

## **Shipwreck and piracy. A tale of Danish State Formation, Foreign Policy, and “maritime incompetence”**

**Naufragio y piratería. Una historia del siglo XV sobre la  
formación del Estado danés, la política exterior y la  
“incompetencia marítima”**

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**Abstract:** Today we think about absolute states as a given thing: of course, states would want the power to carry out their will. However, this ambition is a historical construct. Just as there is power, economic growth and prosperity in controlling markets and setting the international agenda, so too can being powerless, “incompetent” even, be a favourable disposition. If one uses this actively, that is. The present article discusses how not engaging with maritime actors, and not seeking to establish dominion at sea defined the foreign policy by the Danish monarchs in the late medieval period. By not challenging their maritime dominating neighbours, the Hanseatic towns, the Danish monarchs could profit both economically and politically from being seemingly incompetent at protecting their waters. This argument bridges two traditions in Danish historiography. The first stresses the problems Danish late medieval monarchs had with securing peace and safe travel within their water territories, and tends to characterize the crown as weak in maritime matters. The other focuses on the Danish control over the three narrow straits that allow passage in-and-out of the Baltic Sea, and characterized the monarchs as important international players. Starting with the immense coastline of the Danish-Norwegian kingdom, this article showcases discussions, conflicts, and laws pertaining to shipwreck, the

main reoccurring diplomatic problem between the Hanseatic League and Danish royal officers. This discussion shows how defining violent maritime actors (as pirates) in Denmark in the late Middle Ages, not only had to do with their actions (such as violent plunder), but also had a lot to do with state formation, the emerging chambers of commerce, international diplomacy and political arm wrestling. In this light, rather than understanding the “maritime incompetence” of the Danish monarchs as an unambiguous unfavourable disposition, or as a stepping stone towards territorial supremacy in a modern sense, the article argues that the kings successfully took advantage of this situation when dealing with foreign powers.

**Keywords:** Denmark, Middle Ages, Shipwreck, State formation, Piracy.

**Resumen:** Hoy pensamos en los estados absolutos como algo dado: por supuesto, los estados querrían tener el poder para llevar a cabo su voluntad. Esta ambición, sin embargo, es una construcción histórica. Así como hay poder, crecimiento económico y prosperidad en el control de los mercados y en el establecimiento de la agenda internacional, el carecer de autoridad, incluso ser “incompetente”, también pudiera ser una disposición favorable. Evidentemente, si uno usa esto activamente. El presente artículo analiza cómo el no comprometerse con los actores marítimos y no buscar establecer el dominio en el mar definió la política exterior de los monarcas daneses en el periodo final de la Edad Media. Al no desafiar a sus vecinos marítimos dominantes, las ciudades hanseáticas, los monarcas daneses podían beneficiarse tanto económica como políticamente de ser aparentemente incompetentes para proteger sus aguas. Este argumento une dos tradiciones en la historiografía danesa. El primero enfatiza los problemas que tenían los monarcas daneses de finales de la Edad Media para garantizar la paz y la seguridad de los trayectos que atravesaban sus aguas, y tiende a caracterizar a la corona como débil en asuntos marítimos. El otro se centra en el control danés sobre los tres estrechos que permiten el paso dentro y fuera del Mar Báltico, el cual hizo de los monarcas daneses importantes actores internacionales. A partir de la inmensa costa del Reino danés-noruego, este artículo muestra discusiones, conflictos y leyes relacionadas con el naufragio, el principal problema diplomático recurrente entre la Liga Hanseática y los funcionarios reales daneses. La discusión muestra cómo el definir a los actores marítimos violentos (como los piratas), en Dinamarca en la Edad Media tardía, no solo tuvo que ver con sus acciones (como el saqueo violento) sino que también tuvo mucho que ver con la formación del Estado, las cámaras de comercio emergentes, diplomacia

internacional y lucha política. En este sentido, en lugar de entender la “incompetencia marítima” de los monarcas daneses como una disposición inequívocamente desfavorable, o como un trampolín hacia la supremacía territorial en un sentido moderno, se argumenta en el artículo que los reyes se aprovecharon con éxito de esta situación al tratar con potencias extranjeras.

**Palabras clave:** Dinamarca, Edad Media, naufragio, formación del Estado, piratería.

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### Introduction

**W**hat constitutes authority over a territory? How does one most efficiently seek to enforce uphold claims of authority? These questions are the starting point of this article. The object of study is the Danish kingdom at the end of the Middle Ages. The sources and disputes included in the article are predominantly from the period 1400-1536, but as most of the laws relevant to this period were formulated in the 13th- and 14th-century, and as the questions asked stretch beyond the Danish reformation (1536), the developments discussed in the article can be traced from the thirteenth through sixteenth centuries.

Traditionally, the question of maritime supremacy in Danish waters has been sought answered by either looking at the countless Hanseatic claims of pirates in the Danish king’s domains<sup>1</sup> or by looking at the Sound Toll introduced in 1429.<sup>2</sup> Researchers taking up the former route have mainly worked under the assumption that Danish monarchs did not have the means to effectively regulate their waters.<sup>3</sup> Scholars taking the latter route, on the other hand, have pointed to both a more significant degree of maritime sovereignty and political ambitions of fleet-building and naval ex-

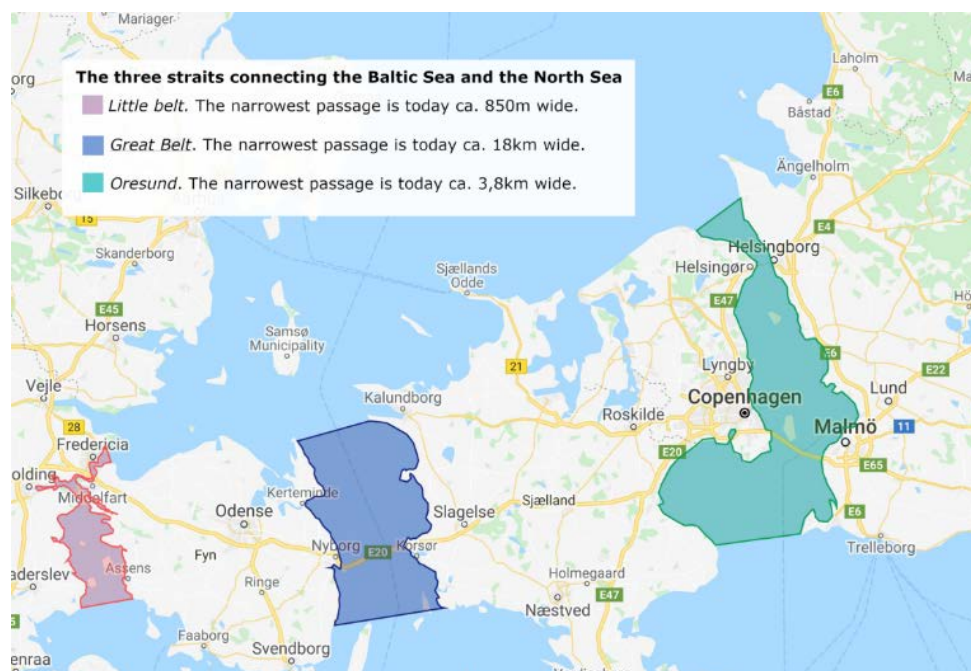
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<sup>1</sup> Frederik Lynge VOGNSEN: “Conceptualizing Danish ‘Piracy’, c. 1460-1525. Criminalized economy or a circular exchange of goods, money, and people?”, in Thomas HEEBØLL-HOLM, Philipp HÖHN and Gregor Rohmann (eds.), *Merchants, Pirates and Smugglers. Criminalization, Economics, and the Transformation of the Maritime World (1200-1600)*, Frankfurt-New York, Camus Verlag, 2019, pp. 148-149. See also: *Hanserecesse*, 3. *Abt.*, vol. 3, no. 32 § 17.

