

“Fighting Pirates” as a Paradigm Conflict, Competition, and Criminalization in Fifteenth- and Sixteenth-Century Lübeck and the Northern European Trade

Philipp Höhn

In 1555, the monumental *Description of the Northern Peoples* by Olaus Magnus, previously the bishop of Uppsala, was first published in Rome. In this work Magnus touched on many aspects of Scandinavian society, including the trade to Iceland, in which, so he informed his contemporaries, English and Hanseatic merchants also participated. This was controversial because at that time Iceland was part of the Danish kingdom and the trade challenged the staple rights of Bergen in Norway. However, Magnus did not focus on the politically contentious nature of the trade itself, instead offering a moralizing tirade against the traders’ readiness to use violence to achieve their ends:

This article was first published in French as “La ‘lutte contre les pirates’ comme paradigme. Conflit, concurrence et criminalisation à Lübeck et dans le commerce nord-européen aux xv^e et xvi^e siècles,” *Annales HSS* 77, no. 2 (2022): 293–327.

* I would like to thank the many friends and colleagues with whom I have had the opportunity to discuss parts of this article. Louis Sicking invited me to join his project on late medieval maritime conflict management, which prompted fascinating conversations about the similarities and differences between the Atlantic and the Baltic. Lisa Pilar Eberle, Emily Sohmer Tai, Willem Fiene, and Gregor Rohmann read and commented on earlier versions of this paper; Jan Siegemund, Gerd Schwerhoff, Georg Jostkleigrewe, Klaus Krüger, Angela Huang, and Wolfgang Behringer invited me to present my research at their colloquia. I am also grateful to Johanna Fauth and Lukas Jentsch for our discussions of the case studies on which this article is based. The text is dedicated to Rolf Hammel-Kiesow (1949–2021), one of the most inspiring and encouraging scholars for the history of Lübeck and the Hanse.

It is deplorable to see traders at home or abroad attacking and slaughtering each other, to the peril of their lives and the hazard of all their goods, for the sake of gain or even to avenge their families. As a result, they are unable to see, even with open eyes and in full daylight, the plundering to which they are subjected, but they must also be skilled in sharpening their weapons and using them to their own ruin. The foremost among these are considered to be the people who live in the Wendish cities of Bremen, Rostock, Wismar, and Lübeck.¹

Magnus illustrated these ideas with a woodcut showing a ship from Hamburg shooting at a Scottish vessel. The same woodcut had also appeared in his *Carta marina* of 1539 (fig. 1).² For Magnus it was clear that, in the mid-sixteenth century, commercial activities and the use of violence were inextricably intertwined.

Economic historians have largely ignored this passage. After all, Magnus's observations seem to contradict the widespread image of late medieval merchants as peaceful actors, paving the way toward capitalism. It is true that the connection between commercial activity and violence to which it points supports recent arguments about the pervasive nature of violence—and in particular the seizure of goods—in the resolution of disputes between merchants in the Baltic and the northern Atlantic throughout the late Middle Ages.³ This new approach maintains that all actors in the maritime realm could and did use violence to achieve their aims, seeking to justify this through legal arguments and claims. Yet Magnus's depiction of English and Hanseatic merchants' behavior in Iceland appears to go beyond these arguments in its suggestion that these men resorted to violence not only in the context of individual grievances but also to acquire and enforce access to contested markets.⁴ The present article will argue that the use of violence to exclude rivals from such markets was a cornerstone of the transformation of maritime economics in the Baltic and the northern Atlantic between 1400 and 1600. At the core of this argument lies a recontextualization of the emergence and strategic deployment of concepts of piracy as a way to criminalize particular actors during this period. Pirates and privateers might not have existed as such before the early modern era, but piracy and privateering turn out to have been powerful discursive constructs.

1. Olaus Magnus, *A Description of the Northern Peoples, 1555*, trans. Humphrey Higgins and Peter Fisher, ed. Peter G. Foote, 3 vols. (London: Routledge, 1998), 2:494–95.

2. Olaus Magnus, *Carta marina et descriptio septemtrionalium terrarum ac mirabilium rerum in eis contentarum diligentissime elaborata anno dni 1539*, <https://www.digitale-sammlungen.de/en/view/bsb00002967?page=1>.

3. See Thomas Heebøll-Holm, Philipp Höhn, and Gregor Rohmann, eds., *Merchants, Pirates, and Smugglers: Criminalization, Economics, and the Transformation of the Maritime World (1200–1600)* (Frankfurt am Main: Campus, 2019). In this article, I will accordingly forgo the use of “pirate” and “piracy” as analytic terms. Where I use “piracy” (in quotation marks), I refer to discursive framings of maritime violence as a means to criminalize an opponent.

4. For empirical examples, see Bart Holterman, *The Fish Lands: German Trade with Iceland, Shetland and the Faroe Islands in the Late 15th and 16th Century* (Berlin: De Gruyter, 2020), 61–136.

Figure 1. Iceland in the *Carta marina* of 1539

Source: Munich, Bayerische Staatsbibliothek, Mapp. 8.1; Olaus Magnus, *Carta marina et descriptio septentrionalium terrarum ac mirabilium rerum in eis contentarum diligentissime elaborata anno dni 1539*.

The criminalization of certain economic practices through concepts such as “piracy” in the late Middle Ages and early modern period has traditionally been linked to processes of state formation.⁵ However, an in-depth analysis of sources from the Hanseatic city of Lübeck and some of its neighbors shows that the people criminalized and marginalized as “pirates” by the urban elites were in fact their economic competitors, whom they sought to exclude from established political, social, and economic interactions. The claim to be “fighting pirates” can thus be seen as one of several strategies employed by urban elites after 1400 to enforce and expand their power at a time of structural economic change. Here my analysis joins work by Lauren Benton, Jeppe Mulich, and Christophe Picard, who have also analyzed the use of “piracy” as a discursive weapon, whether to discredit rival colonial powers in the eighteenth- and nineteenth-century Indian Ocean and Caribbean or to frame

5. Michel Mollat du Jourdin, “Guerre de course et piraterie à la fin du Moyen Âge. Aspects économiques et sociaux. Position de problèmes,” *Hansische Geschichtsblätter* 90 (1972): 1–14, here pp. 10–11.

interreligious conflicts in the early medieval Mediterranean.⁶ I expand on these insights by highlighting the importance of such discursive practices in the restructuring of economic life, not just power relations more broadly. At the same time, I maintain that these strategies had profound implications for the identity of the urban elites who deployed them.

The concept of “piracy” appears to have taken on a life of its own, not least in the way that it profoundly shaped the worldview and imagination of these urban elites. By 1550, the councillors and merchants of Hanse towns such as Lübeck had internalized a conception of themselves as tough and heroic men surrounded by a veritable *heterotopia* of “pirates” in the Baltic and northern Atlantic.⁷ In Lübeck itself, a rich ensemble of texts, practices, and material objects (trophies, banners, weapons, and so on) commemorated the violence its inhabitants had suffered at the hands of such “pirates,” as well as the actions they themselves had taken to combat this threat. Far from marginal phenomena confined to liminal places such as Iceland, acts of violence against economic competitors were an integral part of the transformation of the economic world in the late medieval Baltic and northern Atlantic. What is more, their plentiful commemoration at the hands of the urban elites who perpetrated them meant that these acts of violence were also inscribed in the urban landscape.

We can thus regard these urban elites as “communities of violence”—as communities, that is, which drew their cohesion from the ways they imagined themselves to be both suffering and perpetrating violence together. My use of this term derives from the concepts of *Gewaltgemeinschaft* (community of violence) and *Beutegemeinschaft* (community of plunder) coined by German anthropologists and historians to describe groups of mercenaries or violent entrepreneurs.⁸ Of course, David Nirenberg has also used the phrase in his influential work on interreligious conflicts in the Iberian Peninsula during the thirteenth and fourteenth centuries.⁹ Perhaps because of the anthropological origins of the German concepts, scholarship on *Gewaltgemeinschaften* has not taken note of Nirenberg’s work, but his exploration

6. Lauren Benton, “Toward a New Legal History of Piracy: Maritime Legalities and the Myth of Universal Jurisdiction,” *International Journal of Maritime History* 23, no. 1 (2011): 225–40, here pp. 233–35; Jeppe Mulich, *In a Sea of Empires: Networks and Crossings in the Revolutionary Caribbean* (Cambridge: Cambridge University Press, 2020), 81–101 and 139–55; Christophe Picard, *Sea of the Caliphs: The Mediterranean in the Medieval Islamic World* (Cambridge: The Belknap Press of Harvard University Press, 2018), 237–55.

7. For the notion of *heterotopia*, see Michael Foucault, “Different Spaces” [1967], in *Essential Works of Foucault, 1954–1984*, vol. 2, *Aesthetics, Method, and Epistemology*, ed. James D. Faubon, trans. Robert Hurley et al. (New York: The New Press 1998), 175–85.

8. On the concept of *Gewaltgemeinschaft*, see Winfried Speitkamp, “Einführung,” in *Gewaltgemeinschaften. Von der Spätantike bis ins 20. Jahrhundert*, ed. Winfried Speitkamp (Göttingen: Vandenhoeck & Ruprecht, 2013), 7–14. On *Beutegemeinschaft*, see Michael Jucker, “Objektraub und Beuteökonomien. Methodische Überlegungen zu Wirtschaftsformen im Krieg,” in *Söldnerlandschaften. Frühneuzeitliche Gewaltmärkte im Vergleich*, ed. Philippe Rogger and Benjamin Hitz (Berlin: Duncker & Humblot, 2014), 9–45.

9. David Nirenberg, *Communities of Violence: Persecution of Minorities in the Middle Ages* (Princeton: Princeton University Press, 1996).

of the function of violence in the day-to-day interactions of social groups that were neither marginalized nor professional in their use of violence resonates here in interesting ways. Nirenberg's central idea—that forms of violence and stigmatization should be understood in context as ritualized actions communicating economic and political conflict¹⁰—is also crucial for my argument. Despite what some critics have asserted, this perspective does not trivialize brutal acts of violence¹¹ but rather makes it possible to analyze violent acts as a systemic part of premodern economic structures. My use of the concept of “communities of violence” thus focuses on the still-understudied role of violence in the economic interactions of late medieval urban elites, who derived their own coherence from the radical exclusion of others through both discourse and violent practices.

My argument proceeds in four steps. First, I present a close reading of a narrative from the *Lübecker Ratschronik*, the official chronicle of Lübeck's city council, which contains probably the first use of the term “pirate” in a vernacular Low German text. From this, I trace how the idea of “fighting pirates” emerged and was instrumentalized in the Hanse towns during the fifteenth century. Second, I argue that there is a correlation between the emergence of this concept in Lübeck and changes in the region's economic structure, in particular the reorganization of markets and distribution networks that occurred during the later Middle Ages. In the third section, I present a case study of the Bergenfahrer guild from Lübeck, demonstrating how their situational attempts to criminalize competitors as “pirates” and thereby justify their own violence grew into robust and long-lasting argumentative patterns and worldviews. Lastly, I examine the rituals, monuments, and texts through which these argumentative patterns gave rise to distinct and new identities among urban elites such as the Bergenfahrer.

“Piracy” as a Criminalizing Category in the Fifteenth Century

Recent years have seen a remarkable shift in scholarship on maritime violence in the Baltic and northern Atlantic during the fourteenth and fifteenth centuries. In a highly influential 2017 article, Gregor Rohmann suggested that scholars should look “beyond piracy and privateering,” arguing that the distinction between legitimate and illegitimate violence at sea only became fixed in early modern international law, and is thus deeply misleading when applied to earlier periods.¹² During the late

10. *Ibid.*, 6.

11. Elsa Marmurszteijn, “Reason in the History of Persecution: Observations on the Historiography of Jewish-Christian Relations from the Perspective of Forced Baptisms,” *Annales HSS (English Edition)* 67, no. 1 (2012): 5–39, here pp. 35–37; Philippe Buc, “Anthropologie et histoire (note critique),” *Annales HSS* 53, no. 6 (1998): 1243–49. For Nirenberg's reply, see the preface in Nirenberg, *Communities of Violence*, vii–xv.

12. Gregor Rohmann, “Jenseits von Piraterie und Kaperfahrt. Für einen Paradigmenwechsel in der Geschichte der Gewalt im maritimen Spätmittelalter,” *Historische Zeitschrift* 304, no. 1 (2017): 1–49.

