

This is a self-archived version of an original article. This version may differ from the original in pagination and typographic details.

Author(s): Impola, Petteri

Title: The Agency and Practical Learning of a Lay Advocate in Seventeenth-Century Helsinki : The Case of Gabriel Abrahamsson

Year: 2019

Version: Accepted version (Final draft)

Copyright: © The Author(s) 2019

Rights: In Copyright

Rights url: <http://rightsstatements.org/page/InC/1.0/?language=en>

Please cite the original version:

Impola, P. (2019). The Agency and Practical Learning of a Lay Advocate in Seventeenth-Century Helsinki : The Case of Gabriel Abrahamsson. In M. Korpiola (Ed.), *Legal Literacy in Premodern European Societies* (pp. 89-118). Palgrave Macmillan. World Histories of Crime, Culture and Violence. https://doi.org/10.1007/978-3-319-96863-6_5

Petteri Impola
University of Jyväskylä

The Agency and Practical Learning of a Lay Advocate in Seventeenth-Century Helsinki: The Case of Gabriel Abrahamsson

Introduction

At the beginning of May 1656, the General Town Council Meeting of Walpurgis Day (*Valborgi rådstugu*)—when the mayor(s), the town councillors (*rådman*) and other local civil servants were traditionally chosen in the Swedish Realm¹—was held in Helsinki. That year Gabriel Abrahamsson (Rauthia²) was nominated as the guard master of town (*vachtmästare*), an office suitable for a former cavalryman such as Gabriel.

At first, his duty as a civil servant of Helsinki was mainly to organise the protection of the town and police the public order³, but soon after, it expanded to the supervision of trade. In December 1656, Gabriel was nominated as a market place bailiff (*torgfogde*) and before 1661, he served as a trade inspector (*handelsuppsyningsman*), a customs officer (lit. “coast-rider”, in Swedish: *strandridare*) supervising (illegal) foreign trade, a customs officer (lit. “outrider”, in Swedish: *utridare*) supervising (illegal) land trade, and as the town’s public prosecutor (*stadsfiskal*).⁴

¹ Halila (1942), 217–225; Suolahti (1950), 315.

² Gabriel is not called Rauthia in the sources, but his father used this surname. Gabriel’s son Johan used the surname Rauthia or Rauthelius, too. As for Johan’s son, for some reason, he started to use the more aristocratic surname Warnstedt, but there is no proof of connections to the German-Swedish noble family von Warnstedt. Enckell (1994); Karonen (1995), 100; Kotivuori (2005), see “Johan Gabrielsson”.

³ Kansallisarkisto (KA) Helsingin raastuvanoikeuden tuomiokirjat (HRO) g:2, 3 May 1656. Generally, the guard masters of a town kept guard of the town area. The town’s courthouse became a concretely familiar place to Gabriel, because in Helsinki, the heating of and the maintenance of order in the courthouse belonged to the tasks of the guard master of the town, too. In Helsinki, the guard master of the town also helped inspect the trade and collect crown and municipal taxes. Karonen (1995), 94; Halila (1943), 195–199.

⁴ KA HRO g:2, 6 December 1656; 21 November 1657; 23 February 1658; g:3, 24 April 1661. On the marketplace bailiff, see Karonen (1995), 97, 143; Halila (1942), 177–180. On trade inspectors, see Karonen (1995), 96, 143; Karonen (1999). On trade inspection in Finnish towns in the seventeenth century, see Möller (1954), 156–163, 181–182, 193–198; On the town’s public prosecutor, see Karonen (1995), 93–94, 143; Gabriel was chosen also as a fire

Thus, during the 23 years he resided in Helsinki until his death in 1678⁵, Gabriel became familiar with law and litigations in the town court (*rådhusrätt*) and the lower town court (lit. “treasurer’s court”, in Swedish: *kämnersrätt*). By virtue of his office, he had to supervise people’s acts in general and prevent illicit trade, enforcing the control and privileges on trade in the spirit of early modern mercantilism. And when Gabriel by himself, or through hints dropped by burghers, noticed irregular behaviour and actions against the orders and privileges of town and the Crown, he normally had to investigate the matter and—especially in the role of the town’s public prosecutor—charge the suspects with the crimes and pursue the lawsuit.

The main sources used for analysing Gabriel Abrahamsson’s agency are the transcribed lower court records (*renoverade domböcker*) from the Helsinki Town and Lower Town Courts from 1656 to 1678. Ever since the foundation of the royal courts of appeal, the lower courts had to send the transcribed (“renovated”) court records to the courts of appeal, so that the actions and sentences in the lower courts could be supervised. During the trial, a clerk made quick notes, and later on transcribed the engrossments on the basis of those notes. The original notes as the original court records (*koncept*) could be fruitful sources, but in Finland, they have usually not survived. Also the court records and the final decrees of the Turku Court of Appeal were destroyed in the Great Fire of Turku in 1827.⁶ On the other hand, the renovated court records are easier to read and analyse than the original notes, and they contain the most essential litigation information condensed in them. Furthermore, there is much administrative information. For example, the appointments to offices enable us to follow the career of Gabriel Abrahamsson.

Consequently, it is not surprising that from 1656 to 1678, Gabriel appeared at the Helsinki Town and Lower Town Courts 102 times, litigating by reason of his office. But more interestingly, he appeared 130 times in the court records because of private matters, and, notably, 125 times as a legal representative, attorney, or advocate (*fullmäktig/fullmächtig*), managing the lawsuits of

(chimney) inspector, HRO g:4, 8 May 1669, 45, and he was mentioned as a town bailiff (*byfogde, (stadsfogde)*), 24.5.1669, 58. On the multiple tasks of the town bailiff like distraint, tax collecting, running of writs, conducting of different kind of inspections and investigations, etc., see Karonen (1995), 92–93, 143. Enckell (1994), 75, 77–78.

⁵ KA Helsingin ruotsalais-suomalainen seurakunta, Syntyneiden ja kastettujen luettelot, 27 December 1678.

⁶ On the Swedish court records as a source, see Miettinen (2015), 46–58, Karonen (2007), Eilola (2003), 38–45 and the articles in *Frühneuzeit-Info* (2013), 23, no. 1–2, special issue: “The use of Court Records and Petitions”, esp. the article of Miia Kuha.

other people. In this chapter, I will examine his activities as a lay advocate, and above all, endeavour to explain how this non-academic, relatively low-level civil servant became the most popular and respected legal representative in Helsinki in the mid-seventeenth century, a period when advocacy was developing and becoming (more) professionalised in the Swedish Realm.

In this chapter, through the case study of Gabriel Abrahamsson, I will ask: (1) What was the foundation of the legal skills of a self-educated and non-academic legal representative in seventeenth-century Sweden? (2) What was the standing of legally self-educated legal representatives within the local community? (3) What was the outcome of the legal agency for the agent himself and his offspring? The case study of Gabriel Abrahamsson gives a good opportunity to answer these questions, because he was the most popular (self-educated) legal representative in seventeenth-century Helsinki. Moreover, as a son of a pastor, a former soldier, and, later on, a lower-level civil servant, he is a worthwhile person to study if one wants to examine how legal knowledge influenced life in the margins of the estate system.

The Emergence of Advocacy in Seventeenth-Century Sweden

In Sweden, (semi)professional advocacy emerged in the seventeenth-century. The development of advocacy was based on two particular factors; firstly, on the establishment of the royal courts of appeal, first in Stockholm (*Svea Hovrätt*, 1614) and in Turku (*Åbo Hovrätt*, 1623); secondly, the seventeenth-century was a period of many new proposals and regulations concerning advocacy. From the viewpoint of legal representation, the first major regulation was the 1615 Rule of Legal Procedure, which confirmed the use of a representative in the court.⁷ Almost every honourable man could be a legal representative in the lower courts, because it was enough to produce authorisation (*fullmakt*) from the principal in front of the court. With time, academic

⁷ Legal representation was allowed ever since the Middle Ages and people turned to legal representatives on a small scale. In 1615, legal representation became more regulated and the concepts of advocate and procurator emerged in addition to legal representative. This has been considered the foundation of advocacy as a judicial institution in Sweden, even if the advocacy remained undefined and underregulated for centuries. Letto-Vanamo (1989), 7–12, 33–36, 38–40; Hassler (1920), 72, 74–75, 77; Grunér (1934), 670, 678; Raevuori (1947), 101–104; Raevuori (1968), 1–3; Blomstedt (1973), 113, 118.

education—studies at the University of Uppsala or the Royal Academy of Turku (*Kungliga Akademien i Åbo*), for example—became increasingly necessary when exercising the profession of advocate (*advocat/advokat*) in the courts of appeal.⁸

In addition, some officially licensed procurators (*procurator/prokurator*) appeared in the lower town and district (*häradsting*) courts. For example, the lawyer trainees of the courts of appeal could practice their expertise acting as procurators in the lower courts.⁹ However, mostly, the legal representatives and some procurators in the lower courts were just “reasonable men” with different non-academic backgrounds. Usually men represented women, and relatives each other: a husband his wife, a son his father, immediate family members the heirs. It was also normal that socially equal persons, for instance from the same craft, helped each other because of the business opportunities and professional craft pride. By contrast, the nobles, the clergy, and major burghers could send their own private servants, or secular or ecclesiastical civil servants who were lower in the hierarchy, to represent them in court. Those persons were authorised on the basis of their (*patronus*-client) position, and as in cases between relatives, the legal representation was based more on duty than on professional advocacy. Notwithstanding, during the seventeenth-century, the number of professional and/or part-time legal representatives, who would represent everyone who could afford their fees, slowly increased in towns but only rarely in the countryside.

