

The late medieval and early modern Hanse as an institution of conflict management

JUSTYNA WUBS-MROZEWICZ*

ABSTRACT. Ever since research on the Hanse began in the nineteenth century, there have been repeated efforts to redefine the boundaries and the core of the phenomenon. Views of the Hanse have evolved, and it has been seen by turns as a profoundly German league of towns, and as a network or organisation of towns and traders that was present in commercial centres and harbours from Novgorod to Portugal, and from Norway to Italy. In more general discussions on the institutional development of commerce in Europe, many of them influenced by the New Institutional Economics, the Hanse has even appeared as a mega-guild. The revival of the field of institutional economics and the history of commerce in pre-modern Europe has recently spawned a reappraisal of Hanseatic sources. The present article contributes to this debate by arguing that from the perspective of conflict management, the late medieval and early modern Hanse was an institution. There were several institutional mechanisms, such as a strong preference for mediation and arbitration in conflicts between individuals, as well as a mediation strategy for internal conflicts between towns. All of these mechanisms combined in a multifaceted institution of conflict management, which represented the added value of Hanse membership for traders, and for their towns.

At first glance, the late medieval and early modern Hanse appears to be easy to define. The current consensus among scholars studying the Hanse is that it was both an organisation of traders and an organisation of cities and towns in northern Europe, in the North Sea and Baltic areas. Its merchants spoke Low (northern) German, engaged in foreign trade in places as far away as Russia, Portugal and Italy, shared privileges under one Hanseatic ‘umbrella’ and established settlements abroad together. There were approximately 70 large and 100–130 smaller cities and towns that constituted the Hanse as an urban organisation. From its inception to its dissolution the Hanse survived

* Faculty of Humanities, University of Amsterdam.

for more than 500 years in Europe; from roughly the end of the twelfth century until the seventeenth.¹ However, that first glance would be deceptive. Debate over the definition, or the true nature of the late medieval and early modern Hanse, is a recurring, indeed a central, theme within the historiography of the organisation; it was and remains difficult to capture in a single description.

The debate over the nature of the Hanse started in the late Middle Ages. In a now iconic speech given by Hanseatic envoys to the English king in 1469, they stated that the organisation that they represented was not a '*societas*' (trading company), '*collegium*' (corporation), '*universitas*' (corporate body) nor even a '*corpus*' (body) of any kind. It had no common property, no common chest, no common seal, no common representative, no common leader and no common ruler. Instead, it was a confederation by mutual consent. Hanseatic envoys employed very similar wording and tone in 1473 and 1474 when they repeatedly stated that members of the Hanse were not part of a '*corpus*' and therefore had no collective responsibility for the actions of a privateer from one of the Hanseatic towns.² In effect, they were saying, the Hanse was not to be understood under any existing legal or organisational definitions.

Nineteenth- and early twentieth-century historians presented the Hanse as a league of cities: a recognisable political building block that fit the spirit of nation building at that time. The focus was on its origin and structure. This definition was rejected after the Second World War, when the attention of the discipline shifted to economic, social and cultural history.³ And, more importantly, historians pointed out that the Hanse lacked the features that characterised most medieval urban leagues.⁴ The term 'Hanseatic League' is thus outdated. Nevertheless, it is remarkable that even though the transition was made from viewing the Hanse as a league to the current definition of the Hanse as an organisation, scholars continued to focus on its structure. They have pointed out that the contours of the Hanse as an organisation are visible through the mercantile networks stretching both north and south of the Alps, across a string of towns lying across the Baltic and North Sea regions and over the numerous settlements, or *Kontore*, established by the Hanseatic traders abroad, the four most important being those in London, Bruges, Novgorod and Bergen.⁵

In this article I intend to take the debate in a different direction, by arguing that, as well as examining the *structure* of the Hanse, we should also examine its *function*. I will analyse how the Hanse managed conflict between both merchants and towns; how it resolved conflicts and how it dealt with them in other ways in order to add another layer to our understanding of the Hanse. I will trace here 'the rules of the game' of the Hanse. My main thesis is that, as well as the many other benefits the late medieval and early modern Hanse bestowed on its member merchants and towns, it also acted as a unique institution of conflict management.

The rest of the article is organised into seven parts. Part 1 discusses the application of the concept of institutions to the study of the Hanse and conflict management; part 2, the question of why an institution of conflict management was needed in the Hanse area; part 3, the interplay between individuals, cities and states within and beyond the Hanse; part 4, the maintenance of the status quo and conflict prevention as two important strategies for managing conflicts within the Hanse; part 5, the relationship between Hansards and non-Hansards; and part 6, how the processes and strategies of conflict management were communicated. The final section lays out my conclusions.

1. 'THE RULES OF THE GAME' AND CONFLICT MANAGEMENT

By identifying the Hanse as an institution I am not attempting to provide a definitive definition of what the Hanse meant to its members or should mean to historians. Instead, I want to employ the 'rules of the game' take on institutions to show another side of it. Douglass North conceived of institutions as 'rules of the game' in the 1990s, a concept that would come to lie at the core of New Institutional Economics.⁶ This concept allows us to focus on what the Hanse *did* for its members, not only in economic, but also in social and political terms. It also offers a new avenue for the study of the available historical sources. North's definition of an institution turned the attention of economists, and eventually also economic and social historians, to all the formal and informal dynamics governing various structures, for instance urban councils or courts.⁷ Because this concept is so flexible, it can be applied to the various levels at which the Hanse functioned: merchant guilds, cities, settlements abroad, meetings or political alliances.

In the social sciences, the notion of the 'rules of the game' has proved to be captivating and highly influential, but is also as slippery as the terms that Hansards, the members of the Hanse, used to describe the organisation to which they belonged. Debate still rages over the exact definition of an institution, not least because various branches of the social sciences have all been using the term differently for a long time. The same is true among historians. Legal historians, for instance, consider a court of law and its formal structure to be an institution. They also see the law itself to be an institution, but they do not define trust as an institution nor as a mechanism used in an institution. Social and economic historians, who define institutions rather more broadly, do include concepts like trust in their discussions of institutions. This means that it is important to point out here that I will employ this broad definition in my analysis.

Another issue that needs clarification is the distinction between 'an institution' and 'an organisation' and its use in economic and social history, and most specifically in Hanse studies. Roughly, there are two schools of thought

in the social sciences. The proponents of the first one believe that institutions and organisations are connected phenomena (even though they disagree on where the boundary between the two falls). In this view, these two can also be overlapping phenomena, for instance when organisations make use of institutions. This can be the case of a firm making use of trust, for example, or a university being both an organisation and an institution, depending on whether one wants to focus on its structure or ‘rules of the [academic] game’.⁸ Scholars from the second (‘evolutionary’) school argue that institutions can take on a special form and become organisations. This goes together with becoming formalised and having a more discernible structure, just as an informal club might evolve into an association, for example.⁹ The views of these two schools have permeated social and economic history. For instance, guilds can be denoted as institutions, organisations or both.¹⁰ In Hanse studies, as well, both views are represented. On the one hand, scholars have pointed out that the Hanse – as an organisation – made use of the institutions of trust or reciprocity.¹¹ And on the other hand, the argument has been made that the Hanse as a whole was transformed from a vague institution and crystallised into an organisation, over the course of the fifteenth century.¹²

Undoubtedly, a more robust organisation emerged in this period. I wish to argue, however, that as well as emerging as an organisation, the Hanse also remained an institution. Equally, it remained a Hanse of merchants while becoming a Hanse of cities.¹³ As in the case of a university, how one views the Hanse depends on whether one’s focus is on its organisational structure, or on its multiple rules and functions. The rules and functions of the Hanse are particularly difficult to describe, but they were the added value of the organisation. This was in fact what the Hanseatic envoys tried to explain in 1469. The fluidity of the unique ‘rules of the game’ of the Hanse afforded its merchants and city councils a high degree of flexibility over whether or not to use the Hanseatic card in negotiations or even in their considerations. In this article, I will focus on one particular function merchants and cities could employ, namely conflict management. The role of the Hanse as an institution of conflict management is thus analysed. Did the fact that they belonged to the Hanse help Hanseatic merchants or Hanseatic city councils when they were embroiled in a conflict or a dispute?