Middle Ages, all actors in the maritime realm were potentially violent actors, and all of them justified that violence through recourse to legal claims and widespread social practices such as feuding. Though a reservoir of professional violent actors did exist, these were simply men who offered their services in executing feuds and enforcing legal claims. For Rohmann, therefore, we should avoid the term “piracy” in analyses of this period altogether. In most cases of maritime violence, perpetrators and victims were connected by long histories of discord, and were looking for ways to succeed in their respective conflicts.¹³ The violent seizure of ships or property was just one of many strategies—ranging from arbitration to warfare—through which they pursued this aim, and in any given conflict all of these strategies were potential options.¹⁴ From this perspective, maritime violence was neither spontaneous nor arbitrary. It was a tactical way for parties to pursue their conflicts, in which their supporters, clients, patrons, and business partners could also be subjected to violence. The legitimacy or illegitimacy of a specific violent act was thus the result of hard-fought negotiations between competing legal claims in the context of a particular struggle.

Rohmann’s argument challenges the long-standing notion, common in legal, economic, and urban history, of an opposition between peaceful and progressive merchants and their towns, on the one hand, and rural and aristocratic “pirates,” smugglers, and wreckers on the other.¹⁵ At the same time, it raises new questions about the social utility of defining particular actors as either merchants or smugglers. While Rohmann and others have convincingly argued that “piracy” as a concrete category should no longer feature in the analytical toolkit of late medieval historians, a contemporary discourse of piracy demonstrably existed, vilifying and even demonizing particular actors in the Baltic.¹⁶ If there were no “pirates” in

13. Ibid. See also Thomas Heebøll-Holm, *Ports, Piracy and Maritime War: Piracy in the English Channel and the Atlantic, c. 1280–c. 1330* (Leiden: Brill, 2013), 13–25; Emily S. Tai, “Honor among Thieves: Piracy, Restitution, and Reprisal in Genoa, Venice, and the Crown of Catalonia-Aragon, 1339–1417” (PhD diss., Harvard University, 1996). For practices of seizure in the Greek world, see Andrew Lintott, “Sula: Reprisal by Seizure in Greek Inter-Community Relations,” *Classical Quarterly* 54, no. 2 (2004): 340–53; Benedetto Bravo, “Sulân. Représailles et justice privée contre des étrangers dans les cités grecques,” *Annali della Scuola normale superiore di Pisa*, 3rd ser., 10, no. 3 (1980): 675–978.

14. Albrecht Cordes and Philipp Höhn, “Extra-Legal and Legal Conflict Management among Long-Distance Traders (1250–1650),” in *The Oxford Handbook of European Legal History*, ed. Heikki Pihlajamäki, Markus D. Dubber, and Mark Godfrey (Oxford: Oxford University Press, 2018), 509–28, here pp. 524–26; Jurriaan Wink and Louis Sicking, “Reprisal and Diplomacy: Conflict Resolution within the Context of Anglo-Dutch Commercial Relations c. 1300–c. 1415,” *Comparative Legal History* 5 (2017): 53–71, here pp. 58–63; Bryan Dick, “Framing ‘Piracy’: Restitution at Sea in the Later Middle Ages” (PhD diss., University of Glasgow, 2010), 84–147.

15. See Carsten Groth and Philipp Höhn, “Unwiderstehliche Horizonte? Zum konzeptionellen Wandel von Hanseraum, Reich und Europa bei Fritz Rörig und Carl Schmitt,” *Historische Zeitschrift* 306, no. 2 (2018): 321–53, here pp. 329–32.

16. Heebøll-Holm, Höhn, and Rohmann, introduction to *Merchants, Pirates, and Smugglers*, 9–30, here pp. 13–19. For the eighteenth century, see Lauren Benton, “Legal Spaces

this region during the fourteenth and fifteenth centuries, why did contemporaries depict the actions of certain people as “piracy”? Why did this discourse emerge, who deployed it, and to what ends? Understanding the emergence of the “piracy” discourse as part of a process of criminalization and (economic) exclusion offers a way to answer these questions.¹⁷

A Criminalizing and Marginalizing Discourse

In the late Middle Ages, Lübeck was among the largest European cities in the Holy Roman Empire and an important trading hub, redistributing goods on both east-west and north-south axes.¹⁸ It was one of the most prominent members of the Hanse, a long-standing interest group of merchants and towns extending from Livonia to Holland and from Gotland to Cologne. In 1454, Johann Hertze, one of the town’s scribes, made the following entry in the *Lübecker Ratschronik*, the official chronicle of the city council:

*In this year, the town of Lübeck equipped peace-ships (vredeschippe) against sea-robbers and pirates (seerover unde piraten). They captured a small ship of sea-robbers, beat many of them to death, and brought the others to Lübeck. There, [the captives] were judged and beheaded, since they had confessed to committing robbery and there was evidence found within their ship.*¹⁹

This is a striking passage. In the first sentence, Hertze delegitimizes Lübeck’s opponents and justifies the town’s violence. The ships from Lübeck are described as *vredeschippe*, ships guaranteeing peace, associating the town’s actions with a lofty goal. More generally, he formulates a clear moral and legal judgment about Lübeck’s opponents by calling them *seerover unde piraten*, an unusual double epithet that marks not only their actions but their very existence as illicit and illegitimate. It is likely that Hertze’s description echoed public discourse at the time, given Lübeck’s handling of these supposed “pirates” who were either beaten to death on the spot or executed after confessing to their crimes.²⁰ Both Hertze’s rhetoric and the council’s

of Empire: Piracy and the Origins of Ocean Regionalism,” *Comparative Studies in Society and History* 47, no. 4 (2005): 700–24, here pp. 707–13.

17. For the concepts of “criminalization” and “marginalization,” see František Graus, “Randgruppen der städtischen Gesellschaft im Spätmittelalter” [1981], in *Ausgewählte Aufsätze, 1959–1989*, ed. Hans-Jörg Gilomen, Peter Moraw, and Rainer C. Schwinges (Stuttgart: Thorbecke, 2002), 303–50, here pp. 312–13.

18. Carsten Jahnke, “Lübeck and the Hanse: A Queen without Its Body,” in *The Routledge Handbook of Maritime Trade around Europe, 1300–1600*, ed. Wim Blockmans, Mikhail Krom, and Justyna Wubs-Mrozewicz (London: Routledge, 2017), 231–47.

19. Friedrich Bruns, ed., *Die Chroniken der niedersächsischen Städte. Lübeck*, vol. 4, *Die Ratschronik von 1438–1465* (Leipzig: Hirzel, 1910), no. 1760.

20. For the events of 1454, see *Hansisches Urkundenbuch* (hereafter “HUB”), vol. 8, 1451–1463, ed. Walther Stein (Leipzig: Verein für hansische Geschichte, 1899), nos. 369, 413, and 477; *Urkundenbuch der Stadt Lübeck* (hereafter “UBSL”), vol. 9, 1451–1460,

treatment of this group thus vigorously asserted the rightfulness of Lübeck's actions while marginalizing the town's opponents. The latter were no longer seen as equals; instead, they had become a group of criminal agents against whom all means were legitimate. To the best of my knowledge, this passage contains the earliest use of the term "pirates" (*piraten*) in a vernacular Low German text. If we consider the history of this Latin term (itself derived from ancient Greek), the innovative nature of Hertze's description becomes even more significant.

The development of "piracy" as a concept is difficult to grasp, and its history in the Middle Ages can only be roughly sketched. In medieval texts the term was generally deployed to single out specific behaviors, almost as a term of art: even somebody who was carrying on a legitimate feud could act "in a piratical manner" (*piratarum more*) or "like a robber" (*latronum more*).²¹ Indeed, the use of "pirate" as a legal label applied to a person appears to be a later development. In France, for instance, it occurs in this sense only at the end of the fifteenth century with, as Pierre Prétou has recently shown, clear connotations of exclusion and criminalization. Remarking that for most of the late Middle Ages maritime violence was described in other ways, Prétou suggests that the use of the term after 1480 was part of an "invention of piracy" by the French court in order to discipline its seafaring subjects.²² Moreover, for a long period "piracy" does not appear to have been directly associated with violence at sea. For example, in England around 1400, it was one of many terms—though not the most frequent—used to refer to rebellion. Maritime violence itself was often categorized as high treason or the breach of truces to reinforce its illicit character.²³ A clearly attested association of the term with maritime violence can be found in an addition to the papal decretal read aloud in churches on Maundy Thursday: in 1229, Gregory IX ordained that those supporting "pirates" should be excommunicated.²⁴ In the Baltic, however, few Latin sources from the thirteenth and fourteenth centuries mention "pirates," and although by the fifteenth century the word was being used pejoratively, it was neither strictly connected with illegitimate maritime violence nor used as a legal

ed. Johann F. Böhmer and Friedrich Techen (Lübeck: Edmund Schmersahl, 1893), nos. 205, 219, 262, and 364.

21. Heebøll-Holm, *Ports, Piracy and Maritime War*, 15–22; Dick, "Framing 'Piracy,'" 12–18.

22. Pierre Prétou, *L'invention de la piraterie en France au Moyen Âge* (Paris: Presses universitaires de France, 2021), 83–108 and 179–85. See also Prétou, "L'essor de la piraterie en Europe du XIII^e siècle au XV^e siècle," in *Histoire des pirates et des corsaires. De l'Antiquité à nos jours*, ed. Gilbert Buti and Philippe Hroděj (Paris: CNRS Éditions, 2016), 93–115, here pp. 94 and 102; Prétou, "Du 'larron écumeur de mer' aux 'pirathes.' Les genèses de l'accusation en piraterie à la fin du Moyen Âge français," in *La piraterie au fil de l'histoire. Un défi pour l'État*, ed. Michel Battesti (Paris: PUPS, 2014), 37–47.

23. Thomas Heebøll-Holm, "Towards a Criminalization of Piracy in Late Medieval England," in *Conflict Management in the Mediterranean and the Atlantic, 1000–1800: Actors, Institutions and Strategies of Dispute Settlement*, ed. Louis Sicking and Alain Wijffels (Leiden: Brill, 2020), 165–86, here pp. 170–80.

24. Tobias Daniels, "Popes and Pirates: Vatican Sources Regarding Violence at Sea (12th–15th Centuries)," in Heebøll-Holm, Höhn, and Rohmann, *Merchants, Pirates, and Smugglers*, 76–105, here p. 78, n. 12.

term.²⁵ In short, when Hertze, a trained jurist, wrote about *piraten*, he not only introduced this Latin word into Low German, he also deployed it in a specific way to justify the town of Lübeck's violence and marginalize its opponents.

One way that late medieval actors such as Hertze encountered the term was of course through classical literature and its legacy. In late medieval France, as Prétou has shown, anecdotes about Pompey and Caesar fighting pirates circulated in vernacular texts such as the *Faits des Romains* from the thirteenth century. Although these images slowly diffused into the jurisdiction of the Parlement de Paris via the aristocracy and jurists, the concept of "piracy" to criminalize maritime violence only became predominant at the end of the Middle Ages.²⁶ Thomas Heebøll-Holm has identified two distinct ways of thinking about "piracy," linked to two classical narratives, which he has called the Augustinian and the Ciceronian paradigms.²⁷ Augustine of Hippo's *De civitate Dei* recounts how Alexander the Great met a local magnate and sea-robber, whom he called a "pirate." The man reacted defiantly, suggesting that Alexander was essentially acting in the same way: it was only his vast army and fleet of ships that made him an emperor (*imperator*) rather than a robber (*latro*) and a pirate (*pirata*).²⁸ There are many ways to interpret this story, including as an illustration of the subjectivity of "piracy" as a concept. In the Middle Ages, however, it was more often used to reflect on just and unjust rulership. In this reading, the sea-robber's remarks were taken to be a true description of Alexander's rule: he was indeed a robber baron and an unjust ruler, an idea that Augustine had already used to explain the *translatio imperii* (transfer of rule) from the Greek leader to the Romans.²⁹ Interestingly, it seems that the council of Lübeck made use of this interpretation in 1370, when the Hanse towns legitimized their feud with the Danish king Waldemar IV by suggesting that he was not practicing the *ius naufragii* (right to shipwrecks) as befitted a king, but was seizing goods as one would expect from "tyrants and pirates" (*tyrannos et piratas*).³⁰ But other readings were also possible: John of Salisbury focused on Alexander's merciful pardon of his critic,³¹ while the French poet François Villon depicted the sea-robber as a brave bandit king who was only called a pirate because it served the interests of the powerful.³²

25. Rohmann, "Jenseits von Piraterie und Kaperfahrt," 12–13.

26. Prétou, *L'invention de la piraterie*, 114–23.

27. Heebøll-Holm, *Ports, Piracy and Maritime War*, 2–6.

28. Augustine of Hippo, *City of God against the Pagans*, trans. William M. Green (Cambridge: Harvard University Press, 1963), 4.4.16–17.

