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Introduction: A viewpoint on Swedish and Finnish Characteristics

Katja Tikka and Jussi Sallila

1. The Project Behind the Book

This volume deals with the history of commercial law in Sweden and Finland.¹ The book has its origins in a research project which charted the development of commercial law in Europe and the wider world in the Early Modern period and the “long nineteenth century.” The project was strongly interdisciplinary and comparative.² It aimed at contributing to the international debate on the character of the European *lex mercatoria* from the sixteenth century to the start of the First World War. The viewpoint of this volume is Swedish-Finnish and brings together themes previously considered largely from a national perspective. It is time to place Swedish and Finnish commercial law into the international context. Despite Sweden’s peripheral location in Europe, global legal phenomena appeared there, too.

The book provides a broad temporal perspective on recent research into North European commercial law in a comparative and international framework. As an ensemble, it offers a novel and unique approach to this branch of research into legal history.

It remains to be seen whether this and other recent volumes on the history of commercial law will eventually lead to a consolidation of “standard” histories of European (or Western or global) commercial law, similar to the history of European private law with its established canonical textbooks. The persistence of older narratives of the commercial law of the past, especially the narrative concerning the allegedly pan-European *lex mercatoria*, underline the need for reappraisal.

2. The History of Commercial Law: a View from the Periphery

¹ As Finland was part of the Swedish realm until 1809, the two countries share a common legal past. Even in later periods, as an autonomous part of the Russian Empire and as an independent state since 1917, Finland has developed its legal system in close connection with neighbouring Sweden.

² The international project “The Making of Commercial Law: Common Practices and National Legal Rules from the Early Modern to the Modern Period” was funded by the Academy of Finland and the Finnish Cultural Foundation.

Scholars working on sources from the European heartland – France, England, dominate new research on commercial law or areas located in the great commercial axis extending from the Low Countries to northern Italy. From a North European perspective, this new research provides fresh insights that can be used in framing further studies on developments in Sweden and Finland. At the same time, it must be acknowledged that scholars from the heartland investigate commercial law in a context fundamentally different from that of more peripheral countries. The contrast between centre and periphery is more than apparent to a Finnish scholar based in Helsinki, a city where the oldest remaining building dates from 1757. With its medieval old town and baroque palaces, Stockholm is closer to the European norm and has indeed served as a European influence on the northern periphery. In this book, the common legal history of Sweden and Finland (until 1809) is analysed by Finnish historians and legal historians as well as “outsiders” from the heartland countries.³

Historical sources have strongly guided the research themes. The fact is that the available material is scanty and fragmental, which favours newer topics and research questions. However, combining contemporary scholarly literature and statutory material with court records, some conclusions can be drawn. The perspective of the “marginal man” is not unusual. In an appraisal of private-law focused literature on European legal history, Heikki Pihlajamäki has stressed that “in these histories it is always the European heartland that sets the standard. You either follow the standard more or less in time, and you follow the development in the heartlands more or less completely”, adding that “[t]he standard of European legal history is (...) learned law, the *ius commune*, Roman law and canon law. Being ‘standard’ means that the legal history of the peripheries is constantly measured against the centre.” According to Pihlajamäki, this heartland-centred research agenda is fruitful as it allows the ‘peripherals’ to look at their legal past through comparative glasses.⁴

As far as commercial law is concerned, the main difference between the heartland and the periphery has less to do with learned law, considering that commercial law was at best a marginal object of inquiry in the learned tradition. Instead, the main difference relates to the operative context of commercial law: for example, the

³ Leos Müller, “Swedish Shipping Business between the Baltic Sea and the Atlantic World, 1650–1800” in *The Rise of the Atlantic Economy and the North Sea/Baltic Trades, 1500–1800*, (eds.) Müller, Rössner and Tamaki (Stuttgart, 2011); Sofia Gustafsson, „Svenska städer i medeltidens Europa. En komparativ studie av stadsorganisation och politisk kultur“ in *Stockholm Studies in History*, vol. 86 (Stockholm, 2006).