To answer this question, we must consider both the economic and the political situations in medieval northern Europe, and we must consider both small- and large-scale conflicts. Traders and towns were inextricably connected in these conflicts. While Hanseatic cities were largely autonomous and could wage wars against rulers and other Hanseatic and non-Hanseatic cities, commercial interests were always at the top of their agenda. This means that individual and group interests played a significant role and were interwoven with politics. Hanseatic traders could become involved in disputes

with other merchants both within and outside the Hanse, while their town councils could at the same time become embroiled in larger-scale conflicts such as war, embargoes and diplomatic tugs of war. Individual disputes could spark off larger conflicts, and, for instance, war inescapably affected individual merchants. This intertwining is reflected in the sources: quarrelling merchants being mentioned in diplomatic exchanges, and letters to kith and kin commenting on war. This article is one of the outcomes of a project considering how conflicts were dealt with in Danzig (modern day Gdańsk), an autonomous Hanseatic city belonging to the Polish Crown, in the period c. 1450–1560.¹⁴ This project provided an opportunity to examine systematically many thousands of pages of manuscript sources in the State Archives in Gdańsk, including several series of municipal books, legal proceedings, and correspondence between the town council of Danzig and the Polish King and other town councils as well as correspondence between individuals.¹⁵ The research results were compared with those achieved from archives in Lübeck, Copenhagen, Tallinn, Amsterdam, the Hague, Brussels, London, Berlin and Antwerp. Published sources were also used to place the findings from Danzig in a broader context.¹⁶

The insights gained from the primary sources, especially those that presented a picture of incidents in which small-scale and large-scale conflicts were combined, also suggest that it is not enough to consider conflict resolution in isolation. As the introduction to this Special Issue has discussed, the concept of conflict resolution, which has been dominant in economic history for some time, needs to be expanded to include conflict management. In the medieval and early modern periods, conflicts such as commercial quarrels or intermittent wars not only had to be resolved, but steps had to be taken to prevent conflicts occurring, or methods found to prevent them from escalating. This was clearly also the case in the Hanse region. The question, therefore, is not only whether the Hanse offered added value to its members in terms of conflict resolution, but in terms of conflict management. First, however, we must address the question of why such a function was necessary.

2. WHY DID HANSARDS NEED AN INSTITUTION OF CONFLICT MANAGEMENT?

All merchants in pre-modern Europe had to face problems such as breaches of contract or wars and embargoes, but there were three main reasons why Hanseatic traders felt it necessary to develop their own strategies of conflict management. These were: the mobility of the merchants and their goods; issues around responsibility; and the intricate politics with which they had to contend.

Mobility affected all trade and traders in Europe. It could involve a merchant accompanying his goods to a faraway place or the sending of an associate or agent on his behalf. It also included the temporary stays of merchants in

various types of settlement outside their hometown or state, ranging from fairly secluded *fondaci* (trading outposts) to living in a large city amongst the host population. Sources from the Hanse such as letters, customs accounts and town books show that the Hansards were well-travelled men and, perhaps surprisingly, women.¹⁷ This mobility made conflict resolution, as discussed by economic and legal historians with their predominant interest in the outcome of a conflict, very complex. There has been considerable discussion in the literature of the problems merchants faced as they moved between towns and countries. They encountered different legal systems, and had to navigate the different systems around which life in a particular town was organised, as well as dealing with variations in the price and supply of goods. On top of this, as Stuart Jenks has pointed out, the information they had available was usually patchy and any news that they did receive was usually out of date.¹⁸ The position of merchants outside their home environment could easily lead to conflict, and mechanisms had to be developed to cope with this, such as the 'guest law' (a procedure that was at use in many cities in Europe), which promised foreigners, both non-Hansards and Hansards from other cities, speedy litigation procedures.

What is striking about the mobility of traders from the Hanse is that it was closely connected to family and friendship networks, the latter often involving business friendships. Merchants made both temporary and semi-permanent moves across the entire North Sea and Baltic regions to towns where they had kin living. They spent extended periods as visitors, but there is evidence to show that they also changed their allegiance and became citizens, or burghers, of their new town. Some did this many times over their lifetime and apparently it was not seen as an obstruction to trade by members of the Hanse; quite the contrary, it was regarded as reinforcing the trade networks. One condition was immutable: a merchant should not be a burgher of more than one town at any one time, as shared loyalty would pose problems of liability. The town councils were very precise when providing information on the date on which a particular merchant became, or ceased to be, a burgher of their town.¹⁹ Such mobility created problems for those involved in conflict management, however: particularly in relation to the inheritance of both movable and immovable property, and to the recovery of debts when these had to be collected from more than one place. The heirs to a merchant's estate could be dispersed across several Hanseatic towns, and his widow and orphans, in particular, needed legal help and protection to ensure that they secured their legitimate share. In such a situation information had to be circulated easily and reliably between the towns involved, and there had to be a high degree of trust that any disputes over an inheritance would be handled properly in each town. The evidence from the Gdańsk archives shows that town councils gave a high priority to inheritance disputes, settling them in court and trying to avoid delays.

Another important element of Hanseatic trade and politics that was difficult for non-Hansards to understand and accept was the fact that, as we saw in the introduction, merchants and town councils in the Hanse refused to take responsibility for the actions of their fellow Hansards.²⁰ When a case involved privateers, who often doubled as pirates, Hanseatic policy was to find out exactly who had seized a ship and then make it very clear that they had acted on their own account or, as a last resort, declare that they had acted on behalf of one particular city. The rest of the Hanse refused to accept general liability for the actions of wrongdoers because to do so would impose unwanted costs on all of its members.²¹ In Hanseatic settlements in England and elsewhere the Hansards wanted to ensure that they gained and retained the privilege of not having to accept collective responsibility.²² It was paradoxical, then, that it was precisely when a charge of collective responsibility had been levelled at the Hanse that it had to be mobilised in its entirety. This can be illustrated by ‘the Portinari affair’ of 1473, in which a privateer from Danzig seized a ship carrying Florentine goods under a Burgundian flag during the Anglo-Hanseatic war (1469–1473). The ship left Bruges and was shortly after captured by Danzigers. Charges by the Florentines were directed at the Hanseatic *Kontor* in Bruges as the collective and focal point of Hanseatic interest related to the incident, the town of Danzig as the hometown of the privateers and the whole of the Hanse as a party in the war.²³ The authorities in the Hanse had to decide the extent to which responsibility lay with one single town and then had to coordinate their response accordingly.²⁴ The difficulties of upholding one of the tenets of the Hanse as an organisation (that it was not one ‘body’ or single legal entity), while dealing with external charges that held the whole of the Hanse, or one of its regions, culpable, created tensions amongst its members. Each time such a situation developed, an appropriate solution had to be found. This meant that the Hanse had to develop internal mechanisms of conflict management or risk falling apart.

When internal or external politics made it necessary for Hansards to act in a coordinated fashion they needed efficient ways to settle any differences between the Hanseatic towns or traders. One of the main challenges faced by the traders and town councillors was how to safeguard the autonomy of their towns. This was no easy task, as the towns were stretched out over large parts of northern Europe and had many different overlords. In the fifteenth century, for instance, the towns of Overijssel, now in the eastern Netherlands, were ruled by the bishop of Utrecht, while Rostock and Wismar were ruled by the dukes of Mecklenburg, Kolberg (Kołobrzeg) by the duke of Pomerania, and Riga and Reval (Tallinn) by the Teutonic Knights. Many of these towns fell within the loose structure of the German Empire, but not all; for instance Danzig was under Polish rule from the second half of the fifteenth century onward.²⁵ Hansards held to the principle that they

would always aid each other if a problem arose with an overlord.²⁶ This was one way in which the organisation resembled a medieval urban league. However, such leagues were formed at particular times in response to specific circumstances. Within the Hanse, however, the principle of mutual help held in all circumstances and was, at least in theory, permanent.²⁷ Because various parts of the Hanse lay under the sway of different overlords, their political interests could clash. For example, when Prussia was divided into Royal Prussia and Teutonic (later known as Ducal) Prussia in 1466, Danzig and Königsberg found themselves on different political sides.²⁸ But they had to find ways to continue trade and maintain their membership of the Hanse, and the Hanse as a whole had to conduct wars and maintain diplomacy with foreign rulers. In the period analysed here they were mainly dealing with the Scandinavian and English kings, as well as the Burgundian and Habsburg rulers of the Netherlands.

Since the Hanse was a community of shared economic interests spread over a large area, not all Hanseatic towns, nor all the branches of trade conducted within them, were represented in every Hanseatic outpost abroad. Consequently, not every town was affected by, or interested in the many, regular, diplomatic or violent disputes that took place with foreign rulers. In each case a group of towns would pool their financial resources or political clout to deal with the situation, although occasionally a town would have to act alone. Any collaboration was the result of negotiations between the towns and their traders; sometimes they took the form of a so-called *tohopesate* ('getting together', association or league) for a fixed period of time.²⁹ The fact that not every town joined such *tohopesates* meant that there could occasionally be opposing political attitudes within the Hanse. In the sixteenth century, for instance, there were several conflicts between the inhabitants of Lübeck and Holland, during which the inhabitants of Danzig attempted to keep the peace so that they could continue to trade with Holland.³⁰ When such crises arose, the Hansards needed to find ways to maintain relations between the member towns, or to help them smoothly resume these relations once a crisis had passed.

Because Hansards, as a group, were more likely to cross the physical, legal and political boundaries of their hometowns than traders elsewhere in Europe, their organisation had to develop special forms of conflict management that could deal with issues of mobility, liability, and political complexity. When looking at the strategies it developed, discussed in the next sections, it becomes clear that the Hanse functioned as an institution of conflict management.

