

Bruno Debaenst and Ryan Greenwood

Bonded by Books

Introduction¹

The University of Minnesota Law School's Stefan A. Riesenfeld Rare Books Research Center holds one of the outstanding collections of rare legal books in the United States. The books form the Arthur C. Pulling Rare Books Collection, comprising more than 25,000 volumes of rare and special texts printed from the fifteenth through twentieth centuries. The Collection is a resource for the study of American and English law and history, as well as continental and other law, and is well used by domestic and international scholars and students. In recent years, it has also been engaged in a very fruitful cooperation with visiting professors from Uppsala.

Swedish law books

Among the interesting historical collections at the Riesenfeld Rare Books Center are significant works of Swedish law. The Swedish collection comprises about fifty rare titles. The earliest volume, the *Leges Suecorum Gothorumque* (Stockholm, 1614), is a collection of medieval Swedish law published in Stockholm early in the reign of King Gustavus Adolphus (1594–1632), the monarch who transformed Sweden into an early modern power. Another of the early volumes, the *Lexicon Juris Sveo-Gothici* (Uppsala, 1665), defines and traces Swedish legal terms with reference to Roman law, not unlike the *De Jure Sveonum et Gothorum*

¹ This article is partly based on texts that previously have been published on the blog of the Stefan A. Riesenfeld Rare Books Research Center: Riesenfeld Rare Books Blog (riesenfeldcenter.blogspot.com).



Sverikes Rikes Lagh-Böcker (Stockholm, 1666).

Vetusto (Stockholm, 1672), a work on civil and criminal procedure.

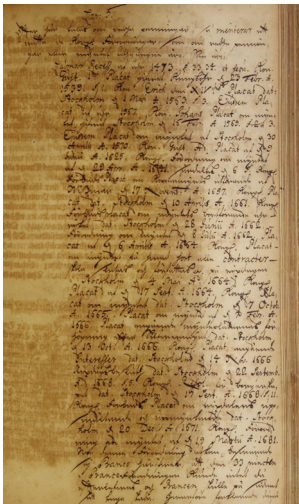
Many of the early Swedish books in the collection are notable for their bookplates, signatures, annotations, and other features. These important features gained the attention of Visiting Professor Eric Bylander, who undertook research on the collection in the fall of 2015 and again in 2019. A rare book collector and expert in heraldry, in addition to his modern legal expertise, Bylander has a keen eye for rare law books that reflect important aspects of Swedish legal history and culture through their prior owners and physical attributes. In particular, Bylander has uncovered in the Swedish books

interesting connections to noted historical jurists, families and booksellers. To give several examples,² Bylander identified the bookplate of Berndt Hasselrot (1862–1930), Sweden's Minister of Justice from 1914 to 1917, in the Library's copy of the *Sverikes Rikes Lagh-Böcker* (Stockholm, 1666). The book was sold to the Law Library in 1949. Another example is the Library's copy of *Sweriges Rikes Lag – Gillad och antagen på Riksdagen, Åhr 1734* (Stockholm, 1736), in which was found the signature of Johan Magnus af Nordin (1746–1823), an ennobled industrialist whose descendants include prominent Swedish politicians, book collectors, and even a Russian princess. Another noteworthy former owner was Colonel Gustaf Edelstam (1764–1825), one of the heroes of the Finnish War (1808–1809), in which Sweden eventually lost its eastern territories to the Russian Empire. Under the name Fahlander (the family name before he was ennobled in 1809), Edelstam was immortalized in the epic poem *Fänrik Ståls sägner* (*Tales of Second Lieutenant Stål*, Part I, 1848), by Johan Ludvig Runeberg, the national poet of Finland. Looking closely at historical books as physical artifacts, Professor Bylander also deduced what is

² The examples are taken from the text from the exhibit mentioned below.

likely an extraordinary former use of a law book. In the Library's copy of the *Sveriges Rijkes Siö-Lagh* (Stockholm, 1667), he found underlining in one part of the book only, pertaining to the provision of bread and drink to a ship's crew. Remarkably, cut marks on the lower vellum cover of the book seem to indicate that the volume was used as a cutting board, most probably on a ship.

