Summaries

Martin Gjerstad

Allodium or Feudum
Law and Reality in Donation Policy in the Age of Greatness

The essay deals with the two forms of untitled donation of crown land and freehold land which occurred in seventeenth-century Sweden, along with counties and baronies, namely, allodial and feudal donation. The aim is to demonstrate what may strike a modern observer as a shocking indifference to statutes and laws that was seen throughout the period in the handling of these donations, and to ask what the reasons for this indifference may have been.

In 1604 a Riksdag resolution decreed that all allodial donations should be replaced by feudal donations, whereby the crown retained, at least formally, the ultimate ownership. Only direct male heirs could inherit the donated lands, while inheritance by parents and lateral relatives was explicitly forbidden; unmarried daughters would receive a dowry from the crown, while married daughters, after applying for permission, could inherit on behalf of their husbands and "their joint legitimate male heirs".

The result was not as envisaged. Feudal donations did become more common, it is true, but land continued to be allodially donated for fifty years, with increasing frequency during the last years of Christina's reign.

The terms of feudal donation were once again debated by the government and the Riksdag as long as they existed, that is, until 1683. Countless departures from the resolution of 1604 were proposed and accepted, from primogeniture to inheritance by all manner of relatives, but no definitive form was ever arrived at – if this was ever desired. On the contrary: all through the time when the two forms of donation existed, there was complete anarchy in their administration, yet this situation does not appear to have given rise to any anguish at all. Evidently, no initiative was ever taken to draw up and sanction a definitive and unambiguous formulation of section 14 of the 1604 resolution. Are we therefore justified in believing that this state of vagueness was, if not found directly desirable, at least practical? Or was the lack of precision due to the lack of familiarity with this idea? Or were the power relations such that it was difficult for conflicting interests to agree? This question must be left open.

What is certain, however, is that it would be wrong to refer to the Riksdag resolution of 1604 as a reflection of the concrete reality of land donations in the subsequent period. A law may reflect the intentions of the legislators, but it does not guarantee that these are followed.

Rudolf Thunander

The Swedish High Court in the Judicial System of the Seventeenth Century

The seventeenth century saw the start of the consolidation of the power of the central government in Sweden and the expansion of its institutions. One stage in this was the creation of the high courts. An order emerged in which the high courts were an intermediate level between the inferior courts and the King in Council. The aim of the essay is to elucidate the relation between the levels, and the forms for government and control that existed. The description is based on documents from the Göta High Court, founded in Jönköping in 1635.

The relation between the King in Council and the high court differed depending on whether the cases were criminal or civil. In civil cases there was a legal means for a discontented party to refer a case to the King in Council, which gave the high court an intermediate position. In criminal cases, where this possibility did not exist, the development of practice was that, of the death sentences referred to the high court by inferior courts, 94 per cent were decided by the high court on its own authority. Of a total of 1,336 death sentences, only 80 were referred further to the King in Council. The high court can therefore be said to have functioned as the highest level in serious criminal cases. The control of the high court by the King in Council took the form of scrutiny of the underlying documents and the control of recruitment. The work of the high court was not steered in detail, nor was there any systematic control. Control was passive, and the relationship was one of trust.

The relation between the high court and the inferior courts was rather one of distrust. The inferior courts were subject to active, systematic control by the high court, in that all judgements in capital cases had to be reviewed by the high court. In addition, the court records were scrutinized annually, and the inferior courts were obliged to consult the high court if they felt the slightest hesitation about how to interpret the law. The inferior courts were governed by the sections on trial in the old laws, and to some extent by the influence exerted by the high court in the appointment of lay judges. Despite the close control, the inferior courts nevertheless had scope for independent decisions, and let the high court know their views in the cases which they referred to the higher level.

The picture of the hierarchical order of the courts must therefore be qualified: the high court was in reality the highest judicial authority in criminal cases where the law prescribed the death penalty; the inferior courts did not see their distance from the high court as insuperable, although they were hedged with measures to control and guide their work.

Trond Stensland

Norway's naval armament policies 1895–1902 and the relations to Sweden

On June 7th 1895 the Norwegian Parliament (Storting) abandoned its plans for a separate foreign service (a common foreign policy was one of the pillars of the Norwegian-Swedish Union). This decision was a direct result of considerable political pressure on the part of Sweden, and the Storting had to accept bilateral negotiations on the matter within the framework of the Union. An important effect of Sweden's harsh policies was a major change in the political climate in Norway. The Radical Party (Venstre), formerly a spokesman of modest defence spendings, realised that Norway's equality of status within the Union could only be secured through a radical improvement of the country's armed forces. This change of attitude resulted in the most comprehensive peacetime armament ever. Both the Army and especially the Navy and coastal defence were strengthened.