3. INDIVIDUALS, CITIES, STATES AND THE HANSE

The most conspicuous way in which the Hanse manifested itself as an institution of conflict management was the central role played by mediation and

arbitration at a variety of levels. When conflicts arose between individuals, Hanseatic town councillors (who served as judges in the various urban courts) preferred to try to settle the matter out of court. This is in line with what Oscar Gelderblom has shown in his analysis of towns in the Low Countries. References to solving a problem ‘in friendship’ rather than ‘in law’ occur frequently in various sources, suggesting that Hansards took a very bottom-up approach to such matters. This northern German variant of the legal phrase ‘*in Minne oder Recht*’ (‘*per amorem vel per iusticiam*’), meant in the Middle Ages ‘by all possible means before [resorting to] the law’. By the sixteenth century, it came to represent more specific forms of out-of-court conflict resolution, such as arbitration or mediation.³¹ For example in a mid-sixteenth-century dispute between two traders from Deventer and Danzig over a debt, the men first discussed the issue between themselves. Then they involved witnesses and written agreements before, once matters had escalated, they brought their dispute to court.³² On the evidence of several Danzig cases, it would seem that the usual procedure was to call in four to six ‘good men’ to arbitrate a dispute, and if no solution was found, to call in a similar number of extra adjudicators.³³ The outcomes of some of these arbitrations were registered, usually very briefly, in the town books (in this case, urban documents registering meetings of aldermen and legal proceedings). Letters from the Danzig archives also indicate that disputes commonly went to mediation or arbitration.³⁴ It should be noted that not all the cases of mediation and arbitration were written down, and of those that were documented only a fraction survive. In a revealing case from the 1550s, two merchants from Danzig and a trader from Nuremberg handed over all the ‘*briefe vnde zeddele*’ (letters and slips of paper containing less formal, and sometimes secret, notes) concerning a conflict that had been resolved, on the understanding that these written proofs were to be burnt by the arbitrator.³⁵ Apparently, it had been agreed that there would be no further litigation, and a firm and final way to express this was by destroying the evidence.

It was pragmatic to try mediation and arbitration first as these forms of conflict management were speedier than court proceedings, and were aimed more at solving the problem than apportioning blame. Undoubtedly the parties involved also had their reputations in mind: during a court case, their trustworthiness would be discussed in public and this could harm a merchant’s good name, even if he was absolved of any wrongdoing.³⁶ Finally, by choosing mediation or arbitration the parties in dispute demonstrated that they believed that it *could* be resolved quickly and efficiently. In Danzig, this path was followed in disputes involving individual traders from the same Hanseatic town, merchants from different Hanseatic towns and, at times when there were no large-scale political conflicts, traders from the Low Countries. There are hundreds of entries in the town books recording that a

conflict had been resolved, without extensive court proceedings. In contrast, when a dispute involved an Englishman, this was usually taken to court.³⁷

Within the Hanseatic world, the trading settlements abroad, and especially the four large *Kontore* in Bergen, Bruges, London and Novgorod, played a special role in conflict management, at both the small- and large-scale levels.³⁸ The settlements acted as hubs of information, instructing merchants on local customs and conditions and circulating the news arriving in these harbour towns. They were also centres of expertise when it came to the issues surrounding mobility described above. The administrators of a *Kontor* could provide information on the best way to retrieve a debt, for example, and advise on whether to opt for mediation or the law.³⁹ They could also advise on matters of liability, and help a merchant navigate the intricacies of local politics. It was the job of the administrators to safeguard the various privileges of Hanseatic traders coming from different towns, and also to negotiate new ones. In addition to their diplomatic functions, they acted as an extension of the judicial system of their hometown. They were also responsible for implementing decisions taken at the Hanse meetings (diets); meetings of envoys from cities across the Hanse, many of whom were burgomasters. For instance, in 1491, the London *Kontor* was ordered to help apprehend and punish a pirate who had harmed the citizens of Lübeck and Danzig by persuading the English king to press charges against these towns.⁴⁰ Administrators of a *Kontor* also arbitrated conflicts between Hansards residing within it, and mediated in any disputes with non-Hansards, including the local rulers. Time and again, they helped to find solutions to complex problems.

The attitude that conflicts could be resolved is even more apparent at the level of Hanseatic towns, where conflicts were on a much larger scale. At this level too there was a policy of mediation and arbitration. In 1381, a diet decided that when two Hanseatic towns came into conflict they were to call on the neighbouring town or towns to mediate or arbitrate. If this proved unsuccessful, the matter was then to be brought before a diet. If a Hanseatic town was in disagreement with its overlord, other Hanseatic towns were to offer to mediate. The 1381 decision became a long-lived Hanseatic policy on how to deal with disputes between towns.⁴¹ It was underpinned by the belief that councillors from nearby towns would have adequate knowledge of the local and regional conditions in order to make a sound judgement. When the Hanseatic towns became a confederation in 1557, in an attempt to tighten and formalise the cooperation of the towns as the power of state structures in Europe increased, the issue of how to 'keep friendship' and resolve conflicts was one of the first points on their agenda.⁴² In an early sixteenth-century dispute between Lübeck and Danzig, over the use of privateers, councils from several towns were chosen to mediate '*up dat de saken nicht vorbittert en wurde*' ('so that ill-feelings would not become more bitter')

and the matter could be kept out of court.⁴³ The mediating town councillors had to be seen to be impartial.⁴⁴ If a town refused to accept such arbitration, punitive measures, such as collective reprisal, would be taken but, as will be discussed below, this course of action was unusual within the Hanse.⁴⁵

The sources from Danzig show that the towns did put mediation policy into practice. For instance, in the 1480s, the town councils from Danzig and the Hanse towns of Rostock and Wismar, in Mecklenburg, clashed over some goods that had been confiscated by the rulers of Mecklenburg. Lengthy mediation and arbitration by the neighbouring town councils followed, both at meetings of the Hanse diet and elsewhere.⁴⁶ The burgomasters of the chosen towns had to be both arbitrators and, where the dukes of Mecklenburg were concerned, diplomats.⁴⁷ Moreover, given the insistence that mediation should continue until a resolution was found, it would appear that it was unacceptable within the Hanse for member towns to remain at loggerheads. In the Danzig-Mecklenburg dispute the arbitrating town councils pointedly asked the quarrelling parties whether all means of solving the conflict ‘in friendship’ had really been exhausted.⁴⁸

In disputes where differences proved insurmountable, and particularly in cases where one town took a different stance from all the others, the only option was for the towns to undergo *Verhansung*; they were excluded from the Hanse, albeit temporarily. This happened to Cologne between 1471 and 1476.⁴⁹ Despite the contentions of the economic historian and economist Avner Greif, *Verhansung* was very rare in the Hanse as the network of towns and traders fared much better through cooperation and positive incentives.⁵⁰ However, if a town wished to avoid the risk of being expelled from Hanse, they had to ensure that a solution was found to any conflict. It probably helped that towns could be in conflict over one matter without compromising cooperation on another. At the beginning of the sixteenth century, for example, the inhabitants of Lübeck were embroiled in fierce argument with the citizens of Danzig over outposts in Scania, which were centres of herring fishing and the east-west trade. Tempers ran so high that the Danish king suggested that he himself should mediate. At the same time, the people of Lübeck were assuring those from Danzig that they would support them in their stance over taxes on trade being imposed in Holland and Zealand.⁵¹ This shows that a distinction could be made between a specific area of conflict and the general relations between towns.

It is notable that, in general, those managing conflicts in the medieval and early modern periods sought to create a symbol to mark the end of a dispute. In the case of large-scale conflicts, this would be a peace treaty, or at least a signed truce.⁵² Even today this is considered a necessary stage of conflict management. It often functions as a reference point should the conflict reignite, most prominently concerning the terms that had been agreed upon. Once a

conflict between Hanseatic towns had been successfully mediated it was closed by all parties giving assurances that the matter was resolved. If it were to erupt again, and affect Hanseatic trade at large, further arbitration by envoys gathered at a Hanseatic diet would be required.⁵³ When a dispute was between individuals they would mark its resolution with the *Urfehde*, an oath of peace. Traditionally, this oath was taken to mark the end of a feud. When merchants took matters to an urban court, an *Urfehde* was required at the end of legal proceedings to indicate that all parties forswore vengeance; no grudge would be held against the institution of the court and, more importantly, it symbolised the end of hostilities between the individuals involved, as they were also swearing that they would not pursue an appeal. As the power of states and rulers grew in the sixteenth century, the *Urfehde* came to be seen as an unwelcome obstacle to the functioning of royal and imperial courts of appeal,⁵⁴ but in the Hanse it was seen as yet another way to prevent foreign courts becoming entangled. Moreover, if anyone in a Hanseatic town broke their *Urfehde*, this was considered to be perjury, and they would be prosecuted.⁵⁵

4. MAINTAINING THE STATUS QUO AND THE PREVENTION OF INTERNAL CONFLICTS

Obviously, despite the Hanseatic policy to seek resolution, not all conflicts could be resolved. The continuation of talks and mediation between the parties involved did, however, help to ensure that relations remained relatively stable. Such maintenance of the status quo may be viewed as a conflict management strategy, especially in circumstances where the wider political picture made a clear end to a conflict impossible. A good example of this is the so-called 'session quarrel' between the Prussian Hanseatic towns of Danzig and Königsberg. As mentioned before, after the war between the Polish Crown and the Teutonic Order in 1455–1466, Danzig became part of the Polish Crown while Königsberg remained under the Teutonic Order. In 1469 the large-scale political frictions translated into a seemingly petty dispute about which of the two towns was to be given precedence at Hanseatic meetings. This issue was, in fact, not so petty as the order of precedence reflected the hierarchy of importance of *all* the Prussian towns in the Hanse at any one moment, no matter what side of the border they lay on.⁵⁶ As neither of the envoys from Danzig or Königsberg wanted to capitulate, mediators were called in to help resolve the matter. It proved to be irresolvable, however, due to the political situation, and the issue re-emerged before almost every Hanseatic diet thereafter. In 1517, the Grand Master even forbade envoys from Königsberg to attend a Hanseatic diet because of the conflict with the Polish Crown and thus also with Danzig, even though the Königsberg town

councillors intervened and offered to act as mediators in this large-scale conflict.⁵⁷ As a strategy of conflict management councillors from the two towns avoided each other, sometimes choosing not appearing at a diet. During the 1525 diet in Lübeck, a truly creative solution was found: the envoys from Danzig sat at the meeting table in the town hall, while those from Königsberg stayed in a tavern, where all the relevant discussions and decisions were communicated to them.⁵⁸ This illustrates just how flexible the Hanse could be as an institution of conflict management.