<sup>2</sup> Poul ENEMARK: “Östersjöhandel (Danmark)”, in Allan KARKER (ed.), *Kulturhistorisk Leksikon for nordisk middelalder. Fra vikingetid til reformationstid*, vol. XXI, Copenhagen, Rosenkilde og Bagger, 1977, pp. 43-44.

<sup>3</sup> Benjamin ASMUSSEN: “Sørøvere i det danske rige i middelalderen og renæssancen”, in Thorbjørn THAARUP (ed.), *Fire epokers pirater. Fra snekke til speedbåd*, Helsingør, Handels-og Søfartsmuseet på Kronborg, 2007; Jan BILL, Bjørn POULSEN, Flemming RIECK and Ole VENTEGODT: *Dansk søfarts historie I. Indtil 1588. Fra Stammebåd til skib*, Copenhagen, Gyldendal, 1997, p. 189; Ernst Robert DAENELL: *Die Kölner Konföderation vom Jahre 1367 und die Schonischen Pfandschaften*, Leipzig, Verlag von Duncker & Humblot, 1894, p. 113; Kristian ERSLEV: *Dronning Margrethe og Kalmarunionens Grundlæggelse*, Copenhagen, Jacob Erslevs Forlag, 1882, p. 120; Olaf OLSEN: *Ufredens Hav. En 600 år gammel sørøverhistorie fra Østersøen*, Viborg, Gyldendal, 2002, pp. 1-27; Niels SKYUM-NIELSEN: *Fruer og Vildmænd II. Dansk Middelalderhistorie 1340-1400*, Copenhagen, Akademisk Forlag, 1997, p. 78.

pansion.<sup>4</sup> The Danish kingdom in the middle ages, unlike today, included land on both sides of Oresund. This situation led to the creation of Krogen at the northern, very narrow passage to the Sound, allowing Danish kings to control in- and outbound traffic to the Baltic.<sup>5</sup> This power aimed at imposing duties on passing ships.<sup>6</sup> Undoubtedly then, the Sound Toll was something remarkable. Besides Oresund, only two other straits allowed for passage between the Baltic and the North Sea and were likewise under Danish rule on both sides (Map 1).



**Map 1:** *The three straits connecting the Baltic and the North Sea.*

© Google Maps (own drawings). For a better overview of the geography see map 2.

As shown on the map, the Great Belt is much wider than Oresund. One could then suspect that this would have been the preferable route for sailors, especially as the belt is also remarkable deeper. Despite these advantages, weather often made passage through it more troublesome and dangerous than passage through Oresund. The most common wind direction in Kattegat is west/south-west, meaning that it was easier for sailors to take the route along the south coast of Norway (see map 2), following

<sup>4</sup> Poul ENEMARK: *Studier i toldregnskabsmateriale i begyndelsen af det 16. århundrede. Med særligt henblik på dansk okseeksport*, Unpublished doctoral thesis, Aarhus University, 1971, p. 125; Mikael VENGE. “Moder Sigbrit og Øresundstolden”, *Zise. Toldhistorisk Tidsskrift*, 1-2 (1981), pp. 7-23; Thomas HEEBØLL-HOLM: “The Danish Medieval Maritime Empire,” in Rolf STROOTMAN, et al. (eds.), *Empires of the Sea: Maritime Power Networks in Global History*, Leiden, Brill, 2019, pp. 194-218.

<sup>5</sup> Krogen replaced Gurre Castle on the west side of Oresund. It was erected opposite of the older tower Kernen on the east side. With both Krogen and Kernen control with Oresund was possible.

<sup>6</sup> Niels NIELSEN, Peter SKAUTRUP, Povl ENGELSTOFT (eds.): *J. P. Trap Danmark vol. III*, 5<sup>th</sup> edition, Copenhagen, G.E.C. Gads Forlag, 1953, pp. 57-69.

the west coast of Sweden/Norway into to the Baltic Sea. By taking this route, sailors also avoided the insidious reefs around the island Anholt, in the middle of Kattegat. Furthermore, after the introduction of the Sound Toll in 1429, the Danish monarchs forbade foreigners from passing through the Great Belt.<sup>7</sup> Thus, Oresund was unquestionably the dominating strait. This dominance is even visually rendered on Olaus Magus' *Carta marina* (Picture 1). Though not an actual representation based on surveying, but instead made from rough sketches and observations from ships passing by, this geographically inaccurate chart illustrates a “mental map” of the sea. It sheds light on ruling ideas of coastal formation, visual depictions of travel distances, and important focal points.<sup>8</sup> In the *Carta*, the route following the coast of Norway/Sweden, and passing through Oresund, shows up as the most advantageous when transiting from west to the Baltic Sea in the east.



**Picture 1.** Olaus Magnus “*Carta marina et descriptio septentrionalium terrarum*”  
[charts and descriptions of the Nordic territories] from 1539 (extract).

The three straits, Little Belt, Great Belt, and Oresund, therefore, provided the medieval kingdom of Denmark a natural strategical position along logistical focal points for maritime trade. And this advantage was exploited. It is then unsurprising

<sup>7</sup> Henning HENNINGSEN: “Vogt Jer for Lappesand: om læsekort og deres beskrivelser af danske farvande”, *M/S Museet for Søfarts årbog*, 43 (1984), p. 74ff.

<sup>8</sup> *Ibidem*, p. 59.

that research focusing on these straits, and especially the Sound Toll, tend to stress a high degree of maritime supremacy as characteristic for the realm and its foreign affairs. However, here I will look more closely at Danish royal control over other geographies than on these narrow and easily governable straits, subscribing to the other scholarly tradition mentioned: the one characterizing the Crown as unable to effectively regulate its waters. Looking beyond these vertices of trade and travel, it is evident that Danish monarchs indeed had problems enforcing and establishing maritime control. Especially considering it had next to no fleet, and instead relied on noblemen and ships disembarked from the towns as part of their taxes. In fact, not until the latter part of the 15th-century did the Crown invest in noticeable shipbuilding. In 1509 King Johan Hans erected a new shipyard, *Engelsborg* in Nakskov Fjord, and started building ships at Bremerholm in Copenhagen, but before this the crown was not in possession of an actual fleet. This initiative allowed the kings to start exercising power and issue decrees in maritime matters.<sup>9</sup>

This article, however, focuses on the maritime policy of Danish kings prior to this early-modern ambition and attempt at maritime expansion and control. Below I expand on the traditional views, and argue that the monarchs lack of sovereignty was more than a diplomatic disadvantage. Understanding “supremacy” – and subsequently state formation – is not just a question of “either/or”, but of “both/and”. One must examine how sovereign authority is gradually constructed and acknowledge that historically sovereignty is not something that states either have or do not have. Instead, they must choose where to place their power and influence.