⁴ 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 (UK: Hart Publishing, 2014), 121–132.

scale of commercial transactions, the degree of specialization, and the position in commercial networks. In a recent article on the early modern development of customary law in Antwerp, Van Hofstraeten notes that experts such as merchants played an important role in devising articles on commercial law and that the role of European commercial law jurisprudence is very small.⁵ In other respects, reformers compiling new editions of local customs took many influences from a variety of non-customary elements, such as Roman law and legislation.⁶ The title of Van Hofstraeten's article refers to Antwerp's position as a "commercial metropolis," and it is in such an environment that the expert role of merchants is to be expected. Antwerp was, after all, one of the "world cities" dominating the European "world-economy" in the sequence reconstructed by Braudel. In analysing the commercial law of medieval Bruges (for Braudel, a world market but not quite a world city) Lambert emphasizes that Bruges realized "higher volumes of trade and attracted more merchants from a wider range of regions than any other place north of the Alps."⁷

In a comparative perspective, Sweden and Finland were mainly rural societies with small towns, which, admittedly, had trade relations and traditions from the Hanseatic period. Even so, contacts were thin and often depended on personal relationships between merchants. Local markets served less by way of specialization, serving the world economy as peripheries producing raw materials such as copper, timber, and tar. It is true that in the seventeenth century, when military conquests made Sweden a great European power, attempts were made to develop Stockholm as a great commercial centre in the Baltic region. However, Sweden's dominant status in the Baltic Sea did not lead to control of the Russian and Eastern trade that the empire-builders had hoped for. In addition, the colonial plans of Sweden did not lead to lasting results, unlike the policies of Western Europe. Therefore, colonies played a much smaller role in the development of commercial law in Sweden.⁸

⁵ Bram Van Hofstraeten, "Recording Customs in Early Modern Antwerp, a Commercial Metropolis." *Rechtsgeschichte – Legal History* 24 (2016), 288–301, 293.

⁶ Bram Van Hofstraeten, "Recording Customs," 288.

⁷ Bram Van Hofstraeten, "Delving for Diversity in Early Modern Company Law: Mining Companies in Seventeenth-Century Liège" in *The Company in Law and Practice: Did Size Matter? (Middle Ages-Nineteenth Century)*, (eds.) Dave De ruysscher, Albrecht Cordes, Serge Dauchy and Heikki Pihlajamäki (Leiden: Brill, 2017), 92–96.

⁸ Philipp Robinson Rössner, "A Shift from the Baltic to the Atlantic in Early Modern European Commerce and Economic Activity: Evidence from the Sound Toll Register and Scotland, c. 1660–1760" *The Rise of the Atlantic Economy and the North Sea/Baltic Trades, 1500–1800*. (Stuttgart: Franz Steiner Verlag, 2011), 35–38; see also the entire book of Johnson, Amandus, *The Swedes on the Delaware 1638–1664*, (Philadelphia: the Swedish Colonial Society, 1915).

Since the nineteenth century, both Sweden and Finland have become prosperous countries, a development enabled by multiform evolution: in transport, communication technology, and industrial production. Nevertheless, according to Michael Roberts – a magisterial foreign observer of Swedish history – Sweden has always been a rural country, and its urban society predominantly that of a small country town.⁹ The same can be said even more emphatically of Finland.

Pic. [431px-Sweden_1560, Introduction]

*Map showing the most important cities, towns and their distances in early modern Sweden.*¹⁰

3. Sweden and Finland as European Peripheral Countries

In order to understand the basic features of the history of Swedish commercial law, it is essential to place it in the broader social context. The political scenery of Sweden and Finland has always been different from the southern parts of Europe. Despite the existence of the Crown, the estates had their voice in national decisions. Particularly since the eighteenth century in sessions of parliament, the four estates together discussed and voted in parliamentary meetings. The lowest of these estates were peasants, the others being burghers, the clergy, and the nobility. Of course, the system was not democratic, yet the northern way of thinking about equality can still be perceived.

From a comparative perspective, the northern location of the country is the dominant characteristic that explains many of the differences in social and economic development. The population density of Sweden and Finland has always been low, and long distances have posed challenges for administrative control of the territory.¹¹

Through the connections of maritime trade, many important cultural influences have been absorbed in Sweden and Finland, though this has often happened slowly. Naturally, adoption of foreign influences has been a

⁹ See the introduction in: Karonen, P., and Hakanen, M. (Eds.), *Personal Agency at the Swedish Age of Greatness 1560–1720*. (Helsinki: Suomalaisen Kirjallisuuden Seura, 2017); Michael Roberts, *Essays in Swedish History* (London: Weidenfeld & Nicolson, 1967), 4.

