
Towns and burghers in the territory of Poland at the turn of the 13th and the 14th c.

The period between the end of the 11th and the beginning of the 14th c. in the history of Europe is the time of birth of a new urban culture. Its essence was the urban commune, which gave rise to a new self-government model of the European town. Countries of Western and Central Europe in the course of the 12th and the 13th c. became covered with a network of several thousands of new towns, which constitute the framework of the European urban landscape to the present day. Effects of urbanisation were of global nature – urbanisation influenced both settlement structure and economic phenomena. It also led to profound social and cultural changes¹.

The new urban culture reached the territory of Poland in the 13th c., together with the great settlement movement called the colonisation according to the German law patterns. A homogenous constitutional and spatial model of a location town (referred to as *civitas* in 13th c. sources), which was formed in the West, began to gradually replace earlier native forms of urban life. At the end of the 12th c. around 200 markets functioned in the territory of Poland. They fulfilled the role of centres of local trade. Almost half of them functioned near the centres of ducal administration, where several dozens of early urban centres also developed.² They were remarkable for their polycentric spatial structure, which consisted of a stronghold, which fulfilled military and administrative functions, production settlements and market centres which were attached to the stronghold, and ecclesiastical institutions (a cathedral, monasteries). Since the 12th c. spatially separated settlements of foreign merchants commenced to originate near the most important strongholds (Wrocław, Kraków, Szczecin).³ Cas-

¹ R. Moore, *Die erste europäische Revolution. Gesellschaft und Kultur im Hochmittelalter*, München 2001, p. 19.

² T. Lalik, *Märkte des 12. Jahrhunderts in Polen*, "Ergon", 1962, vol. 3, p. 364-367; M. Bogucka, H. Samsonowicz, *Dzieje miast i mieszczaństwa w Polsce przedrozbiorowej* (History of towns and burghers in pre-partition Poland), Wrocław-Warszawa-Kraków 1986, p. 42 ff.

³ *Ibid.*, p. 30; M. Rębkowski, *Pierwsze lokacje miast w księstwie zachodniopomorskim. Przemiany przestrzenne i kulturowe* (First locations of towns in the Duchy of Western Pomerania. Spatial and cultural transformations), Kołobrzeg 2001, p. 60; J. Piekalski, *Von*

tellan strongholds and markets, in spite of the fact that location towns developed near some of them, were not per se a town-making factor. The way of appearance of the institution of the location town in the territory of Poland was opened by the crisis of the administrative and economic government of Piast duchies, which was based upon castellan strongholds. This crisis became notable at the end of the 12th c.⁴ Rulers intended towns and related judicial districts (Weichbilder) to become a basis of a new system of territorial administration. Reception of the new urban culture meant a social and economic revolution, as it consisted in creating new forms of urban settlement according to the program brought from outside.⁵

Foundation and supporting of new towns belonged since the mid-12th c. to the most important elements of building of territorial rules and strengthening the position of a ruler in Central and Western Europe.⁶ The town provided the ruler with income from the land rent and market regale and thanks to its fortifications it constituted an important element in the defensive system of the territorial rule. The process of urbanisation was both related to the legal and spatial reconstruction of already existing urban settlements and to foundations of towns on the so-called “raw root” (on previously undeveloped sites). Within the framework of the colonisation according to the German law patterns a model of developing of large areas was worked out,

Köln nach Krakau. Der topographische Wandel früher Städte, Bonn 2001, p. 158 ff; W. Schich, *Die slawische Burgstadt und früghe Ausbreitung des Magdeburger Rechts ostwärts der mittleren Elbe*, in: *Studien zur Geschichte des sächsisch-meagderburgischen Rechts in Deutschland und Polen*, ed. by D. Willoweit/ W. Schich, Frankfurt 1980, pp. 22-61; id., *Die Bildung der Städte im westslawischen Raum in der Sicht der teren und der jüngeren Forschung*, in: *Konzeptionelle Ansätze der Hanse-Historiographie*, ed. by E.Müller-Mertens/ H. Böcker, Trier 2003 (Hansische Studien 140), p. 123 ff.

⁴ S.Moździoch, *Zur Genese der Lokationsstädte in Polen in stadtggeschichtlicher Sicht*, in: *Burg, Burgstadt, Stadt. Zur Genese mittelalterlichen nichtagrarischer Zentren in Ostmitteleuropa*, ed. by H.Brachmann, Berlin 1995; S.Gawlas, *O kształt zjednoczonego Królestwa. Niemieckie władztwo terytorialne a geneza społecznoustrojowa odrębności Polski* (For the shape of the united Kingdom. German territorial rule and the origin of the social and constitutional distinctiveness of Poland), Warszawa 1996, p. 88 ff; K.Modzelewski, *Organizacja grodowa u progu lokacji* (Stronghold organisation at the threshold of the location), “Kwartalnik Historii Kultury Materialnej,” 1980, vol. 28.3, pp. 329-340.

⁵ J.Wyrozumski, *Rozwój sieci miejskiej w Małopolsce w średniowieczu i u progu czasów nowożytnych* (Development of the urban network in Lesser Poland in the Middle Ages and at the threshold of the Modern Era), “Kwartalnik Historii Kultury Materialnej,” 1980, vol. 28.3, p. 365; T.Lalik, *Märkte*, Ergon III, 1962, pp. 364-367; id., *Geneza sieci miasteczek w Polsce średniowiecznej* (Origins of the network of small towns in medieval Poland) in: *Miasta doby feudalnej w Europie środkowo-wschodniej. Przemiany społeczne a układy przestrzenne* (Towns of the feudal period in Central-Eastern Europe. Social transformations and spatial layouts), ed. by A.Gieysztor/T.Roslanowski, Warszawa – Poznań – Toruń 1976, p. 118.

⁶ S.Gawlas, op.cit., p. 30.

where urban centres played the role of an economic, judicial and administrative centre for villages which surrounded them.⁷ Location changes undertaken in already existing administrative and market centres led to a concentration of functions which were previously fulfilled by settlements related to a castellan stronghold within one spatially coherent urban centre. In the place of scattered, irregularly built-up multi-module centres of urban nature a regularly measured and homogenous urban layout was coming into existence.⁸

The politically divided Piast monarchy did not create homogenous conditions for the reception of new patterns and urbanisation. Intensity of the process of formation of the new urban landscape was a resultant of policy of the territorial rule, social and economic development of a given province and the inflow of settlers from the West, mainly from Germany. The first Piast ruler who made use of town foundations and the colonisation as a means to strengthen the territorial rule and to reconstruct its economic basis was the Silesian Duke Henryk the Bearded.