A special feature of the Hanse as an institution of conflict management was the effort expended to prevent the outbreak or escalation of a conflict, and particularly to avoid the actions of one town or individual leading to collective reprisals being inflicted on their fellow Hansards. As mentioned above, a Hanseatic merchant was not to be held responsible for the deeds of another merchant from his town, and this was of major importance in inter-Hanseatic relations. It was a logical consequence of the policy that Hanseatic towns did not have collective liability for any conflict that arose abroad involving one of their number. If a collective reprisal did take place, protests were immediately voiced in the forum of the Hanseatic diet and in letters circulated to all neighbouring towns.⁵⁹ The refusal to accept collective responsibility was very pragmatic because if collective reprisals were taken, after legal proceedings proved ineffective for example, a political crisis could ensue, escalating the conflict to a higher level, where diplomacy would be required and a resolution would take much longer to reach. Moreover, the local rulers might become involved, and this was something the Hanseatic town councils generally tried to avoid. The dynamics of conflict escalation as a consequence of collective reprisals can also be seen in the relations between the Hanse and non-Hansards during a dispute between merchants from Danzig and traders from the Netherlands in the fifteenth and sixteenth centuries.⁶⁰ On one occasion, when the town council of Antwerp was in conflict with the citizens of Lübeck, but did not intend to launch reprisals against all Hansards, they had to give explicit assurances to this effect.⁶¹ Nonetheless, while collective reprisals towards merchants from a particular town were still quite common in fifteenth and sixteenth century northern Europe, the Hanseatic policy was, generally, an exception.⁶²

When privateers from one town took action against another town this always led to heated arguments, even though the deployment of the privateers had been forced by the wider political situation. Such cases often required arbitration and mediation from neighbouring Hanse towns.⁶³ In order to prevent an escalation of hostilities as a result of goods being seized by privateers, councillors from the affected town impressed upon the hometown of the perpetrators that the goods were not to be divided up amongst their townspeople. In this way, any bitterness (*'bitterheyde'*) between the two towns could be avoided, or at least contained.⁶⁴ In 1535, some Hanseatic envoys voiced the

opinion that there was – or should be – an underlying principle that privateers from Hanseatic towns should not harm fellow Hansards.⁶⁵ Certainly the actions of privateers from a particular town should not, at least in principle, give rise to collective reprisals against traders from that town.⁶⁶ Internal conflicts between Hanseatic towns were to be prevented whenever possible.⁶⁷

5. HANSARDS, NON-HANSARDS AND RECIPROCITY

Looking at the processes involved in managing the many small- and large-scale conflicts within the Hanse that dragged on over long periods, it is clear that one of the reasons the parties involved stayed focused on finding a solution was their membership in the Hanse. They had a responsibility to ensure that the Hanse as a whole was not harmed either by the conflict itself, or by the means of settling it. At least theoretically, all towns and traders were expected to keep this ‘greater good’ in mind and not let their own interests and short-term profit take an upper hand.⁶⁸ Even when the dispute was between two individuals, ‘the reputation of the Hanse as a whole could be at stake’ (*ohrem guden namen reputationn vnnd herekomen tho hochnachdeliger vorschweckinghe*).⁶⁹ When the conflict was at a higher level, the parties involved had to strike a balance between their political obligations to their overlord and economic interests throughout the Hanse network. This can be seen in the case of the war between the Polish king and the Teutonic knights in the mid-fifteenth century, during which the Hanseatic towns of Danzig, on the one hand, and Riga and Königsberg, on the other, found themselves ‘on opposing sides’ (*tweklufftich*). The three town councils expressed their regret to each other about the situation and apologised for their use of privateers. As noted above, Lübeck’s town council was eager to mediate between the rulers and the towns for the good of Hanseatic interests and stability in the region.⁷⁰ Of course, there were internal conflicts. In such cases, the decisions taken collectively at Hanseatic diets were repeatedly invoked by the parties and the mediators: such as those stating that no trader was to be persecuted for the debts of another trader and that all information on the conditions of a partnership was to be obtained from the town council of the town where the partnership was set up. In the Hanse, traders had to state explicitly that they adhered to these collective decisions.⁷¹ The point was to overcome conflict as quickly and efficiently as possible, reminding those involved of the common good.

Shared loyalties were, unsurprisingly, absent in conflicts with non-Hansards. Pointing to such loyalties could not be used as a strategy to press for a final solution to a conflict. In 1428–1433, for example, the Wendish Hanseatic towns were at war with Holland and Zealand, essentially over damage done by privateers by both sides; although in older literature it was claimed that the conflict actually concerned hegemony over the Baltic.⁷² The conflict eventually ended

in a truce, rather than peace. The truce was extended several times and was still in place well into the sixteenth century. In this way trade was able to continue while the question of compensation was being resolved. In fact, no resolution was ever reached.⁷³ When in 1544, the Treaty of Speyer was agreed between the Habsburg ruler of the Netherlands and the Danish king, the inhabitants of Holland gained a favourable, stable position in trade around the Baltic, while the economic and political power of the Hanse declined.⁷⁴

Differences between how conflicts within the Hanse, and conflicts with non-Hansards were handled, were largely a matter of degree and emphasis. These differences can be teased out from the subtle ways in which the two groups were referred to in documents drawn up as part of the process of conflict management. A prime example can be seen in the principle of reciprocity. This principle was mentioned at the end of letters that were exchanged during both disputes between individuals and larger-scale conflicts. When a Hanseatic town council wrote to the council of another town referring to a dispute over a debt or inheritance between burghers from their respective towns that was to be resolved through mediation, arbitration or the law, their letter usually finished the letter with a request that the matter be speedily resolved. This was usual all over Europe. More important, however, was a further request that their citizen be treated as a friend, which was usually accompanied by an assurance that they would reciprocate if the positions were reversed. Often, in larger cases, an additional, courteous phrase was added to the effect that the first town council would be ‘most obliged and indebted to the second’ (*‘jn ghelicken vnnd groterenn thouorschuldenn’*). Thus, more emphasis was put on positive relations, and the need to keep them.⁷⁵ Generally, when traders and seamen from one Hanseatic town travelled to another their status was not equal to that of the local citizens, but in certain circumstances, or at particular times, the towns could come to a mutual agreement that those arriving in a town would be treated as though they were equal to the local population.⁷⁶ Once again this illustrates just how flexible strategies for conflict management within the Hanse could be, and how important the emphasis on good relations was. In relations with non-Hansards, reciprocity was also mentioned in documents. However, there it boiled down to a conditional clause requesting that the recipient ‘treat our burghers as you would like us to treat yours’.⁷⁷ This could be read as a matter-of-fact arrangement, but it might also offer a veiled threat if this condition was not met. Thus, unlike in contacts between Hansards, the meaning could be positive, neutral or outright negative. Within the Hanse, such threats were only ever issued when both towns were embroiled in a larger political crisis.⁷⁸

It is interesting to see how the law was used to manage conflicts between Hansards, but this only becomes obvious when the – very vaguely defined – boundaries of the Hanse are taken into account. The second part of the phrase

commanding Hansards to resolve their conflicts ‘in friendship’ (that is, through mediation and arbitration) was that otherwise the resolution must be reached ‘in law’, by legal means. It was important that cases were seen to be properly adjudicated: the Hanse had well developed courts of law, which functioned either as a part of a town council or as an institution functioning alongside the council. The laws of Lübeck or Magdeburg, which were variants of Saxon law, were adopted by most of the Hanseatic towns around the Baltic, although each town evolved its own variations. In intricate cases, city councils in Lübeck and Magdeburg were often appealed to for legal advice, an aspect of Hanseatic law which legal historians have analysed in depth.⁷⁹ However, it is even more important to note that Hansards accepted each others’ urban courts as their own. This appears from the way in which adjudication *outside* of Hanseatic courts was discussed, and from how adjudication was practiced in the courts of Hanseatic towns. The statement that ‘foreign’ courts should not be used for *internal* matters appears repeatedly in the documents of urban courts, ecclesiastical courts, courts of rulers in the *Kontore* or all courts of appeal. Should anyone disobey this dictate, their punishment could be expulsion from the Hanse.⁸⁰

When a conflict was internal to the Hanse, any merchant or town council threatening to take a case to a ‘foreign’ court was taking a serious risk; but a risk they were willing to take in order to have the judges or arbitrators make a quick decision in their favour, particularly when a ruler was backing the plaintiff.⁸¹ When two Hanseatic traders appeared before the judges of the Bruges *Kontor* in 1491, they were not happy with the proceedings. One of them asked why the matter could not be taken to a court of appeal, such as the Hof van Holland? The answer of the Hanseatic *Kontor* was short and clear: because both traders were members of the Hanse.⁸² The principle of keeping Hanseatic conflicts an internal matter was again formulated in 1557 when the confederation of Hanseatic towns was created.⁸³ When we look at the evidence from Danzig, it is clear from the use of legal avenues in conflict management that each Hanseatic town council accepted that any other town within the Hanse was a fit place for disputes to be adjudicated.⁸⁴ This principle of reciprocity was vital to this understanding.