29. George Cary, *The Medieval Alexander*, ed. D. J. A. Ross (Cambridge: Cambridge University Press, 1967), 95–98.

30. *UBStL*, vol. 3, 1230–1370, ed. Johann F. Böhmer and Friedrich Techen (Lübeck: Ferdinand Grautoff, 1871), no. 637. For the *ius naufragii*, see Vilho Niitemaa, *Das Strandrecht in Nordeuropa im Mittelalter* (Helsinki: Suomalaisen Tiedeakatemia 1955).

31. Cary, *The Medieval Alexander*, 95–98; John of Salisbury, *Policraticus I–IV*, ed. Katherine S. B. Keats-Rohan (Turnhout: Brepols 1993), 3.14.

32. François Villon, *Œuvres complètes*, ed. Jacqueline Cerquiglini-Toulet (Paris: Gallimard 2014), 36–41; Prétou, "L'essor de la piraterie en Europe," 94; Prétou, *L'invention de la piraterie*, 103.

Cicero's *De officiis* provides a rather different image of pirates, presenting them as “the common enemy of all” (*communis hostis omnium*, sometimes translated as “the common enemy of humankind”).³³ Pirates were not simply opponents, bound by the rules of the *ius gentium* that governed normal conflicts, but were located beyond the bounds of society where no rules, no oaths, and no promises were binding. Unlike the Augustinian vision, Cicero's understanding of piracy allowed for no relativization but implied an absolute exclusion of all opponents described as such. This was not unlike Hertze's 1454 entry in Lübeck's *Ratschronik*. Indeed, from 1450 the town's chancery expanded its armory of legal arguments on the matter. Ten years after the events recounted by Hertze (who was elected as a member in 1460), the council of Lübeck acquired a large library of legal manuscripts, including a copy of Cicero's *De officiis*. They also acquired Bartolus's *Tractatus de repressaliis*—which distinguished between legitimate and illegitimate forms of private violence—as well as other treatises by the same author and his student Baldus that set out the late medieval tradition of sovereignty over maritime spaces.³⁴ Commenting on a passage from the forty-ninth book of the *Digest*, Bartolus wrote that “pirates” (*pyrate*) could not be compared with standard enemies (*hostes*) since the former had decided to live against the principle of trust (*fides*), and were thus “enemies of humankind” (*hostes humani generis*).³⁵ As a result, according to the author, fighting a public war (*bellum publicum*) against such people would be both legal and righteous.³⁶

What can we draw from the Lübeck council's acquisition of those codices and the possibility that its legal experts did indeed read the statements on piracy they contained? Did the council adopt legal concepts from Roman law? Should we see Hertze as an adherent of Bartolus? I would propose a more pragmatic interpretation of the processes at work. When Bartolus and Baldus focused on fighting alleged “pirates,” they did so to justify the claims of Italian princes and urban republics that their sovereignty extended into the sea and over neighboring islands—as Bartolus had argued in a legal opinion drawn up for the town of Pisa.³⁷ There is no evidence that Hertze believed that Lübeck held such a form of sovereignty over parts of the Baltic, although claims to territorial waters were occasionally formulated by the city's

33. Cicero, *De officiis* [44 BCE], trans. William Miller (Cambridge: Harvard University Press, 1968), 3.29 (translation modified). Daniel Heller-Roazen, *The Enemy of All: Piracy and the Law of Nations* (New York: Zone Books, 2009), 16–18, makes much of this definition.

34. Guillaume Calafat, *Une mer jalousee. Contribution à l'histoire de la souveraineté (Méditerranée, XVII^e siècle)* (Paris: Éd. du Seuil 2019), 39–41; Percy T. Fenn, “Origins of the Theory of Territorial Waters,” *American Journal of International Law* 20, no. 3 (1926): 465–82, here pp. 472–76.

35. Bartolus de Sassoferrato, *Lucernae iuris, omnia quæ extant opera*, 11 vols. (Venice: s. n., 1590–1602), vol. 6, *In secundum Digesti novi partem* (Venice: s. n., 1596), fol. 214v.

36. Heller-Roazen, *The Enemy of All*, 99 and 103; Heebøll-Holm, *Ports, Piracy and Maritime War*, 13–15; Philipp Höhn, *Kaufleute in Konflikt. Rechtspluralismus, Kredit und Gewalt im spätmittelalterlichen Lübeck* (Frankfurt am Main: Campus, 2021), 107–108 and 342–43.

37. Calafat, *Une mer jalousee*, 40–41.

council.³⁸ That said, he probably understood that the concept of “piracy” could be used to justify violence at sea, even if his understanding of “pirates” was closer to that of Cicero than the legal argumentation of Bartolus. Hertze went beyond the fourteenth-century Italian jurists’ project of defining territorial waters to allow and justify the fight against “pirates” wherever they were encountered. As such, his use of the term most likely does not reflect the systematic transplantation of a body of law but rather the gradual adaptation and elaboration of a concept that was useful to legitimize the town’s violent practices in support of specific economic interests. The flexible and selective adoption of particular terms and fragments of Roman law and Ciceronian philosophy was but one way of accomplishing this goal.

Historians today generally consider that medieval practices of maritime violence shared certain characteristics with Augustine’s conception of piracy.³⁹ That one party or another ended up being depicted as a “pirate” was merely the reflection of a conflict’s outcome; it can tell us only who had won and who had lost. However, Hertze’s 1454 entry in the *Lübecker Ratschronik* and the council’s acquisition and use of texts by Cicero and Bartolus would seem to indicate that in the mid-fifteenth century Lübeck began to deploy an understanding of “piracy” akin to the one Cicero had articulated in *De officiis*. This understanding went beyond delegitimizing the violent acts of its opponents. Instead, it delegitimized the opponents themselves, criminalizing and marginalizing them as a threat to the peace that Lübeck and its *vredeschippe* were working so hard to maintain. To better understand the implications of this shift, let us turn to the aftermath of Lübeck’s campaigns against the *seerover unde piraten* described in the *Ratschronik* and consider the identity of the people whom Hertze called “pirates.”

Looking behind the Discourse: Olaf Axelsson and His “Pirates”

Shortly after Lübeck’s execution of the *seerover unde piraten*, a skipper set out from the town’s port, possibly to make his way to Livonia (fig. 2). As he was passing Gotland, Olaf Axelsson, the bailiff of the island, seized his ship. According to Hertze, this action went “against God and the law.”⁴⁰ Axelsson, however, argued that since Lübeck had captured and decapitated his servants, he could legitimately pursue a feud against the town. Hertze disagreed, and as one of the city’s legal experts his account of events in the *Ratschronik* probably reflected the council’s position: since the people beheaded in Lübeck had confessed to being pirates from Pomerania,

38. For Bartolus’s argument, see *ibid.* For Lübeck’s claiming of territorial waters at the mouth of the Trave river, see Fritz Rörig, *Zur Rechtsgeschichte der Territorialgewässer: Reede, Strom und Küstengewässer* (Berlin: Akademie, 1949), 8–13. There are however references to the fight against alleged “pirate nests” to justify the violent acquisition of an urban hinterland in late medieval Lübeck; see Philipp Höhn, “Pirate Places, Merchant Spaces? Distribution and Criminalization in the Late Medieval Baltic Sea,” in Heebøll-Holm, Höhn, and Rohmann, *Merchants, Pirates, and Smugglers*, 127–44.

39. Heebøll-Holm, *Ports, Piracy and Maritime War*, 8–9.

40. *Die Ratschronik von 1438–1465*, no. 1760.

the council had had every right to execute them. Axelsson, by contrast, had no right to feud against the town.

In fact, there are good reasons to consider Axelsson's version truthful. Not only do other sources indicate that the people executed in Lübeck had indeed been in his service,⁴¹ but Axelsson was able to mobilize a whole range of supporters to back up his claims. Far from being an outlaw, he was one of the nine Axelsson-Tott brothers and thus part of the highest strata of Scandinavian elites.⁴² His actions could readily be understood as conforming to the unwritten yet firmly established norms and practices of feuding in the Baltic: after his servants had been executed, he seized a ship from Lübeck in retaliation, then sent the goods on board to the Hanse towns of Kolberg, Rostock, and Greifswald, where he tried to sell them. Although the Lübeck council asked these cities to forbid the sale of the seized goods, Kolberg and Rostock guaranteed safe conduct to Axelsson.⁴³ Letters sent from Kolberg indicate that its town council was even acting as an intermediary between Axelsson's representatives and the former owners of some of the goods he had seized. As we know from other accounts of maritime violence and the seizure of ships, this was a widespread practice in such instances.⁴⁴ It is quite possible that the Hanse towns of Rostock, Kolberg, and Greifswald allowed Axelsson to distribute his plunder because they accepted his legal claims. Axelsson himself apparently saw his actions as legitimate: he made no efforts to hide his movements and returned the ship to its owners in exchange for a substantial sum, again according to established practices of feuding and conflict management in the Baltic at that time.⁴⁵

Various social and political circumstances help us to understand how Axelsson might have entered into conflict with the town of Lübeck. The first half of the fifteenth century was characterized by a number of disputes involving ongoing compensation claims, in which both parties were implicated. For instance, the inhabitants of the Prussian and Pomeranian Hanse towns pursued claims against Lübeck following the Danish-Wendish war of 1426–1434/5, resulting in long-lasting tensions. When conflicts broke out between the heterogeneous groups of burghers in the cities along the southern coast of the Baltic, some sought support from the Scandinavian magnates. Both Axelsson and Lübeck were also involved in the conflicts surrounding the Swedish Crown after the election of Charles VIII in 1449: the former supported King Christian I of Denmark, while the latter maintained an

41. Ibid. See also *Hanserecense* (hereafter "HR"), ed. Karl Koppmann et al. (Leipzig: Duncker & Humblot 1870–1970), 2.4, no. 243; *HUB*, vol. 8, no. 394.

42. Flemming Sørensen, "Familienwirtschaft und baltische Wirtschaft. Das Beispiel der Axelssöhne. Aspekte einer spätmittelalterlichen Familienwirtschaft," in *Studien zur Geschichte des Ostseeraums* vol. 1, ed. Thomas Riis (Odense: Odense University Press, 1995), 79–145.

43. *Die Ratschronik von 1438–1465*, no. 1760.

44. Lübeck, Archiv der Hansestadt Lübeck (hereafter "AHL"), ASA Externa, Deutsche Territorien, no. 6745; Höhn, "Pirate Places, Merchant Spaces?" 132.

45. HR, 2.4, no. 248, §§ 6, 17, and 22; *HUB*, vol. 8, no. 394; Gregor Rohmann, "Wegnehmen, Verhandeln, Erstaten. Politischer Alltag im Hanseraum um 1400," *Geschichte in Wissenschaft und Unterricht* 65 (2014): 574–84, here pp. 579–84.

