What do Cornelis Vreeswijk, Louis de Geer, Ove Kindvall, IKEA, AkzoNobel, and the Rembrandt painting The Conspiracy of Claudius Civilis have in common?

They all have strong Swedish-Dutch connections! But why? This book, produced to mark the celebration of four hundred years of diplomatic relations between Sweden and the Netherlands, will tell you the story of these and many other interesting connections. Authors from a variety of fields reflect upon a shared history, bringing characters to life and highlighting events that have had an impact on the relationship both historically and in modern times.

Starting in the dramatic seventeenth century with its mixture of entrepreneurship, trade and war, religion and architecture, the story continues to the contemporary era. It covers the transmission of ideas, the movement of goods, and migration across four centuries. The banker and entrepreneur, Louis De Geer, in the seventeenth century, the scientist, Carl Linnaeus, in the eighteenth, the troubadour, Cornelis Vreeswijk, and the football player, Ove Kindvall, in the twentieth century; all are examples of the many individuals who lived their lives with one foot in the Netherlands and the other in Sweden.

The Swedes and the Dutch were made for each other shows how often the Swedes and the Dutch have been partners. They really were made for each other!

This book was published to mark four hundred years of diplomatic relations between Sweden and the Netherlands (1614-2014) thanks to the kind support of:

- IKEA
- Handelsbanken
- AkzoNobel
- SKF
- Kingdom of the Netherlands

This chapter has been published in the book The Swedes and the Dutch were Made for Each Other, published by Historiska Media in 2014.
Law in books and law in action

On Dutch contributions to Swedish legal culture in early modern times

Legal globalizations in modern times have increasingly been important parts of the current legal discourse. But even in early modern times, Europe experienced a distinct legal globalization, in which not only the Dutch but also Swedish jurists and legal scholars played important roles. Swedish legal culture in the seventeenth century found, to a great extent, its transfers in Dutch legal culture. Those influences were, of course, very much related to the young republic and its political position within the European geopolitical situation in the decades around 1600.

This period was also characterized by a new legal doctrine articulated by the Dutch legal scholar Hugo Grotius (1583–1645). He constructed a rational natural law within a dominating Christian context. Grotius was a student at the University of Leiden, one of the most prestigious universities in the Protestant world, and then practised as a lawyer in The Hague. In this position, one of his early publications in 1609 was a very influential pamphlet, *Mare Liberum*, on the free sea, arguing that the open sea (the oceans) were international territory and free for all nations to use for seafaring trade. This controversial doctrine was heavily criticized in Scotland by the jurist William Welwod and in England by the famous lawyer John Selden, who in his work *1635 Mare clausum*, or ‘The closed sea’, made a rejoinder to...
Grotius’ earlier work. The Swedish Crown also supported Selden, as his position fitted better with its own expanding commercial interests.

Both the Netherlands and Sweden were part of the early modern globalization. In the seventeenth century, the Netherlands arose as a commercial great power with a well-developed commercial law system. Sweden adopted not only commercial law but also commercial institutions from them. The countries had common political and commercial interests in various public companies, the West-Indian company, the African Company, and the colonies in North America (New Amsterdam in New York and the Swedish colony in Delaware) as well as in Africa.

In August 1618, Hugo Grotius, at that time Grand Pensionary of Rotterdam, as a consequence of power struggles within the Netherlands, was taken prisoner and the following year brought to Loevestein Castle on the Rhine to be imprisoned for life. His wife Maria von Regersberg, however, conceived an idea for his escape. In March 1621, he successfully fled the Netherlands by escaping in a book chest, and about three weeks later he arrived in Paris, where he received a pension from the King of France. With some intermissions, the French capital was to be Hugo Grotius’ home for more than two decades.

