

Conflict Management and Interdisciplinary History

Presentation of a New Project and an Analytical Model

Justyna Wubs-Mrozewicz

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Abstract

This article advances the idea that the concept of conflict resolution, which is usual in social, economic, political and legal history of premodern Europe and in the social sciences in general, is too goal-oriented and therefore unsatisfactory for the analyses of conflicts. Instead, a problem-oriented concept of conflict management is proposed. It consists of prevention, provocation, maintenance of the status quo, escalation and de-escalation, *as well as* resolution. Such a concept allows to analyse multi-level conflicts (individual, group, large-scale) pertaining diverse yet interrelated issues. This article shows how it will be used to analyse contentious issues which are related to mercantile cities in premodern cities in northern Europe (1350-1570), in a recently granted NWO VIDI project.

Conflicts are fascinating. When crises occur, relations between people are revealed and discussed in far greater detail than when all is plain sailing. It is therefore not surprising that historians of very diverse specialisations have delved into conflicts. In particular, the attempts to *solve* conflicts, and the institutions created to this end, have been in the spotlight in economic, social, political and legal history. The topic of premodern conflict resolution, especially from a mercantile perspective, has also been frequently addressed in *TSEG*.¹ Yet when analysing conflicts in the past, it is not enough to focus on conflict resolution only. This becomes especially apparent once we move beyond the traditional socio-economic framing of premodern conflicts and take into account

¹ A prominent example is the special *TSEG* issue 2014:4 on the book of Oscar Gelderblom, *Cities of commerce. The institutional foundations of international trade in the Low Countries, 1250-1650* (Princeton 2013).

the dynamics of political, diplomatic and more broadly defined social conflicts. One of the main conclusions of my recent research project on conflict resolution in premodern Danzig (Gdańsk), the Baltic and North Sea areas, was that many conflicts were never truly resolved.² Some of them lingered on, others were revived even after a formal resolution or morphed into a new conflict. This concerned both small-scale and large-scale conflicts, as the project analysed not only mercantile disputes between individuals, but also more broadly defined social conflicts between groups and political clashes at the level of cities and states. A full resolution where contentious issues did not return, and where relations were at least in part restored, was certainly an ideal to be pursued. However, the reality was often different. Attempts at resolution in courts and outside of them, as well as formal and informal diplomacy, were often ineffective.

This would be a pessimistic conclusion after several months of intensive perusals in archives in the region. However, another conclusion emerged which was far more exciting: individuals, groups and rulers made deliberate use of a plethora of strategies and tactics to channel, control and skilfully employ conflicts, both on land and sea. It was by far not only conflict resolution which was on their mind, as for instance prevention or escalation proved to be effective tools. Also, conflicts pertaining to social, economic and political matters were often intertwined because large-scale could result in individual disputes and vice versa. For example, war could lead to private commercial losses or inheritance quarrels could escalate to a diplomatic crisis. The examination of the process of dealing with various conflicts gives far more clues about how society worked at this time, than focussing on one specific type of conflicts or a narrow outcome. As it will be outlined in more detail below, this is what has been standard in the various historiographies, including social and economic history.

This was the starting point for the VIDI project on the management of multi-level conflicts in commercial cities in northern Europe circa 1350-1570, spanning from London to Reval (Tallinn).³ Multi-level conflicts refer here to individual, group and large-scale conflicts, on matters related to economy, politics and social relations. This is thus, emphatically, a broader scope of interest than what has been usual in socio-economic analyses of premodern commercial cities. Due to their far-reach-

² NWO (The Netherlands Organization for Scientific Research) VENI, 2011-2015.

³ NWO VIDI 2018-2023, granted in May 2017.

ing autonomy and economic clout, the governments and inhabitants of these cities could deal with these conflicts in their own way, in particular in the cities belonging to the Hanse. This included diplomacy, legal proceedings, arbitration, mediation, social pressure, as well as the invention of institutions and instruments which regulated relations across a considerable geographical distance.⁴ Commercial cities were chosen because there was a high level of mobility to and from them, both in the form of (semi)permanent migration, and seasonal influx of traders and craftsmen. Such mobility heightened the complexity of conflicts which appeared in the cities, whether it concerned shipwreck, inheritances or breaches of contracts. It also required a considerable level of knowledge of handling conflicts, both within the city itself and how specific cases could be approached elsewhere, as Europe was characterised by legal and political fragmentation.⁵

Interestingly, at a time when there was no division of power into legislative, executive and judicial branches in the urban governments, the same people could be involved in handling individual and large-scale conflicts. They could be involved in conflict prevention, escalation or resolution. At the same time, they were part of this large network of urban mobility, travelling in various capacities, for instance as traders and as magistrates, and thus acquiring knowledge on various parts of Europe. The fact that next to magistrates and representatives of the rulers, also 'good men' from the wider urban society were regularly called in

4 The bibliography in the footnotes concerning the project can only be selective. Here concerning the interplay between states and cities, and the particular cities which will be subject to analysis: W. Blockmans, 'Voracious states and obstructing cities. An aspect of state formation in preindustrial Europe', *Theory and society* 18 (1989) 733-755; P. Stabel, 'Economic development, urbanisation and political organisation in the late medieval southern Low Countries', in: P. Bemholz, M.E. Streit and R. Vaubel (eds.), *Political competition, innovation and growth. A historical analysis* (Berlin 1998) 183-204; J. Puttevils, *Merchants and trading in the sixteenth century. The golden age of Antwerp* (London 2015); M. Bogucka, *Baltic commerce and urban society, 1500-1700. Gdańsk/Danzig and its Polish context* (Aldershot 2003); E. Isenmann, *Die deutsche Stadt im Mittelalter 1150-1550* (Cologne 2014 2nd ed.); S. Gustafsson, *Svenska städer i medeltidens Europa. En komparativ studie av stadsorganisation och politisk kultur* (Stockholm 2006); R.I. Frost, *The Oxford history of Poland-Lithuania. The making of the Polish-Lithuanian union, 1385-1569* (Oxford 2015). The four articles in W. Blockmans, M. Krom and J. Wubs-Mrozewicz (eds.), *The Routledge handbook of maritime trade around Europe 1300-1600. Commercial Networks and Urban Autonomy* (London 2017) give an overview of the state of the art of research, the relevant bibliography and primary sources on Lübeck, Reval, London and Danzig; C. Jahnke, 'Lübeck and the Hanse. A queen without its body', 231-247; I. Leimus and A. Mänd, 'Reval (Tallinn). A city emerging from maritime trade', 273-291; M. Kowaleski, 'The maritime trade networks of late medieval London', 383-410 and J. Wubs-Mrozewicz, 'Danzig (Gdańsk). Seeking stability and autonomy', 248-272.