Figure 2. The fifteenth-century Baltic



Source: After Lukas Jentsch and Harm Schwerdtfeger.

ambivalent position. In the rising tensions between the Prussian towns and the Teutonic Order that led to the Thirteen Years' War of 1454–1466, we can observe a similar configuration: Axelsson again supported the Danish king, who was allied with the Teutonic Order, while Lübeck intervened on both sides of the conflict. In this field of private and political conflicts, Axelsson was just one of many magnates who feuded on his own behalf or on that of his family, his king, or his entourage, and his mutual animosity with the town of Lübeck was quite typical of the interactions between political and economic actors in the Baltic.⁴⁶

If Hertz's entries in the *Lübecker Ratschronik* were the only sources for the 1454 incident, we would gain but a limited understanding of the events. Hertz

46. Philipp Höhn, "Pluralismus statt Homogenität. Hanse, Konflikträume und Rechtspluralismus im vormodernen Nordeuropa (1400–1600)," in *Städtebünde und städtische Außenpolitik. Träger, Instrumentarien und Konflikte während des hohen und späten Mittelalters*, ed. Roland Deigendesch and Christian Jörg (Ostfildern: Thorbecke, 2019), 261–90, here pp. 277–78; Ernst Daenell, *Die Blütezeit der deutschen Hanse. Hansische Geschichte von der zweiten Hälfte des XIV. Jahrhunderts bis zum letzten Viertel des XV. Jahrhunderts*, 2 vols. (Berlin: G. Reimer, 1905–1906), 2:146–95; Walter Stark, *Lübeck und Danzig in der zweiten Hälfte des 15. Jahrhunderts. Untersuchungen zum Verhältnis der wendischen und preußischen Hansestädte in der Zeit des Niedergangs der Hanse* (Cologne: Böhlau, 1973), 163–83.

clearly went to great efforts not just to stigmatize Axelsson's actions as arbitrary violence and his servants as criminals, but also to condemn the relations that Kolberg and Rostock maintained with the magnate. Again, we have reason to believe he was echoing views that were widespread in contemporary Lübeck. In a letter sent to Gdansk in 1455, the Lübeck council formulated their complaint in colorful language: Kolberg, once "an honorable Hanse town," had become "a chamber of robbers."⁴⁷ This accusation appears to echo the provisions of Roman law. In 1446, less than ten years before these events, Christian von Geren, a scribe of the Lübeck chancery, had copied and translated parts of the *Digest* into a collection of formularies to be used by the town for legal purposes. In so doing, he noted what he saw as a recurring practice throughout the *Digest*: anyone committing robbery or breaking the peace should be executed, and those who hosted or supported such persons deserved to be treated no better.⁴⁸ Von Geren's description of the social function of law—to sentence and sanction evil-doers and their supporters with force—differed fundamentally from the vision of law that Lübeck's council had articulated just a few decades earlier, at the beginning of the fifteenth century. In 1416, after years of urban strife and dissension, the old council had finally returned to the town from which it had been exiled since 1408. On this occasion, it was explicitly stated that "friendship" should moderate the severity of the law.⁴⁹ When Hertze called the captives of 1454, who were quite likely Axelsson's servants, *seerover unde piraten*, when the Lübeck council had these people executed, and when that same council accused Kolberg of harboring "robbers," they were nevertheless drawing on a more violent conception of law, similar to that of von Geren. Arguably, this conception was part of a much broader vision of the town, its council, and its place in the world around 1450.

The *Lübecker Ratschronik* was written for consultation by the council and its members. As such, it can tell us a lot about how that body conceived of itself and its position within the urban community.⁵⁰ In the years around 1450, Hertze and other scribes articulated a distinctive view of "piracy" and Lübeck's relationship to it. The town, which for them was synonymous with the council, was embroiled in a fight against sea-robbers and "pirates." Its goal was to liberate the sea from such evils and in so doing to guarantee the trade of the "common merchant" (*gemene copman*). This vision was further reinforced through semantic distinctions between the actions of Lübeck and those of its opponents. Hertze and his contemporaries named individual alleged sea-robbers, told colorful stories about them, and outlined in detail who supported them. Conversely, the members of Lübeck's elite

47. *HUB*, vol. 8, no. 394.

48. AHL, Christian von Geren, "Formelbuch der Substituten der lübeckischen Ratskanzlei (1446–1449)," transcription by Friedrich Bruns, 1896, fol. 1.

49. *UBStL*, vol. 5, 1400–1417, ed. Johann F. Böhmer and Friedrich Techen (Lübeck: Schmidt-Römhildt, 1875–1877), no. 583.

50. Klaus Wriedt, "Geschichtsschreibung in den wendischen Hansestädten," in *Geschichtsschreibung und Geschichtsbewußtsein im späten Mittelalter*, ed. Hans Patze (Sigmaringen: Thorbecke, 1987), 401–26, here pp. 420–25.

appear in the *Ratschronik* as a collective singular acting in pursuit of “the common good” (*gemene beste*).⁵¹

Hertze’s brief tale of Lübeck’s “pirate hunt” can thus help distinguish two contradictory interpretations of maritime violence in the Baltic around 1450. On the one hand, Axelsson acted according to the widespread moral, cultural, and legal framework of feuding, adhering to its unwritten norms.⁵² Although we do not know for certain the identity of the people executed in 1454, a range of contemporary conflicts might have pitted his associates against Lübeck. On the other hand, while contesting the rightfulness of opponents’ claims had always been part of the practice of feuding, in the mid-fifteenth century the Lübeck council seems to have criminalized its opponents with a new arsenal of discursive weapons, conceptualizing them as part of a hostile world of “pirates” and their supporters, whom it was legitimate to hunt down and kill. This narrative differed from the way that the councils of Lübeck and Hamburg had depicted earlier conflicts—for instance with the so-called Vitalian Brethren in Frisia around 1400—because it ultimately removed the criminalization of their opponents from any particular political context.⁵³ The emergence of this imaginary can best be understood in the context of structural conflicts concerning the circulation of goods, persons, and money that pervaded the fifteenth-century Baltic and northern Atlantic. This perspective sheds further light on the actions of Axelsson and the Lübeck council.

The Background of Criminalization: Structural Change in Fifteenth-Century Maritime Economics

The fifteenth century was a moment of fundamental transformation for the economy of northern Europe and beyond. On a structural level, these changes can provide a useful context for understanding the shifting interpretations of maritime violence during this period. As Michel Pauly and Stuart Jenks have shown, a hierarchy of markets replaced what had until then been a flexible network of fairs and market-places.⁵⁴ For instance, in the fourteenth century merchants from smaller towns in the Duchy of Pomerania had sold locally produced grain in markets all around the Baltic and northern Atlantic. By the fifteenth century, however, merchants from

51. Höhn, “Pirate Places, Merchant Spaces?” 135–36.

52. For debates on the nature of feuding, see Jeppe B. Netterstrøm, “Introduction: The Study of Feud in Medieval and Early Modern History,” in *Feud in Medieval and Early Modern Europe*, ed. Jeppe B. Netterstrøm and Bjørn Poulsen, (Aarhus: Aarhus University Press, 2007), 9–67.

53. Höhn, “Pirate Places, Merchant Spaces?” 136–38.

54. Michel Pauly, “Vom regionalen Messesystem zum internationalen Netz von Messestädten,” in *Netzwerke im europäischen Handel des Mittelalters*, ed. Gerhard Fouquet and Hans J. Gilomen (Ostfildern: Thorbecke, 2010), 49–100, here pp. 95–100; Stuart Jenks, “The London Steelyard’s Certifications of Membership 1463–1474 and the European Distribution Revolution,” in *The Hanse in Medieval and Early Modern Europe*, ed. Justyna Wubs-Mrozewicz and Stuart Jenks (Leiden: Brill, 2013), 59–108, here pp. 93–97.

larger neighboring towns such as Stralsund or Greifswald had taken over international distribution, with local traders only bringing their grain to these central hubs. At the same time, larger harbors also monopolized the trade in long-distance goods entering Pomerania.⁵⁵ These new structures of distribution would shape economic developments for decades, even centuries, to come. Scholars have recently sought to explain these changes as the result of competition between marketplaces, which privileged those towns that could offer the lowest transaction costs.⁵⁶ But as others have pointed out, there was nothing exceptional about the institutional arrangements in the towns and markets that did eventually come out on top.⁵⁷ I would like to suggest that this process of market concentration can also be understood as an outcome of violent conflicts, the enforcement of claims to staple rights, and the deliberate exclusion of competitors from markets, at the heart of which lay the criminalization of maritime violence.

“Piracy” was one of several concepts through which this exclusion from structural exchange could be discursively negotiated. In western European monarchical societies such as England, the criminalization of maritime violence was framed in terms of royal economic interests, treason, or the breach of truces guaranteed by the king. By contrast, in the Mediterranean, the Atlantic, and parts of the Baltic, the overlap between the criminalizing concepts of “piracy,” wrecking, and smuggling—as well as the allegation of cooperating with infidels and heathens—was increasingly exploited by multiple actors. The late medieval urban communities of the Baltic in particular mobilized the idea of an economic *heterotopia* that endangered the common good.⁵⁸ In this setting, the notion of “pirates” as the “enemies of all” became increasingly seductive. In Lübeck, for instance, we can identify several areas in which the council and the urban elites instrumentalized this concept in ways that helped them restructure the geography of commercial distribution in the Baltic sea.

55. Konrad Fritze, *Bürger und Bauern zur Hansezeit. Studien zu den Stadt-Land-Beziehungen an der südwestlichen Ostseeküste vom 13. bis zum 16. Jahrhundert* (Weimar: Böhlau, 1976), 48–56.

56. For example, Oscar Gelderblom, *Cities of Commerce: The Institutional Foundations of International Trade in the Low Countries, 1250–1650* (Princeton: Princeton University Press, 2013).

57. For these criticisms, see Jan Dumolyn and Bart Lambert, “Cities of Commerce, Cities of Constraints: International Trade, Government Institutions and the Law of Commerce in Later Medieval Bruges and the Burgundian State,” *Tijdschrift voor Sociale en Economische Geschiedenis* 11, no. 4 (2014): 89–102; Sheilagh Ogilvie, *Institutions and European Trade: Merchant Guilds, 1000–1800* (Cambridge: Cambridge University Press, 2011).

58. See the evidence in Heebøll-Holm, “Towards a Criminalization of Piracy,” 174–80; Tiago A. Viúla de Faria, “Maritime Conflict among Hundred Years’ War Allies,” in Sicking and Wijffels, *Conflict Management in the Mediterranean and the Atlantic*, 198–216, here pp. 203–208. For the accusation of trading with infidels, see Stefan K. Stantchev, *Spiritual Rationality: Papal Embargo as Cultural Practice* (Oxford: Oxford University Press, 2014), 41–89. For the legitimization of violent acts with the accusation that the captured were “Saracens” in late medieval England before the Court of Chancery, see *A Calendar of Early Chancery Proceedings Relating to West Country Shipping 1388–1493*, ed. Dorothy M. Gardiner (Torquay: Devon and Cornwall Record Society, 1976), no. 33. For the idea of an economic *heterotopia* in the Baltic, see Höhn, “Pirate Places, Merchant Spaces?” 131–35.

From about 1390, towns such as Lübeck and Hamburg intensified their efforts to monopolize resources from what they saw as their hinterlands. At the beginning of the fifteenth century, Lübeck organized military expeditions into neighboring territories almost every year in order to appropriate their agricultural production and more generally establish control over them.⁵⁹ After 1420, the town also sought to gain control of the grain trade and long-distance commercial routes in both the southern Baltic and the Øresund through violence, embargoes, and the acquisition of territories with rich agrarian resources that could be used as pawns.⁶⁰ During these years Hamburg, Lübeck's partner at the western end of the central overland route between the Baltic and the North Sea, likewise intensified military operations in its immediate surroundings. From 1390 onwards, Hamburg's financial accounts regularly record expenses linked to military expeditions into Friesland and the marshlands of the Elbe estuary. But the city was not just seeking to establish indirect control over the Elbe river and territories such as Dithmarschen and Friesland; as Hamburg's accounts show, these expeditions also brought in plunder and hostages, who were then ransomed for considerable sums of money.⁶¹

These processes coincided with the scarcity of particular resources during the fifteenth century. In times of famine, the trade in agricultural resources was a crucial aspect of urban politics because a consistent grain supply was key to maintaining the fragile stability of oligarchic urban governments claiming to be purveyors of the common good.⁶² Indeed, as famines plagued huge parts of Europe after 1430, the Hanse towns intensified their attempts to enforce their own staple rights on the agricultural products that passed through their ports.⁶³ Comparable dynamics can be observed in the Atlantic and the western Mediterranean during the fourteenth century, when maritime violence, the seizing of goods at sea, and the criminalization of competitors coincided with a period of perceived fragility of governance and competition for food supplies.⁶⁴ Changes in the patterns of maritime violence can thus be understood as part of a wider shift in economic practices over this period.

59. Stefanie Rüter, "Städtische Territorialpolitik? Übergriffe der Hansestädte auf Ressourcen des Umlandes im Mittelalter," in *Nutzung gestaltet Raum. Regionalhistorische Perspektiven zwischen Stormarn und Dänemark*, ed. Oliver Auge and Norbert Fischer (Frankfurt am Main: Peter Lang, 2017), 125–35.

60. Höhn, "Pirate Places, Merchant Spaces?" 135–43; Höhn, "Entscheidungsfindung und Entscheidungsvermeidung in der Hanse. Das Beispiel der Sunddurchfahrt um 1440," in *Entscheidungsfindung in spätmittelalterlichen Gemeinschaften*, ed. Wolfgang E. Wagner (Göttingen: Vandenhoeck & Ruprecht, 2021).