In 1634, Grotius was offered the post of Sweden’s ambassador to France. Gustavus Adolphus had been a great admirer of Grotius and Axel Oxenstierna, the King’s Chancellor, was keen to employ him. He accepted the offer, but had to adjust his legal positions to those of the Swedish Crown. One example is that he, after having read Selden’s work on *Mare clausum*, had to stop arguing for his principle of *Mare Liberum* as this was in contradiction to Swedish interests. Grotius remained in this position until 1645, when he was released from his post. During his years in Paris, Grotius not only served as a diplomat, he was also regarded as a wise and learned man. The sheer number of young travellers who visited him on their European grand tours indicates his position as a learned man. The relations between Sweden and France in the 1630s and 1640s, however, made his position uncomfortable. His opponent, Cardinal de Richelieu, regarded Grotius as *persona
non grata, and his relations with other French authorities were said to have broken down. Consequently, when the French king had recalled the French ambassador to Stockholm, Queen Christina decided to recall Grotius from his position in Paris in the winter of 1644–5. In the spring of 1645, Grotius left his wife and daughter behind and went to Stockholm to negotiate for another position. In an early twentieth-century Swedish encyclopaedia, the statement regarding his visit was, ‘neither the climate nor the tone at the Swedish court attracted him’.\footnote{Grotius’ negotiations with the Queen did not result in a new position, but in an honourable discharge. Tragedy then ensued. After a shipwreck in the rough Baltic on his stormy journey back from Stockholm to the Netherlands, Grotius died in late August 1645, in Rostock in Mecklenburg. He composed the text for his tombstone himself: 

\begin{quote}
Grotius hic Hugo est, Batavum captivus et exul, Legatus regni, Suecia magna, tui. That is: ‘This is Hugo Grotius, captive and exile of the Dutch, but envoy of the great Kingdom of Sweden’.
\end{quote}

Grotius most famous work, his ‘golden book’, was in international public law: \textit{De jure belli ac pacis} (‘On the Law of War and Peace’), and was published in Paris in 1625. In the prologue of \textit{De jure belli ac pacis}, Grotius made his famous \textit{etiamsi daremus} argument, \textit{quod sine summo scelere dari nequit, non esse Deum}, that ‘even if we should concede that which cannot be conceded without the utmost wickedness: that there is no God’.\footnote{This work also brought a new cognitive structure to the military laws of the Thirty Years War and resulted in an intellectual conflict between the antique (and increasingly obsolete) Roman law system and the modern, rational-based natural law. The German emperor Ferdinand III and his envoy Maximilian von und zu Trauttmansdorff belonged to the former and the Swedish King Gustavus Adolphus to the latter side. Gustavus Adolphus was said always to take a copy of this work in his saddlebag as he toured the war theatres in Germany in the early 1630s.}

In \textit{De jure belli ac pacis}, Grotius claimed that in a justified war, the conqueror was entitled to war booty. This statement was something that Gustavus Adolphus and his high-ranking officers bore in mind when they took war booty in the Thirty
Years War. One popular war booty was book collections. In the reign of Gustavus Adolphus, his war collections were given to Uppsala University. Axel Oxenstierna observed these principles during the minority of the king’s daughter Christina, reigning Queen of Sweden 1644–1654. Her interest in books is well documented. She favoured the Royal Library (today the National Library) in Stockholm with her books, where the Dutch Isaac Vossius took care of them. It was said of Vossius that he was not Christina’s librarian (bibliothecarius), but rather her book-dealer (bibliopola). He was commissioned to buy books for her library in the Netherlands as well as in France. He brought his father’s library in Leiden to Stockholm after the latter’s death, and he also received large sums to make purchases for the queen in Paris.

The impressive Dutch legal culture in the early seventeenth century can also be identified by the massive production of law books still to be studied in book collections and libraries. When Hugo Grotius died in 1645, he left to posterity more than one hundred works of his own and an extensive library. His library was sold to Queen Christina three years after his death and was transferred to Stockholm. She was very satisfied with this acquisition and integrated it with the National Library. Her librarian, Johannes Freinshemius, began to systemize the collection. From her assistant Isaac Vossius stems the information that he, Vossius, created the system for the library, which still can be identified by the notes on the backs of Grotius’ books, several of which are today at the University Library in Lund.

When the queen abdicated in 1654, Isaac Vossius helped her to select the most valuable parts of the manuscripts and books from the Royal Library and to take these with her when she left the country. Among the books the queen took with her, some from the Grotius collection accompanied her to Rome, others were given to her learned friends, her ‘amis savants’. Isaac Vossius, among others, came into possession of many Dutch books and other treasures thanks to his services to the queen. The famous Silver Bible, Codex argenteus, a manuscript from the sixth century which was taken as booty from Prague in 1648, was also presented to him. In 1662, this rare book was bought by the chancellor
Magnus Gabriel De la Gardie and taken back to Sweden from the Netherlands. De la Gardie donated the book to Uppsala University, where it still remains in its library.