Town locations in Silesia which were carried out in the first three decades of the 13th c. were mainly related to the development of forest areas situated along the borders and in the central part of the province. New urban settlements fulfilled the role of local exchange centres and craftsmanship production for rural settlement and mining. The colonisation action was led both by dukes, Henryk the Bearded and Kazimierz of Opole, by bishops of Wrocław, by monasteries and magnates. The second phase of urbanisation of Silesia commences in the 1240s. The German law was then

⁷ S.Gawlas, *Polska Kazimierza Wielkiego a inne monarchie Europy Środkowej – możliwości i granice modernizacji władzy* (Poland of Kazimierz's the Great and other monarchies of Central Europe: opportunities and limits of modernisation of power) in: *Modernizacja struktur władzy w warunkach opóźnienia. Europa Środkowa i Wschodnia na przełomie średniowiecza i czasów nowżytnych* (Modernisation of structures of power in the circumstances of retardation. Central and Eastern Europe at the turn of the Middle Ages and the Modern Era), ed. by M.Dygo, S.Gawlas, H.Grala, Warszawa 1999, p. 27.

⁸ C. Buśko, M. Kaczmarek, *U progu nowej epoki* (At the threshold of the new era), in: *Historia Wrocławia. Od pradziejów do końca czasów habsburskich* (History of Wrocław: from prehistory to the end of the Habsburg era), Wrocław 2001, p. 88 ff; M.Młynarska-Kaletynowa, *Wrocław w XII-XIII wieku. Przemiany społeczne i osadnicze* (Wrocław in the 12th-13th c. Social and settlement transformations) Wrocław 1986, passim; J.Wyrozumski, *Przedlokacyjna aglomeracja osadnicza Krakowa a gmina miejska na prawie niemieckim* (Pre-location settlement agglomeration of Kraków and the urban commune according to the German law patterns) in: *Studia nad dziejami miast i mieszczaństwa* (Studies on the history of towns and burghers) vol. 1, Toruń 1996, pp. 109-116; S.Gawlas, *Nova civitas in Okol. Fragment z dziejów Krakowa* (Nova civitas in Okol: an episode from the history of Kraków), in: *Spółeczeństwo Polski Średniowiecznej* (Society of medieval Poland) vol. VI, ed. by S.K.Kuczyński, Warszawa 1994, pp. 101-110; A.Rogalanka, *Poznań u progu lokacji* (Poznań at the threshold of location), in: *Historia Poznania* (History of Poznań), vol. I, ed. by J.Topolski, Warszawa-Poznań 1988, p. 181 ff; M.Rębkowski, op.cit., p. 40 ff.

granted to the main stronghold-urban centres: Wrocław, Opole, Racibórz, Głogów, Legnica and to part of former markets. In the second half of the 13th c. towns which were functionally related to the development of rural settlement were also located. A remarkable feature of the process of urbanisation of Silesia at that time is the monopolising of the location action by rulers of particular provincial duchies. These rulers aimed at limiting urban investments which were undertaken by ecclesiastical institutions and magnates.⁹ Only bishops of Wrocław still actively developed the urban network in their territorial rule around Nysa and Otmuchów. Dukes made use of urbanisation as a means of economic recovery of their provinces; it also served for strengthening of the economic and the political basis of their territorial rule.¹⁰ The basic urban network of this province was formed to the beginning of the 14th c. In this period about 128 towns were located, i.e., c. 76% of all Silesian towns founded in the Middle Ages.¹¹ As noted by Marta Młynarska-Kaletynowa, the 13th c. urban network was characterised by a generally regular layout and it was first of all adjusted to economic needs resulting from the development of rural colonisation and trade exchange. Although it was related to the former system of strongholds and markets, from a functional point of view it was essentially different from the local exchange system in the pre-location period. That local exchange system was tightly related to the administrative and economic needs of ducal power.¹²

In other provinces the process of urbanisation developed much more slowly than in Silesia. It was mainly related to the lower inflow of settlers from the West and, in result of this, slower pace of rural colonisation. Only 29 towns were located in the lands of Sandomierz and Kraków to the beginning of the 14th c., which is about 18% of all towns founded in Lesser Poland to the end of the 15th c.¹³ The beginnings

⁹ Recently on this subject see S.Gawlas, *O kształt ...*, p. 83; T.Jurek, *Trzynastowieczne lokacje miejskie w dobrach Pogorzeliów* (13th c. town locations in the estates of the Pogorzela clan), in: *Civitas & villa. Miasto i wieś w średniowiecznej Europie środkowej* (Civitas & villa. Town and village in medieval Central Europe) Wrocław-Praha 2002, pp. 89-98.

¹⁰ M.Kaletynowa-Młynarska, *Sieć miejska na Śląsku na przełomie XII/XIII i w XIII w.* (Urban network in Silesia at the turn of the 12th/13th c. and in the 13th c.), "Kwartalnik Historii Kultury Materialnej," 1980. vol. 28.3, p. 357 ff.

¹¹ See H.Samsonowicz, *Rozwój sieci miejskiej w Polsce późnośredniowiecznej* (Development of urban network in late medieval Poland) "Kwartalnik Historii Kultury Materialnej," 1980. vol. 28.3, p. 342; W.Kuhn, *Die Städtegründungspolitik der schlesischen Piasten im 13. Jahrhundert, vor allem gegenüber Kirche und Adel*, "Archiv für schlesische Krichengeschichte," 1971, vol. 29, p. 32 ff; *ibid.*, 1974, vol. 33, p. 14, gives the number of 131 or 134 locations in 1211-1300; see also P.Johanek, *Entstehung und Entwicklung des Städteneetzes in Oberschlesien*, in: *Stadtgeschichte Oberschlesiens. Studien zur städtischen Entwicklung und Kultur einer ostmitteleuropäischen region vom Mittelalter bis zum Vorabend der Industrialisierung*, ed. by Th.Wünsch, Berlin 1995, p. 60.

¹² M.Młynarska-Kaletynowa, *Sieć miejska...*, p. 359 ff.

