

S. 4. 2. MARITIME GOVERNANCE IN PRE-MODERN ATLANTIC EUROPE I

Chair: Richard Unger
(University of British Columbia)

Panel Abstract

In pre-modern times the law of nations was preoccupied with the creation and management of regimes to govern the oceans and seas, which cover three-fifths of the planet's surface. This session aims to contribute to understanding how oceans and seas have been used over time in terms of governance in pre-modern Atlantic Europe. Thus a broader perspective is taken than the common 'law of the sea'-perspective which focuses often on legal doctrine with its traditional emphasis on freedom of the seas as a key objective of law of the seas regimes. Governance being a wider notion than government, the former explicitly involves interaction between formal (governmental) institutions and those of civil society, which in its maritime context includes first of all maritime communities. To these communities belong the coastal towns and villages and the communities aboard ships. How did princes and states in pre-modern Atlantic Europe claim and aim for control over maritime spaces and/or over their subjects while these were at sea? How did formal and informal institutions interact to control maritime activities? How and to what extent were claims over sea spaces enforced? How were regulations concerning the sea developed and how and to what extent were they enforced in practice? By focusing on different maritime spaces and coastal areas of Europe's Atlantic coast, this session will allow to get insights in similarities and differences between different regions and regimes of maritime governance.

Keywords

maritime governance, law of the sea, institutions, sea spaces, power

Maritime governance in the late medieval Low Countries: Ius naufragii ('right of wreck') in Flanders and Holland

LOUIS SICKING (Vrije Universiteit Amsterdam/Leiden University)

Abstract

In the Middle Ages shipping accidents were fairly common. As the level of production of material goods was low shipwrecked property represented an important economic asset. The customs and rules adopted to determine the status of this property are indicated as the so-called 'ius naufragii' or right or law of wreck in English. No less than five competing interest groups can be distinguished: merchants, ship-owners, salvagers, landowners, and civil authorities. The rules regarding (ship)wreck reveal who held political power and what their priorities were. Like many legal-historical subjects, the study of the 'ius naufragii' has for a long time focused strongly on doctrine: what did legal scholars write about it over time? More recently, more attention has been paid to the question of how the right of wreck developed in practice or rather how the rules were applied in time. This paper aims at analysing and comparing the development of right of wreck in practice by zooming in on developments in the Low Countries in the late Middle Ages, more particularly in the counties of Flanders and Holland. Besides regulations of central and regional authorities, including the Burgundian rulers of the Low Countries, administrative sources concerning the practice of the right of wreck will be studied in order to determine whose interests prevailed; those of the landowners and coastal dwellers or those involved in the goods that were washed ashore. Thus a contribution can be delivered to the debate about the role of institutions to a society's economic performance in general and more particularly about the role of maritime governance.

Biography

Louis Sicking is the Aemilius Papinianus Professor of History of Public International Law at Vrije Universiteit Amsterdam and lectures medieval and early-modern history at the University of Leiden. He directs the international research project Maritime Conflict Management in Atlantic Europe, 1200-1600, co-financed by the Netherlands Organisation for Scientific Research (NWO). His main research interests are in maritime and colonial history and the history of diplomacy and international law.

Sovereigns of the Sea? State-formation and maritime empire in early modern Britain

RICHARD BLAKEMORE (University of Reading)

Abstract

Between the sixteenth and the eighteenth centuries, Britain became a powerful maritime empire, both in Europe and through the expansion of commercial and colonial activities around the globe. The growth of a maritime empire transformed Britain's economy, society, and culture – and it also had profound political and legal implications for the British state. Historians have usually treated British state-formation and its imperial history as two separate stories, but I will argue in this paper that they must be considered together, and that maritime governance was essential to them. Indeed, from the first sixteenth-century vision of an 'English empire' (meaning a dominion over the three separate kingdoms of the British Isles and Ireland) to the formation of the United Kingdom and its efforts to exert greater control over its colonial territories and its seafaring subjects, Britain is best defined as an imperial state. This imperial state was a composite and unstable political system, incorporating many authorities and agendas, and defined as much by external and internal conflict as by any harmonised rule. Nevertheless, there is a discernible trend towards greater coordination and centralisation of power within this system, and the question of maritime governance was central to that trend. The conceptual and practical ways in which Britain's rulers sought to control maritime space and seaborne activities shaped the imperial state itself, and redefined the very idea of 'Britain'. Moreover, this was not restricted to the ruling class; seafarers and maritime communities also participated in, and in some ways influenced, the imperial state. My paper will thus examine how Britain sought to impose maritime governance, and how maritime governance shaped Britain, from several different perspectives.

Biography

Richard Blakemore is a Lecturer in the History of the Atlantic World at the University of Reading, having previously studied, taught, and researched at the universities of Aberystwyth, Cambridge, Exeter, and Oxford. His particular interests are in the social history of seafaring, trade, and empire in the sixteenth, seventeenth, and eighteenth centuries. He has published on navigation, maritime social history, the British civil wars, English trade to West Africa, and piracy in the Atlantic.