5 Cities, at all times, offer interesting cases of studying social conflicts, see: P. Le Galès, *European cities. Social conflicts and governance* (Oxford 2002).

to partake in the handling of conflicts, makes the pool of 'conflict managers' of various backgrounds and capacities even more flexible and diverse. Looking beyond institutions which were geared towards the narrower concept of conflict resolution, like courts or peace treaties, turned my attention to such social actors. Conflicts are created and handled by specific people, and these people can open a new door to our understanding of the past.

Since conflicts and people create paperwork, they left a fantastic imprint in the form of very rich sources in urban archives, most of which have not been analysed from the point of view of dealing with discord.⁶ And on a more general level, the preparatory work with primary sources became the basis for the drafting of a process-oriented model of historical conflict management. The model comprises conflict resolution, but insistently goes beyond it: by including mechanisms such as prevention, provocation, maintenance of status quo, escalation and de-escalation (discussed in more detail below). The ambition is that the project will provide ample test cases for this model of interdisciplinary, multi-level conflict analysis from a historical perspective, which then can be developed further and applied to other areas and periods. In this research note, the main premises of the project will be presented. I will sketch why there is a need for historically-informed, systematic research on conflict management, briefly present the state of the art of historical research on conflict resolution and conflict management, and outline the aspects of my approach which set the agenda for this project and historical conflict studies in general. From the point of view of social and economic history readership of this journal, this approach changes the use of the very popular concept of 'conflict resolution'. It shows why social and economic historians, along with legal and diplomatic historians, can benefit from moving beyond this narrow concept.

Why bother about conflict management in the past?

In present-day society, there is an urgent need for historically-informed analyses. For a long time, there has been an idea of a progress of civilization, either in a positivist way or in the framing of Norbert Elias. Such

6 I have done preliminary research in the archives in Lübeck, Stockholm, Antwerp, London, Tallinn, Gdańsk (also for Elbing), Berlin, Copenhagen. Also the availability of appropriate sources in Bruges and Toruń has been established.

progress would result in steadily declining rates of violence and increasingly peaceful ways of handling conflicts now than in the past.⁷ But too much evidence runs counter to this view: we have not eliminated conflicts or figured out how to deal with them very quickly and effectively. Conflict on various levels is present everywhere. The view that conflict is an integral part of human interaction, not an exception, as argued by sociologist Georg Simmel and social psychologist Morton Deutsch, therefore captures the human experience, now as in the past, more accurately.⁸ This means that we have to rethink how we can become better at dealing with it. If improvement in the future is not self-evident, the past is the only place to look for inspiration. It comes with the benefit of hindsight on the whole process of handling a conflict. In her stirring TED talk on fighting with non-violence, the peace builder Scilla Elworthy has advocated the use of powerful, telling examples of handling conflicts in the past. Those (hi)stories can be transformative in our understanding of conflicts, and provide concrete ideas for dealing with them.⁹ The urgent need to reconsider classical paradigms for dealing with conflicts at various levels and anchor the change in historical reflection has been underscored by the Dutch 'Portfolio for research and innovation'.¹⁰ Apparently, we need more examples than those which have been unearthed until now, and we need to reconsider how they are to be framed.

From the point of view of the project, there are two relevant areas of conflict studies which are currently reframing their approach. Alternative Dispute Resolution (ADR) is a field in the study and practice of law which focuses on finding efficient alternatives to legal proceedings, namely arbitration and mediation.¹¹ Due to the popularity of ADR in the USA, the profession of mediation has had a growing impact on legal practice in Europe. This is presented as a novel, progressive approach to handling conflicts. The project which we are starting casts light on a period when such strategies were commonly used, and were practiced by many actors. It can thus provide a historical basis for the current discus-

7 N. Elias, *The civilising process* (Oxford 1969 [1939]); S. Pinker, *The better angels of our nature. Why violence has declined* (New York 2012).

8 G. Simmel, *Conflict and the web of group affiliation* (New York 1964); M. Deutsch, *The resolution of conflict. Constructive and destructive processes* (New Haven 1977).

9 https://www.ted.com/talks/scilla_elworthy_fighting_with_non_violence, last accessed 1.09.2017.

10 <http://www.wetenschapsagenda.nl/publicatie/portfolio/>.

11 For instance, J. Barrett and J.T. Barrett, *A history of alternative dispute resolution. The story of a political, social, and cultural movement* (San Francisco 2004); A. Fiadjo, *Alternative dispute resolution. A developing world perspective* (London 2015).



Illustration 1 Workshop of Rogier van der Weyden. *A Man Reading (Saint Ivo?)* (© The National Gallery, London).

sion regarding the pros and cons of involving new specialists in handling conflicts between individuals and groups. The project's findings can also be important for modern economic diplomacy, another field which combines theory and practice.¹² Until very recently, scholars in this field concentrated solely on state actors in large-scale conflicts, i.e. diplomats representing a government. They have now begun to devote more attention to the influence of business firms and NGOs. The variety of conflict managers in commercial cities who fulfilled diplomatic roles, both front- and back-channel, can bring new insights to this field, especially because many of the conflicts concerned economic relations.