Throughout the century, the regulation of legal representation was rather complex and fluctuating. There were national procedures but also local orders in the biggest towns like Stockholm and Turku. Legal representation was increasingly needed, because the legal proceedings became more complicated and written, but for the same reason, more control and regulation was wanted. On the one hand, the Crown understood the demand for legally learned

⁸ On the early modern legal representation and the establishment of advocacy system in Sweden, see Hassler (1920), esp. 64–118; Godenhielm (1932); Grunér (1934); Castrén (1934) and (1945); Bomgren (1937), esp. 85–101; Raevuori (1947) and (1968), esp. 1–15; Letto-Vanamo (1983), (1987), (1989), ed. (1991a), (1991b) and (1994); Pihlajamäki (2009), esp. 39–73; On the evolution of the Swedish courts of appeal, see Petré, Jägerskiöld, and Norberg (1964); Blomstedt (1973), esp. 112–119; Korpiola ed. (2014); Vasara-Aaltonen (2017).

⁹ The broad division into advocates and procurators was widely known in Western Europe, but the exact names and their activities could vary between states. In general, advocates were more recognised and usually academically legally trained, whereas procurators could also be self-educated through practice. Letto-Vanamo (1989), 272–301; Pihlajamäki (2009), 27, 30–31, 33–34, 36, 47.

representatives who knew the articles of law to expedite litigation processes, but, for the most part, the Crown's attitude was conspicuous and contradictory. For example, legal representatives in general, but licensed advocates and procurators in particular, were suspected to prolong the lawsuits in the hope of bigger fees and to bleed money from their poor clients. The Crown wanted to stop civil servants acting as advocates in addition to their office, but to no avail.¹⁰ At the same time, the advocates, procurators, and major legal representatives themselves—especially those with an academic background—wanted to monopolise advocacy in the biggest towns, so that their authorised group would get all the lawsuits and honoraria.¹¹ In the north-eastern part of the Swedish Realm, present-day Finland, this became reality only in Turku, where in the latter half of the seventeenth-century, a privileged group of less than ten advocates and procurators did almost all of the advocacy in all court instances¹².

But all in all, no “legal bar” emerged in seventeenth-century Sweden. In theory, from the mid-seventeenth century onwards, there was quite a strict advocate monopoly in the courts of appeal. Regulation, for example the regulation given by the Stockholm Court of Appeal in 1656, demanded that advocates were to be authorised by the Court of Appeal, which increased the pressure for an official education. In practice, the law still allowed that in the lower courts, and in the courts of appeal too, every representative with the correct authorisation from his principal was allowed to appear and act in litigation. Therefore, despite the ascending desires of academically learned professionals, the possibility to use any reasonable man as a legal

¹⁰ In general, on the regulation and its effect, see e.g. Letto-Vanamo (1989), 33–126; Letto-Vanamo (1994), 194–197; Pihlajamäki (2009), 54–64; Raevuori (1968), 1–12. For example, the attitude of the City Administration Ordinance of 1619 towards professional procurators was negative, and people were supposed to help themselves in litigations or turn to legal representatives from their immediate circle if necessary, see e.g. Karonen (1995), 174.

¹¹ In many early modern states, advocates stayed strictly under the control of the state, but in France, they came to form a very independent group. Pihlajamäki (2009), 37.

¹² Letto-Vanamo (1989), pp 23–26, 175–210. Pihlajamäki (2009), 47–48; Raevuori (1968), 6–10; Blomstedt (1973), 112–119; Ranta (1975), 701–706. In seventeenth-century Helsinki, the official procurator's oath was demanded just once from Henrik Jöransson. The reason why the Helsinki Town Court demanded the oath was not to make advocacy in Helsinki into a monopoly, but was rather based on the unwillingness of the local mayor and town councillors to hinder Jöransson from acting as a legal representative, for some reason. The case indicates that the regulations were known around the Realm, but used only when needed. There were some, at least part-time, legal representatives acting in Helsinki throughout the seventeenth-century, but the oath of procurator was not required for them. Mostly, these representatives were well-known persons in Helsinki, whereas Jöransson might have been an outsider in the eyes of the local community. KA HRO g:4, 11 May 1670, 40. Karonen (1995), 100.

representative continued.¹³ Therefore, the continuous regulations to formulate an academic advocate and procurator monopoly failed. Tellingly, during the preparation of the Swedish Law of 1734 it was proposed that all legal representatives were to be legally trained (*lagfaren*), but in the end realism won. Consequently, the final law text only insists that a representative must be reasonable or sensible (*förståndig*).¹⁴ Therefore, being a legal representative allowed a new kind of agency in seventeenth-century Sweden for persons from the lower levels of the social hierarchy. For example, former soldiers, scribes, and other low-level civil servants, even peasants, could rise to become important agents in their local communities and make at least part of their living through advocacy, if they were able to read and write, and had some understanding of the law as well as presentation skills.¹⁵

Compared to earlier studies, this chapter not only widens our knowledge of early modern Swedish legal history on many levels, but also of the history of state formation and everyday life. Firstly, from the viewpoint of legal history, I will present a self-educated and non-academic individual with legal and litigation skills. Such agency has hitherto lacked research, as traditionally, legal historians have focused on the emergence of the official and professionalised advocate system. Consequently, research has usually focused on academically learned, élite advocates and lawyer trainees. The wider focus has been on the law-making and on the structural formation of the court system, and the practical agency concerning the everyday use of law knowledge has played a minor role. Nevertheless, as Pia Letto-Vanamo has stated, “the regulations of the seventeenth century do not provide much information on advocacy or its practitioners”.¹⁶ On the one hand, researchers have noticed that in many European countries the

¹³ There were other ordinances of courts of appeal concerning advocacy later on, e.g. in 1688, which demonstrate that, despite continuous regulation, in practice, there was no monopoly of academically learned advocates. Hassler (1920), 53, 89–90, 92–93; Grunér (1934), 678; Jägerskiöld (1964), 213–214, 218; Raevuori (1968), 3–4; Blomstedt (1973), 114–115; Letto-Vanamo (1989), 17–20, 40–41, 49–52; Letto-Vanamo (1994), 195; Pihlajamäki (2009), 56.

¹⁴ Letto-Vanamo (1989), 119–123, 125–126; Letto-Vanamo (1983), 25–35; Letto-Vanamo (1994), 194, 197, 200; Grunér (1934), 684; Castrén (1934), 138; Castrén (1945), 96; Raevuori (1947), 113; Raevuori (1968), 10–13; Pihlajamäki (2009), 60–64.

¹⁵ On the upward mobility enabled by advocating, see Pihlajamäki (2009), 37–38; Amelang (1984), 1264, 1274–1275, 1280.

¹⁶ Letto-Vanamo (1994), 197. Focusing merely on official regulation and education has generally been typical for studies concerning professionalisation. It is too often asserted that one specific profession emerged when the first regulation was given and/or the state-based education started. In such research, the self-educated agents and their important role are thrown aside. In the early modern period, self-educated agents did much crucial work, for example in healthcare and the judiciary, and even after officially educated agents had emerged, for centuries, the

development and rise of academically educated and specialised advocates was surprisingly slow. In the Finnish context, for instance, in the twentieth-century, former civil servants and rural police chiefs commonly offered their legal knowledge as either part- or full-time lay advocates. Only in recent years have proper academic advocate professionals become frequent.¹⁷

Secondly, the transition of the focus of research from academic advocates to self-educated legal representatives is important because the developing legal system and the entire administration of Sweden increasingly needed legally skilled persons. There were barely enough academically educated persons to manage the offices in the courts of appeal or to act as judges and legal representatives in the biggest towns. Moreover, the legal office was often merely a brief episode in one's career en route to higher offices. In all, this is a very important viewpoint of the entire early modern state formation. It was the Crown's ambition to tie in the subjects to become a firmer part of the legal system than before. Therefore, everyone, academic or self-educated, who could assist people with their litigation problems, was potentially valuable. This process was beneficial for all parties—the Crown, individual persons with litigation needs, and through their fees, the legal representatives—even if the legal representatives were sometimes accused of being too greedy and prolonging disputes.¹⁸

There is also the aspect of social history, because the legal representatives were interesting agents as outsiders of the estate system. Seventeenth-century Sweden was an estate society like other European countries, where it was crucial for the individual to live and act in the hierarchy by the expectations of his/her estate (the noble, the clergy, the burghers, and the peasants). But the legal representatives—especially the non-academic and self-educated ones—were oddities

self-educated agents continued their work. On new legal history, focusing on everyday learning and the practices of people at the different levels of the judiciary, see Korpiola (2009); Bevan (2013); Vasara-Aaltonen (2017) and the articles in this book. On the early modern transmission of legal literacy and the lay aspect in early modern England, see Bush and Wijffels ed. (2006). Early modern work and agency was done by a mix of male and female, official and unofficial agents, and regulations were quite flexible, as long as nobody caused harm to anyone; Ågren (2017), 2–11; Lindström, Fiebranz and Rydén (2017).

¹⁷ Pihlajamäki (2009), 46–47, 248–260; Letto-Vanamo (1983).