¹³ M.Bogucka, H.Samsonowicz, *op.cit.*, p. 84 ff.

of formation of urban communes in the greatest centres of this province – Kraków and Sandomierz – probably reach as far back as the 1220s. A systematic urbanisation of Lesser Poland, however, commences only in the second half of the 13th c. At that time location privileges were granted to the main urban centres of the province – Kraków in 1257 from Duke Bolesław the Shy and Sandomierz in 1286 from Duke Leszek the Black. German law towns were mainly located in long settled territories of the lands of Sandomierz and Kraków. On the other hand, to the beginning of the 14th c. the urbanisation did not reach territories to the east from the line of the Dunaiec and the Wisła Rivers.¹⁴ New urban centres originated at the centres of ducal administration (castellan strongholds) and former markets; they were also founded as trade and production centres of rural settlement and mining (ducal towns of Bochnia, Wieliczka, Olkusz and Episcopal Sławków). As opposed to Silesia, the greatest role in the organisation of the location action in Lesser Poland was played not by the duke (10 towns), but by the Church. Monasteries organised 11 and bishops – 6 locations (including 4 towns located by bishops of Kraków). To a much lesser degree than in ecclesiastical estates the urbanisation encompassed estates of Lesser Poland's magnates (2 towns).¹⁵

The process of urbanisation of Greater Poland, Cuiavia and the land of Sieradz and Łęczyca commences in the 1250s. To c. 1300 38 towns were located in the Poznań-Kalisz province, which is 25% of all towns (152) which originated to the end of the 15th c. A similar stage of development was achieved at that time by the urban network in Cuiavia and the land of Dobrzyń, where 9 towns were located, and in the land of Sieradz and Łęczyca – 17 locations, which is 27% and 24% respectively of all location initiatives to 1500.¹⁶ The degree of density of the urban network in these provinces was very uneven. As it comes out from the research by Jacek Wiesiołowski, the main factor which defined the development of the network of Greater Poland's towns in the period of fragmentation were needs of long-dis-

¹⁴ J. Wyrozumski, *Rozwój sieci miejskiej...*, p. 367 ff; see also F. Kiryk, *Lokacje miejskie nieudane, translocacje miast i miasta zanikłe w Małopolsce do połowy XVII stulecia* (Failed town locations, transpositions of towns and extinct towns in Lesser Poland to the mid-17th c.) "Kwartalnik Historii Kultury Materialnej", 1980, vol. 28.3, 1980, pp. 373-384; tenże, *Urbanizacja Małopolski – województwo sandomierskie XIII-XVI w.* (Urbanisation of Lesser Poland – the voivodeship of Sandomierz), Kielce 1994.

¹⁵ J. Wyrozumski, *Rozwój sieci miejskiej...*, s. 368.

¹⁶ O. Lange, *Lokacja miast wielkopolski właściwej na prawie niemieckim w wiekach średnich* (Location of towns of Greater Poland proper according to the German law patterns in the Middle Ages) Lwów 1925, p. 45; R. Rosin, *Studia z dziejów miast dawnych województw łęczyckiego i sieradzkiego (XII-XVI w.)* (Studies on the history of towns in former voivodeships of Łęczyca and Sieradz (12th-16th c.)), "Łódzkie Towarzystwo Naukowe. Sprawozdania z Czynności i Posiedzeń Naukowych," 1959, vol. XIV. 1, p. 4; Z. Guldon, *Lokacje miast kujawskich i dobrzyńskich w XIII-XVI w.* (Locations of towns in Cuiavia and the land of Dobrzyń), "Ziemia Kujawska," 1968, vol. II, p. 19-46.

tance trade. 85-90% of towns were situated at major trade routes, while needs of local trade influenced the urbanisation only in central and best populated parts of particular provincial duchies.¹⁷ In the 13th c. the majority of Greater Poland's towns were located next to castellan strongholds and markets (60%). Also in Cuiavia the oldest towns were located in the central part of the province near ducal strongholds and Episcopal and chapter seats.¹⁸ In general, in Greater Poland and Cuiavia the relation between urbanisation and the development of rural settlement is marked in a much weaker way than in Silesia. Border zones between particular Piast provinces and the northern and the north-western borderlands of Greater Poland remained beyond the reach of the location action. Territorial rulers were the most important organisers of locations in these three afore-mentioned provinces. In the land of Sieradz and Łęczyca dukes located 13 (i.e., 76%) and ecclesiastical institutions – 4 towns. In Cuiavia – 66% and 33% respectively. In Greater Poland, apart from Piast dukes (63% of locations) and ecclesiastical property (16%), also nobility actively participated in the location action (21%). In the next century, its share in founding new towns increased to 62%.

The factor which determined the urbanisation of Gdańsk Pomerania to the greatest degree was the Wisła route and the related long-distance trade. Only since the mid-13th c. rulers of Pomerania began to grant the German law to urban settlements which were originating at the centres of ducal administration. Before the conquest of Gdańsk Pomerania by the Teutonic Order (1308-1309) the urban network in this province consisted of seven towns, i.e., 33% of all towns located to the end of the 15th c. Probably in 1261-1263 the Lübeck law was granted to the German commune which was developing in Gdańsk since c. 1225. In 1260 Duke Sambor confirmed the possession of the same law for the urban commune in Tczew. Its beginnings reach as far back as the 1250s. In the 1280s and the 1290s the urban law was granted to centres along the River Wisła: Gniew (which since 1282 belonged to the Teutonic Order), Nowe and Świecie. Before 1308 the process of creation of two new urban settlements (Tuchola and Chojnice) in the south-western part of the duchy began, near the trade route to the Neumark. Organisers of the location action in Gdańsk Pomerania were dukes of Pomerania and the Teutonic Order (the location of Gniew).¹⁹

¹⁷ J. Wiesiołowski, *Sieć miejska w Wielkopolsce w XIII-XVI wieku. Przestrzeń i społeczeństwo* (Urban network in Greater Poland in the 13th-16th c.: space and society), "Kwartalnik Historii Kultury Materialnej," 1980, vol. 28.3, p. 386 ff.