This context explains why books from Grotius’ library are to be found in the University Library in Leiden. And other books of his were regarded as duplicates and later dispersed to several libraries in Sweden and Finland. For example, Regia Academia Aboensis, the university of Åbo (Turku), received a duplicate of the 1625 edition of *De jure belli ac pacis* with comments by the author. That volume, however, was destroyed in 1827, when the university library was ravaged by fire. Other books from Grotius’ library, regarded as duplicates, were donated to Lund University by King Charles XI in 1682. Grotius’ book collection in Lund consists of 17 titles. In the books, there are notations made by Grotius and/or his contemporaries. It makes it possible not only to establish the provenance of the volumes, but also in which period of his life he acquired the books.

Among the ‘Grotius books’ in Lund, the most famous is the annotated volume of his own famous book *Inleydinge tot de Hollandsche Recht-gheleerdheydt*, written during his imprisonment in Loevestein and printed in Haarlem in 1636. This book was recovered by Folke Dovring and reprinted in 1952.

Due to the insufficiently developed universities in Sweden during the first part of the seventeenth century, Swedish students, especially those who wanted to study law, went to European ones, primarily the Protestant universities in northern Europe, Germany, and the Netherlands. In the 1620s, the University of Leiden became a popular destination for Swedish students. During the Thirty Years War, they increasingly went to the Netherlands. A remark made by Councillor Schering Rosenhane to his son on his way to study there confirms the Netherlands as a model for Swedish higher education: ‘I expect you will return *totus Batavus et mercator*, a complete Dutchman and a merchant.

Axel Oxenstierna as well as Johan Skytte had close contacts with the professors in Leiden and Amsterdam. Queen Christina followed in their tracks and developed these Dutch connections. In 1649, two Dutchmen arrived at the Royal court in Stockholm,
Isaac Vossius and Nicolaus Heinsius. Both of them became devoted servants of the queen. From the Netherlands came also the philosopher Descartes (Cartesius) – and Hugo Grotius.

The Board of Trade (Kommerskollegium – now the Swedish National Board of Trade) was founded in 1651, and its first secretary, Johan Claesson Risingh, was given a grant by the queen in 1650 to go to the Netherlands so that he could write a treatise on trade (‘en avhandling om köphandeln’). This treatise was never concluded, but one of its chapters was about ‘Buying and selling by auction and cries’ (‘Om köp och såld med auction och med uthrop’).\(^9\) International commerce had to be followed by fast execution. In Stockholm a special auction house (auktionskammare) was established in 1674 – an auction house that is still in business today.

Hendrick de Moucheron, who was born in Amsterdam, was a Dutch jurist, who in 1650 became a Swedish civil servant and was influential for the globalized Swedish legal culture. He studied mathematics, the art of warfare, and law at Leiden University. He went into service in Brazil and had acted as a military commander there before, in 1650, entering the service of the Swedish government.\(^10\) In 1658, he served as Director of Trade in Livonia (the Swedish Baltic province covering parts of what is now Estonia and Latvia). It is clear that he was committed to Sweden’s expanding international commerce. Transnational commercial rules and laws became increasingly important in this context, when the first National Bank of Sweden (Den Palmstruckska banken) was inaugurated in 1656. De Moucheron took part in the legislative work within commercial law, which received priority during this time. By the end of 1663, de Moucheron was involved in the legislative work on a maritime law, where he made efforts which were highly appreciated. One part of this reform in progress was the establishing of a Maritime Law Court, and de Moucheron was given the task from the Board of Trade to write the draft for this legislation. His handwritten draft of this in Dutch is still kept at the National Library in Stockholm.\(^11\) De Moucheron was consequently appointed President of the Court, which was planned to be a special forum in maritime law cases. It, however, never came
in effect. So when these plans were cancelled, he instead became a commissioner to the Board of Trade, where he later advanced to a justice (assessor).