¹⁸ Blomstedt (1973), 116–117. A lack of academic advocates was part of the development of early modern societies around Europe. It did not ease the problem that, as a new profession, advocates and legal representatives in general were often seen as suspicious. Society transforming from a medieval church-and-family-based society to a more secular and scientific one caused mistrust in advocates, because they represented the unfamiliar tradition of Roman law against traditional local law. In addition, the actually unskilled advocates sullied the reputation of the profession. Kelley (1988); Pihlajamäki (2009), 34–36.

from this point of view. My hypothesis is that even peasants, low-level civil and army servants, sons of small burghers, and others could rise to become important and respected agents in their community, if they possessed exceptionally good legal and litigation skills. In such cases, exceptional legal knowledge was more important for their agency than the real position of the legal representative in the estate hierarchy. Although the highest legal offices in the courts of appeals were reserved for the nobles, legal agency in the lower courts was more or less open to all men who were interested and capable. This opened up possibilities for social mobility even in the estate system. All in all, the legal representatives had intangible (human and social) capital¹⁹ that benefited themselves and possibly also their descendants, as well as the surrounding community. Therefore, this chapter is linked to the recent, wider tendencies to research the possibilities and effects of agency in the margins of society.²⁰

The Advocacy and Agency of Gabriel Abrahamsson

Gabriel Abrahamsson was very active in both law courts in Helsinki, the town and lower town courts, in his official and private capacity and as a lay advocate. These tribunals convened when necessary, unlike the itinerant rural district courts that had ordinary sessions three times a year. The town court was composed of one or more burgomasters—in Helsinki, there were separate administrative (inc. trade) and legal burgomasters—and the town councillors as lay members. In some towns like Helsinki, the lower town court acted under the control of the town court, handling minor financial disputes and minor cases of assault and defamation.²¹ On the whole, the survival ratio of the town court records of Helsinki is good and only the years 1676 and 1677 are missing. The lower town court records of Helsinki start from 1661, but the years 1674–1677 are missing. From the perspective of lay advocacy, Helsinki is an excellent town to examine,

¹⁹ On intangible, human and social capital from different aspects, see for instance Lin (2001); Putnam (2000); Coleman (1998); Bourdieu (1986); Turunen (2016).

²⁰ On the definition of agency and agent, see for instance Giddens (1984), 5–16; Messer-Davidow (1995); for personal agency in the context of early modern Sweden, see Karonen and Hakanen (2017).

²¹ Karonen (1994), e.g. 176–183, 1995, 38–42, 87–91 and (2017), 226–227 esp. note 46; Letto-Vanamo (1991b), 32–33.

because within Sweden, it was a middle-sized and important “war town” where the troops and materials were gathered from the territories of Central and Southern Finland and then shipped around the Baltic Sea to the wars of the Swedish Empire. As a middle-sized town, Helsinki largely had only self-educated, part-time legal representatives, contrary to the bigger towns such as Turku.²² During Gabriel’s period, a few students from the Royal Academy [University] of Turku (Swedish: Åbo) occasionally acted as legal representatives in Helsinki, but most of the representatives were some kind of civil servants, burghers and military personnel. In addition to Helsinki, I also use the district court records from parishes near to Helsinki to chart Gabriel’s legal agency in the immediate surroundings.

The legal agency of Gabriel Abrahamsson is also a suitable subject for a case study because of his significant activity in the courts of Helsinki. The 357 times Gabriel appeared in the court records offer material for a detailed analysis. There are some regional statistics of the numbers of legal representatives in previous research, but no deep investigation on the individual level has been done.²³ The existence of non-academic legal representatives in the Swedish towns and countryside is a well-known phenomenon, but notions of their agency and legal literacy remain based on assumptions and educated guesses. The case study of Gabriel Abrahamsson enables us to investigate some of those assumptions using real sources of everyday life.

My analysis of the court records is both qualitative and quantitative. Firstly, statistics on Gabriel’s appearance in the courts have been compiled: the number of his private and official appearances, the number of appearances related to his work as a lay advocate, the chronological changes in those cases, the number of his clients, how many times he won or lost lawsuits, etc. Secondly, a close reading of the court records reveals lots of details about Gabriel’s law suits, but first and foremost, information about his knowledge and skills as well as his life outside the courtroom more widely.

There is some ambiguity as to the classification of Gabriel’s official (102) and private (130) appearances as well as his advocacy (125). His own private matters—mostly concerning

²² On seventeenth-century Helsinki, see Suolahti (1950); Aalto (2015).

²³ Letto-Vanamo (1989); Pihlajamäki (2009), 48–54.

financial disputes—are quite clear, but in a few cases, his official lawsuits and legal representation are somewhat hard to separate. This is because Gabriel was a civil servant and the town council could order him to represent itself for example in some financial matters. In addition, his working as the town’s public prosecutor makes the issue more complicated. But as I have carefully read and analysed all the cases, the classification should be trustworthy and approximately correct. Moreover, every time when there have been interpretative problems between official and legal representation, I have chosen the former category.

When talking of Gabriel’s 357 appearances, this means his total appearances, either as plaintiff or defendant, in the Helsinki Town or Lower Town Courts. Consequently, the number of total lawsuits is somewhat smaller; in other words, in one lawsuit he could appear in the courtroom for example one, two, or five times. But from the viewpoint of this article, the total number of appearances in the courtroom is important to know in order to conceive how much Gabriel spent his time and working resources involved in litigation. It is crucial to know how many times he had to present the cause in the courtroom during one case.

Notably, this case study shows that even to find one legal representative is a result itself. The academic and officially authorised advocates and procurators are easy to find, because they had a clear title. On the other hand, the use of titles is very varied in the sources. There are differences between court record books: one person could be called “advocate”, “procurator”, or just generally “legal representative”, even within one long litigation process, and titles were used differently in different places. Clerks documented the titles changeably, because the laws, statutes, and exigencies of legal representations changed often, and the titles were not yet exactly defined. Gabriel was just called a legal representative (*fullmächtig*), but sometimes no title was used and he was just mentioned as managing a suit on behalf of somebody (*å någons vägnar*). It is interesting that he was called “advocate” only once, when he was acting as a legal representative in the nearby District Court of Hollola and Tennilä²⁴.

²⁴ KA Kihlakunnanoikeuksien renovoidut tuomiokirjat (KO) a:9 Hollola & Tennilä, 5–6 August 1678, 20–20v.

Having read other town, lower town, and district court records from different areas of the Swedish Realm, I would suggest that when a locally well-known legal representative acted outside his hometown, especially in the countryside, he may have been addressed too nicely as “procurator” or “advocate”. It was perhaps just polite wish to underline that someone legally skilled from outside of the local community was handling some important litigation on behalf of someone else. In addition, the sources must be read carefully in order to find persons who acted on behalf of their kinsmen, or out of duty for someone who was higher in the hierarchy such as a *patronus*. Therefore, a man who had represented two unrelated principles could be called a semi-professional. Representatives could naturally also act on behalf of their relatives and patrons. I argue that litigations on behalf of familiar people increased one’s legal literacy and helped to get more unfamiliar clients.

All this legal agency is revealed by systematically reading the sources covering a sufficiently long period. Doing spot checks and noting clear titles is not enough, as most of the agency will probably escape one’s attention, and one is likely to focus too much on authorised and academically learned professionals. Notably, some occupational titles are political and estate-hierarchical concepts like peasant or soldier, and they do not tell exactly what the people really did in everyday life. In addition, one exact (office) title could diminish the “multiple employments” of an agent, which was reality in the early modern society.²⁵ Gabriel is a good example. He had many different civil servant offices while acting as a lay advocate. He was also a husband, the head of his family and household, and he practiced subsistence farming²⁶. Because the advocates’ profession was not yet properly established, most of the Swedish legal representatives were just part-timers and relied on other work for their livelihood, acting in many different roles in the local community and social networks. All in all, multi-employment was a solid base for various skills and knowledge supporting one another.

Acquiring Theoretical and Practical Skills

²⁵ In recent years, historians have, besides the titles, paid more attention, to what people really are mentioned as doing in the sources. On the source criticism of occupational titles, the “verb-oriented method”, and “multiple employments”, see Ågren (2017), 4–6, 13–19; Lindström, Fiebranz and Rydén (2017).

²⁶ The size of Gabriel’s cultivated area was quite average in Helsinki, approx. 9 ares. KA HRO g:4, 17 August 1667.

I have divided the legal skills of Gabriel Abrahamsson into two categories: theoretical and practical (see *Table 1*). All the evidence from the sources supports the conclusion that Gabriel had never formally studied in any school or academy; during the 23 years that Gabriel appeared in court records he was always named as just “Gabriel Abrahamsson” and sometimes—mostly in his office matters—the office title was added before his name. There are no mentions about his possible studies and he is never addressed with words like student or scholar (*wähhllärde*), and his name does not exist in Finnish student registers²⁷. Nor are there other mentions that he would have lived in bigger university towns such as Turku. It is also more likely that, if Gabriel had actually studied, he would have been doing something more elevated than being an ordinary cavalryman cultivating a cavalryman’s farm and, later on, a low-level civil servant.²⁸ Although the possibility of some studies cannot be completely ruled out, it does not prevent us from drawing the conclusion that practical work and self-education had the most crucial role in Gabriel’s legal and litigation skills. But what were those theoretical and practical skills that he possessed?