Professor Bylander's own journey to Minnesota is also remarkable. He first visited the Law School in 1997, as an exchange student, and has returned twice as a visiting professor, most recently in 2019. That year, inspired by the richness of Minnesota's collection of Swedish law books, he took the initiative to curate an exhibit, titled "Böcker Har Sina Öden" (Books Have Their Destinies): Treasures of the Swedish Law Collection at the Riesenfeld Center". In the exhibit, based on his original research, Bylander described Swedish law books that he had chosen for their uniqueness as historical artifacts (some of which are described above). In particular, he identified the books' most striking physical features that draw attention to the richness of these treasured books and the stories they can evoke. As Bylander showed, the books in the Riesenfeld Center's Swedish collection have had their various destinies, have gained unique significance through time, and finally have found a home in Minnesota.



*Notes in Sveriges Rikes
Lagh-Böcker.*



Display cabinets.



Professor Bylander.



Display cabinet.

In February 2020, Professor Bylander and Professor Marie Linton, the Deputy Head of the Department of Law, Uppsala University, travelled from Sweden to Minneapolis to attend the opening of this memorable exhibit. At the reception, Bylander discussed the rare Swedish law exhibit, and Law School Dean Garry Jenkins, Associate Dean Joan Howland, and Curator Ryan Greenwood also made remarks.

At a dinner at the American Swedish Institute afterwards, hosted by the Uppsala Professors, Eric Bylander presented the Law Library



Schmedeman 1706.



Schmedeman 1706 title page.

with a terrific Swedish law book for donation to the Minnesota collections. The book, *Kongl. Stadgar, Förordningar, Bref och Resolutioner, ifrån åhr 1528, in til 1701* (Stockholm, 1706), is a collection of Swedish statutes, regulations, and other laws promulgated between 1528 and 1701. It is rare in North America and Europe, with only a few copies available in libraries, and also beautiful, featuring several magnificent engravings.

Praxis Rerum Criminalium

In the Spring of 2022, Belgian legal historian Bruno Debaenst was the visiting professor to Minnesota from the Faculty of Law at Uppsala University. During the semester, Debaenst took the time to visit the Riesenfeld Center and its rare books collection. While touring the collection with Ryan Greenwood, he found several items of particular interest. One was a remarkable work by Flemish jurist Joos de Damhouder (1507–81), whose Latin title is *Praxis Rerum Criminalium* (*The Practice in Criminal Cases*). First published in 1554 and reprinted many times after, it is the most extensively and vividly illustrated law book of the sixteenth century, a compendium of Flemish-Roman criminal law that depicts in more than 50 woodcuts the wide range of crimes it discusses.

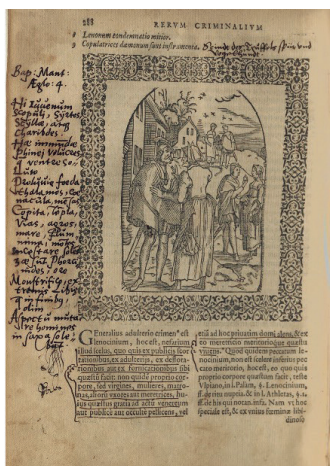
The book is one that had also caught Greenwood's eye and was featured in an exhibit that was mounted in 2020. Of the two copies of the work in the Riesenfeld Rare Books Center, one was formerly owned by the great



Joos de Damhouder.



Praxis Rerum Criminalium
Annotations p. 108.



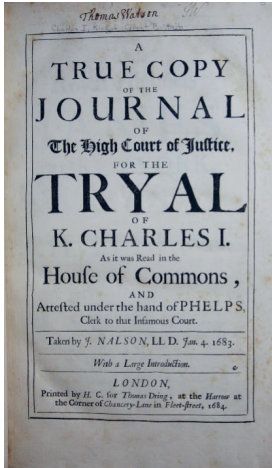
Praxis Rerum Criminalium
Annotations p. 288.



Praxis Rerum Criminalium
Annotations p. 434.

German jurist and legal historian Hermann Kantorowicz (1877–1940). That copy is enhanced by unique and rich student annotations – probably made by a German student around the time of the book’s publication – and the book was perhaps partly purchased or given to Professor Kantorowicz for that reason.

The book is also interesting because it offers an historical example of the theft of intellectual property. In fact, Joos de Damhouder plagiarized his magnum opus from Philips Wielant, an earlier jurist and public official who also served as a mayor of the Liberty of Bruges. Why Damhouder chose not to acknowledge his principal source is a mystery. Although the 16th century placed no modern legal or perhaps cultural prohibitions on plagiarism, it seems there were some basic rules of ethics, which Damhouder must have been aware that he violated. In addition, other questions can be raised: one is the extent of the work’s reliance on an existing Roman law tradition vs. its reflection of contemporary Flemish law. Other questions involve the woodcut depictions, the complex publication history of the book, and the fascinating topics of criminal law that are covered (some seem included only to highlight a particular sensationalistic woodcut). In all, the book raises many more questions than an ordinary (even historical) law book typically does.