The high mobility of Hanseatic merchants meant that it was most practical to conduct legal proceedings as close as possible to where a dispute had arisen. Each urban court could then function as an extension of all the others. A case in the 1550s between two traders from Danzig and Deventer shows that the Danzig court, where the case was heard, did not give preferential treatment to its own burgher, but adjudicated the matter in favour of the trader from Deventer. No reference to the Hanse was made, but the fact that the membership of the two traders in the organisation did play a role can be deduced from the course of the legal proceedings.⁸⁵ This role apparently did not even need to

be spelled out. This appears also when the function of the Hanseatic diet as a forum of appeal for Hansards is considered.⁸⁶ Even though few cases went to appeal, the *possibility* that they could do so was something to take into account. Finally, if there was sufficient evidence to convict a merchant of a crime and expel him from the Hanse, or evidence that a merchant was cheating, all Hanseatic towns were expected to act together and refuse such a person entry into their town. In the documents it was repeatedly, and emphatically, stated that it was important to have a proper example set within the Hanse.⁸⁷ Even though there was not one, unique, legal system operating throughout the Hanse, the ways in which legal matters were conducted was similar.

6. COMMUNICATION IN CONFLICT MANAGEMENT

For the Hanse to function as an efficient institution of conflict management there had to be efficient channels of communication between the Hanseatic towns and traders. There are abundant, well researched sources that show that efficient communication was one of the Hanse's top priorities. There were regular face-to-face meetings at the regional and Hanseatic diets and in the *Kontore*, and envoys, who were usually high-profile members of a town council such as a burgomaster, vice burgomaster or secretary, travelled between each others' towns.⁸⁸ Personal, oral interactions between merchants were, of course, vital when a deal was to be struck. According to one of the sources from Danzig the first thing that traders did when they met on a country road was to exchange news.⁸⁹ News of current conflicts and opinions on how the conflicts were, or should be, being managed could be found in Hanseatic harbours, on board Hanseatic ships, and in the dwellings of Hanseatic merchants living abroad.⁹⁰ In addition to oral exchanges, there were also very vivid written communications: letters, reports of envoys, minutes from the regional diets and the *Hanserecesse*, or 'decisions' from the Hanseatic diet. Elsewhere, I have analysed in detail the very sophisticated system through which copies of treaties, privileges, agreements, letters, and even entire legal proceedings were circulated around the Hanse.⁹¹ Many of the copies illustrate how the written word could be used to include or exclude, to bestow a favour or exert pressure. This was of major importance in the Hanse because of the latter's non-hierarchical structure.⁹² Both small- and large-scale conflicts were much discussed in writing, one reason being to create a paper trail that could be used to establish proofs and thus build consensus between bickering towns.

It should be noted that while Hanseatic documents providing evidence concerning large-scale or very prominent conflicts have often been published, or have appeared in overviews or inventories (source catalogues), a systematic

analysis of the archives in Danzig shows that documents discussing conflicts between individuals have not received similar attention. The details of these disputes can, however, be just as interesting and revealing about the general dynamics of conflict management in the Hanse as the large-scale or prominent cases. They are also just as important in giving us understanding of how the Hanse functioned as an institution of conflict management.⁹³

When an agreement was made, writing it down either as a treaty or as a contract, created a means for conflict management; namely a form of conflict prevention. It must be noted however, that within the Hanse, it was common for business to be conducted on the basis of oral agreements and the number of contracts available for study is therefore relatively limited.⁹⁴ A written record tended to be made when a deal was complex or might have been complicated by external factors such as the political situation. When an oral agreement was put into writing this meant a point of reference and a means of proof were being created, which could be called upon to help resolve future conflicts. In southern Europe, individuals usually signed such documents before a notary. In northern Europe, however, this function was fulfilled by town councils and municipal books. Danzig's municipal books show that contracts could be registered either in a short or an extensive form.⁹⁵ Other important agreements, such as authorisations and last wills also benefited by being registered in public.⁹⁶

Even when notaries gained popularity in the Burgundian and Habsburg Netherlands during the late fifteenth and into the sixteenth centuries, they had hardly any role in the Hanseatic towns, where the town councils and other urban institutions retained control of creating written agreements.⁹⁷ This was probably connected to the dual character of the Hanse as a network of traders but also of towns. It was the municipal councils that were responsible for providing the written communications that held these networks together. If a written agreement was registered in a town's book, it could easily and quickly be made accessible to the councils and traders of another Hanseatic town, if the need arose. For a network this was a much more logical and efficient way of preventing and managing conflict than a system relying on notaries. This way of dealing with conflict management made the Hanse stand out in pre-modern northern Europe.

7. CONCLUSIONS

The main argument of this article has been that when we consider the Hanse from the perspective of conflict management we see not only an organisational structure, but also an institution. As an institution that helped to address the small- and large-scale conflicts in northern Europe, the Hanse encapsulated the vague legal standing, complex political status, and internal and external

relations of this network of towns and traders. In other words, in dealing with mercantile conflicts at many levels, the Hanse was not only an organisation, but also an institution.

Institutions arise from a need, and I have argued that Hanseatic traders and town councils shared a need for an institution of conflict management which went beyond the usual requirements of medieval and early modern traders. This need arose from the great mobility of individual members, including possible multiple changes of allegiance, which meant that towns and traders had to negotiate different urban laws; intricate issues of collective liability; and complex political backgrounds, any of which could have put internal Hanseatic relations at risk.

The need for an institution was answered in several ways. When solutions to conflicts between Hanseatic traders were being sought, there was a strong preference for arbitration or mediation rather than legal proceedings. For conflicts between Hanseatic cities the strategy was to use mediation. Both of these approaches clearly communicated the attitude that conflicts were resolvable, and also emphasised the shared interests involved. In cases where a lawsuit was unavoidable, Hansards accepted that all municipal courts within the Hanse were equally viable alternatives. Whenever a conflict was resolved, however that was achieved, the resolution was marked by some form of a symbolic gesture or confirmation, often a written document detailing the agreements reached. If a settlement was not reached, Hansards attempted to maintain the status quo until a solution could be found. There was also a clear policy within the Hanse that internal conflicts were to be avoided if at all possible, so collective reprisals were forbidden and great store was set by the principle of reciprocity. All of these measures led to one obvious goal: that commerce, and Hanseatic relations, should continue uninterrupted whenever possible. The Hanseatic diets, and the *Kontore*, played a major role in achieving this goal, by providing arenas where internal conflicts could be handled and relations with non-Hansards as well as foreign rulers and merchants could be brokered. The analysis of such outward-looking relationships has shown that Hansards had a clear idea that Hanseatic urban courts were 'own courts', while others were 'foreign'. Also, it has shown that positive reciprocity was used as a powerful tool within the Hanse. Together, these mechanisms formed the basis of a multifaceted institution designed to mitigate internal conflicts. Although the Hanse is very difficult to capture in organisational terms and its extent and complexity must have posed a clear challenge, its role as an institution offered its members added value. Possibly, this was one reason for the longevity of the Hanse. From the point of view of its function, the Hanse certainly set the 'rules of the game' when it came to the management of mercantile and political conflict in northern Europe for centuries.

ACKNOWLEDGEMENTS

The research for this publication was financed by NWO (The Netherlands Organization for Scientific Research). I would like to thank the anonymous reviewers and the other authors featured in this Special Issue for their constructive comments, and the participants of the 2014 ESSHC roundtable in Vienna for the feedback on the first outline of my arguments.