Both Alternative Dispute Resolution and economic diplomacy are embedded in the large field of conflict studies, where conflict resolution is the predominant concept used by scientists, as exemplified by

12 N. Bayne and S. Woolcock, *The new economic diplomacy. Decision-making and negotiation in international economic relations* (New York 2011 3rd updated ed.); M. Okano-Heijmans, 'Conceptualizing economic diplomacy. The crossroads of international relations, economics IPE and diplomatic studies', *The Hague Journal of Diplomacy* 6 (2011) 7-36; P. Bergeijk, M. Okano-Heijmans and J. Melissen (eds.), *Economic diplomacy. Economic and political perspectives* (Leiden 2011).

the influential *Journal of Conflict Resolution*.¹³ This focus is not surprising: there is a broad consensus that discord entails high costs in terms of economic, political and social capital, rendering swift conflict resolution all the more desirable. Even in those analyses which take other dynamics into account under the umbrella of resolution, the implicit goal is indeed solving conflicts. Yet as the past shows us, it may be more effective to give equal attention to other stages of conflict and other ways of handling it. This could further broaden the impact of ADR (by expanding it to actual alternative conflict management) and economic diplomacy (by evaluating the flexible role of diplomats in all conflict stages).

Nowadays in social sciences, the concept of conflict management is quite restricted: it is mostly employed in analyses of problems in organizations and teams. It is thus often connected to organizational psychology and leadership questions. It is also, paradoxically, seen by some as more narrow than conflict resolution or conflict settlement.¹⁴ Alternative, emerging concepts are conflict transformation and conflict engagement, the latter being particularly applied to intractable (seemingly unsolvable) conflicts.¹⁵ However, there are clear signs that the concept of conflict management is one of the candidates for a broader application, and at this stage the terms conflict management, conflict resolution and dispute resolution are sometimes used interchangeably.¹⁶ It has also been used more and more in the field of international relations and peace studies, i.e. in reference to large-scale conflicts.¹⁷

If there are such strong reasons to put the concept of 'conflict resolution' under scrutiny, why is it still so dominant in the social sciences? The main criticism of the alternatives has been that they are too indeterminate. For the time being, the researchers voicing this reservation prefer therefore to stick to resolution.¹⁸ A clear, historically informed model of conflict management can thus be a contribution to the academic field

13 J. Bercovitch, *Conflict resolution in the twenty-first century. Principles, methods, and approaches* (Ann Arbor 2009); P.T. Coleman, M. Deutsch and E.C. Marcus (eds.), *The handbook of conflict resolution. Theory and practice* (s.l. 2014, 3rd updated ed.); O. Ramsbotham, T. Woodhouse and H. Miall, *Contemporary conflict resolution* (Malden 2016, 4th updated ed.).

14 Ramsbotham, *Contemporary conflict resolution*, 11, 34.

15 For instance J.P. Lederach, *The little book of conflict transformation* (Intercourse 2003); for conflict engagement, see: Ramsbotham, *Conflict resolution*.

16 See for instance the content versus the ambitions of the *Journal of Conflict Management* and the *International Journal of Conflict Management*.

17 See for instance the journal *Conflict Management and Peace Studies*; E. Muller, G. Frerks and B. de Graaf (eds.), *Conflict. Over conflict en conflictbeheersing* (Deventer 2016).

18 Ramsbotham, *Conflict resolution*, 11.

of conflict studies by delineating the concepts; to the practice-oriented fields of ADR and economic diplomacy by giving actual and probably surprising content to the concept of conflict management. This can provide a concrete answer to the call for showing historical examples which not only make us understand mechanisms of conflicts better, but which also inspire us.

The state of the art in economic, political, legal and social history

The predominant use of the concept of ‘conflict resolution’ in social sciences has had a major impact on historical research: this term has been clearly favoured as it is reflected in numerous publications. For historians, this concept conveys the notion of obstacles removed, thresholds crossed and change over time. Accordingly, this term and variants such as dispute settlement have become central concepts in historical debates. Specifically, they are standard in economic, legal and political history of commercial cities, which are relevant to this project.¹⁹ In the following section, I will outline how these concepts are used in these fields of history, and then discuss how the emerging concept of ‘conflict management’ has been used in some social and political historical studies of medieval history. This historiographical overview shows why there is a gap in social and economic, as well as other historical, analyses.

Economic historians have concentrated on commercial disputes, for example contract breaches, which affected individual traders or privileged foreign groups. There is a heated debate in economic history on whether guilds, rulers or city councils were most effective in dealing with such conflicts. Handling them adequately meant facilitating foreign trade, so this question has been seen as a litmus test for who was responsible for the economic growth of premodern Europe. Making use

19 For instance A. Bonoldi, ‘Mercanti a processo. La risoluzione delle controversie tra operatori alle fiere di Bolzano (secc. XVII-XVIII)’, in: A. Bonoldi, A. Leonardi and K.O. Occhi (eds.), *Interessi e regole. Operatori e istituzioni nel commercio transalpino in età moderna (secoli XVI-XIX)* (Bologna 2012); O. Gelderblom, ‘The resolution of commercial conflicts in Bruges, Antwerp and Amsterdam (1250-1650)’, in: D. Ma and J.L. van Zanden (eds.), *Law and long-term economic change* (Stanford 2011) 244-276; D. Heirbaut, ‘Rules for solving conflicts of laws in the Middle Ages. Part of the solution, part of the problem’, in: A. Musson (ed.) *Boundaries of the law. Geography, gender, and jurisdiction in medieval and early modern Europe* (Aldershot 2005) 118-129; S.E. Sachs, ‘Conflict resolution at a medieval English fair’, in: A. Cordes and S. Dauchy (eds.), *Eine Grenze in Bewegung. Öffentliche und private Justiz im Handels- und Seerecht* (Munich 2013) 19-38.