¹⁸ A. Gąsiorowski, *Nasilenie się procesów urbanizacyjnych. Rozwój produkcji przemysłowej i handlu* (Intensification of urbanisation processes. Development of industrial production and trade) in: *Dzieje Wielkopolski* (History of Greater Poland), vol. 1, ed. by J. Topolski, Poznań 1969, p. 267; Z. Guldon, *Lokacje...*, p. 31

¹⁹ M. Biskup, *Rozwój sieci miast pruskich do drugiej połowy XVII w.* (Development of the network of Prussian towns to the second half of the 17th c.), "Kwartalnik Historii Kultury Materialnej," 1980, vol. 28.3, p. 404 ff.

In the 13th c. the urbanisation processes touched Masovia to a small degree only. There, the reception of the new model of the town was related to the reconstruction of urban settlements at main ducal (Płock, Ciechanów, Pułtusk, Warszawa) and Episcopal (Łowicz) strongholds.²⁰

In the early 14th c. the urban network in the Polish lands consisted of about 234 towns, with as many as 128 (55%)²¹ urban centres being situated in Silesia. This province, analogously to Gdańsk Pomerania, was outside the borders of the Kingdom of Poland, rebuilt by Władysław the Ell-high (the Short) and Kazimierz the Great. One's attention is drawn to a very diversified course of urbanisation of the Polish lands, both with regard to the pace and the intensity of location initiatives, as well as concerning functions of new urban centres. In Silesia in the 13th c. the basic framework of the urban network was formed. In other provinces (with the exception of Masovia) the saturation of the land with towns c. 1300 was about 1/4 to 1/3 of the status from the late 15th c. As it results from the analysis of data gathered by Henryk Samsonowicz, in the period before Kazimierz's the Great ascension to the throne the process of town locations in the Polish lands was the most intensive at the end of the 13th c.²² There are, however, some temporal differences between particular provinces. In Silesia the culmination of the location action falls on the last decade of the 13th c. (27 centres). The course of urbanisation of this province is also in a perfect accordance with the dynamics of urbanisation of Central and Eastern Europe, where the curve of town locations reaches its absolute maximum in the last two decades of the 13th c.²³ In Greater Poland most location initiatives occurred in 1295-1305 (19), while in Lesser Poland in the last three decades of the 13th c. the pace of urbanisation was quite steady (5-7 urban locations per decade). It must be stressed that also with regard to serving the local trade at the turn of the 13th and the 14th c. old markets functioned in parallel with new location towns. C. 1300 the Polish lands were still relatively weakly urbanised as compared with the neighbouring countries.

²⁰ M.Bogucka, H.Samsonowicz, op.cit., p. 88; S.Pazyra, *Studia z dziejów miast na Mazowszu od XIII do początków XX wieku* (Studies on the history of towns in Masovia from the 13th to the early 20th c.), Lwów 1939, p. 58.

²¹ Based upon M.Bogucka, H.Samsonowicz, op.cit., p. 85 ff; a number of 269 locations is given by W.Kuhn, (including the land of Lubusz), W.Kuhn, *Die deutschrechtlichen Städte in Schlesien und Polen in der ersten Hälfte des 13. Jahrhunderts*, Marburg 1968, p. 158 ff.

²² H.Samsonowicz, *Samorząd miejski w dobie rozdrobnienia feudalnego w Polsce* (Urban self-government in the period of feudal fragmentation in Poland), in: *Polska w okresie rozdrobnienia feudalnego* (Poland in the period of feudal fragmentation), ed. by H.Lowmiański, Wrocław 1973, p. 157 ff; M.Bogucka, H.Samsonowicz, op.cit., p. 77 ff.

²³ See diagrams in: H.Stoob, *Die Ausbreitung der abendländischen Stadt im östlichen Mitteleuropa*, in: id., *Forschungen zum Städtewesen in Europa*, vol. I, Köln-Wien 1970, p. 112.

Only in Silesia the density of the urban network – on average 1 town per c. 360 km² – was similar to the neighbouring countries. In Lusatia 1 town fell on average on 320 km², in Brandenburg and Mecklenburg on 370 km² and in Western Pomerania on 460 km². The density of the urban network in other Piast provinces was far below these figures. In Cuiavia with the land of Dobrzyń 1 town fell on 1220 km², in the land of Sieradz and Łęczyca on 1043 km², in Greater Poland proper on 860 km², and in Gdańsk Pomerania on 2120 km². Analogously to entire Central-Eastern Europe, where 90% of pre-1300 locations were small centres,²⁴ also in the Polish lands small centres greatly dominated. Their surface was up to 10 ha and they had a few hundreds of inhabitants. Henryk Samsonowicz has found out that at the turn of the 13th and the 14th c. in the Polish lands there were around 64 towns with more than 1000 inhabitants.²⁵

In result of the location and granting the settlement with the urban law in the location privilege a community of citizens came into being – “*communio civium*,” “*communitas burgensium*,” or “*communitas civium*.” It has its legal personality and it was considered by the lord of the town as a legal entity. The urban law governed civil and criminal affairs, it provided the commune with its own jurisdiction. Its members were given personal freedom and hereditary and transferable right to the land. However, it did not exempt the town from the territorial power and it did not create self-government.²⁶ Max Weber believed that the urban autonomy as expressed in its freedom to shape relations with the territorial power and judicial and administrative independence was the basic feature that characterised the western European town.²⁷ It must be underlined, however, that both communal autonomy and communal self-government were formed in a gradual way, and the dynamics of this process

²⁴ H.Stoob, *Die Ausbreitung...*, p. 101; Th.Lewerenz, *Die Größenentwicklung*, p. 25, in Mecklenburg, Brandenburg and in Western Pomerania such towns were about 2/3 of the urban network; in Teutonic Prussia 93% of towns occupied areas of less than 10 ha, see R.Czaja, *Miasta i ich posiadłości ziemskie w państwie zakonu krzyżackiego w Prusach* (Towns and their land estates in the state of the Teutonic Order in Prussia), in: *Państwo zakonu krzyżackiego w Prusach* (The state of the Teutonic Order in Prussia), ed. by Z.H.Nowak, Toruń 2000, p. 56.

²⁵ H. Samsonowicz, *Miasta wobec zjednoczenia Polski w XIII/XIV wieku* (Towns and the reuniting of Poland in the 13th/14th c.), in: *Ars historica. Prace z dziejów powszechnych i Polski* (Ars historica. Works on general and Polish history), Poznań 1976, p. 428.

