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Beatrice Moring

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ADOPTION OF ADULTS AND CONTRACTS AS STRATEGIES FOR FAMILY PROPERTY CONTINUATION IN PRE-INDUSTRIAL FINNISH RURAL SOCIETY

by Beatrice Moring

Introduction

In the seminal publication *The development of family and marriage in Europe*, Jack Goody put forward the theory that adoption was eliminated in all Europe from medieval times to the 20th century. He also convincingly demonstrated that the reason for the stance taken by the Church was the acquisition of property from childless couples through testamentary arrangements. The push against adoption and divorce went hand in hand with efforts to make an ever-increasing part of family property free for donations in wills (Goody, 1984, 40-46, 100-101). The intention of this paper is not to cast aspersions on the credibility of the process described by Goody. It is understandable that from the perspective of a Europe dominated by the Catholic Church (and the Church of England, in many ways its ideological heir) the situation appeared uniform. It should however be noted that parts of Protestant Europe, particularly those that were Lutheran, and parts of other religious systems, did not operate under the same rules. There were regions in Europe where the family managed to maintain its position as the primary group in relation to property through medieval, early modern and modern times. Even in the 20th century the old kinship rights were retained in the shape of inalienable inheritance rights by children of the body. The old Scandinavian regional laws included adoption, i. e. inclusion into the kinship group as a legal possibility, Martin Luther did not forbid it, and among the Fenno-Ugric tribes in Russia adoption of adults was practised in certain situations. Finnish early modern legal documents present information about the adoption of adult males to become a "taken son" and heir of property, a practice not unlike that found in Japan in the past, or in ancient Rome.

A study of the development of property legislation from medieval regional laws to modern legislation would indicate that a frequent assumption has been that heirs will be available. The laws stipulate how property is to be divided between multiple persons and the priority systems of closer or more distant

kin. Discussions of family strategies and systems for the transfer of property often focus on the position of children by sex or birth order (Segalen and Ravis-Giordani, 1994). Demography has, however, often intervened in the past and even families giving birth to multiple children did not necessarily see them grow up to adulthood. Even though the nuclear family has been promoted as the dominating family system of the European past, there have been times and places when securing a sufficient, and sufficiently versatile, workforce from within the kin group has been of considerable importance. In addition, solving the question of who was to be the heir could often be more complicated than just securing the transfer to an eldest son.

The aim of the paper is to highlight the use of contracts or legal statements in court for the creation of artificial kinship with a person with whom the intention was to form an economic partnership of a permanent nature. The issue will be discussed against the background on adoption as a practice, and the Nordic legal and religious framework allowing or forbidding it. The focus will, however, be on the economic environment in which the adoption of adults was practised and their interlinking with economic activity and transmission of property.

The main sources are 17th century Finnish court records, sometimes combined with parish and tax registers.

Adoption as a phenomenon historically and geographically

Adoption of children versus adults

In present-day society adoption is commonly understood as adoption of children, often by childless couples and by contrast with fostering, the couple permanently assumes a legal responsibility for the child, awarding him/her with the family name and right to inheritance. Fostering of orphans, particularly those of the kinship group, has been a common phenomenon in historical Europe, both east and west to the extent that not all documents distinguish between grandchildren or even young nephews and nieces of a household head, as exemplified by Plakans for the Baltic area and Laslett and Anderson for Britain (Plakans, 1983, 177-8; Anderson, 1972, 227-8; Laslett, 1972, 87).

Mortality, particularly child mortality was, alas, a too frequent visitor in the homes of the past and to counteract the situation of finding oneself in a position of having no heir the ancients resorted to adoption. Particularly in ancient Roman society, adoption would take place when a person had successfully navigated the perilous childhood and reached adolescence or adulthood. Adoption there would take the different forms of *adoptio* or *adrogatio*.

As the *patria potestas*, father and household head had (at least in theory) unrestricted rights in relation to the per-

sons of his household, he could even sell his children into slavery. *Adoptio* took the form of a nominal sale of a young adult by one household head to another. However, as a household head could liberate his children and make them legal adults *sui juris*, adoption would in this case have to take the form of *adrogatio* whereby thirty magisterial lictors reassigned a young male from one family to another, for the purpose of saving family continuity. Only men could adopt and as the purpose was to save the family name, lineage and observe the rites of ancestor worship, the adoptees were young adult males adopted to replace dead or non-existing sons. Within the Imperial family sons-in-law were also adopted (Rawson, 1986, 12, 196). While will-making was possible in Rome, children did have the right to inheritance and adoption was not designed to curtail the property of existing children but to ameliorate the problem of the lack of an heir (Gardner, 1986, 8-9, 144; Saller, 1997, 43, 123). The adoptee would take on the family name, but as the concept of family was wider than in present-day society, he would share it with all household members including freed slaves (Rawson, 1986, 183-4).

At the other end of the globe, in Japan, adoption, as some other phenomena prevalent in Roman society, has been an integral part of family life. Here the absence of the position of hegemony of the Catholic Church has made it possible to maintain customs like that of adoption, without the need of calling it fostering or affiliation (Fauve-Chamoux, 1998, 386-7). When we analyse the purpose of adoption as understood in Japanese society, it bears a remarkable similarity to that found in Rome. Infant mortality was a problem and adoption was undertaken to guarantee the continuity of the family name and business as well as duties relating to ancestor worship (Hanley, 1985, 221-2). In areas where female heirship was an option, the adoption of a son-in-law and transfer of headship to him could be fairly common. In Japan, however, adoption did not have to be part of a permanent arrangement. The Japanese family could be a highly flexible institution. Marriages were contracted and dissolved, men were adopted and unadopted. Individuals who were adopted could spend some time in the new household and some time in the old. The main thing was to achieve maximum economic success and create a functioning unit with sufficient manpower (Yamamoto, 2002, 300, 315-17; Hayami and Okada, 2005, 222-225; Fauve-Chamoux, 2009, 548-551).

In the forests and on the plains of northern Russia, the Fenno-Ugric tribes have been practising adoption and some of the customs were documented in the 19th and early 20th century. The purpose remained the same as among the Japanese and the Romans: the continuation of the lineage, the transfer of property and the need to maintain a system of ancestor worship or respect. It was however, also intermixed with kinship support in the form of caring for male children of brothers and uncles. The first choice of a childless man would always be close

male kin and only in the absence of suitable candidates would a person outside the network be chosen. On the other hand the adoption of a son-in-law would also be an option, but with some regional variation (Harva, 1944, 60-1, 66-71; Tanner, 2000, 95).While the Skolt Saami of northernmost Russia tended to adopt from the kinship group this was not always the case in Finland where the eastern parts of the country show examples of adoption of strangers and incorporation of sons-in-law into the family economy with inheritance rights (Harva, 1944, 70, 73-4; Harva, 1940; Paulaharju, 1921,192; Voionmaa, 1915, 375).

Medieval and Early Modern laws, law codes and court proceedings in the Nordic countries

It has been possible to unearth Nordic laws from the time when the Christian Church made its first inroads into this region. The men of Nordic communities would regularly or irregularly come together for resolving issues at the *ting*. Before the event of common literacy the laws were preserved orally by specially appointed persons, law men, law speakers. As the rules had to be memorised, they were often shaped as rhymes or alliteration. To make understanding easier we find that they could also take narrative form. After the introduction of the Christian Church the laws were written down and later amalgamated into national codes. In Sweden Aldre Vastgotalagen was written down in the 1220s, the Yngre Vastgotalagen and Ostgotalagen in the late 13th century, as were the Vastmannalagen, Dalalagen and Halsingelagen. Upplandslagen, based on the latter three, was a form of royal codification from 1296. In 1350 the national codes, the Law of Magnus Eriksson and the Law of Magnus Eriksson for towns were printed. The last medieval national code was the law of King Kristoffer from 1442, which was in use until the launching of the law code of 1734 (Carlsson and Rosen, 1969, 124-6, 182, 247). As Finland was gradually amalgamated into the Kingdom of Sweden from the 12th century onwards, the regional laws of central Sweden, and later the codes, were the guiding lines followed in courts when establishing land ownership and transmission as well as other issues (Letto-Vanamo, 1995, 9-17; Kekkonen et al., 1985, 28-32).

In Norway the regional laws of Gulatingslova and Frostatingslova, written down in the 1240s at the order of king Hakan Hakansson, were preceded by Gragas of king Magnus Olavsson from the previous century. In the 1270s a codification called the Law of Magnus Lagaboter was extended to the whole country. These laws were also in use in Iceland and are mentioned in the Icelandic sagas (Hagland and Sandnes, 1994, ix-x). Because of the complications related to the governing of Norway by administrators more familiar with Danish law in the 16th century, it was seen as a necessity to issue a specific law code for Norway, *Kong Christian den fjerdes*

Norske Lov af 1604. The code included large parts of the property rules of the old code and was specific to Norwegian legal tradition (Holmsen, 1977, 414-15).