De Moucheron was also engaged in the Swedish African Company, started by Louis De Geer and established in 1649. The purpose of this company was to buy slaves, gold, and ebony in western Africa. The company established a colony named Cabo Corso, where Ghana is today. This colony had a very dramatic history in which not only Sweden but also Denmark and later the Netherlands were involved. In 1663, the Dutch had the sovereignty of this colony and the directors of the Swedish company were the Vice-President of the Board of Trade, Israel Lagerfeldt, the College Commissioner, Jochim Pötter, and Henrick de Moucheron. They were asked by the government to go to Africa to support Swedish interests. This journey, however, was cancelled, and diplomatic actions in The Hague failed to produce any results either.\(^\text{12}\)

In sum, Henrick de Moucheron was not quite successful in his efforts to establish himself as a high-ranking Swedish jurist. In 1664, he announced that he wanted to sell his law books at a book auction in Stockholm on 20 June 1664. This book auction is remarkable not only in Swedish book history but also in Swedish legal history. The catalogue of books sold at the auction was printed and is still kept at Uppsala University library. This was, as far as we know, the first book auction held in Sweden. In the Netherlands, the first documented book auction was held in Leiden 1604, when Lodewijk Elzewir sold two Dutch book collections. In France, they had also started in the 1660s; in Germany some ten years later.\(^\text{13}\) On the title page of the catalogue, de Moucheron informed of his intention to return to the Netherlands, his motherland – in natale solum Remeantis. On the other hand, the auction was held at a time when he evidently was occupied with drafting the maritime law for the Swedish government, but, on the other hand, he did not have any occupation.\(^\text{14}\) He evidently did not see himself as being sufficiently rewarded for his efforts. Perhaps he wanted to draw attention to his situation in relation to his employer, the Swedish government. Later he was given several lucrative tasks by the government; he also became naturalized as
a nobleman in 1666. He stayed on as one of the directors of the Swedish African Company up to 1670, even if he did not receive any salary for his last six years as a director. But in the spring of 1664, he could have looked upon his situation differently. De Moucheron, however, stayed on in Stockholm. However, even if his work there was appreciated by the government, he never built up any capital. When he passed away in 1670, his widow, Anna van der Noot, asked the king for a ‘year of grace’ (ett nådår). ‘Without such a grace from His Majesty the King’ she could not bury the corpse of his deceased man.

De Moucheron’s book collection demonstrated its owner’s wide interests in law, mathematic, astronomy, and classical literature. To a great extent, the book collection consists of Dutch works. The Swedish volumes were relatively few. We do not know, however, if he sold only a part of his collection. Two copies of Hugo Grotius’ famous work De iure belli ac pacis – one edition in folio printed in Amsterdam 1631 and one early edition in octave printed in Frankfurt 1626 – are mentioned in the catalogue. Of Grotius’ works, several were sold in a collected binding from Haarlem 1636, with several of his most famous books including the Inleidinge tot de Hollandsche Rechtsgeleerdheid (1631). This volume also contained his work Mare liberum in its Dutch version, Vrie Zeefahrt (1609). Several of the Dutch law books used in the work of the Maritime Law Commission were also sold, among them Amsterdam’s Handvesten (1624). We know that the Commission used several Dutch law books when drafting the Swedish Maritime Law (adopted in 1667). Hendrick de Moucheron’s book auction catalogue exemplifies the intense relationships between Dutch and Swedish commercial interests and legal connections both in books and in action. The networks between Swedish jurists and their colleagues in the young Republic were active – as this survey has demonstrated.

Dutch natural law concepts became important for the Swedish negotiators at the peace negotiations in Osnabrück and Münster leading to the Peace of Westphalian peace in 1648. And the Dutch position as a commercial great power of the seventeenth century resulted in the transmission of important commercial
and economic law to Sweden. Much of this reception was also to be found in the judicial jurisprudence of the courts of appeal in Sweden in the 1660s and 1670s, and was then transmitted not only to the Swedish Law Code of 1734, but also to Swedish legal culture up to the Enlightenment in the eighteenth century.
ENDNOTES

2 Kennedy, ‘Three Globalizations of Law and Legal Thought’.
4 *Nordisk Familjebok*, s.v. ‘Hugo Grotius’.
5 Neff, ‘Prologue’.
6 Niléhn, *Peregrinatio Academica*, 159.
8 Ibid. 200.
10 Svenska Riksarkivet (Swedish National Archives), Stockholm (RA), Biographica, De Moucheron, K. Beställning [Royal Commission], 5 November 1650.
15 Elgenstierna, *Den svenska adelns ättartavlor*, ii. 258.
16 RA, Biographica, de Moucheron.
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