²⁶ H. Samsonowicz, *Samorząd miejski w dobie rozdrobnienia feudalnego w Polsce* (Urban self-government in the period of feudal fragmentation in Poland), in: *Polska w okresie rozdrobnienia feudalnego* (Poland in the period of feudal fragmentation), ed. by H.Lowmiański, Wrocław 1973, p. 135 ff; B.Zientara, *Das Deutsche Recht (ius teutonicum) und die Anfänge der städtischen Autonomie*, in: *Autonomie, Wirtschaft und Kultur der Hansestädte*, ed. by V.K.Fritze, E.Müller-Mertens, W.Stark, Weimar 1984, p. 94-100; J.M.Piskorski, op.cit., p. 96.

²⁷ M.Weber, *Gospodarka i społeczeństwo..* (Economy and society...), p.

chiefly depended on the economic and social potential of the town and the power relation between the territorial power and the urban commune. The process of communalisation or shaping the urban autonomy basically contained two interrelated elements. On the one hand, the commune issued legal norms and created administrative and police bodies in order to provide its members with appropriate conditions for social activities. Another aspect of shaping the autonomy was related to taking over and limiting the rights of the territorial power by burghers and taking over the regalia by the commune. In the first phase of communalisation in Central and East-Central European town communal judicial and administrative bodies were shaped. This usually led to the formation of the council system, i.e., to taking over of the administrative power by the town council and subjecting the jurisdiction to it. It was at this stage of development of autonomy that the largest towns in the Polish lands were c. 1300. The most important urban power was still the office of the hereditary mayor, who represented the territorial lord in the town. Initially, its role was not only limited to presiding over the communal jury, which constituted of aldermen elected from among the burghers. He also exercised administrative power and represented the town outside; he also presided over assemblages of citizens.

Main constitutional changes in towns in the Polish lands in the second half of the 13th c. consisted in strengthening the position of the town council. Initially, the scope of rights of councillors was limited to affairs related to the organisation of trade and the control of prices, measures and weights. In the course of the economic and social development of the urban commune the scope of power of the council increased. This process is well-visible on the example of Kraków, where in 1264 the council was still behind the board of aldermen. On the other hand, in the charter issued by Duke Henryk IV Probus (the Rightful) in 1289/1290, the Kraków councillors were mentioned in the first place, before the aldermen.²⁸ The increase in competences of the council chiefly took place at the cost of the mayor's office, which led to conflicts between mayors and communes. This process was marked at the earliest time and in the clearest way in Wrocław, where in 1275 burghers charged the mayor with abuse of power. Upon the request of the commune the duke dismissed the mayor and deprived the mayor's office of its steady benefices. Since then, the incomes of officiating mayors were limited to a share in judicial fines. The next stage of the decrease in importance of the hereditary mayor was the lost conflict with the council in 1306 concerning incomes from urban enterprises, land rents and fines for breaking legal disposals (*Willkür*). The process of formation of the council system in Wrocław ended with the commune buying out the mayor's office in 1324-1329 and taking over the control of the judicial mayor's office.²⁹ In other Polish towns c. 1300

²⁸ J. Wyrozumski, *Kraków do schyłku wieków średnich* (Kraków to the end of the Middle Ages), Kraków 1992, p. 197.

²⁹ M. Goliński, *Wrocław od połowy XIII do początków XVI wieku* (Wrocław from the mid-13th to the early 16th c.), in: *Historia Wrocławia* (History of Wrocław), p. 136 ff; Th. Goerlitz,

communal self-government bodies did not yet pose a threat to the position of hereditary mayors. In Poznań Władysław the Ell-high limited the scope of competences of the mayor's office to jurisdiction after Mayor Przemko had been expelled from the town c. 1313. The increase in importance of the Poznań council at the beginning of the 14th c. is also testified to by the formation (the first mention in 1310) of its chairman, i.e., the provost.³⁰ In the majority of Polish towns this function, however, will appear as late as in the first half of the 14th c. In the second half of the 13th c. the process of taking over the income from the market regale by the commune commenced. In Wrocław in 1266 the duke sold shambles, part of stalls in the Market Square and incomes from market and road tolls to burghers. In the privileges of 1271 and 1273 the town received the right to build bread and shoemaker stalls and lead scales. In 1280 Duke Przemysł II granted the council of Poznań with part of the income from the market regale (rents from shambles, stalls and bread stalls)³¹. On the other hand, there is no evidence for the interception of ducal and mayor's incomes from the market regale by the Kraków commune before 1311. Analogously, also in other large towns in Lesser Poland (Sandomierz, Bochnia) rents from stalls belonged in the second half of the 13th c. to the hereditary mayor and the duke.³²

The increase in competences of town councils and the limitation of the administrative power of the mayor was not accompanied, however, by the process of bodies of the urban self-government becoming independent from the territorial power. In Wrocław until 1327 newly-elected councillors took an oath of fidelity to the duke. In other Silesian towns it was as late as in the mid-14th c. that the process of acquisition of right to freely elect the council and the jury by the communes can be seen.³³ In the towns of the Kingdom of Poland the monarch retained the influence on the personal composition of self-government bodies to the end of the Middle Ages. Even the Wrocław commune, where the development of the communal system proceeded fairly quickly in the second half of the 13th c., still had to pay contributions to Duke

Verfassung, Verwaltung und Recht der Stadt Breslau, vol. I Mittelalter, Würzburg 1962, pp. 30-32.

³⁰ A.Gąsiorowski, *Zarząd miasta późnośredniowiecznego* (Governance of the late medieval town), in: *Dzieje Poznania* (History of Poznań) vol. I, ed. by J.Topolski, Warszawa-Poznań 1988, p. 239.

³¹ M.Goliński, op.cit., pp. 107, 110; Th.Goerlitz, op.cit., p. 72; A.Gąsiorowski, op.cit., p. 237.

³² T.Lalik, *Lokacja Sandomierza w 1286 r.* (Location of Sandomierz in 1286), in: *Dzieje Sandomierza* (History of Sandomierz), vol. I, ed. by St.Trawkowski, Warszawa 1993, p. 109.

³³ Th.Goerlitz, op.cit., p. 35; K.Kamińska, *Lokacje miast na prawie magdeburskim na ziemiach polskich do 1370 r. (studium historycznoprawne)* (Locations of towns according to the Magdeburg law in the Polish lands to 1370 (a legal-historical study)), Toruń 1990, p. 143 ff.