As can be seen from the above, legal tradition and practice in early modern and even modern times was still linked to rules generated in the middle ages or earlier. The breaking of the power of the family and the introduction of the individual as the central unit in relation to property did not penetrate legal practice until the 19th century.

While the institution of "court" has varied by time and place in European history from meetings of the village community to manorial gatherings presided over by local lords, "court" had a specific meaning in early modern Finland. By late medieval times, the *ting* had been transformed into a body that did not make laws but passed judgement, settled disputes and confirmed transactions. In Finland, the court came together four times a year in each judicial district until the end of the 16th century. In the 17th and 18th century the court sessions were tri-annual and from the end of the 18th century, twice a year. The local community produced twelve men recruited among landowning farmers while the proceedings were led by a judge who was a state official appointed for a specific geographic region. The judge sat assizes in different parts of the region and brought with him a scribe who kept the records, which were submitted to the higher levels of the justice system. From 1623, a high court was established in Turku (Aboa), the administrative centre, and the bishopric, for the Finnish part of the kingdom of Sweden. Copies of all documentation were sent and scrutinised there while the original was left in the local court system. In parallel with the local court system existed the so-called "law men courts" dedicated to criminal cases and representing an intermediary level. Serious criminal cases were dealt with by the high court and over time the increasing number of court records was divided into those dealing with criminal cases and those of an administrative nature, i. e. issues of land transfer, inheritance, property division etc. (Letto-Vanamo, 1995, 29-36, 189-215; Suvanto, 1995, 45-46, 118-119,150-152).

Adoption and legality

In *The development of family and marriage in Europe*, Jack Goody convincingly argued that the Catholic Church successfully outlawed the practice of adoption and divorce in European society for eight hundred years for economic reasons (Goody, 1984, 45-46, 100-101, 196). While this was undoubtedly the case in some parts of Europe, particularly Britain, the situation was not as uniform as one might think. Fostering and caring for orphans of relations was common, and in certain regions of France the system of affiliation could be used to secure property transmissions to, for example, sons-in-law. Property could also be settled on foster children through a will (Fauve-Chamoux, 1998, 385-8; Fauve-Chamoux, 1996, 4-7; Vassberg, 1998, 443-5, 451-3; Picco,

Fig. 1. Map of Finland (with historical boundary changes) indicating the geographical location of the judicial sub districts, with cases included in the study

2013, 18-23). Unlike Catholic countries and Britain, Lutheran Europe had legal divorce since the Reformation and the option of remarriage from the 16th century onwards. Both divorce and adoption were definitely linked to property and ownership issues, as well as family composition and care for orphaned kin.

While the regional medieval laws of the Nordic countries included multiple rules about marriage, property and inheritance, we also find specifications of how to take up a person into the family-kinship group. Although the assumption has been made that these stipulations applied to the legitimisation of a child born out of wedlock, the situation is slightly more complicated (Hagland and Sandnes, 1994, 137). As the regional laws, and legislation for hundreds of years later, stipulated that any child born before the marriage to the parents jointly gained legitimacy and inheritance rights equal to those of children born after the wedding, when the parents married, legitimisation through a separate court action was completely unnecessary. The wording was identical in the regional law of Upland (central Sweden) and the Law of Vestmanland (west central Sweden) of the 13th century:

"If a man has a child with a woman and then takes her to be his legal wife then the child takes inheritance like the child of a legally married woman… If a man, ill or healthy, plights his troth to a woman legally and in the presence of witnesses, a woman who has previously

been his concubine and has child with, if he has plighted his troth as here stated then the child is the child of a legally married woman, irrespective if the man is alive or dead. If a child is conceived by an engaged couple such a child will take inheritance (Holmback and Wessen, 1936, Vastmannalagen, 52; Hultman, 1916, 55)."

What makes it even more apparent that the issue referred to is adoption, is the stipulation that the person taken into the family should be honest and legitimate. The stipulation included, about the need to acquire the agreement of the legal heir to the property that will be affected, also points in the direction of making it possible for the childless to incorporate a care giver in old age in exchange for land (Hallager and Brandt, 1855).

The reason why adoption was not widely practised was that the inheritance legislation created a certain amount of flexibility in the transfer system. In Norway, inheritance through the female line was not only possible but the legal option in the absence of male heirs. Swedish law saw the eldest male as the preferred choice but primogeniture was never made compulsory; on the contrary, the parents could, if able to give a reason, hand the land to any child or in-law.

The Lutheran Church never banned adoption, and because of not viewing marriage as an acquisition of blood relationship it did not create a bar for the adoption of a son-in-law (Luther,1883).

Property legislation, ownership and inheritance in the Nordic countries

The Nordic legal tradition sits firmly within Germanic law, as do large parts of northern Europe. The early law codes were regional in nature and those forming the basis for medieval Finnish legislation originated primarily in the central Swedish area. If one does, however, analyse stipulations about land ownership and transfer and family property and inheritance, not only the Swedish regional laws but also those of Norway show considerable similarities.

The stem family, as it emerges in the legislation of the Nordic Middle Ages, was an institution for the maintaining of security based on an inherited landholding over which the family had the control through birth right. Land was seen as the most important property and was treated differently from movables. The kinship group or the extended family formed an ownership collective that had right to the land but within which single individuals operated in accordance with specific parameters (Kekkonen et al., 1985, 35, 38-39, 46). The household head, or head of the farm, held considerable power but nothing like the *patria potestas* of ancient Rome. As the head, he controlled operations and made decisions, but he was to be the guardian of the family land rather than the owner. Any attempt to sell family land outside the kinship group could be stopped by other family

members. "If a kinsman offers the full price of his family land within a year and a day, the land will go back to the family. If no kinsman makes an offer the land will go to the person who bought it (Holmback and Wessen, 1936, 47)."

The system that developed was aimed at preserving the holding as a viable unit in the hands of the family. The law guaranteed the right of the family to the land, and the right to a safe old age and for the young to grow up without want. The preferred heir to family land was male but, in the absence of male offspring, girls were accepted. Not only did women have the right to inherit, but Swedish 12th century legislation gives already priority to female heirs on the vertical line over male heirs on the horizontal one. Land was to go down the generations.

"If a man dies and he has children, the children will take inheritance after their father and their mother like their father, be it a son or a daughter. If there is a son and a daughter then the daughter takes a third with her brother. If there are two sisters and one brother they take half of the brother. If there are many siblings the sister will take half of the brother…

"Now a man dies and there are no children alive, if there are grandchildren they take inheritance, if there are no grandchildren if there are children of grandchildren then they take inheritance, if there are no children and no grandchildren and no children of these, then father and mother, sister and brother will inherit (Hultman, 1916; Holmback, 1919, 50)."

On the one hand the right of females to property and inheritance was confirmed, albeit in reduced form if male heirs were present, on the other hand the practicalities of counteracting land fragmentation left traces in the regional laws. Because of the scarcity of arable land in Norway, stipulations appear at an early date about the need to keep the vital part of the holding intact for one main heir, while the others were to be handed other property. Such rules were not unique to Norway. While the opportunities for land augmentation were better in Sweden and Finland, the regional laws and later the national codifications of the 15th century stipulate transfer of the land to one heir and division of movables between the others (Hagland and Sandnes, 1994, 131-2; Huebner, 1918, 304-307, 623, 764; KLNM, XX, 464-465; Holmback, 1919, 113-15).

While primogeniture was the ideal solution, unlike in Roman society it did not give the eldest absolute rights. However, if the parents wanted to make sure that a son-in-law or younger son could become the heir, the court could be used to make sure that the transfer was legal. When a just reason was presented, for example that the eldest had migrated or was incapable because of alcoholism, another heir could be appointed (Court records, Eura 1688 mm16:272; Loi 1688 m16:130). However, the principle of land descending through the generations rather than moving horizontally tended to be observed (Court records, Taivassalo 1688 13:833).

While women as well as men could

inherit land and family property, their economic rights were rights to property within their own blood line (Holmback and Wessen, 1936, 49-50). Marriage gave the parties rights to the marital movable property and land purchased during the marriage, but family land was separated and the ownership of a family holding could only be transferred to offspring, not a spouse. If the parties resided on the land of the husband, the widow inherited one third of the movable marital property, her first right; a bed with bedding and her own clothes was separated out before the property division. The marriage formula in the regional laws were practically identical and defined the authority of a wife and her property rights in the following manner:

"A woman is to be married to a man to honour and to wife, to share his bed, to locks and keys and to a legal third and to everything he owns in movables and that can be acquired, apart from gold and servants, and to all the legal rights of the law of Vastmanland (Holmback and Wessen, 1936, 45)."