¹⁰ Wikimedia Commons (https://upload.wikimedia.org/wikipedia/commons/1/16/Sweden_1560.png).

¹¹ Mirkka Lappalainen, “Loyal Servants of the King and the Crown (1620–1680): Stewards and Governors in Sweden before the Age of Absolutism” in *Personal Agency at the Swedish Age of Greatness 1560–1720*. (eds.) Karonen, P. and Hakanen, M. (Helsinki: Suomalaisen Kirjallisuuden Seura, 2017); Mirkka Lappalainen, *Pohjolan leijona; Kustaa II Aadolf ja Suomi 1611–1632* (Helsinki: Siltala, 2014), 195–197.

selective process, and developments have not always followed the Central European pattern. In this book, the chapter by Dave De ruysscher cites examples of legal transplants in early modern Swedish trading companies. The general debate about the topic has concerned the substance of the term: whether legal systems or written law were adopted. De ruysscher's chapter offers a novel insight into Swedish company law.¹²

When comparing Sweden with central European areas, or even lands on the southern shores of the Baltic Sea, development of the social structure has been divergent. After the relatively late Christianization of Northern Europe, the Church came to possess a strong economic and political position in medieval Sweden. By contrast, feudalism never achieved the same broad dimensions as in Central Europe, as the peasantry maintained its independent position in Swedish estate society. The power of the King was not very strong in the medieval period. However, through his Law of the Realm (governing rural areas) and Town Law, King Magnus Eriksson (r. 1319-1364) managed to unify the law of Sweden in the mid-fourteenth century.¹³

The relative poverty of Sweden was reflected in the small number of towns and its undeveloped urban culture, especially in Finland where only six towns existed in the Middle Ages. The towns mostly supplied the rural trade, selling products from farmers such as butter, dried fish, and furs, keeping business slow and small in scale. Foreign influences in urban culture were brought largely by German merchant families, who controlled foreign trade.¹⁴ In this book, Marko Lamberg's focus of study is on foreign influences in Sweden. He highlights that immigration brought foreign influences to Stockholm during the turn of the medieval age to the early modern period. Current research on the topic has concentrated on Low German influence, despite evidence of

¹² See Chapter II, Alan Watson, "Legal Transplants and European Private Law" in *Electronic Journal of Comparative Law* vol 4, 4 (2000) <http://www.ejcl.org/ejcl/44/44-2.html>; Alan Watson, "Walton, and the History of legal Transplants" in *Georgia Journal of International and Comparative Law*, Vol. 41, 3 (2014), 638–686; Otto Kahn-Freund, "Uses and Misuses of Comparative Law" in *The Modern Law Review* vol 37, 1 (1974); Dave De ruysscher, "Partnerships as Flexible and Open-Purpose Entities: Legal and Commercial Practice in Nineteenth-Century Antwerp (c.1830–1850)" in *The Company in Law and Practice: Did Size Matter? (Middle Ages – Nineteenth Century)* (eds.) Dave De ruysscher, Albrecht Cordes, Serge Dauchy and Heikki Pihlajamäki (Leiden; Brill, 2017), 158–161.

¹³ Eli, F., Heckscher, *An Economic History of Sweden* (Cambridge: Harvard University, 1954), 36–38.

¹⁴ Mia Korpiola, "Svea Court of Appeal Records as a Source of Commercial law: Founding year of 1614" in *Understanding the Sources of Early Modern and Modern Law: Courts, Statutes, Contracts and Legal Scholarship* (eds.) Heikki Pihlajamäki, Albrecht Cordes, Serge Dauchy and Dave De ruysscher (Leiden: Brill, 2018), 288–290; Mika Kallioinen: "Inter-Communal Institutions in Medieval Trade," in *The Economic History Review* 70 (2017), 1–22; C. J. Gardberg: "Kaupunkilaitos keskiajalla ja uuden ajan alussa" in *Suomen kaupunkilaitoksen historia* (Vantaa: Suomen kaupunkiliitto, 1981), 14–19; Lappalainen 2014, 198; Justyna Wubs-Mrozewicz, "Interplay of Identities. German Settlers in Late Medieval Stockholm" in *Scandinavian Journal of History* 29 (2004), 53–67.