Bolko I in 1299-1301. These contributions were up to 85% of the urban income.³⁴ The economic development of towns and the development of communal self-government was related to construction of masonry fortifications. In Wrocław the construction of brick defensive walls was commenced c. 1260, in Poznań c. 1280 and in Kraków and Sandomierz in 1286.³⁵ Town walls provided the commune with reasonable safety from danger and they enabled the town to undertake own political activities, independently from the ruler. They were also a significant factor in shaping the distinct identity of burghers³⁶.

At the turn of the 13th and the 14th c. the largest towns in the Polish land were generally behind large towns of other regions of Central Europe (Brandenburg, Mecklenburg Pomerania, the state of the Teutonic Order in Prussia) with regard to the development of the communal autonomy. It seems that the most significant retardations are notable with regard to taking over the market regale and the formation of the council system. To the end of the 13th c. both councils of economically strong maritime towns (Wismar, Stralsund, Rostock) and those of economically weaker Brandenburg towns managed to liberate themselves from the jurisdiction of hereditary mayors and burgraves. They took over legislative competences concerning the passing of legal disposals (*Willkür*) and guild statutes and they acquired (most often via purchase) the rulers' economic rights: the market regale, the milling regale, the minting regale and toll incomes.³⁷ The process of taking over the rights of the ducal power and taking over the mayor's office by self-government bodies in towns of Szczecin Pomerania proceeded at a slower pace. In Szczecin the importance of the mayor's office started to decline in the first half of the 14th c., and until the mid-14th c. the Szczecin town council managed to take over the majority of ducal rights.³⁸ At the turn of the 13th and the 14th c. the council system was formed in the largest towns of the state of the Teutonic Order in Prussia, in Toruń, Chełmno and Elbląg, and the councils of these centres managed to take over the majority of incomes from the market regale.³⁹ It must be underlined, however, that the acquisition of judicial com-

³⁴ M.Goliński, op.cit., p. 125; Th.Goerzlitz, op.cit., p. 45.

³⁵ M.Goliński, op.cit., p. 103; A.Gąsiorowski, op.cit., p. 224; J.Wyrozumski, op.cit., p. 183; J.Widawski, *Miejskie mury obronne w państwie polskim do początku XV wieku* (Urban defensive walls in the Polish state to the early 15th c.), Warszawa 1973, p. 19 ff.

³⁶ S.Gawlas, *Polska Kazimierza Wielkiego*., p. 28

³⁷ E.Engel, *Zur Autonomie brandenburgischer Hansestädte im Mittelalter*, in: *Autonomie*., pp. 54-56; K.Fritze, *Autonomie von Mittel- und Kleinstädten – dargestellt am Beispiele der mittelalterlichen Städte Vorpommerns*, in: *Autonomie*., p. 77 ff.

³⁸ J.M.Piskorski, op.cit., pp. 97-98, 156 ff; J.Walachowicz, *Monopole księżęcej skarbowości wczesnofeudalnej Pomorza Zachodniego* (Monopolies of early feudal ducal finances of Western Pomerania), Poznań 1963, p. 136 ff.

³⁹ R.Czaja, *Miasta pruskie a zakon krzyżacki. Studia nad stosunkami między miastem a władzą terytorialną w późnym średniowieczu* (Prussian towns and the Teutonic Order. Stud-

petences of the hereditary mayor by the councils did not mean the acquisition of independence from the territorial power. It was only in the 14th c. that part of large and medium-sized towns in Brandenburg managed to eliminate the ruler's influence on the appointment of the judge's office and take over the feudal lord's income from the urban jurisdiction. For instance, in Stendal – Mark's largest town – still in 1345 the margrave confirmed his right to accept the election of new aldermen and it was only in 1427 that Margrave Johann pledged his judicial incomes to the council of Stendal.⁴⁰ A common feature of the urban landscape in all regions of Central Europe was a very limited constitutional independence of small towns. The majority of them did not manage to take over ducal judicial and economic rights. In many small Polish, Pomeranian, Prussian or Brandenburg towns the territorial ruler still reserved the right to appoint the mayor and to confirm the election of councillors and aldermen.⁴¹

The urban way of life was distinct from the rural one and was first of all remarkable for a great intensity of social contacts and an easiness of exchange of ideas and ways of action. It also defined the peculiarity of development of the urban culture.⁴² The location breakthrough was related to the formation of a new urban culture in the Polish lands, which came together with settlers from German countries. Alongside with the reception of the model of the location town the Polish lands were included in the 13th c. into the uniform sphere of urban culture, which encompassed Central Europe and the Baltic zone. As compared with the previous period, new patterns appear, which are different from the Slavonic tradition. These patterns concern food, costume, household utensils and new building techniques. New research points to the sudden and radical nature of change in the living conditions taking part in urban spheres in the course of the 13th c. In the initial phase of the formation of a town a parallel existence of elements of the traditional Slavonic way of life and elements of the new culture can be noted. However, in the course of some decades – in Silesian

ies on relations between the town and the territorial power in the late Middle Ages), Toruń 1999, pp. 18 ff, 41 ff.

⁴⁰ E.Engel, op.cit., p. 56-58; ead., *Die Stadtgemeinde im brandenburgischen Gebiet, in: Landgemeinde und Stadtgemeinde in Mitteleuropa: ein struktureller Vergleich*, ed. by P.Blickle, München 1991, p. 346.

⁴¹ H.Samsonowicz, *Samorzqd...*, p. 137; M.Bogucka, H.Samsonowicz, op.cit., p. 74; E.Engel, *Zur Autonomie...*, pp. 58, 69.