She could reside on and run a farm for her children in their minority and she had the right to upkeep for life when a child took over the headship. She was, however, never the legal owner of the land. If a man married a heiress he could act as head after the death of her father but he was excluded from ownership of her family land (Holmback and Wessen, 1936, 80-81, 46-7).

Land versus movable property

Even though the inheritance legislation in the Nordic countries gave all children right to the parental property, division of land was frowned upon. The idea of equal right to the land presumed originally communal use, however, the 13th century legislation already specifically stipulates that a brother had the right to demand his share of the movable assets after the death of the father while land was ideally to be transferred undivided (Holmback, 1919, 112-113).

If a person wanted to leave the parental farm, a dowry in money or other movables could be handed out. Temporary alienation of parcels of land, for example as part of a dowry arrangement could also take place. In such cases the person had the right of using, for example, a field or pasture for their lifetime, but actual ownership of land handed out during the lifetime of the parents could not be granted (Hognas, 1938, 76-8; Moring, 2017, 71).

If the property was large enough to sustain a division or if the arable land could be extended through taking up new fields in the woods or elsewhere, the constructing of two farms (for two brothers) on the land of one was possible. A study of the development of villages in Sweden and Finland shows that many of these have developed through the division over centuries of one or two farms (Kekkonen et al., 1985, 50-51).

"Now a farmer dies and he has children, one comes to court and says: 'I

have inherited my father and I want to know my share, I want to divide and separate and be master of my parental inheritance.' Then his brother answers: 'We had a father who was careful and good the inheritance of which we could both keep and guard. The best thing for us would be to guard and care together because an undivided nest is best for both brothers.' 'No, says the other one, I want to divide and separate, to know my share and be master of my paternal inheritance.' Then he will be given the right to legal division – if they own land in one village then the younger of the brothers is to take his share in the south and after that all siblings in age order so that the land of the eldest is the furthest away. Now they own land in several villages, then the kinsmen of the father and the kinsmen of the mother are to divide a share for each one as just as possible (Holmback & Wessen, 1936, 49)."

While the laws gave parents the right to expect care in old age irrespective of their economic situation, they also stated that parents with land or assets were to compensate their children for their care. This particular piece of legislation created the opportunity of transferring landholdings *en bloc* to a single heir within a multiple heir system. Thereby not only was land fragmentation avoided, but also the heir singled out during the lifetime of the parents, a gradual move of the old to less strenuous work tasks, the departing children provided with a dowry at marriage or departure, and the holding not put under strain at any moment in time (Jutikkala 1958, 50-51; Moring, 2009, 182-5).

Transfer and the contract

Contracts of transfer ("retirement contracts") with retirement clauses were in existence during the medieval period but more commonly from the 16th century. Even though the expression "retirement contract" has been used to describe the public declaration and later the written document whereby the parents promised to transfer their land or property to a particular child in exchange for care in old age, the declaration or the document was not immediately followed by withdrawal of one party from active work. The main purpose of the contract was to name the parties involved and make clear the identity of the heir to be. Land was usually transmitted on the male line but exceptions could be made, fathers transferred the farm to the child who promised him care. A widow was in control of one third of the assets of the farm, cattle, money, utensils and the headship, when making a contract with a child this is what she usually transferred while probably sometimes retaining her own personal inherited goods.

In the 16th century the information about the structure of retirement is not very illuminating, a more or less standard formula was used. For example:

"Came to court Nils Kurjunen and made known that he gives his son Morten Nilson all his property for the service he has given and will continue to give, as

witnessed by 12 men (Kokemaki court records 20.7 1552)."

"Came in front of the court Valborg Larsdotter and declared that she was giving her beloved son Lasse Olsson her share of the movables of the farm as much as it might be in gratitude for the care he has given her and intends to give, clothe, feed and care for until she dies as will be witnessed by 12 men (Eurajoki court records July 23 1550)."

Adoption, property and name

The purpose of adoption was to secure the property for a specific person who took upon himself the care of the present head and his wife in old age. All known contracts of adoption found in court records of the 16th and 17th century are also a type of retirement contract. In a number of cases, it is stated clearly that the adopter does not have any children of his own. By taking a person as "son" or "child" the adoptee was made legal heir to the property. There are even examples of the court records using the expression *loco fili* (Pyhat 1675, ii3:69). The legality of the action was guaranteed through making the public declaration in court.

The question of name has been viewed as a crucial issue in relation to adoption, likewise the question of the surname of married women have been seen as particularly important in 20th century society. The Nordic name system of "patronyme" (meaning the first name of the father, not the surname) has occasionally caused some confusion. Like in contemporary Iceland, the name of a person in Sweden and Finland in the past consisted of a first name, for example Erik and a patronyme, Johanson (the son of Johan), in Finnish Eerik Juhaninpoika (the son of Juhani). A girl would be called for example Anna Johansdotter (the daughter of Johan) or in Finnish Juhanintytar (the daughter of Juhani). These names would be retained for life and did not change at marriage, as the father remained the same irrespective of the marital status of the daughter. In urban areas it was fairly common to add a third name for practical reasons (as did soldiers and clergymen); such names did not alter with marriage though, and for example in 17th and 18th century urban Sweden and Finland it was perfectly normal to find husbands and wives with different surnames (Tax registers, Stockholm 1760; Communion books Borga, 1781-1785). Landowning or land holding farmers would often add the name of the farm as an extra. This could be useful as the name system was relatively uniform and multiple individuals could have the same name. If a man married out of his home farm and became head on another farm through his wife, he would use this name and not that of his origin (Sidback, 1992, 13-14, 19). Similar customs have been identified in for example the French Pyrenees where the name of a farm has been known to be used as identifier. Because of this it was possible for a person who had been adopted into a farm to use the name of the farm which he was heading, as his third name. Where clan names were used among Fenno-Ugric tribes and in parts

of eastern Finland, examples have been found of names being retained as well as of new names acquired at adoption (Harva, 1944; Suvanto, 1995, 253-263).

Adoption in practice

While a system of keeping written records in court was introduced in the 16th century unfortunately only some years have survived. From eastern Finland the court records of Savo for the years 1553, 1559, 1561-1565 exist and for western Finland the records of Ala Satakunta 1550-1552, facsimiles have subsequently been published by the National Archives. From 1620, the level of preserved documents improved radically and long series of court records exist both for eastern and western Finland. For this reason, 16th century information can only be presented for a limited number of years.

For example:

"Came into court Henrik Sormon and declared that he will take Henrik Person Oijnon to be his son as he himself has no children, and he is to serve and care for the Henrik named above and his wife until the day they die and after he is dead Henrik Oijnon is to be his heir and nobody else (Rantasalmi court records, 1563 January)."

"Poval Kivenranta declared in front of the court that he will take Staffan Hakulin to be his son as he has none of his own. He is to serve feed, clothe and care for him and his wife until they die and then he is to become their rightful heir and if Poval Kivenranta dies before his wife she promises her land to him as it is her fathers' land. As examined by 12 men (Rantasalmi court records, 1563 March)."

"Came into court Mons Kanckon and declared that he will take the son of his brother called Mats Laurens son Kanckon to be his son as he has no children of his own and he is invalid, and Mats Laurens son is to care and keep Mons until the day he dies and after that be his heir to both real and movable property. This was confirmed by the 12 in the court (Rantasalmi court records, 1563 June)."

"Came into court Poval Povalson Anttoin and declared that he has taken Henrik Laurinpoika Kuosmainen to be his other son together with Poval Simoin so that they are to care and keep Poval Anttoin until the day he dies and care for his wife and after his death be the heirs and nobody else as he has no children, and nobody is to inherit after him but Poval Simon and Henrik Larson and they are to inherit from one another and so are their children and nobody else. As scrutinised by 12 men (Vesilahti court records, 1563)."

"Came into court Per Leinon and declared that he has taken Mats Vainikaijn to his son as he has no son of his own and Mats is to care and keep Per until the day he dies and to be the heir of Per after his death (Vesilahti court records, 1564)."