### **Late medieval Denmark: A place of water and beaches**

Denmark connects the Baltic and the North Sea, and thus all maritime trade to central Hanseatic towns and Russia had to pass relative narrow straits belonging to the Danish kings. Taking advantage of this situation, customs and duties could be collected from merchants who transit the area, by which in turn almost automatically benefitted the flow of goods and strengthened the maritime infrastructure of the Realm.<sup>10</sup>

To testify to the effortlessness of passing trade, and how this rendered the need for large-scaled Danish mercantile activities obsolete, we can look to an agent’s report from the Fuggers, a south German trade company. In 1567 the company had an agent

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<sup>9</sup> Jan BILL, Bjørn POULSEN, Flemming RIECK and Ole VENTEGODT: op. cit., p. 190.

<sup>10</sup> Grete ILSØE: “Dansk herremandshandel med hansekøbmændene”, in Tage E. CHRISTIANSEN, Svend ELLEHØJ and Erling Ladewig PETERSEN (eds.), *Middelalderstudier. Tilegnet Aksel E. Christensen på tresårsdagen. 11. September 1966*, Copenhagen, Munksgaard, 1966, p. 322; Bjørn POULSEN: “Trade and consumption among late medieval and early modern Danish peasants”, *Scandinavian Economic History Review*, 51:1 (2004), p. 54.

in Denmark to review the state of the merchant estate in the kingdom. In his letter, the agent described the situation for Danish Merchants as such: «In the Danish towns all want to be merchants, but none are wealthy».<sup>11</sup> From his perspective, despite geography creating opportunities equal to other littoral societies,<sup>12</sup> the economic prospects in Denmark were liminal; it was only a kingdom you sailed through to get to or from the Baltic Sea, and this resulted in limited economic initiatives in the Realm. In fact, as I will demonstrate, the consequences of trade naturally passing through the kingdom were not only felt in coastal towns, but along coastal settlement in general: ships had to restock on freshwater somewhat often, and when they wrecked, the lucky finders would suddenly become richer.

Looking at the Danish coastal geography does thus present cases well suited to better understand and study state formation, property law and maritime violence in many forms and shapes. Other studies have looked at the many islands of the kingdom –like Gotland or Bornholm–,<sup>13</sup> but the importance of beaches is overlooked within Danish and Baltic Studies.<sup>14</sup> Beaches are however immensely interesting as boundaries and zones of interaction between opposing views on power, state, and law. They mark the transition from land to water, and during the period of our concern, they also mark the transition from Royal Power and law, to diplomatic interaction, opportunistic negotiation, and lawlessness. Furthermore, this zone of transition was quite extensive in the late medieval Danish kingdom, meaning it was also dominant. Modern-day Denmark has a coastline of ca. 7 300 km, but this was remarkably larger during the 15th-century (cf. map 2). Add to this that major towns and other densely populated places were situated with access to saltwater.<sup>15</sup> With this widespread coastal geography, problems and conflicts arose, namely conflicts about shipwreck, property ownership, defining “violence” and of course, “piracy”.

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<sup>11</sup> Jan BILL, Bjørn POULSEN, Flemming RIECK and Ole VENTEGODT: op. cit., p. 206. Own translation.

<sup>12</sup> Michael N. PEARSON: “Littoral Society: The Concept and the Problems”, *Journal of World History*, 17:4 (2006), pp. 353-373.

<sup>13</sup> Lars LARSON: *Søren Norby och Östersjöpolitiken*, Lund, CWK Gleerup, 1986, p. 88; Flemming Glattar SØRENSEN: “Familienwirtschaft und baltische Wirtschaft: das Beispiel der Axelsöhne. Aspekte einer spätmittelalterlichen Familienwirtschaft”, in Thomas RIIS (ed.), *Studien zur Geschichte des Ostseeraumes I*, Odense, Odense University Press, 1995, pp. 99-107; Michael MEICHSNER: “Islands and Maritime Conflicts: Gotland around 1500”, in Thomas HEEBØLL-HOLM, Philipp HÖHN and Gregor ROHMANN (eds.), op. cit.; Hain REBAS: “Frustration and Revenge? Gotland strikes back—during the long 15<sup>th</sup> Century, 1390-1525”, in Michael F. SCHOLZ, Robert BOHN and Carina JOHANSSON (eds.), *The Image of the Baltic. A Festschrift for Nils Blomkvist*, Gotland, Gotland University Press, 2012, p. 236; Mikael VENGE: “Told og skat på Hammershus”, *Zise. Toldhistorisk Tidsskrift*, 1 (1988), pp. 7-13.

<sup>14</sup> Looking beyond the Baltic Sea, cf.: Michael N. PEARSON: op. cit.

<sup>15</sup> Bjørn POULSEN and Olav Elias GUNDERSEN: “Between sea and river: Water in medieval Scandinavian towns”, *Wiley Interdisciplinary Reviews: Water*, 6:2 (2019), pp. 1-3.





**Map 2:** The coastline of medieval Denmark-Norway-Sweden.  
© *Google Maps* (own drawings).

## Shipwreck and piracy

In his doctoral thesis *Sejren i kvindens hånd* (“Victory in the Hands of a Woman”), Anders Bøgh convincingly argues that in most cases, Hanseatic accusations against Danish “pirates” did not arise from actual violence or acts of plunder. Having looked in depth at the 22 best-documented associations cases from the end of the 14th-century, he argues that more often than plunder, it was the requisitioning of Hanseatic goods rinsing ashore after a shipwreck caused by natural phenomena that caused

problems.<sup>16</sup> This find is quite important: whims of nature constituted a greater risk for sailors in the waters surrounding Denmark than lawlessness and plunder. This is, of course, akin to the previously mentioned dominant coastal geography of the kingdom: ships passing from the North Sea to the Baltic Sea had considerable probability of wrecking and end up on Danish shores.

Because of this situation, the question of “piracy” in Danish waters is muddled, as no violent actors were needed for goods to be lost. And without specific actors as the main villains, without the interference of either “pirates” or privateers to ruin trade, conflicts often were about more fundamental matters. They were about ownership and the options for reclaiming lost property. Such problems are known from all coastal medieval realms,<sup>17</sup> but unlike the Atlantic Sea and Mediterranean no supra-territorial Law of the Sea were established in Northern Europe.<sup>18</sup> Despite claims of lost property arising time and time again, no standardized mechanisms for dealing with opposing claims, or treaties for the return of lost goods, were thus in place— at least not some that were agreeable to all parties.<sup>19</sup> In the Danish case, the Hanseatic sources particularly testify to this though I do believe this must be explained by proximity, rather than any definitive, “national” disagreement. Following an argumentation similar to Bøgh’s, Philipp Höhn has argued that, rather than interpreting these conflicts and accusations about “piracy” as expressions of violence in a modern sense, one must understand them in light of a mercantile agenda:

Violence was directed less toward people, and more against the property, and ownership rights of their opponents, and thus against their creditworthiness. That such actions were criminalized must also be understood in part due to the economic changes during this period.<sup>20</sup>

<sup>16</sup> Anders BØGH: *Sejren i kvindens hånd. Kampen om magten i Norden ca. 1365-89*, Aarhus, Aarhus Universitetsforlag, 2003, p. 200ff.

