm, 2014), p. 283.

131 Jägerskiöld, *Studier*, p. 127.

132 Petter Thesleff, Karl Rothovius, Gabriel Pontinus, Ulrich Herbers, Justin von Brochen, Mikael Wisius, Matthias Poorten, and Sylvester Bjugg.

133 Johan Henrik Hochschild, Gabriel Wallenius, Gustaf Sivers, Henrik Nelly, Konrad Herbers, Johan Beckman, Karl Jakob Dobbin, Niklas Jaenisch, Matias Sveder, Henrik Sesemann, Petter Vilhelm Thesleff, Birger Åwall, and Johan Carpaeus.

Of those who acted in town judiciaries in the seventeenth century, two had studied in Leiden, one in Leiden and Rostock, one in Rostock, one in Rostock and Jena, two in Jena, and one in Greifswald. This group of men is distributed quite evenly throughout the seventeenth century, with the first careers beginning in the 1640s and the last at the end of the century. As the University of Halle was not founded until 1694, no Halle students appear in this group.

When looking at Turku students at the University of Leiden in the early seventeenth century, we see that some students went on to work at town courts at a time when the courts of appeal were also in dire need of educated judges. All three, Petter Thesleff, Karl Rothovius, and Gabriel Pontinus, studied at the law faculty in Leiden.¹³⁴ As we saw in the previous chapter, the Svea Court of Appeal was struggling to find educated judges in its first decades, and many Leiden-trained men were happily recruited around the middle of the century. Thus, it would seem that town courts also bore some attraction of their own as these students chose to turn to the town judiciaries. This also highlights the fact that town courts as well needed legal expertise. Of these three Leiden law students, Thesleff was the only one with a burgher background, coming from a known Vyborg merchant family. Rothovius and Pontinus were sons of bishops.

Nearly all of the students at the German universities had a background in the towns. Ulrich Herbers and Justin von Brochen were sons of town councillors, Matthias Poorten the son of a merchant, while Mikael Wisius's father was the eldest of the tailors. Only Sylvester Bjugg had a different background, as his father was an infantry captain. Of Wisius, we know that he studied law.

Looking at the pre- and later careers of the men, we see that most only worked within one town without significant careers prior or after that: Pontinus, after having been a trainee at the Svea Court of Appeal, held several positions in the Stockholm judiciary. Similarly, Herbers and Poorten both only held the positions of town *syndicus* (*stadssekreterare*) and councillor / burgomaster in Narva. The only record of Bjugg's career is his appointment as judicial burgomaster of Turku, though he resigned before taking office. Von Brochen's only positions were councillor and burgomaster of Vyborg, although he was later a representative at the Diet. Only two had worked elsewhere before commencing town administration. Rothovius won his spurs at the Board

¹³⁴ Thesleff became judicial burgomaster of Helsinki in 1643, Rothovius judicial burgomaster of Falun in 1658, and Pontinus head of the Norrmalm lower town court in Stockholm and notary of the justice collegium (*justitiekollegium*) in Stockholm, in the late-seventeenth century. Kotivuori, *Ylioppilasmatrikkeli*, Petter Thesleff, Karl Rothovius, and Gabriel Pontinus.

of Mining and as war secretary before becoming judicial burgomaster of Falun. Wisius was vice rector at the Turku cathedral school before becoming town *syndicus* of Stettin and burgomaster of Narva. More importantly, he later advanced to an assessorship at the Göta Court of Appeal. Like Wisius, also Thesleff had a later career at a court of appeal. After being judicial burgomaster of Helsinki, he became an assessor at the Turku Court of Appeal, and representative at the Diet.

As we can see, the majority neither held important positions under the Crown before their positions in town judiciaries, nor obtained important positions within the Crown judiciary or administration after their careers in the towns. This stands somewhat in contrast with the fact that the Crown began to appoint officials with experience of Crown administration, but perhaps these Turku law students were rather appointed because of their learnedness.¹³⁵ The fact that most of them did not have careers after their positions within the town is in line with the research on the Stockholm council of the early seventeenth century.¹³⁶ Only two of our students advanced to a court of appeal.

The judicial reality in the countryside, the vast majority of the realm, differed significantly from that in the (larger) towns. In the seventeenth century, around ninety-five per cent of the Swedish population lived in the countryside,¹³⁷ and had their disputes settled in the local district courts (*häradsrätt*). The district court consisted of a judge and jury (*nämnd*),¹³⁸ with the jury being local men. By the seventeenth century, the jury had become a permanent part of the court and did not alter from case to case or session to session.¹³⁹ During Gustav Vasa's reign in the sixteenth century, it became established practice to enfeoff the offices of district court judges to noblemen, first as a reward for cavalry service and later as offices that would provide income for other services they were performing for the Crown. As the state administration began to grow at the end of the sixteenth century, it became more common to appoint surrogate judges (*lagläsare*, literally law-readers) to take care of the district courts: between

135 See Ericson, *Borgare*, p. 140.

136 Ericson, *Borgare*, pp. 147–150.

137 Karonen, *Pohjoinen*, p. 38.

138 For a detailed account of the Swedish jury in the seventeenth century, see Karl Gustaf Westman, "Häradsnämnd och häradsrätt under 1600-talet och början av 1700-talet. En studie med särskild hänsyn till uppländska domböcker," in *Skrifter utgivna av Kungl. Humanistiska Vetenskaps-Samfundet i Uppsala, Band 24, Festskrift tillägnad Uppsala Universitet vid dess fyrahundraåriga jubileum den 15 September 1927* (Uppsala, 1927).

139 Munkell, *Häradsrätt*, p. 13.

1600 and 1623, fewer than ten per cent of district court sessions in Finland were presided over by the judges themselves.¹⁴⁰

The poor skills of surrogate judges were a common grievance during the first decades of the seventeenth century. A system of training (*auskultantsystemet*) was established at courts of appeal in 1627. From then on, some surrogate judges gained practical knowledge of the law from these traineeships, or attended some studies at university. Still in 1646, efforts were under way to improve the competence of surrogate judges by ordering the courts of appeal to check their aptitude. This led to courts of appeal choosing surrogate judges instead of the district court judges choosing their substitutes themselves. These orders were renewed in 1678, which gives reason to believe they had not been followed very well.¹⁴¹ In 1655, Magnus Gabriel De la Gardie suggested that surrogate judges ought to have studied some law at university and to have trained at a court of appeal or large town court, and that district court judges ought to be obliged to only hire surrogate judges with such qualifications.¹⁴²

In 1653, royal letters were issued stating that district court judgeships should be given to assessors of the courts of appeal, who should preside over sessions themselves, thus taking these offices away from the highest nobility, the councillors of the realm. In practice, this change was only carried out in Finland, where between 1653 and 1680 around sixty per cent of the district court judges actually held their court sessions personally.¹⁴³ The judges' taxes obtained from the districts helped the assessors financially as they felt that the salaries at the courts of appeal were not sufficient.¹⁴⁴ The question of district court judges had been discussed ever since, but it was in 1680, under Charles XI's reign, that the reduction (*reduktion*) of these offices was carried out. They were no longer fiefs (*förläningar*) and a source of extra income for appellate court judges, but were full-time positions to be held by men who resided in their

¹⁴⁰ Blomstedt, *Laamannin*, pp. 40–41, 89–92, 143, and 197.

¹⁴¹ Walter von Koskull, "Finlands häradshövdingar 1680–1713," *Genos* 20:1 (1949), pp. 3–4; Blomstedt, *Laamannin*, pp. 222–226; Heikki Pihlajamäki, "Legalism before the Legality Principle? Royal Statutes and Early Modern Swedish Criminal Law," in *From the Judge's Arbitrium to the Legality Principle. Legislation as a Source of Law in Criminal Trials*, eds. Georges Martyn, Anthony Musson, and Heikki Pihlajamäki (Berlin, 2013), p. 185; Lappalainen, *Pohjolan*, pp. 231–232.

¹⁴² Sven Edlund, "M.G. De la Gardies inrikespolitiska program 1655: Ett bidrag till den ståndspolitiska och pedagogiska debatten under 1600-talet," in *Lunds universitets årskrift, ny följd, första avdelningen, teologi, juridik och humanistiska ämnen, band 51, 1955* (Lund, 1956), p. 39.

¹⁴³ Blomstedt, *Laamannin*, pp. 270, 297, and 314; von Koskull, "Finlands," p. 3.

¹⁴⁴ Blomstedt, *Laamannin*, pp. 307–311 and 316. On the dissatisfaction concerning salaries, see e.g. Vasara-Aaltonen, "From Well-travelled," p. 342.

districts. Instead of the old aristocracy, these offices now went to the rising group of administrative officials.¹⁴⁵ Nils Herlitz has described this change as a legally trained group of officials taking over the judgeships.¹⁴⁶

Walter von Koskull examined fifty district court judges who were active in Finland between 1680 and 1713. Their backgrounds were, beginning with the most common, nobles, sons of clergymen, sons of burghers, sons of officials, and those whose origin is not known. These last were most likely the sons of peasants, lower officials, or lesser burghers. At least thirty-seven of them, three quarters that is, had studied at university, three of whom had been to a foreign university, and a few of them were even highly learned. Usually they had trained at a court of appeal and held some lower positions at these, such as notary. At least eight, possibly even thirteen, of all judges had no academic learning but they, too, had some practical knowledge of the law. For most of them the district courts represented the height of their career. However, thirteen men did advance to an assessorship at a court of appeal. Of these, eleven had academic learning and nine were noblemen, which shows that being learned and noble increased the chances of advancing to a higher position. Networks also still played an important part, as a majority of these judges were connected to only three families, either directly or through marriage.¹⁴⁷

Learnedness at district courts in the early seventeenth century was very low, with lay juries and judges having varied educational backgrounds. This meant that cases were simple and proceedings quite informal. Pihlajamäki has examined the records of two Finnish district courts in the seventeenth century. They usually made no reference to written law, which reflects the simplicity of the cases, the informality of the proceedings, and a low level of legal learning. It was not until the end of the century, that some references to written law begin to appear in the records.¹⁴⁸ While the district courts are certainly not the most important aspect of Swedish lawyers' studies abroad, their development at the end of the seventeenth century still reflects the same budding professionalization of the Swedish judiciary, which is so important in regard to studies abroad, as well.

Thirteen of the twenty-six Turku law students in Leiden held office as a judge at district court level. This is not surprising, as we find among the students in Leiden precisely those kinds of men to whom the position of district

145 Blomstedt, *Laamannin*, pp. 318, 323, and 326; von Koskull, "Finlands," pp. 3–4; Westman, "Häradsnämnd," p. 40.

146 Nils Herlitz, *Grunddragen av det svenska statsskickets historia*, 6th ed. (Stockholm, 1967), p. 113.

147 Von Koskull, "Finlands," pp. 6–11.

148 Pihlajamäki, "Legalism," pp. 185–187; Westman, "Häradsnämnd," p. 37.

court judge was usually given: the higher nobility and appellate court judges. Thus we find, for instance, both the Bielke and Kurck brothers as district court judges.¹⁴⁹ However, it is unlikely that Gustaf Bielke as president of the Dorpat Court of Appeal or Knut Kurck as a councillor of the realm and president of the Svea Court of Appeal would have attended their district courts on a regular basis.¹⁵⁰

As mentioned earlier, Anders Andersson Salamontanus, an assessor of the non-noble class of the Turku Court of Appeal, was present at his district court of Masku for at least some sessions in the 1670s.¹⁵¹ Petter Thesleff was a judge in Raasepori and Hattula from 1653 to 1654, and for those years Yrjö Blomstedt has found no record of a surrogate judge, which would suggest Thesleff may have been present in person.¹⁵² Johan Stålhandske was a judge in the same district in 1670–1672,¹⁵³ and the records of the autumn session 1671 mention him. His name is missing, however, in the records of the previous summer session, which only mention the bailiff (*kronans befallningsman*) by name.¹⁵⁴ Surrogates were also appointed during those years, so Stålhandske probably did not attend all sessions.¹⁵⁵ One may conclude that some of these men did appear personally as judges at their district court sessions, occasionally at least, but most probably used a surrogate in their stead.

149 Kotivuori, *Ylioppilasmatrikkeli*.

150 When the question of reduction of provincial judges' offices was discussed in 1680, Knut Kurck had stated that he was in the habit of presiding as a provincial judge personally. However, a surrogate provincial judge was present for most years. Blomstedt, *Laamannin*, pp. 319–320 and fn. 44.

151 See Chapter 3, section 1.4.

152 Kotivuori, *Ylioppilasmatrikkeli*, Petter Thesleff; Blomstedt, *Laamannin*, pp. 283–284.

153 The biography in the Turku matriculation records states the years 1663–1672, but Blomstedt mentions that assessor Gustav Ille was judge until 1670, see Blomstedt, *Laamannin*, p. 283, and the court records seem to confirm this, see e.g. Varsinaisten asioiden pöytäkirjat 1665–1668, Hattula, Vanaja (Vänä), Renko, Lehijärvi: 181 talvikäräjät 1667, *Kihlakunnanoikeuksien renovoidut tuomiokirjat, Raaseporin ja Hattulan tuomiokunnan renovoidut tuomiokirjat, Varsinaisten asioiden pöytäkirjat*, KO a:2, KA.

154 Varsinaisten asioiden pöytäkirjat 1669–1672, Hattula, Vanaja, Renko, Mäskälä, Lehijärvi: 345 kesäkäräjät 1671; 379 syyskäräjät 1671, *Kihlakunnanoikeuksien renovoidut tuomiokirjat, Raaseporin ja Hattulan tuomiokunnan renovoidut tuomiokirjat, Varsinaisten asioiden pöytäkirjat*, KO a:3, KA. The autumn session mentions assessor Johan Stålhandske as the judge, but does not use the term “present” (*närvarande*) for him, but only lists the jury as *närvarande*. The summer session, however, lacks Stålhandske's name completely, and only mentions the bailiff and the jury, which could suggest that when Stålhandske's name was actually mentioned, he was present. Neither session records mention a surrogate judge, but this does not mean that one might not have been present as surrogates were usually not mentioned in the paragraph in the records that states the composition of the court, see Westman, “Häradsnämnd,” p. 30.

155 Blomstedt, *Laamannin*, p. 283.

At the German universities, we find only a few Turku law students who later held the office of district court judge. Of the students in Rostock, two out of ten held this office. Jacob Snack was a judge in Åland from 1653 to 1655, presided personally over his court, and did not hold any other position at the same time.¹⁵⁶ Arvid Stierncrantz, who was also one of the students in Leiden, became a judge of the Ranta, Jääski, and Äyräpää districts in 1691, but as mentioned earlier, his presence there is not certain. Of the sixteen students in Jena only one was a district court judge in Sweden: Lars Brommius was appointed judge of Askim and Östra Hising in 1685. As it was after 1680, and he held no other positions at the same time, one can assume he functioned as a judge personally. In addition, two were rural judges in Vyborg in the 1750s, but they can no longer be counted among Swedish judges. Among the fifteen Greifswald students are three district judges: the aforementioned Jacob Snack in Åland, Magnus Larsson in Jönåker, Hölö, and Hölebo in the 1660s, and Gabriel Wallenius in Karelia in the 1750s. Besides these, Severin Sture was a Crown bailiff in the district of Raasepori in 1776–1785.¹⁵⁷ Of the Turku law students in Halle, none held the office of district court judge.

Finally, a brief look at the Turku law students at the University of Dorpat is interesting, because the number of future district court judges is rather small there, too: three out of thirty-three. In addition, however, there are two future surrogate judges. Matias Pålsson, a peasant's son, was a surrogate judge in several districts between 1646 and 1676, and Henrik Monerus in Sääksmäki in Finland from 1664 to 1671. In 1680, Monerus became a judge in Sääksmäki. Two other men also held the position of Crown bailiff at the district level.¹⁵⁸

This information on the Turku law students corresponds well with the situation of the district courts, as described above. Among the students in Leiden we find the most who were also assigned a district court. This is understandable, as they mainly studied in Leiden in the seventeenth century and represented the groups these offices were given at the time: the high nobility and appellate court judges. Turku law students at German universities had more varying backgrounds and did not become judges at district courts that often. After 1680, they should have had a good chance of being appointed to these positions, but the fact that this did not happen in great numbers perhaps tells us that with their studies at foreign universities they had chances of a better career.

¹⁵⁶ Blomstedt, *Laamannin*, p. 297.

¹⁵⁷ Kotivuori, *Ylioppilasmatrikkeli*.

¹⁵⁸ Kotivuori, *Ylioppilasmatrikkeli*.

2.3 *Advocacy*

Whereas the professional advocate had appeared in European courts with the rise of canon law and the *ius commune* in the Middle Ages – albeit varyingly from place to place – this was not yet the case in Sweden.¹⁵⁹ Probably due to the influence of canon law, some Swedish medieval provincial laws (*landskapslagar*) mention the possibility of representation: having a servant, relative, or friend appear in court in one's stead. Usually this was only the case if the party could not attend in person, as the simplicity of the procedure did not call for learned representation.¹⁶⁰ Thus, there was still no professional advocacy in Sweden at the turn of the seventeenth century.

The establishment of courts of appeal in the early seventeenth century, the growing complexity of judicial procedure, and closer contact with European learned law slowly brought about professional advocacy in Sweden, too.¹⁶¹ The 1615 Procedural Rules for the Court of Appeal (*Rättegångs-Processen*) first brought the terms “advocate” and “procurator” into Swedish law, as previously only the term “representative” (*fullmäktig*) had been used. This has been seen as referring to the possibility of professional representation, and an oath required of those appearing on someone's behalf as the first steps towards control of procedural representation.¹⁶²

Despite the specific acceptance of procedural representation and advocates in the 1615 Procedural Rules, mixed attitudes appeared towards professional advocacy throughout the seventeenth century. Opponents argued that advocates would bring about unnecessary lawsuits, use legal gimmicks, and entice people into arguing while taking their money for it, thus prolonging the procedure – arguments voiced elsewhere in Europe, too.¹⁶³ A negative stance towards advocacy was already taken in 1619 in a proposal on the administration of the towns (*Stadga om städernas administration och upkomst i Rijkhet*), although this proposal was never officially promulgated.¹⁶⁴ While the 1615 Procedural Rules allowed advocacy in the courts of appeal, it still happened that Per Brahe the Younger, the president of the Svea Court of Appeal in 1641–1661 and a devout opponent of advocacy, forbade some parties to use advocates.¹⁶⁵

159 Brundage, *The Medieval Origins*.

160 Letto-Vanamo, *Suomalaisen asianajalaitoksen*, p. 7–9.

161 Pihlajamäki, *Kansan*, pp. 41–46.

162 Letto-Vanamo, *Suomalaisen asianajalaitoksen*, pp. 33–36.

163 See e.g. Brundage, *The Medieval Origins*, pp. 477–487.

164 Sture Petré, “Våra första advokater,” *Svensk juristtidning* (1947), pp. 4–9; Letto-Vanamo, *Suomalaisen asianajalaitoksen*, pp. 71–74; Pihlajamäki, *Kansan*, pp. 34–35 and 59.

165 Petré, “Våra första,” p. 5.

The higher nobility felt threatened by professional advocates, who might incite commoners against them. King Gustav II Adolf and his daughter Queen Christina shared this distaste for advocates. A contrary viewpoint was represented by Johan Skytte. Though elevated to the second highest class of nobility as a baron (*friherre*) in 1624, he came from a burgher background, acknowledging the needs of commoners to seek their rights.¹⁶⁶ The dislike of advocates, voiced by some of the realm's elite, is interesting in reflecting the level of professionalism in organizing the country's judiciary. The need for legally learned judges – on the court of appeal level, at least – was surely acknowledged.¹⁶⁷ But advocates were still seen as interfering with the procedure, making it too complicated and prolonged. This, again, suggests how the seventeenth-century changes in the judiciary were not a carefully thought-out plan, but rather something that took place in a piecemeal fashion. Those taking part in the changes did not necessarily have everything planned out from the start, but they too had to adjust to the new way of legal thinking and legal procedure.

Scepticism and hostility were nevertheless insufficient to stop the appearance of professional advocates in the Swedish judicial sphere. The first advocates to start practising in Sweden in the first decades of the seventeenth century often came from abroad – as indeed did many Stockholm inhabitants, as well. Some Swedes who had studied abroad, and later also in Sweden, also began to work as advocates. University studies in law were not required of them, and some only held practical knowledge of the law. Some students of the Academy of Turku also used to practice advocacy in the town courts during their studies, although for most of them this was just a temporary venture.¹⁶⁸ For officials and trainees of the courts of appeal, advocacy was sometimes a means to make some extra money during hard times, although the potential problems of this practice were recognized and tackled – with varying degrees of effectiveness.¹⁶⁹

The number of learned advocates in Sweden grew steadily throughout the seventeenth century and they became more professional.¹⁷⁰ Research on advocacy in Finland has shown that the first legally learned professional advocates appeared in Turku in the mid-seventeenth century, and by the 1680s and 1690s

166 Petrén, "Våra första," pp. 5 and 8–9; Yrjö Blomstedt, "Oikeustieteen tohtoreista ja tohtorinväitöskirjoista 1600-luvun Turussa," *Lakimies* (1964), pp. 698–699.

167 Vasara-Aaltonen, "From Well-travelled," p. 329; Vasara-Aaltonen, "Noble Standing," p. 617.

168 Petrén, "Våra första," pp. 12–19; Trolle Önnerfors, *Justitia*, pp. 128–129; Letto-Vanamo, *Suomalaisen asianajalaitoksen*, pp. 13 and 45; Pihlajamäki, *Kansan*, p. 48.

169 Petrén, "Våra första," p. 19; Letto-Vanamo, *Suomalaisen asianajalaitoksen*, pp. 81–85; Pihlajamäki, *Kansan*, pp. 56–57.

170 Trolle Önnerfors, *Justitia*, pp. 129 and 133.

they had stabilized their position and were making a living through advocacy.¹⁷¹ The situation in the countryside was very different. Professional advocates do not appear in the seventeenth-century court records of district courts, with the exception of a few occasions where Turku advocates travelled to some of the nearby district courts to try some cases. Even then, their clients usually came from the town, too, not the countryside. Sometimes also local officials acted as representatives, but there were no professional advocates in the countryside.¹⁷²

Throughout the seventeenth century, despite conflicting attitudes towards advocacy, the reality was that with growing complexity in the legal sphere, and written procedure, the need for advocates existed. This resulted in the issue of many regulations on the practice during the century. One debate concerned whether or not to establish a monopoly for professional advocates, making lay representation impossible.¹⁷³ The burgher estate had suggested this at the Diet, but the nobility and peasantry stood decisively against the proposal. In any case, the limited number of professional advocates in the country would have made this impossible to realize. In turn, in 1723, the peasantry suggested that the use of advocates be forbidden in cases between peasants – reflecting a common European conflict between learned law and a local, traditional view of the law.¹⁷⁴ However, the restructuring of the judiciary and more control over the local courts were something the state needed – and by the eighteenth century it was inevitable that this more complex structure also entailed the employment of advocates. Hence, attitudes towards advocacy softened at the state level. The answer to these contending ideas was to maintain the *status quo* as far as still allowing advocacy in all cases, but not demanding that advocates should be legally trained.¹⁷⁵

171 Pihlajamäki, *Kansan*, pp. 47 and 52.

172 Letto-Vanamo, *Suomalaisen asianajalaitoksen*, pp. 142–143 and 220–222; Pihlajamäki, *Kansan*, pp. 48–51.

173 The Svea Court of Appeal had made suggestions to this end in 1656 and 1688, though with no success. It is highly interesting that the Court of Appeal in 1656 would favour a monopoly for learned advocates, while in 1654 the Stockholm Town Court Order of Procedure still encouraged parties to appear without representation. In the seventeenth century, the attitude of lower courts was less favourable towards advocacy than that of the courts of appeal, which again reflects varying attitudes towards advocacy. Trolle Önnerfors, *Justitia*, p. 130; Pihlajamäki, *Kansan*, pp. 56–57.

174 The structure of Swedish society, and the judiciary as well, allowed the peasantry to stay relatively untouched by legal changes for a longer time. Therefore, it took until the eighteenth century for the peasants to voice their opposition, and even then it did not reach the level of strength of opposition by German peasants, for instance. Pihlajamäki, *Kansan*, pp. 34–37, 60–61, and 68–70.

175 Pihlajamäki, *Kansan*, pp. 56–64.

The research material from the Academy of Turku paints an interesting picture of the situation regarding advocacy, as men born outside of Sweden proper seem to be overrepresented compared to the whole sample of students. None of the Leiden students ended up working as advocates, which is not that surprising given the large number of noble students there. They were more prone to achieving positions as state officials in the judiciary or administration. Among the students at German universities, four came to earn their living through advocacy. Two of them, Erich Levin Nummens and Gustav Herbers, were born in Narva, in Swedish Estonia. Nummens was the son of a merchant, studied in Leipzig and Jena in the 1670s, and then functioned as an advocate, apparently in Narva.¹⁷⁶ Herbers, the son of the burgomaster of Narva, studied in Turku and Halle in the 1690s; he, too, became an advocate in Narva.¹⁷⁷ The two students from Sweden proper were Petter Lundelius and Lorentz Anders Ekenberg. Lundelius, born in Unnaryd, studied in Turku, Rostock, Greifswald, and Lund in the 1670s and 1680s, and then became an advocate in Malmö, Sweden. His family background is not known.¹⁷⁸ Ekenberg, whose father was a customs inspector (*tullinspektor*) and captain in Vaasa, Finland, had studied in Turku in the 1740s and became an advocate at the Turku Court of Appeal even prior to his studies and a doctorate in law from Greifswald.¹⁷⁹

In comparison, the number of future advocates among those who studied in Dorpat is larger. Four out of thirty-three students embarked on this career, and three of them had been born in the Baltic provinces of Sweden. Nils Duncanus (d. 1701), the son of a parish rector from Swedish Estonia, studied in Dorpat and Turku in the 1650s and became an advocate at the Turku Court of Appeal in 1660. Later he found positions in the administration and the military and finally as an assessor at the Dorpat Court of Appeal in 1695.¹⁸⁰ Anders Forselius from Livonia, also the son of a parish rector, had studied in Dorpat, Kiel, and Königsberg before becoming an advocate at the Svea Court of Appeal in 1701.¹⁸¹ Henrik Kors, born in Swedish Ingria to a chief war commissary (*överkrigskommissarie*), had studied in Dorpat and Turku in the 1690s, and soon thereafter became an advocate in Turku. Advocacy was probably not his sole occupation as he is mentioned as being a captain in the infantry the same year.¹⁸² Finally, there is Petter Longe (d. 1729) from Finland, whose father was a Crown bailiff. He, too, had studied in Dorpat and Turku in the 1690s. Soon after his studies, he

176 Kotivuori, *Ylioppilasmatrikkeli*, Erich Levin Nummens.

177 Kotivuori, *Ylioppilasmatrikkeli*, Gustav Herbers.

178 Kotivuori, *Ylioppilasmatrikkeli*, Petter Lundelius.

179 Kotivuori, *Ylioppilasmatrikkeli*, Lorentz Anders Ekenberg.

180 Kotivuori, *Ylioppilasmatrikkeli*, Nils Duncanus.

181 Kotivuori, *Ylioppilasmatrikkeli*, Anders Forselius.

182 Kotivuori, *Ylioppilasmatrikkeli*, Henrik Kors.

is mentioned as a trainee (*auskultant*) and a year later as an advocate in Turku. After that, in the first years of the eighteenth century, he held positions as a district court judge in several judicial districts (*domsaga*), was a surrogate provincial judge (*underlagman*) and finally burgomaster of Naantali (Swed. *Nådendal*) from 1711 to 1723.¹⁸³ It is noteworthy that all of them practiced advocacy in Sweden proper.

While the number of future advocates overall is rather small to draw very far-reaching conclusions, tentatively one might suggest that the fact that comparatively more of them were studying at Dorpat than at the other universities of this research would be in accordance with the observation already made earlier. That is, the Turku law students at the semi-foreign University of Dorpat did not reach such important positions in the state administration and judiciary as those who had studied at Dutch and German universities. Another argument, perhaps more compelling, is that the disproportionate number of men born in the Swedish Baltic provinces among the rather few future advocates of this study would suggest that advocacy was a more plausible option for them. It was perhaps something they had grown accustomed to. They came from a region where infiltration by the *ius commune*, and thus also by learned lawyers and advocates, was far greater. It is surely part of the same phenomenon mentioned earlier that many of Sweden's first advocates came from abroad. For most of them, advocacy was the only judicial occupation they practiced; only two later became judges during their careers. As one-third of the Turku law students in Dorpat came from the Baltic provinces, it would, thus, also be logical that more future advocates are among them than among students at Dutch or German universities.

All in all, advocacy was a rather uncommon career for Turku law students who had studied abroad. For the noblemen of the early seventeenth century, often studying in Leiden, it would certainly have been an unthinkable and unsuitable option. For those commoners who had the chance to study abroad, other opportunities seemed to present themselves after returning to Sweden. Studies abroad were encouraged to acquire competent officials for the state. Building a competent corps of advocates, however, was not on the state agenda.¹⁸⁴

With the exception of Lorentz Ekenberg, all studied and practiced advocacy in the latter half of the seventeenth century or in the very first years of the eighteenth. This reflects how professional advocacy had become more common as the seventeenth century progressed, and on the other hand, how

183 Kotivuori, *Ylioppilasmatrikkeli*, Petter Longe.

184 Petré, "Våra första," p. 9.

studies abroad became ever less common during the eighteenth century. Even though the state expressed less animosity towards advocacy in the eighteenth century, the number of advocates in this research does not rise with the turn of the century.

3 Educational Efforts in the Seventeenth Century

3.1 *Swedish Universities*

Ideas of arranging higher education in Sweden had been voiced during the fifteenth century, but it was in 1477 that a papal bull established a university in Uppsala, the seat of the archdiocese, located some seventy kilometres north of Stockholm. The university comprised faculties of theology, law, and arts. Little is known of the law faculty in its early years, but teaching most likely focused solely on canon law, despite the fact that the founding bull also allowed teaching of *ius civile*. The university was modest in its beginnings and had to suspend its activities in the early 1530s, in the wake of the Reformation.¹⁸⁵

The university reopened in 1593, after the Uppsala Synod, which had adhered to the Augsburg Confession and consolidated Lutheranism in Sweden. When Gustav II Adolf came to power in 1611, the university was in a poor state, ridden with internal disputes, and focused on training future clergymen.¹⁸⁶ For the state to develop, however, it needed trained officials, which the university in its present state was unable to provide. Therefore, in the 1620s, Gustav II Adolf, aided by his chancellor, Oxenstierna, and his former tutor, Johan Skytte (1577–1645), began reforms of the educational system with the benefit of the state in mind. The number of professors was increased, which meant that the law faculty now had two professors teaching Swedish and Roman law, though finding suitable professors was difficult at first. The reforms of the 1620s also reached the lower schools, and within the administration the trainee system (*auskultantväsendet*) was introduced to provide prospective civil servants with practical knowledge of the administration and judiciary. This practice began at the Svea Court of Appeal and later expanded to other courts and offices of the central administration. The system enabled the upward social mobility of many young commoners.¹⁸⁷ After the university reforms, student numbers

185 Lindroth, *Svensk lärdomshistoria – medeltiden*, pp. 128–130; Malmström, *Juridiska fakulteten*, I, pp. 75–80, 87–89, and 113–114.

186 Lindroth, *Svensk lärdomshistoria – medeltiden*, pp. 340–341; Lindroth, *Svensk lärdomshistoria – stormaktstiden*, p. 16.

187 Lindroth, *Svensk lärdomshistoria – stormaktstiden*, pp. 16–19 and 65–66; Malmström, *Juridiska fakulteten*, II, pp. 27–28 and 33–38; David Gaunt, *Utbildning till statens tjänst. En*

grew and the university flourished during the 1630s and 1640s. However, professors were not so easily found from Sweden, so many were called from Germany.¹⁸⁸

In 1622, Johan Skytte was appointed chancellor of the University of Uppsala. Skytte, born Johan Bengtsson, came from a burgher background, had studied abroad widely using the name Schroderus, and had then become tutor to Prince Gustav Adolf in 1602. He was ennobled in 1604 and assumed the name Skytte. During his studies, Skytte had been influenced by anti-Aristotelian Ramism (after the French humanist Petrus Ramus, 1515–1572), and its ideas of utility, education, skills, and merit found resonance in the Swedish climate of the 1620s. Skytte, himself born a commoner, emphasized the need for education and merits for young men regardless of their status. Skills and merits, not birth alone, should be considered when appointing officials. In teaching, professors should place weight on the practical applications of their subjects, and it was the university's task to prepare students for a variety of different career paths. In the first decades of the seventeenth century, however, it was still impossible for Uppsala University to realize all these expectations. The early seventeenth century was the time when Ramist ideas were influential in Sweden, but with the deaths of Skytte and another Ramist professor, Laurentius Paulus Gothus (1565–1646), these ideas no longer had representatives at the universities, where Aristotelian tendencies were again growing and were manifest in the new statutes of the university in 1655.¹⁸⁹

To continue reforms to the educational system, new university foundations were planned, with Uppsala as their model. In 1632, soon after Sweden had conquered Livonia, a university was founded in Dorpat. The university was intended for local students, but ended up being frequented mostly by Swedes.¹⁹⁰ Soon a university was also on its way in the eastern part of the realm, Finland. Axel Oxenstierna suggested relocating Dorpat University to Turku, but this plan was not chosen. Instead, with the efforts of Per Brahe the Younger and

kollektivbiografi av stormaktstidens hovrättsauskultanter (Uppsala, 1975), pp. 31–56 and 159–161; Petré, “Hovrättsens,” p. 92.

188 Lindroth, *Svensk lärdomshistoria – stormaktstiden*, pp. 22–24.

189 Jenny Ingemarsdotter, *Ramism, Rhetoric and Reform. An Intellectual Biography of Johan Skytte (1577–1645)* (Uppsala, 2011), pp. 53, 55–60, 72, 78–85, 112–114, 226–230, and 272–273; Lindroth, *Svensk lärdomshistoria – medeltiden*, pp. 317–320; Matti Klinge and Anto Leikola, “Oppi ja tiede,” in *Helsingin yliopisto 1640–1990. Ensimmäinen osa. Kuninkaallinen Turun Akatemia 1640–1808*, eds. Matti Klinge et al. (Helsinki, 1987), p. 555; Malmström, *Juridiska fakulteten*, II, pp. 69–70.

190 Lindroth, *Svensk lärdomshistoria – stormaktstiden*, p. 48. The University of Dorpat was discussed thoroughly in Part 2 of this book.

bishop Isak Rothovius, father of the brothers in Leiden, Karl and Abraham Rothovius, the Turku *gymnasium*, a former cathedral school, was turned into a university. The Academy of Turku was ceremonially opened on 15 July 1640. Its founding was part of efforts to civilize the Finnish people and tie Finland more closely to the core of the realm. There had also been concerns about purity of faith, as Turku's former bishop Eerik Sorolainen (c. 1546–1625) had been regarded as too lenient towards Catholicism.¹⁹¹ In 1666, a university was founded in Lund, in Scania, which Sweden had acquired from Denmark in 1658. As the provinces acquired in 1658 were allowed to keep their laws and privileges, a professorship in Swedish and Danish law was set up. The Lund law professors were Danish, German, and Swedish. Most significant among them was the jurist Samuel Pufendorf (1632–1694), who was especially recruited from Heidelberg and given a higher salary than the other law professors. Pufendorf will be discussed later in more detail. Lund was caught in the middle of the war with Denmark in the 1670s, after which the former Danish provinces were completely incorporated into Sweden. In the following decade, the university managed its task in Swedicing the region. Compared to Uppsala and Turku, Lund was still less significant at the beginning of the eighteenth century.¹⁹²

After the reopening of the university, the teaching of law at Uppsala began in 1609, when Johannes Messenius (1579–1636) was appointed professor of law and politics. However, Messenius soon fell into disfavour and had to leave the university in 1613. In the 1620s, the law faculty was properly organized as part of the university renewals, acquiring two professorships: one in Swedish law, the other in Roman law. Swedish law was to be compared with Roman law. In giving domestic law such a position in the law curriculum, and comparing it to Roman law, a characteristic of the *usus modernus*, Sweden was almost ahead of its time. In neighbouring Denmark, at the University of Copenhagen, Danish law was not officially taught until the eighteenth century.¹⁹³ Finding professors for the Uppsala law faculty was not easy, but in 1625 Bengt Crusius (d. 1633), who had studied widely in Germany, was recruited as professor of Swedish law. During his period at the university, he wrote commentaries on the Town Law

191 Klinge, "Perustaminen," pp. 53–54; Lindroth, *Svensk lärdomshistoria – stormaktstiden*, pp. 50–51.

192 Lindroth, *Svensk lärdomshistoria – stormaktstiden*, pp. 54–56; Gustafsson, "The Conglomerate State," p. 205; Kjell Å. Modéer, *Det förpliktande minnet. Juridiska fakulteten i Lund 1666–2016* (Stockholm, 2017), pp. 18–22.

193 Malmström, *Juridiska fakulteten*, 11, pp. 28–32; Bernt Olsson, "Johannes Messenius," in *Svenskt biografiskt lexikon*, vol. 25 (Stockholm 1985–1987).

and the Law of the Countryside. Crusius was a respected and significant teacher, but the university lost him to the Svea Court of Appeal in 1631.¹⁹⁴

The most important jurist at Uppsala University in the seventeenth century was Johannes Loccenius, born in Holstein, who was called to Uppsala in 1625 and was appointed law professor in 1634. Loccenius's textbook, *Synopsis juris ad leges Sueticas accomodata* (1648), discussing Swedish law based on the system of the *Institutiones*, became very popular, was printed in several editions, and was still in use in the early eighteenth century. Loccenius also published a synopsis on Swedish public law as well as a treatise on maritime law with comparative elements.¹⁹⁵

In the new university statutes of 1655, the teaching of natural law and the law of nations (*ius publicum universale*) was incorporated in the assignments of the two law professors. Comparison of Swedish law to other nations' laws was highlighted. The political situation of Sweden in Europe shortly after the end of the Thirty Years' War and amidst diplomatic negotiations certainly highlighted the need for such subjects to be taught. After Sweden acquired its German territories, study of German public law (*ius publicum imperii romano-germanici*) also became more important in order to succeed in politics with the German *Reichsstände*. Soon after the new statutes came into force, Petrus Gavelius (nob. Cederschiöld, 1625–1697) was appointed extraordinary professor especially with the task of teaching *ius publicum universale*, and for some years he delivered lectures based on Grotius. He was followed by Johannes Schefferus (1621–1679), whose teaching focused more on natural law.¹⁹⁶ The most famous natural law jurist was Samuel Pufendorf (1632–1694), who was appointed professor of natural law and the law of nations at the University of Lund in 1668. His most important work *De Jure naturae et gentium*, published in 1672, spread widely across Europe.¹⁹⁷ Pufendorf's natural law would become especially important for absolutist rule in Sweden, which will be discussed later.

194 Malmström, *Juridiska fakulteten*, II, pp. 33–43; Björne, *Patrioter*, p. 30; J.E. Almquist, "Benedictus Olai Crusius," in *Svenskt biografiskt lexikon*, vol. 9 (Stockholm, 1931).