⁴² H.Samsonowicz, *Nowe wartości w kulturze średniowiecznych miast polskich* (New values in the culture of medieval Polish towns), "Zapiski Historyczne," 1974, vol. 39.2, pp. 9-22; id., *Ideologia mieszczańska w Polsce w XIII wieku* (Burgher ideology in Poland in the 13th c.), in: *Sztuka i ideologia XIII w.* (Art and ideology of the 13th c.), Wrocław 1974, p. 153 ff; M.Bogucka, H.Samsonowicz, op.cit., p. 213 ff; H. Manikowska, *Miasta i mieszczaństwo na ziemiach polskich w średniowieczu* (Towns and burghers in the Polish lands in the Middle Ages), in: *Pytania o średniowiecze. Potrzeby i perspektywy badawcze polskiej mediewistyki* (Questions about the Middle Ages. Needs and research perspectives of Polish medieval studies), ed. by W. Falkowski, Warszawa 2001, p. 118 ff.

and Western Pomeranian towns this process is notable just c. 1300 – it came to the assimilation of the Slavonic population with new cultural patterns.⁴³ The way of perceiving the space is also an expression of the new urban culture, which is notable at the turn of the 13th and the 14th c. A complexity of the spatial structure of the location town caused the appearance of a new conceptual apparatus, such as names of streets, squares and wynds, by means of which the urban space is described and arranged.⁴⁴ In sources from the late 13th and the early 14th c. burghers in the Polish lands are often referred to as the German milieu, especially in the context of conflicts with nobility and dukes.⁴⁵ Such a way of perceiving resulted to a degree from the ethnically German structure of urban ruling groups. There is no doubt, however, that in contrary to reservations stated in location privileges the Polish population was also admitted to the urban law. This German nature of towns is therefore first of all to be understood as the expression of distinctness of the urban culture from indigenous patterns.

In the second half of the 13th c. in all countries of Central Europe a growing political activity of towns can be seen. Since the 1270s Pomeranian towns act as an independent political factor which independently influences the fate of the country.⁴⁶ Since the 1260s towns of Mecklenburg and Pomerania independently make alliances and confederations in order to secure peace in the country and the safety of trade. The influence of Brandenburg towns on the country's political affairs is better marked since the late 13th c., when the power of the Ascanians began to weaken.⁴⁷ At that time first attempts of Polish towns at getting involved in the political life of particular provinces and carrying out independent policy can be seen. In Silesia

⁴³ M. Rębkowski, op.cit., p. 208 ff; C. Buśko, M. Kaczmarek, op.cit., p. 89 ff; J. Piekalski, *Przyczynki do kwestii spożycia i dystrybucji mięsa w średniowiecznym Wrocławiu* (Contribution to the issue of consumption and distribution of meat in medieval Wrocław), "Kwartalnik Historii Kultury Materialnej," 1991, vol. 39, No. 2, pp. 139-152.

⁴⁴ On this subject cf. P. Tyszka, *Obraz przestrzeni miejskiej Krakowa XIV-XV wieku w świadomości jego mieszkańców* (Image of the urban space of Kraków of the 14th-15th c. in the awareness of its inhabitants), Lublin 2001, p. 234 ff.

⁴⁵ *Rocznik Franciszkański Krakowski* (Franciscan Annals of Kraków), ed. by A. Bielowski, in: *Monumenta Poloniae Historica*, vol. 3, Lwów 1872, p. 51 "dictis Theutonicis contra voluntatem militum civitatem Cracoviensem munire permisit;" *Rocznik kapituły krakowskiej* (Annals of the Kraków cathedral chapter), ed. by Z. Kozłowska-Budkowa, in: *Monumenta Poloniae Historica, Series nova*, vol. 5, Warszawa 1978, p. 104, "cives Cracovienses rabie furoris Germanici."

⁴⁶ B. Zientara, *Rola miast w walce stanów Pomorza Zachodniego z władzą księżęcą na przełomie XIII i XIV wieku* (Role of towns in the struggle of the social ranks of Western Pomerania against the ducal power at the turn of the 13th and the 14th c.), "Zapiski Historyczne," 1962, vol. 27.4, pp. 489-521.

⁴⁷ H. Thierfelder, *Beziehungen zwischen vorpommerschen und mecklenburgischen Städten im 13. Jahrhundert*, in: *Pommern und Mecklenburg. Beiträge zur mittelalterlichen Städtegeschichte*, ed. by R. Schmidt, Köln-Wien 1981, p. 78; E. Engel, *Zur Autonomie ...*, p. 64 ff.

and in Greater Poland towns form confederations in order to secure order and safety, with consent of territorial rulers. In 1298 four towns of Greater Poland: Poznań, Gniezno, Puzdry and Kalisz received ducal competences from Władysław the Ell-high with regard to prosecution of thieves and other criminals. In 1302 this alliance was confirmed by the Kingdom's Bailiff Friedrich in the name of King Vaclav II. It can be assumed that the alliance of four towns, which was joined by other towns of Greater Poland in the course of time, survived as a political entity which participated in securing the public order in the province to the mid-14th c.⁴⁸ In 1310 in Głogów 8 towns in the territory of the rule of the Głogów dukes (Głogów, Żagań, Wschowa, Kozuchów, Szprotawa, Góra, Ścinawa and Lubin), represented by hereditary mayors, provosts and councillors formed a confederation in order to jointly pursue and prosecute criminals.⁴⁹

The largest towns of particular provinces also played a significant role in political conflicts between particular Piast dukes and in the rivalry for the crown of the Kingdom. A particular role with regard to that was played by Kraków. For the first time Kraków burghers undertook independent political activity in 1285, when they supported Duke Leszek the Black during the rebellion of Lesser Poland's nobility.⁵⁰ In the course of struggle for the Kraków throne and reuniting of the state the majority of towns opted for the Přemyslids or Silesian dukes. A hostile attitude of large towns towards Władysław the Ell-high can be quite clearly seen in the first two decades of the 14th c. In 1306 Kraków and Wieliczka opposed to Władysław the Ell-high, who attempted at seizing Lesser Poland when King Vaclav III was still alive.⁵¹ After the death of the last Přemyslid Kraków submitted to the Ell-high. In order to secure favour of the mayor and the burghers the duke issued a charter confirming the hitherto privileges and extending the judicial competences of the commune, especially with regard to judicial cases of burghers with persons from outside the town.⁵² These activities yielded no permanent results, as in 1311 – in late Summer, as suggested by Jerzy Wyrozumski – burghers of Kraków, led by Mayor Albert, rebelled against Duke Władysław the Ell-high and called Duke Bolesław of Opole to the throne. At the same time the mayors of Sandomierz (who originated from the Kraków burghers) and possibly also Wieliczka rebelled against the Ell-high.⁵³ It can be supposed

⁴⁸ J. Wyrozumski, *Miasta w życiu politycznym Polski średniowiecznej* (Towns in the political life of medieval Poland), in: *Studia nad dziejami miast i mieszczaństwa* (Studies on the history of towns and burghers), vol. 2, ed. by R. Czaja, J. Tandecki, Toruń 1996, p. 32; M. Bogucka, H. Samsonowicz, op.cit., p. 295.