other effects too, such as Dutch and English. Lamberg's chapter brings to this debate the immigrants' legal traditions and prejudices. His point of view elevates the topic to a new and unexplored level.¹⁵

The sixteenth century was a period of transformation in Sweden, triggered by the religious and administrative reforms of King Gustav I Vasa (r. 1523-1561). Supported by the peasants, he assumed royal power in 1523 and ended the Danish-dominated Scandinavian union monarchy. Some years later, he initiated the Reformation in the Swedish realm. With the help of confiscated Church property, he began to build the Swedish state according to models adopted from Central Europe. An important part of the bureaucratic state model was a conscious effort to direct economic activity on a large scale.¹⁶

Following Gustav I Vasa's reign, Sweden was almost continuously at war for a hundred years. During the reign of Gustav II Adolph (r. 1611-1632), Sweden became a North European empire. The expansion opened new possibilities for commerce but required endless rearmament and additional taxation. Mercantilist policies were adopted in order to strengthen the Swedish economy and control by the authorities. Among other things, this led to the founding of the first modern Swedish trading companies with a strong contribution from Dutch entrepreneurs.¹⁷

Attempts were made to develop Stockholm as a great commercial centre of the Baltic Sea. However, as already noted above, Sweden's dominant status in the Baltic Sea did not lead to control of the Russian and Eastern trade that the empire-builders had hoped for. Partly because of its geographic position, Sweden also played a marginal role in the intercontinental sea trade. As a result, its colonies played a much smaller role in the development of commercial law in Sweden. While the Swedish East India and West India companies did acquire greater significance in the eighteenth century, according to the assessment of Müller they are best analysed as offshore companies largely dependent on foreign capital and a minor influence on the Swedish

¹⁵ Nils Ahnlund, "Svenskt och tyskt i Stockholms äldre historia," in *Historisk Tidskrift* 49 (1929), 1–34; Sofia Gustafsson, "Svenska städer i medeltidens Europa. En komparativ studie av stadsorganisation och politisk kultur" in *Stockholm Studies in History*, vol. 86 (2006).

¹⁶ Jan Glete, *Warfare at Sea 1500–1650, Maritime Conflicts and the Transformation of Europe* (London: Routledge, 1999); Seppo Aalto, *Sotakaupunki; Helsingin Vanhankaupungin historia 1550–1639* (Helsinki: Otava, 2012), 19–20.

¹⁷ See also the entire books: *The Swedes and the Dutch Were Made for Each Other, 400 years of Swedish-Dutch relations* (ed.) K. Gerner (Lund: Historiska Media, 2014); Peter W. Klein, *De Trippen in de zeventiende eeuw. Een studie over het ondernemersgedrag op de Hollandse stapelmarkt* (London: Routledge, 1999); Israel, Jonathan I., *Dutch Primacy in World Trade, 1585-1740*, (Oxford: Clarendon press, 1990); C. T. Odhner, *Sveriges inre historia under drottning Christina's förmyndare* (Stockholm: Norstedt, 1865), 298–300.

economy and Swedish society. However, increasing demand for Swedish forest, iron and copper resources in the European-centred world economy made it possible to use trading companies as a means of controlling the export of these strategic resources.

Katja Tikka's chapter is closely connected with De ruyscher's part as a continuation of the trading companies. The chapter opens up the peripheral side by drawing the tar route from deep in the Finnish forests through local cities to Europe. After the first era of Swedish trading companies, Sweden had signed the peace treaty of Westphalia, which opened the door to Sweden's so-called "Era of Greatness". Tar and pitch rose to become one of the country's main products and development of the tar companies began. The topic has lately attracted interest among Finnish scholars, which hopefully will expand.¹⁸ Tar companies provide a significant example of legal history because they played a notable role in developing Swedish commercial law. Previous research on the topic can be traced back for over sixty years.¹⁹