"Came into court Greus Tiuzan and declared that he has taken his son-in-law Per Povalson Korhon as he has no son of his own and Per is to care for and keep Greus until the day he dies and after that

Tab. 1. Relationship between adopter and adoptee in 17th century Finland

Relationship	% East	% South West
Son-in-law	38.6	52.0
Younger son*		3.9
Illegitimate son	2.8	
Stepson	2.8	6.5
Nephew / niece	4.2	17.1
Brother-in-law	1.4	2.6
Kinsman	2.8	1.3
Stranger†	47.0	17.1
Tot	100 (70)	100 (76)

∗ Becoming main heir instead of older brother and inheriting the headship and the land.
† The documents do not contain information about relationship, however, kinship cannot be excluded as a possibility.

Source: Court records 1620-1700, National Archives, Helsinki.

he is heir together with Anna the daughter of Greus, and Greus promised the other daughters who have married out 10 marks each, Karin, Birgitta and Maijsa (Pellosenniemi court records, 1564)."

"Came into court Ollij Karffuin and declared that he made Mats Povalson Naukain, who has his daughter, to his son, to inherit half of his land after his death, scrutinised by 12 men (Taivassalmi court records, 1564)."

"Came into court Ollij Hohenen and declared that he has taken Erik Matson to his son as he has no children of his own and Erik is to care for and keep Ollij and his wife until the day they die and after he is dead Erik is to inherit and nobody else, as scrutinised by 12 men (Juva court records, July 1564)."

As we can see from the examples above a common situation of adoption was that of a childless man adopting an heir,[1] however, adoption of a son-in-law and the son of a brother did also occur (see table 1). An examination of information from 17th century court records indicates that the preferred candidate for adoption was the son-in-law. This seems to have been the case both in eastern and western Finland. One might ask what the reason was, as marrying the daughter and heir would be sufficient for attaining headship. The answer is likely to be found in the promise of "a son's share" of the property after the death of the old head, i. e. actually becoming a co-heir to the family property. The court records show that there were specific stipulations when a son-in-law was adopted that he would inherit with "the rights of a son" and sometimes if the farm was freehold that he should inherit the house after he had paid out the shares of other siblings (court records,

Eura 1637 mm4:223; Huittinen 1638 mm4:310; Eurajoki 1698 mm34:100; Huittinen 1698 nn15:13). There is certainly evidence that in some of the cases the adoption resulted in a firm economic bond as the court records contain information about sons of adopted sons taking over farms (Ii 1647 rr6:248; Kemi 1679 rr16:131). While we are not always clear about the circumstances, occasionally it is revealed that the family has no male heir, or that he has moved out of the parish, and therefore the son-in-law is awarded the rights of a son (court records Huittinen 1658 mm8:110; Koke 1625 mm1:193). In cases where the family did not own the land, only movables could be promised to the adopted son-in-law as son's inheritance (court records Kokemaki 1654 mm8:211)

The location of the areas included in this study are marked on fig. 1. In the late 17th century the area in the south west, Ala-Satakunta, had about 900 farms, Kymenkartano 1500, and Pohjois-Pohjanmaa 2800. Because of the political and economic problems of the 17th century a large proportion of the land had reverted to the crown with the exception of the north western areas (Pohjanmma, Ostrobothnia) where as much as half of the land was still in the hands of the farmers in many parishes (Jutikkala, 1958, 198-201). On crown farms, the farmers did not own the land and did not have to revert to court proceedings for the purpose of establishing a legal heir. For obvious reasons they were also unable to sell the land.

While adoption was a way of solving the problem of finding a heir, one should not draw the conclusion that even in the 17th century families were as a rule childless. Although the intensive recruitment of soldiers had a negative impact on society, the household head and the main heir were usually protected from conscription. Studies of local communities in the 17th century have revealed high levels of cohabitation between parents and one adult married child (30 percent with both parents in the south west), both before and after the headship transfer. In the north west and the south east one half or the households, or more, were multi-generational (Moring 1994, 56-63; Moring, 1999, 160-2; Virrankoski, 1961, 96-7; Matinolli, 1969, 167; Tegengren, 1943, 62-4).

A scrutiny of actual farm transfers registered in court, from the north western region, reveals that in the majority of cases the family had either a son or a married daughter, able to take over the farm (table 2). In addition, as some of the adopted sons were in fact sons-in-law, even higher rates can be assumed, which is in line with existing information on household composition.

In the judicial districts included ca. 1100 farms were still on freehold land by the 1720s (Jutikkala, 1958, 198-9).

Another option for acquiring assistance and augment the workforce was to form an economic unit based on a contract lasting a shorter or longer time. Manpower was not abundant and where the designated heir was not obviously a kinsman, the link could be created by other means. Economic co-operation of

Tab. 2. Relationship between old and new head in farm transfers, North West Finland, 1620-1699

Relationship	N	%
Son	141	40.0
Son-in-law	78	22.2
Adopted son	73	20.8
Stepson	14	4.0
Tot Family	278	79.2
Tot transfers	351	

Note: Farm transfers registered in court records. While an adoption in court or a retirement agreement created the possibility for a legal transfer to a specific person, the transfer in court was an actual handing over of a farm.

Sources: Court records North-West Finland 1620-1699, National Archives Helsinki.

this kind was called a house company or united house (*husbolag*). The legal foundation for such a unit can be found already in the statutes of land in the old regional medieval legislation (Holmback and Wessen, 1936, 51, 112).

"If men want to make a union together they are to go to the church and appoint twelve men from the people in the parish. These twelve men should know how it was started. If the property increases, it increases for both, if the property decreases it decreases for both. The twelve are the ones who should know if the union was made with two equal parts or with thirds (Holmback and Wessen, 1936, 112)."

When studying the court records there are indications that although the united house or the partnership did exist both in the east and in the west, it would appear that if was more frequently found in the eastern areas (table 3).

Geography and economy, manpower

When analysing the complications of ownership and property systems in early modern Finland, it is necessary to remember that, unlike the European heartland, large areas were still not settled or populated and some regions had control over areas that were not in intensive use. The south western parts of the country with the closest links to the capital Stockholm and access to the sea were more densely populated than other parts of the country, the villages were older, and set field agriculture on clay soil was predominant. Efforts to enlarge the cultivation area had to be focused on draining marsh lands and the like. The northwest profited to some extent from the dropping of the sea level and the possibility to put old sea bed under the plough. The northernmost parts also benefited from large woodland areas suitable for tar burning and logging (Soininen, 1961,

Tab. 3. Relationship between household head and partner in economic unions 1620-1700 (%)

Relationship	East	South west
Son-in-law	11.7	18.5
Brother	5.1	14.8
Stepson	0.4	
Nephew	5.1	7.4
Brother-in-law	7.4	7.4
Stepfather	0.4	
Uncle		3.4
Kinsman	0.4	
Sister-in-law widowed	0.4	
Stranger	66.6	48.1
Tot	213	27

Source: Court records, National Archives, Helsinki.

137-8; Saloheimo, 1986, 9-18).

In eastern Finland the land population ratio was high, the soil stone bound and less fertile, partly because of the after effects of the ice-age and because of the presence of stone with a tendency to fragment, the so called *rapakivi*. The solution to the dilemma was found in slash-and-burn cultivation, creating fields in the forest. Slash-and-burn was no novelty in the Nordic countries. Already the Viking society of the Iron Age engaged in slash-and-burn activity in deciduous forests. However, a change was brought about by a 16th century innovation, the so-called *huuhta* method. The innovation made possible the use of evergreen forests by tapping the sap of trees and gradually drying out the trunks. The projects lasted many years until an area could be burned, but the harvests of rye grown in wood ash were phenomenal and compensated for the fact that not every spot of the *huuhta* field could be cultivated. The use of evergreen forests naturally enlarged the area that could be utilised for growing grain and the 17th century saw the spread of the population towards the north into areas that had been deemed usable only for hunting purposes (Soininen 1961, 138-155). The nature of the projects both from the perspective of time (5-8 years) and that of man power had a profound impact on household organisation. The indicators we have of the numbers of males per household in the pre-*huuhta* period (primarily the bow tax), hint at a normal stem family system, while the tax records of the 17th century clearly demonstrate a tendency to retain more than two adult males per household in the areas engaged in slash-and-burn, particularly when expanding into new areas or using the woods for tar burning purposes. Many households were those of fathers and multiple sons

and sons-in-law, or married sons residing together (*frérèche*). On the other hand the need for input from many men was also inflated by artificial means (Jutikkala, 1958, 56-7; Moring, 1999, 170, 172-3). Sometimes the court record specifically mentions the need of men as the reason for the adoption (court records, Kokemaki, 1654 mm8:211).