Gabriel’s theoretical knowledge was based on his upbringing. His father Abraham Henrici Rauthia was the first pastor in the parish of Loppi, from 1632 to 1645, and as a son of a pastor, Gabriel surely learned reading and writing, maybe the rudiments of numeracy, and got some level of an all-round education at home.²⁹ The ability to read and write was the key factor to acting as a legal representative, because during the seventeenth-century, legal proceedings in Sweden slowly became more based on written documents. Even if the proceedings mostly remained oral in the lower courts, at least the documents had to be written (in Swedish). Especially in financial litigation, the correct accounts and calculations were important as

²⁷ E.g. Kotivuori (2005).

²⁸ In general, graduated persons were rare among the civil servants of the town administration in this period, Karonen (1995), 93. Gabriel’s birthdate is unknown, but in the sphere of influence of Loppi, Gabriel’s home parish, most likely at least from the 1630’s onward, the *pedagogium* (primary school) of Helsinki became a “trivial school” (secondary school) in 1641, and the *pedagogium* of Hämeenlinna was founded in 1639. In theory, it is possible that Gabriel was sent to a “primary school” for some time. Yet, this is not very likely, because in addition to writing and reading skills these schools mostly prepared pupils for academic studies and priesthood or becoming a high-level civil servant, which is in contradiction with the fact that Gabriel was mentioned as a cavalryman in 1647. It is a mystery why Gabriel and his brother did not follow in their father’s footsteps into priesthood. Hanho (1947), 61–62, 64, 221; KA Läänintilit, Uudenmaan ja Hämeen läänin tilejä, Tositekirja 7941, 512r; Enckell (1994), 76–77, 80.

²⁹ Enckell (1994), 77.

evidence.³⁰ There were many lawsuits that Gabriel had to draw up long and exact written calculations for, sometimes in his official and private matters, but notably in his legal representations.³¹ His clients needed help with drafting legal documents properly, and they were ready to hire someone for the time-consuming work.

There is also an interesting incident suggesting that Gabriel may have owned some legal literature. In 1672, he brought charges *ex officio* against Mats Olofsson for illegal fishing. The fisher was fined by the Helsinki Lower Town Court. However, a few hours later Gabriel came back to the court and said that he has investigated the law book, and admitted that he had incorrectly interpreted the article of the law (*capittelet af Lagh boken*). He apologised for his mistake and paid himself a three-mark fine (*domqval*) for his wrongful prosecution. This case suggests that Gabriel either had a personal copy of the law book or, alternatively, that there may have been a small reference library, including law literature, in the Helsinki Town Hall.³² In either case, Gabriel turned to legal literature when he did not know the correct articles and penalties.

In addition to his theoretical skills, Gabriel had considerable practical knowledge, helping him in legal matters. Before Gabriel moved to Helsinki, he was a cavalryman³³. As a former soldier, he understood the meaning of discipline and the importance of order in making people respect the laws. Before moving to Helsinki, Gabriel was also a farmer and, mentioned as being in

³⁰ On the increase of writing in litigation, see the literature in note 6, esp. Letto-Vanamo (1989), 223–233; The use of local civil servants such as parish scribes as legal representatives continued for centuries. Scribes could formulate litigation documents for a person, but did not always take actual part in the court proceedings. They also formulated contracts, debentures, etc. for parishioners. Rantanen (2014). Gabriel could write documents for others, too, but the sources do not show such agency.

³¹ For example, acting as an advocate in a case of liabilities (KA HRO g:3) on 11 July 1664, Gabriel presented very specific calculations, which took one spread of the court record book and involved over thirty items, to the total sum of over one thousand thalers. Gabriel also represented custom duties over five thousand thalers. HRO g:4, 6 July 1670, 59, and onwards. Supervising trade had surely improved Gabriel's numeracy skills.

³² KA Helsingin kämmerinoikeuden tuomiokirjat (HKO) g:105, 29 July 1672, 31–32, 34. In the Estate Inventory Books of Helsinki (*bouppteckningar*) from the year 1679 onwards, the first mentioned owner of a private law book (*lagbok*) was town councillor Hans Foss, who died in 1705. There is no mention of law literature in the estate inventory of Gabriel, but also nothing to have prevented him from having owned one. Åkerman (1937), 5, 9, 279.

³³ In 1647, Gabriel was mentioned in the jurisdictional district of Hattula as a cavalryman (*ryttare*) in the regiment of colonel Henrik Horn (of Kanckas) and the company of rittmaster (*ryttmästare*) Arfwed Henriksson. In 1648, he was mentioned in the population register as living in Loppi with his wife. KA Läänintilit, Uudenmaan ja Hämeen läänin tilejä, Tositekirja 7941, 512r, 723v. Enckell (1994), 76, 77.

possession of his own cavalryman's farm in Loppi still in 1653³⁴. Therefore, he also understood the basis of the finances of everyday life and was for example used to dealing with land ownership and taxation litigation.

But most importantly, Gabriel's office as a low level civil servant of the town, made possible his career as a legal representative. During his 23 years in Helsinki, Gabriel held several offices, as mentioned above, but mainly he became known as a very meticulous and uncompromising supervisor of trade. At that time, illegal trade was a considerable problem in Helsinki, the burghers of which continuously contended for the profitability of foreign trade.³⁵ Therefore, Gabriel kept watch that the town citizens did not trade illegally, rode along the coast and to nearby parishes, trying to capture peasants and others who had failed to bring their products to the official marketplaces and customs. The Helsinki burghers tried to evade the restrictions placed on foreign trade in many different ways, too. And so, soon after his civil servant career started in 1656, Gabriel became a well-known person in the Helsinki Town and Lower Town Courts, charging citizens, peasants from the surrounding countryside and, for example, burghers from Tallinn for illicit trade.³⁶ This is why he learned the statutes precisely, especially those concerning financial and commercial affairs. He also learned to know the citizens of the town and the surrounding parishes very well, which was important for his career as a legal representative. Commonly, the burgomasters and town councillors, acting as judges in towns, were also elected for their local and practical knowledge, rather than for any academic studies. Especially in financial cases, the town councillor with his burgher background could be more

³⁴ KA Läänintilit, Uudenmaan ja Hämeen läänin tilejä, Tositekirja 7957, 284r. Enckell (1994), 77. The parish of Loppi and the province of Häme (*Tavastland*) were strongly linked to Helsinki, commercially, socially, and militarily. His previous knowledge of the hinterlands of Helsinki no doubt helped Gabriel as a supervisor of illegal trade.

³⁵ Aalto (2015), e.g. 168–172, 192, 197, 200; Suolahti (1950).

³⁶ Gabriel seems to have been a very strict civil servant. He referred to exact statutes and laws, e.g. in the fishing episode mentioned earlier. This might indicate that Gabriel possessed some work ethics, possibly also legal ethics. He did not hesitate to prosecute the greatest burghers of town when they traded illegally. He even prosecuted and fined persons whom he represented in other cases. Thus, Gabriel did not mix his official litigation with his advocacy and representation litigations, which would have been easy in Helsinki, because of the rival burgher groups. On the other hand, as the town's public prosecutor and supervisor of trade, he had a special stimulus for strict supervision through his *tantième*: one third of the fines went to the official. On the disputes between trade burghers of Helsinki, see Suolahti (1950); Aalto (2015). On the salaries of civil servants, see Karonen (1995), 94, 96, 100, 143.

competent as a judge than an educated lawyer.³⁷ Gabriel learned law also through his own lawsuits, mostly concerning financial matters.

In addition to penmanship and detailed knowledge of laws and statutes, appearance and rhetoric skills were also crucial accomplishments gained by experience. Even if written evidence slowly became more common, the importance of oral hearings remained strong. In complicated trials, this worked for the party whose documentation was presented clearly, convincingly, and in the right order. The correct way to produce the evidence was important for the functioning of law and justice itself. The 1615 Rule of Legal Procedure recommended that parties use legal representatives if they were not capable of presenting their case and evidence without jeopardising their case. Therefore, using a competently arguing representative made the judge's job easier, was advantageous for the whole legal system, and helped the client. The transcribed court records do not allow recapturing the exact stresses and gestures from the courtroom, but it could be assumed that Gabriel's address evolved in the long run. Because Gabriel by virtue of his office occasionally acted as prosecutor and in his private legal suits both as plaintiff and defendant, he knew how to perform on "both sides of the courtroom".³⁸

Gabriel was likely bilingual because he was born to a literate (Swedish) family in the mostly Finnish-speaking countryside. In Helsinki, Finnish and Swedish, sometimes German, were spoken. A multilingual representative was extremely useful if for example a burgher who only spoke Swedish had to litigate with a peasant from the nearby countryside who only spoke Finnish. The court records were written in Swedish, which was the official administrative language, but in the courtrooms, both languages were heard. There were pronounced tensions between "native burghers" who spoke Finnish, Swedish, and German, and burghers settled in Helsinki from the other side of the Realm, who could not operate in Finnish at all.³⁹

³⁷ Karonen (1995), 39.

³⁸ On the litigation process in practice, see Letto-Vanamo (1995).