An important part of the seventeenth-century state-building process was concerned with law reforms. After the failure of earlier attempts, King Carl XI²⁰ (r. 1660-1697) set in motion a codification project that culminated with the Law of 1734 unifying rural and town law in Sweden. At this point, Sweden's great power status had already ended with the Great Northern War (1700-1721). Eighteenth-century Sweden was no longer merely a recipient of cultural influences, as its flourishing natural scientists gained worldwide fame, although in economic terms Sweden remained marginal and towns were relatively small.²¹ After the Great Northern War, parts of Finland came under Russian rule, followed by new conquests in 1743 and then the whole of today's Finland in 1809. This has meant that development of Swedish legal tradition has proceeded in both Sweden and Finland as jurisdictions independent of each other. Since the nineteenth century, both Sweden and Finland have become prosperous countries, a development enabled – as we have seen – by evolutions in transport,

¹⁸ See the dissertation of Kaarle Wirta, "*Dark Horses of Business*": *Overseas Entrepreneurship in Seventeenth-Century Nordic Trade in the Indian and Atlantic Oceans* (Leiden University, 2018).

¹⁹ Annagreta Hallberg, "Tjärexport och tjärhandelskompanier" in *Historiska och litteraturhistoriska studier* no 34, (Helsinki: Svenska litteratursällskapet i Finland, 1959).

²⁰ In English also as King Charles XI.

²¹ Sven-Erik Åström, *From Tar to Timber; Studies in Northeast European Forest and Foreign Trade 1660-1860* (Helsinki: The Finnish Society of Sciences and Letters, 1988), 31–35.

communication technology, and industrial production.²² The chapter by Ulla Ijäs opens previously unnoticed commercial practices in nineteenth-century Finland.

On the basis of earlier scholarship, we may conclude that commercial law played a relatively insignificant role in the development of Swedish and Finnish law. Jussi Sallila and Heikki Pihlajamäki clarify practices of teaching law. An example of older surveys is a 1944 article by Finnish legal scholar Gunnar Palmgren, then professor of commercial law at the Swedish School of Economics in Helsinki. In his view, the relatively marginal role of commercial law was mainly due to the relatively undeveloped economy, at least in earlier periods. Considering that commerce, shipping, and industry had not been clearly differentiated sectors of society, it was understandable that a special legal regime for commercial law was not seen as necessary or even desirable.²³ Although the Town Law, enacted by King Magnus Eriksson in the mid-fourteenth century, did include some rules concerning commerce and shipping, commercial law only became an area of conscious legislative policy in the seventeenth century, when Sweden became a great European power. During this period, a maritime code and legislation on bills of exchange were enacted.²⁴

The Swedish Law of 1734 amalgamated the old medieval land law and the town law codes. The Commercial Section of the code included mainly norms of general private law, as well as regulation of economic activities of a public law character. Rules concerning partnerships, security, and loans, for example, were of course important in commercial contexts, but their applicability was not restricted to such cases. Maritime law and the law on bills of exchange were left out of the codification. In the following centuries, the legislation of both Sweden and Finland was built on this foundation.

4. Scientific Relevance

The volume begins with Marko Lamberg's analysis of tolerance towards legal customs and traditions in late medieval and early modern Stockholm circa 1475-1635. Lamberg analyses the consequences of immigration

²² Roberts, *Essays*, 4.

²³ Gunnar Palmgren, "Utvecklingen av Finlands handelsrättsliga lagstiftning," in: *Vårt näringsliv och kriget: spridda studier samlade av Ekonomiska Samfundet i Finland på femtionde årsdagen av dess instiftande och tillägnade professor J.V. Tallqvist* (Helsingfors: Schildts, 1944), 113.

²⁴ See also p. 6.

and asks how foreign influence changed the capital of Sweden from a commercial law standpoint. Trade as well as communal life were in principle regulated by the medieval town law written in the mid-fourteenth century. This was regarded as an entirely domestic law which together with the privileges and ordinances issued by latter-day governments formulated the basis of merchant business.²⁵ The core question is how the local Town Court approved external legal patterns in Stockholm. Lamberg shows that Swedish legislation was considered as the sole basis for all decisions of the court, and the law was constantly prioritized by the courts. The Swedish Crown allowed courts less and less discretion in their actions; even on the idealistic level the Town Courts sought decisions that foreigners could accept rather than merely subordinate themselves to. This policy had already been expressed in the medieval Town Law. Notwithstanding, entries in the court records changed considerably over the decades, so it is difficult to compare between different eras and different changes. At the end of the day, the connecting factor is that the Town Court of Stockholm nevertheless possessed a certain freedom of choice that on some occasions resulted in solutions that actually contradicted the written law. Lamberg's chapter explains the practical side of town courts' operations. This fills a gap in existing research and develops the viewpoint of this book on legal commercial actions during the Middle Ages. The chapter is an example of how medieval legislation in peripheral Sweden was affected by foreign influences.