195 Björne, *Patrioter*, pp. 26–30.

196 Malmström, *Juridiska fakulteten*, II, pp. 71–73, 77–78, and 91–92; Bo Lindberg, "The Doctrine of Natural Law in 17th century Sweden," in *Samuel von Pufendorf 1632–1982. Ett rätts-historiskt symposium i Lund 15–16 januari 1982*, ed. Kjell Å Modéer (Stockholm, 1986), p. 73; Lindroth, *Svensk lärdomshistoria – stormaktstiden*, p. 362; Per Nilsén, "Der Staatsrechtsunterricht an den schwedischen Universitäten 1723–1772," *Ius Commune, Zeitschrift für Europäische Rechtsgeschichte* 28 (2001), pp. 239–240.

197 Lindroth, *Svensk lärdomshistoria – stormaktstiden*, pp. 362–363.

In 1655, the diplomat Mattias Biörenklou (1607–1671) took a strong stand in favour of a more thorough teaching of natural law and the law of nations. He criticized relying too heavily on Roman law, which lacked axiomatic validity without connection to “natural reason.” Roman law should also be tied to domestic legal life. In fact, the statutes of 1655 reflect German *usus modernus* thinking as they specified that teaching of the *Institutiones* ought to “accommodate the laws of the fatherland” (*legibus patriae accomodatas*). Biörenklou was influenced by the German jurist and polyhistor Hermann Conring (1606–1681).¹⁹⁸

In Turku, the first law professor was Johan Olofsson Dalekarlus (nob. Stiernhöök, 1596–1675), often cited as the “father of Swedish jurisprudence,” whose activities in Turku, though, were negatively impacted by his continual visits to Stockholm. His successor was Mikael Wexionius, one of the Turku law students from this study, who was first appointed professor of history and politics before his professorship in law. Wexionius, like Loccenius in Uppsala, published a textbook in the style of the *Institutiones* entitled *Brevis eisagoge ad studium juris civilis Sveco-Romani* (1650). He also paid attention to public law in *Politica Praecepta ad statum imperii Gothico Svetici accomodata*, which appeared a few years earlier. Wexionius was the most active of the Turku professors to act as *praeses*. Under his guidance, 147 dissertations were defended, of which twenty-six were juridical.¹⁹⁹

While teaching in law had been reorganized in the 1620s, and subjects such as domestic law and natural law were taught early on at Swedish universities, the faculties of law were not one continuous success story. Many professors did not contribute to legal science in any significant way, or were frequently absent or sickly. At times, it was difficult to hire suitable law professors at all. When Axel Oxenstierna visited Uppsala University in 1637, he found that the educational results of the law faculty were not satisfactory as it was still difficult to find enough qualified officials for the administration.²⁰⁰ The trainee system at the courts of appeal helped give future lawyers and officials practical knowledge outside the universities, and similarly, some jurisprudential treatises were also written outside academia. Claudius Kloot (c. 1612–1690), burgomaster in Vänersborg, and Claes Rålamb (1622–1698), a councillor of the realm, both contributed to Swedish legal scholarship in the seventeenth century. Kloot is

198 Malmström, *Juridiska fakulteten*, II, pp. 74–76.

199 Björne, *Patrioter*, pp. 30–32, 39, and 48.

200 Malmström, *Juridiska fakulteten*, II, pp. 55 and 60; Liljenstrand, *Åbo universitets*, pp. 26–27 and 37–40; Björne, *Patrioter*, p. 31; Gaunt, *Utbildning*, pp. 38–39.

best known for his *Then Swenska Lagfarehheetz Spegel* (written in the 1650s, published in 1676). He was of the opinion that a judge ought to have legal learning, and that books on the law should therefore be available in the vernacular. Rålamb wrote *Observationes Juris Practicae* (1674), a systematic portrayal of private and procedural law which, as its subtitle reveals,²⁰¹ was written in Swedish, and drew comparisons between Swedish law and foreign law. Kloot's and Rålamb's works were written in Swedish and intended as practical handbooks, but they were based on a knowledge of European jurisprudence and regarded Roman law and European legal doctrine as subsidiary sources of law in Sweden.²⁰²

Despite the renewals initiated at the university in the 1620s, the changes were not as profound as they could have been. Teaching still followed the medieval scholastic method, while examinations were undefined. Although the focus was no longer only on theology, the teaching in various subjects was not in practical knowledge but in providing an encyclopaedic education. In accordance with the medieval model, all would first study at the philosophical faculty, and in practice the master of arts was the only degree given. Professor of medicine Olof Rudbeck (1630–1702), supported by the university chancellor Magnus Gabriel De la Gardie (1622–1686), opposed the outdated system in the 1660s, during the first Cartesian controversies, emphasizing that all fields had their own special requirements. His call for renewal did not succeed at the time, though, as Swedish universities by and large still stood behind the old educational tradition. Throughout the century, the views of Crown and Church differed on the purpose of the education offered at universities. It was not until the eighteenth century that more profound changes occurred.²⁰³

3.2 *The Educated Nobleman*

The role of the nobility in seventeenth century Swedish society and politics has already been described above. Here, a few remarks are in order on the education of the Swedish nobility. The traditional method of educating noblemen was at home, through private teachers, *praeceptores*. Another possibility was for noble families to send a son as a page to the royal or princely court, where

201 "Observationes juris practicae. Thet är, åthskillige påminnelser vthi rättegångs saker, grundade vthi Gudz ord, Sweriges lagh och recesser: förklarade aff then andelige och fremmande werldzlige lagh: med förnähme lärde mäns skrifter och öfwereens stämmande stadfästade: tienlige så wäl kärandom som swarandom. Til rättelse och vnderwisning, samandragne för en rum tijd sedan."

202 Björne, *Patrioter*, pp. 32–38.

203 Lindroth, *Svensk lärdomshistoria – stormaktstiden*, pp. 29, 33, 46–47, and 451; Klinge, "Perustaminen," p. 46.

he would receive some education, possibly together with the sons of the ruler.²⁰⁴ In the sixteenth century, the humanistically-influenced ideal of educated noblemen, described in Part 1 of the book, reached Sweden, too, and its connection to serving the fatherland suited the nobility in its ambitions to take part in state-building. Books with European influences on the ideals of educating noblemen, such as the *Oeconomia* by Per Brahe the Elder, began to appear in the late sixteenth century. These combined traditional courtly travels with more practical and utility-oriented goals. A nobleman who wanted to succeed in responding to the needs of the state and society had to acquire knowledge and skills. This need for knowledge was also tied to a social dimension: knowledge brought with it prestige and the possibility of a higher position in society. During the reign of Gustav Vasa, it was still uncommon for the nobility to travel abroad to study, but this became more common in the later decades of the sixteenth century. At the turn of the seventeenth century, the University of Uppsala could not yet provide a suitable education, so the nobility sent their sons to foreign universities and noble academies.²⁰⁵

Even with the renewal of Uppsala University in the 1620s, it was still not self-evident that the nobility would send their sons to university, where they would mix with commoners. Thus a *collegium illustre* for the nobility was set up in Stockholm, too. However, it was short-lived and had to suspend its functions after three years, in 1629. Uppsala became the place of educating the Swedish nobility, but journeys abroad still continued. In Germany, the *collegium illustre* in Tübingen was popular with Swedish students as well, and of the Dutch universities Leiden could cater to the needs of the nobility. The Swedish nobility's studies abroad covered politics, law, history, eloquence, languages, military science, chivalric exercises, and getting to know different societies – everything that could be expected from a future statesman and a man of noble standing. To best fulfil the needs of the state, a young nobleman ought to combine academic studies with exercises, visiting important European cities, and making political observations. When planning his sons' travels, Axel Oxenstierna, for instance, laid great weight on having a balance between these different aspects.²⁰⁶

Giese has shown, in light of members of the Oxenstierna family and their study journeys, how the character of the Swedish nobility's studies abroad

204 Giese, *Studenten*, pp. 148–179.

205 Bo Eriksson, *Statstjänare och jordägare. Adelsideologi i Per Brahe den äldres Oeconomia* (Stockholm, 2008), pp. 102–104; Giese, *Studenten*, pp. 69, 106–107, and 120–121; Lindroth, *Svensk lärdomshistoria – medeltiden*, pp. 221 and 272–275.

206 Lindroth, *Svensk lärdomshistoria – stormaktstiden*, pp. 41–44 and 58–59; Giese, *Studenten*, pp. 461–475 and 502; Winberg, *Den statskloka*, p. 351.

changed from the late sixteenth to the mid-seventeenth century. Whereas in the sixteenth century the humanistic ideal of knowledge encouraged noblemen to pursue academic studies at universities, the seventeenth century witnessed seeing the world and learning practical matters such as fortifications also gain in importance. The *Kavalierstour* type of travel came next to the *peregrinatio academica* type of travel in the seventeenth century, but the academic part of the journey did not completely disappear.²⁰⁷ Also Winberg has identified three different types of noble travellers. At the beginning of the seventeenth century, journeys were still similar to those in the previous century, and Germany was the main destination. The next group, in the 1630s and 1640s, usually studied in the Netherlands, followed by a journey to France and Italy. Finally, after mid-century, visits to Paris, and to a lesser extent Rome, became the focus of Swedish noble travellers. Journeys to these destinations did not have academic goals.²⁰⁸

Most of the noble Turku law students fall into the second category mentioned by Winberg: studies at a university, usually Leiden, were followed by a journey through France, England, and even Italy, where the purpose was other than academic studies. Furthermore, these developments coincide with the time when Sweden was gaining a greater role in Europe, so that making contact with foreign dignitaries was useful. Indeed, a great many of the noble judges of the Svea Court of Appeal in the early seventeenth century had participated in different diplomatic negotiations during their time abroad.²⁰⁹ Gabriel Kurck (1630–1712), brother of the Leiden students Knut and Gustaf, illustrates some of the objectives of noble travel in his autobiography. His travels included observing courtly life at the invitation of European princes, brief visits to universities, observing courts of law, administration, churches, architecture, manufactories, and culture of the many towns he visited. Unlike his brothers, he did not enrol and actually study at a foreign university, but he did receive an honorary *magister artium* from Oxford. He also notes how the fact of being Axel Oxenstierna's nephew opened doors for him during his travels. Gabriel Kurck was headed for a military career, which can also be seen in his travels. He acquainted himself with fortifications and joined the army while abroad.²¹⁰ His brothers, aiming for civil careers, had more academic goals for their journey instead.

207 Giese, "Peregrinatio," pp. 92–102; Giese, *Studenten*, pp. 663–664.

208 Winberg, *Den statskloka*, pp. 185–186 and 366.

209 Eliasson, "Peregrinatio," p. 34; Vasara-Aaltonen, "From Well-travelled," pp. 319–323.

210 Gabriel Kurck, *Landshövdingen friherre Gabriel Kurcks lefnadsminnen uppptecknade af honom själf*, ed. Reinh. Hausen (Helsinki, 1906), pp. 15, 22–26, 40–42, 52–55, 71–78, and *passim*; Kotivuori, *Ylioppilasmatrikkeli*, Gabriel Kurck.

The nobility's pursuit of power within the growing state meant that it needed to be educated. Axel Oxenstierna was horrified at noblemen being poorly educated, since in his view education was crucial for the nobility to obtain important positions in the administration instead of trained foreigners.²¹¹ Even in the 1630s, the diplomat and future councillor of the realm Johan Adler Salvius (1590–1652) complained about the lack of educated young noblemen who could perform diplomatic tasks. In 1640, Adler Salvius reminded Axel Oxenstierna about superficial learning among noblemen and suggested that Oxenstierna's son Erik (1624–1656) be thoroughly learned in all faculties in order to be "perfect in *rerum civilium*." The rush of Swedish students to study in the 1630s and 1640s, as well as the eagerness with which Christina, in particular, ennobled commoners who had served the administration, changed the situation. Consequently, the old nobility dreaded losing its leading position. Specifically, they feared that studies by commoners aiming at a career in the administration threatened their own standing.²¹² This fear voiced itself in 1655, when Magnus Gabriel De la Gardie, as new chancellor of the University of Uppsala, proposed that the higher education of the lower estates should be restricted. According to him, it was not desirable that the sons of burghers and those of peasant background should pursue political studies and careers in the administration. In addition, university education in Sweden ought to be more suitable for the needs of the nobility. His ideas of restricting the studies of commoners were not realized. However, in the 1660s, when the nobility was again strengthened during the regency of Charles XI's minority, a new building for noble exercises was erected at the University of Uppsala, providing teaching in fencing, riding, and dancing, as well as modern languages.²¹³

In the first half of the seventeenth century, noble study journeys were part of the state-building process. Indeed, they were encouraged by the state, as will be seen in the following chapter. However, in the second half of the century,

211 Lappalainen, *Pohjolan*, p. 149. However, to strengthen his own position, Oxenstierna still rather relied on non-noble officials instead of members of rival aristocratic families when recruiting officials for his chancery. Norrhem, *Uppkomlingarna*, pp. 53–57 and 79.

212 Nuorteva, *Suomalaisten ulkomainen*, pp. 382–384; Droste, *Im Dienst*, p. 146; Lindroth, *Svensk lärdomshistoria – stormaktstiden*, pp. 41 and 45. Quite in line with Adler Salvius's recommendations, Erik Oxenstierna travelled to Amsterdam, where he studied the Dutch language, government, history, literature, and commerce. In Leiden, he studied law under Vinnius, listened to Boxhornius's lectures, and planned to attend an anatomical demonstration. See F.S. de Vrieze, "Academic Relations between Sweden and Holland," in *Leiden University in the Seventeenth Century. An Exchange of Learning*, eds. Th.H. Lunsingh Scheurleer and G.H.M. Posthumus Meyjes (Leiden, 1975), p. 348.

213 Edlund, "M.G. De la Gardies," pp. 51–53, 62–63, 146, 152–153, and 242–243; Lindroth, *Svensk lärdomshistoria – stormaktstiden*, p. 44.

the character of the journeys began to change, and the nobility's interests in preserving its societal status became a more important reason for travelling in Europe.²¹⁴

3.3 *Encouraging Studies Abroad in the Seventeenth Century*

The educational reforms that began in the 1620s did not stop students from travelling abroad – in fact, the seventeenth century was the golden age of Swedish students' journeys abroad, and they were supported by the Crown. Studies abroad were not regarded as an alternative to studies at home, but rather as complementary to them. Many had begun by studying at a Swedish university, as did most of the Turku law students. Continuing one's studies abroad could give deeper insight and provide contacts for scholars in a way that was not possible at home. The seventeenth century found Sweden in the midst of European politics and culture, and so it was natural to further one's knowledge by attending European universities. Indeed, diplomacy and commerce required these contacts. Travelling students could also bring home books that were valuable in preparing for diplomatic negotiations. Universities valued foreign experience, as well: in Turku, those who had studied abroad enjoyed priority when professors were appointed. For those with higher career ambitions, studies abroad were a natural choice.²¹⁵

While study journeys entailed aspects of personal interest – building a career and gaining social prestige – they were most importantly also a part of Swedish seventeenth-century state-building. Winberg suggests that encouraging young men to travel abroad for the good of the country was part of Axel Oxenstierna's vision for the growing state. This view was shared by the leading men of the aristocracy.²¹⁶

In the first half of the seventeenth century, favourable attitudes and guidance by the leading men in Sweden enabled young men, both nobles and commoners, to journey abroad for study. It was emphasized repeatedly that study journeys would be of benefit to the state (*statsnyttan*) if the students gained "political wisdom" (*statskloket*) which they could later as officials use to the good of the state and society. This goal gave legitimacy to educational travels. These ideas were echoed in various instructions, orations, and *ars apodemica* literature.²¹⁷

214 Winberg, *Den statskloka*, p. 366.

215 Niléhn, *Peregrinatio*, p. 299; Lindroth, *Svensk lärdomshistoria – stormaktstiden*, pp. 56–58 and 60; Erik Thomson, "Axel Oxenstierna and Books," *Sixteenth Century Journal* 38:3 (2007), pp. 710 and 721–722.

216 Winberg, *Den statskloka*, pp. 15 and 32.

217 Winberg, *Den statskloka*, pp. 77–78, 82, and 107.

Many of those who supported studies abroad in the seventeenth century had themselves been on study journeys around the turn of the century. Peregrinations ran in the family, and furthering studies at European universities was a natural part of education for them.²¹⁸ For instance, in 1660, Schering Rosenhane (1609–1663), a diplomat and councillor of the realm, encouraged his son Johan (1642–1710) to study in the Netherlands and focus on questions of commerce. The best way to gain a practical education for the needs of a young nobleman was to study abroad, he felt. In his written instructions to his sons, he also mentioned that knowledge of Roman law and political constitutions would help understand the circumstances in different places. In Heidelberg and Tübingen it would be useful to study law and “*res Germanicae*.” Johan Rosenhane went on a long study journey abroad, which included studies in Leiden, Amsterdam, and The Hague, learning at least accounting, commerce, and public law. Prior to his journey, he had held an *oratio* entitled *De peregrinatione*. During his career he found positions on the Swedish Board of Commerce and at the Wismar Tribunal. His father’s advice on studies abroad, thus, appears to have been sound.²¹⁹

Another example is Carl Gustaf Wrangel (1613–1676), marshal of the realm (*riksmarsk*) and an important statesman. Wrangel was in charge of the upbringing of several young noblemen, to whom he recommended the *Ritterakademie* of Tübingen and the University of Heidelberg. Heidelberg was also favoured by noble Turku law students around the same time.²²⁰ Wrangel’s son Carl Philip (1648–1668) enrolled at Heidelberg soon after Samuel Pufendorf had begun as professor of natural law there. Wrangel emphasized the importance of military sciences, and contacts with royal courts abroad.²²¹ Through studies abroad, young men could also learn different languages, which Axel Oxenstierna regarded as important when recruiting officials.²²²

As described earlier in Chapter 5, section 2, Per Brahe the Elder gave instructions on the foreign travels of young noblemen in his *Oeconomia*, which was written in the late sixteenth century and published in 1677. Mikael Wexionius mentioned aspects of upbringing and education in his work *Politica* (1657). In it, he stated the obvious benefits of studying abroad but reminded the reader

218 Winberg, *Den statskloka*, pp. 84 and 165.

219 Göransson, *De svenska studieresorna*, pp. 69–71; Wrangel, *Sveriges litterära*, p. 130; Niléhn, *Peregrinatio*, p. 249; Magnus Mörner, “Schering Rosenhane,” in *Svenskt biografiskt lexikon*, vol. 30 (Stockholm, 1998–2000); Winberg, *Den statskloka*, pp. 93–94.

220 See Chapter 4, section 5.

221 Arne Losman, *Carl Gustaf Wrangel och Europa. Studier i kulturförbindelser kring en 1600-talsmagnat* (Stockholm, 1980), pp. 49–53.

222 Norrhem, *Uppkomlingarna*, p. 56.

that it was important for the student in question to have a sound prior education before embarking on his journey so as to escape the religious influences of other confessions. The peregrinating student was not to return to criticize his own country's monarch, administration, or religion. Moreover, the student was to use all the knowledge and experience he had acquired for the good of society as a whole.²²³

The European practice of *ars apodemica* literature reached Sweden, too. Swedish writings from the seventeenth century show very similar purposes and expectations for studies abroad as did European guides from the sixteenth century onwards. One example of this is a *Dissertatio academica de peregrinatione* (1685), written in Turku, where the respondent was a Petrus Fogelberg (d. 1712) from Värmland, with professor of eloquence Daniel Achrelius (1644–1692) acting as *praeses*. In the preface to the dissertation, the author states that wisdom and learning have spread around the world, which is why great men throughout history have travelled abroad. The dissertation itself deals with necessary aspects of travel abroad such as good health, sufficient funding, and being the right age. The travelling student was to be old enough to have sound reasoning and not be vulnerable to false religious influences. The most important thing, however, was that the journey had an honourable purpose, and was of use not only to the traveller but also of benefit to his country. The best way to learn in a foreign country was to acquaint oneself with known scholars and socialize with them.²²⁴

The student was, however, to be wary of fellow-travellers with interests other than intellectual or spiritual. Drinking, womanizing, and gambling were issues addressed by many writings of the 1630s and 1640s. Even professor Wexionius referred to this problem in his speech at the founding festivities of the Academy of Turku. The dissertation of Fogelberg and Achrelius goes on to conclude that once a student had overcome all the possible hurdles of his travels and had finished his peregrination he had the right and duty to acquire good standing in society.²²⁵ Whereas Fogelberg and Achrelius focused on the importance of knowledge and learning in itself, a later writing, *De peregrinatione recte instituenda* (1741) published in Turku, presented different agendas. The respondent was a student called Sven Ring and the *praeses* was professor of eloquence Henrik Hassel (1700–1776). Its starting point is different; it gives systematic instructions on what to focus on during one's studies. The main focus

223 Raija Sarasti-Wilenius, "De peregrinatione – Näkökulmia ulkomaan matkailuun Suomen latinankielisissä lähteissä 1600-luvulla," *Tieteessä tapahtuu* 16:1 (1998), pp. 16–17.

224 Sarasti-Wilenius, "De peregrinatione," pp. 17–18.

225 Sarasti-Wilenius, "De peregrinatione," pp. 18–19; Klinge, "Perustaminen," pp. 67–69.

is on aspects of economics and trade.²²⁶ Peregrinating youth even appeared in theatre, as in the Swede Samuel Petri Brask's (1613–1668) play *Filius prodigus, seu Imperitus peregrinans* ("The prodigal son, or the ill-prepared traveller," 1645), which brought up the dangers which travelling posed and how it was important to stay true to one's home. Brask had studied law in Leiden, and his play was also based on a Dutch model.²²⁷

Besides in written material, educational travels were also discussed in several orations. These, too, focused on the benefits study journeys brought to the state. Johannes Matthiae (1592–1670), for instance, discussed the different aspects of prudence (*prudencia*) and their connection to the state. The benefit for the state was the most important criterion for study journeys.²²⁸

Finally, letters written by students while on their study journeys can shed some light on the expectations students tried to fulfil by going abroad.²²⁹ Letters could be sent to family members, patrons, and others who could benefit the student later. For instance, Schering Rosenhane made a list of high-ranking statesmen, lawyers, professors, and others, that he suggested his son Johan could correspond with. This would train him to write about complicated questions of economy, commerce, politics, and science.²³⁰

Some letters that Turku law students sent back home to Sweden have survived – most of them addressed to Axel Oxenstierna.²³¹ The letters that the students sent from their travels abroad are almost always written in Latin, or sometimes in another foreign language. Members of the Gyldenstolpe family, for instance, usually used Latin in all their correspondence, and the sons of Mikael Wexionius Gyldenstolpe began writing letters in Latin even as young

226 Sarasti-Wilenius, "De peregrinatione," p. 19.

227 Gunnar Broberg, "Academic attraction abroad: Swedish-Dutch scholarly relations in the seventeenth and eighteenth centuries," in *The Swedes & the Dutch Were Made For Each Other: 400 Years of Swedish-Dutch Relations*, ed. Kristian Gerner (Lund, 2014), p. 97; O. Wieselgren, "Samuel Petri Brask," in *Svenskt biografiskt lexikon*, vol. 6 (Stockholm, 1926).

228 Winberg, *Den statskloka*, pp. 60–62.

229 Though one must keep in mind that much of each letter is filled with praises of the recipient and other rhetoric reflective of the time, see e.g. Ulla Koskinen and Anu Lahtinen, "Siskot, veljet ja erityisen hyvät ystävät. Aatelismiesten ja -naisten kirjeenvaihto uuden ajan alun Ruotsissa," in *Kirjeet ja historiantutkimus*, eds. Maarit Leskelä-Kärki, Anu Lahtinen, and Kirsi Vainio-Korhonen (Helsinki, 2011), pp. 83–85 and 89–90; Hakanen, *Vallan*, pp. 22, 27, and 29–32.

230 Winberg, *Den statskloka*, pp. 92–94.

231 Unfortunately the letters of non-nobles have not been archived in the same fashion as those of the important noble families, which makes it more difficult to find letters from non-noble students to their family members.

children.²³² Skills in writing letters and mastering Latin were necessary for a successful career in the administration, which meant it was useful to start practising early.²³³ For some students it seems that Latin came into the picture once they commenced their journeys, and they then stopped writing their letters in Swedish. It was a way of showing their learnedness to their families and patrons, and how financial aid to them truly was put to use. One of the few students who still went to study abroad in the late eighteenth century, Axel Lindblom (nob. Lindersköld), a future assessor of the Board of Mining, even refers to this when he writes to his benefactor Samuel Älf (1727–1799) in German from Greifswald.²³⁴

Karl Rothovius's letters to Oxenstierna give some idea of the contents of his studies. In August 1647, he wrote a letter from Rostock, in which he first expressed thanks for the generous scholarship he had received from the queen. He went on to state that he had been held up in Rostock and had stayed there "for as long as my studies required it according to your instructions."²³⁵ Then he had felt it was time to head to the Netherlands and had thought of Oxenstierna's recommendation to travel through some parts of Germany. While in Lübeck, he had heard from his father that Oxenstierna had permitted him to spend a year at German academies. Rothovius said he would gladly continue his studies at German higher academies and also improve his German.²³⁶ In March the next year, Rothovius informed Oxenstierna that he was living in Rostock and had almost completed studies of the *Institutiones*. He refers to the instructions given by Oxenstierna, but is slightly ambiguous about whether the instructions had referred to his staying in Rostock or studying law.²³⁷

232 Raija Sarasti-Wilenius, "Kirjeen rooli lapsuudesta aikuisuuteen. Gyldenstolpe-perheen latinankielinen kirjeenvaihto (1660–1708)," in *Kirjeet ja historianätkimys*, eds. Maarit Leskelä-Kärki, Anu Lahtinen, and Kirsi Vainio-Korhonen (Helsinki, 2011), pp. 116–117; Anika Ström, "Nobilissime atque exoptatissime frater Nicolae. Barn skriver brev på latin under svenskt 1600-tal," in *Latinet i tiden. En festskrift till Hans Aili*, eds. Elin Andersson, Erika Kihlman, and Maria Plaza (Stockholm, 2014). For a selection of letters from Mikael Wexionius Gyldenstolpe to his son Nils, translated into Swedish, see Ström, ed., *Professor*.

233 Ström, "Nobilissime," pp. 335–336.

234 Letter from Axel Lindblom to S. Älf, Greifswald 10 February 1798. G 350 m, UUB.

235 "(...) ad hoc usque tempus auctoritate et mandato Excell. Tuae in studiis exegi."

236 Letter from C. Rothovius to A. Oxenstierna, Rostock, 24 August 1647. E 699, *Oxenstierna-samlingen*, RA.

237 "Non inconsultum arbitratus sum Illust. Excell. Tuam certiozem facere, me ad hoc usque tempus Rostocki vivere ad mandatum Illust. Excell. Tuae, Institutiones Iustinianeas iam fere pervolutas, absolvere."

Rothovius had also devoted himself to eloquence and was to complete a *Collegio Oratorio* in the following month before heading to the Netherlands.²³⁸

Johan Cruus's letters also give some idea of his studies abroad. In a letter to Oxenstierna from Leiden in 1635, Cruus refers to the care Oxenstierna gave all Swedish students while visiting Leiden, and expresses his deep regret that because of a headwind he did not make it back from England in time to meet Oxenstierna in Leiden. Cruus had left Leiden for five months to travel to England with Johan Skytte, who was there as legate.²³⁹ He would have liked to inform Oxenstierna about his studies in person, but now had to resort to writing letters. He went on to say that this is his second year in Leiden, where Oxenstierna had suggested he go to learn the *bonarum litterarum*, and during his time there, has made friendships with Daniel Heinsius, Marcus Zuerius Boxhornius, and Petrus Scriverius (1576–1660). During this time, Cruus had stayed with Boxhornius for six to seven months, and was, thus, able to admire his learnedness. After the summer, Cruus planned to travel to France, and after that to Italy, if his parents would permit it.²⁴⁰

Usually the display of learnedness is left on a rather general level, and the descriptions of the studies do not go into detail. Indeed, sometimes there is just a short remark on the value of learnedness. Mikael Wisius includes a quote in Greek and frequently uses metaphors from Antiquity in one of his letters.²⁴¹ In 1636, Abraham Rothovius writes to Axel Oxenstierna from Leiden mentioning that he has chosen the study of law, which he would like to complement with classes in eloquence and history, if possible. In addition, he was learning French and Italian.²⁴² This was already quite an elaborate description of his studies. Mikael Wexionius also mentioned his study choices in letters to Oxenstierna.²⁴³ Gustaf Bielke, in turn, in his letters to Oxenstierna from Leiden in 1640 and 1641, does not even refer to his studies or travels, but rather generally describes the grace his family has received from the chancellor, and his wish

238 Letter from C. Rothovius to A. Oxenstierna, Rostock, 12 March 1648. E 699, *Oxenstierna-samlingen*, RA.

239 In the 1610s, Skytte had been sent on a legation among others to England, where he returned in the 1630s to discuss the possibility of a treaty. He travelled with one of his sons and other young Swedes. See Erland Sellberg, "Johan Skytte," in *Svenskt biografiskt lexikon*, vol. 32 (Stockholm, 2003–2006).

240 Letter from J. Cruus to A. Oxenstierna, Leiden 7 August 1635. E 639, *Oxenstierna-samlingen*, RA.

241 Letter from M. Wisius to M. De la Gardie, Wismar 11 May 1659. E 1598, *De la Gardieska samlingen*, RA.

242 Letter from A. Rothovius to A. Oxenstierna, Leiden 8 June 1636. E 699, *Oxenstierna-samlingen*, RA.

243 Laitinen, *Michael Wexionius-Gyldenstolpe*, p. 30–39.

that this will continue in the future, too. He also offers his and his brother's services to Oxenstierna. In a letter of January 1641, Bielke offers his condolences upon hearing rumours of the death of Oxenstierna's brother Gabriel.²⁴⁴

Keeping in patrons' good graces seemed to be an important concern in letters. For instance, Johan Nilsson Gyllenstierna²⁴⁵ (1617–1690), the future appellate court assessor and later president of the Wismar Tribunal and the Dorpat and Svea courts of appeal, wrote a concerned letter during his studies in Leiden to his patron, Axel Oxenstierna, explaining his lack of communication. Letters between the two had apparently not been delivered for some reason, and to top it off, Gyllenstierna had been so ill that he had nearly lost his life. He appeals to Oxenstierna to still treat him with benevolence.²⁴⁶ The support of a patron was not only important for obtaining the funds needed to continue the journey. Students also had their sights on a future career, although this was usually expressed rather vaguely by stating the wish to "serve the fatherland" in future years.²⁴⁷

In this regard, the Swedes' letters are, for the most part, in contrast with those of Scottish law student John Clerk, who studied in Leiden in the late seventeenth century. In his letters, Clerk discusses his law studies in great detail and ponders with his father, who financed his studies, which lectures and *collegia* would be most advantageous to attend.²⁴⁸ Certainly letters to family members are a different matter from those written to a patron in high office, as was the case in the Swedish examples – and, admittedly, the number of letters examined here is not extensive. Still, I suggest that the Swedish letters in part represent the lack of a deliberate plan to send students abroad with the specific aim of extensive legal training. The Scottish student Clerk travelled to Leiden with the explicit purpose of learning the law in order to be accepted into the Faculty of Advocates later upon his return home. This purpose can be followed very well in his numerous letters. Clerk's father even wrote: "I'll think all my expenses well bestowed when I see you come home and pass your

244 Letters from G. Bielke to A. Oxenstierna, Leiden July 1640, 24 December 1640, and January 1641. E 568, *Oxenstierna-samlingen*, RA.

245 Gyllenstierna is not one of the Turku law students, but appears in my study on Svea Court of Appeal judges, see Vasara-Aaltonen, "From Well-travelled."

246 Letter from Johan Gyllenstierna to Axel Oxenstierna, 19 February 1642. E 618, *Oxenstierna-samlingen*, RA.

247 Letter from G. Kurck to A. Oxenstierna, Leiden 20 March 1643. E641, *Oxenstierna-samlingen*, RA; letter from A. Rothovius to A. Oxenstierna, Leiden 8 June 1636. E 699, *Oxenstierna-samlingen*, RA.

248 Van Strien and Ahsmann, "Scottish Law Students," 1992, pp. 275–276, 290–294, 306–330 and 1993, pp. 1–65.

trials with credit and enter advocate (...)”²⁴⁹ It seems that formal entry to the profession – which was absent in Sweden – and, thus, the importance of specific courses can be seen in the intensity with which studies were described to people back home.

The fact that almost all the letters here were addressed to patrons or other supporters naturally influenced how the students formulated their letters. Indeed, perhaps these are not as candid as they might have been had they been sent to close family members. On the other hand, they are important in portraying what students deemed useful to emphasize to their benefactors, thus mirroring what was expected of them. One gets the distinct impression that the specific content of studies was not of great importance. It was much more that expressing overall learnedness was expected of a young nobleman or one aspiring to reach office in the royal service. Had they been sent away with the specific aim of training them to be lawyers, one might expect them to emphasize their law studies and give some details of what they had learned, as the example from Scotland shows. The letters clearly express how the students wrote exactly what they expected the recipient wanted to hear. The specifics of their studies do not seem to have been such a matter.

Examples from Scotland show that choosing a teacher based on recommendations of mentors at home was common.²⁵⁰ In Sweden, Axel Oxenstierna paid great attention to encouraging studies which would be beneficial for diplomacy, commerce, and state offices.²⁵¹ However, 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, 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.

Encouraging studies was naturally not enough. They also had to be financed. The medieval studies of Swedish clerics had obviously been financed by the Church. However, since the sixteenth century the Crown also became involved in order to train officials abroad.²⁵² Noble journeys were especially expensive as noble young men needed to travel in a manner befitting their estate. Noble families prioritised their sons’ travels and invested in them, but this strained

249 Van Strien and Ahsmann, “Scottish Law Students,” 1992, pp. 283–287 and for examples of other Scots, pp. 294–298.

250 Van Strien and Ahsmann, “Scottish Law Students,” 1992, p. 296.

251 Nuorteva, *Suomalaisten ulkomainen*, pp. 415–416.

252 Nuorteva, *Suomalaisten ulkomainen*, pp. 36–37; Asche, “Zu den Funktionen,” p. 49.

them economically. It would even put noble families into debt. There were calls that the Crown should aid the nobility with the cost of peregrinations, calls to which the Crown responded. With growing numbers of students travelling abroad, granting scholarships became commonplace. Royal scholarships and scholarships through private foundations were granted, and important noblemen, such as Chancellor Oxenstierna himself, supported study journeys by nobles and commoners. Queen Christina was especially generous in granting scholarships.²⁵³ The aim was, of course, that these students would return home to work for the state. This purpose is noticeable in many letters regarding studies abroad.²⁵⁴ Bishop Isak Rothovius, father of the Leiden law students Abraham and Karl Rothovius, addressed his sons' matters when writing to his former student, Chancellor Oxenstierna, in 1644. He stresses his wish to send them abroad with the purpose of later serving their country. With that aim in mind, he asks Oxenstierna to support this effort by granting a scholarship.²⁵⁵ The request was approved a year later by Christina, with an award to Karl Rothovius of a scholarship of 200 *dalers* to further his studies abroad over a three-year period, making him more capable of serving the country.²⁵⁶ In fact, Isak Rothovius made similar recommendations for the benefit of other young men, as well.²⁵⁷

The fact that the Crown, and important statesmen such as Axel Oxenstierna, financed the study journeys of noblemen and commoners shows how, in the first half of the seventeenth century, the state regarded education and peregrinations. Supporting educational travels was seen as a good way to find capable officials for the state. Next to financial aid, travelling students were also given letters of recommendation to take with them.²⁵⁸

253 Giese, *Studenten*, pp. 273–276; Lindroth, *Svensk lärdomshistoria – stormaktstiden*, p. 60; Winberg, *Den statskloka*, pp. 145–153, 195–198, and 207.

254 For another example besides Turku law students, see e.g. Norrhem, *Uppkomlingarna*, pp. 53–54.

255 Biskop I. Rothovii skrifvelse till Rikskanslern A. Oxenstierna. Datum den 19 September 1644, in K.G. Leinberg, *Handlingar rörande finska kyrkan och presterskapet. Andra samlingen. 1627–1651. Jämte tillägg till första samlingen* (Jyväskylä, 1893), pp. 263–264; Norrhem, *Uppkomlingarna*, p. 54.

256 Öpedt bref för Carolo Rothovio på 200 Rijkzdal:r att niuta på trij åhrs tijdh, till sine Studiers fortsättiande uthrijkes. Stockholm d. 18.11.1645, in K.G. Leinberg, ed., *Handlingar*, p. 271.

257 Norrhem, *Uppkomlingarna*, p. 54.

258 Winberg, *Den statskloka*, pp. 154–155 and 211.

4 Student Networks

4.1 *Networks of Turku Law Students*

The character of seventeenth century study journeys, especially in their connection to students' future careers, cannot fully be understood without looking at students' social networks.²⁵⁹ The connections these men had forged from very early on in their lives affected their choice of study and their careers in highly significant ways. Kinship, marriage, and patron-client relationships all played an important part in their future.²⁶⁰ The Council of the Realm, for example, was dominated by a few families from the higher nobility.²⁶¹ At a time when advancement was not yet based on merit only, it is important to analyse the contacts that Turku law students had.

The backgrounds of the students were discussed, at least as far as their fathers were concerned, in Part 2 of this book. But the family networks of these students reached further. Moreover, the concept of family (*familj*) was broader than the nuclear family and encompassed the extended family (*släkt*), as well.²⁶² To find these broader connections between students requires also considering the women of their families, since it was through marriages that the different noble families were interconnected. The judges of courts of appeal were often connected through marriage. Moreover, for the Chancery secretaries family ties were also an important factor in their recruitment.²⁶³ Here, I will take a look at the family ties of the Turku law students in Leiden and compare them to those of the students in Greifswald.

A review of students' mothers and wives reveals the numerous connections that existed between the families of the students in Leiden, primarily between the noble students. The Bielke brothers' mother, Ingeborg Bengtsdotter

259 Mirkka Lappalainen recalls that for the people in question these contacts were about individual relationships, whereas the concept of the networks these relationships formed is constructed by the researcher in order to explain the functioning of the various relationships. Mirkka Lappalainen, "Kreivin klientit ja suurvallon rakentajat," [book review of Marko Hakanen, *Vallan verkostoissa. Per Brahe ja hänen klienttinsä 1600-luvun Ruotsin valtakunnassa*] *Historiallinen aikakauskirja* 110:1 (2012), p. 109.

260 On marriages as part of power strategies see e.g. Hakanen, *Vallan*, pp. 104–105; Anu Lah-tinen, *Sopeutuvat, neuvottelevat, kapinalliset. Naiset toimijoina Flemingin sukupiirissä 1470–1620* (Helsinki, 2007), pp. 50–51; Sharon Kettering, *Patrons, Brokers, and Clients in Seventeenth-Century France* (Oxford, 1986), pp. 19, 25, 30, 38, and 73.