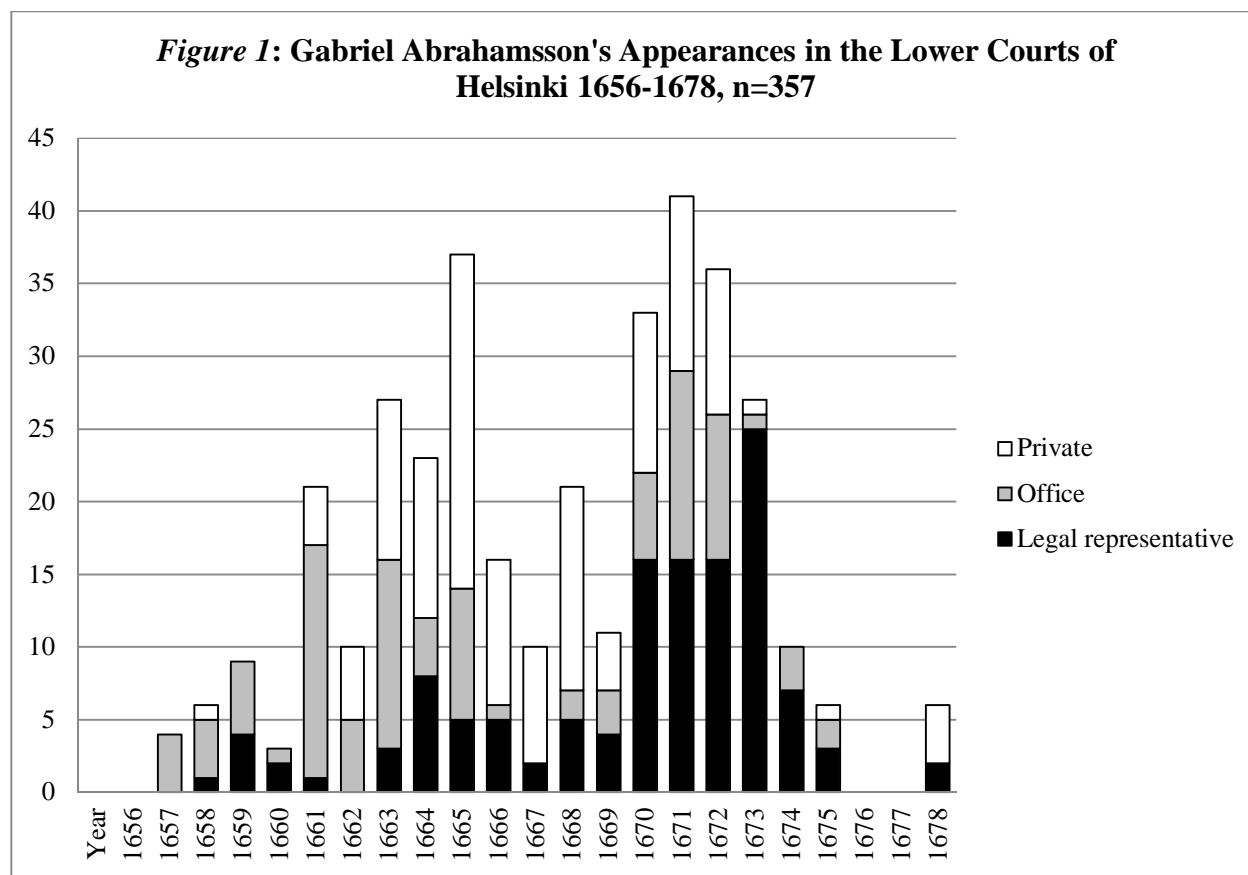
³⁹ Aalto (2015), 186–189.

Table 1: The basis of the legal literacy of Gabriel Abrahamsson	
Theoretical skills	Practical skills
<ul style="list-style-type: none"> ▪ (Non-academic) ▪ Son of a pastor ▪ Upbringing at home ▪ All-round education ▪ Ability to read and write ▪ Numeracy ▪ Legal literature 	<ul style="list-style-type: none"> ▪ Former soldier ▪ Former farmer ▪ Civil servant having many offices, e.g. supervisor of trade ▪ Private litigation

Figure 1 contains all the times Gabriel Abrahamsson appeared in the Helsinki Town and Lower Town Courts from 1656 to 1678. The most interesting aspect is the difference between official and private cases against his advocacy. During the first ten years, Gabriel spent in Helsinki, most of the cases concerned his office or were personal. But during the last decade, the number of legal representation cases increased notably⁴⁰. I conclude that Gabriel could start pursuing advocacy more and more as his legal skills and knowledge developed in his office and private matters. He was also very strict and exact in his office against illicit trade, thereby building a reputation for himself as an honest and trustworthy man. This surely inspired confidence among potential clients to use Gabriel as a legal representative.⁴¹ Another good explanation is also that in the 1670s, Gabriel was already an old man and he was no longer fully capable of taking care of his office. When younger men (from 1672 on) were appointed to help him inspect the trade, Gabriel could stay in the town hall more, doing legal representation.

⁴⁰ The missing court records could no doubt reveal more cases of representation.

⁴¹ Gabriel had to be trustworthy in the first place, because he had been elected to uphold the common good as a civil servant. Trust was a key factor in early modern society in generally and also in the choosing of officials. Karonen (1995), 100, 144.



Sources: The court records of Helsinki Town Court 1656–1678 (1676–1677 are missing) and Lower Town Court 1661–1678 (1674–77 are missing).

All in all, Gabriel had a wide mix of varied theoretical and practical skills providing him with a solid basis for learning law by doing. And so, very soon after he had settled and started working in Helsinki, he also started to act as a legal representative alongside his office. As his theoretical and practical experience and routine evolved, he increasingly pursued advocacy.

A Much-used and Successful Lay Advocate

Gabriel Abrahamsson acted as a lay advocate for 42 different clients in the Helsinki Town and Lower Town Courts. He represented half of these clients only once, but four of them even ten and eleven times. Notably, all of these clients were higher in the social hierarchy than Gabriel himself, being burghers, pastors, mayors and army officers. The main reason for this may have

been the fees. Those who had enough money and property could employ a good representative. Moreover, Gabriel often assisted heirs in their disagreements about the distribution of estates, and at times, wealthy widows. For example, Gabriel represented Märta Reijer (Reiher) (d. 1681) in ten cases in the 1660s. Born into a noble family, Märta Reijer was a wealthy merchant and the widow of the late administrative burgomaster Johan Greek (d. 1648). Being female, it was to Reijer's advantage to use a competent male representative in the courts. Gabriel acted for a total of eight women, representing 16 per cent of all instances of advocacy. Particularly the most influential women, especially widows like Reijer, could occasionally represent themselves in court even if the norms suggested using male representatives, but for important litigation, they certainly used male relatives or experts like Gabriel.⁴²

Most of Gabriel's clients lived in Helsinki, but many also lived in the nearby parishes and towns. A few times Gabriel also pursued advocacy outside of Helsinki. In 1678, he represented Johan Gråå, pastor of Pyhtää, in the District Court of Hollola and Tennilä, approximately 100 kilometres north of Helsinki. In 1672, Gabriel represented Daniel Meijnsners, a hatter from Helsinki, in Tammisaari, which is a town 100 kilometres west of Helsinki.⁴³ The case of Meijnsners against Hans Jönson, a hatter in Tammisaari, concerned defamation. Gabriel won this case between the two craftsmen. All in all, the citizens of Helsinki were ready to send Gabriel to represent them in the courts of other localities, not only in cases with significant financial interest, but also in cases like defamation. It is interesting that in Hollola Gabriel was called pastor Gråå's "advocate" and in Tammisaari a "Sieur" (*S:r*). Gabriel being called an advocate does not mean that he had studied law like officially appointed advocates in Turku, but it rather reflects that Gabriel was seen as respected legal agent when he came to the out-of-town court.⁴⁴

⁴² For the first time in 1660 and for the last in 1668. KA HRO g:3, 3 March 1660; g:4, 13 June 1668, 38v–39. Something went wrong in their relations. In the following decade, Reijer litigated many times against Gabriel with the help of a new legal representative, mostly concerning debts. Maybe Reijer financed Gabriel in return for representations. In general, women were a common group of principals even if the widows could represent themselves and did not need male representatives. Especially widows' inheritance disputes with other relatives and creditors kept the representatives busy. Ramsay 1909, see "Kasper Reiher", 334; Letto-Vanamo (1989), 157; Toropainen (2016), esp. 109–116.

⁴³ KA KO a:9 Hollola & Tennilä, 5–6 August 1678, 20–20v; KA Tammisaaren raastuvanoikeuden tuomiokirjat TRO d:1, 1 April 1672, 13–14.

⁴⁴ As mentioned, Gabriel was never addressed as "procurator" or "advocate" in Helsinki.

As a lay advocate, Gabriel was relatively active, even compared to the situation in Turku where advocacy was even more common and profitable. In Helsinki, Gabriel was representing someone in court from 0 to 25 (average 5.4) times per year. If his 23 active years in Helsinki are divided into two, he acted as a legal representative 30 times before 1667 (average 2.6 times per year) and after this, 95 times (average 8.2 times per year). This clearly demonstrates how Gabriel's agency as a legal representative expanded over time. The total numbers also prove that Gabriel was one of the most used representative in the eastern part of the Swedish Realm at his time. For example between 1647 and 1657, five of the top-rated legal representatives in Turku together handled 30 cases in total, and at the end of the century, the representations of formal procurators in the lower courts of Turku were still on same level compared to Gabriel's activity. For example, in 1696, the most popular procurator in Turku, Anders Eekman, acted in eleven cases, but even in Turku, the average per procurator was closer to five cases per year in the 1690's.⁴⁵ In the district courts, the number of part-time legal representatives was significantly smaller—usually they were clients serving their patrons or civil servants like Gabriel, and their activity was mainly occasional.⁴⁶

Within Helsinki, Gabriel was no doubt the most popular legal representative of his time. There were a few part-time legal representatives in Helsinki between 1656 and 1678, but they usually handled only a few cases and their activity was more short-term. Many of them did legal representation intensively one after another during a short period, before moving away from town or pursuing more attractive duties. On the other hand, some civil servants and competent men occasionally represented their relatives or friends needing help. Compared to this, Gabriel's legal agency was continuous, patient, and expanding.