61. Gregor Rohmann, "The Making of Connectivity: How Hamburg Tried to Gain Control over the Elbe River (13th–16th Centuries)," in Heebøll-Holm, Höhn, and Rohmann, *Merchants, Pirates, and Smugglers*, 207–45.

62. On famines in the late Middle Ages, see Christian Jörg, *Teure, Hunger, Großes Sterben. Hungersnöte und Versorgungskrisen in den Städten des Reiches während des 15. Jahrhunderts* (Stuttgart: Hiersemann, 2008).

63. Höhn, "Entscheidungsfindung und Entscheidungsvermeidung in der Hanse."

64. For Barcelona, see Marie Kelleher, "'The Sea of Our City': Famine, Piracy and Urban Sovereignty in Medieval Barcelona," *Mediterranean Studies* 24, no. 1 (2016): 1–22. For the "Great Famine" of 1315–1317, see Heebøll-Holm, *Ports, Piracy and Maritime War*, 217–21.

Another field of competition revolved around staple places and commercial centers for long-distance trade. Lübeck was located at the Baltic end of the overland route to Hamburg and the North Sea, which for centuries had been the most important connection between the two seas. From 1400, the council sought to limit the transit of goods via alternative routes, attempting to prevent rival merchants from Prussia, England, or Holland from using the sea route through the Øresund or land routes via Jutland. In the correspondence of the Wendish towns the activities of, for example, the Hollanders practicing the so-called *Umlandfahrt* by sailing around Jutland gained rising attention. Lübeck's council used a broad set of strategies to enforce its claim to staple rights against competitors, including the invocation of solidarity within the Hanse, the instrumentalization of the common good (*bonum commune*), and the destabilization of the western Baltic through rumors and violence. In 1450, Hans Winter, a councillor from the Prussian Hanse city of Toruń, wrote to the grand master of the Teutonic Order, describing this process and outlining his distrust of the ongoing conflicts between the Wendish towns, the Hollanders, and the Danes, which were harming the economic interests of the Prussian towns. He suspected that Lübeck was stoking tensions in order to blockade the Øresund, thereby preventing direct trade between the Prussians and Hollanders and driving traffic to the overland route, which would direct all goods passing between the Baltic and the North Sea through Lübeck and Hamburg. "If war breaks out, they will ship the freight and we will go into decline," Winter lamented.⁶⁵ Other members of Prussia's urban elites also suggested that the Wendish towns were escalating conflict to secure their role as intermediaries in the trade between the North Sea and the Baltic. In 1441, Hinrich Vorrat, mayor of Gdansk, voiced suspicions that Wendish merchants were trying to profit from the shortage of salt in Livonia resulting from a blockade of the Øresund.⁶⁶

This violent restructuring of markets and trading routes played an important part in weakening traditional economic practices in the region. It contributed to the creation of hierarchies in which large towns such as Lübeck and Gdansk consolidated their position as important trading hubs and their competitors found themselves marginalized. The conflict between Axelsson and Lübeck discussed above was profoundly intertwined with these processes of hierarchization and marginalization and the economic changes they accompanied. Noblemen like Axelsson had been involved in long-distance trade in the Baltic for centuries. As bailiff of Gotland, he depended on access to economic networks to obtain provisions such as grain, beer, and salt for the island, but also to supply himself and his entourage with prestigious luxury products such as textiles and clothing. Since Gotland was naturally poor in resources, all these had to arrive by sea. This kind of trading network often overlapped, but at times also conflicted with, those of the region's towns.⁶⁷ The island of Gotland, which had occupied an important intermediary

65. *HR*, 2.3, no. 647.

66. *HR*, 2.3, no. 647; *HR*, 2.2, nos. 458 and 459.

67. See Michael Meichsner, "Islands and Maritime Conflicts: Gotland around 1500," in Heebøll-Holm, Höhn, and Rohmann, *Merchants, Pirates, and Smugglers*, 189–205,

position in traffic between Novgorod and Lübeck from the twelfth century, had lost some of its economic influence since coming under Danish rule in 1361, especially as Reval and the other Livonian towns gained increasing control over the region's trade routes.⁶⁸

This increasing marginalization from long-distance trade had a wide range of consequences for magnates such as Axelsson based in rural areas, not least in terms of supplies. Sometimes they tried to cope with shortages by mobilizing social networks, which in the case of Gotland extended to trading towns such as Stralsund.⁶⁹ But bailiffs could also use violence to manage the supply problems of remote areas. In 1477, during a conflict with the towns of Kampen, Amsterdam, and Zuiderzee, Olaf's successor Iwar Axelsson invoked a treaty from 1474 which stated that at least two ships from Holland had to call in the port of Visby every year. Iwar claimed that his seizure of the Hollanders' vessels was justified because the promised ships had failed to come to Gotland. When he seized three other ships near the island of Bornholm, he claimed to be collecting, in his role as royal captain, the toll that skippers were obliged to pay to the Danish Crown for passing through the Øresund.⁷⁰

The economic marginalization of Gotland thus seems to have resulted in an increase in the violent appropriation of resources from ships at sea and in ports around the island. This was documented in a growing number of written complaints concerning wrecking and maritime predation made by Hanseatic merchants and towns against Scandinavian magnates based on Gotland and other islands such as Bornholm. These seizures of ships and the goods transported on them in turn exacerbated the marginalization of the bailiffs of Gotland and their entourages from long-distance trading networks in the Baltic. When these magnates traveled to Hanse towns, they now ran the risk of being arrested as sea-robbers, as was the case with Magnus Gren, captured in 1450 by mercenaries from Lübeck.⁷¹ There are multiple compensation claims for wrecking and robbery documented against Olaf Axelsson. In 1450, for example, Werner Vrorip, one of his partners and a member of the council of Visby, was arrested in Lübeck on suspicion of sea-robbery.⁷² Again, it

here pp. 200–205; Kilian Baur, *Freunde und Feinde. Niederdeutsche, Dänen und die Hanse im Spätmittelalter (1373–1516)* (Cologne: Böhlau, 2018), 309–15.

68. Hain Rebas, "Die Axelsöhne (Tott) und der Narwahandel 1468–1478," in *Fernhandel und Handelspolitik der baltischen Städte in der Hansezeit. Beiträge zur Erforschung mittelalterlichen und frühneuzeitlicher Handelsbeziehungen und –wege im europäischen Rahmen*, ed. Norbert Angermann and Paul Kaegbein (Lüneburg: Nordostdeutsches Kulturwerk, 2001), 177–99; Anu Mänd and Ivar Leimus, "Reval (Tallinn): A City Emerging from Maritime Trade," in Blockmans, Krom, and Wubs-Mrozewicz, *The Routledge Handbook of Maritime Trade*, 273–91, here pp. 274–80.

69. *HUB*, vol. 10, 1471–1485, ed. Walther Stein (Leipzig: Verein für hansische Geschichte, 1907–1916), nos. 350 and 642; Sørensen, "Familienwirtschaft und baltische Wirtschaft," 102.

70. *HUB*, vol. 10, nos. 220, 303, 307, 334, 459, 561, 571, 586, 593, 620, 623, 659, 672, 693, 701, 749, and 1075; Meichsner, "Islands and Maritime Conflicts," 192–95.

71. *Die Ratschronik von 1438–1465*, nos. 1721, 1722, and 1722a.

72. Sørensen, "Familienwirtschaft und baltische Wirtschaft," 100–102. In general, see *HR*, 2.2, no. 691; *HR*, 2.3, no. 594 § 6; *HR*, 2.4, no. 50 § 2, nos. 196, 317, 321, 322, 333, and

is important to note that for the bailiffs themselves their actions had a legal basis: in cases of wrecking, they invoked the *ius naufragii*, while seizures were justified with reference to the right to collect tolls and enforce their rights in territorial waters known as the *Strom* (stream), a legal term probably adopted from the Hanse towns themselves.⁷³ The Axelsson-Tott brothers even claimed to be the rightful owners of the Hanseatic *Kontor* (trading post) in Novgorod, referring to rights of Visby first promulgated in the twelfth century, in order to justify Erik Axelsson's feud against the Livonian towns on the Neva Bay.⁷⁴

Hanseatic merchants themselves could sometimes make use of the same arguments. When Eckard Westranse, a merchant from Gdansk, threatened to sue Olaf Axelsson at the German royal court in 1450, he claimed that the latter had not protected him when he was attacked on the king of Denmark's *Strom* around Gotland.⁷⁵ Nevertheless, what Gotland's bailiffs interpreted as legitimate practice, scribes and chroniclers such as Hertze depicted as part of an illicit shadow economy, the agents of which could only be treated as "pirates." The council of Lübeck, which was closely connected to the urban elites of Reval,⁷⁶ also deployed this strategy of criminalization against magnates such as Axelsson to further their ambitions to control trading routes in the eastern Baltic.

In sum, in the fifteenth century competing economic networks and practices came into conflict. In this context, (maritime) violence was integrated into the strategies of economic competition by which towns such as Lübeck impeded the activities of their rivals and established and reinforced their own economic networks. Sometimes this economic warfare could even have the explicit goal of controlling or governing the sea, an idea that was also present in regions other than the Baltic, as the poem *The Libelle of Englyshe Polycye*, written around 1436, illustrates with rich chauvinistic imagery.⁷⁷ As part of this process, towns such as Lübeck strove to exclude their opponents both symbolically and practically from legitimate economic exchange, and at times even sought to destroy them completely. In this context the Ciceronian concept of the "pirate" as the "common enemy of all" was revived, allowing urban elites to cast their competitors as part of a deviant economic *heterotopia* of pirates, smugglers, and the nobles who supported them. Of course, the

338 § 8, nos. 373–76, 428, 560, 562, 563, and 675 § 7; *HUB*, vol. 8, nos. 456, 457, 556, 604, 614, 700, 742, 857, 858, 898, 915, 929, 970, 1072, 1076, 1165 §§ 13 and 14, and nos. 1194 and 1242; Berlin, Geheimes Staatsarchiv Stiftung Preußischer Kulturbesitz (hereafter "GSTA PK"), XX. HA, OBA 13574, 13589, and 13934; AHL, ASA Externa, Deutsche Territorien, nos. 340, 1031, 1785, 6135, 6140, and 6745; Baur, *Freunde und Feinde*, 310.

73. Take, for example, Iwar Axelsson's conflict with Amsterdam and Kampen: *HR*, 2.7, nos. 83, 132, 146, 185, 220, 303, 307, 334, 459, 561, 571, 593, 620, 621, 623, 672, 693, 701, 709, 714, 749, and 1075. On the *Strom*, see Prétou, "Du 'larron écumeur de mer' aux 'pirathes'," 37; Rörig, *Zur Rechtsgeschichte der Territorialgewässer*, 8.

74. *HR*, 2.4, no. 180 § 7, no. 196 § 23, and nos. 321–22; *HR*, 2.5, no. 238.

75. GSTA, PK XX. HA, OBA, no. 10217; Höhn, "Pluralismus statt Homogenität," 284, n. 89.

76. Mänd and Leimus, "Reval (Tallinn)," 274 and 281–83.

77. Adam de Moleyns, *The Libelle of Englyshe Polycye: A Poem on the Use of Sea-Power, 1436*, ed. George Warner (Oxford: Clarendon Press, 1926), ll. 6–7.

development of this concept did not leave the urban elites themselves unaffected. “Fighting pirates” was not merely a discourse but a practice that manifested itself in the drowning, capture, and execution of so-called pirates, as well as in representations and memorializations of the elite’s own violence through texts and material objects. This performative rhetoric arguably transformed urban elites in Lübeck and beyond into communities of violence and plunder—a process I will examine in the remaining sections of this article by looking closely at one particular group, the Lübeck Bergenfahrer.

Criminalization, Cohesion, and Representation: The Lübeck Bergenfahrer

The Bergenfahrer were a corporation of merchants who organized the trade in dried cod from Norway—hence their name, which means “Bergen-travelers.” This trade was based on privileges obtained by certain northern German towns from the Norwegian kings at the end of the thirteenth century.⁷⁸ Each year nearly two thousand Bergenfahrer and their servants resided in an ensemble of buildings on the *Tyskebryggen* or “German dock” in Bergen as part of the town’s Hanseatic *Kontor*. They were thus an important faction in the Norwegian city, but were also an influential pressure group in the politics of Lübeck and other Hanse towns, where they belonged to the lower strata of the mercantile urban elites.⁷⁹ In Lübeck they also seem to have been the economic actors that most overtly pursued their interests in a violent manner. As such, they eventually came to form a coherent social group that represented itself, both externally and among its own members, as excelling at “fighting pirates.”