Formally King Oscar II was commander-in-chief of Norway's armed forces, but through a number of laws passed by the Storting during the years 1893–1898, the Norwegian Government gained full control of the leadership. By altering the line of command and reorganising the Ministry of Defence, the Government was given influence on all major decisions within the armed forces. Important measures were also taken to secure the officers' loyalty towards Norwegian authorities.

At the same time the Navy was equipped with a large number of modern vessels and weapons and its organisation was modernised. Mobilisation was made more effective and in 1899 the coastal defence was reorganised and named "Kystartilleriet" (Coastal Artillery).

The year after the Naval General Staff presented a new strategic plan in which Sweden was defined a potential military threat against Norway. At the same time a committee planning the defence of Eastern Norway and the Oslofiord-area designed a new line of defence that was obviously ment as a shield against any swedish aggression.

The dramatic change in Norway's defence policies during the last decade of the Union can only be interpreted as measures basically aimed at Sweden. In the 1880-ies and early 1890-ies Russia was considered a potential military threat against both Norway and Sweden, especially among conservatives. However, after 1895 the Russian problem was no longer on the agenda in Norway, and a break-up of the Union became the most important political topic among both radicals and conservatives.

Ingela Schånberg

Girls' Education and Economic Growth

The article deals with the closure of the municipal girls' schools in Sweden from the perspective of gender and the labour market; it is a sequel to my article on girls' schools in the 1927 school reform. A hypothesis in both articles is that changes in girls' education are due to changes on the labour market.

The 1927 reform intensified girls' education in order to reduce competition between men and women in the service sector during a period of high unemployment. When the decision was taken to close down the girls' schools in 1962, the conditions must have been the reverse: low unemployment and reduced gender conflicts on the labour market.

The decision to close the girls' school was taken in conjunction with the creation of the nine-year comprehensive school. The introduction of the comprehensive school was also the motive stated explicitly in the bill and in the report of the inquiry preceding the decision. No parallel forms of school could be tolerated. Another reason was the changed view of women. Before this, the retention of girls' schools had been justified on the basis of an ideology of distinctiveness. In the early 1960s the decision-makers represented an ideology of equality, supported by scientific research. Consensus prevailed among the political parties about the closure of girls' schools.

The implicit motives which support my hypothesis include changes in the supply of female labour, changes in the gender division of labour, the low level of unemployment, and changes in education policy and economic policy.

The postwar period saw a high demand for labour, above all in industry. This demand could not be met by natural population growth; labour market reserves – immigrants and women – had to be used. The supply of married women on the labour market increased between 1930 and 1960 from 9% to 30%. Around 1960 there was a growing demand for female labour above all.

This led to changes in the gender division of labour in both industry and the service sector. Between 1930 and 1950, there had only been marginal changes in this. The 1950s saw small but significant changes; the element of female labour increased in male-dominated branches of industry. Between 1950 and 1960 the share of women in the mechanical engineering industry rose from 2.6% to 3.2%, in the wood industry from 3% to 4%, and in the metal industry from 8.2% to 9.3%. In the service sector the gender division of labour changed in a more complex way. All in all, the traditional gender division was weakened from the end of the 1950s. The large demand for labour and the low unemployment – the lowest until then in the twentieth century – led to reduced conflicts on the labour market.

In the same period, education policy was integrated in economic policy, the goal of which was full employment and economic growth. Education policy became part of the Swedish model for economic growth. Increased education was intended to increase the mobility of labour on the market and to direct labour towards productive occupations. Education in the humanities and the twin goal of girls' schools, to train girls for both home and career, were regarded as unproductive and not well enough adapted to the development of trade and industry.

Carl Cassegård

Fleeing One's Past
On the Relation between the Image of the Third Reich and Historio-graphical Development in West Germany, 1968–1990

The article is about the interpretation of West German historiography according to which the image of the Third Reich has functioned as a barrier to a positive identification with German history. Several signs suggest that this barrier has increasingly given way in recent years. This change has favoured or disfavoured different tendencies in historical science to varying extents. How far can the view of the Third Reich in rival historiographical tendencies in West Germany explain their fluctuations? To approach this problem, I start from the assumption that the extra-scientific overtones of the tendencies have a significant influence on their power to attract support. The tendencies that I study are: (1) Michael Stürmer's "meaning-creating history", an example of a "pragmatic" view of history which sees the value of history in its function of passing on traditions and creating identity and social integration; (2) The "historical sociology" of the Bielefeld School, an example of an "emancipatory" view of history, which gives history an active rationalizing and critical role in society; (3) Thomas Nipperdey's "neohistoricism", an example of an "idealistic" view of history, which sees science as its own goal. The study is then continued in two steps.