of the tenets of the New Institutional Economics, researchers have defined the 'who' as institutions, while the people behind them and their networks have not yet been a subject of study.²⁰ This is apparent in the aforementioned 2014 debate issue of *tseg* on the book by Oscar Gelderblom, *Cities of Commerce. The Institutional Foundations of International Trade in the Low Countries, 1250-1650* (Princeton 2013), which argues that city magistrates (as institutions) and inter-urban competition should be seen as forces behind the growth. The book adds a new and very interesting element to the older 'polity/ruler vs. guild/merchants' debate. The *TSEG* issue, in turn, is an exemplary academic discussion on the topic of urban and economic growth. However, both the book and the journal issue stay within the conceptual framework of discussing conflicts which is usual in economic history. The focus is on institutions, and the role of social actors in handling conflicts is not put into question. Even more importantly, the concept of conflict resolution itself is not questioned, but rather treated as a given. Conflict resolution remains the implicit and explicit concept, and the debate revolves around judicial versus extra-judicial means of resolving conflicts, the efficiency and use of courts and institutions of conflict resolution provided by guilds, cities and rulers.

This institutional and resolution focus is also visible in legal history, including the most innovative approaches. In the context of merchants and mercantile cities, the recently established absence of one universal *Lex Mercatoria* in Europe has led to the question of which judicial and extra-judicial institutions and tools (litigation in various types of courts, arbitration and mediation) were best-suited to resolve mercantile conflicts.²¹ Taking one step further, the question of 'who' was best-suited as a

20 D. Acemoglu, S. Johnson and J. Robinson, 'The Rise of Europe. Atlantic trade, institutional change, and economic growth', *American Economic Review* 95:3 (2005) 546-579; A. Greif, *Institutions and the path to the modern economy. Lessons from medieval trade* (New York 2006); O. Gelderblom, *Cities of commerce*; S. Epstein, *Freedom and growth. The rise of states and markets in Europe, 1300-1750* (London 2000); O. Gelderblom and R. Grafe, 'The rise and fall of the merchant guilds. Re-thinking the comparative study of commercial institutions in premodern Europe', *Journal of Interdisciplinary History* 40:4 (2010) 477-511; F. Apellániz, 'Venetian trading networks in the medieval Mediterranean', *The Journal of Interdisciplinary History* 44:2 (2013) 157-179; T. Ertman, *Birth of the Leviathan. Building states and regimes in medieval and early modern Europe* (Cambridge 1997); E. Lindberg, 'Club goods and inefficient institutions. Why Danzig and Lübeck failed in the early modern period', *The Economic History Review* 62 (2009) 604-628; S. Ogilvie, *Institutions and European trade. merchant guilds 1000-1800* (Cambridge 2011); D. Stasavage, *States of credit. Size, power, and the development of European polities* (Princeton 2011).

21 A. Cordes, 'The search for a medieval *Lex Mercatoria*', in: V. Piergiovanni (ed.), *From lex mercatoria to commercial law* (Berlin 2005) 53-68; A. Cordes, 'Litigating abroad. Merchants' expectations regarding procedure before foreign courts according to the Hanseatic privileges (12th-16th century)', working pa-

social actor to deal with mercantile matters has been recently taken up, showing that in premodern times, for instance theologians could be of more use to the mercantile community than lawyers.²² The actor-centred approach is thus gaining prominence in this field and providing very interesting insights on unlikely actors. The tradition of legal history, however, directs most of these analyses towards the framework of conflict resolution. The recurring question is who could *end* a conflict, whether in a court or outside of it, as this has been seen as the task of lawyers and mediators. A noteworthy exception is the work of Alain Wijffels, who has been advocating the use of the concept of ‘conflict management’. His insights stem from bridging legal and political history, and his studies have been one of the sources of inspiration for this project.²³

The connection with political history is thus certainly fruitful for those who want to go beyond conflict resolution. Yet paradoxically, these branches of political history which are relevant to commercial cities are still operating within the resolution framework, albeit at a different level. Specifically, political historians have discussed conflicts regarding commercial towns in terms of ongoing state formation. The power struggles concerning autonomy, the control of hinterland, the income from trade and military contributions which could be expected from both sides when the relationship grew closer, have therefore received most attention. These wars and diplomatic crises, kings and rebellious cities, have constituted the core of writing national historiographies of northern Europe since the nineteenth century. It is therefore one of the

per (Frankfurt a.M., 2013); D. De ruysscher, ‘Law merchant in the mould. The transfer and transformation of commercial practices into Antwerp customary law (16th-17th centuries)’, in: V. Duss et al. (eds.), *Rechtstransfer in der Geschichte. Legal transfer in history* (Munich 2006) 433-445; D. De Ruysscher, *Naer het Romeinsch recht alsmede den stiel mercantiel. Handel en recht in de Antwerpse rechtbank (16de-17de eeuw)* (Kortrijk-Heule 2009).

22 W. Decock, *Theologians and contract law. The moral transformation of the Ius commune (ca. 1500-1650)* (Leiden 2013). Compare for the High Middle Ages the role of monasteries in the society as a whole, S. Vanderputten and A.-J. Bijsterveld. ‘Penitential discourse and conflict management in the late-eleventh- and early-twelfth-century southern low countries’, *Revue belge de philologie et d’histoire* 90 (2012) 471-492, here 480.