As a community, the Bergenfahrer were a tight-knit and inward-oriented group. The so-called *Wintersitzer*, those merchants who remained in Norway throughout the winter months, had to undergo brutal initiation rites known as the *Spiele* (games) and came under the specific jurisdiction of the Hanseatic *Kontor*. Since they were not allowed to marry or naturalize in Norway, many remained

78. HUB, vol. 1, 975–1300, ed. Konstantin Höhlbaum (Halle: Verein für hansische Geschichte, 1876), nos. 686, 993, 1101, 1102, and 1144–50; HR, 1.1, no. 104; UBSL, vol. 2, 1197–1347, ed. Johann F. Böhmer and Friedrich Techen (Lübeck: s. n., 1858), no. 774. For the Bergen trade, see Arved Nedkvitne, *The German Hansa and Bergen, 1100–1600* (Cologne: Böhlau, 2014); Mike Burkhardt, *Der hansische Bergenhandel im Spätmittelalter. Handel, Kaufleute, Netzwerke* (Cologne: Böhlau, 2009); Justyna Wubs-Mrozewicz, *Traders, Ties and Tensions: The Interaction of Lübeckers, Overijsslers and Hollanders in Late Medieval Bergen* (Hilversum: Verloren, 2008).

79. Gunnar Meyer, “Solidarität innerhalb der Genossenschaft. Die Lübecker Bergenfahrer des frühen 15. Jahrhunderts im Spiegel ihrer Testamente,” and Georg Asmussen, “Prosopographischer Vergleich der Älterleute der Bergenfahrer und der Flandernfahrer,” both in *Das hansische Kontor zu Bergen und die Lübecker Bergenfahrer*, ed. Antjekathrin Graßmann (Lübeck: Schmidt-Römhildt, 2005), respectively 187–204, here pp. 191–93, and 163–86, here pp. 175–76.

Figure 3. The North Atlantic and The Baltic



Source: After Lukas Jentsch and Harm Schwerdtfeger.

single for a long time. They tended to choose other Bergenfahrer as *provisores* (executors) of their wills, and oaths and the obligation of secrecy intensified their internal cohesion. These social ties were further strengthened in Bergen by common feasts, devotion to Saint Olaf, and the confraternity of Saint Catherine and Saint Dorothea.⁸⁰ The *Kontor* also set out and enforced rules for its members, severely sanctioning attempts to circumvent staple rights. In Lübeck, meanwhile, the Bergenfahrer were visible as a community in the ensemble of chapels, trophies, and memorial practices that commemorated the community's successes and deceased members in the city's sacral topography.⁸¹

As economic actors, the Bergenfahrer operated in a competitive environment. Bergen was the staple place and trading hub for the North Atlantic trade (fig. 3). According to the privileges granted by the Norwegian king, shipping routes north of Bergen and to the so-called *Skattlands*—Iceland, the Orkneys, and the Faroe and Shetland islands—were prohibited to foreign traders and remained the prerogative of his subjects (and those of the Danish king after 1397).⁸² In the fifteenth

80. Justyna Wubs-Mrozewicz, "Rules of Inclusion, Rules of Exclusion: The Hanseatic Kontor in Bergen in the Late Middle Ages and Its Normative Boundaries," *German History* 29, no. 1 (2011): 1–22, here pp. 8–13 and 15–17; Meyer, "Solidarität innerhalb der Genossenschaft," 188 and 193–200; Nedkvitne, *The German Hansa and Bergen*, 351.

81. Friedrich Bruns, *Die Lübecker Bergenfahrer und ihre Chronistik* (Berlin: Pass, 1900), cxxv–cxxxviii.

82. Ian P. Grohse, "Nativism in Extra-National Communities: Iceland and Orkney in the Late Middle Ages," *Frühmittelalterliche Studien* 51, no. 1 (2017): 407–26, here p. 411.

century this trade was controlled by Norwegians from Bergen and Trondheim, and the Bergenfahrer had no interest in undercutting those privileges. By the beginning of the century, the Lübeck guild, together with smaller corporations from Rostock, Wismar, and Stralsund, had already managed to exclude most of their competitors,⁸³ sometimes with brute force. In 1407 the families of eighty men from the town of Cromer, East Anglia, petitioned the English king to seize the goods of Lübeck Bergenfahrer then moored in Boston, Lincolnshire, claiming that members of the guild had violently attacked their relatives in southern Norway, taken their goods, and later drowned them with the knowledge and consent of the aldermen of the Bergen *Kontor*.⁸⁴ Although the claimants may have exaggerated some of the details, the episode remains plausible in its outline. After all, these events bear a striking resemblance to Magnus's description of merchants from the Wendish towns fighting for their economic interests in the North Atlantic some 150 years later.

Competition in the north seems to have intensified throughout the fifteenth century, creating a coalition of interests between the Lübeck Bergenfahrer and the Danish king, who had also become king of Norway with the Kalmar Union in 1397. The Bergenfahrer's hold over trade in Bergen no doubt encouraged merchants from England but also from disadvantaged Hanse towns such as Gdansk and Hamburg to engage in illicit direct trade with Iceland. One result of this situation appears to have been an increasing number of feuds waged on the island by a wide range of actors, including different factions of local magnates, various bishops, and merchants from England, Gdansk, and Lübeck as well as the Danish and English kings. Although Hanse diets reiterated the prohibition on trade to Iceland several times during this period, from around 1450 this was increasingly contravened. From the perspective of the Lübeck Bergenfahrer, it was important to maintain this sanction because sailing directly to Iceland meant not only trespassing against the rights of the Norwegian king's subjects but also circumventing the staple rights of Bergen, which were the economic basis of the guild's success. By contrast, although Bremen, Hamburg, and Gdansk had only a marginal presence in Bergen, powerful factions in these towns were keen to profit from direct trade to the north. Hanse diets arguably tried to appease both groups: they repeatedly prohibited sailing to Iceland but refused to punish transgressors.⁸⁵ During the second half of the fifteenth century, the Lübeck Bergenfahrer thus faced increasing competition for their privileged position in the North Atlantic, not just from the English and Hollanders but also

83. Nedkvitne, *The German Hansa and Bergen*, 413–51; Wubs-Mrozewicz, *Traders, Ties and Tensions*, 120–24.

84. *HUB*, vol. 5, 1392–1414, ed. Karl Kunze (Halle: Verein für hansische Geschichte, 1899), nos. 756–60, 767, and 917; Nedkvitne, *The German Hansa and Bergen*, 179–83; William M. E. Pitcaithly, “‘Pirates, Robbers, and Other Malefactors’: The Role Played by Violence at Sea in Relations between England and the Hanse Towns, 1385–1420” (PhD diss., University of Exeter 2011), 237.

85. Holterman, *The Fish Lands*, 63–136; Rolf Hammel-Kiesow, “Die Politik des Hansetags. Möglichkeiten und Grenzen gemeinsamer Politik am Beispiel des Nordatlantikhandels,” in *Hansischer Handel im Strukturwandel vom 15. zum 16. Jahrhundert*, ed. Rolf Hammel-Kiesow and Stephan Selzer (Trier: Porta Alba, 2016), 183–208, here pp. 191 and 204–208.

from other Hanse towns.⁸⁶ It is no coincidence that this was also the period when the Bergenfahrer began to appropriate a criminalizing discourse of “piracy” and to purposefully deploy such terms to describe their economic rivals.

Making a “Pirate,” Murdering a Nobleman

For this, the Bergenfahrer developed a powerful narrative of their own history, in which they depicted the actions of their Scandinavian and English competitors as “piracy” and smuggling, or at least as supporting “pirates” and smugglers. Ironically, they first deployed this discourse to justify scandalous actions they themselves had committed. In 1455, members of Bergen’s Hanseatic *Kontor* slaughtered Olaf Nilsson, the royal captain of the town, along with about sixty members of the Norwegian aristocracy and the bishop of Bergen in Munkeliv Abbey, which they then set on fire. This violent conflagration was the fatal culmination of a conflict between the Bergenfahrer and Nilsson that had lasted for over a decade. Nilsson, who had supported Erik of Pomerania as ruler of the Kalmar Union, had tried to strengthen the position of the English and other competitors of the Hanse in Bergen. He was also engaged in trade with Iceland, where he might have collaborated with merchants from Gdansk.⁸⁷ His efforts had led to rising tensions in Bergen, especially after the dismissal of Erik as Norwegian king by the council of the realm in 1439. During the reign of the Danish king Christian I, enthroned in Norway in 1450 with the support of the Bergenfahrer, these tensions escalated. In 1453 Christian removed Nilsson as captain of Bergen. In 1454, in his new position as bailiff of Ryfylke, a region north of Stavanger on the trading route to the Norwegian city, the nobleman liberated two English vessels that the *Kontor* had seized following an English attack on Bergenfahrer ships near Skagen. The bishop of Bergen sided with Nilsson, and in 1455 the latter controversially returned to the town while probably supporting Karl Knutsson Bonde (the future Charles VIII) in his struggle for the Swedish Crown. Following his reinstatement as town captain, the Bergenfahrer captured Nilsson’s ships. The events that led to his death followed soon after.⁸⁸

The sources for this dispute are problematic because they consist mainly of chronicle entries and a letter to the Danish king in which the Bergenfahrer and the Lübeck council sought to justify their actions about thirty years after the events.⁸⁹ However, it is clear that in terms of economic structures, the Lübeck Bergenfahrer and Nilsson found themselves on opposing sides in at least two conflicts: the struggle for the Swedish Crown and the contested monopoly on trade north of Bergen. Their antagonism was thus embedded in the economic transformation taking

86. Wubs-Mrozewicz, “Rules of Inclusion, Rules of Exclusion,” 8 and 20–22.

87. Nedkvitne, *The German Hansa and Bergen*, 384–97; Daenell, *Die Blütezeit der deutschen Hanse*, 2:172–74.

88. Nedkvitne, *The German Hansa and Bergen*, 182; *Diplomatarium Norvegicum* (hereafter “*Dipl. Norv.*”), vol. 16, ed. H. J. Huitfeldt-Kaas (Christiania: Aktie-Bogtrykkeriet, 1864), no. 291.

89. For the chronicles, see Bruns, *Die Lübecker Bergenfahrer und ihre Chronistik*, 305–411; *Dipl. Norv.*, vol. 16, no. 291.

place in northern Europe, just like the conflict between Lübeck and Axelsson discussed above. What made the actions of the Bergenfahrer exceptional, however, was that they turned their excessive brutality directly against leading members of Scandinavian society as well as their entourage.

Since Nilsson belonged to the highest strata of Scandinavian nobility, his murder called for a response. His relatives embarked on feuds against the Lübeck Bergenfahrer, which continued into the last decade of the fifteenth century.⁹⁰ Because of the destruction of the abbey, not only the Bergenfahrer but the entire population of Lübeck were threatened with excommunication. Faced with this danger, the guild sent an emissary to Rome: von Geren, the jurist who had translated parts of the *Digest* in 1446, doctor of both Roman law and Canon law and secretary of the Bergen *Kontor* since 1449. Von Geren was able to obtain a lenient sentence from the bishop of Lübeck, Arnd Westfal, who was appointed to judge the case by the Curia of Pope Callixtus III. The Bergenfahrer had to rebuild the monastery and pay compensation to the Danish king—who had in fact sent veiled hints to the Lübeck council that he would turn a blind eye should the Bergenfahrer try to enforce their interests in Bergen.⁹¹

The Bergenfahrer's justification of their violence as a fight against a "pirate" was thus a success, especially at the papal court. As Tobias Daniels has shown, the criminalization of piracy was already part of the argumentative imaginary of the curial jurists. Many petitions to the pope dealt with the ecclesiastical consequences of maritime violence, both for the victims and for the perpetrators, who feared for their salvation.⁹² To convince the Curia, von Geren depicted Nilsson as an enemy of the common good. According to the papal letter sent to the bishop of Lübeck and absolving his co-citizens of the crime, von Geren successfully argued that Nilsson had acted "in a piratical manner" (*more piratico*), broken treaties, and disturbed the peace. In so doing, von Geren subtly transformed Nilsson into an "enemy of all."⁹³

From Situative Criminalization to "Fighting Pirates" as a Paradigm

The way von Geren depicted Nilsson in his report to the Curia also shaped the historical memory of the Bergenfahrer community. Since 1448 the Lübeck guild had kept its own archive and its own financial accounts, the *Schüttungsrechnungsbuch*.

