Review


The recent death of Angelo Forte, Professor Emeritus of Commercial Law at the University of Aberdeen, marked a sad occasion for all historians of medieval Scotland, but perhaps especially for those interested in the law of the sea. Professor Forte’s published research on the origins and early operation of maritime laws and customs drew on a wide body of primary source materials, much of it difficult to identify clearly and a good deal of it beyond the reach of all but the most seasoned readers. Edda Frankot’s book makes available some of the fruits of her mentor’s work (Forte was one of her doctoral supervisors), but a great deal more as well. In an effort to answer fundamental questions about the ways in which the medieval merchants and mariners who plied the waters of northern Europe settled their disputes she ranges far and wide across extant legal records relating to five port cities and offers thoughtful analysis of the customs and practices that governed the lives of skippers, crewmen, merchants and investors.

Frankot’s aim in the work is clear, but its accomplishment is by no means a simple task. Scholars have long held that medieval merchants and mariners observed, and were in turn regulated by, a common maritime law, one that drew primarily on widely disseminated and oft-translated manuscripts of the thirteenth-century French compilation
known as the *Rôles d’Oléron*. This assumption, she argues, could not be more mistaken. In a detailed and impressive study of evidence relating to the ports of Aberdeen, Kampen, Lübeck, Reval (later Tallinn) and Danzig (Gdańsk) and of cases relating specifically to shipwreck, jettison and ship collision during the long period between c. 1150 and c. 1500 Frankot uncovers a bewildering array of practices, a complex body of jurisprudence and a long list of the officials and courts responsible for making decisions relating to maritime cases.

The book consists of seven main chapters, four of which examine in detail why historians need to abandon their earlier understanding of medieval maritime law in the context of northern Europe. While the *Rôles d’Oléron* contributed something to procedures relating to the settlement of disputes, Frankot’s discussion of extant manuscript evidence reveals that authorities in each of the five urban centres drew on a varied collection of legal material, some of it written, some oral, some of it shared (notably the Hanseatic statutes and, in places appropriate translations of the *Rôles*), but most of it specific to each of these regions. Despite the differing economic, strategic and mercantile interests that distinguished the five ports, each relied much more extensively on local municipal laws for guidance in resolving problems arising at sea and in port. Perhaps predictably, Aberdeen was unique, for it was subject to the control of a centralised monarchy and to the jurisdiction of kingdom-wide laws that applied to all the royal burghs of Scotland, but even here, judgments in sea-related cases often demonstrated a preference for locally devised solutions. Likewise, while the governments that regulated the lives of the inhabitants of Aberdeen, Kampen, Lübeck, Reval and Danzig were all very different, the tendency everywhere was to assign a leading role in the administration of maritime law and the adjudication of sea-
based disputes to local elites, that is, wealthy and influential merchants.

Ship technology and the economic arrangements that governed the leasing or hiring of vessels, cargoes, skippers and crews changed a great deal from the early days of navigation on the high seas of northern Europe, and among the most fascinating sections of Frankots’s book are those in which she explores the constantly evolving substance of maritime law. The years after 1300 in particular witnessed accretions to written law everywhere, as decisions made locally replaced or supplemented older ways of handling disputes and judgments handed down in town councils sought to accommodate new or untested conditions (not least those that obtained after the rise of the Hanse). Frankot paints here a vivid picture of a body of law that was genuinely living, ever attentive to the needs of litigants, though difficult to recover from extant sources because pleadings and judgments were often oral and only occasionally committed to writing at a later date. Scottish historians will find most valuable the section in Chapter 4 in which she unravels briefly the manuscript history of the nine Scots versions of the *Rôles d’Oléron* that survive from the fourteenth through the sixteenth centuries. These efforts merit high praise and the author’s findings make a valuable contribution to recent scholarly efforts designed to shed light on the manuscript witnesses of other early Scottish law codes and assizes.

‘Of Lawis of Ships and Shipmen’ represents a reworking of the author’s 2004 doctoral thesis and herein lie its greatest weaknesses, even if these are of a relatively minor sort. Frankot feels it necessary to repeat her central thesis – that there was, in fact, no single maritime law common to all of northern Europe – at least once at the beginning and once again at the end of every chapter; a more rigorous revision process might have obviated the necessity for such repetition. Moreover, while Frankot makes a good case for arguing that
instances of shipwreck, jettison and ship collision most clearly and compellingly illustrate both the similarities and the differences in maritime legal traditions that obtained in each of the five towns she studies, she leaves unanswered and largely unaddressed other contexts that might have deserved equally close scrutiny, but that might have challenged the integrity of her thesis. The period between 1200 and 1500, for example, witnessed long stretched of open war and Anglo-Scottish irruptions of hostilities regularly suspended the operation of what was in general a highly sophisticated and efficient system of ‘international’ border law that regulated relations between the realms both on land and at sea. Frankot hardly mentions this body of law and gives short shrift more generally to the influence of war on the nature and operation of maritime law elsewhere. Likewise, while incidents of unlawful conduct committed on board ship by captains, crews or passengers have admittedly left scant trace in written records of the medieval period, the evidence that does survive reveals that offences were not always subject to the same punishments at sea as they were on land as recorded in ‘national’ (Scottish, Dutch, etc) law codes and collections. An effort on Frankot’s part to weigh scholarly work on these subjects in light of her own conclusions regarding the operation of maritime law might have led her beyond the confines of her doctoral thesis and added depth and breadth to an otherwise excellent book.

*Cynthia J Neville
Dalhousie University*