In total, 94 per cent of the cases in which Gabriel acted as representative involved financial interests up to the value of hundreds of thalers, and in 80 per cent of the cases he acted for the plaintiff. Therefore, clients mostly turned to legal representatives when they for example wanted

⁴⁵ Letto-Vanamo (1989), 175, 197–204. In the biggest towns such as Turku, the students had a significant role in advocacy. In towns with a court of appeal, the legal trainees (*auskultant*) could deepen their legal skills by acting in the lower courts. Letto-Vanamo (1989), e.g. 191, 221; Nallinmaa-Luoto (1974); Pihlajamäki (2009), 48, 55–56; Korpiola (2014), 30–31.

⁴⁶ Letto-Vanamo (1989), 26–27, 220, 305–306; Pihlajamäki (2009), 48–51.

to collect debts. Such cases required considerable financial and calculating skills. The rest of the legal representations concerned defamation. People commonly used Gabriel's services—about in one third of the cases—when the counterpart also had an advocate. These cases were usually complex and tended to drag on, which underlines how willingly clients trusted their most challenging cases to the legal representatives.⁴⁷ On the other hand, simple cases were trusted to representatives, too. I suggest that this may indicate the development towards a greater predictability and general reliability of litigation. Maybe those who could use legal representatives, because they could trust these to manage the case by themselves, if the evidence was watertight. This calls for more research.

All in all, importantly for Gabriel's clients, giving him their case to manage offered them a five times bigger chance to win than to lose. So, those who could afford Gabriel as a legal representative probably found it worthwhile. This conclusion is broadly accurate also for the other legal representatives that appear in the Helsinki court records in the mid-seventeenth century.

Successful Multitasking Enabling Social Mobility

Acting as a legal representative meant a lot to Gabriel himself. In addition to the income from his civil servant's office, he received fees from the advocacy, which was surely a welcome source of extra income, especially in his old age, when he slowly stepped aside from his offices as a civil servant⁴⁸. But the trust, respect, and reciprocity that he had gained were more important. The trust in Gabriel is clearly demonstrated by his huge and disproportionate debts. His network of debts and securities included the countryside near Helsinki, but also the cities of Turku, Porvoo,

⁴⁷ Gabriel acted as a legal representative in the Town Court of Helsinki 83 times, and in the Lower Town Court 42 times. At first, the cases were more complicated. In general, financial matters were the most common reason to use representatives, and burghers were the most common principals in towns, too. Letto-Vanamo (1989), 155, 257–270; Pihlajamäki (2009), 48–54.

⁴⁸ Wages of officials were commonly paid with a delay or not at all. Karonen (1995), 94, 96, 100, 143; Gabriel had to litigate in order to have official wages paid, KA HRO g:3, 16 November 1661; g:5, 4 May 1674, 69–70; One could argue that the extra income gained through the advocacy supplemented the living of civil servants. On the pays of legal representatives, see Letto-Vanamo (1987), 137 and (1989), 249–254.

Vyborg, and Tallinn. During his last years, Gabriel himself many times complained in court that he had enormous liabilities compared to his actual property and status, and that he was unable to pay them back. In 1683, Gabriel's heirs were still involved in the litigation about the debts.⁴⁹ The legal representations were also a way to amortise the liabilities. For example in 1670, Märta Reijer sought her big liabilities back from Gabriel. In court, they counted that Gabriel could pay part of his debt by his acts as her representative.⁵⁰

It is also significant that the many sentences against Gabriel as a private individual hardly affected his career as lay advocate. Most of the sentences concerned basic financial litigation but there was even one verdict for adultery, a serious offense in the late seventeenth-century. In 1666, Gabriel's maid gave birth to a baby girl. At first, a servant was suspected of fathering the infant, probably because of pressure from Gabriel, but at last, Gabriel had to admit his adulterous fatherhood. Begetting a child out of wedlock was a serious matter, but on the other hand, the community was often less sententious in case of sexual crime than the law and the Church. Particularly in a patriarchal system, the silent majority had an understanding for cases in which the wealthy master slept with his servant. Both Gabriel and his maid were sentenced to pay considerable fines, but Gabriel's clients did not seem to have cared about his private sentences at all. After his adultery, there was just a short gap in his advocacy (1667), and after this, it increased to new heights.⁵¹ Occasionally, the Helsinki Town Court even decided to reduce some of Gabriel's other private fines, emphasising Gabriel's diligence in his office⁵². This reflects Gabriel's importance as the town's supervisor of trade and legal agent, and the community did not want to disadvantage his legal agency—not even after his crime. This suggests that Gabriel was a widely needed and valued agent in his local community.

⁴⁹ E.g. KA HKO g:105, 7 February 1665; 10 July 1665, 28; 3 April 1666, 20; 28 May 1668, 27–28; 11 November 1670, 52–53; 4 July 1678, 21–22; HRO g:3, 29 April 1664; 29 April 1664; g:4, 8 and 10 February 1668, 3–3v, 4; g:4, 13 December 1671, 85; g:8–11, 30 January 1682, 23; 6 February 1682, 24; From 24 January to 22 September 1683, 2–9; 10 September 1683, 64–65. Viipurin raastuvanoikeuden tuomiokirjat x:26, 2 May 1678, 144. Åkerman (1937), 5.

⁵⁰ KA HKO g:105, 11 November 1670, 52–53. On Gabriel's debts and secures covered by his efforts as some sort of advocate, see also 25 April 1672, 20 and HRO g:8–11, 8 and 22 September 1683, 6–8, 9.

⁵¹ KA HRO g:4, 28 April 1666, 24–24v; The reliability of the accused generally and his/her social networks were crucial to the reactions of the local community. If one's networks in the local community were not extensive, also a high-level career could be ruined. Aalto (2015), 276–283; Impola & Eilola (2015), esp. 146.

⁵² E.g. KA HRO g:3, 9 and 29 April 1664; 25 April 1670, 28.

Gabriel is a good example of an early modern agent, whose rank in the estate system differed from his status in everyday life. Gabriel was a son of a pastor, but as he acted as a soldier and low-level civil servant, he was not on a very high level in the estate hierarchy—rather, he stood outside of the estate categories. In Helsinki, however, by working hard in his office and doing a lot of legal representation, he obtained quite a high-level rank in everyday life. After his death, Gabriel was called a burgher (*borgare*) in his estate inventory⁵³. The court records show that Gabriel had some financial dealings in town and especially in the countryside of Häme, even if he was not a merchant and burgher in the proper sense of the word—and it was certainly not a privilege granted to civil servants. Yet, in his estate inventory, he was on par with the burghers of the town. All this emphasises the appreciation of legal literacy in seventeenth-century urban life.

Secondly, Gabriel's offspring bring a further aspect to my analysis of his position in the social hierarchy of his time. Gabriel evidently realised the new possibilities that the development of the Swedish judiciary system could offer. He decided to send his son, Johan Gabrielsson (Rauthelius/Rauthia) (d. 1714), to study at the Royal Academy of Turku in 1675/76. During his studies, Johan sometimes helped his father in advocacy in Helsinki⁵⁴, and Gabriel consequently transmitted his legal skills to his son. Speculatively, some law literature might also be transmitted from father to son, because no books are mentioned in Gabriel's estate inventory. Overall, Johan succeeded very well in his life. First, he became an advocate in the Turku Court of Appeal (1680–). Later on, he was the judge in the district of Sääksmäki (1684) as well as in province of Kyminkartano and the district of Lappee (1685–1692), at the same time (1687–1692) being burgomaster of Vehkalahti. Finally, he became secretary in the Turku Court of Appeal (1692), and in 1693, he was appointed as judge at the Turku Court of Appeal.

Furthermore, Johan married twice into respected families. First, he married Maria Lagermarck (d. 1698), whose father Johan Wassenius (ca. 1622–1691) had graduated from the Academy of Turku and become judge at the Turku Court of Appeal (1662–1685). Wassenius was ennobled as Lagermarck in 1688. After Maria's death, in 1699, Johan wedded Maria Gyllenkrok (d. 1737), another noblewoman, whose family had been ennobled in 1674 and whose father and brother

⁵³ Åkerman (1937), 5.

⁵⁴ Cf., KA HKO g:105, 2 August 1678; HRO g:6, 10 August and 14 September 1678.

were also judges at the Turku Court of Appeal. It is noteworthy that the next generation (mostly using the surname of Warnstedt) succeeded well with their marriages and many had legal or other offices.⁵⁵ So all in all, Gabriel's activities enabled him upward mobility by teaching him law and litigation skills non-academically, through doing, and to his offspring the official academic way and notable marriages.