Next, Dave De ruysscher covers chartered companies in Sweden and the Dutch Republic during ca.1600-1630, including examination of a case of legal transplantation through which Dutch commercial innovations were transferred to Swedish conditions. De ruysscher's principal contribution to this book is to observe Scandinavia and Sweden from the Dutch angle, thus providing a comparative context to Lamberg's and Tikka's texts. The conclusions are based on archive source materials. De ruysscher argues that rules of governance for the earliest chartered companies were national, whereas crafting these norms was an energetic and interactive process. Foreign company statutes strongly moulded the first Swedish company plans, but legal borrowing was concerned with parts of charters, practices and views, but not with transplants of charters as a whole – they

²⁵ Adding to the earlier mentioned literature, Lamberg's main source books in his chapter are: Kjell Kumlien: *Sverige och hanseaterna. Studier i svensk politik och utrikeshandel*, Kungl. Vitterhets-, historie- och antikvitetsakademiens handlingar 86 (Stockholm, 1953); Marko Lamberg, *Dannemännen i stadens råd. Rådmanskretsen i nordiska köpstäder under senmedeltiden*, Monografier utgivna av Stockholms stad, vol. 155 (Stockholm, Stockholms stad, 2001); Elsa Trolle Önnerfors, *Justitia et Prudentia. Rättsbildning genom rättstillämpning – Svea hovrätt och testamentsmålen 1640–1690* (Lund: Juridiska fakulteten, Lunds universitet, 2010).

were not simply replicated. Drafts of the first company statutes were mainly written in close cooperation with merchants and they involved elements from Dutch and English 'Indian' Companies.²⁶ Additionally, De ruysscher asks whether the motives behind the foreign characteristics of organization were based on the cultural and political scene rather than business.²⁷ He concludes that several Dutch and some English ideas were inserted into Swedish company charters, though they were combined with local conditions and under the acknowledgement of the Swedish royal entourage. During the seventeenth century, Sweden was still largely inexperienced in terms of chartered companies, and the country served as a testing ground for new concepts. Some ideas were even implemented in Sweden before they gained acceptance in the Netherlands. Many indications prove that progress was long lasting with regard to the core aspects of corporate organisation. The chapter by De ruysscher shows that Sweden was not connected with European evolution as closely as it might have. Nevertheless, the peripheral situation of Sweden did not prevent some modern reforms from taking place. The chapter thus challenges previous impressions of Swedish legal development.

Continuing some of De ruysscher's themes, Katja Tikka approaches the early development of the Swedish monopolist Tar Company in a local mercantilist context. The chapter includes important new research on a type of corporation which was completely new in Sweden. Tikka's chapter lends the book an important view on the lower-level formation of law, the more so as existing research in this field is decades old and does not study legal aspects. Tikka now brings novel findings to the field of Swedish company legislation around the years 1648-1680.²⁸ Satisfyingly, Nordic tar has recently aroused the interest of other researchers as well. Kaarle

²⁶ Pierre H. Boulle, *Companies and Trade. Essays on Overseas Trading Companies During the Ancien Régime* (Leiden: Leiden University Press, 1981); Niels Steensgaard, "The Dutch East India Company as an Institutional Innovation," in (ed.) Maurice Aymard *Dutch Capitalism and World Capitalism. Capitalisme hollandaise et capitalisme mondial* (Cambridge: CUP, 1982); O. Gelderblom, A. de Jong and J. Jonker, "The Formative Years of the Modern Corporation. The Dutch East India Company VOC, 1602–1623" in *The Journal of Economic History* 73/4 (2013); Kirti N. Chaudhuri, *The English East India Company. The Study of an Early Joint-Stock Company, 1600–1640* (London: Cass, 1965).