<sup>17</sup> Tom JOHNSON: “Medieval Law and Materiality: Shipwreck, Finders and Property on the Suffolk Coast, ca. 1380-1410”, *American Historical Review* 120:2 (2015), pp. 407-432; Rose MELIKAN: “Shippers, salvors, and sovereigns: Competing interests in the medieval law of Shipwreck”, *The Journal of Legal History*, 11:2 (1990), pp. 163-182.

<sup>18</sup> Edda FRANKOT: “Medieval Maritime Law from Oléron to Wisby: Jurisdictions in the Law of the Sea”, in Juan PAN-MONTOJO and Frederik PEDERSEN (eds.), *Communities in European History. Representations, Jurisdictions, Conflicts*, Pisa, Pisa University Press, 2007, p. 166.

<sup>19</sup> Frederik Lynge VOGNSEN: “Conceptualizing...”, pp. 159-163.

<sup>20</sup> Originally: «Gewalt richtete sich weniger gegen Menschen als gegen die Eigentumsrechte des Konfliktgegners und damit gegen die Kreditwürdigkeit der Betroffenen. Die Gründe für den Kriminalisierungsprozess sind also auch in den wirtschaftlichen Veränderungen dieser Zeit zu sehen». Philipp HÖHN: “Kriminalisierung im Strukturwandel. Maritime Gewalt und ihre Bewertung im 15. Jahrhundert”, in Franziska EVERS and Gregor ROHMANN (eds.), *Störtebeker & Konsorten. Piraten der Hansezeit?*, Kiel, Wachholtz, 2019, p. 96. See also: Philipp HÖHN: “Pluralismus statt Homogenität. Hanse, Konfliktträume und Rechtspluralismus im vormodernen Nordeuropa (1400-1600)”, in Roland DEIGENDESCH and Christian JÖRG (eds.), *Städtebünde und städtische Außenpolitik. Träger,*

Simply put: when the Hanseatic merchants did not receive payment for their goods, even if lost by accident, potential new owners of these goods could risk being viewed as “pirates”. Obviously, this standpoint must be understood with reservations. In practice, there was quite a long way from main perspectives on property law to how things actually played out, and often people had to be pragmatic and try to meet the other part halfway. Still, foreign merchants, often the Hansa in the sources –and thus in this article– did challenge the right of the Danish king and his subjects to profit from the shipwrecks. They did insist that wrecked goods –in principle– stayed the property of the merchants who had equipped the ships. Occasionally they even went as far as claiming the possession of lost goods as “piracy”.

### Shipwreck and law

On the one hand, it is not surprising that merchants losing goods and ships at sea wanted a way to salvage their lost property. On the other, and this was the principal problem, this wish conflicted with fundamental Danish laws and practices for dealing with flotsam. Looking at letters from the king to his royal officers (*lensmænd*) administering castles close to particular dangerous (i.e. lucrative) waters, it is striking that he routinely reminded them that shipwreck was a group of resources similar to other economic obligations owned by the Crown. Taxes, duties, land rent and indeed shipwreck alike ought to be handed in.<sup>21</sup> The basis of this practice may be gathered from the Danish laws on the subject. Originally formulated in the provincial Law of Jutland from 1241, but expanded by a royal decree by king Eric V in 1282 to cover the entire realm, everything larger than a sturgeon that washed ashore was “wreck” and belonged to the king. His subjects –but only them– could, if they had lost a ship, claim ownership within a year and a day (meaning a year and six weeks),<sup>22</sup> and “buy back” their goods.<sup>23</sup> Similar mechanics and timeframes are seen all over Europe in this

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*Instrumentarien und Konflikte während des hohen und späten Mittelalters*, Ostfildern, Jan Thorbecke Verlag, 2018, pp. 261-290; Gregor ROHMANN: “Jenseits von Piraterie und Kaperfahrt. Für einen Paradigmenwechsel in der Geschichte der Gewalt im maritimen Spätmittelalter”, *Historische Zeitschrift*, 304:1 (2018), p. 15.

<sup>21</sup> *Repertorium diplomaticum regni Danici mediævalis. Fortegnelse over Danmarks Breve fra Middelalderen med Udtog af de hidtil utrykte*, 2. rk., no. 3347, 5736, 5871, 5926, 6210, 6736, 7212, 7220, 7269, 7586, 8912, 10504, 11232, 12292; Kong Frederik den Førstes danske Registranter, 1879, 13/8-1523 (p. 16); 16/9-1526 (p. 116); 18/7-1528 (p. 167).

<sup>22</sup> Jan BILL, Bjørn POULSEN, Flemming RIECK and Ole VENTEGODT: op. cit., p. 184.

<sup>23</sup> *Danmarks gamle landskabslove med kirkelovene*, vol. 2, p. 484: «hauæ for sint æruæth of han ær gengænd man siin byrthæn. rithændæ hæstæ byrthæn. akændæ man woghæn las. æn kumær man til mæth skiip. hauæ skiips farm».

period,<sup>24</sup> but denying merchants from other realms to make claims on lost property was untraditional.



*Picture 2: Olaus Magnus, “De naufragiis Grutlandiae” [Shipwreck outside the Coast of Greenland]. Olaus Magnus, “Historia de Gentibus Septentrionalibus”, book 2, cap. X. Though not enforced before 1605, the west coast of Greenland was already under Danish-Norwegian rule in the middle ages.<sup>25</sup>*

This take on wreck and flotsam meant that people who were not the king’s subjects had no legal claim to shipwreck in Denmark. At least not in principle. Subsequently, many early accusations of “piracy” against Danish actors arose from this problem – from foreigners reclaiming wreck.<sup>26</sup> On the other hand –though the sources to this question are few, tendentious and ambiguous– it is not unthinkable that surviving sailors were killed, so the people finding shipwreck could claim it for themselves.<sup>27</sup> The reason for this is a quite pragmatic paragraph on the rewards for salvaging goods, which stated that a man finding a shipwreck:

<sup>24</sup> Tom JOHNSON: op. cit., p. 413.

<sup>25</sup> Simon Møhlholm OLSESEN: “Vor och Cronens Land”, Dansk-norske forestillinger om retten til Grønland, ca. 1550-1700”, *Temp - Tidsskrift for Historie*, 10:19 (2019), p. 81ff.

<sup>26</sup> Anders BØGH: op. cit., pp. 202, 212-213. For the challenges (and at times massive economic losses) the Hanseatic had because of shipwreck in Denmark, see Villads CHRISTENSEN: “Hanseatiske Beretninger om Strandinger paa Jyllands Kyst”, *Samlinger til Jydsk Historie og Topografi*, 3. rk., vol. VI, 1. h. (1908).

<sup>26</sup> Anders BØGH: op. cit., p. 212

<sup>27</sup> *Ibidem*, p. 199ff. Bill, Poulsen, Rieck and Ventegodt do however consider the opposite: that one must trust the sources, when not even a single one raises accusations of murder. Jan BILL, Bjørn POULSEN, Flemming RIECK and Ole VENTEGODT: op. cit., p. 187. As a counterargument, I would however add that nobody could ever know whether the sailors perished in the wreck or if they were killed subsequently.