ENDNOTES

- 1 Rolf Hammel-Kiesow, *Die Hanse*, 2nd edn (Munich, 2002); Stephan Selzer, *Die mittelalterliche Hanse* (Darmstadt, 2010); Carsten Jahnke, *Die Hanse* (Stuttgart, 2014); Justyna Wubs-Mrozewicz, 'The Hanse in medieval Europe: an introduction', in Justyna Wubs-Mrozewicz and Stuart Jenks eds., *The Hanse and late medieval Europe* (Leiden, 2013), 1–35.
- 2 *Hanserecesse/Hanserezesse* (Leipzig, 1870–1970), 4 series and a total of 26 vols. (hereafter *HR*), 2:7, no. 35, section 77, compare sections 36, 37, 63, 65, 78, 82, 83; *HR*, 2:7, no. 79, section 73; *HR*, 2:7, no. 83; *HR*, 2:7, no. 139, sections 10, 24, 200; and *HR*, 2:7, 64; Stuart Jenks, 'A capital without a state: Lübeck caput tocius hanze (to 1474)', *Historical Research* **65**, 157 (1992), 134–49.
- 3 Volker Henn, 'Wege und Irrwege der Hanseforschung und Hanserezeption in Deutschland im 19. und 20. Jahrhundert', in Marlene Nikolay-Panter et al. eds., *Geschichtliche Landeskunde der Rheinlande: Regionale Befunde und raumübergreifende Perspektiven* (Cologne, 1994); Thomas Hill, 'Vom öffentlichen Gebrauch der Hansegeschichte und Hanseforschung im 19. und 20. Jahrhundert', in Antjekathrin Graßmann ed., *Ausklang und Nachklang der Hanse im 19. und 20. Jahrhundert* (Trier, 2001); Justyna Wubs-Mrozewicz, 'The close "Other": medieval and modern perspectives on Hollanders and the Hanse', *German History* **31**, 4 (2013) 453–72.
- 4 There was no Act founding the Hanse; it did not have a common seal, it had no treasury, and it held no executive power. It was not created for a particular purpose at a specific time. No member could be held responsible for the actions of any other, see E.-M. Distler, *Städtebünde im deutschen Spätmittelalter: eine rechtshistorische Untersuchung zu Begriff, Verfassung und Funktion* (Frankfurt am Main, 2006); Horst Carl, *Der Schwäbische Bund 1488–1534: Landfrieden und Genossenschaft im Übergang vom Spätmittelalter zur Reformation* (Leinfelden-Echterdingen, 2000). On the differences between the Hanse and the Swiss Confederation, see Tamara Münger, 'Hanse und Eidgenossenschaft – zwei mittelalterliche Gemeinschaften im Vergleich', *Hansische Geschichtsblätter* **119** (2001), 5–48.
- 5 The settlements could take various forms, from closed enclaves to trading posts integrated into the local society, see Mike Burkhardt, 'Kontors and outposts', in D. Harreld ed., *A companion to the Hanseatic League* (Leiden, 2015), 127–61; Stephan Selzer and U. C. Ewert, 'Verhandeln und verkaufen, vernetzen und vertrauen: Über die Netzwerkstruktur des hanseischen Handels', *Hansische Geschichtsblätter* **119** (2001), 135–62.
- 6 Douglass C. North, *Institutions, institutional change and economic performance* (Cambridge, 1990).
- 7 A. Greif, *Institutions and the path to the modern economy: lessons from medieval trade* (Cambridge, 2006); R. Grafe and O. Gelderblom, 'The rise and fall of the merchant guilds: re-thinking the comparative study of commercial institutions in premodern Europe', *Journal of Interdisciplinary History* **40**, 4 (2010), 477–511; Sheilagh Ogilvie, *Institutions and European trade: merchant guilds, 1000–1800* (Cambridge, 2011).
- 8 W. R. Scott, *Institutions and organizations: ideas, interests, and identities*, 4th edn (London, 2014).
- 9 G. M. Hodgson, 'What are institutions?', *Journal of Economic Issues* **40** (2006), 1–25.

- 10 North, *Institutions*; for a discussion of this framework in a historical context, see on the one hand, Avner Greif, Paul Milgrom and Barry R. Weingast, 'Coordination, commitment and enforcement: the case of the merchant guild', *Journal of Political Economy* **102**, 4 (1994), 745–76, and on the other, Sheilagh Ogilvie, "'Whatever is, is right?'" Economic institutions in pre-industrial Europe', *Economic History Review* **60**, 4 (2007), 649–84; Oscar Gelderblom, *Cities of commerce: the institutional foundations of international trade in the Low Countries, 1250–1650* (Princeton, 2013) and the debate on this book in a special issue of *Tijdschrift voor Sociale en Economische Geschiedenis* **11**, 4 (2014), in English.
- 11 Selzer and Ewert, 'Verhandeln'.
- 12 C. Jahnke, 'Die Hanse: Überlegungen zur Entwicklung des Hansebegriffes und der Hanse als Institution resp. Organisation', *Hansische Geschichtsblätter* **131** (2013), 1–32.
- 13 V. Henn, 'Was war die Hanse?', in J. Bracker et al. eds., *Die Hanse: Lebenswirklichkeit und Mythos*, 3rd edn (Lübeck, 1999), 14–23; Selzer, *Die Hanse*.
- 14 A NWO (Netherlands Organization for Scientific Research) VENI project. An overview of the historiography can be found in Justyna Wubs-Mrozewicz, 'Danzig', in Wim Blockmans, Mikhaïl Krom and Justyna Wubs-Mrozewicz eds., *The Routledge Handbook of maritime trade around Europe* (London, 2017), 248–72.
- 15 State Archives in Gdańsk (hereafter APG): 300 D Correspondence and documents until 1525; 300.1 Burgomaster; 300.3 *Burggraf*; 300.5 Vice-Burgomaster; 300.6 Judge; 300.10 Recesses of the Orders; 300.12 *Kämmerei*; 300.17 Fiscal matters; 300.27 Missiva; 300.28 Hanse; 300.41 Altstadt; 300.43 *Schöffengericht* (Aldermen's Bench); 300.44 Ordinances; 300.53 Correspondence after 1525; 300.58 *Wette*; 300.59 Libri Memorandum; 300.60 Burghership books; 300.93 Edicts; 300 R Bibliotheca Archivi; 359 Brotherhoods.
- 16 *HR*; *Hansisches Urkundenbuch*, 2 vols. (Halle, 1876–1939) (hereafter *HUB*); R. Härke ed., *Niederländische Akten und Urkunden Niederländische Akten und Urkunden zur Geschichte der Hanse und zur deutschen Seegeschichte*, 2 vols. (München, 1913–1923) (hereafter *NAU*); H. A. Poelman ed., *Bronnen tot de geschiedenis van den Oostzeehandel 1122–1499* (hereafter *BGO*).
- 17 F. Irsigler, 'Erscheinungsbild und Erfahrungswelt des hansischen Kaufmanns', in N. Jörn and H. Wernicke eds., *Beiträge zur hansischen Kultur-, Verfassungs- und Schiffahrtsgeschichte* (Weimar, 1998), 11–22. An emblematic source to study the medieval mobility of Hanseatic merchants are the letters in Wilhelm Stieda ed., *Hildebrand Veckinchusen: Briefwechsel eines deutschen Kaufmanns im 15. Jahrhundert* (Leipzig, 1921); H. Böcker, 'Gruppenbindungen und -brüche: Symbolwerte in der privaten 'Gegenrechnung' des Fernhandels-Kaufmanns Hildebrand Veckinchusen um die Wende vom 14. zum 15. Jahrhundert', in N. Jörn, D. Kattinger and H. Wernicke eds., *"Kopet uns werk by tiden": Beiträge zur hansischen und preußischen Geschichte: Walter Stark zum 75. Geburtstag* (Schwerin, 1999), 143–52.
- 18 Stuart Jenks, 'Capturing opportunity, financing trade', in Blockmans, Krom and Wubs-Mrozewicz eds., *The Routledge Handbook of maritime trade around Europe*, 36–56.
- 19 Marie-Louise Pelus-Kaplan, 'Mobility and business enterprise in the Hanseatic world: trade networks and entrepreneurial techniques (sixteenth and seventeenth centuries)', in J. Wubs-Mrozewicz and S. Jenks, *The Hanse in late medieval and early modern Europe* (Leiden, 2013), 239–54; Marie-Louise Pelus-Kaplan, 'Merchants and immigrants in Hanseatic cities, c. 1500–1700', in D. Calabi and S.T. Christensen eds., *Cultural exchange in early modern Europe: II Cities and cultural exchange in Europe* (Cambridge, 2007), 132–53; Mike Burkhardt, *Der hansische Bergenhandel im Spätmittelalter: Handel - Kaufleute - Netzwerke* (Cologne, 2009); Justyna Wubs-Mrozewicz, 'Interplay of identities: German settlers in late medieval Stockholm', *Scandinavian Journal of History* **29**, 1 (2004), 53–67.
- 20 *HR*, 2:7, no. 35, section 77; *HR*, 3:6, no. 177; *HUB*, 9, no. 570.