90. *HR*, 2.4, no. 344; *HR*, 2.5, no. 344; *HR*, 2.6, no. 274; *HR*, 3.2, nos. 337 and 482; *HR*, 3.3, no. 2; "Caspar Weinreichs Danziger Chronik," ed. Theodor Hirsch, in *Scriptores rerum Prussicarum. Die Geschichtsquellen der preussischen Vorzeit bis zum Untergange der Ordensherrschaft*, vol. 4 (1870; repr. Frankfurt am Main: Minerva, 1965), 779 and 787–88; Bruns, *Die Lübecker Bergenfahrer und ihre Chronistik*, 356, 357, and 358.

91. *Dipl. Norv.*, vol. 16, nos. 551 and 552; *HR*, 2.4, no. 349; Bruns, *Die Lübecker Bergenfahrer und ihre Chronistik*, 309–26.

92. Daniels, "Popes and Pirates," 83–86.

93. *Dipl. Norv.*, vol. 16, no. 551. The arenga of Callixtus III's letter to bishop Westfal starts with an evocation of the devil as "hostis humano invidens generis."

Von Geren started to add small historical notices to these accounts, which became the starting point for a distinct historiographical tradition that complemented the guild's religious *memoria* (commemorative masses). In order to justify the violent actions of the Bergenfahrer in 1455 to the Curia, von Geren also gathered a list of accusations against Nilsson, which he wrote down immediately after the events. After Nilsson's son Olaf Olafsson waged a feud against the Bergenfahrer in the North Atlantic in the 1460s, von Geren used this list of claims, his entries in the accounts, and the *Lübecker Ratschronik* as sources for a chronicle of the Bergenfahrer, which he recorded on the last pages of the *Schüttingsrechnungsbuch*. This chronicle would later be continued until 1527.⁹⁴ The experience of violence both suffered and committed thus stands at the beginning of the Bergenfahrer's historical record, shaping the guild's vision of its own past. The memory of deceased comrades and of members' efforts to enforce the interests of both the guild and their town forged the identity and social cohesion of the Lübeck Bergenfahrer during this period.⁹⁵

For his description of Nilsson's death, von Geren used the list of grievances he had compiled for the litigation in 1455. He bundled these into several central accusations: Nilsson had broken treaties and was a rebel harming the common good; he had supported sea-robbery, and was a sea-robber himself. The allegation of piracy was but one among many, and this was fully intentional. Von Geren sought to render the list of Nilsson's victims as long as possible, even including the Danish king because, according to his account, Nilsson had been an ally of Knutsson Bonde, Christian's I rival in the struggle for the Swedish Crown. Von Geren also claimed that Nilsson had privileged the English, allowing them to engage in illicit trade north of Bergen, and had unjustly punished Hanseatic merchants for the legitimate seizing of English ships. He had moreover indiscriminately attacked ships from his base in southern Sweden, drowning the captured seamen. In contrast to the Lübeck council's *Ratschronik*, which depicted the events of 1455 as a brutal lynching by the Bergenfahrer and distanced the actions of that small group from the town itself, von Geren claimed in his list of grievances that the son of one of Nilsson's local rivals had incited a group of common people, both Germans and Norwegians, to carry out the deed. He repeated this version in his chronicle, but reduced it to just a few words in the passive voice, leaving open the question of who had perpetrated the killing.⁹⁶ In general, von Geren tried to show that Nilsson

94. *HR*, 2.4, no. 349; Bruns, *Die Lübecker Bergenfahrer und ihre Chronistik*, 348; AHL, Bergenfahrerkompanie, "Rechnungsbuch für den Schütting der Bergenfahrer in Lübeck (1469–1530)." On the archive, see Geir A. Ersland, "The Archive of the Kontor in Bergen," in *Neue Studien zum Archiv und zur Sprache der Hanseaten*, ed. Geir A. Ersland and Marco Trebbi (Bergen: Det hanseatiske museum, 2008), 11–46, here p. 45.

95. Gerhard Fouquet, "'Geschichts-Bilder' in einer Reichs- und Hansestadt. Christian von Geren und seine Chronik der Lübecker Bergenfahrer (ca. 1425–1486)," in *Das Gedächtnis der Hansestadt Lübeck*, ed. Rolf Hammel-Kiesow and Michael Hundt (Lübeck: Schmidt-Römhildt, 2005), 113–25.

96. *HR*, 2.4, no. 349 § 14. The *Kontor's* own account of the events is quite similar: *HR*, 2.4, no. 350. For the entry in the chronicle, see Bruns, *Die Lübecker Bergenfahrer und ihre Chronistik*, 355; for the *Ratschronik*, see *Die Ratschronik von 1438–1465*, no. 1772.

had harmed not only a small group of foreigners, the Bergenfahrer, but also and more importantly the Crown and the Norwegian people. In von Geren's chronicle, Nilsson was presented not just as a "pirate" but as a traitor, a rebel, and a malefactor working against the common good—in short, close to the "enemy of all" of the Ciceronian paradigm.

Over the following years the Bergenfahrer maintained the same narrative, for example in a letter addressed to King Hans of Denmark in 1484, when Nilsson's son Axel Olafsson was feuding Lübeck in the Baltic and the compensation claims of Nilsson's heirs were being negotiated in Copenhagen.⁹⁷ However, this characterization also seems to have given rise to a broader narrative about Nilsson and his successors, who continued feuding against the Bergenfahrer into the last decades of the fifteenth century. In his account of these years, von Geren wrote the history of the Bergenfahrer as one of illegitimate violence suffered and legitimate violence meted out in return. He especially focused on the illegitimacy of the acts and claims of Nilsson's heirs. In the case of Olaf Olafsson, von Geren even abandoned the chronological order of his chronicle in order to give the story more coherence.

Between 1463 and 1465 Olafsson had, according to von Geren, robbed between eight and ten ships from Lübeck and Bremen and done great harm to the Bergenfahrer, stylized as a singular figure, "the merchant" (*deme copman*). As a reaction, the *copman* sent five hundred men to capture Olafsson, who had just set sail from England. The band spent nine weeks at sea but only succeeded in seizing a small ship carrying wine; as Olafsson fled, however, he drowned and went "to find the one he was serving"—that is, the devil.⁹⁸ The accusation of a pact with the devil enhanced the imagery of evil and was easy to combine with the Ciceronian idea of "piracy." Von Geren thus used a rhetorical strategy that we have already seen in the *Lübecker Ratschronik*: he pitted the "the merchant," a unified, anonymous group sailing the open seas in pursuit of the common good, against evil "pirates," enumerating the various acts of plunder these enemies had committed and naming their bases, their supporters, and the buyers of the goods they had stolen, thereby creating a landscape of maritime malefactors working in concert with the devil.

This account of the conflict with Olafsson is fascinating because we have a separate body of evidence that provides a very different perspective on the Bergenfahrer and the interdependence between structural economic competition, violence, and situated criminalization. As Wendy Childs has shown, in 1465 English merchants from Beverley, Hull, and York sued two Bergenfahrer before the Court of Chancery in London. The Bergenfahrer and men of the Danish king had attacked an English ship, the *George of Beverley*, that they claimed had been seized by Olafsson. During the trial, however, the crew of the *George* argued that the English king had engaged Olafsson to safeguard the sea, and that he had drowned as a result of the Bergenfahrer's aggressive pursuit. In so doing, they provided a radically different interpretation of the actions of both Olafsson and the Bergenfahrer,

97. *Dipl. Norv.*, vol. 16, no. 291; see also *HR*, 3.1, no. 546 §§ 71, 75, 77, and 82.

98. Bruns, *Die Lübecker Bergenfahrer und ihre Chronistik*, 356; *HR*, 2.5, no. 344.

with the former being in the right and the latter in the wrong. The differing perspectives of the witnesses in the trial illustrate the conflicting interpretations of maritime violence at the time, and suggest how both local merchant groups from northern England and the Bergenfahrer instrumentalized that violence in the North Atlantic trade.⁹⁹ As such, the testimony of the English seamen highlights yet again the situated narratives of justification that shaped the account of events in the Lübeck Bergenfahrer's chronicle. When von Geren wrote the history of the guild as a community of violence, he recounted a specific version of events that justified that group's brutal attacks on their economic competitors.

However, it would be reductive to understand these narratives as purely rhetorical instruments in a conflict of economic interests. The chronicle of the Bergenfahrer guild did not in fact have the function of justifying its actions to a literate, external audience. It was mainly read by the Bergenfahrer themselves, and it both reflected and shaped their conception of themselves as a group. For these men, "fighting pirates" was not empty rhetoric. It was an idea that forged the identity of the corporation over the long term, and which they communicated and performed to the urban community in fifteenth- and sixteenth-century Lübeck.

Social Coherence and the Representation of Maritime Violence in Urban Spaces

The Bergenfahrer seem to have lived in a state of constant apprehension. The chronicle in their *Schüttingrechnungsbuch* contains a list of ships that were captured or sunk between 1520 and 1527, commemorating the dead crews and passengers. Paintings of sunken ships from the last decades of the fifteenth century memorialized maritime tragedies in the guild's chapel in Saint Mary's church, the most prominent parish in Lübeck.¹⁰⁰ Up to the Reformation, the urban elites also practiced *memoria* for the drowned and slaughtered seamen who had sailed for the guild.¹⁰¹ The Bergenfahrer, however, were not the only group within Lübeck's urban elites to memorialize the bloodshed that they had both suffered and perpetrated. Violence was omnipresent in the commemorative objects scattered throughout urban space in the fifteenth century, and in the practices connected to them. Through these objects the elites of Lübeck and other Hanse towns emerge as communities of violence, fashioning a collective identity via practices of violence and plunder.

In urban space these communities represented themselves through an ensemble of spoils and trophies as well as a festive culture of triumphal processions

99. Wendy R. Childs, "The 'George of Beverley' and Olav Olavesson: Trading Conditions in the North Sea in 1464," *Northern History* 31, no. 1 (1995): 108–22.

100. Bruns, *Die Lübecker Bergenfahrer und ihre Chronistik*, 390–94 and cxxv–cxxxviii.

101. Gustavs Strenge, "Distance, Presence, Absence and *Memoria*: Commemoration of Deceased Livonian Merchants outside Their Native Cities during the Late Middle Ages," *Hansische Geschichtsblätter* 136 (2018): 63–92, here p. 82.

focused on such objects. Marc von der Höh has shown the extent to which trophies pervaded the urban and sacral spaces of late medieval Pisa,¹⁰² and a similar pattern can arguably be detected in Lübeck. Photographs of the interior of Saint Mary's church before its destruction during the Second World War show multiple trophies displayed in this way, including a Danish flag, probably the oldest known example of the *Dannebrog*.¹⁰³ Different groups among the elites of Lübeck thus represented themselves in the political and sacral topography of the city through the exhibition of spoils and plunder. Sometimes they did so on behalf of the whole town, sometimes as a council acting in the name of the common good. In other cases, they represented themselves as exclusive groups like the Bergenfahrer or—a comparable phenomenon in another town—the members of the Artushof in Gdansk, who celebrated their war with the Teutonic Order in urban space after 1466.¹⁰⁴ This pervasive representation of violence played a crucial part in constituting these elites as social groups.

A good example is the flag which in 1527 found its way into Saint Mary's church to memorialize the conflict between the Bergenfahrer and a certain Marten Pechlin. Pechlin was the leader of a band of maritime mercenaries, and had supported the exiled Danish king Christian II in his struggles against the newly elected Frederik I, who was allied with the council of Lübeck.¹⁰⁵ The main source for his conflict with the Bergenfahrer is an account written by Gert Korffmaker, the merchant who probably shot him, preserved in the chronicle of Hans Reckmann, another member of the guild. According to Korffmaker, in 1526 three Bergenfahrer ships from Lübeck, Wismar, and Rostock were engaged in a confrontation with Pechlin in southern Norway. The merchants sought shelter in a fjord, where they observed another ship in the distance. Karsten Thode, the captain of the Lübeck ship, suspected that this was the vessel of "thieves" (*deve*) since that fjord was notoriously a *devehæve*, or "harbor of thieves."¹⁰⁶

Korffmaker describes a very threatening atmosphere, with "pirates," spies, and their helpers everywhere. Thode sent a boat over to a local peasant, who confirmed the presence of a heavily armed ship of thieves, while another man advised the Lübeck mariners to flee. The following morning, a flock of ravens flew from the place where the mysterious vessel was anchored to the Bergenfahrer's ships,

102. Marc von der Höh, *Erinnerungskultur und frühe Kommune. Formen und Funktionen des Umgangs mit der Vergangenheit im hochmittelalterlichen Pisa (1050–1150)* (Berlin: Akademie, 2006). See also Klaus Graf, "Schlachtengedenken in der Stadt," in *Stadt und Krieg*, ed. Bernhard Kirchgässner and Günther Scholz (Sigmaringen: Thorbecke, 1989), 83–104.