261 Englund, *Det hotade*, p. 13.

262 Heiko Droste, "Språk och livsform: Patronage i 1600-talets Sverige," *Scandia* 64:1 (1998), p. 42.

263 Jägerskiöld, *Studier*, p. 52; Norrhem, *Uppkomlingarna*, pp. 61–62, 66–68, 82, and 156.

Oxenstierna was Axel Oxenstierna's cousin. Through their marriages, the brothers were connected to the Sparre and Posse families. Sten Bielke's first wife, Brita Rosladin, daughter of Christina Posse, was also half-sister to Anna Natt och Dag, who was Lars Fleming's wife, and to Kristina Rosladin, who was Herman Fleming's wife.²⁶⁴ In turn, Johan Stålhandske was married to Margareta Henriksdotter Fleming, which made him the brother-in-law of Erik Fleming. Erik Fleming's mother was Ebba Bååt of the medieval noble family Bååt. His first wife was Maria Soop, whose grandfather was a Sparre and grandmother a Brahe. His second wife was Kristina Cruus af Edeby, whose father was a governor and baron.²⁶⁵ Johan Cruus, in turn, was married to Katarina Oxenstierna, the daughter of Axel Oxenstierna. His mother was Brita De la Gardie.²⁶⁶ The Kurck brothers' mother was Märta Gustafsdotter Oxenstierna, Axel Oxenstierna's sister. Knut Kurck's second wife was his cousin Barbro Natt och Dag. Barbro's father was councillor of the realm Åke Axelsson Natt och Dag and her mother was Elsa Oxenstierna, another sister of Axel Oxenstierna. Gustaf Kurck was connected to the Banér family through his wife Elsa.²⁶⁷

The most important Swedish noble families are present in abundance when looking at the extended families of the noble Turku law students who studied in Leiden. The situation is different for the non-noble students, but some connections can still be found. Petter Thesleff's second wife was Katarina Schmedeman, whose brother Johan was councillor of the Chancery (*kansliråd*), and in the favour of King Charles XI.²⁶⁸ Jakob Lang Lagercreutz, who had only just been ennobled due to his father's merits, was married to Maria Rosensparre, whose father Birger Baaz, an assessor of the Göta Court of Appeal and provincial judge, had a couple of decades earlier been ennobled as Rosensparre.²⁶⁹ Gabriel Pontinus's father Magnus Pontinus, in turn, had written the

264 Kotivuori, *Ylioppilasmatrikkeli*, Gustaf Bielke, Sten Bielke, and Lars Fleming; Hans Gillingstam, "Oxenstierna, släkt," in *Svenskt biografiskt lexikon*, vol. 28 (Stockholm, 1992–1994); Elgenstierna, *Den introducerade*, vol. v, p. 402 and vol. vi, p. 539.

265 Kotivuori, *Ylioppilasmatrikkeli*, Johan Stålhandske and Erik Fleming; Elgenstierna, *Den introducerade*, vol. II, pp. 738–739 and 742.

266 Kotivuori, *Ylioppilasmatrikkeli*, Johan Cruus.

267 Kotivuori, *Ylioppilasmatrikkeli*, Knut Kurck and Gustaf Kurck; Gillingstam, "Oxenstierna"; Lars Ericson, "Åke Axelsson (Natt och Dag)," in *Svenskt biografiskt lexikon*, vol. 26 (Stockholm, 1987–1989); Stig Jägerskiöld, "Knut Kurck," in *Svenskt biografiskt lexikon*, vol. 21 (Stockholm, 1975–1977); Alf Åberg, "Gustav Kurck," in *Svenskt biografiskt lexikon*, vol. 21 (Stockholm, 1975–1977).

268 Kotivuori, *Ylioppilasmatrikkeli*, Petter Thesleff and Johan Schmedeman; Heikinheimo, *Suomen*, p. 669.

269 Kotivuori, *Ylioppilasmatrikkeli*, Jakob Lang; Odenrantz, *Kongl. Götha hofrätts*, p. 64; [no author] "Baazius, släkt," in *Svenskt biografiskt lexikon*, vol. 2 (Stockholm, 1920).

funeral sermons²⁷⁰ of Herman Fleming, one of the Leiden students; Christina Posse, the mother-in-law of Sten Bielke, Herman Fleming, and Lars Fleming; and Anna Margareta Oxenstierna, Axel Oxenstierna's granddaughter.²⁷¹ The Rothovius brothers' father, bishop Isak Rothovius, was very close to the Crown. He was court chaplain (*hovpredikant*) to King Charles IX and had studied together with Axel Oxenstierna.²⁷² Mikael Wexionius was connected to some of the most important men in the realm through patronage, as will be discussed in detail in Chapter 6, section 4.3.

The situation with the Turku law students who studied in Greifswald is completely different. Sometimes it is difficult even to identify their mothers and wives with certainty as they had common patronyms, like Henrik Nelly's mother Anna Eriksdotter, or common names, like Johan Henrik Hochschild's mother Anna Schmidt.²⁷³ Most often their wives had similar backgrounds as they did themselves, and thus we find daughters of merchants and clergymen, like Magnus Larsson's wife Brita Kinninmundt,²⁷⁴ and Gabriel Wallenius's wife Kristina Sofia Possenius.²⁷⁵ Only two of the students seem to have had connections to the upper nobility or even higher. Andreas Luhr was married to Sophie Marie von Lilienburg who was grand-daughter of King Charles x's sister.²⁷⁶ Johan Gezelius Olivecreutz was married to Adolfin Johanna Rutensköld, whose father, provincial judge Göran Adolf Rutensköld, was the half-brother of Beata

270 On the practice of funeral sermons (*Leichenpredigt*), see e.g. Jörn, ed., *Servorum*, p. 6; Rudolf Lenz, "Gedruckte Leichenpredigten (1550–1750)," in *Leichenpredigten als Quelle historischer Wissenschaften*, ed. Rudolf Lenz (Cologne, 1975), pp. 37–49; Rudolf Mohr, "Das Ende der Leichenpredigten," in *Leichenpredigten als Quelle historischer Wissenschaften*, vol. 3, ed. Rudolf Lenz (Marburg, 1984), pp. 295–296 and 315–323; Ingomar Bog, "Leichenpredigt und Demographie," in *Leichenpredigten als Quelle historischer Wissenschaften*, vol. 2, ed. Rudolf Lenz (Marburg, 1979), p. 49; Horst Alfred Fild, "Leichenpredigten als Quelle der Geisteswissenschaften," in *Leichenpredigten als Quelle historischer Wissenschaften*, vol. 2, ed. Rudolf Lenz (Marburg, 1979), pp. 107–108 and 120–123.

271 Kotivuori, *Ylioppilasmatrikkeli*, Gabriel Pontinus; Magnus Pontinus, *Gudachtighetenes öfning* [funeral sermon of Christina Posse] (Stockholm, 1671); Magnus Pontinus, *Gudz barnas kamp och prijs* [funeral sermon of Anna Margareta Oxenstierna] (Stockholm, 1673); Magnus Pontinus, *Gudeligh samwetzroo emoot werlden, korsset och döden* [funeral sermon of Herman Fleming] (Stockholm, 1674).

272 Lappalainen, *Pohjolan*, p. 268.

273 Kotivuori, *Ylioppilasmatrikkeli*, Henrik Nelly and Johan Henrik Hochschild.

274 Brita's brother was Robert Kinninmundt, who is mentioned among the Dorpat students, and who was ambassador in Vienna and an assessor of the Board of Mining. Kotivuori, *Ylioppilasmatrikkeli*, Robert Kinninmundt.

275 Kotivuori, *Ylioppilasmatrikkeli*, Magnus Larsson and Gabriel Wallenius.

276 Kotivuori, *Ylioppilasmatrikkeli*, Andreas Luhr; P.G. Berg and Wilhelmina Stålberg, eds., *Anteckningar om svenska qvinnor* (Stockholm, 1864), pp. 212–213.

Christina Sparre, which connects Gezelius to the noble family of the Sparres.²⁷⁷ As we can see, these connections were already quite far removed. They did not impact the day-to-day life of these men, and probably did not carry much weight in their career aspirations. In terms of networks, the situation in comparison with the students who visited Leiden in the seventeenth century had changed completely.

Still one more type of source attests to the students' connections: the dedications that can be found in their printed dissertations. These were usually directed to the students' fathers, patrons, or the monarch. They are also important because a dedication could be one way of initiating a patron-client relationship.²⁷⁸ Simon Rosenberg, one of the students in Jena, defended a dissertation in 1668 while studying in Giessen. This dissertation was dedicated to Per Brahe the Younger, Carl Gustaf Wrangel, Gustav Otto Stenbock (1614–1685), and Magnus Gabriel De la Gardie (1622–1686).²⁷⁹ Brahe was at the time lord high steward, which meant that he was also head of the whole judiciary. In the 1660s, he occupied an important role in Charles XI's regency and was at the height of his career. Wrangel was marshal of the realm, Stenbock was admiral of the realm (*riksamiral*) and chancellor of the University of Lund. Stenbock was also tied to the De la Gardie family through marriage. Magnus Gabriel De la Gardie was chancellor after 1660 and headed the regency.²⁸⁰ Rosenberg's dedications were certainly directed towards the *crème de la crème* of the Swedish administration of the time. Mikael Wisius dedicated his *Dissertatio legalis de essentia possessionis* to Queen Christina and Count Bengt Gabrielson Oxenstierna (1623–1702), and his later work *De iure tutelarum* to Count Johan Oxenstierna (1611–1657).²⁸¹ Abraham Rothovius and Gustav Hjelmfelt, both students in Leiden, dedicated their dissertation to their fathers Isak Rothovius and Simon Grundel Hjelmfelt.²⁸²

277 Kotivuori, *Ylioppilasmatrikkeli*, Johan Gezelius; Elgenstierna, *Den introducerade*, vol. VI, p. 611 and vol. VII, p. 397.

278 Fabian Persson, "En hjälpande hand. Principiella aspekter på patronage i förhållande till nepotism och meritokrati under stormaktstiden," *Scandia* 59:1 (1993), p. 54.

279 Le Bleu and Rosenberg, *Dissertatio juris-publici*.

280 G. Wittrock, "Per Brahe," in *Svenskt biografiskt lexikon*, vol. 5 (Stockholm, 1925); Stellan Dahlgren, "Gustaf Otto Stenbock," in *Svenskt biografiskt lexikon*, vol. 33 (Stockholm, 2007–2011); G. Wittrock, "Magnus Gabriel De la Gardie," in *Svenskt biografiskt lexikon*, vol. 10 (Stockholm, 1931); Losman, *Carl Gustaf Wrangel*, p. 41.

281 Schröter and Wisius, *Dissertatio legalis*; Ungepaup and Wisius, *Diatriben inauguralem*.

282 Maestertius and Rothovius, *Disputatio juridica*; Helmfeld, *Disputatio politico-juridica*.

4.2 *Networks Abroad*

Students would also develop their networks while abroad. There are several aspects to this: travelling together with other Swedish students, connecting with local students at the universities they visited, and meeting professors at universities. As shown earlier in Part 2 of the book, many of the Turku students were travelling together with their brothers or other relatives, or had a *praeceptor* accompanying them. The young nobleman Johan Cruus even had an entourage of eight people accompany him during his time in Leiden. As can be expected, Swedes did not have to be alone in Leiden in the first half of the seventeenth century. They would journey together, share lodgings with each other, and attend lectures together.²⁸³ Gabriel Kurck notes in his autobiography the many fellow countrymen he encountered upon his arrival in Leiden.²⁸⁴ This form of contact was easy around the middle of the seventeenth century, when noble sons rushed to Europe to study. Their families were often connected, as described above, and they could deepen their acquaintance during their months or years abroad. When studies abroad begin to decline approaching the eighteenth century, it is more difficult to find a group of Swedes in the same place at the same time.

The ties the students made during their stay abroad can be observed through two types of sources: *alba amicorum* and gratulations in dissertations. “All the nobles have them...” a young nobleman wrote to his father in the late sixteenth century, referring to the *alba amicorum* that were used to collect salutations from people met during their peregrinations.²⁸⁵ Often they asked relatives, friends, and teachers at home to write in the books. That way they could take “something from home” with them on their journey. The book was then filled in further by new friends they made during their travels. Lotte Kurras describes the case of a young nobleman on a *peregrinatio* in the late sixteenth century which illustrates how having an *album amicorum* was very important in order

283 Nuorteva, *Suomalaisten ulkomainen*, pp. 395 and 404–405; Christensson, “Studieresorna,” p. 185.

284 Kurck, *Landshövdingen*, pp. 40–41.

285 The practice of writing in an *album amicorum*, or *Stammbuch*, began in Wittenberg in the Reformation period in the mid-sixteenth century. Many young men wanted to have the reformers they regarded so highly write brief notes in their books. Luther, Melancthon, and others made entries often consisting of a citation from the Bible, a longer exegesis, and their autograph. This practice spread and it became common for young men on their *peregrinationes* to have friends and acquaintances write in their *album amicorum*. Lotte Kurras, “Vita peregrinatio. Bildungsreise und Stammbuch,” in *Grand Tour – Adeliges Reisen und europäische Kultur vom 14. bis 18. Jahrhundert*, eds. Rainer Babel and Werner Paravicini (Ostfildern, 2005), pp. 485–486.

to become a part of the group. The books were also seen as part of a more profound goal of travel abroad. Entries by many new acquaintances were signs of communication and interaction, which was seen as important for the education (*Bildung*) of a young man.²⁸⁶

Unfortunately, none of the students in this research appear to have had their own *album amicorum*.²⁸⁷ A few of them, nevertheless, wrote in others' books. In 1634, in Marburg, Mikael Wexionius made a note in the *album* of Rudolf Wilhelm Rau von Holzhausen, who was also a law student.²⁸⁸ While in Groningen in 1636, the brothers Ernst Johan and Lorentz Creutz wrote in the book of the Swede Samuel Enander (nob. Gyllenadler, 1607–1670), who would later become a bishop and representative of the clergy at the Diet.²⁸⁹ All three commenced their studies in Leiden the following year. Lorentz only wrote a short motto "*Dulce mori pro patria dilecta*" – it is sweet to die for the beloved fatherland. Ernst Johan wrote a longer dedication as well as the phrase "*Honeste dimicando mori est satius, quam turpiter fugiendo vivere*" – it is better to fight and die honourably than to escape and live shamefully.²⁹⁰ Abraham Rothovius's entry can also be found in Enander's book. All in all, the list of names in Enander's *album amicorum* shows the large number of people a student could come into contact with during his journey. The book has 175 entries from sons of the Swedish higher nobility, other Swedish students, students from other countries, as well as some of the scholars he came across during his studies such as Johannes Althusius (1563–1638), Anton Matthaeus, Jacobus Maestertius, and Daniel Heinsius.²⁹¹ In Strassburg in 1641, Ernst Johan Creutz wrote a shorter note in his German friend Sigmund Gammersfelder's *album amicorum*.²⁹²

The young Flemings were also eager to leave their greetings. The brothers Herman and Lars, as well as their second cousin Erik, all wrote in Johann

286 Kurras, "Vita peregrinatio," pp. 485–486 and 493–494.

287 Jussi Nuorteva, *Suomalaiset muistokirjat ja muistokirjamerkinnot ennen isoavihaa* (Helsinki, 1983) and Lotte Kurras and Eva Dillman, *Die Stammbücher der Königlichen Bibliothek Stockholm, Handschriftenkatalog* (Stockholm, 1998) have been consulted and none of the Turku law students appear in them as holders of their own *alba amicorum*.

288 Harald Schieckel, *Findbuch zur Stammbuchsammlung 16.-18. Jh. mit biographischen Nachweisen* (Oldenburg, 1986), p. 88. Rau von und zu Holzhausen is an old noble family from Hessen, see [no author], "Rau von Holzhausen," in *Neues allgemeines Deutsches Adels-Lexicon. Siebenter Band (Ossa – Ryssel)*, ed. Ernst Heinrich Kneschke (Leipzig, 1867), p. 355–357.

289 Ove Hassleb, "Samuel Enander (Gyllenadler)," in *Svenskt biografiskt lexikon*, vol. 13 (Stockholm, 1950).

290 Nuorteva, *Suomalaiset muistokirjat*, pp. 28–29 and 76–77.

291 Kurras and Dillman, *Die Stammbücher*, pp. 36–39.

292 Nuorteva, *Suomalaiset muistokirjat*, pp. 28–29 and 76–77.

Heinrich Hottinger's (1620–1667)²⁹³ *album amicorum* in Leiden in 1640. Lars Fleming can also be found in Giovanni Alto's book, as already mentioned in the chapter on Rome. Erik Fleming wrote in Johann Friedrich Wagner's book while in London in 1641. Herman and Erik's entries are interesting as, in addition to Latin, they wrote short parts in Swedish and Finnish. Herman wrote a poem in Swedish²⁹⁴ on the perils that await sinners.²⁹⁵

While in Lübeck in 1647, Karl Rothovius wrote in the book of future Swedish pastor Johannes Törning (d. 1695).²⁹⁶ In 1658, Anders Stiernhöök wrote an entry in Martin Brunnerus's (1627–1679) album in Leiden. The Swede Brunnerus later became professor of Greek and theology and a pastor.²⁹⁷ In 1670, Lorentz Creutz's son Johan made entries in the books of Olaus Nezelius (1638–1710)²⁹⁸ and Felix Spitz (1641–1717)²⁹⁹ in Jena, in Hieronymus Muffel's (1642–1707)³⁰⁰ book in Nuremberg, and in Martin von Berling's book in Strassburg. Here we find dedications and verses in French, which highlights the rise of French among the nobility as the language of diplomacy and culture.³⁰¹ In 1697 in Halle, the Herbers brothers Gustav and Konrad wrote in the book of Abraham Petersen Wolters (1679–1729), who went on to become a merchant.³⁰² Finally, Samuel Florinus wrote in the books of Andreas Tayard and Gustaf Adolf Humble (1674–1741)³⁰³ during his stay in Wittenberg in 1697. His entry in Humble's *album amicorum* includes a verse in Greek.³⁰⁴

The congratulations that can be found in written dissertations also offer a glimpse of the contacts that students made during their travels. Mikael Wisius

293 Hottinger was a Swiss philologist and theologian, who also studied in Leiden, see Rosmarie Zeller, "Hottinger, Johann Heinrich," *Historisches Lexikon der Schweiz* (2006). Available at <http://www.hls-dhs-dss.ch/textes/d/D10460.php>. Accessed 21 January 2020.

294 "O menniskia, synda icke ty Gudh det seer / Englarne söria och satan leer / Helwetet braskar / dödhen förraskar / giör aldrih illa, så går tigh wäl / ehwar du är."

295 Nuorteva, *Suomalaiset muistokirjat*, pp. 26–27 and 78–81.

296 Kurras and Dillman, *Die Stammbücher*, p. 44.

297 Kurras and Dillman, *Die Stammbücher*, pp. 47–48.

298 Nezelius later became bishop of Göteborg. Jonas Kuschner, "Rudbeck (Rudbeckius, Rudebeck, von Rudbeck), släkt," in *Svenskt biografiskt lexikon*, vol. 30 (Stockholm, 1998–2000).

299 Spitz was a law professor in Jena, see Johann August Ritter von Eisenhart, "Spitz, Felix," in *Allgemeine Deutsche Biographie*, vol. 35, *Spalatin – Steinmar* (Leipzig, 1893).

300 Muffel is described as belonging to the *Patriziat*, the town nobility, of Nuremberg, see Lotte Kurras, *Kataloge des Germanischen Nationalmuseums Nürnberg. Die Handschriften des Germanischen Nationalmuseums Nürnberg. Fünfter Band. Die Stammbücher, erster Teil* (Wiesbaden, 1988), pp. 101–103.

301 Nuorteva, *Suomalaiset muistokirjat*, pp. 30–31 and 76–77.

302 Kurras and Dillman, *Die Stammbücher*, pp. 53–54.

303 Humble later worked as a pastor and in the admiralty, and finally became bishop of Växjö. Humble was an opponent of pietism. Kurras and Dillman, *Die Stammbücher*, p. 55.

304 Nuorteva, *Suomalaiset muistokirjat*, p. 81.

appears as congratulator in two dissertations from Jena: a two-part *Disputatio feudalis*, defended by Johannes Andreas Wirth and presided over by Schröter, and Justus Ubbelode's dissertation *De executione*, presided over by Georg Adam Struve.³⁰⁵ The printed version of Johan Cruus's oration held in Leiden has the gratulations of professors Heinsius and Boxhornius.³⁰⁶ Magnus Larsson's dissertation from Leipzig³⁰⁷ contains the gratulation of the German theologian Johann Hülsemann (1602–1661).³⁰⁸ His dissertation from Greifswald³⁰⁹ has several gratulators: Mövius Völschow (1588–1650), a theologian and general superintendent of Pomerania-Wolgast,³¹⁰ Petrus Stephani (1616–1660) and Jakob Stypmann, both law professors in Greifswald,³¹¹ Anders Kewenbrinck (1621–1679), a Swede who worked at the Greifswald Court of Appeal,³¹² and Nicolaus Stiernflycht (1632–1680), a Swedish student, who continued on to a military career.³¹³

Students came into contact with a great number of people during their journeys in Europe. Contacts were made with other students from near and far as well as with professors and other learned men. Attending private *collegia* was a good opportunity to build networks.³¹⁴ Meeting the professors could also take place through the recommendations of patrons, or by lodging at a professor's house. These types of contacts of Turku law students were already discussed in Part 2.

4.3 Patronage, Advancement, and Upward Social Mobility

Seventeenth-century career paths and appointments to office cannot be fully understood without discussing the meaning of patronage. Bearing in mind the absence of formal educational qualifications that aspiring officials would have had to meet in seventeenth-century Sweden, patron-client relationships played an important role. However, education was by no means an irrelevant

305 Schröter and Wirth, *Disputatio feudalis*; Struve and Ubbelode, *Disputatio iuridica*.

306 Nuorteva, *Suomalaisten ulkomainen*, pp. 399–400.

307 Carpov and Larsson, *Quaestionum Juridicarum*.

308 Professorenkatalog der Universität Leipzig. Available at http://research.uni-leipzig.de/catalogus-professorum-lipsiensium/leipzig/Huelsemann_1414. Accessed 17 January 2020.

309 Stypman and Larsson, *Dissertatio iuridica*.

310 Diedrich Hermann Biederstedt, *Beyträge zur Geschichte der Kirchen und Prediger in Neu-vorpommern: vom Anfange der Kirchenverbesserung des Herzogthumes bis zum Ende des Jahres ein tausend achthundert und siebenzehn, Zweyter Theil* (Greifswald, 1818), p. 53.

311 Jörn, "Die Herkunft," p. 170.

312 Elgenstierna, *Den introducerade*, vol. IV, p. 120.

313 Elgenstierna, *Den introducerade*, vol. VII, pp. 646–647.

314 Winberg, *Den statskloka*, pp. 113–114.

factor. Educational merits were intertwined with the system of patronage, as will be shown next.

The system of patrons and clients was no new phenomenon in the seventeenth century – indeed, it had its roots in Ancient Rome – but in Sweden it was the seventeenth century and its intensifying state-building that provided the greatest opportunity for such a system to flourish. The term *patron* came into more common usage in Sweden from the 1620s.³¹⁵ The patron-client system relied on a mutually beneficial understanding between the two. The client, loyal to his patron, was placed in a position where he could best serve his patron by providing information and showing allegiance, and in turn the patron aided his client in his pursuit of higher social standing and office. The system provided the patron not only with control over his client, but also over the office the client was holding.³¹⁶ The research on patronage has sometimes been criticized for drawing too narrow a picture of the phenomenon, simply labelling it as a system of nepotism where the most qualified men were not hired. Ingvar Elmroth claims that appointments to office show that actually the most skilled men were indeed hired, whether they were clients or not. Fabian Persson and Mirikka Lappalainen have concluded that the two – being someone's client and having a suitable education – are not necessarily mutually exclusive. As competition existed between clients to find a good patron, an element of competence and merit was also present.³¹⁷ And sometimes being someone's client also provided the opportunity to obtain a better education.

While becoming someone's client certainly was a good way to advance a career, it was in itself not enough. The combination of having a good education and the right patron was often the key to a successful position in the administration. Some of the key figures of the Swedish realm, such as Axel Oxenstierna, were behind efforts to improve education, and it is only natural that as patrons they would also regard the learning of their clients as important. Indeed, to further their own networks it was important to find learned clients. The

315 Hakanen, *Vallan*, pp. 19–20, 36–37, and 68; Droste, “Språk,” pp. 41 and 44. For patronage in Ancient Rome, see e.g. the articles in Andrew Wallace-Hadrill, ed., *Patronage in Ancient Society* (London, 1989).

316 Marko Hakanen, “Career Opportunities. Patron-Client Relations Used in Advancing Academic Careers,” in *Hopes and Fears for the Future in Early Modern Sweden, 1500–1800*, ed. Petri Karonen (Helsinki, 2009), p. 102; Hakanen, *Vallan*, pp. 138, 144, and *passim.*; Mirikka Lappalainen, “Suosio, suoja ja sosiaalinen nousu,” *Historiallinen Aikakauskirja* 100:4 (2002), p. 348; Norrhem, *Uppkomlingarna*, pp. 80 and 155.

317 Ingvar Elmroth, *Från överklass till medelklass. Studier i den sociala dynamiken inom Sveriges adel 1600–1900* (Lund, 2001), pp. 165–174; Persson, “En hjälpande hand,” pp. 51, 54–55, and 64–65; Lappalainen, “Suosio,” pp. 348–349. See also Norrhem, *Uppkomlingarna*, p. 56.

overall poor state of education in Sweden also gave patrons a suitable opportunity to promote their own clients, if they had proper training. With the level of education being what it was in Sweden, it is no wonder that important patrons such as Oxenstierna endorsed their clients' studies abroad.³¹⁸ For Per Brahe the Younger, the Academy of Turku, of which he was co-founder, in turn provided the perfect forum for training clients for his own needs.³¹⁹ Sometimes it was even especially useful to find clients who had learned the law, as they were able to provide their patrons with legal advice.³²⁰ Thus, advancing the learnedness of young men fits well into the system of patronage in seventeenth-century Sweden, with its ever-expanding need for officials in the civil administration.

The efforts made to encourage studies abroad were already discussed above in Chapter 6, section 3. Oxenstierna specifically supported studies in Leiden. Next to the interests of the realm, which were surely served by training officials at foreign universities, aiding studies abroad was also helpful to the patron on a more personal level. Mikael Wexionius, one of the Turku students in Leiden, Groningen, Wittenberg, and Marburg, is one of those who knew how to take advantage of this. Wexionius was Oxenstierna's client when he embarked on his journey to Europe in 1633. Oxenstierna financed his travels abroad, and in the summer of 1633 the two met in Frankfurt am Main, where Oxenstierna suggested that Wexionius might travel together with his son.

The next year, Wexionius wrote a letter to his supporter mentioning that it would be good for him to study law as the state of jurisprudence in Sweden was not the best. He praised the flourishing of juridical studies in Marburg, and in Leiden he enrolled at the law faculty. In 1635, he sent a letter to the chancellor describing his enthusiasm to study and included a disputation to show Oxenstierna how well he had advanced.³²¹ After Wexionius's return to Sweden, Oxenstierna appointed him professor of history and political science at the newly-founded Academy of Turku – an appointment Wexionius was not happy about. He turned his eyes to Per Brahe the Younger and eventually became his client. With Brahe's help he first obtained the professorship in law which he was aiming at, then ennoblement, and finally a position at the Turku Court of Appeal.³²² In Wexionius, Brahe found a learned man worthy of the positions he was given, who could provide Brahe with information about the day-to-day

318 Hakanen, *Vallan*, pp. 98 and 127–128.

319 Hakanen, *Vallan*, pp. 129 and 149.

320 Hakanen, *Vallan*, p. 125.

321 Laitinen, *Michael Wexionius-Gyldenstolpe*, pp. 30–32, 35, 37, and 45–46.

322 Laitinen, *Michael Wexionius-Gyldenstolpe*, pp. 62–63 and 89; Hakanen, *Vallan*, pp. 74–75, 84, and 132; Hakanen, "Career Opportunities," pp. 103–107. On rival patrons, see also Norrhem, *Uppkomlingarna*, pp. 155–157.

activities of the academy.³²³ Wexionius is an excellent example of how a combination of the right education and finding the most advantageous patrons at any given time enabled navigation through the system, obtaining appointments and achieving higher social standing.

Justin von Brochen, the future burgomaster of Vyborg, and one of the students in Rostock in 1649, was also part of Per Brahe's network. Brahe endorsed his appointment, as he did for many burgomasters in Finland.³²⁴ Von Brochen surely was part of the local elite in Vyborg, as his father was also a town councillor and on his mother's side he was part of the important burgher family Thesleff, which had come from Germany to Vyborg in the late sixteenth century. His uncle was Petter Thesleff, the Leiden student who became an assessor at the Turku Court of Appeal.³²⁵ Johan Stiernhöök's father-in-law Johan Graan, a provincial governor and an assessor of the Svea Court of Appeal, was also part of Per Brahe's client network.³²⁶

The ways in which a patron could gain from his client were manifold. One aspect was to obtain information.³²⁷ Letters from the Turku law student Johan Cruus to Axel Oxenstierna in the autumn of 1637 are an example of such correspondence. In them, Cruus describes the ongoing situation in the Thirty Years' War. He also points to rumours about possible action taking place in the near future, and reminds the chancellor of his travel plans to France, England, and Scotland.³²⁸ Swedes studying abroad – or at least some trusted ones – were a valuable source of information concerning the political situation. Cruus especially, being engaged to the chancellor's daughter, showed his usefulness by reporting frequently about the ongoing situation. Close contact with Hugo Grotius, who was Swedish ambassador in Paris at the time, enabled Cruus to observe the political situation minutely.³²⁹ Thus, while the main purpose of his journey was certainly related to studies, he could make himself useful to Oxenstierna by providing information.

Despite the influence of patron-client relationships, educational merits mattered as well. Nevertheless, it may well be that in some instances – at

323 Hakanen, *Vallan*, pp. 98 and 134.

324 Hakanen, *Vallan*, pp. 205–207.

325 Wilhelm Thesleff, *Släkten Thesleff 1595–1925* (Helsinki, 1925), pp. 9–11; Kotivuori, *Yliopilasmatrikkeli*, Justin von Brochen, Claes Thesleff, and Petter Thesleff.

326 Leo Nyholm, "Johan Graan," in *Svenskt biografiskt lexikon*, vol. 17 (Stockholm, 1967–1969); Hakanen, *Vallan*, p. 205.

327 Hakanen, *Vallan*, pp. 109–110.

328 Letters from J. Cruus to A. Oxenstierna, Leiden September 1637, The Hague October 1637, Vlissingen 9 November 1637. E 639, *Oxenstierna-samlingen*, RA.

329 Nuorteva, *Suomalaisten ulkomainen*, pp. 415–416 and 425–426.

different times, in different places, and in different situations – the importance of having the right education versus having the right contacts varied. A comparison between the judges of the Svea and Turku courts of appeal can shed some light on this. In the 1630s, some twenty years after the founding of the Svea Court of Appeal and ten years after the founding of the court in Turku, there is a difference in the educational level of the learned class of the two courts. Surprisingly, it was the Turku Court of Appeal which had the greater number of educated judges – at a time when the Svea court needed them. As one might assume that the appellate court in Stockholm, the heart of administration and royal life, would have been more appealing to a young lawyer in search of a career, it does seem peculiar that the Svea court would not have been able to recruit these educated men. This makes it plausible that questions of contacts and being in the favour of the right people played a pronounced role in the capital.³³⁰

While good connections might help a young man on his career, upsetting the wrong people may well have worked in the opposite direction. Ernst Johan Creutz was appointed as an assessor to the Svea Court of Appeal in 1644, but his career there only lasted for eight years. Creutz's bad temper and coarse behaviour, on top of his frequent absences from the court of appeal, soon caused him trouble, and he was sent over the sea to Finland, where he became provincial governor of Uusimaa and Häme. His rude conduct did not fit into royal life in the administrative centre of Stockholm. In fact, offices away from Stockholm became convenient "dumping places" for those who had become *personae non gratae*. However, Lappalainen points out how Creutz's excellent legal and administrative skills – along with help from his brother and patrons – were what kept him afloat as long as they did.³³¹ Again, this is a sign of the interplay between learnedness and networks.

Patronage apparently also affected the trainee system, and in its early years, the 1620s and 1630s, the majority of trainees had close connections to the Oxenstierna family. Chancellor Axel Oxenstierna and his brother, councillor of the realm Gabriel Gustafsson Oxenstierna, used the trainee system as a way to place their clients on the ladder to greater positions. One young man in the 1640s even complained that it was impossible to receive a position as trainee without the endorsement of a patron.³³²

330 Vasara-Aaltonen, "Noble Standing," pp. 613–615, Vasara-Aaltonen, "From Well-travelled," pp. 346–347.

331 Lappalainen, *Suku*, pp. 162, 166–172, 184–187, and 199–207; Lappalainen, "Suosio," pp. 350–351. For some examples from the eighteenth century of unpopular men being transferred, see Vasara-Aaltonen, "From Well-travelled," pp. 333–334.

332 Gaunt, *Utbildning*, pp. 47–49; Lappalainen, *Suku*, pp. 164–165.

Advancement in the seventeenth century was a combination of educational merit and suitable contacts, in the form of patronage, kinship, or marriage. Thus, the combination also gave the opportunity for upward social mobility. As discussed in Part 2, half of the non-noble Turku law students in Leiden were ennobled later during their careers. The rest certainly did not do poorly in their lives, either. Petter Thesleff, for instance, the son of a town councillor, made a career at the Turku Court of Appeal, held the position of district court judge for a decade, and even attended the Diet in 1644. Anders Salamontanus, the son of a town councillor as well, benefited from his relationship to the Kurck family, spending an impressive thirty-six years at the Turku Court of Appeal. Looking at the next generation, one can also see that these men had laid the ground for social advancement. Thesleff's son Johan Thesleff (1653–1722) became the governor of Turku and Pori, and was first ennobled as Stiernstedt and later rose to the rank of baron.³³³ Salamontanus's daughter married Joakim Schultz (c. 1650–1724), who made a long career at the Turku Court of Appeal and was ennobled as Riddercrantz.³³⁴

5 Summary

The early seventeenth century is marked by extensive state-building through organizing the administration and the judiciary, as well as different measures for improving education and bringing a vast country under better control. It was also a time of continuous wars, with Sweden consolidating its position as a great power in Europe. At the beginning of the century, legal education at Uppsala, at that time the only university in the realm, was still in its infancy and could not provide the practical legal knowledge needed for the proper administration of justice. Studies abroad, therefore, still continued, and indeed did so even after foundation of the universities of Dorpat and Turku. Studies were supported by the Crown and by leading aristocrats, especially Axel Oxenstierna, for whom peregrinations had been a natural part of their noble upbringing. The interests of the state were an important factor when considering the relevance of studies abroad.

The most important legal change was the founding of the courts of appeal, beginning with the Svea Court of Appeal, which was founded in Stockholm in 1614. Renewing the judiciary in this way called for many trained lawyers, as the courts of appeal dealt with written documents, controlled the lower courts,

333 Kotivuori, *Ylioppilasmatrikkeli*, Johan Thesleff.

334 Kotivuori, *Ylioppilasmatrikkeli*, Joakim Schultz.

and faced difficult cases with international connections. Educated legal professionals were not available in early-seventeenth century Sweden, though. Therefore, studies abroad increased significantly during this time, and especially noblemen who travelled and studied widely could initially respond most quickly to educational needs. However, noblemen working in the judiciary did not necessarily have a legal education, but may have studied a variety of different subjects suitable for a stately career. Non-noble students could find studies abroad a good way of advancing their careers, and they especially chose to study law abroad.

Besides the merits one could gain by studying abroad, student networks mattered a great deal, too, in the seventeenth century. This is evident from different sources. The letters students sent from their journeys emphasize the wish to return home to serve the state, while the importance of keeping in the good graces of their patrons and supporters is evident from their letters. Dedications in dissertations attest to the same thing, showing the knowledge one had gained abroad and attributing part of the glory to those powerful supporters. In addition, one can see how the Turku law students who studied in Leiden were closely connected to one another and also to the most important noble families in Sweden. To a great extent, the studies abroad of the 1630s and 1640s, the time with the greatest rush of students abroad, were a venture of the nobility: supported by the aristocracy and extended to reach not only young nobles but also commoners aiming for a career in the state administration.

The Choice of University

1 Geography and War

As mundane as it may be, geography certainly played some part in the choice of university for students from Turku, and more generally Sweden. The distance between Turku and Rostock is somewhat over 900 kilometres, most of which can be travelled by sea. In comparison, the journey to Rome would, depending on the route, be around 2800 kilometres, with the Alps in between making the journey harder. Extending travels even further to Salamanca, in Spain would increase the distance to a good 3500 kilometres with the Pyrenees to overcome. Travel conditions posed many threats, with poor roads, military operations, and diseases lurking. The longer the journey, the more obstacles might appear along the way, so that distance certainly featured among the factors influencing students' choice of university. The relative vicinity to home also made it easier to stay in contact with family and patrons back home.¹

A description of Karl Lilliecrona's and Lars Cruus's travels from 1639 illustrates how the journey from Stockholm to Amsterdam took six weeks by carriage. Many students chose to travel by land even though ships frequently sailed to the Netherlands in the summertime.² While longer, a journey on land enabled peregrinating youth to experience as much as possible on the way. A travel journal from 1694, by Erik Lovisin, a future assessor of the Svea Court of Appeal, well illustrates this. Lovisin was on the way to Halle with a travel companion, but on the way he kept making notes about the administration, the judiciary, and universities in the towns they travelled through. Their journey took them through over 150 places, most of them in Germany, and while often they just passed through, they sometimes stopped for a day or two, even a week. At this pace, it took them a little less than three months to arrive in Halle.³

1 De Ridder-Symoens, "Mobility," vol. II, pp. 442–444, Nuorteva, *Suomalaisten ulkomainen*, p. 391; Eliasson, "Peregrinatio," p. 38. For examples of Danish students being attacked and falling ill on their study journeys, see Vello Helk, "Den danske adels dannelsejser i Europa 1536–1660," in *Riget, Magten og Æren. Den Danske Adel 1350–1660*, eds. Per Ingesman and Jens Villiam Jensen (Aarhus, 2001), pp. 536–537.

2 Nuorteva, *Suomalaisten ulkomainen*, pp. 403–404.

3 Erik Lovisins resedagbok, *passim*, M 252:1, KB.

The proximity of a foreign university also made travel less expensive.⁴ The higher nobility could afford to pay for their sons' extensive journeys throughout Europe, but non-nobles had to rely on the scholarships they were granted by Church or Crown, or the private benevolence of wealthy patrons. In fact, a common feature of letters sent to Sweden from study journeys was a plea for more money, which had run out.⁵ In these circumstances, it was understandable that destinations closer to home were preferred: they were cheaper to reach and obtaining extra money from home was easier and faster. The proximity of a university can, next to long tradition, be regarded as the key reason behind the success of Rostock among Turku law students. In the seventeenth and eighteenth centuries, the Rostock law faculty certainly could not boast a high level of jurisprudence to attract students. As discussed earlier in Chapter 4, section 1, all but one of the Turku law students in Rostock were non-nobles. For them, a relatively easy and inexpensive journey must have been appealing. Certainly, proximity is not only a question of distance – geographical proximity often coincides with cultural, political, and economical proximity as well. All of which are reasons behind choices of university for Swedes, too.

The Thirty Years' War was decisive for the fall in student numbers that German universities experienced during the first half of the seventeenth century. The rise in student numbers came to an end in 1620. Studying in a town caught in the middle of war posed difficulties to a student, and affected the available routes. Not all universities were touched equally – Jena was able to continue its functions – but most were hit by the war. Even if the university had not completely ceased its activities, many grievous events could complicate travelling young men's journeys. Epidemics of the plague broke out, travel was unsafe, and shortage of food was a general worry.⁶

Regarding the numbers of Swedes at German universities, it is evident how the war affected studies negatively at these institutions, to the benefit of Dutch universities. The number of Swedish students at the German universities of Wittenberg, Helmstedt, Jena, Leipzig, Rostock, and Greifswald for the 1610s, 1620s, and 1630s were, for each decade respectively, 358, 187, and fifty-six. While visits at German universities declined as the war progressed, the numbers at Dutch universities rose: from fifteen in the 1610s to eighty-one in the 1620s, and

4 Eliasson, "Peregrinatio," pp. 38 and 40.

5 See e.g. letters from A. Rothovius to A. Oxenstierna, Leiden 8 June 1636, E 699; G. Kurck to A. Oxenstierna, Leiden 20 March 1643, E 641; and C. Rothovius to A. Oxenstierna, Rostock 24 August 1648, E 699, *Oxenstierna-samlingen*, RA; Laitinen, *Michael Wexionius-Gyldenstolpe*, p. 38.