²⁷ Some of the latest and the main articles of the theme are: Ole Peter Grell, "Dutch and English in the Baltic, North Sea and the Arctic," in (eds.) Erkki I. Kouri and Jens E. Olesen *The Cambridge History of Scandinavia. Volume II: 1520–1870* (Cambridge: CUP, 2016), 229–245; Stefania Gialdroni, *East India Company. Una storia giuridica (1600–1708)* (Bologna: Il Mulino, 2011); Leos Müller, "The Dutch Entrepreneurial Networks and Sweden in the Age of Greatness," in (ed.) Hanno Brand *Trade, Diplomacy, and Cultural Exchange. Continuity and Change in the North Sea Area and the Baltic, c.1350–1750* (Hilversum: Verloren, 2005).

²⁸ Heikki Waris, *Tervakauppaomppania vuosina 1648–1661*. (Helsinki: University of Helsinki, approx. 1940); Hallberg's chapter *Tjärexport och tjärhandelskompanier under stormaktstiden* (1959); Karl Oskar Fyhrvall, *Svenska Handelslagstiftningens historia, Tjärhandelskompanierna* (Stockholm: 1880). See also the Swedish social and governmental system in the seventeenth Century: Lappalainen, "Loyal Servants of the King and the Crown (1620–1680)" (2017).

Wirta defended his dissertation 'Dark Horses of Business' recently, at the end of 2018, at Leiden University.²⁹

Tikka's chapter further develops Wirta's conclusions. At the heart of Tikka's chapter is an explanation of the management of the company, how it related to previous Swedish trading companies, and to what extent the rules on the company resulted from foreign influence.

As a result, Tikka discovers that the legal character of the Tar Company exemplified changes in ideas and influences from many directions. The laws of the Netherlands, England and France all exerted an influence. However, because Sweden was politically more centralized, the impact of foreign law was mitigated and sieved through the conventional legislative models of the country. The tar companies never achieved the status of established institutions but remained a series of failures. Despite this, the tar companies can be seen as a necessary step in the development of Swedish company law.

Ulla Ijäs displays the Finnish timber trade and its legal practices in the nineteenth century. She proceeds from a grassroots level and focuses on the Hackman merchant house, a family company of German origin. Problematizing the concept of legal modernization, Ijäs tracks the changes which occurred when Swedish law was introduced in the region of Vyborg after it became part of the Grand Duchy of Finland. Her chapter focuses on the solutions that an international business environment on the European periphery found to the problem of legal plurality.³⁰ Ijäs concludes that businesspeople trusted communal values, codes of conduct, and informal information channels more than legal texts and their interpretations. Valid information was a valuable asset for transnational traders, with the flow of information protected and assured in several ways, for instance by keeping records and by spreading information through institutional channels. The Hackmans were export merchants who followed the traditional family firm model, and they avoided distractions from protecting familiar methods. Ijäs's findings result from combining business history with legal history "from below".³¹ Previous studies exist on central and north-west European as well as North American merchant houses and

²⁹ Wirta, 2018.

³⁰ Mika Kallioinen, *The Bonds of Trade. Economic Institutions in Pre-modern Northern Europe* (Cambridge: Scholars Publishing, 2012); Galina Ulianova: *Female Entrepreneurs in Nineteenth-Century Russia. Perspectives in Economic and Social History*. Number 2. (London: Pickering & Chatto, 2009); Leos Müller, *Consuls, Corsairs, and Commerce. The Swedish Consular Service and Long-distance Shipping, 1720–1815*. (Uppsala: Uppsala Universitet, 2004).

³¹ Ron Harris, *Industrializing English Law. Entrepreneurship and Business Organization 1720–1844*. Political Economy of Institutions and Decisions (Cambridge: Cambridge University Press, 2011), 4–10; R. Cotterrell, "Spectres of transnationalism: Changing Terrains of Sociology of Law". *Journal of Law and Society* 36, no. 4 (2009).

their legal evolution. However, because of the dissimilar economic and legal conditions, these studies are not fully applicable to the European northern periphery.³²