Trial of K. Charles I.



Nalson Trial.

In the second copy of the book, the rich annotations also reveal information about the student who took notes in it. Apparently a humanist by inclination, the student was fond of citing Latin classics and appended quotes in Greek. The text itself became an imaginative space for the student's heavy multi-colored pen work, with interlinear and marginal notes, pointers and labelling.

Likewise for us, thinking about the book centuries later, it provides a similar space for discussion and thought, and the elaboration of new approaches to the material. It is a wonderful conversation piece, ripe for further research. In fact, Professor Debaenst has meanwhile published a research article on Damhouder's *Praxis Rerum Criminalium*, with a focus on the plagiarism and its history.³

Historical Trials

In the Spring Semester of 2022, Bruno Debaenst taught a class on historical trials in comparative perspective. Ryan Greenwood kindly offered his expertise. On 22 March 2022 Greenwood gave a talk and tour to the students of the class featuring several interesting pieces from the collection related to important historical trials: the seventeenth-century

³ Bruno Debaenst, J(o)os heeft het geweten! In het spoor van het plagiaat van Joos De Damhouder, *Pro Memoria* 2023, pp. 119–140.



Clarence Darrow.

trial of King Charles I of England, the Scopes “Monkey” Trial (1925), and the Dachau war crimes trials (1945–1947).

The trial of Charles I is a remarkable case. For the first time in history, an English King was put on trial, condemned to death and executed. Almost as fascinating as the trial is its afterlife, where numerous authors tried to (re)write its history. Greenwood showed the students for instance the book written by John Nalson, titled *A True Copy of the Journal of the High Court of Justice, for the Tryal of K. Charles I* and published in London in 1684.

The Riesenfeld Rare Books Research Center also has a book from 1679 describing the 1660 trial of the murderers of Charles I. Written by He-neage Finch, the Earl of Nottingham (1621–1681), it is titled *An Exact and Most Impartial Account of the Indictment, Arraignment, Trial, and Judgment (According to Law) of Twenty Nine Regicides ...* (London, 1679).

The Scopes “Monkey” Trial highlights the Law Library’s signature manuscript collection, the preeminent trove of letters written by and to the legendary American trial attorney Clarence Darrow (1858–1937).

The great majority of this extraordinary collection was acquired in 2004 under the guidance of Joan S. Howland, the Roger F. Noreen Professor of Law and Associate Dean for Information & Technology. The major acquisition represented the Law Library’s millionth-volume milestone and is a centerpiece of the collections at the Riesenfeld Center.

The Library’s Clarence Darrow collection continues to grow, today comprising more than 1,000 letters, as well as books, speeches, debates, trial briefs, transcripts, and other material by and about Darrow and his life and career. In 2011, the Library also released an award-winning digital research site under the direction of Associate Law Library Director Michael Hannon (’98), to make available extensive material related to Darrow’s career and his major cases.

Typically considered America’s greatest trial lawyer, Darrow remains a symbol of consummate courtroom skill. Over his long career, Darrow

built his legacy on an unmatched record in capital cases, and represented clients at several “trials of the century.” Most celebrated among these are the Scopes “Monkey” trial (1925) and the Leopold and Loeb murder trial (1924). The Scopes Trial centered on the right to teach the theory of evolution. During the trial, Darrow famously asked the noted American political figure William Jennings Bryant how he knew particular details related to the Book of Genesis. By his later career, Darrow was recognized as America’s leading criminal defense attorney, aiding otherwise hopeless defendants in the face of almost impossible odds. When involved in a case at the trial stage, Darrow never lost a client to the death penalty.



Horace R. Hansen.

Outside the courtroom, Darrow became a famous controversialist and a truly original iconoclast. His contrarian views, particularly in the 1920s during the height of his activity, challenged popular assumptions and taboos, adding greatly to his celebrity. His career and trials have been the subject of numerous novels, biographies, and movies. Darrow has captured the popular imagination like few other lawyers in America.

A final set of trials discussed with the students was the Dachau war crimes trials, held at the end of World War II. These historic, sobering trials are represented in the Riesenfeld Center through the archival collection of Horace R. Hansen (1910–1995).