6 Di Simone, "Admission," p. 304; Nuorteva, *Suomalaisten ulkomainen*, pp. 373–374.

211 in the 1630s. Information on Danish and Norwegian students shows similar tendencies.⁷

2 Religion

2.1 *Religious Control of Studies Abroad*

The universities most frequented by Swedes, were not just the closest measured by distance. They were also virtually all Protestant. Throughout the seventeenth and early eighteenth centuries, religion affected how studies abroad were regarded by the Swedish government and clergy. In fact, a continuous wave motion operated between harsher and more liberal attitudes towards studies abroad.

The developments of the sixteenth century, in terms of religious control of studies abroad, have already been discussed in Part 1 of the book. It was with Gustav II Adolf's rise to the throne, in 1611, that the fear of Catholicism reached new heights, as epitomized in the Örebro Ordinance of 1617. Among other harsh stands against Catholicism, it banned studies at Catholic universities. The privileges of the nobility still granted them the free right of peregrinations, though, and a declaration (*plakat*) of 1620 stated that even for non-nobles, travel was not restricted by confessional issues if one returned to serve the fatherland and it was foreseeable that studies abroad were beneficial.⁸ Crown and Church were intimately linked in seventeenth-century Sweden. The Crown needed the clergy to have a firm hand on the people in order to build a strong state, and orthodox Lutheranism served this purpose. Policies relating to Church matters aimed at uniformity and orthodoxy.⁹ From this standpoint, it was clear that the 1617 prohibition on studies abroad was not to be the last. Between 1623 and 1625, proposals were made suggesting that students travelling abroad were to be listed and examined on their theological views both before and after their journeys. Johan Skytte, chancellor of the University of Uppsala at the time, suggested that even noble students ought to be examined. Not surprisingly, the nobility opposed all such restrictions.¹⁰

As long as study journeys were directed towards German Lutheran universities, the problem was not particularly acute. In the late 1620s, the situation

7 Nuorteva, *Suomalaisten ulkomainen*, p. 375.

8 Ingun Montgomery, *Sveriges kyrkohistoria 4. Enhetskyrkans tid* (Stockholm, 2002), pp. 70–71; Lappalainen, *Pohjolan*, pp. 159–161; Göransson, *De svenska studieresorna*, p. 23.

9 Montgomery, *Sveriges kyrkohistoria*, pp. 58–59 and 100–103; Lappalainen, *Pohjolan*, pp. 253–254.

10 Göransson, *De svenska studieresorna*, pp. 25–29.

changed, though, as the tide of Swedish students turned from war-torn Germany to the Netherlands and their Reformed universities. Leiden was a tolerant university which was not active in proselytizing, nor did it require a confessional oath from its students. However, being Calvinist, it caused some unease in Sweden, as Swedish students flocked there in unprecedented numbers from the 1630s onwards. The clergy was worried about attempts to bring the Protestant confessions closer to each other.¹¹ Axel Oxenstierna, for instance, wrote a letter to the clergy in 1634 warning about the religious influences Swedes – be it merchants, soldiers, or students – would come into contact with while abroad. The greatest danger was especially to students going to foreign lands. There was also the risk of men who had succumbed to the wrong faith returning home to work for the Crown.¹² Oxenstierna's letters highlight the curious combination, which was always present when discussing limits on studies abroad: the conflict between theological concerns and the secular need for well-trained officials. While Oxenstierna was writing about the dangers of studies at Dutch universities, he was encouraging and financing his sons' studies in Leiden, along with those of sons of other noblemen, and of his clients. To keep the Lutheran faith active in students' minds, Oxenstierna donated money to the Lutheran church and Lutheran pastors in Leiden.¹³ Also political considerations – the close relationship to the Netherlands – and the nobility's ambitions to give its sons a first-class education curbed the interest in restricting studies at Dutch universities.¹⁴

With Christina's ascent to the throne in 1644, and especially after her falling-out with Oxenstierna in 1647, confessional questions were regarded more liberally, and the cultural bloom envisaged by Christina called for scholars and artists from different countries and different confessions. By renewing and improving the educational landscape at home, studies abroad would in any case become superfluous.¹⁵ After Christina's abdication in 1654, attitudes

11 In the 1660s, the syncretistic controversy broke out in Sweden, connected to the syncretistic controversies in Germany, as confessional consolidation and Lutheran orthodoxy clashed with more tolerant views. See Sven Göransson, *Den synkretistiska striden i Sverige 1660–1664* (Uppsala, 1952).

12 Giese, *Studenten*, pp. 459–460; Göransson, *De svenska studieresorna*, pp. 36–37.

13 Giese, *Studenten*, p. 460; Göransson, *De svenska studieresorna*, p. 33; Wrangel, *Sveriges litterära*, p. 87, fn. 3. Also other noblemen donated to the Lutheran church in Leiden, see Nuorteva, *Suomalaisten ulkomainen*, p. 399, fn. 44.

14 Simone Giese, "Versuche einer religiösen Kontrolle der Studenten durch geistliche und politische Eliten im Königreich Schweden," in *Konfession, Migration und Elitenbildung. Studien zur Theologenausbildung des 16. Jahrhunderts*, eds. Herman J. Selderhuis and Markus Wriedt (Leiden, 2007), pp. 41 and 46–47.

15 Göransson, *De svenska studieresorna*, pp. 49–52 and 180; Montgomery, *Sveriges kyrkohistoria*, p. 105.

towards studies abroad again fluctuated between more lenient and harsher views during the second half of the seventeenth century. In 1655, a theology exam for those wishing to travel abroad was introduced in the Uppsala university statutes, but in practice this remained a dead letter. During the absolutist reign of Charles XI (r. 1672–1697), control tightened again. At the turn of the eighteenth century a new threat emerged, this time not from different confessions, but from revivalist movements within Lutheranism, especially Pietism, which emphasized individual piety.¹⁶

The issue first caught the attention of Swedish authorities when some Swedish theology students began to show an interest in Pietism during their studies at German universities, especially Halle. Already in 1694, the year that the University of Halle was founded, the superintendent of Swedish Pomerania, Friedrich Meyer, expressed his concerns about the matter.¹⁷ Charles XII (r. 1697–1718) was worried about the effects of pietist movements in Germany and wanted to restrain them from spreading further north. This is why the University of Greifswald was seen as vital since it was still a stronghold of Lutheran orthodoxy. In 1705, the king decreed that all Swedish students wishing to travel abroad had first to study at Greifswald for one year. By giving the University of Greifswald this special position, the Crown also hoped to tie Swedish Pomerania closer to Sweden proper. The following year it was decreed again that studies abroad were forbidden without a prior theological examination, while studies at suspect academies – implying Halle – were forbidden in any event.¹⁸

The decrees were brought to the attention of the Swedish universities. In 1705, the universities received two royal letters related to travels abroad. The Consistory of the Academy of Turku discussed one of the letters, dated 6 March 1705, which said that “all those students of the Academy of Turku that plan to go on peregrinations must first spend one year or more at the Royal Academy in Greifswald (...).”¹⁹ The Consistory took these orders into its records and the chancellor ordered this provision to be brought to the attention of the students.

16 Montgomery, *Sveriges kyrkohistoria*, pp. 180–182; Harry Lenhammar, *Sveriges kyrkohistoria 5. Individualismens och upplysningens tid* (Stockholm, 2000), pp. 20–22; Lindroth, *Svensk lärdomshistoria – stormaktstiden*, p. 64; Göransson, *De svenska studieresorna*, pp. 66, 84, 100, and 104–124.

17 Johannes Ljungberg, *Toleransens gränser. Religionspolitiska dilemman i det tidiga 1700-talets Sverige och Europa* (Lund, 2017), p. 53.

18 Göransson, *De svenska studieresorna*, pp. 132–135 and 149–151; Ljungberg, *Toleransens*, p. 53.

19 Translation by Marianne Vasara-Aaltonen, original Swedish text: “(...) dhe studenter, som ifrån Åbo Academie medelst peregrinationer söka progresser utj sina studier, måtte först till ett åhr eller mehra fördröija wid dess K. Academie utj Gripswald (...)”

The inspectors of the student nations were to read the letter to their nations.²⁰ A letter from the government dated 20 October 1705 specifically took a stand against Pietism, saying that pietists were trying to worm their way into Sweden spreading their heretical views. The universities were to keep a “watchful eye” on this development.²¹ The actual effects of these provisions were not very substantial, however. The attitude of Swedish theologians and administration towards Pietism was not as negative as the king’s. In the early 1700s, Pietism was already gaining a foothold at the University of Greifswald, too. In this respect, Greifswald was no longer as important a defence against these religious thoughts as it used to be.²² In the early eighteenth century, Pietism gained strength in Sweden, too. By the 1740s, these restrictions on studies abroad had lost their meaning, and even though still cited to students as late as 1756, they were not applied.²³

Despite continuing attempts to control studies abroad, it seems that Swedish law students were less affected by the restrictions imposed than students of theology. As noted above, attitudes towards studies at Catholic universities were harsh after Gustav II Adolf’s ascent to the throne. This is also in line with Osler’s wider analysis of the European situation, which underlines the great confessional divide that separated Protestant and Catholic Europe, including in the legal sphere.²⁴ At first glance, looking at the Turku law students, this holds true. The only Catholic university towns mentioned in the Turku matriculation records as having been visited by them were Paris and Rome. Rome, as discussed above, featured in noble peregrinations without university attendance, while Paris, indeed France in general, attracted Swedish noblemen because of its courtly culture.²⁵ Thus, one could label these visits as part of noble journeying through Europe, which was regarded much more leniently than academic studies at universities of the “wrong” confession.²⁶

20 6. mars 1705 Kungl. Maj:t till kanslern med rekommendation av universitetet i Greifswald; 28. mars 1705 Greve Falkenberg till Consist. Rör. Studenternas utländska studieresor, in *Kuninkaalliset ja kanslerin kirjeet 1640–1713* (Helsinki, 1940), pp. 436–437 and 441; Records of the Academy of Turku’s consistory meeting 17 April 1705, *Turun Akatemian konsistorin pöytäkirjat VII, 1699–1705* (Helsinki, 1940), p. 510.

21 20. okt. 1705 Regeringen till Consist. Eccl. Om pietisterna, in *Kuninkaalliset ja kanslerin kirjeet*, pp. 458–459.

22 Göransson, *De svenska studieresorna*, pp. 126–131 and 137–153; Lenhammar, *Sveriges kyrkohistoria*, pp. 22–23 and 94; Seth, *Universitetet*, p. 174.

23 Lenhammar, *Sveriges kyrkohistoria*, pp. 47–70 and 94; Göransson, *De svenska studieresorna*, pp. 161–163.

24 Osler, “The Myth,” pp. 407–410.

25 Nuorteva, *Suomalaisten ulkomainen*, pp. 417–429.

26 See Chapter 2, section 3.2.

One should, however, keep in mind that some Swedish students were also pursuing academic studies at Catholic universities in the first decades of the seventeenth century, even after the prohibition of 1617. The few examples of Swedes at Italian universities were already mentioned earlier.²⁷ In France, which after the Edict of Nantes (1598) was again more accessible to Protestants, the University of Orléans still hosted some Swedish students in the seventeenth century. For instance, Gustaf (1619–1684) and Johan Rosenhane (1611–1661), brothers of the famous diplomat Schering Rosenhane, and future lawyers themselves, both enrolled at Orléans during their peregrination.²⁸ Noblemen could do so as their privileges granted them freedom of peregrination. It must be kept in mind that, in early-seventeenth century Sweden, noblemen also played a key role in the composition of the judiciary. The unique combination of Swedish legal proto-professionals being members of the higher nobility enabled some law studies at Catholic universities. However, it is important not to exaggerate the meaning of this. By far the most visits to Catholic regions did not have academic agendas, and by far the most study journeys were directed to Protestant universities. The situation with the Turku law students also attests to this – none of them, for instance, enrolled at the University of Orléans.

Turning the focus to the early eighteenth century, Sven Göransson mentions a rush of Swedish students to Greifswald after it was decreed in 1705 and 1706 that students had to go to there before continuing to other foreign universities.²⁹ Among the Turku law students, no such rush can be noted. Regarding Turku law students at other foreign universities at the time, we only find two who had previously studied in Greifswald. Jakob Lang enrolled at Greifswald in September 1705, a few months after the edict was issued, and continued to Leiden a year later. Andreas Luhr began his studies at Greifswald in May 1711 and continued to Halle a good three months later. The 1706 edict, which prohibited studies at academies suspected of Pietism, had not stopped Swedes from going to Halle. Students studying the new breezes of philosophy and jurisprudence there did not regard their studies as being theologically dubious, and even theologians regularly visited the university. Nor did their studies in Halle prevent them from building a career upon their return to Sweden.³⁰ The

27 See Chapter 5, section 2.

28 Nuorteva, *Suomalaisten ulkomainen*, p. 417, incl. fn. 93.

29 Göransson, *De svenska studieresorna*, p. 147.

30 Göransson, *De svenska studieresorna*, pp. 150–153. For a list of Swedish students in Halle, see J.S. Pajula, "Svenska och finska studerande vid universitetet i Halle 1693–1744," *Historisk tidskrift* 16 (1896), pp. 334–335 and Achelis, "Schwedische," pp. 443–446.

need for trained state officials outweighed confessional convictions when it came to law studies abroad.

2.2 *Pietism and Turku Law Students*

Not all Turku law students were immune to the allure of Pietism, either, but rather showed favourable attitudes. As mentioned in the chapter on Halle, three of the Turku law students enrolled at the faculty of theology in Halle: Jacob Christian Willkommen, Johan Gezelius, and Johan Beckman. Studying theology in Halle, they cannot have escaped pietist ideas, and one may even assume that a certain interest in exploring the controversies within theology may have been a reason for seeking to study in Halle. Willkommen studied there in 1731, but no information on his theological views can be found. Johan Gezelius's bishop father had, on his study journey, attended anti-pietist *collegia* at the University of Greifswald. When the younger Gezelius was on his journey in the 1740s, visiting both Greifswald and Halle, Pietism had already gained the upper hand, but was now facing its own problems with rationalism entering theology, too. Gezelius, for instance, studied under Siegmund Jacob Baumgarten (1706–1757), who represented a more rational direction of theology inspired by Christian Wolff's philosophy.³¹

Of Johan Beckman's theological connections, more is known. Beckman, as we know, was a theology student in Halle in 1704, and he later became, among other things, a town councillor in Turku. Beckman was born in Ostrobothnia, on the west coast of Finland, where a centre of separatist Pietism formed in the early eighteenth century.³² Beckman also worked in Ostrobothnia for some years and was a member of the Ostrobothnian nation at the Academy of Turku. He also had some background in religious thinking as his father and grandfather had been parish rectors in Lapväärtti. These factors might have contributed to his friendship with Petter Schäfer, a known Finnish radical pietist, and possibly also to his decision to study in Halle. Schäfer himself had spent nearly a year in Halle in the late 1690s, teaching at the Francke Foundations, and had returned to Turku in 1702. After many turns, Schäfer was sentenced to death for his attack on the Church, heresy, and insulting the royal majesty. The sentence was never carried out, though, but Schäfer was kept prisoner at the castle of Turku. He still lived rather well there and could entertain his large circle of friends.³³

31 Ahonen, *Valistusmies*, pp. 74–77.

32 André Swanström, *Separatistledare i 1700-talets Österbotten* (Turku, 2004), pp. 11–12, 17–19, and 27.

33 Erkki Kansanaho, "Suomalaiset yltiöpietistit Lauri Ulstadius ja Pietari Schaefer," in *Suomen kirkkohistoriallisen seuran vuosikirja XLI–XLII* (Helsinki, 1954), pp. 146 and 176; Matti Piispa, "Petter Schäferin elämästä," in *Petter Schäfer, Minä Pietar ja minä Anna*,

Johan Beckman was one of those friends and he appears quite frequently in Schäfer's diary entries. Between 2 September 1709 and 9 December 1712, he is mentioned a good twenty times, although his appearances in the diary become less frequent after 1710.³⁴ In that year, however, Beckman still visited Schäfer regularly and sent him some writings. Sometimes he provided Schäfer with paper and pens, medicine, and money.³⁵ Their contact did not limit itself to these practical matters, though. Beckman also brought some old appeal papers to Schäfer and later sent several letters about a matter concerning a Christina Ekegrön. The diary does not reveal any specifics on what this case was about.³⁶ Beckman was part of Schäfer's circle of friends, with whom he spent time and discussed matters such as faith and war. Nothing conclusive can be said as to Beckman's own religious stance, although the close connection to Schäfer leads one to believe that he was at least sympathetic to pietistic thoughts. Whether or not this had any influence on his career is hard to tell. Beckman held positions as secretary to the provincial governor of Turku and Pori, town *syndicus* and town councillor of Turku, and acting burgomaster of Kristiinankaupunki. His son continued in the footsteps of the earlier Beckmans and became a parish rector.³⁷

Not only students who visited Halle had connections to Pietism. Matias Svederus, one of the students in Jena, who later became a law professor and rector at the Academy of Turku, was involved in a controversy surrounding pietist influences at the Academy. Right after Svederus's second term as rector, the university Consistory dealt with issues of Pietism. On 15 November 1705, the Consistory had decided that the inspectors of the nations should keep a watchful eye on people suspected of these dubious thoughts.³⁸ The question of Pietism was also relevant in the case of Isak Laurbecchius (c. 1678–1716). Laurbecchius, who had studied in Germany, repeatedly applied for office at the faculty of theology, and for some years, he was extraordinary assistant at the faculty. His applications were discussed in the Consistory numerous times between 1701 and 1708. After 1706, his pietistic opinions came under investigation,

päiväkirja vuosilta 1707–1714, ed. Matti Piispa (Helsinki, 2000), p. 10; Kotivuori, *Ylioppilasmatrikkeli*, Petter Schaefer.

34 Petter Schäfer, *Minä Pietar ja minä Anna, päiväkirja vuosilta 1707–1714*, ed. Matti Piispa (Helsinki, 2000), *passim*.

35 See e.g. diary entries 2 September 1709, 13 October 1709, 2 February 1710, 20 February 1710, 9 April 1710, 25 April 1710, 28 July 1710, and 10 November 1710. Schäfer, *Minä Pietar*, *passim*.

36 See e.g. diary entries 2 February 1710, 7 October 1711, 15 October 1711, and 20 October 1711. Schäfer, *Minä Pietar*, *passim*.

37 Kotivuori, *Ylioppilasmatrikkeli*, Karl Johan Beckman.

38 Academy of Turku Consistory records 15 November 1705, in *Turun Akatemian konsistorin pöytäkirjat IX, 1705–1709* (Helsinki, 1942), p. 19.

eventually in 1708 leading to a judgement by the Cathedral Chapter stripping Laurbecchius of his cloth, his doctorate, and his office. Incidentally, Laurbecchius was also one of the closest friends of Petter Schäfer. When Laurbecchius's application was discussed in the Consistory in October 1705, Matias Svederus took a stand in his favour.³⁹ Later, Svederus voted in favour of electing Laurbecchius professor of poetry. This did not please everyone and so Count Gabriel Falkenberg (1643–1714), chancellor of the academy from 1704, wrote a firm letter to the Academy Consistory in January 1707. In it, he expressed his indignation and astonishment that three professors, including Svederus, had voted for Laurbecchius, who was “a person who was not only suspected of heretical opinions in religion, but also reported and brought before justice, and is not yet acquitted.”⁴⁰ Svederus's possibly pietistic inclinations did not end there. Like Beckman, Svederus also appears in Petter Schäfer's diary. On 2 December 1710, Schäfer appears to be writing about the ongoing war and notes that he had spoken to Svederus, among others, and had encouraged them to go to the countryside. Later, on 23 and 25 June 1712, he wrote about having sent and shared the “bread of love” to Svederus, among others.⁴¹ Apparently Svederus did have some sympathies for the pietists in Finland and defended Laurbecchius to the point that he was even reprimanded for it.

3 Swedish-Dutch Relations

“The Swedes and the Dutch were made for each other” claims the title of a book on four hundred years of Swedish-Dutch relations.⁴² Indeed, in the seventeenth century, Sweden and the Netherlands enjoyed periods of a close and

39 See e.g. Academy of Turku Consistory records 25 October 1705, in *Turun Akatemian konsistorin pöytäkirjat 1X*, pp. 12–15; Esko M. Laine, *Yksimielisyyt – sota – pietismi. Tutkimuksia suomalaisesta papistosta ja yhteiskunnasta kolmikymmenvuotisesta sodasta pikkuvihaan* (Helsinki, 1996), pp. 230–279.

40 Translation by Marianne Vasara-Aaltonen, original longer text in Swedish: “(...) icke dess mindre moste jag ganska oögliga förspöria huru sasso Herrar Professorerne Flachsenius, Svederus och Hahn hafwa understådt sig wijd sidsta vacancen med sine wahl falla uppå Licentiaten Laurbeckius, hwilcken icke allenast hwarcken naturlige eller förwärfwade böjeligheeter till poesin hafwer, utan det fast wärre är, en Person som för irrige och willfarande meningar i Religionen ej allena är misstänkt utan angifwen och för rätta stält, och der ingalunda ännu frij ehrkiänd.” Greve Falkenberg till Consist. rör. några tjänsters besättande ävensom vissa lagstridiga voteringar i Consist. January 1707, in *Kuninkaalliset ja kanslerin kirjeet*, pp. 466–467.

41 Schäfer, *Minä Pietar*, pp. 61 and 137–139.

42 Kristian Gerner, ed., *The Swedes & the Dutch Were Made For Each Other: 400 Years of Swedish-Dutch Relations* (Lund, 2014).

mutually beneficial relationship, which fostered Sweden's power position in Europe as well as its cultural and scientific connections.

The Swedish-Dutch relationship of the seventeenth century is embedded in commercial and power politics in the Baltic Sea, but had broader implications regarding, for instance, the Dutch-Spanish war and world trade. Already during the reign of Erik XIV (1560–1568), some Dutch merchants had settled in Sweden. Since the late sixteenth century, the Netherlands held a power position in commerce in the Baltic Sea region, and was dependent on passage through Baltic waters. In particular, the Netherlands was reliant on grain from countries on the Baltic Sea, while Sweden could also supply the wood, pitch, and tar the Dutch needed for shipbuilding. Therefore, the Dutch held an interest in political and economic developments in the region. When Sweden was forced by the Peace of Knäred to pay the Älvsborg ransom, as mentioned earlier in Chapter 6, section 1, it was the Dutch who extended loans that enabled Sweden to pull through the situation. After Gustav II Adolf's accession to the throne, and with Denmark increasing its duties, the relationship between the Netherlands and Sweden grew closer. In 1614, the two signed a defence treaty for fifteen years, which had a positive impact on Sweden's foreign policy position. Its main goal was to deter Denmark from increasing duties or closing the sound to the Baltic Sea.⁴³

Trade relations between the countries were a vital part of the relationship, with Dutch merchants settling and conducting business in Sweden on a regular basis. Dutch entrepreneurs were also actively involved in Swedish mining works, and dealt with iron and copper sourced in Sweden. The Dutch played an important role in the early development of Gothenburg, a city whose privileges were negotiated between Dutch merchants and the Swedish crown.⁴⁴ Amsterdam, a commercial centre, was an attractive place for Swedes to conduct business as well as to learn about commerce. Johan Risingh (1617–1672), the first secretary of the Board of Commerce, was sent to the Netherlands in 1650 to write a treatise on trade.⁴⁵ Dutch merchants and investors were also active

43 Wrangel, *Sveriges litterära*, p. 10; Gunnar Wetterberg, "Calming the waves of the Baltic Sea. The Netherlands as the midwife of Sweden during its Great Power Era," in *The Swedes & the Dutch Were Made For Each Other: 400 Years of Swedish-Dutch Relations*, ed. Kristian Gerner (Lund, 2014), pp. 42–48; Kolbe, "Pieni suurvalta," pp. 90–102; Anja Tjaden, "The Dutch in the Baltic, 1544–1721," in *In Quest of Trade and Security: The Baltic in Power Politics, 1500–1990, Volume 1: 1500–1890*, eds. Göran Rystad, Klaus-R. Böhme, and Wilhelm M. Carlgren (Lund, 1994), p. 119.

44 Wetterberg, "Calming," pp. 44 and 48–49; Sallila, "Entangled," p. 267.

45 Wetterberg, "Calming," pp. 43–44; Lars Magnusson, "Envy and emulation. Sweden and the Dutch republics in the era of mercantilism in the seventeenth and eighteenth centuries," in *The Swedes & the Dutch Were Made For Each Other: 400 Years of Swedish-Dutch Relations*, ed. Kristian Gerner (Lund, 2014), pp. 82–83.

in encouraging Swedish colonial efforts in America, which in 1638 led to the founding of New Sweden by the Delaware River next to the Dutch New Netherlands. Risingh, in fact, was the last governor of New Sweden. Dutch examples of trade, namely its trading companies, were also in mind later, when the Swedish East India Company and the Levant Company were founded in the 1730s.⁴⁶

Another aspect to the Swedish-Dutch relationship was the art of warfare, in which the Dutch had gained great knowledge from the war against Spain. Indeed, Swedish students coming to Leiden often devoted themselves to fortification sciences and other vital military skills. The Dutch were excellent at seamanship and Swedes also came to the Netherlands to learn the skills of sea warfare. Dutchmen even on occasion fought in the Swedish army, and vice versa.⁴⁷ In diplomacy, too, Sweden was happy to use the Dutch connection. They hired Dutch diplomats from the first years of the seventeenth century, the most famous example being Hugo Grotius as Swedish ambassador in Paris from 1634 to 1644, additionally using their contacts for gathering intelligence.⁴⁸ The Dutch also played a part in peace negotiations with Denmark at Brömsebro in 1645. As discussed earlier in Chapter 6, section 1.4, many future Swedish diplomats had also studied in Leiden.⁴⁹

However, the Swedish-Dutch relationship was not without its difficulties. Attitudes towards a continuation of the treaty between the two varied, and relations were influenced by the role of England, France, and Denmark, as well; not to mention the Thirty Years' War, and wars against Spain, Denmark, Russia, and Poland. Questions of Swedish tolls at Prussian ports, for instance, caused political conflicts as they were unfavourable to Dutch merchants. The balance of power in the Baltic Sea region was always affecting the Swedish-Dutch relationship. No state wanted to see another with an unrestricted power position in the Baltic. In 1640, Sweden and the Netherlands signed a new treaty, but in 1659 the Dutch allied with England and France to control Sweden's position of power.⁵⁰ After the Franco-Dutch War (1672–1678) where Sweden had

46 Frans R.E. Blom, "Neighbours in America: New Sweden and New Netherland," in *The Swedes & the Dutch Were Made For Each Other: 400 Years of Swedish-Dutch Relations*, ed. Kristian Gerner (Lund, 2014), pp. 59–61; Magnusson, "Envy," p. 90.

47 Wetterberg, "Calming," p. 43; Wrangel, *Sveriges litterära*, pp. 4 and 10.

48 Wetterberg, "Calming," p. 44; Kjell Å. Modeér, "Law in books and law in action. On Dutch contributions to Swedish legal culture in early modern times," in *The Swedes & the Dutch Were Made For Each Other: 400 Years of Swedish-Dutch Relations*, ed. Kristian Gerner (Lund, 2014), pp. 70–71.

49 Wetterberg, "Calming," pp. 55–56; Wrangel, *Sveriges litterära*, p. 95.

50 Wetterberg, "Calming," pp. 52–58; Tjaden, "The Dutch," p. 93.

allied with France, Sweden again sought a defence alliance with the Netherlands, signing a treaty (*garantitraktat*) for twenty years in 1681. Their relationship, however, was not as good as in previous decades.⁵¹

Political and economic contacts between the Swedes and the Dutch fostered contacts on a larger scale, too. Scientific connections, as we know, were lively as Swedish students flocked to Dutch universities. These studies were encouraged and supported: Axel Oxenstierna and Johan Skytte had close connections to Dutch professors, while the Dutch Daniel Heinsius had been appointed royal historiographer to Sweden.⁵² After Gustav II Adolf's death, the late king was honoured at the University of Leiden with a set of *orationes* held in 1634. At that time, Axel Oxenstierna was present in Leiden and apparently took part in the events. The *Acta Senatus* of 1634 state that Baron Oxenstierna was given permission to hold an *oratio* in honour of the late king. They also mention a Baron Crucio, who seems to be the Turku law student Johan Cruus, who is known to have given an oration in 1634.⁵³ In 1637, a 440-page book was published containing these *orationes* and other writings in honour of the late king.⁵⁴

Gustav II Adolf's daughter, Queen Christina, known for her intellectual interests, began to invite scholars to her court, and was sometimes called "de Zweedsche Pallas" in Dutch, after Pallas Athena, the Greek goddess of wisdom, craft, and war. Men of international renown, many of Dutch descent or with contacts to the Netherlands, among them Isaac Vossius (1618–1689), Nicolaas Heinsius (1620–1681), René Descartes (1596–1650), Claudius Salmasius (1588–1653), and Hermann Conring, visited the court at Christina's invitation. Conring, who had studied medicine, and is well known for his legal scholarship, was Christina's personal physician. During Christina's time, large book purchases were made, supervised by Vossius and Heinsius, among others. Contacts to the Netherlands were active in various fields of science.⁵⁵

51 Wrangel, *Sveriges litterära*, pp. 8–9.

52 Lindroth, *Svensk lärdomshistoria – stormaktstiden*, p. 200.

53 *Bronnen tot de geschiedenis der Leidsche Universiteit*, 11, 8. Febr. 1610 – 7. Febr. 1647, ed. P.C. Molhuysen ('s-Gravenhage, 1916), p. 188. The dates mentioned in the *Acta senatus* are in July; for instance, Oxenstierna is mentioned as being given permission to hold an *oratio* on 22 July. However, the information given in other sources about the *orationes* would suggest that they actually took place in June, not July.

54 *Gustavus Magnus, Sive, Panegyricae Orationes à Clarissimis aliquot aetatis nostrae viris de Vita ac Obitu Gvstavi, Suecorum, Gothorum, Vandalorumque Regis, &c. habitae aut scriptae. Accedit, Exequiarum ejusdem accurata Descriptio, aliaque ejusdem generis. Lugduni Batavorum, Apud Andream Cloucqium, MDCXXXVII* (Leiden, 1637).

55 Broberg, "Academic attraction," p. 93; de Vrieze, "Academic relations," pp. 351–359 and 362; Wrangel, *Sveriges litterära*, pp. 111 and 146–164.

It was not only in science that connections flourished. Christina also invited artists, such as the Dutch portrait painter David Beck (1621–1656), to come to Sweden. Dutch art was acquired for Swedish art collections.⁵⁶ Georg Stiernhielm (1598–1672), the “father of Swedish poetry,” and also an assessor at the Dorpat Court of Appeal and member of the Diet, had studied in the Netherlands. Like other Swedish writers, he had been influenced by Dutch language and literature. Dutch plays were also popular in mid-seventeenth century Sweden.⁵⁷ Swedish architecture had received Dutch influence since the sixteenth century, when Dutch stonemasons were involved in building royal palaces and castles. In the seventeenth century, Dutch architecture and town planning influenced many Swedish towns such as Gothenburg, Jönköping, and Kalmar. Especially in building waterways, the Dutch had incomparable expertise. Not surprisingly, the first Swedish royal architect, appointed in 1622, was a Dutchman.⁵⁸ Separating contacts in culture and the arts from the general political and economic connection would be impossible.⁵⁹

Clearly, Sweden’s close relationship with the Netherlands played a vital role in attracting so many Swedish students to Dutch universities. One should also not neglect the fact that Leiden, as the foremost Dutch university, could provide suitable education for the nobility at a time when the Swedish nobility enjoyed great power and was seeking to improve its education. Often they obtained both a civil and a military education. This was especially true of the higher nobility.⁶⁰ Close connections politically and economically created a fruitful environment for academic contacts as well, which in turn again furthered the relationship in other respects. The fact that the Swedish administration encouraged studies at Dutch universities, as described earlier in Chapter 6, section 3.3, also makes the choice of studying at Leiden one of personal motives: by going to such a respected university, which moreover was encouraged by the government, was definitely a wise choice for anyone aiming at a successful career in the Swedish administration or judiciary.

56 Karin Sidén, “Dutch industrialists, travelling artists, and collectors: A history of cultural connections between the Netherlands and Sweden in the seventeenth century,” in *The Swedes & the Dutch Were Made For Each Other: 400 Years of Swedish-Dutch Relations*, ed. Kristian Gerner (Lund, 2014), pp. 145–148;

57 De Vrieze, “Academic relations,” p. 348; Bernt Olsson, “Georg Stiernhielm,” in *Svenskt biografiskt lexikon*, vol. 33 (Stockholm, 2007–2011).

58 Fredric Bedoire, “Religion, entrepreneurship, and architecture,” in *The Swedes & the Dutch Were Made For Each Other: 400 Years of Swedish-Dutch Relations*, ed. Kristian Gerner (Lund, 2014), pp. 112–116; Wrangel, *Sveriges litterära*, pp. 11 and 18.

59 Sidén, “Dutch,” 2014, p. 151.

60 Nuorteva, *Suomalaisten ulkomainen*, pp. 391–392; Wrangel, *Sveriges litterära*, p. 96; Niléhn, *Peregrinatio*, p. 213.

4 Summary

Many reasons affected the choice of university for the early modern Swedish student heading to European universities. Proximity, both geographical and theological, was a common denominator for the universities most frequently visited by the Turku law students. Dutch and German universities were easy to reach, and above all they were Protestant. For the Crown, still fearing the influence of Catholicism on the country in the early seventeenth century, this was of great importance. Most notably, though, it was the Dutch connection that influenced the choice of university for Swedish students around the mid-seventeenth century, and in the 1630s and 1640s Swedes flocked to Leiden. The university could offer suitable education for noblemen, but studies there were even more part of a general orientation to the Netherlands, which covered commerce, the art of warfare, politics, culture, the arts, and sciences.

In addition are reasons specific to each university, as discussed in detail in Part 2 of the book. Links to German universities, important for secular lawyers from the time of Gustav Vasa, continued to attract students in the seventeenth and early eighteenth centuries. The connection to Rostock had long roots, especially among theologians, due to the influence of David Chytraeus. Conveniently located, Rostock still attracted future lawyers in the seventeenth and early eighteenth centuries. Geography and religion played a part in the popularity of Greifswald, but most important was its position within the Swedish realm after the Thirty Years' War. The lax granting of degrees also made it appealing for Swedes seeking an easy diploma.

Certainly, the good reputation of a university must also have played a part. It was possible to find teaching and an intellectual atmosphere which was not available at home.⁶¹ Jena, for instance, could offer new impulses in public law and in the *usus modernus*. In the first decades of the eighteenth century, Halle was a new university and could attract Turku law students by offering a fresh perspective and new subjects. In comparison, the other "reform university," Göttingen, founded in 1737, did not particularly appeal to Turku law students. At this time, law studies abroad by Swedes had already declined significantly, so that Göttingen was more important to students of medicine and natural science rather than future lawyers.

Finally, one must remember the personal level of these journeys. Letters sent back to Sweden attest to how students tried to make themselves useful for future state service. They listened to recommendations from their sponsors in their choice of university, as was apparent from the letter from Karl Rothovius

61 Niléhn, *Peregrinatio*, pp. 297 and 299; Eliasson, "Peregrinatio," p. 40.

to Axel Oxenstierna, as discussed earlier. Personal contacts to professors and their academic acquaintances could also influence students' study paths, as seems to have been the case for some of the students in Leiden. Personal motives included the wish to see the world and experience new things: one aspect of this was visiting foreign universities for a shorter time to observe their characteristics. The journey notes of Gabriel Kurck and Erik Lovisin were described earlier. The journal of military chaplain and parish rector Andreas Bolinus (1642–1698) show the same traits: an eagerness to describe local conditions regarding the administration, the judiciary, churches, universities, and town structures.⁶² These are features also exhibited in early modern European *ars apodemica* literature.⁶³ Besides, curiosities fascinated these travellers: Lovisin described how he saw crocodiles and diamonds on his journey. But more mundane things caught the eye of travellers, too, as Bolinus's note on K[r]efeld only stated that the ladies there wore pointed hats.⁶⁴

62 Andreas Bolinus, *En dagbok från 1600-talet*, ed. E. Brunnström (Stockholm, 1913), pp. 16–25.

63 See Chapter 2, section 2.1.

64 Erik Lovisins resedagbok, *passim*, M 252:1, KB; Bolinus, *En dagbok*, p. 33.

The Decrease in Studies Abroad in the Eighteenth Century

While Chapter 6 discussed the reasons behind studies abroad, this chapter seeks to explain why Swedish lawyers' studies abroad decreased and then ceased altogether during the eighteenth century. Again, the topics of politics, the judiciary, education, and advancement arise; this time explaining why studies abroad were no longer necessary, as they had been during the previous century. Here we also discuss attitudes in Sweden to the use of foreign law.

1 Changes in the Political Situation

1.1 *Absolutism, a Weakened Aristocracy, and the Great Northern War*

Over the course of some fifty years, spanning the last quarter of the seventeenth century and the first quarter of the eighteenth century, Swedish society and the political landscape changed drastically, one culminating point being the Great Northern War, where Sweden lost its power position in Europe.

In 1672, Charles XI came of age and relieved the regency government of its duties. Supported by the commoners and the lower nobility, the new king refused a coronation oath, which would have bound his decision-making to the Council. Sweden was at war from 1674 to 1679 – taking part in the Franco-Dutch War and under attack by Denmark in the Scanian War – which left the country in dire financial straits. Charles XI blamed the regency government for malpractices and for the poor state the country was in.¹ In the late 1670s, demands again arose to perform reduction of donated lands along with calls for an investigation into the financial practices of the regency and its aristocratic members. At the Diet of 1680, these plans were carried out. Doing so enabled Charles XI not only to improve state finances but also to reduce the political power of the nobility.²

The Diet discussed reduction of lands donated to the nobility. The clergy, burghers, and peasants reached a joint proposal. However, the nobility was not unanimous on the issue, as loss of lands would hit different groups of nobility

¹ Upton, "The Swedish," pp. 22–23.

² Upton, "The Swedish," p. 23; Karonen, *Pohjoinen*, pp. 290–291.

differently; some favoured financial compensation to the Crown instead of forfeiting lands. Finally, the reduction was approved by the nobility and was carried out at the Diet of 1682, taking back all lands donated in the seventeenth century, including those in Sweden's Baltic provinces. This provided the state with a substantial increase in rental income in the shape of some 700,000 silver *dalers* annually from Sweden and Finland, and over a million from the overseas provinces. State finances improved significantly, which can also be seen in the decrease of the national debt.³

Settling the question of reduction was not the only pressing matter at the Diet of 1680. Charles XI sought to establish his position as an absolute ruler and posed well-drafted questions to the estates regarding his powers. The estates declared that the king did not have to take the Council's opinion into consideration, and was only bound by the laws and ordinances of Sweden, answering only to God. In early 1682, the councillors of the realm were dubbed king's councillors (*kungliga råd*), reflecting their loyal and subordinate position to the king, and Charles XI removed those councillors not favourable to him. The Diet of 1682 went further in giving nearly full legislative powers to the king, significantly reducing the power of the estates. In 1693, absolute rule was affirmed when the Diet declared the king an absolute sovereign ruler who could govern according to his will.⁴

Researchers have discussed how the king managed to persuade the nobility to agree on the reduction and the estates to relinquish their powers and grant full authority to the monarch. For one, Charles XI had managed to position his loyal supporters in leading roles, thus guiding decision-making at the Diet in the right direction. But there were also reasons which could be found deeper in societal structures. A religious world view emphasizing obedience to authority permeated Swedish society, and was preached by the clergy. The homogeneity of Swedish society – such as uniform legislation, the same faith, and shared values – meant that conflicts arose rather between different individual group interests instead of a common opposition against the ruler. In fact, conflicts among individual groups favoured the absolute monarch, to whom the dissenting parties would turn for a solution. The support of the new lower nobility was also crucial to the success of Charles XI, and its resentment towards the land-owning aristocracy played into the hands of the king, who was skilful in mastering the situation.⁵

3 Karonen, *Pohjoinen*, pp. 291–293; Upton, “The Swedish,” pp. 24–25; von Konow, *Sveriges*, p. 165; Kent, *A Concise History*, p. 88.