... if he was walking, was allowed to take as much of the ship's cargo, as he could carry; if he was riding, as much as his horse could carry; if he was riding and had a wagon, as much as he could have in the wagon; and if he was sailing, as much as his ship could carry.<sup>28</sup>

The subjects were required to hand over all shipwreck to the king. But by doing this, they were entitled to a “finders” fee. Because of this, surviving sailors must then have been a potential problem. William Ian Miller and Helle Vogt have discussed the apparent problems in effectuating this law, primarily characterized by the fact that it must have been easily exploitable. If one, for example, did find a wrecked ship while travelling by foot, it would be easy to return with a horse and carriage to increase the finder's fee.<sup>29</sup> Though this is plausible, it does seem to miss the point of what consequences such laws had in shaping the state and centralizing power around the royal institution. Most likely this exploitation was of secondary interest to Danish monarchs, whereas the process of people even handing in goods must have been the overarching goal. If the fact that people felt able to “cheat the system” resulted in shipwrecks being handed over to royal officers, the law was successful. The process of using official and centralized institutions made people accept the authority of these and thus dependent on them.<sup>30</sup>

This development is important to be noticed as one must be cautious to draw conclusions on societal developments by only looking at normative sources, i.e. the provincial laws. The royal letters mentioned above do, however, indicate that the laws were applied. The same applies to archaeological findings. According to the law, a wreck was not only goods lost at sea, but everything larger than a sturgeon. Whales were then considered in the same category as shipwreck. In the medieval soil layers of the royal castle Næsholm, bones from both an arctic beluga whale and a killer whale have been found. These were rare findings, not likely to flush ashore in close proximity, let alone end at the same castle. Instead, it is plausible that they ended up at Næsholm, because it was a centre of royal power.<sup>31</sup> They testify to a situation where

<sup>28</sup> Originally: «hauæ for sint æruæth of han ær gengænd man siin byrthæn. rithændæ hæstæ byrthæn. akændæ man woghæn las. æn kumær man til mæth skiip. hauæ skiips farm». Danmarks gamle..., vol. 2, pp. 486-487. The paragraph was originally found in the provincial law of Scania. It specifically deals with stranded whales, but it was obviously rewritten to cover all kinds of flotsams in the provincial law of Jutland. cf. William Ian MILLER and Helle VOGT: “Finding, sharing and risk of loss: of whales, bees and other valuable finds in Iceland, Denmark and Norway”, *Comparative Legal History*, 3:1 (2015), p. 41.

<sup>29</sup> William Ian MILLER and Helle VOGT: “Finding, sharing...”, p. 41.

<sup>30</sup> Daniel Lord Smail have argued further for this in the establishment of medieval law in general. Daniel Lord SMAIL: *The Consumption of Justice. Emotions, Publicity, and Legal Culture in Marseille 1264-1423*, Ithaca/London, Cornell University Press, 2003, p. 17.

<sup>31</sup> Nils HYBEL and Bjørn POULSEN, *The Danish Resources c. 1000-1550. Growth and Recession*, Leiden/Boston, Brill, 2007, p. 55.

people handed in flotsam remains to the king and his officers; and as the laws for beached whales and wrecked ships were the same, it seems plausible that they shared conditions in this regard.

So, Danish royal subjects were made agents of salvage collection. This practice is a parallel to the mode of operation in medieval England, though with the striking difference that where English finders were allowed to buy wreck from the courts, paying half of its monetary value,<sup>32</sup> Danish finders were expected to hand it over to authorities, receiving a handsome finder's fee for their effort. Thus, one must imagine the collection of flotsam as an agreeable littoral addition to the composite peasant economy that characterized the daily life of most people during the period.<sup>33</sup> The king and his officers, usually kept with what was unpaid in the finder's fees and acquired wealth without prior investments. In other words, the collecting and keeping of shipwreck, made possible by the geography of the kingdom, provided ample opportunity to capitalize on foreign trade without investing in either commerce or fleets. This hints at an explanation as to why the Danish monarchs did not have the means to secure their waters, in exception from certain, fixed, and strategically import places (like Oresund) It even permits for the idea that they would not have any interest in this kind of power: establishing royal authority over the beaches in Denmark, was constituted by the right to a reward for salvaging goods – *a quid pro quo* between king and subject. The binding nature of this tacit contract can be seen in a letter from 1417. The contract testifies to how townspeople from Haderslev handed over salvaged goods to the local officers of king Erik VII. The transaction is phrased as if it was an ordinary sale: «The king's men and servants bought the goods for proper money».<sup>34</sup> In the eye of these townspeople, the royal right to the beaches and wreck most likely was seen more as an obligatory Right of First Refusal, than an actual manifestation of territorial sovereignty. Thus, it was not legal for the king's subjects to keep the goods, but they could sell it to him for more than a fair profit.<sup>35</sup> Economically, this favoured both sides. However, it did complicate diplomacy and negotiations of returning lost goods to foreign merchants: the power by which the monarchs claimed the goods, derived from customs as old as the provincial laws which protected the finder and his substan-

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<sup>32</sup> Tom JOHNSON: op. cit., p. 421-423.

<sup>33</sup> For works on this economy see Bjørn POULSEN: "Economic and cultural differentiation among late medieval and early modern Danish peasantry", in John BROAD and Anton SCHUURMAN (eds.), *Wealth and Poverty in European Rural Societies from the Sixteenth to the Nineteenth Century* Turnhout, Brepols Publishers, 2014, pp. 48-49; Stefan PAJUNG and Bjørn POULSEN: "Et senmiddelalderligt handelsnetværk: Flensborgkøbmanden Namen Jansens købmandsbog 1528-49", *Temp-Tidsskrift for Historie*, 5:9 (2014), p. 31. On the effects of littoral economics in general see: Michael N. PEARSON: op. cit.

<sup>34</sup> Originally: «*conyngens clerk oc thiænere koopte fore rethe pennynghes*». Gammeldanske diplomer. Gruppe A: Den middelalderlige overlevering. Duplikeret til brug for Ordbog over det ældre danske Sprog, 2:1 (1959-1969), pp. 198-200.

<sup>35</sup> See also Frederik Lynge VOGNSEN: "Conceptualizing...", p. 152-153.

tial fee at the expense of the previous owner of the goods. The Danish kings could not have it both ways.

### **Privileges and their interpretation. Differences of opinion**

The difference between merchants of the Hansa, principally maintaining claims to ownership over goods lost at sea, and Danish monarchs establishing sovereignty on the beaches by allowing extraordinary finder's fees to their subjects, is striking. Lübeck had sought to solve the problem as early as 1250, when the town obtained privileges equating its burghers with Danish vassals.<sup>36</sup> The other towns in the Hanseatic League followed later, namely with the signing of the Stralsund Peace Treaty, between king Valdemar IV and the Hanseatic League, May 24<sup>th</sup> 1370.<sup>37</sup> In 1370 this extended privileged was only closed with Valdemar's personal seal, and not with the royal one. However, following his death in 1375, his daughter, queen Margarethe I, and grandchild, king Oluf, settled the promise for good. Going forward, Hanseatic merchants were equals to the Danish in cases of «wreck, salvage goods, or what else one might call it». <sup>38</sup> They could now claim to have their lost ships and goods returned. Assuming they knew where to look and ask, of course.

This diplomatic resolution did not solve the problem, though. Having equal rights to Danish citizens presented the major problem as the laws were more concerned with protecting the rights of the finder than the injured party. It did open a window for negotiation, as the Hansa received the right to reclaim lost property within a year and a day. Nevertheless, though not stated specifically in the privileged, the Hansa still had to pay the generous finder's fee; as would any Danish subject. And people "helped" salvage goods without being asked or told. The fee discussed above was not only an obligation of the king and his offers, but also for the ones reclaiming the lost goods. The Hansa would then, so to speak, have to assert the Right of First Refusal, either from the salvagers or, in case the goods were already sold to authorities, from the monarch. This added a third party not earlier acknowledged in the sources: the aggrieved actually seeking to buy back their goods.