- 21 *HR*, 2:6, 69–76; *HR*, 2:6, no. 95; *HR*, 3:2, no. 137.
- 22 *HR*, 2:6, no. 107; *HR*, 3:2, no. 223.
- 23 *HR*, 2:7, no. 173; *HR*, 2:7, 438; *HR*, 3:1, no. 92; *HR*, 3:1, no. 104; *HR*, 3:1, no. 126. See also Justyna Wubs-Mrozewicz, ‘Mercantile conflict resolution in practice: connecting diplomatic and legal sources from Danzig c. 1460–1580’, in Heikki Pihlajamäki ed., *Historiography and sources of commercial law* (forthcoming).
- 24 *HR*, 3:1, no. 104; *HR*, 3:4, no. 79, sections 27–9, 130; *HR*, 3:4, no. 81, sections 5–6.
- 25 Wubs-Mrozewicz, ‘Danzig’; T. Maćkowski, ‘Gdańsk caught between Lübeck and the Polish kingdom’, in H. Brand ed., *The German Hanse in past and present Europe: a medieval league as a model for modern interregional cooperation?* (Groningen, 2007), 117–45; Maria Bogucka, *Baltic commerce and urban society, 1500–1700: Gdańsk/Danzig and its Polish context* (Aldershot, 2003).
- 26 *HR*, 1:2, no. 232, section 24; *HR*, 3:3, no. 274.
- 27 See endnote 4.
- 28 Jacek Wijaczka, ‘Prusy królewskie: dzieje polityczne do 1660’, in E. Kizik ed., *Prusy Królewskie: społeczeństwo, kultura, gospodarka 1454–1772* (Gdańsk, 2012), 131–202; on the later period, see Karin Friedrich, *The other Prussia: Royal Prussia, Poland and liberty, 1569–1772* (Cambridge, 2006).
- 29 *HR*, 3:9, no. 2, section 49.
- 30 *HR*, 3:6, nos. 315, 340, 348.
- 31 Albrecht Cordes, ‘“Mit Freundschaft oder mit Recht”: Quellentermini und wissenschaftliche Ordnungsbegriffe’, in Albrecht Cordes ed., *Mit Freundschaft oder mit Recht? Inner- und außergerichtliche Alternativen zur kontroversen Streitentscheidung im 15–19. Jahrhundert* (Cologne, 2015), 9–19.
- 32 Justyna Wubs-Mrozewicz, ‘Mercantile conflict resolution and the role of the language of trust: a Danzig case in the middle of the sixteenth century’, *Historical Research* **88**, 241 (2015), 417–40.
- 33 APG 300.53/1162; APG 300.27/7, fos. 76–7.
- 34 These statements constitute a substantial part of the *Schöffengericht* books, next to the sentences of the court itself, see APG 300.43; see also APG 300.1/8, fos. 138–9; APG 300.43/13, fos. 63–63v; APG 300.58/8, fo. 123; APG 300.59/9, fos. 80–2, cf. note 17.
- 35 APG 300.43/8, fos. 11–12.
- 36 Town Archives Deventer, 495–1, fos. 2–37v; Wubs-Mrozewicz, ‘Mercantile conflict resolution and the role of the language of trust’.
- 37 APG 300.43. The author is currently working on a comparative analysis.
- 38 Geir Atle Ersland, ‘Das Handelsgericht des Hansekantors in Bergen’, in Michael Hundt and Jan Lokers eds., *Hanse und Stadt: Akteure, Strukturen und Entwicklungen im regionalen und europäischen Raum: Festschrift für Rolf Hammel-Kiesow zum 65. Geburtstag* (Lübeck, 2014), 89–102.
- 39 APG 300.43/4b, fos. 129v–130 (in reference to the London Kontor); V. Henn, ‘Die Hansekantore und ihre Ordnungen’, in A. Cordes ed., *Hansisches und hansestädtisches Recht* (Trier, 2008), 15–39; Burkhardt, ‘Kontors and outposts’.
- 40 *HR*, 3:3, no. 26; *HR*, 3:3, no. 45.
- 41 *HR*, 1:2, no. 232, section 24; *HR*, 2:2, no. 614 (1442).
- 42 APG 300 D 27/47, fo. 8–10.
- 43 *HR*, 3:6, no. 9; *HR*, 3:6, no. 69; *HR*, 3:6, no. 193; *HR*, 3:7, no. 108. sections 275–6, 293–321; *HR*, 3:7, no. 126.
- 44 APG 300.27/21, fo. 18.
- 45 *HR*, 3:2, no. 49 (1486).
- 46 *HR*, 3:1, nos. 326, 338, 381, 382, 390, 436, 520; *HR*, 3:2, 166.

- 47 HR, 3:2, no. 160, section 230.
- 48 HR, 3:1, no. 436; HR, 3:2, no. 160, section 230.
- 49 Nils Jörn, 'With money and bloode': *Der Londoner Stalhof im Spannungsfeld der englisch-hansischen Beziehungen im 15. und 16. Jahrhundert* (Cologne, 2000); Stuart Jenks, *England, die Hanse und Preußen: Handel und Diplomatie, 1377–1474* (Cologne, 1992).
- 50 Greif, *Institutions*, 105–9.
- 51 HR, 3:6, no. 723, section 39; HR, 3:8, no. 852; HR, 3:9, no. 291; HR, 3:9, no. 323; HR, 3:9, no. 369; HR, 3:9, no. 376; HR, 3:9, no. 394.
- 52 See, for example, the contributions in these recent volumes: Mark Häberlein and Christof Jeggle eds., *Materielle Grundlagen der Diplomatie: Schenken, Sammeln und Verhandeln in Spätmittelalter und Früher Neuzeit* (Constance, 2013); Oliver Auge et al. eds., *Bereit zum Konflikt: Strategien und Medien der Konfliktverzeugung und Konfliktbewältigung im europäischen Mittelalter* (Ostfildern, 2008); G. Naegle ed., *Faire la paix et se défendre à la fin du Moyen Âge* (Munich, 2012); Gerd Althoff, *Spielregeln der Politik im Mittelalter: Kommunikation in Frieden und Fehden* (Darmstadt, 1997).
- 53 HR, 2:3, no. 649, section 13; APG 300.43/2b, fo. 329v.
- 54 'Urfehde', in *Lexikon des Mittelalters*, 9 vols. (Munich, 1977–1999), viii, 1294; on the interplay in general, see P. Moraw, 'Hansestädte, König und Reich im späteren Mittelalter', in R. Hammel-Kiesow ed., *Vergleichende Ansätze in der hansischen Geschichtsforschung*, *Hansische Studien*, 13 (Trier, 2002), 53–76; Jörn, 'Die Hanse vor den obersten Reichsgerichten'; Peter Oestmann, *Rechtsvielfalt vor Gericht: Rechtsanwendung und Partikularrecht im Alten Reich* (Frankfurt am Main, 2002).
- 55 APG 300.59/7, fo. 41 (1461) in a case involving traders from various Hanseatic towns; 300.58/8, fo. 246v (1529) in the case of a riotous skipper from Rostock.
- 56 HR, 2:6, no. 184, section 2; HR, 2:6, 309; HR, 2:6, no. 356; HR, 3:7, no. 108, sections 275–6; HR, 3:7, no. 115.
- 57 HR, 3:7, no. 27; HR, 3:7, no. 39, section 136; HR, 3:7, no. 46; HR, 3:7, no. 195; HR, 3:7, no. 197, section 5; HR, 3:7, no. 198; HR, 3:7, 213–15; HR, 3:9, no. 131.
- 58 HR, 3:9, no. 131, sections 11 e–11 q and 19, 22, 23.
- 59 HR, 3:1, nos. 326, 390, 520; HR, 4:2, no. 130; APG 300 D 27/47, fos. 10–11.
- 60 APG 300 D 20/401; APG 300 D 20/409.
- 61 HR, 3:6, no. 179.
- 62 Gelderblom, *Cities*, 149, 177, 183. The dukes of Mecklenburg also used such reprisals towards merchants, see Wubs-Mrozewicz, 'Mercantile conflict resolution and the role of the language of trust'.
- 63 HR, 3:6, no. 69; HR, 3:6, no. 92, sections 7–9; HR, 3:6, no. 102; HR, 3:6, no. 191 and 192; APG 300.27/6 fos. 168–168v.
- 64 HR, 3:3, nos. 47, 48.
- 65 HR, 4:2, no. 86, section 524; HR, 4:2, no. 141.
- 66 HR, 2:6, no. 90.
- 67 APG 300.27/9, fos. 88v–89.
- 68 HR, 3:6, no. 188, section 94; HR, 3:6, no. 348; HR, 3:8, 593; HR, 3:8, no. 708; APG 300.27/11, fo. 147.
- 69 APG 300 D 31/876 (1544).
- 70 HR, 2:5, no. 227; HR, 2:5, 272–400; HR, 2:5, no. 549; HR, 2:5, no. 590.
- 71 APG 300.27/14, fo. 50v; APG 300.53/936; APG 300.59/9, fo. 214; APG 300 D 31/865; APG 300.27/13, fo. 375.
- 72 This is the main thesis of the study by Dieter Seifert, *Kompagnons und Konkurrenten: Holland und die Hanse im späten Mittelalter* (Cologne, 1997). See the extensive literature and source discussion here.