4 Karonen, *Pohjoinen*, pp. 293–295; Upton, “The Swedish,” p. 26; Göran Rystad, *Karl XI – en biografi* (Lund, 2001), pp. 178–179.

5 Karonen, *Pohjoinen*, pp. 190 and 294–298; Upton, *Charles XI and Swedish Absolutism* (Cambridge, Eng., 1998), pp. 252–260; Rystad, *Karl XI*, pp. 175–175 and 180.

The administration also underwent changes during this period as offices no longer functioned collegially but under the rule of their heads, while the king was directly involved in their functions. During Charles XI's rule, the reins were tightened and absenteeism of state officials, which had long been a problem, was no longer accepted. He also ennobled state officials at a great pace, clearly marking the connection between public service and upward social mobility.⁶ A new allotment system (*indelningsverket*) was put into place to direct tax income to payment of officials and renewal of the organization of the military.⁷ Charles XI succeeded in securing the country's finances and Sweden experienced a twenty-year period of peace after the continuous wars of the seventeenth century. Despite his autocratic rule, Charles XI's reign was not a period of tyranny, and the king did attempt to rule justly over his subjects.⁸

The tide turned in 1697, when Charles XI died and his fifteen-year-old son ascended the throne as Charles XII. The young king did not possess his father's finesse, and during his reign, the system of government fell into chaos.⁹ Questioning young Charles's ability to rule, Sweden's enemies saw the opportunity to avenge past conflicts. Denmark, Saxony, Poland, and Russia allied themselves against Sweden. In 1700, the Great Northern War began, when Swedish Livonia was attacked. Soon Sweden faced war on three fronts, but was at first able to secure victories. Maintaining the military, however, caused serious problems. Foreign policy during Charles XI's reign had been focused on keeping the peace, and the military was structured for defensive action, not offensive. Charles XII, however, did not hesitate to go on the offensive. In 1707, the king launched an offensive to the east – a decision which, according to Robert Frost, has even received undue criticism regarding the young king's strategic thinking – but suffered a devastating loss against Russia in 1709 at Poltava, effectively sealing the end of Sweden's position as a great power.¹⁰

Charles XII fled to the Ottoman Empire, but war continued in the north. Russia occupied Finland during the following years, straining the eastern half of the Swedish realm immensely. In 1715, Charles travelled from his exile to Swedish Pomerania, which was followed by Prussia and Hanover also declaring war on Sweden. The following year, Charles XII, now back in Sweden,

6 Karonen, *Pohjoinen*, pp. 293–294 and 303–304; Upton, “The Swedish,” p. 26. For the structure of government before and after 1680, see Appendix 2, and in more detailed form Upton, *Charles XI*, pp. xviii–xix. For the problem of absenteeism regarding appellate court judges, see Vasara-Aaltonen, “From Well-travelled,” pp. 340–342.

7 Karonen, *Pohjoinen*, pp. 301–303.

8 Upton, *Charles XI*, p. 259; Karonen, *Pohjoinen*, p. 295.

9 Upton, *Charles XI*, pp. 260–261; Upton, “The Swedish,” p. 27.

10 Robert I. Frost, *The Northern Wars 1558–1721* (Harlow, 2000), pp. 226–231 and 278–281; Karonen, *Pohjoinen*, pp. 309–313.

launched a campaign against Denmark and attacked Norway. In 1718, again in Norway, Charles XII was shot and killed, ringing the end of absolute rule in Sweden. Sweden had lost the war, and had to endure significant losses in territory. Except for the Danish provinces and small parts of the Pomeranian territories, Sweden had to give up all of its conquered territories. Most significantly, the Baltic provinces of Livonia, Estonia, and Ingria were lost to Russia at the Treaty of Nystad in 1721, as well as parts of South-East Finland, including the important town of Vyborg.¹¹

1.2 *From the “Age of Liberty” to Gustav III’s Absolutism*

While recent research has shown that Charles XII was not assassinated by his own men in 1718, as had long been speculated, opposition had nevertheless been quietly brewing, and became a reality after the king’s death.¹² Charles XII had died without an heir. His two possible successors were his elder sister’s son, Karl Frederick of Holstein (1700–1739), or his younger sister Ulrika Eleonora (1688–1741, r. 1718–1720), married to Frederick of Hesse (1676–1751, r. 1720–1751). In January 1719, the estates elected Ulrika Eleonora as Queen, but she could not become an absolute ruler. Ulrika Eleonora wished to rule together with her husband Frederick, but this was unacceptable to the Council of the Realm and the estates. The following year, she abdicated in favour of her husband. In 1719 and 1720, Instruments of Government (*regeringsfrom*) were passed, which essentially gave the Diet the power to rule over the country – the monarch having the highest power only formally.¹³

The period beginning in 1719, and lasting until 1772, is usually known as the Age of Liberty (*frihetstiden*), referring to parliamentary government and freedom from absolute monarchy. However, it is also often spoken of as the “power of the estates” (*stånderväldet*), which takes into account that the period did not confer political liberty on all.¹⁴ The four estates, the nobility, the clergy, the burghers, and the peasants, were represented in the Diet, but they did not represent the majority of the population. The Swedish nobility represented half a per cent of the population, and the three higher estates together represented less than five per cent of the Swedish people. The peasant estate could speak

11 Frost, *The Northern*, pp. 294–296; Karonen, *Pohjoinen*, pp. 313–322.

12 Peter From, *Karl XII: s död. Gåtans lösning* (Lund, 2005); Upton, “The Swedish,” p. 27.

13 Sten Carlsson, “Enväldets fall,” in *Den svenska historien 8. Karl XII, stormaktens fall*. Arvid Horn, *fredens general*, eds. Tage Nilsson and Claës Wannérth (Stockholm, 1979), pp. 118–122; Michael Roberts, *The Age of Liberty. Sweden 1719–1772* (Cambridge, Eng., 1986), pp. 6–9; Pär Frohnert, “Administration i Sverige under frihetstiden,” in *Administrasjon i Norden på 1700-talet* (Oslo, 1985), pp. 190 and 200.

14 Karonen, *Pohjoinen*, p. 332.

for a larger group of people, but it, too, left the majority of the rural population without a voice. In addition, non-noble officials were among a growing number of so-called persons of standing (*ståndspersoner*) who had no vote in any of the estates. On a European scale, though, the representation of the people was very high. The nobility consisted of a representative of all the families of the House of Nobility, while the other estates elected their representatives.¹⁵ At the Diet it was its Secret Committee (*sekreta utskottet*) which wielded significant power, especially from the 1730s onwards, dealing with such matters as foreign policy and finances. The committee consisted of fifty noble members and twenty-five members each from the clergy and burghers. Only on rare occasions were peasants admitted.¹⁶

The period until the mid-1730s was marked by a strong Chancery president (*kanslipresident*) Arvid Horn (1664–1742), but eventually he found opposition as some felt his policies were not aggressive enough. His opponents formed into a party, known as the Hats (*hattar*), which obtained a majority at the Diet of 1738 by actively pursuing influence among the nobility and the burghers. The parliamentary system had laid the ground for political parties to emerge, and the opponents of the Hats were dubbed the Caps (*mössar*). Decision-making in the hands of the Diet and a weak elective Crown had made it easy for foreign powers to influence and finance Swedish politics. The Hats found support from France, and called for an aggressive foreign policy, aiming to restore the past glory of Sweden. The Caps, in turn, favoured a more conservative policy, maintaining peace with Russia, finding an ally in England, and even colluding with Russia to gain power.¹⁷ In 1741, under Hat leadership, Sweden waged war against Russia, known as the War of the Hats, which again led to occupation of Finland and defeat in 1743, with additional parts of Finland lost.¹⁸

With the marriage of Frederick I and Ulrika Eleonora being childless, the question of the future monarch had again become an issue, and at the peace negotiations of 1743, Russia agreed to prune its claims if Adolf Fredrik of Holstein was elected as successor. After the king's death in 1751, Adolf Fredrik (r. 1751–1771) ascended the throne and was eager to enhance the Crown's power, egged on by his queen, Louisa Ulrika (1720–1782) and supported by a rising faction known as the Court Party (*hovpartiet*). This eventually led to a failed coup

15 Upton, *Charles XI*, pp. 30 and 32; Frohnert, "Administration," pp. 191–194; Karonen, *Pohjoinen*, pp. 358–360; Roberts, *The Age*, pp. 69, 71, and 103.

16 Roberts, *The Age*, pp. 5 and 76; Frohnert, "Administration," pp. 196–197.

17 Roberts, *The Age*, pp. 16–19, 27, 31, 35, 83, 115–123, 133–134, and 143–146; Michael F. Metcalf, "Frihetstidens riksdag (1719–1772)," in *Riksdagen genom tiderna*, ed. Nils Stjernquist (Stockholm, 1985), p. 135; Upton, *Charles XI*, p. 33.

18 Roberts, *The Age*, p. 24; Karonen, *Pohjoinen*, pp. 391–393.

attempt in 1756.¹⁹ Financial troubles and growing dissatisfaction with the political situation led to the Caps gaining control in 1765. Under Cap rule, censorship, for instance, was significantly eased in 1766. With the bureaucracy mainly in the hands of Hat officials, Hats allying themselves with the Crown, and the king unwilling to take part in governing the country, the Caps again lost power to the Hats in 1769. However, great political change was already under way. In 1769, attempts had been made to reform the system and rid it of its malpractices. However, these attempts had failed, and political liberty for the growing masses was still not realized. King Adolf Fredrik died in 1771 and the following year his son Gustav III (r. 1771–1792) managed a bloodless coup d'état. The people, dissatisfied with the current situation and resenting the nobility, which clung to its privileges and offices, did not stand in the way.²⁰

Gustav III abolished many committees, including the Secret Committee. He was able to appoint councillors at will, and did not have to adhere to their counsel. A popular king, he tried to maintain the support of the nobility, but during the 1780s, opposition began to grow. At the Diet of 1789, playing with the resentment which the lower estates bore towards the nobility, Gustav III managed to have an Act of Union and Security (*Förenings- och säkerhetsakten*) added to the Instrument of Government of 1772, increasing his powers by abolishing the Council and reducing noble privileges of office. Hostility towards the king among the nobility was obvious, and eventually led to a faction plotting his assassination. In 1792, Gustav III was shot and killed.²¹ His reign was followed by a brief regency before his son Gustav IV Adolf ascended the throne in 1796. In 1805, Sweden, allied with England and Russia, joined the war against France, which led to Sweden losing its remaining parts of Pomerania. Between 1808 and 1809, Sweden fought against Russia in the Finnish War, and at the Treaty of Hamina in September 1809 had to surrender Finland to Russia, thus ending the centuries-long connection between Sweden and Finland.²²

The Age of Liberty was a period of great political intrigues and witnessed the party system come into being. However, besides questions of state organization and political power it also saw changes in other spheres of life ranging from religion to education. Naturally, these changes were often connected with

19 Roberts, *The Age*, pp. 124–125 and 178–181; Upton, *Charles XI*, p. 35; Metcalf, “Frihetstidens,” pp. 141–146; Elise M. Dermineur, *Gender and Politics in Eighteenth-Century Sweden. Queen Louisa Ulrika (1720–1782)* (London, 2017), pp. 117–119 and 142–145.

20 Roberts, *The Age*, pp. 45–46, 106–110, 128, 142, 155–159, 166, 171–175, 185, and 191–192; Karonen, *Pohjoinen*, pp. 400–401 and 406–407; Upton, *Charles XI*, pp. 32, 35–36, and 38.

21 Roberts, *The Age*, pp. 206–207 and 214; Karonen, *Pohjoinen*, pp. 408–418; Upton, *Charles XI*, p. 39.

22 Karonen, *Pohjoinen*, pp. 420–424.

the political climate. Questions regarding the universities, the judiciary, and advancement to office will be discussed in the following chapters.

2 The Changing Swedish Universities

The Swedish universities changed significantly during the eighteenth century. This change had to do with a changed perception of the world: the rise of natural sciences and the idea of state utility coming to the forefront. One nudge towards a new outlook was seen after the so-called Cartesian controversies in the late seventeenth century. Descartes's ideas had reached Sweden early: Queen Christina had invited him to Sweden in 1649. His natural philosophy found support at the University of Uppsala in the 1660s, to the dismay of the Church, which saw it as a threat to Lutheran orthodoxy. Theologians opposed the idea that philosophy would be liberated from the Bible and the Church's dogma. Olof Rudbeck (1630–1702) and Petrus Hoffvenius (1630–1682), both professors of medicine at Uppsala, favoured Cartesian philosophy, and wanted to separate philosophy from theology. They faced opposition from most of the university professors, however. During the 1660s and 1670s, controversies sprang up, flaming again in 1686. By then, purity of faith had become even more important in aiding absolutist rule. However, at the university Cartesianism had gained in popularity, and the theologians were now alone in their opposition. In 1689, King Charles XI came to a compromise, which allowed freedom of philosophy as long as it did not discuss the Bible. The future was eventually that of new philosophical thought.²³

The absolutism of Kings Charles XI and Charles XII, which lasted from 1680 to 1718, impacted the teaching of the universities, too. The clergy preached the divine origin of the ruler and the king as God's substitute. In 1689, university professors were sent a royal letter reminding them not to speak against absolutist rule. Natural law was harnessed to the use of the absolute monarchy, especially by Uppsala law professor Carl Lundius (1638–1715), who sought to gain the king's favour. Relying on Pufendorf and the social contract theory, Lundius argued that the subjects of the realm had surrendered all power to the monarch, who could use it as he saw fit. He also claimed that Swedish law had ancient roots, which had been models for Greek and Roman law.²⁴ With the end of the absolutist period and the beginning of the Age of Liberty, natural law

23 Lindroth, *Svensk lärdomshistoria – stormaktstiden*, pp. 447–465.

24 Lindroth, *Svensk lärdomshistoria – stormaktstiden*, pp. 366–369; Björne, *Patrioter*, pp. 41–42; Modéer, *Det förpliktande*, pp. 30–31.

was not abandoned, but was again used to legitimize the existing political system. The people, through the estates, could freely choose their form of government: the king and Council were only there to fulfil the people's will. Thomasiaus's views supported the idea of popular sovereignty.²⁵ The relationship between university and state did not change significantly, though, as authority had only shifted from the monarch to the estates. In fact, the university senate and the faculties had even less influence in their own matters. By the 1720s, and especially after the Hat party gained power in 1738/39, teaching the "right" political ideas at universities was strictly monitored.²⁶

At the beginning of the Age of Liberty, the structure and activities of the universities still remained unchanged. However, efforts to renew the educational system were not far away. From the 1730s on, the goals of the central administration were often at odds with the academic freedom of the universities, a situation that only intensified with the Hats gaining power. They wanted to renew the universities according to the ideal of utility, which entailed forsaking the old humanistic-theological learning and replacing it with more modern education that suited the needs of the state and society, as well as the goals of the Hat party. To achieve this, they created new professorships such as that of *jurisprudentia oeconomicae et commerciorum*. Towards the end of the period, the number of professors at Uppsala rose to twenty-four.²⁷

In 1745, a so-called education commission (*uppföstringskommission*) was established to evaluate the existing educational landscape and to make suggestions for a renewed educational agenda. One of its suggestions was that university education should involve training for specific occupations and positions in the administration, leaving research to the scientific societies. They also proposed a new division of the university faculties. Uppsala University was not thrilled about these suggestions as this was a period of scientific bloom; indeed, the proposals were never applied as such. The commission's work did, however, lead to a statute in 1749 whereby those applying for positions within the judiciary were to pass an examination supervised by the university (*Förordning angående de Studerandes Academiska Wittnesbörder, som tänka söka sin befordran vid Rättegångswerken*, the so-called *Ämbetsexamen*). Lund law professor David Nehrman had made a similar suggestion in 1723, but it took until the mid-eighteenth century until the idea was finally put into practice.²⁸

25 Lindroth, *Svensk lärdomshistoria – frihetstiden*, pp. 531–533; Per Nilsén, *Att "stoppa munnen till på bespottare."* *Den akademiska undervisningen i svensk statsrätt under frihetstiden* (Lund, 2001), pp. 113–117 and 177.

26 Lindroth, *Svensk lärdomshistoria – frihetstiden*, pp. 22 and 534–535.

27 Lindroth, *Svensk lärdomshistoria – frihetstiden*, pp. 22–30.

28 Maria Cavallin, *I kungens och folkets tjänst: Synen på den svenske ämbetsmannen 1750–1780* (Göteborg, 2003), pp. 84–85 and 160; Lindroth, *Svensk lärdomshistoria – frihetstiden*,

The statute, which was intended to improve the judicial knowledge of judges and advocates, required those seeking positions within the judiciary either to attend an oral exam or defend a disputation. It left a great deal undefined, though, such as the contents and grading of exams. Uncertainty regarding the exam led the courts and government offices to establish their own entrance examinations in accordance with a 1766 statute, to make sure applicants had the required knowledge. What did happen with the statute of 1749 was that the number of dissertations increased significantly as this was one option for taking the exam. On the other hand, the system also had a negative impact on the state of jurisprudence in general, as professors mainly published dissertations instead of textbooks and commentaries. Nor did the exam provide any structure for legal studies.²⁹

At the law faculties, Swedish and Roman law were still taught, but, in 1740, the two professorships were amalgamated in Uppsala. The teaching duties of professors were hard as the number of law students had risen with the bureaucratization of the administration, as will be discussed in detail in the following chapter.³⁰ To indoctrinate the new form of government, efforts were made to teach Swedish public law and to make terminology available in Swedish. Towards achieving this, the second part of John Locke's (1632–1704) *Two Treatises of Government* (1689) was translated into Swedish. In 1723, 1747, 1755, and 1757 the Chancery sent letters reminding the universities of the importance of teaching the form of government to the students. In 1755, the Chancery stated that teaching Swedish public law should be specifically allocated to a professor and students should be examined in the subject. In 1761, Uppsala received its first chair in *ius publicum*.³¹

The great Swedish law professor and natural law thinker of the eighteenth century was David Nehrman (nob. Ehrenstråle, 1695–1769). In 1712, he had begun his studies in Lund with philosophy, but was forced to continue his studies abroad due to unfavourable conditions at home in the Great Northern War. Nehrman visited several foreign universities and enrolled at the universities of Rostock, Halle, and Leiden. After his return, he studied law in Lund. At the University of Lund he functioned as professor of Swedish and Roman law for

pp. 25–28; Paavo Alkio, "Lainopin opiskelusta 1700-luvulla sekä virkatutkinnosta ja vi-rastotutkinnosta," *Lakimies* (1952), p. 135; Kjell Å. Modéer, "David Nehrman-Ehrenstråle. En inledning," in David Nehrman, *Inledning Til Then Swenska Iurisprudentiam Civilem 1729, Then Swenska Jurisprudentia Civilis 1746* (Lund, 1979), p. xiv.

29 Björne, *Patrioter*, pp. 95–96 and 145; Almquist, *Svensk juridisk*, p. 185. Entrance examinations were also known elsewhere in Europe in situations when academic degrees were not seen as sufficient, see de Ridder-Symoens, "Training," p. 161.

30 Lindroth, *Svenska lärdomshistoria – frihetstiden*, pp. 539–540.

31 Nilsén, "Der Staatsrechtsunterricht," pp. 241–243, 252–253, and 263.

over thirty years, from 1721 until 1753.³² Most important for his future career were his studies in Halle, where he was influenced by Christian Thomasius, who had devoted his scholarly interest to domestic law, and his successor as professor of natural law, Nicolaus Hieronymus Gundling (1671–1729).³³ During his years as professor, Nehrman wrote several books on Swedish law, the most influential being *Inledning Til Then Swenska Jurisprudenciam Civilem* [Introduction to Swedish Private Law] of 1729, in which connections between domestic law, Roman law, and natural law were discussed. Nehrman's writings continued to be of importance well into the nineteenth century.³⁴ His views on national law will be discussed in the following chapter. In Turku, the scientific level of the university rose soon after the end of the Great Northern War, but the state of the law faculty remained poor for most of the eighteenth century until, in 1778, Matthias Calonius (1738–1817) was appointed law professor.³⁵

In the political and cultural climate of the eighteenth century, natural science also prospered in Sweden, as it did elsewhere, too. Around mid-century, the University of Uppsala thrived scientifically, in large part due to advances in natural sciences. There, international contacts still flourished, and Swedish scientists gained the attention of their European colleagues. In particular, Carl Linnaeus (nob. von Linné, 1707–1778), the renowned botanist, physician, and zoologist, attracted international fame, but advances were also made in astronomy, experimental physics, mathematics, chemistry, and medicine.³⁶ In 1739, again in line with European developments, the Royal Swedish Academy of Sciences (*Kungliga Vetenskapsakademien*) was founded in Stockholm to further knowledge in mathematics, natural sciences, economics, commerce, manufactories, and other useful sciences. Its models came in particular from London and Paris. The academy was a success, and rose to European fame, establishing connections with foreign scientific academies. Its publication *Handlingar* was also translated into German.³⁷

After Gustav III had ascended the throne, decision-making in questions of education had again gone to the king from the estates, and the absolutist king could do as he pleased. The scientific spirit in Uppsala began to change as natural sciences and economic utility had to bow to literature, aesthetics, and the humanism of the French Enlightenment. This had an effect on teaching, with the decline of natural sciences – except for botany and zoology – leading to

32 Almquist, *Svensk juridisk*, pp. 30–33.

33 Modéer, "David Nehrman-Ehrenstråle," pp. XII–XIII.

34 Lindroth, *Svensk lärdomshistoria – frihetstiden*, p. 540; Modéer, *Det förpliktande*, p. 59.

35 Lindroth, *Svensk lärdomshistoria – frihetstiden*, pp. 38–39; Björne, *Patrioter*, p. 96.

36 Lindroth, *Svensk lärdomshistoria – frihetstiden*, pp. 11–13, 17, 44, and *passim*.

37 Lindroth, *Svensk lärdomshistoria – frihetstiden*, pp. 48–63.

Uppsala University's loss of status compared to its days of glory some decades earlier. The fact that students rushed through their studies quicker than before had aroused criticism since the 1760s; and complaints about lowering of scientific standards continued during the Gustavian period. In 1786, Gustav III also re-established the Royal Academy of Letters (*Kungliga Vitterhetsakademien*) for humanities, which had enjoyed a short-lived past in the 1750s, when it was founded by the king's mother, Queen Louisa Ulrika.³⁸ The old form of government was overturned with Gustav III's coup, which also marked the end of teaching Swedish public law at the universities.³⁹

3 A More Established Judiciary

3.1 *State Bureaucracy and Advancement in the Administrative System*

With the Age of Liberty, it was no longer conceivable that the king could freely appoint officials as had been the case during absolutist rule. Advancement within the administration was often discussed at the Diet. The goal was to create grounds for advancement, which were transparent, more equal, and not prone to nepotism or other sorts of favouritism – thus giving the state better control over appointments. The 1719 and 1720 Instruments of Government (*regeringsform*) determined on what basis officials were to be appointed.⁴⁰ The 1719 Instrument of Government states that the boards and other offices suggest three men most impartial, knowledgeable, and best suited for the position (*oväldugste, förståndigste och till den beställningen tiänligste*), in addition to which other persons of merit outside the boards are also considered, and the Crown chooses among these candidates. The leading principle is described as follows: "In all appointments to office, only merit and skills are to be taken into consideration, so that no one incompetent or unsuitable to the tasks is appointed, but everyone is promoted according to their aptitude and experience, and no one is discarded because of their lesser origin or for other reasons, if they have been found worthy and qualified."⁴¹ The corresponding, more

38 Lindroth, *Svensk lärdomshistoria – Gustavianska tiden*, pp. 10–22 and 31; Lindroth, *Svensk lärdomshistoria – frihetstiden*, pp. 65–67.

39 Nilsén, *Att stoppa munnen*, pp. 371–372.

40 Cavallin, *I kungens*, p. 76.

41 Translation by Marianne Vasara-Aaltonen. Original Swedish text: "Så bör ock vid alla embetens besättning endast sees på förtienst och skickelighet, så att inge till alldeles ovane och med deras ämbnen intet öfverensstämmande sysslor måge antagas, utan hvar befordras effter sin naturliga böijelse och erfarenhet, såsom eij heller någon för ringare härkomst och andre orsaker må förskiuas, när han till tiensten elliest bepröfvas vara

elaborate, paragraph in the 1720 Instrument of Government states that the experience and merit needed (*erfarenhet och förtienst*) may have been gained through studies, military accomplishments, and other useful knowledge (*studier, krigsförrättningar och flere nyttige vettenskaper*).⁴²

While these provisions were a step forward, they still appear to be quite vague. Even though the Instrument of Government stressed that lesser origin should not be a disadvantage, the nobility still enjoyed some priorities. The nobility's privileges of 1723 guaranteed their estate the highest positions (including the presidency and vice presidency of the courts of appeal), and in practice their contacts and economic situation still favoured them.⁴³ Merit, experience, and studies were not elaborated, nor their importance in relation to each other. In practice, experience (*erfarenhet*), was accorded the most importance. In 1756, this practice was established officially in a statute concerning suggestions for vacant positions (*Förordning angående upprättande av förslag till lediga tjänster*, the so-called *Tjänstebetänkande*), which mentioned skills, experience, and merit (*skicklighet, erfarenhet, förtjänst*). Skills were now specified as being knowledge and qualifications obtained at university or otherwise, while experience, merit, and worthiness were considered synonymous and referred to years in state service.⁴⁴ The applicant's theoretical knowledge was only considered on appointment to his first position, usually as a trainee, but it did not have an impact on his chances of advancement after that.⁴⁵ Implementing the principle of seniority in the *Tjänstebetänkande* also caused some heated discussions about advancement procedures. In 1769, an anonymous writer stated that it was the public's right to have the smartest, most experienced, and conscientious judges and officials, which was not necessarily reflected in the years a person had served in the administration.⁴⁶

Education was not completely disregarded, as we have just seen. In the previous century, the need for more practically-trained state officials had led to the establishment of the trainee system. In the eighteenth century, questions

värdig och dugelig." Regeringsform 1719, § 34, in Axel Brusewitz, ed., *Frihetstidens grundlagar och konstitutionella stadgar* (Stockholm, 1916), pp. 18–19.

42 Regeringsform 1720, § 40, in Brusewitz, ed., *Frihetstidens grundlagar*, pp. 38–40.

43 Cavallin, *I kungens*, p. 78; Per Nilsén, "Gelehrte und rechtskundige ehrliche Männer: Zusammensetzung der schwedischen Hofgerichte 1660–1780," in *Integration durch Recht: Das Wismarer Tribunal (1653–1806)*, eds. Nils Jörn, Bernhard Diestelkamp, and Kjell Åke Modéer (Cologne, 2003), p. 313.

44 Tjänstebetänkande 1756, § 1, in Brusewitz, ed., *Frihetstidens grundlagar*, pp. 192–194.

45 Cavallin, *I kungens*, pp. 79–80.

46 Om ämbetsmäns tillsättjande, enligt Kongl. Maj:ts nådiga förordning af den 12 november 1766, och de deruti åberopade Kongl. bref och förordningar (1769), cited in Cavallin, *I kungens*, p. 175.

of useful training and practical knowledge again came to the forefront as part of the ideal of utility. The work of the education commission and the establishment of an exam for judicial officeholders are a manifestation of this. By introducing an exam, the practice that judges had to be university-educated, which for appellate court judges had been the case for many decades already, was promulgated at statute level. One year later, a corresponding statute was issued for non-judicial office-holders. In the exams, jurisprudence and moral philosophy were regarded as important for someone aiming at a position in the judiciary.⁴⁷

The fact that the exact requirements of the exam were rather vague and were not always carried out with the greatest degree of thoroughness was seen as a problem by contemporaries, too, as educational requirements were rather pointless unless exactly defined. By the middle of the century, the practice of advancement through seniority instead of academic merit had left university studies in a precarious situation, as students often considered them a “necessary evil” – something to run through quickly in order to be eligible for some office. Thus, the level of jurisprudence at the universities sank. Finally, separate entry exams were established by the administrative offices to improve the quality of officials appointed.⁴⁸

The system of appointments led to a path of advancement referred to as the “tour.” The course of advancement was predetermined, and one had to go through the various positions in order to advance.⁴⁹ At the courts of appeal, for instance, one would begin with lower positions such as clerk or notary, and later during a career one could expect to become a Crown prosecutor and assessor. This rotation of positions is illustrated in a letter from the Svea Court of Appeal, where the court’s president Gabriel Falkenberg suggests that after assessor Stiernmarck’s death in 1711, secretary Sternell should be made an assessor, Crown prosecutor Fehman secretary, vice prosecutor Rudberus Crown prosecutor, and so on.⁵⁰ It also shows that this type of advancement within the court had already started to take place before the principle of seniority was officially introduced. Later in the century, the “tour” is echoed in the application letters of Svea judges, since by then it was usual to apply for advancement (*befordran*) instead of a specific position.⁵¹

47 Cavallin, *I kungens*, p. 85.

48 Björne, *Patrioter*, pp. 95–96; Almquist, *Svensk juridisk*, p. 185; Alkio, “Lainopin,” pp. 139–141; Modéer, *Det förpliktande*, pp. 58 and 63–64.

49 Cavallin, *I kungens*, p. 79.

50 Skrivelser från hovrättens personal och från advokater, E III, *Svea hovrätts huvudarkiv*, RA.

51 Vasara-Aaltonen, “From Well-travelled,” pp. 339–340.

An illustration of the effects of the seniority principle is found in the records of the Svea Court of Appeal in the application letters sent to the court. Doctor of laws Nils Zellén's (1724–1806) frustration and dissatisfaction regarding advancement practices burst forth in a letter of 1770. Zellén had begun his studies in Uppsala in 1740, and had obtained his doctorate in 1752. The following year, at age twenty-nine, he had become a trainee at the Svea court and had then advanced through the lower positions at the court, but not reaching the assessorship he had been hoping for.⁵² He began his letter by stating that it has been thirty years since his successful studies at the Academy, after which he even spent two years teaching law at the Uppsala law faculty. Still, his above-average studies had brought him no advantages during his career. During his studies, he wrote, one could still assume that “true merits and skills” would have had weight in advancement, thus encouraging broad and diligent studies. He also referred to a royal letter of 12 November 1752 addressed to the courts of appeal and the boards, stating that doctors of law ought to be considered for positions according to their skills and merits (*skickelighet och förtjenst*). Zellén had already brought up this royal letter in his letter to the court in 1762, a couple of months before becoming notary at the court. But by 1770, the now fifty-seven-year-old Zellén was increasingly frustrated about his situation, still not having a judge's position. After the 1756 *Tjänstebetänkande*, he wrote, anyone who had started their career before him, no matter how poor their studies had been, had advanced before him.⁵³

Zellén's obvious learnedness had brought him no significant advantage in the appointment process. He had to go through the system from position to position within the court of appeal, just like everyone else. As he had not begun his career at the court until he was almost thirty years old, he had to watch his juniors with lesser education advance, and become judges, before him. Luckily for Zellén, he did, eventually, get the positions he felt he had earned, as he became an extraordinary assessor and appeal court councillor at the Svea court, a member of the high court for marine insurance, a member of the Supreme Court, and finally vice president of the Svea Court of Appeal in 1800.⁵⁴

The model of advancement within the administration, which was implemented during the Age of Liberty, no longer favoured elaborate studies as their importance was secondary to years in service. The bare minimum of studies was sufficient, which in turn did not encourage students to spend time abroad

52 Anjou, ed., *Kongl. Svea hofrätts*, p. 52.

53 Nils Zellén's letters to the court, 21 May 1770 and 25 August 1762. *Tjänsteansökningar E IV a*, vol. 37, Nils Zellén, SHA, RA.

54 Anjou, ed., *Kongl. Svea hofrätts*, p. 52.

furthering their learning as they could now gain the needed education at home. The decline in studies abroad among Svea Court of Appeal judges, as well as the absence of Turku students trained abroad at courts of appeal in the eighteenth century, corresponds with changes in advancement procedures as well as the degree of professionalism at the courts of appeal. The large number of court of appeal judges trained abroad in the seventeenth century was clearly connected to the importance of the nobility and to careers being a mixture of various administrative, judicial, and diplomatic tasks. But by the eighteenth century, careers in the state judiciary had become more law-related and less space was left for diverse career and study choices.

3.2 *Courts of Appeal and Town Courts Compared*

Chapter 6, section 2.1 discussed the judges at the courts of appeal until roughly the beginning of absolutist rule in 1680. Here we continue from the last decades of the seventeenth century until the end of the eighteenth. By now, it was established that almost all judges had studied at university. Some changes were made to the structure of the courts of appeal in the late seventeenth and early eighteenth centuries. In 1698, the class division of the court was abolished. A royal letter of 14 February stated that the court sat as a collegium and it was just for all the assessors to share the same appreciation and benefits. While this was intended to make the court more equal, in practice both the Svea and Turku courts witnessed a greater number of noble judges in the first years of the eighteenth century, as there was no longer a quota for noble and non-noble judges.⁵⁵ With the new Instruments of Government of 1719 and 1720, positions of appellate court councillor (*hovrättsråd*) were introduced to the courts, giving the senior judges of the courts a new title without, however, increasing their salaries.⁵⁶

Again, the judges of the Svea Court of Appeal are examined in detail. By now, education had come to stay, and evidence is available of nearly all the judges from the sample years⁵⁷ having studied at university. The focus, now, is needed on the question of studies abroad. In this regard, the last years of the seventeenth and first decades of the eighteenth century represent a period of transition. Of the court's judges in 1694, half (nine out of eighteen) seem to have travelled abroad, in all likelihood to study something. The situation is the same in the sample year 1714, when again roughly half of the judges had spent

55 Blomstedt, "Kuninkaallisen," pp. 39–41; Nilsén, "Gelehrte," p. 311.

56 Nilsén, "Gelehrte," p. 313.

57 See Vasara-Aaltonen, "From Well-travelled" on judges' education and careers, examining 11 sample years: 1614, 1634, 1654, 1674, 1694, 1714, 1734, 1754, 1774, 1794, and 1809.

some time overseas. Among their biographies are mentions of the universities of Wittenberg, Leiden, Tübingen, Jena, and Leipzig, as well as general remarks about Germany, Italy, France, and the Netherlands. Coming to 1734, however, the volume of studies abroad had begun to decline drastically: only four out of twenty-one judges had studied abroad.⁵⁸ In 1754, only one judge had trained abroad – one who was already a judge in 1734 – and the later sample years disclose no judges with foreign study experience. Given that the men had usually studied a couple of decades earlier than we find them as judges in the sample years, one may conclude that actual study journeys clearly decreased around the turn of the seventeenth and eighteenth centuries.⁵⁹ Domestic studies, as noted before, had now established their role as the educational path of judges. Most had studied at the University of Uppsala, but some mentions also appear of studies in Lund or Turku.⁶⁰

Knowing what the students had studied is not easy as, for instance, the Uppsala university records do not reveal the faculty at which a student enrolled. Of the twenty judges in 1714, we know with certainty that five had studied law. Presumably, though, they were not the only ones. For the latter part of the century, only scattered information exists about the field of study. But those whose discipline we do know had all been law students. This is no surprise, given that in the eighteenth century nearly all judges had law-related careers, and the 1749 statute required officials in the judiciary to have studied law.⁶¹

Apart from university education, practical training at the courts mattered as well. In the 1620s, the trainee system had been established to increase the number of officials with sufficient practical training to work in the administration and judiciary. For the judges of the Svea Court of Appeal, the turn of the eighteenth century marked a change. In the seventeenth century, it seemed to be very rare for judges to have trained at the court, but with the first decades of the following century it became increasingly common, so that in 1754, for instance, only one of the twenty-four judges had not begun his career through a traineeship. Reasons for this change could be traced back to the abolition of the class division, fluxes in the labour market, or simply the fact that the career paths of court of appeal judges were changing drastically, as we shall see next.⁶²

In the seventeenth century, it was common for judges to have experience from various positions in the administration, but towards the end of the

58 Vasara-Aaltonen, "From Well-travelled," pp. 311–313.

59 Vasara-Aaltonen, "From Well-travelled," pp. 313–315 and 346.

60 Vasara-Aaltonen, "From Well-travelled," pp. 311–315.

61 Vasara-Aaltonen, "From Well-travelled," pp. 311–315.

62 Vasara-Aaltonen, "From Well-travelled," pp. 323–328.

century experience in the judiciary also became more common, a feature that continued with the turn of the eighteenth century. In the early decades of the eighteenth century, we see that judges' careers become more law-related instead of a mixture of administrative tasks, and around the middle of the century judges begin to build careers within the court of appeal. This is the most important observation about the careers of these students. It was now common to advance from the lower positions of the court to an assessorship, or even the presidency of the court, in some cases. A judicial career became distinct from an administrative career.⁶³ While some slight differences existed between the Svea and Turku courts of appeal in the (early) seventeenth century, the eighteenth century reveals very similar developments: studies became domestic and judges began to build their careers within the court.⁶⁴ This suggests that questions of personal contacts and power struggles, which may have impacted the two courts differently in the previous century, now became less important as the professionalism of the (higher) judiciary grew.

Finally, we can again look at the situation at the eighteenth-century courts of appeal in the context of the Turku law students. The seventeenth century saw quite a rush of Leiden-trained men at the courts of appeal. In the next century, things were very different. Only one of the Turku law students, Johan Creutz, who had studied in Jena, reached a judge's position: he became president of the Turku court in 1719. Another difference compared to the previous century is that now we see many as trainees (*auskultanter*) at the courts of appeal. Eight men did so, five at the Turku court and three at the Svea court, distributed quite evenly throughout the century.⁶⁵ Five of them had been to Greifswald, one to Leiden and Greifswald, one to Halle, one to Halle and Greifswald, and one to Halle and Jena. Two of them⁶⁶ also became vice notaries at the Turku Court of Appeal, but for most of them it was simply a part of their training and did not lead to a career within a court of appeal.⁶⁷ While these were short periods spent at an appellate court, they are not to be confused with positions as assessor, which were common in the previous century. With a judiciary that was becoming ever more professionalized, it is no wonder that we find many who included practical training in their careers.

Lastly, one can mention Karl Bertil Lagerflycht, who spent some time as a secretary of the Pomeranian court of appeal in the 1730s. Lagerflycht, however,

63 Vasara-Aaltonen, "From Well-travelled," pp. 323–327.

64 Vasara-Aaltonen, "Noble Standing," pp. 614–615.

65 Jakob Lang (Lagercreutz), Gustaf Sivers, Jacob Willkommen, Lorentz Anders Ekenberg, Gabriel Wallenius, Severin Sture, Karl Jakob Dobbin, and Matias Svederus.