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<sup>36</sup> Steffen HARPSØE and Maria CORSI: "Hvorfra kommer disse pirater –og hvorfor? Mysteriet om et piratangreb på København i 1249", *Siden Saxo*, 28:3 (2011), p. 43.

<sup>37</sup> *Diplomatarium Danicum*, rk. 1-2, Copenhagen, C. A. Reitzels Forlag, 1932-1960, 1975-1990, vol. 3:8, no. 372 §2; Kristian ERSLEV: op. cit., p. 40.

<sup>38</sup> Originally: «schipbrøkyghem ghude id hethe wrak edder seevunt edder wo idt hete yn desser wiis». *Diplomatarium Danicum...*, vol. 3:8, no. 372 §2.

It is unclear what precisely the cost of helping to salvage goods was, but there are two possibilities. The first is the application of the paragraph above. How this would have functioned in practice when more of one person helped out or when the merchant negotiated with royal officers, is unclear. A fair solution could be that they could buy it from the officers for the same price as the later had already paid the man/men handing in the flotsam, though this seems unlikely. This situation would mean that the Crown gained nothing from the situation. The other possibility, argued by Villads Christensen, is that over time the finder's fee had been standardized to 1/3 of the value of the goods. This possibility does however also make room for a third option: That foreigners buying back their goods, which is the practice Christensen have examined, had to pay 1/3 the value of their recovered goods, before they would receive it. Danish subjects, on the other hand, would most likely still abide by the exploitable paragraph from the provincial law of Jutland. The third possibility seems most plausible as it would allow for a situation where both subject and king could benefit from the fortunate placing of the Danish realm, while the Crown remained in a position to negotiate with unsatisfied foreigners.

Still, paying 1/3 of the value of their goods was a steep price. Even more so as the time passing pressured the Hansa: as said before, the royal officers legally could keep the loot for themselves, if they had not received the payment within a year and a day.<sup>39</sup> Even so, the Hansa did in many situations find the terms unreasonable, the pay exorbitant, and subsequently they refused to pay.<sup>40</sup> Then, as mentioned above, the accusation of "piracy" came in play.<sup>41</sup> Many of the conflicts and accusations then, did not have anything to do with violent maritime actors seizing goods from seaborne ships but was instead about a difference of opinion as to who had the right to salvage a shipwreck. Obviously, maritime plunder did happen. It simply must have, but the sources are too scattered, making it impossible to give a realistic estimate of the frequency or impact. Furthermore, to resolve problems of maritime violence and plunder, the Hansa and the Danish monarch first had to share more fundamental values and understandings of flotsam, property law and the return of goods. One might imagine that this problem was easily solved, but as I will argue further below, the Danish monarchs remained in a position of relative strength towards the Hanseatic League as

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<sup>39</sup> Though it is plausible that claims could not actually expire and that the phrasing more were a standardized formality. Claims of compensations did often drag out for years. Frederik Lynge VOGNSEN: "Conceptualizing...", pp. 159-161; Bjørn POULSEN: "Krig, klageskrifter og kødkvæg. Vestslesvigs søhandel og agrare specialisering ved det 16. Århundredes begyndelse", in Britt LILJEWALL, Iréne A. FLYGARE, Ulrich LANGE, Lars LJUNGGREN and Johan SÖDERBERG (eds.), *Agrarhistoria på många sätt. 28 studier om människan och jorden. Festskrift till Janken Myrdal på hans 60-årsdag*, Stockholm, Kungl. Skogs- och lantbruksakademien, 2009, p. 112.

<sup>40</sup> *Diplomatarium Danicum...*, vol. 3:8, no. 372 §2; Villads CHRISTENSEN: op. cit., p. 3.

<sup>41</sup> Anders BØGH: op. cit., p. 213.



long as the question of flotsam remained disputed. Ironically, the inability to claim sovereignty over both beaches and waters –this seeming “incompetence”– served as a diplomatic strength.

### Conflicts about payment and the role of the king

In 1402, perhaps on May 14<sup>th</sup>, the Hansa complained to queen Margarethe I, that the Danish people did not respect their privileges, especially concerning the salvaging of goods:

[...] namely concerning the paragraph about fair payment, about which we have heard and still hear numerous complaints about this topic, which have often been discussed with Your Grace, but which are still unresolved, and now we have heard about the decision which you made with your council in Lund, and according to our opinion is in violation with our privileges and rights, especially the ones on flotsam.<sup>42</sup>

According to the Hansa, the Danish view on shipwreck, despite mirroring the Provincial Laws, were opposing the spirit of their privileges. Thus, they only paid reluctantly and most of the time under massive protest. This is quite characteristic for Hanseatic complaints to Danish monarchs in the 15th-century.<sup>43</sup> To further illustrate, in 1480 unsatisfied burghers from Lübeck and Danzig wrote to king Christian I, complaining that the bailiff from Læsø, on behalf of the Chapter of Viborg, refused to return their salvaged goods. Goods, which they, according to their privileges, had a valid claim to. The king’s answer showcases the reoccurring nature of this problem: The bailiff was ordered to promptly return the goods to the foreign merchants, naturally meaning “immediately”, as soon as he had received his finder’s fee: «that he will return the merchants’ goods at once, whether rigging, rope, gods or food, which he had saved, in return for his finder’s fee».<sup>44</sup>

By taking this position Christian I –and other contemporaneous monarchs– placed himself as a mediator between his subjects, and the people suffering under ac-

<sup>42</sup> Originally: «en artikel van dem redelken arbeydeslone dar van vns mennigerhande clage gecomen is vnde noch alle dage kumpt darumme dat vakene bi iuwer herlicheit gehandelt is allene dar nicht nicht anegeendiget wart des hebbe wi nue ok wol gehord de raminge de gi mit iuweme rade van des wegene to Lunden rameden de iodoch na vnsem guddunkende vnsem priuilegievnde vriheyden gansliken eniegen gan sunderges in den artikelen van dem zeevunde». *Diplomatarium Danicum Online*, no. 14020514005.

<sup>43</sup> Villads CHRISTENSEN: op. cit.

<sup>44</sup> Originally: «at hand lader hannem och dennem, som met hannem vaar paa schibet, ufortøffvet igien fange, hvis aff forne tachel, tow, gods eller fetalle som reddet er, for muelig biergeløn». *Missiver fra Kongerne Christiern I.s og Hans’s tid*, bd. 1-2, William Christensen, Copenhagen, G.E.C. Gad, 1914, vol. I, no. 96. See also *Diplomatarium Danicum Online* no. 14050809001; 14051226001.

tions carried out by these. Rather than claiming and asserting supremacy and regulating what happened, the monarchs acted *ex post facto*: To mend broken fences, rather than solving the problems of breaking them. That the monarchs took on this role, caused their subjects to act opportunistically, as was also encouraged by the pragmatic laws on the finder's fee. Thus, the kings had to be just “incompetent” enough to avoid assuming serious responsibility and actions in protecting the interests of foreign parties, but also powerful enough to prevent his subjects of going too far, which could force foreigners to seek other remedies than negotiation and diplomacy.<sup>45</sup> To understand just how opportunistically unfair the Crown's subjects could be –and to illustrate the knife-edge, on which the monarchs had to balance– a letter from the end of August 1406 is telling. In the letter, the Grandmaster of the Teutonic Order – which did not enjoy privileges similar to the Hansa – complained to queen Margarethe I, that a shipper named Johan had had his goods seized by one of her royal officers. Johan's ship had sprung a leak near Mollösund.