Jussi Sallila's chapter is concerned with the teaching of commercial law at the Finnish university during the era of transition from Swedish to Russian rule. In a period with practically no publications on commercial law, lecture manuscripts provide insights into the state of knowledge among the jurists of the time. Sallila investigates the teaching of commercial law at university in Finland during the late eighteenth and early nineteenth centuries. He focuses mainly on lecture manuscripts, since handbooks or other legal literature did not include systematic treatment of commercial law.³³

Sallila argues that although the characteristic features of the Swedish-Finnish legal tradition were not conducive to the emergence of commercial law as a specific field of law, the early nineteenth century enabled this development. His study shows that university teachers experienced difficulty in determining the scope of commercial law as a separate field of law. Despite the conservative tone of the lectures, Professor Nordström, however, was able to look in his teaching for ideas in countries with more sophisticated legal cultures. His followers were then already relying extensively on foreign legislation and literature.

Heikki Pihlajamäki presents developments in Finnish commercial law with the help of comparative legal history in an international context. His aim is to observe theoretical questions through nineteenth-century legal literature. Using international comparisons, Pihlajamäki's chapter describes and explains the birth of Finnish commercial law in the nineteenth century. Although Finnish commercial law scholarship was subject to foreign influence, reception was by no means passive. Recent research on other themes and periods show similar results.³⁴

³² Johannes W. Flume, Law and Commerce, "The Evolution of Codified Business Law in Europe," in *Comparative Legal History* (2015); Dave De ruysscher: "From usages of merchants to default rules: practices of trade, ius commune and urban law in early modern Antwerp" in *The Journal of Legal History*, 33, 1 (2012).

³³ Sallila's main literature includes: Dave De ruysscher, "From Usages of Merchants to Default Rules: Practices of Trade, Ius Commune and Urban law in Early Modern Antwerp", *The Journal of Legal History* 33/1, (2012); Levin Goldschmidt, *Handbuch des Handelsrechts* (Stuttgart, 1868–1891); Amalia A. Kessler, *A Revolution in Commerce: The Parisian Merchant Court and the Rise of Commercial Society in Eighteenth-Century France*, (New Haven: Yale University Press, 2007).

³⁴ Heikki Pihlajamäki, *Evidence, Crime, and the Legal Profession: The Emergence of Free Evaluation of Evidence in Nineteenth-Century Finland* (Lund: Institutet för rätthistorisk forskning, 1997); Mia Korpiola, *Between Betrothal and Bedding: Between Betrothal and Bedding* (Leuven: Brill, 2009); Elsa Trolle Önnerfors, *Justitia et prudentia:*

Finally, Stefania Gialdroni summarizes Nordic evolution of commercial law. Her chapter weaves together five centuries and six scholars with different backgrounds.³⁵ Gialdroni connects local mercantile transactions – as seen through archival work and scholarship – to the international aspects of trade. Indeed, as she concludes, transoceanic trade carried legal influence from coast to coast, and from cities to peripheries.

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³⁵ Gialdroni conclusions are mainly based on literally to: Calasso, F., *Gli ordinamenti giuridici del Rinascimento medievale* (2nd ed.; Milan: Giuffrè, 1949); Cortese, E., *Le grandi linee della storia giuridica medievale* (Rome: Il Cigno, 2000); Dave De ruysscher, Cordes, A., Dauchy, S. and Heikki Pihlajamäki (eds.), *The Company in Law and Practice: Did Size Matter? (Middle Ages – Nineteenth Century)* (Leiden: Brill, 2017); Favali, L., *Qirād islamico, commenda medievale e strategie culturali dell’Occidente* (Turin: Giappichelli, 2004); Goldschmidt, L., *Universalgeschichte des Handelsrechts* (Stuttgart: Ferdinand Enke, 1891), trans. V. Pouchain and A. Scialoja, *Storia universale del diritto commerciale* (Turin: UTET, 1913); Mayenburg, D. von: “‘Wörter für Wucher’: Ius commune and the 16th Century Debate on the Legitimacy of South German Trading Houses”, in (ed.) s. Gialdroni *Migrating Words, Migrating Merchants: Migrating Law* (Leiden: Brill, 2019); Sarti, N., “Il medioevo dei diritti”, in *Tempi del diritto. Età medievale, moderna, contemporanea*, ed. P. Alvazzi del Frate et al. (Turin: Giappichelli, 2016), 53–112.

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