66 Sivers and Dobbin.

67 Kotivuori, *Ylioppilasmatrikkeli*.

does not compare with the others, as his activities with the Pomeranian court rather have to do with the interests of Sweden in supervising its German territories. He also worked as the secretary of a commission in Pomerania and Rügen as well as in the office for foreign affairs (*utrikesexpedition*), to name just a few positions.⁶⁸

The eighteenth-century town judiciaries were based on the same foundations as already described in Chapter 6, section 2.2 concerning the seventeenth century. A 1693 statute gave the towns the right to choose burgomasters and town councillors, and the king – or in the case of the councillors, the provincial governor – would then appoint a nominee. It was, however, possible for the king to appoint someone else as burgomaster if there were special reasons to bypass the town's suggestion. This right was often used under absolutism, and in Stockholm, for instance, Crown control increased during this period.⁶⁹ In 1723, at the beginning of the Age of Liberty, a resolution was issued by the Diet regarding the towns' free right to elect members of the magistracy. It stated that three candidates were elected by the towns, and the king would then choose one of them. Usually the choice was the person the towns had suggested as the best candidate. However, in some cases the king sidestepped this right of the towns, the most notable example stemming from Stockholm in 1728, when King Frederick I, faced with a tie situation in the Council of the Realm, chose as commercial burgomaster Joachim Neresius (1688–1748), who was opposed by the town. Noteworthy for the purposes of this study is that foreign journeys – he had been abroad to study commerce – were mentioned as one of Neresius's merits.⁷⁰ Positions within the magistracy were often sought after, and taking part in town councils and other positions of trust was also part of the burghers' networking.⁷¹

Great variance existed between the ways the towns elected their nominees for burgomaster and councillor positions. Indeed, the towns operated their own election procedures (*valordning*) regulating the matter differently, though many of them used the Stockholm procedure as a model. During the rule of the

68 Kotivuori, *Ylioppilasmatrikkeli*, Karl Bertil Lagerflycht.

69 Fällström and Mäntylä, "Stadsadministrationen," p. 197; Ericsson, "Stockholms," p. 310.

70 Fällström and Mäntylä, "Stadsadministrationen," pp. 198 and 210; Ericsson, "Stockholms," pp. 321–323; Gunilla Karlsson, "Joachim Nerés," in *Svenskt biografiskt lexikon*, vol. 26 (Stockholm, 1987–1989).

71 Klas Nyberg, "Jag existerar endast genom att äga kredit. Tillit, kreditvärdighet och finansiella nätverk i 1700-talets och det tidiga 1800-talets Stockholm," in *Sakta vi gå genom stan: stadshistoriska studier tillägnade Lars Nilsson den 31/5 2005*, ed. Mats Berglund (Stockholm, 2005), pp. 198–199.

Hats, which commenced in 1738, efforts were also made to standardize the system of election, enhancing the bureaucratic features of town administration. One new feature was that only those who had themselves actually applied for a vacant position could be elected by the towns.⁷² The 1756 *Tjänstebetänkande* and its principle of seniority applied to the towns as well, but it could run into conflict with the different procedures for nominating three candidates for each position. The applicability of the *Tjänstebetänkande* was questioned several times, with Helsinki contending in 1763 that it could not apply to positions which fell under the towns' free right of election.⁷³

The learnedness of the town courts had improved throughout the seventeenth century, so that by the 1690s, for instance, all Stockholm burgomasters were learned, and many of the councillors as well. During the Age of Liberty, around seventy per cent of Stockholm town councillors had academic studies behind them. The Stockholm magistracy consisted of four *collegia*, and the judicial burgomaster had the highest salary. Literate judicial town councillors all had to be trained in law. In Stockholm, one also finds men with different kinds of contacts abroad. For instance, after his studies in Uppsala, Jacob Bunge (1663–1731), who was a judicial burgomaster from 1721 to 1731, had travelled to Denmark, the Netherlands, England, France, and Russia, while town councillor Gustav Kierman (1702–1766) was involved in the Levant and East India trading companies.⁷⁴

Stockholm was naturally exceptional as the capital of the realm, and in smaller towns it was still possible in the eighteenth century that no council members had formal education. The 1749 statute on exams for judicial officeholders applied to burgomasters as well, but it was possible to obtain a dispensation from this requirement, and the requirement of judicial training was not always rigorously observed. No formal educational requirements were set for town councillors on a general level, but larger towns divided their councillors into literate and illiterate, the literate ones being expected to possess academic learning. In Gothenburg, for instance, five town councillors had to have judicial training, and they also received a higher salary. Gothenburg imposed high requirements on its council members, but in most medium-sized to small towns those with a higher education were in a minority, while those with academic learning seldom had formal judicial competence in the early years of

72 Fällström and Mäntylä, "Stadsadministrationen," pp. 198 and 204–207.

73 Fällström and Mäntylä, "Stadsadministrationen," pp. 199 and 203.

74 Carl-Fredrik Corin, *Självstyre och kunglig maktpolitik inom Stockholms stadsförvaltning 1668–1697* (Stockholm, 1958), p. 284; Ericsson, "Stockholms," pp. 311–313, 321, 324, 326, and 330; Erik Naumann, "Jacob Bunge," in *Svenskt biografiskt lexikon*, vol. 6 (Stockholm, 1926).

the Age of Liberty. In small towns it was difficult to find lawyers. Sometimes those lacking formal training still owned legal literature.⁷⁵

During the Age of Liberty, conflicts still arose between the Crown and the towns, between the different groups and organs within the towns, and between the provincial governors and the towns, as different groupings tried to consolidate or achieve power positions. In Stockholm, political questions played an enhanced role in town affairs, so that achieving office sometimes had at least as much to do with party politics as it did with qualifications. Electing the Stockholm magistracy became especially politicized during the 1750s and 1760s, but politics were involved in smaller towns as well.⁷⁶ To conclude, the eighteenth century saw a continuing rise in the education of town court members and a professionalization in the sense of more judicial training and more judicial careers – with great differences existing between the towns, though. The varying ways of electing council members and the town's freedom in its set positions within towns apart from positions in the state administration.

As mentioned earlier, thirteen Turku law students worked in town judiciaries during the eighteenth century. Half of them⁷⁷ came from a burgher background, with fathers as merchants and/or burgomasters. As for the rest, Wallenius's father was an assistant pastor, and Sivers's a parish rector. Nelly was the son of a bell-ringer. Carpaeus's father was a rural police chief, and Sveder had the most learned father, an Uppsala law professor. Again, this group of students is also distributed evenly throughout the century, with their careers reaching from the first decades of the eighteenth century to the beginning of the nineteenth. We find five students in Halle, four in Greifswald, three in Jena, and one in Rostock.⁷⁸ The towns they ended up working at were Stockholm, Turku, Uusikaupunki, Södertälje, Kristiinankaupunki, Borås, Narva, and Vyborg, half of which were staple towns.

Konrad Herbers, son of Ulrich Herbers, who was discussed in Chapter 6, section 2.2, followed in his father's and grandfather's footsteps and returned to work in the town judiciary of Narva. This was in the years between 1703 and the 1720s, during which time Sweden lost Estonia. After his studies in Jena, Birger Åwall, in turn, became a merchant, head of the lower town court, and a town

75 Fällström and Mäntylä, "Stadsadministrationen," pp. 189, 199–201, and 216–218.

76 Fällström and Mäntylä, "Stadsadministrationen," pp. 202–203 and 210; Ericsson, "Stockholms," pp. 323–324 and 329.

77 Johan Hochschild, Konrad Herbers, Karl Jakob Dobbin, Niklas Jaenisch, Henrik Seseemann, Petter Vilhelm Thesleff, and probably Birger Åwall.

78 Although the university studies of two men in Greifswald (Gabriel Wallenius and Gustaf Sivers) and one in Halle (Karl Jakob Dobbin) are not certain, and they may have just so-journed in these towns.

councillor in Borås, which was probably his home town. The rest held some positions prior to their careers in the towns. Karl Dobbin had been a trainee at the Svea Court of Appeal, and then vice notary at the Turku Court of Appeal, before venturing as a merchant and town councillor in Helsinki between the 1740s and 1780s.⁷⁹

All of the Greifswald students also held other positions than those in the towns. Johan Hochschild held several positions in the state administration and judiciary before joining the Stockholm justice collegium of the magistracy. Gabriel Wallenius had been a trainee at the Turku Court of Appeal and a clerk at the office of the Crown prosecutor before becoming burgomaster of Uusi-kaupunki. He was also an acting district court judge and Crown bailiff. Gustaf Sivers had trained and been vice notary at the Turku Court of Appeal, as well as notary at the Stockholm governor's office (*överståthållarämbetet*), before becoming a town councillor and head of the lower town court in Stockholm. Henrik Nelly had been a judge at a military court before becoming vice-burgomaster of Södertälje. Johan Beckman, the theology student in Halle, worked as governor of Turku and Pori before his positions as town *syndicus*, councillor, and acting burgomaster. Matias Sveder, a law student in Halle, trained at the Turku Court of Appeal and the Turku town court and lower town court. He then worked at the commission for Finnish affairs and the police collegium of the Stockholm magistracy. His career continued at the Alingsås manufactory and as chief of the Stockholm court overseeing crafts and manufactories. This position also entailed a seat on the town council, a position which, however, involved entrenched disagreements between the court overseeing crafts and manufactories and the Stockholm magistracy. As a town councillor, Sveder could only take part in decisions concerning economic cases regarding the manufactories. Sveder also attended the Diet.⁸⁰

Four of the students built their careers in Vyborg. I mention them separately, because for most of the eighteenth century, Vyborg was no longer part of Sweden. Vyborg was lost to Russia at the Treaty of Nystad in 1721, and became part of the Grand Duchy of Finland in 1812, after Finland's annexation to Russia. Three of the four who worked in Vyborg, that is, Jaenisch, Sesemann, and Thesleff, were sons of Vyborg merchants and town councillors. After their studies, Jaenisch became town scribe, a town councillor, and judicial burgomaster, Sesemann a merchant and town councillor, and Thesleff town *syndicus* and a town councillor. Unlike many of the others, they had no pre- or post-careers;

79 Kotivuori, *Ylioppilasmatrikkeli*.

80 Kotivuori, *Ylioppilasmatrikkeli*; Bertil Boëthius, *Magistraten och borgerskapet i Stockholm 1719–1815* (Stockholm, 1943), pp. 230–233.

they devoted their entire careers to the Vyborg town administration/judiciary.⁸¹ Naturally, Sweden no longer appointed royal burgomasters to Vyborg at this time, which explains the absence of Crown offices in these men's careers. All three represented significant Vyborg burgher families that originated from Germany. The families were also connected through marriage.⁸² The German population of Vyborg had grown even more important during the eighteenth century, especially when the German Justice Collegium for Estonian and Livonian matters (*Justizkollegium für Est- und Livländische Sachen*) was made the high court for Vyborg in 1735.⁸³ The declining legal learning of the Vyborg councillors had been noted by the Justice Collegium, so these three learned men, of whom at least Jaenisch had studied law, must have been a welcome addition. On the other hand, serious disputes arose between the council and the town burghers as well as internal strife during Jaenisch's period in office.⁸⁴ The fourth of these Vyborgian students, Johan Carpaeus, differed as he did not have a burgher background. Apart from being burgomaster for twenty years, he also held positions in the governorate's office (*guvernementskansli*) and the civil tribunal, which acted as high court for Vyborg from 1784 to 1796. Both the civil and criminal tribunals were staffed with legal experts.⁸⁵

Comparing the Turku law students who held positions within the towns to those working as judges at courts of appeal, we find that careers at appellate courts could be found continuously throughout the seventeenth century, after which they virtually come to a halt in the early eighteenth century. Students with careers in towns were slightly less frequent but they continue to appear in the eighteenth century without significant changes. The potential reasons behind the decline in studies abroad among appellate court judges were discussed above. The apparent difference between the courts of appeal and the town courts still needs to be examined. The bureaucracy and advancement procedures of the eighteenth century provide a backbone for comparison of men trained abroad at courts of appeal and town courts during the century.

81 Kotivuori, *Ylioppilasmatrikkeli*.

82 Georg Haggren, "Jaenisch," in *Kansallisbiografia-verkkojulkaisu. Studia Biographica 4* (Helsinki, 1997-). Available at <https://kansallisbiografia.fi/kansallisbiografia/henkilo/5215>. Accessed 20 January 2020; Autio, "Thesleff." See also Thesleff, *Släkten*.

83 J.W. Ruuth and Erkki Kuujo, *Viipurin kaupungin historia, 111 osa, Vuodet 1710–1812* (Helsinki, 1975), pp. 52–54 and 166–167.

84 Ruuth and Kuujo, *Viipurin*, pp. 172–174 and 177.

85 Kotivuori, *Ylioppilasmatrikkeli*, Johan Carpaeus; Jyrki Paaskoski, "Katariina II:n aluehallintoreformi," in *Viipurin läänin historia IV. Vanhan Suomen aika*, eds. Yrjö Kaukiainen, Risto Marjomaa, and Jouko Nurmiainen (Joensuu, 2013), pp. 300–303.

The appointment practices for state and town officials are the first thing to consider. Positions within the state administration and judiciary could be filled without the meddling of towns with their own interests. This meant that holding on to the principles of appointment and advancement was easier. Thus, as described in the previous chapter, weight could be put on years of Crown service, which in turn left little space for studies abroad, which would in most cases probably have exceeded what was required. The towns in turn, hanging on to their autonomy, could sometimes diverge from appointment practices in use on the state level. This made town councillors a more heterogeneous group than state officials. Hence, it is understandable that town court judges had more varied educational backgrounds than appellate court judges.

Apart from the appointment practices of town councillors versus appellate court judges, it is also worth pondering the foreign contacts of the groups involved. Due to factors discussed previously – the courts of appeal becoming more professionalized, the separation of diplomacy from judges' careers, stricter appointment practices, and the loss of overseas territories, as well as a turn away from foreign legal impulses, which will be discussed in the next chapter – there were naturally also fewer chances for officials in the state administration or judiciary to be in constant contact with foreign affairs. This, in turn, must have made studies abroad even less appealing. The situation regarding the towns appears somewhat different. The burghers did have a say in the appointments of town councillors. Therefore, foreign contacts, and the mindset of the burghers in that respect, are not irrelevant when assessing their attitude towards studies abroad.

As we have seen in Chapter 6, section 2.2, a substantial presence of foreign burghers existed in Swedish towns, and even in the eighteenth century, foreigners continued settling in Sweden. In Stockholm, British, Dutch, and German traders formed an important group, the so-called "Skeppsbro nobility," during the Age of Liberty, even taking part in town administration. Foreign trade was also active, which the international contacts of these immigrants helped keep alive.⁸⁶ Eighteenth-century Sweden had thirty-two staple towns, which had the right to practice foreign trade.⁸⁷ A description of the economic circumstances of Turku from 1749 mentions the increase in ships sent abroad

86 Klas Nyberg and Håkan Jakobsson, "Financial networks, migration and the transformation of the merchant elite in 18th-century Stockholm," in *The History of Bankruptcy – Economic, social and cultural implications in early modern Europe*, ed. Thomas Max Safley (London, 2013), pp. 77–78.

87 Fällström and Mäntylä, "Stadsadministrationen," pp. 179–181.

from Turku since the 1730s. In the summer of 1749, some 6,680 barrels of salt, 346 $\frac{1}{4}$ reams of paper, 44,133 *lispund*⁸⁸ of tobacco leaves, 8,950 *lispund* of raisins, and “a beautiful quantity of wines” had reached the town.⁸⁹

Town burghers enjoyed a livelier connection to Europe than officials working in the state administration or state judiciary at the time. The town administrations were probably much more prone to finding foreign contacts useful in the eighteenth century. Adding this to the fact that the towns had some leeway in appointing their town councillors – and town court judges – it is plausible that studies abroad were regarded as a positive, or at least not as a negative, feature.⁹⁰ We should also recall the long tradition among Swedish merchants of travelling abroad to learn about trade, a tradition known elsewhere, too. Trading abroad required knowledge of local practices, and travel abroad was undertaken to learn, for instance, about manufacturing processes, markets, and prices. To this end, merchant manuals discussing all these matters also boomed in early modern Europe.⁹¹ For Swedish purposes it was not just about learning the practices of foreign towns, but learning about commerce in general. In 1643, for instance, a Nyköping burgher and representative of the Diet had written a document on the flourishing and growth of towns, in which he stressed that each town ought to send a young man abroad to continue learning their trade or to learn a trade foreign to Sweden. The magistracies also ought to invite Dutch or German tradesmen or officials to teach their skills to Swedish youth.⁹² In particular, the leading burghers used to send their sons abroad to learn the business from their foreign merchant acquaintances.⁹³

88 The sign used in the source was probably that of the *lispund*, a measure of weight roughly the equivalent of 8.5 kilograms.

89 Niclas Wasström, *Oeconomisk beskrifning öfwer Åbo stad* (Turku, 1749), pp. 26–28.

90 In a study on the appointment of town councillors in some smaller Finnish towns in the eighteenth century, Ilkka Mäntylä came to the conclusion that academic merit was usually not valued very highly; see Ilkka Mäntylä, *Yksimielisyydestä kauppiaiden valtaan. Raatimiesten vaalit 12 kaupungissa 1722–1808* (Helsinki, 1977), pp. 112–113. This as such need not imply a negative stance towards education. It may simply point to the fact that educational background was not necessarily the decisive factor, and more emphasis was laid on the candidate being suitable in other respects.

91 Donald J. Harreld, “An Education in Commerce: Transmitting Business Information in Early Modern Europe,” conference paper given at *XIV International Economic History Congress*. Helsinki 2006. Available at <http://www.helsinki.fi/iehc2006/papers1/Harreld.pdf>. Accessed 20 January 2020, pp. 1–2, 4–5, 8–13, and 15–16.

92 Suolahti, *Opinkäynti*, pp. 25–27.

93 Kirsi Vainio-Korhonen, “Kaupan ja käsityön ammattikasvatus,” in *Huoneentaulun maailma. Kasvatus ja koulutus Suomessa keskiajalta 1860-luvulle*, eds. Jussi Hanska and Kirsi Vainio-Korhonen (Helsinki, 2010), p. 223; Ericson, *Borgare*, p. 156. For some examples of

This may also have influenced how education abroad was perceived. While the town court members may not have needed extensive knowledge of foreign laws, they were still, at least in larger towns, faced with matters having international aspects, so having some foreign experience was probably not a disadvantage.

The special position of the town burghers is the key to why studies by town court judges abroad continued at a time when appellate court judges no longer ventured abroad. To some extent, the town burghers could resist the rigid advancement system of the state administration, and they also had livelier connections abroad at a grass-roots level. Combining these two factors may explain why town court members with some studies abroad appear throughout the first half of the eighteenth century.

Finally, one should emphasize that this does not mean that a constant flow of foreign legal learning was taking place at Swedish town courts. The number of town courts was naturally much higher than that of the courts of appeal, and the period in question is long. Thus, members of the town courts trained abroad were scattered both regionally as well as periodically, so the influence their studies abroad may have had should not be overestimated. Nevertheless, even with a relatively small sample such as the Turku law students, the difference between studies abroad by appellate court judges and town court judges is noticeable enough not to be considered a pure coincidence, and should definitely be investigated more thoroughly in the future.⁹⁴

4 From Reception of Foreign Law to Nationalist Inclinations?

The question of lawyers' studies abroad is intimately linked to questions of foreign law as a source of law: Were references to foreign law allowed? What purposes did this serve? How did Swedes come into contact with it? And how was it used? Here, I will discuss how attitudes towards the use of foreign law

Swedish merchants' travels and studies in Europe in the eighteenth century, see e.g. Sven Rydberg, *Svenska studieresor till England under frihetstiden* (Uppsala, 1951), pp. 105–127.

94 The district courts of the countryside were not discussed here as during the eighteenth century only three Turku law students worked as district court judges, two of them in Vyborg after it had already been lost to Russia. The major development regarding district courts, mandating judges to preside personally, which was decreed in 1680, has already been discussed in Chapter 6, section 2.2. The limited number of men trained abroad there can naturally be attributed to both the non-existent need for foreign legal learning there and the advancement practices of the state, which were already described above when discussing appellate court judges.

changed in Sweden, what caused these changes, and how studies abroad feature in these questions.

As we have seen, early-seventeenth-century Sweden was no cradle of learned law and professional lawyers. However, contacts with Europe had already existed in the previous centuries, including in the legal sphere. Prior to the Reformation, mainly clerics had studied abroad and brought with them knowledge of the *ius commune*. Learned law, especially canon law, influenced Swedish medieval law.⁹⁵ Larger-scale reception was still hindered by the relative scarcity of university-trained lawyers and the lay domination of the judiciary in Sweden.⁹⁶ As discussed in Chapter 6, section 1.1, Gustav Vasa, wishing to pursue trade and political negotiations in the Baltic Sea region, turned to German experts to aid him in diplomatic and legal matters.⁹⁷ Through this channel, some influence of the *ius commune* and German law reached Sweden.⁹⁸ Another example of pre-seventeenth-century influence of foreign law can be seen in the works of the reformer Olaus Petri (1493–1552), who is especially known for his Rules for Judges, which are influenced by *ius commune* learning, though modified to suit Swedish circumstances.⁹⁹

Turning to the seventeenth century, attitudes towards the use of foreign law were permissive. It was possible to navigate between domestic and foreign law, and the two did not exclude one another. The outlook on various sources of law was more open, which made it possible to turn to foreign law for guidance. Foreign law was seen as a representation of more general legal principles.¹⁰⁰ With the political and cultural orientation towards continental Europe, it was also natural to see influences in the legal sphere, namely signs of Roman or German law.¹⁰¹ This was especially true when the need arose to find solutions if domestic law was insufficient, as was often the case.

With the establishment of the courts of appeal and Sweden's growing presence in Europe in the seventeenth century, the need for new legal solutions arose. Swedish medieval laws were often not complete or were too ambiguous.¹⁰²

95 Korpiola, "On the Reception," Sections 6–7.

96 Korpiola, "On the Reception," Section 8. See also Pihlajamäki, "The Painful Question."

97 See in detail, Korpiola, "Desperately needing," pp. 103–112.

98 Korpiola, "On the Reception," Section 11.

99 Heikki Pihlajamäki, "Gründer, Bewahrer oder Vermittler? Die nationalen und internationalen Elemente im Rechtsdenken des Olaus Petri," in *Juristische Fakultäten und Juristenausbildung im Ostseeraum*, eds. Jörn Eckert and Kjell Å Modéer (Stockholm, 2004).

100 Trolle Önnerfors, *Justitia*, pp. 60–63 and 65; Pihlajamäki, "Der frühmoderne," p. 65; Jäger-skiöld, *Studier*, pp. 57–101.

101 Trolle Önnerfors, *Justitia*, p. 58.

102 Trolle Önnerfors, *Justitia*, pp. 64–65 and 78.

New legislation was scarce before the end of the century, and the courts of appeal had the possibility to fill in *lacunae* with their practice. The Svea Court of Appeal, for instance, seems to have followed the principle that Swedish written law was applied if it was clear, but in the opposite situation foreign law could be used. Queen Christina, who had taken an active role in the Judicial Revision, also expressed the idea of turning to Roman law when Swedish law failed to provide answers.¹⁰³ In terms of using foreign law, it was Roman law that took the foremost position. Still, references to other foreign sources, such as Lübeck law, or Dutch, French, Italian, and Spanish law, can be found, too.¹⁰⁴ For instance, the Dutch jurist Hendrick de Moucheron (1612–1670), working for the Swedish administration, took part in legislative work on commercial and maritime law.¹⁰⁵ Dutch commercial influences can also be seen in the way members of the Rosenhane family, who had close ties to the Netherlands, often favoured solutions beneficial to the debtor in bankruptcy law.¹⁰⁶

With growing European contacts, the Swedish courts also became faced with cases that had international aspects. In the early years of the Svea Court of Appeal, it had to deal with complicated cases from the conquered Baltic areas: Swedish Estonia and the town of Riga in Livonia were under the jurisdiction of the Svea Court of Appeal. Influences of Roman law and the *ius commune* can be seen most clearly in cases originating from these areas. Foreign businessmen, settled in Sweden, were probably also more used to referring to European legal doctrine when using legal instruments such as mortgages to their benefit.¹⁰⁷ Swedish law showed its inadequacy especially in the areas of mercantile and contract law. Jägerskiöld found several cases at the Svea Court of Appeal where foreign law was referenced; many of these dealt with maritime law.¹⁰⁸

The Procedural Rules of 1615 stated that parties were not unnecessarily or broadly to refer to foreign laws.¹⁰⁹ This was thus, although a prohibition, not absolute. Attitudes changed in the 1680s, when the king in letters to the courts

103 Jägerskiöld, *Studier*, p. 90; Trolle Önnerfors, *Justitia*, p. 65; Jan Eric Almquist, "Drottning Kristina, den första kvinnliga domaren i Sverige," *Svensk juristtidning* 25 (1941), p. 825.

104 Trolle Önnerfors, *Justitia*, p. 76; Jägerskiöld, *Studier*, pp. 98–101.

105 Modéer, "Law," pp. 74–75.

106 Sallila, "Entangled," pp. 282–283.

107 Jägerskiöld, *Studier*, pp. 30–31; Sture Petré, "The Reform of the Swedish Judiciary under Gustavus Adolphus," in *Essays in Legal History in Honor of Felix Frankfurter*, ed. Morris D. Forkosch (Indianapolis, 1966), p. 267; Pihlajamäki, *Conquest*, pp. 130–131; Pihlajamäki, "Courts of Appeal," pp. 236–237; Sallila, "Entangled," p. 272.

108 Jägerskiöld, "Rätt," p. 227; Jägerskiöld, *Studier*, pp. 86–90.

109 "Och skal både Kärändens / så wäl som Swarändens inlagde Skrifter så wara stälte at til Saaksens större anseende och Uthsmuckyande icke widlöfteligen införes fremmande

of appeal took a more negative stance towards the use of foreign laws.¹¹⁰ The first of these letters was addressed to the Göta Court of Appeal in 1683. In it, the king stated that the court had taken recourse to foreign laws and jurists' opinions as well as used the Latin language. The letter went on to decree that henceforth judgements were to be based on Swedish law, decrees, and customs and not on foreign laws or languages.¹¹¹ A letter to the Svea Court of Appeal the following year stated that foreign laws and language were not to be used. However, the letter left it open to refer to the reasons and equity exhibited in foreign laws, if this was done in Swedish. Thus, again the prohibition on using foreign legal ideas was not absolute.¹¹²

The turn to a more negative attitude towards the use of foreign law and repeated emphasis on using Swedish law in the courts falls into the same period as the turn to absolutism in Sweden. Befitting an absolutist ruler, Charles XI turned away from the rather free use of legal sources, thus restricting the ability of the courts to develop the law. If doubts arose about the law, the courts were to turn to the king for advice. Jägerskiöld points out that despite orders to refrain from applying foreign law, judges sometimes still relied on Roman law.¹¹³ One should keep in mind, though, that earlier during the seventeenth century some concerns had already been voiced by the nobility – in the 1670s, for instance – that Swedish law was not applied sufficiently by the courts.¹¹⁴ In 1686, a law commission was established to create a new national law code. The commission was mostly staffed by men of the lower nobility loyal to the absolutist king and with no significant ties to the aristocracy. The attitudes of the commission towards Roman law grew increasingly negative, and the end product – the Code of the Realm of 1734 – affirmed the rule that courts were not to refer to foreign law or use foreign languages.¹¹⁵ Ernst Kallenberg, however,

Nationers Lagh (...)” Rättegångs-Process § 25, in Schmedeman, ed., *Kongl. stadgar*, pp. 158–159.

110 Jägerskiöld, *Studier*, pp. 105–106.

111 Kongl. May:tz Bref til Giöta Hofrätt at the uti dömande skole hålla sig wid Sweriges Lag och Stadgar och intet införa främmande Språk. 5 October 1683, in Schmedeman, ed., *Kongl. stadgar*, p. 856.

112 “(...) och fast I icke anföra dhen främmande regel och lag, så kunna I dock betiäna Eder af dess skähl och billighet på vårt Swänska språk utsatt.” Gerhard Hafström, “Men må ej främmande spark brukas,” in *Rättshistoriska studier, fjärde bandet*, eds. Gerhard Hafström and Kjell Å. Modéer (Stockholm, 1974), pp. 194–195.

113 Trolle Önnerfors, *Justitia*, p. 79; Jägerskiöld, *Studier*, pp. 104 and 109–110.

114 Jägerskiöld, *Studier*, p. 102.

115 Heikki Ylikangas, “Kampen mellan naturrätt och romersk rätt i Sverige,” in *Den svenska juridikens uppblomstring i 1600-talets politiska, kulturella och religiösa stormaktssamhälle*, ed. Göran Inger (Stockholm, 1984), pp. 155–156; Law Code of 1734, Rättegångsbalk 24 kap.

recalled that this was not understood as an absolute prohibition, but as a prohibition in cases that fell under the applicability of Swedish law.¹¹⁶

Natural law had been taught at the University of Uppsala since 1655, but it was not yet seen as being contradictory to the use of Roman law. Rather, it could be a useful tool for interpretation and could justify the use of foreign law as well. If a rule was used repeatedly in foreign law, its validity was evident as it then reflected universal ideas of reason. Relying on theories of natural law, the court of appeal could therefore also justify the use of Roman law.¹¹⁷ Natural law also made it possible to interpret and develop old Swedish law through the practice of the court of appeal without having to enact new legislation.¹¹⁸ When discussing questions of equity in testamentary cases, the court of appeal rather relied on natural-law thinking than the *Corpus Iuris Civilis*. Natural-law thinkers Grotius and Pufendorf, for instance, were referenced when the Svea Court of Appeal discussed questions of disinheritance. Often natural law was also referenced vaguely with phrases like “natural law” or “nature’s law” but without specific content.¹¹⁹ Towards the end of the seventeenth century, natural law gained a greater doctrinal position in establishing the importance of national law. While natural law in principle would have enabled reliance on foreign law as well, in practice, Swedish late-seventeenth and eighteenth-century doctrine used it to validate the use of national law.¹²⁰ Despite the political culture turning towards national law, one should still keep in mind that legal culture was not as easily separated from its European connections. During the period of absolutism, for instance, the Lund law professors still had wide experience of studies in Europe.¹²¹

While ideas of natural law and the importance of domestic law had been used to the benefit of the absolutist monarch, these thoughts did not vanish after the end of absolutism and the beginning of the Age of Liberty. David Nehrman, the foremost Swedish legal thinker during the first half of the

3 §: “All dom bör fästas på skäl och lag och ej på godtycke: och skall själva saken och målet, där i tvisten består, med dess nödiga omständigheter, tydligen däri utsättas, så ock de huvudskäl och den lag, där å slutet grundas: men utländsk lag må ej där i åberopas, eller främmande språk brukas.” *Sveriges rikets lag gillad och antagen på riksdagen år 1734. Till 250-årsdagen av lagens tillkomst efter den första i antikva tryckta upplagan av år 1780*, intr. Stig Jägerskiöld (1780, facsimile ed. Stockholm, 1984).

116 Ernst Kallenberg, *Svensk civilprocessrätt 1:1*, 2nd ed. (Lund, 1923), pp. 97–98.

117 Ylikangas, “Kampen,” p. 153; Trolle Önnerfors, *Justitia*, pp. 73–74.

118 Trolle Önnerfors, *Justitia*, p. 295.

119 Trolle Önnerfors, *Justitia*, pp. 74–75 and 298.

120 Lars Björne, *Nordisk rättskällelära. Studier i rättskälleläran på 1800-talet* (Stockholm, 1991), pp. 179–180.

121 Modéer, *Det förpliktande*, p. 31.

eighteenth century, was a firm advocate of national law. Nehrman, like Thomassius in Halle, wanted to increase the role of national law and diminish the position of Roman law. He used ideas of natural law in discussing national law, and felt that a student and practicing lawyer would only be confused by Roman law. Resorting to Roman law would only be useful for an academic, and should only be done when it helped study Swedish law.¹²² In an often-quoted paragraph of his *Inledning Til Then Swenska Iurisprudentiam Civilem*, Nehrman stated that it made no sense to begin studies in Swedish law with Roman law, as the two had no more in common than did the Hebrew and Latin languages.¹²³ To further his aims, Nehrman was the first law professor to lecture in his Swedish mother tongue instead of Latin, a practice he probably picked up during his stay in Halle.¹²⁴ Another aspect important to Nehrman was the practical use of his teaching and writings, which he wanted to be accessible to practicing lawyers, as well. The study of law at university ought to be directed towards this goal, and theory and practice should go hand in hand.¹²⁵

Nehrman's critical thoughts were reflected in the works of his students, too. The best-known example is the dissertation by Sven Bring (nob. Lagerbring, 1707–1787) entitled *De Abusu Juris Romani in Jurisprudentia Patria* of 1730. Bring wrote that Roman law had spread through the founding of universities, and even though Sweden had resisted this by relying on its own laws, students had still brought influences with them to Sweden from abroad. He argued that Roman law was harmful. It was problematic in itself because of its many layers and inconsistencies, but it was also unsuitable for Sweden because of differences between Rome and Sweden. Different climates and the nature of the people called for different laws, as well, so that Roman law was not to be used in Sweden. Still, like Nehrman, Bring also stated that Roman law might be useful as an aid in understanding domestic law.¹²⁶

Lars Björne points out that at the other Swedish universities, Uppsala and Turku, attitudes towards Roman and foreign law were not as hostile. Matthias

122 J.E. Almqvist, "David Nehrman Ehrenstråle," in *Svenskt biografiskt lexikon*, vol. 12 (Stockholm, 1949); Modéer, "David Nehrman-Ehrenstråle," p. XIX. For tentative remarks on the influence of foreign legal literature in Nehrman's writings, see Per Nilsén, "The Influence of Foreign Legal Literature in the Works and Teachings of David Nehrman Ehrenstråle," *Clio@Themis. Revue électronique d'histoire de droit* 2 (2009). Available at <http://www.clio.themis.com/The-Influence-of-Foreign-Legal>. Accessed 20 January 2020.

123 Nehrman, *Inledning*, Cap. I, § 45, 47 pp. 14–16, see also Cap. v, § 5, p. 82.

124 Modéer, "David Nehrman-Ehrenstråle," pp. XVII–XVIII.

125 Modéer, "David Nehrman-Ehrenstråle," pp. XX–XXII; Nehrman, *Inledning*, Cap. I, § 60–63, pp. 20–21.

126 Björne, *Patrioter*, p. 254; Ylikangas, "Kampen," pp. 147–148.

Calonius, professor in Turku between 1778 and 1817, for instance, saw that Roman law and foreign legal literature enriched Swedish jurisprudence, and Roman law could be seen as an auxiliary science. He felt, though, much like Nehrman earlier, that foreign legal knowledge was only useful to a lawyer already well versed in Swedish law.¹²⁷ Nilsén has examined the juridical exams in Lund between 1765 and 1770, after Nehrman's period as professor, and has concluded that they exhibit not only extensive references to natural law but also an openness to European legal thinking and its Roman law background.¹²⁸

While the general outline of events – from a freer attitude towards foreign impulses to a stricter view in the late-seventeenth century – is not contested, the question of reception, as to what extent Roman law or foreign law was adopted in Sweden and for what reasons, has been debated. Heikki Ylikangas criticized Jägerskiöld for relying too heavily on the idea of need-based reception. He felt that this did not explain why it was Roman law, and not English law, for instance, that was used, nor why the emphasis was on general principles of Roman law.¹²⁹ According to Ylikangas, the question of reception can be explained by group interests, which is best seen in the change that occurred with the turn to absolutism in 1680. The aristocracy had used Roman law to strengthen its position, and the possibility of the courts of appeal to interpret and develop the law was a useful tool in doing so. Questions of land ownership and freedom of contract were especially important. By 1680, the importance of the lower nobility had risen, and during absolutist reign, the Crown and the lower nobility needed their own tools to justify their stance. Natural law, now connected to Swedish law, was just such a tool. This could especially be seen in trials concerning the Great Reduction, in which the aristocracy usually referred to foreign law, whereas the Crown based its claims on domestic law. Ylikangas concludes that the content of neither Roman law nor natural law was that important in itself; what was important was the way in which they were used to serve different interests.¹³⁰

Jägerskiöld responded by emphasizing that the reception of Roman law formed part of a common European development and arose out of the need for legal solutions. Roman law was not solely referred to by opponents of the absolutist regime, so it would be incorrect to explain reception with political

127 Björne, *Patrioter*, pp. 255–256.

128 Per Nilsén, "Wie wird die schwedische Rechtsgelahrtheit definiert? Das Examen Juridicum in Lund im Spiegel der Protokolle 1765–1770," in *Juristische Fakultäten und Juristenausbildung im Ostseeraum*, eds. Jörn Eckert and Kjell Å Modéer (Stockholm, 2004), pp. 139–140.

129 Ylikangas, "Kampen," p. 149.

130 Ylikangas, "Kampen," pp. 150–154 and 156–157.

interests.¹³¹ According to Jägerskiöld, much of the Chapter on commerce of the Code of the Realm of 1734 arose from the seventeenth-century court practice of the Svea Court of Appeal, which was influenced by Roman law.¹³² Jägerskiöld also recalled that negative attitudes towards Roman law and the turn towards national law had their counterparts on the continent as well.¹³³ Both Jägerskiöld and Ylikangas make some concessions towards each other's views, though, as they admit that other reasons may well have affected the situation, too.¹³⁴

More recent research in particular has even questioned whether reception was actually as far-reaching as Jägerskiöld has suggested. The need for legal sources must surely have existed in the seventeenth century, but is it fair to speak of a true *ius commune* reception in seventeenth-century Sweden? Elsa Trolle Önnerfors, in her study on testamentary cases at the Svea Court of Appeal, found that explicit references to Roman law were scarce, and terms originating in Roman law had been adapted to suit Swedish circumstances. Like Ole Fenger decades earlier, she criticizes Jägerskiöld for drawing conclusions about reception based on the occurrence of a Roman law term in the sources. According to Trolle Önnerfors, the terms were often rather used as a way to re-interpret older Swedish legislation.¹³⁵ Jussi Sallila has made similar observations about bankruptcy law, in which he sees an “interplay between old Swedish law and Roman concepts.” While some appellate court judges may have had a deeper understanding of the *ius commune*, sometimes the parties' lawyers' use of Latin was only superficial and the actual legal sources referenced were in fact Swedish. Although bankruptcy law was more prone to foreign influence than testamentary law, Jägerskiöld may still have overemphasized the role of reception in bankruptcy cases. Rather, Swedish bankruptcy law in many ways developed in an exceptional fashion compared to other European countries.¹³⁶ With regard to the cases Jägerskiöld has used to demonstrate foreign influence, Pihlajamäki has noted that it is difficult to assess if they were exceptional or not, because Jägerskiöld does not state how common these cases were.

131 Jägerskiöld, “Rätt,” pp. 227–228.

132 Stig Jägerskiöld, *Handelsbalkens utländska källor* (Stockholm, 1967), pp. 451–461.

133 Jägerskiöld, *Studier*, p. 102. See Fenger's critique on Jägerskiöld's interpretations and timeline of events regarding continental reception, Ole Fenger, “Anm. av Stig Jägerskiöld: Studier rörande reception av främmande rätt i Sverige under den yngre landslagens tid,” *Tidsskrift för rettsvetenskap* (1965), p. 195.

134 Ylikangas, “Kampen,” p. 151; Jägerskiöld, *Studier*, p. 107.

135 Trolle Önnerfors, *Justitia*, pp. 286 and 295; Fenger, “Anm. av Stig Jägerskiöld,” p. 194; cf. Jägerskiöld, *Handelsbalkens*, p. 453.