**Map 3:** Mollösund © Google Maps. Own drawings.

For this reason, he had sought to the shore to make repairs. His cargo was on the beach. Occupying this space, the bailiff had declared all the goods as “wreck” and

<sup>45</sup> This was a fine line meaning that minor conflicts escalating between the Hanseatic League and the Danish were frequent in the 15th-century. cf. Bjørn POULSEN: “Krig, klageskrifter og kødkvæg...”, pp. 103-114; Íd.: “Roskildebispen Niels Skave som uheldig sørover i 1491: Et bidrag til forståelsen af magten i senmiddelalderens Danmark”, in Nina Javette KOEFOED, Bo Kristian HOLM and Sasja Emilie Mathiasen STOPA (eds.), *Religion som forklaring? Om kirke og religion i stat og samfund. Festskrift til Per Ingesman*, Aarhus, Aarhus Universitetsforlag, 2019.

confiscated the lot, or “salvaged” it, as he had presented the situation to the shipper. The Grandmaster had a hard time seeing the reasonableness behind this argument.<sup>46</sup> As the Teutonic order did not enjoy the same privileges as the Hanseatic League, the Grand Master had no right to claim the goods according to Danish Law. Were he to accept the argument that the Shipper Johan had forfeited the goods when he placed it on the beach, the Grand Master would not even have the option of paying a finder’s fee and buying back the goods. Speculating even further, one could even imagine the queen dismissing his complaint, and taking possession of the goods after a year and a day. However, I do find this unlikely. As pointed out by Gregor Rohmann, there is a radical difference between legal arguments or claims, and what was diplomatically workable.<sup>47</sup>

Still, the sources do unfortunately not reveal how Margarethe I reacted, so this conclusion remains in the Realm of speculation. Looking at other situations, one can, however, point to a pattern of the queen positioning herself in the role of mediator between her subjects –often noblemen– and foreigners in cases of piracy and shipwreck.<sup>48</sup> Being mediator excluded her from acting as a sovereign monarch, but it also enforced a political situation where she was necessary for the conflicting parties to meet and settle disputes. The success of such a strategy does, of course, depend on the charisma and diplomatic ability of the reigning monarch, and in that area Margarethe I is regarded as one of the greatest statesmen – and state builder – in Danish history.<sup>49</sup> It is therefore unsurprising that the question of “piracy” is more firmly tied to her regency, than that of her successors’. Still, despite her successors having different approaches to dealing with foreigners, and despite them accepting different levels of intervention from the Hanseatic League,<sup>50</sup> we do see similar attempts to juggle foreign claims of compensation against the interests of their subjects. In a letter from March 23<sup>rd</sup> 1453, for example, king Christian I reproved to the nobleman and royal officer Niels Erikson Goldenstar (da.: *Gyldenstjerne*) that he ought to immediately return goods to «the poor merchants, as they had salvaged their goods themselves».<sup>51</sup>

Similar to the case of the shipper Johan, some unnamed Hanseatic merchants were wrecked, but survived and had salvaged their goods themselves. Just as the royal officer from Mollösund had done in 1406, Niels Erikson Goldenstar – well, actually his

<sup>46</sup> *Diplomatarium Danicum Online*, no. 14060828001.

<sup>47</sup> Gregor ROHMANN: “Jenseits von Piraterie und Kaperfahrt...”, p. 14.

<sup>48</sup> Anders BØGH: op. cit., p. 213.

<sup>49</sup> Vivian ETTING: *Queen Margrete I (1353-1412) and the Founding of the Nordic Union*, Leiden/Boston, Brill, 2004, xvii-xviii.

<sup>50</sup> Cf. the difference between the policy of Christian I and his son, Hans: Jørgen Henrik Pagh BARFOED: *Barfod sagaen: en beretning om de personer, der har båret navnet Barfod, Barfoed eller andre stavemåder af navnet*, Copenhagen, Slægtsforeningen Barfod-Barfoed, 1992, p. 15; Bjørn POULSEN: “Roskildebispen Niels Skave...”, pp. 172-174.

<sup>51</sup> Originally: «fattige køpmen, sellfue berghet haffue aff theres gotz». *Missiver...*, vol. I, no. 10.

wife – had seized the goods nevertheless. One must conclude that she believed she had a right to the finder's fee, simply because the goods had washed ashore along her territory. In this logic, the finder's fee was no longer considered payment for actual physical work, but rather as a principle right to everything coming into contact with the beach. We thus do see some development towards a more modern understanding of territory and sovereignty. Note though, that the monarch would not share this interpretation. Instead, he did reprimand the nobleman. The same happened in a series of identical royal letters, which in 1532 were sent to all fiefs (da: *len*) and royal officers, «who can come across flotsam». <sup>52</sup> In these letters, king Frederik I repeated and insisted that flotsam should be kept for a year and a day before it belonged to the Crown. He furthermore made it very clear that officers should not seize wreckage «against the privileged given to the Hansa, and against the law». <sup>53</sup> Being placed somewhere between the powerful Hanseatic League and their subjects, functioning more as mediators than as judges, the Danish monarchs kept a position of relative strength.

To conclude, I will draw a parallel to Thomas Heebøll-Holm's convincing work on the development of English royal power and its control over the English Channel 1280-1330. Heebøll-Holm argues that ambitions and claims of maritime supremacy are a double-edged sword. On one hand, claims of sovereignty (when accepted by neighbouring kingdoms) strengthened the position of the crown transnationally. On the other hand, this power made the sovereign party liable and responsible for people breaking the rules, and for aggressions happening on one's watch. <sup>54</sup> Claiming supremacy therefore generates certain diplomatic expectations and obligations. Following this observation, I will suggest that supremacy, unlike what we ordinarily understand from the perspective of citizens in modern sovereign states, cannot automatically be assumed to be the goal for any pre-modern central state or government in a state of formation. <sup>55</sup> Sometimes not being power perfect – what I have called “strategic incompetence” – can be preferable. This, at least, was the political situation in late medieval Denmark, when actual control over the immense shorelines was practically impossible. Instead of seeking to effectuate sovereign control over the dominant beach-geography, the monarchs managed to take some kind of control by exploiting the weak state formation and the opportune placing of the kingdom.

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<sup>52</sup> Originally: «*som vraf kand falle*». *Kong Frederik...*, udat. 1532 (p. 413).

<sup>53</sup> Originally: «*mod stedernes priuilegier och logen*». *Kong Frederik...*, udat. 1532 (p. 413).

<sup>54</sup> Thomas HEEBØLL-HOLM: *Ports, Piracy, and Maritime War Piracy in the English Channel and the Atlantic, c. 1280–c. 1330*, Leiden/Boston, Brill, 2013, p. 246.

