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practices have had on all of Sámí, including its human inhabitants. Given the seriousness with which the present white paper project was undertaken, it seems likely that the Church of Sweden may eventually pursue these questions—once aware of them—with the rigor and care that they so greatly deserve.

REFERENCES


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Livonia became part of Sweden through the Truce of Altmark in 1629. Before, it had belonged to Poland for almost 70 years but had been an arena of war (and of hunger and plague that came with warfare) from the middle of the sixteenth century onwards. Russia occupied the area from 1710 in the Great Northern War and it was annexed to Russia in the Treaty of Nystad (Uusikaupunki) in 1721. Pihlajamäki’s main question is “what happened to Livonian law during this period of Swedish rule?”

In Sweden itself, the seventeenth century was a period of major change, mainly in the form of adopting features from Roman and learned professional law. Livonia, however, had been a part of the Holy Roman Empire until 1561 and therefore somewhat closer to German law. Pihlajamäki states that there was tension between the “unlearned” archaic law of the conquering Swedes and the learned law of Livonia.
Pihlajamäki uses this tension as the starting point of his book and investigates how far the Swedes tried to establish their own legal system in Livonia and to which extent they succeeded in it, or whether the Swedish legislation and legal system influenced the development of their Livonian counterparts during the Swedish reign.

The question of Swedish influence on the development of Livonian law is divided into three main areas: the judiciary, the procedure, and the legal sources. These also correspond with the structure of the book; the three areas get a chapter each after a background chapter on the state of the law and the legal system in Sweden and Livonia at the beginning of the period of study, and are followed by a conclusion which closes the book. Methodologically, the study, while concentrating on one area, claims to be situated in a comparative framework where the concepts of empire, composite state and colonization are important, albeit overlapping: as an early modern (colonial) empire or composite state, Sweden was prepared to let the legal order of the new territory take shape according to its particular needs.

The only way to find out about legal pluralism is to go to the archives. The bulk of the material used in the study comes from judicial archives—specifically those of the Lower Court in Tartu (Estonia) and the Dorpat High Court (or Court of Appeal, depending on emphasis) in Riga. Studies on legal scholarship form a background for the case materials, but, as Pihlajamäki states, since specifically Livonian legal scholarship did not exist until the nineteenth century, it is difficult to use legal scholarship to form a picture of early modern Livonian law. The same applies for legislation since the normative standing of written law was far less important than today, even though various statutes and ordinances tell us something about the legislators’ aims.

Pihlajamäki concludes that the Livonian law and legal system were indeed very different from their Swedish counterparts at the beginning of the period. Livonian legal culture was more learned and more professional, and its links to German legal culture were stronger and remained so. Swedish law was rooted in the needs of the local peasant society whereas Livonian law had, under German influence, developed a more defined and socially more encompassing *gemeines Recht* or *ius commune*. Despite the more culturally developed side of the Livonian system, the practical judiciary in Livonia had largely been destroyed by the continuous and frequent wars by the time the Swedes occupied the country. Therefore, unlike many other early modern empires, Sweden felt an urgent need to reform the Livonian judiciary. The intention at that point was, according to Pihlajamäki, to make the new Livonian
system as similar to the Swedish one as possible, but local circumstanc-
es posed limits to this aim. Where it failed in practice, was at Livo-
nian lower courts (Landgerichte in Livonia, häradsrätter in Sweden).
Whereas in Sweden the land-owning peasants formed an essential
part of the agency involved—as accusers, plaintiffs, witnesses as well as
defendants—in Livonia there were simply not enough free peasants to
form such agency. Therefore, the Landgerichte came to be considerably
more dominated by noble judges who decided which other groups were
heard and represented in legal decision-making. Peasants usually ap-
peared only as defendants in criminal cases. The High Court in Dorpat
was established in 1630 with Swedish, German and Livonian judges but
the proportion of Swedish judges remained low. Although half of the
posts were allocated to noblemen, at least they were often men with
some legal training.

The structure of the judicial system itself remained unchanged
during the Swedish era but the legal procedures changed. In criminal
procedure, official prosecutors and the inquisitorial procedure became
more common by the end of the seventeenth century. Judicial torture
was renounced and the accusatorial procedure remained in a dominant
position especially when the accused was not a peasant. Pihlajamäki dis-
cusses the commonly held scholarly opinion that this was largely what
happened in other parts of Europe, too, but concludes that without a
thorough archival study (in addition to studies based on legal literature),
large gaps in knowledge make it impossible to determine what other
procedural modes were in use in different areas of Europe. While Pihla-
jamäki is correct here, there might be a considerable number of studies
conducted by non-legal historians of crime, administration and society
that could be used for such an evaluation. However, the sheer volume of
material and the multitude of languages they are presented in may turn
out to be a challenge to a systematic comparison.

Pihlajamäki also points out that references to legal literature and
legal sources are rare and suggests that this problem can be approached
differently in Livonia than in either the continental heartlands or in
Sweden proper. In the small and relatively coherent area of Livonia,
it was not necessary to discuss legal sources in the same way as in the
German area. On the other hand, Livonian discussions seem more
open and less dependent on statutory law than Swedish ones. In sum,
Pihlajamäki concludes that Swedish law acquired a limited influence
only in Livonia during the eight decades of Swedish rule. The book
also demonstrates how the Swedish state as a whole was far from ho-
mogeneous—vertically across geographies as well as horizontally across
classes and estates—and how it was being influenced from various directions.

There are a number of typographical errors in the book such as the claim on page 2 that the Academy of Turku was established in 1630 (it was established in 1640). In general, however, the book is written in a clear and accessible language, its structure is simple and there is a helpful index at the end of the book. It is a recommended read.

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