136 Sallila, “Entangled,” pp. 270–271, 278–279, and 295–296.

However, it is probable that Jägerskiöld has listed all the cases that he found with foreign law references.¹³⁷ Fenger, in his review of Jägerskiöld's study, felt that while focusing on Roman law influences, Jägerskiöld did not put enough weight on the growing importance of natural law in Sweden from the mid-seventeenth century.¹³⁸

Foreign influences not only manifest themselves in legal doctrine, but also in the methods and means of argumentation used. Influences can be seen in the way advocates speak in court, in the conduct of the process itself, and in the manner in which rules are interpreted.¹³⁹ Advocates who were active in early-seventeenth-century Sweden, for instance, had often been trained abroad in a different legal culture. Using different terminology and argumentation, they certainly may have influenced the way of legal thinking in Sweden.¹⁴⁰ These sorts of influences do not, however, necessarily entail reception of substantive law. Many of the seventeenth-century law professors at the Swedish universities also came from abroad, bringing with them a mindset entrenched in European legal learning.¹⁴¹

One may conclude that while there certainly were some influences of foreign law in Sweden, the idea of a *ius commune* reception in the style of continental Europe is an exaggeration, and may be linked to Jägerskiöld's attempts to criticize nationalist conceptions of legal history.¹⁴² A more thorough reception would have required a much larger corps of lawyers than that available in seventeenth-century Sweden. The lower courts were almost completely in the hands of laymen and it seems that even at the courts of appeal it took some time before they had a corps of professional lawyers as judges. Nor was Swedish law complicated or polycentric enough to call for a large body of lawyers.¹⁴³ From the perspective of legal communication, it is important to remember that the higher courts needed to communicate legal matters to the lower

137 Heikki Pihlajamäki, "Stick to the Swedish law': The Use of Foreign Law in Early Modern Sweden and Nineteenth-Century Finland," in *Ratio decidendi, Guiding Principles of Judicial Decisions, Volume 2: "Foreign" Law*, eds. Serge Dauchy, W. Hamilton Bryson, and Matthew C. Mirow (Berlin, 2010), p. 174.

138 Fenger, "Anm. av Stig Jägerskiöld," pp. 195–198.

139 Trolle Önnerfors, *Justitia*, pp. 79, 86, and 132; Pihlajamäki, "Courts of Appeal," pp. 229–230.

140 Trolle Önnerfors, *Justitia*, p. 79.

141 Kjell Å. Modéer, "Die Rolle der Juristen in Schweden im 17. Jahrhundert. Eine rechtshistorische Skizze," in *Europe and Scandinavia: Aspects of the Process of Integration in the 17th century*, ed. Göran Rystad (Lund, 1983), pp. 122–124.

142 Pihlajamäki, "Courts of Appeal," p. 236; Sallila, "Entangled," p. 265.

143 Pihlajamäki, "Stick to," pp. 169–170 and 176; Vasara-Aaltonen, "From Well-travelled," pp. 346–348; Vasara-Aaltonen, "Noble Standing," pp. 617–618.

courts. It was necessary to simplify legal doctrine as the laymen in local courts would not have understood complicated *ius commune* doctrine. Foreign elements were simplified and modified to fit Swedish needs.¹⁴⁴

Adding the question of studies abroad to the equation would definitely benefit the debate. In particular, the studies of court of appeal judges are important. Regardless of the extent of reception, it is surely true that studies abroad were the main source through which foreign legal influences could reach the country. Jägerskiöld, for instance, in his reception research, placed great weight on the role of lawyers trained in Roman law functioning in the judiciary and administration, and made long lists of men who had studied abroad.¹⁴⁵ The problem with such lists is that they do not provide a systematic analysis of how common studies abroad were, not to mention *law* studies abroad, at a given time. They usually cannot provide information about the depth of studies, either. It is therefore a risky endeavour to draw too far-reaching conclusions based on the fact that a number of judges and officials studied abroad during the course of the seventeenth century.

Jägerskiöld states that, with the founding of the Swedish courts of appeal, mainly university-trained lawyers were recruited and they dedicated themselves predominantly to their work as judges.¹⁴⁶ As shown in Chapter 6, section 2.1, this certainly was not true of the Svea Court of Appeal in its first decades. In my view, taking the studies of the Swedish judges into account gives further weight to the newer interpretations concerning reception of foreign law. As long as the most educated judges of the court were noblemen, it is by no means certain that all of them had studied law. Even if they had done so, their studies in law were probably rather short-term, and moreover, only a part of wider-ranging educational endeavours. This also relates to Ylikangas's pondering why the emphasis was on general principles of Roman law. One must keep in mind that, unlike their continental colleagues, these Swedish future lawyers did not spend years obtaining a doctorate in law (apart from some exceptions). They may have spent a few months studying law before dedicating themselves to other subjects. It is hardly surprising if a student did not progress far in his studies in such a short time.

The temporal aspect of the question needs to be taken into consideration, too. The education of Svea Court of Appeal judges provides a good reference point. As noted earlier, studies abroad by judges began to decline in the late

144 Pihlajamäki, "Courts of Appeal," p. 237; Pihlajamäki, "Stick to," p. 178.

145 Jägerskiöld, *Studier*, pp. 32 and 36–37.

146 Jägerskiöld, *Studier*, p. 49.

seventeenth century. But it is important to keep in mind that this was not a straightforward process which could be dated specifically to the 1680s. The role of foreign universities had slowly begun to diminish in the second half of the century – at the same time as the role of Swedish universities was on the increase. On the other hand, foreign-trained judges were still to be found at the court in the first decades of the eighteenth century: of the judges active in 1714, almost half (eight out of twenty) had studied or at least travelled abroad. At least two of them, Palm Rigeman (d. 1715) and Johan Swebilius Adlerberg (1671–1740), had studied law abroad in the 1680s and 1690s. Both of them were appointed as assessors to the Svea Court of Appeal during the period of absolutism, in 1712.¹⁴⁷ Foreign law studies, while decreasing, still continued in the last years of the seventeenth century, and judges with foreign experience were still appointed in the first years of the eighteenth century, during the period of absolutism. Undoubtedly, though, the unfavourable attitude towards foreign influences affected studies abroad. However, no clear shift is to be seen around the year 1680; rather, the decline in studies abroad was a much longer-lasting development.

Foreign influences had not limited themselves to jurisprudence. Christina's reign (1644–1654) was a time of great academic and cultural interaction between Sweden and the continent.¹⁴⁸ It is natural that in such an atmosphere ideas of foreign law also found resonance. It seems, therefore, that one cannot see only interest theories behind influences from the continent. The fact that studies often covered a wide scope of different subjects, and that students do not seem to have received specific instructions from Sweden regarding their law studies, points to the conclusion that studies abroad did not follow a specific agenda other than training officials for the administration. Certainly, legal knowledge was put to use but it was not the only incentive for studies abroad. And likewise, the turn to a narrower use of legal sources and focus on Swedish law must naturally have diminished the appeal of studies abroad. In this respect, the 1680s seem to be hastening a process that had already begun earlier, rather than being a distinct turning point. One should also keep in mind that the end of absolute rule did not entail a new surge in foreign legal studies. The process of declining studies abroad had begun, and there was no turning back to the situation of the early-to-mid-seventeenth century.

147 Vasara-Aaltonen, "From Well-travelled," p. 312; Anjou, ed., *Kongl. Svea hofrätts*, pp. 87 and 129; *Album Studiosorum Academiae Lugduno Batavae*, p. 690; Tjänsteansökningar E IV a, vol. 1, Jean Adlerberg, SHA, RA.

148 See, e.g. Broberg, "Academic attraction"; Bedoire, "Religion"; Sidén, "Dutch."

Undoubtedly, the loss of Sweden's power position in Europe also made studies abroad both less necessary and less appealing. In addition, one must remember that the Code of the Realm of 1734 not only affirmed rejection of applying foreign law, it also made referring to it far less necessary than it had been. The medieval laws still in force in the seventeenth century had been insufficient and the courts had had to fill gaps with their interpretations, thus leaving space for reference to foreign law. The new national law sought to provide solutions to any legal problems that might arise and to do so in clear Swedish, understandable to all. A judge could therefore find answers from Swedish law without having to rely on legal solutions from other countries.¹⁴⁹ Working in a more national legal order meant that there was less reason for an aspiring lawyer to spend time studying abroad – a phenomenon which could be seen elsewhere in Europe, too.¹⁵⁰

Including developments in Swedes' (law) studies abroad in the discussion adds weight to the interpretation that reception of foreign law was not as extensive as has sometimes been claimed. The education of appellate judges improved slowly, studies were not necessarily in law, and they were usually rather brief compared to those of a lawyer on the continent. In the first decades of the seventeenth century, a very practical need existed for training officials abroad. After the mid-seventeenth century, though, studies abroad decreased over a long period, at a time when domestic universities were slowly consolidating their positions. Those who had very lengthy law studies abroad behind them were all in all not that numerous.

If reception of foreign law was not as wide-ranging as claimed, then perhaps one should not put too much weight on debating whether the reasons behind reception were need-based, authority-based, or interest-based, either. One could certainly claim that each of these held some sort of significance. Seeing the little reception that took place as a by-product of the necessity to train officials abroad and of insufficient domestic legislation, and the dislike of foreign law as part of an absolutist ruler's wish to lay down the law himself, one can see an array of different causes at play. The picture portrayed of studies abroad by Swedish lawyers fits in very well with the interpretation that influences of foreign law were limited, and foreign rules were adopted varyingly and adapted to fit Swedish circumstances.

149 Stig Jägerskiöld, "Kring tillkomsten av 1734 års lag," in *Svensk Juristtidning: 1734 års lag 250 år* (Stockholm, 1984), pp. 681–684 and 687.

150 De Ridder-Symoens, "Training," p. 160.

5 Summary

Studies abroad by Turku law students began to decline around the turn of the seventeenth and eighteenth centuries, remaining at a lower level during the first half of the eighteenth century before almost coming to an end in the second half of the century. This was a time of great political and societal changes, ranging from the absolutism of Charles XI and Charles XII to the power of the estates during the Age of Liberty before again turning to absolutism under the rule of Gustav III. Most significantly, the composition of the nobility changed drastically: the power of the old aristocracy had to yield before the rise of the new lower nobility, which had gained its position through state service. Especially during the Age of Liberty, in the spirit of utility, the universities developed towards being more practice-oriented.

For the legal profession, the 1749 ordinance requiring an exam for judicial office-holders was of importance in that it sought to regulate the qualifications of those working in the judiciary. In practice, though, it did not have such a great impact since it was formulated rather vaguely and left leeway in the manner that students were to be examined. The regulations regarding advancement in the administration are of more significance for the issue of future lawyers' studies abroad. Already in the Instruments of Government of 1719 and 1720, the question of advancement was addressed to resolve the issue of nepotism and other unsuitable ways of recruiting officials. They emphasized merit, skills, and experience, but eventually weight was put specifically on experience, that is, the number of years one had already spent in state service. This meant that, in order to advance, it was important to begin one's career as early as possible in order to qualify for moving ahead on the "tour." Spending years studying abroad did not provide any advantage because having an above-average education did not give any extra merit.

Ever since the mid-seventeenth century, national law had slowly become ever more important, and with the establishment of absolutism under Charles XI, attitudes towards foreign law grew more hostile. With the loss of Sweden's position of power, which was clear by the end of the Great Northern War, there was also less connection to areas infiltrated by the *ius commune*. When the Code of the Realm of 1734 came into force, it was also possible to find legal solutions from Swedish law, whereas earlier, foreign law was referred to when medieval Swedish laws lacked regulations. The role of national law was on the increase from the seventeenth century on, but it was a long process. For an eighteenth-century Swedish lawyer there was less and less need to study abroad and learn foreign law.

The decreasing role of foreign law does not, however, imply that all foreign influence was gone. Among the Turku law students, one can detect a difference between those working at courts of appeal and those at town courts. For the latter, there was not such an abrupt end to studies abroad as was the case for the former. This can probably be explained by the fact that the towns continued their commercial contacts abroad, and retained more autonomy in their appointment practices. Thus, studies abroad were not as unnecessary as for those working for the state. One should also keep in mind that while foreign law was no longer meant to be applied, European legal thinking had already been absorbed into Swedish legal thinking for a long while. Therefore, one can distinguish three different levels – state judiciary, town judiciary, and jurisprudence – each having a slightly different approach to foreign legal influences.

Comparative Aspects

1 The Swedish Way?

A comparison to Denmark, the other Nordic power in early modern Europe, is fruitful as it, too, was situated on the fringes of the continent, but had a somewhat different social structure and some differences in the organization of the judiciary. Denmark, Norway, and Sweden had been in a personal union, the Kalmar Union, from 1397. After Sweden left the union in 1523, Denmark and Norway remained in a personal union until 1536, when Norway was made a province of the Danish Kingdom.¹ While the Danish nobility was small, it prospered in the sixteenth and seventeenth centuries, especially the aristocracy. As elsewhere in growing states, the nobility turned to state service, but more as a part-time obligation than as a professional career out of dedication to the state. The Danish peasants had much less freedom and no chance of political participation on the national level, unlike the Swedish peasants, who enjoyed representation at the Swedish Diet.²

Danes, too, had travelled abroad to study since the Middle Ages, and law was among the subjects chosen. Despite the founding of the University of Copenhagen in 1479, Danes continued travelling abroad for educational purposes. The Copenhagen University housed all four faculties but the focus was on training the clergy and teachers. After the Reformation, teaching law was furthermore overshadowed by theology which gained the leading position. However, the developing state administration called for trained officials in Denmark, too, so that the number of study journeys abroad increased significantly in the late sixteenth century and remained on a high level in the following century, too. During the reign of Christian IV (1588–1648), almost all councillors of the realm (*rigsråd*) had been on such a journey and a great number of the Chancery staff, as well. Travels abroad did not stop completely, but significantly diminished after 1660, never reaching the same heights as previously.³ When in 1657 a second professorship in law was established at the University

1 Paul Douglas Lockhart, *Denmark, 1513–1660. The Rise and Decline of a Renaissance Monarchy* (New York, 2007), pp. 4–5.

2 Lockhart, *Denmark*, pp. 89–97.

3 Ditlev Tamm, “Juraen ved Københavns universitet,” in *Københavns universitet 1479–1979. Bind VI.1. Det rets- og statsvidenskabelige fakultet. 1. del*, eds. Ditlev Tamm and Ejvind Slottved (Copenhagen, 2005), pp. 3–4, 8, and 23; Vello Helk, *Dansk-norske studierejser fra reformationen*

of Copenhagen, one of the reasons behind it was that Danes would find sufficient education at home and would not have to travel abroad to obtain a degree. However, in contrast to Sweden, it took until the late seventeenth century that domestic law gained a position in the law curriculum at Copenhagen.⁴

One-fifth of students travelling abroad were noblemen. They usually studied languages, political science, fortification, and noble exercises such as riding and fencing. As future officials, they also engaged in law studies, in Bourges and Orléans, for instance, but seldom acquired a degree. Non-nobles studied theology and medicine, but also law. When combining this with knowledge of history, languages, and political science, they could compete for positions in diplomacy. The aristocracy had the best chance of financing studies abroad, but less wealthy students were supported by travel grants. The Crown supported noblemen, too, in the late sixteenth century on condition that they would enter Crown service after their studies.⁵

During the sixteenth century, students usually went to Germany, with Rostock and Wittenberg being the favourite destinations. However, in the seventeenth century the tide turned towards Dutch universities; England and France were also important destinations for nobles on their *grand tours*. For those aiming to become clergymen and teachers, Rostock and Wittenberg were common choices; those wanting to study law and medicine often ventured to Switzerland, France, and Italy. In France, Orléans; in Italy, Padua and Siena were sought-after universities. In the Netherlands, Leiden was especially popular with noble students, while Franeker as a cheaper university appealed to commoners. Franeker attracted a little less than half the numbers of Danish students that Leiden did.⁶ This distinguishes Danish from Swedish students, for whom Leiden overshadowed the other Dutch universities. Franeker was the second most popular university for Swedish students, but lagged far behind Leiden.⁷ None of the Turku law students enrolled at Franeker.

Between 1536 and 1660, more Danes than Swedes went on study journeys abroad. Moreover, there were some differences in favourite destinations. For the Danes, the most common foreign universities were Rostock, Wittenberg, Leiden, and Padua, and for the Swedes, Leiden, Greifswald, Wittenberg, and Rostock. Greifswald, for instance, had no special appeal for the Danes. For them, it did not have the same connection as for the Swedes, and geographically

til enevældens 1536–1660. Med en matrikel over studerende i udlandet (Odense, 1987), pp. 11–12, 16, 44, and 79.

4 Tamm, "Juraen," pp. 55–59 and 70.

5 Helk, *Dansk-norske*, pp. 13–16 and 72; Helk, "Den danske adels," pp. 526–527.

6 Helk, *Dansk-norske*, pp. 40–52; Helk, "Den danske adels," p. 545.

7 Niléhn, *Peregrinatio*, p. 163.

it was less convenient than for the Swedes.⁸ German universities were important, as connections to Germany had already long existed, and many subjects there attracted students. Lively trade relations existed with Amsterdam, which facilitated visits to Dutch universities.⁹

Between 1600 and 1660, a good 500 Danish students enrolled at the University of Leiden. Of these, thirty-five (thirty-three Danes and two Norwegians), or roughly seven per cent, matriculated at the law faculty.¹⁰ During the same period, 445 Swedes enrolled at Leiden,¹¹ seventy-two of them at the law faculty, which means that the share of law students among Swedish students was roughly twice as high as among Danish students. Still, thirty-five is not a completely insignificant number for the period. Whereas the Swedish law students usually found careers in the civil administration and at the courts of appeal, town courts, and military courts, their Danish counterparts show distinctly different careers, though. It has not been possible to investigate the lives of these students more thoroughly here, so I rely on the brief information provided in Vello Helk's list of Danish and Norwegian students abroad. Almost a third of them are without any occupation in Helk's list. A quarter seem to have held positions, both high and low, in the state administration. Here we find two councillors of the realm (*rigsråd*) and a *rigshofmester*,¹² who supervised the Crown's finances. Three served in the military. Two were royal officials (*lensmand*), one each a merchant, physician, and a teacher. One was even *kammarherre* to the Swedish King Gustav II Adolf. Five of them can be seen as having held a judicial position: the two royal councillors, as they were in a position to judge in the king's *Retterting*, one provincial judge (*landsdommer*), one secretary of the Supreme Court (*sekretær i Højesteret*), and one who is mentioned as

8 Bagge, "Nordic Students," pp. 18–21.

9 Helk, "Den danske adels," pp. 539 and 543.

10 The names in the form they are written in the matriculation records: Joannes Orminck, Petrus Schutt/Schut, Severinus Petri Baggius, Magnus Heug, Falco Gue, Otto Gue, Christianus Scheel, Otto Scheel, Guilelmus Guilelmi, Ericus Grobbe, Georgius Bonde, Joachimus Gerstorf, Joachimus Beck, Henningus Quidsawu, Christianus Rosencrantz, Laurentius Beraw, Fredericus Beraw, Henricus Pors, Dionysius Christianus, Ovidius Hull, Christianus Arnisaeus, Fridericus Barnewits, Nicolaus Mathie Bassonius/Barsolius/Barsonius, Michael Mathie Vidius, Canutus Bille, Previernus Bahé, Severinus Benzon, Martinus Schavenius, Escherus Laurentii, Ludovicus Wicknannus, Severinus Johannes Cornerop, Christianus Matthiae, Nicolaus Johannes Kiliani Stubaeus, Thomas Naschou, Matthias de Brobergue, see *Album Studiosorum Academiae Lugduno Batavae*, pp. 61, 89, 104, 133, 150, 168, 202, 245, 267, 291, 296, 297, 300, 306, 326, 328, 373, 378, 379, 384, 387, 393, 414, 420, 433, 438, 449, 461, and 466.

11 Niléhn, *Peregrinatio*, p. 163.

12 Lockhart, *Denmark*, p. 7.

“assessor and president in Christiania,” which refers to the *Overhofrett* – a high court for Norway, established in 1666.¹³ Apart from these five, most of the students did not seem to pursue a career within the law, despite their law studies.¹⁴

As in Sweden, too, medieval Danish legislation was not intricate and could be understood without extensive legal training. This remained the case even after the law codes *Danske Lov* and *Norske Lov* were issued in 1683 and 1687. Accordingly, the judiciary long remained in the hands of laymen, and professional advocates only appeared late. The judiciary consisted of three levels. On the local level were town courts (*byting*) and council courts (*rådstueret*) in the towns, and district courts (*herredsting*) and privileged district courts (*birketing*) in the countryside. A *birketing* would have jurisdiction if a landowner had received the privilege of appointing a bailiff (*foged*) and keeping such a court. Local lay participation by a jury (*nævn*) had been abolished for most cases in the late sixteenth century, which meant that the bailiff judged alone. Above the local courts were the provincial courts (*landsting*), which from the mid-sixteenth century on, began to function as appellate instances. The provincial courts only had one judge, the *landsdommar*, with the exception of Jutland, where two or three judges sat in the court.¹⁵ Before Denmark’s losses of territory to Sweden in 1645 and 1658, eleven *landsting* were functioning. The highest court was the *Kongens retterting*, where the king and his councillors (*rigsråd*) sat as judges. After the introduction of absolutism in 1660, the Supreme Court (*Højesteret*) was established in its stead, with half its judges nobles and the other half educated burghers.¹⁶

Until the eighteenth century, no educational requirements were set for those working in the Danish judiciary. Indeed, Danish judges by and large lacked formal legal education. However, those in the higher courts usually had

13 Ditlev Tamm, *The History of Danish Law. Selected Articles and Bibliography* (Copenhagen, 2011), p. 66.

14 The complete list of occupations in Danish: *bjergværksdirektør i Norge, købmand, lensmand, kancellisekretær, landsdommer, læge, kammerherre, godsejer, dr. juris, lector, rigshofmester, hofmester i Sorø, rigsråd, vicesatholder i Norge, generalfiskal, oberst, officer, sekretær i Højesteret, rigsråd, ritmester, assessor/president i Christiania, vicekansler*. Helk, *Dansk-norske*, pp. 154, 157, 160, 164, 166, 175, 179, 180, 198, 219, 225, 231, 258, 272, 281, 352, 361, 369, 379, 380, 392, and 422.

15 Tamm, *The History*, pp. 56–59; Per Andersen, *Legal Procedure and Practice in Medieval Denmark* (Leiden, 2011), pp. 264, 327–329, and 343–347. For the Norwegian system, see Tamm, *The History*, pp. 62–65.

16 Tamm, *The History*, pp. 56–61; Jens Chr. V. Johansen, “Den danske adel og retsvæsenet 1537–1660. Landsting og Kongens Retterting,” in *Riget, Magten og Æren. Den Danske Adel 1350–1660*, eds. Per Ingesman and Jens Villiam Jensen (Aarhus, 2001), pp. 558 and 562.

some academic training.¹⁷ In fact, between 1585 and 1610, of the provincial judges (*landsdommar*) who were noblemen, a third had gone on a study journey abroad. The number only increased in the seventeenth century: fifty per cent in 1610–1635, and eighty-three per cent in 1635–1660.¹⁸ Often their background was at the royal court (as *hoffunker*, for instance) or, increasingly, in the Chancery (*Danske Kancelli*).¹⁹

Jens Johansen has examined the qualifications of the councillors of the realm (*rigsråd*), and states that “it is seldom known what they had studied, and the few who had obtained a degree had not done so in law.”²⁰ He continues to mention that “only of two councillors is it known that they had knowledge of the practice of law,” one as an assessor of the German *Reichskammergericht*, and the other as having studied law in Padua and legal practice at the *Reichskammergericht*.²¹ However, he does not seem to take into consideration at least three *rigsråd* who had studied law abroad: Mogens Høg (1593–1661) in Leiden, Christen Skeel (1603–1659) in Leiden and Padua, and Malthé Juul (1594–1648) in Padua.²² Of the provincial judges, Johansen mentions that only one is known to have studied law: Laurids Below having done so in Orléans.²³ Below had, in fact, also studied law at Leiden, but here, too, the law studies of at least one *landsdommar* are missed: Kjeld Kraag had studied law in Padua.²⁴ Perhaps one may conclude that the ranks of noble judges may include some more of those who had studied law, as it was one of the subjects studied by Danish noblemen while abroad, but have been overlooked, because they did not obtain law degrees. It seems clear, however, that legally educated judges were not as common as they were at the Swedish courts of appeal.

In any case, in the early 1700s, the poor educational level of the Danish local courts was a cause of complaint. In particular, the lack of learned advocates

17 Lars Björne, “Zwei Verordnungen im 18. Jahrhundert – der Anfang der nordischen Juristenausbildung,” in *Juristische Fakultäten und Juristenausbildung im Ostseeraum*, eds. Jörn Eckert and Kjell Å Modéer (Stockholm, 2004), p. 165.

18 Helk, “Den danske adels,” p. 526.

19 Johansen, “Den danske adel,” p. 565.

20 “Der kendes dog sjældent noget til, hvad de studerede, og for de meget få, der opnåede en akademisk grad, skete det ikke inden for jura.” Johansen, “Den danske adel,” p. 564.

21 “Kun om to rigsråder vides det, at de har beskæftiget sig praktisk med jura.” Johansen, “Den danske adel,” p. 564.

22 Helk, *Dansk-norske*, pp. 258, 272, and 379.

23 Johansen, “Den danske adel,” p. 564.

24 Helk, *Dansk-norske*, pp. 164 and 284. The missing men have been found by going through the Danish law students at Leiden between 1600 and 1660 thoroughly, and by doing spot checks into Helk’s list of students abroad. Thus, it is possible that a few more such cases could be found.

was criticized. At the time, the University of Copenhagen was also amidst crisis as its curriculum and structure did not correspond with the educational ideal of the period. In 1736, this criticism led to the establishment of an exam for judicial officeholders, the degree of candidate of laws. This required the university to test anyone wishing to hold a position as judge or advocate. The exam took place in Latin and three different levels with different requirements were achievable. As it was not feasible that everyone could pass such an exam in Latin, a lower-level exam, the so-called Danish exam, was introduced. This could be taken in Danish and only relied on Danish law and practice as well as natural law books written in Danish or German, instead of testing knowledge on Roman law, which was included in the higher exam. In practice, it took some time for the effects of these exams to be seen, but they did have an impact on the growth of Danish legal literature. A similar exam was introduced in Sweden in 1749, though its requirements remained much vaguer.²⁵

To conclude, developments in study journeys abroad by Danes and Swedes broadly speaking followed similar paths: rising numbers in the seventeenth century, declining numbers in the eighteenth, studies abroad responding to the growing need of state officials, with German and Dutch universities being the most frequented. However, there are some differences, too. For instance, studies at Italian universities played a more prominent role among the Danes. For this study, the most important distinction is that, for the judiciary, the role of studies abroad, and law studies in general, was more important in Sweden. As the Leiden example showed, only a small proportion of Danish law students ended up working in the judiciary.²⁶ This difference must lie in Swedish efforts to centralize the judiciary, and the founding of the courts of appeal, which demanded more legally trained personnel. Whereas the appellate level in Denmark rested on single judges in provincial courts, the Swedish courts of appeal functioned as collegiate bodies and were expected also to appoint legally learned judges. In addition, they exercised a control function over the lower courts and trained men through the trainee system, neither of which existed in Denmark. Thus, even if a Danish provincial judge might now and then have had legal training of sorts, he could not distribute his knowledge in the way a Swedish appellate court judge could do. Jens Johansen states that in Denmark professional judges only became possible after the exam for judicial officeholders was established in 1736.²⁷ In Sweden, the process had already begun in

25 Tamm, "Juraen," pp. 66 and 71; Björne, "Zwei Verordnungen," pp. 165–168.

26 This being said with the caveat that for one-third of these students no occupation was mentioned.

27 Johansen, "Den danske adel," p. 572.

the late seventeenth century, with the courts of appeal establishing their positions. In both countries, however, the decline in studies abroad in the eighteenth century seems to be linked to a growing bureaucracy and professionalization of the judiciary, which called for increased specialization. This was hard to achieve through long study journeys, which comprised a variety of study subjects and did not aim for degrees.²⁸

Denmark provides an example of a neighbouring Nordic country. However, in examining specifically law studies in Leiden, Scotland makes for an excellent comparison. Even more so than Swedes, Scots actively pursued law studies at Leiden.²⁹ Much research has been done on Scottish students – including law students – in the Low Countries. Therefore, it seems an especially fruitful comparison to the Swedish case. Whereas the Swedish lawyers in this research studied in Leiden most frequently in the 1630s and 1640s, the number of Scottish law students there reached a peak during the period 1675–1725.³⁰ This is interesting as it demonstrates that different reasons must have attracted students from different countries.

Trading relations between the Netherlands and Scotland had existed for centuries by the time Scots left for Leiden to study.³¹ Military connections were also important. During the Eighty Years' War (1568–1648) against Spain, the United Netherlands put together an army consisting of soldiers from many countries, as was common for the time. French, German, and English regiments fought alongside the Dutch in these wars. Among these soldiers were also great numbers of Scots; indeed, three Scottish regiments remained in Dutch service to the late eighteenth century. Although the reason for joining the army was often the hope of escaping hunger and poverty or gaining from it professionally, many also joined out of willingness to defend the true faith.³² While ideas also travelled to Scotland through soldiers coming and going between the countries,³³ other means of intellectual interaction existed as well. Soon after the first universities were founded on the continent, Scots already found their way to them. Scottish students, including lawyers, studied at the

28 Bagge, "Nordic Students," p. 27.

29 Feenstra and Waal, *Seventeenth-century*, p. 82.

30 See van Strien and Ahsmann, "Scottish Law Students," 1992, pp. 279–280.

31 James K. Cameron, "Some Scottish Students and Teachers at the University of Leiden in the Late Sixteenth and Early Seventeenth Centuries," in *Scotland and the Low Countries*, ed. Grant G. Simpson (East Linton, 1996), p. 123.

32 Dunthorne, "Scots in the Wars of the Low Countries, 1572–1648," in *Scotland and the Low Countries*, ed. Grant G. Simpson (East Linton, 1996), pp. 105, 107, and 109–110; Cameron, "Some Scottish," p. 123.

33 Dunthorne, "Scots," p. 114.

TABLE 3 Number of Scottish law students at the University of Leiden^a

Years	Scottish law students	Years	Scottish law students	Years	Scottish law students
1575–1600	9	1651–1675	89	1726–1750	115
1601–1625	10	1676–1700	235	1751–1775	26
1626–1650	24	1701–1725	187	1776–1800	1

a Robert Feenstra, “Scottish-Dutch Legal Relations in the Seventeenth and Eighteenth Centuries,” in *Scotland and Europe 1200–1850*, ed. T.C. Smout (Edinburgh, 1986), p. 130

universities even from the thirteenth and fourteenth centuries.³⁴ Prior to the founding of Leiden University in the late sixteenth century, Scottish students had often studied in Paris and Orléans, then Cologne, and later Leuven.³⁵

Of the new universities, Leiden was able to attract the most foreign students: it was known for its religious tolerance and could offer education by some of the greatest scholars of the day.³⁶ It is said that a similar Calvinist theology also encouraged Scots to study at Dutch universities.³⁷ Moreover, in law, Leiden could offer education that was not available in Scotland. Legal education was inspired by humanist thought; history, philology, philosophy, and even mathematics could help in understanding the foundations and structures of the law. “This was a type of legal education – polite, gentlemanly, scholarly, the education of a legal *virtuoso* – unavailable in Scotland,” as John Cairns puts it, “an education suited to an aristocrat.”³⁸

Although Scottish law students travelled to Leiden soon after its establishment, it was not until after 1650 that numbers started climbing drastically, as Table 3 shows.

The numbers increased after the middle of the seventeenth century and peaked in the twenty-five-year periods before and after the turn of the century. To understand this change, we must turn our focus to the legal profession in Scotland, more precisely to the Faculty of Advocates. The Scottish legal

34 D.E.R. Watt, “Scottish University Men of the Thirteenth and Fourteenth Centuries,” in *Scotland and Europe 1200–1850*, ed. T.C. Smout (Edinburgh, 1986).

35 John W. Cairns, “Importing our Lawyers from Holland: Netherlands’ influences on Scots law and lawyers in the eighteenth century,” in *Scotland and the Low Countries*, ed. Grant G. Simpson (East Linton, 1996), pp. 143–144; Nève, “Disputations,” p. 95.

36 Cameron, “Some Scottish,” p. 123.

37 Cairns, “Importing,” p. 144.

38 Cairns, “Importing,” p. 138.

profession was divided into writers and advocates – writers being practically trained as apprentices, and advocates having university education in Roman law. The Faculty had been founded in 1532 and from the outset had valued education in Roman and canon law, although long practical experience was also grounds for admission. From 1660 onwards, in the Restoration period, the Faculty of Advocates gained greater independence and its lawyers more confidence in their status. During this time, the social structure of the faculty also changed and the upper class became the most important group. Concerned for their status, they began to emphasize that the law they practiced was a university-taught liberal science rather than a mechanical craft acquired through apprenticeships. To do so, the faculty promoted examinations, which required knowledge of Roman law rather than Scots law. This policy appears to have been successful. The examinations between 1707 and 1750, of which records remain, were all held in civil law. Exams were in Latin and also involved preparing and defending a thesis. Only from 1750 onwards did future advocates need to pass an exam in Scots law. As only occasional classes in civil law were taught in Scotland before 1699, it is natural that the policy of the Faculty of Advocates encouraged aspiring advocates to study abroad.³⁹

Obtaining a degree abroad was not required and we can see that less than one per cent of Scottish law students obtained a doctorate in law in the Netherlands.⁴⁰ However, this does not mean that studies were not taken seriously. Students would discuss their studies in the letters they sent home, they collected books, and remaining textbooks show that they took notes while attending lectures. One student in the late seventeenth century, Charles Binning, took up correspondence with his former professor Cornelis van Eck (1662–1732) and discussed questions of law with him.⁴¹

As it turns out, nearly half of the advocates admitted between 1661 and 1750 had studied in the Netherlands.⁴² Scots also continued studying in France until the wars of William III of Orange against France in the 1690s put a stop to this.

39 Cairns, "Importing," pp. 141–143; Alexander Murdoch, "The Advocates, the Law and the Nation in Early Modern Scotland," in *Lawyers in Early Modern Europe and America*, ed. Wilfrid Prest (London, 1981), p. 150; Karen G. Baston and John W. Cairns, "An elegant legal education. The studies of Charles Binning, a Scottish pupil of Cornelis van Eck," *Tijdschrift voor rechtsgeschiedenis* 83 (2015), pp. 187–188.

40 Nève, "Disputations," pp. 102–104. Five Scots seem to have obtained a doctorate in law at Dutch universities between 1575 and 1800.

41 Van Strien and Ahsmann, "Scottish Law Students," 1992, pp. 275–276, 290–294, 306–330 and 1993, p. 1–65; Baston and Cairns, "An elegant," pp. 180, 185–187, and 190–192.

42 To be precise, around 40 per cent with certainty, but perhaps even more. Cairns, "Importing," p. 139.

Close trading links with the Netherlands also made it easier to organize the financing of studies there. Apart from these reasons, the period was also a time of intellectual excellence at the Dutch universities in various fields, including law. The *ius publicum*, which was developing at Dutch universities, was also of interest in Scotland. Leiden and Utrecht were the favourite destinations for Scottish law students.⁴³

Reflective of the close relationship in jurisprudence is also the fact that on two occasions – that we know of – in 1693 and 1711, Dutch law professors from Leiden and Utrecht were commissioned to give opinions in cases before the Scottish Court of Sessions. Giving such consultation was much less common in the Netherlands than it was at German law faculties. Who exactly commissioned the opinions is unknown, but John Finlay assumes that probably it were the counsels involved in the case who were familiar with Dutch legal literature and possibly even knew the professors personally. The opinions did not have an impact on Scots law, but highlight the closeness to Dutch jurisprudence. In addition, the writings of Dutch jurists more generally were regularly cited by Scottish advocates as authorities, and Dutch books were available to Scots.⁴⁴ Indeed, it was very common for Scottish students to bring back books from the Netherlands both for themselves as well as for family, friends, and other contacts.⁴⁵

Turning to the 1720s, the universities of Edinburgh and Glasgow already offered education both in civil as well as Scots law, using the Dutch model of teaching. In the latter half of the eighteenth century, Scots no longer valued studies at Dutch universities as they did earlier. Teaching law had now established itself at the Scottish universities and the Scottish Enlightenment saw its golden age at the University of Glasgow beginning in the 1760s. Nor were the law faculties of the Dutch universities at their former height of glory.⁴⁶ Finally, after the Napoleonic Wars of the early nineteenth century, the study of the new Civil Code took over from the former Roman-Dutch law at Dutch universities. On a purely practical note, at a time of industrialisation, Roman law would no

43 Cairns, “Importing,” pp. 139 and 144–145; Baston and Cairns, “An elegant,” p. 195; John Finlay, “Professorial opinions and Scottish-Dutch legal relations at the turn of the eighteenth century,” *Tijdschrift voor rechtsgeschiedenis* 84 (2016), pp. 250–251.

44 Finlay, “Professorial,” pp. 245–246, 249, 255–257, 260, 276, and 279–281.

45 Esther Mijers, “*News from the Republic of Letters*”: *Scottish Students, Charles Mackie and the United Provinces, 1650–1750* (Leiden, 2012), pp. 129–130. David Forbes, the uncle of John Clerk, asked his nephew to buy some law books for him, including the *Decisiones* of David Mevius and *De Jure Maritimo* by Franz Stypmann. See van Strien and Ahsmann, “Scottish Law Students,” 1993, p. 59.

46 Cairns, “Importing,” pp. 150–152.

longer have been the most suitable option for Scottish society, so that guidance was rather sought in English decisions.⁴⁷

The period in which the University of Leiden was especially popular among Scottish students was without a doubt different than was the case with Swedish students. The Scottish experience provides a useful perspective on why periods of popularity differed among students from various countries. Evidently, the reason for Leiden drawing foreign law students was not only its fame or the fame of its professors. For Scots, one apparent reason was the policy of the Faculty of Advocates to stress the importance of education in Roman law – for Swedes it was the golden age of Swedish-Dutch relations. For the Scots, though, the period of Leiden's popularity also coincides with the flourishing of the Dutch Elegant School. Unlike the Swedes, the Scots were also tested on their learning upon seeking entry to the Faculty of Advocates.

2 The Lawyers' Way?

Apart from, and indeed above lawyers, clergymen formed a significant group in Swedish society. Comparing Turku law students abroad with Turku theology students abroad makes for a useful comparison in understanding features that were specific to future lawyers and features that concerned both groups of students alike. Important clerics had studied abroad since the Middle Ages. This did not change with the founding of Uppsala University. In the turmoil after the Reformation, going abroad was the only option to obtain a university education as the sole Swedish university was closed. However, the majority of future clergymen still received their education outside the universities. Traditionally, they had obtained their basic learning at the cathedral school, and their training to become a priest and in administering mass at the cathedral. In the 1540s, with the Reformation, German influence reached Sweden, emphasizing more thorough theological teaching, and thus lecturers in theology were appointed to the cathedrals. This practice established itself in the following decades. However, Duke Karl, the future King Charles IX, distrusted the cathedral chapters. Hence, in 1604, he ordered that the lecturers in theology be placed at cathedral schools instead of the cathedrals themselves.⁴⁸

47 P. Stein, "The influence of Roman law on the law of Scotland," *Juridical Review* (1963), p. 243. For more on Roman law in Scotland, see Stein's article in full.