23 For instance: A. Wijffels, ‘Krieg, Diplomatie und Recht. Die englisch-hansischen Konflikte 1468-1603’, in: A. Cordes (ed.), *Mit Freundschaft oder mit Recht? Inner- und außergerichtliche Alternativen zur kontroversen Streitentscheidung im 15.-19. Jahrhundert* (Cologne 2015) 85-100; A. Wijffels, ‘Introduction. Commercial quarrels-and how (not) to handle them’, *Continuity and Change* 32:1 (2017) 1-9, which is the introduction to a special issue co-edited by F. Miranda and myself, see note 30. See also: J. Wubs-Mrozewicz and A. Wijffels. ‘Diplomacy and advocacy. The case of the king of Denmark v. Dutch skippers before the Danzig city council (1564-1567)’, *The Legal History Review* 84:1-2 (2016) 1-53. This approach has recently also been employed in the project of Albrecht Cordes, see note 31.

most traditional branches of historical conflict studies, with a bibliography which cannot be adequately dealt with in any single journal article. In these analyses, the focus has been on the causes and effects of large-scale conflicts and on the most prominent actors in these conflicts. This had been apparent in the more narrowly defined subdiscipline of diplomatic history, where diplomats as representatives of rulers have been seen as the prime conflict fixers. Only very recently have New Diplomatic Historians begun to expand this category to urban councillors. A heralded next step in the development of the field is the connection with other branches of history, taking interest in a broader range of sources and topics.²⁴

The state of the art in these fields reveals strikingly little dialogue between premodern economic, legal and political history on the *conceptual level*, and specifically on the level of the concept of conflict and ways of handling it. This concerns not only research on commercial cities, but premodern historical research in general. Conflict as a topic has obviously been present in historical studies since the discipline has emerged. Conflict as a concept, on the other hand, has been most problematized in studies from the 1970s on, but with a rather restricted chronological and thematic range. The focus has been on the High Middle Ages and on the complex relations between kings, lords, clergy and peasants in the absence of strong states as a thematic topic. Consequently, the role of rituals, negotiation, the formulation of law, the Peace of God movement, the impact of kinship and various types of communities, the use of violence, spatial divisions, the question of feudal relations (and the notion of feudalism as such) have been discussed extensively for the tenth to thirteenth centuries, often framed as dispute settlement. The exciting aspects of this research have been the influence of legal anthropology, and more generally the interdisciplinary take which makes historical conflict studies part of cultural history.²⁵ Scholars have also delved

24 J. Watkins, 'Toward a new diplomatic history of medieval and early modern Europe', *Journal of Medieval and Early Modern Studies* 38:1 (2008) 1-14; M. Ebben and L. Sicking, 'New diplomatic history in the premodern age. An Introduction', *Tijdschrift voor Geschiedenis* 127:4 (2014) 541-552; H. Kugeler, C. Sepp and G. Wolf (eds.), *Internationale Beziehungen in der Frühen Neuzeit. Ansätze und Perspektiven* (Hamburg 2006).

25 Here more extensively, as the high middle ages are not part of the analysis in the project itself: G. Althoff, *Spielregeln der Politik im Mittelalter. Kommunikation in Frieden und Fehden* (Darmstadt 1997); S. Patzold, 'Konflikte als Thema in der modernen Mediävistik', in: H.-W. Goetz, *Moderne Mediävistik. Stand und Perspektiven der Mittelalterforschung* (Darmstadt 1999) 198-205; the introduction and contributions in W.C. Brown and P. Górecki (eds.), *Conflict in medieval Europe. Changing perspectives on society and culture* (Aldershot 2003); F. Cheyette, 'Suum cuique tribuere', *French Historical Studies* 6 (1970) 287-

into other aspects of handling conflicts, most notably the prevention of conflicts.²⁶ This has resulted in a more frequent use of the term conflict management/Konfliktbewältigung/conflictbeheersing in these studies, but these historians have often used conflict or dispute settlement and conflict management interchangeably.²⁷ From the point of view of our project, it is important to note that studies of the high Middle Ages have not led to a more defined notion of conflict management which could work at various levels. This is not surprising, given the fact that social structures like guilds, cities and states which became arenas of conflict, became far more developed in the later periods.

It would seem logical that studies of the Late Middle Ages and Early Modern period would take up this thread and spin it further, but it has not happened so far in a systematic way. Only some elements of the interdisciplinarity and conceptual approach developed for this earlier period, have been taken up. For instance, the roles and definitions of rituals, feuds or faction strife in (urban) societies, have also been applied

299; S.D. White, 'Pactum ... Legem Vincit et Amor Judicium. The settlement of disputes by compromise in eleventh-century Western France', *The American Journal of Legal History* 22:4 (1978) 281-308; S. Reynolds, *Kingdoms and communities in Western Europe, 900-1300* (Oxford 1997); E.R. Brown, 'The tyranny of a construct. Feudalism and historians of medieval Europe', *The American Historical Review* (1974) 1063-1088; W. Davies and P. Fouracre (eds.), *The settlement of disputes in early medieval Europe* (Cambridge 1992); W.I. Miller, *Bloodtaking and peacemaking. Feud, law, and society in Saga Iceland* (Chicago 2009). The main anthropological influence has been by Simon Roberts, see for instance: S. Roberts, 'The study of dispute. Anthropological perspectives', in: J. Bossy (ed.) *Disputes and settlements. Law and human relations in the West* (Cambridge 1983) 1-24.

26 As pointed out by W.C. Brown and P. Górecki, 'What conflict means. The making of medieval conflict studies in the United States, 1970-2000', in: Brown and Górecki (eds.), *Medieval Conflict*, 19, 23, 25; S.D. White, *Custom, kinship, and gifts to saints. The laudatio parentum in western France, 1050-1150* (Chapel Hill 1988); E. Tabuteau, *Transfers of property in eleventh-century Norman law* (Chapel Hill 1988); P. Górecki, 'Ad Controversiam Reprimendam. Family groups and dispute prevention in medieval Poland, c. 1200', *Law and History Review* 14:2 (1996) 213-243; Davies and Fouracre (eds.), *The settlement of disputes*.