To begin with, I study the changes in the social and cultural environment of the tendencies. I try to show that this *Tendenzwende* since the 1970s has shown a cognitive dissonance between seeking a positive historical identity and establishing the guilt in the national past. The flagging economy of the 1970s destroyed the previous optimistic expectations for the future, and this triggered a need for a positive historical identity, which in turn was seen as incompatible with the image of the Third Reich, which was therefore subject to pressure to be harmonized and relativized. The dissonance could be resolved in two ways: (1) through resistance to the need for harmonization, which was the aim of the Bielefeld School; (2) by letting the barrier give way to the need for harmonization, which was the course advocated by Stürmer. If the need for a historical identity was to increase in the 1970s, however, the obstacles to this largely did not disappear until around 1990, with the reunification of Germany, when the post-war symbolism was greatly weakened, and with it also the barrier to an embellishment of history. This development is reflected in the historiography. Since the 1970s, the Bielefeld School has been sailing against the wind, while neohistoricism has experienced an upswing. The dissonant transitional period from the mid-1970s until around 1990 was one of reasonably successful defensive battles, such as the *Historikerstreit*, for the emancipatory historians, who could still efficiently mobilize the barriers to prevent any idealistic or pragmatic attempts at a breakthrough. Stürmer therefore never attracted very much open support. There is much to suggest, however, that his programme has been implemented in recent years by neohistoricists such as R. Zitelmann and E. Jesse, under the cloak of idealism.

Secondly, I study the three tendencies from within, trying to identify features in their normative foundation which can explain their extra-scientific stances. For the Bielefeld School I attempt to show that it often legitimated a critical attitude to history with the argument that responsibility for the future requires that Hitler can be condemned, which is a challenge to the demand of neohistoricism that every epoch must be judged solely by historically immanent standards. Both scientific and moral-political criticism are therefore a valid task for the historian. The risk of relying too much on a negative image of history to defend one's stance is obvious, however. When the historical image pales, one's arguments are weakened. As we have seen, one such process was begun in the 1970s. The basis of the opposing stance of neohistoricism – that moral-political aspects are irrelevant for the historian as a scientist – is a scientific objectivism inspired by Popper coupled with

moral relativism. Instead of responsibility for the future, fairness towards the past is emphasized. By choosing to remain aloof from society, and by being blind to its own extra-scientific image, however, neohistoricism permits a crypto-harmonization of German history which means that Stürmer's tendency can be seen to the same extent as an unmasked neohistoricism. Stürmer's explicit advocacy for toning down the German sense of guilt and an instrumentalization of history for politically conservative goals has never seemed as legitimate as, say, Zitelmann's similar explicit message. The paradox is that the socially aloof neohistoricism regained its strength partly through the need for harmonization, but that Stürmer, by verbalizing this need in the 1980s, was marginalized and viewed as controversial, suggests that open attacks on the image of the Third Reich were still tabooed at that time. If it is true that the advancement of Stürmer's views has chiefly favoured historicism, this explains why the *Tendenzwende* took place parallel to a depoliticization of historical science. The effect of the barrier was not so much to lessen the need for harmonization as to deprive it of its legitimacy, at least until around 1990.

To sum up, the prevailing political utopias (according to Ziehe first a social democratic one, then a neoconservative one from the mid-1970s) first favoured critical history, then history as a passer-on of tradition. The image of history, in contrast, always favoured a critical history. Until the mid-1970s, the two factors acted together, and then they counteracted each other, and a general cognitive dissonance arose, although this was reduced in pace with the fading of the sense of guilt. The cognitive dissonance has played a relatively minor role for historiographical development in general. It does not explain, for example, the shifts *within* idealistic history, such as the flourishing of mentalities and everyday history alongside a more traditional form of historicism. At most it has contributed to certain features, such as the polarization of the historical community, the strong position of critical history, the heated debates, and so on. On the other hand, the dissonance has been more successful in being able to explain the shifts in strength between historical sociology, neohistoricism, and meaning-creating history.