48 Ragnar Askmark, *Svensk prästutbildning fram till år 1700* (Stockholm, 1943), pp. 1–9, 16, 36, 39, 45–51, 55–58, 61, 66, 67, and 77–89.

Until the mid-seventeenth century, most clergymen were educated at diocesan cathedral schools or at the *gymnasia* to which some had been transformed. The number of men trained at universities was rising, however. Accordingly, studies at foreign universities were also on the increase. In the early seventeenth century, fewer than ten per cent of future clergymen studied at university. Most of them would become teachers at the cathedral schools, and were aiming at higher office within the Church after that. Around mid-century, roughly half had studied at a university, and by the beginning of the eighteenth century virtually all had done so. However, studies at university level were not necessary for a clerical career. This was unlike in Denmark, where university studies had been prescribed in 1569. In order to become a pastor in Sweden, one only needed to pass an exam (*prästexamen*) held by the bishop and cathedral chapter. In 1693, a so-called pastoral exam (*pastoralexamen*) was introduced for those seeking a regal pastorate (where the parish rector was chosen by the monarch; *regalt pastorat*). In 1748, the exam was extended to all positions of parish rector. It was not until 1831 that enrolment at the theological faculty was prescribed before attending the *prästexamen*. Thus, the growth in university studies by Swedish clergymen in the seventeenth century was not caused by an obligation, but through the educational policies of the government, which sought to heighten the importance of university education, and make the *gymnasia* only an intermediate stage.⁴⁹

Swedish universities had a distinctly theological character, but focusing more on theoretical knowledge than teaching the practical skills of the profession. Therefore, the practical side of education remained with the cathedrals, which taught aspiring young clergymen the skills of delivering sermons, for instance. Thus, the divide between theoretical teaching and practical needs was evident in the teaching of theology, as well. Finally, the practical education, too, was moved to the *gymnasia* and then the universities. This began in the 1640s through private *collegia*, and in the 1660s the government ordered that these *collegia* were to be an official part of the curriculum.⁵⁰ Achieving a degree in theology at Swedish universities took a decade, and was therefore seldom attempted. A master's degree in philosophy was easier to achieve, and was usually the choice for those wishing to take a degree. Theological and philosophical studies were largely intertwined. A master's degree enabled one to

49 Askmark, *Svensk prästutbildning*, pp. 108–116 and 140–163; Nuorteva, *Suomalaisten ulkomainen*, p. 310; Tobias Wirén, *Ideologins apparatur. Reproduktionsperspektiv på kyrka och skola i 1600- och 1700-talens Sverige* (Umeå, 2006), p. 232.

50 Askmark, *Svensk prästutbildning*, pp. 184–189, 192–194, 323–325, and 350–353.

TABLE 4 The number and percentage of theology and law students of all Turku students at each of the foreign universities

	Leiden	Rostock	Jena	Halle	Greifswald	Wittenberg	Göttingen
Turku							
theology							
students	13/69	37/57	22/58	20/37	46/99	31/46	5/25
%	19 %	65 %	38 %	51 %	54 %	67 %	20 %
Turku law							
students	26/69	10/57	16/58	14/37	15/99	4/46	2/25
%	38 %	18 %	28 %	38 %	15 %	9 %	8 %

reach higher office, and at the end of the seventeenth century roughly one-fifth of parish rectors were masters.⁵¹

Degrees were also obtained at foreign universities. Looking at the heads of dioceses, bishops, and superintendents who held degrees between 1580 and 1599, all had achieved them at German universities, usually in Rostock. From 1600 to 1639, most of them still had foreign degrees, usually from Wittenberg, while between 1640 and 1679, one-third. After that, the numbers began to decline between 1720 and 1759 until only one of the heads of diocese had a degree from "outside the Swedish realm."⁵² As described in Chapter 7, section 2, studies abroad faced restrictions throughout the seventeenth century, especially concerning clergymen. Moreover, the Church Law of 1686 also warned of heretical views that those studying abroad could bring back with them.⁵³ In the

51 Askmark, *Svensk prästutbildning*, pp. 193–194, 196–198, 213–219, 227, and 368; Wirén, *Ideologins*, p. 232.

52 Wirén, *Ideologins*, p. 234. This does not, however, seem to include the University of Greifswald, which Tobias Wirén counts among Swedish universities, p. 233.

53 Original Swedish text: "Såsom en noga uppsyn med ungdomens uptuchtelse, Studier och Resor i fremmande Land, drager i längden efter sig en stor nytta, för Gudz Församling och thet werldzlige Regementet, och lätteligen hända kan, medan the wistas ibland folck af wilfarande Religioner, at the och insuga wilfarande meningar, them the sedan oförsiktigt bringa med sig hem i landet igen, sig och androm til skada och fördärf; Altså förmanom Wij alle, i synnerheet Föräldrar, eller them som stå i Föräldrars stad, och wilja sända sina söner eller Förwanter i fremmande land, så och them sielfwom, som äro komme til sine myndige åhr, och af egit råd, wilja sig en slik Resa företaga, at först och främst bära åhåga om thet, som til theras siäls salighet länder, winläggia sig om vår Christeliga Religions rätta kundskap och öfning, och hwad som ther til hörer, samt noga underrätta sig, om ofwanberörde Slut och Stadgar, på det the så mycket bättre måge weta at wachta sig för

second half of the seventeenth century, a growing dislike of foreign degrees manifested itself within the Church. In particular, Church officials complained about foreign degrees being too easy to achieve. Those who had obtained a degree in Sweden could avoid taking the *prästexamen*, but foreign degrees did not exempt them.⁵⁴

In comparing Turku theology students⁵⁵ to Turku law students, I examined the same universities as earlier: Leiden, Rostock, Jena, Halle, and Greifswald, and added to the list Wittenberg and Göttingen, as they possess their own interesting features. With regard to journeys abroad, Table 4 shows that with the exception of Leiden, Turku theology students outnumbered Turku law students at all these universities. In Rostock, Greifswald, and Wittenberg the difference was significant.

Leiden was a Calvinist university. As discussed earlier, this caused some unease in Sweden regarding studies there. While it was a tolerant university, the theological faculty was still denominational.⁵⁶ This explains why the number of Swedish theology students there was relatively low, at least in comparison with German Lutheran academies. After Wittenberg, Rostock had the highest percentage of Turku theology students: two-thirds of all Turku students there embarked on a clerical career afterwards. With Rostock it was certainly the legacy of David Chytraeus – alongside the university’s convenient location – that drew Swedish theology students. Chytraeus’s writings had gained a prominent position in Sweden in the last decades of the sixteenth century, and his pupils were part of the Swedish clerical elite.⁵⁷ Connections to Rostock still remained lively even after Chytraeus’s death.

Jena was one of the most frequented German universities in the seventeenth century. Moreover, recovering relatively fast from the Thirty Years’ War it also attracted a fair number of Swedish students. Despite confessional controversies, Jena had established itself as a seat of Lutheran orthodoxy, and despite occasionally having professors with pietist ideas, for instance, the orthodox elements did not vanish completely, but were in flux with other

fremmande Gudztienster, hålla sig stadigt wid Gudz helige Ord, och undfly theras omgänge, som söka at bedraga them ifrån vår rätta, til någon willfarande Lära.” Cap. 1, § VI, Kyrkio-Lag och Ordning 1686, in Schmedeman, ed., *Kongl. stadgar*, p. 1000.

54 Askmark, *Svensk prästutbildning*, pp. 215–216.

55 “Turku theology students” have been found in the online database of the Turku matriculation records using the same principles as with law students: those who embarked on a clerical career and/or are found having enrolled at a faculty of theology. A few were present at universities without officially enrolling.

56 Niléhn, *Peregrinatio*, p. 295.

57 Askmark, *Svensk prästutbildning*, pp. 275–277; Czaika, *David Chytraeus*, p. 401.

directions.⁵⁸ Being a good option for foreign students, it was also the same for Turku theology students. In Jena, the share of Turku theology and law students is the closest to each other: of all Turku students in Jena, thirty-eight per cent were theology students, and twenty-eight per cent law students.

An early-eighteenth-century theology student in Halle could not escape the pietist orientation of the faculty of theology. Indeed, Pietism must have been the attraction for many students. However, only two future pastors feature among the Turku theology students in Halle whom the biographies in the Turku records specifically mention as being pietists. The first is Petter Schäfer, who was already discussed at length in Chapter 7, section 2, and the second was Johan Nikolaus Reuter (1697–1765), a German, who was ordained as pastor in the Finnish town of Porvoo and later worked in Estonia once it was already part of Russia.⁵⁹ Three of the Turku students only enrolled at the Halle faculty of theology but did not pay their fees and no information on their careers is found.

The share of Turku theology students at Greifswald is smaller than at Rostock and Wittenberg, but the absolute number is the highest. Altogether, forty-six future clergymen went to study in Greifswald. The decree of 1705, stating that all students going abroad first had to spend a year in Greifswald, does not seem to show in the number of Turku theology students there. Yes, there were five students in Greifswald between 1700 and 1709, which makes it the decade with the second most Turku theology students there. However, of those five, only two had enrolled after the decree had been issued. The 1690s had also already been a popular time for Turku theology students in Greifswald, and in turn, none enrolled there in the 1710s. Thus, it seems that the 1705 decree did not have a great effect on the Turku theology students, either. Wittenberg quite naturally was an important place for Swedish theologians to study at. Two-thirds of the Turku students there later became pastors or theology professors. In comparison, only nine per cent of the Turku students there were future lawyers.

Distribution of visits during the research period (see Table 5) does not appear to illustrate a drastic difference between Turku law students and Turku theology students. In Leiden, the visits end at approximately the same time, around the turn of the eighteenth century. Hence, visits by theology students to Leiden were presumably part of the general interest towards the Netherlands during the seventeenth century. At the German universities, the visits come to an end during the final decades of the eighteenth century. This was

58 See Chapter 4, section 2.1.

59 Kotivuori, *Ylioppilasmatrikkeli*, Johan Nikolaus Reuter.

TABLE 5 Number of Turku law students and Turku theology students at the universities of Leiden, Greifswald, Rostock, Jena, Halle, Wittenberg, and Göttingen from the 1620s to the 1810s

Years	Leiden		Greifswald		Rostock		Jena		Halle		Wittenberg		Göttingen	
	law	th.	law	th.	law	th.	law	th.	law	th.	law	th.	law	th.
1620s	—	—	—	2	—	2	—	1	—	—	—	—	—	—
1630s	8	3	—	1	—	1	—	1	—	—	1	2	—	2
1640s	10	2	2	2	3	6	1	—	—	—	—	—	—	—
1650s	2	—	1	4	1	—	1	—	—	—	—	2	—	2
1660s	1	3	—	4	—	1	3	4	—	—	—	3	—	3
1670s	1	—	—	1	—	4	3	—	—	—	—	2	—	2
1680s	2	2	1	2	2	6	3	2	—	—	1	7	—	7
1690s	1	1	—	4	1	1	1	2	2	3	1	9	—	9
1700s	1	1	1	5	—	6	—	3	3	4	—	1	—	1
1710s	—	—	1	—	—	1	—	1	2	6	—	—	—	—
1720s	—	—	1	1	1	1	—	1	3	2	1	—	—	—
1730s	—	—	1	2	—	4	1	2	3	2	—	1	—	—
1740s	—	1	2	1	2	2	—	—	1	1	—	—	1	1

TABLE 5 Number of Turku law students and Turku theology students at the universities of Leiden, Greifswald, Rostock, Jena, Halle, Wittenberg, and Göttingen from the 1620s to the 1810s (*cont.*)

Years	Leiden		Greifswald		Rostock		Jena		Halle		Wittenberg		Göttingen	
	law	th.	law	th.	law	th.	law	th.	law	th.	law	th.	law	th.
1750s	-	-	2	9	-	1	3	2	-	-	-	-	1	-
1760s	-	-	1	1	-	-	-	1	-	1	-	-	-	2
1770s	-	-	-	1	-	-	-	1	-	-	-	1	-	1
1780s	-	-	-	1	-	-	-	1	-	1	-	1	-	1
1790s	-	-	2	-	-	-	-	-	-	-	-	-	-	-
1800s	-	-	-	3	-	-	-	-	-	-	-	-	-	-
1810s	-	-	-	1	-	-	-	-	-	-	-	-	-	-
	26	13	15	45	10	36	16	22	14	20	4	32	2	5

slightly later than was the case with the law students, but to infer anything conclusive on this matter would require analysis of larger student numbers. Greifswald differs from the other universities in that Turku theology students are still there in the early 1800s. After that, however, the visits stop there too, no doubt because Sweden had lost its rule over Pomerania by that time.

As the number of theology students in general is higher than of law students, it is no surprise that a difference exists in favour of theology students at most times and at most universities. However, the 1750s in Greifswald show a distinct difference as only one Turku law student enrolled during this decade compared with nine theology students. This means that the 1750s was the most popular time for Turku theology students to travel to Greifswald. For Wittenberg, the 1680s and 1690s were most popular among Turku theology students. Otherwise, there are no significant differences in periods of popularity.

Comparing the theologians to all lawyers, there does not seem to be a great difference between the times at which the students enrolled. However, if we compare the theology students to those Turku law students who ended up working in the state judiciary, a distinct difference would be evident. Those seeking clerical office continued to study abroad up to the late eighteenth century, whereas future appellate court judges stopped in the early eighteenth century. Turku law students going abroad during the eighteenth century represented a much more versatile group with very differing careers. Keeping that in mind, a difference is discernible with the theology students, whose career paths did not change during the research period.

Finally, there is the example of Göttingen, the new “reform university” founded in the 1730s. Göttingen was of no special interest either to law or theology students coming from Turku. Instead, many later became physicians, even one of those who had enrolled at the theology faculty. In Göttingen, we also find the famous Swedish natural scientist and explorer Peter Forsskål (1732–1763).⁶⁰ These are only individual examples and the numbers of students to analyse are small. However, the example of Göttingen seems to represent the change that was occurring: international contacts in the traditional fields of study, law and theology, were decreasing during the eighteenth century, and the natural sciences were taking the lead. Studies abroad in medicine continued throughout the eighteenth century, while natural history gained immense popularity in Sweden during the century, centring especially around Carl

60 Kotivuori, *Ylioppilasmatrikkeli*, Pehr Forsskål.

Linnaeus. Travels and expeditions formed an important part of these studies in natural history, and making contacts with foreign scientists was part of it. Much of the research in natural sciences, however, took place outside the universities.⁶¹

61 Lindroth, *Svensk lärdomshistoria – frihetstiden*, pp. 437–442; Hanna Hodacs and Kenneth Nyberg, *Naturalhistoria på resande fot. Om att forska, undervisa och göra karriär i 1700-talets Sverige* (Lund, 2007), pp. 9, 42–43, 51–52, 179, 187, and 213; Wilhelm Sjöstrand, *Pedagogikens historia III: 1, Sverige och de nordiska grannländerna under frihetstiden och gustavianska tiden* (Lund, 1961), p. 250.

Conclusions

Studies abroad by Swedish lawyers in the seventeenth and eighteenth centuries tell the story of a professionalizing judiciary. Both the rise in studies abroad in the first decades of the seventeenth century and the decline in studies abroad in the eighteenth century are linked precisely to the needs of professionalization.

Research into studies abroad by Turku law students has showed the following results: Firstly, studies were at their peak in the 1640s, remained on a high level until the 1680s, began to decline by the beginning of the eighteenth century, and almost came to an end after 1750. Secondly, Leiden was the most popular foreign university, followed by German universities. Thirdly, noble students were especially common in Leiden, whereas at the other universities the social backgrounds of the students were more varied. Fourthly, the careers of the students varied, but positions in the judiciary, especially at the courts of appeal and town courts, were very common. Finally, careers at courts of appeal were limited nearly completely to the seventeenth century, whereas careers in the towns continued well into the eighteenth century.

When the central administration was developing at a quick pace in the first decades of the seventeenth century – which included the foundation of a court of appeal – the Swedish crown found itself in a position where a great

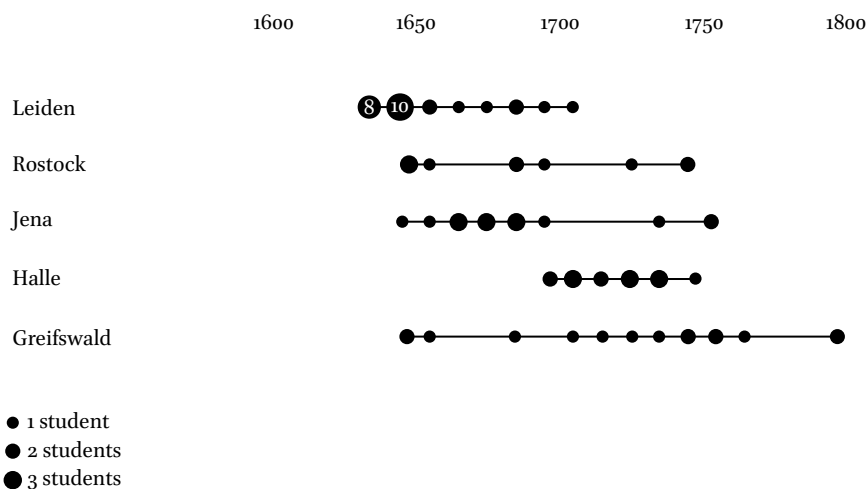


FIGURE 5 Timeline of Turku law students at the five most popular foreign universities

need had arisen for a number of educated officials. However, not enough of them were to be found. Therefore, several measures had to be taken. First of all was the effort to improve university education at home and make it more suitable for administrative careers. Such a change could not occur fast enough, though, and thus students were encouraged to study abroad, while at home a system of traineeship was set up at the courts of appeal and the boards. This means that the rising number of law students, including those going abroad, were – in a manner of speaking – a product of a top-down approach. The need for trained lawyers came from the highest level of society and a corps of men equipped to handle the law had to be educated very fast. By supporting studies abroad, the state expected to gain trained officials both for the administration and the judiciary faster than was possible by merely relying on domestic universities, which, in the early seventeenth century, were still not on the same level as the continental ones. Educational travels abroad were justified with the goal that they would benefit the state. Letters from students, in which they promise to return to serve the fatherland, reflect these expectations they were trying to meet.

Next, one also has to consider that the need for educated lawyers was not in balance: at the courts of appeal and larger town courts, such a need certainly existed. However, the district courts of the countryside had a much lesser need for lawyers with academic training. Cases there were simple and the lay element in the form of juries meant that the law and the proceedings had to be simple enough to be understood by the ordinary peasant population. Sweden was an overwhelmingly rural country, and the majority of the population lived their lives in a different reality than the one played out in Stockholm within the royal administration.

A third aspect is that, viewing the continental development of the legal profession, one can observe the importance of the advocate, who came into the picture when law and procedure grew too complicated for the commoner to understand.¹ This was possible as there were a number of universities and a more urban population which could more easily seek fortune in studying law and becoming an advocate. In early modern Sweden, the prototype of the legal professional, however, was the judge. Trained advocates were a rarity. Lawyers were first and foremost needed as judges at the court of appeal level of the judiciary, as well as at the highest level of state administration, including diplomacy and foreign relations. On this high level, it is also clear that studies in law and politics abroad were useful, as men learning the law abroad would have to deal with the foreign policy of a growing European superpower, as well as with

¹ See e.g. Brundage, *The Medieval Origins*.

court cases which might have intricate international aspects. Thus, it was a question of a growing state administration that needed lawyers very quickly, rather than a corps of advocates developing “organically” over a longer period to answer a growing demand for legal services. On a more general level, though, one can see how the establishment of high courts all over Europe led to a greater need for educated lawyers. This merely took somewhat different forms in different regions.

One of the most important features of studies abroad by Swedish lawyers in the early-to-mid-seventeenth century was their inextricable link to the role of the nobility. The time when studies abroad were at their height, beginning in the 1630s, was also the time when the Swedish higher nobility wielded great power in the Swedish state. The generation of men who now supported studies abroad, most notably Chancellor Axel Oxenstierna, had themselves already been on peregrinations as part of their noble upbringing. The idea of pursuing learning abroad was deep-rooted. Swedish study journeys also formed part of the wider European phenomenon of academic pilgrimage (*peregrinatio academica*) as described in Chapter 2, section 2. Thus, in a situation where trained officials were needed, it was only natural to encourage studies abroad – both for young nobles as well as for commoners hoping for a career in the administration. This setting is also reflected in the various connections which seventeenth-century students had among each other and with the most important aristocratic families.

The University of Leiden embodies the relationship between studies abroad and the role of the nobility. Many of the Turku law students later worked at courts of appeal. The fact that at least in the first decades of the Svea Court of Appeal's existence the most educated judges were noblemen, usually with studies abroad behind them, is also important when considering what these students had studied abroad. During their careers, they held positions both in the judiciary as well as in the administration. Accordingly, their studies were also not purely law-related – in fact, it was not formally necessary for them to have studied law at all. Very often they had combined studies in politics, literature, languages, or other useful subjects with some studies of the law. Moreover, the complete educational journey of these noblemen included not only academic studies, but also chivalric exercises and getting to know different parts of Europe. This was an inseparable whole that would qualify them for state service. Leiden is the prime example of a place where Swedish noblemen went in large numbers to obtain such an education. The rather superficial references to foreign law in the practice of the courts of appeal also lead to the inference that foreign legal studies were not so extensive. Certainly, some highly learned judges were at the courts – indeed, some of the juridical dissertations

found give the impression that Swedish students had personally written them – but for the most part, law studies abroad were just long enough to learn the essentials in order to manage. 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.

This leads to the observation that in the early seventeenth century one cannot separate noble journeys abroad from the basic education of a Swedish lawyer. At first, it were noblemen who were the most learned members of the Svea Court of Appeal. The structure of the Svea court followed the model of the German *Reichskammergericht* in its division into noble and learned assessors. However, whereas the *Reichskammergericht* could rely on finding qualified judges for the learned class, and eventually increased the requirements for the learnedness of the noble assessors, too, in the Swedish judiciary there was no such luxury of legally learned commoners being available and waiting to be recruited.² Law studies by noblemen were no Swedish phenomenon, but had European counterparts.³ However, in Sweden in the early seventeenth century, it were often noblemen who possessed the best qualifications. The Swedish crown built up its judiciary at a pace which meant they had to make do with anyone available, and in the beginning noblemen could fill this gap the fastest. Commoners were soon able to step up, and their studies abroad helped them do so. Especially during Christina's reign, many commoners who had served the Crown administration could find themselves elevated to the ranks of the nobility. Despite nobles being part of the judiciary and commoners being ennobled for state service, no legal dynasties were formed, nor did a closing of ranks occur, as was the case in many parts of Europe.⁴ In Sweden, the law and the judiciary remained simple enough for ordinary people to access. The *Reichskammergericht*, in turn, faced its own difficulties arising out of the confessional and political structure of the Empire. This did not occur in the more centralized and more uniform Sweden.

The role of the Dutch University of Leiden was significant, especially during the 1630s and 1640s. This could be seen with the Turku law students, but also with all Swedish students who enrolled at the Leiden law faculty: these decades were the most popular for them, as well. One reason was the Thirty Years' War, which hindered studies at many German universities. But the fact that

2 Vasara-Aaltonen, "From Well-travelled," pp. 344–345.

3 Ranieri, "Vom Stand," p. 95.

4 See Ranieri, "Vom Stand," pp. 95–97.

Leiden could cater to the needs of the aristocracy was also an essential factor. First, it made the university attractive for Swedish young noblemen. And second, the higher nobility, effectively in charge of the country during Christina's minority, encouraged many commoners to study abroad and set an example for them. Studies abroad were a necessity, due to the lack of trained legal professionals and an insufficient domestic university education, but they were also an integral part of early-seventeenth-century noble life. Even after mid-century, numbers remained relatively high,⁵ but now the German universities again became more important. Foreign studies were still a good option to advance an administrative-judicial career. During the seventeenth century, the importance of networks for advancing one's career is evident – this could especially be seen with students going to Leiden.

A number of reasons, many of them connected, contributed to the decline in studies abroad by Swedish lawyers. The great rush of students to Leiden and the overall encouragement of foreign studies in the early seventeenth century had been part of the noble educational ideal. The aristocracy's loss of its power position in the late seventeenth century also made the idea of such a journey for the purpose of academic learning less self-evident. One can see the beginnings of this development in the great number of ennoblements during Christina's reign, which began to alter the dynamics within the nobility. At this time, the new lower nobility had certainly also often studied abroad, but their studies had been more goal-oriented and for them going abroad did not hold special value in itself, as it had for the aristocracy. Continuous efforts were devoted to making domestic university education more suitable for prospective officials of the administration. When sufficient education could eventually be found at home, too, it sufficed to visit domestic universities, so that sending young men on study journeys abroad was no longer as relevant as had earlier been the case. When, in the late seventeenth and in the eighteenth century, the group of newly-ennobled state officials came to dominate at the expense of the old noble families, it also had an effect on educational ideals.

The Swedish universities were early on teaching Swedish law and natural law. Judging by the educational paths of the assessors of the Swedish courts of appeal, the importance of a domestic education grew steadily during the second half of the seventeenth century. At the same time, careers began to be more law-related, and other tasks within the administration diminished. Administrative careers became more bureaucratized and there was a greater division between tasks in the judiciary and tasks in the rest of the civil administration. This was reflected in careers and advancement within the administration.

⁵ See figures 2 and 3 at the beginning of Chapter 3.

During the Age of Liberty, efforts were made to free the administration of nepotism and other unfair ways of advancement, stressing merit instead. Merits, however, came to be measured by the years of experience one had within state service, which in turn made extensive studies less appealing. In such a climate, it was certainly not beneficial to spend years studying abroad.

Since the second half of the seventeenth century, national law had become more important. This was especially the case in the eighteenth century, with a new national law code in force and with David Nehrman, for instance, highlighting the importance of national law. This was certainly not just a Swedish phenomenon. As Sweden had lost its power position in Europe, there was also less of a presence in regions infiltrated by *ius commune*. Diplomacy had also become more of a distinct profession instead of something in which one could take part in addition to other tasks in the judiciary; a couple of examples of this could also be found among the Turku law students. For someone aiming at a career at a court of appeal, for instance, there were far fewer incentives to study abroad as there was little use for knowledge of foreign law or Roman law. Here, one must draw a distinction between someone practicing in the judiciary and academic lawyers, though. We find law professors such as Nehrman, who had studied abroad extensively and was influenced by the thoughts of Christian Thomasiaus. But in the day-to-day work of a Swedish judge there was less use for an education abroad.

However, caution is needed in seeing the changes as a direct result of the turn to absolutism in 1680 and a hostile attitude towards foreign law. A drop in numbers is already evident after the 1660s, but in the 1680s, numbers rose slightly again before beginning to decline in the following decades.⁶ In addition, domestic and natural law had already begun their ascent earlier, though on the other hand, the influence of European legal thinking did not vanish completely during the eighteenth century. Thus, the reluctance towards foreign law during absolutist rule perhaps rather functioned as a catalyst for a development that had already begun earlier. As the steps towards a more domestic legal education had already been established, it was now possible to enhance the role of national law.

All in all, the foreign study journeys of future lawyers were a product of their time, and in the eighteenth century, the preconditions for such journeys on a larger scale had to a great extent disappeared. Of the seventeen Turku law students who ended up working as appellate court judges, sixteen were appointed during the seventeenth century, but only one in the eighteenth century. The difference is so striking that it cannot be a coincidence. Likewise, research on

6 For Swedish students overall, see Niléhn, *Peregrinatio*, pp. 162–163 with similar results.

the Svea and Turku courts of appeal support this finding. However, one interesting exception stands out: men who worked in town judiciaries. Here, one cannot find such a drastic end to studies abroad. This suggests that the towns, with their wider ranging autonomy, could to some extent resist the strict advancement policies of the civil administration. In addition, the towns with their ongoing foreign trade relations and the presence of foreign merchants in town life would have had far greater contact with the outside world than an eighteenth-century court of appeal judge. One can conclude that the clear decline in studies abroad in the early eighteenth century was connected to the many societal changes that took place in Sweden. The virtual end of lawyers' study journeys after 1750 also had links to the overall decline in student migration in Europe.⁷

Many factors guided the choice of foreign university. Confessional questions played a crucial role after the Reformation. Studies at Catholic universities were prohibited, except for noblemen who enjoyed a freedom to peregrinate. Indeed, except for visits to Paris and Rome, Turku law students only enrolled at Protestant universities. Paris and Rome seem only to have been visited as part of a noble journey through Europe, not with the aim of academic studies. Some Swedes viewed Leiden sceptically as it was Calvinist. However, being a tolerant university, it did not pose too grave a threat. Geographical considerations were naturally also of significance. The Dutch and German universities, especially those located close to the Baltic Sea, were relatively convenient and cost-efficient to reach. The travel time was shorter, thus also reducing the risk of robbery and disease while on the move. Moreover, it was easier to stay in contact with family members and patrons back home. This was especially important, as running into financial difficulty was common, and asking for more financial aid necessary.

The Thirty Years' War naturally had an effect, to the detriment of many German universities, and made Dutch universities ever more appealing. This was not the only reason for the attraction. The Swedish-Dutch connection was close on a state level as well as in commerce. That this connection reached the scientific level, too, is no surprise: Leiden especially could offer a wide range of studies suitable for Swedish needs. As for the German universities visited, besides all being Protestant, also more varied reasons were at hand. There was a long tradition of going to Rostock and it was conveniently located. Halle, in turn, could attract students who were interested in the latest ideas on offer. Greifswald, under Swedish rule and indulgent in its grant of degrees, was an

⁷ See Chapter 2, section 2.1 and Eliasson, "Peregrinatio," pp. 37–39.

obvious attraction. Other German universities were probably chosen based on contacts, knowledge of good teachers, and other related reasons. Greifswald and Halle were also interesting because of religious aspects, both representing different stands towards Pietism around the turn of the eighteenth century – though for law students this was not a decisive factor. Finally, the recommendations of patrons, especially Chancellor Axel Oxenstierna, also influenced the choice of university. This could also be seen in some of the students' letters sent to him from abroad.

Was it then beneficial to study abroad? Did it provide a student with greater career opportunities and a possibility of upward social mobility? The online database of Turku records does not allow a systematic comparison between lawyers who had studied abroad and those who had not, as indeed was discussed in the introduction to this book. While that would certainly be the most fruitful way of comparison, one has to limit oneself to other ways of trying to establish this. One way is to look at the judges of the Svea Court of Appeal as a comparative baseline. The fact that, well into the second half of the seventeenth century, so many of the judges who had an education had studied abroad – including the non-noble judges – suggests that for obtaining such a prominent position it was certainly valuable to have been abroad on a study journey. Again, this is no surprise, as the state apparatus was filled with men who had been on study journeys themselves, and thus regarded an education abroad as a merit when appointing new officials. Many of those with foreign training were also ennobled during their careers. The surrogate judges of the district courts had sometimes followed some legal studies at domestic universities, but among the Turku law students at Dutch and German universities we find none who would have continued to become surrogate judges – also contributing to the conclusion that legal studies abroad prepared young men for a more prominent career.

One can debate whether studies abroad were what enabled a successful and fulfilling career, or whether it was rather that those with the right social contacts for a prominent position, who would have received such a position in any case, were also the ones who were encouraged to go on a study journey. Mikael Wexionius, for instance, had already pursued contacts with powerful men prior to his studies abroad. Thus, one could argue that it was not only studies abroad that mattered, but rather combining those studies with suitable contacts with men in prominent positions. This is also evident from the many letters sent from abroad to patrons, highlighting the authors' wish to serve their country upon their return to Sweden. Among the Turku law students at Dutch and German universities there was only one, Matias Svederus, with an ordinary

peasant background,⁸ despite the fact that of all Turku students around five per cent were sons of peasants, crofters, or soldiers.⁹ Thus the upward social mobility enabled by studies abroad hardly reached the lowest level of society, in terms of achieving positions in the judiciary or state administration. Niléhn's study showed that Swedish peasants studying abroad almost all became clergymen, some also school teachers.¹⁰ However, these men may, in turn, have enabled upward mobility to more prominent positions in the generations that followed.

In many ways, Swedish development was similar to other countries in regard to state-building, the growing need for trained officials, and studying law abroad. There were, however, features in which Sweden differed. For instance, students from neighbouring Denmark chose slightly different foreign universities than the Swedes, while those Danes who had studied law abroad did not end up working in the judiciary as often as did their Swedish neighbours. A comparison with Scotland, for instance, showed that while both Swedes and Scots were eager to study law in Leiden, the most popular periods were significantly different. This means that it was not only Leiden's excellence at a given time that attracted law students but also that students from different countries had different needs for foreign legal learning at different times. Comparing the Swedish law students to students in other fields showed that some differences were evident in comparison to theology students, but it was the natural sciences that in particular bloomed in the eighteenth century, thus also making for more active international relations in those fields.

The development that took place in Turku law students' studies abroad is fundamentally a description of a slowly professionalizing judiciary. At first, studies abroad filled a sudden and urgent need for a large number of trained officials to take care of a more centralized administration as well as a higher judiciary which was just being established. The low level of legal professionalization in the first half of the seventeenth century meant that studies could be wide-ranging, while careers also entailed positions outside the judiciary. As the attitude towards foreign law was lenient, there was no problem for such studies; indeed, they were useful for one's career. As the administration and judiciary became more firmly established in the late seventeenth century and

8 Nils Hasselbom, one of the students in Halle, came from a *rusthåll*, an estate, which was obliged to equip a cavalryman. Peasants with this obligation often held higher standing among the peasantry and formed an elite of sorts. See Aarre Läntinen, "Suomen ratsastaloja rusthollilaitoksen kehityspiirteitä," *Genos* 62:3 (1991).

9 Strömberg, "Ylioppilaat," pp. 322–323.

10 Niléhn, *Peregrinatio*, pp. 197–198.

had ever more tasks, officials could no longer be the all-round judge/diplomat/administrators they had once been. Careers began to specialize in the law and, combined with a more useful education at home, this meant less space for study journeys abroad. Tendencies of turning to national law only enhanced this development. Positions within the towns were the exception in this regard.

In a nutshell: studies abroad, which had been a necessity a good century earlier and were closely connected with the noble way of life, had to a great extent lost their purpose in the eighteenth century.

Swedish Monarchs 1523–1809

House of Vasa

Gustav I Vasa	1523–1560
Erik XIV	1560–1568 (deposed)
John III	1568–1592
Sigismund	1592–1599 (deposed)
Charles IX	1604–1611 (regent as Duke Karl 1599–1604)
Gustav II Adolf	1611–1632
Christina	1632–1654 (abdicated; regency government during her minority 1632–1644)

House of Palatinate-Zweibrücken

Charles X	1654–1660
Charles XI	1660–1697 (regency government during his minority 1660–1672)
Charles XII	1697–1718
Ulrika Eleonora	1718–1720 (abdicated)

House of Hesse

Frederick	1720–1751
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House of Holstein-Gottorp

Adolf Frederick	1751–1771
Gustav III	1771–1792
Gustav IV Adolf	1792–1809 (deposed; Duke Karl, future King Charles XIII, as regent during his minority 1792–1796)

The Structure of the Swedish Central Administration

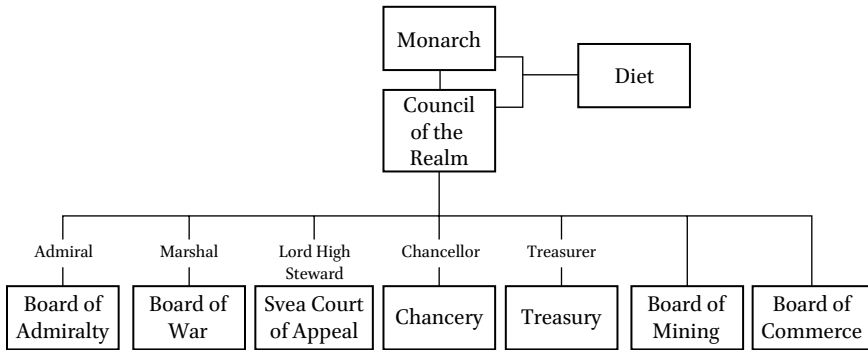


FIGURE A1 The Swedish central administration after 1634
 Note: After Upton, Charles XI, p. xviii and Karonen, Pohjoinen, p. 491, with some modifications. In 1634, five central administrative boards (kollegier) were set up with the five high officials (the Chancellor, the Lord High Steward, the Treasurer, the Marshal, and the Admiral), all Councillors of the Realm, becoming their heads. In 1637 and 1651, a Board of Mining and a Board of Commerce were added.

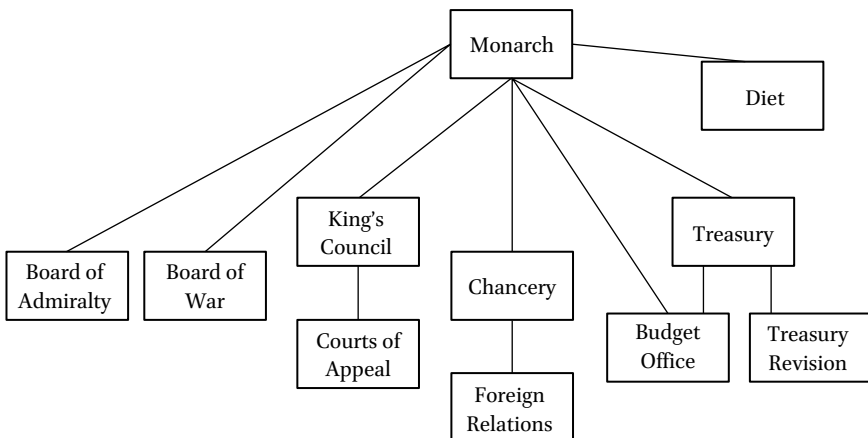


FIGURE A2 The Swedish central administration after 1680
 Note: After Upton, Charles XI, p. xviii, with some modifications.

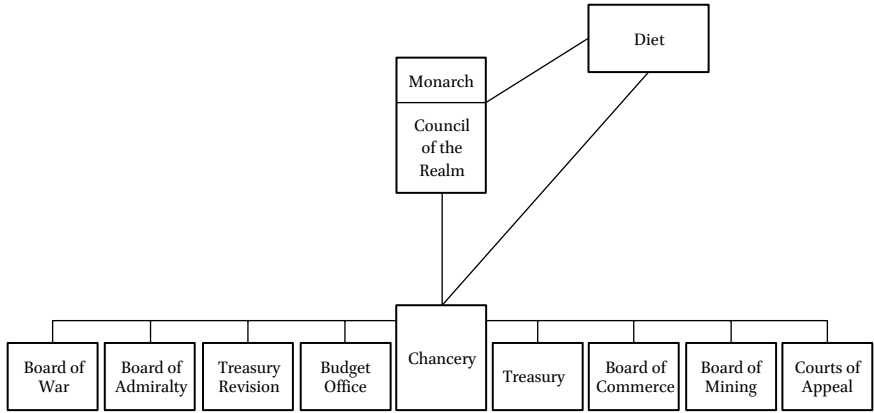


FIGURE A3 The Swedish central administration 1719/1720–1772
 Note: After Frohnert, “Administration,” p. 201 and Karonen, Pohjoinen, p. 492, with some modifications.

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- Pihlajamäki, Heikki, "Commercial law cases in the Swedish town courts of the early-17th century." Seminar presentation given 5 March 2014, University of Helsinki.
- Pihlajamäki, Heikki, "Finnish seventeenth-century court records and commerce: some observations." Seminar presentation given 12 February 2015, University of Helsinki.

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