27 For instance Patrick Geary, see: P.J. Geary and J. Falquevert, 'Vivre en conflit dans une France sans État. Typologie des mécanismes de règlement des conflits (1050-1200)', *Annales* (1986) 1107-1133, later translated as conflict management; 'Moral obligations and peer pressure. Conflict resolution in the medieval aristocracy', in: P.J. Geary, F. Curta, C. Spinei (eds.), *Writing history. Identity, conflict, and memory in the Middle Ages* (Bucarest 2012) 89-94; A.-J. Bijsterveld, *Do ut des. Gift giving, memoria, and conflict management in the medieval Low Countries* (Hilversum 2007); Vanderputten and Bijsterveld, 'Penitential discourse', 471-492; D. Barthélemy, 'La vengeance, le jugement et le compromis', *Actes des congrès de la Société des historiens médiévistes de l'enseignement supérieur public* 31:1 (2000) 11-20; O. Auge et al. (eds.), *Bereit zum Konflikt. Strategien und Medien der Konflikterzeugung und Konfliktbewältigung im europäischen Mittelalter* (Ostfildern 2008). An interesting work to use as comparison is conflict management in the sixth century, P.N. Bell, *Social conflict in the age of Justinian. Its nature, management, and mediation* (Oxford 2013).

to the later medieval period.²⁸ Moreover, peace-making and arbitration have received some interdisciplinary attention.²⁹ Again, no comprehensive model of conflict management, which reflects upon various strategies of approaching conflict, has been developed for the period up to the end of the sixteenth century. The special issue of *Continuity and Change* (2017) on merchants and commercial conflicts in Europe 1200-1600, edited by Flávio Miranda and myself, with an introduction by Alain Wijffels, has put forward some ideas in this direction, on the basis of conferences held in 2013-2015.³⁰ There is, however, a surge in interest in the topic and the approach, as exemplified by recent collaborative projects on maritime conflict management in this period.³¹ This means it is time to tackle the thematic, conceptual and chronological lacuna in the analysis of historical conflicts in a systematic way.

A systematic analysis is the very goal of the project. We aim to connect the threads from political, economic, legal and cultural research traditions where the handling of conflicts appears in various guises. Also, we aim to build further on the conceptual considerations to create a working model of historical conflict management. And because a model only comes to life when it serves a content, we will test it through cases coming from extensive primary source analysis.

28 For northern Europe, especially research on the Low Countries is of interest; J. Braekevelt, F. Buylaert and J. Dumolyn, 'The politics of factional conflict in late medieval Flanders', *Historical Research* 85:227 (2012) 13-31; S. ter Braake, 'Parties and factions in the late middle ages. The case of the Hoeken and Kabeljauwen in The Hague (1483-1515)', *Journal of Medieval History* 35:1 (2009) 97-111; F. Buylaert, 'Familiekwesties. De beheersing van vetes en private conflicten in de elite van laatmiddeleeuws Gent', *Stadsgeschiedenis* 2 (2007) 1-19; P. Hoppenbrouwers, 'Bloedwraak en vete in de late middeleeuwen', *Tijdschrift voor Geschiedenis* 123:2 (2010) 158-177; J. Firnhaber-Baker and Dirk Schoenaers (eds.), *The Routledge history handbook of medieval revolt* (London 2016). As Petzold, 'Konflikte', 199 pointed out, it is remarkable that German research on feuding and cultural elements of it, in the vein of Otto Brunner, has not been integrated into Anglo-Saxon scholarship, see: O. Brunner, *Land und Herrschaft. Grundfragen der territorialen Verfassungsgeschichte Österreichs im Mittelalter* (Vienna 1939, revised in 1959).

29 E. Powell, 'Arbitration and the law in England in the late Middle Ages', *Transactions of the Royal Historical Society* 33 (1983) 49-67; G. Naegle (ed.), *Frieden schaffen und sich verteidigen im Spätmittelalter* (Munich 2012).

30 F. Miranda and J. Wubs-Mrozewicz (eds.), *Merchants and commercial conflicts in Europe, 1250-1600*, special issue of *Continuity and Change* 32:1 (2017).

31 L. Sicking, 'Introduction. Maritime conflict management, diplomacy and international law, 1100-1800', *Comparative Legal History* 5:1 (2017) 2-15, outlines an NWO internationalisation project started in 2016; SFB 1095 'Die Hanse und ihr Recht: Ressourcenschwäche und Funktionalität', led by Albrecht Cordes at Goethe University Frankfurt am Main.

A project on conflict management: an outline of the approach

The project consists of three subprojects (a PhD and two postdoc), namely an analysis of conflicts, conflict management and conflict managers in the commercial cities of (1) Lübeck, Stockholm, Reval (Tallinn), (2) Bruges, Antwerp, London, (3) Danzig (Gdańsk), Thorn (Toruń), Elbing (Elbląg). Each of the subprojects has an own emphasis due to the specific contexts in these cities, but the subprojects have a shared approach which will also result in a synthesising monograph.

First, we approach the concept of conflict with a very open mind. Conflict is a very broad and internally connected category in this project: we investigate commercial disputes (debts, cheating, bankruptcies) and conflicts related to the mobility of traders and skippers (shipwreck, clashes about inheritances and religion), which could lead to large-scale conflicts. At the same time, big politics (war, privateering, withdrawal of privileges, bans and embargoes) caused serious problems for individuals. The conflict management cases will be drawn from a variety of representative northern European towns, ranging from highly autonomous ones (Lübeck) to towns where the king had a clear influence (London). The core of the analysis is constituted by multi-level conflicts, because they affected many types of inhabitants in the commercial towns of northern Europe. Not only traders, but also skippers, craftsmen, their wives and children, who were travelling and settling in another town. In particular, inheritance conflict cases offer a unique opportunity to hear the premodern voices of women in testimonials and petitions. By zooming in on how these conflicts were handled, we can uncover the interplay between the individual, group and large-scale conflicts and show through a new lens how urban Europe responded to state formation and complex political, institutional, demographic and economic changes between 1350 and 1570.

