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**Eva Österberg and Sølvi Bauge Sogner (eds.), *People meet the Law: Control and Conflict – Handling in the Courts. The Nordic Countries in the post – Reformation and pre – industrial Period***

Scandinavian University Press, 2000, 301pp., ISBN 82-518-4011-2

**J.A. Sharpe**

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## REFERENCES

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- 1 This important and illuminating collection of essays is the result of a Nordic Research Project, funded by the Joint Committee of the Nordic Research Councils for the Humanities. The Joint Committee can rest assured that its support for this project was well founded. The collection brings together a number of contributions which demonstrate both a willingness to engage with archival materials and an ability to confront broader conceptual and theoretical issues. The collection begins with an introduction by Eva Österberg and Erling Sandmo which sets up some of the running themes of the collection. This is followed by an essay on 'The Law and the Judicial System' by Ditlev Tamm, Jens Christian V. Johansen, Hans Edwin Naess, and Kenneth Johansen which addresses such issues as legislation, procedural rules, the legal profession and the court systems of the various early modern Scandinavian states. This

essay establishes what is to be one of the running themes of the book, its desire, while showing a full awareness of the different experiences of the various Scandinavian states, to argue for the existence of a distinctive Nordic legal family. The collection continues with a detailed and technically accomplished essay by Heikki Ylikangas, Jens Christian V. Johansen, Kenneth Johansson and Hans Eyvind Naess entitled 'Family, State, and Patterns of Criminality', which traces major developments in the work of the Scandinavian criminal courts between 1550 and 1800, which begins by examining the finding that currently roughly half of homicide victims are closely related to their killers, and goes on to examine broad changes in criminal prosecutions against the context provided by continuities in concern over personal safety and security. Hans Eyvind Naess and Eva Österberg then offer an essay on 'Sanctions, Agreements, Sufferings', which, while locating the Nordic experience within the broader context of broader European developments, argues for such distinctive elements in the Nordic criminal justice system as a relatively simple legislative structure and an absence of professional lawyers from criminal trials until a fairly late date.

- 2 Sølvi Sogner, Marie Linstedt Cronberg, and Hilde Sandvik, in an essay entitled 'Women in Court', raise the important issue of gender in the early modern court system, and argue that, despite problems of interpretation, it seems that women appeared frequently in the courts they study, and often proved to be successful litigants. Seppo Aalto, Kenneth Johansson, and Erling Sandmo, in their essay 'Conflicts and Court Encounters in a State of Ambivalence', examine the gradual process by which, via the criminal justice system, the power of the central government and the culture of the learned elite gradually penetrated into local culture. This chapter, perhaps more than any other in the book, demonstrates the ability to maintain a contrast between theorising about the major processes at work in the development of the criminal law over the early modern period, and demonstrating the diversity of the reality of experiences and individual events which underlay and helped construct, and were affected by, those processes. This theme also informs Eva Österberg, Malin Lennartsson, and Hans Eyvind Naess's essay on 'Social Control Outside or combined with the Secular Judicial Arena'. This essay in particular argues that if the 'Nordic model' worked, it did so because it involved not only the pressure 'from above' of the centralising state, but also the pressure 'from below' generated by a system which depended upon a high degree of popular participation, and which was also, in that post Reformation moral world which found it so difficult to differentiate between crime and sin, informed by the population's internalization of a religious value system. The collection is rounded off by a conclusion by Sølvi Sogner which pulls together the case for the existence of a 'Nordic Model' in the development of Europe's criminal justice system.
- 3 As this brief rehearsal of the essays contained in this collection suggests, it is difficult, within the limitations of a relatively short review, to do full justice to this volume. Obviously, there are points here which the reader may find contentious. But, overall, this collection brings together a fine series of essays which, to a degree unusual in an exercise of this type, run together coherently to help inform a set of distinct arguments (one also feels that a word of appreciation for the translator, Alan Crozier, would not be inappropriate). The experiences of Iceland, Sweden, Norway, Denmark and Finland (until 1809 part of the Kingdom of Sweden) obviously showed a number of individualities – as might be expected, for example, developments in Denmark were

generally the most similar to those of the European mainstream. But together, they do add up to a distinctive experience within one of Europe's larger geographical zones, and offer some fascinating points of comparison with the trajectories of change in the criminal justice systems of other European states. In particular, the consecration in this volume on the work of the inferior criminal courts demonstrates how the people did indeed meet the law, and how their voices were heard by the legal systems in question. As the authors make clear, studying the history of the law, of legal institutions, and of criminal justice systems involves a lot more than that study of legal codes which formed the basis of so much earlier legal history. The practice of the courts, and the ability of these institutions to meet the demands and needs of those who litigated before them, provides a more vital impression of the importance of the law in early modern society than does the mere study of legal codes. This popular input may have diminished, or perhaps may simply have become harder to detect, as the impact of state law and its more official procedures on local society became more marked. But what this collection reminds us is that behind such abstract concepts as the growth of state law, and, indeed, of state formation, their lay an infinity of individual experiences, aspirations, fears, inadequacies, and desires. The editors and contributors to this volume are to be congratulated for reminding us of this fact from the perspective of the Nordic experience, and for doing so in a way that is both scholarly and refreshingly innovative.

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