The concept of *collective ownership* of land by male family members in periods of economic expansion can be found in early medieval Germanic legislation under the name of *Brudergemeinschaft* or *Hausgemeinshaft*: those working the land owned the land (Huebner 1918, 304-307,623,764). The eastern and northern Finnish economic system with the need of many male workers and long projects also triggered the use of legal arrangements that were not as common elsewhere. Above the phenomenon of the united house was mentioned, *Hausgemeinschaft* where ownership and work were shared equally by several males. The establishment and the dissolution of such units were verified in court, as was the permanency or non-permanency of the union. The courts were also used to establish the legality of including persons with "the right of a brother" into a work group (court records Lappee 1670 jj16:26). Quite an extreme case was that of a group of two brothers, one with an adult son plus two stepbrothers recruiting one more contract brother with equal property rights into the unit (court records Koiviso 1666 jj13:482). Such "contract brotherhood" can still be found in the 19th century in eastern Finland. It is, however, of some importance to note that "property" did not necessarily include ownership of the land, but the produce of a crown farm (Jutikkala, 1958, 55-7; Voionmaa, 1915, 41-7, 367-88, 481-7; Moring, 1999, 173)

From the perspective of Western Europe, with a relatively early event of day labour in agriculture, arrangements of this kind might seem very strange. It is, however, a logical consequence of two things, a society with very little social stratification and a need to give participants a stake in a long-term project and thereby make them identify with the group, and desire a positive outcome, as it would bring them benefit like the others. Communal rights to the end product created equal interest in the success in a situation when the goal was years away, not at the end of the season.

Retirement, adoption, partnership

The 17th century court records demonstrate that there was some overlap between these categories. The reason for adoption was often the acquisition of an heir and a person to provide care in old age, even the expression care giving son (*sytnings* son) was used in the court records. There were cases when a son-in-law was called both a partner and adopted son who was to give care in old age. The only person who is generally absent from the records as partner or adopted son is the actual biological son. Even here, however, there are sometimes exceptions. When a younger son was to

take the place of an older brother as primary heir, it was deemed necessary to get such an intention established in court (see table 1). On the other hand, when it comes to retirement agreements and farm transfer, the son is in evidence (table 4). The reason for this is the inheritance rights of all the children. When a family was fortunate enough to have multiple children survive infancy and childhood, the issue of property rights raised its head. In the east, many men were needed, but, in the west, a smaller group was sufficient, as long as an heir could be produced. Multiple sons could start to press for property division, as was their legal right. By setting up the retirement agreement, the headship was organised and the supposed burden of old age care for the parents created a privileged position of the heir in relation to the siblings. The fact that biological sons figure less prominently in 17th century retirement agreements does not mean that they did not inherit. On the contrary, the reason was the same as that for adoption, a shortage of heirs. If only one son was alive a contract could be set up, but it was not really necessary. If, however, the desired heir was a younger son or a son-in-law, a contract was useful.

From shortage to abundance of heirs – towards freehold land and detailed contracts in the 18th and the 19th century

As long as the property and inheritance legislation in Sweden and Finland retained its medieval characteristics, the farm remained the property of the old head until his death, even in cases where a contract had been set up and the running of the farm had been transferred to the younger generation. During the 18th century, the legal profession started to push for the introduction of individual rather than family control of property. The first radical achievement was including the rule in the new national code of 1734 that a headship change secured by a contract was seen as an ownership change absolutely, and the stipulations in a contract were to be understood as a mortgage on the land, i. e., as long as the clauses of the contract were fulfilled the ownership change remained legal. In addition to this, the right of extended family members to buy back family land was abolished and only retained by the immediate family circle (Jutikkala, 1958, 338).

19th century legal changes also caused land to lose its special position as being untouchable and the heir was being obliged to pay out the shares of sisters and brothers not only of the movables but also of the value of the land if freehold. This created considerable regional

Tab. 4. Relationship between old and new head in 17th century retirement agreements (%)

Relationship	North West 1620-1700	South West 1620-1660
Son-in-law	28.4	32.2
Son	35.0	22.5
Stepson	2.9	8.0
Daughter	1.4	6.4
Adopted son	21.6	11.2
Brother	2.1	3.2
Nephew	2.9	6.4
Uncle		3.2
Daughter-in-law		1.6
Partner in union		1.6
Kinsman		3.2
Stranger	5.3	–
Tot	337 (100%)	62 (100%)

Sources: Court records, The National Archives, Helsinki.

differences in the inheritance situations between the west where an increasing amount of farms were bought into freehold from the late 18th through the 19th century, and the farms on crown land in the east.

The issue that has to be considered in relation to adoption are the demographic changes of the 18th and 19th century. The climate problems of the little Ice Age were in the past, as was the constant warfare of the 17th century. In the 18th and 19th century, a decline in rural infant mortality rates can be detected. Although there was scope for improvement, the chances of seeing children grow up and marry had increased (Moring and Wall, 2017, 228; Moring 1998, 179-81). We find that by the 19th century it was easier for families to retain live male offspring, in fact in many families more than one potential heir reached adulthood. In the mid-19th century, new legislation awarded female offspring the same rights to inheritance as their brothers, which introduced the problem of how to distribute assets between siblings instead of finding a heir (Jutikkala, 1958, 336-7).

A study of the provisions for old age in retirement contracts and the timing of the drawing up of such documents reveal the responses within agrarian communities to these changes in the nature of transmission and ownership. The largest concentration of detailed retirement contracts was therefore in regions with a large proportion of freehold farmland.

Dyrvik has also tentatively posed the question for Norway of whether there existed a correlation between retirement contracts and a high proportion of freeholds. The transfer of land to freehold in Norway commenced in the 1660s

when only 20 percent of the farmland was owned by the farmers themselves, and the rest by the church, the crown or the nobility. By the early decades of the 19th century, the farmers had acquired more than 50 percent of the land which increased the number of retirement contracts. However, considerable regional differences can be detected (Dyrvik, 1977, 1-17).

From the 18th century, it became fairly common in Norway to use the retirement contract as a means of securing the farm for the heir against demands from younger siblings. While the eldest son had the right to the farm, his siblings had right to inheritance. The "price" of the farm could be very low while the retirement payments were considerable. In addition, usually the younger children were to be cared for until adulthood, but any other claims had to be postponed until the death of both parents (Helland Hansen, 1966, 187-190; Homlong, 1995).

A study of 19th century retirement contracts in Finland hint at similar strategies. Instead of drawing people in through adoption and partnerships, the contracts were used to single out one heir among several children. By setting up an agreement with numerous clauses and large payments in grain, food items, clothes, right to use land and graze animals, the appearance of costs to the heir were so considerable that the others could be rewarded sums that did not endanger the farm. In both cases, the aim was to secure the future of the farm and the people on it but using different strategies.

In addition, the legal nature of the contract as a mortgage on the land, following the land in any ownership transfer, did make the land less attractive to outsiders. In the case that the land did go to creditors for unpaid debts, the old couple had the right to stay on the farm in the rooms, house or space defined in the contract plus the right to all items listed as agreed for the upkeep of the old head and his wife. On top of this the money, goods or rights of younger siblings listed in the contract, had to be paid by the new owner (Moring, 2003, 251-2; Moring, 2006, 406-7, Moring, 2017, 128-30).

The purpose of the detailed 19th century contract was on the one hand to settle the property division between the children, not unlike wills in other countries. It also functioned as a document of transmission, specifying that the child who gained more than the others, was responsible for certain obligations. It was also a "widow's pension" document for the wife of the old farmer after the death of her husband. It secured a reasonable standard of living for the parents in case the land would go out of the family. The fact that the obligations rested on the land and were not tied to the person was underlined through expressions like "my son or whoever exercises his rights," "the person who heads the farm," "my son, his descendants or whoever has the farm." These specifications were deemed necessary because the transformation of the land market and the changing land ownership structure affected generational se-

curity. Legal conflicts between strangers buying farms at auctions or taking them for unpaid debts have shown that there could be variation in interpretation of clauses (Moring, 2006, 390; Moring, 2009, 182-3).

Contracts and regional differences

The regions with the highest rate of freehold farms, northwest and southwest Finland, show the highest frequency of written detailed retirement contracts while they were rare in the eastern parts of the country.