Second, the shared point of departure is the defined concept of conflict management, based on preliminary archival research. It is a process-oriented model, consisting of 1) prevention as part of the task of urban governments to accommodate citizens, strangers and the city's overlord, 2) provocation to force change, 3) maintenance of the status quo when no solution could be found, 4) escalation and de-escalation to steer the conflict and 5) resolution with a marked end such as a handshake, court sentence or peace treaty. Consequently, it was conducted using a host of tactics, e.g. specific urban policy or litigation. We consid-

er these strategies as one package and we pose the question who employed them, how and when. The elements of the model are strategies, i.e. deliberate choices made in handling conflicts. They should indeed be seen as *elements* in a conflict, not stages of it, which is often the case in models of conflict resolution.³² This means that they could occur several times during a conflict in various sequences (e.g. alternating cycles of escalation and de-escalation), that some of the elements could be entirely absent during a conflict (e.g. maintenance of the status quo) and, as mentioned in the introduction to this paper, there might have not been any clear resolution at all. Conflicts, when seen from a historical perspective, often appear to be highly complex or even messy. Approaching the model as a composite of elements allows to evaluate the process of each historical conflict in its own right, and not according to a sequential matrix. I take into account that the model might be adapted as a result of the findings from the empirical sources, and that some of its elements will turn out to be more important than others. There will thus be continuous reflection on the use and usefulness of the model.

Third, the category of ‘conflict managers’ is also intentionally broad. The main common denominator is that in these premodern commercial cities, they were connected either directly or through kith and kin to local and overseas trade.³³ However, the category was not fixed as one profession. It was a given or accepted role. Mercantile city councillors could be judges, arbitrators or urban diplomats; neighbours ‘of good reputation’ and experience in complex mercantile relations acted as mediators; merchant sons became bishops and reverends involved in politics, or academically trained lawyers and diplomats for kings, exerting his influence on even micro-conflicts. They accompanied cases to courts of appeal, or brought them to the attention of their ruler. Also, taking a cue from economic sociology, we take into account that these managers were embedded in social relations with conflict participants. This could influence the choices they made. Even though they were almost exclusively male (with the exception of queens and female regents), they

32 Ramsbotham, *Conflict resolution*, 15-16, e.g. the escalation/de-escalation model or the hourglass model.

33 M.L. Pelus-Kaplan, ‘Merchants and immigrants in Hanseatic cities, c. 1500-1700’, in: D. Calabi, and S.T. Christensen (eds.), *Cultural exchange in early modern Europe. ii Cities and cultural exchange in Europe* (Cambridge 2007) 132-53; D.W. Poeck, *Die Herren der Hanse. Delegierte und Netzwerke* (Frankfurt 2010); J. Puttevils, *Merchants and trading*; P. Spufford, *Power and profit. The merchant in medieval Europe* (New York 2002).

dealt with conflicts which affected women, men and children. Finally, as they were part of a highly mobile group in northern Europe, they connected cities and conflicts, and could spread the knowhow on handling them in various contexts. To date, premodern conflicts have not been researched systematically from the perspective of those who directly dealt with them. From the point of view of social and economic history, this is a clear shift from the institutional approach originating in New Institutional Economics, to an ‘agents making the institutions’ approach. In other words, it brings the social and economic history of premodern cities much closer together.

Fourth, the integral and multi-level approach means that various types of tactics will be considered – to a much broader extent than what has been usual for the premodern mercantile conflict resolution research tradition. Mediation, arbitration, litigation in urban and higher courts, diplomacy, violence on land and sea, embargoes and black-mail are typical examples. They could be used by various types of conflict managers, at various stages of a conflict, and as part of various strategies. For instance, a city magistrate could suggest mediation as conflict resolution, but it could also be a way to stall a conflict. A representative of a ruler could act as a diplomat, but he could also start legal proceedings. These legal proceedings could then turn out to be not an attempt to resolve a conflict, as we would traditionally expect, but a provocation.³⁴ We also seek to uncover tactics that have escaped attention until now or seem to be unusual, surprising or even illogical. Taking examples from my recent research, it could be sophisticated indirect communication, like the purposeful circulation of copies of letters and documents, which could show the intention of escalating or de-escalating a conflict, depending on the context.³⁵ Also, the formulation of new legal concepts, like neutrality, can also be seen as a conflict management strategy to prevent further escalation of the conflict. And more in general, when analysing a historical conflict, one could see how legal means, for instance court proceedings, were not meant to resolve a group conflict, but to provoke a large-scale one.³⁶ Conversely, tactics like *not* writing down a loan contract between business partners could be seen as a serious negligence in conflict prevention, but it was

34 Wubs-Mrozewicz and Wijffels, ‘Diplomacy and advocacy’.

35 J. Wubs-Mrozewicz, ‘Kopiegedrag. De vormen en functies van afschriften in het laatmiddeleeuwse politieke briefverkeer van de Hanzesteden’, *Tijdschrift voor Geschiedenis* 127:4 (2014) 603-624.

36 J. Wubs-Mrozewicz, ‘Neutrality before Grotius. A city, a state and seven salt ships in the Baltic (1564-1567)’, *Journal of Early Modern History* 22 (2018) 1-28.

in fact a common way to maintain trust and good relations in northern Europe.³⁷

This brings us to the fifth aspect of the approach. In order to establish why and how one strategy was chosen instead of another, and who made this decision, the concepts of subsidiarity and game theory will be applied. Subsidiarity is usually applied to analysing on which level of a legal forum a matter was handled or to studying the organisational division of power. It has been effectively applied to and further developed for historical studies, as shown in the work of Peter Stabel.³⁸ Here, it will be broadened to various social actors who managed conflicts. Game theory, a favoured economic approach, has been used with some caution, if not reluctance, by scholars of the arts. The mathematical discourse has often been seen as a difficult threshold. However, its tenets are highly inspiring also for historians. Specifically, they draw the attention not only to the choices which were eventually made, but they help to consider all options which were available in a conflict context. This means that roads not taken also become part of the analysis, thus avoiding a path dependency.³⁹ There are interesting insights on the application of game theory to conflict studies, exactly where individual, group and large collective interests are at stake.⁴⁰

Choices for one strategy or tactic above the other are not made in a void. Complex circumstances influence decision-making processes. This means that the context of the conflict also determined what was desired or expected, and in turn what was effective. In all three subprojects, the use of strategies will therefore be viewed from three sides. First, the policy or policies of the urban governments will be charted, in other words the content and background of the theory on how to deal with conflicts. In this broad take, this means law, diplomatic guidelines and a narrative of the public good. Second, the practice of conflict

37 J. Wubs-Mrozewicz, 'Mercantile conflict resolution and the role of the language of trust. A Danzig case in the middle of the sixteenth century', *Historical Research* 88:241 (2015) 417-440; O. Gelderblom, 'The governance of early modern trade. The case of Hans Thijs, 1556-1611', *Enterprise & Society* iv (2003) 606-39.