Conclusion

A combination of varied theoretical and practical skills enabled Gabriel Abrahamsson, a non-academic and self-educated man, to practice advocacy in seventeenth-century Sweden. The ability to read and write as well as numeracy were vital skills. Gabriel Abrahamsson benefitted from his disciplined military background, but, above all, from his having worked as a civil servant in Helsinki, mostly supervising the trade. It made possible his career as a popular and highly esteemed legal representative. Therefore, Gabriel had human capital in the form of knowledge, skills, and capabilities, but also social capital such as a good reputation, trust, knowledge of the citizens of the town and nearby parishes. Importantly, both the human and the social capital as well as the amount of legal representation cases increased synchronously during the years Gabriel spent in Helsinki.

Wealthy persons belonging to the elite had enough money to hire a representative, and when needing one, they procured the services of persons with good legal skills. Using a legally skilled representative increased the chances to win in court. Legal representatives were needed especially in complex financial matters, but also in cases of defamation. The agency of legal representatives was not limited to the local community, but they could be sent to other towns and parishes or they could actively move around on their own initiative. Generally, legal literacy was highly respected in seventeenth-century urban life. Because such skills were not common, the legal representatives enjoyed respect, and the other citizens did not want to risk their case by inequality of arms without a weighty reason.

⁵⁵ Kotivuori (2005), see "Johan Gabrielsson"; Lagus (1834), 262, 418, 551, 580, 581; Westerlund (1923), 222, 520; Holmberg, Jerker and Blomstedt (1959), 37; Enckell (1994); Karonen (1995), 100.

Being a self-educated legal representative also enabled social mobility outside of the estate hierarchy. There was also potential to transmit the accumulated legal human and social capital to the next generations, who could also pursue academic legal studies. This was crucial in seventeenth-century Sweden, when academic legal knowledge was quite rare. Both the developing administration system and the local communities needed people with legal skills, no matter whether these were academic or not. The case of Gabriel Abrahamsson exemplifies the evolution during the seventeenth-century. At the end of the century, the whole legal system slowly started to become more professional, even if the tradition of using self-educated legal representatives was strong in Finland until the twentieth-century. In the early modern context, legal representatives and all kind of advocates were part of new professionalising groups, which in the eighteenth- and nineteenth-centuries increasingly eroded the whole estate system.

These conclusions concerning Gabriel Abrahamsson, and the self-educated legal representatives in general, are important for legal history, but also for the analyses of the history of state formation and everyday practices. For future research, it will be increasingly important to combine all these research traditions, because legal agency cross-cut the entire society from top to down and vice versa. The unique court records in Finland and Sweden enable an examination of the self-education of legal representatives and advocates on a larger scale. While this case study on Gabriel Abrahamsson highlights many interesting details, large-scale biographical or prosopographical data could yield even more evidence of early modern non-academic legal literacy.

Bibliography

Archival sources

Kansallisarkisto (KA), Helsinki, Finland, (Finnish National Archives)

Raastuvanoikeuksien renovoidut tuomiokirjat (The record books of town courts)

Helsingin raastuvanoikeuden tuomiokirjat (HRO), (The record books of Helsinki Town Court)
1650–1683, g:2–g:11

Helsingin kämnerinoikeuden tuomiokirjat (HKO), (The record books of Helsinki Lower Town Court)

1661–1696, g:105

Tammisaaren raastuvanoikeuden tuomiokirjat (TRO), (The record books of Tammisaari Town Court)

1650–1695, d:1

Viipurin raastuvanoikeuden tuomiokirjat, (The record books of Viipuri Town Court)

1678–1680, x:26

Kihlakunnanoikeuksien renovoidut tuomiokirjat (The record books of the judicial districts)

Porvoon ja Hollolan tuomiokunnan renovoidut tuomiokirjat (The record books of Porvoo and Hollola Judicial District)

Varsinaisten asioiden pöytäkirjat

1678–1683, KO a:9

Läänintilit (Provincial accounts)

Uudenmaan ja Hämeen läänin tilejä (The Accounts of Province of Uusimaa and Häme)

Asiakirjoja, Tositekirja (Receipt book)

1648–1648, 7941

1653–1653, 7957

Helsingin ruotsalais-suomalainen seurakunta

Syntyneiden ja kastettujen luettelot (The List of Born and Baptised)

1667–1726

Printed Sources

Åkerman, Birger. 1937. *Bouppteckningar i Helsingfors stad 1679–1808*. Suomen sukututkimusseuran julkaisuja, 13. Helsinki: Suomen sukututkimusseura.

Online Sources

Kotivuori, Yrjö. 2005. *Ylioppilasmatrikkeli 1640–1852* (The graduate register of University of Helsinki). <https://ylioppilasmatrikkeli.helsinki.fi>. Accessed on 9.12.2017.

Secondary Literature

Aalto, Seppo. 2015. *Kruununkaupunki: Vironniemen Helsinki 1640–1721*. Helsinki: Suomalaisen Kirjallisuuden Seura.

Amelang, James S. 1984. “Barristers and Judges in Early Modern Barcelona: The Rise of a Legal Elite”. *American Historical Review* 89, no. 5, 1264–1284.

Bevan, Kitrina. 2013. *Clerks and Scriveners: Legal Literacy and Access to Justice in Late Medieval England*. University of Exeter. <http://hdl.handle.net/10871/10732>. Accessed on 10.12.2017.

Blomstedt, Yrjö. 1973. “Kuninkaallisen Majesteetin Oikeus Suomessa”. In *Turun hovioikeus 1623 31/10 1973 Åbo hovrätt*, edited by Yrjö Blomstedt, 31–168. Porvoo; Helsinki: WSOY.

Bomgren, Gunnar. 1937. “Det svenska advokatväsendet före bildandet av Sveriges Advokatsamfund: en historisk överblick”. *Tidskrift för Sveriges Advokatsamfund* 3, häfte 2: 67–173.

Bourdieu, Pierre. 1986. “The forms of capital”. In *Handbook of Theory and Research for the Sociology of Education*, edited by J. Richardsson, 241–258. New York: Greenwood.

Bush, Jonathan A. and Alain Wijffels (ed.). 2006. *Learning the Law: Teaching and the Transmission of English Law, 1150–1900*. 2nd ed. (1999). London: Hambledon Continuum.

Castrén, Lauri. 1934. "Piirteitä maamme asianajajalaitoksen kehityksen historiasta". *Defensor Legis*, 135–151.

Castrén, Lauri. 1945. "Piirteitä asianajajia koskevista säädöksistä Ruotsi-Suomen vanhemman oikeuden mukaan". *Defensor Legis*, 93–98.

Coleman, James S. 1998. "Social Capital in Creation of Human Capital". *American Journal of Sociology* 94, 95–120.

Eilola, Jari. 2003. *Rajapinnoilla: Sallitun ja kielletyn määrittelemisen 1600-luvun jälkipuoliskon noituus- ja taikuustapauksissa*. Bibliotheca Historica 81. Helsinki: Suomalainen Kirjallisuuden Seura.

Enckell, Gerald. 1994. "Warnstedt i Finland". *Genos* 65, no. 2: 74–81.

Godenhjelm, Bertil. 1932. "Om advokat-institutets uppkomst och utveckling genom svensk-finsk lagstiftning före tillkomsten av 1734 års lag". *Defensor Legis*, 117–138.

Grunér, Håkan. 1934. "Sakförarväsende och sakrörarmonopol under tiden 1615–1734". *Tidskrift utgiven av Juridiska Föreningen i Finland* 73 (4–6), 664–685.

Halila, Aimo. 1942. *Suomen kaupunkien kunnallishallinto 1600-luvulla, 1*. Historiallisia tutkimuksia 28, 1. Helsinki: Suomen Historiallinen Seura.

Halila, Aimo. 1943. *Suomen kaupunkien kunnallishallinto 1600-luvulla, 2*. Historiallisia tutkimuksia 28, 2. Helsinki: Suomen Historiallinen Seura.

Hanho, J. T. 1947. *Suomen oppikoululaitoksen historia, 1. Ruotsin vallan aika*. Porvoo: WSOY.

Hassler, Åke. 1920. *Om ställföreträdarskap i rättegång: enligt svensk rätt*. Lund: Lunds universitet.

Holmberg, Håkan, Eriksson, Jerker A. and Blomstedt, Yrjö. 1959. *Suomen tuomiokunnat ja kihlakunnantuomari*. Helsinki. Suomen kihlakunnantuomarien yhdistys.

Impola, Petteri and Eilola Jari. 2015. "Vastentahtoiset tunnustajat: oppisäädyn aviottomat lapset 1600- ja 1700-luvun vaihteessa". *Genos* 86, no. 3, 138–149.

Jägerskiöld, Stig. 1964. "Hovrätten under den karolinska tiden och till 1734 års lag (1654 – 1734). In *Svea hovrätt: studier till 350-årsminnet*, by Petrén, Sture, Jägerskiöld, Stig and Nordberg Tors O:son, 121–336. Stockholm:A. Nordstedt & söners förlag.

Karonen, Petri. 1994. *Kämnerinoikeudet Suomen kaupungeissa suurvalta-ajan alkupuolella (noin 1620–1660)*. Studia Historica Jyväskyläensia 48. Jyväskylä: Jyväskylän yliopisto. Accessed on 10.12.2017.