An analysis of 500 contracts from 19th century northern Ostrobothnia shows that a large proportion of the farms with detailed retirement contracts were burdened with debts. The majority of the transfers were between parents and children and more than 90 percent of these transfers were conducted as giving and receiving a "gift" with stipulations. The heir promised care for the parents or retirement payments and to take over the debts on the land. In addition, one of the most important sections was the compensation to siblings, either payments in cash or kind, or the use of some of the land, for example a croft for life. The cash payments were often to be paid at the death of the donor or when the siblings reached a specific age or married. A standard requirement was that the new head was to take care of any young siblings until they were fit to find some employment. The earliest ages mentioned were 16 years, but ages of 21 or more can be found. The siblings also had to be provided with a wedding feast or money for that purpose. 78% of male and 90% of female co-heirs in a sample received compensation in movables (see table 5). Some of the contracts included clauses of increase in the retirement payments if the land went out of the family. If the heir was unable to maintain the farm and it was lost to the creditors the old couple were secured by the contract and the siblings had had their share. When the heir managed to run the farm successfully, the contract was not necessarily implemented until the death of one of the parties, and sometimes not even then (Moring, 2006, 389-390)

The compensation was usually to be paid in animals, money and tools, for example: 1 cow and 2 sheep to sisters (1820); 40 daler for brother, sister 20 daler, each, 1 cow, 2 sheep, 1 chest, scythe and wedding feast (1823); 166 daler for a brother, the sister 83 daler and 1 cow, 3 sheep, 1 sickle, 1 scythe each (1827); 125 roubles for the brother, a croft for the sister, 83 roubles for the brother from a second marriage, upkeep until adulthood, a wedding fest, 1 cow, 1 sheep (Kob 2, 1829); a croft for one sister, 600 mark each for two sisters, in addition 1 cow, 2 sheep, 1 chest, 1 spinning wheel each (1860); 100 marks each for 2 sisters and 1 cow, 2 sheep, bedding, the money to be paid out after the death of the parents, for all siblings a wedding feast, care on the farm for life for a disabled brother (1865); money, 1 cow and 2 sheep each for the brother and sisters (1870); money, grain, 1 cow,

Tab. 5. Provisions for children who did not inherit land, retirement contracts northwest Finland 1810-1915

	males			females		
years	cows	sheep	bed	cows	sheep	bed
1810-24	3	6	–	13	19	1
1825-49	22	37	6	76	120	20
1850-74	61	97	27	108	175	42
1875-99	63	112	23	123	211	53
1900-14	12	21	1	51	95	15
number of cases	161	272	57	371	626	138

Source: Retirement contracts and documents of land transfer.

2 sheep and wedding costs for the sisters (Kob 18, 1874).

While the population in eastern Finland had suffered from the effects of warfare and the 17th century was a time of war and climate problems, the 18th century brought about an easing of such pressures. In the 18th and early 19th century, finding a heir was less of a problem, on the contrary many families produced several brothers able to join in economic co-operation. When the workforce needed augmentation, contract brothers were brought in. Property was held jointly by all resident males regardless of biological relationship. Remaining in the parental household conferred the advantage of continued membership of the landholding group, even if there was little hope of heading the household (Jutikkala, 1958, 55-6; Moring, 1999, 172-3). On the other hand, the periodic division of farms, when several generations produced more than one surviving male child, made it possible even for younger sons to harbour hopes of headship at some point in life. The farm was a self-sufficient unit of production which would not be divided unless the two halves had enough manpower to remain viable. Women were given a dowry, in the form of movable property at the time of their marriage, and were thereafter excluded from any claim on the land (Jutikkala, 1958, 57; Moring, 2009, 192). Out of a sample of 206 married males in Virolahti, born between 1790 and 1820, 171 could be found in their parental home after marriage. By contrast only 22 out of 219 women brought a husband into the parental household. It is significant that most of these families had no male children of working age (Moring, 2004, 159-60, 164; Moring, 2009, 191).

The 18th and early 19th century were still a period of opportunity for expansion into unused woodland areas for slash-and-burn purposes, and a large workforce could be the recipe for economic success. Studies of the household structure on local level reveal the

Tab. 6. The presence of kin in Virolahti parish, Eastern Finland

	Married brother	Married son	Mother	Grandchild	Married daughter
1818	18.5	23.6	21.8	25.3	7.4
1838	19.6	18.2	10.8	19.8	5.8
1876	6.2	15.6	7.6	15.6	3.2

Sources: Tax registers, Virolahti, National Archives, Helsinki

presence of married sons, daughters and brothers as well as partners or contract brothers. However, the second part of the 19th century brought changes. There was a shortage of suitable forests and changes in economic thought resulted in a re-evaluation of woodlands. An international market for pit props and other wood products made burning trees to grow grain in the ashes an uneconomical proposition. Eastern Finland started to re-orientate towards a set field economy, the re-claiming of bog lands and intensification of animal husbandry for butter production. The changes in the need of manpower can be detected on household level. By the 1870s the households started to resemble ordinary stem families, and social stratification in the shape of social descent by younger sons became part of the pattern (table 6; Moring, 1999, 173-4, 179; Moring, 2004, 161). Adoption was no longer needed for family continuation and the economic activity had less and less demand for extra labour in the form of contract brothers.

Conclusion

Sweden and Finland were historically family-based societies and property belonged strictly to the kinship group. Including a person into this group by the use of a contract, either into a partnership for a restricted time or through adoption in long term, made it possible for such a person to share in the family property. Because of the smaller share in inheritance by daughters and the preference for a male heir, the adoption of a son-in-law radically changed his status and right to inheritance.

In other parts of Europe, for example Britain, the extensive will making rights, particularly from the 17th century, meant that property could be transferred to a kinsman or a stranger with whom one wanted to form an economic partnership. Wills were used in southern Europe to give preference to one child over the others in property division, and by awarding a daughter and son-in-law a system of old-age support and continuity could be achieved.

One should remember that the tendency to adopt in Finland seems to have been prevalent at a time when, because of infant mortality, warfare and climate problems, families might well have found themselves without a legitimate heir. Indeed the court records often state that the person adopting is childless or does not

have any sons. When an augmentation of the workforce was desired, the contract unions were formed with persons being instituted as partners or contract brothers of a work group. Once the population situation changed towards an over supply of heirs, we see the introduction of retirement contracts responding to changes in legislation. Through such contracts the economic position of a chosen heir was promoted at the cost of other siblings, who might have wanted to push for inheritance and property division. In addition the contracts were used as insurance policies to protect the family against grasping strangers, who desired to get their hands on the family land. Indeed the use of the court and setting up contracts and legal documents reflects the responses of the Finnish farming class in its defence of continuity and the securing of family land for the family.

Beatrice Moring
University of Helsinki / Cambridge
bke.moring@ntlworld.com

Notes

1. Eura 1620 mm1:36; Huittinen 1620 mm1:24; Eurajoki 1621 mm1:115; Kokemaki 1624 mm1:258; Eurajoki 1626 mm2:268; Kemi 1626 rr1:14; Kemi 1628 rr1:64; Ii 1628 rr1:66; Oul 1647 rr6:251; Kokk 1649 rr6:396; Vehk 1662 111:287; Elim 1665 ii2:42; Ruok 1666 jj13:251.

Bibliography

The National Archives, Helsinki

Court records of the judicial districts of Pohjois Pohjanmma, north western Finland, 1620-1700:

Kemi 1626 rr1:14; Kemi 1628 rr1:64; Ii 1628 rr1:66; Oul 1647 rr6:251; Ii 1647 rr6:248; Saloinen 1649 rr6:411; Lohtaja 1649 rr6:402; Kokkola 1649 rr6:396; Kemi 1649 rr6:442; rr6:443; Pyhajarvi 1649 rr6:457; Pyhajarvi 1650 rr7:14; Kaljoki 1650 rr7:77; Kalajoki 1650 rr7:78; Loht1650 rr7:80; Kokk 1650 rr7:85; Oul 1651 rr7:222; Kokk 1651 rr7:243; Kemi 1651 rr7:297; Kemi 1650 rr7:52; Kemi 1651 rr7:298; Ii 1651 rr7:300; Ii 1651 rr7:307; Oul 1651 rr7:309; Pyhj 1651 rr7:325; Kokk 1652 rr7:451; Kokk 1652 rr7:452; Saloi 1652 rr7:464; Saloi 1652 rr7:465; Kemi 1652 rr7:499; Ii 1652 rr7:507; Lim 1652 rr7:515; Kemi 1672 rr13:143; Lim 1673 rr13:187; Koke 1673 rr13:231; Loht 1673 rr13:372; Pyhj 1673 rr13:382; Lim 1674 rr13:591; Hai 1674 rr13:619; Pyhj 1674 rr13:711; Lim 1674 rr13:720; Kemi 1674 rr13:745; Oul 1678 rr15:247; Koke 1678 qq1:26; Koke 1678 qq1:96; Kemi 1679 rr16:131; Ii 1679 rr16:138; Ii 1680 rr17:167; Kokk 1680 qq3:160; Pal 1680 tt2:590; Kemi 1683 rr20:15.