- 73 *HR*, 3:4, nos. 483–8 (1504); *HR*, 3:9, no. 555 (1529); *HR*, 4:2, no. 120 (1535); *NAU*, 1, 378, n. 2 (1542).
- 74 *NAU*, 1, no. 479; Rudolf Häpke, *Die Regierung Karls V. und der europäische Norden* (Lübeck, 1914), 211–33; Aksel Christensen, *Dutch trade to the Baltic about 1600: studies in the Sound toll register and Dutch shipping records* (Copenhagen, 1941), 43; W. Blockmans, 'Der holländische Durchbruch in der Ostsee', in S. Jenks and M. North eds., *Der hansische Sonderweg? Beiträge zur Sozial- und Wirtschaftsgeschichte der Hanse* (Köln: 1993), 49–58; Milja van Tielhof, *De Hollandse graanhandel, 1470–1570: Koren op de Amsterdamse molen* (The Hague, 1995), 118–20; Louis Sicking, *Neptune and the Netherlands: state, economy and war at sea in the Renaissance* (Leiden, 2004), 239.
- 75 *HR*, 3:6, no. 239; APG 300.27/6, fo. 171; APG 300.27/20, fos. 327–8; APG 300 D 31/ 878 (1545); APG 300 D 31/882 (1545); APG 300 D 31/930.
- 76 APG 300 D 31/940.
- 77 For instance in the case of an arrested Antwerp burgher, see APG 300.53/794, fo. 193 (1542).
- 78 Justyna Wubs-Mrozewicz, 'Kopieergedrag: de vormen en functies van afschriften in het laat-middeleeuwse politieke briefverkeer van de Hanzesteden', *Tijdschrift voor Geschiedenis* 127, 4 (2014), 603–24.
- 79 H. Wernicke, 'Hansetag, Recht und städtischer Alltag', in S. Urbanski, C. Lamschus and J. Ellermeier eds., *Recht und Alltag im Hanseraum: Festschrift für Gerhard Teuerkauf* (Lüneburg, 1993), 429–38; Albrecht Cordes, 'Hansisches Recht: Begriff und Probleme', in Cordes ed., *Hansisches*, 205–13; Friedrich Ebel, *Magdeburger Recht*, in A. Fijal and H.-J. Leuchte eds., *Unseren fruntlichen grus zuvor: Deutsches Recht im Mittelalter im mittel- und osteuropäischen Raum* (Cologne, 2004), 217–36; Jan Ziekow, *Recht und Rechtsgang: Studien zu den Problemen mittelalterlichen Rechts anhand von Magdeburger Schöppensprüchen des 15. Jahrhunderts* (Pfaffenweiler, 1986); Wilhelm Ebel, *Lübisches Recht* (Göttingen, 1971); Ernst Pitz, *Bürgereiningung und Städteeinung: Studie zur Verfassungsgeschichte der Hansestädte und der deutschen Hanse* (Weimar, 2001); H. Rudorff, *Zur Rechtsstellung der Gäste im mittelalterlichen städtischen Prozess vorzugsweise nach norddeutschen Quellen* (Breslau, 1907).
- 80 *HR*, 3:4, no. 151, in respect to the Parlement de Paris; APG 300.53/794, fo. 116; Nils Jörn, 'Die Herausbildung der Kontorordnungen in Novgorod, Bergen, London und Brügge im Vergleich – 12.-17. Jahrhundert', in Doris Ruhe and Karl-Heinz Spiess eds., *Prozesse der Normbildung und Normveränderung im mittelalterlichen Europa* (Stuttgart, 2000), 217–35.
- 81 *HR*, 4:2, no. 86, section 250; APG 300 D/444; Wubs-Mrozewicz, 'Mercantile conflict resolution and the role of the language of trust'.
- 82 APG 300 D 21/168 and 171.
- 83 APG 300 D 27/47, fos. 8–10.
- 84 See, for example, APG 300 D 20/258; APG 300 D 20/259; APG 300 D 20/280; APG 300 D 20/284; APG 300 D 20/314; APG 300 D 20/342a; APG 300 D 20/343; APG 300 D 24F/135–136, APG 300 D 82/44; APG 300.1/5, fos. 216–17; APG 300.43/2b, fo. 107v.
- 85 Wubs-Mrozewicz, 'Mercantile conflict resolution and the role of the language of trust'.
- 86 Dietrich W. Poeck, *Die Herren der Hanse: Delegierte und Netzwerke* (Frankfurt am Main, 2010); Johannes Ludwig Schipmann, *Politische Kommunikation in der Hanse (1550–1621): Hansetage und westfälische Städte* (Cologne, 2004), 233–97; Nils Jörn, 'Die Hanse vor den obersten Reichsgerichten in Spätmittelalter und Früher Neuzeit', in Cordes ed., *Hansisches*, 69–90.
- 87 APG 300 D 27/47, fo. 16; APG 300 D 31/876.
- 88 The lists of participants in Hanse meetings was included in all the minutes of the Hanse diets; see *HR*.
- 89 Wubs-Mrozewicz, 'Mercantile conflict resolution and the role of the language of trust'.

- 90 Jenks, 'Capturing'.
- 91 Wubs-Mrozewicz, 'Kopieergedrag'.
- 92 APG 300.27/17, fos. 39v, 168–9v.
- 93 I have systematically analysed the Danzig cases; their range was clearly broad.
- 94 Albrecht Cordes, *Spätmittelalterlicher Gesellschaftshandel im Hanseraum* (Cologne, 2008), 249ff; R. Hammel-Kiesow, 'Schriftlichkeit und Handelsgesellschaften niederdeutsch-hansischer und oberdeutscher Kaufleute im späten 13. und im 14. Jahrhundert', in M.-L. Heckmann and J. Röhrkasten eds., *Von Nowgorod bis London: Studien zu Handel, Wirtschaft und Gesellschaft im mittelalterlichen Europa* (Göttingen, 2008), 213–41.
- 95 APG 300.59/10, fos. 142–3, 429–31; APG 300.59/11, fo. 71v.
- 96 For instance in the *Schöffebücher*, there are several entries starting with 'Bekant dat...' and 'Thoweten...', that is, indicating an announcement that an authorisation was agreed upon or a debt was settled, see 300.43; See also APG 300.27/19; APG 300.43/13, fo. 121v; APG 300 D 31/892; APG 300 D 31/932; APG 300 1/8, fos. 138–9.
- 97 Cordes, *Gesellschaftshandel*, 321–6.

FRENCH AND GERMAN ABSTRACTS

La Hanse à la fin du Moyen Age et au début de l'époque moderne: une institution qui gère les conflits

Depuis le XIXe siècle, les études sur la Hanse se sont multipliées, cherchant sans relâche à redéfinir le cœur du phénomène et ses limites. Les visions sur la Hanse ont évolué: on l'a vue tour à tour comme une ligue de villes profondément allemande ou bien comme un réseau ou organisation commune à des villes et à leurs commerçants, présente dans ports et centres commerciaux d'Est en Ouest, de Novgorod au Portugal, et de Norvège à l'Italie. Dans les discussions plus générales sur le développement institutionnel du commerce en Europe, très influencées par la *Nouvelle économie institutionnelle*, la Hanse est même apparue comme une super-corporation. Avec la renaissance de l'histoire des institutions et du commerce en Europe moderne, les sources hanséatiques font l'objet de réévaluations. Le présent article contribue à ce débat en faisant valoir que, du point de vue de la gestion des conflits, la Hanse de la fin du Moyen Age et du début de l'époque moderne était une institution. Plusieurs mécanismes institutionnels existaient, avec une forte préférence pour la médiation et l'arbitrage dans les conflits entre individus, et une stratégie de médiation pour les conflits internes entre villes. Tous ces mécanismes se combinaient en une institution multiforme de gestion des conflits, ce qui représentait une valeur ajoutée à toute adhésion à la Hanse pour les commerçants et pour leurs villes.

Die spätmittelalterliche und frühneuzeitliche Hanse als Institution des Konfliktmanagements

Seit Beginn der Hanseforschung im 19. Jahrhundert hat man sich immer wieder darum bemüht, die Grenzen und den Kern des Phänomens neu zu bestimmen. Unterschiedliche Bilder der Hanse sind entstanden, die sie abwechselnd als durchgängig deutschen Städtebund und als Netzwerk oder als Organisation von Städten und Kaufleuten dargestellt haben, deren Handelszentren und Häfen von Nowgorod bis Portugal und von Norwegen bis Italien reichten. In grundsätzlicheren Diskussionen über die

institutionelle Entwicklung des Handels in Europa, die häufig durch die Neue Institutionenökonomik beeinflusst sind, ist die Hanse sogar als Megazunft aufgetaucht. Das Wiederaufblühen der institutionellen Ökonomie und der Handelsgeschichte im vorindustriellen Europa hat neuerdings auch zu einer Neubewertung der hansischen Quellen geführt. Der vorliegende Aufsatz ist ein Beitrag zu dieser Debatte und vertritt die These, dass aus der Perspektive des Konfliktmanagements die spätmittelalterliche und frühneuzeitliche Hanse eine Institution darstellte. Es gab verschiedene institutionelle Mechanismen, wie z.B. die starke Präferenz für Vermittlung und Schlichtung bei Konflikten zwischen Einzelpersonen oder eine Vermittlungsstrategie für interne Konflikte zwischen Städten. All diese Mechanismen verbanden sich zu einer facettenreichen Institution des Konfliktmanagements, die für Kaufleute und Städte den Mehrwert der Hansemitgliedschaft ausmachte.

Reproduced with permission of the copyright owner. Further reproduction prohibited without permission.