Karonen, Petri. 1995. "Raastuvassa tavataan": *Suomen kaupunkien hallinto- ja oikeuslaitoksen toimintaa ja virkamiehiä suurvalta-aikana*. Studia Historica Jyväskyläensia 51. Jyväskylä: Jyväskylän yliopisto. <http://urn.fi/URN:ISBN:978-951-39-3481-1>. Accessed on 10.12.2017.

Karonen, Petri. 1999. "Turun ensimmäinen kaupantarkastaja Hans (John) Bogge". *Suomen sukututkimusseuran vuosikirja* 44: 127–147.

Karonen, Petri. 2007. "Perspektiv och metoder inom domboksforskningen i Sverige och Finland circa 1990–2005". In *Domboken som filologiskt och historiskt forskningsobjekt*, edited by Harry Lönnroth, 25–43. Nordiska texter och undersökningar 30. Uppsala: Uppsala universitet.

Karonen, Petri. 2017. "Royal Mayors (1620–1700): The Bane of the Burghers, the Crown's Scourge, Effective Developers of Urban Government?" In *Personal Agency at the Swedish Age of Greatness 1560–1720*, edited by Petri Karonen and Marko Hakanen, 219–244. Studia Fennica Historica 23. Helsinki: Finnish Literature Society. <http://urn.fi/URN:NBN:fi:jyu-201712184739>. Accessed on 21.2.2018.

Karonen, Petri and Hakanen Marko. 2017. "Personal Agency and State Building in Sweden (1560–1720)". In *Personal Agency at the Swedish Age of Greatness 1560–1720*, edited by Petri Karonen and Marko Hakanen, 13–44. Studia Fennica Historica 23. Helsinki: Finnish Literature Society. <http://urn.fi/URN:NBN:fi:jyu-201712184753>. Accessed on 21.2.2018.

Kelley, Donald R. 1988. "Jurisconsultus Perfectus: The Lawyer as Renaissance Man". *Journal of the Walburg and Courtauld Institutes* 51, 84–102.

Korpiola, Mia. 2009. "On the Reception of the Jus Commune and Foreign Law in Sweden, ca. 1550–1615". *Clio@Thémis* 2: Histoires des cultures juridiques. Circulations, connexions et espaces transnationaux du droit. <http://www.cliothemis.com/On-the-Reception-of-the-Jus>. Accessed on 20.2.2018.

Korpiola, Mia. 2014. "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 reinterpretations and new perspectives*, edited by Mia Korpiola, 23–54, Skrifter utgivna av Institutet för rätthistorisk forskning, grundat av Gustav och Carin Olin 26. Stockholm: Institutet för rätthistorisk forskning.

Korpiola, Mia (ed.). 2014. *The Svea Court of Appeal in the early modern period: historical reinterpretations and new perspectives*. Skrifter utgivna av Institutet för rätthistorisk forskning, grundat av Gustav och Carin Olin 26. Stockholm: Institutet för rätthistorisk forskning.

Kuha, Miia. 2012. "A Parody of the Church Service in Seventeenth-Century Finland. Reconstructing Popular Religion on the Basis of Court Records". *Frühneuzeit-Info* 23, no. 1–2

(Special issue: The Use of Court Records and Petitions”), 99–104. <http://urn.fi/URN:NBN:fi:ju-201212213389>. Accessed on 10.12.2017.

Lagus, Wilhelm Gabriel. 1834. *Åbo hofrätts historia intill den 12 Nov. 1823, då hofrätten firade sin andra secular-fest. 1. delen*. Helsingfors: Frenckell.

Letto-Vanamo, Pia. 1983. “Miksi Suomessa ei ole asianajajamonopolia”. *Oikeus* 12, 1: 23–35.

Letto-Vanamo, Pia 1987. ”Rahvaan oikeudenkäytöstä virallismenettelyyn. Suomalaisen alioikeusmenettelyn muutoksista 1600-luvulla”. In *Oikeutta ja historiaa: Heikki Ylikankaan 50-vuotisjuhlakirja*, edited by Heikki Ylikangas, 126–139. Porvoo, Helsinki, Juva: WSOY.

Letto-Vanamo, Pia. 1989. *Suomalaisen asianajajalaitoksen synty ja varhaiskehitys: oikeushistoriallinen tutkimus*. Suomalaisen lakimiesyhdistyksen julkaisuja, A-sarja n:o 181. Helsinki: Suomalainen lakimiesyhdistys.

Letto-Vanamo, Pia, (ed). 1991a. *Suomen oikeushistorian pääpiirteet: sukvallasta moderniin oikeuteen*. Helsinki: Gaudeamus.

Letto-Vanamo, Pia. 1991b. ”Tuomioistuimenmenettelyn historiaa: rahvaan oikeudenkäytöstä valtiolliseen prosessiin”. In *Suomen oikeushistorian pääpiirteet: sukvallasta moderniin oikeuteen*, edited by Pia Letto-Vanamo, 28–42. Helsinki: Gaudeamus.

Letto-Vanamo, Pia. 1994. “On the History of Assistance in Conflict Resolution in Finland: The Emerge of the Profession of Advocates in the 17th Century”. *Scandinavian Journal of History* 19, no. 3, 193–200.

Letto-Vanamo, Pia. 1995. *Käräjäyhteisön oikeus: oikeudenkäyttö Ruotsi-Suomessa ennen valtiollisen riidanratkaisun vakiintumista*. Oikeushistoriallisia julkaisuja 2. Helsinki: Helsingin yliopisto, Rikos- ja prosessioikeuden sekä oikeuden yleistieteiden laitos.

Lin, Nan. 2001. *Social Capital: A Theory of Social Structure & Action*. Port Chester, NY: Cambridge University Press.

Lindström, Jonas, Fiebranz, Rosemarie and Rydén Jöran. 2017. "The Diversity of Work". In *Making a Living, Making a Difference: Gender and Work in Early Modern European Society*, edited by Maria Ågren, 57–79. Oxford: Oxford University Press.

Messer-Davidov, Ellen. 1995. "Acting Otherwise". In: *Provoking Agents. Gender and Agency in Theory and Practise*, edited by Judith Kegan Gardiner, 23–51. Urbana and Chicago: University of Illinois Press.

Miettinen. Riikka. 2015. *Suicide in Seventeenth-Century Sweden: The Crime and Legal Praxis in the Lower Courts*. Unprinted dissertation in The School of Social Sciences and Humanities, University of Tampere.

Möller, Sylvi. 1954. *Suomen tapulikaupunkien valtaporvaristo ja sen kaupankäyntimenetelmät 1600-luvun alkupuolella*. Historiallisia tutkimuksia 42. Helsinki: Suomen Historiallinen Seura.

Nallinmaa-Luoto, Terhi. 1974. "Ylioppilaat turkulaisten asianajajina Turun Akatemian alkuaikoina". *Defensor Legis*, 310–316.

Petrén, Sture, Jägerskiöld, Stig and Nordberg, Tord O:son. 1964. *Svea hovrätt: studier till 350-årsminnet*. Stockholm: A. Nordstedt & söners förlag.

Pihlajamäki, Heikki. 2009. *Kansan ja esivallan välissä: suomalaisen asianajakunnan historia*. Helsinki: Edita.

Putnam, Robert D. 2000. *Bowling alone: The collapse and revival of American community*. New York: Simon & Schuster.

Raevuori, Yrjö. 1947. ”Asianajotoiminnasta Ruotsi-Suomessa ennen vuoden 1734 lakia”. *Defensor Legis*, 99–113.

Raevuori, Yrjö. 1968. *Suomen asianajotoiminnan vaihteita*. Suomen asianajajaliiton säätiö. Porvoo: WSOY.

Ramsay, Jully. 1909. *Frälsesläkter i Finland intill Stora ofreden*. Helsingfors: Söderström.

Ranta, Raimo. 1975. *Turun kaupungin historia 1600–1721*, 2. Turku: Turun kaupunki.

Rantanen, Arja. 2014. *Pennförrare i periferin. Österbottniska sockenskrivare 1721 – 1868*. Åbo: Åbo Akademis förlag. <http://urn.fi/URN:ISBN:978-951-765-753-2>. Accessed on 10.12.2017.

Suolahti, Eino E. 1950. ”Ensimmäinen Vironniemen Helsinki (1640–1721)”. In *Helsingin kaupungin historia, 1*, edited by Eirik Hornborg et al., 275–437. Helsinki: Helsingin kaupunki.

Turunen, Olli. 2016. *The emergence of intangible capital: human, social and intellectual capital in nineteenth century British, French and German economic thought*. Jyväskylä studies in humanities 285. Jyväskylä: Jyväskylän yliopisto. <http://urn.fi/URN:ISBN:978-951-39-6596-9>. Accessed on 10.12.2017.

Westerlund, A. W. 1923. *Turun hovioikeuden presidentit, jäsenet ja virkamiehet 1623–1923: elämäkerrallisia ja sukuhistoriallisia muistiinpanoja. 1 ja 2 nide*. Turku: H. Edgrenin kirjakauppa.

Vasara-Aaltonen, Marianne. 2017. *Learning for the Legal Profession: Swedish Jurists’ Study Journeys ca. 1630–1800*. University of Helsinki, Faculty of Law. <http://urn.fi/URN:ISBN:978-951-51-3852-1>. Accessed on 10.12.2017.

Ågren, Maria 2017. "Introduction: Making a Living, Making a Difference". In *Making a Living, Making a Difference: Gender and Work in Early Modern European Society*, edited by Maria Ågren, 1–23. Oxford: Oxford University Press.