<sup>55</sup> For similar arguments on centralization and bureaucratization see Richard COLE: “Bureaucracy and Alienation: Some Case Studies from *Hákonar saga Hákonarsonar*”, *Saga-Book. Viking Society for Northern Research*, 43 (2019), pp. 5-36; Frederik Lyngge VOGNSEN: “Fra bonde til konge. Senmiddelalderens skatter og deres bevægelser”, *Tidsskriftet Kulturstudier*, 10:1 (2019), pp. 75-80.

### **Conclusion. The benefits of being (strategically) incompetent**

State formation is a process. I have in this article argued that Danish monarchs strengthened their position within the kingdom by introducing laws on flotsam. These laws provided an opportunity for economic gain for the king's subjects when upheld. Thus, they were –at least both written sources and archaeological findings suggest this– effectuated from below, i.e. initiated not by bailiffs or officers but by those who found flotsam. These laws were possible and profitable because they allowed for exploitation of the favourable position of the kingdom. For the same reason, they led to continued conflicts with other realms and the Hansa.

Despite strengthening the crown inland, these laws thus created barriers for the powers dealing with foreign powers. Their seafarers and merchants wanted lost goods returned, rather than distributed within the Danish realm at their expense. Furthermore, as the bureaucracy and institutions of the monarchies developed further in the late Middle Ages, this situation was intensified by royal officers. They seemed to have had little intention of cooperating with foreigners (in most cases affiliated with the Hanseatic League). Instead, they did what they could to gain from the riches washing up upon their shores. They, plain and simple, tried to exploit and expand the laws and privileges concerning flotsam: not just to cheat the king and get a more significant proportion of the cake, but also to acquire wealth at the expense of foreigners in distress at sea. This exploitation created a situation where the Danish monarchs were expected to keep their subjects at bay, rather than to provide actual guarantees, make promises or commit to transnational views of property law. Accepting this role, the Crown, considering the importance and dominance of water in and around the kingdom (cf. map 2), did not develop a large fleet or otherwise managed to ascertain maritime dominion. They could not, on the one hand, profit from shipwreck, and on the other claim to maintain complete control over the sea. It is, however striking, how they transformed this seemingly weakened position into a position of power: the Danish monarchs managed to be “strategically incompetent”.

This “incompetence”, and the conflicts over property rights and flotsam showcased in this work arise from a more fundamental problem. A problem attained to different political motivations and different ambitions of supremacy. This angle may seem abstract in dealing with something as dry as property law. However, a pattern can be recognized, starting with queen Margarethe I (reg. 1376-1412) and lasting until the end of the medieval period.

Aged research on Margarethe I – though the notion is still popular – suggest that she instructed and equipped “pirates” to weaken the Hansa. However, this inter-

pretation is not only aged but also flawed in central aspects. Recent scholarship has convincingly argued it is more likely she instead simply chose not to enforce royal authority in the waters surrounding Denmark. As a consequence, all sailors fell victim to “pirates”, but the merchants from the Hanseatic League, who were more developed in terms of maritime trade, felt the blow far worse than Danish (and other Scandinavian) traders.<sup>56</sup> By actively seeking to be unable to control the waters surrounding Denmark, while at the same time making it clear that this was the situation, she chose “maritime incompetence” as a political strategy. She could not be held responsible for the plunder, and could not stop it herself, but could offer to negotiate between the “pirates” (Danish noblemen) and the injured Hanseatic towns. Thus, the queen made her incompetence beneficial for her rule, both economically and politically.

I would wager to speculate –though the sources are far less numerous in questions of maritime conflicts for the monarchs following Margarethe I– that the experience gained from her maritime politics created and formed Danish-Hanseatic relations throughout the rest of the Middle Ages. The Hansa learnt – mostly through conflicts with her father, Valdemar IV – that it was beneficial for them when a Danish ruler was in place to provide some sense of security. The Danish monarchs, on the other hand, had learned not to challenge the Hansa on their terms – on maritime power and commerce. Instead, they aimed for friendly diplomatic relations, conferring privileges and helping against “pirates” while being profoundly land-based (focus on the herring-markets and castles) and too maritime “incompetent” to be held responsible for goods lost at sea in the waters surrounding Denmark.

Thus, the unique geographical position of the late medieval Danish kingdom, de facto being the gateway from the North Sea to the Baltic Sea, gave Danish monarchs a strong incentive to benefit from foreigners coming to the realm – or passing through it– rather than investing in developing naval power and even commerce. Furthermore, this is paramount for understanding the question of “pirates” and privateers; even for following the foreign maritime politics of Danish kings towards the end of the Middle Ages. Instead of seeking total dominance over their water territories or building large fleets, or indeed trying to legitimize/delegitimize certain actors or actions, Danish monarchs sought to capitalize from their geographical positioning, using seemingly military, naval incompetence strategically. They actively sought to avoid taking on the identical responsibilities as other northern European monarchies.<sup>57</sup> This

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<sup>56</sup> Anders BØGH: *op. cit.*, p. 198ff.

<sup>57</sup> For the development of maritime law in England see Thomas HEEBØLL-HOLM: “Law, Order and Plunder at the Sea. A Comparison of England and France in the Fourteenth Century”, *Continuity and Change*, 32:1 (2017), pp. 37-58; the Hanseatic towns of Hamburg and Lübeck: Philipp HÖHN: “Pirate Places, Merchant Spaces? Distribution and Criminalization in the Late Medieval Baltic Sea”, in Thomas HEEBØLL-HOLM, Philipp HÖHN y Gregor ROHMANN (eds.), *op. cit.*, pp. 127-144; Gregor ROHMANN: “The Making of Connectivity: How Hamburg Tried to Gain Control over the Elbe (13<sup>th</sup>-16<sup>th</sup>)

policy became less convincing after the Middle Ages, though. In 1536, the reformation resulted in a significant shift in power in favour of the Crown.<sup>58</sup> Before the reformation, the later owned approximately 10-12 % of all land in the realm. With the confiscation of all land owned by the church, however, this increased to approximately 44 %.<sup>59</sup> This growth strengthened the economy and position of the Crown considerably. It also created the foundation for a more effective bureaucracy.<sup>60</sup> Subsequently, gradual demands for the Crown to take on more responsibilities for the what happened in Danish waters, were made: For the post-reformation kings seeking “strategic incompetence” became increasingly more difficult, also less desirable, I imagine. It is therefore symptomatic that the first Danish naval law, Frederik II’s Law of the Sea, was issued in 1561 (da.: *Frederik II’s søret*).<sup>61</sup>

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Centuries)”, in Thomas HEEBØLL-HOLM, Philipp HÖHN y Gregor ROHMANN (eds.), op. cit., pp. 207-243.

<sup>58</sup> Troels DAHLERUP: ”Lavadelens krise i dansk senmiddelalder”, *Historisk Tidsskrift*, 12. rk., bd. IV (1969), p. 34-37.

<sup>59</sup> Carsten Porskrog RASMUSSEN: ”Kronens gods”, in Per INGESMAN and Jens William JENSEN (eds.), *Danmark i Senmiddelalderen*, Aarhus, Aarhus Universitetsforlag, 1994.

<sup>60</sup> Astrid FRIIS: ”Rigsrådet og Statsfinanserne i Christian III’s Regeringstid”, *Historisk Tidsskrift*, 10. rk. VI, 1. h. (1942).

<sup>61</sup> Jan BILL, Bjørn POULSEN, Flemming RIECK and Ole VENTEGODT: *Dansk ...*, p. 193.