103. Hans Horstmann, "Die dänische Flagge von 1427 in der Marienkirche zu Lübeck," *Deutsches Schiffsarchiv* 2 (1978): 191–94.

104. Stephan Selzer, "Bürger an König Artus' Tafel. Gemeinschaft und Erinnerung in den Artushöfen des Preußenlandes," in *Gemeinschaft und Geschichtsbilder im Hanseraum*, ed. Thomas Hill and Dietrich W. Poock (Frankfurt am Main: Peter Lang, 2000), 123–43, here pp. 132–42.

105. HR, 3.10, nos. 252, 267, 340 § 22, 342, 343, 349, and 375.

106. Dietrich Schäfer, "Die lübeckische Chronik des Hans Reckemann," *Hansische Geschichtsblätter* 6 (1876): 59–93, here p. 81: "went dat is ene devehave, dar he lycht."

sitting on their decks and the surrounding cliffs and croaking horrifically. In the manuscript of Reckmann's chronicle, this episode is accompanied by a drawing of a raven in the margins, under which the scribe has written "raven, devil" (*raven, duvel*). Despite this sinister ambience, the confrontation between the Bergenfahrer and Pechlin—for the ship was indeed his—takes a surprisingly comic turn. Thode encouraged his crew to fight bravely and ordered a flag to be hoisted to show that they would not surrender. At this sight, Pechlin cried out in shock, remarking that those on board were obviously willing to defend themselves. Terrified by this realization, he was finally defeated in a great victory for the Bergenfahrer. Through this inverted trope of the scared and cowardly "pirate," Pechlin is depicted as a ridiculous figure rather than an equal opponent, inciting derision and laughter that further constituted the Bergenfahrer as a community of violence.¹⁰⁷ At the same time, Korffmaker made sure their adversary was painted in the darkest of colors. He closed his account with a reminder of one of the most infamous acts attributed to Pechlin, who was said to have sunk twelve ships and drowned 105 seamen in just one day.¹⁰⁸

In fifteenth-century German, the term robber (*rover*) was often used for feuding noblemen in a non-pejorative sense. Conversely, urban courts frequently punished "theft" with the death penalty—in fact, no other offense was so often subject to capital punishment. The description of Pechlin as a "thief" (*deve*) thus anticipated and justified his execution at the hands of the Bergenfahrer. Through his use of this term, Korffmaker represented Pechlin's infamy on a level beyond even the usual flourishes used to describe maritime violence as "piracy." That this was a specific choice is shown by another account of the same conflict written in 1594 by the Bergenfahrer Johann Bulder: "In the year 1526 the tyrannical sea-robber (*rover*) Martin Pechlin was eliminated."¹⁰⁹

In the aftermath of the confrontation, the Bergenfahrer treated their adversaries in the most brutal fashion. They shot Pechlin, killed many of his followers, and freed the seamen who had been captured by his crew. The victors then buried their dead comrades in the local graveyard and shared out the plunder, which included provisions and beverages but also church silver. After taking the anchors, sails, and rigging from Pechlin's ship, which were not part of the prize to be shared, they burned the vessel. Each of the Bergenfahrer, who, as Korffmaker put it, "had killed

107. Ibid., 85–86. For laughing and communities of violence, see Werner Röcke, "Höllengelächter und Verlachen des Teufels. Inversionen von Lach- und Gewaltgemeinschaften im geistlichen Spiel des Spätmittelalters," in *Gewaltgenuss, Zorn und Gelächter. Die emotionale Seite der Gewalt in Literatur und Historiographie des Mittelalters und der Frühen Neuzeit*, ed. Claudia Ansorge, Cora Dietl, and Titus Knäpper (Göttingen: Vandenhoeck & Ruprecht, 2015), 147–59, here pp. 153–57.

108. Schäfer, "Die Lübeckische Chronik des Hans Reckemann," 91.

109. Bruns, *Die Lübecker Bergenfahrer und ihre Chronistik*, 388. For the punishment of theft, see Peter Schuster, "Die mittelalterliche Stadtgesellschaft vom Eigentum her denken. Gerichtsquellen und Mentalitäten im späten Mittelalter," in *Stadt und Recht im Mittelalter. La ville et le droit au Moyen Âge*, ed. Pierre Monnet and Otto G. Oexle (Göttingen: Vandenhoeck & Ruprecht, 2003), 167–80, here pp. 169–72.

so diligently,” received a share amounting to seventy *mark lübisch*, as did the heirs of those who had died.¹¹⁰

After a stormy passage, the fleet arrived back in Lübeck. As Korffmaker proudly reports, the Bergenfahrer had carried Pechlin’s flag with them, which they hung above the guild’s pew in Saint Mary’s church. With its green and pink stripes it was a relatively unspectacular object, but it appears to have carried rich associations. The account book of the guild accorded a special place to the triumphal return of the victors, and the author of the entry also commented on the flag:

*Pechlin and his comrades had done much evil at sea and on land by plundering, murder, and throwing seamen overboard. In remembrance, one of their flags was hung up under the tower of Our Dear Lady’s church [i.e., in the chapel of the Bergenfahrer].*¹¹¹

Pechlin’s flag symbolized not only the triumph of the Bergenfahrer, but also the evil character of the supposed pirate they had defeated. In carrying this object to Lübeck, the Bergenfahrer thus brought the liminal violence that Magnus would describe a few decades later back to their hometown. By exhibiting the flag in the parish church, they actively reinforced their self-perception as a martial group, defending themselves and their town against a dangerous, threatening *heterotopia* of pirates, sea-robbers, and tyrannical magnates. This in turn enabled them to represent themselves within the urban community as a coherent social group dedicated to “fighting pirates.”

Such trophies also pervaded the urban space of other Hanse towns such as Gdansk and Hamburg, where in 1525 the flags of the captured Klaus Kniphoff were carried into the city’s main church in a triumphal procession. These objects had a crucial symbolic value for the self-conception and representation of medieval urban elites.¹¹² They were integrated into an ensemble of practices, rituals, and spatial structures, contexts in which they were exhibited and their history recounted. As such, they lent authenticity to the narratives told by communities of violence, and thereby substantiated their identity. At the same time, they also served to perpetuate the humiliation of the opponents whose defeat they commemorated. Taking and exhibiting Pechlin’s flag did not simply symbolize the Bergenfahrer’s capacity to defend themselves. Just like Korffmaker’s account, the flag’s display denigrated Pechlin and his faction, denying his equality with the Bergenfahrer. It also, through

110. Schäfer, “Die lübeckische Chronik des Hans Reckemann,” 86–91. Other sources document that these shares were paid out to the heirs. On November 1527, a representative of the sister of Hans Möller, who had been killed in battle, received her share from the burgomasters of the town of Wismar; see *HR*, 3.10, no. 340, n. 2.

111. Schäfer, “Die lübeckische Chronik des Hans Reckemann,” 91. The flag was depicted in the chronicle of Hinrich Rehbein in the early seventeenth century; see Lübeck, Stadtbibliothek, MS Lub 2° 63, p. 649.

112. Philipp Höhn, “Taken Objects and the Formation of Social Groups in Late Medieval Hamburg, Gdansk and Lübeck,” in *Gift-Giving and Materiality in Europe, 1300–1600: Gifts as Objects*, ed. Lars Kjær and Gustavs Strenga (London: Bloomsbury, 2022), 219–48, here pp. 223–48. For Gdansk, see Selzer, “Bürger an König Artus’ Tafel,” 132–42.

the contrast with the church in which it was displayed, reinforced quite literally the demonization of their opponents.

This in-depth study of the Bergenfahrer's commemoration of their actions against Pechlin reveals how a shared vision of a social group's history emerged along a specific set of fault lines: the justification of the violence perpetrated by members of that group and the criminalization, marginalization, and demonization of their opponents. The narrative casts the Bergenfahrer's history as one in which they both suffered and committed violence together, with the violence that they themselves perpetrated being first and foremost the result of their commitment to fighting "pirates." By 1500, it seems, the Lübeck Bergenfahrer had fully internalized the Ciceronian paradigm of "piracy."

In the fifteenth- and sixteenth-century Baltic and northern Atlantic, we find traces of a powerful discourse of marginalization in which the concept of "piracy" and the exclusion of "pirates" played an important role. During this period "fighting pirates" was not simply a trope used by jurists but an established and widespread practice in which various groups engaged. Under this battle cry, adversaries were executed, embargoes enforced, and warfare organized. While the argument was first used situationally in particular contexts, it quickly gained a wider application as part of a particular self-image. The Lübeck Bergenfahrer saw themselves as tough men able to defend their economic position and eliminate their opponents, whom they depicted as a devilish threat to the common good. Together with other urban elites, the Bergenfahrer gradually internalized a particular notion of "fighting pirates" until they came to imagine themselves surrounded by a pirate *heterotopia*. The trophies they displayed in their hometowns reminded them of this constant threat. Such objects created social cohesion by materializing inclusion and exclusion, but also by symbolically memorializing the defeat and obliteration of their opponents.

How did the competitors of Lübeck's elites communicate these conflicts, and did they make use of the same discourses? It is striking that the guild of merchants sailing to Bergen from Amsterdam mobilized a comparable concept precisely against their Lübeck rivals. In 1484, the council of Amsterdam sent a letter to the *Kontor* in Bergen, complaining about the violence of the Lübeck Bergenfahrer and of the *Kontor* in general: "All good merchants are obliged to love one another (*lyeff to hebben*), to support each other, and never to hinder each other; they should not scare each other or resort to violence."¹¹³

113. *HUB*, vol. 10, no. 1143: "Alle goede coepluyden schuldich zijn, malkanderen lyeff te hebben unde te vorderen unde ymmer nycht te behinden ofte anchte of gewelde an te doen." For a slightly different translation and a discussion of this passage, see Justyna Wubs-Mrozewicz, "Alle Goede Coepluyden...': Strategies in the Scandinavian Trade Politics of Amsterdam and Lübeck, c. 1440–1560," in *The Dynamics of Economic Culture in the North Sea- and Baltic Region in the Late Middle Ages and Early Modern Period*, ed. Hanno Brand and Leos Müller (Hilversum: Verloren, 2007), 86–101, here p. 86.

Despite appearances, this reference to “mercantile love” did not fundamentally differ from the paradigm of “fighting pirates.” The Amsterdam merchants simply used another register of the common good to justify the exclusion of those who acted against that love. Indeed, in the following sentence the council threatened to use “other means” against the *Kontor* to enforce the rights of their merchants. This episode highlights, once again, that despite the richness of the documentation produced by the Bergenfahrer, scholars cannot simply reproduce the narratives that the guild and their competitors used to justify their actions. Instead, we must try to understand how these narratives were used in a broader social context. Correlating a focus on the semantics of maritime conflict management with an analysis of social and economic practices can shed new light on the transformations taking place in the premodern maritime landscape.

This case study suggests that the economic shifts taking place in late medieval northern Europe—especially the hierarchization of markets and distribution networks—formed the backdrop against which an exclusionist and eliminatory concept of piracy emerged. In other words, in this region at least, the early modern understanding of “piracy” did not primarily result from processes of state formation, but rather from dynamics of market concentration. Further studies on other parts of premodern maritime Europe will have to show if this argument can be generalized. This might also require us to develop a new understanding of the relationship between state formation and economic change. In the fifteenth and sixteenth centuries, competing economic actors in the north—Germans, English, Hollanders, and Scandinavians—negotiated access to markets across these regions. For all parties involved, violence offered a means to enforce their interests—but so did discourses of violence. Each drew on legal and moral arguments to legitimize their own use of force and delegitimize that of others. “Fighting pirates” was just one argument in this arsenal, but it was a powerful one. It fostered the increasingly prominent fiction of the legitimate “common merchant,” a unified social group sailing the seas peacefully and lawfully, and cemented the image of the “pirate” as endangering that common good. These fictions continue to shape perceptions of piracy among both historians and the public to this day.

Philipp Höhn
Martin-Luther-Universität Halle-Wittenberg
 philipp.hoehn@geschichte.uni-halle.de