Court records of the judicial district of Kymenkartano, south easten Finland, 1620-1700:

Virolahti 1623 jj1:3; Lappee 1623 jj1:2; Taip 1625 jj1:35; Vehk 1627 jj1:77; Taip 1629 jj1:92; Vehk 1630 jj1:103; Muol 1630 jj2:177; Vehk 1631 jj1:118; Vehk 1632 jj1:134; Lappee 1633 jj1:141; Lappee 1633 jj1:140; Vehk 1633 jj1:138; Sakk 1634 jj1:151; Jaa 1635 jj2:338; Sakk 1637 jj1:193; Jaa 1637 jj2:387; Ruok 1638 jj2:417; Vehk 1638 jj1:202; Ruok 1642 jj3:84; Virl 1643 jj4:21; Sakk 1645 jj4:87; Ayr 1645 jj5:114;

Ruok 1646 jj5:221; Koiv 1646 jj4:170; Taip 1647 jj4:144; Vehkalahti 1647 jj4:212; Lappee 1647 jj4:179; Vehk 1648 jj4:223; Pyht 1649 jj4:259; Lappee 1651 jj6:392; Jaa 1650 jj6:36; Lappee 1652 jj6:317; lappee 1652 jj6:323; Lappee 1653 jj6:392; Jaa 1653 jj6:458; Virolahti 1653 ii1:35; Lappee 1654 jj7:110; Lappee 1655 jj7:197; Lappee 1655 jj7:175; Ayrapaa 1655 jj7:217; Ayrapaa 1659 jj7:585; Lappee 1665 jj12:156; Virolahti 1668 ii2:138; Lappee 1670 jj16:26; Vehk 1662 111:287; Elim 1665 ii2:42; Ruokolahti 1666 jj13:251; Ruokolahti 1673 jj18:272; Sakkijarvi 1679 jj22:167; Viip 1683 jj24:56; Lappee 1683 ii4:329; Luu 1683 ii4:279; Ruok 1684 jj24:440; Ayr 1684 jj24:529; Ruok 1693 jj28:32; Vehk 1693 ii7:615; Eli 1694 ii7:536; Vehk 1694 ii9:218; Virolahti 1694 ii9:253.

Court records of the judicial district of Ala Satakunta, south western Finland, 1620-1700:

Eura 1620 mm1:36; Huittinen 1620 mm1:24; Eurajoki 1621 mm1:115; Kokemaki 1621 mm1:123; Kokemaki 1622 mm1:146; Kokemaki 1624 mm1:258; Kokemaki 1625 mm2:205; Ulvila 1625 mm2:237; Eurajoki 1626 mm2:268; Eura 1637 mm4:223; Huittinen 1636 mm4:108; Huittinen 1638 mm4:310; Kokemaki 1641 mm5:132; Huittinen 1653 mm8:110; Kokemaki 1654 mm8:211; Ulvila 1655 mm9:188; Eura 1681 mm12:192; Taivassalo 1687 mm15:98; Eura 1688 mm16:17; Loimaa 1688 mm16:130; Taivassalo 1688 mm17:109; Loimaa 1689 mm18:391; Loimaa 1689 mm18:385; Huittinen 1693 mm10:560; Eura 1693 mm23:141; Huittinen 1695 mm12:227; Eurajoki 1698 mm34:100; Huittinen 1698 nn15:13; Eura 1698 mm34:100.

Court records of the judiciary district of central Ostrobothnia 1831, 1864-1865, 1881.

Tax registers, Virolahti parish.

Communion books, Borga town 1781-85.

The Municipal Archive of Stockholm

Tax registers 1760 Stockholm.

Bibliography

Anderson, Michael (1972), "England: Preston in comparative perspective," 215-236, in Peter Laslett (ed.), *Household and family in past time*, Cambridge University Press.

Carlsson, Sten, Rosen, Jerker (1969), *Svensk historia 1, tiden fore 1718*, Stockholm, Svenska bokforlaget.

Dyrvik, Stale (1977), "Overgangen til sjolveige i Norge," *Historisk tidskrift*, vol. 56, no. 1, 1-17.

Fauve-Chamoux, Antoinette (1996), "Beyond adoption, orphans and family strategies in pre-industrial France," *The history of the family*, vol. 1, no. 1, 1-13.

Fauve-Chamoux, Antoinette (1998), "Introduction. Adoption, affiliation and family recomposition – inventing family continuity," *The history of the family*, vol. 3, no. 4, 385-92.

Fauve-Chamoux, Antoinette (2009), "A comparative study of family transmission systems in Central Pyrenees and Northeastern Japan," 529-558, in Antoinette Fauve-Chamoux and Emiko Ochiai (ed.), *The stem family in Eurasian perspective*, Bern, Peter Lang.

Gardner, Jane, F. (1986), *Women in Roman law and society*, Beckenham, Croom Helm.

Goody, Jack (1983), *The development of the family and marriage in Europe*, Cambridge, Cambridge University Press.

Hagland, Jan, Sandnes, Jorn (1994), *Frostatingslova*, Oslo, Det Norske Samlaget.

Hallager, Fr., Brandt, Fr. (1855), *Kong Christian den fjerdes Norske Lov af 1604*,

Kristiania, Det AkademiskeKollegium.

Hanley, Susan B. (1985), "Family and fertility in four Tokugawa villages," 196-228, in Susan Hanley and Arthur Wolf (ed.), *Family and population in East Asian history*, Stanford, Stanford University Press.

Harva, Uno (1940), "Der Bau des Verwandschaftsnamensystems und Verwandschaftsverhaltnisse bei den Fenno-Ugriern," *Finnish Ugrische Forschungen*, Helsinki, Suomen Kirjallisuuden Seura, 91-120.

Harva, Uno (1944), "Der Adoptivsohn und der Hausschwiegersohn bei den finnish-ugrischen Volkern," *Finnish Ugrische Forschungen*, Helsinki, Suomen Kirjallisuuden Seura, 57-76.

Hayami, Akira, Okada, Aoi (2005), "Population and household dynamics. A mountainous district in Northern Japan in the Shumon Aratame Cho of Aizu 1750-1850," *The history of the family*, vol. 10, 195-230.

Helland Hansen, Kjeld (1966), "Karskipnaden," *Heimen*, vol. XIII, 182-185.

Högnäs, Hugo (1938), *Sytning och arvslosen*, Abo, Abo tidnings tryckeri.

Holmbäck, Åke, Wessen, Elias (1936), *Svenska landskapslagar, Dalalagen och Vastmannalagen*, Stockholm, Gebers.

Holmbäck, Åke, Wessen, Elias (1940), *Svenska landskapslagar 3, Hälsingelagen*, Stockholm, Gebers.

Holmbäck, Åke (1919), *Svenska landskapslagar, ÄldreSvearätt*, Stockholm, Gebers.

Holmsen, Andreas (1977), *Norges historie fra de eldste tider til 1660*, Oslo, Universitetsforlaget.

Homlong, Beate (1995), "'I vores eiende lemstue,' Kårskipnaden i Etne 1716-1901," unpublished thesis, University of Bergen.

Huebner, Rudolf (1918), *A history of German private law*, London, J. Murray.

Hultman, Olof (1916), *Upplandslagen*, Helsingfors, Svenska Litteratursallskapet I Finland.

Jutikkala, Eino (1958), *Suomen talonpojan historia*, Helsinki, WSOY.

Kekkonen, Jukka, Korpijaaakko, Kaisa, Ylikangas, Heikki (1985), *Oikeudellisen saantelyn kehityslinjoja*, Helsinki, Gaudeamus.

Kulturhistorisk Lexikon for Nordisk Middelalder (KLNM) III (1958), Köbenhavn, Rosenkilde og Bagger.

Kulturhistorisk Lexikon for Nordisk Middelalder (KLNM) XX (1976), Köbenhavn, Rosenkilde og Bagger.

Laslett, Peter (1972), "Introduction. Appendix," 1-90, in Peter Laslett (ed.), *Household and family in past time* (Cambridge), Cambridge University Press.

Laurikkala, Saini (1945), "Varsinaissuomalaisista talonpoikaismyotajaisita 1700-luvulla", *Turun Historiallinen Arkisto*, vol. IX, 91-111.

Letto-Vanamo, Pia (1995), *Karajayhteison oikeus*, Helsinki, Lakimiesliiton kustannus.

Luther, Martin (1883), *Martin Luthers Werke, Kritische Gesamtausgabe*, Weimar, H. Bohlau.

Matinolli, Eero (1969), *Suur-Pyhajoenhistoriavanhimmistaajoista 1860-luvulle*, Kokkola, Pyhajoenkunta.

Moring, Beatrice (1994), *Skargardsbor, hushall, familj och demografi in finlandsk kustbygd pa 1600-, 1700 och 1800-talen*, Helsingfors, Finska Vetenskaps-Societeten.