38 P. Stabel, 'Economic development', 183-204: I would like to thank Peter Stabel for drawing my attention to this concept.

39 A. Colman, *Game theory and its applications in the social and biological sciences* (London 2013); Greif, *Institutions*; P.C. Ordeshook, *Game theory and political theory* (Cambridge 1986); J. Wubs-Mrozewicz, 'Game theory and the Hanse. An epilogue', in: J. Wubs-Mrozewicz and S. Jenks (eds.), *The Hanse in late medieval and early modern Europe* (Leiden 2013) 283-288.

40 G. Bornstein, 'Intergroup conflict. Individual, group, and collective interests', *Personality and Social Psychology Review* 7:2 (2003) 129-145; Ramsbotham, *Conflict resolution*, 20-21.

management, i.e. how it was actually done will be examined and finally the perception of it will be taken into account. By perception we mean the contemporary evaluation of the effectiveness and expectations expressed of various conflict participants and onlookers. Again, this will apply to macro-, meso- and micro-conflicts. Here, the interdisciplinary approach of the project comes particularly to the fore.

This means that the envisaged empirical basis is broad. The manuscript sources include diplomatic (letters and instructions), normative (laws and ordinances), administrative (entries in town books, accounts on travels) and narrative (contemporary historiographies on conflicts) sources, legal proceedings in urban courts and courts of higher instances, and petitions to town councils and rulers. Preliminary research has been already conducted in various archives in the years 2011-2015.⁴¹ Also, published sources will be used.⁴² One of the strengths of the project is that so much 'new' material can be used for the multi-level approach, i.e. sources which have not been used for conflict analyses or which have never been used for research at all.⁴³ These sources are unique not only in the context of northern Europe, but in premodern Europe as a whole. Of course, the availability of the various categories of sources differs depending on e.g. the degree of preservation, so the gaps will have to be accounted for in the analyses.

The overarching method, containing all the described elements of the approach, is contextualised comparison of conflict management connected to specific cities. The comparison concerns case studies in three subprojects centred around these commercial cities. The cities, from Reval to London, are chosen on the basis of the availability of suitable sources, the varying degree of their autonomy and a representative geographical spread. Such comparison of premodern cities, informed by extensive source analysis, has not been undertaken yet for northern Europe. For specific research questions, historical network analysis and the analysis of the language of conflict management will be applied

41 NWO VENI 'Dealing with foreign traders, dealing with conflict. Strategies of conflict resolution and their role in trade relations in the Baltic c. 1450-1580'.

42 For instance, the main series: H.A. Poelman (ed.), *Bronnen tot de geschiedenis van den Oostzeehandel 1122-1499*; F.G. von Bunge (ed.), *Hanserecesse/Hanserezesse* (Leipzig 1870-1970), 4 series and a total of 26 volumes. *Hansisches Urkundenbuch* (Halle 1876-1939), 11 vols.; *Liv-, Esth- und Curländisches Urkundenbuch nebst Regesten*, vol. 1, (Reval 1853); R. Häpke (ed.), *Niederländische Akten und Urkunden zur Geschichte der Hanse und zur deutschen Seegeschichte* (Munich 1913-1923), 2 vols.; *Stockholms stadsböcker från äldre tid* (incl. ämbetsbok) (1917-1944), 9 vols.; *Urkundenbuch der Stadt Lübeck: 1139-1470* (1843-1905) 11 vols.

43 As demonstrated for instance in Wubs-Mrozewicz, 'Mercantile conflict resolution' and 'Neutrality'.

comparatively. Yet the key connectors between the micro-, meso- and macro-levels, the various strategies and cities are the conflict managers. This way, we can view institutions of conflict management, as well as their forms and functions, from a different angle. The questions which will recur in all three subprojects will thus concern not only conflicts and conflict management, but also the background and embeddedness of these conflict managers, their strategies and motivations, and the perception of their effectiveness.

Conclusions

All in all, the project aims to bridge the gaps between the historical sub-disciplines, and between the ways conflicts in the past and the present are being analysed. From the perspective of view of social and economic historical readership, the major points will be the broadening of the concept of conflict resolution by making it part of a concept of conflict management; the emphasis on agency in the study of institutions of conflict management; considering individual and group mercantile conflicts together with large-scale political conflicts, all as embedded in social relations; and connecting the practice of dealing with conflicts (most prominent in economic history) with the policy of it (more usual in legal and political history) as well as perception (usually the domain of cultural and social history). We take into account that the project set-up will be adapted while the empirical research will be conducted, and welcome comments on the project idea.

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About the author

Justyna Wubs-Mrozewicz (1976) is a VIDI PI and senior lecturer in Medieval History at the University of Amsterdam. Her recent publications include 'The late medieval and early modern Hanse as an institution of conflict management', *Continuity and Change* 32:1, May 2017, 59-84 and W. Blockmans, M. Krom, J. Wubs-Mrozewicz (eds.), *The Routledge Handbook of Maritime Trade Around Europe* (Routledge 2017).

E-mail: j.j.wubs-mrozewicz@uva.nl