Hansen was a St. Paul native, a graduate of the University of Minnesota and an important prosecutor at the Dachau war crimes trials (1945–1947).⁴ At the end of the war, Hansen, serving in the Army’s

⁴ In 2005, the Law Library received a generous donation of three boxes of material related to Horace Hansen’s WWII career from his daughter, Jean Hansen Doth. Later, three additional boxes of archival material were added to the collection and Ms. Hansen Doth also kindly donated four rolls of microfilm containing the trial transcript for the main Dachau concentration camp trial, an important source for study.



Dachau.



Dachau.

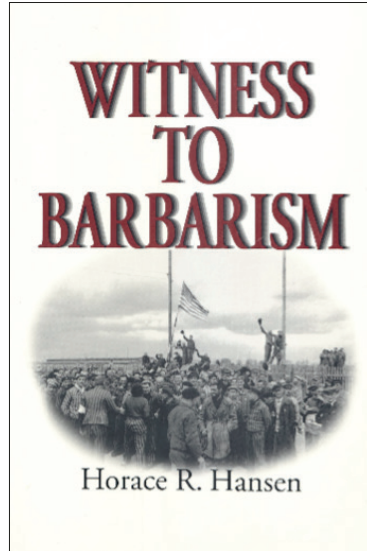
Judge Advocate General Corps (JAG), was assigned to gather evidence of war crimes in the Netherlands and the American sector of occupied Germany, which included taking witness testimonies from concentration camp inmates, taking photographs and drawing up lists of suspected perpetrators. He was then transferred to Dachau in the fall of 1945. The concentration camp at Dachau was the first in operation under the Nazi regime and remained a symbol of the inhuman brutality and depravity of all concentration camps, many of which were modelled after it. Dachau would serve as the central trial location for war crimes committed in the American-occupied area and against Americans from 1945–47.

At Dachau, Hansen tried two cases involving American prisoners of war, and oversaw others, including the main Dachau concentration camp trial. That trial charged 40 of the most notorious administrators, guards, and other staff with what were gross violations of the laws and customs of war. Rather than crimes against humanity, applied at Nuremberg, it was these more established charges that the prison staff and administrators at Dachau and the other camps faced. The team prosecuting the accused provided abundant evidence of mass murder (by firing squad), summary individual killing, extreme torture (including medical experimentation), abuse, starvation, intense labor, and abject neglect; and demonstrated that the operation of the camp showed a common design or purpose to kill the internees, who were political prisoners and those labelled subversive, Jews, enslaved laborers from Nazi-occupied territories, homosexuals, ethnic minorities, and others.

Greenwood showed the students a number of documents and photographs that Hansen preserved in his files. These included documents important for studying the legal organization of the trials and procedures used to identify and review Nazi officials for criminal charges. In fact, the trials' form and procedure was modified to provide more safeguards for the defendants than ordinarily would have been afforded in a military trial, based partly on procedures of the pre-war German courts. In the end, the 40 defendants at the Dachau camp trial were found guilty and 36 were initially sentenced to death. The trial helped

to establish the validity of subsequent international criminal tribunals and set a new standard of accountability for crimes committed during wartime.

The students also learned about Horace Hansen's book, *Witness to Barbarism* (2002), first drafted in the 1980s and published by his daughter Jean Hansen Doth after Hansen's passing in 1995. The book chronicles the author's journey to Dachau, atrocities he documented, and the main Dachau camp trial. The book project arose in response to Holocaust deniers in the 1980s, who rejected teaching the Holocaust in schools. Hansen hoped in part to understand the mentality of Hitler, and his fellow Nazi ideologues and supporters, who could have ordered and carried out the extermination of millions of Jews, Russians, Poles, and people across eastern Europe; as well as political and religious dissidents, homosexuals, Roma, and others. For that purpose, Hansen compiled hundreds of pages of conversations with Hitler's stenographers, or personal secretaries, at several periods, and included excerpts of these in his book. In the end, it is perhaps not easy to reach the full depths of the pathology. But Hansen did what he had set out to do: to bear witness to barbarism, and detail its legal remedies, in a direct and powerful way.



Witness to Barbarism.

Conclusion

The examples above are illustrative for the fruitful cooperation between the University of Minnesota Law Library's Stefan A. Riesenfeld Rare Books Research Center and the visiting faculty from Uppsala University. These important mutual contacts have not only led to a popular public exhibition, collaboration in teaching, and promising new research, but also to warm bonds of friendship, which are very promising for the continuity of the Uppsala – Minnesota exchange for many years to come.