Moring, Beatrice (1998), "Motherhood, milk and money, infant mortality in pre-industrial Finland", *Social history of medicine*, vol. 11, no. 2, 177-196.

Moring, Beatrice (1999), "Land labour and love. Household arrangements in nineteenth century Eastern Finland. Cultural heritage or socio-economic structure?" *The history of the family*, vol. 4, no. 2, 159-184.

Moring, Beatrice (2002), "Property and power. Women and the holding and transmission of assets," 75-100, in Emiko Ochiai (ed.), *The logic of female succession. Rethinking patriarchy and patrilineality*, Kyoto, International Research Centre for Japanese Studies.

Moring, Beatrice (2003), "Conflict or co-operation. Old age and retirement in the Nordic past," *Journal of family history*, vol. 28, no. 2, 231-257.

Moring, Beatrice (2004), "Together or apart. Sibling inequality, marriage and household strategies in pre-industrial Finland," 147-174, in Tapio Hamynen, Jukka Partanen and Yuri Shikalov (ed.) *Family life on the Northwestern margins of imperial Russia*, Joensuu, Joensuu University Press.

Moring, Beatrice (2006), "Retirement contracts and the economics of widowhood in the Nordic countries", *Continuity and change*, vol. 21, no. 3, 383-418.

Moring, Beatrice (2009), "Land, inheritance and the Finnish stem family," 173-202, in Antoinette Fauve-Chamoux and Emiko Ochiai (ed.), *The stem family in Eurasian perspective*, Bern, Peter Lang.

Moring, Beatrice, Wall, Richard (2017), *Widows in European economy and society 1600-1920*, Woodbridge, Boydell Press.

Picco, Dominique (2013), "Mesurer les parentalités alternatives dans la noblesse française (fin XVII^{e}-XVIII^{e} siècles)," *Popolazione e storia*, no. 1, 17-33.

Plakans, Andrejs, (1983) "Early childhood in Baltic serf society," 167-206, in Richard Wall (ed.), *Family forms in historic Europe*, Cambridge, Cambridge University Press.

Paulaharju, Samuli (1921), *Koltain mailta*, Helsinki, Suomen Kirjallisuuden Seura.

Pirinen, Kauko (ed.) (1954), *Suomen vanhat tuomiokirjat, Savon tuomiokirja, Finlands aldsta dombocker I, Savolax 1559, 1561-1565*, Helsinki, Valtionarkisto.

Rawson, Beryl (ed.), (1986), *The family in ancient Rome*, Beckenham, Croom Helm.

Roos, John E. (ed.), (1964), *Suomen vanhimmat tuomiokirjat, Ala-Satakunnan tuomiokirja 1550-1552*, Helsinki, Valtionarkisto.

Saller, Richard P. (1997), *Patriarchy, property and death in the Roman family*, Cambridge, CUP.

Saloheimo, Veijo (1986), "Savolaxarnas expansion pa 1500 och 1600 talen," *Varmlandsfinnar*, Stockholm, Kulturfonden for Sverige och Finland, 7-22.

Segalen, Martine, Ravis-Giordani, Georges (ed.) (1994), *Les cadets*, Paris, CNRS.

Sidback, Borje (1992), *Fran stenalder till nutid*, Vasa, Sidback-Elgmoss hembygdsforening.

Soininen, Arvo (1961), *Pohjois savon asuttaminen keski ja uuden aja vaihteessa*, Helsinki, SHS.

Stiernhook, Johan (1946), *Alandska Domböcker 1641-1643*, ed. John Roos, Helsingfors, Alands landskapsstyrelse.

Suvanto, Seppo (1995), *Yksilo myohaiskeski-ajan talonpoikais-yhteiskunnassa*, Helsinki, Suomen Historiallinen Seura.

Tanner, Vaino (2000), *Ihmisteieteellisia tutkimuksia Petsamon seudulta*, Helsinki, Suomen Kirjallisuuden Seura.

Tegengren, Helmer (1943), *Kronoby sockens historia*, Kronoby s-n.

Vassberg, David (1998), "Orphans and adoption in early modern Castilian villages", *The history of the family*, no. 3, 441-458.

Virrankoski, Pentti (1961), *Kokkolan pitajan ylaosan historia*, Kokkola, Kokkolan pit.

Voionmaa, Vaino (1915), *Suomen karjalaisen heimon historia*, Helsinki, Suomen Kirjallisuuden Seura.

Yamamoto, Yun (2002), "A case study of female primogeniture pre modern Japan, Arigavillge 1739-1868," 299-320,

in Emiko Ochiai (ed.), *The logic of female succession. Rethinking patriarchy and patrilineality*, Kyoto, International Research Centre for Japanese Studies.

Abstract

In the seminal publication *The development of family and marriage in Europe*, Jack Goody put forward the idea that adoption has not existed in Europe from medieval times to the 20th century. He also convincingly demonstrated that the reason for the stance taken by the Church was the acquisition of property from childless couples through testamentary arrangements. Since the publication of the book numerous scholars have demonstrated that child adoption has indeed existed, although not always under such a name. The ban on or negative attitude to adoption did not to the same extent penetrate Lutheran and Orthodox Europe. In some regions the importance of maintaining family property had a central position in social and economic life through the medieval, early modern and modern period. The old Scandinavian regional laws included adoption, i. e. inclusion into the kinship group as a legal possibility, Martin Luther did not forbid it, and Finnish early modern legal documents present information about the adoption of adult males to become a "taken son" and heir of property, a practice not unlike that found in Japan or in ancient Rome, where adoption was a strategy to guarantee the continuity of the lineage.

Sweden and Finland were historically family-based societies and property belonged strictly to the kinship group. Including a person into this group by the use of a contract, either into a partnership for a restricted time or through adoption in the long term, made it possible for such a person to share the family property.

The aim of the paper is to highlight the use of contracts or legal statements in court for the creation of artificial kinship with a person with whom the intention was to form an economic partnership for a short time or permanently. The issue will be discussed against the background of adoption as a practice, the Nordic legal framework and demographic constraints. The focus will be on the economic environment in which the adoption of adults was practised and its interlinking with economic activity and transmission of property. The issue that will also be raised is the replacement of adoption with retirement contracts as a response to a change in demographic conditions.

Résumé

Dans un ouvrage suggestif, *The development of family and marriage in Europe*, Jack Goody a avancé l'idée que l'adoption n'existait pas dans l'Europe du Moyen Âge au xx^e^ siècle. Il a également démontré de manière convaincante que la position adoptée par l'Église sur ce point était motivée par l'acquisition de biens de couples sans enfants par le biais d'arrangements testamentaires. Depuis la publication de ce livre, de nombreux chercheurs ont démontré que l'adoption d'enfants a bel et bien existé, mais pas toujours sous ce nom. L'interdiction de l'adoption ou l'attitude négative à son égard n'a pas pénétré dans la même mesure l'Europe luthérienne et orthodoxe. Dans certaines régions, l'importance du maintien de la propriété familiale a occupé une position centrale dans la vie sociale et économique tout au long de la période médiévale, et du début de la période moderne à l'époque contemporaine. Les anciennes lois régionales scandinaves incluaient l'adoption,

c'est-à-dire l'inclusion dans le groupe de parenté comme une possibilité légale. Luther ne l'a pas interdite, et les documents juridiques finlandais du début de l'époque moderne fournissent des informations sur l'adoption d'hommes adultes pour devenir un "fils adoptif" et un héritier de la propriété, une pratique qui n'est pas sans rappeler celle du Japon ou de la Rome antique, où l'adoption était une stratégie pour garantir la continuité de la lignée.

La Suède et la Finlande sont historiquement des sociétés fondées sur la famille où la propriété appartient strictement au groupe de parenté. L'inclusion d'une personne dans ce groupe par le biais d'un contrat, soit dans le cadre d'un partenariat pour une durée limitée, soit par le biais d'une adoption à long terme, permettait à cette personne de partager les biens de la famille.

L'objectif de cet article est de mettre en évidence l'utilisation de contrats ou de déclarations légales devant les tribunaux en vue de créer un lien de parenté artificiel avec une personne avec laquelle l'on souhaite former un partenariat économique pour une courte période ou de façon permanente. La question sera examinée en tenant compte du contexte de l'adoption en tant que pratique, du cadre juridique nordique et des contraintes démographiques. L'accent sera mis sur l'environnement économique dans lequel l'adoption des adultes était pratiquée et ses liens avec l'activité économique et la transmission des biens. Sera également interrogée la question du remplacement de l'adoption par des contrats de retraite comme réponse à un changement des conditions démographiques.