⁴⁹ *Kodeks dyplomatyczny Wielkopolski* (Collection of Greater Poland's charters), vol. II, ed. by I. Zakrzewski, Poznań 1878, No. 936; J. Wyrozumski, *Miasta...*, p. 33..

⁵⁰ Ibid., p. 34; .

⁵¹ J. Wyrozumski, *Dzieje Krakowa ...*, p. 206.

⁵² Ibid., p. 188 ff; S. Gawlas, *Kształt...*, p. 93.

⁵³ J. Wyrozumski, *Dzieje Krakowa...*, p. 208 ff.

that the hitherto ruler of Lesser Poland was supported by burghers of Nowy Sącz, who counted on strengthening their economic position at the expense of Kraków. In 1313 Mayor Przemko and part of Poznań burghers opposed against the rule of Władysław the Ell-high. They favoured the rule of the Głogów dukes. The attitude of burghers, however, was not unanimous, as part of the ruling group in Poznań intended to make a compromise with the Ell-high, who was also supported by inhabitants of Pyzdry and Kalisz.⁵⁴ In 1306 also inhabitants of Brześć in Cuiavia opted for the submission to his rule⁵⁵.

Independent political activities, aimed against rulers of Gdańsk Pomerania, were also carried out by burghers of Gdańsk and Tczew in the second half of the 13th c. In 1271 during the civil war in Gdańsk Pomerania, when Duke Mściwój of Gdańsk was busy with fighting Duke Sambor II of Tczew and Duke Siemomysł of Cuiavia, burghers of Gdańsk and Tczew submitted to the rule of the margraves of Brandenburg. In 1308, in the face of weakness of the rule of Władysław the Ell-high in Gdańsk Pomerania, Gdańsk burghers again opened the town gates for Brandenburg troops.⁵⁶ It is possible that the reluctance of the town of Gdańsk to the Ell-high resulted i.a. from pro-Lübeck policy of the duke. In his privilege from 1298, in exchange for financial support in the struggle against King Vaclav II of Bohemia and the margraves of Brandenburg, he exempted Lübeck merchants from the right of shipwreck and all tolls and payments. Furthermore, he granted them with freedom of trade and permitted them to establish a trade post upon the River Motława with full judicial immunity.⁵⁷

At the turn of the 13th and the 14th Wrocław also attempted at independently influencing the political fates of Silesia. In 1290 thanks to the support from burghers Duke Henryk V the Fat of Legnica came to power in the Wrocław province. A rebellion of Wrocław burghers against his successor Duke Bolko I failed. Duke Bolko burdened the town with grave financial payments. In 1301 burghers of Wrocław

⁵⁴ T.Jurek, *Dziedzic Królestwa Polskiego – książę głogowski Henryk (1274-1309)* (Heir to the Kingdom of Poland – Duke Henryk of Głogów (1274-1309)), p. 128; J.Wyrozumski, *Miasta ...*, p. 37.

⁵⁵ M.Bogucka, H.Samsonowicz, op.cit., p. 295.

⁵⁶ K.Jasiński, *Gdańsk w okresie samodzielności politycznej Pomorza Gdańskiego* (Gdańsk in the period of the political independence of Gdańsk Pomerania), in: *Historia Gdańska* (History of Gdańsk), vol. I, ed. by E.Cieślak, Gdańsk 1985, p. 292 ff; id., *Gdańsk pod rządami Władysława Łokietka i Wacławów czeskich* (Gdańsk under the rule of Władysław the Ell-high and Vaclavs of Bohemia), in: *ibid.*, p. 321; .

⁵⁷ E.Rozenkranz, *Dzieje kantoru hanzeatyckiego w Gdańsku* (History of the Hanseatic trading post in Gdańsk), "Studia i Materiały do Dziejów Wielkopolski i Pomorza," 1978, vol. 25, p. 150 ff; H.Samsonowicz, *Tło gospodarcze wydarzeń 1308 r. na Pomorzu Gdańskim* (Economic background of the 1308 events in Gdańsk Pomerania), "Przegląd Historyczny," 1965, vol.56.2, p. 209 ff.

participated in negotiations concerning the calling of a new ruler after the death of Bolko I.⁵⁸

In hitherto literature we do not find an equivocal answer to the question concerning the reasons for rebellions of the largest Polish towns against the rule of Władysław the Ell-high. Jerzy Wyrozumski points out the striving for tightening relations with economically better developed Bohemia and Silesia as the reason for the political attitude of Kraków, which favoured the Přemyslids and Silesian dukes.⁵⁹ Also Kazimierz Jasiński saw the reason for the pro-Brandenburg attitude of Gdańsk in burghers' striving for securing better conditions of economic activity.⁶⁰ A different point of view was offered in recent years by Sławomir Gawlas. He analysed political activities of towns in the Polish lands at the turn of the 13th and the 14th c. and considered them as aimed at obtaining the broadest possible scope of political and legal-constitutional independence, according to the pattern of towns of the Empire.⁶¹ In his opinion the fulfilment of burgher political aspirations led to conflicts with the territorial power and posed a threat for the political influences of the hitherto office-holding elite. Political aspirations of towns therefore provoked determined resistance of Polish nobility.⁶² This no doubt correct opinion does not exclude, however, other motives, which resulted from local conditions and determined political activities of towns. It can also be noted that it was usually hereditary mayors who – as opposed to Western Pomeranian and German towns – were decisively influencing the political attitude of towns. The relatively poorly developed communal system (with the exception of Silesian towns) contributed to the fact that town councils which represented the commune usually had limited influence on urban policy.

The quelling of rebellions of Lesser Poland's and Great Poland's burghers and repressions exercised by the Ell-high against Kraków, Sandomierz and Poznań had a decisive influence on the further development of the political and the constitutional structure of the reviving Kingdom of Poland. Its political system – analogously to Bohemia and Hungary – there was no room for political influences of the burgher class.⁶³

⁵⁸ M.Goliński, op.cit., pp. 119, 124, 129.

⁵⁹ J.Wyrozumski, *Dzieje Krakowa*, p. 211; id., *Miasta...*, p. 34.

⁶⁰ K.Jasiński, *Gdańsk ...*, p. 292.

⁶¹ S.Gawlas, *O kształt...*, p. 94.

⁶² *Ibid.*, p. 93.

⁶³ S.Gawlas, *Polska Kazimierza Wielkiego ...*, p. 17 ff.